

INTERNATIONAL CHARTER OF YOUNG LAWYER'S RIGHTS

FOREWORD

The role of the Lawyer is to defend the legal interest of his/her client. In this way, he/she is an essential element of any democratic society within which all public and individual freedoms must be guaranteed.

The obligations and duties the Lawyers impose to themselves, which are part of their integrity, can be envisaged only if such Lawyers are themselves vested in their rights and freedoms. This is the reason why the State is liable to ensure their protection.

Special attention must be granted to young Lawyers as the insecurity they are encountering at the beginning of their practise expose them to violations of their above mentioned rights and freedoms.

The Young Lawyers are much willing to continue the struggle undertaken by their predecessors, while trying to improve the conditions for exercising the right of defence. In this way, they carry the generational concerns of their time and participate into renewing the look any democratic society may have on its appraisal on fundamental freedoms.

The Young Lawyers are particularly committed to values of mutual aid and solidarity able to unit them against adversity, as well as to a common training which should allow any person who has validated it to subscribe to the bar of his/her choice and practise freely.

On the occasion of their eighth Convention on the Prevention of Crime and the Treatment of Offenders held in Havana (Cuba) from August 27th to September 7th 1990 the United Nations have defined the « Basic principles related to the role of the Bar » referred to as the « *Havana Principles* » in order to get all guarantees on the practice of the profession of Lawyer. Such principles are also those upheld by the International Covenant on Civil and Political Rights by the European Convention of the Human Rights and Fundamental Freedoms, and the African Charter on Human and People's Rights. All these texts are aimed to guarantee an access to the justice and the protection of the human rights and fundamental freedoms, in particular the rights of defence and the guarantees for a fair trial.

As we are aware of the difficulties specifically encountered by the young bar and the specific protection it may require, the associations representating the Young Lawyers have decided by adopting the present Charter to promote and defend the common values brought by this instrument.



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N° 20220603 – Orange, 10/06/2022

Preliminary Article

The following shall be entitled to sign the present Charter : any public authorities, bodies representing the profession of Lawyer, training centers, any professional association of Lawyers regularly established or any young Lawyer who may wish subscribing as an individual.

Each signatory hereby undertakes to promote, defend and implement the principles contained in the present Charter.

Title I – Mutual aid and solidarity

Article 1

Each signatory hereby encourages the dialogue within Young Lawyers and all exchanges between Young Lawyers and their representative authorities, with the aim to help and support any Young Lawyer who may encounter difficulties in his/her professional practice, regardless of the location of his/her professional activity.

Article 2

Each signatory hereby undertakes to request the protection of any authorities or associations, whether Orders or national bodies, representing the profession of Lawyer in favour of any Young Lawyer who might encounter problems or troubles during the practise of his/her profession.

Article 3

Each signatory hereby undertakes to participate in the protection of any Young Lawyer who might encounter problems or troubles during the practice of his/her profession, regardless of the location of his/her professional activity.

Titre II – Professional training

Article 4

Each signatory shall commit to ensuring that Young Lawyers may have access to quality professional training which they can afford for free or for reasonable cost.

Article 5

Each signatory shall commit to ensuring that Young Lawyers may have access for free and as from the date of their registration at the Bar, to training related to the functioning of the Bar, the uses and practices of their professional Order, the practical exercise of their profession as well as any other training necessary to start practising their professional activity according to the ethical principles and aiming at developing their professional activity.

Article 6

Each signatory shall invite the bars and training centers to propose an alternative for classroom-training sessions, in particular by providing distance training.



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Title III –Practice of the profession of Lawyer

Article 7

Each signatory shall commit to have no Lawyer suffering from any discrimination, in any way whatsoever, because of his/her age or the seniority of his/her registration at the Bar.

Each signatory shall make his/her best efforts to guarantee and have the Young Lawyers' rights respected as full-service lawyers.

Article 8

Each signatory shall commit to have the Young Lawyer collaborator receiving a fair financial compensation for the work done on behalf of the law offices in which he/she is practising.

Each signatory shall ensure that the Young Lawyer collaborator may benefit from any material resources to practise his/her profession and, as the case may be, to develop his/her own clientele.

Article 9

Each signatory shall commit to ensuring that Young Lawyers exercise their professional duties without any hindrance, intimidation, harassment or interference in the country where they shall have their practice, or abroad, and that no Young Lawyers may be subject to any proceedings because of their missions.

