



United Nations Human Rights Council 47th Session

Agenda Item 3: Interactive Dialogue with the UN Special Rapporteur on the Independence of Judges and Lawyers

Oral Statement

28 June 2021

The Law Council of Australia and the International Bar Association Human Rights Institute jointly express their grave concerns regarding the use of sanctions against lawyers, their families and law chambers.

The misuse of sanctions to punish, intimidate and censure members of the legal profession threatens the work of lawyers globally, and is absolutely inconsistent with respect for the rule of law.

It also contravenes the guarantees contained in the UN Basic Principles on the Role of Lawyers, including that lawyers shall not be identified with their clients or their clients' causes, and that they shall not suffer, nor be threatened with, prosecution or administrative, economic or other sanctions in connection with their work.

We recognise that targeted sanction regimes are an effective tool enabling states to impose accountability for grave human rights abuses and serious corruption, and have been adopted in many jurisdictions around the world.

However, we stress the critical importance of ensuring that sanctions do not compromise the independence of lawyers and the judiciary. Any regime of sanctions must be accompanied by effective safeguards to ensure that the designation of particular individuals or entities is not applied arbitrarily, nor misused to target lawyers exercising their professional duties.

We urge the Special Rapporteur to investigate the misuse of sanctions against lawyers and related entities as a priority under his mandate.