

MESSAGE FROM CCBE PRESIDENT, MARIA ŚLAŻAK, ON FREEDOM OF SPEECH AND EUROPEAN LAWYERS DAY

Dear Colleagues,

It is the second time that the Council of Bars and Law Societies of Europe – CCBE – together with our members organizes a European Lawyers Day. The idea was to celebrate throughout Europe human rights, rule of law, lawyers' common values and lawyers' contribution to the justice system.

We chose the date of the 10th of December, which at the same time is the World Human Rights Day. It was intended that national and local bars will organize programs and activities to increase the awareness of the public on the crucial role of the rule of law and the legal process in protecting citizens' rights.

Each member bar and law society was requested to encourage its members to promote the European Lawyers' Day theme, which last year was "Right to privacy" and this year is "Freedom of speech".

We were happy with the responses we received last year, and very much enjoyed getting photos from the events all around Europe. However, we wish to encourage more and more of our members and the public to participate in this day.

Dear Colleagues,

In a year that saw a murderous attack, and where hundreds of thousands of refugees from the Middle East flowed into Europe in search of a better life, freedom of expression, regardless of religion, background or race, the right to claim and defend such a freedom has rarely seemed more important. Lawyers are one of the guardians of freedom of speech, working to protect those who are not able to defend themselves. Even in 2015, citizens –all around the world are censored, imprisoned and attacked for simply claiming this freedom.

Citizens are afraid to give their views about controversial topics or to breach what is seen as political correctness. The most obvious and brutal examples of conflicts surrounding free speech were the murders at the Charlie Hebdo magazine in France; where two opposing values clashed: freedom of expression on one side and protection of one's honour and beliefs on the other. Only the law can balance between these rights and only lawyers can defend those whose rights were violated. Where the law and lawyers are absent, we will face violence and terror.

Also freedom of speech for lawyers, whether in or out of the courtroom has been threatened in many countries for years. It has to be underlined that the Grand Chamber of the European Court of Human Rights heard a case earlier this year on lawyers' freedom of speech (*Morice versus France*). In this case, the Court confirmed a lawyer's freedom of speech in and out of the courtroom. The summary of this judgment can be found in our European Lawyers Day Handbook.

We should remember that not only so called 'political correctness' influence freedom of speech. New technology now poses threats, which were not imaginable a generation ago. The ability of certain agents to conduct mass surveillance of the lawyer – client's communications threatens citizens' freedom.

The CCBE has been particularly active in this field, and this year made a successful joint intervention in a Dutch court case regarding a law firm, Prakken D'Oliveira, which had been spied on by the Dutch state. In its verdict delivered on first of July the court recognised that the ability to communicate confidentially with a lawyer is a fundamental right, which was being breached under Dutch surveillance policy. The court therefore ordered the Dutch government to stop all illegal interception of communications between clients and their lawyers.

We, Europeans, live in free and democratic states. But mass surveillance and resistance by our governments to stop these practices clearly shows, that even in democratic states freedom of expression and citizens' right to confidentiality is in danger. We, lawyers are pillars of justice, defenders in courts and we must protect these rights and freedoms regardless pressure from the state and the public opinion. And because of that the active participation of the CCBE members in celebrations of the European Lawyers Day is so important.

**Maria Ślęzak,
CCBE President**