

# CCBE *Info*

The newsletter of European Lawyers

ISSUE :

November - December 2019

# #85



## SPECIAL FOCUS HUMAN RIGHTS : *Threats to the Legal Profession*

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In a society governed by the Rule of Law, the protection of human rights is of crucial importance, and lawyers play an essential role in this regard. However, attacks on the legal profession are becoming more frequent all over the world.

**When lawyers are victims of human rights violations it is also an attack against the Rule of Law since it jeopardizes access to justice and effective judicial protection of citizens.**

The CCBE supports lawyers who, despite the risks, continue to carry their profession and keep fighting for the respect of human rights.

A Human Rights Award is granted each year by the CCBE to honour distinguished lawyers or

lawyers' organisations that have demonstrated outstanding commitment and sacrifice in order to uphold fundamental values.

The CCBE also supports threatened lawyers worldwide by sending letters to the national authorities of countries where lawyers are victims of human rights violations.

In this context, the CCBE has also developed closed cooperation with key-actors such as the European External Action Service (EEAS), the EU Special representative for Human Rights, the European Parliament, the Council of Europe etc. in order to ensure that the voice of lawyers is heard at European and international levels.

Furthermore, the CCBE supports the current work of the Council of Europe on a proposed Convention on the profession of lawyer as a guarantee for the proper administration of justice and the respect of the Rule of Law.

## CCBE Human Rights Award 2019



José de Freitas,  
Stefan von Raumer,  
Laurent Pettiti,  
Claudio Francavilla,  
Shirin Ebadi

The CCBE granted its 2019 Human Rights Award to four Iranian lawyers currently in prison: Nasrin Sotoudeh, Abdolfattah Soltani, Mohammad Najafi and Amirsalar Davoudi.

### Press conference

The CCBE held a press conference on 28 November where President José de Freitas announced the names of the winners. A panel of experts presented

in more detail the Iranian lawyers and reported on the deteriorating situation of human rights in Iran, in particular attacks against lawyers.

The panel was composed of the following speakers:

- ▷ **Stefan von Raumer**, Chair of the CCBE Human Rights Committee
- ▷ **Laurent Pettiti**, President of the Délégation des barreaux de France (DBF)

- ▷ **Claudio Francavilla**, EU Advocacy Officer, Human Rights Watch (HRW)
- ▷ **Shirin Ebadi**, Iranian lawyer, Nobel Peace Prize 2003

The press conference can be viewed [here](#).

## Human Rights Award ceremony

The Human Rights Award ceremony took place during the CCBE Plenary Session on 29 November in Brussels. Prominent Iranian lawyer Shirin Ebadi, Nobel Peace Prize 2003, symbolically received the Award on behalf of Nasrin Sotoudeh, Abdolfattah Soltani, Mohammad Najafi and Amirsalar Davoudi.



Stephan von Raumer, Shirin Ebadi, José de Freitas

## Nasrin Sotoudeh

Nasrin Sotoudeh is an eminent Iranian lawyer of the Tehran Bar and a defender of human rights. She passed the bar in 1995. She has dedicated her career partly to defending women and children who are victims of domestic violence, and partly to defending many Iranian activists and journalists.

Since the beginning of her career, she has not stopped fighting. She had to wait eight years before obtaining authorisation to practice as a lawyer. At the time she was already closely watched by the intelligence services, which considered her too involved with the opposition.

The first cases she defended were of young people sentenced to death for committing acts while they were minors. During her career, Nasrin Sotoudeh also represented women who had been victims of acid attacks, religious minorities and various campaigns for human rights, including the campaign to abolish the death penalty. The authorities arrested her again in June 2018 for defending

protesters against the mandatory use of the veil. Since 2016, she has been defending women who were pursued by the courts and the police for refusing to wear a hijab.

The CCBE has acted in support of her since 2010 when she was arrested on charges of «propaganda against the State» and «collusion and gathering with the aim of acting against national security». She was convicted in 2011 to 11 years in prison as well as banned from practicing her profession or leaving the country for a period of 20 years. Due to the international mobilisation, she was released in 2013.



Nasrin Sotoudeh

On the 4 September 2016, Mrs. Sotoudeh was then sentenced in absentia to five years in prison. However, she only learnt of her sentence on the 13th of June 2018 when she was arrested in order to serve this sentence in Evin prison. On 30 of December 2018, Nasrin Sotoudeh was sentenced to 33 years in prison and 148 lashes.

In 2012, the European Parliament awarded Nasrin Sotoudeh the Sakharov Prize for Freedom of Thought, and in 2018 she received the Ludovic Trarieux International Human Rights Prize.

CCBE letters in her support:

- ▷ [Sentencing of lawyer Nasrin Sotoudeh](#) (13/03/2019)
- ▷ [Situation of lawyers in Iran](#) (01/10/2018)
- ▷ [Arrest of lawyer Nasrin Sotoudeh](#) (15/06/2018)
- ▷ [Concerns regarding the suspension of Ms Nasrin Sotoudeh's law licence](#) (24/10/2014)
- ▷ [Solidarity with imprisoned human rights lawyer Nasrin Sotoudeh](#) (22/11/2012)
- ▷ [Concerns regarding situation of lawyer Ms. Nasrin Sotoudeh](#) (12/12/2011)
- ▷ [Concerns regarding the sentencing of lawyer Ms. Nasrin Sotoudeh](#) (14/01/2011)
- ▷ [Concerns regarding the case of lawyer Ms. Nasrin Sotoudeh](#) (28/09/2010)

## Abdolfattah Soltani

**A**bdolfattah Soltani is a lawyer at the Tehran Bar and one of the co-founders of the Centre for Human Rights Defenders. He has been in prison in Iran since 2011. To this day, the current regime refuses to grant him conditional release and provide him with adequate health care.

