



CCBE Standing Committee in Vienna

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## EDITORIAL - REFUGEES' RIGHTS AND RESPONSIBILITIES

At any time and under any circumstances, the rule of law must be maintained and guaranteed. Regardless of their number, refugees must have equal rights and responsibilities. If we adapt the rule of law depending on the number of refugees, it would be tantamount to a victory for those who question our democratic regimes. Thus, the so-called "quotas policy" or "re localisations" are, by definition, contrary to the law; just as the obstacles put in place unilaterally by certain Member States to hinder the movement of migrants are. It would mean that, because the quota is exceeded, a refugee would not be given the right to choose their place of asylum.

Moreover, the Council of Bars and Law Societies believes that it is crucial to plan for the presence of lawyers in the hotspots (centres for refugee registration) as that is where

the sorting is happening. Lawyers should inform refugees on their rights and responsibilities. In order to finance this, it is essential that the European Union allocates financial aid through the existing Migration Assistance Funds, for this legal aid. The CCBE, in collaboration with ABA (American Bar Association – Rule of Law Initiative) will provide legal information aimed at migrants either through documents or through the Internet.

Finally, lawyers should participate in further training to adapt to this new situation.

In times of crisis, lawyers have always been present and have fulfilled their duty: to enforce the rule of law.

Michel Benichou  
CCBE President

## INNOVATION AND FUTURE OF THE LEGAL PROFESSION

As previously announced, the CCBE is organising a major one-day conference on **21 October 2016** in Paris entitled "**Innovation and Future of the legal profession**". Over the coming months, the CCBEInfo newsletter will feature articles from experts regarding the conference. To register your interest or find out more about this conference, please email [event@ccbe.eu](mailto:event@ccbe.eu).

## THE FUTURE OF LEGAL SERVICES

Deregulation has led to the rise of a different type of law firm, a redefinition of communication between lawyers, and to a recognition of cross-discipline cooperation. The internet has become the primary source for legal information. The emergence of new stakeholders, encouraged by the development of digital technologies, alter the manner in which legal services can

be provided. Not only do these 'newcomers' meet neglected needs, but they also react to transforming behaviours as client expectations, even the most sophisticated ones, evolve rapidly. Although the situation does not change in the same way and at the same pace in all countries, lawyers will eventually all be confronted with the same issues. Participants in the round

table discussions will come from different European countries and will share their experience on these developments and how to tackle them. The future of legal services and professions will depend on their ability to adapt to this.

Thierry Wickers  
Chair of the CCBE Future of Legal  
Services Committee

## THE CCBE HUMAN RIGHTS AWARD 2015

**This year, the CCBE decided to exceptionally grant two Human Rights Awards, the first to Mr Intigam Aliyev, an Azeri human rights lawyer, and the second to Fengrui, a Chinese law firm.**

### Intigam Aliyev

It was a very touching moment in the Extraordinary Plenary Session in Vienna, when Narmin and Necmin Kamilsoy collected the CCBE Human Rights Award on behalf of their father, the well-known Azeri lawyer, Intigam Aliyev. He was imprisoned in August 2014 and sentenced to seven and a half years in jail for the alleged crimes of tax evasion and illegal business activity. For many years, Mr. Aliyev represented civil society before the European Court of Human Rights, where he won 43 cases, and before the Parliamentary Assembly of the Council of Europe speaking on behalf of Azeri human rights defenders. He was granted a number of international awards for his activities, including the Andrei Sakharov Award. His children now speak on behalf of their father providing a testimony of his heroic steadfastness as the defender of human rights.

Maria Ślęzak  
CCBE Past-President

### Fengrui Law Firm

In early July 2015, more than 250 Chinese lawyers were arrested in a massive crackdown. Zhou Shifeng, lawyer and director of Fengrui Law Firm, Wang Yu and her husband Bao Longjun, Li Chunfu, Wang Quanzhang, all lawyers at the same firm, were detained along with other staff members (colleagues, trainees and employees). The law firm licence was suspended. In early January, while a number of them still remain in custody, they were (finally!) informed that they were charged with "inciting subversion of State power".

Lawyers at Fengrui Law Firm had the courage to take on controversial cases, including, for instance, those involving the dissident artist Ai Weiwei and Uighur scholar Ilham Tohti, as well as citizens who challenge government decisions, or demand that the government or the administration take responsibility for their actions, especially regarding policies of family planning, corruption, expropriation, the poor quality of building work, pollution...

By awarding this prize, CCBE wishes to pay tribute to the courage and the exceptional work of those lawyers as well as renew its call to end the crackdown.

Patrick Henry,  
Chair of the CCBE Human Rights Committee



Patrick Henry, Chair of the Human Rights Committee, Intigam Aliyev's children, Narmin and Necmin Kamilsoy, collecting the prize on behalf of their father, and Past-President Maria Ślęzak

## NEW "EUROPEAN JUSTICE STAKEHOLDERS FORUM"

On **16 February**, the CCBE, in conjunction with Passerelle Public Affairs and hosted by the European Economic and Social Forum (EESC), organised an event launching a new "European Justice Stakeholders Forum".

