

# HANDBOOK

## European Lawyers Day 2021

- 25 October 2021 -

No justice without  
independent lawyers

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## I. Foreword



The 8<sup>th</sup> edition of European Lawyers' Day is dedicated to the theme "No justice without independent lawyers".

Justice cannot function properly without independent lawyers and bars. Lawyers' independence is a prerequisite to properly defend clients, including in their actions against the State, to build trust between lawyers and their clients, to preserve the rule of law and to fulfil lawyers' crucial role to prevent the abuse of powers.

However, lawyers continue to be harassed, threatened, arrested, prosecuted and even murdered because of their professional activity, including in Europe. Lawyers are the key guardians of human rights and one of the main guarantors of citizens' fundamental rights and freedoms. For the same reason, they can come under considerable pressure from the executive and legislative powers, as well as sometimes the judiciary, and non-State actors. The persecution of lawyers is often linked to the identification of lawyers with their clients or their clients' causes. The support of threatened lawyers is one of priority activities of the CCBE.

In addition, the CCBE supports the Council of Europe work towards a European Convention on the profession of lawyer. The CCBE strongly believes that such a specific binding instrument is needed to preserve the independence of each individual lawyer and the integrity of the administration of justice and the rule of law.

European Lawyers' Day is an important momentum to highlight lawyers' irreplaceable role in the justice system and in the defence and promotion of the rule of law.

In this occasion, it is useful to recall the essential values of the legal profession. The independence of the legal profession is one of them and I believe that its importance can never be stressed enough.

**Margarete von Galen**  
CCBE President



## II. Essential information about European Lawyers' Day

### PURPOSE

European Lawyers' Day (ELD) is a day that highlights the essential role that lawyers play as actors of the judicial system and their contribution to the protection of the rule of law. ELD has been celebrated since 2014. Lawyers defend the rule of law by acting against unlawful situations and defending citizens' rights. The rule of law is, together with human rights, a cornerstone of European democracy.

### DATE

ELD is celebrated on **25 October**, in conjunction with the **European Day of Justice**, which aims to inform citizens about their rights and strengthen confidence in judicial systems.

### THEME

An annual theme is chosen to illustrate how a specific aspect of law affects citizens and their rights. The chosen theme for 2021 is **"No justice without independent lawyers"**.

The themes of previous years were as follows:

- » **2020:** Continuity of justice and respect of human rights in times of pandemic
- » **2019:** Your right to legal aid in criminal matters & a focus on access to a lawyer when detained in prison
- » **2018:** Why lawyers matter: Defending the defenders of the rule of law
- » **2017:** E-volving lawyers: How digital transformation can enrich the relationship between the citizen and the lawyer
- » **2016:** Access to justice
- » **2015:** Freedom of speech
- » **2014:** Lawyer-client confidentiality

### ACTIVITIES

Bars and Law Societies are encouraged to organise events, publish educational materials, launch communication campaigns or conduct other programmes to promote citizens' awareness of the European Lawyers' Day theme.

### RESOURCES

In addition to the handbook, you will find on the [CCBE European Lawyers' Day webpage](#) the poster of the 2021 event which you can use for your communication.

You will also find an overview of the events organised by the Bars and Law Societies in previous years, which can serve as a source of inspiration for the type of events that can be organised.

The 2021 theme “**No justice without independent lawyers**”, can be highlighted through different aspects such as the following:

