

Lawyers' Rights Watch Canada

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

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Canada: British Columbia's draft law on regulation of the legal profession violates international law and standards

Bill 21 compromises the independence of lawyers and the rule of law

For immediate release

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Lawyers' Rights Watch Canada (LRWC) is [calling on](#) the Attorney General of British Columbia (AGBC) to withdraw Bill 21, tabled in the BC legislature on 10 April 2024.

If enacted, Bill 21 would replace BC's current *Legal Profession Act* and *Notaries Act* with a "single regulatory authority" over lawyers, notaries, and paralegals. The Bill would effectively abolish the approximately 14,000-member Law Society of BC (LSBC) and replace with a 17-member organization that would also constitute its board of directors.

LRWC is concerned that under Bill 21, lawyers would be governed by a partially-elected body with a bare majority of nine lawyers, only five of which would be elected by BC's approximately 14,000 lawyers across the province. The other four lawyers would be appointed by the new board, which would also comprise elected and appointed notaries and paralegals, and three government appointees.

In its [letter](#) to the AG on 17 April 2024, LRWC said its legal analysis indicates that Bill 21 fails to ensure the independence of the profession of lawyers and fails to demonstrate how it will improve BC's serious deficiencies of access to justice.

LRWC says the proposed new arrangement, which has been imposed by the BC government over the objection of the LSBC and other lawyers' organizations, violates the United Nations (UN) [Basic Principles on the Role of Lawyers](#) which call for independence of lawyers' governing bodies. According to the UN Basic Principles:

24. Lawyers shall be entitled to form and join self-governing professional associations to represent their interests, promote their continuing education and training and protect their professional integrity. The executive body of the professional associations shall be elected by its members and shall exercise its functions without external interference.

This principle applies to professional regulatory associations and law societies such as the Law Society of British Columbia.

LRWC's letter to the AG included LRWC's 16-page [briefing paper](#) explaining how Bill 21 fails to comply with BC's obligations under international human rights law and standards binding on BC, particularly the *International Covenant on Civil and Political Rights* and the *UN Basic Principles on the Role of Lawyers*.

According to LRWC's briefing paper, "It is not properly within the jurisdiction of the BC government, nor is it in the public interest, to unilaterally abolish the LSBC as a fully independent membership organization with the right to determine its own governance structures." LRWC calls on the BC government to withdraw Bill 21, finding it to be "fundamentally flawed and incapable of amendment to bring it up to international law and standards."

LRWC's briefing paper says Bill 21:

- Represents BC's persistent failure to ensure to all persons in BC adequate remedies for violation of their rights (often referred to as "access to justice"), including legal representation by an independent lawyer of their own choosing in criminal, civil, and administrative law matters;
- Violates the rule of law by failing to respect, protect, and ensure the separation of powers and the self-governance of the legal profession that is essential to the independence of lawyers, which is in turn essential to fulfilment of everyone's rights to legal representation...; and
- Fails to comply with BC's duty to ensure democratic promulgation of laws, including fulfilment of the right to adequate participation at all levels of decision making in all matters that affect their rights...

LRWC's letter to the AG expressed "regret" that the BC government has scheduled the second reading of Bill 21 to occur on 22 April 2024. "Since the current legislative session ends on 16 May 2024, this rapid time frame suggests your government's intention to hastily move the Bill to law without allowing sufficient opportunity for fully-informed public debate," the letter said.

LRWC's briefing paper calls on the BC government to

"... withdraw Bill 21 and to engage in a full, cooperative, and transparent consultation process with the LSBC, BC lawyers, notaries and paralegals, judges, law schools, civil society groups, and the general public, along with Indigenous Peoples, with the intention of ensuring free, prior, and informed consent of all relevant stakeholders to this and all other proposed legislation."

About LRWC

Lawyers' Rights Watch Canada (LRWC) is a committee of lawyers and other human rights defenders who promote international human rights law, the rule of law, and the integrity of legal systems through advocacy, legal research and education. LRWC is a volunteer-run non-governmental organization (NGO) in Special Consultative Status with the Economic and Social Council (ECOSOC) of the United Nations (UN) since 2005.

LRWC members have over two decades of experience advocating for protection of the independence of the legal profession in more than 80 countries. Included in LRWC's work has been a focus on the failure of British Columbia (BC) to fulfil its obligation to implement human rights treaties binding on Canada and its provinces and territories. LRWC has been particularly concerned with "[BC's longstanding failure](#) to ensure equal access to justice and its continued violation of the rights of Indigenous Peoples and persons, despite BC's passage of a 2019 law requiring implementation of the *UN Declaration on the Rights of Indigenous Peoples* (UNDRIP)."

[Read the full pdf briefing paper](#). For further information contact [lrwc \[at\] lrwc.org](mailto:lrwc@lrwc.org).

