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A New Regulation of the Lawyer's Profession. Draft Convention Regulating the Protection of the Profession of Lawyer

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Abstract. The rule of law, fundamental to the majority of states today, cannot be conceived without justice. Lawyers, by exercising the prerogatives at their disposal, are a central element of the justice system, with the right and obligation to ensure that the rights of individuals are not neglected or jeopardized, while the judiciary has the task and the right to resolve legal disputes arising from actions that fall within the ambit of unlawful. In this system of justice, the right to a defense is an ancient concept firmly rooted in legal mentality, without which the very idea of justice is inconceivable. The development of this right has culminated in its elevation to the status of a fundamental principle of the trial, compliance with which must be absolute. Only in this way is it possible to respond to the imperative requirement imposed by the rule of law. One of the necessary conditions for its full realization, in the context of globalization, is the protection of the legal profession through a flexible and efficient international instrument, with effective and dissuasive guarantees for those who violate these rules and easy to integrate into the national laws of the States parties.

Keywords: International Law, International Convention, Legal Profession Protection, Fundamental Rights

1 Introduction

In any democratic society founded on the principle of the separation of powers in the State and the rule of law, recent years have brought a new rethinking and repositioning of principles and values, starting from the premise that the individual is the most important value of society, with all its rights and freedoms at the heart of it. This scientific approach does not permit a historical analysis of this development, so we confine ourselves to the developments of recent years from an international legal perspective, the need to respect the fundamental rights and freedoms of human beings in any interaction with the State, with other persons, and in any legal proceedings. In particular, during criminal proceedings, the focus is on the respect and guarantee of the rights of all litigants and participants to ensure a fair trial and the fairness of the proceedings as a whole, as provided for in the European Convention on Human Rights and Fundamental Freedoms [1] and as stated in numerous judgments of the European Court of Human

Rights. Society and the justice system are, therefore, becoming increasingly sensitive and concerned to guarantee these rights. This cannot be seen in isolation from the central role of the lawyer in the justice system, a role which is increasingly expanding at both EU and international level, a role conferred by the European Court of Justice itself, as intermediary between the public and the courts. Consequently, the rights of lawyers and the legal protection of the legal profession is necessary in society, and we will analyze during the study the way in which decision-makers at the EU level intend to regulate this protection so necessary and beneficial to the entire judicial system.

2 Recommendation No. R (2000) 21 of the Committee of Ministers

The Parliamentary Assembly presented a view in line with that expressed by the European Court of Human Rights that lawyers have an important role to play in ensuring public confidence in the courts, whose task is fundamental in a constitutional state. It is essential for society and its members to have confidence in the administration of justice, and this trust relies on the professional ability of lawyers to achieve and provide efficient and effective representation. In light of the minimum standards set out in Recommendation No. R (2000) 21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer [2], the Parliamentary Assembly recalled that "these standards, although non-binding, are intended to develop and give practical effect to the principles flowing from binding obligations, in particular those of the European Convention for the Protection of Human Rights and Fundamental Freedoms" [3]. The 2000 Recommendation also emphasized "the promotion of the freedom to practice the legal profession with a view to strengthening the rule of law, lawyers being part of these values, in particular by defending individual freedoms" [2] in order to ensure a fair administration of justice that guarantees the independence and freedom of lawyers in the exercise of their profession, without restriction, influence, pressure, threats, under any circumstances.

In recent years, therefore, it has become increasingly concerning that attacks against lawyers, harassment and threats continue to occur in many Council of Europe member states. These incidents have become widespread and systematic and, appearing to be the result of deliberate policy. The report issued on September 29, 2020, highlighted that these attacks "include, inter alia, killings, which are sometimes inadequately investigated by the authorities; physical violence, including by public officials; threats, unwarranted public criticism and identification of lawyers with their clients, including by leading politicians; misuse of criminal proceedings to punish lawyers or to remove them from cases; breaches of legal professional privilege by illegally monitoring clients' consultations with their lawyers; searches and seizures in the course of unlawful investigations; interrogation of lawyers as witnesses in their clients' criminal cases; abuse of disciplinary procedures; and various structural and procedural failures to establish and implement effective safeguards of lawyers' independence" [4].

