



## **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 – IBAHRI*

Thank you,

The IBA 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 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 representing human rights defenders or political opponents. This practice contravenes the principle that lawyers must not be identified with their clients or their clients' causes. 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.

IBAHRI encourages the UN Human Rights Council and all human rights mechanisms to thoroughly mainstream the protection of legal professions in their agenda, 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.

Moreover, based on IBAHRI's experience, we reiterate that trial monitoring is a key tool for legal practitioners and CSOs to identify challenges related to fair trial and access to justice, and a vital instrument to promote justice sector reforms.

Lastly, IBAHRI recommends the UN Human Rights mechanisms and member States to use the UN Rule of Law Indicators as a strategic tool that can concretely support the implementation of the SDG 16.

Thank you!

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