He has spent most of his career as a lawyer defending political prisoners. In principle, he should have already been released from prison because,



Abdolfattah Soltani

under Iranian law, a prisoner can be released after having served one third of their sentence. Abdolfattah Soltani is currently serving a ten-year prison sentence.

According to various sources, the Iranian Ministry of Intelligence is opposed to his release because he insists on his rights and his innocence. In October 2012, Abdolfattah Soltani was awarded the International Bar Association's Human Rights Award.

CCBE letters in his support:

- ▷ [Concerns regarding Abdolfattah Soltani's conditions of imprisonment](#) (02/10/2015)
- ▷ [Concerns regarding the hunger strike of Mr Abdolfattah Soltani, human rights lawyer](#) (18/11/2013)
- ▷ [Concerns regarding the sentencing of human rights lawyer, Mr Abdolfattah Soltani](#) (06/03/2012)

## Mohammad Najafi

**M**ohammad Najafi is a human rights lawyer in Iran particularly targeted for exercising his freedom of expression. In October 2018, lawyer Mohammad Najafi was sentenced to three years in prison and to the inhumane punishment of 74 lashes for the charges of “disturbing the state” and “publishing falsehoods”. This judgment was related to his work as the defence lawyer for 22-year-old Vahid Heydari, who died suspiciously in detention at the 12<sup>th</sup> Police Station in Arak sometime between the end of December 2017 and the beginning of January 2018. Before this judgement, he had been detained from January 2018 to April 2018 in relation to his work in the case of Vahid Heydari.

In December 2018, he was then sentenced twice to a total of 14 years for “collaborating with enemy states through conveying information in interviews”, “propaganda



Mohammad Najafi

against the government”, “insulting the supreme leader”, and for “publishing lies on the internet (...) with the intention of disturbing public opinion”. He was rearrested on the 1 April 2019 after having been released four days earlier from Arak prison.

CCBE letters in his support:

- ▷ [Sentencing of human rights lawyer Mohammad Najafi](#) (14/02/2019)
- ▷ [Imprisonment of lawyer Mohammad Najafi](#) (14/11/2018)
- ▷ [Situation of lawyers in Iran](#) (01/10/2018)

## Amirsalar Davoudi

**A**mirsalar Davoudi is an Iranian lawyer who has defended many political prisoners and members of religious or ethnic minorities. He is openly opposed to the policy of the Tehran regime and is very active on social networks: he ran a channel on the messaging service Telegram which allowed human rights lawyers to exchange views.



Amirsalar Davoudi

On 20 November 2018, he was arrested at his office by intelligence agents without a warrant. The conditions of Amirsalar Davoudi’s detention are of serious concern: he has been held in solitary confinement since 20 November. He is being held in Evin prison (Tehran) and is not

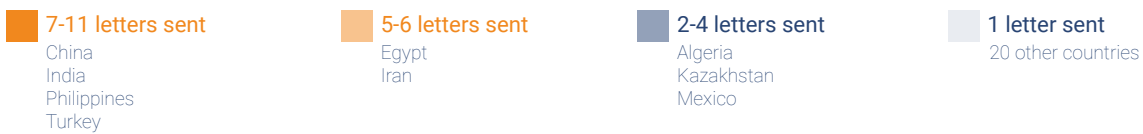
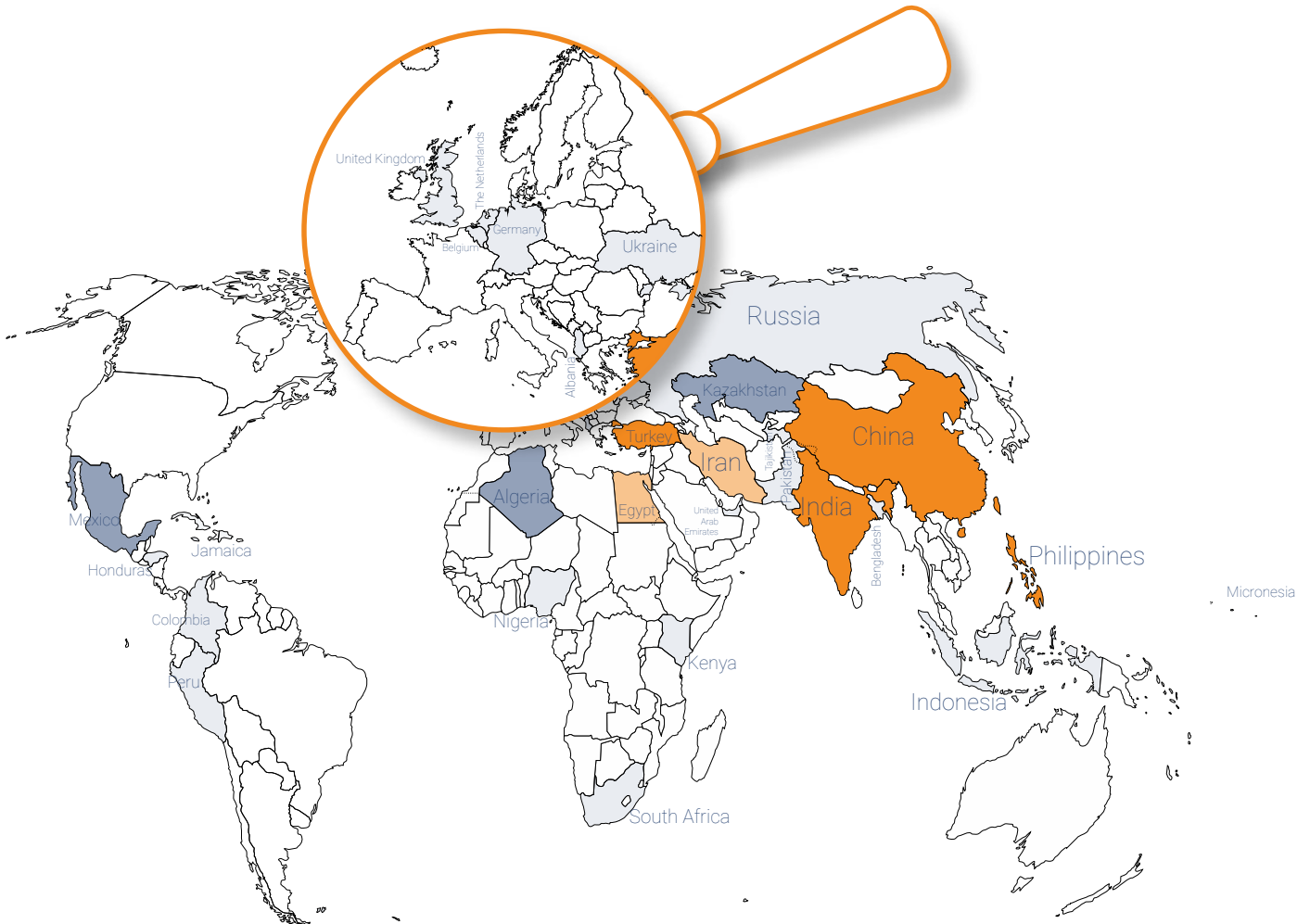
allowed to receive any visits, except from of his parents on 21 January. He was not able to consult his lawyer or the prison doctor. Human rights organisations have also expressed their fears about possible acts of torture.

