

# EUROPEAN LAWYERS DAY

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## LAWYERS' ROLE IN SUPPORTING PEOPLE FLEEING WAR



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#### Introduction

The invasion of Ukraine forced a high number of people living in Ukraine into internal displacement or to leave their country. Since the invasion on 24 February 2022, 10.5 million of persons from Ukraine have crossed into the European Union, 4.5 million have registered for Temporary Protection and 26.600 have applied for international protection (asylum application).<sup>1</sup>

Thanks to an outpour of human solidarity, Ukrainian refugees could find safe haven in different EU countries. Lawyers and bars were among those who mobilised quickly to bring humanitarian assistance and legal advice. In this context, it is important to explain how lawyers play a relevant role in the context of war by assisting people fleeing conflict and searching for safe haven. By being present at the borders or opening up contact points providing legal assistance to refugees, lawyers contribute to defending the right to asylum guaranteed by instruments such as the EU Charter of Fundamental Rights (Article 18) and the Geneva Convention 1951.

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<sup>1</sup> Data (provisional estimated 16 October 2022) obtained from the EUAA: <https://euaa.europa.eu/ukraine-crisis-data-and-analysis>

When a conflict breaks out, citizens are the first victim of violence and destruction. They need to flee and find shelter which often results in internal displacement or the necessity to leave their country. Humanitarian aid, material needs, and safety are the first priority for people fleeing a conflict. Next comes the necessity to stabilise in a host country and understand the situation in which one finds oneself.

This article focuses on the latter aspect and the role that lawyers and bars can play to help people fleeing the war. It shows how the European legal profession can defend fundamental rights in situations of conflict, taking as examples different initiatives the CCBE and its member bars have undertaken in order to support refugees from Ukraine, including lawyers.

Since the beginning of the invasion, the CCBE member bars reacted very quickly and hundreds of **lawyers offered their legal advice** and material assistance to people fleeing Ukraine. At national and regional level in most European States, special contact points, both virtual and in person, have been put in place by the bars. The CCBE Migration Committee compiled [a list of such contact points](#) in order to increase the awareness of their existence among bars themselves and people in need.

The EU has responded to the invasion of Ukraine and peoples' displacement by activating the **Temporary Protection Directive (TPD)**. The CCBE welcomed this step as it made it easier for most people fleeing the war in Ukraine to cross the external EU borders into the EU countries and access assistance put in place by citizens and governments of the EU Member States. However, although people falling under the scope of the TPD are holders of several rights, the procedural and substantive benefits of the Directive have to be actually made available to those persons. In order to ensure the actual benefit of these rights, is important, as stressed in the CCBE [statement on the application of the TPD](#), that beneficiaries of the TPD have access to adequate legal information and assistance.

Moreover, even though the TPD reduced the number of obstacles that Ukrainians would normally have encountered while applying for asylum in the EU, some issues might still arise. These issues can be both practical, such as uncertainty about the procedure for applying for a registration number in a given country, or legal, such as the right to move within the EU (or also for the case of a temporary return to Ukraine). Therefore, in these unclear or more complicated situations, people need to have access to legal assistance in order to be able to understand their position.

Furthermore, since the TPD has been activated for the first time, its implementation and application in practice must be closely monitored. By exchanging information on different practical issues and solutions observed at the national level, lawyers can inform law makers about the loopholes and difference of interpretation and suggest how to improve the legislation or bring clarity to its application. This is why the CCBE's Migration Committee has **regularly exchanged views on the national implementation of the TPD**.

Accordingly, the necessity for expertise amongst legal practitioners in the field is heightened by the scarcity of case law on the issue of temporary protection, a status that millions of persons now hold in the EU. That is why the CCBE has also coordinated with the **Council of Europe** when the latter established **Migration and Asylum eDesks for lawyers** assisting people fleeing the war in Ukraine. The CCBE has supported this initiative from the beginning and promoted it through different communication channels.

Finally, among people who fled Ukraine there are Ukrainian lawyers. The CCBE has immediately reinforced its contacts with the Ukrainian National Bar Association to understand what could be done in support of the Ukrainian legal professionals who left their country. In addition to maintaining regular contacts with the UNBA, the CCBE issued [a recommendation on qualifications of Ukrainian lawyers](#), inspired by the Commission Recommendation (EU) 2022/554, inviting Member States to adopt specific measures on the recognition of qualifications for people fleeing Russia's invasion of Ukraine.

## **Conclusion**

The abovementioned examples demonstrate that the EU legal profession feels responsible in times of crisis and tries to ensure that rights of people fleeing the war in Ukraine are protected. By defending rights of refugees and supporting them, European bars and lawyers contribute to defending the rule of law for people whose rights and safety were taken away in their countries.