- » **Independence of the lawyers:** an essential element for the proper functioning of justice: The independence of lawyers and bars is an essential element for the legal profession to carry out its mission to properly defend clients, including in their actions against the State, to build trust between lawyers and their clients, to preserve the rule of law and to fulfil the important and irreplaceable role to prevent the abuse of powers.
- » **Attacks on lawyers:** Lawyers are still harassed, threatened, identified with their clients, arrested, prosecuted and even murdered because of their professional activity, even in Europe. The persecution of lawyers is often linked to the identification of lawyers with their clients or their clients’ causes. This is one of the reasons why the independence of lawyers should be more emphasised and recognised. Please consult the CCBE Human Rights portal for information on the CCBE activities for the defence of the defenders.
- » **European Convention on the profession of lawyer:** ELD 2021 is a good opportunity to reiterate the need for a binding European Convention on the Profession of Lawyer in order to preserve the independence, integrity of the administration of justice and the rule of law. Such an instrument would create the necessary guarantees for lawyers in Europe to be able to exercise their profession freely and in complete independence without prejudice and without hindrance, and therefore ensure respect for the rule of law by providing individuals with effective access to their human and other legal rights. Please consult the CCBE webpage dedicated to the issue of a European Convention on the profession of lawyer.

Therefore, on 25 October, an online roundtable specifically dedicated to the elaboration of a new legal instrument on the profession of lawyers will be organised by the CCBE with the participation of Council of Europe representatives as well as representatives of other lawyers’ organisations.

## CONTACT

If you have questions regarding the 2021 theme, please contact Karine Métayer ([metayer@ccbe.eu](mailto:metayer@ccbe.eu)).



### III. Information about the theme

#### THE FUTURE EUROPEAN CONVENTION ON THE PROFESSION OF LAWYER - AN IMPERATIVE FOR THE INDEPENDENCE OF BARS AND LAW SOCIETIES AND LAWYERS

By Laurent Pettiti,  
Lawyer at the Paris Bar,  
Chair of the European Convention Working Group at the Council of Bars and Law Societies of Europe (CCBE) and  
Chair of the Delegation of French Bars

In any democratic society, lawyers have an essential role to play in the administration of justice, in the prevention and resolution of disputes, and in the safeguarding of human rights and fundamental freedoms.

Various steps have been taken at an international level to create relative standards for the practice of the legal profession.

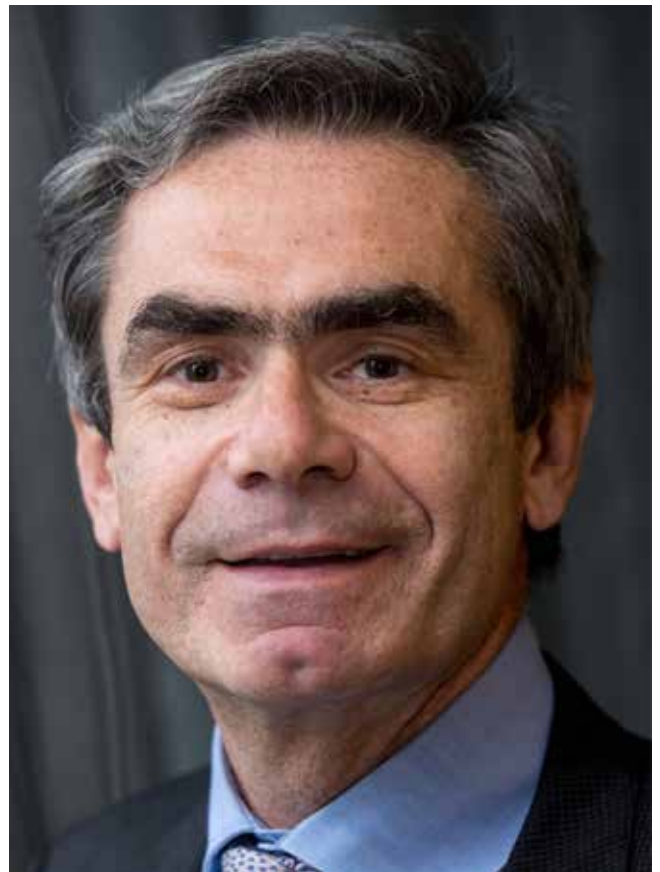
With regard to the role of lawyers, the United Nations has established principles that uniformly regulate the practice of the profession at an international level. The United Nations Congress on Crime Prevention has adopted the Basic Principles on the Role of Lawyers, which are intended to assist States in promoting and achieving the proper role of lawyers in society.

