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## Impact of COVID-19 on the justice field

The coronavirus has brought forth a crisis, which does not stop at borders and affects all areas of our life. European justice is not an exception in this regard.

This page aims to provide an overview of the measures taken within the European Union in relation to the COVID-19 pandemic, which affect the judiciary, national authorities and legal practitioners, but also businesses and citizens.

As the situation is changing rapidly and information on this topic is still evolving, this page will be updated regularly to reflect new developments.

The Council of Europe has also created a webpage on national measures in the justice area in view of the COVID-19 pandemic. You can consult the page [here](#).

### 1. Civil law

#### EJN (in civil and commercial matters)

There may be situations where citizens and businesses need to take procedural action in a cross-border case, but are unable to do so due to emergency measures taken in an EU Member State in order to counter the spread of COVID-19. These measures may result in:

complete or partial suspension of the work of courts and authorities that citizens and businesses might need,

temporary inability to obtain legal aid,

difficulty to access information normally provided by the competent authorities,

Other practical issues, for instance delays in enforcing a decision in a cross-border context or in serving a judicial document,

Temporary adjustments in terms of communication with the public (by email, by phone or by postal mail).

The below table gives an overview of the information provided by the EJN contact points regarding the temporary measures taken in EU Member States

[Comparative table - Covid-19 Impact on civil judicial cooperation](#)  (988 KB) [en](#)

If you need additional information, please consult the webpages of the Ministry of Justice of the Member State for which you need information.

#### EFFECT OF COVID-19 PANDEMIC ON TIME LIMITS

Time limits laid down in the EU legislation on civil judicial and commercial matters are not directly affected by special measures adopted by Member States.

Most deadlines governed by EU law do not have direct consequences when they expire [1], and their expiry in most cases will not lead to any direct consequences for authorities, courts, and citizens except causing potential delays.

In a number of other cases, the EU instruments establishing fixed time limits may also provide exemptions in exceptional circumstances [2], which could cover the current extraordinary situation, when for instance authorities or courts activities are seriously disturbed or even came to a standstill.

However, the expiry of other deadlines provided by EU instruments may deprive citizens or courts from the possibility to take procedural steps, such as appealing against a decision, with irreversible consequences in the judicial proceedings [3] and with no scope for an extension or derogation provided in that particular EU instrument. In such cases, it cannot be presumed from the outset that the circumstances resulting from this crisis justify a derogation from applicable Union law on time limits. At the same time it is clear that the COVID-19 crisis creates an exceptional situation which presents significant challenges for citizens and authorities alike, and may create situations where respecting the obligations set out by Union law is temporarily not possible, or is excessively difficult.

For this reason, the preservation of **effective access to justice** should be an important criterion when assessing:

whether a time limit has expired,

which procedural consequences may arise from its expiry.

For instance, overall restrictions on societal life affecting courts but also postal services as well as the possibility to consult a lawyer and prepare submissions to a court could jeopardize the access of citizens to justice. As a result, depending on the specific circumstances, it may be justified to not count the duration of the crisis towards procedural time limits. This may vary for different situations: if courts operate normally for urgent family law matters because they are a priority, one may insist also on the same deadlines.

In carrying out this assessment, a Member State's decision on time limits being interrupted under national law may serve as an important point of reference (even if not directly legally affecting deadlines provided by EU law) in order to consider whether effective access to justice is hindered to such an extent that the suspension of deadlines may also be considered justified for deadlines provided by EU law.

[1] In particular as regards the cooperation between authorities or courts, for instance deadlines set by Article 6 of [1393/2007 Regulation for the acknowledgement of receipt by the receiving agency](#) or Article 13(4) of [Directive 2002/08 on legal aid](#).

[2] See Article 11(3) of [Brussels II a Regulation](#), or Art 18 of the [EAPO Regulation](#).

[3] See for example Article 15(5) of the [Brussels II a Regulation](#) sets a 6 weeks time limit for another court to accept jurisdiction, resulting otherwise in the court first seized to continue to exercise jurisdiction, Article 6 of the [Service of documents Regulation](#) sets a one week time limit for the recipient to refuse the service of a document, Article 19(2) of the [Maintenance Regulation](#) establishes a 45 days time limit to apply for a review of a maintenance decision etc.

#### Insolvency law

The COVID-19 pandemic and the shutdown of large parts of the economy has led to a drastic drop in the cash-flow of companies and to a threat of mass insolvencies. The table below provides an overview of measures taken by Member States in order to cope with this situation and to prevent insolvencies of viable businesses caused by this temporary shock. Such measures may concern:

substantive insolvency law, including the suspension of the duty (for debtors) and the possibility (for creditors) to file for insolvency or moratoria on the enforcement of claims or the termination of contracts,

procedural insolvency law relating to the interruption of court proceedings, time-periods and various types of time-limitations, and

additional measures directly or indirectly related to insolvency situations of businesses, including, where indicated by Member States, wider measures helping entrepreneurs to get over economic difficulties caused by the COVID-19 pandemic.

