



## **Resolution on the support for the Portuguese advocates and need of strengthening the protection of the profession of lawyer in the light of proposed amendments by the Portuguese Government.**

The General Assembly of the European Bars Federation (FBE) in Amsterdam 17 June 2023 which represents over 210 member Bars of Europe and their 1 million member lawyers, expressed its grave concerns on the current state of affair of the lawyer's profession in Portugal in the light of the new Act on Professional Public Associations (referred to as LAPP) and further intended amendments to the national law regarding the legal assistance provided to the citizens including but not limited to drawing up of real property sale and purchase contracts, negotiations and legal collection of receivables being conducted by non-lawyers and without supervision of a registered lawyer.

Having regard to the fact that the obligation of all Member States is to promote and ensure the proper role of lawyers in the judicial system, crucial for strengthening the trust of the public in actions of the courts.

Having regard to the well-established ECHR's jurisprudence under which all EU member states are obliged to provide to their citizens the effective access to justice what reads the access to an independent and a well-qualified lawyer in accordance with the high standards of legal training (including continuing education training) conducted and supervised by the independent Bar Association.

Having regard to the fact that the introduction of the regulations allowing non-lawyers engaged by commercial companies, ONG and public administration entities to independently provide legal services to the citizens, specifically to those who are in an economically weak position would, undoubtedly, adversely affect the rule of law and would lead to possible violations of the rights and fundamental freedoms of the Portuguese citizens and the democratic system itself.

In accordance with the FBE constant position and responsibility for protection of human rights of every single individual and the constant position that lawyers shall at all times be guaranteed in order to maintain the honor and dignity of their profession as essential agents of the administration of justice.

The General Assembly notes that the situation in which non-lawyers are granted the same or similar scope of competence as qualified legal professionals in the domain of legal services without the adequate and sufficient training,

unsupervised and without the obligation to comply with duties contained in the lawyers' code of conduct could result in the loss of confidence by the citizens in legal profession and therefore in the fair administration of justice.

Therefore, the General Assembly requests the Portuguese national authorities to ensure the fair administration of the system of justice and effective protection of human rights that could only be achieved by having regard to the following:

- For the well-being of the public the practice of law must be regulated and supervised by the independent Bar Association;
- Only independent and well-educated lawyers should perform the work of lawyers to prevent a grave disservice to the citizens and the system of justice;
- The independence of lawyers and the self-governing professional bars strengthens the Rule of Law and serves the interests of the public.

FBE STATES its preparedness to support the Portuguese advocates and to provide assistance to the Portuguese National Bar during the advocacy campaign in order to maintain the international standards for protection of profession of the lawyer in Portugal.



FEDERATION DES BARREAUX D'EUROPE  
EUROPEAN BARS FEDERATION  
VERBAND EUROPÄISCHER RECHTSANWALTSKAMMERN  
FEDERACION DE LOS COLEGIOS DE ABOGADOS DE EUROPA  
FEDERAZIONE DEGLI ORDINI FORENSI D'EUROPA