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REPORT OF THE FRENCH-SPEAKING BRUSSELS BAR VIENNA

As most of you are probably already aware, Belgium is a small-sized country with a wide and complex structure of organizations: three Regions, three Communities, three official languages (including German!), six governments, over 50 ministers and one King.

Brussels is a bilingual Region and for now almost forty years – the anniversary will shortly be celebrated – the Brussels Bar is divided into two separate bodies, one Dutch-speaking and the other French-speaking. My esteemed colleague and friend, Bernard Derveaux, is the head of the Dutch-speaking bar of Brussels and, as well as a large corridor linking our offices in the *Palais de justice*, we share many values, goals, missions and long hours defending the legal profession.

When it comes down to figures, the French-speaking Brussels bar is the third French-speaking bar in the world, after Montreal and Paris. It rallies 3.419 lawyers, 995 trainee lawyers (a three-year training is mandatory to be registered as a lawyer) and 501 European lawyers (registered on a specific “E-list”).



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Since September 2022, my council and myself have been active both on the international and domestic scene.

Several actions and decisions were taken in order to raise awareness and defend the rule of law and the legal profession. Here are a few examples, amongst others:

- A resolution was issued commonly by the Brussels' and Paris' Bars in September 2022 requesting that the public service of justice be adequately financed in France and in Belgium in order to meet the standard of the rule of law.
- With the help of Ukrainian exiled lawyers a desk was set up by the Brussels Bar in order to assist the victims of the Ukraine war, register their testimonies and build up cases.
- the French-speaking Brussels bar decided to support the exiled Afghan Bar by facilitating their installation in Brussels and by organizing a demonstration in support of Afghan and Iranian lawyers and the reinstatement of the rule of law in Afghanistan and Iran.
- In the same framework, a resolution was taken requesting the liberation of Belgian hostage Olivier Vandecasteele, detained in Iran since February 2022 under false accusations and unjustly sentenced to 40 years in prison and 74 whiplashes after a mock trial.



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- Through the actions of its Human Rights Institute, the Brussels Bar regularly takes part in international conferences and debates (Prix Ludovic Trarieux in Bordeaux, IBA Conference in Dakar, ...).
- In October 2022, the council visited the European Court of Human Rights in Strasbourg in order to highlight the crucial role of European lawyers as guardians of the values of the Human Rights Convention.
- A resolution was issued condemning the 6th “European Package” anti-money laundering directive for its attacks on lawyers’ legal privilege.
- A project set up last year is still undergoing which accompanies international protection claimants with the help of volunteer large business lawfirms of Brussels. The mission was thought to be punctual and limited to a few months in order for the Belgian authorities to resume its legal international undertakings but at this stage, it is unfortunately still necessary for refugees to file complaints in order to be heard. Over seven thousand files were lodged in that respect.
- A public screening of the documentary movie “Judges Under Pressure” was set up in November which describes the undermining of the Polish Judicial system by the public authorities. The event was presided by former European Court Judge Françoise Tulkens who moderated the debate that took place after the viewing with two Polish Judges and a Turkish Judge.



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- Finally, in January 2023, our opening ceremony's colloquium gathered lawyers and judges on the topic "Rule of law and justice : lawyers, legal subjects and actors of Law in Europe". We were incredibly privileged to welcome as speakers Mr Koen Lenaerts, President of the European Court of Justice, Mrs Emmanuelle Bribosia, Judge at the Belgian Constitutional Court, Mrs Julie Couturier, head of the Paris Bar, Mrs Julie Goffin, lawyer and IBA representative, Mrs Joanna Hetnarowiz-Sikora, Polish Judge, Mr Frederic Krenc, Judge at the European Court of Human Rights and Mr Simone Cuomo of the CCBE.

Our actions are also aimed at the lawyers of our Bar and their clients.

Together with my council I have tried to move the lines regarding the training of young lawyers and we have set up a new framework. Last year, as future Head of the Bar, I had organized an afternoon of exchanges and discussions on the topic of young lawyers and training. Think tanks were set up around several topics (remuneration, education, mandatory undertakings of trainee lawyers, ...). They led to constructive and concrete recommendations we are currently implementing. We have hence established the minimum wages to be paid to young lawyers, we have also pursued the examination of the basic standard requested to hire a trainee lawyer, we are ensuring of the effectiveness of the training, all in order to ensure of the quality of future lawyers.



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The Brussels Bar is in charge of Legal Aid, and the structure in charge of this is actually comparable to a medium-sized company: 12 employees on the pay-roll, 800 lawyers involved, approximately 1.000 clients welcomed and assisted every day for a total of approximately 50.000 cases per year. The Brussels Bar decided to hire a social worker who is present and assists the clients with the administrative aspects of their requests.

The council is currently examining, together with the other Belgian Bars, the plan of Ministry of Justice to “modernize the legal professions”, which has been drafted without consulting the Bars. We do feel there is a lot to be said and done as to the way in which public authorities see and consider the legal profession. In a nutshell, we do regularly feel disregarded and feel this is a threat to our country’s judicial system.

Brussels lawyers and their clients are the victims of a systematic and structural underfinancing of justice. Our council regularly examines this issue. The French-speaking side of the Brussels Court of appeal currently has eight thousand files in waiting (there were twelve thousands a year ago but the passing or bankruptcy of parties allowed for the reduction of this figure). Parties have to wait approximately five years to have a hearing before the Court of appeal, and up to ... fifteen years in tax matters. The



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family chambers of the French-speaking Brussels Tribunal of first instance is unable to schedule hearings and examine child custody matters. The result is that, at this day, some cases are destined to be heard *after* the children will have reached the legal age of majority, making pointless the urgent claims of parents and constituting a denial of justice.

Harassment, burnout, stress are unfortunately widely spread throughout the working population in Belgium and lawyers are no exception. We thus decided to set up a workgroup on psychosocial risks in the legal profession. Its mission is to bring awareness on the subject, provide education and training, and accompany lawyers suffering from such risks.

The Brussels Bar adheres to the values and undertakings of the European Council Convention on preventing and combating violence against women and domestic violence. The Council supports a project initially lead by three lawyers to offer victims, if they so wish, to be assisted by a lawyer from the outset of their proceedings. Such early assistance makes it possible for the victims to prepare for the first hearing. It is enables a professional accompaniment throughout the judicial process. A specific training with multi-disciplinary speakers (police forces, psychologists, nurses, public prosecutors) was



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set up for voluntary lawyers in February and another session is scheduled in the months to come. The project will also lead to a pilot-project with the Brussels Police forces: a pool of volunteer lawyers will be on call when a victim of violence wishes to file a complaint. The question of offering to citizen a wide spectrum of advice, both legal but also medical, administrative, etc. is at the heart of many discussions and projects.

Here are a few examples of the various accomplishments of the French-speaking Brussels Bar over the past months. Past achievements are however purposeless if one does not pursue each day the task of defending our profession, its values, its specificities and the essential role it plays in favour of the rule of law.

As Martin Luther King Jr. said – I quote :

“Our very survival depends on our ability to stay awake, to adjust to new ideas, to remain vigilant and to face the challenge of change.”



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This strikes as particularly accurate for lawyers in today's world.

Thank you for your attention.

Emmanuel Plasschaert

President of the Brussels Bar (FR)