Furthermore, the same report stated that lawyers are often pressured or attacked for their involvement in human rights cases, such as "defending the rights of refugees, asylum seekers and migrants, women, members of national and linguistic minorities and

LGBTI persons. They have also been targeted for their work in exposing government unaccountability or corruption, or for representing certain individuals (such as terror suspects, opposition politicians, civil society activists and independent journalists). Lawyers have also been identified with their clients and, by extension, with their clients' political affiliation or the offenses of which they are accused." [4]. According to the experts who prepared the report, these attacks on the personal safety and liberty of lawyers often take place against a backdrop of widespread disrespect for the rule of law. In the context of relatively widespread disregard, lawyers may be subject to administrative and/or judicial harassment, not to mention abusive violations of professional rights and/or privileges; for example, breaches of lawyer-client privileged communications which must be fully confidential and protected from any interference by other persons or institutions, "searches of their persons or professional premises, seizures of case-related documents, unlawful audio and video surveillance, withholding of essential case-related information, blacklisting or travel bans. Lawyers have even been summoned as witnesses in cases against their clients. Lawyers faced numerous restrictions while carrying out their professional activities, including not being admitted to the pre-trial detention center or place of detention where their client is being held, undermining the confidentiality of attorney-client privilege, and not informing a lawyer of the location of his client. The authorities have also interfered with independent bar associations." [4].

The European Court of Justice has handed down countless rulings enshrining the need to protect the legal profession, in particular by ensuring and guaranteeing the confidentiality of the lawyer-client relationship: for example, the use of the transcription of a conversation with a client obtained through telephone interception in the context of a subsequent disciplinary procedure against a lawyer (*Versini-Campinchi and Crasnianski v. France*, 2016, para 49-84) [5]; secret surveillance of a prisoner's consultations with his lawyer (*R.E. v. the United Kingdom,* 2015, paras 115- 143) [6]; interception of prisoners' letters to their lawyers (*Ekinci and Akalın v. Turkey*, 2007, para. 37-48) [7], interception of prisoners' correspondence with their lawyers and with the European Commission of Human Rights (*Campbell v. the United Kingdom*, 1992, paras. 32-54 [8]; *A.B. v. Netherlands*, 2002, para 81-94) [9]. Similarly, the EHR Court has held that seizures carried out in a lawyer's chambers should have been accompanied by special procedural safeguards capable of preserving the confidentiality of the data, which underpins the relationship of trust that exists between the lawyer and his client (*Kruglov and Others v. Russia*, 2020, para. 123-138) [10]: the EHR Court held that those "seizures of computers and hard disks containing personal information and documents covered by professional secrecy of the applicants, their lawyers or clients in the course of searches carried out by the police at their homes and offices, without having filtered the data thus seized, were contrary to Article 8. Among other things, the existence of prior judicial authorization had limited effect, as national courts did not attempt to balance the obligation to protect the confidentiality of the data against the needs of the criminal investigation, for example by examining the possibility of obtaining information from other sources" [10]. In *Kırdök and Others v. Turkey* [11], the Court held that "the seizure of several lawyers' electronic data by the judicial authorities in the context of criminal proceedings against another lawyer who shared the same office with

them and the refusal to return or destroy them led to a violation of Article 8". The Court also took into account the fact that, during the search, the procedure for filtering documents and/or electronic data protected by professional secrecy was breached; moreover, the refusal to return the seized data on the ground that they had not been transcribed and, consequently, there was a temporary impossibility of establishing to whom they belonged, which was not clearly provided for by law, but was also contrary to the very essence of the concept of professional secrecy, which necessarily requires that such data be kept confidential.

