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EuroMed Justice III Project

COMPONENT I: ACCESS TO JUSTICE AND LEGAL AID WORKING GROUP 1.1.4 Fourth Meeting

PREPARATION OF A HANDBOOK

Handbook which identifies and describes possible approaches and best practices to improve access to justice and legal aid

The Hague (NL), 12-14 February 2013

Final Conclusions

The 4th meeting of the Working Group I on the component “Access to Justice and Legal Aid” of the EuroMed Justice III Project of the European Commission, funded by the European Union, was held on 12-14 February 2013 in The Hague, the Netherlands.

The participants were members of the delegations of the following Mediterranean countries: Algeria, Egypt, Israel, Jordan, Lebanon, Morocco and Tunisia.

The meeting was opened by Ms Else Riep, European and International Affairs Department, Ministry of Security and Justice, Dutch National Focal Point for the EuroMed Justice III Project, and by Mr Andrés Salcedo Velasco, Team Leader of the EuroMed Justice III Project, who welcomed the participants. Part of the meeting was attended by Mr Alonso Hernández-Pinzón, as representative of the Council of Bars and Law Societies of Europe (CCBE). The meeting was closed by Mr Andrés Salcedo Velasco.

A summary of the work carried out during the first three meetings, the methodology to be followed during this fourth meeting and the main topics suggested for discussion were introduced by the Project Team experts and the main short-term expert, Mr Georges Assaf, who in charge of this Working Group.

Furthermore, two presentations were made during the meeting. The first one on “Access to justice, legal aid and the most vulnerable groups: the role of the lawyers” was made by Mr Fernando Piernavieja, Lawyer, Chairman of the Access to Justice Committee of the Council of Bars and Law Societies of Europe (CCBE). During his presentation, the speaker explained the main problems to be tackled from the lawyers’ practical point of view in order to guarantee an effective access to justice for the most vulnerable groups. In this respect, he highlighted topics such as the importance of training to guarantee an adequate and specialised training of the lawyers in charge of dealing with cases where vulnerable groups could be involved, the importance of having adequate skills for appropriate communication with them, especially in case of children or victims, the necessity of providing a comprehensive information from the very beginning and, to this end, to use a comprehensive language to facilitate understanding, the advisability of guaranteeing a multilateral approach when needed (Psychologists, Social workers, etc), among others.

The second presentation dealt with “Access to justice of the most vulnerable groups: The Dutch experience” and was delivered by Mr Peter van den Biggelaar, Dutch expert from the Legal Aid Board, Ministry of Security and Justice, the Netherlands. During this presentation, Mr Van den Biggelaar presented the main characteristics of legal aid in The Netherlands. In particular, the speaker introduced topics such as: the main players involved in the procedure, how legal aid is

provided, why they invest in first and secondary line service, the differences between both, who are the providers of the Legal Service Centre, quality measures or duty lawyers scheme, among others.

Both presentations were followed by an interesting and lively debate.

The most relevant sessions of the meeting were devoted to discussing different topics suggested in order to make progress in preparing the handbook.

The representatives of the Mediterranean countries present in the meeting took then the floor to make a presentation on the current situation in this field in their respective countries. These presentations were followed by an open debate.

Considering the objectives of this meeting and taking into account the recommendations made during the working sessions and the debate, the participants are of the opinion that this fourth meeting gave them the opportunity:

- a) To continue the debate and the overall approach to the handbook which identifies and describes possible approaches and best practices to improve access to justice and legal aid.
- b) To follow the methodology agreed during the first three meetings and, in this context, to have the opportunity to listen to the different approaches and experiences of the beneficiary countries attending this meeting regarding the topics on the agenda.
- c) To analyse and agree on the working documents prepared by the main short-term expert, Mr Georges Assaf, based on the work developed during the third meeting of this working group held in Sofia. The participants had the opportunity to contribute useful comments to this document.
- d) To finalise the discussion and agreements on some topics pending discussion concerning approaches and best practices on the simplification of the procedures, oral proceedings and alternative dispute resolutions methods, started during the third meeting. In this respect, the topics discussed were, among others: Mediator's statute, quality and self-regulation of the mediation, main institutions involved in the procedure, performance of the mediator, responsibility of the mediator, cost of the mediation, special regulation in cases of cross-border cases' enforcement , mediation and pre-trial advising, etc.
- e) To start the discussion on Approaches and best practices on "Access to justice and legal aid: underprivileged social groups", with a special reference to children, victims, women and disabled people.
- f) To further strengthen cooperation among the Euro-Mediterranean Partners in the field of justice.
- g) To reach further agreement on the contents of the handbook that should be produced by this Working Group at the end of its 5 meetings.
- h) To start a discussion on the topics that will be dealt with during the training sessions and study visits in the second phase of the project.

Participants also expressed the intention:

- ❑ To further reinforce the dialogue and to continue to work together in between the five meetings devoted to this component in order to produce the handbook expected at the end of their work. To this end, they could use the virtual platform on the EuroMed Justice III project website.
- ❑ To inform the relevant authorities and institutions in their respective countries of the results of this WG meeting so that they can also benefit from the experience gained during this meeting.

Finally and taking into account the main objective of this working group - the handbook - and considering that the work will be developed during 5 working group meetings, the last one being in April 2013, the participants agree to continue, if necessary, the discussion on this topic during the next meeting without prejudice of the possibility for them of being in contact with the expert,

project team and between themselves through the above-mentioned virtual platform on the project website.

The participants have also been informed that the fifth and last meeting of this Working Group is planned to take place on 9-11 April 2013.

Participants agree with the conclusions of this meeting.

Participants are grateful to the Dutch Ministry of Security and Justice, to the Directorate-General Development and Co-operation – EuropeAid, European Commission, and to the Project Team for organising this meeting.

The Hague, 14 February 2013