On 1 June 2019, Amirsalar Davoudi was sentenced by the 15th Chamber of the Tehran Revolutionary Court to 30 years’ imprisonment, 111 lashes and a fine of approximately USD 4,000 on multiple charges: «insulting the authorities», «insulting the Supreme Leader», «propaganda against the state», «forming a group to undermine national security». The latter charge is linked to the channel he was running on the messaging service Telegram.

CCBE letters in his support:

- ▷ [Sentencing of lawyer Amirsalar Davoudi](#) (03/09/2019)
- ▷ [Indictment against lawyer Amir Salar Davoodi](#) (29/04/2019)
- ▷ [Detention of lawyer Amirsalar Davoudi](#) (21/12/2018)

In **2019** the CCBE sent  
**74** letters in support of endangered lawyers  
 in **29** countries around the world



**36 %** Murder | Attempt murder



**35 %** Arrest | Detention | Prison



**25 %** Threats | Assault | Harassment | Travel Ban



**4 %** Disbarment

29 November 2019

# Three questions to Marie Arena

*Chair of the Subcommittee on Human Rights  
of the European Parliament*

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Marie Arena © Dirk Waem - Belga

## What is the role of the European Parliament Sub-Committee on Human Rights?

The committee deals with the issue of human rights between Europe and third countries, i.e. countries which are not European countries. We have many partnerships with many third countries on all continents. These partnerships can be political partnerships, cooperation agreements, and trade agreements. For all these partnerships, we place on the agenda the issue of human rights and the demands Europe can make in terms of respect for human rights, which are ultimately universal values that we share and that we must share with these countries. We also have the possibility of having more specific assessments in certain countries or on certain issues for which we draw up resolutions, such as specific situations in countries which are fragile democracies, countries in transition. We can see it nowadays in the Maghreb countries, such as Algeria, where many political opponents have been imprisoned for protesting peacefully. The Subcommittee on Human Rights has also

dealt with the issue of Hong Kong and made a statement on the relations that Europe must maintain with China while respecting Hong Kong's special status, and more specifically the issue of human rights in Hong Kong. These are real statements, but also political positions to give clear political messages to both the Council and the European Commission.

## Why has there been an increase in attacks against the legal profession in recent years?

Today we realise that human rights are becoming weaker and weaker, both outside Europe and in Europe. The value of human rights is being challenged. It is a real danger and the specific target is, of course, is activists. When one says «activists», it means everything the word activist encompasses, it can be someone who takes part in an NGO, or a lawyer who defends these people in relation to the legislation of the relevant country. Lawyers are specifically targeted because they give rights to activists. And if you undermine activists' rights, you will consequently have fewer and fewer people engaged in the defence of human rights. The legal profession is essential to continue to defend human rights in a country. This is why lawyers are specifically targeted because through removing access to rights, you guarantee that the opportunity to protest is weakened, for instance.

During your mandate, what concrete measures do you intend to take for the protection of human rights defenders, including lawyers?

**W**e have prioritised a specific issue within the Human Rights Committee, which is the current shrinking of areas of freedom in democracies or in Europe's partner countries. In regard to the narrowing of these areas of freedom, the actions being targeted are, of course, those of NGOs, journalists and lawyers. There will therefore be hearings here in the Parliament to make observations. Organisations such as yours will be able to explain why practising as a lawyer has become extremely difficult in certain countries, on certain topics, and how we can

effectively support the profession, whether by awarding awards (such as the Sakharov Prize for instance), valuing the work of human rights lawyers, but also by making statements about lawyers, by saying to a country: «You cannot imprison this lawyer, you cannot impose penalties on them for being lawyers». For example, we have worked on the issue of Business and Human Rights, with lawyers who have defended citizens' rights in relation to company law. These lawyers were deprived of many contracts in some countries, so they have no longer been able to work properly in these countries. It is therefore necessary for us as Europeans to be able to say that these lawyers must be protected and, in any case, target the countries which do not protect them.

Thank you very much.

