

ISSUE #103: SEPTEMBER-OCTOBER 2023

CCBE-INFO

Newsletter



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Confidentiality of lawyer–client communications:

a *must* for protecting **your rights**

SPECIAL FOCUS

European Lawyers Day (ELD)

ELD is celebrated each year on 25 October, together with the European Day of Justice, for which a specific theme is focused on each year. This year, the CCBE decided to highlight the issue of **confidentiality of client-lawyer communications**. The confidentiality of exchanges between a client and their lawyer is a key element in establishing a relationship of trust that enables the client to openly communicate their circumstances in order to be accurately advised and represented by their lawyer. Protecting and ensuring that the information the client shares is confidential is the foundation of a lawyer–client relationship and is a fundamental right of every citizen. Without this protection of confidentiality there is no genuine right to seek legal advice. If there is no genuine right to legal advice there is no genuine access to justice!



Want to know more about European Lawyers Day?
Check the CCBE dedicated webpage!



Source: Council of Europe



Check the website of the Council
of Europe here!





SPECIAL FOCUS

CCBE event: “The role of the European institutions in upholding the core values of the legal profession in the administration of justice”.

In connection with ELD, the CCBE also organised an exceptional event on 23 October 2023, focused on [“The role of the European institutions in upholding the core values of the legal profession in the administration of justice”](#). This event brought together high-level speakers from the European institutions and lawyers from all over Europe! The event was held at the European Parliament in Brussels with the possibility to join via web stream, gathering around 500 participants in total.

The event started with an opening message from the European Parliament Vice-President, Katarina Barley ([photo 1](#)), who stressed, among other things, the utmost importance of the confidentiality of lawyer-client communications, reminding that the Pegasus Inquiry Committee of the European Parliament requested new legislation to protect lawyers from breaches against confidentiality. Additionally, CCBE President, Panagiotis Perakis ([photo 2](#)), gave a welcome address highlighting the importance of the fundamental values of the legal profession for the interest of European citizens. He also stressed that the right of a client to seek legal advice in confidence is a fundamental right and that the European institutions must ensure that legal professional privilege is upheld and respected throughout the continent.

> Watch the overview video of the event



subtitles available

en

fr



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Subsequently, the welcome remarks were followed by 3 panel sessions:



Panel 1, moderated by the Chairman of the Nobel Peace Prize Committee, Berit Reiss-Andersen ([photo 4 and 5](#)), highlighted the fundamental importance of an independent legal profession for the administration of justice. The speakers of the first session were: European Commissioner for Justice, Didier Reynders ([photo 1](#)), Director-General for International Legal Cooperation and Human Rights and member of the Spanish Ministry of Justice, David Vilas ([photo 2](#)), and the Director of the EU Agency for Fundamental Rights, Michael O'Flaherty ([photo 3](#)).



> Missed the event? Watch the different panel sessions in this YouTube playlist.





Panel 2, which was moderated by CCBE Secretary-General, Simone Cuomo ([photo 4 and 5](#)), delved into the question of what is the relationship between new technologies and core values: are they potential partners or an inevitable mismatch? The panel was composed of the following speakers: Secretary-General of the Council of Europe, Marija Pejčinović Burić ([photo 1](#)), European Commission Deputy Director-General of DG JUST, Nils Behrndt ([photo 2](#)), and CCBE Second Vice-President, Thierry Wickers ([photo 3](#)).





Panel 3, moderated by CCBE First Vice-President, Pierre-Dominique Schupp ([photo 4 and 5](#)), covered the topic of confidentiality of lawyer-client communications – the theme of ELD 2023. In particular, the panel sought to answer whether this essential pillar of the lawyer-client relationship is adequately safeguarded. The President of the General Court of the European Union, Marc van der Woude ([photo 1](#)), Judge of the European Court of Human Rights, Mattias Guyomar ([photo 2](#)), and former CCBE President, Margarete von Galen ([photo 3](#)), expressed their opinion on this issue.

