

Layman's Report for the EARL project



ClientEarth 

Education and Awareness Raising of Legal Professionals on Access to Justice



LIFE-A2J-EARL Project

LIFE16 GIE/CZ/000791

Layman's Report

Introduction

Access to justice in environmental matters

The Aarhus Convention, signed by the European Community and its Member States on 25 June 1998, consists of three pillars. The first pillar grants the public the right of access to environmental information. The second grants the right to take part in decision-making processes. Finally, the third pillar grants the public access to justice – i.e., the right to recourse against refusal of information requests, against decisions made in relation to projects that have a significant impact on the environment, and to administrative or judicial procedures connected to disputing the acts and omissions of private persons and public authorities that violate the provisions of environmental law.

Access to justice is therefore fundamental because it not only guarantees a right to remedy in the case that the requirements stemming from national environmental law are breached, but it also makes sure the other two pillars – the information and the participation pillar – are working properly.

There are a number of hurdles in the way of easy and effective application of the right to remedy. Some are beyond the influence of non-state actors; most typically, these are legislative hurdles. But some can be influenced to create wider access to justice for members of the public; and awareness is one of those. Therefore, we, the partner organizations implementing the LIFE-A2J-EARL project, were glad to carry out this project, which was specifically related to raising the awareness of key stakeholders about access to justice in environmental matters. This became the core of our project.



The situation at the start of the project

Despite the fact that the body of EU environmental policy and regulation is very advanced and comprehensive, Europe's environment is rapidly deteriorating. Strong legislative and policy frameworks are not generating the results they should because they are not properly implemented. This is both an environmental and a socio-economic problem. The estimated cost of the poor implementation of EU environmental law amounts to around €50 billion a year. The lack of implementation of EU environmental laws also erodes the rule of law and public trust in both national authorities and EU institutions.

Experience across the EU Member States has shown that relying solely on public authorities to overcome the implementation deficit will not yield the required outcome. Therefore, active citizens, either acting on their own or via NGOs, are essential for supporting or even substituting action from authorities. This enforcement involves access to judicial review.

But active citizens can only rely on access to justice if they are properly informed, and know how to use their right to remedy. On the other hand, public authorities and members of the judiciary also need proper training and information about specific issues related to access to justice in environmental matters. According to our diagnosis, this information was lacking at the start of the project.



