



A European Convention on the protection of the profession of lawyer:

A small step for the legal profession, a giant leap for the rule law



The **Council of Bars and Law Societies of Europe (CCBE)** represents the bars and law societies of 46 countries, and through them more than 1 million European lawyers.

On 11 September 2024, the Committee of Experts on the Protection of Lawyers (CJ-AV) of the Council of Europe finalised the drafting of a European Convention on the protection of the profession of lawyer — a significant milestone in a journey that began in 2018, with strong support from the CCBE.

The draft Convention must now be examined and approved by the European Committee on Legal Co-operation (CDCJ) at its next plenary meeting on **19–21 November 2024**. The draft Convention will then undergo the Council of Europe's internal adoption procedures, leading to its final review and expected adoption by the Committee of Ministers in the **first half of 2025**.

Why do we need a Convention on the protection of the profession of lawyers?

Without free and independent lawyers, justice cannot exist.

Imagine a world without justice —no protection for the innocent, no accountability for the guilty. In such a world, chaos would reign. Yet, without free and independent lawyers, this nightmare scenario could become a reality. It is not just lawyers who stand on the front lines; it is justice itself.

In 2015, we asked ourselves a pivotal question: **How do we safeguard those who safeguard justice?** The answer was clear: we needed a European Convention on the protection of the profession of lawyer; **a binding legal instrument to ensure that lawyers can practice without fear, without prejudice, and without improper restraint.**

Indeed, **lawyers are often the targets of various types of attacks for the sole reason that they are trying to defend the rights of their clients.**



In many situations, lawyers are being targeted either because they are being identified with their client, or because of their active and vocal role in defending human rights or clients in sensitive cases according to the situation in a given country.

In addition, **attacks against lawyers are not only targeted at individual lawyers, but sometimes also targeted at hindering the independence of the legal profession as a whole through policy and regulatory developments** where state authorities try to encroach on their independence or on other core principles of the legal profession such as the lawyer-client confidentiality principle.

In a society governed by the rule of law, everyone's rights need to be protected and lawyers must be able to freely and independently protect those rights.

What does the Convention aim to achieve?

The Convention seeks to **strengthen the protection of lawyers and their right to practise freely and independently in order to make sure that everyone's rights are protected**. To achieve the most effective protection, the Convention will set comprehensive minimum standards to **safeguard not only the rights and protection of individual lawyers but also those of Bars and Law Societies (professional associations)**. This is crucial for maintaining the rule of law, securing access to justice, and upholding everyone's fundamental rights and freedoms.

More particularly, the Convention will guarantee the **independence and self-governance of professional associations** as well as their role in promoting and representing the interests and well being of lawyers, defending their independence and societal role, establishing and **upholding professional standards of conduct**



and facilitating access to the profession and ongoing education.

The Convention will also make sure that **professional associations are duly consulted** in relation to regulatory and legislative changes pertaining to the exercise and regulation of the profession.

In addition to this, the Convention will ensure that **admission to the profession and disciplinary procedures and decisions remains objective and fair**.

It also will ensure that lawyers can provide, without improper interference, legal advice and representation, access clients promptly (even in detention), obtain necessary case materials from authorities, communicate with courts, submit motions, actively participate in proceedings, and inform the public about their services. It will also ensure that

lawyers are protected from civil or criminal liability for any oral or written statements made in good faith and with due diligence while representing their clients in legal proceedings.

Most importantly, the Convention will **guarantee the right and duty of lawyers to both communicate confidentially with their clients and prospective clients and not to disclose confidential information**. This protection is crucial for the rule of law and the protection of clients' rights. This protection will therefore also extend to any person ("non-lawyer") working with a lawyer when directly involved in supporting the professional activities of lawyers, as to those employed and engaged by professional associations.

Moreover, the Convention will guarantee that **lawyers are not identified with their clients or their client's cause**.

Additionally, the Convention will **reinforce lawyers' and professional associations freedom of expression**.

Furthermore, the Convention will also provide a series of **protective measures** in situations where lawyers are deprived of their liberty or where they are the subject of a search and seizure. These protective measures will also make sure that lawyers are able to carry out their professional activities without being the target of any form of physical attack, threat, harassment or intimidation, or any improper hindrance or interference.



What is the added value of this Convention?

Several international principles and recommendations to protect lawyers exist but none of them are legally binding. As a result, these protections can be violated with little to no consequences, leaving victims without effective recourse or enforcement mechanisms.

This Convention will be binding, providing therefore a **strong legal basis to act in situations where lawyers are being targeted in relation to their professional activities defending and protecting fellow citizens.**

And, to ensure its effectiveness, the Convention will also establish a **monitoring mechanism** that will oversee its implementation by



Member States. It will also open the possibility for non-Member States of the Council of Europe to join, extending its protective reach **beyond Europe.**

Furthermore, unlike other international conventions, this Convention will **not allow for any reservations**, meaning that once it comes into force, all the rights and protective measures it provides must be fully respected.

What can you do to support?

For the Convention to be adopted, it requires approval from the Committee of Ministers, which includes the ministers of the 46 Council of Europe member states, in the first half of 2025.

In order to safeguard a world governed by the rule of law and democratic values, where everyone's rights are safeguarded, we urge you to advocate for your country's support for this Convention. Let's ensure that lawyers can continue their crucial work without fear, upholding justice and protecting everyone's rights.



Follow all the news on the Convention on **LinkedIn** and **ccbe.eu**.

