

REMARKS OF MARGARET SATTERTHWAITE AT THE CONFERENCE TO MARK THE ADOPTION AND OPENING FOR SIGNATURE OF THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF THE PROFESSION OF LAWYER

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Excellencies, colleagues, ladies, and gentlemen, let me start by thanking the Council of Europe's European Committee on Legal Co-operation for inviting me to this conference today. I extend my gratitude as well to all those engaging in person or online with this very important topic.

We meet today to celebrate the first international legally binding instrument to protect the legal profession. The Council of Europe Convention for the Protection of the Profession of Lawyer is a milestone in the ongoing effort to bolster the protection for a profession that is key to human rights and at the heart of respect for the rule of law. I think we would all agree that the Convention could not be more timely.

This is because, unfortunately, lawyers today are the target of myriad interferences and attacks in countries around the world.

The Convention provides a response to these increasing attacks by setting a regional standard for what the protection of lawyers entails.

The Convention allows us to measure progress in this protection, as well as identifying failures to take needed action. The Convention provides benchmarks for lawyers, bar associations, and States around the world to use in reforming laws and advancing regulations to ensure lawyers can play their essential role.

For several years, the Committee of Experts on the Protection of Lawyers, under the responsibility and guidance of the CDCJ, worked collaboratively and with intensity, together with representatives of ministries of justice, the legal profession, international professional associations, and international organisations, seeking the best formulation for a Convention that would be global in scope.

The Convention was adopted by the Committee of Ministers on 12 March 2025 and opened for signature on 13 May. I commend the framers of the Convention for determining that it not only be open for signature and ratification by the member states of the Council of Europe, but also by non-member States, giving it a global reach.

Why is the legal profession important?

I would like to take a moment to salute the contribution of brave lawyers to strong democracies, and to human rights protection and enjoyment on the European continent and around the world. Every day I hear of brave women and men who stand up for their clients—whether well-regarded or unpopular, provide advice to those making important decisions—whether concerning highly-valued companies or crucial family matters, and defend individuals charged with crimes—no matter how infamous the act—and I am reminded that the free exercise of the legal profession in fully functioning justice systems constitute an essential feature of any democracy.

The free exercise of the legal profession contributes to the right to a fair trial, to ensuring access to justice, and to the oversight of state power and the protection of due process guarantees.

Lawyers' role in protecting the guarantees of a fair trial are especially important to recall, since such rights can never be subject to measures that abolish or entail their partial repeal. Fair trial rights are essential to core non-derogable rights such as the right to life and security of the person. The right to a fair trial is a key element of the protection of human rights and serves as a procedural means to safeguard the rule of law.

International standards provide that lawyers shall not suffer, or be threatened with, prosecution or administrative, economic or other sanctions for any action taken in accordance with recognized professional duties, standards and ethics.

In addition to guaranteeing access to counsel, international standards on the right to a fair trial also provide that accused persons must have adequate time and facilities for the preparation of their defense and must be able to communicate with counsel of their choice.

The Human Rights Committee has found that the availability or absence of legal assistance often determines whether or not a person can access the relevant proceedings or participate in them in a meaningful way.

Lawyers around the world have faced attacks for defending dissenters, protecting elections, advancing the freedom of speech, and for defending the rule of law and an independent judiciary.

On the other hand, protecting the independent legal profession protects human rights.

The undue interference and restrictions placed on the legal profession in any country may open the door to systematic violations of the right to a fair trial and to equality before the law. By restricting lawyers from fulfilling their legal duties to their clients, States create a chilling environment. This often impacts specific kinds of cases: for example, some clients, especially human rights defenders and opposition figures, may be deprived of independent legal representation when lawyers face consequences for representing them.

This is where the Luxembourg Convention fills a void. States must guarantee that those who practice law can do so free from intimidation, obstacles, harassment, or interference. According to the Basic Principles on the Role of Lawyers, where the security of lawyers is threatened as a result of discharging their functions, they must be adequately safeguarded by the authorities¹. The new Convention echoes this requirement, making it a binding commitment for States to both refrain from any such acts, and to ensure that non-state actors do not engage in them either.

The new Convention is also an innovative instrument. It sets up a comprehensive and bold monitoring mechanism in the Group of Experts on the Protection of the Profession of Lawyer, GRAVO, composed of independent experts. GRAVO will periodically evaluate the implementation of the Convention in each state party through targeted questionnaires, exchanges with relevant partners, and even with onsite visits. GRAVO can also deal with possible serious violations of the Convention through an urgent procedure. Based on the information gathered, GRAVO will prepare a report with conclusions for each state party. Even more exciting, civil society and professional associations will play a key role in contributing to the monitoring procedure and advocating for compliance with the Convention.

GRAVO will hugely contribute to evolving the standards in this area, as GRAVO will also provide guidance on themes and concepts connected to the Convention.

¹ Principle 17, <https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>

I welcome the involvement of civil society, Bar Associations and Law Societies since without the protection offered by an independent bar, lawyers are extremely vulnerable to attacks and restrictions on their independence, particularly from State authorities. It is also independent bar associations that self-regulate and ensure the quality of legal services.

Finally, some reflections on what we can do for lawyers. Lawyers are strengthened and protected by their interaction and engagement with their peers and counterparts. I know that some organizations provide support for lawyers at national level through advocacy letters to Bar Associations or directly to the authorities when lawyers are facing threats. As Special Rapporteur, I also engage to support lawyers and have found that there are even associations that find creative ways to support lawyers who are forced into exile—either briefly or permanently in extreme situations, including by helping them become licenced or finding them employment.

I am encouraged by these efforts and call on all lawyers' associations to continue to be active and creative in our methods for supporting the legal profession as a bulwark against human rights violations and authoritarianism.

Today's event and the Convention we celebrate allow us to re-commit to identifying, assessing, and taking action on the risks and obstacles the law profession is facing. We must face these challenges together. Brave lawyers need our support to continue their work. In this Convention, they will find a set of strong standards that we must all insist be upheld.

I call on all States across the world to positively consider becoming party to this Convention. I shall continue to advance this call through my mandate.

Those who drafted the Convention and the States that have ratified it have shown us the path forward. Let us take the next steps together.