

CCBE-INFO

Newsletter

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Defence of the Defenders*

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Special Focus: Human Rights – Defence of the Defenders

The CCBE places great emphasis on respect for human rights and the rule of law and is particularly concerned with the situation of lawyers around the world.

In this context, the CCBE supports threatened lawyers by sending letters to the national authorities of the concerned countries and by alerting key players at international and European level.

Attacks on the profession of lawyer are becoming more and more frequent all over the world, particularly in countries where the political context is conducive to various forms of pressure against the activities of human rights defenders. In the last three years particular concerns have been expressed regarding the situation of many lawyers in Belarus, China, Colombia, Egypt, Iran, Philippines, and Turkey.

However, the CCBE notes that attacks against the legal profession also take place, in various forms, in countries where it is generally accepted that there exists a certain

level of respect for the rule of law, including EU or Council of Europe Member States.

Therefore, the CCBE strongly supports the work carried out by the Council of Europe for the establishment of a new legal instrument on the profession of lawyer and welcomes the recent decision of the Committee of Ministers of the Council of Europe to set up a new Committee on the protection of lawyers with the task to draft this new legal instrument. Also, the CCBE strongly supports the idea that there is a clear need for adopting a new binding legal instrument on the profession of lawyer accompanied by an implementation mechanism in order to guarantee the proper administration of justice and the respect of the rule of law. For more information, see [here](#).

Moreover, each year the CCBE honours one or more lawyers who have particularly distinguished themselves in their struggle for human rights, by granting them a Human Rights Award as a symbol of the recognition of their work by the European legal profession.

CCBE Human Rights Award Ceremony 2021

The CCBE Human Rights Award 2021 was granted to Belarusian lawyers Lilya Vlasova, Maksim Znak, Dmitry Laevski and Leanid Sudalenko.

An exceptional Human Rights Award was also granted to all endangered lawyers in Afghanistan who have been at the forefront of the defence of fundamental rights of the Afghan population.



The CCBE Human Rights Award ceremony took place during the online CCBE Plenary Session on 10 December 2021 with a keynote speech from the United Nations High Commissioner for Human Rights, Michelle Bachelet, who affirmed: "In honouring lawyers around the world who work in situations of heightened threats to defend the rule of law and human rights, you do a great service. You demonstrate that the world recognises their work and that we acknowledge how important and how vital that work is to their societies and to us all."

The Winners



Lilya Vlasova was arrested on 31 August 2020, after she joined the Belarusian Coordination Council, which advocates for a democratic transition of power after the elections that enabled President Lukashenko to remain in power. She remains in detention to this day despite protests from several international lawyers' organisations.

Maksim Znak represented many clients in politically sensitive cases and was sentenced to 10 years in prison after one year of pretrial detention, allegedly suspected of "aiming at destabilising the socio-political, economic situation and public awareness in the country, causing harm to the national security of the Republic of Belarus". He is still detained.



Leanid Sudalenko represented human rights defenders and activists and was arrested on 18 January 2021 on charges of "organising, financing, training and preparation of actions grossly violating public order and financing such activities". In addition to that, he had his office searched twice (in 2015 and 2021) and he and his family received death threats which the police refused to investigate. He is currently detained.

Dmitry Laevski is a prominent lawyer who has been vocal on the situation of the rule of law, the independence of the judiciary, the legal profession, and the right to defence in Belarus. He represented several political prisoners in court. Victim of undue pressure since several years, he was officially disbarred on 9 July 2021 after two disciplinary proceedings against him.

The four Belarusian lawyers who received the Award have distinguished themselves for their courage, determination, and commitment to defending citizens' fundamental rights and the rule of law in Belarus.



Given the recent unprecedented circumstances in Afghanistan, many Afghan lawyers are being targeted due to their active role in defending Afghan citizens' basic rights. The exceptional Human Rights Award 2021 wants to raise awareness for the urgent need to provide adequate protection to those lawyers who have been at the forefront of the defence of fundamental rights of the Afghan population before the change of the regime. An independent legal profession and Bar in Afghanistan is necessary in order to preserve the independence and integrity of the administration of justice and the rule of law.

