

Annex 2: Action fiche for "Euromed Justice III"

1. IDENTIFICATION

Title/Number	EuroMed Justice III		
Total cost	EUR 5 million		
Aid method / Method of implementation	Project Approach - Direct Centralised Management		
DAC-code	15130	Sector	<i>Legal and judicial development</i>

2. RATIONALE

2.1. Sector context

This section takes into account the Identification Mission Report carried out by two independent experts in 2009 and the Identification Fiche presented to the Quality Support Group 1 on 11 November 2009.

Despite the efforts devoted in many Mediterranean countries to the modernisation of the machinery (functioning) of justice, considerable work remains to be done in order to achieve clear and stable improvements in terms of reduction of delays, simplifications of judicial and administrative procedures, improved access to justice and legal aid, and adequate protection of fundamental rights. Moreover, further cooperation in the resolution of cross-border family conflicts and in criminal and penitentiary law, is needed.

In the field of access to justice legal aid, many of the concerned countries will certainly have to consider in the coming years significant changes in their substantive and procedural laws. However, there is an increasing awareness that often one of the major obstacles to modernisation lies in the existence of large sections of society that are virtually excluded from legal protection because of obstacles to the use of legal instruments due to economic and cultural factors. The debate on legal reform in the ENPI South partner countries is increasingly dominated by the issue of *access to justice*. Reference to the need of judicial reforms is indeed made by a variety of policy documents emanating from the countries of the region (see for instance the Tunisian XI Development Plan for 2007-2011, the Moroccan 2008-2012 action plan, the Syrian 10th 5 Years Plan, the programme launched in Egypt in 2005 and the Jordanian "Judicial Upgrading Strategy").

Against this backdrop, increasing attention is given to a more rational use of the material resources of the judiciary, and to the technical infrastructure of the adjudication process. There is a clear perception that significant inputs in the use of new technologies can provide important advantages, also before major changes in

procedural law are carried out and without affecting the main features of each adjudication system (oral/written, adversary/inquisitorial).

This aspect is matched by the efforts aimed at relieving part of the workload of ordinary courts, by introducing mechanisms of Alternative Dispute Resolution (ADR) and simplified procedures, and at strengthening the procedures for the execution of judgments, an area which often generates important delays in the final definition of controversies, as well as a topic which has proven to be particularly sensitive in the Maghreb countries. In conclusion, countries of the region clearly perceive the need for further actions in order to improve access to justice.

The landscape is much more nuanced when it comes to **family law** issues, which sometimes are also affecting transborder disputes concerning the custody of children. Even setting aside the purely political and symbolic implications of family related matters (part of the so called personal status of the believer according to the shariah), family law disputes in several countries are still in the realm of various jurisdictions managed by different religious authorities. In some cases (such as Syria) the religious institutions may even be granted a role in the legislative process in questions related to personal status. All this generates a variety of legal sources (some of which are not technically « Islamic »). This renders the adoption of transnational and state legal sources such as those contained in the 1996 Hague convention Jurisdiction, Applicable Law, Recognition, Enforcement and Co-operation in Respect of Parental Responsibility and Measures for the Protection of Children (signed only by Morocco) and the 1980 Hague Convention on the Civil Aspects of International Child Abduction (signed only by Israel) difficult, because they pertain to a field in which the state is historically perceived as not enjoying full rulemaking power.

A very politically sensitive issue lies in the field of **criminal law**, where international cooperation is facilitated by the perception of the existence of shared common goals such as those of fighting terrorism and organised crime. In this field, a large majority of national authorities involved in international judicial cooperation lament a lack of structured and updated information on the judicial systems of foreign countries. Existing sources are usually not in Arabic and usually fragmented and misleading, not being targeted to the specific needs of international judicial cooperation. This is a major source of problems, especially when the cooperation has to take place between countries without a tradition of frequent exchanges and contacts, and without a common language. An improved level of mutual knowledge is likely to bring further momentum to the signs of an increased attention for the needs of modernising criminal legislation that can be observed in a number of countries of the area. This is the case of Morocco (where modernisation of criminal law is part of the current reform plans), but also of countries as different as Syria, Lebanon and Jordan, where there is a strong criticism by reformers against the so considered “old” character of the legislation in force.

