

# **The role of legal professionals in upholding the rule of law, promoting and protecting human rights and help transforming global governance.**

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Good afternoon, esteemed colleagues, experts, and distinguished guests. I would like to first thank the Birmingham City University and its Human Rights Centre, in particular Professor Jon York and Dr. Alice Storey, for the invitation and for organising this excellent and timely conversation.

It's an honour to be here today to discuss a topic that is at the heart of global legal and ethical transformation: the implementation of the UN Pact for the Future, and the pivotal role that lawyers and legal professionals, could play in shaping this future.

My intervention will be built around 3 main pillars

- 1) The work of the International Bar Association's Human Rights Institute at the United Nations
- 2) Current global challenges, the crisis of multilateral system and the role of legal professional
- 3) The Pact for the Future and How Legal Professionals Can Act as Key Enablers for its Successful Implementation

## **1) The work of the International Bar Association's Human Rights Institute at the United Nations**

For those who are not familiar with the International Bar Association, it was established in 1947, it is the world's leading organisation of international legal practitioners, bar associations and law societies. With a membership of over 80,000 lawyers and 190 bar associations and law societies spanning all continents, it influences the development of international law and helps shape the future of the legal profession throughout the world. The IBA's Human Rights Institute (IBAHRI) was created in 1995 to provide human rights training and technical assistance for legal practitioners and institutions, strengthening their capacity to promote and protect human rights effectively uphold the rule of law, shape international human rights law and UN set standards, engage judges, lawyers and prosecutors with the United Nations (UN) and work with them to implement UN recommendations at domestic level and bring about concrete changes.

Particularly, with our legal partners and bar associations we advocate at the UN for the advancement of human rights and international standards relating to the administration of justice, including fair trial and due process, judicial independence, the protection of legal professionals, accountability for human rights violations, and other crimes under international law.

A will share a few examples of how the UN programme of the IBAHRI work with legal professionals, bar association, judges and lawyers.

The IBAHRI is supporting Ukrainian lawyers on ensuring accountability for war crimes committed by Russia and Russian Armed forces; supporting them in advocating at the United Nations (UN) and giving them a voice and a space at the UN Human Rights Council; empowering lawyers and enhancing their understanding on the strategic use of the UN Human Rights mechanisms, including the Commission of Inquiry on Ukraine .

On the same vain IBAHRI is working with Afghan lawyers and judges in exile, and particularly with women, to denounce the [ongoing gender persecution](#) in Afghanistan. We work with the Afghan Independent Bar Association to give them a voice at the UN and engage them in advocacy efforts to establish an independent accountability mechanism on Afghanistan .

IBAHRI also systematically raises UN awareness on the key role that judges and lawyers can play in upholding the rule of law, in promoting human rights, in supporting implementation of international standards and UN Recommendations at national level.

The States' duty to protect entails the duty to prevent, investigate, punish, redress violations and abuses through policy, legislation, regulations and adjudications. Judges and lawyers are essential agents to ensure the fulfilment the state's duty to protect.

The IBAHRI, through its UN Programme, also tries to enhance engagement of the judiciary with the UN and in particular with the Universal Periodic Review (UPR). The UPR can be a critical mechanism to promote rule of law and ensure implementation, even more when it deals with recommendations that are accepted by states. States Under Review should use the UPR process as an opportunity to engage more strategically with the judiciary, prosecution services and lawyers, prior, during and after the review and foster dialogue between states and the legal community on human rights. This would help promote law reforms in line with International human rights recommendations. It can lead to better adjudication of cases, in line with international standards, as judges and courts can refer to and leverage accepted recommendations to support their decisions. It can address challenges that court actors may face in protecting human rights. The Judiciary and the legal community at large, can play a key role to move from UPR Recommendations to political commitments and from political commitments to legal implementation and then to adjudications.

Lawyers have a central position in the administration of justice. They defend citizens' rights and liaise between citizens and courts. In this capacity, they hold a key position in ensuring the trust of the public in actions of the courts – the mission of which is fundamental in a democratic system governed by the rule of law. As a result, they are themselves becoming the targets of a wide range of attacks that seek to undermine these efforts. We witness ever increasing trends in targeting lawyer because of their work. In particular, from governments attacks, lawyers across the world are exposed to significant risks, including when trying to uphold the role of law or defend human rights or human rights-related causes journalists. These repressive tactics leave without legal defence and representation. As such, this harassment is not just a threat to lawyers but to the rule of law in general.

