



Project funded by the  
European Union

## EUROMED JUSTICE III PROJECT



### COMPONENT I ACCESS TO JUSTICE AND LEGAL AID

#### EP TS 1.4 Training Seminar

**“Judicial policy, governance and competences of the Judiciary,  
and quality of Justice”**

Lisbon (PT), 21-23 October 2014

#### Agenda



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### COMPONENT I

#### ACCESS TO JUSTICE AND LEGAL AID

#### TS 1.4: Fourth Training Seminar

**“Judicial policy, governance and competences of the Judiciary, and quality of  
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### AGENDA

#### Monday 20 October 2014

19.30 – 21.00 Dinner for the representatives of the ENPI South partner countries.

#### Tuesday 21 October 2014

09.00 – 09.15 **Registration of participants.**

09.15 – 09.30 **Welcome speeches**

*Patricia Albuquerque FERREIRA, Deputy Director-General, Directorate-General for  
Justice Policy, Ministry of Justice, Portugal.*

*Andrés SALCEDO VELASCO, Team Leader of the EuroMed Justice III Project, Barcelona  
(ES).*

09.30 – 09.45 **Presentation of the EuroMed Justice III Project. Main topics suggested for discussion,  
the working programme and the methodology that will be applied during the  
seminar.**

*Andrés SALCEDO VELASCO*

*José María FERNÁNDEZ VILLALOBOS, Course Manager of the EuroMed Justice III  
Project, Barcelona (ES).*

- 09.45 – 10.45 **Governance and competences of the judiciary: which are the current international models and relevant tendencies regarding distribution of governance competences between the Judiciary and the justice administration? (I)**
- Introductory Session
- Andrés SALCEDO VELASCO*
- José María FERNÁNDEZ VILLALOBOS*
- 10.45 – 11.15 Coffee break
- 11.15 – 13.30 **The European scenario: special reference to the opinion number 10 of the CCJE**
- Orlando ALFONSO*, Representative of the Consultative Council of European Judges, Cassation Court Judge, Portugal
- Debate
- 13.30 – 14.30 Lunch
- 14.30 – 16.00 **Open reflexion on: Governance and competences of the judiciary: which are the current international models and relevant tendencies regarding distribution of governance competences between the Judiciary and the justice administration? (II)**
- Jean FAHED*, Judge, President of the High Council for the Judiciary, Lebanon ; and *Hany Fathy GEORGY ABDELMALEK*, Appellate Judge at the Court of Appeal, Department of International Cooperation, Ministry of Justice, Egypt.
- 16.00 – 16.30 Coffee break
- 16.30 – 17.30 **The ENPI SPC scenario: the new Moroccan experience, the new Tunisian Constitution, the Judicial Authority in the new Egyptian Constitution, the Jordanian model, the Israeli model and the Lebanese model regarding the distribution of governance competences between the Judiciary and the justice administration. (I)**
- (ENPI SPC Representatives)
- Debate

**\*\*\* End of the day \*\*\***

## **Wednesday 22 October 2014**

09.30 – 11.00 **The EU scenario: recommendations of the European Network of Councils for the Judiciary (ENCJ). Present and future evolution in the EU MS regarding the models of distribution of competences between the Council for the Judiciary, the Ministry of Justice and other actors of the Judiciary.**

*Geoffrey VOS*, Tt. Honourable Lord Justice, Royal Courts of Justice, London, United Kingdom. Representative of the European Network of Councils for the Judiciary.

Debate

11.00 – 11.30 Break

11.30 – 13.00 **What are the more relevant tendencies regarding the distribution of governance competences concerning the Judicial Power and the Administration of Justice?**

*Virgil Ivan CUCU*, Senior Lecturer, European Centre for Judges and Lawyers, EIPA Luxembourg.

13.00 – 14.30 **Lunch**

14.30 – 16.00 **Role and position of the Prosecutors regarding the distribution of competences between the Council for the Judiciary and other players.**

*João Manuel DA SILVA MIGUEL*, Deputy Prosecutor General, Supreme Court, Portugal; Former President of the Consultative Council of European Prosecutors (CCPE)

Debate

16.00 – 16.30 **Coffee break**

16.30 – 17.30 **The ENPI SPC scenario: the new Moroccan experience, the new Tunisian Constitution, the Judicial Authority in the new Egyptian Constitution, the Jordanian model, the Israeli model and the Lebanese model regarding the distribution of governance competences between the Judiciary and the justice administration. (II)**

(ENPI SPC Representatives)