These principles are universally recognised and systematically invoked by lawyers and national and international bars and law societies and professional organisations, as Diego García-Sayán, UN Special Rapporteur on the independence of judges and lawyers, underlined in his speech to the CCBE on 27 November 2020.

The Council of Europe had the Committee of Ministers adopt Recommendation R(2000)21 on the freedom of exercise of the profession of lawyer on 25 October 2000.

On 30 January 2019, the Committee of Ministers of the Council of Europe instructed its European Committee on Legal Co-operation (CDCJ)<sup>1</sup> to prepare a feasibility study on the identification of the potential added value of drafting a European convention on the profession of lawyer.

1 In close consultation with other relevant committees, and in particular the European Committee on Crime Problems (CDPC).



The idea of creating a binding international instrument, possibly accompanied by a monitoring mechanism, would be a highly valuable formula for guaranteeing the security and independence of the legal profession and bars and law societies, at a time when the situation of lawyers in many Council of Europe member states is a matter of concern - at least twenty states have been identified to date - given their contribution to the protection of human rights and the rule of law, and the undue pressure to which they are frequently subjected in their professional practice, or, in the worst cases, in some of our democracies, when they become victims of physical assault, gagging orders, enforced disappearances and murder.

### » **The position of the Council of Bars and Law Societies of Europe (CCBE)**

In its contribution to the work of the Parliamentary Assembly of the Council of Europe (PACE)<sup>2</sup> in 2017, the CCBE outlined the reasons for the need for an international instrument and considered that the existing 2000 Recommendation would be the base on which the future convention should be developed, even though this recommendation is admittedly rarely invoked by lawyers.

Firstly, lawyers play an essential role among the other professions as they act as actors of justice and contribute to the protection of the rule of law by ensuring access to justice for their fellow citizens and protecting fundamental rights and freedoms. For the same reason, the legal profession can be subject to considerable pressure from the executive and legislative branches, and sometimes from the judiciary, as well as from actors outside the state. This is why a European convention on the legal profession is now indispensable.

Secondly, although there are various instruments that call for the protection of the role of lawyers, including Recommendation No. R(2000)21 of the Committee of Ministers to member states on the freedom of exercise of the profession of lawyer (the Recommendation), the continuing attacks on the role of lawyers in the seventeen years since the adoption of the Recommendation, and which have increased in recent times, have shown that the Recommendation is not entirely effective. Rather than calls for best practice, binding obligations are necessary to ensure the protection of the independence of the legal profession, of bars and law societies, and, by extension, the rule of law.

### » **Recommendation R 2000(21) as the basis for the scope of the Convention**

The Recommendation is an excellent starting point for the development of the proposed European Convention on the Profession of Lawyer. It is an international instrument that has already received sufficient support within the Committee of Ministers of the Council of Europe in 2000 to be adopted as a recommendation to the governments of all member states. Some of its provisions are effectively guaranteed at the European level by Articles 6, 8 and 10 of the ECHR. The experience of lawyers over the past period has shown that other provisions serving to protect the rule of law need to be strengthened as binding obligations rather than mere recommendations. The content of these rights has been developed in the CCBE Charter of Core Principles of 24 November 2006<sup>3</sup>, which should be reflected in the Convention.

The future European Convention would be a further step towards the effective protection of the rule of law.

Furthermore, if the proposed convention were an «open» convention, i.e., open to ratification by non-member states of the Council of Europe in addition to the 47, the text could extend the territorial scope of effective protection of the rule of law to other states sharing the same values. Gradually, the scope of protection of the rule of law would be extended.

### » **The opinion of the Council of Europe Legal Co-operation Committee adopted in March 2021**

The CDCJ supports the proposal for a European Convention and highlights the added value that would be brought by such a binding instrument, underlining, among others, the following aspects:

<sup>2</sup> CCBE contribution from 15 September 2017.