In all aspects of legal modernisation, countries of the region give a definite centrality to judicial training institutions (named “centers” like the National Centre for Judicial Studies in Egypt, “schools” like the *Ecole Supérieure de la Magistrature* in Algeria, or “institutes” like the Israeli Institute for Advanced Judicial Studies, the Jordan Judicial Institute, the Institute for Judicial Studies in Lebanon and the *Institut Supérieur de la Magistrature* in both Morocco and Tunisia) which are seen as the primary tool for a swift introduction of new techniques and practices in the judicial

systems. The trust placed upon these institutions is partly the result of the borrowing of foreign models (like the French Ecole National de la Magistrature), and it implies that these bodies are seen as crucial actors in any internationalisation process. Indeed, judicial training institutions of the region have already developed informal networks which have a huge practical importance in the communication of best practices. In this respect, it is interesting to observe that the creation of centralised training institutions is developing also for other legal professions. Apart from the case of the schools for the greffiers, a very interesting development is the establishment in Tunisia of a centre for the training of attorneys, which is developing a high profile.

The future EuroMed Justice III project will in particular address issues related to the themes of access to justice and legal aid, resolution of cross-border family conflicts and criminal and prison law.

The first component will address the need to support the development of the Mediterranean partners' institutional and administrative capacity and good governance in the field of justice, as well as the overall modernisation of justice systems, with special regard to simplification/speeding-up of judicial proceedings, improved access to justice and legal aid and the quality of justice.

The second component of the project will develop judicial cooperation in civil matters, in particular through assistance in the field of family law with emphasis on cross-border family conflicts resolution.

The third component of the project will strengthen judicial cooperation and support initiatives for the reform of criminal and prison law in the Mediterranean partner countries, with a view to facilitating the transposition of the relevant international conventions into domestic law and their implementation.

The project shall also contribute to enhance cooperation and explore possibilities to liaise and create synergies/collaborations with the relevant EU cooperation units and networks such as EuroJust, the European Judicial Network in criminal matters and the European Judicial Training Network, and find ways of facilitating the role of the liaison magistrates. The general strengthening of the existing contacts among the interprofessional community of magistrates and law professionals, as well as of the existing contacts among the Judicial Training Centres in the ENPI South region, should also be an important outcome of the project.

The project takes into account the Paris Declaration and the European Commission Backbone Strategy for external aid to guide the reform of Technical Cooperation and Project Implementation Units (2008), which is part of wider EU actions to implement the Paris Declaration and it aims to improve the effectiveness of EU aid with respect to capacity development and work through harmonised and aligned actions.

The project responds to the need of the ENPI South partner countries in terms of further judicial cooperation around the identified components and further training in these areas and it is complementary with their national plans/activities in this respect. This will ensure their appropriate engagement, ownership and coordination with their domestic sector programmes.

However, given the specific nature of this regional cooperation and the important differences between the individual ENPI South countries in the field of justice, the project will work at establishing links between national constraints and regional objectives in a centralised management mode which allows also for close coordination with EU policy.

2.2. Lessons learnt

The experience gained during the implementation of EuroMed Justice I, and during the early phase of EuroMed Justice II, clearly show the difficulties posed by the political dimension (state sovereignty) when justice related actions are designed. The differences in legal and political context, and the tensions crosscutting the region, imply indeed a high risk of reduction of the practical impact of the activities. Against this backdrop, it has been chosen for EuroMed Justice III to focus on activities (working groups and trainings), selecting topics of predominantly technical character.

The results of the Monitoring and the Regional Conference held in December 2009, demonstrated that EuroMed Justice II contributed to fostering Regional Cooperation between the Mediterranean countries and the EU in the field of Justice, by creating a place for learning, dialog and exchange of experience.

Positive lessons have to be taken from both previous projects. In fact, one of the success stories from EuroMed Justice I was the creation of a bilateral exchange of liaison magistrates between Morocco and Belgium. Regarding EuroMed Justice II, Jordan has officially communicated to have greatly benefitted from the work carried out during the Working Group on family law in their recent reform of the family law code.

2.3. Complementary actions

The EuroMed Justice III project must be closely coordinated with the activities to be implemented under the umbrella of the **other components (Migration and Police) of the future ENPI South Justice and Home Affairs III programme.**

At the bilateral level the relations between EU and other ENPI South partner countries (individually considered) are based on the Association Agreements and the ENP Action Plans which in most cases contain various provisions related to justice issues. Moreover, a number of bilateral justice initiatives have been developed within the framework of relevant programming documents based on the Country Strategy Papers and the National Indicative Programmes.

