



Biennial Report 2020-2021



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND & WALES

Foreword

As I approach the end of my term as Chair of BHRC, I write to share what an immense privilege it has been to lead this organisation, and its committed Executive Committee, members, and staff through a turbulent period for human rights across the world.

As the pandemic has devastated individual lives, so too has it brought cover for a raft of repressive measures in an increasingly febrile environment for human rights defenders, civil society, and journalists around the world. The expertise, impact and commitment to human rights of our Committee has never been in higher demand.

A key feature of our work across 2020-21 has been in relation to atrocity crimes. In 2020, we produced and published a High Level Briefing on the responsibility of governments under international law in relation to the widely reported severe ill-treatment, repression and abuse of Uyghurs and other Turkic Muslims by China, to inform diplomatic and foreign policy in the UK and more widely.

Subsequently, we have built on that in different ways, including through the provision of written and oral evidence to the UK Parliament's Foreign Affairs Committee. As I write, a judgment of the Uyghur Tribunal has been published in which a finding of genocide, crimes against humanity and torture has been delivered which we hope will encourage governments to actively engage with their obligations.

We are involved in other legal work relating to atrocity crimes in different parts of the world, and our advocacy efforts have included attempts to persuade the United States to withdraw coercive measures against the International Criminal Court imposed by the previous administration which gravely undermine work that is vital in the pursuit of ending impunity for the gravest of crimes.

The task of human rights defenders over these recent years has been grim, made harder by the hostile environment created both by authoritarian governments and by some liberal democracies, particularly where populist and nationalist agendas also promote a regressive approach to human rights. Journalists, civil society, and defenders are increasingly constrained - also arrested and detained - through targeted financial regulations, the over-zealous use of anti-terrorism or national security provisions, and, in 2021, the Pegasus spyware scandal revealed how many such individuals were potential targets for phone hacking.

BHRC has sought to bear witness, respond, and intervene to the growing challenges posed to peaceful assembly as well as the shrinking space for civil society around the world. We support human rights lawyers, judges and defenders through international human rights training, legal interventions, advocacy, and events designed to

Cover photo:

Hong Kong 12th December 2019. Protesters held a peaceful 'United We Stand' rally in Edinburgh Place, Central.
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draw attention to and share knowledge. Our collaborative efforts with our partners across South and Central Asia, China, Hong Kong, Turkey and across the MENA region as well as closer to home in Hungary and Poland allow our work to be more effective, considered, and impactful.

Although we have become used to navigating the pressures of a pandemic world, as an international organisation we have been faced with insurmountable difficulties by our inability to travel and resume some of our most important work, including on our trial observation programme. We had just started our programme of observations in Guantanamo Bay when the pandemic hit and, amongst other work around the world, it has not yet been possible to resume those in-person observations.

We have sought creative ways to monitor trials – including in Turkey and Egypt where egregious violations in the cases of human rights defenders Osman Kavala, Selahattin Demirtaş, Alaa Abd El-Fattah and Mohamed El-Baqer are emblematic of the profound crisis in respect for the rule of law and fundamental human rights in both Turkey and Egypt. Last year, I described the Hong Kong’s National Security Law as an “invitation to capricious rule”. BHRC continues to monitor, as far as possible, the deteriorating human rights situation in Hong Kong which has seen the government impose a very swift and clinical clampdown on protest, freedom of expression and other fundamental rights.

As I step away from the Executive Committee after a decade of commitment to it, I pass the baton to Steve Cragg QC and a new Executive Committee, to whom I wish the very best of luck. I want to thank our members, partners and funders who have supported us over the last decade.

I am reminded that there is still reason to see light, despite the dark challenges that lie ahead. This year, BHRC has celebrated its 30-year anniversary. In that time, there have been markers of progress, such as in equality rights, as well as a growing acceptance that human rights law must inform and form part of the international norms, engagement and order in which States operate.

That is down to the courage and commitment of those who work to bring dignity, equality and freedoms. For 30 years BHRC has sought to support that courage and commitment. I know it will continue to offer a voice to those who have none and to those who has been silenced. Please join us as part of this community that keeps on raising its voice. We have a long and proud history of doing so.

A portrait of Schona Jolly QC, a woman with long dark hair, wearing a black top, standing with her arms crossed. The background is a solid red color.

Schona Jolly QC
Chair, Bar Human Rights Committee
of England and Wales (2019-2021)
December 2021

many but
ally
TRIUMPHS

Overcome,
We Shall
Over

SAVE
CONSTITUTION
&
DEMOCRACY

The Constitution of India
PREAMBLE
WE, THE PEOPLE OF INDIA, having
solemnly resolved to constitute India into
a SOVEREIGN SOCIALIST SECULAR
DEMOCRATIC REPUBLIC and to secure
to all its citizens:
JUSTICE, Social, economic and political;
LIBERTY of thought, expression, belief,
faith and worship;
EQUALITY of status and of opportunity;
and to promote among them all
FRATERNITY assuring the dignity of the
individual and the unity and integrity of
the Nation.

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Part I

Who we are

The Bar Human Rights Committee of England and Wales (BHRC) is the independent, international human rights arm of the Bar of England and Wales, working to protect the rights of advocates, judges, and human rights defenders around the world. BHRC is concerned with defending the rule of law and internationally recognised legal standards relating to human rights and the right to a fair trial. It is autonomous of the Bar Council.

***Our vision* is for a world in which human rights are universally protected, through every government and state actor's adherence to international law obligations and internationally-agreed norms.**

BHRC members are primarily barristers called to the Bar of England and Wales, as well as pupil barristers, legal academics, and law students. Our members include some of the UK's foremost human rights barristers, legal practitioners, and academics.

Our Executive Committee and members offer their services pro bono, alongside their independent legal practices, teaching commitments and legal studies. BHRC is also supported by two Project Officers and a Project Administrator.



***Our mission* is to protect and promote international human rights through the rule of law, by using the international human rights law expertise of some of the UK's most experienced human rights barristers.**

2020-2021 at a glance

BHRC is delighted to mark the 30th anniversary of its founding with this Report which highlights its work in 2020-21. BHRC has focused on four key objectives reflecting its strategic priorities in this period:



UPHOLDING the rule of law and internationally recognised human rights norms and standards, with particular focus on the right to peaceful protest, which has come under acute strain, and on atrocity crimes.



PROTECTING and supporting practising lawyers, judges, and human rights defenders, with particular focus on the shrinking space for civil society.



