



Economic and Social Council

Distr.: Limited
23 November 2010

Original: English

Economic Commission for Europe

Meeting of the Parties to the Convention on
Access to Information, Public Participation
in Decision-making and Access to Justice
in Environmental Matters

Working Group of the Parties

Thirteenth meeting

Geneva, 9–11 February 2011

Item 3 (b) of the provisional agenda

Substantive issues: access to justice

Draft decision on promoting effective access to justice

Prepared by the Bureau with the assistance of the secretariat

Summary

This document contains a proposed draft decision on promoting effective access to justice prepared by the Bureau of the Parties to the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters (Aarhus Convention) with the assistance of the Convention secretariat, with a view to facilitating discussion on this topic by the Working Group of the Parties at its thirteenth session. The present draft takes into consideration that activities presently underway are going to be completed at the time of adoption of the text of the decision by the Meeting of the Parties at its fourth session, which will be held in Chisinau from 15 to 17 June 2011. The document is submitted to the Working Group in view of its mandate to “make such proposals and recommendations to the Meeting of the Parties as it considers necessary for the achievement of the purposes of the Convention” (ECE/MP.PP/2/Add.15, para. 2 (d)), and further to a decision by the Bureau of the Meeting of the Parties, taken at its twenty-sixth meeting (9 November 2010), on the need to enhance Parties’ implementation of their obligations under the Convention in this area.

The Working Group may wish to consider the present draft decision with a view of submitting it for consideration and adoption by the Meeting of the Parties at its fourth session.

The Meeting of the Parties,

Recalling the provisions of article 9 of the Convention on Access to Information, Public Participation in Decision-making and Access to Justice in Environmental Matters,

Recalling also the eighth and ninth preambular paragraphs of the Convention,

Recalling further its decisions I/5, II/2 and III/3 on promoting effective access to justice and objective III.6 of the Strategic Plan 2009–2014 as adopted through decision III/8,

1. *Recognizes* the difficulties in promoting the third pillar of the Convention and the need to further support activities to enhance effective access to justice;

2. *Notes with appreciation* the work undertaken by the Task Force on Access to Justice;

3. *Expresses its gratitude* to Sweden for its leadership of the Task Force;

4. *Welcomes* capacity-building initiatives by Parties, Signatories and international organizations aimed at promoting more effective implementation of article 9 of the Convention;

5. *Expresses its appreciation* to the Parties, Signatories and other stakeholders that contributed material for the jurisprudence portal concerning the Convention and encourages Parties, Signatories and other stakeholders, including judges, legal professionals and academics to use the portal and to further contribute to its expansion and improvement;

6. *Stresses* the significant role of national and international associations of judges and other legal professionals, and in particular of judicial training institutions, as well as the substantial role of public interest lawyers and non-governmental organizations with regard to information exchange and capacity-building;

7. *Prompts* Governments to stimulate increased information exchange among and to build capacity on access to justice for public officials from different ministries and agencies responsible, inter alia, for national policies on environment, justice and education;

8. *Recognizes* the value of involving representatives of each of the aforementioned stakeholders, including in particular representatives of ministries of justice, in the activities on access to justice;

9. *Notes*, in this regard, that synergies with institutions with strong profiles on access to justice should be implemented through involving them in the Convention's relevant activities. In particular, this could include:

(a) Encouraging the involvement of the national ministries responsible for justice affairs in activities under the Convention;

(b) Supporting a dynamic network of judicial training institutions, and taking advantage of existing such networks, including the promotion of exchange programmes for members of the judiciary aiming at exchanging information on the implementation of the Convention and other training and brainstorming activities among judicial training institutions;

(c) Strengthening the bonds between the bodies under the Convention and the Convention secretariat with other agencies active in the area and alignment of activities on access to justice, to the extent possible;

10. *Invites* therefore Parties, Signatories and international and national organizations to cooperate and avoid duplication of activities in information exchange, the

organization of training events and other capacity-building activities for the judiciary and other legal professionals at the national and international level;

11. *Agrees* that the work should aim at removing barriers to access to justice and providing recommendations on how to ensure effective access to justice;

12. *Decides* to extend the mandate of the Task Force on Access to Justice, under the authority of the Working Group of the Parties to the Convention, to carry out further work, taking into consideration the relevant work being undertaken by Parties, Signatories and other stakeholders;

13. *Requests* the Task Force, subject to availability of resources, to undertake the following work:

(a) To promote the exchange of information, experiences, challenges and good practices relating to the implementation of the third pillar of the Convention (article 9), on the issues identified in objective III/6 of the Strategic Plan 2009–2014, such as criteria for standing, the extension of the range of members of the public having access to administrative and judicial procedures (with particular focus on access by environmental non-governmental organizations), and the removal of financial and other barriers and the establishment of assistance mechanisms, considering also and following up on the outcomes and recommendations of the analytical studies on the issue of costs and financial arrangements (including litigation costs, legal aid and support for public interest lawyers) and on the issue of remedies (including injunctive relief and the timing); and

(b) To systematically collect the above information and prepare studies, where appropriate, with the objective of identifying gaps in and providing recommendations for enhanced implementation on access to justice;

14. *Entrusts* the secretariat, subject to availability of resources, to undertake the following work:

(a) To participate in, plan and implement, as appropriate, capacity-building activities, including workshops and trainings related to access to justice;

(b) To develop training materials, in cooperation with the Task Force, as appropriate, to promote awareness-raising and training for legal professionals, especially members of the judiciary bodies and public interest lawyers;

(c) To expand, in cooperation with the Task Force, the portal for the exchange of jurisprudence concerning the Convention;

15. *Invites* therefore the Parties, Signatories, international and other organizations to allocate funds for the activities of the Task Force at all levels;

16. *Welcomes* the offer of [Sweden] to [continue to] lead the work of the Task Force.