The event closed with inspiring concluding remarks from CCBE President, Panagiotis Perakis, and the Chair of the European Parliament LIBE Committee, Juan Fernando López Aguilar ([photo 6 and 7](#)).



Communication campaign: “Confidentiality of lawyer-client communications: a must for protecting your rights!”



On this occasion, a communication campaign was launched on social media to raise awareness on what lawyer-client confidentiality entails (as well as what it does not entail), and why it is so important to protect it! See the CCBE information package [here](#).

To know more about the importance of the fundamental right to confidentiality, read the [CCBE explanatory leaflet](#).



In addition, read the [article](#) written by the Chair of the CCBE Anti-Money Laundering Committee, Claudio Cocuzza, highlighting that the confidentiality of lawyer-client communication offers a shield without which one would ultimately feel unsafe and not free to communicate.



Moreover, CCBE First Vice-President, Pierre-Dominique Schupp, spoke at the panel discussion focusing on “The impact of EU legislation and the development of the case law of the European Courts on the legal professional privilege” at the webinar organised by the Czech Bar Association on 26 October 2023 for ELD. He highlighted, in particular, that legal professional privilege (lawyer-client confidentiality) is first and foremost an absolute right of citizens which must be firmly protected. ■

Bars and Law Societies activities for ELD 2023

As is the case each year, several events and activities were organised at national or local level by Bars and Law Societies all over Europe to celebrate ELD. These events and activities seek to raise awareness of the role of lawyers in general, and/or focus on the specific theme of the year. Examples of the initiatives that were organised included conferences, webinars, free legal advice given by lawyers, communications campaigns, etc. ■



Check the CCBE webpage for an overview of all the various initiatives!

CCBE Standing Committee in Warsaw · 29 / 09 / 2023



The CCBE held a Standing Committee in Warsaw on 29 September 2023, with a special focus on rule of law and the situation in Poland.

On this occasion, the CCBE had the honour to meet with the Senate of the Republic of Poland the day prior to the Standing Committee ([photo 1](#)). The CCBE President, Panagiotis Perakis expressed the CCBE's support to the rule of law in Poland and underlined that "our common democratic and prosperous European future presupposes respect of the fundamental rights of the citizens and the values of the rule of law, having on the top of them the independence of justice, including the self-regulation of the legal profession. Our mission is to fight for them every day, to be present when they are at stake, like these days in Poland." Read the press release of the Senate of the Republic of Poland [here](#).

The CCBE also participated in the event organised by the Polish Bars which was specifically dedicated to the protection of the rule of law and its defence from a lawyer's perspective. In addition, the CCBE adopted and published a [statement](#) during its Standing Committee the following day, reaffirming its strong dedication and support to the Polish Bar Council and the National Bar of Attorneys-at-law in their efforts to uphold the independence and self-regulation of the legal profession and to protect the rule of law. The CCBE also adopted a more general [statement](#) on the protection and enforcement of international law calling upon all governments and lawyers to protect and enforce the fundamental values upon which our shared humanity thrives: an international legal order based on democratic values and a strict adherence to the rule of law.



The Standing Committee opened with welcome addresses by the President of the National Bar of Attorneys-at-Law, Włodzimierz Chróścik (photo 1), and the President of the Polish Bar Council, Przemysław Rosati (photo 2). In addition, a special guest from the Polish delegation, Oleksandra Matviichuk, Head of the Centre for Civil Liberties in Ukraine (2022 Nobel Peace Prize laureate), gave a moving speech stressing the urgent need of protecting the rule of law, as well as safeguarding peace and justice (photo 4). Moreover, the CCBE was honoured to have Florian Geyer, Head of Unit for Fundamental Rights and Rule of Law of the European Commission Directorate for Justice and Consumers, present the Rule of Law Report 2023 (photo 3).