It should also be added that prompt access to a lawyer is not only an important counterbalance to the vulnerability of suspects detained by the police, but is intended to provide a fundamental safeguard "against coercion and ill-treatment of suspects by the police and contributes to the prevention of denial of justice and the realization of the purposes of Article 6, in particular equality of arms between the investigating or prosecuting authorities and the accused" [12]. In our opinion, these are the reasons which led the Committee of Ministers to adopt these recommendations and resolutions designed to lead to the protection and strengthening of the protection of the legal profession. Moreover, this idea is at the heart of the Recommendation under consideration, which has continued with the adoption of other acts at the European level. It should be emphasized that all these normative acts—which form part of secondary legislation and are not binding in terms of the legal force of normative acts—recognize and reiterate the need to protect the legal profession against any abuse or interference, which is why they have been reiterated in the following normative acts adopted at the EU level.

3 Recommendation 2121 (2018) of the Committee of Ministers of the Council of Europe

Based on the aspects outlined above, which form the foundation for the adoption of Recommendation 2121 (2018) [2], it basically comes down to the need to strengthen the imperative protection of the legal profession as a central element of respect and guarantee of the right to a fair trial, including the full exercise of the right of defense. In this context, the Council of Europe member states have subscribed to the minimum standards laid down in Recommendation No. R(2000)21 of the Committee of Ministers on the freedom to exercise the profession of lawyer, as previously analyzed. The Council institution continues to encourage the concrete, effective and full implementation of these provisions, particularly in the context of the preparation of their conversion into a particularly important and legally binding international instrument such as the draft Convention. In this context, it is essential to emphasize the particular importance of continuing to encourage the process of improving the implementation of the standards analyzed above through the cooperation and training activities offered by the Council of Europe in the field of continuing training of judicial professionals.

The Parliamentary Assembly therefore urged the member states of the Council of Europe to take the necessary steps to ensure concrete and effective protection of the legal profession. According to the Recommendation under consideration, this can be achieved by prohibiting any interference by the State or its bodies in the legal profession

and by clearly identifying the necessary and specific activities that would constitute prohibited interference.

It is also necessary to establish an internal legislative framework that guarantees the efficiency, independence and safety of lawyers' activities. This can be fully achieved through the harmonization of national legislation and law enforcement practices aimed at improving conditions, including safeguards for the exercise of the lawyer's specific duties in accordance with the standards set out in the United Nations Basic Principles on the Role of Lawyers (1990), Recommendation No. R(2000)21 of the Committee of Ministers and Assembly Resolution 2154 (2017) on "Ensuring access to lawyers for prisoners".

There is also a need to provide safeguards in national law that are adequate in nature against abuses and interferences of an unlawful nature with activities related to the practice of the legal profession, including in a context that might justify certain broader restrictions on lawyers' rights, such as the fight against terrorism, organized crime or money laundering or other such crimes of particular gravity. It is crucial to investigate and hold accountable all perpetrators involved in unlawful intimidation, harassment, and assaults of a physical nature or prosecution of lawyers for acts related to their professional duties. In today's technologically advanced environment, it is important to recognize that the boundaries of technical surveillance measures—such as interception of communications, interception of telecommunications and data retention—are being increasingly tested. Additionally, personal data faces major challenges that must be addressed to protect the rights and safety of legal practitioners. Since the *Leander v. Sweden* judgment in 1987, in which the Court examined for the first time the issue of the storage of a individual's personal data by a public authority, "the case law of the European Court of Justice has developed to some extent in the direction of the protection of such data" [13]. Another case that has been taken into account when adopting this Recommendation is *Ibrahim and Others v. UK*, 2016 [14], which raised multiple issues related to the protection of the legal profession.