Debate

**\*\*\* End of the day \*\*\***

## **Thursday 23 October 2014**

- 09.30 – 11.00    **Model of distribution of competences between the Council for the Judiciary, the Ministry of Justice and other actors of the Judiciary - The host country experience.**
- Renato GONZALVEZ*, Deputy Director-General, Directorate-General for Justice Policy, Ministry of Justice, Portugal.
- Debate
- 11.00 – 11.30    Coffee break
- 11.30 – 13.00    **Workshop: Overview of the situation regarding distribution of competences in the ENPI SPC between the Councils for the Judiciary and the Ministries of Justice: a comprehensive table of competences.**
- Andrés SALCEDO VELASCO*
- José María FERNÁNDEZ VILLALOBOS*
- Debate
- 13.00 – 14.00    Lunch
- 14.00 – 15.00    **The ENPI SPC scenario: the new Moroccan experience, the new Tunisian Constitution, the Judicial Authority in the new Egyptian Constitution, the Jordanian model, the Israeli model and the Lebanese model regarding the distribution of governance competences between the Judiciary and the justice administration. (III)**
- (ENPI SPC Representatives)
- Debate
- 15.30 – 16.00    **Workshop: Legislative Programme concerning the Judiciary and the Justice Administration. A common programme.**
- Andrés SALCEDO VELASCO*
- José María FERNÁNDEZ VILLALOBOS*
- Debate
- 16.00 – 16.15    Break

16.15 – 16.45 **Plenary session, debate, conclusions.**

*José María FERNÁNDEZ VILLALOBOS*

16.45 – 17.00 **Closure of the seminar**

*Andrés SALCEDO VELASCO*

**\*\*\* End of the training seminar \*\*\***

## GENERAL INTRODUCTION

### The project

The EuroMed Justice III project funded by the EU with a budget of € 5 million over the period 2011-2014 (extended until March 2015), follows the success of EuroMed Justice I and II such as the development of a Euro-Mediterranean area of cooperation in the field of justice by supporting the development of the partners' capacity and backing the modernisation of justice, including an improved access to justice.

This project is being implemented by a consortium led by the European Institute of Public Administration (EIPA) and composed of FIIAPP (*Fundación Internacional y para Iberoamérica de Administración y Políticas Públicas*), IRZ (*Deutsche Stiftung für Internationale Rechtliche Zusammenarbeit*) and SOFRECO (*Société Française de Réalisation d'Etudes et de Conseil*). EIPA Barcelona is the Programme Management Unit for the EuroMed Justice III Project.

The beneficiaries of this project are the ENPI South countries: the People's Democratic Republic of Algeria, the Arab Republic of Egypt, Israel, the Hashemite Kingdom of Jordan, Lebanon, the Kingdom of Morocco, Palestine, the Syrian Arab Republic (formally part of the project even if there is a partial and temporary suspension of the EuroMed Justice III project in terms of Syrian participation), the Republic of Tunisia and Libya, as new ENPI South Beneficiary Country of the Project.

The EuroMed Justice III project addresses in particular issues related to the themes of Access to justice and legal aid, Resolution of cross-border family conflicts and Criminal and penitentiary law.

The project activities mainly consist in carrying out Working Groups (1<sup>st</sup> phase) and in organising Training sessions and Study visits covering the 3 components of the project (2<sup>nd</sup> phase and extension period). Research Reports and Handbooks were produced during the 1<sup>st</sup> phase and training materials were presented during the second phase of the project.

### The training seminar

This seminar takes place under the first main component of the project "Access to Justice and Legal Aid".

The title of this fourth seminar is "Judicial policy, governance and competences of the Judiciary, and quality of Justice".

The project phases developed so far have shown that **one of the institutional factors that are not clearly resolved in the region is the division of governance powers** -constitutional and legal - of the Judiciary and the Administration of justice between the various institutional actors and powers. Undoubtedly this is due to its complexity and examples of this can also be found in the EU MS. **This is a very topical issue due to recent changes**, including constitutional ones that

occurred in the region, directly or indirectly produced by the Arab Springs. Moreover, the problems resulting from this confrontation decisively **affect** the development and improvement of governance and **quality in the field of justice**, not only at the internal operational level but also in international cooperation with the Justice sector in these countries, especially in the framework of bilateral cooperation between the EU and the ENPI SPC. This will be an opportunity to exchange experiences in this field at regional level.

A proper identification in the short and medium term of the players and their respective roles and capacities, the **models of interaction between Councils for the Judiciary, Ministries of Justice and Judicial Independence**, will necessarily have an impact on improving further development. We should focus on this key point and **analyse the various models in place** in the ENPI South Partner countries and compare them with models and evolution occurred in the EU MS, while approximating them to "standard" trends in these fields and identifying the thorniest issues and the best regional examples at horizontal level. This way, participants will be able to compare the pros and cons of each model in relation to the regional context, while the EU and the beneficiary countries could better identify specific needs and opportunities – both current and future - for legislative technical assistance in the framework of mutual cooperation in this field.

This activity aims to provide **an analysis about the construction of the legislative agendas** of the EU and the EU MS and their **legislative strategies and action programmes** within the remit of EU competences and of the EU MS Ministries of Justice in relation to the contents of judicial policies and administration of justice.

This should make it possible to carry out a **comparative overview** of the ENPI South Partner countries' comprehensive legislation, their similarity, their shortages, their convergence or divergence from the European "standard" and the standard in place in other countries of the region.

