



EU Civil Society Strategy call for input
Lawyers for Lawyers submission

1. Introduction / Executive Summary

Lawyers for Lawyers (L4L) welcomes the opportunity to contribute to the EU Civil Society Strategy (Strategy). We strongly support the Strategy's goal of establishing a comprehensive framework for action at both EU and Member State levels to protect and empower civil society actors. We particularly welcome the Strategy's focus on strengthening meaningful engagement and addressing the shrinking civic space for civil society organizations (CSOs) and human rights defenders, including lawyers, who promote and protect EU values.

2. Role of the legal profession in protecting civic space and enabling CSOs to carry out their work

CSOs play a vital role in upholding democracy, the rule of law, and fundamental rights, while ensuring meaningful civic participation. Among them, lawyers are indispensable actors. They provide legal assistance to CSOs, represent individuals and communities whose rights are at risk, and hold states and other entities accountable.

Lawyers as civil society actors advancing the public interest

Lawyers frequently work within or alongside CSOs. They provide day-to-day legal assistance to organizations and communities, pursue strategic litigation, design advocacy and law-reform strategies, train human rights defenders, and monitor compliance with domestic, regional, and international standards. Thus, they ensure effective representation, safeguard due process, and defend rights across various fields, including environmental protection, migration, anti-corruption, and broader human rights. This professional role carries specific guarantees, including independence from external interference, protection of lawyer-client confidentiality, and freedom from retaliation for the exercise of professional duties, without which CSOs cannot operate effectively. These guarantees, as well as the corresponding obligations of lawyers, have been enshrined in a broad array of international legal instruments,¹ most recently culminating in the adoption of the Council of Europe Convention for the Protection of the Profession of Lawyer.²

Lawyers as defenders of CSOs and civil space

In the context of a progressively shrinking civic space, lawyers often constitute the primary line of defense for CSOs and rights holders. They engage in contesting restrictive legislative frameworks and arbitrary administrative measures—such as the imposition of onerous registration procedures or the dissolution of associations—while defending

¹ OHCHR, *Basic Principles on the Role of Lawyers* (1990) <<https://www.ohchr.org/en/instruments-mechanisms/instruments/basic-principles-role-lawyers>> last accessed 2 September 2025

² COE, *Council of Europe Convention for the Protection of the Profession of Lawyer* (12 March 2025) <<https://rm.coe.int/native/0900001680b4c020>> last accessed 2 September 2025

against the criminalization of lawful advocacy. They further resist unlawful surveillance practices that undermine the rights to freedom of association and violate confidential legal communication. They also challenge abusive litigation intended to suppress public oversight. Through these interventions, lawyers convert civic harms into enforceable legal remedies, uphold accountability for both state and non-state actors, and preserve the structural and normative conditions essential for the effective functioning of CSOs.

Extensive documentation by L4L demonstrates a marked increase in threats to the security, independence, and operational capacity of legal professionals across Europe.³ The 2024 survey conducted by the Council of Bars and Law Societies of Europe (CCBE) indicated that 57 per cent of lawyers had experienced threats or acts of aggression within the previous two to three years, with more than one-third reporting that such experiences had led them to consider leaving the profession.⁴ These developments cannot be understood solely as matters of professional concern. The silencing or intimidation of lawyers has profound systemic consequences: it deprives communities of effective legal protection, restricts access to justice, and undermines the checks and balances that are integral to the maintenance of democratic governance.

Lawyers in Europe today face a range of interlinked challenges:

- Strategic lawsuits against public participation (SLAPPs) are increasingly used to drain the time and resources of lawyers engaged in environmental, migration, or human rights work;
- Surveillance and breaches of lawyer-client confidentiality, often under the guise of national security, undermine fair trial rights and the trust essential to legal representation;
- Stigmatization, smear campaigns, threats, and physical attacks against lawyers have created an increasingly hostile environment;
- Misuse of counter-terrorism and anti-extremism laws has, in some jurisdictions, criminalized legitimate legal work and advocacy.