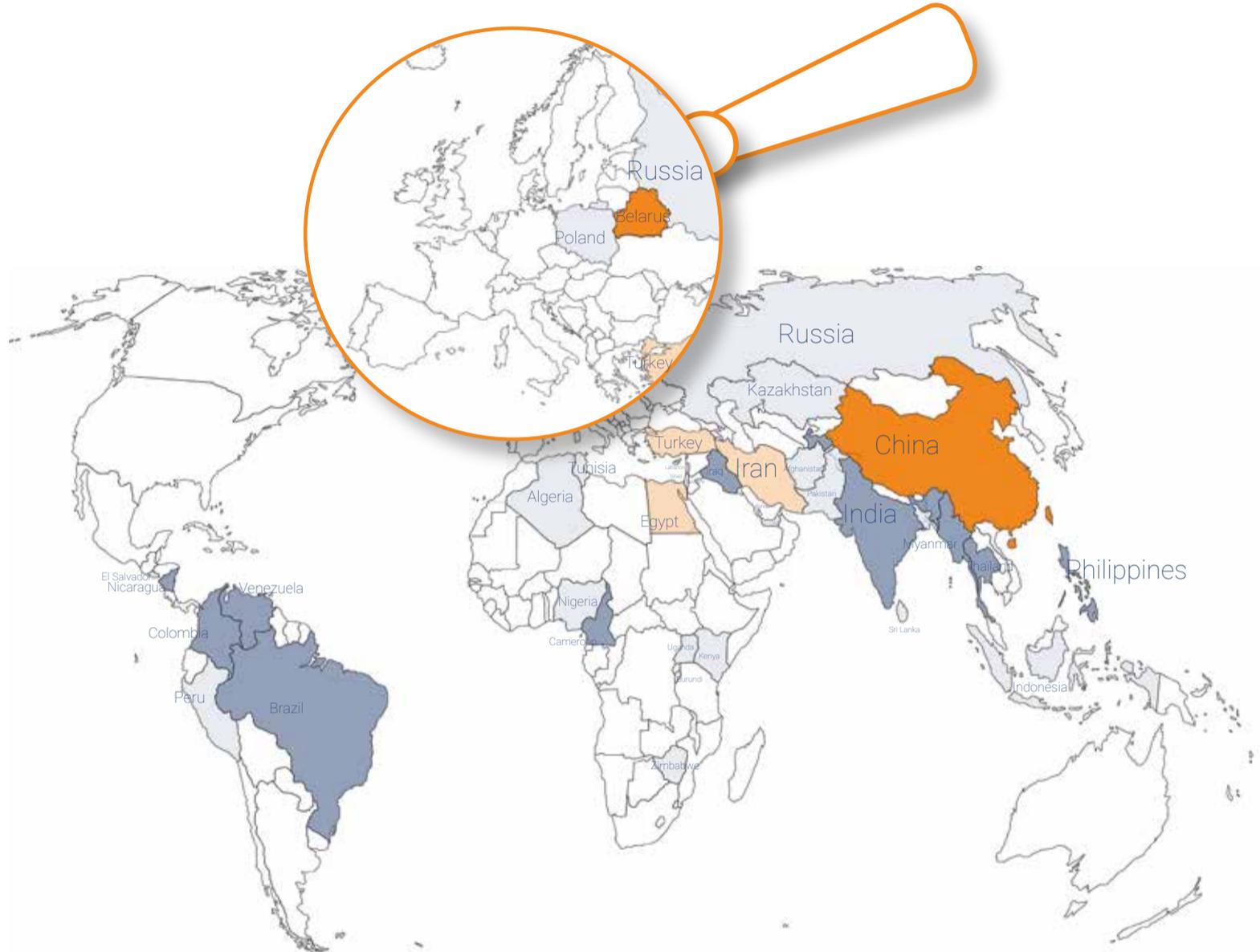
The CCBE Human Rights Award to the endangered Afghan lawyers was symbolically presented on 10 December 2021 to the Afghan Bar President by the President of the French National Bar (CNB) on behalf of the CCBE

Additional information about the Belarusian and Afghan lawyers can be found on the [CCBE website](#).