In Morocco for instance, the EU already supported reform actions in the context of the programme MEDA II, with the project 'Modernisation of the judiciary in Morocco' (EUR 27.6 million), implemented between 2003 and 2009. The project was expected to contribute to the improvement of the IT framework of the judiciary, the establishment of regional archives, the opening of information desks for the public and the legal professionals, as well as to the transfer of technology for the staff of the Ministry of Justice. In the context of the National Indicative programme 2007-2010 for Morocco the identification phase is ongoing for a new programme of support for the justice system with a preliminary budget of EUR 20 million.

Tunisia has undertaken a cooperation with the European Union (the *Project of support for the modernisation of the judiciary system*, expected to be completed in June 2010) and in the National Indicative Plan 2011-2013 for Tunisia, a “*Justice Support Programme*” will pursue further EU support in the field of justice. The preliminary list of objectives includes the improvement of the performance and efficiency of the justice system, the improvement of the level of the legal professions, the improvement of the access to justice and of its transparency, the improvement of administrative justice, the increase of the certainty of property titles, the protection of personal data, the quality of legislative drafting, the reinforcement of arbitration and mediation mechanisms, and - if necessary - the improvement of the penitentiary system.

In Syria, the EU funded Programme on the Judiciary Modernisation (EUR 5 million) has the overall objective of assisting the Government of Syria in establishing an efficient, transparent and reliable judiciary system, improving the quality of judicial services, and facilitating access to justice by court users and the general Syrian population. It would target the Syrian courts of general jurisdiction, not the exceptional jurisdictions or religious courts. The purposes of this Programme would be: a) to provide targeted technical assistance to the Ministry of Justice and Judicial Training Institute, in order to increase the efficiency of the legal system in Syria; b) to increase the capacity and knowledge of the Syrian legal profession, in order to improve the quality and efficiency of the judiciary and the court system, and provide increased access to justice for the Syrian people; and c) to provide an effective database system and partial automation to the MoJ and two pilot courts, to improve the efficiency of the Ministry of Justice and the court system, and provide increased access to justice for court-users.

Other donors are active in Syria, Germany for instance, through the International Foundation for Legal Cooperation, established under the auspices of the German Ministry of Justice, has been providing some support for Syria (small scale project) in the area of rule of law and human rights since 2007. This programme includes three columns of legal co-operation in Syria. The first column focuses on legislative reform in the areas of commercial law, law of the sea, procedural law, translation of legal texts, and other technical assistance relative to lawmaking. The second column focuses on establishing a series of seminars for lawyers in partnership with the Bar Associations of Aleppo and Homs. The third column of co-operation has not yet been implemented, and will involve working with Universities in Aleppo and Damascus on commercial law. Moreover, a German expert was intended to be placed in the Ministry of Justice for technical assistance purposes, but no formal agreement has been finally reached with the Ministry of Justice.

A significant project in the area of reform of the Syrian judicial system is the United Nations Development Programme pilot project to modernise Dara’a Court south of Damascus. The project in Dara’a is intended to alleviate severe delays in court proceedings, through the provision of computer equipment and the automation of court cases. The system is expected to be delivered to the Ministry of Justice towards the end of 2009, with the Ministry deciding when to implement the project. The Dara’a project is in line with the Ministry’s development plan, and the operating system can be adapted for use in other courts. United Nations Development Programme has also in the pipeline a project on juvenile justice (2010-2012, 500,000€) in partnership with the Ministry of Justice and the Ministry of Social

Affairs that will include legislative drafting, various pilot projects as well as treatment of juveniles in courts and prisons.

In Lebanon, the EU funded project Reinforcing Human rights and Democracy in Lebanon (AFKAR III, EUR 10 million) aims at providing the necessary capacity building and support for the public sector and the civil society. The objective of the project is to reinforce the protection of human rights and democracy by supporting the civil society and the public administration in their efforts to improve the human rights record in Lebanon. The programme has three different components: 1) Active citizenship (Increase active citizenship and democratic participation in decision making); 2) Improve the protection of women domestic migrant workers; 3) Support the penitentiary reform (joint management with United Nations Office for Drugs and Crimes). The expected results are: 1) improved prison management in line with international standards; 2) legislative reform includes alternatives to imprisonment; 3) detention conditions improved including adapted rehabilitation programme.

In 2009 entered into force the EU-Lebanon Financing Agreement on the Modernisation of the Lebanese justice system (EUR 10 million). This programme aims at consolidating the Rule of Law by supporting the modernisation of the justice sector. It will support the implementation of the Ministry of Justice's Information Technology Master Plan, improve access to justice and provide specialised training to judiciary staff.

