



Working groups

The working groups will focus on specific aspects of access to justice and how they can be improved, despite existing economic constraints. Each parallel session will be introduced by a panel of practitioners who will present promising practice examples, explore innovative models and raise key questions. Discussions will then continue in an interactive format aimed at pooling and sharing experience between participants on the strengths and weaknesses of different solutions, their practical implementation, as well as strategies to raise public awareness about fundamental rights and available pathways to justice.

The following five thematic working groups will cover key areas addressed at the conference:

Working group I: Raising legal awareness: new opportunities in the age of e-technologies?

Working group II: Rights of victims of crime in times of economic austerity

Working group III: Ensuring access to a lawyer and access to legal aid

Working group IV: Strengthening access to justice through bodies with human rights remit

Working group V: Towards effective mediation policy making

Working group I: Raising legal awareness: new opportunities in the age of e-technologies?

Chaired by: Dick Heimans, Deputy Head of the Criminal Law Unit, DG Justice, European Commission

The use of information technology to raise legal awareness and hence improve access to justice is developing rapidly at both European Union (EU) and national levels. Electronic tools provide targeted e-services, including, for example, online information on the existing justice system, e-complaint forms and databases, online handling of individual complaints and the use of video technology. They are often quicker and cheaper than the traditional paper-based systems and particularly well-placed to facilitate access to justice in cross-border scenarios.

Yet, there are limits to the reach of such tools, especially since not all segments of society are sufficiently proficient in or willing to make use of e-technology. The lack of access to the Internet may also negatively affect some individuals, in particular the most vulnerable groups. At the same time, in the context of the often severely restrained budgets of national governments in the EU, investments in new e-technologies have been reduced.

This working group provides an opportunity to discuss new models and tools offered by e-technologies at EU and national levels and their impact – both positive and negative – on access to justice in the face of economic crisis.

Questions for debate:

Raising legal awareness – many new tools, but what are their practical effects? By being easier to use do they create more or less work? If they enable users to better understand mechanisms is the result that less time is wasted as people know where to turn for help?

What tools work best? Distinguish between EU and national tools – can successful national or EU projects be easily replicated in other countries/at EU level?

Does austerity mean less investment in these tools, or is austerity used as an argument for a need for more efficiency of justice, and thus more e-tools are needed?

Panellists:

Ben Hagard, Head of Communication Unit, Office of the European Ombudsman

Sabina Klaneček, IT and e-Services Directorate, Ministry of Justice and Public Administration, Slovenia

Ronald van den Hoogen, Program manager Innovation and e-Justice, Ministry of Justice and Security, the Netherlands

Martin Öövel, Head of Division of Information Systems and Work Processes, Department of Judicial Administration, Ministry of Justice, Estonia

Martin Schneider, Deputy Director General, Ministry of Justice, Austria

Working group II: Rights of victims of crime in times of economic austerity

Chaired by: Nathalie Griesbeck, Member of the European Parliament, Committee on Civil Liberties, Justice and Home Affairs (LIBE)

In the light of the current economic crisis and the potential impact on resources, it is particularly important to recognise that all persons falling victim to crime in the EU have fundamental rights such as to access justice and receive support – regardless of legal status, country of origin or nationality. Persons who become victims of crime in a country other than their own often face additional problems when trying to access justice, such as dealing with language barriers, an unfamiliar criminal justice process and victim support mechanisms. The quality of information provided to victims of crime (in a language they understand) is a key factor in allowing them to access justice, as is assistance with handling expenses and awarding of compensation (which is generally extremely low and reportedly even more problematic in cross-border cases).

This working group will also focus on highlighting promising practices and challenges in the area of victim support, with a view to identifying effective and cost-efficient ways of implementing the new EU Directive (Measure A of the Victims' Roadmap) establishing minimum standards on the rights, support and protection of victims of crime in all EU countries. The discussions will provide input to the FRA's for ongoing project on Victim support services.

Preparing for the debate, we would like to encourage all participants to think about promising practice examples in your country/field of work that you could share with the group. The working group will also be a good opportunity to share ideas and experiences.

Panellists:

Ingrid Bellander-Todino, Team Leader 'Victims' Rights', DG Justice, European Commission

Frida Wheldon, Head of Policy, Victim Support Europe

Lisa Kennedy, Chief Executive Officer, Tourist Assistance Service, Ireland

Carmen Rasquete, Project Manager, Association for Victim Support (APAV), Portugal

Vlasta Langhamerová, Member of the Board, White Safety Ring (Bílý kruh bezpečí) – Victim support organisation, Czech Republic

Joanna Goodey, Head of Department, Freedoms and Justice, FRA

Working group III: Ensuring access to a lawyer and access to legal aid

Chaired by: Tadeusz Zwiefka, Member of the European Parliament, Committee on Legal Affairs (JURI)

Ensuring access to a lawyer and effective legal aid across the EU raises particular challenges for the EU Member States, especially in times of economic crisis. More and more people are faced with scarce resources when seeking justice. It is thus particularly important to guarantee legal aid as a fundamental safeguard towards equal access to justice for all, especially for those who lack sufficient resources.

In the framework of the Stockholm Programme, a proposal on a new legislative instrument on access to a lawyer in criminal matters is currently being discussed at the European Parliament and the Council of the EU. A report on the application of the Directive 2003/8/EC on legal aid in cross-border disputes has been recently published by the European Commission. In this context, the working groups will discuss the challenges of ensuring access to a lawyer and effective legal aid in all areas, civil as well as criminal. Special consideration shall be given to cost effective practices and emerging innovative solutions in EU Member States. Further opportunities will be explored, such as the role of the non-governmental actors and private sector, including legal expenses insurance and pro-bono work.