On the right with a scarf on: Jérôme Gavaudan, President of the French National Bar (CNB)

Left: Rohullah Qarizada, President of the Afghan Independent Bar Association (AIBA)

In **2021** the CCBE sent
103 letters in support of endangered lawyers
in **38** countries around the world



	9% Murder Attempt murder Death
	38% Arrest Detention Prison Prosecution Torture
	38% Threats Assault Harassment Ill-treatment Travel Ban Break-in Abduction
	15% Deprivation of the right to exercise the legal profession and attack against the independence of the legal profession

Other CCBE and joint initiatives in the area of human rights in 2021

In addition to the letters sent in support of threatened lawyers worldwide, the CCBE, through its Human Rights Committee chaired by Stefan von Raumer, also undertook the following initiatives, sometimes jointly with other organisations and Bars:

1st International Fair Trial Day and the Ebru Timtik Award



On the 14 June 2021, the CCBE as part of the Steering Group of the International Fair Trial Day and Ebru Timtik Award organised the 1st International Fair Trial Day and the Ebru Timtik Award. The UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, was the keynote speaker. His speech is available [here](#).

Patrick Henry, expert and former Chair of CCBE's Human Rights Committee, also participated as one of the speakers.

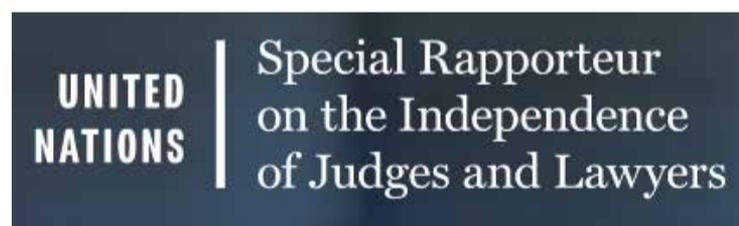
A joint statement was released, on the occasion of the 1st International Fair Trial Day as a call to action on Turkey. The full statement is available [here](#).

Contribution to the UN Special Rapporteur on the Independence of Judges and Lawyers' report 2022

The CCBE contributed to the UN Special Rapporteur on the Independence of Judges and Lawyers' forthcoming 2022 report to the UN Human Rights Council which will focus on the protection of lawyers from undue interferences faced in the free and independent exercise of their profession.

The CCBE's response has been drafted taking into consideration a questionnaire prepared by the UN Special Rapporteur to elicit information from civil society organisations on relevant national experiences on this subject.

The CCBE contribution is available [here](#).



Afghanistan



- **24 August 2021:** The presidents of the G7 Bars and the CCBE have signed a [statement](#) to urge governments to protect those at risk, including human rights defenders, especially women judges and lawyers, in Afghanistan.
- **10 November 2021:** The CCBE together with several bars and lawyers' organisations and the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, published a [joint call](#) urging the relevant authorities and organisations to urgently provide adequate protection to endangered lawyers in Afghanistan and calling for measures to facilitate the simplification and relaxation of asylum rules to allow for the evacuation and temporary reception of these lawyers at risk.
- **25 November 2021:** The CCBE sent a [letter](#) urging the EU and its Member States to take urgent measures to ensure the independence of the legal profession in Afghanistan. Lawyers and the members of the Afghan Independent Bar Association (AIBA) are currently in danger because of their efforts to ensure the respect of the rule of law and their work with international organisations and partners, trying to maintain their independence. The CCBE urges the EU and its Member States, in their diplomatic efforts towards the Taliban regime, to do everything in their power to ensure the maintenance of an independent legal profession and bar in Afghanistan, through the existing AIBA.
- **7 December 2021:** Following a meeting on 30 November 2021 with the AIBA President, the CCBE organised a meeting between the AIBA President and the UN Special Rapporteur on the Independence of Judges and Lawyers in order to collaborate with the latter to help the AIBA and the Afghan legal profession, together with the CCBE.

Azerbaijan

- **24 January 2021:** The CCBE co-signed a [petition](#) in support of the 11th Day of the Endangered Lawyer focused this year on the situation of the legal profession in Azerbaijan.



Belarus



- **28 October 2021:** The CCBE co-signed a [joint statement](#) calling for the reinstatement of lawyer Natalia Matskevich and urging the Belarus Bar Association to refrain from using disbarment as a tool of retaliation against lawyers.

China

- **08 December 2021:** Together with Lawyers for Lawyers, the Barreau de Paris, The 29 Principles, the IBAHRI, the Bar Human Rights Committee of England and Wales, Lawyers' Rights Watch Canada, Human Rights Now and China Change, the CCBE co-signed a [joint statement](#) on the suspension of Lin Qilei's and revocation of Liang Xiaojun's legal practice licenses.



