

## CONSTITUTION

### OF THE BAR HUMAN RIGHTS COMMITTEE OF ENGLAND AND WALES

#### 1. Name

The name of the committee is the Bar Human Rights Committee of England and Wales (“Bar Human Rights Committee” or “BHRC” for short).

#### 2. Nature

BHRC is an independent and non-political body of barristers called to the Bar of England and Wales, committed to the broad principles of the rule of law, democracy and human rights. It was founded by the Bar Council, although remains distinct from it.

BHRC’s mandate extends to all countries other than England and Wales. Its work in England and Wales is limited to providing advice to other organisations concerned with such matters, to the General Council of the Bar, or to cases and matters originating in England and Wales, which impact abroad.

#### 3. Objects

The fundamental objects of BHRC are to further, promote and protect the rule of law and human rights in the countries in which it is involved, taking into consideration its limited resources.

BHRC is committed to working towards those objects by *inter alia*:

- (1) promoting and furthering the rule of law and internationally recognised human rights norms and standards;
- (2) supporting and protecting practising lawyers, judges and human rights defenders who are threatened and/or oppressed in their work or punished for it;

(3) furthering interest in and knowledge of human rights and the law relating to human rights, both within and outside the legal profession;

(4) advising, supporting, co-operating and conducting training with other organisations and individuals working for the promotion and/or implementation of human rights, international law and/or their protections; and

(5) advising the General Council of the Bar in connection with any human rights issues

BHRC does not provide representation or advice to individuals or in relation to individual legal cases, other than in exceptional cases, important to its objects, where agreed by the Executive.

However, BHRC may, where appropriate, submit *amicus curiae* briefs in relevant cases, where its expertise is likely to be of assistance.

#### **4. Membership and Sponsorship**

Individual Membership: Any practising or non-practising member of the Bar of England and Wales is eligible for membership of BHRC. So too are undergraduate and postgraduate law students, studying at a university or attending Bar school in England or Wales.

Each year of membership of BHRC runs from 1 January to 31 December. Membership rates are set by the Executive.

#### **5. Officers and Executive members and terms of office**

BHRC has an elected Executive comprised of up to sixteen people, including Office Holders, all of whom must be members of the BHRC.

The BHRC Office Holders on the Executive are:

- Chair
- Vice-Chair (up to two)
- Treasurer
- Secretary
- Membership Officer

All Executive members, including Office Holders, on taking office must commit to a number of undertakings as agreed and/or amended by the Executive from time to time, and set out in Standing Orders.

## **6. Election of members and Office Holders**

The members of the Executive, including Office Holders, shall be elected for two calendar years.

Voting procedures for all elections shall be contained in BHRC Standing Orders made in accordance with clause 13 below.

The function of the Executive is to take decisions relating to the running of BHRC and to further the objectives set out in Clause 2, including by agreeing upon, leading and participating in BHRC projects and initiatives.

## **7. Ad hoc appointments to the Executive**

The Chair, may appoint up to two additional members to the Executive at any stage during the election term.

## **8. Removal of Office Holders and Members of the Executive**

The Executive, may remove any Office Holder or member of the Executive, following a recommendation made by two or more members of the Executive and a majority vote by the Executive. Such removal may be based on frequent non-attendance at meetings, non-participation in BHRC activities or other valid reason as to why the person's continuing membership of the Executive is unhelpful or detrimental to BHRC's status or work.

The removal will be determined by majority vote by the Executive.

## **9. Coordinator**

BHRC shall employ a Coordinator, to oversee the day to day running of the organisation.

The duties and remuneration of the Coordinator are to be agreed by the Executive and set out in a separate contract.

## **10. Advisory Board**

BHRC shall have an Advisory Board of up to 10 individuals.

The Advisory Board shall be comprised of previous BHRC Office Holders, senior members of the Bar and the judiciary, and individuals who have demonstrated outstanding commitment and/or service to the field of human rights.

The purpose of the Advisory Board is to provide advice to the Executive and/or Office Holders when requested.

Members of the Advisory Board shall be appointed by the BHRC Chair for five calendar years, following consultation with the Executive and a majority vote.

Any member of the Executive may nominate an individual to sit on the Advisory Board.

## **11. Meetings**

All meetings of BHRC are open meetings unless the BHRC resolves to close a particular meeting or part of a meeting to non-members. The BHRC also reserves the right in exceptional circumstances to exclude any individual member(s) from any meeting.

Meetings of the Executive are held monthly, insofar as possible. Executive meetings are private but may be attended by members upon application.

