



English

Statement of Paris Bar
Human Dimension Implementation Meeting 2019,
Warsaw, 16 September 2019 - 27 September 2019

September 23rd/Working session 10: Rule of law I, including: – Independence of the judiciary – Democratic law-making – Ensuring equal enjoyment of rights and equal participation in political and public life

It is universally acknowledged that the essence of a modern democracy is observance of the rule of law.

Fundamental democratic principles, such as the separation of powers and the core principle of judicial autonomy would not have much meaning in the absence of an independent legal profession acting as ‘an instrument in the administration of justice.

A truly independent legal profession can assist society in its efforts to protect and enforce its citizens’ legitimate rights against political institutions or intrusions of private parties.

There is no greater issue affecting the legal profession worldwide than the manifold threats to its independence. Without independence, lawyers are left exposed to disciplinary proceedings, arbitrary disbarment, physical violence, persecution and even death.

Lawyers around the world have been targeted by governments and by private actors simply for acting in the public interest or for undertaking cases or causes that some, including the government, find objectionable. On the 18th of September, Dutch lawyer Derk Wiersum was shot outside his apartment, having represented an important witness against known drug lords. He was murdered in the heart of Europe because he was simply practicing his profession as a lawyer.

In too many countries, the rights themselves and the systems that uphold them are questioned, challenged, ignored, or undermined.

This context has created challenges to uphold the line between permissible and impermissible infringements on basic human rights, and lawyers’ ability to represent their clients without external interference or pressures and without undue encroachment on the principle of legal professional privilege/professional secrecy.

An effective Bar association can clearly articulate the concerns of the profession and address issues affecting lawyers’ independence and citizen’s liberty.

A Bar association plays a particularly important role in countering government policy that may be detrimental to a country's reliance on the rule of law.

It is therefore essential that lawyers be able to form and join self-governing professional associations to represent their interests. In order for a bar to self-govern, it should be able to make its own decisions using clear and transparent structures and procedures, represent its members' interests, and sustain itself.

The Paris Bar calls on countries members of the OSCE :

- to support the international days of the lawyer in danger on the 24th of January 2020 which will be dedicated to lawyers in Pakistan in 2020

- to guarantee the independence of Bars and Lawyers and to consider it as a pillar of the rule of Law

The Paris Bar calls on countries members of the Council of Europe:

- to support the adoption of a European Convention on the profession of lawyer according to the recommendation of the Parliamentary Assembly of the Council of Europe (24 January 2018).