Further to the two above-mentioned statements, the following CCBE papers were also adopted:



CCBE response to the European Commission initiative on integrated child protection systems



READ THE DOCUMENT

As part of the EU Strategy on the rights of the child, the European Commission is planning to present a Commission Recommendation in order to help support the development and strengthening of integrated child protection systems. With this aim in mind, the European Commission launched a call for evidence and a public consultation. The CCBE provided responses to several relevant questions, particularly highlighting the need for harmonisation between Member States, and aims to provide further input at a later stage. ■

CCBE comments on the draft European Convention on the protection of the profession of lawyers in view of the 6th meeting of the Council of Europe Committee of Experts on the Protection of Lawyers



In view of the 6th meeting of the Council of Europe's Committee of Experts on the Protection of Lawyers (CJ-AV), upon the request of the CJ-AV, the CCBE made several further proposals to specific provisions in the draft Convention aiming to improve the protection of lawyers. ■



Main CCBE Events & Activities

29.10.2023 – 03.11.2023

International Bar Association (IBA) Annual Conference 2023

The CCBE President, Panagiotis Perakis and the CCBE Secretary General, Simone Cuomo, participated in the International Bar Association (IBA) Annual Conference 2023 in Paris from 29 October to 3 November 2023. It has been a great opportunity of exchanges on issues of high interest for the legal profession such as the use (and misuse) of artificial intelligence in dispute resolution, the identification of key developments that will affect the future of legal services, the role of the legal profession, ethics, representation and social responsibility, and the issue of abusive litigation (SLAPP).

It was also a good occasion for the CCBE to gather and discuss issues of common interest and current challenges for lawyers and Bars with the IBA, the Union Internationale des Avocats (UIA), the American Bar Association (ABA), and the International Association of Young Lawyers (AIJA) (see [photo 1](#) below).

This event was also an opportunity for the CCBE to join the G7 Bars meeting held in Paris. The G7 Bars meeting delved into several important issues, including on the use of artificial intelligence in the field of justice, as well as the legal profession and ethics. The G7 Bars brings together Bar Associations and Law Societies from the G7 countries: Canada, France, Germany, Italy, Japan, the USA and the UK. ■





SPANISH PRESIDENCY
COUNCIL OF THE EUROPEAN UNION



09.10.2023 – 10.10.2023

Conference of the Spanish Presidency of the Council of the EU: Justice Systems in Times of Change”

On behalf of the CCBE, its Secretary-General, Simone Cuomo, engaged in important discussions on the role of technology in enhancing access to justice during the conference of the Spanish Presidency of the Council of the EU on 9-10 October 2023 in Madrid. This event brought together numerous high-level EU officials and representatives of Ministries of Justice from across the EU, including Spain’s Minister of Justice, Pilar Llop, and European Commissioner for Justice, Didier Reynders. Among the highlights were discussions on cutting-edge developments in the e-justice field, including the possibilities for digital courtrooms of the future. In this regard, the CCBE shared its forward-looking perspectives on the use of artificial intelligence in the field of justice and legal practice. ■



> CCBE Secretary-General, Simone Cuomo, and Ana Gallego Torres, Director General for Justice and Consumers, European Commission, at the “Justice Systems in Times of Change” conference in Madrid

12.10.2023 – 13.10.2023

International Association of Lawyers (UIA) events

On 12 and 13 October 2023, the CCBE President, Panagiotis Perakis, participated in the UIA conference on “The challenges for the law of obligations, AI, fintech, data protection and new legislation on digital services”. In his opening speech ([photo 1](#)) in the Grand Courtroom of the Court of Justice of the EU, the CCBE President highlighted the challenges posed by artificial intelligence for the legal profession. In addition, the day prior to conference, the CCBE President also participated in an audience with the Grand Duke of Luxembourg, as well as in a fruitful discussion with the Luxembourg Bar ([photo 2 and 3](#)).