PROMOTING knowledge and interest in human rights law and practice through training programmes, workshops and events, which have been almost entirely conducted remotely owing to the pandemic; and



SUPPORTING and collaborating with other organisations and individuals working for the promotion and protection of human rights and the rule of law, through creative and persistent use of technology, outreach, and partnerships.

The remit of BHRC extends to all countries of the world, apart from its own jurisdiction of England and Wales. This reflects the Committee's need to maintain its role as an independent but legally qualified observer and critic.

These objectives have translated into work in which BHRC has developed expertise and strong relationships on the ground. Its focus has been primarily on China and Hong Kong, Central Asia, Egypt, South Asia, and Turkey, all of which are suffering from acute human rights crises and substantial rule of law concerns. Many of these have been exacerbated by the pandemic, among them: arbitrary detention of political prisoners without due process, the right to peaceful assembly, expression and information and the rise of digital authoritarianism. Poland and Hungary similarly face serious challenges. The sudden impact of the Taliban takeover in Afghanistan on judges, lawyers, and human rights defenders, in particular women, has also required a reactive response.

BHRC's work was dramatically impacted by the unprecedented outbreak of COVID-19, which required that all activities involving international travel such as trial monitoring, and other international advocacy projects,





Where we work

- Bahrain
- Brunei
- Chile
- China
- Colombia
- Egypt
- Greece
- Hong Kong
- Honduras
- India
- Iran
- Israel and Palestine
- Kashmir
- Kazakhstan
- Kuwait
- Myanmar
- Nepal
- Nigeria
- Pakistan
- Philippines
- Russia
- Turkey
- United States
- Zimbabwe

training, and initiatives, were suspended or postponed throughout 2020 and 2021. Despite the difficulties of international advocacy under global lockdown and wherever possible, BHR pivoted to remote alternatives, which have proven effective and in-demand. BHR has been able to accelerate its international outreach and form valuable new alliances with key partners around the globe.

BHR is grateful to our members, as well as our Executive Committee, for their commitment to our work over and above the demands of their busy practices and professional lives. The organisation has been awarded additional funding to be able to grow its staff, a vital corollary for the high demand for BHR's work. BHR is grateful to the Bar Council, for its continued support, financial assistance, and collaboration, as well as that of other funding organisations and partners.

What we do

BHRC's mission is to protect and promote international human rights through the rule of law, by relying on and bringing in the international human rights law expertise of many of the UK's most experienced and talented human rights barristers.

Our objectives are to:



Uphold the rule of law and internationally recognised human rights norms and standards;



Support and protect practising lawyers, judges and human rights defenders who are threatened or oppressed in their work;



Further interest in and knowledge of human rights and the laws relating to human rights, both within and outside the legal profession; and



Support and co-operate with other organisations and individuals working for the promotion and protection of human rights.

We achieve our objectives through using our legal expertise, amongst other work, to conduct trial observations, capacity building, providing training and support, monitoring human rights violations, intervening in international litigation through *amicus curiae* briefs, international fact-finding investigations and research, promoting the rule of law and human rights through public events, and assisting individuals and groups to hold states accountable for abusive practices.

Trial Observations

Fair trials are fundamental for justice and the rule of law. BHRC's expertise is regularly sought by concerned individuals and human rights organisations around the world. Our trial reports are widely circulated and have been referenced in court proceedings and by NGOs as well as lawyers. BHRC sends impartial observers to countries around the world to

ensure the right to a fair trial through the impartial administration of justice. The aim of trial observation is to report independently on the adherence of hearings to international fair trial standards.

BHRC was granted observer status (the first British legal organisation to have such status) by the United States to send trial observers to the Guantanamo Bay Military Commission in Cuba, and in February

2020, conducted two such trial observations. However, in March 2020, BHRC took the difficult decision to suspend all trial monitoring, external training, and events until further notice due to the pandemic and restrictions on international travel. Some substantial projects remain on hold at the date of this publication. BHRC hopes that it will be able to resume those again in 2022.

BHRC has explored the possibility of remote trial observations which require well-functioning virtual justice systems to be set up in the host country: It was able to carry out a remote trial observation in Colombia successfully. This may yet become a model whilst travel is challenged or restricted by the pandemic.

We are very grateful to the Bar Council, which has provided funding to our trial observation unit since 2015 and has continued to do so through 2020-21.

International Advocacy

Public statements and letters of concern are an important means of holding governments to account, highlighting specific legal concerns, and drawing international attention on alleged violations. These typically elicit a response from governments. BHRC also conducts advocacy through publishing op-eds, events, reports, and submissions, and through high-level meetings. Some advocacy efforts are conducted publicly, whilst others are more effectively done in a private sphere. BHRC engages both avenues, as appropriate and effective.

Amicus curiae briefs and expert opinions

BHRC's assistance on *amicus curiae* briefs or expert opinions continues to be sought for diverse human rights concerns across the world. Our intervention in cases will often come at the request of NGOs already working on a specific issue, or from an individual, or their lawyer, alleging their rights have been violated. Legal interventions of this type demonstrate the relevance of international law and can, over time, lead to significant change.

Training and Events

The pandemic has changed how BHRC has conducted these. We have successfully managed to hold international human rights law training around the world remotely, as well as panel events which have benefited from a wide pool of legal and human rights expertise around the world in respect of both speakers and audience participants.

Partnerships

BHRC works with domestic and international organisations to advance human rights and promote the rule of law. These strategic and significant partnerships have provided opportunities for BHRC to develop relationships with other organisations and individuals, to pool knowledge and expertise and to ensure impactful work with a wide range of partners on the ground. BHRC receives substantial core funding from the Bar Council of England and Wales. Although it works independently of it, both organisations maintain a close relationship and work together on activities that crossover into mutual areas of concern.

BHRC works closely with bar associations and legal human rights organisations on issues relating to lawyers at risk around the world, including at UN and diplomatic levels. BHRC also has a strong relationship with ROLE-UK, which has previously provided support and assistance for our training and partnerships in Nigeria, India and Turkey. BHRC has also worked closely in 2020-21 with our partners at the American Bar Association Rule of Law Initiative (ABA ROLI) on a series of virtual dialogues confronting rule of law challenges in Asia, and with Article 19 on a training programme for Turkish lawyers as well as other interventions. It has been funded and supported by the Foreign, Commonwealth & Development Office (FCDO) on various projects. BHRC also works closely with Human Rights Watch, Amnesty International, the Euro-Mediterranean Human Rights Network, the Lawyers' Advisory Committee for Peace Brigades International (PBI), the Commonwealth Lawyers Association, and has ongoing relationships with many other civil society partners both at home and abroad.

