

Statement of the Tbilisi International Conference of Lawyers in Support of the European Convention on the Profession of Lawyer

Advocates attending the Tbilisi International Conference of Lawyers held on November 8-9, 2018,

Underlining the essential role that the profession of advocate plays in a democratic society based on the principle of the separation of powers and on the Rule of Law by ensuring access to justice, and the protection of human rights and fundamental freedoms, particularly through the protection of the rights of the defense and the guarantees of a fair trial;

Considering that advocates, through their special status as intermediaries between citizens and the courts, play a central role in the administration of justice;

Convinced that advocates play an essential role in ensuring public confidence in the work of the courts, whose mission is fundamental in a democracy and a State governed by the Rule of Law;

Considering that advocates operate as justice actors directly involved in the functioning of justice, and must enjoy freedom of expression, opinion, movement, association and assembly without unjustified barriers;

Wishing to guarantee the freedom to exercise the profession of advocate in order to strengthen the Rule of Law, in which lawyers participate, particularly through the defense of individual liberties;

Aware of the need for a fair judicial system which guarantees advocates' independence in the exercise of their profession without being subject to undue restrictions and without being subject to undue pressure, threats or interference, whether direct or indirect, from any person, for any reason whatsoever;

Conscious of the central position of advocates in the day-to-day protection of individual human rights;

Taking into account the importance of independence of individual advocates and their Bar Associations for better administration of justice, protection of human rights and the rule of law,

Concerned with the risks posed to advocates in many countries, including the cases of intimidation, harassment, threats, attacks on advocates and other acts of undue interference in advocates' work,

Aware of the fact that various existing international non-binding instruments, inter alia, the Recommendation No. R (2000) 21 on the freedom of exercise of the profession of lawyer, have not been fully effective in protecting advocates' rights,

Believe that it is of utmost importance that existing non-binding legal instruments are translated into a binding act in the form of a convention.

Consider that the purpose of this Convention is to strengthen the Rule of Law and, thereby, the protection of the profession of advocate whose mission is fundamental in the administration of justice and the safeguarding of fundamental rights.

The Council of Europe member States should participate in drafting a European Convention on the Profession of Lawyer and support its adoption. This will serve as an effective guarantee for the protection of every aspect of the work of lawyer, including freedom from undue interference in professional duties, protection of professional privilege or freedom of access to a client.

Particular attention should be paid to a control and early warning mechanism in order the Convention to be an effectively enforceable instrument.

Also, non-member States should have a right of accession to the Convention.

Tbilisi, Georgia

November 9, 2018