## **2) Current global challenges, the crisis of multilateral system and the role of legal professional**

We are living a time inundated by conflicts, divisions, crackdown and mistrust. States continue to contravene international law with impunity. We are witnessing war crimes committed by states and individuals and consequent impunity

We are observing increasing violations of the UN Charter. Ongoing devastating conflicts that result in atrocities, thousands of deaths and incommensurable suffering.

Coups d'état and unconstitutional changes in government are unfortunately back in fashion, with a raise of authoritarian regimes. Systematic attacks against the basic rights of women and girls amounting to gender persecution are creating an unprecedented regime of gender-based apartheid. We see totalitarian and authoritarian regimes that are silencing the opposition and cracking down on civil society and civic space, repressing peaceful protests and resulting in democratic decay and backsliding on human rights. Other countries are ruled by gangs, where we see severe institutional crisis coupled with an almost non-existent rule of law, leading to widespread human rights abuses and the escalation of crime rates.

In January 2023, UN Secretary-General António Guterres [said](#) that 'We are at grave risk of the Rule of Lawlessness'. Today, adherence to the rule of law is more important than ever. As Guterres pointed out, from the smallest village to the global stage, the rule of law is all that stands between peace and brutal conflict or repression.

Created to anchor the protection of rights, the [multilateral system is in deep crisis](#). At global level, the collapse of the rule of law has destabilized the trust in leaders and in institutions. We are facing an unprecedented disconnection between people and the institutions that are supposed to serve and protect them, with many people left behind and no longer confident that the system works also for them.

In his [Our Common Agenda](#) report, the UN Secretary-General stressed the need for the UN to support also communities and people in rebuilding the social contract, as a foundation for sustaining peace, highlighting that [justice is an essential dimension of the social contract](#). However, we witness ever-increasing justice gaps, with many justice systems delivering only for the few. It has been estimated that 1.5 billion people have unmet justice needs. In many places around the world, women effectively enjoy only three quarters of the legal rights of men. Legal disempowerment prevents women, but also vulnerable groups and victims from using the law to protect and defend themselves.

## **3) The Pact for the Future and How Legal Professionals Can Act as Key Enablers for its Successful Implementation**

In September 2024, the United Nations General Assembly adopted the Pact for the Future, which is a landmark initiative that seeks to establish a new global governance framework that is inclusive, equitable, and sustainable.

What I think it is an interesting element, almost innovative, of the Pact is that it "calls for collective action to address some of the most pressing challenges the world is facing". It underscores the importance of multilateral cooperation, innovation, and a rights-based approach to global governance. The Pact emphasizes principles such as human dignity, equity,

climate justice, rule of law, and sustainable development. However, these principles are not just aspirational, they must be enshrined in legal frameworks at national, regional, and international levels. In this, legal professionals can play a critical role.

The Pact seeks to bridge the gap between global agreements and local realities. The implementation of the Pact requires translating its principles into enforceable domestic laws, regulations, and policies. This operationalisation requires the critical legal expertise. The role of legal professionals would be to translating global principles into local action.

I have previously said that lawyers, judges and bar associations have a vital role to play in promoting accountability, ending impunity and ensuring remedy for victims and survivors. However, a precondition is that they have enabled to do so safely and independently. Without an independent, competent legal profession, victims of human rights violations would be unable to exercise their rights.

The judiciary is one of the main pillars of the rule of law. It is also instrumental to promote and enhance the implementation of international standards, both hard and soft law. National courts can have a dynamic and active role also in advancing human rights at national level. In the last few decades, particularly since the 1990s, national courts are increasingly becoming key actors in the application of international law.<sup>1</sup> Courts have used international human rights norms and standards to guide the interpretation and application of rights at domestic level, even where the country concerned does not hold a binding obligation under international law.

Courts can engage or even counterbalance the actions of the other government branches in order to guarantee the protection of rights and assume an active stance in enforcing existing international human rights standards. Some courts, for example, rely on international human rights law as a way to affirm or reinforce their own conclusions<sup>2</sup> and interpret general national law in the light of international standards and principles, such as non-discrimination, and determine the rights applicable in concrete cases<sup>3</sup>, fill lacuna in the domestic law in a way that is consistent with international law .

Lawyers are the architects of the frameworks that make global ideals actionable. It could deal with drafting new laws, advising governments on treaty obligations, or advocating for civil society participation, training or defending victims: lawyers play an indispensable role in making the global commitments of the UN Pact meaningful and effective at the local level.

