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CCBE-INFO Newsletter



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Special Focus: Human Rights

25.11.2022

CCBE Human Rights Award 2022

Ukraine in the spotlight

The CCBE decided to grant its Human Rights Award 2022 to both Ukrainian lawyer Nadia Volkova and the Ukrainian National Bar Association (UNBA) for their courage, determination and commitment to defending human rights and the rule of law in Ukraine.

> From left to right: **Valentyn Gvozdiy** Vice-President of the UNBA, **Lidiya Izovitova**, President of the UNBA, Marie Arena, Chair of the Subcommittee on Human Rights of the European Parliament (DROI), Stefan von Raumer, Chair of the CCBE Human Rights Committee, and **James MacGuill**, President of the CCBE.



ith this award, the CCBE wishes to highlight the important role that the legal profession plays for Ukrainian citizens in defending their fundamental rights. It also demonstrates the need to preserve the integrity of the administration of justice and the rule of law, especially in times of war.

The CCBE Human Rights Award 2022 Ceremony was held during the CCBE Plenary Session on 25 November 2022, where the UNBA was represented by its President, Lidiya Izovitova, and its Vice-President, Valentyn Gvozdiy. Nadia Volkova participated online.

The CCBE President, James MacGuill, opened the ceremony, followed by a keynote speech by the Chair of the Subcommittee on Human Rights of the European Parliament (DROI), Marie Arena.

Subsequently, the CCBE Human Rights Committee Chair, Stefan von Raumer, made a presentation on the winners.

The CCBE President, James MacGuill, had the opportunity to grant the award in person to Nadia Volkova two weeks later in CCBE's office in Brussels.

> More on the next page



CCBE Human Rights Award 2022 Lawyer Nadia Volkova and the...



Nadia Volkova

Nadia Volkova is a Ukrainian lawyer who has consistently combated human rights violations. She is the founder and director of the Ukrainian Legal Advisory Group in Kyiv. The ULAG joined an alliance of Ukrainian human rights organisations called the 5AM coalition devoted to documenting war crimes in Ukraine. Nadia Volkova has demonstrated a consistent pursuit of justice for survivors of crimes committed during armed conflict and has evidenced her commitment to upholding the rule of law, particularly during times of uncertainty and upheaval.



About the laureates



The Ukrainian National Bar Association (UNBA)

The UNBA is the representative body that unitesandrepresentsalllawyersinUkraine. Despite the fact that martial law has been imposed internally, the justice system in Ukraine still works, providing access to justice and to human rights, thanks to the work of the UNBA, the brave Ukrainian lawyers and judicial professionals. The UNBA showed significant solidarity with the suffering Ukrainian people during the current devastating situation. The UNBA continued to fulfil its missions by providing legal assistance to the citizens of Ukraine in order to safeguard their fundamental rights as well as to strengthen the foundations of the rule of law in Ukraine in times of war.

20.12.2022

Human Rights Award 2015 finally presented to a representative of the Fengrui law firm which was a victim of the July 2015 crackdown on human rights lawyers in China

On 20 December 2022, the Chair of the CCBE Human Rights Committee, Stefan von Raumer, had the opportunity to present the CCBE Award 2015 in person to a representative of the Chinese law firm, Fengrui.

√he law firm is one of the recipients of the CCBE Human Rights Award 2015, which was particularly targeted by the attacks on human rights defenders that took place in July 2015 and were even smeared by official propaganda as a 'major criminal syndicate'. Due to the sensitive nature of the award, the law firm had not been able to receive it at the time. Recently, one of the lawyers and head of Fengrui law firm who was recently released after more than 7 years in prison, Zhou Shifeng, has asked a Chinese human rights defender who is currently living abroad and had been defended by Zhou Shifeng to collect this exceptional award on their behalf.



> Stefan von Raumer, Chair of the CCBE Human Rights Committee, and Miao Zhang, representing Fengrui Law Firm and Zhou Shifeng.





The CCBE grants a Human Rights Award each year since 2007.

The award is granted to one or more lawyers or to a lawyers' organisation which have brought honour to the legal profession by upholding the highest values of professional and personal conduct in the field of human rights.