These trends illustrate a wider pattern: lawyers are not only punished for representing disfavored clients. Still, they are indirectly silenced by policies and laws that equate legal defense with subversion or dissent. This leads to a chilling effect on both legal professionals and civil society as a whole. The harassment and intimidation of lawyers, combined with the deterrent effect this creates, significantly undermine the capacity of civil societies to seek effective legal remedies and to secure their rights to justice and a fair trial. The erosion of these safeguards risks weakening the rule of law at a systemic

³ See for Example: Lawyers for Lawyers, 'Lawyers for Lawyers urges withdrawal of draft bill criminalising "glorification of terrorism" and public support for terrorist organisations' (25 August 2025) <<https://www.lawyersforlawyers.org/lawyers-for-lawyers-urges-withdrawal-of-draft-bill-criminalising-glorification-of-terrorism-and-public-support-for-terrorist-organisations/>> accessed 3 September 2025; Lawyers for Lawyers, 'HRC 58: Situation of Lawyers in Belarus' (20 March 2025) <<https://www.lawyersforlawyers.org/hrc-58-situation-of-lawyers-in-belarus/>> accessed 3 September 2025; Lawyers for Lawyers, 'Paving the Path to Equality: Milena Adamczewska-Stachura's Fight for the Right of the LGBTQIA+ Community and the Crucial Role Played by Strategic Litigation' (2 May 2025) <<https://www.lawyersforlawyers.org/paving-the-path-to-equality-milena-adamczewska-stachuras-fight-for-the-right-of-the-lgbtqia-community-and-the-crucial-role-played-by-strategic-litigation/>> accessed 3 September 2025

⁴ Council of Bars and Law Societies of Europe, 'CCBE report on threatening behaviour and aggression towards lawyers' (10 December 2024) <<https://defendlawyers.wordpress.com/2024/12/10/ccbe-report-on-threatening-behaviour-and-aggression-towards-lawyers/>> last accessed 1 September 2025

level and should be viewed in light of developments in other jurisdictions, which illustrate the consequences of targeting lawyers as a means of curtailing civic space and public accountability.

As the EU reinforces its rule of law architecture, through instruments such as the annual Rule of Law Report and Monitoring Framework,⁵ it must explicitly recognize the role and protection of lawyers as a core component. The safeguarding of democratic values and fundamental rights cannot be achieved without those who defend them on the front lines.

3. Challenges faced by lawyers

SLAPPs and Legal Harassment

As mentioned above, lawyers and those advising activists are increasingly targeted through SLAPPs and political vilification.

In many EU countries, powerful companies and actors have filed abusive lawsuits to intimidate and silence environmental defenders, including lawyers. These SLAPPs often involve defamation claims or exorbitant damages, designed not to win on the merits but to burden defenders with costly, time-consuming litigation and discourage public participation.

The UN Special Rapporteur on environmental defenders noted that a large number of complaints to his office concern SLAPPs against environmental lawyers and activists.⁶ For example, in Romania, environmental lawyers and NGOs have been publicly branded as “obstacles to development” by Members of Parliament, who blamed them for delays in energy projects and high prices.⁷ In Armenia, the lawyer Nazeli Vardanyan was sued for defamation by a mining company (Lydian Armenia) over her involvement in litigation concerning the Amulsar gold mine.⁸ Her case is now pending before the European Court of Human Rights (ECtHR), illustrating how legal harassment may escalate into regional human rights litigation. These tactics impose a chilling effect on legal advocacy and raise serious concerns under international law.

Surveillance and Breach of Lawyer-Client Confidentiality

Lawyer-client confidentiality is a fundamental component of fair trial rights. Yet in some EU countries, this principle is increasingly violated under the guise of “security.”