In this case, the applicants complained that the lack of access to lawyers during their initial hearing at the police station and the admission at trial of statements given during those interrogations violated their right to a fair trial under Articles 6 § 1 and 3 lit. (c) of the Convention. As a factual background, the court found that: "On July 7, 2005, four attempted suicide bombings took place on three subways and a bus in central London, killing fifty-two people and injuring several hundred. Two weeks later, on 21 July 2005, the first three complainants and a fourth man, Mr. H. O., detonated four bombs in three subways and a bus in central London. On July 23, 2005, a fifth bomb was discovered abandoned and undetonated in a London park. A fifth conspirator was later identified as Mr. M. A. Although all four bombs were detonated, in none of the cases did the main explosive charge, liquid hydrogen peroxide, explode. Subsequent tests showed that the most likely cause was the insufficient concentration of hydrogen peroxide required for the bomb to explode given the amount of TATP (acetone peroxide as a main explosive) used as detonator. On the basis of the evidence gathered, it was shown that if the concentration of hydrogen peroxide had been higher or the concentration of TATP stronger, then the bombs would have been operable. The first three plaintiffs and Mr. O. fled the places where they attempted to set off the explosions" [13].

This case has given the European Court the opportunity to examine exhaustively the provisions on the right of access to a lawyer, in addition to other procedural rights. Thus, the European Court primarily noted Directive 2013/48/EU, which governs the right of access to a lawyer, the right to have a third person informed following deprivation of liberty and the right to communicate with third persons and consular authorities during deprivation of liberty. The court noted that according to its scope, "the Directive lays down minimum rules on the right of access to a lawyer in criminal proceedings and in proceedings concerning the European Arrest Warrant. The Directive promotes the application of the EU Charter of Fundamental Rights, with particular reference to Articles 4, 6, 7 and 48, but based on Articles 3, 5, 6 and 8 of the Convention as interpreted by the ECHR. Thus, in recital (21), it is made explicit, by reference to the case law of the Court, that when a person other than a suspected or accused person (such as a witness) becomes suspected or accused, that person must be protected against self-incrimination and has the right to silence" [14], which includes the right to lie. In such situation, the questioning to be carried out by law enforcement authorities should be immediately suspended and can only be continued if the person concerned has been informed of the accusation against him or her or that he or she is a suspect and has the opportunity to exercise, to the full, his or her rights under the Directive as well as those under the EU Charter.

Article 3 of the Directive also provides for the right to have access to a lawyer „without undue delay" and in any event before being questioned by judicial or police authorities. It should be noted that the right implies the right to have full and confidential communication with the lawyer, both before and after questioning, as well as the right to have meetings with the lawyer for the purpose of preparing the defense, including the right to have the lawyer present during questioning, and the right to have the lawyer present when certain procedural steps such as taking evidence are taken. According to Art. 3(6) of the Directive, the right of access to a lawyer may be temporarily waived only in exceptional circumstances and only during the criminal proceedings, namely where two serious reasons are cumulatively met: the first reason relates to the existence of an urgent need to prevent serious adverse consequences for the life, liberty or physical integrity of a person; the second reason relates to the absolute necessity for immediate action by the investigating authorities to prevent the criminal proceedings from being jeopardized (to a considerable extent). Thus, the EHR Court found that "under Article 8, any restriction must be proportionate, strictly limited in time, not based solely on the seriousness of the alleged offense and not prejudice the general fairness of the proceedings. Restrictions are only authorized by a duly reasoned decision based on a case-by-case assessment" [14].

The right of access to a lawyer exists in all democratic states founded on the rule of law. Thus, in the United States of America, the Fifth Amendment of the Constitution (USA) guarantees the right not to contribute to one's own prosecution, while the right to counsel is guaranteed by the Sixth Amendment. A classic case in US jurisprudence enshrining the right to defense is *Miranda v. Arizona* 384 US 436 (1966). The Supreme Court held that "statements given by a person during a police interview are admissible in a trial only if the suspect has been advised of the rights to silence and to counsel. As

a result of the ruling, failure to Miranda warn prior to the hearing had the effect of excluding any statement obtained from trial" [15].

