

## SUBMISSION REPORT TO THE 56th HRC

**Object:** Submission for the thematic report on safeguarding the independence of judicial systems in the face of contemporary challenges to democracy

**Submitters:** Comissão de Direito Internacional da OAB/RJ

Comissão de Prerrogativas da OAB/RJ

Comissão de Enfrentamento à Violência contra Advogados da OAB/RJ

**Summary:** The International Law Commission, together with the Prerogatives Commission and the Commission to Combat Violence against Lawyers, all from the OAB/RJ – Brazilian Bar Association of the Judiciary Section of Rio de Janeiro, present a summary of the information collected through the 223 responses received from lawyers in an electronic form on the topic of legal practice and the defense of democracy in the state of Rio de Janeiro, Brazil.

## PRESENTATION

The International Law Commission, together with the Prerogatives Commission and the Commission to Combat Violence against Lawyers, all from the OAB/RJ - Bar Association of the Judiciary Section of Rio de Janeiro, responding to the call of the United Nations Special Rapporteur for independence of judges and lawyers, Margaret Satterthwaite, on safeguarding the independence of judicial systems in the face of contemporary challenges to democracy, to be presented at the 56th session of the UN Human Rights Council - United Nations, in June 2024, invited all lawyers registered on the OAB/RJ to contribute with issues relevant to the topic by filling out an electronic form.

After publicizing and making access to the form available on the official pages and channels of the OAB/RJ for more than three weeks, the aforementioned Commissions present, through this submission, a summary of the information collected in the 223 responses received from lawyers from the OAB/RJ – Brazilian Bar Association of the Rio de Janeiro.

Attached, the OAB/RJ Commissions forward the 223 complete responses in Portuguese to support this Special Rapporteur. **Due to the protection of data and names of participants, the attachment is required to be confidential and not shared on the Rapporteur's page.**

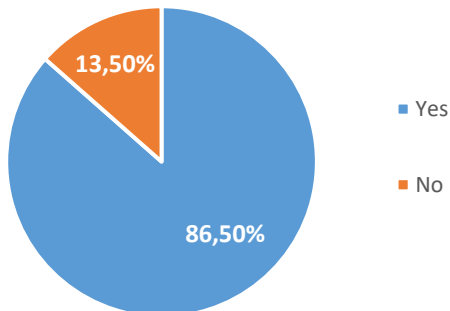
## SUMMARY OF DATA COLLECTED

Total number of responses: 223

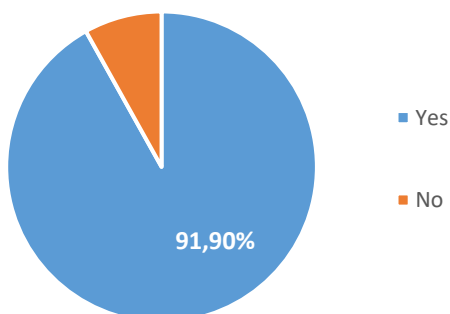
Profile of participants: Lawyers registered under the Brazilian Bar Association Section of Rio de Janeiro

