

THE PRINCIPLE OF DIGNITY IN THE NEW CONVENTION FOR THE PROTECTION OF THE PROFESSION OF LAWYER

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Abstract: *The adoption of the European Convention for the Protection of the Profession of Lawyer by the Council of Europe marks a significant moment in the consolidation of international guarantees for lawyers. This article aims to analyze how the principle of the dignity of the profession of lawyer is reflected in the content of this Convention. Starting from the theoretical foundations of the notion of professional dignity and comparatively analyzing previous international provisions, but also those of Romanian law, the study highlights how the new Convention transforms dignity from an ethical norm into a binding legal standard for signatory states.*

Key words: *Convention, protection, lawyers, principle of dignity*

1. Introduction

The adoption of the European Convention for the Protection of the Profession of Lawyer by the Council of Europe on 12 of March 2025 marks a significant moment in the consolidation of international guarantees for lawyers.

This article aims to analyze how the principle of the dignity of the profession of lawyer is reflected in the content of this Convention. Starting from the theoretical foundations of the notion of professional dignity and comparatively analyzing previous international provisions (CCBE Charter, UN Basic Principles on the Role of Lawyers), but also those of Romanian law, the study highlights how the new Convention transforms dignity from an ethical norm into a binding legal standard for signatory states.

The article analyzes the key provisions of the Convention – in particular Articles 2 and 5 – which establish clear obligations for state parties to respect the dignity of the lawyer and to protect him against any forms of harassment, intimidation, unjustified interference or discredit campaigns.

The conclusion supported is that this convention has the potential to become an instrument for strengthening the legal profession in Europe, and the state of dignity, as protected by the new legal framework, becomes a benchmark not only for lawyers, but also for the quality of the act of justice in a democratic state.

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2. General Remarks on The European Convention for the Protection of the Profession of Lawyer

The idea of a European Convention for the Protection of the Profession of Lawyer was launched back in 2016 (Savu, 2021, p. 127), but even after almost 10 years, it has yet not been ratified. However, it is remarkable how, immediately after its adoption, it was signed by an impressive number of states, including not only EU Member States, but also other states such as the United Kingdom, the Republic of Moldova, Norway, North Macedonia, Liechtenstein or Iceland.

Adopted under the auspices of the Council of Europe on 12 of March 2025 and signed by Romania on 21st October 2025, after being already signed by 19 other states, the Convention for the Protection of the Profession of Lawyer, known as the Luxembourg Convention aims to become a global standard in the defense of the legal profession, conveying the message that protecting lawyers is an act of democratic responsibility necessary in any state governed by the rule of law.

The Convention is based on the idea that lawyers are key players in the rule of law, and their work helps protect the human dignity of those involved in legal proceedings. In this way, the Convention confers inherent professional dignity on the profession, imposing on states the obligation to prevent any form of discrediting, intimidation, denigration, or degrading treatment of lawyers in the exercise of their functions.

The Convention establishes, for the first time, a set of clear legal guarantees for the exercise of the *Profession of Lawyer*: the protection of the confidentiality of the lawyer-client relationship, the prohibition of any form of intimidation, threat, or abusive pursuit of lawyers, and protection against arbitrary interference by the authorities.

No other profession has ever benefited from an international convention adopted by the Council of Europe specifically dedicated to its protection and institutional defense. This is the first time that a profession as such has been granted exclusive guarantees through a binding instrument, being thus an extraordinary recognition of the role that the lawyer plays in nowadays society.

In this respect, given the trust placed in them by society, primarily by clients, but also by third parties, courts, and the state, lawyers must meet the highest standards of moral integrity, subsumed under the concept of professional dignity.

3. The Principle of Professional Dignity of a Lawyer

Dignity means the quality, state or condition of being noble (Black 's Law Dictionary, p. 572) and for someone interested it means the quality, state or condition of being dignified in order to obtain and retain the elevated civil title of a qualified professional - The Lawyer. This state involves a set of moral, behavioural and social qualities that make a person fit to exercise the Profession of Lawyer. These requirements are necessary because lawyers are key actors of justice, enjoy public trust, have access to confidential information, represent litigants in sensitive situations and their behaviours can affect the credibility of the entire system. Therefore, the professional body imposes high ethical standards prior to admission to the profession, standards that lawyers must

maintain throughout their careers. Dignity appears as a mandatory ethical filter.