Similarly in Canada, the right to legal counsel and the right to silence are enshrined in the Canadian Charter of Rights and Freedoms. According to the Charter, "Everyone has the right to counsel at the time of arrest, but the exercise of this right may be delayed where there is a risk to public safety within the limits prescribed by law and justified in a free and democratic society. The police have an obligation to inform the person of the right to counsel from the moment he or she is detained" [16]. The EHR Court observed in the above-mentioned case that "postponements of the exercise of the right of access to a lawyer are provided for by the legislation of several Council of Europe member states. An examination of the treatment of statements obtained in breach of the right to legal advice reveals that a number of states require that statements given in the absence of a lawyer and without information on the right to a lawyer are to be excluded, while in others the admissibility of the statement or the weight attached to it is, at least to some extent, a matter for the discretion of the court. The same is true in respect of statements obtained in breach of the right to silence or the right not to contribute to one's own prosecution" [14].

This is the reason why in recent times particular attention is being paid to the protection of the legal profession. Without the exercise of the right to access a lawyer and the right of defense, a fair trial cannot be conceived, there can be no talk of procedural fairness, nor of the rule of law.

4 Draft Convention on the Protection of the Legal Profession

With the adoption of Recommendation 2121 (2018) of the Committee of Ministers and subsequently Recommendation 2188 (2020) [3] and Resolution 2348 (2020) [17], the Committee of Ministers and the Parliamentary Assembly have increasingly affirmed the need for the adoption of a convention by the member States of the Council "emphasizing the vital contribution of lawyers to the effective administration of justice. Lawyers play a central role in the protection of human rights, in particular the right of persons to a fair trial, and in the implementation of the principles of the rule of law."

Since 2020, the Committee of Experts on the Protection of Lawyers [18] has been established and has so far held seven working meetings and drafted this convention. Although the text of the draft is not available, since it is an international instrument under negotiation, it is nevertheless clear from the documents that can be found in open sources [18] why it was considered necessary to adopt such an instrument, the principles that should underpin the regulation and protection of the legal profession, and the monitoring of its adoption and implementation.

Thus, according to the working report of February 2024 [19], the Council's support for the development of a legally binding instrument was underlined and reiterated, as well as the need "for the text of the draft convention not to be too prescriptive in order to allow for sufficient flexibility, given the differences between the legal systems of the Member States on a number of issues, and to avoid this becoming an obstacle to ratification for some. As regards the monitoring mechanism proposed by the CJ-AV, i.e., a

group of independent experts and a Committee of the Parties, the CDCJ [20] supported the idea that monitoring the implementation of the Convention should be as efficient as possible and that the proposed monitoring system seems to be the preferable option. At the same time, the CDCJ indicated that it should ensure that the way in which this monitoring mechanism works should not lead to an excessive workload for States Parties and, to this end, that the CJ-VW should design it in such a way as to ensure both efficiency and flexibility" [19].

Building on the points made at the outset of the study, among the most important principles that will underpin the international instrument proposed by the working group—as set out in the Recommendations cited above—are the protection of the legal profession and the right to practice the profession without prejudice or constraint: this principle entails creating the legal means to ensure the protection of lawyers who practice in a State Party other than the State Party in which they hold the title of lawyer and are authorized to practice under national law.

We also consider that particular importance should be given to the prohibition of state intervention in the legal profession—in accordance with the principle of minimum state intervention—as well as the precise and clear identification of specific activities that would be likely to constitute such prohibited intervention.

Certainly, one of the most important benchmarks of the draft international instrument should be the establishment of a domestic legislative framework, in all States Parties, designed to guarantee the efficiency, independence and safety of lawyers' work. Members of the Working Group considered that this desideratum could be achieved by States Parties making the necessary efforts to secure or amend national legislation and law enforcement practices in order to improve the conditions and safeguards for the practice of the legal profession in close consonance "with the existing standards set out in the United Nations Basic Principles on the Role of Lawyers (1990), Recommendation No. R (2000) 21 of the Committee of Ministers and Assembly Resolution 2154 (2017) 'Ensuring access to lawyers for detainees'." [2]

This aim cannot be achieved without ensuring adequate national legislative safeguards against abuses and unlawful interference to which lawyers may be subjected, in particular in specific hypothetical cases that might justify certain restrictions on the exercise of lawyers' rights, such as the fight against terrorism, organized crime or money laundering, as was highlighted in the case of *Ibrahim and Others v. UK* [14].