## Day of the Endangered Lawyer 2020:

### *Focus on Pakistan*

**T**he tenth annual Day of the Endangered Lawyer, on 24 January, 2020, will focus on Pakistan. Over the past several years lawyers in Pakistan have been subjected to acts of mass terrorism, murder, attempted murder, assaults, (death) threats, contempt proceedings, harassment and intimidation in the execution of their professional duties. They have also been arrested, detained or tortured, and, in some cases, the family members of murdered lawyers have also been murdered. Some lawyers have been threatened with disbarment or had their homes raided by the police. Sometimes christian lawyers or members of minority sects have been assaulted or threatened with death. The most notorious attack on Pakistani lawyers occurred on 8 August, 2016 when terrorists attacked the Government Hospital of Quetta with a suicide bombing and shooting which resulted in the death of 54 lawyers : <https://defendlawyers.wordpress.com/tag/pakistan/>

Since then there has been an alarming increase in the number of lawyers murdered, with nine reported over the past year.

Four organisations are particularly involved in the preparation of this event: The Foundation Day of the Endangered Lawyer, the Monitoring Committee on Attacks on Lawyers (IAPL), the European Democratic Lawyers (ELD) and the European Association of Lawyers for Democracy & World Human Rights (ELDH) with the support of several Bars and Law Societies and other lawyers' organisations such as the CCBE.

A report on the situation of lawyers in Pakistan is available [here](#).





## CCBE PLENARY SESSION

The CCBE's annual Plenary session took place on 29 November in Brussels and opened with a [keynote speech](#) from EU Commission Vice-President for Values and Transparency **Věra Jourová**. She discussed her new role, consisting of strengthening EU democracy through several initiatives, and most notably by protecting media pluralism, fighting against disinformation and improving the 'lead candidate' (*Spitzenkandidaten*) system. Her speech particularly underlined the role of lawyers in ensuring access to justice and protecting the Rule of law, as she is also responsible for upholding the rule of law alongside Didier Reynders. She stressed, among other things, that

**"The national bars play a fundamental role in assisting the judicial system. In the rule of law checklist, the Venice Commission has therefore emphasised the independence and impartiality of the Bar."**



Věra Jourová at the CCBE's Plenary Session in Brussels

She also mentioned that «Lawyers, and associations of lawyers like (the CCBE), can play an important role here, as you can help communicate to the public the importance of democracy and the rule of law – the building blocks of the European Union – in our everyday lives. And I encourage the CCBE to take this communication challenge to heart."

EU Special representative for Human Rights, **Eamon Gilmore**, also gave a [keynote address](#), in which he acknowledged "the incredible work of the CCBE in defending human rights, the Rule of Law and democracy for nearly 60 years" and "the work of the CCBE in bringing to international attention the cases of threatened lawyers worldwide". He stated that "the bravery,

integrity and professionalism of lawyers around the world have made an enormous difference to countless individuals as they seek justice and redress for their rights. [Lawyers] are the gatekeepers of justice, providing certainty and clarity to those they represent, sometimes in the face of enormous pressure." He then underlined that

**"the independence of the legal profession is an essential guarantee for the Rule of Law and the protection of human rights".**

In that context, he expressed that he is particularly looking forward to working even more closely with the CCBE, and looking at ways of working together to promote the EU policies in the field of human rights throughout the world.



Eamon Gilmore, EU Special Representative for Human Rights

The Plenary was the last meeting of the year chaired by the CCBE President, José de Freitas, who will end his mandate on 31 December. He gave a speech sharing his experience as President which was followed by a standing ovation from the delegates.



José de Freitas

As of 1<sup>st</sup> January 2020, the new presidency will be composed as follows:

President:

**Ranko Pelicarić (Croatia)**

First Vice-President :

**Margarete von Galen (Germany)**

Second Vice-President :

**James MacGuill (Ireland)**

Third Vice-President :

**Panagiotis Perakis (Greece)**

Panagiotis Perakis, was elected during the Plenary Session. He is currently Head of the Greek delegation and Chair of the Access to Justice Committee.



The CCBE held a conference on the “Modernisation of European Company Law” on 27 November in Brussels to discuss recent legislative achievements and the future of European company law. The keynote address from Koen Geens, Deputy Prime Minister and Minister of Justice of Belgium, was followed by excellent presentations from high level experts providing an overview of recent legislative achievements and assessing the future of European Company Law. Topics covered include cross-border mergers, divisions and conversions; the digitisation of company law; corporate governance and sustainable development; and future EU policies in this area with the intervention of Ms Maija Laurila Head of Unit for Company law at the European Commission - DG Justice. The conference was organised with the support of the French and Dutch-speaking orders of the Brussels Bar, Larcier and the law firm Simont Braun.



## RULE OF LAW AND HUMAN RIGHTS

### European Parliament



Stefan von Raumer, Marie Arena

On 4 November 2019, the Chair of the CCBE Human Rights committee, Stefan von Raumer met with the Chair of the Sub-Committee on Human Rights of the European Parliament, Marie Arena. This meeting was the occasion to share with her and her committee the work of the CCBE in the field of human rights and especially the defence of human rights defenders, in particular lawyers. The aim of this meeting was to discuss possible future collaboration between the Parliament and the CCBE when it comes to the defence of endangered lawyers worldwide and to involve the CCBE in human rights debates held at the European Parliament. This meeting was also an opportunity to discuss the priorities of the Sub-Committee on Human Rights of the European Parliament and ways in which the CCBE can contribute. Please also see Marie Arena’s interview page 7 and our video interview [here](#).

