

European Justice Day / European Lawyer' Day

Roma, 25th October 2019
Consiglio Nazionale Forense,
Venue: Sala Aurora, Via del Governo Vecchio n. 3
From 10.30 a.m. to 4 p.m.

Access to justice and social vulnerability.
Legal aid in the penitentiary context.

The 25th October celebrates two events at European level, **European Justice Day**, promoted by European Commission for the Efficiency of Justice of the Council of Europe (<https://www.coe.int/en/web/cepej>) and **European Lawyers' Day**, issued by the Council of Bars and Law Societies of Europe (the association that brings together the Councils of the Bar Association in Europe) (<https://www.ccbe.eu/>).

European Justice Day aims to bring people closer to justice, inform them of their rights and promote the work of the Council of Europe and the European Commission on justice, through public information meetings. It is aimed at European citizens, students and legal practitioners.

The European Lawyers' Day arose in 2014 with the idea of coordinating an annual European event that encourages the member Order Councils to organize activities at national level on relevant and topical legal issues, in order to promote the state of law and strengthen the role of the lawyer as a central actor in the defence of rights. This year, European Lawyers' Day will be devoted to the subject of legal aid in criminal matters and to the importance of access to justice and defence for prisoners.

The choice of the topic is even more significant given the recent European Union Directive 2016/1919 on *admission to legal aid for suspects and defendants in the context of criminal proceedings and for persons sought in the context of proceedings for the execution of the European arrest warrant*.

In fact, legal aid is an essential tool for guaranteeing the right to access to justice, consecrated by art. 6 of the European Convention on Human Rights. This provision guarantees access to justice for everyone, regardless of social and economic conditions. It is considered as one of the pillars of the rule of law and the protection of the dignity of person.

Lawyers have an essential role in defending fundamental rights, this is even more true in the penitentiary context, where access to justice is made even more critical by a series of factors such as the limited economic, social and cultural resources, the

minimal literacy, difficult access to legal texts, media and internet, etc. It is up to the States and Governments to guarantee, organize, finance and implement these legal aid schemes. However, national and European policies are still lacking in this respect.

The *European Prison Litigation Network Association* in collaboration with other NGOs and numerous European universities (French, German, Italian and Dutch) has implemented a project, funded by the European Union, which deals with this issue in depth.

The final results of the research were collected in the White Book: *Bringing Justice into Prisons: For a Common European Approach* highlights some data. First, the fact that appeals and applications presented without the assistance of a lawyer are more likely to be rejected, declared inadmissible or subjected to discussion and superficial investigation. The lack of technical defence translates into a lower quality justice, often bureaucratized and ineffective. It is therefore essential that the Councils of the Bar Association draw the attention of the national political authorities to the need to provide adequate and effective mechanisms of access to legal aid for the detained persons, not only in the technical defence in trial, but also in the properly enforceable phase. In this perspective, highlighting the critical issues appears to be essential to redesign a system capable of enhancing the role and the requests of the lawyers in the knowledge that the access of prisoners to justice is inconceivable without the assistance of the lawyer.

To celebrate the European Day of Justice and Lawyers, the European Prison Litigation Network, in collaboration with the Consiglio Nazionale Forense, has decided, therefore, to organize an event in Italy, connected to other European capitals (Berlin, Paris, London, Madrid, Brussels), to reflect on the centrality of the role of the lawyer as an indispensable actor to guarantee the effective protection of the rights of the detainees. The meeting will also be an opportunity to present the results collected in the White Book.

PROGRAM

From 10:30 to 16:00

Welcome Speech

Consiglio Nazionale Forense, *Prison Litigation Network*

Morning Session

Chair: Giovanna Ollà, *Member of Consiglio Nazionale Forense*

Presentation of *Eupretialrights* research and the results of the White Paper “Bringing justice into prison”

Daniela Ranalli, *Prison Litigation Network, already jurist to the European Court of Human Rights*

Procedural rights and minimum standards of protection in European Union law

Emanuela Pistoia, *Professor of European Union Law, University of Teramo*

The activities of the Ministry of Justice to protect the rights of detained persons

Emma Rizzato, *Judge seconded to the Ministry of Justice at the Office of the Head of Cabinet*

The Guarantor as a tool for monitoring and promoting the right to defence of persons deprived of personal freedom

Mauro Palma, *National Guarantor of the rights of prisoners or deprived of personal liberty*

Break 1.00 p.m.

Afternoon session

Chair: Daniela Ranalli, *Prison Litigation Network*

CNF's proposal to reform the law on legal aid

Giovanna Ollà, *Member of Consiglio Nazionale Forense*

The right to defence in penitentiary litigation

Fabio Gianfilippi, *Surveillance Judge in Spoleto*

The role of the lawyer in the prison litigation

Michele Passione, *Lawyer of the Florence Bar*

The Italian case in the context of the *Eupretialrights* research. Conclusions and perspectives

Sofia Ciuffoletti, *University of Florence, Prison Litigation Network*

CREDITS: Participants will be recognized n. 6 credits 6 formative credits in subject 6 formative credits in compulsory formative subject in obligatory subject to obligatory according to the requirements of the Continuing Education Regulation approved by the National Bar Association.

REGISTRATION: Participation is free until exhaustion of d: and the places available, subject to registration subject to registration, prior registration to be made through the website of the Consiglio Nazionale Forense: www.consiglionazionaleforense.it