

Side Event at the OSCE HDIM 2019

AGENDA

LAWYERS UNDER THREAT IN OSCE REGION: IDENTIFYING TRENDS AND FINDING SOLUTIONS

Co-organizing organizations:



September 25th, 2019, 18:15-19:45, Plenary Hall

Warsaw National Stadium (PGE Narodowy), GATE 1, 2nd floor,
Warsaw, Poland

Background:

While shrinking civic space is a recognized phenomenon in the region, the related increase in systematic, often state-aligned, attacks on lawyers and the independent legal profession has been less discussed. This troublesome trend is particularly pronounced in Eastern Europe, Central Asia, and Caucuses. Lawyers in many countries continue to face pressure from state authorities, or failures to protect against intimidation from non-state actors, where they take on sensitive cases, such as those involving political dissidents or tackling corruption. In addition to risks associated with individual cases, human rights lawyers supporting the documentation and advocacy on rule of law and human rights issues have become targets for smear campaigns, threats, and frivolous discipline and legal proceedings. These attacks have also had a chilling effect on the willingness, and in some cases ability, of the local law societies and bar associations to support lawyers at risk. This is particularly acute in countries where the State retains ultimate authority over the profession, including through bar admission, discipline, and laws governing the provision of legal aid.

Authorities in several OSCE Member States routinely disregard international obligations regarding the protection of lawyers and the independent legal profession by failing to investigate and prosecute attacks against lawyers, breaching attorney-client confidentiality, and limiting access to relevant case-specific information during the investigation and at trial that undermines independence of the profession. Where the State fails to investigate and prosecute third party attacks on lawyers for their work on sensitive human rights issues, it undermines both the well-being of individual lawyers and the rule of law as the perceived impunity for such

attacks has a chilling effect on those who would take up such work. In some cases, the public officials have contributed directly to this perception through inflammatory rhetoric.

Lawyers have a central place in administration of justice because of their role as an intermediary between the public and the courts, and as a result the public needs to have confidence in legal profession to provide effective representation. In order to instill this confidence in public and ensure that lawyers' professional rights are implemented and better protected, there should be combined political will and cooperation of member States, national bars, international legal associations, and the broader international community.¹

Description:

This panel discussion aims to identify current threats against lawyers' professional rights and guarantees in the OSCE region. The speakers will identify and analyze the current trends through a discussion of recently gathered data and specific cases of violation of lawyers' rights from **Kyrgyzstan, Kazakhstan, Tajikistan, Moldova, Ukraine, Azerbaijan, Russia and Belarus**. They will also make recommendations regarding the way forward to increase protection for lawyers and the independent legal profession in these countries and the OSCE region as a whole.

Schedule:

Mikolaj Pietrzak

Moderator, Dean Warsaw Bar Association

Laurent Pettiti

Chair of the CCBE European Convention Working Group, Council of Bars and Law Societies of Europe (CCBE) –
presenting on importance of protecting lawyers and the role of the Bar Associations in providing protections for its members and international cooperation in supporting lawyers and advocates in OSCE region

Identifying Regional trends in Central Asia:

Madina Akhmetova

Lawyer, NGO "Dignity"- presenting report *"Overview of the situation of lawyers' and advocates' security and protection for 2011-2019"* in **Kazakhstan**

Jasmine Cameron

Senior Staff attorney, American Bar Association (ABA), Center for Human Rights – presenting on **Kyrgyzstan's** current trends based on the 2018 report *"Identifying the legal barriers to effective legal representation in Kyrgyzstan"*

Dilrabo Muradova

Lawyer - reporting on current trends and cases in **Tajikistan**

Identifying Regional trends in the Caucuses and Eastern Europe:

Lela Metreveli

Executive Director, Human Rights Embassy, Moldova – presenting on updates to the report “*Human Rights Advocates Are Under Threat*” on the current situation of lawyers in **Moldova, Ukraine, Russia, Azerbaijan and Belarus**.

Finding solutions and offering recommendations:

Jurate Guzeviciute

Program Lawyer, International Bar Association Human Rights Institute (IBAHRI) – presenting on challenges in supporting local lawyers and institutions in compliance with international practices and standards and offering recommendations on ways forward

Temur Shakirov

Senior Legal Advisor, International Commission of Jurists (ICJ) – presenting on possible solutions, effective of methods of work and recommendations for local and international organizations, member states and other stakeholders

Q & A

Comments from the members of the public and representatives from various National Bar Associations

¹ International organizations and regional institutions started initiatives to address this issue, for example, Parliamentary Assembly of the Council of Europe (PACE) adopted a recommendation to draft a convention on profession of lawyers on January 24th, 2018.