More specifically legal professionals can support the translation of the principles enshrined the Pact for the Future, in the following suggested ways:

- International Law and Global Governance: The Pact envisions a reformed international legal order, with stronger global institutions. Lawyers will be integral in advising on the reform of international treaties, such as those on trade, security, or the environment, to align with the goals of the Pact.
- Human Rights Law: Lawyers and judges must ensure that human rights are embedded into the legal systems of all countries. This includes safeguarding the rights of vulnerable populations, ensuring access to justice and remedy, and challenging any laws or practices that perpetuate discrimination or inequality.

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<sup>1</sup> Melissa Waters, 'Mediating Norms and Identity: The Role of Transnational Judicial Dialogue in Creating and Enforcing International Law' 93(2) Georgetown Law School (2005) 487, 509.

<sup>2</sup> See for example *Roper v Simmons* 543 U.S 551 (2005) (United States).

<sup>3</sup> See for example *Hemmes v Young* [2005] 2 NZLR (New Zealand).

- Climate justice is a cornerstone of the Pact. The role of judges and lawyers in promoting law and policies, enforcing environmental protections and holding corporations accountable will be crucial. This include corporate responsibility: there will be a growing need for legal professionals to advocate for greater corporate accountability, especially in relation to human rights and environmental impact.
- Advocacy and Public Interest Litigation: Lawyers have a critical role in advocating for public policies that align with the Pact’s goals. This could involve litigating for the rights of marginalized communities, pushing for legal reforms that integrate sustainable practices, or challenging policies that undermine global commitments to peace and security.
- Training and Capacity Building: legal professionals can contribute to the Pact’s implementation by training and empowering other stakeholders—such as government officials, local leaders, and NGOs—in the legal dimensions of global governance. This builds a network of legally informed advocates who can help ensure long-term, sustainable change.

However, as always, there are a number of challenges in realising the principles enshrined in the Pact, that should be taken into consideration. For example:

1. Legal fragmentation and lack of political will
  - o Global agreements may be in place, however fragmentation of national legal systems and political resistance may challenge their effective implementation across different legal systems.
  - o For this reason, lawyers must work also beyond the borders and create synergies between domestic laws and international agreements, advocating for reforms that close the gaps between international norms and national practice.
2. Weak legal institutions
  - o The success of the Pact depends on the strength and independence of legal institutions. Lawyers must advocate for robust legal institutions that can uphold the principles of the Pact, free from political interference or corruption.
  - o Supporting judicial independence, enhancing the capacity of international courts, and promoting access to legal remedies are key areas where lawyers can make a real difference.
3. The private sector
  - o The corporate world is another area of concern. Lawyers must lead efforts to engage the private sector in sustainable and ethical practices. This includes ensuring compliance with international environmental and human rights standards, as well as fostering greater corporate responsibility.
  - o Legal professionals can play an essential role in the development of frameworks that guide business activities to align with the Pact’s objectives.

#### **4) Conclusions**

As part of the world’s leading organisation of legal practitioners, I must say that lawyers, bar associations and law societies, are ideally placed to engage with the UN and to advocate for the advancement of human rights to sustain the rule of law, ensure implementation of international human rights standards, enhance judicial independence and fair trial guarantees and encourage an effective and gender-responsive administration of justice.

“I Swear to Fulfil the Duties of Defence Lawyer Honestly and Faithfully”. This is the oath every lawyer takes before starting their professional journey. Lawyers and legal community must work together with the international community at large to reaffirm the strong and mutually reinforcing relationship between the rule of law, accountability and human rights.

It is time to rethink, renew and rebuild trust in international institutions and support governments to rebuild the social contract with their people and within societies. UN institutions must start by rebuilding, restoring and sustaining the rule of law, both internationally and domestically, by supporting victims and survivors and providing access to justice, remedy and reparation. To do so, a more inclusive, effective and principled multilateral system is urgently needed.

We need to rethink together ways to ensure effective responses. As Dr. Martin Luther King , famously stated, “Injustice anywhere is a threat to justice everywhere.” Communities need to see results reflected in their daily lives. People need to see their rights realised and need to know they can seek justice if their rights are violated. We need to empower justice systems to better and more effectively respond to these challenges.

Latins used to say: *Justitia Fundamentum Pacis* (Justice is the foundation for peace). It is the collective duty of every lawyer and legal professionals to promote human rights and challenge any attack that undermine the rule of law. These challenges are interconnected and can only be addressed by interconnected responses, through a reinvigorated multilateralism, placing the UN, its Charter and its values, at the centre of joint efforts.

Thank you!