

Conference “Protecting lawyers, preserving access to justice”, 16 June 2025

Speaking notes, Chair of the CDCJ, Eral Knight

Speaking as Chair of the European Committee on Legal Co-operation, or CDCJ, let me underline how proud we are to have helped bring to life such an important treaty as the Council of Europe Convention for the Protection of the Profession of Lawyer. To echo what has been said by previous speakers, lawyers are instrumental to the proper functioning of our justice systems. Without lawyers, access to justice would become theoretical and the right to a fair trial virtually impossible, in particular for the most vulnerable sections of our societies. Our justice systems would be incomplete without lawyers, the rule of law undermined and our democracies weaker. That makes the Council of Europe Convention for the Protection of the Profession of Lawyer an essential tool to address the worrying increase in interference with the free practice of the profession.

Let me briefly outline what made the European Committee on Legal Co-operation well equipped to tackle the drafting of such an important instrument. The CDCJ is a long-standing expert committee of the Committee of Ministers. Over more than six decades, it has prepared civil and administrative law standards in a great variety of areas, such as data protection, the independence of the judiciary, whistleblower protection, the regulation of lobbying, access to nationality or child-friendly justice. Through the years it has drafted more than 90 recommendations and 60 treaties for adoption by the Committee of Ministers. It is a testament to the vast experience of the CDCJ in drafting legal instruments in sometimes challenging areas that we were able to embark on the drafting of such a defining convention.

Turning to the protection of lawyers, back in 2020, following a request from the Committee of Ministers and in response to the Parliamentary Assembly, the CDCJ completed a feasibility study that reviewed existing international instruments dealing with lawyers, in particular the Committee of Ministers Recommendation R(2000)21 on the freedom of exercise of the profession of lawyer, that it had previously prepared, as well as the European Convention on Human Rights in the light of the case law of the European Court of Human Rights. In the absence of international binding standards, this report advocated the preparation of a convention in order to strengthen adequately the protection of the profession of lawyer, as existing soft law standards were shown to be insufficient to counter the rise in reported threats against lawyers.

The Committee of Ministers set up a drafting committee (the Committee of Experts on the Protection of Lawyers, CJ-AV), under the responsibility of the CDCJ, with the aim of preparing a legal instrument on the protection of lawyers, leaving the question open as to whether it should be a soft-law or legally binding instrument. As the work of the CJ-AV progressed, it became increasingly apparent that a convention was necessary to address the worrying upwards trend in attacks on lawyers preventing them from fulfilling their essential role in the functioning of justice. The CDCJ fully supported this position, and the Committee of Ministers endorsed it, showing the resolve of our member states to move forward in this area.

Needless to say, even though the convention has now been opened for signature, it is certainly not the end of the story – it is just the beginning. The CDCJ is committed to continue to promote the Convention and, when it is up and running, to follow developments of the monitoring mechanism, by holding exchanges of views with the chairs of the independent group of experts, GRAVO, and the Committee of the Parties.

But, for now, allow me to express my gratitude to all CDCJ members and CJ-AV members for their commitment and dedication; to thank the Parliamentary Assembly for its initiative and the Committee of Ministers for its unwavering support. Together we have crafted a treaty that will safeguard the profession of lawyer and, by extension, safeguard the rule of law both across Europe and beyond.