Part II

BHRC Objective I

Upholding the rule of law and internationally recognised human rights norms and standards

BHRC works around the world to bring accountability for human rights breaches, including those arising from atrocities, the use of the death penalty, interferences with the right to a fair trial and the independence of the judiciary, torture and ill-treatment, and interferences with the right to freedom of association and assembly.

Highlights: China, Hong Kong and Central Asia

BHRC has been building on its work in East and Central Asia in recent years. Its work has focused primarily on allegations of atrocity crimes in Xinjiang and on the swift and severe clampdown on political and democratic freedoms in Hong Kong, as well as on Chinese human rights lawyers who continue to face a bleak crackdown.

XINJIANG

- In July 2020, BHRC launched its new report, *Responsibility of States under International Law to Uyghurs and other Turkic Muslims in Xinjiang, China*. The report was met with wide acclaim and coverage and was a timely and important intervention on the grave allegations of systematic persecution of Uyghur and other Turkic Muslim people in Xinjiang, China. It was endorsed by Baroness Helena Kennedy QC, BHRC Advisory Board Member, and Lord David Alton. It was raised in the House of Lords and the House of Commons and in several UK parliamentary questions in which the UK government has confirmed that it is carefully considering BHRC's findings. BHRC has subsequently conducted private and public advocacy surrounding the report, including subsequent work on sanctions.
- The Foreign Affairs Committee published a report, *Never Again: The UK's Responsibility to Act on Atrocities in Xinjiang and Beyond*, dated 8 July 2021, to which BHRC contributed through its written evidence, produced by the Chair and Tatyana Eatwell, and in oral evidence given by our Chair.
- In September 2021, BHRC Chair, Schona Jolly QC, gave the opening keynote speech at an international conference at Newcastle University titled *The Xinjiang Crisis: Genocide, Crimes against Humanity, Justice*. This was the first and largest international conference on Xinjiang since the issue was brought to the wider attention of the world, bringing together international scholars, lawyers and politicians working to raise awareness and promote accountability for alleged atrocity crimes in Xinjiang. Our Chair's keynote speech asked, *Can international law step in where diplomacy stands still?* BHRC Executive Committee member, Tatyana Eatwell, Chaired two panels, titled *Upholding UK responsibilities to protect in Xinjiang – What does this mean in policy terms and States' Responsibility to Protect Before Genocide* as well as contributing to a closed panel on Universal Jurisdiction.
- Joint work with International Bar Association's Human Rights Institute and others at the 47th Session of the UN Human Rights Council calling for support for an independent investigative mechanism into atrocity crimes in Xinjiang with a view to holding perpetrators to account and providing reparations to victims.
- At the time of publication, the Uyghur Tribunal has given its historic judgment on genocide, crimes against humanity and torture in Xinjiang. BHRC is engaging with and considering the implications.





HONG KONG

- BHRC has been monitoring and providing comment on arrests, trials in respect of protest and democracy rights, as well as the National Security Law (NSL) passed in 2020. It has, however, been unable to be present in Hong Kong over 2020-21. Its work is often cited by the media, legal professionals and the academic communities internationally focused on Hong Kong. These are ongoing streams of work.
- BHRC led a joint statement with IBAHRI, the Bar Council and the ICJ in April 2020 following the arrest of 15 veteran pro-democracy figures in Hong Kong, in what began a swift and harsh escalation on the government's clampdown on civil liberties and democracy following the 2019 protests.
- Following the sudden introduction of the National Security Law in summer 2020, BHRC took a number of steps to analyse, warn and share knowledge on the legal and human rights concerns in various ways. We also issued various statements prior to and following the introduction of the legislation, which received a reply from Chief Executive Carrie Lam's private office. BHRC's Chair also wrote a detailed article about the NSL in Prospect magazine.
- In January 2021, BHRC condemned the arrests that took place in sweeping raids by over 1000 police officers in Hong Kong. More than 50 pro-democracy figures, including lawyers and former law makers, were arrested under the new national security law imposed by Beijing in 2020.
- In April 2021, BHRC and the International Bar Association's Human Rights Institute condemned the prosecution, conviction, and disproportionate sentencing of veteran Hong Kong pro-democracy figures, including lawyers Margaret Ng and Martin Lee. BHRC continues to follow this and other trials. BHRC Chair, Schona Jolly QC, stated:



The continued misuse of the Public Order Ordinance to silence and repress legitimate and peaceful expressions of dissent, in this case senior figures in the pro-democracy movement, including lawyers and legislators who have worked tirelessly for human rights and the rule of law, is a grave blow to the protection of fundamental human rights in Hong Kong. The prosecutions, convictions and heavy custodial sentences of these dignified and experienced democrats, for their peaceful role in a protest sends a chilling message to Hong Kong citizens that free expression and peaceful protest may result in prison sentences. As Margaret Ng put it so well in her powerful sentencing remarks, “not only is the freedom to speak the truth the core of human dignity, it is also the last safety valve in a democratic society.” Safeguarding that safety valve has reached a critical juncture in Hong Kong, where the right to dissent is now under sustained attack and where there is a high risk that the law will be used to stifle lawful dissent.

- BHRC continues to have ongoing discussions with lawyers, academics, partners, and bar associations about the appropriate response as the situation continues to deteriorate.

KAZAKHSTAN

- BHRC partnered with the Legal Policy Research Center (LPRC), with the support of the British Embassy in Kazakhstan, to organise a series of five webinars held in February 2021 on international human rights law and best practice for lawyers in Kazakhstan. The series presented an overview of relevant and salient topics in international human rights law for Kazakh lawyers, and provided practical focus on how to use international standards and international and regional frameworks effectively in responding to challenges brought by the COVID-19 pandemic. It followed training delivered in person to lawyers in Almaty, Kazakhstan, in December 2019. Each webinar also included a presentation by a prominent Kazakh human rights lawyer on a topic focusing on the Kazakh domestic context, and in particular the impact of Covid-19.

Highlights: Our work in South Asia

BHRC has longstanding experience and expertise in South Asia. It has continued to work with partners in the region throughout 2020-21 as a febrile climate for human rights has worsened in many countries.

