



The Human Dimension Implementation Meeting 2017 (HDIM)

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Justice International (JI) and Lawyers for Lawyers (L4L) organizations want to highlight the vital role lawyers play in upholding the rule of law by ensuring access to justice and the protection of human rights, in particular due process and fair trial guarantees while representing individuals and causes. Lawyers can only effectively fulfill their role as essential agents of the administration of justice if they can practice law freely and independently.

The Basic Principles on the Role of Lawyers represent the most comprehensive international normative framework aimed at safeguarding the right of access to legal assistance and the independent functioning of the legal profession. These Principles should be respected and taken into account by governments within the framework of their national legislation and practice and be brought to the attention of members of the judiciary such as judges and prosecutors as well as members of executive and legislative branches of government. However, there is a gap between the vision that informed the Basic Principles on the Role of Lawyers and the actual situation. Lawyers' work is becoming increasingly difficult as they face retaliation, harassment and abuse as a result of performing their professional duties representing human rights defenders, journalists, activists, opposition members and regular persons.

We note with concern the increasing lack of respect for the independence of lawyers and legal profession. Member states must ensure that lawyers are able to advise and represent their clients without restrictions, influence, pressure or undue interference from any quarter. There are countries, however, where the entry into or continued practice within the legal profession is conditioned or controlled by the executive branch and/or where the executive or judicial branches are using disciplinary, civil and criminal procedures as means of pressure and intimidation of lawyers. Often, lawyers face new re-attestation and certification procedures or disbarment as means to control their abilities to represent clients in sensitive cases or as a tool of punishment for their activities. Lawyers are also identified with their clients or their clients' causes, and as a result face attacks on their physical integrity and reputation, intimidation, arbitrary prosecutions and sanctions, including lengthy sentences. **Frequent and systematic attacks** of lawyers have a **chilling effect** on the whole category of legal practitioners.

In some closed authoritarian countries, lawyers are subject to undue interference with their freedom of movement, including certain travel bans, house arrests or other restrictions. In these countries, in particular, lawyers are facing many challenges including the lack of access to clients, appropriate information, and access to files and documents to enable lawyers to provide effective legal assistance.

Because of the valuable role they play in ensuring the rule of law, lawyers should be respected and their work valued by governments and members of OSCE. We call upon OSCE member states to continuously ensure that lawyers are able to perform all of their professional functions without intimidation,

hindrance, harassment or improper interference and laws and regulations fully comply with the UN Basic Principles on the Role of Lawyers and other international instruments.