

# THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF THE PROFESSION OF LAWYER



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# THE COUNCIL OF EUROPE CONVENTION FOR THE PROTECTION OF THE PROFESSION OF LAWYER

This convention is the first international, legally binding instrument which places the protection of the profession of lawyer at the heart of the respect for the rule of law and access to justice.

## WHAT IS THE PURPOSE OF THE CONVENTION?

Lawyers play a crucial role in the justice systems of all democracies. They are essential to the respect for the rule of law and in particular guaranteeing access to justice for all. They also contribute to the right to a fair trial to have anyone's rights vindicated. The Council of Europe Convention for the Protection of the Profession of Lawyer is a response to the increasing number of attacks on practising lawyers, whether in the form of harassment, threats or attacks, or interference in the exercise of their professional responsibilities.

The convention aims to protect lawyers and their professional associations, which play a key role in safeguarding the rights and interests of lawyers individually and as a profession. It establishes legal safeguards to ensure the safety and independence of legal professionals and the effective functioning of the profession. It sets out standards protecting lawyers from threats, harassment and violence, thus enabling them to defend their clients free from fear or from interference in their work.

## WHAT MAKES THE CONVENTION STAND OUT?

This convention:

- ▶ recognises and protects lawyers' independence and freedom to practise without undue interference;
- ▶ applies to all lawyers and their professional associations;
- ▶ calls for protective measures to tackle threats, harassment and arbitrary detention;
- ▶ protects confidential communication between lawyers and their clients;
- ▶ sets up a monitoring mechanism to keep under review its implementation;
- ▶ is open for signature and ratification by member states and also accession by non-member states.

## WHAT ARE THE MAIN ISSUES ADDRESSED BY THE CONVENTION?

- ▶ The entitlement to practise (such as admission to practise based on law and without discrimination).
- ▶ Professional rights (such as the right to meet or communicate with clients confidentially).
- ▶ Freedom of expression (such as taking part in public discussions on draft legislation).
- ▶ Professional discipline (such as grounds for disciplinary action against lawyers based on professional standards of conduct prescribed by law).
- ▶ Protective measures for lawyers and professional associations (such as lawyers being able to practise without being the target of threats or attacks).

## HOW IS THE IMPLEMENTATION OF THE CONVENTION MONITORED?

■ An important feature of the convention is the monitoring mechanism set up to supervise its implementation. It consists of two pillars and is based on an ongoing dialogue with states parties.

### 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. This involves sending targeted questionnaires to the authorities on the implementation of the convention, as well as exchanging with the authorities and relevant partners, including, where information cannot be reliably obtained in another manner, 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. 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 also provide guidance on themes and concepts connected to the convention.

### Committee of the Parties

■ This political body is composed of the representatives of the states parties to the convention.

■ On the basis of GRAVO's reports and conclusions, the Committee of the Parties will address recommendations to each state party concerning the measures to be taken to follow up on GRAVO's reports.

## INFORMATION

### Secretariat of the European Committee on Legal Co-operation (CDCJ)

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The Council of Europe is the continent's leading human rights organisation. It comprises 46 member states, including all members of the European Union. All Council of Europe member states have signed up to the European Convention on Human Rights, a treaty designed to protect human rights, democracy and the rule of law. The European Court of Human Rights oversees the implementation of the Convention in the member states.

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