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**Conference to mark the adoption and opening for signature of the
Council of Europe Convention for the Protection of the Profession of Lawyer,**

organised by the European Committee on Legal Co-operation

Speech by Michael O'Flaherty
Council of Europe Commissioner for Human Rights

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On 17 January, in Russia, Igor Sergunin, Alexei Liptser and Vadim Kobzev were sentenced in a criminal court to a prison sentence and were suspended from practicing law – their crime was defending Alexei Navalny, himself also a lawyer.

That shocking and very real situation reflects deeply worrying trends across the globe.

I deeply appreciate the work of the United Nations Special Rapporteur on the Independence of Judges and Lawyers, who keeps us abreast of these developments, not least in the mandate of the current Special Rapporteur, Margaret Satterthwaite, who I understand is with us online this morning. Margaret Satterthwaite describes a tripartite typology of techniques that, to use her word, “autocratising” governments use to undermine justice systems and actors.

First, there is the capturing or the curbing of justice systems and institutions.

Second, there is the abusing of those systems to influence or control justice actors.

Third, there is the direct attacks on judges, prosecutors, lawyers and community justice workers.

I also very much appreciate the description and the analysis of the risks that lawyers face that was done by Jeremy McBride, who is with us this morning, in his important 2021 *Study on the Feasibility of a New European Instrument*. He refers, for instance, to harassment, threats and attacks, direct interference with professional responsibilities and inappropriate use of disciplinary and other legal processes.

Now, having served as Commissioner for just over a year, I am shocked by the extent to which I have directly observed exactly what is described to us by Satterthwaite and McBride.

I see it in far too many countries, in all of the diversity of its forms. But side by side with the oppression, I also see something profoundly impressive, and that is the courage, the integrity, the bravery of so many lawyers. Frankly, their witness makes me proud to be a lawyer.

But of course, my pride is irrelevant this morning. What we need to talk about is protection, how we can do a better job of supporting lawyers at risk in carrying out their essential work. And that is the context in which I so very much welcome the development of the Council of Europe Convention for the Protection of the Profession of Lawyer.

It is an important addition to the corpus of hard human rights law. I welcome, for instance, how the Convention protects both lawyers and their associations. I welcome the recognition of the right of lawyers to freedom of expression and of their important role in public affairs.

I welcome the design of an important oversight body, GRAVO. This oversight body has wide-ranging functions, including an urgent procedure capacity.

And mostly impressively indeed, I welcome the fact that this instrument is open to signature and ratification across the world. It is a global human rights instrument. But now, we need to bring it into force.

We need the signatures, and we need the ratifications. And I would strongly encourage this morning that Council of Europe member states and observers who have not yet done so to sign the instrument quickly and to move promptly toward ratification. This instrument must not be left lying on a shelf for an extended period of time.

We were serious about writing it, now we need to be serious about applying it. I would very much encourage those actors with a global reach to encourage the signature and ratification across regions. And I believe that the United Nations has an important role to play here, as indeed do lawyers associations, both at national and the regional levels.

At the same time, as we promote the Convention, we must never cease in our efforts to defend lawyers. We have many instruments, many mechanisms, many mandates, including mine, and we must be careful and vigilant to not transfer the responsibility to the instrument and to GRAVO. We will continue in parallel with it to have a duty to stand up for lawyers everywhere.

Member states also have a very important role to play directly.

In the first place, of course, they must ensure a safe environment for lawyers within their jurisdiction. That goes without saying. But they should also stand up for lawyers in other countries.

There is much that member states can do to provide a protective space for lawyers under threat in other jurisdictions. For instance, it is important to continue to provide humanitarian and respite visas so that lawyers can come to safety with the possibility of returning when conditions change.

Friends,

Let me end where I began, in Russia. The persecution of Navalny and his lawyers took place in the context of a country within which the rule of law has been destroyed.

It is that same destruction that allowed the Putin regime to let loose its horrific aggression against Ukraine. That is the sobering context to acknowledge and to defend the essential role of lawyers for the rule of law in any state.

Thank you.