AFGHANISTAN

- BHRC followed the unprecedented, urgent, and rapidly escalating human rights situation in Afghanistan with alarm in August 2021. As it became clear that the Taliban would seize power, BHRC started immediately to coordinate efforts to work with the legal profession domestically and internationally in order to ensure safety for those who were particularly vulnerable, and especially those who have been protecting the rule of law in Afghanistan over the last two decades, often at great personal cost. BHRC's response required liaising with all branches of the profession, organisationally as well as politically with government, ministers, the civil service, and individuals in dire need. BHRC has also sought to amplify its message in the media, which reported on our joint call with the Bar Council and Law Society for the UK government to ensure Afghanistan's lawyers and judges are safe.
- BHRC has been working with the Bar Council and with other partners including Advocate and Immigration Law Practitioners Association (ILPA), to assist with a referral system to coordinate volunteers amongst its membership in what will be an ongoing need for pro bono support.

INDIA

- Ongoing work on India has focused on significant human rights challenges, particularly in connection with crackdowns on dissent; media freedom; the erosion of minority rights; increased discrimination against minority groups, and the shrinking space for civil society.
- In November 2020, BHRC hosted a panel event with human rights lawyers and regional experts to explore the impact of a shrinking, and hostile, space for civil society across South Asia. Chaired by Schona Jolly QC, speakers included influential human rights activists and pioneering lawyers such as Hina Jilani and Sara Hossain.
- Schona Jolly QC also spoke at other domestic and international events centred on the decline in the rule of law in India, including one organised by the Bingham Centre and the New York Bar Association: *Rule of Law & Authoritarian Ascendancy: The Threat & the Legal, Policy & Societal Responses to It*.
- In September 2021, BHRC and the All-Party Parliamentary Group on Human Rights held a joint panel event, *A Diminishing Democracy? Human Rights and the Rule of Law in India Today*. The event was co-

chaired by Schona Jolly QC and Dame Diana Johnson MP, and again welcomed an impressive speaker panel ranging across law and academia, media, and civil society. BHRC remains engaged in follow-up work with partners as well as advocacy work.

SRI LANKA

- In March 2021, BHRC published a statement, joined by IBAHRI, surrounding the proceedings at the UN Human Rights Council urging Member States to adopt a resolution in favour of greater accountability for past and recent grave human rights violations in Sri Lanka. The resolution was passed by States on 19 March 2021. Executive Committee member Zimran Samuel was a panellist at a LAWASIA webinar on *Rule of Law, Justice and Democratic Rights in Sri Lanka* in April 2021. BHRC continues to explore effective ways of responding to the growing clampdown on human rights defenders in Sri Lanka.

Our work in the MENA Region

BHRC's work has focused primarily on Egypt, where its expertise has developed over a decade, but also has longstanding work and partnerships in Bahrain, Israel, and Palestine. BHRC is represented on the Euro-Med Rights network by Executive Committee member Theodora Christou who is Vice-President (2021) and Elected Executive Member, and Blinne Ní Ghrálaigh sitting on the Palestine, Israel and Palestinian territory group.

BAHRAIN

- In July 2020, BHRC submitted an amicus curiae brief to Bahrain's Court of Cassation with respect to two men on death row facing execution. Both men allege that police tortured them into making false confessions. BHRC sent two letters to the King of Bahrain regarding: (i) the death row cases following the judgment calling on the King to suspend or commute the death sentences against them; and (ii) concerns of judicial harassment of human rights lawyers (19 August 2020). The amicus and letter regarding the death row cases were amplified by human rights groups including IFEX and HRW.



EGYPT

- Collaborative work has been crucial given the extent of crises in the rule of law in Egypt. It includes:
 - Issuing a joint statement with 40 organisations calling on governments in the Middle East and North Africa to take a number of urgent measures to protect their prison populations, and in doing so, their populations as a whole in the wake of COVID-19.
 - Joining over 100 leading human rights organisations calling for collective action to address the human rights situation in Egypt at the 46th session of the UN Human Rights Council.
 - Sponsoring a virtual panel at the UN Human Rights Council regarding Egypt's attacks against lawyers, hosted by ICJ and TIMEP and including UN Special Rapporteur on the situation of human rights defenders, Mary Lawlor.

ISRAEL AND THE OCCUPIED PALESTINE TERRITORY

- BHRC wrote to the UK Prime Minister concerns regarding the expressed intention of Israeli Prime Minister Benjamin Netanyahu, to move towards the unilateral annexation of large areas in the West Bank on or after 1 July 2020. On 14 August 2020, BHRC received a response from the FCDO Minister for the Middle East.
- In May 2021, BHRC wrote to the UK Foreign Secretary, Dominic Raab, to express its extreme concern regarding the urgently escalating situation in East Jerusalem and Gaza. BHRC received a substantive response from the Minister of State for the Middle East and North Africa in July 2021.

THE UAE

- BHRC joined an open letter from over 50 NGOs and individuals calling on the UAE authorities to demonstrate their respect for the right to freedom of expression as the Hay Festival Abu Dhabi opened in February 2020.

Our work in Turkey and Europe

BELARUS

- In summer 2020, BHRC responded to the emerging crisis in Belarus, including the post-election crackdown on protesters in collaboration with partners around the world. It issued a joint statement with Lawyers' Rights Watch Canada. Subsequently, it joined an international steering group consisting of academics, lawyers, human rights defenders, MEPs and representatives from the Council of Europe and has jointly hosted a series of events on the situation through 2020 and 2021, including on *Belarus's Human Rights Defenders v Lukashenka*.

HUNGARY

- BHRC and the Bar Council jointly wrote to the Prime Minister of Hungary, Viktor Orbán on the introduction of legislation in March 2020 granting sweeping emergency powers to the Hungarian executive as part of the response to the COVID-19 pandemic, to which the State Secretary for Cooperation in European and International Justice Affairs, Dr János Bóka, responded.



