CCBE Statement on the occasion of the 30th anniversary of the UN Basic Principles on the role of lawyers

27/08/2020

The Council of Bars and Law Societies of Europe (CCBE), recognised as the voice of of the European legal profession, unites the Bars and Law Societies of 45 European Countries, including the 27 EU Member States. Through them, the CCBE represents more than 1 million European Lawyers. The CCBE promotes access to justice, respect for Human Rights and defence of the rule of law.

On the occasion of the 30th anniversary of the UN Basic Principles on the role of lawyers, the CCBE wishes to underline the importance of these principles for the legal profession and the need for an effective application of the guarantees provided by these principles to ensure better access to justice and the defence of fundamental rights of citizens.

The UN Basic Principles on the Role of Lawyers were set forth in order to promote and ensure the fundamental role of lawyers whose independence and role as active defenders of citizens fundamental rights and freedoms are constantly under threats.

Lawyers play an essential role amongst professions as actors in the system of justice and so by their contribution to protecting the rule of law, ensuring access to justice for fellow citizens, and protecting fundamental rights and freedoms. For the same reason, the legal profession can come under considerable pressure from the executive and legislative powers, as well as sometimes the judiciary, and non-State actors.

Although the UN Basic Principles in their 30 years of existence have proved their relevance to the necessity of protecting in all circumstances the rights and obligations attached to the profession of lawyers and the defence of citizens, lawyers worldwide are still harassed, threatened, arrested, prosecuted and even murdered because of their professional activity.

Attacks on the profession of lawyer also occur in Europe. Binding instruments such as the European Convention on Human Rights (ECHR) protects various critical rights associated with the lawyers’ role in maintaining the rule of law, and should continue to do so unamended. However, other rights and obligations specific to the profession of lawyers remain outside the scope of the ECHR.

Other specific instruments, due to their non-binding nature, have not generated the necessary conditions for effective accountability of States and non-States actors.

In that context, in 2017, the CCBE submitted that there was a compelling case for a European Convention on the Profession of Lawyer to establish binding obligations of those of the rights envisaged by existing non-binding instruments which were not already reflected in the ECHR. This was followed, in January 2018, by a recommendation adopted by the Parliamentary Assembly of the Council of Europe (PACE) asking the Committee of Ministers to look into the possibility of drafting a European Convention on the Profession of Lawyer.
On the occasion of the 30th anniversary of the UN Basic Principles on the role of lawyers and in view of the above, the CCBE, therefore, calls for a more effective application of the guarantees provided by the UN Basic Principles on the roles of lawyers and reiterates its strong support to the work carried out by the Council of Europe on a future European Convention on the profession of lawyer, considering that such a specific binding instrument is needed in order to preserve the independence, integrity of the administration of justice and the rule of law.