More infomation here

CCBE letters in support of endangered lawyers

The CCBE supports threatened lawyers by sending letters to the national authorities of the concerned countries and by alerting key players at international and European level. Unfortunately, attacks on lawyers continue to increase all over the world, particularly in countries where the political context is conducive to various forms of pressure against the activities of human rights defenders.



Other CCBE and joint initiatives in the area of human rights in 2022

International Fair Trial Day 2022: Focus on Egypt

he International Fair Trial Day was established along with the Ebru Timtik Award to advocate for the reestablishment of fair trial rights in those countries where fair trial rights are under serious threat. The occasion is used by the international community to focus on the situation in the country chosen for that year as the focus country and to draw attention to the fair trial issues faced there. Additionally, an annual Ebru Timtik Award is granted to an individual and/or an organisation from the focus country that has been active in defending and or promoting the right to a fair trial in that specific country.

On 17 and 18 June 2022, a joint statement was published on the situation in Egypt, the focus country of 2022. Among other things, the Statement called on the international community to respond effectively to the deteriorating state of human rights and rule of law in Egypt, especially the lack of compliance with fair trial rights, and to increase its efforts to effectively address these issues with national and international stakeholders, including the Egyptian government.



Report of the UN Special Rapporteur on the Independence of Judges and Lawyers

he CCBE participated in the 50th UN Human Rights Council in Geneva, where the UN Special Rapporteur on the Independence of Judges and Lawyers, Diego García-Sayán, presented his report on the "Protection of lawyers against undue interference in the free and independent exercise of the legal profession".

In his concluding remarks to the UN Human Rights Council, the Special Rapporteur particularly underlined his gratitude to the CCBE for its collaboration and contribution to the preparation of the report, praising its work for the "defence of defenders". He ended his presentation by appealing again to the Council of Europe Member States to support the adoption of a binding legal instrument on the protection of the free and independent exercise of the legal profession that is open to accession by non-Member States of the Council of Europe.

The presentation of his report at the UN Human Rights Council can be viewed <u>here</u>, and the CCBE video interview with the UN Special Rapporteur on the Independence of Judges and Lawyers can be viewed <u>here</u>.

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Day of the Endangered Lawyer 2022:

Focus on Colombia

he CCBE supported the 12th edition of the Day of the Endangered Lawyer, which focused on the situation of lawyers in Colombia. Colombia remains the country with the highest number of murdered human rights defenders in Latin America and has had the highest record of attacks against land and environmental defenders, with 65 killed in 2020 alone. The report, which was prepared for this occasion, presents a series of recommendations to address the grave risk that Colombian human rights lawyers continue to face.



Afghanistan

he CCBE continued to closely collaborate with the Afghanistan Independent Bar Association (AIBA) on the situation of Afghan lawyers. The CCBE notably arranged a meeting between the AIBA, the EU Special Representative for Human Rights, Eamon Gilmore, and the EEAS to share information on the risk Afghan lawyers are currently facing and to seek further support from the EU institutions.

The CCBE also published <u>a letter</u> on 6 September 2022, urging the defacto authorities to ensure that all lawyers in Afghanistan, in particular women lawyers, are duly protected and are able to perform their professional duties without fear of reprisal, hindrance, intimidation or harassment. In addition, the CCBE called on reinstating the AIBA and to ensure their full independence and autonomy in order to preserve the independence and integrity of the administration of justice and the rule of law.

5 Belarus

n 23 September 2022, the CCBE, together with other organisations, presented a joint oral statement at the 51st Session of the United Nations Human Rights Council entitled "Interactive dialogue on the interim oral update of the High Commissioner on the situation of human rights in Belarus".

On 4 October 2022, the CCBE, together with other organisations, presented a joint oral statement on the situation of lawyers and human rights in Belarus at the OSCE Warsaw Human Dimension Conference.



> Other CCBE and joint initiatives in the area of human rights

6 China

On 29 November 2022, the CCBE co-signed a joint statement calling for the release of Chinese lawyer Li Yuhan.

Iran

On 11 October 2022, the CCBE published a <u>statement</u> in support to the lawyers arrested during the repression in Iran.

8 /Israel

On 9 August 2022, the CCBE co-signed a joint statement on the continued administrative detention and harassment through judicial proceedings of French-Palestinian lawyer and human rights defender Salah Hammouri. As a lawyer, Salah Hammouri represents political prisoners in Israeli and Palestinian prisions.

