

**Council of Bars and Law Societies of Europe –CCBE
Plenary Session, Brussels**

EU Special Representative for Human Rights, Eamon Gilmore

"The Universality of the Rule of Law"

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Good afternoon ladies and gentlemen.

It is a great pleasure to with you here today at your Plenary Session. Thank you for the invitation.

Let me begin by thanking you also for the work that you all do on a daily basis. I want to acknowledge the incredible work of the CCBE in defending human rights, the rule of law and democracy for nearly 60 years. Your expert and technical contributions to the work of the EU institutions, has advanced access to justice and increased transparency and accountability across the Union.

Your work with your own members that has been even more valuable. The impact of digitalisation, globalisation and market liberalisation is complex and presents challenges and opportunities for us all.

You have been an essential guide in navigating your members through these developments, enabling them to react in a professional, ethical and practical manner.

Rule of law

"It is essential, if man is not to be compelled to have recourse, as a last resort, to rebellion against tyranny and oppression, that human rights should be protected by the rule of law".

With those words, the Universal Declaration of Human Rights clearly states the fundamental relationship between the rule of law and human rights. They are two sides of the same indivisible principle; the freedom to live in dignity. This freedom underpins peace and security.

The backbone of the freedom to live in dignity is the international human rights framework, together with international humanitarian law and international criminal law. That framework includes equality under the law, accountability before the law and fairness in the protection and vindication of rights.

The rule of law is the lifeblood for the promotion and protection of human rights. It translates human rights from principle into action. It provides a structure, a safeguard, a certainty; through which the exercise of power is subjected to agreed rules, guaranteeing the protection of all rights. And when human rights are not upheld or public resources are misused, the rule of law provides means of redress.

As Aristotle wrote, *"it is more proper that law should govern than any one of the citizens"*. At its most basic, the rule of law is fundamentally a tool to protect people; to ensure their governments do not arbitrarily deprive them of their rights. So we cannot say there is rule of law in a society if human rights are not protected either on paper or in practice. If a government is unwilling to respect the rights of their people, the rule of law becomes an empty concept.

Inclusive economic growth is also dependent on the rule of law, as it builds accountable institutions that underpin sustainable development. It helps make basic services, for example education and health, available for all. Fundamentally the rule of law empowers citizens to address underlying causes of inequality and exclusion. This is clear from Sustainable Development Goal 16 which seeks to "promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels". Ending violence, strengthening institutions and increasing access to justice is essential to ensuring security and rights.

Therefore, rule of law is intrinsic to the 3 pillars of the United Nations: peace and security, human rights, and development.

As human rights are universal, so too is the rule of law and the need to defend, promote and protect it around the world.

What the EU is doing

The rule of law is one of the founding values of the European Union as well as a reflection of our common identity and common constitutional traditions. It is enshrined in our treaties and is the basis of the democratic system in all Member States. Earlier this year, the European Commission launched a reflection process on the rule of law in the European Union and set out possible avenues for future action in the Communication "*Further strengthening the Rule of Law within the Union - State of play and possible next steps*".

EU Vice-President Timmermans underlined the importance for the Union to uphold the rule of law, not only because of our fundamental values, but also because the functioning of the EU as a whole depends on the rule of law in all Member States.

The Communication outlines 3 pillars which could contribute to further the effective enforcement of the rule of law in the Union:

- First, better promotion of rule of law standards and jurisprudence at national level
- Second, early prevention, including through regular cooperation and dialogue
- And third, the need for a tailored response - a diversity of challenges requires a diversity of responses

This reflection led to a further Commission Communication in July on "*Strengthening the rule of law within the Union - a blueprint for action*". This sets out concrete actions to strengthen the Union's capacity to promote and uphold the rule of law and calls on EU institutions for a coordinated approach.

New Commission

Next week, the new Commission will begin its work. President-elect von der Leyen has entrusted the Commissioner-designate for Justice Didier Reynders with "*Upholding the rule of law*" across the Union.

