

CCBE Statement in support of the Ceuta Bar and its lawyers, on the essential role of lawyers in safeguarding rights at the external border of the European Union

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The Council of Bars and Law Societies of Europe (CCBE) represents the Bars and Law Societies of 46 countries, and through them more than 1 million European lawyers.

For the CCBE, upholding the rule of law, protecting fundamental rights, promoting effective access to justice and safeguarding the independence of lawyers are essential elements of its institutional mission. This is also reflected in its longstanding work on migration and asylum, with particular attention to the protection of fundamental rights and effective access to legal assistance for persons affected by these procedures.¹ These are issues that the CCBE has consistently addressed and supported through its institutional positions.

Last August, alongside the tragic loss of more than 140 lives at sea, the arrival of an extraordinary number of people at the Ceuta border has placed unprecedented pressure on public services and, in particular, on the free legal aid scheme. Within the space of a few weeks, Ceuta's immigration legal-aid duty scheme which initially counted with three lawyers has had to be scaled up several times over to cope with the simultaneous opening of thousands of identification, asylum and return cases.

Under these circumstances, the importance of ensuring effective access to legal assistance and legal representation needs to be highlighted. In this context, first and foremost, the CCBE expresses its explicit recognition to the lawyers in Ceuta who, together with the Ceuta Bar, play a fundamental role in protecting rights, ensuring access to justice and securing effective judicial protection for the persons concerned.

The independent role of lawyers in all legal procedures, including external EU borders, is an indispensable safeguard to ensure that every person can access qualified legal advice, properly exercise their rights of defence and have access to effective remedies under the conditions provided for by European Union law and applicable international instruments.

The CCBE hereby:

- Reiterates that the right to asylum and the principle of non-refoulement are fundamental rights that cannot be simply suspended and have to be preserved even in situations of significant pressure on Member States.²

¹ See the activities of the CCBE Migration Committee [here](#).

² See in this regard also the CCBE Statement on recent developments and upcoming EU actions in the field of asylum, 21.11.2024, available [here](#).

- Recalls the importance of the right to seek international protection and the need for all action taken at the borders of the European Union to be conducted in full respect of the standards set by European Union law, the European Convention on Human Rights and applicable international instruments.³ This includes, inter alia, access to effective remedies, an individual assessment of each case and special protection for vulnerable persons. These safeguards can only be fully effective where there is practical and effective access to independent, high-quality legal assistance.
- Emphasises that the Ceuta situation highlights the essential role of lawyers and legal aid in safeguarding fundamental rights at the EU's external borders. Any response to crisis situations must remain firmly anchored in EU law and fundamental rights, and cannot come at the expense of effective access to legal assistance, independent legal representation and meaningful procedural safeguards for those concerned.
- Recalls that contrary to what recent political declarations may suggest, EU law already gives Member States the tools to respond to situations of crisis or force majeure. The Crisis and Force Majeure Regulation, adopted as part of the New Pact on Migration and Asylum, provides a temporary framework for limited procedural derogations and reinforced solidarity, including relocation, financial support and alternative solidarity measures, while preserving the core safeguards of EU asylum and reception law. It also offers flexibility to Member States under exceptional pressure, through temporary adjustments to ordinary procedural rules and support from other Member States. The CCBE calls for these existing tools to be used in practice⁴, rather than responding to every crisis with new instruments that risk further complicating the system and weakening fundamental rights guarantees.
- Recognises the importance of mechanisms enabling lawyers to provide legal assistance from the earliest stages of border, asylum or return procedures; advise persons affected by return decisions; assist them throughout the relevant administrative proceedings; and ensure continuity of assistance before the competent courts during judicial review and appeal procedures. These safeguards make a decisive contribution to the effective protection of fundamental rights and the proper functioning of migration management systems within the framework of the rule of law.
- Highlights in particular the work carried out by the Ceuta Bar and its lawyers, and by the lawyers providing legal aid and legal representation in these proceedings. Their commitment, professionalism and dedication, with the ongoing support of the Consejo General de la Abogacía Española and the CCBE, contribute every day to ensuring that the rights and safeguards recognised by the European legal order are effective for everyone, especially in situations of particular vulnerability.
- Further considers it essential that the lawyers performing these functions have the appropriate means, resources and professional conditions to carry out their work with full

³ See in this regard past CCBE statements, e.g. CCBE Statement on recent developments and upcoming EU actions in the field of asylum, 21.11.2024, available [here](#); CCBE Statement following the deaths of migrants attempting to cross from Morocco to Melilla, 04.08.2022, available [here](#); CCBE Statement on the situation at the EU border with Belarus, 15.12.2021, available [here](#).

⁴ See in this regard also the CCBE Statement on recent developments and upcoming EU actions in the field of asylum, 21.11.2024, available [here](#): "The CCBE is equally concerned by declarations contesting the duty of Member States to apply international and European law in force (e.g. New Pact) and the case law of the Court of Justice."

independence, effectiveness and dignity, for the benefit both of the persons they assist and of the sound administration of justice.

Finally, the CCBE reaffirms its commitment to upholding the rule of law, protecting fundamental rights and ensuring access to justice, recognising the essential contribution of the Ceuta Bar and its lawyers to giving practical effect to these principles at the external border of the European Union.