

THE AVOCATS SANS FRONTIERES NETWORK

CHARTER

RECITALS

WHEREAS:

The "Avocats Sans Frontières" associations, (also called "Lawyers Without Borders", "Abogados Sin Fronteras", "Avvocati Senza Frontiere", "Advocaten Zonder Grenzen", "Advokater Utan Granser" and "Advogados Sem Fronteiras"), of the following countries:

- Brazil;
- Cameroon;
- France;
- Guinea (Conakry);
- Italy;
- Mali;
- Mauritania;
- Peru;
- Senegal;
- Switzerlandand
- Sweden,

Meeting today, 15th November 2010 in Yaoundé, Cameroon Republic,

Aware that respect for Human Rights and for the dignity of Man is an essential factor for peace throughout the world;

Aware that respect for these principles underpins the strengthening of universal solidarity;

Considering that the aspiration of the peoples of the world for the universal values of liberty, access to fair justice and the right at all times and in all places to free and independent counsel;

Placing on record the important work performed to date by the "Avocats Sans Frontières" associations in existence throughout the world;

Convinced of the need to co-ordinate their work and the development of movements existing throughout the world to achieve greater efficacy in serving populations, especially the most vulnerable;

Convinced that permanent, active solidarity will allow each "ASF", with support from the network, to carry out its missions under the best possible circumstances;

Restating their attachment to the main international legislation regarding Human Rights, in particular the Universal Declaration of Human Rights, the International Pact on Civic and Political Rights and its additional protocols, the International Pact on Economic, Social and Cultural Rights, the Convention against Torture and other Cruel, Inhuman or Degrading Treatment and its protocol, the International Convention on the Elimination of All Forms of Racial Discrimination, the Convention for the Elimination of All Forms of Discrimination against Women, the Convention on Children's Rights, the International Convention for the Protection of All People against Forced Disappearances, the Convention on Handicapped People, the United Nations Declaration on the Protection of Human Rights Defenders, the European Convention on Human Rights and all its protocols and additional specific instruments the Inter-American Convention on Human Rights, the African Charter on the Rights of Man and Peoples and its specific protocols and instruments, the 1949 Geneva Conventions and their additional protocols and the various , different articles governing the permanent of *ad hoc* international criminal courts;

Re-affirming their undertaking to recognize and respect the role of the lawyer in compliance with the principles relating to the role of the bar adopted by the United Nations Assembly at the Havana Congress on 7 September 1990, which define his liberty, his independence, his undertakings regarding professional conduct, safety guarantees and the resources required for him to perform his work;

Have hereby resolved to set up a solidarity network to share, co-operate and act to serve vulnerable populations and individuals whose Charter they hereby proclaim to govern their working relations.

Title I. AIMS OF THE *AVOCATS SANS FRONTIERES* NETWORK

Article 1: Strengthening and developing the *Avocats Sans Frontières* movement

The *Avocats Sans Frontières* Network is made up of free and independent national "*Avocats Sans Frontières*" associations. Its aim is to strengthen co-operation, solidarity and sharing amongst member associations.

The Network will also facilitate the development of "*Avocats Sans Frontières*" associations with a view to encouraging access to law via a free and independent lawyer.

Article 2: Co-operation and solidarity amongst members

The Network aims to strengthen co-operation and solidarity between members, in particular by sharing for the benefit of all know-how and tools that certain members have. It provides for a greater presence and involvement of the movement in implementing instruments of international co-operation, in particular in the field of law and justice.

Article 3: Defence of universal values of Human Rights serving the most vulnerable

The *Avocats Sans Frontières* Network bases its action on the protection and implementation of universal values of Human Rights, in particular the presumption of innocence, the right of every person to a fair trial and to be defended by a free and independent counsel, the right of victims to see their rights recognised. The Network promotes the exercising of the rights of the defence, in particular for the benefit of vulnerable populations. It accordingly promotes the free and independent exercise of defence for defenders of human rights and their lawyers.

TITLE II : ON THE STATUS OF MEMBER OF THE NETWORK

Article 4: Admission to the Network

All organizations called "*Avocats Sans Frontières*" or its equivalent in any other language which abides by the principles of this Charter and whose application for admission has been accepted in the usual way shall be a member of the Network..

Article 5: Admission procedure

Any national "*Avocats Sans Frontières*" association that wishes to be part of the Network shall apply to the Network in writing to this end. For its application to be examined it must supply its articles of association, its legalisation at national level, its action plan and the list of its Officers, the majority of which shall be lawyers, and any other document that it sees as relevant to communicate in connection with its application.

On receipt of the application, the Network shall appoint a commission of rapporteurs to make a proposal to the Network of the decision made in relation to the application. The final decision is made by the Network on the basis of a $\frac{3}{4}$ majority vote by organisations that are already members.

The decision as to admission must be given within a maximum of 6 months as from receipt of the application.

Substantial changes in the life of a national *ASF* must be brought to the knowledge of the Network in writing by those in charge of it.

By "national" is meant by country. Thus, a country cannot be represented in the Network by more than one *ASF*. To this end, regional or local *ASFs* in existence within a country must federate and appoint only one representative to the Network.

Registration or membership is free but complies with the rules and principles and the furtherance of the aims set out above.

TITLE III: RULES AND PRINCIPLES GOVERNING THE NETWORK AND ITS MEMBERS

Article 6: Principle of independence and of financial transparency

The *Avocats Sans Frontières* Network brings together different national non-profit-making *ASFs* without consideration of their belonging to political, religious or philosophical groups.