[Comparative table on Insolvency related measures in MS after COVID-19](#)  (878 KB) [en](#)

### 2. Criminal law

#### EJN (in criminal matters)

Many Member States have imposed strict restrictions to prevent the spread of the coronavirus. This impacts also the judicial cooperation in criminal matters and the application of EU instruments.

The European Judicial Network (EJN) Secretariat is compiling information regarding international cooperation in criminal matters and is making it available under [the special COVID-19 Section](#) of the [EJN website](#). As the access to some information is restricted, please contact your national contact point or the EJN Secretariat to request these details.

#### **EAW coordination group**

The COVID-19 crisis has an immediate impact on judicial cooperation in criminal matters, such as European Arrest Warrant (EAW) proceedings. During the current crisis, there is a need for a swift and efficient exchange between Member States in the sensitive surrender proceedings. In this context, the Commission has launched, in close cooperation with Eurojust, the [EJN \(in criminal matters\)](#) and the General Secretariat of the Council, an EAW coordination group. The group may also be useful for other situations where a fast exchange between Member States is required, for example in reaction to judgments of the CJEU, having a direct impact on the smooth functioning of the EAW.



#### **Procedural rights of suspects and accused persons**

The COVID-19 outbreak also has an impact on the exercise of procedural rights of suspects and accused persons. Direct communication with lawyers, interpreters or with third persons (while the suspects or accused persons are deprived of liberty) is more difficult. The use of audio- and video conferencing or other remote tools is encouraged. In addition, safety measures should be adopted, such as glass protections at police stations or in detention facilities, in order to enable the exercise of the right of access to lawyer or the right to an interpreter. Also in times of COVID-19, the procedural rights of suspects and accused persons need to be respected in order to ensure fair proceedings. Limited derogations, which are provided for by the directives, if there are imperative requirements, should be interpreted restrictively by the competent authorities and not be employed on a large scale.

#### **Victims of crime - support and protection during the time of the COVID-19 pandemic**

Under [the Victims' Rights Directive](#), Member States are obliged to ensure that all victims of crime have access to general and specialised support services that are confidential, free of charge and respond to victims' individual needs. The access to support and protection that corresponds to victims' specific needs should be available in all circumstances. This also includes the specific situation during the COVID-19 pandemic.

[Protection and support of victims of crime during COVID-19](#)  (411 Kb) 

[Selection of good practices from Member States - protection and support of victims of crime during COVID-19](#)  (561 Kb) 

#### **Victims of domestic violence**

The situation of victims of domestic violence is particularly aggravated by social distancing and isolation during periods of confinement. Persons with an abusive partner and children with abusive parents are on the one hand more exposed to coercive control, violence and neglect and on the other hand, their access to support and protection is more limited.

Member States are encouraged to take special measures of support and protection for victims of domestic violence within their **national COVID-19 emergency schemes**. In particular, it is crucial to ensure effective access to on- and off-line support services, including psychological aid and other social services. Victims of domestic violence in particular should have access to shelters, psychological aid, trauma support and counselling. National enforcement authorities should also be particularly vigilant to the registered and new cases of domestic violence. It is also crucial to ensure physical protection of victims. [Dedicated country-specific pages of the e-Justice Portal](#) provide general information on how victims' support and protection is organised in particular Member States.

#### **Several actors (including EU agencies and support organisations) provide for practical information on how to ensure support and protection to victims during the COVID-19 pandemic situation:**

Information about the closest support services for victims of domestic violence can be found [here](#) (by Women against Violence Europe).

Information about the national women's emergency helplines is available [here](#) (by the European Institute for Gender Equality).

Information on how to set up and provide distance support and advice for victims of domestic violence can be found at [the Victim Support Europe website](#).

The [Fundamental Rights Agency](#) issued a bulletin on the COVID-19 pandemic implications on fundamental rights. It includes examples of good practices from several Member States on how to ensure support and protection to victims of domestic violence.

The [World Health Organisation](#) also provides for a set of tips on how to support and protect victims of domestic violence during a pandemic situation.

#### **Victims of cybercrime**

According to EUROPOL, the COVID-19 pandemic **brings new opportunities for criminals to abuse the fears and working conditions of citizens**. The number of cyber-attacks is significant and expected to increase further. With a number of people teleworking from home, [the chances for cybercriminals to exploit opportunities](#) and vulnerabilities have multiplied.

EUROPOL has prepared [prevention and awareness tips](#) to help the general public stay cyber safe. During these times of increased risks, it is particularly important to use parental control to safeguard child's online activity, secure electronic devices with passwords, PIN or biometric information and buy from reliable online vendors (after checking individual ratings).

More information about staying safe online can be found [here](#).

#### **Victims of hate crime**

The [Fundamental Rights Agency](#) reports an increase in most EU Member States in **incidents of racism, xenophobia and intolerance** targeted at certain national or ethnic communities, which are linked to the COVID-19 pandemic.

Member State efforts regarding victims of hate crime should aim at fostering reporting of hate crime, improving accurate investigation of bias motivations and providing support to these victims.

