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

07/09/2020

The Council of Bars and Law Societies of Europe (CCBE), recognised as the voice 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 the 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 and all the undersigning organisations wish 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 threat.

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 legal profession 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 legal profession 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-State 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 for those 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 and all the undersigning organisations, therefore call for a more effective application of the guarantees provided by the UN Basic Principles on the role 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.
Japan Federation of Bar Associations

United States - Jagiellonian Law Society

Austria – Österreichischer Rechtsanwaltskammertag”

Belgium – Institut des droits de l’homme du Barreau de Bruxelles

Belgium – Barreau de Liège-Huy

Belgium – Ordre des avocats du barreau de Luxembourg

Belgium – Barreau de Mons

Belgium – Barreau de Namur

Belgium – Barreau de Tournai
Poland – Naczelna Rada Adwokacka/The Polish Bar Council

Poland – National Bar of Attorneys-at-Law in Poland / Krajowa Izba Radcow Prawnych

Poland – Warsaw Bar Association of Advocates

Portugal – Ordem dos Advogados

Romania - Uniunea Națională a Barourilor din România

Slovakia – Slovenská advokátska komora

SAV FSA

Schweizerischer Anwaltsverband
Fédération Suisse des Avocats
Federazione Svizzera degli Avvocati
Swiss Bar Association

Switzerland – Swiss Bar Association

Ordre des Avocats Genève

Switzerland – Ordre des Avocats de Genève

Sweden – Swedish Bar Association

The Netherlands – Nederlandse orde van advocaten / The Netherlands Bar

United Kingdom – The Law Society of England and Wales
United Kingdom – The Bar Council of England and Wales

Bar Human Rights Committee of England & Wales

United Kingdom – Law Society of Scotland

United Kingdom - Faculty of Advocates of Scotland