In Poland, dozens of lawyers have been subjected to systematic surveillance using Pegasus spyware and similar tools. Phone calls were tapped and devices hacked without safeguards, undermining the right to confidential legal advice. “Wiretapping is the easiest

⁵ European Commission, *Annual Rule of Law Cycle* (n.d.) <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle_en> last accessed 2 September 2025

⁶ Business & Human Rights Resource Centre, ‘Strategic Litigation against Public Participation (SLAPP)’ (27 November 2023) <<https://www.business-humanrights.org/en/latest-news/un-special-rapporteur-on-environmental-defenders-proposes-recommendations-on-the-draft-eu-anti-slapp-directive/>> last accessed 2 September 2025

⁷ Lawyers for Lawyers, *Access to Environmental Justice under Threat* (June 2025)

⁸ *ibid*

way to breach lawyer-client privilege, and the hardest to find out about,” said one Polish attorney. Many lawyers discovered the breach only after the fact, and some still remain unaware. The chilling effect has prompted lawyers to their communication methods out of fear of being eavesdropped on. This represents a serious threat to the right to defense and should be categorically banned.⁹

Stigmatisation, smear campaigns, threats, and physical attacks

The physical and psychological security of lawyers is increasingly under threat. The murder of Dutch lawyer Derk Wiersum in 2019, who represented a protected witness in a criminal case, shocked the whole of Europe. It was a brutal reminder of the risks that lawyers face, prompting security reforms in the Netherlands.¹⁰

But threats are not limited to organized crime. Across Europe, lawyers have been subjected to:

- verbal attacks from politicians (e.g., “lefty lawyers” in the UK, “asylum industry” in the Netherlands);
- death threats and online abuse (e.g., immigration lawyers in France); and
- physical attacks (e.g., the knife attack on an asylum solicitor in the UK)

Exile and forced displacement

Lawyers are also forced into exile as they face increasingly dangerous situations as illustrated above, judicial persecution and/or arbitrary arrests.¹¹ Exile is not only detrimental to individual lawyers but possesses a threat to the rule of law and access to justice in their home countries by depriving it of legal defenders.

In Belarus “many lawyers have been disbarred, imprisoned or forced into exile simply for doing their jobs.” Meanwhile their families at home face “have faced harassment, arrest and detention in retaliation for their activities.”¹²

Misuse of anti-terror laws to criminalise legal work

In several jurisdictions, governments have weaponized counter-terrorism legislation to prosecute lawyers for defending activists or unpopular clients.

- In Turkey, vague definitions of “terrorism” have allowed the state to criminalize dissent, including legal advice and representation. Over 1600 lawyers have been prosecuted and 615 arrested since 2016, many on terrorism-related charges. Charges

⁹ Lawyers for Lawyers, *Lawyer-Client Confidentiality in a Digitalized Society* (May 2023) <<https://lawyersforlawyers.org/wp-content/uploads/2023/05/Lawyers-for-Lawyers-Digital-Lawyer-Client-Confidentiality.pdf>> last accessed 2 September 2025

¹⁰ Lawyers for Lawyers, ‘International statement of solidarity’ (7 October 2019) <<https://www.lawyersforlawyers.org/international-statement-of-solidarity/>> last accessed 2 September 2025

¹¹ Sabine Leutheusser-Schnarrenberger, ‘Resilience against Injustice: Lawyers as Human Rights Defenders’ (Friedrich Naumann Foundation for Freedom) <<https://www.freiheit.org/human-rights-resilience-against-injustice>> accessed 3 September 2025.

¹² UN Special Rapporteurs Margaret Satterthwaite and Nils Mužiņnieks, ‘UN Experts: Lawyers in Belarus face unprecedented repression in a climate of terror’ (Defenders of Belarus, 24 January 2025) <<https://www.defendersbelarus.org/tpost/5ygsjnv01-un-experts-lawyers-in-belarus-face-unpre>> accessed 3 September 2025.