The Network is financed through the contributions of its members, to subsidies received, legacies and other donations. The Members' contribution to the Network's functioning is fixed every year at the Members' Plenary Session.

The Network and the associations composing it undertake to comply with the following rules::

- Independence from donors or benefactors:

The Network and its member associations are free and independent entities. They cannot be controlled by a public or private donor, whether a corporate entity or an individual. They must diversify their source of funds in order to preserve their independence.

- Financial transparency:

The Network undertakes to account for the use of the funds that it will receive and for this purpose to keep reliable accounts complying with current standards and practice.

Article 7: Principle of voluntary and benevolent nature

Participation in the activities of the Network and of the member associations is free, voluntary and unpaid. Accordingly, no remuneration is due or any counterpart in any shape or form whatsoever.

Depending on the resources available, travelling and accommodation expenses in connection with the Network's activities may be met under internally defined conditions.

This is also the case for all expenses incurred for the operating of the Network itself and for the implementation of its activities.

Article 8: Principle of complementarity and subsidiarity

The Network does not replace the member association, with which it does not seek to compete, but works alongside it with its agreement and at its request when it is in difficulty because of the professional activity of its members or the implementation of its corporate purpose.

The Network's work complements that of the national association. Any involvement of the Network or of one of its members must always be preceded by an express, clear and unambiguous request from the national association.

Exceptionally, when the association finds itself in difficulties and cannot express itself, the Network considers it a duty to take action to restore to it its rights and capacity to act.

The national *ASF*s that are members of the Network retain their freedom to enter into relations of solidarity, co-operation and material, logistical and technical support.

The Network or any member of the Network that wishes to become involved in a context in which a member of the Network is already involved can only do so in a context of intelligent co-ordinated action.

Article 9: Obligation to inform

Each *ASF* must provide an annual account of its activities of the year then past by 30 March of the next at the latest. This report is sent to Network Co-ordination, which distributes it to its members.

Article 10: Respect of fairness and gender

The Network and its members undertake to act without any discrimination, in particular related to origin, race, religious, political or philosophical convictions or the sexual orientation of the persons concerned.

The Network and the member associations undertake to observe equality between the sexes and the development of parity.

TITLE IV. ON THE NETWORK'S STRUCTURES

Article 11 : Plenary Assembly

The Plenary Assembly is the only permanent decision-making body of the Network. It meets at least once a year and can legitimately take decisions via all appropriate means of whose technical quality it must first be sure (conference calls, electronic consultations etc.).

Except if expressed stipulated to the contrary, its decisions are adopted if voted for by a simple majority of registered members.

The Plenary Assembly may at all times decide to introduce such other structures as it sees fit.

Article 12: Working commissions

The Network operates on the basis of commissions working on particular themes that are open to all members. The commissions report to the Network's Plenary Assembly on the progress of the work given to them.

In the interests of efficacy, the Plenary Assembly can on occasions delegate its decision-making powers to the working commissions.

TITLE V. RESOLUTION OF DISPUTES

Article 13: Disputes about the Charter

An Ethics Committee has been set up within the Network to:

- interpret any provision of this Charter;
- ensure compliance with the Charter.

In the case of any dispute relating to one or more of the provisions hereof, the Ethics Committee make a decision which cannot be appealed. Its decision is communicated to the Plenary Assembly by any appropriate means.

Article 14: Disputes between member associations

Any dispute between member associations of the Network shall be resolved in a confraternal manner via reconciliation and/or mediation.

Any association that considers that justice has not been done may refer the matter to the Ethics Committee with a view to a solution.

The Ethics Committee to which the matter has been referred sets its working and procedural rules. It shall communicate the results of its reconciliation and/or mediation to the Plenary Assembly, which will give its verdict.

Should one of the parties deem itself not satisfied with the verdict, it may again refer the matter to the Ethics Committee, which will organise a new mediation involving one of the international lawyers' organisations.

The result of this last mediation shall be final.

TITLE VI: FINAL AND TRANSIENT PROVISIONS

Article 15: Official languages

The official languages of the Network shall be French and English. Depending on available resources, communication facilities will be provided for members unversed in either of these languages.

Article 16: Network Co-ordination office

The Network Co-ordination office is provisionally at 8, rue due Prieuré, 31000 Toulouse, France. The Co-ordination office receives all communications sent to the Network and transmits them to members.

The decision to change the address of the Co-ordination office is a matter for the Plenary Assembly.

Article 17: Effect and amendments

The Charter hereunder shall come into effect upon execution. It may be amended by the Plenary Assembly following the lodging of an amendment application approved by 2/3 of ASF members registered at the time of the vote.

Executed in Yaoundé, on 15th November 2010, in sixteen copies, one for each signatory member and one for the secretarial section of the Network.

Signatories

For Avocats Sans Frontières Brazil
Jean Carbonera

For Avocats Sans Frontières Cameroon
Barnabé Nekuie

For Avocats Sans Frontières France
François Cantier

For Avocats Sans Frontières Guinea
Emmanuel Bamba

For Avocats Sans Frontières Italy
Antonio J. Manca Graziadei

For Avocats Sans Frontières Mali
Hamadi Karembe

For Avocats Sans Frontières Mauritania
Saidou Ly

For Avocats Sans Frontières Peru
Sonia Acezuna Hilario Cruz

For Avocats Sans Frontières Senegal
Yare Fall

For Avocats Sans Frontières Sweden
Claës Forsberg

For Avocats Sans Frontières Switzerland
Saskia Ditisheim