<sup>3</sup> Document published by the Council of Bars and Law Societies of Europe (31 January 2018 edition).

- » The essential nature of the role of lawyers in the administration of justice, the importance of their independence and the independence of their bars and law societies require a higher level of international protection than is currently offered by non-binding instruments;
- » A binding instrument would be beneficial in the context of the observed threats to the independence of lawyers in some member states. It also provides an opportunity for member states to confirm their commitment to protecting an independent legal profession;
- » A convention can be open for accession by non-member states, which is not the case for non-binding instruments, which are addressed only to member states. The participation of non-member states as contracting parties to the proposed Convention will contribute to its strengthening and the protection it offers<sup>4</sup>;
- » A convention provides a structured framework for cooperation and dialogue at an international level, which will facilitate the flow of factual information concerning the situation of lawyers, agreement on solutions, and the exchange of good practice between the contracting parties.

### » **Future prospects**

States consider that a new convention would have added value provided that it offers a higher level of protection for lawyers and their bars and law societies than that provided for in the existing instruments by guaranteeing them the necessary professional independence and security.

The committee of experts will be entrusted with developing, during 2022, a draft legal instrument, whether binding or non-binding, aimed at strengthening the protection of the legal profession and the right to practise without prejudice and without hindrance.

On the basis of the draft legal instrument prepared by the committee of experts, a proposal will be made to the Committee of Ministers as to whether the legal instrument should be binding or non-binding.

The future Convention<sup>5</sup>, once signed and ratified, will be the first international instrument guaranteeing the essential role of the lawyer as an actor of justice in the administration of justice and in the protection of the rule of law, not only in court activity but also regarding the lawyer-client relationship, and this in the exclusive interest of the litigant.

<sup>4</sup> See also the report by Sabien Lahaye-Battheu to the Parliamentary Assembly of the Council of Europe (Doc 14453 of 15 December 2017).

<sup>5</sup> [The CCBE proposed to the CDCJ a draft preamble to the future Convention](#)



## ACCESS TO JUSTICE AND LAWYERS' PROFESSIONAL INDEPENDENCE: A NECESSARY SYMBIOTIC HUMAN RIGHTS UNION

By **Attracta O'Regan,**  
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**Rule of Law Advisor at the Council of Bars & Law Societies of Europe (CCBE)**

*"We must not, and cannot, lose sight of the fact that lawyers can face specific hazards as a result of interference, pressure and threats, which may include physical, psychological and social abuses directed against them and their relatives. The Basic Principles on the Role of Lawyers<sup>6</sup> are an essential instrument that must be implemented, respected, and disseminated to guarantee the rights of the legal profession. In democratic systems, lawyers have a seminal role to play in ensuring that all citizens have adequate access to justice and reparations. The important and specific role of lawyers in ensuring the efficient functioning of democracy and the enjoyment of human rights must be kept in mind."<sup>7</sup>*

In an ideal world all citizens would live in societies that respect the principles of liberty, democracy, fundamental freedom, and the rule of law. This is the aspiration provided for by Articles 2 and 6 of the consolidated version of the Treaty on European Union.<sup>8</sup>

In such a world access to justice is supported by lawyers who are acting independently. Legal aid would be available where required and all judicial professionals would act in accordance with best practice from a deontological perspective and without interference or hindrance.

Lord Bingham's definition of the rule of law would prevail, meaning that *"all persons and authorities within the state, whether public or private, should be bound by and entitled to the benefit of laws publicly made, taking effect (generally) in the future and publicly administered in the courts generally speaking any departure from the rule I have stated calls for close consideration and clear justification"*.<sup>9</sup>

We do not live in an ideal world. In fact, we are currently living in a time when a global pandemic has resulted in a loss of life for almost 3.5 million people. It has resulted in an erosion of fundamental rights, has facilitated an arbitrary abuse of power by some governments and interfered with access to justice for all citizens. In such a time one may question the relevance of promoting the theme, that **"there is no justice without independent lawyers"**. It is my aim in writing this article to substantiate this important assertion.