The Working Group emphasized that there is also a need to "investigate and hold perpetrators accountable in all cases of unlawful intimidation, harassment or physical attacks and to prosecute any crimes committed against lawyers, regardless of the source of the threat" [19] based on the reporting of numerous cases of abuse and intimidation committed against lawyers in connection with the exercise of their professional rights. These actions of intimidation, harassment, threats or even physical harm to lawyers are a cause of concern and have become a constant preoccupation of the Council, including through this project, which is the subject of this scientific study.

According to the studies conducted by the EHR Court, it has been found that, in certain countries, a breach of the privileged relationship between lawyer and client is one of the most typical examples and according to the Court's working materials, "the

manifestations of this breach are categorized as follows: breach of lawyer-client privilege during criminal investigations, opening and studying lawyer-client correspondence when the client is under preventive arrest, searches of lawyers' offices. Frequently, lawyers' freedom of expression in courtrooms is violated. In some cases, lawyers face physical violence, as well as verbal opposition from officials or representatives of parties to court proceedings, or threats of such violence. One of the most common violations of lawyers' rights is the subpoenaing of lawyers to be questioned by investigative bodies as witnesses in cases where they provide legal assistance to their clients." [3]

Therefore, the draft of the new international instrument, in our opinion, should be designed in such a way as to lead to a real and effective protection of the legal profession, by enacting clear, precise, complete and dissuasive rules against such violations or interference in the work of lawyers, on the grounds that such actions have the ability to jeopardize not only the fairness of a judicial proceeding but the very foundations of the rule of law by violating the principle of the separation of powers in the State and the fundamental right to defense recognized and guaranteed by all international documents on the subject, a right elevated to the rank of fundamental principle of the process (criminal or civil, in the broad sense), but by the effect of irradiation, and other fundamental principles of the process, such as the principle of loyalty in obtaining and administering evidence in criminal proceedings [21].

5 Conclusions

The pyramidal system of justice has been established since ancient times as a function of judging lawsuits arising from the violation of legal norms [22] of laws. A fair act of justice cannot be conceived without a real and concrete exercise of the right of defense, which, in turn, implies that the text of the Convention must contain precise and clear provisions on the respect and guarantee of the right to independence in the exercise of the legal profession, ensuring that these provisions are not subject to any limitations. As highlighted in this study, this right is often subject to limitations, a fact acknowledged in the preparatory work identified as one of the key elements of the draft legislation. Moreover, any possible limitations to this right should be clearly provided for and explained in the Convention.

In addition, the draft text should effectively take into account the standards imposed by the ECHR regarding the guarantee of the right to defense, which tend to become increasingly high, some of which are outlined in the study. The concepts of "professional confidentiality" and "privileged lawyer-client relationship" should be revised in line with the standards set by the ECHR, so that they have the same meaning across all national laws of the States Parties. They should also be included in the various pieces of legislation, such as the statutes of the profession and professional associations, to ensure that they are included in national laws with the same meaning and that the obligations assumed by the States Parties guarantee compliance. This requires not only the creation of mechanisms for the effective implementation of this innovative approach, but also that these mechanisms guarantee, in a real and concrete manner, greater protection for the legal profession, including by creating mechanisms for monitoring the

way in which they are applied in practice in the laws and jurisdictions of the States Parties. This is particularly important because, in many countries with a democratic tradition, there are sometimes too many limitations on the right to defense in court proceedings, and these should be carefully thought out so that they can be applied only in exceptional situations.

The development of the new international instrument has become increasingly necessary in the context of a progressive increase in practices that limit and sometimes prevent the exercise of the legal profession under conditions of equality of arms—particularly in the field of human rights defense, the fight against corruption or the protection of vulnerable persons or groups. It is essential to take into account the global impact that this international instrument will have in order to offer real protection to lawyers worldwide. This effort must also respect and incorporate established precedents and principles in this area, and the case law of the Inter-American Court of Human Rights, which, in our opinion, would lead to the achievement of the purpose of the future legal instrument.