## QUESTIONS ASKED

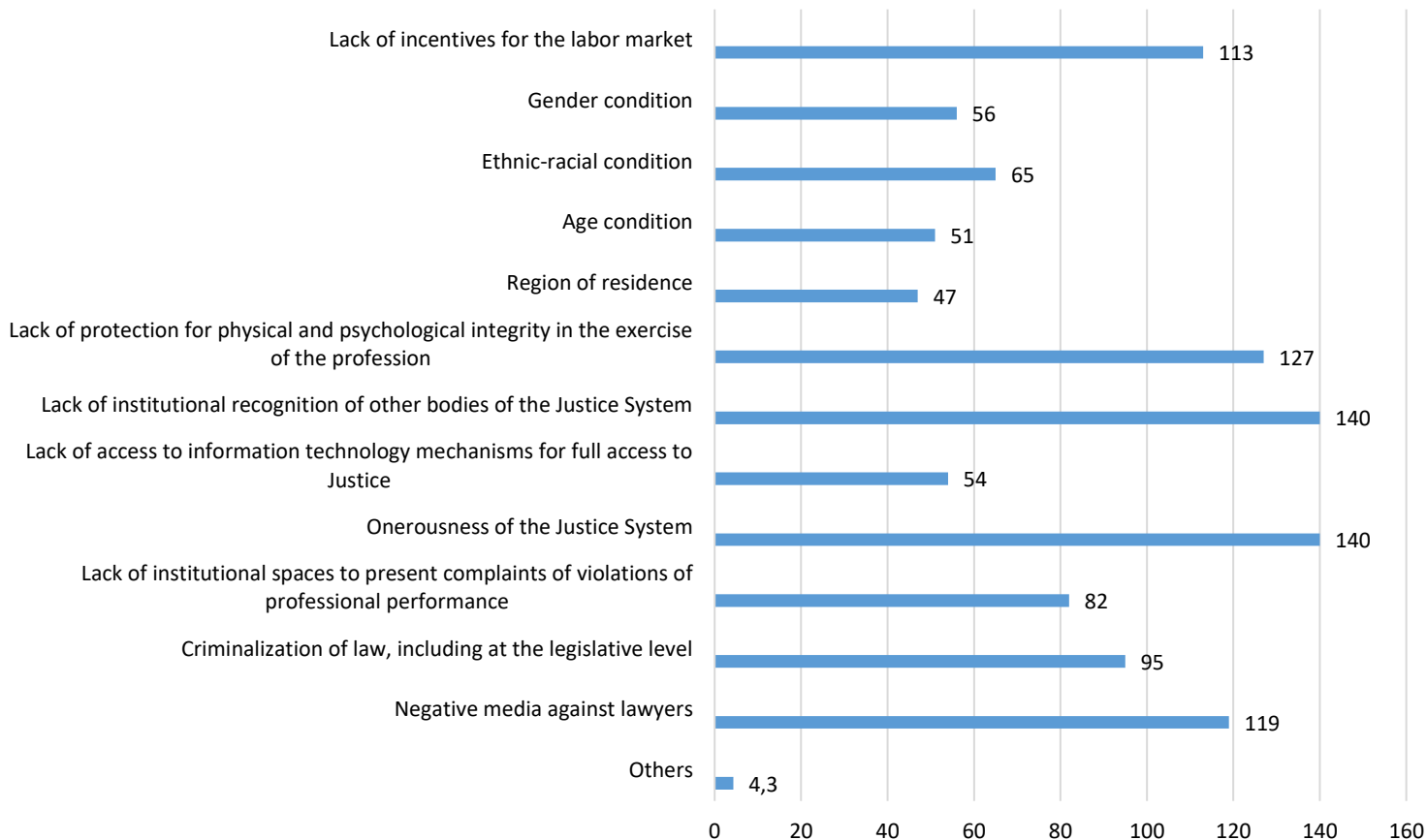
**First Question** - Do lawyers play an active role in safeguarding democracy and defending fundamental democratic rights in your country?



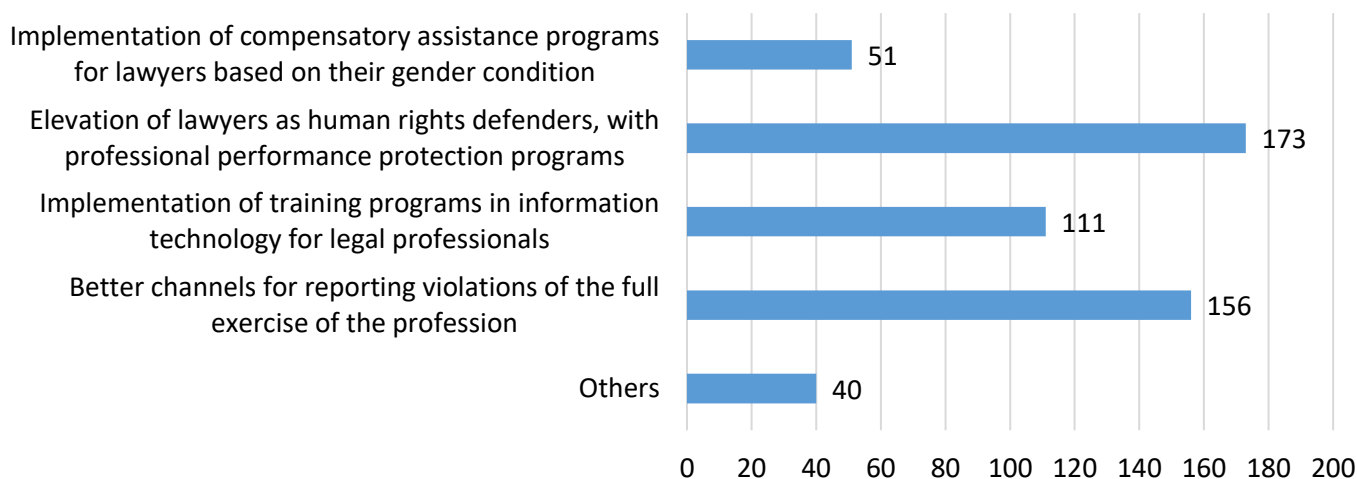
**Second Question** - Do lawyers face any risks, obstacles or challenges in your country when performing this role?