### » **What does the independence of lawyers mean?**

There is a considerable volume of academic literature that discusses the definition of lawyers' professional independence. Some academics have questioned 'whether it is an attribute of character, like "professional integrity", a state of mind like objectivity or detachment or a standard of conduct like avoidance of conflicts of interest or preserving client confidences? Is it an aspiration like "professional excellence" or an obligation like "professional competence"? Is it a collective trait or individual trait (or both)?'<sup>10</sup>

6 [UN Basic Principles on the Role of Lawyers](#)

7 [Report of the Special Rapporteur on the independence of judges and lawyers to the UN Human Rights Council, 9 June, 2017](#)

8 [Consolidated version of the Treaty on European Union](#)

9 Lord Bingham, *The Rule of Law*, 8, Penguin Books 2011

10 Robert W. Gordon, *The Independence of Lawyers*, 68, B.U. L. REV. 1 (1988).



Professor Bruce Green,<sup>11</sup> classifies the professional independence of lawyers into three categories; professional self-regulation: lawyers' collective independence from government domination; individual lawyers' independence from clients and third parties; and individual lawyers' independence from the judiciary. Let us explore each of these categorisations to assess their relevance and necessity for access to justice.

### » Professional self-regulation: lawyers collective independence from government domination

In absolute terms, collective independence refers to lawyers' collective right to make and enforce their own rules and standards of conduct through national bar associations and law societies. It is frequently questioned why lawyers should have the right to regulate themselves when other professionals such as accountants and doctors cannot do so. This is usually answered by explaining that if governments, the judiciary or courts have the power to regulate lawyers, this could permit them to make rules which undermine a lawyers' role to perform independent of the state and the judiciary, thereby restricting access to justice for citizens.

This argument was advocated in 2011 when the International Monetary Fund (IMF), the European Commission and the European Central Bank proposed a new law in Ireland that would have established a regulatory body comprised of non-lawyers to regulate lawyers conduct and handle discipline and complaints. This arose in the context of the IMF's economic bailout to support Ireland during the last recession.

The Law Society of Ireland, the Bar of Ireland, the Council of Bars and Law Societies of Europe (CCBE) and the American Bar Association (ABA) opposed this on the basis that the establishment of a regulator would be a clear breach of one of the core principles of the legal profession, regulation independent from the executive branch of the state – a principle respected internationally. They collectively argued that independent regulation, conceptually, must be seen as a logical and natural consequence of the independence of the profession. This, it was argued, was essential to ensure that a lawyer was free from improper influence, especially such as may arise from his/her personal interests or external pressure (including government pressure).

Bar associations and law societies assume the functions of upholding professional standards and ethics, protecting their members, providing legal services, and cooperating with governmental and other institutions in furthering access to justice and upholding fundamental rights in the public interest.

In 2016 the self-regulation of lawyers was removed from the Law Society of Ireland and the Bar of Ireland to the Legal Services Regulatory Authority, an independent authority comprising of eleven members who are appointed by the Government following nomination by a number of professional bodies. Its key functions include receiving and investigating complaints against barristers and solicitors and providing information to the public about legal services, including legal costs. The Law Society and Bar of Ireland do retain some regulatory functions. It has yet to be determined what, if any effect this will have on the independence of lawyers and access to justice. Irish lawyers are holding a watching brief.

From a European lawyers' perspective, The Lawyers Establishment Directive<sup>12</sup> contains the provisions with regard to the rules to be observed by a lawyer from one Member State practising on a permanent basis in another Member State by virtue of Article 43 of the consolidated EC treaty<sup>13</sup>, as follows:

Article 6.1 provides that 'Irrespective of the rules of professional conduct to which he or she is subject in his or her home Member State, a lawyer practising under his home-country professional title shall be subject to the same rules of professional conduct as lawyers practising under the relevant professional title of the host Member State in respect of all activities the lawyer pursues in its territory'.