TURKEY

- BHRC has been observing some of the most high-profile trials of journalists and human rights defenders in Turkey since the attempted coup in 2016. Since its last physical trial monitoring in 2019, BHRC has been seeking other ways to monitor and advance compliance with international human rights law and standards, alongside out partners. These include:
- BHRC conducted several observations for Article 19 in the 'Gezi Park trial' of sixteen leading civil society individuals, including Osman Kavala (Board of Open Society Foundation, Turkey) and Yiğit Aksakoğlu. In May 2020, BHRC published its final trial observation report in the case following his acquittal in February 2020. Sadly, Kavala remains in detention following the opening of a new criminal investigation against him after his acquittal. In September 2020, the report was published in Turkish. A new indictment followed. BHRC has issued another statement urging the Council of Europe to take robust decision for Turkey's failure to release Kavala in defiance of the order of the European Court of Human Rights. BHRC consider the case of Osman Kavala and Selahattin Demirtaş to be emblematic of the rule of law crisis facing Turkey. It continues to express concern about Turkey's continuing detention of political opponents and civil society leaders.
- BHRC continues to follow closely developments at the European Court of Human Rights in cases concerning Turkey, seeking updates and observations in the absence of being able to remotely monitor.
- In January 2020 BHRC formed part of an international coalition of legal organisations who submitted a joint Stakeholder Submission to the UN Human Rights Council's Universal Periodic Review (UPR) for Turkey. The UPR included several recommendations to guarantee the independence of the judiciary, to evaluate the anti-terror laws, and protection from arbitrary arrests and detention.
- BHRC Chair Schona Jolly QC conducted remote training on trial observation hearings for EU diplomats in Ankara on behalf of Turkish partner NGOs in March 2020.
- A public statement in April 2020 on draft legislation in Turkey, which aims to prevent the spread of COVID-19 across prisons and detention centres, contained a blanket exclusion of political prisoners.
- Executive Committee member Pete Weatherby QC spoke at a virtual conference in June 2020, hosted by the Media and Law Studies Association and PEN International, regarding Nedim Türfent, an imprisoned Kurdish journalist.
- BHRC Chair Schona Jolly QC spoke at a joint event with Article 19 in December 2020, *Using international mechanisms to protect the right to freedom of expression: challenges and ways forward*, on the importance of documenting fair trial violations in freedom of expression cases. In March 2021, our Chair also appeared as a guest speaker on an innovative event organised by Article 19 on women's rights in Turkey using the Clubhouse social media app.
- BHRC provided international law expertise to an international project led by Norwegian PEN which anal-

yses leading indictments of human rights defenders in Turkey and their compliance with international human rights law and standards. On behalf of BHRC, a report was published by BHRC Member Kevin Dent QC.

Our work in the Americas

COLOMBIA

- In August 2021, BHRC published a leading trial observation report in the case of Santiago Uribe Vélez, brother of the former President of Colombia who is accused of aggravated conspiracy to commit crime and aggravated homicide through the heading of an illegal armed group known as the 'Twelve Apostles' in the early 1990s. The Twelve Apostles were alleged to have been set up with the aim of killing those considered by them to be "social undesirables". The case is significant in the history of Colombia, particularly in the current context where there remains a strong need to keep awareness and focus on the protection of judges, witnesses, and lawyers. This report is the culmination of several years of work in the region in relation to the need for peace and transitional justice by former Chair Kirsty Brimelow QC. The trial lasted for over three years, and was concluded remotely earlier this year by Kirsty and member Camila Zapata Besso, who also conducted advocacy work in respect of a brutal crackdown on protests in Colombia in 2021.

THE UNITED STATES OF AMERICA

- BHRC is the only British legal organisation which has observer status at Guantanamo. Shortly before the pandemic lockdowns in early 2020, two BHRC Executive Committee members, Amanda Weston QC and Jacob Bindman, observed hearings in Guantanamo. Their report will be published in due course, but advocacy and further written work has continued in respect of what it has described as a "stain in legal history".
- In June 2020, BHRC expressed its condemnation at the excessive use of force deployed by State law enforcement officers in the United States in response to mass protests taking place across the country following the death of George Floyd at the hands of Minneapolis police officers on 25 May 2020. BHRC called on the US and State governments and local law enforcement agencies to protect the right of peaceful protest, and to ensure proportionate and lawful responses to the continuing demonstrations against systemic racism, in accordance with international law.
- In March 2021, BHRC and IBAHRI wrote to President Biden to withdraw sanctions against ICC officials following the announcement by the Department of State that it will "thoroughly review" the sanctions. This letter followed a June 2020 statement in which BHRC expressed its deep concern at the decision of the President of the United States to issue an Executive Order of 11 June 2020, which declared that any attempt by the International Criminal Court to investigate or prosecute United States nationals, and the nationals of United States allied states, without their consent, constituted an unusual and extraordinary threat to the national security and foreign policy of the United States. In the statement, BHRC Chair Schona Jolly QC stated:



The United States government's actions to target and intimidate International Criminal Court staff, including lawyers and judges, undermines the integrity of the Court itself and places the international rule of law in serious jeopardy. America has repeatedly professed that it stands up for both the rule of law and for accountability; this Executive Order fundamentally imperils that rules-based order.

BHRC Objective II

Supporting and protecting practising lawyers, judges and human rights defenders who are threatened or oppressed in their work.

Attacks on lawyers have a chilling effect on the profession. They undermine access to effective and independent legal assistance to protect human rights, in contravention of the rights of both the lawyers and their clients. As an organisation of lawyers, BHRC supports and protects practising lawyers, judges and human rights defenders who are threatened or oppressed in their work.

A Toolkit on Lawyers at Risk

On the International Day of Endangered Lawyers in 2020, the IBAHRI, in cooperation with BHRC and other long-term partners, Human Rights House Foundation, Lawyers for Lawyers and Lawyers' Rights Watch Canada, launched the Toolkit on Lawyers at Risk, a unique tool aimed at facilitating the efforts of those seeking to protect lawyers at risk – that is, lawyers who have been attacked for performing their professional duties and representing their clients' interests – as well as to support and assist the targeted legal profession in their struggle. In June 2020, the accompanying Legal Digest was published.

Statements

BHRC has written a number of statements, as part of a programme of advocacy (public and private), calling on governments around the world to uphold the rights of lawyers, judges and human rights defenders. These include:

AFGHANISTAN

- In November 2020, following the attack on law students and faculty at Kabul University, BHRC and the Bar Council jointly wrote a letter of condolence to the President of Afghanistan and Chancellor of Kabul University.
- In August 2021, the Bar Council, BHRC and the Law Society of England and Wales issued a joint statement on the situation for legal professionals in Afghanistan, with particular concern for women judges in the country. The statement reiterated our grave concern about the situation in Afghanistan and the fate of all those who are working in the justice system of Afghanistan who are now facing a perilous future as the Taliban have taken power. BHRC called for the UK government “not to abandon these courageous defenders of the rule of law and – in liaison with its international allies – to offer evacuation and safety and asylum in the UK to those women judges, their families, and other members of the legal profession who are in serious danger.”



CHINA

- In January 2021, BHRC issued a statement expressing its extreme concern at the threat to revoke the practising licences of two Chinese human rights lawyers, Ren Quanniu and Lu Siwei, in circumstances which strongly suggest that the lawyers are being targeted for their recent high-profile work on the so-called 'Hong Kong 12'.
- In November 2020, BHRC raised concern following the detention of human rights lawyer Chang Weiping through a joint statement of concern organised by the China Human Rights Lawyers Concern Group. BHRC continues to follow with diligence and concern the situation concerning human rights lawyers in China.