Turkey 9

On 29 April 2022, the CCBE co-signed a joint statement in support of the Gezi defendants. The statement called on the Turkishauthorities to implement a number of steps to ensure full protection of the right to a fair trial and to create an environment enabling effective protection of its underlying principles.





The CCBE held its end of year Plenary Session in Brussels on 25 November 2022.

√o open the meeting, the delegations welcomed the Director for Civil and Commercial Justice, Salla who Saastamoinen. thanked the CCBE and its member Bars for its active participation in the preparation of the European Commission's 2022 Rule of Law Report. In her speech, reference was also made to the key role which the CCBE has played regarding the EU Justice Scoreboard, which includes data on the independence of Bars and lawyers, as well as on legal aid, court fees and legal costs. Furthermore, she expressed gratitude on behalf of the European Commission for the involvement of the CCBE in answering the training needs of the Ukrainian lawyers, as well as of the EU lawyers who assist Ukrainian refugees. Moreover,

Ms Saastamoinen indicated that the digital transformation of justice remains a major priority for the European Commission, and that it fully agrees with the CCBE's concerns that there must be guarantees in place to protect fundamental rights and the core values of the legal profession.

As mentioned in the Special Focus section, the Plenary Session granted the 2022 edition of the CCBE Human Rights Award to the lawyer from Ukrain, Nadia Volkova, and the Ukrainian National Bar Association (UNBA). The situation in Ukraine remains a priority for the CCBE, which will continue to follow developments and provide support to the UNBA and Ukrainian lawyers.

> More on the next page



> From left to right: Pierre-Dominique Schupp, 1st Vice-President of the CCBE, Panagiotis Perakis, President of the CCBE, Thierry Wickers, 2nd Vice-President of the CCBE, and Roman Završek, 3rd Vice-President of the CCBE.

The Plenary Session also elected the new CCBE Presidency for 2023 which will be composed as follows:

President: Panagiotis Perakis (Greece)

1st Vice-President: Pierre-Dominique Schupp (Switzerland)

2nd Vice-President: Thierry Wickers (France)

3rd Vice-President: Roman Završek (Slovenia)

READ NEXT





MIGRATION

Recommendations on a framework on legal aid in the field of migration and international protection



In its paper, the CCBE provides a series of recommendations with regard to access to legal aid for people involved in migration and international protection proceedings. Based on a survey carried out among its experts, the CCBE assesses the state of play regarding such a legal aid framework in different Member States. Building on this exercise, the CCBE lists several recommendations and identifies best practices for a legal aid framework that guarantees access to

justice and the protection of fundamental rights for migrants and people seeking international protection. One of the key recommendations of the paper is, for example, that access to legal aid by non-nationals and nationals (without distinction between undocumented and documented) should be put on an equal footing – migrants or asylum seekers should not be treated differently than nationals.

Position paper on the proposal for a regulation laying down rules to prevent and combat child sexual abuse



May 2022, the European Commission presented its proposal which provides for obligations on providers of hosting services, interpersonal communication services, software application stores, internet access services, and other relevant services regarding the detection, reporting, removal, and blocking of known and new online child sexual abuse material (CSAM), as well as the solicitation of children (called "grooming"). The CCBE considers that child sexual abuse is a particularly serious and heinous crime and fully supports the objectives to combat such crime, as well as the adoption of specific measures to prevent and fight it. However, in its position paper, the CCBE expresses serious concerns, shared by the European Data Protection Board (EDPB) and the European Data Protection Supervisor (EDPS), over the threats posed by the proposal on the right to privacy, the protection of professional

secrecy and legal professional privilege. The EU legislator must adopt clear legal provisions and safeguards to ensure that fundamental rights of all citizens are properly ensured and well balanced. The proposed measures enabling the detection and identification of contents by service providers should be removed from the proposal in the absence of clear legal provisions and proper safeguards. Furthermore, the EU legislator should provide for the protection of "end to end encryption" (E2EE) and ensure that the provisions of the proposal could not weaken E2EE in any way. Lastly, it should specify and limit the circumstances and purposes under which the EU Centre on Child Sexual Abuse may forward reports to Europol, ensuring the exchange of personal data takes places on a case-by-case basis, following an explicit and duly assessed request.

