

Mrs Ursula von der Leyen
President of the European Commission
Rue de la Loi / Wetstraat 200
1049 Brussels

Brussels, 10 April 2020

Subject: European Lawyers' and Bars' concerns over COVID 19 measures

Dear Madam,

The CCBE represents more than 1 million European Lawyers who are committed personally and collectively to playing their full part in the community effort to defeat the pandemic and to mitigate insofar as is possible the significant personal loss that is being and will be suffered by very many citizens.

To this end, first of all, we want to bring to the attention of policymakers and lawmakers at European Union and National level some of the obvious threats to the rule of law and civil and human rights generally presented by the pandemic and the steps taken in reaction to it.

In this regard we share the concerns articulated by the Fundamental Rights Agency in its Key Findings published in the *Coronavirus pandemic in the EU - Fundamental Rights Implications - Bulletin 1 7th April 2020*.

Of particular concern to lawyers are restrictions on movement which, necessary though they are, potentially also restrict access to justice.

The CCBE asks for additional steps to be taken to facilitate access to justice at this difficult time and believes that with proper protections in place additional hearings can still be convened in cases particularly those involving the liberty of citizens, rights of families and other urgent matters.

Cost is an important factor for the access to justice at a time of financial hardship. It can be reduced at the European and National level removing layers of cost that constitute a burden for the citizens, including the imposition of taxes whether VAT, Court dues or other taxes that cannot be afforded by the average client.

It is also the case that there are available innovative technical solutions which will facilitate the ordinary working of the Courts in an extraordinary way ensuring that citizens are not exposed to unreasonable delays in the determination of their civil or criminal liabilities. The same is true of the provision of legal services in a technological way in transactional matters.

The EU has already shown commendable initiative exploring imaginative experimental projects in videoconferencing in justice proceedings, with online connectivity of Courts, Tribunals, Registrars and Practitioners in an e-justice framework . The time has now come to urgently and fully resource those initiatives and critically to support the National Governments in doing likewise in the domestic context.

Great though the challenge of the pandemic is, it cannot be permitted to dilute or suspend respect for human and fundamental rights and freedoms which are more important now in this period of uncertainty than in times of stability. The Charter of Fundamental Rights is still applicable and Article 47 should continue to be applied ensuring access to justice for all especially those whose means do not permit them to retain professional representation.

Also, in these difficult times, restrictions must be proportionate and Member States must ensure that restrictions to people's fundamental rights are limited to the shortest period of time possible.

All of society are adversely affected by the pandemic and this includes lawyers.

Although lawyers are suffering the full brunt of the economic constraints imposed by the health crisis, they are largely excluded from many mechanisms and aid schemes envisaged by the national Governments.

Lawyers provide an essential service in a democratic society and must be supported the same way everywhere in Europe, with the assistance and guidance of the EU.

Solutions, including financial support from European and National funds, must be found urgently for them, for their professional structures, for the entire profession.

Their disappearance would have a lasting critical effect on the rule of law beyond the period of the state of health emergency.

I am confident that lawyers will continue to play an important part in protecting society and in particular the rule of law in these difficult times in the interests of our fellow citizens.

Therefore I urge the Commission as well as the Governments to recognise and support us in that work.

Yours faithfully,

A handwritten signature in blue ink, appearing to read 'Ranko Pelicarić', with a stylized flourish at the end.

Ranko Pelicarić
CCBE President