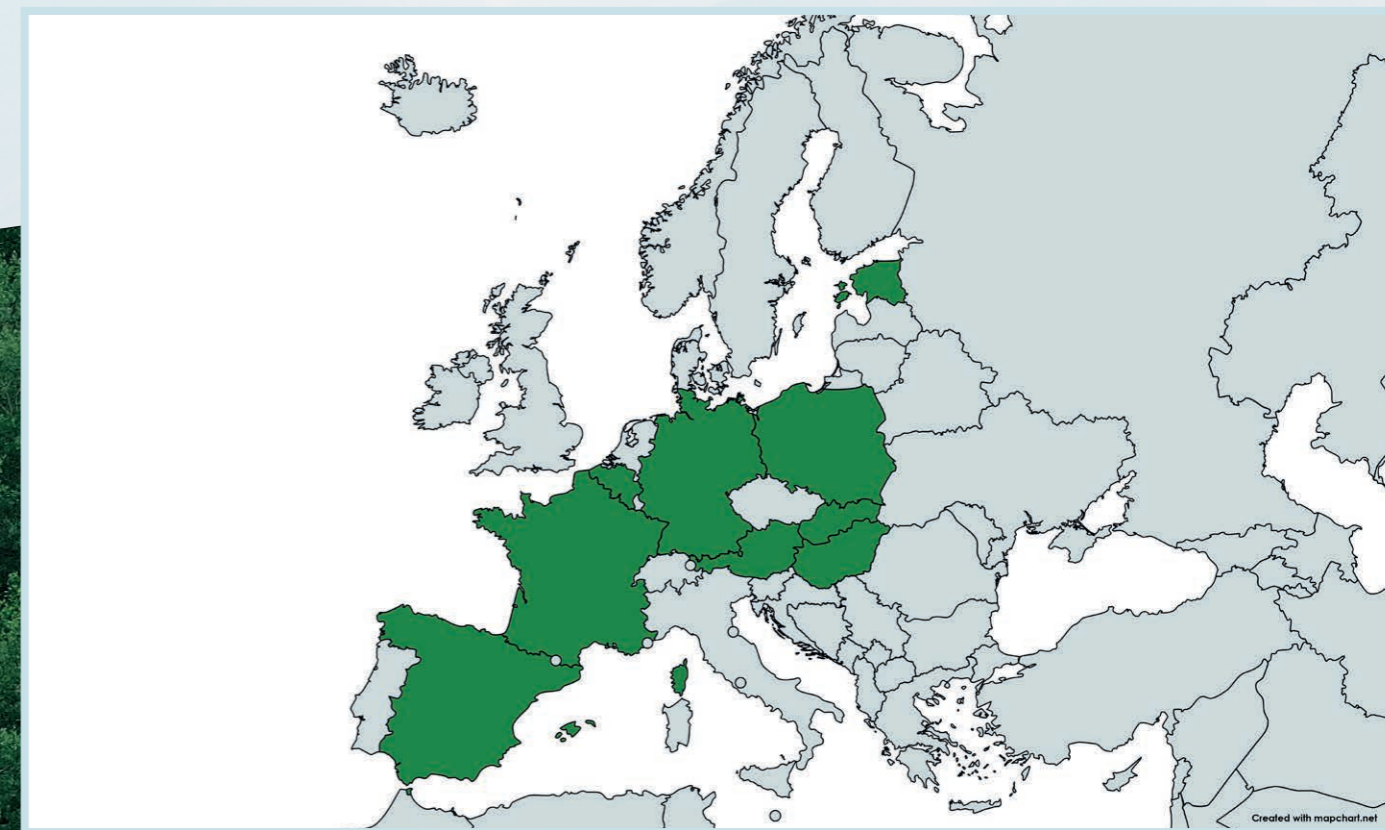
The LIFE-A2J-EARL Project

The project aimed to improve the implementation and enforcement of EU environmental law by providing the public with information concerning access to justice (judicial review, but also administrative review and complaints to other appeal bodies). In order to achieve this long-term goal, the following objectives were pursued:

Increase awareness of existing rules and case-law concerning access to justice in environmental matters among the members of judiciary, public authorities, and public interest lawyers.

Increase the target audience's understanding of the importance of ensuring proper access to justice for the implementation of EU environmental laws and policies.

The project consisted of different activities (see below) and was implemented in nine countries of the EU.



Main project measures

Identification of the needs of the target audience and stakeholders

In order to create a training programme that adequately responds to the needs of the target audience, one must talk to those most affected. This is not an easy task, but it is fundamental before starting any educational activity. In order to learn what our stakeholders need most in terms of knowledge transfer, we organized meetings (we called them workshops) in all eight participating Member States at the beginning of 2018. Invitations were sent out to all potential major stakeholder groups, ranging from NGOs through attorneys to judges. Eventually, a colourful and diverse audience gathered together at these events and shared with us their thoughts and expectations. Meanwhile, we got a chance to present them with our plans for the implementation of the project, and test the viability of our forecasts.

Results

Project partners held national workshops to kick off the project in each participating Member State. A total of eight workshops took place, attended by 169 stakeholders. Figure 1 illustrates the number of attendees per workshop in each country.



Figure 1. Numbers of participants at national workshops per country

The professional background of workshop participants varied from academics, experts, members of the judiciary, supreme court advisors, public and private interest lawyers, attorneys, judges (even from supreme courts), NGOs, and public officials to representatives of public authorities (ministries, ombudsmen, public administration offices, etc.).

Legal analysis of access to justice rights in environmental matters

There is no knowledge transfer without a solid knowledge base. Indeed, the participating organizations that are implementing the project have ample knowledge and experience that has been accumulated during the many years or even decades of their existence as public-interest law offices in their respective Member States. Nevertheless, in a rapidly changing world, where findings of the UNECE Aarhus Convention Compliance Committee and judgments of the Court of Justice of the European Union may bring drastic changes to the implementation of access rights, one must keep up to date regarding these issues. Therefore, we researched and analysed the legislative framework and the relevant case law in all eight EU Member States before we started calling together training sessions.

Results

<https://www.clientearth.org/latest/documents/country-toolkits-on-access-to-justice/>

The national toolkits on access to justice were developed in all of the eight participating Member States (Austria, Estonia, France, Germany, Hungary, Poland, Slovakia and Spain) in the framework of the project. The toolkits (either printed or online versions) reached a total of 1117 stakeholders by the end of the project. Figure 2 shows the number of toolkits downloaded per country.