**O**n 19 November 2019 the CCBE participated in a side-event at the European Parliament organised by the Open Dialogue Foundation and the Italian Federation for Human Rights, and co-hosted by MEPs Nacho Sanchez Amor (S&D; Spain) and Niklas Nienauß (Greens/EFA; Germany). This side event was entitled

“Strengthened China-Kazakhstan Relations: What Impact on Human Rights?”. Patrick Henry, member of the Human Rights committee gave a presentation about the deteriorating situation of lawyers in Kazakhstan.

### European Economic and Social Committee (EESC)

**T**he CCBE participated in the EESC conference on «Fundamental Rights and the Rule of Law – Trends in the EU from a civil society perspective» to signal the urgent need to involve civil society in promoting a culture of the rule of law amid a growing number of reports regarding breaches of core EU values across Europe.

**T**he CCBE took part in the “Making the EU Charter of Fundamental Rights a reality for all” Conference held to celebrate the 10<sup>th</sup> anniversary of the Charter becoming a legally binding instrument. The conference reflected on how, with the help of civil society and rights defenders, the Charter can become a meaningful part of everyday life. The conference was organised by the European Commission, together with the Finnish Presidency of the Council of the European Union and the European Union Agency for Fundamental Rights (FRA).

### The Charter of Fundamental Rights of the European Union

### Council of Europe

**O**n 21 November 2019, a CCBE delegation met the Secretary General of the Council of Europe, Marija Pejčinović Burić. The Chair of the CCBE Permanent Delegation in Strasbourg, Piers Gardner, had the opportunity to bring exposure to the CCBE’s proposals regarding the reform of the ECHR machinery. He particularly insisted on the importance of the

CMDH’s role in the execution of the European Court of Human Rights’ judgment and the necessity of enabling effective secondments of lawyers from private practice to support and accelerate the work of the Secretariat DG. The CCBE’s proposals were warmly welcomed by the Council of Europe. Chair of the European Convention working group, Laurent Pettiti, highlighted the current procedural state of play regarding the case drafting of a European Convention on the profession of lawyers.



Marija Pejčinović Burić with the CCBE delegation

On 22 November 2019, the CCBE met with Commissioner for Human Rights of the Council of Europe, Dunja Mijatović. Several points were strongly underlined during the meeting: the importance for citizens that all lawyers are able to perform their professional duties without fear of reprisal, intimidation, or

harassment; and the importance of access to legal assistance for migrants, and the need to further support one of the leading projects in this area, the European Lawyers in Lesvos (ELIL). The Commissioner for Human Rights stressed the independence of the judiciary as a topic of particular interest for the work of her bureau at the Council of Europe.



Dunja Mijatović with Laurent Pettiti (left) and José de Freitas (right)

On 22 November 2019, the CCBE President, accompanied by the experts of the CCBE Permanent Delegation in Strasbourg Committee, and the European Court of Human Rights (ECtHR) had their annual bilateral meeting. Exceptionally, the Court decided to only discuss the CCBE's proposals for the reform of the ECHR Machinery, adopted by the CCBE in June 2019. Overall this was a very frank and constructive debate with Judges of the ECHR. Although not all the proposals were received positively, the Court was really engaging with the CCBE and its position.

These proposals principally aim at encouraging national courts to take human rights decisions more openly, clearly and generally better; at improving the procedure of the ECHR in

### European Court of Human Rights

order to speed up the work of the Court and at improving the work of the Committee of Minister (CMDH) which supervise the execution of the Court's judgements without engaging in a time-consuming modification of the Convention . The meeting with the Court focused only on the second aspects of the proposals which exclusively concern the procedure at the ECHR. The adoption of these proposals was the first occasion for the CCBE, and the legal profession in general, to participate in the reform process of the ECtHR. This represents an important step in bringing together the legal profession and the CCBE, and the ECHR and Committee of Ministers in the reform process of the ECHR Machinery.



Delegations of the Court and the CCBE

## EU COURTS

The CCBE Permanent delegation to the Court of Justice, General Court, and EFTA Court will have meetings with the Courts in Luxembourg in January 2020 as part of a long

tradition involving the exchange of views between the CCBE and the EU Courts.

## MIGRATION

On 12 November, the CCBE was present for the 9<sup>th</sup> edition of the European Asylum support office (EASO) Consultative Forum Plenary Meeting entitled “The initial steps of the asylum procedure”.



David Conlan Smyth, Chair of the CCBE Migration Committee

On 14 and 15 November, the Chair of the CCBE Migration Committee participated in the Platform for International Cooperation on Undocumented Migrants (PICUM) Legal Seminar 2019 on “EU law and undocumented migrants: Data Protection, Immigration Enforcement and Fundamental Rights”.

## ELECTRONIC EVIDENCE

On 8 November, the CCBE issued its [written comments](#) in response to the public consultation launched by the Council of Europe Cybercrime Convention Committee regarding the provisional draft text of the 2<sup>nd</sup> Additional Protocol to the Budapest Convention on Cybercrime. Lawyers play a fundamental role – not only towards their clients, but also vis-à-vis law enforcement authorities – when it comes to the cross-border acquisition and exchange of electronic evidence in criminal matters. The CCBE therefore has a number of suggestions

and observations in relation to the Provisional draft text which were published on 1 October, particularly as regards Video Conferencing and Direct Disclosure of Subscriber Information. The CCBE had the opportunity to raise many of those concerns during the [Octopus conference](#) on 22 November. The European Parliament Civil Liberties, Justice and Home Affairs (LIBE) Committee also published its [Report](#) on the proposal which was warmly welcomed by the CCBE, as most of our suggestions were addressed.