Crimea

- **25 November 2021:** Together with the Center for Civil Liberties, the International Bar Association - Human Rights Institute, Lawyers for Lawyers and The Law Society of England and Wales, the CCBE co-signed a [joint statement](#) on the harassment, detention, and sentencing of lawyer Edem Semedliaiev.

Egypt



- **26 July 2021:** The CCBE together with several other organisations [called](#) for the immediate release of Egyptian lawyer Mohammed El-Baquer, one of the recipients of the CCBE Human Rights Award 2020.
- **17 December 2021:** The CCBE co- signed a second joint statement in support of Egyptian lawyer Mohammed El-, one of the recipients of the CCBE Human Rights Award 2020.

Iran

- **02 November 2021:** The CCBE and Lawyers for Lawyers sent a [joint letter](#) expressing their serious concerns over the reported acts of torture against lawyer Payam Derafshan, after his arrest in June 2020.



Philippines



- **24 June 2021:** The CCBE, together with 29 lawyers' organisations, bar associations and human rights organisations, signed a joint statement on the escalating attacks against lawyers in the Philippines. Read the full statement [here](#).

Russia

- **18 May 2021:** [Joint statement](#) launched by the Norwegian Bar Association with the ELDH (European Association of Lawyers for Democracy and Human Rights), ECBA (European Criminal Bar Association) and the Swedish Bar Association in support of Russian lawyer Ivan Pavlov.
- **02 December 2021:** Together with the International Bar Association - Human Rights Institute, Lawyers for Lawyers, International Commission of Jurists, the International Association of Lawyers (UIA) – Institute for the Rule of Law and Lawyers' Rights Watch Canada, the CCBE co-signed a [joint statement](#) on the harassment of lawyer Ivan Pavlov.



Turkey



- **20 September 2021:** Press release by several lawyers' organisations and bars including the CCBE, following the legal Fact-Finding Mission to monitor and observe current mass trials against lawyers in Turkey. You can read the Press Release [here](#).
- **10 December 2021:** The Chair of the CCBE Human Rights Committee delivered a quote for the release of the Arrested Lawyers Initiative's report on the situation of lawyers in Turkey. The Press Release is available [here](#).

CCBE Plenary Session

The CCBE held its online Plenary Session on 10 December 2021 with the participation of two high-level guest speakers: Yonko Grozev, Judge and President of Section at the European Court of Human Rights, whose speech focused on the issue of the independence of the judiciary and the rule of law, and Michelle Bachelet, United Nations High Commissioner for Human Rights, who opened the CCBE Human Rights Award ceremony through a video message.



Yonko Grozev,
Judge and President of
Section at the European Court
of Human Rights

These are the main outcomes of the Plenary Session:

Adoption of a Model Code of Conduct



After several years of work, the CCBE adopted its Model Code of Conduct which contains a preamble and 6 articles related to: the independence of lawyers, the professional secrecy, conflict of interests, relations with clients, fees, relations between lawyers. The CCBE does not propose that the Model Code of Conduct, unlike the Code of Conduct of European lawyers, should constitute a uniform code to be adopted as enforceable rules in all the Bars it represents. The Model code is a non-binding source of inspiration for Bars and Law Societies when drafting or revising their own national codes of deontology. The model articles

therefore do not aim at providing a comprehensive set of regulations of the legal profession. For example, the Model Code of Conduct does not deal with lawyers' relationship with disciplinary organs. Each article is accompanied by comments, aimed at clarifying its meaning in order to facilitate its application in concrete cases.

Adoption of a position on abusive litigations targeting journalists and right defenders

In its position on [abusive litigations targeting journalists and right defenders](#), the CCBE highlights the importance to protect journalists and rights defenders from strategic lawsuit against public participation (SLAPPs) launched against them in an attempt to silence public debate. Therefore, the CCBE supports the commitments and efforts to protect all actors in public participation from SLAPP. While acknowledging the fact of existence of fake news and false media, the CCBE supports any measure discouraging abusive or unmerited litigation. To this end, the definition of SLAPP should be as broad as possible both in personal and material terms to sufficiently protect public participants. The CCBE also considers that fully effective anti-SLAPP measures should be based both on legislative and non-legislative measures. When it comes to possible legislative measures at EU level, the CCBE stresses the need for a deep assessment and analysis of already existing national regulations and measures regarding the safeguards against abusive claims before the EU takes any concrete legislative measure. Any measures proposed should not in any way interfere with the independence, quality and efficiency of national justice systems which are crucial for the achievement of effective justice. When it comes to non-legislative measures, there is a need for awareness raising and training courses for legal professionals, as well as the need to establish relevant funds available for supporting victims of SLAPPs.