This essentially means that European lawyers practising law in any EU Member State shall be bound by the rules that apply in the county in which they are delivering their legal service. In Europe there is no such thing as absolute independence of bars. There is no absolute self-regulation in Europe as either government or the courts have a role in laying down the procedures that bars and law societies must comply with in governing their solicitors and barristers. The bars and law societies do however play an important independent role in representing their members,

11 Bruce A. Green, Lawyers' Professional Independence: Overrated or Undervalued? 46 Akron L. Rev. 599 (2013)

12 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=CELEX%3A31998L0005>

13 <https://eur-lex.europa.eu/legal-content/EN/TXT/?uri=celex%3A12012M%2FTXT>

lobbying for legislative change, and advocating for access to justice in circumstances where the rule of law and fundamental freedoms are under threat. They may also play an important role in ensuring that lawyers are educated to a standard that meets the expectations of clients and are skilled in addressing the special needs of the vulnerable and marginalised in our societies.

At a European level, the CCBE is fully independent. It is the recognised voice of the European legal profession representing through its members more than 1 million European lawyers. Its membership includes the bars and law societies of 45 countries. It regularly acts as a liaison between its members and the European institutions, international organisations, and other legal organisations around the world. It plays an important role in highlighting and condemning injustice to lawyers including unlawful arrests and threats to their safety and security, breaches of client-lawyer confidentiality and attempts by state authorities or judicial actors to undermine access to justice and the rule of law. Its annual contribution to the EU Commission Rule of Law Report is an important barometer to assess the professional independence of lawyers, access to justice and the rule of law in Europe.

### » Individual lawyers' independence from clients and third parties

Article 2.1 of the Council of Bars and Law Societies of Europe (CCBE) Code of Conduct for European Lawyers<sup>14</sup> states:

"The many duties to which a lawyer is subject require the lawyer's absolute independence, free from all other influence, especially such as may arise from his or her personal interests or external pressure. Such independence is as necessary to trust in the process of justice as the impartiality of the judge. A lawyer must therefore avoid any impairment of his or her independence and be careful not to compromise his or her professional standards in order to please the client, the court or third parties.

This independence is necessary in non-contentious matters as well as in litigation. Advice given by a lawyer to the client has no value if the lawyer gives it only to ingratiate him-or herself, to serve his or her personal interests in response to outside pressure."

Article 1.1 states:

*"In a society founded on respect for the rule of law the lawyer fulfils a special role. The lawyer's duties do not begin and end with the faithful performance of what he or she is instructed to do so far as the law permits. A lawyer must serve the interests of justice as well as those whose rights and liberties he or she is trusted to assert and defend and it is the lawyer's duty not only to please the client's cause but to be the client's adviser. Respect for the lawyer's professional function is an essential condition for the rule of law and democracy in society.*

*A lawyer's function therefore lays on him or her a variety of legal and moral obligations (sometimes appearing to be in conflict with each other) towards.*

- » *the client.*
- » *the courts and other authorities before whom the lawyer pleads the client's cause or acts on the client's behalf.*
- » *the legal profession in general and each fellow member of it in particular,*
- » *the public for whom the existence of a free and independent profession, bound together by respect for rules made by the profession itself, is an essential means of safeguarding human rights in face of the power of the state and other interests in society."*

What does all this mean in practical terms? The Code of Conduct for European Lawyers identifies a code of practice that prescribes what a lawyer must and must not do to uphold their independence in acting in a professional capacity. These codes include matters relating to relations with clients, trust and personal integrity, confidentiality, acting in the clients' interests including client fees and funds, relations with the courts and relations between lawyers. They collectively reflect the willingness of European lawyers to whom they apply to ensure the proper performance by them of functions which are recognised as essential in all civilised societies to safeguard access to justice for all citizens.