The event titled 'The Future of Justice in the EU: challenges & opportunities' brought together numerous key stakeholders in the field of European Justice. The opening speech was delivered by the Commissioner for Justice, Consumers and Gender Equality, Věra Jourová, who highlighted that core values

of the European Union are non-negotiable. The event saw discussions on three different themes: 'the impact of technology on the future

of EU justice', 'Migration and the rule of law', and 'the rising role of international courts in law making'. CCBE President Michel Benichou participated in the final panel and delivered some closing remarks where he highlighted the problems facing justice today, namely Access to Justice, and the need for a dialogue among key stakeholders in justice. The closing address was delivered by Ms Tiina Astola, the new Director General for DG Justice at the European Commission.



Arno Metzler, VP, Group III EESC; Commissioner Věra Jourová; Dr Fiona Murray, Passerelle; Michel Benichou, CCBE President; MEP Pavel Svoboda, Chair, JURI Committee

**Further information about this forum can be found [here](#).**

## CCBE ANNUAL REPORT 2015

The **CCBE Annual Report 2015** was presented at the Standing Committee in Vienna. This report highlights the key work done by the CCBE throughout the past year. An electronic version of the report is available [online](#) and

hard copies are available to be sent out. If you would like to receive copies of the annual report, please email [kelleher@ccbe.eu](mailto:kelleher@ccbe.eu) (please note while the report is free, the mailing costs will be entirely at your expense).

## TRANSATLANTIC TRADE AND INVESTMENT PARTNERSHIP

The Transatlantic Trade and Investment Partnership (TTIP) is a trade and investment agreement which the European Union (EU) is negotiating with the United States. If concluded, it would result in the most important free trade agreement ever signed, as more than half of the world's trade would be concerned. The first round of negotiations took place in July 2013, and the most recent round of negotiations, the 12th round, has just recently concluded. The TTIP covers three main areas, market access, cooperation between EU and US regulators, and trade rules. With regards to market access, the TTIP aims to make it easier for companies and firms to provide services in both the EU and the US. For this reason,

the CCBE has been following the negotiations as the outcome, should a deal be concluded, will impact on the provision of legal services.

The European Commission negotiates with its counterpart, the United States Trade Representative, on behalf of the EU and its member states by using guidelines it receives from the governments of the EU member states. From a CCBE point of view, we are very pleased with the level of contact we have with the Commission. Our dialogue allows us to inform the Commission of what the legal profession would like to achieve within the TTIP negotiations. This means informing the Commission of what we "request" regarding market access. The CCBE did so 18 months

ago, outlining to the EU negotiators what EU lawyers were seeking to obtain in terms of market access in the US. In addition, a position on what we could "offer" was adopted by the CCBE at its meeting in Vienna on 4th of February, and has been communicated to the EU negotiators. The CCBE has thus expressed what is acceptable to the EU legal profession, in a timely manner, without leaving the EU negotiators in doubt. This input allows the CCBE to be well-positioned to represent and communicate the views and wishes of the European legal profession.

Louis Bernard Buchman, Chair of the CCBE International Legal Services Committee

## PROJECT OF THE MONTH: EU LITIGATION FOR LAWYERS

The European Lawyers Foundation (ELF), together with the Academy of European Law (ERA) and nine partners (Spanish National Bar, Athens Bar Association, Polish National Council of Legal Advisers, Bar Council of Ireland, Law Society of Ireland, Finnish Bar Association, Haute Ecole des Avocats Conseil –HEDAC, Ecole Régionale des Avocats du Grand Est – ERAGE, and the Délégation des Barreaux de France – DBF) are implementing a project co-financed by the Justice Programme of the European Union on EU litigation for lawyers. The project, which will run for 18 months starting December 2015, will consist of

five one-and-a-half day seminars (four in English and one in French). The first day consists of sessions, case studies and workshops, and the second day includes a visit to the Court of Justice of the European Union and attendance at a hearing. The first seminar will take place on 13-14 April 2016. It will be held in French and the participating lawyers will be selected by HEDAC, ERAGE and DBF.

More information about this project can be found [here](#).

Alonso Hernández-Pinzón García,  
managing Director of ELF

## PRESUMPTION OF INNOCENCE

On **19 January**, the European Parliament approved the final text on the Presumption of innocence and right to be present at trial in criminal proceedings. The CCBE is pleased that the new EU rules ensure that the right to be presumed innocent until proven guilty in criminal proceedings is respected. The new law will apply *“at all stages from the moment when a person is suspected or accused of having committed a criminal offence, or an alleged criminal offence, until the final determination of the question whether the person has committed the offence concerned and that decision has become definitive”*.

The Criminal Law Committee is happy with the resolve of the parliament in staying firm regarding attempts to give member states the possibility to reverse the burden of proof. The burden of proof should always rest with the prosecution. This is a key principle of criminal law.

We are also pleased that the final text enshrines the absolute right to silence. The new rules state that the exercise of the right to remain silent and of the right not to incriminate oneself may not be used against a suspect or accused person and *“shall not be considered as evidence that the person concerned has committed the*

*offence which he or she is suspected or accused of having committed”*.

The Criminal Law Committee hopes the EU institutions can now find an agreement regarding the Commission proposal to further strengthen legal aid. There remains a significant gap between the positions of the Parliament and Member States regarding the discussions on a legal Aid Directive.

## UPCOMING EVENTS

- 16/03/2016** 3rd Bar Leaders' Meeting of Central and Eastern Europe, XXXIV, Zagreb
- 17-18/03/2016** Day of Croatian Lawyers, Zagreb
- 18/03/2016** CCBE Standing Committee, Brussels