



## The Use of Sedition Laws to Persecute Lawyers and Human Rights Defenders

Project Partner – The Law Society of England & Wales

### Partner information:

1. [The Law Society](#) is a professional body representing more than 180,000 lawyers in England and Wales. Its aims include upholding the independence of the legal profession, the rule of law and human rights around the world. The Law Society was established by Royal Charter (the "Charter of the Society") in 1845 and has consultative status with the Economic and Social Council of the United Nations since 2014. Its activities are established by statute: the Solicitors Act 1974, the Courts and Legal Services Act 1990, the Access to Justice Act 1999, and the Legal Services Act 2007.
2. The Law Society's International Rule of Law Programmes, launched in 2016, focuses on: (i) Lawyers at Risk, (ii) Capacity-Building of the legal profession (iii) International Women in Law, (iv) Governance (Anti-Corruption), and (v) Business and Human Rights (the latter two are not yet fully operational). The proposed project would contribute to the Lawyers at Risk programme.
3. The Lawyers at Risk programme supports lawyers and human rights defenders who are hindered in carrying out their professional duties because of threats, intimidation, arrest, prosecution, disciplinary measures, disappearance, and assassination. The Law Society sends letters to state authorities highlighting individual cases, but also undertakes preventative work to address the structural causes that give rise to risk. The Law Society submits stakeholder reports to the UN Human Rights Council's Universal Periodic Review; submissions to the UN Special Rapporteur on the Independence of Judges and Lawyers; and Amicus Curiae before domestic High Courts and international bodies. It also organises side events at the UN Human Rights Council in Geneva, as well as events in the UK and internationally to raise awareness and promote professional solidarity with colleagues in other jurisdictions who carry out their work in difficult circumstances. The Law Society also meets with the UK Foreign and Commonwealth Office, Commonwealth Secretariat, All Party Parliamentary Group on Human Rights, missions in Geneva and elsewhere, and other bodies for advocacy purposes and forms part of various consultation groups that seek to identify best practices regarding lawyers and human rights defenders at risk internationally.



4. See here for more information:

<http://communities.lawsociety.org.uk/international/international-rule-of-law/lawyers-at-risk/>

### **Project overview:**

The project is focused on the use of sedition laws (whether called such or not) to prosecute and silence lawyers and human rights defenders. We know that such legislation is used for those purposes, especially in South Asia and some African countries, for example, in East Africa. Many of these countries, including India, the Philippines, and Malaysia have sedition laws that date back to the colonial era. However, such laws are still in force and often applied in practice, also in a technologically changed environment, e.g. to regulate the use of social media. In December 2018, the Law Society organised a seminar on the use of legal means for illegitimate ends, including the use of sedition laws to prosecute members of the legal profession. A lawyer from Malaysia, who had been charged under the sedition law and was later acquitted, was one of the speakers.

5. The proposed project focuses primarily on South Asia. However, if preliminary research shows that other jurisdictions should also be investigated, e.g. East African countries, the academic supervisor at Essex university and the Law Society can discuss whether it would be appropriate and feasible to expand the project to include such jurisdictions.
6. The project will primarily have a legal focus; the aim is to research applicable law and case-law. To the extent that legislation is not available in English, the Law Society intends to facilitate contact between Essex University and local lawyers who may assist in providing information on legislation or summary translations. Part of the research may also include an estimation of the prevalence of sedition laws; how widely these laws are used to convict lawyers or human rights defenders; and examples of specific cases and their circumstances. The project will result in a report to the Law Society, that would: analyse applicable law and case law; include an assessment of the correspondence of these with international human rights norms; and include conclusions and recommendations.
7. Some preliminary research has been carried out by a group of volunteers that assists the Law Society with its International Rule of Law programmes, which will be made available to the Human Rights Centre Clinic. The contribution of these volunteers, as well as of the students and staff who work on this project will be duly acknowledged in the final report and the Human Rights Centre Clinic will receive a number of copies thereof (to be determined) for dissemination. Where possible, the Law Society will endeavour to invite students and staff of the University of Essex who have worked on the project to events and advocacy opportunities organised by the Law



Society, if they relate to the project, as well as to a launch event of the project output (see below).

### **Project Output:**

8. The aim is to turn the final report, or an edited version of it, into a booklet. Such a publication can be distributed at different events e.g. at side events at the United Nations in Geneva and international conferences of law societies such as the IBA, ABA, and CLA conferences. It can also be used for advocacy purposes in meetings with NGOs, international organisations, and other bodies.

### **Project Outline:**

- Phase 1: (November-December)
  - Desk research, understanding the project, developing an outline, bibliography and literature review. The outline, bibliography and literature review will be submitted by 2 December 2019 to the Law Society for its review. Comments will be received in response by the first day of the spring term (Monday 13 January).
  - Draft and submit ethical approval application to the University of Essex by 13 December (by the project team at the University, with input from the Law Society, as required).
  - Initial skype meeting with the Law Society
  - In coordination with the Law Society, make suggestions for a communication strategy.
- Phase 2: (January-March)
  - Meet with the Law Society, and further skype meetings as required
  - Continue with desk research and undertake communications and interviews as required with experts, in collaboration with - and as coordinated by - the Law Society.
  - Project implementation, write up, and review. The aim is to have a full first draft of the report to send to the Law Society by the end of spring term (Friday 20 March 2020). The suggested length of the report is 25-30 pages, plus any relevant annexes.
- Phase 3: (April-June)
  - Revision of report to submit to the Law Society by Friday 26 June 2020.
  - Any further tasks, e.g. relating to checking of sources, publication and dissemination, and further skype or in person meetings, as required.



**Other requirements:**

9. The Law Society coordinates all contact with lawyers and human rights defenders, as well as international organisations and other bodies. Where any direct contact is subsequently made between students or staff and external contacts provided by the Law Society, the Law Society shall be copied.
  
10. It is unlikely that any issues regarding confidentiality will arise. Matters relating to individual cases of lawyers at risk will be dealt with by the Law Society. If a matter does arise that is confidential in nature, this will be indicated to the students/ staff member at Essex University, who will then maintain confidentiality regarding the relevant aspect of research. All students and staff of the University who are involved in the project will adhere to the University of Essex' ethics guidelines, as well as general regulations, including GDPR, as applicable.