Moreover, the CCBE President and the CCBE Secretary-General, Simone Cuomo, participated in the UIA’s 67th Congress in Rome. It was a great opportunity for constructive exchanges around several topical issues, such as the freedom of movement, migration, human rights, food, the environment, and energy challenges. ■



10.10.2023

Launch event of the HELP Training course on “The Environment and Human Rights”

The launch event of the joint CCBE and Council of Europe HELP Programme online training course on “The Environment and Human Rights” took place on 10 October 2023 in Strasbourg. The event was opened with the welcome addresses of Nikolaos Koutkias, Chair of the CCBE Training Committee, and Eva Pastrana, Head of the Justice and Human Rights Training Division of the Council of Europe (photo 1). Among other speakers, Jean-Marc Gollier, Chair of the CCBE Environment and Climate Change Committee (photo 2), presented the committee’s work in the field of environment and human rights. ■

> Find more information here



Council of Europe - HELP Course launch:
The Environment and Human Rights





17.10.2023 - 19.10.2023

Source: Council of Europe

6th meeting of the Council of Europe's Committee of Experts on the Protection of Lawyers

From 17 to 19 October 2023, the CCBE participated in its observer capacity in the [6th meeting](#) of the Council of Europe's Committee of Experts on the Protection of Lawyers (CJ-AV), which is tasked with the drafting of a Convention aiming to improve the protection of lawyers and the right to practice their profession without prejudice or restraint. During this meeting, the CJ-AV continued working on the text of the draft Convention and examined its draft explanatory report. ■

[> Further details can be found here](#)



25.10.2023

CCBE-ELF webinar on SLAPPs

The CCBE and the European Lawyers Foundation (ELF) organised another successful webinar on 25 October 2023, which focused this time on strategic lawsuits against public participation (SLAPPs). The webinar was a major success and gathered more than 500 participants!
















For those who missed it, the video recording of the event and the presentations of the speakers are available on the ELF's website. ■

[> Click here to view the presentations and the recording of the event](#)



#EndangeredLawyers

During the months of September and October 2023, the CCBE sent 19 letters and joined several initiatives in support of endangered lawyers in the following countries:

	BANGLADESH	Imprisonment of lawyer Adilur Rahman Khan	
	CHINA	Continued enforced disappearance of lawyer Gao Zhisheng	
		Arrest of Chinese lawyer Lu Siwei and repatriation's risk	
		Continued arbitrary detention of human rights lawyer Li Yuhan	
		Joint Statement – Urgent Call for the release and adequate treatment of Chinese human rights lawyer Li Yuhan	
		Concerns about the injustice suffered by lawyer Zhou Shifeng	
	GUATEMALA	Joint statement in support of Guatemalan lawyer Claudia Gonzales, condemning her detention and calling for her immediate release	
	INDIA	Vandalisation of lawyer Babloo Loitongbam's residence	
	IRAN	Preoccupying situation of lawyers and their independence	
		Arrest of lawyer Arash Keikhosravi	

	MEXICO	Harassment and criminal proceedings against lawyer Óscar Zamudio	Link
		Joint statement on the conclusions and recommendations stemming from the International Fair trial Day held in Mexico on 14 June 2023 Campos	Link
	NIGERIA	Detention and assault on lawyer Chinaka Chigozie	Link
	PHILIPPINES	Murder of lawyer Maria Saniata Liwliwa Gonzales Alzate	Link
	RUSSIA	Arrest of lawyers Vadim Kobzev, Alexey Liptser, and Igor Sergunin	Link
	SENEGAL	Arrest of lawyer Juan Branco	Link
	SUDAN	Murder of several lawyers in Darfur	Link
	THAILAND	Conviction and detention of lawyer Arnon Nampa	Link
	TUNISIA	Judicial harassment of lawyers Dalila Msadek and Islem Hamza	Link
For more information, please visit the CCBE Human Rights Portal:			> Click here to visit

Upcoming CCBE Events

> Consult the CCBE agenda on the extranet for a full overview



: 24 November 2023

CCBE Plenary Session
– Athens



: 24 November 2023

Ceremony of the CCBE Human Rights Award
– Athens



: 01 December 2023

Meeting between the European Court of Human Rights and
representatives of the European national Bars and Law Societies
– Strasbourg



: 01 December 2023

EU Forum of the Legal Professions: The Media and the Legal Professions
– Brussels (free online participation: register [here](#))