<sup>14</sup> [https://www.ccbe.eu/fileadmin/speciality\\_distribution/public/documents/DEONTOLOGY/DEON\\_CoC/EN\\_DEON\\_CoC.pdf](https://www.ccbe.eu/fileadmin/speciality_distribution/public/documents/DEONTOLOGY/DEON_CoC/EN_DEON_CoC.pdf)

## » Individual lawyers' independence from the judiciary

As an Irish lawyer, the concept of needing to assert independence from the judiciary is alien to me. Both the Irish judiciary and lawyers have mutual respect for each other's independence. I am, however, conscious that in many European states, the judiciary do participate in the regulation of lawyers and this concept of independence is one that can be challenging.

The Code of Conduct for European Lawyers requires that a lawyer shall, while maintaining due respect and courtesy towards the court, defend the interests of the client honourably and fearlessly without regard to the lawyers' own interests, or to any consequences to him or herself or to any other person. The code does however state that a lawyer must always have due regard for the fair conduct of proceedings, while at the same time complying with the rules of conduct applied before that court or tribunal. This latter provision provides impunity for a lawyer where they disagree with a judge and pursue their case vehemently to uphold their corresponding obligations to their client and their own professional conduct.

There are few cases where the question of a lawyer's freedom to criticise the judiciary are addressed but the decision of Chief Justice Gibson in *In Re Austin*<sup>15</sup> is one such case. In this case almost the entire Fayette County, Pennsylvania bar were disbarred for sending and publishing correspondence that was critical of and, in the view of the Court of Common Pleas, disrespectful of the President of that court. The lower court stated that the lawyers' "office" implied an obligation of "good fidelity to the court" and that this obligation called for the "observance of that trust, courtesy, and respect which is indispensable to the safe and orderly administration of justice". The trial court determined that the bar's criticism of the judge was inconsistent with this role.

However, the Pennsylvania Supreme Court, reversed this decision and held that the bar's role was to protect the public from government overreaching. It viewed lawyers' professional independence as intrinsic to this role, no doubt recognising that the judiciary was sometimes among the government entities from which the public needed protection. 'To subject the members of the profession to removal at the pleasure of the court' Chief Justice Bannister Gibson explained, 'would leave them too small a share of the independence necessary to the duties they are called to perform to their clients and to the public. As a class, they are supposed to be, and in fact have always been, the vindicators of individual rights, and the fearless asserters of the principles of civil liberty; existing where alone they can exist, in a government not of parties or men, but of laws!'

Professor Bruce Green suggests that the idea of a lawyers' professional independence from the judiciary has diminished in significance since the 1800s<sup>16</sup>. One can hope that this is due to a mutual respect between both judicial professionals which did not exist at that time.

## » Why is there no justice without independent lawyers?

'Where the rule of law prevails, justice is accessible, and disputes are resolved in an impartial way. All judicial actors are competent, ethical, and non-discriminatory. To provide this competent, accessible, accountable, and fair system, states need lawyers who are skilled in law and independent in the conduct of their functions. Lawyers may be required to challenge the status quo and therefore, in a society where lawyers are advocating to uphold the rule of law, they will need protection to guarantee their independence for the benefit of their clients and society in general'<sup>17</sup>.

Lawyers therefore need to be protected and given resources to properly conduct their functions. On the other hand, they have duties to uphold their codes of professional conduct at a national and European level. They must hold the required qualifications. They must behave with integrity and without corruption.

