



WHY A EUROPEAN CONVENTION ON THE PROFESSION OF LAWYER IS NEEDED?

The Council of Bars and Law Societies of Europe (CCBE) represents the bars and law societies of 45 countries and through them more than 1 million European lawyers.

The CCBE supports the work carried out by the Council of Europe on a European Convention on the profession of lawyer. It considers that such an instrument is needed in order to respond to the attacks against the role of lawyers which have grown over the recent years (see [full CCBE contribution](#)).

The PACE rapporteur Ms Sabien Lahaye Battheu stressed the need for a European Convention on the profession of lawyer in her [report](#) adopted by the Committee on Legal Affairs and Human Rights on 12 December 2017.

Why lawyers?

Lawyers play an essential role as actors in the system of justice and contribute to the protection of the rule of law by ensuring access to justice for fellow citizens, and protecting fundamental rights and freedoms. Without lawyers there is no rule of law.

For the same reason, lawyers can come under considerable pressure from the executive and legislative powers, as well as sometimes the judiciary, and non-State actors.

Why now?

Harassment, threats, imprisonments, surveillance, enforced disappearance and murders against lawyers continue to occur in many Council of Europe States and are even increasing in some. A new instrument is needed today to ensure the effective protection of the legal profession.

Why a European Convention?

The existing instruments, including the [Recommendation No. R\(2000\)21 of the Committee of Ministers to Member States on the freedom of exercise of the profession of lawyer](#) have not been fully effective in protecting lawyers. A binding instrument is needed in order to guarantee effective protection.

What should such a Convention include?

The Recommendation No. R (2000) 21 on the freedom of exercise of the profession of lawyer mentioned above should be the starting point but the Convention should go beyond that with particular attention given to the following issues: the scope and protection of professional privilege, the scope of who is 'a lawyer', the role and protection of professional bodies and the need to emphasise the obligations on national authorities to respect and protect the free exercise of the profession of lawyer and promote its role in ensuring the effectiveness of the judicial system and protecting human rights and the rule of law.

How to ensure the effectiveness of a future Convention?

A European Convention on the profession of lawyers should be accompanied by an effective control mechanism which would be prompt, simple and responsive. Such a mechanism is needed to supplement domestic compliance and provide Europe-wide scrutiny.