- often stem from the lawyer's choice of clients, such as human rights defenders, Kurdish activists, or opposition politicians.¹³
- In the Netherlands, the government has published a draft bill to amend the Criminal Code introducing new offences related to the “glorification of terrorism” and public expressions of support for terrorist organisations. Lawyers for Lawyers has raised serious concerns about the proposal's necessity, legality and proportionality, its potential chilling effect on freedom of expression, and the risks it poses to the work of lawyers, journalists, activists and other human rights defenders.¹⁴

These cases illustrate a broader trend in which lawyers are not only penalized for defending disfavored clients but are indirectly silenced by laws that equate legal defense with terrorism. This misuse of counter-terror legislation infringes upon the right to freedom of expression and association.

4. Gap in the current EU Framework

Despite significant progress in the development of international legal instruments, lawyers are still only rarely recognized as a distinct group of human rights defenders, with unique needs and risks. At the EU level, the recent adoption of the Council of Europe Convention for the Protection of the Profession of Lawyer has introduced binding legal protections for the legal profession, reflecting the essential role lawyers play in upholding EU values.

In late 2023, the EU finalized a Directive to counter SLAPPs (the EU Anti-SLAPP Directive 2024/1069), informally known as “Daphne’s Law” in honor of slain journalist Daphne Caruana Galizia.¹⁵ This directive, approved by the European Parliament in early 2024, sets minimum standards to protect individuals and entities, including lawyers, journalists, NGO workers, and human rights defenders, who speak out on matters of public interest.

Although Daphne’s Law is a landmark step, its enforcement remains weak. Lawyers continue to face abusive litigation across the EU Member States. The EU must monitor implementation and encourage national-level mechanisms for the rapid dismissal and compensation of affected individuals.

Since 2004, the EU has had Guidelines on Human Rights Defenders,¹⁶ which instruct EU delegations and institutions to support HRDs globally. Tools such as the European Instrument for Democracy and Human Rights (EIDHR)¹⁷ offer emergency grants,

¹³ JURIST, ‘UN expert expresses concern over “continued misuse” of Türkiye counter-terrorism law’ (16 January 2025) <<https://www.jurist.org/news/2025/01/un-expert-expresses-concern-over-continued-misuse-of-turkiye-counter-terrorism-law/>> last accessed 2 September 2025

¹⁴ Lawyers for Lawyers, *Lawyers for Lawyers urges withdrawal of draft bill criminalising “glorification of terrorism” and public support for terrorist organisations* (August 2025) <<https://www.lawyersforlawyers.org/lawyers-for-lawyers-urges-withdrawal-of-draft-bill-criminalising-glorification-of-terrorism-and-public-support-for-terrorist-organisations/>>

¹⁵ Directive (EU) 2024/1069 of the European Parliament and of the Council of 11 April 2024 on protecting persons who engage in public participation from manifestly unfounded claims or abusive court proceedings (Official Journal L, 16 April 2024, 2024/1069)

¹⁶ European External Action Service, *EU Guidelines on Human Rights Defenders* (20 June 2016) <https://www.eeas.europa.eu/sites/default/files/eu_guidelines_hrd_en.pdf> last accessed 2 September 2025

¹⁷ European External Action Service, ‘European Instrument for Democracy and Human Rights (EIDHR)’ (10 August 2020) <https://www.eeas.europa.eu/delegations/kyrgyz-republic/european-instrument-democracy-and-human-rights-eidhr_und_en> last accessed 2 September 2025

relocation assistance, and other forms of protection. However, these focus on non-EU countries and third countries. As threats to lawyers and HRDs emerge within the EU, civil society coalitions (including Amnesty International and Civil Society Europe) have advocated since 2024 for a comparable internal EU protection mechanism for HRDs and civil society actors. They note that: “while the EU has robust tools for HRDs abroad, nothing similar exists within the EU.”¹⁸

In light of the jurisprudence of the ECtHR, one may also infer that the urgency of establishing a specific framework to protect lawyers is high. The following examples illustrate how the ECtHR has ruled on this issue in particular cases:

- *Elçi and others v Turkey*

"The Court would emphasise the central role of the legal profession in the administration of justice and the maintenance of the rule of law. The freedom of lawyers to practise their profession without undue hindrance is an essential component of a democratic society and a necessary prerequisite for the effective enforcement of the provisions of the Convention, in particular the guarantees of fair trial and the right to personal security. Persecution or harassment of members of the legal profession thus strikes at the very heart of the Convention system. For this reason, allegations of such persecution in whatever form, but particularly large scale arrests and detention of lawyers and searching of lawyers' offices, will be subject to especially strict scrutiny by the Court."