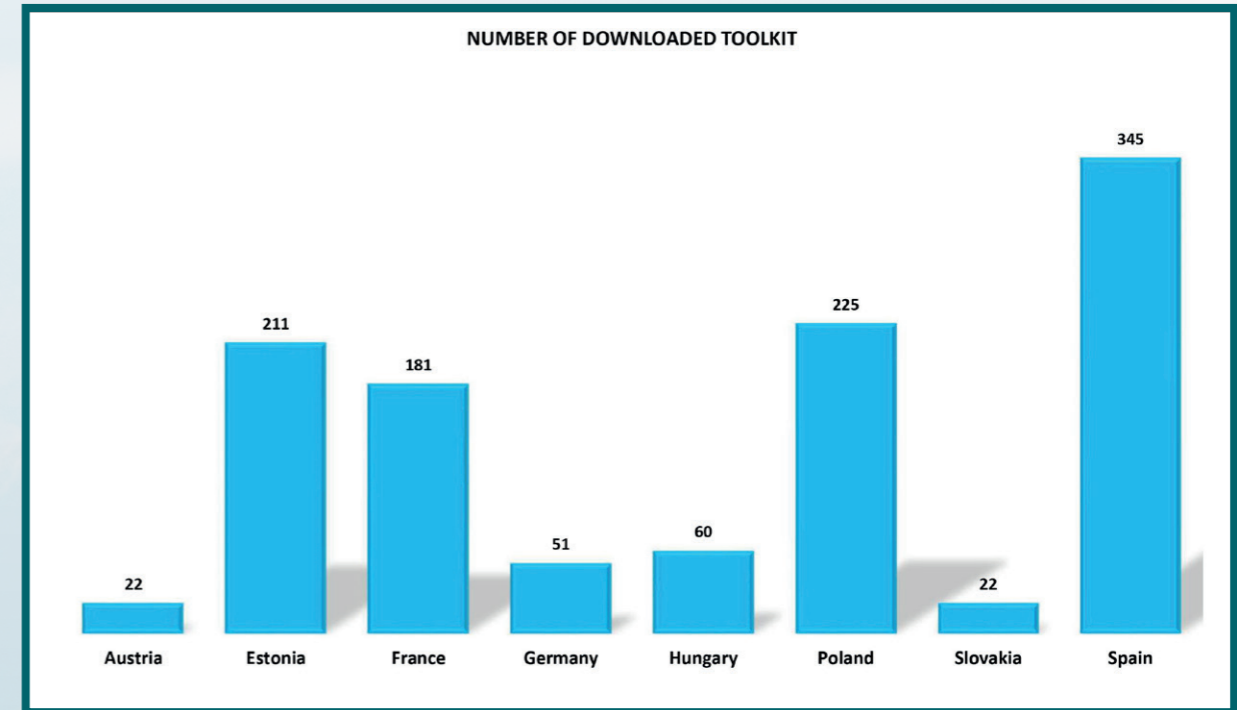


Figure 2. Number of toolkits downloaded in participating countries



Development and dissemination of awareness-raising materials

While specific, nationally relevant summaries of environmental law and toolkits about the implementation of access rights are useful for the respective readers from Member States, the project also aimed at raising awareness at a higher, genuinely European level. We were fully aware that in the last decade there have been dramatic changes in the perception and practice of access rights. These changes, however, have not been collected and presented authentically with the intention of delivering them to the public at large, and to lay readers. We decided that we wanted to fill this gap.

Results

The *Guide on Access to Justice in European Union Law* was developed in English in the framework of the project and was also translated into Polish. The English version of the guide was printed and distributed to 100 stakeholders, while 1759 stakeholders downloaded either the English or the Polish version.

With regard to the legislative framework, the guide is applicable to access to justice in environmental matters under EU law and the Aarhus Convention. It analyses the relevant pieces of EU legislation implementing the access to justice provisions of the Aarhus Convention, as well as EU directives which give rise to access to justice rights, the case-law of the CJEU, and the findings of the Aarhus Convention Compliance Committee. This handbook (which we in fact decided to call a “guide” as it is more practical than a handbook), is a unique tool now at the disposal of the legal community (lawyers, public authorities, and judges) and NGOs. There are no other publications on access to justice of such broad scope that encompass EU legislation, the case-law of the CJEU, and the findings of the Aarhus Convention Compliance Committee. The Guide therefore provides a thorough overview of the applicable legal framework to the target audience.