ISRAEL AND OCCUPIED PALESTINIAN TERRITORY

- In November 2021, BHRC joined many international bodies and organisations in expressing its grave concern regarding the decision taken by the Israeli Defence Minister on 19 October to designate a number of prominent Palestinian NGOs as 'terrorist organisations' pursuant to the Israeli Counter-Terrorism Law of 2016. The United Nations High Commissioner for Human Rights, Michelle Bachelet, has noted that the designations are based on extremely vague or unsubstantiated reasons. A number of the organisations have, for decades, been "key partners of the UN", recognised for their leading work on fundamental rights and rule of law issues. BHRC has worked with three of the NGOs so designated: Addameer Prisoner Support and Human Rights Association; Al Haq; and Defence for Children International - Palestine.

PHILIPPINES

- In June 2021, BHRC joined a group of organisations in calling on President Duterte to adequately protect the safety and independence of lawyers and end the culture of impunity in which attacks against lawyers occur. This followed reports that more lawyers have been killed in the five years since President Duterte took office than under any other government in Philippine history.

EGYPT

- In August 2020, BHRC issued a joint statement with Human Rights Watch, Amnesty International and others on the sentencing of Egyptian human rights defender Bahey eldin Hassan.
- BHRC has followed with concern the treatment of human rights lawyer Mohamed El-Baqer, founder and director of the Adalah Center for Rights and Freedoms, which focuses on criminal justice, the right to education and minority rights. El-Baqer is one of countless lawyers, human rights defenders, journalists, politicians, and social media influencers have been targeted solely for their legitimate and peaceful activities, exercising their fundamental rights, and defending the rights of others in Egypt. BHRC considers his treatment emblematic of the human rights crisis in Egypt. It has issued a series of letters, either alone or jointly, calling on the Egyptian authorities to immediately and unconditionally release
- In December 2021, BHRC joined the Tahrir Institute for Middle East Policy and many other members of the global legal community issued a statement standing in solidarity with Egyptian lawyer Mohamed El-Baqer as he awaited his verdict on baseless criminal charges on December 20, 2021, following years of reprisal by the Egyptian state. At the time of writing, he has been sentenced by the security court to four years in prison, with no right of appeal.

HONG KONG

- In July 2021, BHRC called on the Hong Kong Chief Executive to drop the charge of “inciting unauthorized assembly” against barrister Chow Hang-tun in Hong Kong, as well as to unconditionally release her, as part of a coalition of 74 organisations and individuals. This case is just one in a series of concerning developments involving the targeting of lawyers, human rights defenders, and peaceful activists. BHRC continues to have ongoing discussions with lawyers, academics, and bar associations about the appropriate response as the situation continues to deteriorate, particularly in recognising the implications and context of the National Security Law.

INDIA

- In August 2020, BHRC issued a statement expressing grave concern at the Indian Supreme Court’s interference in legitimate criticism in the case of human rights lawyer Prashant Bhusan.

IRAN

- BHRC joined letters in September and December 2020 to the Supreme Leader of Iran standing in solidarity with detained human rights lawyer Nasrin Sotoudeh, whose health had sharply deteriorated following a prolonged hunger strike, and other lawyers in Iran who are being persecuted by their government for carrying out their profession diligently and in accordance with the law.

POLAND

- In March 2020, BHRC and the Bar Council wrote to the Polish President and Prime Minister, and Marshals of the Senate and Sejm, on the worsening rule of law crisis in the country. The letter addressed serious concerns as to the motion filed by the National Prosecution Office to the Disciplinary Chamber of the Supreme Court to waive the immunity of Judge Igor Tuleya, calling upon the relevant Polish authorities to respect their obligations under the Polish Constitution, the ECHR and EU law, and for the call for the arbitrary motion against Judge Tuleya to be withdrawn without delay.
- In December 2020, BHRC and the Bar Council wrote a further letter of concern to the Polish President, Prime Minister, and Marshals of the Senate and Sejm following the decision of the Disciplinary Chamber to grant the prosecutor’s motion to waive Judge Tuleya’s immunity on 18 November 2020. The letter condemns the latest decisions as further undermining the independence of the Polish judiciary and constituting a violation of Judge Tuleya’s individual rights under the European Convention on Human Rights and the ICCPR. BHRC and the Bar Council reiterate the concern outlined in previous letters that Judge Tuleya’s case falls within the context of a series of wider measures which threaten the rule of law in Poland.

SRI LANKA

- In November 2020, BHRC issued a statement urging the Sri Lankan government to release human rights lawyer Hejaaz Hizbullah from detention.

TURKEY

- In May 2020, BHRC joined a coalition of ten legal organisations in a joint letter to the President of Turkey expressing concern about criminal investigations launched in Turkey against the Ankara Bar Association and the Diyarbakir Bar Association for “openly disrespect[ing] the religious belief of a group” (article 126(3) of the Penal Code of Turkey) after the bar associations criticised the head of Turkey’s Religious

Affairs Directorate, Ali Erbaş, for making public remarks that provoke hatred and hostility against LGBT people.

- In August 2020, BHRC issued a joint statement with the Law Society and other organisations raising concern for two lawyers in Turkey whose health had deteriorated following a prolonged hunger strike in protest against the lack of a fair trial against them. Tragically, two weeks later BHRC received the news that one of the lawyers, Ebru Timtik, had passed away.
- In September 2020, BHRC wrote a letter to President Recep Tayyip Erdoğan following the mass arrests of lawyers and trainee lawyers in Turkey.

ZIMBABWE

- In September 2020, BHRC and the Bar Council released a joint statement on the Zimbabwean magistrate's ruling against lawyer Beatrice Mtweta. BHRC released a further statement outlining broader concern for attacks against lawyers and others and published a piece in Bar Talk about the deteriorating situation.



BHRC Objective III

Furthering interest in and knowledge of human rights and the laws relating to human rights, both within and outside the legal profession.

BHRC furthers interest in and knowledge of human rights primarily through training and events. The consistent requests for BHRC representatives to provide public comment on human rights issues is a testament to BHRC's strong reputation and expertise. These events provide more opportunities for BHRC to highlight its work and expand its network whilst influencing debate and actions.

