GUIDANCE—LETTERS, STATEMENTS, AND OTHER ABA SUPPORT FOR THE RULE OF LAW IN FOREIGN COUNTRIES

On behalf of the Association, the ABA House of Delegates has adopted policies affirming its support for the rule of law in the international community. It has expressed the ABA’s concern about serious human rights violations that have been brought to the Association's attention. The ABA has recognized the need for an independent judiciary and for the independence of lawyers. The ABA has also noted with deep concern the reported arrests, detentions, and incarceration of lawyers in various foreign countries because of the political views of or human rights advocacy by their clients.

In furtherance of these policies, the ABA President is authorized to send "rule of law" letters to government leaders of countries where violations are alleged to have occurred. ABA rule of law letters issued to date can be found here. In addition to rule of law letters, an entity may recommend that the ABA President issue a statement, conduct media (or social media) outreach, or approve a trial observer. Alternatively, there are steps that the entity may take, including conducting a webinar or program.

The International Policy Coordinating Group* advises the ABA President on all requests for action on alleged rule of law concerns. If your entity would like to propose a letter or statement, please complete the form below and submit to Thomas Susman (Thomas.Susman@americanbar.org) for consideration. Unless you identify extenuating circumstances, please allow at least 5 business days for consideration.

1. Which entity is recommending action?

2. Briefly summarize the proposed statement or other proposed action. Please include a draft of the statement or rule of law letter where applicable.

3. Provide background information regarding the situation your proposed action addresses, including hyperlinks to relevant news articles and reports.

4. What is the purpose – the desired effect – of the ABA statement or other proposed action? Describe how the draft statement or proposed action would accomplish its purpose and what steps are intended to implement the proposal if it is adopted.

5. Provide a description of any related current ABA policies or other ABA Presidential statements or rule of law letters and how they relate to this statement or other proposed action.

6. Identify positions or views of the U.S. government entities, other government and international institutions, bar associations, and NGOs. Please provide hyperlinks to views and statement when available on line.

7. Provide a description of controversial aspects of the draft statement or resolution and potential opposing views, including by other ABA entities.

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* The International Policy Coordinating Group consists of staff and section, committee, board, or commission chairs of the Governmental Affairs Office, Section of International Law, the Section of Civil Rights and Social Justice, the Rule of Law Initiative, the Commission on Human Rights, and the Standing Committee of U.N Representatives.
8. Identify any ABA follow-up that might be helpful to the objective of the letter, including whether additional actions, such as consultation with the U.S. government, NGOs, or other entities, are recommended to be pursued independently or as a complement to the letter or statement.

9. Indicate whether related media coverage is desired and appropriate or whether public release should be delayed.

10. If there is there an action deadline by which the statement or letter should be issued, please provide details.

(Approved April 8, 2019)