Adoption of a position paper on the Anti Money Laundering (AML) package

In its [position paper on the AML package](#), presented by the Commission in July 2021, the CCBE stresses that whereas it supports the efforts of the Commission with regards to AML/CTF, some proposed measures have to be vigorously opposed. In particular, the CCBE is worried that the new provisions on the oversight by national authorities and by a supranational European body will erode the independence of lawyers and Bars from governments and other state actors. This independence is the key protection for the rule of law and the rights of citizens. Moreover, while professional criminal money launderers will always target AML-regulated sectors, the AML risk awareness in the legal sector is very high. Professional secrecy/legal professional privilege is a fundamental principle without which there would be no proper protection for clients and must be protected. Finally, several recommendations are addressed to the stakeholders. For example, European institutions must ensure that neither Member States nor the AMLA as the European supervisory body can directly or indirectly interfere with the independence of lawyers which is an integral component of the rule of law and the performance of legal services.



Adoption of a statement on defence issues and procedural rights in EPP0 proceedings

As the EPP0 became operational, in this [statement](#) the CCBE stresses the need to reflect on defence issues and procedural rights in EPP0 proceedings. This statement also touches upon the following four issues: lack of specific regulations of defence and procedural rights; impact on the rights of the suspect at the national level; foreseeable problems relating to access to the case file; and possibilities of the EPP0's permanent Chamber to decide in which jurisdiction the case shall be investigated or indicted.

Elections of the CCBE Presidency for 2022

As of 1 January 2022, the new CCBE Presidency will be composed as follows:



James MacGuill
(Ireland)

President



Panagiotis Perakis
(Greece)

First Vice-President



Pierre-Dominique Schupp
(Switzerland)

Second Vice-President



Thierry Wickers
(France)

Third Vice-President

Main CCBE events & activities

Migration

On 15 December 2021, in connection with the proposed Council decision on provisional emergency measures for the external border with Belarus, the CCBE published a [statement](#) on the situation at the border with Belarus urging the EU and its Members States to ensure the adequate provision of material and effective human resources so as to duly guarantee the effective application of procedural safeguards and fundamental rights which all persons arriving at the borders are entitled to, including a genuine, dignified and effective access to apply for international protection. The statement also urges to ensure the respect of fundamental rights by providing effective access to legal assistance provided by lawyers to people arriving at the border.



European Lawyers in Lesvos (ELIL) needs support more than ever to defend the right to asylum at Europe's borders. They can be helped by making a donation [here](#).

A donation can help ELIL to expand their team and make a difference to the lives of thousands of refugees in Greece.

Anti-Money Laundering (AML)

FATF meeting on Strategic Review



On 9 November, the CCBE was invited by the Financial Action Task Force (FATF) to participate in a Virtual High-Level Roundtable on the FATF Strategic Review: Consultation with Private Sector Stakeholders. The FATF is now conducting its fifth strategic review probably until February/March 2022. By March 2022, it should agree on core elements and documents for the upcoming 5th Mutual Evaluation round.

FATF meeting on Recommendation 25

On 15 November, the CCBE representatives participated in an FATF Private Sector consultation meeting. The aim of this project was for the FATF to improve Recommendation 25 (Transparency and beneficial ownership of legal arrangements) and its Interpretive Note to better meet its stated objective to prevent the misuse of legal arrangements for money laundering/terrorism financing.

Response to the public consultation on public-private partnerships

On 2 November, the CCBE submitted its [response to the public consultation on “Preventing money laundering and terrorist financing – EU rules on public-private partnerships \(PPPs\)”](#). In this paper, the CCBE stresses that the PPPs should take place within a framework that guarantees the respect of fundamental rights.

