



Declaration November 23rd 2016

The following associations and organizations:

The Foundation "The Day of the Endangered Lawyer"
The European Democratic Lawyers, AED-EDL,
The International Observatory for Lawyers in Danger, OIAD
The French National Bar Council, CNB
Le Barreau de Paris
L'Institut des droits de l'homme du Barreau de Paris
Le Barreau de Bruxelles (Ordre français)
The Council of Bar and law society in Europe, CCBE
The European Bar Human right Institute, IDHAE
The International Association of Lawyers, UIA
The European Association of Lawyers for Democracy and World Human Rights (ELDH)
Avvocati Minacciati Unione delle Camere penali Italiane
Lawyers for Lawyers, L4L
International Association of People's Lawyers (IAPL)
CHR LAWYERS HONG KONG

During their meeting in Brussels on November 23rd 2016 around the joint project to see the 24th of January recognized as "*the International Day of the Endangered Lawyer*", the signatory associations and organizations have decided to join forces in order to gain true visibility. On January 24, 1977, Spanish fascist terrorism assassinated - after Franco's death in 1975 - 5 lawyers and wounded other 4 while they were in their office in Atocha (Madrid). Specialists in Labor Law, they were members of the trade union CCOO (Comisiones Obreras).

The undersigned associations and organizations recall that "The Day of the Endangered Lawyer" was created seven years ago. Since 2009, in collaboration with the Foundation of "The Day of the Endangered Lawyer" and other organizations of lawyers and bars, the AED organizes every year, the Day of the Endangered Lawyer in as many cities, countries and continents as possible

Every 24th of January, lawyers in their robes offer a petition to ambassadors and organize colloquia or other manifestations in the name of their harassed colleagues. Each year, they have concentrated their attention on lawyers in a different country. We have in the past years, focused on the difficult situation of lawyers in Iran, Basque Country, Colombia, Turkey, Philippines and Honduras. **In 2017, the time has come to tackle the situation the Popular Republic of China.**

Our organizations work on the basis of **The Basic Principles on the Role of Lawyers, adopted by the 8th congress of the United Nations in Havana (Cuba) between 27th August and 7th September 1990**, which principles enounce the following.

...Whereas adequate protection of the human rights and fundamental freedoms to which all persons are entitled, be they economic, social and cultural, or civil and political, requires that all persons have effective access to legal services provided by an independent legal profession,

Whereas professional associations of lawyers have a vital role to play in upholding professional standards and ethics, protecting their members from persecution and

improper restrictions and infringements, providing legal services to all in need of them, and cooperating with governmental and other institutions in furthering the ends of justice and public interest,

The Basic Principles establish the following guarantees related to the exercise of the legal profession:

16. Governments shall ensure that lawyers a) are able to perform all their professional functions without intimidation, hindrance, harassment or improper interference; b) able to travel and consult with their clients freely both within the country and abroad; and c) do not suffer, or be threatened with, prosecution or economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

17. Where the security of lawyers is threatened in the exercise of their functions, they shall be adequately safeguarded by the authorities.

18. Lawyers shall not be identified with their clients or the cause of their customers due to the performance of their duties.

Recommendation No. R (2000) 21 of the Committee of Ministers (Council of Europe) Member States on the freedom of exercise of the legal profession also sets minimum protection of Freedom of exercise of legal profession that often are not met by state or para-statal powers.

As the **Special Rapporteur on the Independence of Judges and Lawyers**. Monica Pinto has written (and in accordance to the Resolution 26/7 of the Council of Human Rights) in her last rapport of the 22nd of August 2016:

“100. States should take positive and proactive measures to protect the independence of lawyers and ensure that they are in a position to discharge their professional functions without intervention or interference of any sort, including from non-State actors. In so doing, they should take effective measures to implement the Basic Principles on the Role of Lawyers and other norms and standards relating to the independence and functions of lawyers in law and practice. Any attacks or interference of any sort against lawyers should be diligently and independently investigated and perpetrators should be prosecuted and sanctioned.

101. States should acknowledge, respect and protect the status of lawyers who promote and defend human rights as human rights defenders.

104. States should not identify lawyers with their clients or their clients' causes; they should be proactive in taking measures aimed at preventing the occurrence of such identification.

105. States should respect and protect the privileged lawyer-client relationship, in particular, they should respect and protect the confidentiality of all documents, communications, messages and other information concerning clients, as well as all the devices and places where such information can be found, including protection from illegal searches and seizures.

106. States should review and amend or refrain from adopting legal provisions, in particular in counter-terrorism or national security-related legislation, that encroach on the independence of lawyers and the free exercise of their functions. Furthermore, legislation related to surveillance should stipulate that State surveillance of communications shall only occur under the most exceptional circumstances and exclusively under the supervision of an independent judicial authority.

108. All State institutions, including the judiciary, should respect and protect the right of lawyers to freedom of opinion and expression, including with regard to activities not undertaken in the context of the representation of clients, such as academic research for participation in legislative drafting processes.

114. The role and the capacity of national bar associations should be enhanced to protect their membership, especially in cases of harassment and undue interference with professional work.

117. International associations of lawyers, together with international non-governmental organizations, should build networks to act in coordination and solidarity to defend and protect lawyers from attacks.

118. States should provide more information relating to lawyers in their universal periodic review and treaty body reports."

It is in this spirit and in the framework of the militant struggle that every year new associations join us in this very process of denunciation of the dangers encountered by our colleagues around the world due to the commitment to their work, and in solidarity with each one of them.

Today, the signatory associations and organizations wish to seize the institutions of the United Nations in order to institutionalize their approach and with the aim of acquiring recognition for the 24th of January as "the International Day of the Endangered Lawyer". Therefore, a working group has been created today.

To this end, they also decide to meet annually, at the latest by March, in order to determine the country that will receive their attention the following year.

In the same way, a follow-up of the situations of the colleagues that have previously been the subject of our concerns must be carried out actively.

Signatures:

The AED (AED-EDL), represented by: Pascale TAELEMAN

The Foundation "The Day of the Endangered Lawyer", represented by: Hans GAASBEEK

The International Observatory for Lawyers in Danger (OIAD), represented by: Richard SÉDILLOT and Emmanuel DAOUD

The French National Bar Council, represented by: Richard Sédillot

Le Barreau de Paris, represented by: Emmanuel Daoud

L'Institut des droits de l'Homme du Barreau de Paris représente by: Christophe PETTITI

The Council of Bar and law society in Europe, CCBE, represented by: Patrick HENRI

The European Bar Human right Institute, IDHAE, represented by: Thierry BONTINCK

Le Barreau de Bruxelles (French order), represented by: YVES OSCHINSKY

L'Institut des Droits de l'Homme du Barreau de Bruxelles, représente by : Yves OSCHINSKY et Thierry BONTINCK

The International Association of Lawyers, UIA, represented by: Julie GOFFIN

The European Association of Lawyers for Democracy and World Human Rights ELDH, represented by Thomas SCHMIDT

Avvocati minacciati, Unione delle Camere penali Italiane, represented by : Nicola CANESTRINI

Lawyers for lawyers, 4L, represented by: Adrie van de Streek

International Association of People's Lawyers, IAPL, représentée par: Stuart RUSSEL

CHRLAWYERS HONG KONG, represented by: Kit CHAN