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## THE JUDICIAL OFFICER AT YOUR SIDE TO RESOLVE THE COVID-19 CRISIS

On the occasion of the **13<sup>th</sup> WORLD DAY** of the judicial officer, the UIHJ organizes on **11<sup>th</sup> June 2020** a free webinar from 10.00 to 12.00 (FR) and from 14.00 to 16.00 (EN)\*. Registration can be made via the website [www.uihj.com](http://www.uihj.com)



\*Paris time (CET)

# Journée mondiale de l'huissier de justice 2020 World Day of the Judicial Officer 2020



# Brief presentation of the UIHJ

- International non-governmental organization
- Created in 1952
- Today, there are 93 national associations or chambers from 89 countries
- Member of the UN Economic and Social Council
- Observer member of UNCITRAL and HCCH
- Permanent observer member of the CEPEJ
- Founding member of the European Law Institute (ELI)
- Technical Partner of the OHADA
- Participation in expert missions funded by the World Bank, the IMF, the Council of Europe, the European Union and USAID



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# 13<sup>th</sup> World Day of the Judicial Officer



# The UIHJ position paper

- How can judicial officers help overcome the economic crisis linked to the COVID-19 pandemic?
  - UIHJ position during the containment period
  - UIHJ position after containment period
    - Economic and social issues
    - Legal issues
  - The solutions proposed by the UIHJ



# UIHJ position during containment

- There are many sanitary risks
- The UIHJ encourages the suspension or limitation of enforcement measures for the duration of the containment, unless there is a pressing need
  - A human and moral need in the face of a crisis of unprecedented proportions
  - A practical necessity, containment imposing health rules not compatible with the effective implementation of enforcement measures



# UIHJ position after containment

## Economic and social issues

- Bankruptcies, unemployment, over-indebtedness
- Non-enforcement will lead to serious cash flow problems for SMEs
- Today's creditors risk becoming tomorrow's debtors
- "Domino" effect in the event of a moratorium on enforcement - why paying debts?
- Economic operators will lose confidence in the legal system
- There needs to be a balance between the rights of the creditor and the rights of the debtor
- We need to get out of this view of "virologist" only and we must take into account the economic, social and legal aspects to try to find the right balance.





# UIHJ position after containment

## Legal issues

- The right to enforcement within a reasonable time (*Hornsby v. Greece*) on the basis of Article 6-1 of the European Convention on Human Rights
- The judicial officer is an essential element of the rule of law (*Pini et al. v Romania*)
- Suspension of enforcement only for the time strictly necessary to find a satisfactory solution in the fight against COVID-19
- Risk of conviction of states by the European Court of Human Rights
- Avoid the use of any form of "private justice"
- Suspending the enforcement of court decisions = an attack on the rule of law



# The solutions proposed by the UIHJ

- The need for enforcement of court decisions
- The state must ensure the legal security that is combined with the rule of law
- **"Legal certainty is the right to the judge; the right to the judge is the right to a court decision; the right to a court decision is the right to enforcement; the right to enforcement is the right to the judicial officer. »**
- The judicial officer is not only the professional for the enforcement of court decisions, but he's also mediator and conciliator





# The solutions proposed by the UIHJ

**Based on its experience, the UIHJ considers that any extension of the postponement of enforcement procedures of court decisions, after the end of a confinement period, would conflict with efforts being taken by the states to overcome the dramatic consequences, of the economic crisis linked to the COVID-19 pandemic.**

**The enforcement agent provides the state, the law and the economy with the benefits of a competent, accountable and efficient professional, capable of sustaining future economic prosperity.**



# And the UIHJ ...?

- To defend the profession of judicial officer at international level
- To offer our expertise in the field of enforcement
- Attending of online conferences
- Organization of webinars
- To encourage the National Chambers to promote an expansion of judicial officers' activities (multi-functionality)
- To ensure and sustain the role of the judicial officer in new technologies (A.I., blockchains, digital assets,...)



# Thank you for your attention!

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