From another perspective, dignity is a fundamental right of lawyers, which imposes a corresponding obligation on the state to protect them against attacks, denigration, and intimidation.

3.1. The Principle of professional dignity according to UN basic principles

The UN Basic Principles on the Role of Lawyers (1990) state that lawyers shall at all times maintain the honour and dignity of their profession as essential agents of the administration of justice (article 12) and governments, professional associations of lawyers and educational institutions shall ensure that lawyers receive appropriate education and training and are made aware of the ideals and ethical duties of the lawyer and of human rights and fundamental freedoms recognized by national and international law (article 9).

Onward, in protecting the rights of their clients and in promoting the cause of justice, lawyers shall seek to uphold human rights and fundamental freedoms recognized by national and international law and shall at all times act freely and diligently in accordance with the law and recognized standards and ethics of the legal profession and shall always loyally respect the interests of their clients (articles 14 and 15).

3.2. The Principle of professional dignity according to the CCBE Charter of core principles (2019)

According to the CCBE Charter of Core Principles of the European legal profession (2019), the dignity and honor of the legal profession and also the integrity and good repute of the individual lawyer, represent one of the core principles.

Thus, in order to be trusted by clients, third parties, the courts and the state, the lawyer must be shown to be worthy of that trust. That is achieved by membership in an honorable profession; the corollary is that the lawyer must do nothing to damage either his or her own reputation or the reputation of the profession as a whole and public confidence in the profession. This does mean that he or she must not engage in disgraceful conduct, whether in legal practice or in other business activities or even in private life, of a sort likely to dishonor the profession. Disgraceful conduct may lead to sanctions including, in the most serious cases, expulsion from the profession.

3.3. The Principle of professional dignity according to Romanian Law

In Romanian Law, the principle of dignity of the legal profession is enshrined in Article 227 of the Statute of the Profession of Lawyer and refers primarily to the essential condition for entering the legal profession, which is to be worthy of practicing this profession. According to the law, being worthy of practicing the legal profession means meeting the minimum standard of moral integrity that can be proven by a person who wishes to enter the profession.

De lege lata, the cases of unworthiness are provided by article 14 of Law 51/1995 for the organization and practice of the lawyer's profession. The first case of unworthiness is that of a final court conviction to a prison sentence of one year or more for the intentional commission of a crime against life, against property, against the administration of justice, corruption or service, forgery, which affects relations concerning social coexistence, against national security or a crime of genocide, against humanity and war, and which is punishable by imprisonment with a special minimum of at least one year. In this category, in order for a case of unworthiness to exist, four conditions must be cumulatively met: (i) the existence of a final conviction for committing one of the crimes listed by law that carry a minimum sentence of at least one year; (ii) the crime must have been committed intentionally; (iii) the conviction must provide for a minimum prison sentence of one year; and (iv) there must have been no rehabilitation, post-conviction amnesty, or decriminalization of the act at the time of the verification of unworthiness. The second situation of unworthiness consists in committing abuses that violate fundamental human rights and freedoms, established by court decision or committing serious disciplinary offenses punishable by the exclusion from the profession. We note that exclusion from the profession is a disciplinary sanction that may be imposed by the disciplinary bodies within the legal profession. The third situation of unworthiness subsists for the duration established by a court or disciplinary decision for which the prohibition to practice the profession of lawyer was applied, as a complementary punishment under the conditions of the Criminal Code (prohibition of the right to practice the profession used to commit the offense), respectively as a disciplinary sanction. The last case of unworthiness is that in which a final court decision or acts of the professional bodies of the legal profession have established that a person has exercised or supported, in any form, the unlawful practice of the legal profession.

Cases of unworthiness are verified both upon entry into the profession and upon re-registration after suspension, as well as throughout the entire period of practice, in this way the Bar Associations and the U.N.B.R. ensuring the protection of the dignity and honour of member lawyers. According to the relevant legal provisions, anyone who falls into one of the four categories of unworthiness provided for by law is unworthy of being a lawyer.

Taking the oath upon admission to the bar represents a promise to uphold the common professional creed and a personal guarantee of the professional dignity of each lawyer.