The quorum for Executive meetings and votes is 4. This may include the Coordinator in the case of the former but not the latter.

## **12. Resolutions and voting**

Subject to paragraph 15 all decisions of BHRC or the Executive which are required to be put to a vote shall be taken on a simple majority of those voting. The Chair shall have a casting vote for both membership-wide decisions and Executive decisions. Votes may be cast either at a meeting, if called, and/or by online ballot.

## **13. Standing orders**

The Executive may from time to time draft Standing Orders concerning matters specified in clause 6 above and any other matters of procedure and management of BHRC but not specifically covered by this Constitution. Such matters may include (but are not confined to):

- Executive commitments and undertakings
- Notice, dates and procedure for meetings
- Notice and form of resolutions
- Executive authority of Officers
- Bank accounts (including authorised signatories and limits on expenditure without Executive approval)
- Subscriptions to BHRC
- Formation of sub-committees or working parties
- Procedures for removal of members of BHRC
- Co-opting members
- Procedures for approval of BHRC projects
- Procedures for approval of other actions in BHRC's name

Standing Orders come into force only when approved by the Executive. All drafts must be circulated to the BHRC membership for comment at least seven days prior to approval.

#### **14. Inadvertent oversights and vacancies**

Except for the purposes of the clauses 15 and 16, no inadvertent oversight in the giving of notice of any matter, the procedures adopted at any meeting or the appointment of any member or Officer shall invalidate any action or decision of BHRC, the Executive or any Officer.

#### **15. Amendment of this Constitution**

This Constitution may be amended only following a vote of BHRC in which two thirds of members who cast a vote do so in favour of the amendment.

Votes may be cast at a public meeting, if called, and/or by online ballot.

Notice of the proposed amendment(s) must be given in writing to members of BHRC 14 days prior to the voting process. Such notice may be given by e-mail.

#### **16. Dissolution of BHRC**

The BHRC may be dissolved at a meeting of BHRC by a vote of three-quarters of the total members of BHRC provided that notice of the proposed dissolution and the meeting have been given in writing to members of BHRC at least 21 days before the meeting. If on dissolution there is any surplus, after all debts and other liabilities of BHRC have been satisfied, it shall be transferred as the last members of the Executive Committee decide either:

- (a) to repay donors the whole or part of recent donations; or
- (b) to any organisation or organisations having objects for the protection and furtherance and support of human rights.

#### **17. Adoption of this Constitution**

This BHRC Constitution was adopted on 16 May 1996. It has been amended a number of times, on 1 December 2009, on 21 November 2013 and on 1 December 2015.

## **STANDING ORDERS**

### **OF THE BAR HUMAN RIGHTS COMMITTEE OF ENGLAND AND WALES**

#### **Standing Order 1: Voting procedure for annual election of the Executive**

Nominations for membership of the Executive shall be given to the Chair or Coordinator in writing or by email before 1 December of any election year.

Candidates also wishing to stand for one of the Officer positions should indicate this in their nomination. Written notice of the list of candidates shall be sent out by 8 December of any given election year to all those entitled to vote.

All current members of BHRC are entitled to stand for membership of the Executive and/or to vote.

The Executive and the Chair shall be voted in by BHRC members.

Within one week of the Executive and the Chair being voted in, the new Executive shall vote in the other Officer positions from their number. The vote will be on a majority basis with the Chair holding a casting vote.

Election results shall be communicated to BHRC membership by the end of any election year.

No inadvertent oversight in the procedure for electing members shall invalidate any result.

#### **Standing Order 2: Authority for Financial Expenditure**

Expenditure up to £250 on any item or matter may be authorised by any Office Holder or the Coordinator acting alone.

Expenditure up to £1,000 on any one item or matter may be authorised by the Chair with the agreement of the Treasurer or one Vice Chair.

Expenditure over £1,000 on any one item or matter must be authorised by the Executive, on a majority vote.

#### **Standing Order 3: Notice of Meetings**

Notice of BHRC meetings shall be sent to members in writing and shall be sent out at least 48 hours in advance of the meeting. Notice of Executive meetings shall also be given to Executive members at least 48 hours in advance.

No inadvertent oversight in the sending out of notices shall invalidate the proceedings at any meeting.

Any meeting of the Executive shall be deemed validly called and quorate if at least four members of the Executive (which number may include the Coordinator) are present.

**Standing Order 5: Notices Generally**

Any notice in connection with the BHRC may be given by post, DX or email.