He has been charged by the President elect to lead the Commission's work on the comprehensive European Rule of Law Mechanism, use the full toolbox at his disposal to prevent and identify breaches, and offer targeted support to resolve issues at an early stage. He will also focus on tighter enforcement, using recent judgments of the Court of Justice showing the impact of rule-of-law breaches on EU law as a basis.

Communication and awareness-raising to promote a rule-of-law culture among European citizens will also form a core part of his work. He will also strengthen cooperation on rule-of-law issues with the Council of Europe and with other international organisations.

External Action

The rule of law is also one of the principles guiding the EU's external action. It is inseparable from my daily work as EU Special Representative for Human Rights, promoting EU human rights policy in EU external action around the world.

Article 21 of the Lisbon Treaty stipulates that the Union's external action shall be guided by the principles which have inspired its own creation: democracy, the rule of law and the universality and indivisibility of human rights and fundamental freedoms. The promotion of the rule of law is streamlined through our work on human rights, accountability, access to justice, non-discrimination and equal protection of the law.

Together with the Member States, the EU is the largest global financial contributor to human rights, democracy and the promotion of the rule of law. That can be seen, for example, in the reliefs we provide for human rights defenders, in our supports to civil society, and in the financing of the programmes and work of other international bodies such as the UN, Council of Europe and the International Criminal Court. The European Instrument for Democracy and Human Rights alone has made available €1.3 billion for the period from 2014 until 2020 and the plan for the forthcoming MFF is for a similar, if not increased, level of funding. The EU is also a major advocate for international humanitarian law and international criminal justice

Lawyers as human rights defenders

It is well known to all in this room that after journalists, members of the legal profession are most targeted with threats because of their work. Every day, lawyers are harassed, threatened, defamed, prosecuted, imprisoned or even murdered, simply for carrying out their professional activities. While defending the rights of others, their own human rights are often violated or abused.

Often especially at risk are lawyers representing people accused of terrorist or drug related crimes, or government critics, such as journalists, political opposition leaders, and human rights defenders. Lawyers providing legal representation in high-profile cases impacting established interests, such as land reform, or lawyers taking part in public discussion about human rights issues, also face reprisals.

Just yesterday, in a meeting I had with a UN Special Rapporteur we were discussing exactly such circumstances; of a case where the first lawyer was killed and the second lawyer is now under threat.

In my work as EU Special Envoy for the Peace Process in Colombia, I have seen first-hand how lawyers are also arbitrators for peace. During the several years of negotiations that led to the peace agreement in Colombia, many lawyers worked quietly, far from the spotlight, making substantial expert contributions which provided ways forward past difficult moments and helped each agreement on sensitive issues.

The bravery, integrity and professionalism of lawyers around the world have made an enormous difference to countless individuals as they seek justice and redress of their rights. They are the gatekeepers of justice, providing certainty and clarity to those they represent, sometimes in the face of enormous pressure.

I particularly want to acknowledge the work of the CCBE in bringing to international attention the cases of threatened lawyers worldwide.

An independent Profession

The independence of the legal profession is an essential guarantee for the rule of law and the protection of human rights. Next year, we will celebrate the 35th anniversary of the Basic Principles on the Independence of the Judiciary, endorsed by the UN General Assembly in 1985, and the 30th anniversary of the Basic Principles on the Role of Lawyers. These instruments are international norms which have contributed to upholding the independence of the judiciary and the legal profession against various forms of interference, threats and pressure, by both State institutions and private actors. However, ensuring this independence requires continuous monitoring to identify and tackle challenges triggered by societal, political and economic changes.

Close

The EU will continue to support a free and independent legal profession which energises and empowers, gives voice to the voiceless and protects the universality of the rule of law.

You are drivers of change and your work is crucial to promoting and strengthening the universality of the rule of law. Now more than ever, this is vital for the full realisation and enjoyment of human rights for everyone.

I am very glad to have had the opportunity to address you today and I look forward to working more closely with you and sitting down with your Board and members to discuss how we can work more closely, my Office and the CCBE, on the protection of lawyers working in difficult circumstances around the world.