Preparation and delivery of training on access to justice in the field of the environment

The true essence of the project was the idea of conveying a message to the target audience: access to justice must be wide enough to enable members of the public to stand up for the protection of their rights and those of the environment!

Of the many ways to raise awareness, we opted for well-tried training sessions that ensure both the delivery of knowledge in a condensed format, but which can also ensure interactivity and depart from an overly rigid style of frontal education. The partner organizations in the project did not hold the same number of training events. The countries that were originally covered by the project (AT, DE, EE, FR, HU, PL, ES, SK) were later joined by Belgium, also giving us a chance to share our experience with a Belgian audience.

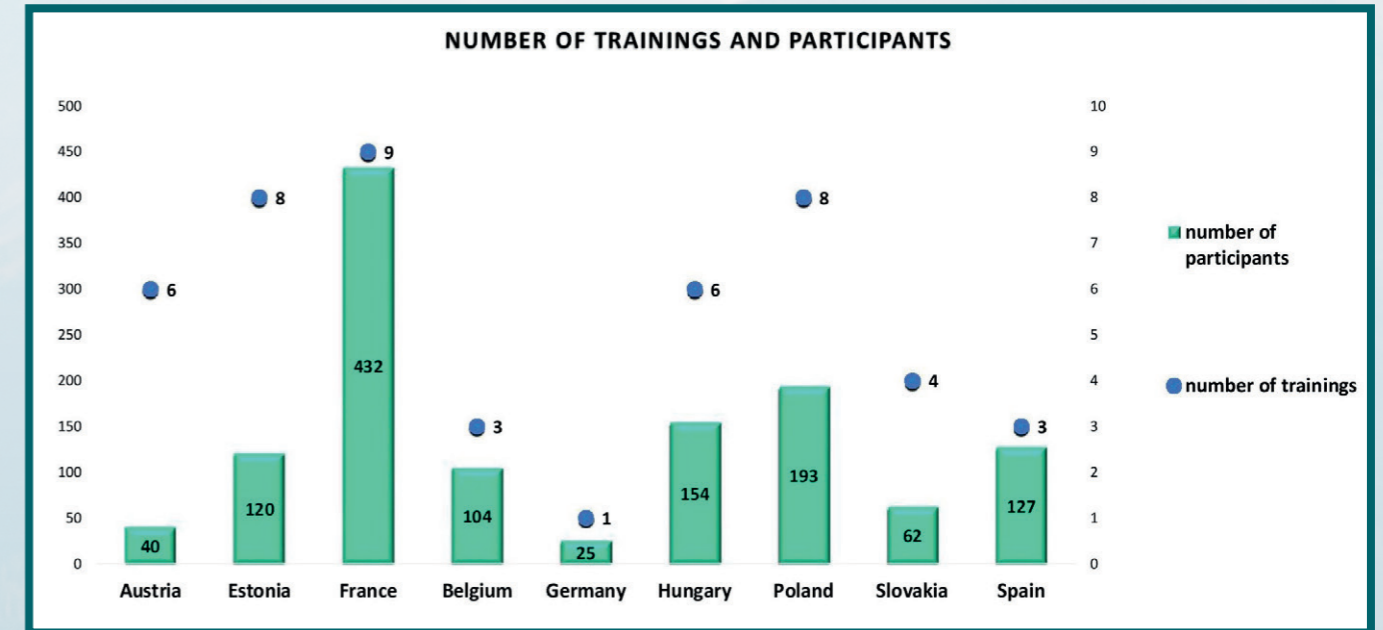


Figure 3. Number of training events and participants per country

The aim was a singular one, but the solution chosen to achieve that aim was diverse. The ultimate goal was to talk to the largest possible audience within the target groups, and to create a lively atmosphere within which thoughts and ideas could collide, and ideally, a consensus could be formed that supports broad access to justice. The solutions that our partner organizations applied were multiple. They ranged from events focusing solely on a limited number of participants restricted to members of the judiciary to large events with almost 100 attendees and separate, medium-sized meetings with all affected stakeholder groups (including bar associations, NGOs, and ombudsman office staff).