Moreover, in March 2006, the Ministry of Interior requested officially the Ministry of Justice to take over prison administration and there is now general agreement on moving forward with a 5-year programme (2009-2012). The United Nations Office on Drugs and Crime (**UNODC**) has the official mandate by the Ministry of Justice to lead the support of the activities facilitating the transfer of the management of prisons and it is therefore the best placed to collaborate as implementing partner. United Nations Office for Drugs and Crimes has undertaken a first successful pilot project (2008) in the prison of Roumieh financed by Switzerland and Netherlands (eventually to be completed with a contribution from Denmark this year). The proposed component will build on this experience to support the transfer of management from the Ministry of Interior to the Ministry of Justice. Coordination has been ensured particularly with **Denmark**, currently formulating a HR programme in Lebanon.

In Jordan, the EU project Support for Democratic Governance and Justice Reform (EUR 10 million) is structured around three main components: 1) to strengthen the institutional and administrative capacity of the Chamber of Deputies (CoD), resulting in an enhanced efficiency, effectiveness, accountability, transparency and in enhanced relations between the Head of Delegation and its constituents; 2) to support Non State Actors (NSAs) to act as an effective drive for good governance and accountability, resulting in an enhanced policy dialogue between Government and NSAs; and 3) **to support the criminal justice reform process** in line with international standards and EU best practices, resulting in an enhanced policy, strategic and regulatory framework concerning criminal justice reform. The expected results are: 1) enhanced policy and strategic framework concerning criminal justice reform; 2) upgraded criminal legal and regulatory framework in line with international standards; 3) reduced overcrowding in Detention Centres; 4) enhanced reintegration in the society of former detainees; 5) alternatives to imprisonment

introduced; 6) strengthened legal aid system 7) enhanced legal supervision of sentences, resulting in an improved respect for human rights as regard the condition of remand prisoners and convicted detainees.

Other donors are active in Jordan, like: USAID through the “Rule of Law Programme (MASAQ)” (2004-2008, USD 15,274,084) which is supporting the automatization of 80% of courts in Jordan, and the establishment of a modern case management system ; the American Bar Association through the ABA-CELI project which is supporting the Judicial Institute of Jordan to train judges, clerks and legal aides working in official public departments and institutions; the UNODC Project 'Strengthening the juvenile justice system - Phase I' (ended in 2008).

In Egypt, the EU funded programme “Support for Modernization of Administration of Justice and Enhancement of Security” (EUR 10 million) is structured around different components: 1) Modernization of Justice administration (Ministry of Justice, Supreme Judicial Council and Office of the Public Prosecutor), installing a unified integrated E-courts’ system, automation of summary, economical and family courts; training of judges, prosecutors and court staff on case management, operating automated courts, administration of the court; and training programs on combating organized crime, money laundering, drug trafficking, terrorism and migration; 2) Installing training programs, ToTs, and external field visits/ study tours for judges and public prosecutors, staff members of the assisting bodies including experts and forensic evidence specialists and police officers 3) Installing a National Strategy on Trafficking in Persons (Ministry of Foreign Affairs); 4) Assistance to draft a national strategy on the protection of juveniles in criminal proceedings including a media campaign and installing protection system for juveniles in courts. (Ministry of State for Family and Population); 5) Technical Assistance to: Draft the Egyptian Judicial Code of Conduct (United Nations Office on Drugs and Crime). The Anti-Money Laundering Unit and the Egyptian Banking Institute (Anti Money Laundering Unit); 6) Media campaign focusing on eliminating the use of drugs (Ministry of State for Family and Population). Regarding the second Theme on the “Enhancement of Security” the specific needs of the Ministry of Interior are not known yet due to the fact that Ministry of Interior formed a special committee to decide upon that and will share the information at a later stage.

Other activities in Egypt refer to the positive experience of the training courses provided by the French Embassy for the Ministry of Interior officers on the prevention of terrorist attacks in tourist areas which will be used as a basis for enhanced training in the scope of this project in combating terrorism. Lessons learnt from the successful USAID financed project which introduced model family courts and family dispute resolution offices shall be used for the widespread installation of automated courts and under Component 1 of the project. Furthermore, there were also lessons learnt from the successful UNDP financed project which provided pilot public prosecution offices and legal aid offices.

2.4. Donor coordination

The Regional Indicative Programme 2007-2010 which defines the framework for regional activities to be implemented within this period also takes into consideration activity plans of other donors.