## ARTIFICIAL INTELLIGENCE

The European Commission awarded the CCBE and the European Lawyers Foundation the “Artificial Intelligence for Lawyers” (AI4Lawyers) project, which addresses the necessity for European lawyers and law firms to have a clear understanding of the use of AI and other novel IT technologies in their daily practice. The project, among others, will undertake research on the average state-of-the-art IT capabilities of law firms in the EU, identify the opportunities and barriers for the uptake of AI and draft a practical guide with information for

EU Lawyers and law firms on how to integrate AI applications into their work. The project will start at the beginning of 2020 and last for two years.

On 13 November 2019, the CCBE participated in the EESC event “[Trust in liberal professions in the age of digitalisation and artificial intelligence](#)” aimed to gain fresh insight into the impact of artificial intelligence on the exercise of professional services and on clients’ and patients’ rights held in Brussels.

## COLLECTIVE REDRESS

After much discussion, the Council has now adopted its negotiating mandate on the [proposal](#) for a Directive on representative actions for the protection of the collective interests of consumers (collective redress). Informal triologue negotiations will now take place between the Council and the European Parliament. This proposal was published on 11 April 2018 and, after issuing a first set of

[preliminary comments](#), the CCBE drafted a [position paper](#) voicing several concerns on the proposal in question.

The CCBE furthermore participated in the RIAD Congress in Berlin on 7 November to provide input on legal protection and notably on the current status of collective redress/class action in Europe and the world.

## MEDIATION

On 4 December, the [European Commission for the Efficiency of Justice](#) (CEPEJ), adopted the “[Training programme for lawyers to assist clients in mediation](#)”. This training programme was developed by

the CCBE in collaboration with the CEPEJ Mediation Working Group and offers a ready-to-use basic training programme on mediation which Bars and Law Societies may further develop and use in their training schemes for lawyers.

## CRIMINAL LAW

The CCBE met with Alexandra Jour-Schroeder, Deputy-Director General for DG Justice, and her colleagues on Friday 29 November in order to discuss future procedural safeguards for suspects and defendants in criminal proceedings. The CCBE has also sent a letter to Didier Reynders, Commissioner for Justice,

supporting the efforts of the Commission in promoting procedural safeguards for suspects and defendants in criminal proceedings. The CCBE encourages the development of further procedural safeguard measures, including the need for minimum standards for pre-trial detention, rules regarding the cross-border use and admissibility of certain types of

evidence, conflicts of jurisdiction and ne bis in idem, compensation measures, measures for defensive investigations, and measures regarding remedies, among others. The CCBE also believes that the practical application of the European Arrest Warrant is an issue which requires much improvement. It must also be noted that when the European Public Prosecutors Office comes into existence, the

importance of defendants' rights cannot be stressed enough, and this is an issue which the CCBE is highlighting.

The CCBE also met with the incoming Croatian Presidency on 29 November to discuss expected developments in the field of criminal law under the Croatian Presidency which will commence on 1st January 2020.

## INTERNATIONAL LEGAL SERVICES

**T**he CCBE has contacted the WTO Director General and the EU Commissioner for Trade to express its concern regarding the possibility that the WTO Appellate Body might cease its activities as a consequence of the actions of some WTO Members. The role of arbitrator of disputes between the WTO Member States exercised through the Dispute

settlement mechanism and the Appellate Body is crucial for the WTO system. This is particularly relevant in view of confirming its legitimacy based on the principle of the Rule of Law. The CCBE respectfully calls for urgent action and confirms its support for efforts to avoid the risk that the WTO Appellate Body ceases function after mid-December 2019.

## TRAINING

**O**n 25 October, the European Commission released the evaluation of the European Judicial Training strategy for justice professionals. The evaluation includes a stock of the objectives achieved and will be a basis for designing a post-2020 strategy for European judicial training.

The European Commission Staff Working Document on the Evaluation of the European judicial training strategy was presented during the last CCBE Training committee meeting on 28 November and is available [online](#).

The evaluation shows that between 2011 and 2017, more than 800,000 legal practitioners, half of all EU legal practitioners, were trained on European Union law at a national and EU level.

An annual report on EU Judicial training supports the implementation of the strategy, triggering its results. Members of the CCBE regularly provide contribution for this report.

The strategy contributed to the rise in knowledge of EU law, while reinforcing mutual trust between legal practitioners. It also confirmed the need to better discuss some categories of justice professionals and geographical areas. The need to further focus on topics such as the Rule of Law, Fundamental Rights, judge craft and legal terminology and to remain flexible to address continuously changing training needs was also stressed.



## DID YOU KNOW ?

**JUSTIBUS ...**



**... the lawyer in the city!**

It is not always easy for anyone to know who to turn to for an appointment with a judge or lawyer or even to get to a meeting place. For this reason, a new free and traveling legal assistance project was set up in Belgium by the French Order of the Brussels Bar. The JUSTIBUS project is an initiative of the Legal Aid Commission of the French Bar Association of Brussels, with the support of the Minister of Justice Houses in charge of front-line legal aid of the Government of the Wallonia-Brussels Federation- under the leadership of Vinciane Gillet, member of the CCBE Quality sub-group.

Since 14 October 2019, the JUSTIBUS has been travelling in the 19 municipalities of Brussels, according to an established schedule, to provide free legal aid to people in precarious situations. Several volunteer lawyers run mobile hotlines and receive people to provide them with legal information that could potentially help their situation. However, volunteer lawyers and trainee lawyers do not perform legal acts. If necessary, they refer the concerned person to a lawyer who may be able to assist him or her, including to a «pro bono» lawyer if the conditions for receiving legal aid are met.

