



54th EUROPEAN BAR PRESIDENTS' CONFERENCE (EPK)

“Freedom versus Security: The Rule of Law under the Strain of Modern Crime”

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Speech – Roman Završek, CCBE President

Welcome, colleagues. Today’s theme – “Freedom versus Security” - is not a battle between opposites, but a reminder of their deep interdependence. As lawyers, we know security without freedom becomes control, and freedom without security is fragile. Both collapse when the rule of law is weakened.

Modern crime - transnational, organised, and technologically advanced - puts immense strain on our legal systems and democratic norms. The threats are real: organized crime, corruption, terrorism, cybercrime. We see the human and economic costs, and the pressure on policymakers to act swiftly. But the real question is: how do we respond, and what do we risk losing in the process?

The CCBE’s message is clear: the rule of law must not become a casualty in the fight against crime. History warns us that moments of fear and pressure are when legal principles are most vulnerable. There’s a temptation to relax safeguards, treat rights as conditional, and see legal protections as inconveniences. We hear arguments that procedures are too slow, rights too generous, and lawyers “get in the way.”

This is precisely when our profession must speak out. The rule of law is not just for stable times - it exists to regulate power when pressure is greatest. Access to an independent lawyer, professional secrecy, presumption of innocence, judicial independence, proportionality, and effective remedies are not privileges; they are structural guarantees. They ensure investigations are lawful, evidence is reliable, prosecutions are fair, and convictions are sustainable.

Weakening defence rights does not make systems more effective - it makes them fragile. Cases collapse, convictions are overturned, public confidence erodes, and institutions suffer lasting damage. Efficiency without fairness is not strength; speed without legality is not justice.

The CCBE brings the lived experience of lawyers into European policymaking, contributing to the Rule of Law Report and highlighting where judicial independence and access to justice are under threat. Lawyers are often the first to see where safeguards are eroding - not just in theory, but in practice.

One urgent area is access to data. Surveillance, data retention, digital evidence, biometrics - these tools may be necessary, but none should be unaccountable. The CCBE insists that access to data must be grounded in law, necessity, proportionality, judicial authorisation, and effective remedies. Confidential lawyer-client communications are essential for fair trials and trust in justice. Undermining confidentiality does not strengthen investigations - it undermines their legitimacy.

The same principles apply to European institutions. The European Public Prosecutor’s Office (EPPO) is vital, but procedural safeguards vary across Member States, undermining legal certainty and defence rights. The CCBE calls for harmonised safeguards to ensure fairness and legitimacy in EPPO prosecutions.

Let’s be clear: the CCBE supports strong cross-border cooperation, modern investigative tools, and well-resourced institutions. But security policies that disregard the rule of law may seem efficient in the short term and prove destabilising in the long term. Once safeguards are weakened, they are rarely restored. The rule of law is not the price of security - it is its guarantee.

Freedom and security are not a zero-sum game. The real trade-off is between lawful power and unchecked power. Unchecked power may act quickly, but it erodes democratic legitimacy. Europe's legal tradition is built on law restraining power, not serving it. That conviction is our strength.

Lawyers matter for the rule of law. We do not defend crime - we defend legality. We ensure the state acts within legal limits, subject to scrutiny, and with respect for human dignity. By challenging unlawful actions, we strengthen institutions. By insisting on fair procedures, we protect outcomes. By upholding rights, we preserve public trust.

Long-term security depends on legitimacy, trust, and accountability. Our shared responsibility - as institutions, professionals, and guardians of democratic values - is to ensure that in confronting modern crime, we do not lose our principles. If we lose our principles in the name of security, we will have secured nothing worth protecting.

CCBE President Roman Završek, on 13 February 2026