Practically in all the countries concerned by the project are ongoing or are planned other projects, financed by various international donors covering some of the areas addressed by EuroMed Justice III.

The reform of the judicial sector is a relatively well targeted issue by international donors. As an example it can be mentioned Jordan, where among the seven objectives foreseen in the development of the judiciary system by the Judicial Upgrading Strategy (JUST) initiative, those pertaining to “Independence of the Judicial Body”, “Efficiency of the Judicial System”, “capacity building of the judicial council and related judicial services” and “law reform” have been targeted by USAID and American Bar Association projects, in particular “ABA Jordan Rule-of-Law Program” and the “USAID/Jordan Improved Rule of Law Program”, which are still on-going. Moreover, some other minor projects in the reform of the judiciary are being carried out or planned e.g. by the British Embassy and the United Nations Development Programme.

The simultaneous presence of a number of donors is particularly frequent when it comes to "access to justice", which represents one of the mainstreams of technical assistance in the rule of law field. In Syria e.g. the United Nations Development Programme already supports the Government in a project aimed at increasing accountability of the judiciary towards the general public, including simplification of judicial and administrative procedures, creating help desks and supporting clinics as well as automating case management within the court system, with a pilot project started in Dara'a.

The magnitude of the problems addressed is such that these complementary actions are per se very positive and coordination should be sought in order to avoid duplication of activities and benefit from the experiences already gained.

3. DESCRIPTION

3.1. Objectives

Overall Objective of the EU support is:

- To foster cooperation on judicial issues between the ENPI South partner countries and EU Member States, as well as between the ENPI South partner countries themselves, contributing to Chapters I and III of the Barcelona Declaration and to the Five Year Work Programme.

Specific objectives of the EU support are as follows:

- Support the modernisation of justice systems, the simplification/speeding-up of judicial proceedings and an improved access to justice and legal aid and the quality of justice;
- Develop judicial cooperation in civil matters, in particular through assistance in the field of family law with emphasis on cross-border family conflicts;
- Strengthen judicial cooperation in criminal matters and support initiatives for the reform of criminal and penitentiary law in the Mediterranean partner countries

with a view to facilitating the transposition of the relevant international conventions into the domestic law of the beneficiary countries and their implementation;

- Enhance cooperation in civil and criminal justice and explore possibilities to liaise and create synergies with the relevant EU cooperation units and networks such as: the European Judicial Network in Civil and Commercial matters (as appropriate in the case of family law), EuroJust, the European Judicial Network in criminal matters, the European Judicial Training Network and find ways of facilitating the role of the liaison magistrates;
- Strengthen the existing interprofessional community of magistrates and law officials of the ENPI South , in order to build an open and modern justice system that will uphold the rule of law and the effective implementation of human rights;
- Strengthen the contacts between the Judicial Training Centres of the ENPI South partner countries.

3.2. **Expected results and main activities**

The **expected results** are:

- (6) Cooperation in the field of justice reinforced at regional level, with exchange of information and good practices, between the EU and the ENPI South partner countries and among ENPI South partners themselves;
- (7) Cooperation on themes related to access to justice and legal aid reinforced through the Research Report on procedural simplification, two "handbooks" prepared (one on Access to Justice and Legal aid and the second on Access to Justice and New Technologies) and the holding of specialised meetings, training sessions and study visits;
- (8) Cooperation in Cross-border family law issues reinforced through the Research Report on the current situation in the ENPI South region, the preparation of an "handbook" on Best Practices for the Resolution of Cross-border Family Conflicts, the holding of specialised meetings, trainings and study visits;
- (9) Cooperation in criminal and prison law reinforced through the preparation of a tool equivalent to the so called "fiche belge" and the holding of specialised meetings, trainings and study visits;
- (10) Contacts and cooperation with relevant EU Units and Judicial Networks in the field of Justice reinforced through their participation as speakers/experts in meetings of the EuroMed Justice III project when appropriate;
- (11) The interprofessional community of magistrates and law practitioners, having participated to the previous regional projects, reinforced through their participation also to activities of the EuroMed Justice III project;
- (12) Contacts among the ENPI South Judicial Training Centres reinforced through meetings of their representatives.