[More information are available here](#)

## EUROPEAN NEWS

**A**fter assessing all of the commissioners-designate during the previous months, the Parliament decided on 27 November to elect the Commission as a whole, thus allowing it to take office on 1 December. With several tumultuous hearings, the European Parliament has fulfilled its role in ensuring that the EU's executive body has the democratic legitimacy to act in the interest of Europeans. (<https://www.europarl.europa.eu/news/en/headlines/eu-affairs/20191115STO66605/parliament-to-vote-on-new-european-commission>)



**T**he 1<sup>st</sup> of December marked the 10<sup>th</sup> anniversary of the Treaty of Lisbon. The Lisbon Treaty made massive changes to the functioning of the European Union, and most notably abolished unanimity in 45 policy areas; established the positions of the President of the European Council and the High Representative of the Union for Foreign Affairs and Security Policy; made the Charter of Fundamental Rights legally binding; and strengthened the role of the European Parliament.



**T**he 10<sup>th</sup> anniversary of the European Charter of Fundamental Rights was marked on 1 December. While the Charter was originally drafted and proclaimed in 2000, it only entered into force with the Treaty of Lisbon on 1 December 2009 and has since then been applied to the EU Institutions and the Member States when implementing European Union Law. The Charter is composed of 54 articles that are divided into 6 main titles for substantive rights: dignity, freedoms, equality, solidarity, citizens' rights and justice. More than any other, the Charter has been expanded to cover fundamental rights that go beyond just civil and social rights including data protection, guarantees on bioethics and transparent administration. In its latest report on the Charter's application in the EU, the Commission has underlined several new potential initiatives such as the protection of whistle-blowers and a code conduct on countering illegal hate speech online.

FRA Director Michael O’Flaherty took part in a European Parliament hearing on 6 November in Brussels on the situation in the Greek migration hotspots. He stressed that overcrowding results in appalling reception conditions, and the situation is not sustainable representing a

fundamental rights emergency. He underlined that the situation for unaccompanied children is particularly acute. He urged the Member States to show more solidarity and carry out relocations from the hotspots.

### European Lawyers in Lesvos (ELIL):

ELIL still needs considerable support for ensuring access to lawyers for migrants and ensuring their fundamental rights. In this respect, ELIL’s work has been rewarded several times this year. Indeed, in addition to the 2019 [Pax Christi International](#) Peace Award awarded on 26 June 2019, ELIL received a significant donation the [JUVE awards](#) ceremony on 24 October 2019, and was awarded the [PILnet Global Award for Local Pro Bono Impact](#) on 12 November 2019.



You can further support the project via the following link:  
<https://www.europeanlawyersinlesvos.eu/donate>

On 20 November, it was announced that overcrowded camps for asylum seekers on the Aegean islands would be shut down and replaced with closed, pre-removal detention centers on the mainland. The three centers to be closed are the ones situated on the islands of Chios, Samos and Lesbos, including its notorious Moria camp. They are expected to be replaced with new closed facilities for identification, relocation and deportation with a capacity of 5,000 people each. In that context, it was announced that new criteria would be issued for the operation of NGOs helping refugees and migrants. These new developments could have considerable impact for the migrants and the respect of their fundamental rights and also for the work of ELIL. The CCBE Migration committee will closely follow the issue.

## BAR & LAW SOCIETIES ACTIVITIES

### European Lawyers' Day 2020

Many events were organised by Bars and Law Societies for European Lawyers' Day (ELD) 2020 which was focused on the following theme: "Your right to legal aid in criminal matters & A focus on access to a lawyer when detained in prison". ELD is a day that highlights the essential role that lawyers play as actors in the judicial system, and their contribution to the protection of the rule of law. ELD is celebrated on 25 October, in conjunction with the European Day of Justice, which aims to inform citizens about their rights and strengthen confidence in judicial systems. Events organised for ELD 2019 can be consulted [here](#).



### Czech Republic

The Czech Bar Association organised two events in November 2019 dedicated to the celebrations of the 30<sup>th</sup> Anniversary of the "1989 Velvet Revolution". Firstly, a conference took place on 5 November 2019 in the historical courtroom of the High Court in Prague and was devoted to the fight of lawyers against totalitarian regimes. On the

same day in the evening there was an official opening of an exhibition in the seat of the Czech Bar Association. The exhibition focuses on information about eminent Czech lawyers who fought against totalitarian regimes and displays many valuable and historical artefacts from their lives. The entry to the exhibition is free to public until 31 January 2020.

### France

**G7 lawyers:** a statement to require the release of Nasrin Sotoudeh

The representative lawyers' organisations from the G7 member countries met in the Conseil National des Barreaux (CNB) premises on 27 November and signed a new resolution calling for the release of Iranian lawyer Nasrin Sotoudeh. This statement follows a first resolution signed in July, and requests from the Iranian government her immediate release, the guarantee of her psychological and physical integrity and the compliance with all international standards regarding her detention conditions. Signatory organisations also call for lawyers to be able to practice their profession without harassment or interference. Iranian lawyer Nasrin Sotoudeh has been imprisoned since 13 June 2018 and has been sentenced to 33 years in prison and 148 lashes.

On this occasion was launched the #1minute4Nasrin Mobilisation Campaign where each Bar and lawyer around the world is invited to take 1 minute to share their message of support in video. The organisations that signed the statement are the following: Conseil National des Barreaux, Canadian Bar Association, Law Society of England and Wales, Deutsche Anwalt Verein, Bundesrechtsanwaltskammer, Consiglio Nazionale Forense, Japan Federation of Bars Associations and the CCBE. The statement is available [here](#).



The Georgian Bar Association hosted the International Conference of Advocates in Tbilisi on 8 November for the seventh consecutive year. The Conference put a focus on the issue of “the Role of Bar Associations and Law Societies in Effective Administration of Justice”.

## Germany

In November, the [5<sup>th</sup> International Business Law Day](#) (Internationaler Wirtschaftsrechtstag), the annual event of the DAV Section on international business law, took place in Berlin.

