

The World Bank and Law Societies launch a new initiative to support the rule of law across the globe

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14 January 2021

On the 19 October 2020, recognising the critical importance of Sustainable Development Goal 16, the Law Society of England and Wales joined forces with the World Bank Legal Vice-Presidency, the Conseil National des Barreaux (CNB) & the Paris Bar, the Inter-American Bar Association (IABA), the Union Internationale des Avocats (UIA), and LAWASIA to launch a new initiative under the aegis of the Global Forum on Law, Justice and Development.

The *Compact and Forum for SDG-16* will be a community that encourages every lawyer to help strengthen the rule of law and access to justice, thereby helping the poorest and most disadvantaged in all corners of the globe. By signing the Compact in order to join the Forum, law societies and bar associations will have made a commitment to promoting the rule of law and improving access to justice within their own jurisdictions and internationally.

What will the Compact and Forum for SDG 16 do?

- ✚ Harness the collective power, purpose, and perspective of the global legal profession to advance the rule of law and access to justice.
- ✚ Connect law societies, bar associations and their members in every part of the world and provide them with access to expertise and resources to build a robust and independent legal profession.
- ✚ Raise awareness of the challenges faced by legal practitioners across the globe, creating a safe space for discussion.
- ✚ Co-ordinate the existing work of legal collectives across the world in implementing tangible ideas to help achieve the rule of law and access to justice for sustainable development.

How can Law Societies and Bar Associations Join?

Membership to the Compact and Forum for SDG 16-is open to:

- ✚ Law societies, bar associations and similar collectives and/or professional societies of lawyers operating at a national level or considered relevant at a local level.
- ✚ Societies of lawyers such as the International Bar Association (IBA) and Union Internationale des Avocats (UIA) that are prepared to commit to the Compact.

The Law Societies' Compact and Forum for SDG-16 will adopt integrity-vetting mechanisms before accepting membership applications to ensure it admits only those members whose commitment towards the overall goals will be beyond doubt.

Why is the rule of law and sustainable development goal 16 important?

Over the last three years, there has been a continued global deterioration in the rule of law¹, particularly with the rise and emboldening of authoritarian regimes. Preserving and safeguarding the rule of law is a fundamental imperative to promote social and economic development, human

¹ According to the Rule of Law Index 2020 of the World Justice Project <https://worldjusticeproject.org/our-work/research-and-data/wjp-rule-law-index-2020>

security, and access to justice for all. Even prior to the pandemic, the 2020 Rule of Law Index recorded an overall deterioration and stagnation across eight key categories, indicating a persistent decline in the rule of law. The Index finds that fundamental rights, constraints on government powers, and absence of corruption are among the most pronounced categories of decline. At a global level, over the past year, countries experienced the biggest declines in the areas of Fundamental Rights (54 declined, 29 improved), Constraints on Government Powers (52 declined, 28 improved), and Absence of Corruption (51 declined, 26 improved). Sadly, this is not a new pattern; the World Justice Project (WJP) data also shows the same three factors endured the largest decline over a five-year time horizon. Fundamental Rights were highlighted as suffering the worst deterioration, with 67 countries dropping in score since 2015.

The 2030 Sustainable Development Agenda affirms that “there can be no sustainable development without peace and no peace without sustainable development”². Yet, the number of people fleeing war, persecution and conflict exceeded 70 million in 2018, the highest level recorded by the UN refugee agency (UNHCR) in almost 70 years. In 2019, the UN recorded 357 killings and 30 enforced disappearances of human rights defenders, journalists and trade unionists in 47 countries³.

- Among the institutions most affected by corruption are the judiciary and the police.
- Corruption, bribery, theft and tax evasion cost approximately US\$1.26 trillion to developing countries per year.
- The proportion of prisoners held in detention without sentencing has remained almost constant in the last decade, at 31% of all prisoners.

Diego García Sayán, the UN Special Rapporteur on the Independence of Lawyers and Judges, asserts that corruption also has a direct impact on human rights⁴:

- Corruption deprives societies of important resources that could be used for basic needs, such as public health, education, infrastructure, and security.
- Corruption directly damages the functioning of state institutions, particularly the administration of justice. It decreases public trust in justice and weakens the capacity of judicial systems to guarantee the protection of human rights, and it affects the tasks and duties of the judges, prosecutors, lawyers, and other legal professionals.

With the COVID-19 pandemic there is a danger that, under the guise of a global health crisis, we are at greater risk of eroding the rule of law due to the speed and type of decisions being made around the current emergency. In their “Toolkit for member states” of April 2020, the Council of Europe recommended that the power of the government to issue emergency decrees should not result in a carte blanche handed over by the legislative to the executive⁵. The report went on to say that, given the rapid and unpredictable development of the pandemic, relatively broad legislative delegations may be needed but should be formulated as narrowly as possible to reduce

² Goal 16 Advocacy Toolkit

<https://sustainabledevelopment.un.org/content/documents/9935TAP%20Network%20Goal%2016%20Advocacy%20Toolkit.pdf>

³ Goal 16: Promote just, peaceful and inclusive societies

<https://www.un.org/sustainabledevelopment/peace-justice/>

⁴ Corruption, Human Rights, and Judicial Independence, July 2017, Special Rapporteur Diego García-Sayán <https://www.unodc.org/dohadeclaration/en/news/2018/04/corruption--human-rights--and-judicial-independence.html>

⁵ Respecting democracy, rule of law and human rights in the framework of the COVID-19 sanitary crisis A toolkit for member states, 7 April 2020, Council of Europe <https://rm.coe.int/sg-inf-2020-11-respecting-democracy-rule-of-law-and-human-rights-in-th/16809e1f40>

any potential for abuse. On 3 November, during her briefing to the Security Council, the UN Deputy Secretary-General Ms. Amina J. Mohammed stated: “the pandemic continues to exacerbate the risks and drivers of conflict – from cross-border insecurity and climate-related threats to social unrest and democratic deficits. Grievances and inequalities are deepening, eroding trust in authorities and institutions of all kinds, and increasing vulnerabilities”⁶.

It is essential that the rule of law is safeguarded and access to legal advice and justice is maintained during emergency situations as to enable those most at risk to challenge these effects and enforce their rights. As lawyers, finding rule of law-based responses can contribute towards a sustainable and long-term recovery that can also prevent the arbitrary or excessive use of power.

Why law societies, bar associations and lawyers are significant for SDG-16?

Law societies, bar associations, and lawyers can play a significant role in upholding the rule of law and human rights, in helping to establish and maintain democracies, and in building prosperous economies due to their position in society and their professional expertise.

The independence of the legal profession and the preservation of the rule of law are fundamental to every democracy. In such democracies, access to justice should be every citizens’ right so that they can hold governments and other stakeholders to account.

Interested in joining? Email: globalforumljd@worldbank.org

⁶ Deputy Secretary-General's briefing to the Security Council on “Peacebuilding and Sustaining Peace: Contemporary Drivers of Conflict and Insecurity”, 03 November 2020
<https://www.un.org/sg/en/content/deputy-secretary-generals-briefing-the-security-council-%E2%80%9Cpeacebuilding-and-sustaining-peace-contemporary-drivers-of-conflict-and-insecurity%E2%80%9D-prepared-for-delivery>