The **main activities** to be implemented will include indicatively:

(E) Access to justice and Legal Aid

- (1) Drafting of a **Research report**, carried out by external expertise after agreement with partner countries and containing a comparative review of national experiences of procedural simplification. The report will be drafted before the end of the second year of the project, and then made available to the authorities of the ENPI South partner countries.
- (2) Support the establishment of a **Working Group on Access to Justice and Legal Aid**, composed of officials from the Ministry of Justice or other concerned ministries, members of the judicial profession, representatives of the bar, and members of civil society organisations. Its aim will be to prepare a "handbook" describing approaches and best practices in the fields of access to justice and legal aid, with special regard to the needs of underprivileged social groups.
Five sessions (lasting indicatively three days each) will be organised involving three participants from each ENPI South partner country, devoted to the following indicative issues to be included in the "handbook":
 - (a) Length of the procedure, delays, timeframe for judicial proceedings;
 - (b) Cooperation between judges and bars to cope with the length of the procedure;
 - (c) Reduction of the workload using the experience and methodology developed by the CEPEJ (European Commission for the Efficiency of Justice);
 - (d) Simplification of the procedures, oral proceedings and Alternative Dispute Resolution;
 - (e) Legal aid, accessibility of information by citizens, facilitation of the accessibility of justice for citizens, with particular regard to mechanisms such as "one-stop-shop" offices.

The conclusions of the seminars and the handbook, once approved by the Commission, will be presented to the relevant EU- ENPI South actors.

- (3) Support the establishment of a **Working Group on Justice and the New Technologies**, composed of officials from the Ministry of Justice or other concerned ministries, members of judicial institutions, statistical departments and (private or public) publishers of legal materials of the beneficiary countries and EU ones. Its aim will be to prepare a "handbook" describing approaches and best practices with regard to the use of technologies for the case management, circulation of materials, data collection in the legal field and information in case law to the public.
Three sessions (lasting indicatively three days each) will be organised involving three participants from each ENPI South partner country, devoted indicatively to:

- (a) Techniques for the improvement of the circulation of legal materials.
- (b) Techniques for the measurement of the performance of justice administration and the collection of data in the field of justice, also assessing potential lessons from the CEPEJ (European Commission for the Efficiency of Justice) experience.

The conclusions of the seminars and the handbook, once approved by the Commission, will be presented to the relevant EU- ENPI South actors.

- (4) **Training sessions** indicatively on specific technologies aimed at improving access to justice, like methodologies for gathering and analysing data concerning the administration of justice, and methodologies for case management.

These trainings will take place three times (lasting indicatively three days each), and they will be designed for officials of the administrations concerned and non-governmental actors. There should be four participants from each ENPI South partner country. Train the trainers mechanisms should be considered to ensure a multiplier effect and increase the impact of trainings. All trainings will be given in English and French, with translation into Arabic. The design of training activities should as much as possible relies on cooperation with European networks of judiciary training already established.

- (5) **Study visits** on the theme concerned by this component will take place two times.

(F) Resolution of cross-border family conflicts

- (1) Drafting of a **Research report**, carried out by external expertise after agreement with partner countries and containing an overview of the current situation in the ENPI South region and a comparative review of national experiences in the field of resolution of cross-border family conflicts. The report will be drafted before the end of the second year of the project, and then made available to the authorities of the ENPI South partner countries.
- (2) Support the establishment of a **Working Group on Resolution of Cross-border Family Conflicts**, composed of officials from the Ministry of Justice or other concerned ministries.

Five sessions (lasting indicatively three days) will be organised, involving three participants for each ENPI South country, aimed at preliminarily reviewing the obstacles to the adoption of the Hague conventions and then prepare a "handbook" on best practices concerning the resolution of cross-border family conflicts, taking into account the experience of the Hague Conference and of the Malta Process and in particular the *General Principles and Guide to Good Practice on Transfrontier Contact concerning Children* prepared by the Hague Conference on Private International Law. There should be three participants from each ENPI South country.

The conclusions of the meetings and the handbook, once approved by the Commission, will be presented to the relevant EU- ENPI South actors.

- (3) **Training sessions** indicatively on current legislation and international conventions in the field of cross border family litigation; discussion of practical cases comparing their treatment with and without the application of international conventions; techniques of family mediation.

These training sessions will take place three times (lasting indicatively three days each), and they will be designed for the staff of judicial and administrative bodies dealing with cross-border family conflicts in the ENPI South partner countries. There should be four participants from each ENPI South partner country. Train the trainers mechanisms should be considered to ensure a multiplier effect and increase the impact of trainings. All trainings will be given in English and French, with translation into Arabic. The design of training activities should as much as possible relies on cooperation with European networks of judiciary training already established. And with the Hague Conference

- (4) **Study visits** on the theme concerned by this component will take place two times.