The DAV also organised a [symposium](#) in November focusing on the question if Germany needs a specialised Commercial Court.

Finally, the DAV also held the annual “European evening” in Brussels, where DAV presidency and directors met relevant experts from several European Institutions.

## ▷ Human Rights Award:

The Bar of Ireland Human Rights Award 2019 was presented in November 2019 to Holocaust survivor Tomi Reichental in recognition of his work promoting tolerance and educating young people about the importance of remembrance and reconciliation. Further details can be viewed [here](#).



## ▷ Publication of Balance at the Bar – Members Survey:

To coincide with the start of the new legal year (October 2019) and World Mental Health Day on 10 October 2019, the “Balance at the Bar” Member Survey report was published. The Council is intent on addressing the very concerning findings of this survey and ensuring that support provided is as accessible and relevant as possible for those who are most in need; female and younger members of the Bar in particular. A copy of the full report can be found [here](#).

## Ireland

## Italy

The new composition of the CCBE Italian delegation was presented by the CNF at the CCBE Plenary in November. The delegation is now composed of Francesca Sorbi (Head of Delegation), Giampaolo Brienza, Francesco Caia, Carlo Orlando, Carla Secchieri and Isabella Stoppani. Carlo Forte remains Information Officer and member of the delegation.

On 25 October, the International Day for the Elimination of Violence against Women, the CNF denounced the horror of this growing phenomenon. The number of children made orphans and victims of much violence must be added to the count of victims. The aim for the CNF is to achieve gender equality, a cultural vehicle for raising awareness of respect for differences.

More information [here](#).

The Kosovo Bar Association celebrated its 46<sup>th</sup> Anniversary on 15 November.

## Kosovo

## Poland

Polish advocates celebrated IX Culture Days of the Polish Bar on 24-27 October 2019 in Cracow.

The Polish Bar Council and the Mediation Centre at the Polish Bar Council organised an International Conference “Law and Mediation” including a workshop focused on “Transformative Mediation – Building Relationships to Resolve Conflict” on 6-8 December 2019 in Białystok.

On 28 November, the Slovak Bar Association organised a roundtable on the ethical aspects of relations among legal professionals in justice system. Representatives of the Council of Judiciary, General Prosecution, Chamber of Judicial Officers and Bar Association signed a joint public statement reassuring citizens that, despite possible high-profile cases of individual failures, the overwhelming majority of legal professionals act strictly in adherence to values protecting citizens and strengthening the rule of law. Supervision of ethical conduct is one of the most important roles of professional associations which they carry out.

## Slovakia



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## Slovenia

On Tuesday 3 December, the Administrative board of Humanitarian Aid Fund of Slovenian Bar Association met to distribute financial help to socially deprived individuals, hospitals and humanitarian institutions. Humanitarian Aid Fund is based on the financial support of all Slovene lawyers.

The Slovenian Bar Association will organise the Day of Pro Bono Legal Assistance on Thursday 19 December. This is a special day when Slovene lawyers offer free legal assistance to citizens across the country in an organised way.

## Sweden

The 8<sup>th</sup> annual conference for Swedish lawyers (*Advokatdagarna*) in 2019 was also a success. Approx. 750 advocates, associate lawyers and other representatives from the Swedish judiciary participated at the conference on 24 and 25 October 2019. The ninth annual conference will be held 22 and 23 October 2020.

Since 2009 the Swedish Bar, in cooperation with IBA and ILAC, has awarded distinguished human rights work at an international level. The laureate of the 2019 Stockholm Human Rights Award was Mr. David Miliband (former British Secretary of State for Foreign and Commonwealth Affairs) and the humanitarian aid body that he heads; the International Rescue Committee (IRC).



## United Kingdom

On the occasion of International Human Rights Day 2019, the Law Society of England and Wales organizes a Seminar on 12 December entitled: “The Rise of Authoritarianism – Lawyers Upholding the Rule of Law”. Recent years have seen a rise in authoritarianism not only in other parts of the world, but also in Europe. This has had negative consequences for the rule of law and independence of the legal profession. This seminar explores how the rise of authoritarianism affects legal practitioners, as well as some initiatives of legal practitioners and others to counter attacks on the legal profession.

More information [here](#).

On 22 January 2020, a seminar will be held in London on the Day of the Endangered Lawyer 2020 which will focus on Pakistan. At this seminar, a lawyer will discuss his personal experiences of litigating human rights cases in Pakistan, specifically the well-known case of Asia Bibi (in which a Christian Pakistani woman was sentenced to death for blasphemy). Her conviction was eventually overturned by the Supreme Court. The legal system and legislation in Pakistan will also be discussed, especially blasphemy laws. In addition, the role that the military and religion play in Pakistan’s society will be addressed and how this impacts on the adoption of legislation and its application in practice.

More information [here](#).

## AGENDA

24 JANUARY 2020

Day of Endangered Lawyer 2020 - Situation of Lawyers in Pakistan

27 JANUARY 2020

Meeting between the CCBE and the European Court of Justice

30 JANUARY - 1 FEBRUARY 2020

Sant Raimon de Penyaforç - AI in the Legal Sector in Barcelona (Spain)

6-7 FEBRUARY 2020

International Academic Conference Bratislava Legal Forum in Bratislava (Slovak Republic)

20 FEBRUARY 2020

CCBE Standing Committee in Vienna (Austria)

21 FEBRUARY 2020

48<sup>th</sup> European Presidents' Conference in Vienna (Austria)

21 FEBRUARY 2020

Meeting between the CCBE and The European Union Agency for Fundamental Rights (FRA) in Vienna (Austria)



Council of Bars and Law Societies of Europe

*The voice of European Lawyers*

Conseil des barreaux européens

*La voix des avocats européens*

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