

Newsletter

April - May
2020

Foreword of President



Dear Colleagues,
Dear Friends,

It is very difficult to continue usual routine in these times, when our societies and states are touched by Covid 19 pandemic. Our habits, daily life, business and families are strongly affected by some measures introduced by state authorities. Without doubt, this situation affects also activities of the AEA-EAL – the conference in Białystok had to be cancelled. We also have to change a formula of the AEA-EAL General Assembly. This year, due to restrictions imposed by authorities of many countries, as well as necessity to keep social distance, the General Assembly will be organized by electronic means on June 25, 2020. Detailed information will be provided in due course.

I encourage you to read information on our two webinars that took place on May 16 and May 18, 2020. Issues raised during these meetings have crucial importance in pandemic times. We are delighted that there was good variety of speakers who represented 20 countries of three continents / Europe, Asia and South America /. They submitted information on their jurisdictions and have tried to make conclusions about an influence of the current situation for the future. Both conferences were very well attended by lawyers from the above-mentioned continents. All participants received certificates with the system of Continuing Legal Education. The first one was in Russian language and the second one in English.

Full texts of our members and friends have been published in a new section on AEA-EAL's website **Publications** --> **Papers**. We invite you to read it. The summary of information on how various states, bars and law firms responded to COVID-19 you may find on www.aea-eal.eu.

On behalf of the Board of Directors and our Team I wish all of you health and safety !

Maria Ślęzak



Webinars on COVID-19

AEA-EAL organized and co-organized two on-line events dedicated to Covid-19 crisis and its impact on justice, human rights and law.

The first one held on May 16 was an international on-line conference for Russian-speaking audience, organized together with the Human Rights Institute of the Al Farabi State University in Nur Sultan, Kazakhstan, International Commission of Jurists in Geneva as well as with other partners. The topic of the conference was "**Law and Human Rights in a Pandemic**". With over 150 participants from 17 countries it was a huge, all day event covering four main sessions:

- New approaches to legal education and advanced training of lawyers;
- Implementation and protection of human rights in a pandemic and quarantine;
- Administration of justice in time of restrictions;
- The impact of a pandemic on compliance and other legal consequences.

Maria Ślęzak, AEA-EAL President, greeted participants in her welcoming speech and shortly presented AEA-EAL's project held in Almaty, Kazakhstan in 2018. In the second session she spoke about growing domestic violence during Covid-19 pandemic and necessity of immediate reaction of governments to save victims. Our other speakers were: **Veronika Hoerrer**, Head of International Department of the German Federal Bar (BRAK), who spoke... **continue reading on p. 3**

A new Code of Conduct for the Spanish Advocacy

Nielson Sánchez Stewart, Ph.D.

Councillor of the Consejo General de la Abogacía Española



On May 9th, 2019, and after more than three years of work, the General Council of Spanish Lawyers, Consejo General de la Abogacía Española (CGAE), the body that coordinates the activity of the 83 Spanish Bar Associations, approved a new

Code of Conduct to take effect nationwide. It was a necessary step to update the regulation of the Legal Profession. The approval of a new Code of Conduct in 2019 means updating the regulation of the profession and aims to capture the evolution it has undergone in the almost twenty years of validity of the previous Code. The changes that the legal profession experiences are incessant: perhaps more vertiginous than in its long history. Thus, it is essential that the regulations are constantly updated to adapt to current times. The Lawyer is no longer just your client's advocate in court. He is their advisor and, in addition, he acts in situations that very recently were not imaginable. He is in contact and competes with other professionals. More and more it develops activities outside its borders and the number of those who practice Law has multiplied with the consequences that follow. The General Council of Spanish Lawyers, which coordinates the actions of the 83 Spanish Bar Associations, develops all its efforts in applying and updating the deontological standard.

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How Does the Legal Profession in China Respond to Covid-19

Sharon Shi

Senior Partner, AllBright Law Firm, Shanghai, China,



As the Covid-19 pandemic touches all of us, the legal profession in China has been dealing with the crisis actively. Lawyers, law firms and bar associations are all contributing what they can. This article illustrates a general picture of how

we respond to the crisis. There are three main areas we lawyers were dealing with coronavirus: **The first is working with clients.** During a crisis like Covid-19, clients tend to seek their peace of mind from professionals such as lawyers, consultants, etc. What clients may not realise is that law firms can easily fall into operational difficulty like their clients. This means that to maintain the service quality and efficiency may cost extra time, money and efforts. **The second is to actively embrace the new features of the legal industry.** Driven by the epidemic, judicial authorities and administrative departments in China have taken a leap in digital transformation, which has consequently changed how lawyers work. Specifically local governments have launched online government service platforms. **The third one is taking social responsibilities during the epidemic.** During the outbreak of the epidemic, All China Lawyers Association, local associations of lawyers and their members have been actively doing their part in the prevention and control of the spread of the virus.

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New "Papers" section on www.aea-eal.eu

We have a pleasure to invite you to the new section on our website: **Papers**. It consists of interesting materials, analyses and articles prepared by AEA-EAL members and our friends. It is easy to navigate, latest materials are related to the new code of conduct in Spain, new rules of prevention of money laundering in the EU , how lawyers in China are dealing with Covid-19. and justice in sport cases. If you wish to publish there please contact us. To access **Papers** go to www.aea-eal.eu --> **upper menu** -> **Publications** -> **Papers**



European Association of Lawyers



New rules of prevention of money laundering

Juan Núñez

member of the AEA-EAL Board, Barcelona, Spain



The Directive 2015/849 of the European Union to prevent money laundering means a series of new obligations to prevent money laundering, imposed on professionals. All professionals are (or should be) aware of that, training and organizing our work to fulfill these

obligations. But I think it is important, as well, that customers also understand our information requirements and collaborate, since it is a task that is imposed to us. The Directive 2015/849 of the European Union to prevent money laundering, which shall be transposed to all EU States, represents a considerable increase in the obligations of the professionals with regard to the identification and monitoring of operations in which these professionals intervene, at any extent. These new obligations involve maintaining a vigilant attitude regarding the knowledge of customers and their operations.

