
Le Président
The President

Dr.sc. Josip Grubeša
Minister of Justice of Bosnia and Herzegovina
Trg BiH1
71000 Sarajevo
Bosnia and Herzegovina

Brussels, 29 March 2017

Dear Minister,

I am writing to you on behalf of the Council of Bars and Law Societies of Europe (CCBE), which represents the bars and law societies of 45 countries, and through them more than 1 million European lawyers.

The regulation of the profession, the defence of the rule of law, human rights and democratic values are the most important missions of the CCBE. In this context, the CCBE regularly meets with representatives of the European institutions to discuss matters relating to the lawyer's profession and its core functions.

The CCBE has received reports from the Management Board of the Bar Association of Federation of Bosnia and Herzegovina (Bar Association of FBiH) regarding the legal aid system in the Federation of Bosnia and Herzegovina. We have been informed that a legislative proposal aiming to establish a legal aid system in Bosnia and Herzegovina is on-going. In particular, the CCBE has been informed that this proposal will be based on certain principles that are already functioning in the Republic of Srpska, District Brčko, and in few cantons of Federation of Bosnia and Herzegovina, namely that legal aid is provided by experts employed by governmental bodies. The fact that legal aid providers are regulated as civil servants or state agencies raises serious concerns as to the independence of legal aid services. The CCBE therefore fully shares the concerns of the Bar Association of FBiH in this respect and wishes to underline that any threat to the independence of legal aid providers must be avoided.

The CCBE also wishes to emphasise that both international and European standards recommend that the state guarantees mechanisms for providing legal aid to persons in a weak economic position, and that this should not affect lawyers' duties towards their clients. Principle IV of the Council of Europe's **Recommendation of the Council of ministers to member States on the freedom of exercise of the profession of lawyers**¹, reads "3. Governments of member States should, where appropriate to ensure effective access to justice, ensure that effective legal services are available to persons in an economically weak position, in particular to persons deprived of their liberty. 4. Lawyer's duties towards their clients should not be affected by the fact that fees are paid wholly or in part from public funds." The independence of lawyers is essential to a proper administration of justice and a strengthened rule of law. In

¹ **Recommendation Rec(2000)21 of the Committee of Ministers to Member States on the freedom of exercise of the profession of lawyer** (Council of Europe)

this context, it is important that governments take all necessary measures in order to ensure a fair distribution of legal rights.

The CCBE therefore kindly urges you to consider the comments in this letter. We would appreciate to be informed about any further developments concerning the practice of law in the federation of Bosnia and Herzegovina. The CCBE is committed to supporting law reform in the region of Western Balkans and, as an international association for lawyers, we are always available for consultation and for providing expertise.

Yours sincerely,

A handwritten signature in black ink, reading "Ruthven Gemmell". The signature is written in a cursive style and is centered within a light gray rectangular box.

CCBE President,
Ruthven Gemmell WS