And at this moment, right in the middle of our project, a pandemic broke out...

Plans for personal meetings involving travel were cancelled, booked flights, rooms and catering were shelved, and a whole new system of operation had to be put in place.

We took a deep breath and went online. First of all, we had to ensure that all of our training sessions could be held as planned, only in a digital format. The usual online video chat platforms were tested and applied to hold our events. Strangely, this shift to the online sphere had the effect that even more people attended our presentations, freed of the burden and risk of traveling.

While we planned to have webinars within the project from the beginning, and we did have some even before the outbreak of the COVID crisis, the time when we became really professional at organizing such sessions was during the lockdown period. These occasions helped tremendously with reaching out to our target audience and were highly successful. We even decided that we would not stop at the end of the project, but continue with this habit of having at least one webinar per year to update our audience about the development of access to justice in the EU.

Last but not least, we had to rethink our approach to our big closing event – a conference that was planned to be held in Brussels. This became impossible as well. Having no other choice, we reorganized this event and held it online, some five months later, and with almost three times as many participants as we had originally planned when we counted on personal attendance.



Results

According to project-level commitments, at least 1000 people were to be trained in 48 national workshops and training sessions in the nine participating Member States, or via 12 webinars. Based on the data we received, a total of 2090 people attended these capacity-building events. Furthermore, 1635 people watched recordings of the webinars. More precisely, 169 people attended the national workshops, 1257 people participated in the 48 training sessions in nine Member States, whilst 664 people took part in the webinars.

Based on project partners' commitments, at least 120 people were to participate in the international conference in Brussels. Due to the Covid pandemic, this event was held online, and was attended by 285 participants.