IT LAW

Position paper on the Data Act



s outlined in its position paper on the proposal for a regulation on harmonised rules on fair access to and use of data (Data Act), the CCBE considers that the personal and material scope of the Data Act proposal is too broad. It should provide for a general provision to ensure adequate protection of professional secrecy/legal professional privilege. Additionally, the scope and the conditions for making the data available to public bodies should be clarified, and the justification for a data request should be better defined. In this regard, the proposal should exclude the possibility for public bodies

to request data covered by professional secrecy/legal professional privilege, as well as the obligation for data holders to disclose such data. The CCBE considers that the EU institutions and cloud service providers should take action in order to ensure that reasonable technical, legal and organisational measures are in place to prevent unauthorised access to data covered by professional secrecy or legal professional privilege. Lastly, the CCBE considers that the essential requirements on smart contracts are not sufficiently justified and do not respect the principle of technological neutrality.

CORPORATE SOCIAL RESPONSIBILITY

Guidance on "Corporate Social Responsibility and the Legal Profession: Key Considerations for Bars and Lawyers"

he CCBE has been following for many years the developments in the field of corporate social responsibility (CSR) and its impact on the profession of lawyers in general. The adopted guidance, which is directed to lawyers, law firms, Bars and Law Societies, provides an overview of recent social and political developments in CSR and can thus serve as a tool to consider key issues in the practice of the legal

profession today. This guidance builds on previous guidances published by the CCBE, the last one dating from 2017, and contains two updated lists of practical questions for self-assessment, one specifically for lawyers and law firms, and the other for Bars and Law Societies.

Available soon in the CCBE website

INTERNATION LEGAL SERVICES

Guidelines for a Model Foreign Legal Consultant (Status)



In its guidelines, the CCBE, while acknowledging that the competence to define the legal status of third-country lawyers is national, considers that a certain level of compatibility of national legislations on the treatment of third-country lawyers can be of interest. Thus, these non-binding guidelines describe a Model Foreign Legal Consultant Status for third-country lawyers and are intended to

provide technical assistance regarding certain questions that may be considered useful by national regulators and legislators when defining such status in their respective jurisdictions. The document is divided into three parts, namely dealing with the conditions for obtaining a licence (Part I), deontology and discipline (Part II), and the scope of practice (Part III).



Main CCBE Activities & Events



Workshop of the Czech Presidency on the digitalisation of justice

CCBE Secretary General, Simone Cuomo, addressed on 24 October an audience of government officials during a Workshop on the Digitalisation of Justice organised by the Czech Presidency of the Council of the European Union.



On this occasion, Simone Cuomo underlined that:

When digitalising judicial proceedings, governments should strive to improve justice, rather than simply seeking cost benefits or efficiency gains. If the aim is only to make justice cheaper, the quality of justice will certainly suffer. On the other hand, if digitalisation is used as a means to improve the judicial process by ensuring that the needs of all parties are properly taken into account and integrated into the process, then e-justice has the potential to increase access to justice!



Roundtable debates on the Role of Lawyers and Bars in Enforcement of the Rule of Law and the Future of Professional Secrecy

n 8 November 2022, the CCBE President, James MacGuill, and the CCBE Secretary-General, Simone Cuomo, participated in the roundtable debates organised by the Czech Bar Association and Permanent Representation of the Czech Republic to the EU, under the official auspices of the Czech

Presidency of the Council of the European Union. The CCBE President spoke on the topic: "Why some rules should not be broken — the role of the CCBE in protecting the Rule of Law". The Secretary–General addressed the need to protect lawyer–client confidentiality in the context of surveillance activities.



EU Forum of the Legal Professions

On 2 December 2022, representatives of the CCBE participated in the first conference of the EU Forum of the Legal Professions. Facilitated by the Academy of European Law, this forum brings together the CCBE, the European Network of Councils for the Judiciary (ENCJ), the European Association of Judges (EAJ), the Association of European Administrative Judges (AEAJ), ACA-Europe, the Network of the Presidents of the Supreme Judicial Courts of the EU, the European Union of Judicial Officers (UEHJ) and the European Union of Rechtspfleger (EUR).

he conference was dedicated to the attractiveness of the legal professions and the anticipation of future trends. It was divided into 4 sessions and started with a keynote speech from Professor Mathias Kilian from the University of Cologne, leader of the Soldan Institute, who provided statistics and examples from Germany to illustrate the decreasing attractiveness of the legal professions.