Article 10

Each signatory shall commit to ensuring that Young Lawyers may move and freely consult their clients, whether in the country in which they are exercising their activities or abroad, without they being subject to any legal prosecution, sanctions or dissuasive measures.

Article 11

Each signatory shall commit to ensuring that no court or administrative authority may refuse the intervention of a Young Lawyer on account of his/her client.

Each signatory shall commit to ensuring that no other restriction legally applicable shall prevent the Young Lawyer to enjoy the right of the freedom of practice to which he/she is entitled.

Article 12

Without any form of discrimination, each signatory shall in particular draw his/her attention to respecting the principle of immunity of pleadings to which are also entitled the Young Lawyers.



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Title IV – Shared achievements

Article 13

Any Young Lawyer is entitled to the right to express, whether individually or collectively, any ideas and opinions on the practice of the Lawyer profession, as well as on promoting the protection and the achievement of the human rights and fundamental freedoms either on the national or the international level.

Article 14

Any Young Lawyer shall be entitled to enjoy the full right of assembly.

Any Young Lawyer shall be entitled to take part into public debates and discussions on law, justice, fundamental freedoms or any other subject related to the practice of his/her profession.

Any Young Lawyer shall be entitled to form autonomous professional associations and to the right of joining such associations with the purpose to promote and defend the common interest.

The members of such associations shall elect their own governing body which shall perform its duties without any outside interference.

Article 15

The rights and freedoms granted in Articles 13 and 14 of the present Charter shall not suffer any disproportionate or unjustified restriction.

Article 16

Each signatory shall commit to ensuring that Young Lawyers may participate to any events, meetings, professional days or training sessions organized by any private or public entity in connection with the practice of the Lawyer profession.

Each signatory shall invite the bars to organize professional events with the purpose to enhance the Young Lawyers' legal abilities and eloquence.

Title V – Defense

Article 17

Each signatory shall commit to promoting the role of Young Lawyers in criminal and specifically emergency defense.

For this purpose, Young Lawyers shall benefit from an appropriate training according to the provisions enacted in Title II of the present Charter.



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Article 18

Any Young Lawyer, either chosen or appointed by the Court shall be entitled to assist any person arrested, detained or accused of a crime or an offense, without his/her age or the date of his/her registration at the Bar may constitute a barrier.

Article 19

Each signatory shall make his/her best efforts to promote the fair remuneration of a Young Lawyer appointed by the court or participating into an emergency criminal defense.

Article 20

The Young Lawyer shall not be personally answerable for any indictments brought against his/her client.

Title VI – Regulation, control and governance

Article 21

Each signatory shall commit to ensuring that Young Lawyers be given the opportunity to participate into the functioning of bodies in charge of training, controlling, ruling or governing the profession of Lawyer.

Each signatory shall commit to ensuring that the minimum conditions of age or seniority may not prevent Young Lawyers from having the opportunity to participate in the functioning of such bodies.

In the event of any reasonable condition of age or seniority be requested, each signatory shall commit to offering one or several places, with a consultative vote, to the Young Lawyer's representative who shall not fulfill such chargeability conditions.

Article 22

Without any discrimination on any basis, each signatory shall pay special attention to referring any disciplinary proceedings against Young Lawyers to an impartial disciplinary body formed by the Bar or before an authority or a court presenting all guarantees of impartiality and independence.

The disciplinary proceedings against a Young Lawyer shall be carried out according to the code of professional conduct and the ethic rules applicable to all the Lawyers registered at the same Bar.

The Young Lawyers who are fully exercising their duties shall benefit from procedural guarantees allowing them to dispute any disciplinary decision taken against them before an impartial and independent judicial body.



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Title VII – Final provisions

The present Charter shall be applicable as from the day following the signing thereof.



A handwritten signature in blue ink, appearing to read "Françoise Aubery".

Je soussigné, interprète Judiciaire
Expert Traducteur, près
- la Cour d'Appel de Nîmes
certifie que la traduction qui précède est
conforme à l'original libellé en langue

Française

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Visé par moi « Ne Varietur » N°
Signature exemple de légalisation
Décret n° 53-914, Art. 8 du 26-9-1953

Fait à Orange, le 10/06/2022