



Ministry of
JUSTICE



Law Centres Federation
Legal action for the community

Access to Justice in the UK and elsewhere in the EU

Towards an Agenda for the Future

Somerset House, 27th November 2009

8.30-10.30am

Conclusions

On the eve of the entry into force of the Lisbon Treaty, the creation of a European Area of Justice, Freedom and Security, and in anticipation of the adoption of the Stockholm Programme, the UK's Ministry of Justice and the European Commission met civil society leaders from across the UK's justice sector last Friday 27th November. Leaders aimed to consider how different actors can advance access to justice¹ in the UK over the coming years, applying lessons from within the UK and elsewhere in the European Union.

Ideas were put forward during candid and informal debate in answer to the following questions:

What lessons in access to justice in the UK might we share with other EU Member States?

How might we pursue the vision of the Lisbon Treaty in the UK?

How, and with whom, can we work to advance the justice agenda together with other EU Member States?

Participants recognised that this is a portent moment in both EU history and for access to justice in the EU. They heard about the implications of the EU Treaty and the Stockholm Programme from the European Commission and the EU Swedish Presidency, after an introduction from Lord Bach, UK Minister for Legal Aid and EU Minister. There was agreement that this is a time of change, reflection and opportunity, but we need to get back to the fundamental business of addressing the broad spectrum of access to justice, human rights education, public legal education, intentional and universal human rights protection for the most vulnerable and disenfranchised. Participants agreed to meet again to follow up this exploratory meeting.

Participants took note of the following:

¹ " Access to justice is more importantly a means to prevent and overcome human poverty, by strengthening disadvantaged people's choices to seek and obtain a remedy for grievances" (UN 2003).

In many ways the UK has pioneered access to justice thinking, and can share its experience of working with a range of actors to advance justice: lawyers, civil servants, politicians, NGOs, charity networks, professional associations, foundations and private companies;

The need to learn with and from other EU Member States, Government and civil society, starting from analysing specific and common problems facing European citizens, and exchanging good practice to address these;

Participants supported the EU institutions' role to drive and initiate policy and exchange best practice for EU Member States;

The need to reflect on how we bring Lisbon alive for European peoples as a common, shared responsibility of the EU and its Member States, and how systems can be organised in a way which supports effective relationships between rights holders and the state and the independence of civil society organisations putting the rights of the people they help first;

The need for Governments to consider how to ensure a cross-government approach to access to justice, engaging all relevant ministries;

The opportunity to contribute to the access to justice evaluation being conducted by the EU's Fundamental Rights Agency, and to participate in 2010/2011 in follow-up meetings;

The request from NGOs to have EU support to exchange best practice regarding access to justice at a domestic and cross-border level, and to participate in the EU Child Rights Platform, the platform on fundamental rights, and the Justice Forum;

The need to step up participation by children and young people, making the Platform on the Rights of the Child a reality for children, finalising the Strategy on the Rights of the Child, and taking forward the Treaty's commitments regarding the rights of the child. In light of this, participants also heard about the specific needs of children and young people in the UK, and the necessity to strengthen appropriate ways to support their access to justice.

Participants

Salla Saastamoinen, Head of Civil Justice, European Commission.

Lord Willy Bach, Minister for Legal Aid, UK.

Per Augustsson, EU Presidency, Minister and Deputy Head of Mission, Embassy of Spain.

Nick Woolf, Chair, Law Centres Federation.

Jane Backhurst, Campaigns, Communications, Policy Director, Law Centres Federation.

Guy Beringer QC, Non-executive Board Member of HM Courts Service.

Julie Bishop, Director, Law Centres Federation.

Des Hudson, Chief Executive, Law Society.

Mark Kalderon, Partner, Freshfields Bruckhaus Deringer LLP.

Robert Lennox, Ministry of Justice.

Ann Lewis, Policy Director, Advice Services Alliance UK.

Richard Miller, Head of Legal Aid, Law Society.

Caroline Regan, Chief Executive, Legal Services Commission.

Helen Rogers, Pro Bono Officer, Allen and Overy LLP.

James Sandbach, Legal Affairs Policy Officer, Citizens Advice.

Matthew Smerdon, Deputy Director, Baring Foundation.

Roger Smith, Director, Justice.

Katy Swaine, Legal Director, Children's Rights Alliance England.

Robert Wright, Head of Civil Legal Aid, Ministry of Justice.