- *S. v Switzerland*

With reference to other provisions of domestic law and international law, the Convention ‘does not expressly guarantee the right of a person charged with a criminal offence to communicate with defense counsel without hindrance’, but that this right is an essential element of the right to a fair trial in a democratic society, and that without this right the assisting nature of the profession of lawyer would be undermined, which is contrary to the purpose of the Convention to guarantee rights which can be enjoyed effectively and practically.

The Court reads into Article 6 ECHR (particularly 6(1) and 6(3)(c)) an implicit right to confidential, unhindered communication between a defendant and their lawyer. Without this right, a lawyer cannot provide “effective and practical” assistance, and the very essence of the fair trial guarantee would be undermined. In practical terms, the State may restrict such contact only in very exceptional and proportionate circumstances; any restriction that hampers the effective defense risks violating Article 6.¹⁹

5. Recommendations

In light of the above, we would like to make the following recommendations:

¹⁸ Amnesty International (European Institutions Office), ‘A Protection Mechanism for Human Rights Defenders and Civil Society Organisations in Europe’ (8 October 2024) <<https://www.amnesty.eu/news/a-protection-mechanism-for-human-rights-defenders-and-civil-society-organisations-in-europe/>> last accessed 2 September 2025

¹⁹ *S v Switzerland* (App nos 12629/87 and 13965/88, ECtHR, 28 November 1991)

- The EU should support the ratification and actively promote the Convention on the Profession of Lawyer, adopted by the Council of Europe in March 2025,²⁰ as a key step to safeguard the independence of legal professionals and ensure effective access to justice. This will provide the first binding European framework recognizing the unique role and necessary protections of lawyers, strengthening the rule of law and provide an enabling environment for civil society organizations and human rights defenders.
- The strategy should build on and strengthen existing EU instruments and policies, such as the European Parliament's 2022 Rule of Law Recommendations and civil society contributions to the annual Rule of Law Report.²¹ Ensuring the systematic follow-up of these inputs will enhance accountability, strengthen the rule of law, and ensure that civil society voices are meaningfully reflected in EU governance.
- The strategy should include measures to prevent the misuse of anti-terrorism legislation and anti-migration policies, which could lead to the criminalization of lawyers, human rights defenders, and civil society organizations. The EU should ensure that such laws and policies respect fundamental rights, the rule of law, and international human rights standards.
- The Strategy should protect exiled human rights lawyers in Europe, building on the findings of the report 'Realising Protection for Human Rights Defenders and Civil Society Organizations in Europe,' also known as the Mapping Paper.²² The EU should ensure that these individuals have access to legal, financial, and institutional support, thereby strengthening civic space and the rule of law across the EU.

²⁰ COE, *Convention for the Protection of the Profession of Lawyer* (2025)

²¹ European Commission, *2022 Rule of Law Report: The Rule of Law Situation in the European Union* (13 July 2022) <https://commission.europa.eu/strategy-and-policy/policies/justice-and-fundamental-rights/upholding-rule-law/rule-law/annual-rule-law-cycle/2022-rule-law-report_en> last accessed 2 September 2025

²² European Civic Forum, *Mapping Paper: Realising Protection for Human Rights Defenders and Civil Society Organisations in Europe* (October 2024) <https://civic-forum.eu/wp-content/uploads/2024/10/Protection_Mechanism_Mapping_Paper.pdf> last accessed 2 September 2025