Training & Events

- In March 2020, BHRC formally launched a training video on best practices and bad practice in interviewing vulnerable witnesses in partnership with the National FGM Centre in London at their conference to mark International Women's Day 2020. The video uses a case study from BHRC's Child Rights Training Manuals (funded by UNICEF) to highlight how to avoid common mistakes in interviewing children, particularly children who may have suffered trauma. The video has been included as part of a training package developed by the National FGM Centre, which was launched at their conference.
- In October 2020, BHRC hosted a panel event titled "The Protection of International Human Rights: A Barrister's Role", aimed at early career professionals and practitioners and bar students in the UK who are interested in developing a practice or working in international human rights law and related areas.
- BHRC partnered with the Human Rights Watch Festival 2021 for the film 'Mujer de Soldado' (Soldier's Woman)
- BHRC provided international human rights training to lawyers across Kazakhstan in January 2021 (remotely) with Legal Policy Research Centre as a local partner in Kazakhstan, following successful in-person training delivered by Chair Schona Jolly QC and then-Secretary Grainne Mellon in December 2019 in Nur-Sultan. This was conducted with funding and support from the British Embassy in Kazakhstan on both occasions.
- In March 2021, jointly with an international and domestic partner, BHRC conducted remote training to lawyers in India on the international law relating to statelessness. This was of particular urgency given the introduction of the National Register of Citizens and the Citizenship Amendment Act.
- In November 2021, BHRC and the American Bar Association Rule of Law Initiative (ABA ROLI) launched a four-part virtual discussion series jointly hosted by BHRC and ABA ROLI with sessions to be held between November 2021 and February 2022. Titled 'The Edge of the Law: A regional approach to confronting key legal challenges', the series addresses forced labour, sanctions, data security, and judicial independence through four virtual dialogues with expert speakers.

Over the course of four months, series participants will explore emerging challenges to the rule of law in the Asia-Pacific region, in particular those threats posed by the rise of authoritarianism. Discussions will consider topics on forced labour and supply chain analysis, sanctions regimes, data security, and judicial independence while examining the role that bar associations and individual lawyers can play in ensuring the rule of law continues to protect human rights.

At the end of the discussion series, BHRC and ABA ROLI will release a report summing up the challenges raised in these discussions as well as considerations for the legal profession in 2022 and beyond, both globally and in Asia specifically. Speakers participating in the series to date have included Schona Jolly QC, Chair of BHRC; Surya Deva, Chair of the UN Working Group on Business & Human Rights; Parsha Chandran, Professor of Practice in Modern Slavery Law in The Dickson Poon School of Law, King's College London; Felicity Gerry QC, Barrister; Simon Henderson, Save The Children Australia; Scott Johnstone, Human Rights First; and David Snyder, Professor of Law at American University in Washington, DC, among others.

- In December 2021, BHRC launched a training programme for lawyers across Turkey who work on migrant rights. The programme consists of a series of four lectures, led by leading barristers and Article 19, in conjunction with local bar associations, on ECHR and remedies in respect of refugee rights.
- BHRC also held a virtual fireside conversation with HE Nazhat Shameem Khan, President of the UN Human Rights Council in 2021. During this fascinating and robust virtual conversation with BHRC Chair Schona Jolly QC, Ambassador Khan elaborated on the mission of the United Nations Human Rights Council to promote and protect human rights around the world. This special event, which formed part of BHRC's 30th Anniversary Programme in 2021, aimed to energise engagement between international and domestic practitioners, and promote and ensure strong engagement and continued relationships with the UN Human Rights Council, domestic Bar organisations and the international human rights system.
- The BHRC Chair also joined the UK Director of Human Rights Watch, and South African human rights lawyer Paul Van Zyl in a collaborative panel event on 'Why Protest Matters' in 2021, to mark International Human Rights Day on 10 December 2021.



BHRC Objective IV

Supporting and co-operating with other organisations and individuals working for the promotion and protection of human rights

BHRC works closely with a number of organisations, including bar and legal associations, NGOs globally and of course the Bar Council. BHRC also works closely with a range of international human rights legal and civil society organisations. Some recent examples of that cooperation include:

In March 2021, BHRC Chair Schona Jolly QC appeared as an expert speaker for the launch of the 'Good Lobby Profs', an initiative launched by academics with the intention to tackle the growing rule of law crisis across Europe, including in Poland and Hungary. She appeared alongside Judge Igor Tuleya amongst other speakers.

In April 2021, BHRC Executive Committee Member Zimran Samuel contributed to LAWASIA's panel event, Rule of Law, Justice & Democratic Rights in Sri Lanka.

In September 2021, BHRC endorsed the first advisory enforcement of the High-Level Panel of Legal Experts on Media Freedom, titled Report on the Use of Targeted Sanctions to Protect Journalists, authored by Amal Clooney, Chair of the High-Level Panel.

In October 2021, Executive Committee Member Dr Theodora Christou facilitated a session on common standards of trial monitoring in Turkey as part of our existing relationship and membership of EuroMed Rights, and moderated the opening of EMR's webinar on Anti-Racism Movements in the Region as part of the 12th General Assembly on the status of the anti-racist movement in the Euro-Mediterranean region.

In November 2021, Schona Jolly QC participated in the IBA Global Showcase panel on the rule of law, alongside Baroness Helena Kennedy QC and a number of UN Special Rapporteurs.





BHRC Executive Committee 2020-2021

BHRC's Executive Committee is elected by BHRC members every two years to oversee the organisation's strategy and implement its work.

The Executive Committee then elects five Office Holder positions who hold additional responsibilities for leading the work of the organization.

Executive Committee members and Office Holders contribute their substantial expertise pro bono to produce publications, statements, lead fact-finding missions, collaborate with local partners and represent the Committee to the media, external organisations and the public.

The Executive Committee is supported by an Advisory Board and a Project Team of two Project Officers (as part of a job share) and a Project Administrator.

Office Holders *(as at end 2021)*

- **CHAIR Schona Jolly QC** | Cloisters
- **VICE CHAIRS Stephen Cragg QC** | Doughty Street Chambers
Gráinne Mellon | Matrix Chambers
Schona Jolly QC | Garden Court Chambers
- **TREASURER Jodie Blackstock** | JUSTICE (until September 2021) and Garden Court Chambers (from November 2021)
- **SECRETARY Jo Cecil** | Garden Court Chambers
- **MEMBERSHIP SECRETARY Michael Ivers QC** | Garden Court Chambers
- **EXECUTIVE COMMITTEE MEMBERS** (in alphabetical order)
 - Jacob Bindman** | Garden Court Chambers
 - Isabel Buchanan** | Blackstone Chambers
 - Dr Theodora Christou** | Queen Mary, University of London
 - Professor Bill Bowring** | Birkbeck, University of London and Field Court Chambers
 - Tatyana Eatwell** | Doughty Street Chambers
 - Blinne Ní Ghrálaigh** | Matrix Chambers
 - Zimran Samuel** | Doughty Street Chambers
 - Kate Stone** | Garden Court North Chambers
 - Pete Weatherby QC** | Garden Court North Chambers
 - Aswini Weeraratne QC** | Doughty Street Chambers
 - Amanda Weston QC** | Garden Court Chambers

Advisory Board (in alphabetical order)

BHRC's Advisory Board consists of previous BHRC Office Holders, senior members of the Bar and the judiciary, and individuals that have demonstrated outstanding commitment or service to the field of human rights. Members of the Advisory Board are appointed by the Chair, following consultation with the Executive Committee and a majority vote.