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The right to a fair trial in sports disputes

Małgorzata Miszewska

advocate trainee, AEA-EAL member, Warszawa - Poland



The impartiality of the judiciary is particularly important in resolving sports disputes. Increasingly, athletes and other persons related to the world of sport submit complaints to the European Court of Human Rights invoking violations of Article 6 § 1 of the European

Convention on Human Rights. The sports justice system is traditionally not exercised by a common judicial authority. These disputes are usually settled by sports federations. In recent months, the ECHR has heard two high-profile cases in which applicants have alleged violations of the principle of judicial independence and impartiality. **Platini v. Switzerland** - the complaint was brought by Michel Platini, former Vice-President of FIFA and President of UEFA. The second one **Ali Rıza and others v. Turkey** - the complaint was lodged by Ömer Kerim Ali Rız, a former Premier League player.

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Webinars on COVID-19 - continuation from page 1

experiences related to justice in times of Covid-19, **Mindaugas Kukaitis**, Vice-President of the Lithuanian Bar Association, who spoke on protection of human rights during pandemic and quarantine in Lithuania, **David Viader**, advocate from Barcelona, who presented information on court proceedings in Spain after March 14, 2020, **David Asatiani**, President of the Georgian Bar Association, who talked on human rights in the time of restrictions and **Maria Bonon**, advocate of the Paris Bar, who spoke on the activities of a lawyer in a state of emergency and economic consequences of the crisis in France. The conference has received very positive feedback from participants.

The second event was held on May 18 as an online, two-hour seminar on **"Impact of Coronavirus on Justice - overview of the situation in various countries"** with five areas discussed by speakers and participants:

- Experiences of chosen countries with the lockdown in Justice;
- Pre-trial isolation and the right to defence; access to a lawyer of detainees, suspects and accused persons deprived liberty;.
- Victims of domestic violence and their rights in the context of access to justice – existing legal standards and current practice (experience of lawyers);
- Legal privilege in COVID-19 pandemic times – a value in serious danger?
- Closer or more distant justice? Pros and cons of application of new technologies in access to justice.

Over 50 participants received enhanced knowledge from our specialists: Professor **Marcelo Castrogiovanni**, University of Buenos Aires, **Monique Stengel**, AEA-EAL immediate Past President, Paris, **Vladimir Palamarciuc**, Past President of the Moldavian Young Lawyers Association (MYLA), Moldova, **Juan Núñez**, AEA-EAL Past President, Barcelona and **Tina Fernandez**, specialist in IT and technology, London. The seminar was moderated by Ph. D. **Piotr Chrzczonowicz**, University of Nicolaus Copernicus in Toruń. The seminar was highly appreciated by participants.

Covid-19 actions and informations - summary



This text provides information on actions undertaken by international organizations in areas related to justice as well as it includes also those undertakings, which may influence human rights.

Please note that AEA-EAL has gathered information from various countries (EU and non-EU members) on functioning justice system and published it on -->[our website](#).

- **The European Commission** issued a summary of actions in justice area on e-Justice Portal. It provides an overview of the measures taken within the European Union in relation to the COVID-19 pandemic, which affects judiciary, national authorities and legal practitioners, businesses and citizens. It is divided in three parts: civil law, criminal law and use of the digital tools by judiciary.
- **The Court of Justice of the European Union** introduced several measures including suspension of hearings at least till May 25th. The Court encourages to use e-Curia tool. Application forms for opening accounts sent to the registry by email shall be accepted, exceptionally, on condition that they are accompanied by the necessary supporting documents, which are duly signed and scanned.
- **The Council of Europe** - in the framework of its Commission for the Efficiency of Justice (CEPEJ) prepared a compilation of information from Member States on legal measures applied to respond Covid-19 crisis. The European Court of Human Rights extended exceptional measures till June 15, including use of written procedure only and suspension of sending communication to the parties with exception of urgent cases.
- **The United Nations** /1/ - UN Secretary General Antonio Guterres has issued a policy letter to G-20 member states on actions that should be undertaken against the Covid-19. He issued also seven remarks to the Security Council as well as a briefing to all member states on measures undertaken by the UN Secretariat including suspension of most travels and meetings.
- /2/ Diego García-Sayán UN Special Rapporteur on the independence of judges and lawyers outlined urgent steps to ensure justice systems are not paralysed by COVID-19. He issued seven key guidelines:

/1/ Increased support and guarantees for a functioning independent justice are

urgent - in time of crisis functioning judiciary is more essential than ever.

/2/ Urgent decisions must be taken by an independent judicial system to prevent social exclusion and to guarantee protection of human rights.

/3/ Temporary reduction of demand on the justice systems - matters that may not be considered a priority, like prosecutions of minor offenses, civil or economic cases could be postponed.

/4/ Orientation on protection of rights, in cases of serious crimes and cases of domestic violence.

/5/ Report of abuses - using current online technologies must be addressed and urgently implemented; lockdowns and "social distances" shouldn't prevent the judicial system from acting and following due process guarantees.

/6/ Pre-trial detentions and similar measures should be applied only in extraordinary cases, where no other measures can be implemented.

/7/ In this context, judges, magistrates, public prosecutors and their staffs need to be put in conditions to perform their functions. They deserve special health attention in testing programs considering that they necessarily will be in contact with several individuals and groups.

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