The trust placed in lawyers is essential to the profession. If the legal profession enjoys prestige and a reputation assured by the dignity of the profession, it is incumbent upon each lawyer to maintain their dignity and moral integrity, which is why the rules of professional conduct recognize the existence of the principles of dignity, honour, and integrity that govern the conduct of lawyers in the exercise of their profession, but also outside it (Article 13 of the Code of Professional Conduct for Romanian Lawyers).

Based on the principle of dignity, honour, and integrity enshrined in the rules of professional conduct, lawyers must refrain from conduct that could compromise their reputation, the reputation of the profession, and public confidence in the legal profession. Lawyers' responsibility for promoting these standards includes both their conduct in the exercise of their profession and outside it. Thus, dignity is required in any

public communication or advertising by a lawyer or any form of professional practice and any statements contrary to the dignity of individuals, the profession, or justice are prohibited. In particular, the statutory provisions urge lawyers to plead with dignity with the prohibition from using expressions that could offend the court and the participants in the proceedings, both in and outside the courtroom (Article 229 align. 3).

4. The principle of Dignity in the Convention for the Protection of the Profession of Lawyer

Dignity is a cross-cutting principle of the Convention on the Protection of the Legal Profession. It is reflected in the protection of the physical and moral integrity of lawyers, in the prohibition of intimidation, denigration, and interference with their activities, in the guarantees of professional freedom and independence, in the protection of professional secrecy or in the obligation of authorities to treat lawyers with respect, in procedural and detention guarantees or in the application of ECHR standards on respect for human dignity. The guarantees prescribed by the Convention are closely linked to the dignity of the lawyer – a professional exposed to humiliation, unjustified suspicion or pressure cannot exercise their role with integrity, independence and firmness.

From the perspective of the state of dignity, article 5 of the Convention named *Entitlement to practice* stipulates that the parties shall ensure that admission, continued authorization and readmission to practice as a lawyer are prescribed by law and they are based on objective, relevant and transparent criteria that are applied through a fair process, without being subject to discrimination on any ground prohibited by the case law of the European Court of Human Rights. Article 5 also prescribes that the parties shall ensure that decisions concerning admission, continued authorisation and readmission to practise as a lawyer are taken by a professional association or other independent body and are subject to challenge before an independent and impartial court or tribunal established by law.

In the same vein, article 8 of the Convention, entitled Discipline provides that parties shall ensure that the grounds for disciplinary action against lawyers are based exclusively on professional standards of conduct which are prescribed by law and are themselves consistent with the rights and freedoms enshrined in the Convention for the Protection of Human Rights and Fundamental Freedoms. The disciplinary proceedings against lawyers should be brought before an independent and impartial disciplinary committee established by a professional association, an independent and impartial authority or an independent and impartial court or tribunal, established by law and should be subject to challenge by the lawyer concerned before an independent and impartial court or tribunal, established by law. The disciplinary proceedings shall also be processed expeditiously and conducted consistently with the requirements for a fair trial under Article 6 of the Convention for the Protection of Human Rights and Fundamental Freedoms and with the right to be advised, assisted or represented by a lawyer of their choice. Parties shall ensure that any disciplinary sanctions imposed on lawyers respect the principles of legality, non-discrimination and proportionality. Any prohibition on the right to practise should only be imposed for the most serious breaches of professional

standards. It is worth noting the emphasis placed by the text of the Convention in article 2, point 3. a), on the persons who, in violation of the above-mentioned articles, have been refused admission to, or have been revoked or suspended from the profession and to whom the same guarantees of the professional rights of lawyers recognized by the Convention apply.

In a nutshell, from both perspectives, the Convention makes the dignity of lawyers a binding legal requirement for the signatory parties.

5. Conclusions

The dignity of lawyers is not only an individual right, but also a systemic guarantee because an intimidated lawyer means a vulnerable litigant, a denigrated lawyer leads to a flawed trial and a lawyer treated without dignity is a failure of the rule of law. Therefore, the Convention protects the dignity of lawyers in order to protect the dignity of individuals before the law.

Thus, the European Convention on the Protection of Lawyers should be ratified without delay by all Member States and other interested parties in order to strengthen citizens' trust in the justice system and ensure respect for high standards of rights and freedoms.

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