The CCBE's 2021 submission to the EU Commission Rule of Law Report states, 'National Bars have advised of cases and examples where interferences with the independence of the lawyer, breaches of confidentiality of the client-lawyer relationship protected through legal professional privilege, identification of lawyers with their clients, obstacles to access to justice and attacks and threats to individual lawyers have resulted in the undermining of the rule of law, the interference with the basic principles on the independence of lawyers, breaches of fundamental rights and democratic principles'.<sup>18</sup>

15 *In Re Austin*, 5 Rawle 191 (Pa. 1835)

16 Bruce A. Green, *Lawyers' Professional Independence: Overrated or Undervalued?* 46 *Akron L.Rev.*599 (2013)

17 Noeline Blackwell, Solicitor, CEO Dublin Rape Crisis Centre, Law Society of Ireland Rule of Law Conference, 2019

18 [CCBE Contribution for the Rule of Law Report 2021](#)

Restrictions on the activities of lawyers, or threats of interference with their work are threats to access to justice, to the rights of the general public to a fair hearing and so are a threat to the rule of law in a state. Therefore, it is not just in the interest of those who are lawyers to seek independence, it is in the interest of any state which respects the rule of law.

For this reason, the independence of lawyers is a matter of importance to the international human rights framework. Any international instrument which is concerned with access to justice or the right of a person to a fair trial will have to take account of the independence of lawyers. All universal human rights instruments guarantee the right to a fair trial in civil and criminal proceedings before an independent and impartial court or tribunal.<sup>19</sup>

In 1994, the UN General Assembly created a new post of Special Rapporteur on the Independence of Judges and Lawyers because of its concern at the frequency of attacks on judges, lawyers and court officials and the link it found existed between the weakening of safeguards for judges and lawyers and the increased gravity and frequency of human rights abuses.

The Special Rapporteur has a number of functions including investigating specific concerns that might arise in a country or region where lawyers or judicial independence is threatened or, suggesting ways in which the independence of judges and lawyers could be strengthened in a systematic way.<sup>20</sup>

In addition to the international instruments that recognise the necessity for the independence of lawyers there are many specific international instruments, national and international codes of practice and charters that recognise this necessity.<sup>21</sup>

In a time where there is an increase in the gravity and frequency of human rights abuses, corresponding with threats to the professional independence and safety of lawyers, it is time for lawyers to do what they do best and advocate strongly that there is a symbiotic union between the protection of the independence of lawyers and access to justice for all citizens. It is a necessary human rights union, you cannot have one without the other. I rest my case.

I rest my case.

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19 [Universal Declaration of Human Rights](#)  
[UN International Covenant on Civil and Political Rights](#)  
[African Charter on Human and Peoples' Rights](#)  
[American Convention on Human Rights](#)  
[European Convention on Human Rights](#)  
[European Union Charter of Fundamental Rights](#)

20 <https://www.ohchr.org/EN/Issues/Judiciary/Pages/Annual.aspx>

21 [UN Basic Principles on the Role of Lawyers](#)  
[The CCBE'S Code of Conduct for European Lawyers](#)  
[The Principles of General Application in the International Bar Association's International Code of Ethics](#)  
[Recommendation 21 of the Committee of Ministers of the Council of Europe to Member States on the freedom of the exercise of the profession of lawyer in 2000](#)



## IV. Promoting your activities and events: #EuropeanLawyersDay

Publicising your European Lawyers' Day events and activities is a key part of making them successful. Here are some ideas on how to promote your European Lawyers' Day events:

### » **Send out press releases**

The CCBE will provide an official European Lawyers' Day poster for its members for their use and distribution.

### » **Submit articles for publication**

See [here](#) for resources that member Bars can use in their press coverage or communication of the event.

### » **Address local groups**

Contact the organisers of upcoming meetings of community groups (e.g. school boards) and ask to be allotted time on the agenda to briefly discuss European Lawyers' Day. If this is not possible, ask the organiser if he or she would be willing to publicise your event.

### » **Use the social media**

Get the word out: social networks such as Twitter, LinkedIn, Facebook, YouTube, and Instagram all provide excellent opportunities to advertise an event.

Please use the hashtag **#EuropeanLawyersDay** to give visibility among users looking for European Lawyers' Day-related communications. Provide a link to a page with more detailed information about your event.

If possible, please tag the CCBE in your publications.