



10 July, 2023

**Statement**  
**of the Warsaw Bar Association of Advocates**  
**on the Portuguese Act on Professional Public Associations**

The Warsaw Bar Association of Advocates expresses its concerns regarding the possible impact of the new Act on Professional Public Associations and the changes to the law regarding legal assistance by persons other than qualified lawyers, as proposed by the Portuguese government, on the rights of Portuguese citizens and other people living in Portugal of access to professional legal assistance and on the independence of the Portuguese Bar.

The rights enshrined in Article 6 of the European Convention on Human Rights guarantee effective access to an independent and qualified lawyer. The European Court of Human Rights has confirmed in numerous judgements that this entails an obligation on the part of the state that is a signatory of the Convention to provide access to a lawyer who is well qualified and independent.

Independence of lawyers providing legal services can be guaranteed only by an independent bar association.

An independent bar association also constitutes a critical component of an independent justice system, which is one of the key safeguards without which democracies are left open to erosion by populist and authoritarian impulses.

A situation in which persons other than qualified lawyers are free to provide legal assistance, and such persons are not required to follow a professional code of ethics that qualified lawyers are beholden to, nor are they under the disciplinary jurisdiction of the Portuguese Bar Association, threatens the individual's right to be assisted by an independent lawyer and removes an important element from the democratic system of checks and balances.

The contemplated changes also threaten the right of Portuguese citizens and other people living in Portugal to be assisted by a lawyer who is adequately qualified. The quality of legal services cannot be guaranteed if they are to be provided by persons who are not trained to the same high standard as certified lawyers, nor subject to obligations of professional secrecy or avoidance of the conflict of interests.

Such solutions are all the more perilous because it is likely that the risks associated with entrusting one's rights to persons other than qualified lawyers will be borne disproportionately by persons from underprivileged groups.

In light of the above the Warsaw Bar Association of Advocates calls on the Portuguese government and public authorities to fulfil their obligation to ensure adequate access to legal assistance to their citizens by guaranteeing that:

1. all people living in Portugal, regardless of their financial, legal or social status, can rely on the help of a qualified and independent lawyer, as required by the European Convention on Human Rights;
2. the Portuguese Bar remains independent and retains its competence to regulate and oversee the professional activities of all persons providing legal services in Portugal.



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