At the working group we aim to highlight the challenges, discuss the member states practices and reflect together with the participants on practical solutions to ensure equal access to legal aid in times of economic crisis. Preparing for the debate, we would like to encourage all participants to think about promising practice examples in your country/your field of work that you could share with other participants. The working group will be a good opportunity for knowledge and good practice exchange.

Panellists:

Edouard De Lamaze, Member of the European Economic and Social Committee (EESC), France

Costas Pamballis, Judge, Supreme Court, Cyprus

John Wadham, General Counsel, Commission for Equality and Human Rights, United Kingdom

Fernando Piernavieja Niembro, Chair of Access to Justice Committee, Council of Bars and Law Societies of Europe (CCBE)

Nuala Mole, Senior Lawyer, The AIRE Centre - Advice on Individual Rights in Europe

Costanza Hermanin, Programme manager, Open Society Justice Initiative

Staffan Moberg, Senior Legal Adviser, Insurance Sweden

Working group IV: Strengthening access to justice through bodies with human rights remit

Chaired by: Jozef De Witte, Chair of the Board of EQUINET and Executive Director of the Centre for Equal Opportunities and Opposition to Racism, Belgium

While access to justice typically means having a case heard in a court of law, it can more broadly be achieved or supported through mechanisms such as national human rights institutions, equality bodies, data protection authorities and ombudsman institutions. The work of these bodies with a human rights remit is typically closely tied to institutions not only at national level but also at regional and international level. These bodies thus link EU Member States to international organisations and monitoring mechanisms, supporting the more effective promotion and protection of human rights. To fulfill their role these bodies must be effective and independent, equipped with sufficient resources and the requisite competence to promote and protect – and monitor – the rights entrusted to them. As some of the main actors on fundamental rights at the national level, these bodies ensure an effective and independent focus on fundamental rights across a state, by, for example, pro-actively addressing systemic issues, suggesting solutions and raising fundamental rights awareness and knowledge.

The value and the importance of these bodies should not be underestimated. At times of economic crisis with general budget cuts it is important to ensure that such bodies – offering various forms of outreach or even low threshold complaints possibilities, especially for those already in a vulnerable situation – can deliver and even explore to what extent and how their impact could be enhanced.

Questions for debate:

What works already? What are the promising practices regarding bodies with a human rights remit that we could learn from? What are the solutions that work even with limited budgets?

What is missing? What are the key barriers to effective and independent bodies with a human rights remit? What are the effects of economic crisis?

What are concrete next steps? How can we improve access to justice through bodies with a human rights remit? How can we make existing systems more effective and efficient, particularly in the context of austerity policies?

Panellists:

Leda Koursoumba, Chair of the European Network of Ombudspersons for Children (ENOC), Commissioner for Children's rights, Cyprus

Zoi Kardasiadou, Head of Auditors Unit, Hellenic Data Protection Authority, Greece

Sophia Kouloulis-Spiliotopoulos, European Group of National Human Rights Institutions and Hellenic Commission for Human Rights, Greece

Konstantin Penchev, Ombudsman of the Republic of Bulgaria

Niraj Nathwani, Programme Manager - Legal Research, FRA

Working group V: Towards effective mediation policy making

Chaired by: Giuseppe De Palo, Director of JAMS International and co-founder and President of ADR Center, Italy

The EU's systematic reflection upon mediation, as a form of alternative dispute resolution (ADR), can be traced back to the October 1999 European Council of Tampere. In May 2008 the EU Member States have decided to subject themselves to certain common rules on cross-border mediation in civil and commercial matters by virtue of the Directive 2008/52/EC (further: Mediation Directive); these had to be implemented in the Member States within three years.

The focus of the discussions held within this working group will be to analyse practical costs and benefits of mediation for cases involving fundamental rights violations. The experiences gathered since the adoption/implementation of the Mediation Directive will serve as a basis for discussions on the desired balance between litigation and mediation in the EU judicial practices. Most specifically, the question of how the use of mediation impacts other fundamental rights as guaranteed by the Charter of Fundamental Rights will be looked at. Also, the practical experience gathered so far should be seen as an important source of information for decision-makers as regards future EU financial support for initiatives fostering mediation as an effective method of alternative dispute resolution.

Questions for debate:

What fundamental rights does ADR promote (Art 47 and beyond?) How does the use of ADR impact other fundamental rights?

How can we ensure that mediation results are properly enforced in cross-border cases?

What are legal and financial incentives that could further promote mediation?

How can the EU better promote mediation through its financial instruments? What are the priority areas for mediation under the Civil Justice Programme?

Panellists:

Izabella Csalotzky, Programme manager Civil Justice Programme, DG Justice, European Commission

Michel Benichou, Head of the French delegation to the Council of Bars and Law Societies of Europe (CCBE) and expert in mediation, France

Magdalena Grudziecka, Member of the Board, Association of Mediators, Poland
Dorin-Valeriu Badulescu, President, Mediation Council, Romania

Maija Gellin, Director of National Programme for School Mediation and Restorative Approaches in Education (VERSO), and Board Member of Finnish Forum for Mediation (FFM), Finland

Zeno Sustac, Vice-President, Mediation Council, Romania