(G) Criminal and penitentiary law

- (1) Support the establishment of a **Working Group on Criminal Law**, composed of officials from the Ministry of Justice or other concerned ministries and experts in national criminal law and procedure.

Three sessions (lasting indicatively three days) will be organised, involving the participation of three representatives from each ENPI South country, aiming at the preparation of a tool equivalent to the so called "**fiches belges**" for the ENPI South partner countries, in order to support the mutual knowledge of the different judicial systems, and of assessing the problems of the translation of the existing ones in the Arabic language.

The materials prepared by the working group, once approved by the Commission, will be presented to the relevant EU- ENPI South actors.

- (2) **Training sessions** on international conventions on criminal and penitentiary law, methods for the effective exchange of information between national authorities in the context of judicial cooperation, liaison magistrates.

These training sessions will take place three times (lasting indicatively three days each), and they will be designed for the judges, prosecutors, registrars and other court auxiliary staff, as well as prison administration staff, dealing with criminal justice and the penitentiary system in the ENPI South partner countries. There should be four participants from each ENPI South partner country. Train the trainers mechanisms should be considered to ensure a multiplier effect and increase the impact of trainings. All training will be given in English and French, with translation into Arabic. The design of training activities should as much as possible relies on cooperation with European networks of judiciary training already established.

- (3) **Study visits** on the theme concerned by this component will take place two times.

(H) Judicial Training Centres

- (1) Organisation (in the first and second year respectively) of two meetings lasting indicatively two days with three representatives of the **Judicial Training Centres** (or comparable institutions) of the Euro-Mediterranean region, aimed at assessing the added value and proposing possible ways of strengthening the first contacts among Judicial Training Centres in the area, linking it to the activities of the European Judicial Training Network.

The meetings would be devoted to continuous training of magistrates and the use of new technologies, and to the evaluation and impact assessment of the training of magistrates.

The conclusions of the meetings, once approved by the Commission, will be presented to the relevant EU- ENPI South actors.

(I) Crosscutting activities

Beside the actions specific to each component, a number of activities of general value for the development of justice systems, which will promote the progress of the project as a whole, shall be realised:

- (1) an **Opening conference** will be held once the project is launched in order to present Euro-Med Justice III's objectives and activities to the authorities responsible for the administration of justice in the ENPI South partner countries and the EU member States, an **intermediate regional conference** and a **final regional conference** will be organised involving three participants from each ENPI South country and lasting one day;
- (2) the creation and updating of a freely accessible **project webpage** (except for a reserved areas restricted to participants to the project activities) which will give tangible expression to the Euro-Med Justice project and provide a range of relevant information on cooperation in the field of justice.

Inception phase

It is to be noted that prior to the beginning of the specific activities an inception mission will be carried out, by one of the Key Experts who will visit the relevant ENPI South national authorities, explain the project, collect useful information and ask for the nomination of a “national focal point”. An **Inception Report** will be produced bridging the gap with the Term of references, if any, and will draw up a detailed work plan and related detailed budget to be submitted to the Commission for approval.

3.3. Risks and assumptions

The main overall assumptions are the same as for EuroMed Justice II, i.e. a relative stability of the economic and political environment as well as the actual will from the ENPI South Partner Countries' governments to cooperate in the field of justice.

The main risks – apart those linked to serious conflicts and tensions in the area - are linked to a possible lack of cooperation from the concerned countries related to the

access to relevant information, political manipulation of sensitive data, and political and administrative inertia.

3.4. Crosscutting Issues

The project's specific objectives directly concern good governance issues, with regard to areas of immediate social and economic relevance. The project will also contribute to strengthen the protection of fundamental rights in respect of vulnerable groups. The participation of women in the project will be encouraged through their active participation in the different sessions.

3.5. Stakeholders

The 9 ENPI South partners are Algeria, Egypt, Israel, Jordan, Lebanon, Morocco, Palestinian Authority, Syria and Tunisia.

The stakeholders of the project are:

- (1) Ministry of Justice, the Judiciary and other involved national authorities of the ENPI South partner countries;
- (2) Judicial Training Centres of the ENPI South region;
- (3) Civil society representatives (private sector, population, NGOs) with special regard to organisations representing the most vulnerable groups.

The target groups of the project are magistrates, lawyers, prosecutors, auxiliaries of justice, officials of the Ministries of Justice and other authorities involved in the running and reform of justice systems in the ENPI South partner countries. The differences in the structure of the legal professions in the different countries do not allow a strict definition of a typical stakeholder group.