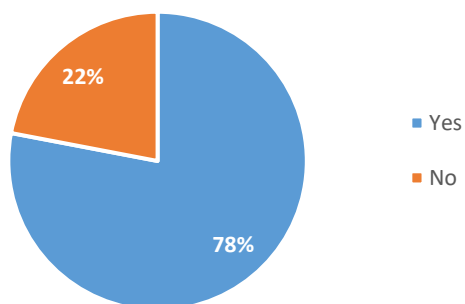
2.1 - If so, select the risks and obstacles among the possible alternatives below:



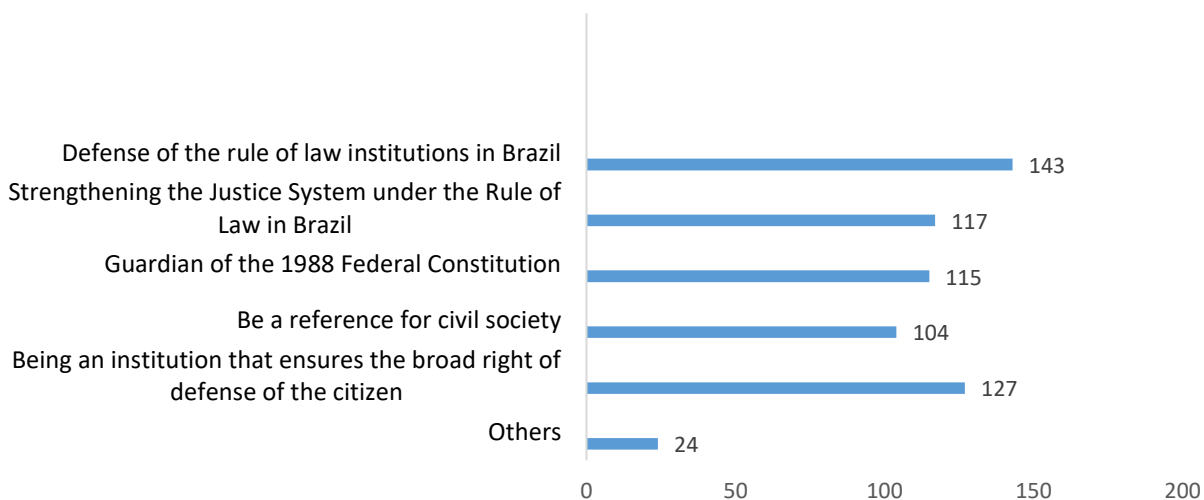
2.2 - Select the challenges among the possible alternatives below:



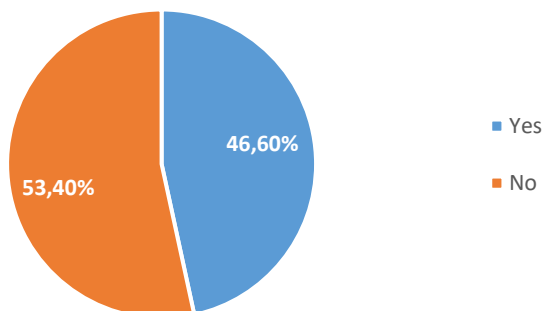
**Third Question** - Is there a specific role played by the Bar Association in democratic elections?



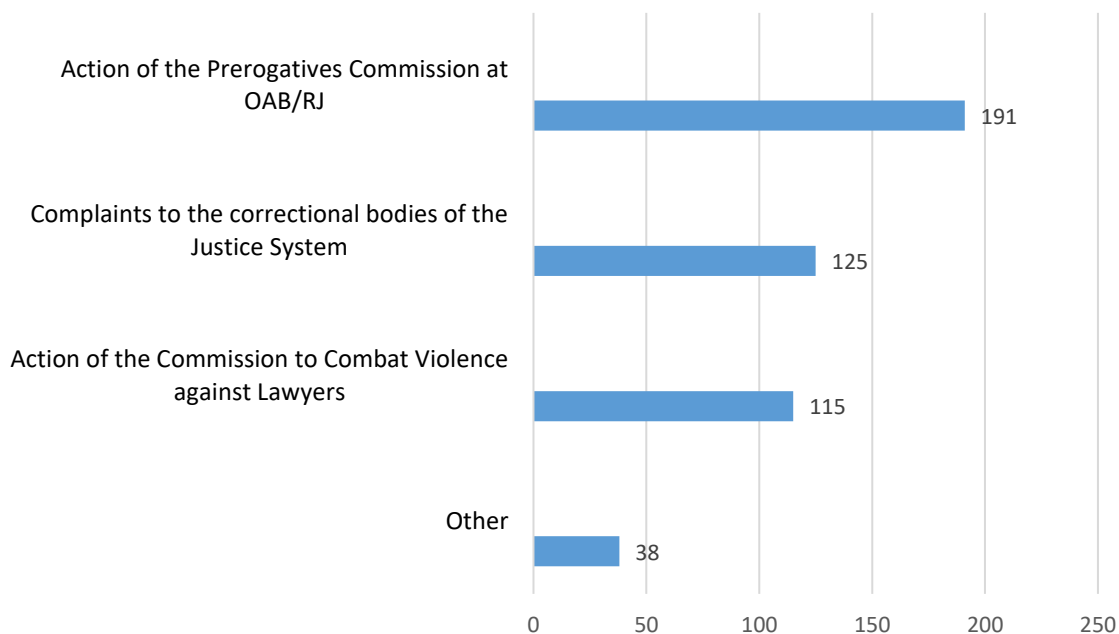
3.1 - If so, which ones?