Network of Experts on Beneficial Ownership Transparency (NEBOT)

As Chair of the AML Committee, Rupert Manhart participated in the first meeting of NEBOT on 9 and 10 October. By way of reminder, the CCBE was invited to participate in this project led by Transparency International – Civil Society Advancing Beneficial Ownership Transparency (CSABOT). One of the project’s key components is the creation of a network of academics, civil society organisations, journalists, experts, and other interested parties to follow the EU’s dedicated AML/CFT policy, mainly in respect to beneficial ownership transparency, as well as to support the development and improvement of tools to further the fight against money laundering and financial crimes.

Rule of law

Following the discussions and the presentation of the [2021 Rule of Law \(RoL\) Report by the European Commission](#) at the Standing committee meeting in October 2021, the [CCBE statement on the 2021 Rule of Law Report](#) was adopted on 16 November 2021 and circulated to relevant stakeholders. In this statement the CCBE welcomes the explicit recognition of the importance of the independence of lawyers and role of the Bars to guarantee lawyers’ independence and professional integrity in the chapter on justice systems in the 2021 RoL Report. The CCBE considers this to be a very positive step forward in recognising the role of lawyers and Bars within the justice system and in relation to the strengthening of the rule of law.

On the other hand, the CCBE regrets that the RoL Report does not provide a deep analysis of independence of lawyers and Bars in the way it is done for the judiciary and prosecutors in the same report. The CCBE therefore calls for an equal approach in the next RoL report with a more developed analysis of the independence of lawyers and Bars as indispensable component of the independence of the justice system and of the rule of law.

Furthermore, the CCBE welcomes the intention of the Commission to include country specific recommendations in the next Rule of Law Report and suggests that these should refer, where appropriate, to the need to ensure the independence and safety of all justice actors, including the lawyers and the Bars, as well as the obligation of the Member States to ensure access to justice, legal aid and relevant funding to safeguard this access.

The CCBE acknowledges the importance of strengthening the rule of law for the future of democracy in Europe and, therefore, confirmed its readiness to contribute to the next 2022 Rule of Law Report. In this regard, the official invitation of the Commission has been received inviting the CCBE to contribute to the public consultation launched by the Commission on 1 December 2021. Access to the 2022 Rule of Law Report targeted stakeholder consultation is available [here](#).



Training

On 24 November 2021, a joint webinar of the CCBE and the FRA was organised on the EU Charter of Fundamental Rights and related FRA materials for learning. The CCBE President, Margarete von Galen, and Andreas Accardo, Head of Institutional Cooperation and Networks Unit of FRA, gave welcome speeches and stressed the importance of training for respect of fundamental rights and maintenance of the rule of law. During this webinar a presentation and the introduction to the EU Charter was provided while highlighting its application fields, as well as added value. In the second part of this webinar, the valuable FRA learning materials on the Charter, among them Charterpedia (online tool for easy access of the Charter), handbooks, e-guidance, and e-Case studies, were presented. More than 60 participants from 19 countries followed this webinar. The CCBE considers this as a very successful cooperation between the CCBE Training Committee and the FRA which should be continued.



WEBINAR
on the EU Charter of Fundamental Rights
and related materials for learning

24 November 2021 | 11.00 - 13.00 (Brussels time)

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EUROPEAN LAWYERS
BARREAU DES AVOCATS EUROPÉENS
CCBE
EUROPEAN BARS
AVOCATS EUROPÉENS

FRA
EUROPEAN UNION AGENCY
FOR FUNDAMENTAL RIGHTS

Annual meetings with the Luxembourg courts

On 8 November 2021, the CCBE Permanent delegation (PD Lux) held its regular meetings with members of the Court of Justice and the General Court in Luxembourg. A meeting was also organised with the European Free Trade Association Court. Among the topics discussed were the development of digital hearings during the pandemic, the visibility of hearings to the general public, some procedural aspects regarding the replacement of the oral procedures by written questions, and the issue of the limited speaking time at the hearing. The CCBE also commented on the Report of on the functioning of the General Court which was published in December 2020.

This year, the content and exchanges particularly focused on the consequences of procedural measures adopted in the wake of the COVID and the courts' efforts to ensure continuity of justice. Certain practical difficulties and future evolutions were addressed.

The three meetings offered very interesting insights for the legal practitioners and were conducted in a very open and cooperative environment.





Upcoming events

24 JANUARY 2022

International Day of the Endangered Lawyer
Focus country: Colombia

Council of Bars and Law Societies of Europe

The voice of European Lawyers

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