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LEGAL AID

CONCLUSIONS AND RECOMMENDATIONS

*1st SEMINAR ON GOOD PRACTICES AND MODELS IN
IMPLEMENTING LEGAL AID*

LUXEMBOURG (LU), 2nd – 5th October 2017

Lead Firm / Chef de file





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1ST SEMINAR LEGAL AID – LUXEMBOURG

October 5, 2017

LEGAL AID CONCLUSIONS AND RECOMMENDATIONS

The 1st Legal Aid Seminar, under the component *Cooperation in civil matters (Activity 12)* of the EuroMed Justice Project funded by the European Union, was held during 2-5 October 2017, in Luxembourg.

1. Participants

The 4-day session was attended by:

- Representatives of the Justice Ministries, Bar Associations and Civil Society Organisations from eight South Partner Countries: *Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestine and Tunisia.*
- EuroMed Justice PMT
- Short Term Experts involved in Elaboration of a Regional Study updating the chapters addressing LEGAL AID from the “*Handbook which identifies and describes possible approaches and best practices to improve access to justice and legal aid*” developed during the EuroMed Justice III Project.

2. Objectives

The seminars' objective were to develop the capacity of the relevant stakeholders involved in the implementation of legal aid, as well as on law drafting, in line with international standards and on harmonisation of national legislation with international norms. To define the scope of the Regional Study.

The participants in the seminar were involved in the updating of the Regional Study on the new legal aid developments in the South Partner Countries together with a list of standards and good practices which can be adopted at national level.

Main objectives of the 1st Seminar were:

- 2.1. To define the scope of the Regional Study on legal aid
- 2.2. To agree on the methodology, the expected inputs-outputs and the possible questionnaire for the SPCs.
- 2.3. To give the feedback on the content of the experts opinions.
- 2.4. To clarify the questions from experts or other participants to the seminar.
- 2.5. To identify the model of jurisdiction applicable in each country over legal aid
- 2.6. To clarify how legal aid systems function.
- 2.7. To exchange experiences with regional and European partners

3. Conclusions and Recommendations

In view to support the drafting of the Regional Study on Legal Aid the following **recommendations are adopted:**

- 3.1. The EuroMed Justice Regional Study on Legal Aid updates and complements the EuroMed Justice III 2013 Handbook, which identifies and describes possible approaches and best practices to improve access to justice and legal aid
- 3.2. The Regional Study should be drafted for the use and support of the entities involved in the provision of Legal Aid – justice ministries, courts, prosecution offices, bar associations, civil society's organisations and NGOs.
- 3.3. Recommended inputs: the questionnaire drafted by the experts, SPCs comments to the draft questionnaire, SPCs answers to the revised questionnaires, national papers, SPCs representatives' interventions, comments, proposals formulated during the 1st session, available reports, studies, and researches
- 3.4. EuroMed Justice Regional Study should present practical - systematic suggestions on how to initiate and follow through the processes of providing legal aid taking into account the minimum standards and minimum guarantees identified at Mediterranean and European levels.
- 3.5. The Regional Study should take into consideration the SPCs practical experiences and their established national case law.
- 3.6. *Inter alia*, the Study will identify the models of cooperation and coordination among Justice Ministries, judicial authorities, Bar's Associations, Civil Society Organisations, NGOs.
- 3.7. Regarding the European standards, particular attention should be given to the provisions of the European Convention for the Protection of Human Rights and fundamental Freedoms, the EU Charter of Fundamental Rights, the EU Directives and Recommendations regarding the protection of the procedural rights in criminal proceedings together with the relevant case law developed in this respect by the European Court of Human Rights (Strasbourg) and the Court of Justice of the European Union (Luxembourg).
- 3.8. The EuroMed Study should offer systematic guidance on best practice for initiating and following-up of Legal Aid process.
- 3.9. The Study may contain summaries, case studies and quotes from other reports, research, studies and examples of the best practices from organisations specialised in Legal Aid.

- 3.10. The Study will also refer to existing resources to prevent duplication.
- 3.11. The Study will provide **Recommendations**.
- 3.12. Based on the Study findings and its recommendations the 2nd Legal Aid Seminar will propose a **Road Map** for their implementation and for a **Monitoring Mechanism**.
- 3.13. Seminar participants expressed their strong commitment and recommend to maintain, in the framework provided for by the EuroMed Justice – the web site legal aid forum area - a strong contacts and coordination among them.

4. Deliverables

- 4.1. Experts' Draft of the **Regional Study** on good practices and models in implementing legal aid to be presented at the 2nd LEGAL AID Seminar, (2018, July)

5. Timeline/Schedule

- 5.1. Replies from SPCs: 20 November 2017**
- 5.2. Draft study: by March 2018**
- 5.3. Revision of draft study: April 2018**
- 5.4. Final version: by May 2018**

Luxembourg, 5 October 2017