The project foresees a close cooperation with the target groups representing the Ministry of Justice and the Judiciary and the proposed activities will see a maximum of coordination with them.

4. IMPLEMENTATION ISSUES

4.1. Method of implementation

Direct Centralised Management, Project Approach. The Project Approach has been chosen because of the technical nature of the proposed activities and the need to ensure coordination with EU policy and consistency with the ongoing EuroMed Justice II project.

4.2. Procurement award procedure

All contracts implementing the action must be awarded and implemented in accordance with the procedures and standard documents laid down and published by the Commission for the implementation of external operations, in force at the time of the launch of the procedure in question.

Participation in the award of contracts for the present action shall be open to all legal persons covered by Regulation (EC) No 1638/2006 of the European Parliament and of the Council laying down general provisions establishing a European Neighbourhood and Partnership Instrument. Further extensions of this participation to other legal persons by the concerned authorising officer shall be subject to the conditions provided for in Article 21(7) Regulation (EC) No 1638/2006.

The contract will be awarded following a restricted call for tender. This will imply the announcement of the procurement notice, the pre-selection procedure, the final submission of the offers and the final selection and award procedure in accordance with the "restricted procedure" laid down by the Financial Regulation and its implementing rules.

The operators responding to the restricted call for tender should be a specialised organisation in the field of justice with proven experience in international cooperation and able to implement the project with qualified legal/judiciary personnel.

4.3. Budget and calendar

The budget allocated is EUR 5 million and it is composed of fees and reimbursable costs and it can be indicatively breached down as follows:

Expenditures type	Units	Total
Fees	- Key Experts - Short-Term expertise	2756000
Inception Mission	- Missions	13 000
A) Access to Justice and Legal Aid	- Research Report - Working Group on Access to Justice and Legal Aid - Working Group on Justice and New Technologies - Trainings - Study visits	850000
B) Cross-border family conflicts	- Research Report - Working Group on Resolution of Cross-border family conflicts - Trainings - Study visits	680000
C) Criminal and Prison Law	-Working Group on Criminal and Prison Law – fiches belges - Trainings - Study visits	480000
SUBTOTAL A)+B)+C)		
D) Justice Training Centres	- Meetings of the Judicial Training Centres	100000
E) Cross cutting activities	- Regional Conferences - Project Website - Others	127000
TOTAL		5 000 000

The operational duration will be of 36 months after signature of the contract.

Indicatively, the calendar could be as follows: Forecast Notice - November 2010, Procurement Notice - January 2011, Short Listing - March 2011, Invitation to Tender - April 2011, Evaluation – June 2011, Contract Signature – June/July 2011.

4.4. Performance monitoring

There are no "standard indicators" in the domain; therefore, performance indicators should be developed in regard to the specific characteristic of the project. As an indication, results will be evaluated using the following indicators:

Activities aimed at interaction between national authorities

- Quality of the analysis and of the debates in the view of independent academic observers;
- Impact of the debate and the proposals on civil society and the media;
- Number of ENPI South partner countries represented in the meetings;
- Quality and dissemination of the documents produced;
- Level of the participants and their attendance record;
- Participants' satisfaction as measured by means of questionnaires.

Training sessions

- Number of participants;
- Number of ENPI South partner countries sending participants;
- Quality of training in the view of independent observers;
- Quality of the teaching materials produced for the training sessions;
- Participants' satisfaction as measured by means of questionnaires.

Creation and updating of a webpage

- Number of hits;
- Speed of updating;
- Quality and quantity of the material contained.

Opening conference/regional conferences

- Number and level of the participants;
- Impact on civil society and the media;
- Participants' satisfaction as measured by means of questionnaires.

4.5. Evaluation and audit

Mid-term monitoring and final independent evaluation will be carried out.

The evaluation of results shall take place on the basis of qualitative and quantitative indicators specific to each project activity.

A special budget chapter for auditing will be foreseen in the Terms of Reference

4.6. Communication and visibility

The project will work out a specific communication strategy and develop specific activities dedicated to communication and visibility.

Relevant communication tools will be developed for the two components (website, specific publications) in order to keep the stakeholders regularly informed and to ensure the visibility of the programme. Particular attention will be paid to the monitoring and communication of the concrete results.

Among other information means, the ENPI Info Centre portal will also be used regularly and press releases will be prepared when appropriate. The EU visibility guidelines must be followed by all components of the project.