During the second session dedicated to the image of the legal profession, the Chair of the CCBE Future Committee, Christian Lemke, described the impact of LegalTech on both the public's expectations of the justice system, and the skills required of future lawyers. Furthermore, he

underlined the need for legal professionals to invest on digitalisation in order to follow these expectations.

Subsequently, the Chair of the CSR Committee, Alix Frank-Thomasser, took part in the third session regarding "Access to the Legal professions". In her presentation, she explained – against the background that legal professions are regulated on a national level and are differing from one EU Member State to another – that as a result, 96% of legal professionals around the EU enter the legal profession immediately after graduating. She further gave an example regarding the differently regulated formations of legal professions in Austria. Additionally, she referred to the essential



> More on the EU Forum of the Legal Professions

technical skills (the so-called "hard skills") required for being a legal professional today, specifically a practising lawyer, but emphasised that lawyers need increasingly important "soft skills", such as "resilience, teamwork, leadership, negotiation, communication, workload management, special linguistic skills, attention to details, etc." to become successful and "mobile" lawyers. Moreover, she underlined that COVID-19 has acted as a catalyst to turbocharge digital developments, and it is thus essential for legal professionals to successfully deal with digitalisation, automation, artificial intelligence and remote work. Furthermore, she addressed - based on the 2022 IBA Young Lawyers Report for the European Region - the five greatest fears and the five main expectations of young legal professionals in today's legal working environment and highlighted the increasing tendency amongst the young generation of lawyers to have a great desire to change jobs frequently. Lastly, she addressed the topic of diversity and gender imbalance in the profession.

The CCBE figures on the number of women lawyers show a strong feminisation of the profession with variations among the EU countries. She concluded by stating that diversity has proven to be a key factor for lawyers and law firms wherever an inclusive working environment was achieved so far and pointed to the importance of a zero-tolerance policy for discriminatory behaviour, such as bullying and harassment, and actively helping managers and staff to identify and fight microaggressions.

To close the conference, President of the CCBE, James MacGuill, gave concluding remarks with other representatives. In his remarks, he welcomed the organisation of this EU Forum in providing a structured dialogue among the legal professions in Europe where common challenges and concerns can be addressed and analysed.



FROM 8 TO 10.11.2022

Meeting with the Committee of Experts on the Protection of Lawyers (CJ-AV)

rom 8 to 10 November 2022, the Chair of the CCBE European Convention Working Group, Laurent Pettiti, participated in the 3rd meeting of the CJ-AV as the observer representative for the CCBE. The aim of this meeting was to further discuss the content of the future draft legal instrument on the protection

of the profession of lawyer, which the CCBE hopes to be binding in order to respond to the growing attacks and challenges faced by the legal profession which directly hinder the respect for the rule of law and access to justice for the lawyers' clients.

23.11.2022

European Committee on Legal Cooperation (CDCJ) grants CCBE observer status at its plenary meeting

n 23 November 2022, the CDCJ decided at its 99th plenary meeting to grant observer status to the CCBE in order to contribute to the achievement of its objectives.

Since its establishment in 1963, the CDCJ has been responsible for the standard-setting activities of the Council of Europe in the field of public and private law. The achievements of the CDCJ are to be found, in particular, in the large number of binding and non-binding international legal instruments it has prepared for the Committee of Ministers.

The CDCJ is the committee in charge of elaborating a draft instrument on the protection of the profession of lawyers through its subordinate committee, the Committee of Experts on the Protection of Lawyers (CJ-AV).

n 23 November 2022, the CDCJ decided It also deals with many other topics relevant for at its 99th plenary meeting to grant the profession of lawyers, such as:

- Administrative Law;
- · Administrative Detention of Migrants;
- Child-friendly Justice;
- · <u>Digital Evidence</u>;
- Family Law;
- Gender Equality in Law Reform;
- · Judicial Independence and Impartiality;
- Legal Aid;
- Migration;
- Online Dispute Resolution;
- Powers of Attorney and Advance Directives for Incapacity;
- And many more.