References

1. Council of Europe. European Convention for the Protection of Human Rights and Fundamental Freedoms as amended by Protocols Nos. 11 and 14, ETS 5, 4 November (1950)
2. Council of Europe. Recommendation No. R (2000) 21 of the Committee of Ministers to member States on the freedom of exercise of the profession of lawyer, https://search.coe.int/cm#{%22CoEIdentifier%22:[%2209000016804d0fc8%22],%22sort%22:[%22CoEValidationDate%20Descending%22]}
3. Council of Europe. Recommendation 2121 (2018) of the Committee of Ministers. Adopted by the Assembly on 24 January 2018. Parliamentary Assembly. https://assembly.coe.int/nw/xml/XRef/Xref-XML2HTML-en.asp?fileid=24466&lang=en; https://pace.coe.int/en/files/24466/html
4. Council of Europe. Committee of Experts on the Protection of Lawyers (CJ-AV), 2nd meeting, 11-13 July 2022. https://rm.coe.int/cj-av-2022-10e-final/1680a75652 (2022)
5. *Versini-Campinchi and Crasnianski* v France, 2016, https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22001-194629%22]}, last accessed 2024/07/12
6. *R.E. v. the United Kingdom*, paras 115- 143 (2015)
7. Ekinci and Akalın v Turkey (2007), https://hudoc.echr.coe.int/eng#{%22itemid%22:[%22002-2923%22]}
8. *Campbell v. the United Kingdom* (1992), http://ier.gov.ro/wp-content/uploads/2020/10/RC-Securite-nationale-et-jurisprudence-europeenne_2013_RO.pdf; A.B. v. the Netherlands, 2002, http://ier.gov.ro/wp-content/uploads/2020/10/Guide-sur-art-13_30.04.2020_RO.pdf
9. *A.B. v. Netherlands,* para 81-94 (2002), http://ier.gov.ro/wp-content/uploads/2020/10/Guide-sur-art-13_30.04.2020_RO. pdf
10. *Kruglov and Others v. Russia* (2020), https://ks.echr.coe.int/documents/d/echr-ks/guide_data_protection_rum
11. *Kırdök and Others v. Turkey* judgment, para. 52-58 (2019), https://ks.echr.coe.int/documents/d/echr-ks/guide_data_protection_rum
12. European Court of Human Rights. Guide to the case law of the European Convention on Human Rights. Data protection. Updated on August 31, 2022

13. *Leander v. Sweden judgment* (1987), https://ks.echr.coe.int/documents/d/echr-ks/guide_data_protection_rum
14. *Ibrahim and others v. UK*, Judgment 13.9.2016 [GC] (2016), https://hudoc.echr.coe.int/fre#{%2222itemid%22:[%22002-11189%22]}
15. *Miranda v. Arizona* 384 US 436 (1966), https://supreme.justia.com/cases/federal/us/384/436/
16. *R. v. Suberu* 2 SCR 460 (2009), https://www.justice.gc.ca/eng/csj-sjc/rfc-dlc/ccrf-ccdl/check/art9.html
17. Parliamentary Assembly Resolution 2348 (2020), https://pace.coe.int/en/files/28819/html
18. Committee of Experts on the Protection of Lawyers. https://www.coe.int/en/web/cdcj/cj-av
19. Committee of Experts on the Protection of Lawyers (CJ-AV), 7th meeting 30 January–1 February (2024) Strasbourg, Agora, Room G02. https://rm.coe.int/cj-av-2024-05-e/1680ae8a60
20. European Committee on Legal Co-operation (CDJC), https://www.coe.int/en/web/cdcj
21. Bitanga, M., Franguloiu, S., Sanchez-Hermosilla, F.: Guide on the procedural rights of suspects or accused persons: the right to information and the right to translation and interpretation. Magic Print Publishing House, Onești (2018)
22. Volonciu, N.: Criminal Procedure Treaty, general part, vol. I. Paideia Publishing House, Bucharest (1996)