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Meeting of the Parties to the Aarhus Convention
Task Force on Access to Justice
Fifth meeting, Geneva, 13-14 June 2012

DECISIONS AND MAJOR OUTCOMES

as agreed by the Task Force at its fifth meeting

The Chair opened the meeting and the Task Force, adopted its agenda as set out in the provisional agenda for the meeting.

Item 1: Substantive issues

The Task Force encouraged Parties to engage in a dialogue at the national level with all relevant stakeholders to address issues of access to justice and report at the next meeting of the Task Force.

(a) Standing

The Task Force:

- (a) Welcomed the studies carried out in the European Union on the issue of standing in relation to the Convention;
- (b) Recognized the need to proceed with a comprehensive analytical studies on the issue of standing in the countries of Eastern Europe, Caucasus and Central Asia, following the methodology of the study being carried out in the EU, so as to allow for comparative analysis;
- (c) Agreed that the scope of the study on standing in EECCA would cover article 9, paragraphs 1, 2 and 3, of the Convention;
- (d) Decided that at first stage, the analytical study would focus on selected countries of the EECCA sub-region, on the basis of, inter alia: obstacles identified (also in the context of the analytical study on costs and remedies in the sub-region, which had been carried out in 2010-2011); developed case-law; findings of the Aarhus Convention Compliance Committee; and expert support available in the country;

- (e) Also agreed that the process for conducting the study should be inclusive, allowing for national non-governmental organizations and other stakeholders and experts to have input;
- (f) Mandated the secretariat to proceed with the administrative arrangements and the Chair to oversee the substantive preparations for the study;
- (g) Agreed to review progress with this study at its sixth meeting (preliminarily scheduled to take place in June 2013).

(b) Costs and remedies

- (a) Encouraged Parties to use the study on access to justice focused on cost and remedies: to translate the main findings into national languages, to organize capacity-building activities and to plan any other action needed to ensure full implementation of the Convention;
- (b) Recognized that very little information is available on costs and remedies (but also on standing) in South Eastern Europe.
- (c) Recognized the importance for the Task Force to proceed in the future with an analytical study not only on costs and remedies, but also on standing in this sub-region;
- (d) Mandated the secretariat, in consultation with the Chair and in collaboration with other partner organizations working in the sub-region, to explore the possibility of launching this study in 2013;
- (e) Agreed to review progress with this study at its sixth meeting.

Item 2: Sharing experiences and building capacity

(a) Jurisprudence database

- (a) Welcomed the progress with the technical details of the database;
- (b) Agreed that further effort should be put by stakeholders to populate the database and to establish it as a “living” tool;
- (c) Reiterated its concern that in some jurisdictions decisions of judicial and administrative review bodies were still not publicly available, and encouraged individual Parties to make such decisions publicly available through electronic tools implementing article 9, paragraph 4, of the Convention;
- (d) Recognized the need to allow for the submission of summaries in the Russian language and requested the secretariat to explore the possibility of translating case-law summaries from Russian into English;
- (e) Also requested the secretariat to explore the possibility of linking the Clearinghouse or the Convention’s web page with the case-law with similar portals, such as Ecollex.

(b) Workshops

The Task Force:

- (a) Took note of the outcomes of the Subregional Central Asian Workshop (Almaty, 22-23 May 2012) for high-level judiciary.

- (b) In this regard, the Task Force expressed its appreciation to OSCE for its continued effective partnership on the activities on access to justice and to the Government of Kazakhstan for its strong support to the event.
- (c) Welcomed other capacity building initiatives announced by participants and expressed its appreciation to REC CEE for its support to activities on access to justice in SEE, and also the European Commission, the European Investment Bank, the Coalition for Access to Justice for the Environment, the University College Cork, ClientEarth – EU Aarhus Center and the European EcoForum for their activities to advance implementation of the third pillar of the Convention;
- (d) Called Parties and partner organizations to facilitate the capacity development at the national and local level and to produce training material in the national languages.

Items 3 and 4: Other business, approval of outcomes of the meeting and closure

The Task Force:

- (a) Thanked the speakers for their presentations;
- (b) Welcomed the initiative of several government to nominate experts from the justice sector to participate in the present meeting of the Task Force
- (c) Agreed on the decisions and outcomes presented by the Chair at the meeting and requested the secretariat, in consultation with the Chair, to finalize the meeting report and incorporate these outcomes and decisions.