- **Kirsty Brimelow QC** | Doughty Street Chambers
- **Peter Carter QC** | Doughty Street Chambers
- **Christine Chinkin CMG FBA** | London School of Economics & Political Science & Matrix Chambers
- **Kevin Jon Heller** | University of Amsterdam and Australian National University
- **Baroness Helena Kennedy QC** | House of Lords, Doughty Street Chambers & IBAHRI
- **Mark Muller QC** | Doughty Street Chambers

Project Team

- **Josie Fathers** | Project Officer
- **Louise Loder** | Project Officer
- **Hannah Kalbouneh** | Project Administrator

Acknowledgements

BHRC thanks all its members for their support to realise its mandate and continue to expand its efforts to promote and protect human rights and respect for the rule of law internationally.

BHRC are appreciative of the financial support and partnership we receive from the Bar Council, which provides our core funding and trial observation budget.

BHRC is grateful for the generous support of its additional funders:

ROLE-UK, Therium, and the Foreign, Commonwealth & Development Office (FCDO).

BHRC would like to thank the following organisations and individuals for their generous provision of pro bono services:

BarTax, which manages BHRC's accounts.

BHRC would like to thank the following organisations for their work and collaboration during 2020-21

- American Bar Association Rule of Law Initiative (ABA ROLI)
- All-Party Parliamentary Group on Human Rights
- Amnesty International
- Arrested Lawyers Initiative
- Article 19
- Attorney General's International Pro Bono Committee
- Cloisters Chambers
- British Nigeria Law Forum
- Chinese Human Rights Lawyers Concern Group
- Colombia Caravana
- Commonwealth Lawyers Association
- Doughty Street Chambers
- EuroMed Rights
- Foreign and Commonwealth Development Office (and British Embassies around the world)
- Human Rights Watch
- Human Rights Watch Film Festival
- Hong Kong Watch
- International Bar Association
- International Bar Association Human Rights Institute (IBAHRI)
- International Press Institute in Vienna
- iProBono
- Irish Centre for Human Rights
- José Alvear Restrepo Lawyers' Collective - (CCAJ)
- Lawyers Collective
- Legal Policy and Research Center
- Nigerian Bar Association
- P24
- Peace Brigades International
- Redress
- Refugee Legal Support
- Reprieve
- Rights Practice
- ROLE UK
- Tahrir Institute
- The Alliance for Lawyers at Risk
- The Commonwealth Lawyers Association
- The Law Society of England and Wales
- TrialWatch

BHRC would also like to thank those individuals and organisations who we cannot name, for security or other reasons, who contribute so much, often with great courage, to the work which we do.

Financial Report

INCOME

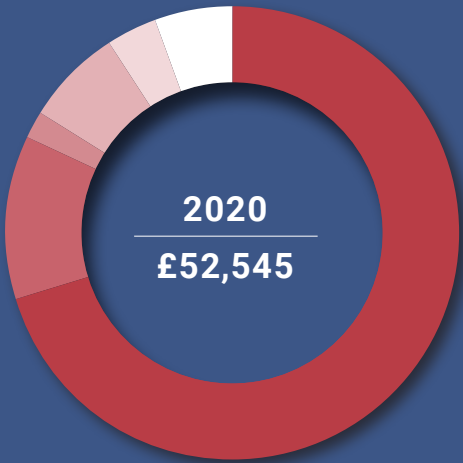


- Membership Fees/donations
- Bar Council Staff Support
- Donation to Trial Observation Unit
- Project Funding

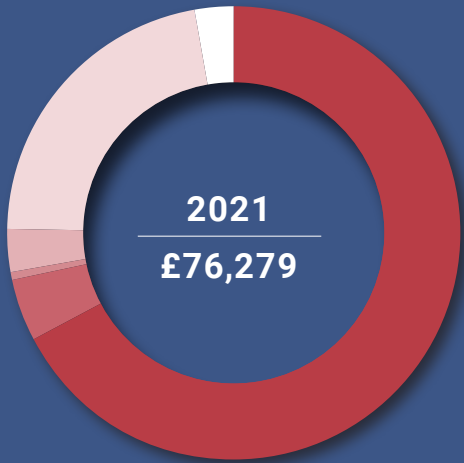


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EXPENDITURE



- Staff salaries & related costs
- Administration & Comms infrastructure
- Advocacy/training travel & related expenses
- Trial Observation expenses
- Incorporation costs
- Project costs



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Become a member of the Bar Human Rights Committee today!



The Bar Human Rights Committee of England and Wales relies, to a large extent, on membership subscriptions and individual donations to fund our ongoing work around the world.

Why Your Support Matters

BHRC's core operational costs are covered by a grant from the Bar Council. This means that your membership subscription directly funds our project work, enabling us to send BHRC lawyers wherever they are most needed. Your support is vital to the growth of BHRC, and our ongoing work to protect advocates, judges, human rights defenders, and vulnerable communities around the world.

Your support enables us to:

- **Produce statements, letters of concern and amicus curiae briefs in support of people facing unfair trials and imprisonment.**
- **Send our Trial Observation Unit to witness and monitor unjust or unfair trials wherever they occur.**
- **Provide international training, support and leadership to lawyers, human rights defenders, and civil society groups under threat.**
- **Lead investigations and publish detailed reports on serious human rights abuses.**
- **Lobby governments and other state actors to improve fair trial protections and legal standards.**

As a member, you will also receive up to date news about BHRC's work, opportunities to assist with our international projects, statements, publications or other human rights work, and invitations to BHRC events.

How You Can Join

BHRC Membership is open to every practising or non-practising member of the Bar of England and Wales, and all law students (including trainees and pupils) in England and Wales.

To join us, visit www.barhumanrights.org.uk/join



BAR HUMAN RIGHTS
COMMITTEE OF
ENGLAND & WALES

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