



UN Forum on Human Rights, Democracy and Rule of Law

Panel: Broadening the horizons of access to justice

17 November 2021

Oral Statement delivered in Room XVII

Speaker: Francesca Restifo, Senior Human Rights Lawyer and Permanent Representative to the United Nations (International Bar Association's Human Rights Institute)

Thank you,

The International Bar Association's Human Rights Institute reiterates that the separation of powers and the independence of the legal professions constitute the building blocks for the Rule of Law and Democracy.

The protection and the independence of justice actors should deserve dedicated attention, as a key component to ensure the well-functioning of justice systems and to combat impunity. This is a precondition to the right to a fair trial, protected by Article 14 of the ICCPR.

As mentioned yesterday, at the core of the independence of legal professionals is the recognition that judges, prosecutors, and lawyers must carry out their professional duties without interference and must be protected, de jure and de facto, from attacks, harassment, and persecution.

However, around the world, lawyers are being arrested and charged with criminal sanctions simply for legally representing human rights defenders or political opponents, with chilling effects. This practice contravenes the principle that lawyers must not be identified with their clients or their clients' causes. Recent trends show that States do this strategically to deny human rights defenders and political opponents of their right to an independent and effective legal defense.

We are convinced that the UN human rights mechanisms play a central role in addressing these trends.

The IBAHRI encourages the UN Human Rights Council and all human rights mechanisms to thoroughly mainstream the protection of legal professions in their agenda, engage with them and systematically refer

to and call for the enforcement of the UN Basic Principles on the Independence of the Judiciary, the Basic Principles on the Role of Lawyers, and the Guidelines on the Role of Prosecutors.

Lastly, the IBAHRI recommends the International Community to use the UN Rule of Law Indicators as a strategic tool that can concretely support the implementation of the SDG 16.

Thank you!

Contact:

Francesca Restifo

Senior Human Rights Lawyer and Permanent Representative to the United Nations

International Bar Association's Human Rights Institute

francesca.restifo@int-bar.org