This activity should allow the EU and the beneficiary countries **to better identify specific needs** and opportunities - both current and future - for legislative technical assistance in the framework of mutual cooperation and the project contents.

During this seminar we are going to share the international experts' opinion and the participants' approach on these topics from their own perspective, experience and respective competences. Through an in-depth and detailed discussion, we will know the current situation related to the topics under discussion.

Thanks to this seminar, we will get to know the different features prevailing in the region and we will learn from each other through the different experiences and viewpoints of the participants.

## **The working method**

Participants should be aware that they are the main players in the training seminar as they will be able to share their respective experience and views related to the topics under review.

We expect the experts participating in this seminar to have an in-depth knowledge of the topics under discussion and to be able to provide us with a detailed vision of the current situation in their respective countries. We also expect them to have previously prepared themselves for the discussion in order to achieve the most fruitful results.

In this context and to ensure a good preparation, the Project Team will send the participants, at least two weeks before the date of the seminar, the agenda, the documents and a list of the relevant documents on the topics addressed. These documents will also be made available on the EuroMed Justice III project website for the participants to download them.

We should not forget that although it is the expert who will determine the framework of the presentation, the objective of the training seminars is not just a transfer of knowledge, but rather to give the participants the possibility to share their experience and viewpoints on the issues being addressed. This methodology will then enable them to take advantage from the experience of the other colleagues and, in our opinion, the working atmosphere should facilitate relationships between the participants. In this respect and in order to trigger the debate, practical cases or workshops will be introduced in the different training seminars depending on the topics being discussed.

The quality of the various sessions will be assessed by means of evaluation forms distributed to the participants at the end of the seminar. After each training seminar, its results will be evaluated by the participants, including the subjective perception that they have both about the contents and the trainers.

## **Experts**

Four (4) experts from each ENPI South partner country are expected to attend each training seminar.

## **Target group**

This seminar is especially intended for policy makers in the Ministry of Justice or equivalent, representatives of the Councils for the Judiciary/Supreme Court, Prosecution Office, and representatives of Bars Societies or highly specialised ONGs, with the intervention of representatives from EU networks or agencies (ENCJ, COE, etc )

In addition Judges, lawyers and prosecutors, high officials from the ministries of Justice and High Council, or trainers from judicial/prosecutorial/lawyers training institutions and representatives from non-governmental actors dealing with the issues covered by the seminar are welcome to attend.

More particularly, for this seminar it would be advisable that the participants, in so far as possible, have a strategic vision and expertise/competence or experience on the topics under discussion.

The experts should have the appropriate profile, a comprehensive knowledge and vision, and a sound experience in this field. They should also be willing to make an effective contribution to the training seminar.

The quality of the experts proposed is the main guarantee that our joint efforts during the seminar will allow us to get an overview of the situation in the fields addressed and to exchange useful, reliable and accurate information.

### **Documentation**

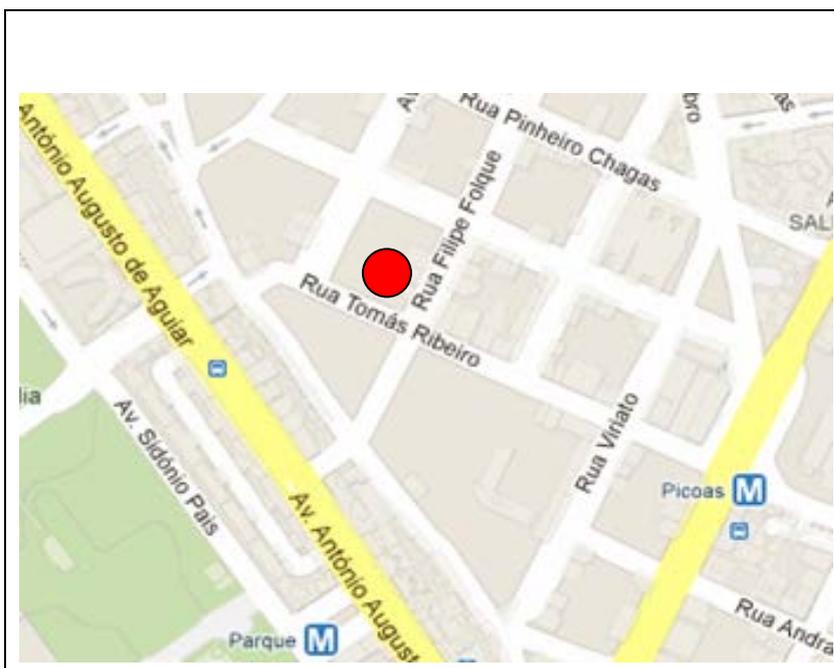
A list of the basic documentation that is available online on the project website will be sent in advance to the participants. This will be, among others:

- Relevant international documentation on the topic produced by the European Union, the Council of Europe, the United Nations, etc.
- Other documents, possibly those provided by the participants of the ENPI South partner countries.
- Working documents
- Reading documents.

### **Working languages**

English, French and Arabic, with simultaneous interpretation during the whole seminar.

### **Venue and accommodation**



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