

Lawyers' Rights Watch Canada

NGO in Special Consultative Status with the Economic and Social Council of the United Nations

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British Columbia's proposed legislation violates international law and standards on independence of the legal profession

For immediate release

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Lawyers' Rights Watch Canada (LRWC) on 10 April 2024 sent a [letter and brief](#) to the Attorney General (AG) of British Columbia (BC) warning that the AG's current plans for legislation to regulate the legal profession threaten the independence of lawyers and violate Canada's – and BC's – obligations under international human rights law and standards.

LRWC says it is “seriously concerned” that BC's proposed law indicate “an attempt to interfere with the independence of the legal profession by unilaterally planning to legislate fundamental changes to the governance structure of the Law Society of BC...”

LRWC's letter also expresses “regret” about the BC government's “pattern of inadequate consultation on the contents of draft legislation.” The 10-page brief says that BC government's overall practices on public consultation on draft legislation “fail to measure up to international standards, best practices, and emerging norms regarding the right to participation in public affairs.”

In the case of the proposed law on the legal profession, LRWC's letter notes that: “Very few people have been granted an opportunity to see or study the draft law. Those who have seen it have been required to sign non-disclosure agreements...”

According to LRWC's brief, BC's process of consultation on the draft law “has lacked sufficient transparency and specificity to satisfy BC's obligations under international law and standards, denying sufficient opportunities for participation by those whose rights may be affected, including lawyers, paralegals, notaries public, relevant sectors of civil society in Canada, Indigenous Peoples, and all members of the public.”

The rule of law and independence of lawyers are under threat around the world

“BC, must in all legislation, policies, and practices, set exemplary models of adherence to the rule of law and international human rights law and standards.” – LRWC, April 2024

LRWC says its concern about BC's proposed legislation springs from “more than two decades of experience advocating for the protection of lawyers and human rights defenders internationally, including letters, statements, reports, amicus briefs to national courts, and interventions at the UN Human Rights Council.”

The brief observes that:

... authoritarian governments often misuse laws to interfere with the separation of powers, assert control over legal systems, and to impair or destroy the independence of lawyers and their governing bodies. Such laws are often misused to facilitate unwarranted vilification, discipline, disbarments, or judicial harassment of lawyers or the legal profession. Authoritarian governments often look to examples in other countries to justify legal provisions that violate the independence of judges and lawyers. This means that Canadian jurisdictions, including BC, must in all legislation, policies, and practices, set exemplary models of adherence to the rule of law and international human rights law and standards.

LRWC grounds its submissions in BC's obligations under international law and standards, including the *International Covenant on Civil and Political Rights* ([ICCPR](#)) and the United Nations (UN) [Basic Principles on the Role of Lawyers](#).

LRWC's letter and brief recommend that the BC government:

- a. Withdraw its plans for legislation regarding the government-proposed changes to the BC legal profession in the 2022 Intentions Paper and March 2024 Update.
- b. Fully consult and cooperate with the legal profession, relevant civil society organizations, the general public, and Indigenous Peoples on all draft intentions and provisions of any proposed law related to the governance of the legal profession or governance of other practitioners engaged in the provision of legal services, such as paralegals, notaries public, or others.
- c. Create, in cooperation with the legal profession, a comprehensive plan on access to justice, including utilization of the Provincial Sales Tax (PST) on legal services to fully fund Legal Aid BC so as to ensure the right of all persons to representation by a lawyer in all cases where they require legal representation by a lawyer to secure their rights.

LRWC has also made recommendations that the Law Society of BC, bar organizations, and lawyers urgently take all necessary measures, in cooperation with the BC government, to:

- a. Promote or ensure laws, policies, and practices that uphold and guarantee the independence of lawyers in BC in accordance with international law and standards;
- b. Promote or ensure laws, policies, and practices to ensure access to justice for all persons in BC, including adequate provision of legal aid in accordance with international human rights law and standards;
- c. Ensure adequate education and training of all lawyers and other legal practitioners on international human rights law, standards, and best practices.

About LRWC

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law and the rule of law through advocacy, legal research and education. LRWC is a volunteer-run NGO in Special Consultative Status with the Economic and Social Council of the United Nations. For further information contact LRWC at lrwc@lrwc.org. Website: www.lrwc.org