FROM 6 TO 7.12,2022

Plenary meeting of the European Commission for the Efficiency of Justice (CEPEJ)

he CCBE Secretary-General, Simone Cuomo, participated in the plenary meeting of the European Commission for the Efficiency of Justice (CEPEJ) of the Council of Europe in Strasbourg on 6 and 7 December 2022. The CCBE greatly values its cooperation with the

The CCBE Secretary-General, Simone CEPEJ, whose work is crucial for the promotion Cuomo, participated in the plenary and support of improvements in the efficiency meeting of the European Commission for and quality of justice in Europe.





05.12.2022

Meeting with the government agents to the European Court of Human Rights (ECtHR)

represented its Permanent Delegation to the ECtHR (PD STRAS), met with the government agents to the ECtHR to discuss several procedural topics related to the work of the ECtHR, including pending Russian cases, the impact strategy and the backlog,

5 December 2022, the CCBE, interim measures and the non-contentious phase. The discussions were aimed at assessing how to best tackle issues faced by the ECtHR, the applicants and the respondent States and how lawyers can help to overcome these existing issues.

05.12.2022

Participation in the meeting of Steering Committee for Human Rights (CDDH)

rom 6 to 8 December 2022, the CCBE participated in the 97th meeting of the Steering Committee for Human Rights (CDDH) as the observer representative for the CCBE. This meeting was the occasion for the CCBE to recall its practical proposals for reform of the ECHR machinery, particularly the one made in 2021, recommending that the Committee of Ministers

acting with the Member States of the Council of Europe should ensure that the payment of just satisfaction (compensation and fees) awarded by the Court and of friendly settlements agreed to by the parties are enforceable as a debt in their national courts.

More information on the CCBE's positions regarding the reform of the ECHR machinery

> 2019 Proposals

> 2021 Proposals

> Tatiana Termacic, Head of Secretariat Committee on Migration, Refugees and Displaced Persons, Noemí Alarcón Velasco, Chair of the CCBE Migration Committee and Barbara Porta, Vice-Chair of the Migration Committee



24.11.2022

Meeting with Tatiana Termacic, Head of Secretariat Committee on Migration, Refugees and Displaced Persons (PACE Committee), Parliamentary Assembly of the Council of Europe

n 24 November 2022, during its meeting in Brussels, the CCBE Migration Committee had the pleasure to welcome Tatiana Termacic, Head of Secretariat Committee on Migration, Refugees and Displaced Persons (PACE Committee), Parliamentary Assembly of the Council of Europe. The CCBE Committee had the

opportunity to learn about the ongoing work of the PACE Committee and discuss potential ways of cooperation. Both committees hope for a fruitful cooperation in the future.

Human Rights Education For Legal Professionals

> Training

Excellent results of the joint HELP/CCBE training course on ethics for lawyers

Following the launch event organised by the Human Rights Education for Legal Professionals (HELP) Programme of the Council of Europe and the CCBE, which took place on 20 October 2022, the online training on ethics for lawyers was continued by the group of lawyers from different EU Member States.

he course tutor certified by the HELP, Eva Massa-Arranz, led the training and facilitated the exchanges between the participants on the HELP online platform. During the course, the presentations of the case studies, different debates and exchanges took place, exploring the various approaches in the national systems and expanding the field of reflection and knowledge of participants on matters related to ethics of lawyers. Following this training course, all participants who successfully completed the course

and the final assignment received certificates issued by the HELP and the CCBE. The excellent results of this training course, namely a success rate of 96% (which is higher than the average rate of similar training courses), affirm the interest of lawyers in such trainings and assure the need for further trainings for lawyers on various important topics.





Young European Lawyers Contest 2023

The next edition of the Young European Lawyers Contest 2023 organised by the Academy of European Lawyers (ERA) and supported by the CCBE, as well as several national Bars, has been announced and will take place in 2023.

he registration for the contest is open until 3 January 2023. The number of places available for participants is limited, and participants should have good working knowledge of English.

In case your Bar is interested in nominating candidates, you are kindly invited to contact the ERA before the above mentioned registration deadline. More information on 2023
Young European Lawyers
Contest can be found on
ERA's website.

Click here

Young European
Lawyers Contest
2023

ERA: Contest
Click here

Young European
Lawyers Contest
2023





: 24.01.2023

Day of the Endangered lawyer focused on Afghanistan - Press conference





Standing Committee in Vienna

:16,02 to 18.02.2023

51st European Presidents' Conference in Vienna