

No report, recommendation, or other action of any section or committee shall be considered as the policy of the MSBA unless and until it has been approved by the Assembly. Reports, comments, and supporting data are not approved by their acceptance for filing and do not become part of the policy of the Minnesota State Bar Association unless specifically approved by the Assembly. MSBA Bylaws §12.1(c).

Report and Resolution to the MSBA

Regarding Proposal to Reaffirm the International Rule of Law Resolution
Originally Adopted by the Minnesota State Bar Association General Assembly on July 2, 1999

MSBA Human Rights Committee
February 11, 2013

RECOMMENDATION

Be It Resolved that the Minnesota State Bar Association reaffirms its support of the Rule of Law in the international community and recognizes the need for an independent judiciary and for the independence of lawyers.

Be It Further Resolved that the Minnesota State Bar Association reaffirms its support for human rights advocates who are striving to uphold human rights and the rule of law throughout the world.

Be It Further Resolved that the Minnesota State Bar Association authorizes the president of the Association, or the president's designee, to present the concerns expressed in this resolution to the attention of the Government of the United States and, when appropriate, to foreign governments.

REPORT

In 1975, the American Bar Association adopted a Rule of Law policy directing the Association to voice concern to foreign governments about the mistreatment of judges and lawyers seeking to uphold basic human rights and the rule of law.

In 1997, the American Bar Association expanded the policy's coverage to human rights advocates in light of increasing evidence that such individuals are targeted for persecution, especially in those settings where the organized bar is unable to address human rights issues.

In light of these developments and Minnesota's historical role in the realm of human rights, the Minnesota State Bar Association adopted the aforementioned resolution on July 2, 1999. The resolution is in need of renewal and reaffirmation since these issues continue to be relevant and important today. A cursory review of the daily news alone illustrates the extent to which violations of the rule of law as well as persecution of judges, lawyers, and human rights advocates persist around the world.¹ At the same time, evidence shows that governments do

¹ See, e.g., Human Rights Watch's discussion of imprisonment, prosecution, and harassment of dozens of lawyers in Iran since 2009. "Iran." *World Report 2012*. <http://www.hrw.org/world-report-2012/world-report-2012-iran>. See

take into account the concern expressed by organizations such as bar associations.²

The Minnesota State Bar Association's Human Rights Committee supports the Association's formal reaffirmation of its original July 2, 1999 resolution advocating the Rule of Law in the international community, affirming the importance of independence for both the judiciary and lawyers, and promoting the protection of human rights advocates throughout the world.

Adoption of this resolution will further efforts to strengthen the rule of law and advance basic human rights throughout the world.

The MSBA Human Rights Committee solicited comments or suggestions from its members regarding the recommendation at its meeting on December 10, 2012.

The MSBA Human Rights Committee solicited comments and suggestions from the MSBA Immigration Law Section and Public Law Section. Both sections formally adopted this resolution at their February 2013 meetings.

Adopted by the MSBA Human Rights Committee at its meeting on February 11, 2013.

also, Human Rights First's findings that Colombia is one of the most dangerous places in the world today for human rights activists. <http://www.humanrightsfirst.org/our-work/human-rights-defenders/colombia/>. *See also*, Amnesty International's condemnation of Sri Lanka's crackdown on its judges. http://article.wn.com/view/2012/11/02/Amnesty_accuses_Sri_Lanka_of_targeting_judges/.

² In December 2007, the MSBA in association with a wide assortment of bar associations and organizations condemned actions taken against judges and lawyers in Pakistan while affirming support for the international rule of law.