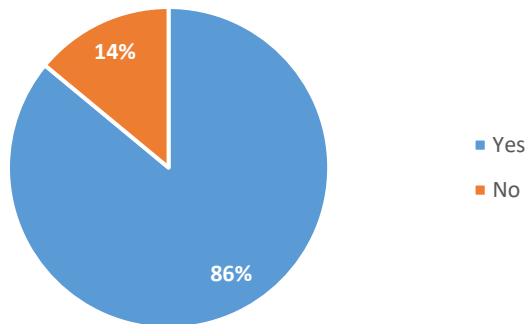
**Fourth Question** - Are there policies or institutional agreements in place to limit the role of lawyers or the Bar Association in safeguarding democracy?



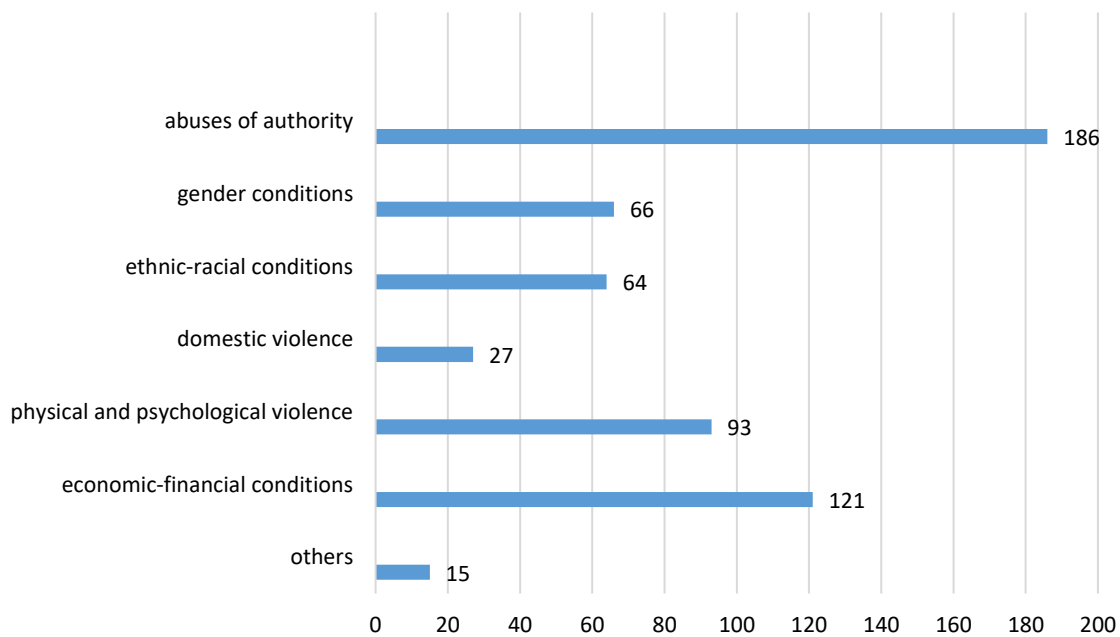
**Fifth Question** - What approaches are adopted to protect lawyers in this role?



**Sixth question** - Are there obstacles or risks to the lawyer's professional activity, caused by acts or facts outside the exercise of the profession?



6.1- If so, highlight possible risks and obstacles:



## **CONCLUSION**

The OAB/RJ Commissions conclude through the research carried out that the main points of criticism and questioning of the participating lawyers are the unequal and inferior treatment received by lawyers before the Brazilian Judiciary System, which result in disrespect for their rights and prerogatives and the absence of effective means of accountability for abuses committed against lawyers.

Another topic highly addressed by participants were violations of the right to access to justice, exemplified by the high value of court costs, the long duration of processes, the lack of commitment on the part of magistrates and court employees to comply with procedural productivity and speed, and the partiality of judicial decisions.

Despite the issues listed, the participating lawyers agree with the lawyer's role as defenders of democracy and fundamental rights, and point out the fundamental role of the bar association in guaranteeing both fundamental rights and democracy, as well as in protecting and defending the prerogatives of lawyers.

Comissão de Direito Internacional da OAB/RJ

Comissão de Prerrogativas da OAB/RJ

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