#### **Situation in prisons**

As a result of the COVID-19 outbreak, national prison administrations are under pressure to limit the impact of the virus on the closed and vulnerable prison environment. Measures to avoid spreading the virus include the temporary suspension of all family visits and activities with outside persons, such as sport, professional or vocational training.

Both, staff and prisoners are concerned about their health. Prisoners suffer from the lack of activities and visits, which makes it a challenge to keep staff motivated and prevent riots by prisoners.

In particular, Member States, which face high rates of prison overcrowding, are compelled to take difficult decisions on a possible early release.

Most Member States have also postponed all physical transfers of prisoners under Council Framework Decision 2008/909/JHA of 27 November 2008.

The Commission aims to support Member States in their responses to address the situation in prisons by facilitating the exchange of information and best practices.

To that effect, reference is made to the list of useful websites below containing data on the issue of COVID-19 in prisons in different EU Member States websites:

**The European Organisation of Prison and Correctional Services (EuroPris)**, an organisation which is co-funded under the European Commission's Justice Programme, has a dedicated page on [measures in European prisons in view of the COVID-19 crisis](#).

At the end of March 2020, EuroPris started a mailing group, bringing together experts (currently totalling 84 experts) and sharing daily updates of all incoming responses and questions.

[Daily updates](#) can also be consulted on their website.

**The Council of Europe's Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)** has published a [statement of principles](#) relating to the treatment of persons deprived of their liberty in the context of the COVID-19 pandemic.

**The Council of Europe's Council for Penological co-operation working group (PC-CP WG)** has published a COVID-19 related statement, in [English](#) and [French](#).

More information related to COVID-19 and prisons and probation can be found on the **Council of Europe's web site** including the latest *Statistiques Penales Annuelles du Conseil de l'Europe (SPACE)* 2019.

**IPS Innovative Prison Systems** has issued a Basic Guide for Decision-Makers on Worldwide Practices and Recommendations, [COVID-19 Pandemic Response Fighting the invisible threat in prisons](#), *Joana Apóstolo, Rita Martins and Pedro das Neves*

**The UN Subcommittee for the Prevention of Torture (SPT):**

At its last February session, the SPT [issued an advice](#) to National Preventive Mechanisms (NPMs) on the issue.

On 30 March 2020, the **SPT** has issued [detailed advice](#) on a range of actions governments and independent monitoring bodies should take to protect people deprived of their liberty during the COVID-19 pandemic.

The **Association for the Prevention of Torture (APT)** has launched an [information hub](#) compiling and systematising data on deprivation of liberty and COVID-19.

**Penal Reform International (PRI)** has published a briefing note, [Coronavirus: Healthcare and human rights of people in prison](#)

The **European Prison Observatory (EPO)**, a network of European NGOs coordinated by Antigone since 2012, has collected information on how European countries are dealing with the virus, including a report "COVID-19: what is happening in European prisons?" and an interactive map with brief information for each Member State.

**The WHO Regional Office for Europe** has published [interim guidance](#) on how to deal with the COVID-19 in prisons and other places of detention.

**The Council of Europe Commissioner for Human Rights**, has made a statement on

[COVID-19 pandemic: Urgent steps are needed to protect the rights of prisoners in Europe](#).

#### Probation

The outbreak of the COVID-19 has also an effect on the work of probation in the EU. Organisations create new ways of working and provide additional instructions for staff in managing their work and responsibilities. The **Confederation of European Probation (CEP)**, an organisation which is co-funded under the European Commission's Justice programme, publishes information, measures and protocols on [how probation services all over Europe are dealing with the COVID-19 outbreak](#).

They have identified common practices and developed recommendations on COVID-19 in the Probation sector:

Probation services across the EU follow and comply with the advice and guidance provided by national authorities to keep not only probation personnel and persons subject to supervision safe but also the wider community;

Communication among probation staff as well as with other stakeholders is done remotely by phone, mail or videoconferencing. Probation organisations who already have a digital infrastructure are in an advantageous situation;

Face-to-face meetings between probation staff and offenders are replaced by remote contacts via mail, phone or video conferencing;

Dealing with high risk offenders is a main priority for Probation organisations in the EU. Higher risk offenders are identified and prioritised for supervision and intervention/treatment purposes, especially those with history of domestic abuse;

In most of the countries community service has been stopped or postponed;

Electronic monitoring continues as usual, physical meetings are replaced by phone calls or other online tools;

To put more people under probation must never lead to probation overcrowding and irresponsible pressure on the probation officers caseload. Alternative sanctions must be meaningful and used properly in order to avoid mass supervision;

As court sessions are being postponed, it is expected that after the COVID-19 pandemic there will be increased pressure on writing and delivering pre-sentence reports, thus having a direct impact on the probation officers' daily work;

All probation organisations in the EU are concerned and ask to draw attention to the most likely increase of domestic violence cases.

### 3. Use of digital tools by the judiciary

A number of Member States have made a move to strengthen the use of digital tools by the judiciary in view of the crisis caused by the coronavirus.

The below table provides information about the temporary measures taken in Member States:

[Digital tools used by the judiciary](#)  (193 KB) 

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