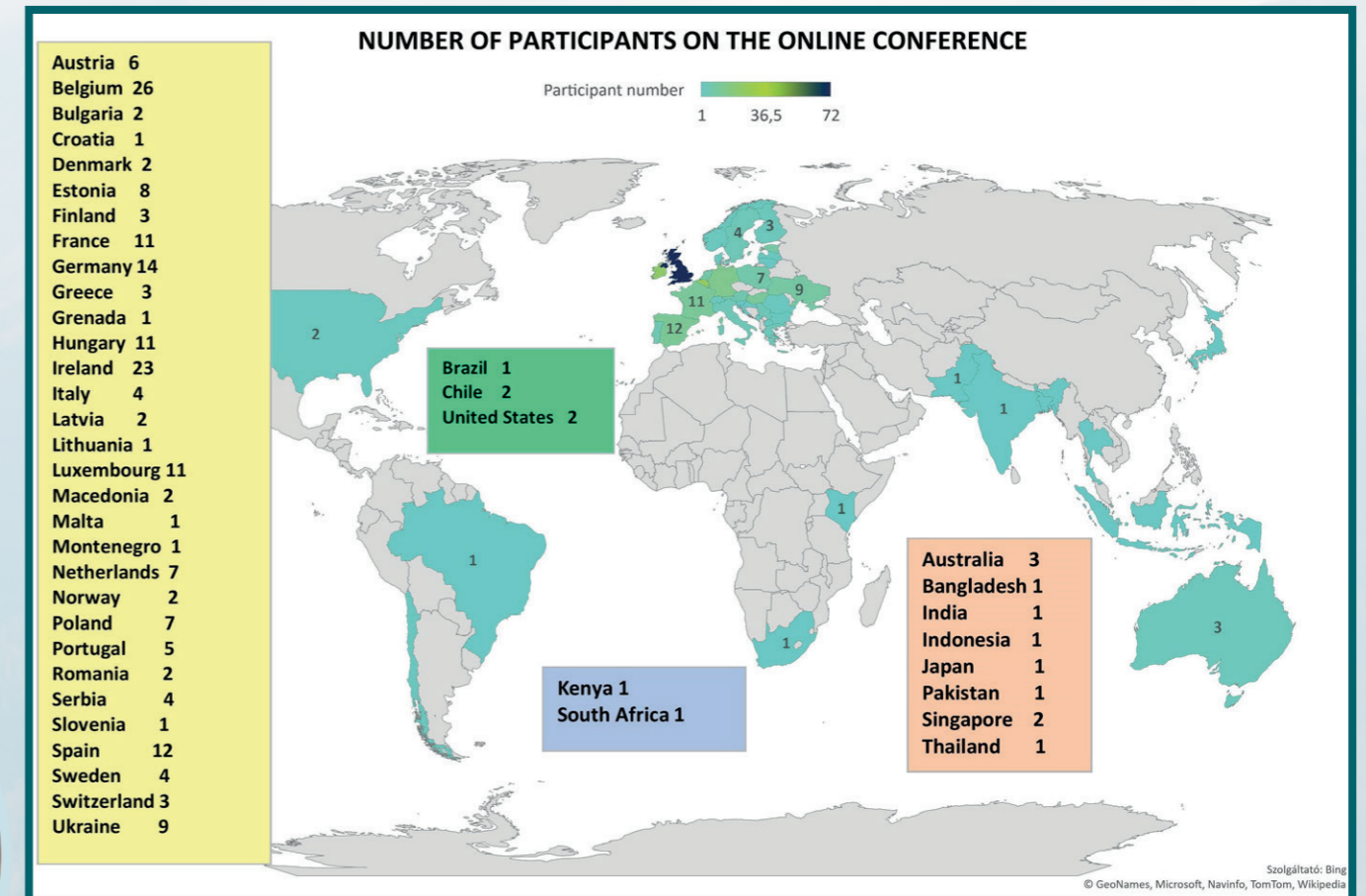


Figure 4. Number of participants at the online conference based on country of residence

All the webinars are available from the events section of our website:

<https://www.clientearth.org/projects/access-to-justice-for-a-greener-europe/events/>

The EU-wide conference is available to replay here:

<https://www.clientearth.org/projects/access-to-justice-for-a-greener-europe/events/virtual-conference-on-access-to-justice-in-environmental-matters/>

The agenda of the conference is accessible here:

<https://www.clientearth.org/media/fbzn3sqc/agenda-virtual-conference-october-2020-access-to-justice-in-environmental-matters-impacts-obstacles-way-forward.pdf>

Dissemination activities

Our project website was built as a hub of information on access to justice for legal professionals.

On top of general project information, it hosts all the legal analysis and articles about recent case-law developments, displays upcoming webinars and events, and features the whole range of resources we have produced – including the handbook, national toolkits, the database of public interest lawyers, and the interactive platform on access to justice. It also highlights the different countries involved in the project with links to pages of affiliates.

All this material was regularly disseminated via our newsletter on access to justice, but also via social media channels like our Access to Justice Twitter account, and Justice and Environment Facebook account. We also sent out a series of press releases to inform the media about our publications and important updates.

We also used every opportunity provided by the seminars or webinars to advertise our materials and hand over hard copies of the Handbook.

Results

During the project, 163 articles were uploaded on the website, including analyses, workshop reports, news releases, and newsletters. This generated a total of 10,681 page views with a good “bounce rate” of only 46% (this means that only 46% of people who visited the project page left before reading a story or clicking some other link). This is a good result, because it means that about 55% of the people who landed on this page clicked on the newsletters and updates and explored further.

The monthly newsletter on access to justice was our most successful way of disseminating the project materials. We reached more than 700 subscribers by the end of the project, and reports shows real interest from our audience: clicks on links were much higher than the typical industry average.

Our Access to Justice Twitter account gained 270 followers during the three years of the project. This helped us raise awareness about the project and access to justice issues, and encouraged people to sign up to our events.

Our website: <https://www.clientearth.org/projects/access-to-justice-for-a-greener-europe>

Our Twitter account: @A2JusticeCE



Broader socioeconomic impacts

Based on research performed by a consultant¹, we were able to distinguish six key socio-economic impact categories the project contributed to, which may be divided into further sub-categories. These are:

- increased knowledge and awareness about access to justice and the Aarhus Convention,
- dialogue and cooperation among the target group members,
- influencing policy,
- extended communication to a wider audience about project-relevant topics,
- attitude change among the target group,
- personal and organizational development, and Future plans.

¹ EcosystemEvaluation, <https://ecosystemevaluation.com/>

There is a wide consensus among the project partners about the importance of the project in relation to raising awareness and creating knowledge about the Aarhus Convention and access to justice. This is potentially the most significant socio-economic impact of the project, from which many other related impacts stem. Increased skills and knowledge, along with the opportunity for wide-stakeholder dialogues, potentially cause a subsequent attitude change to a certain extent. In some cases – especially among NGOs and local initiatives – it was noted that participants felt more “illuminated”, empowered, and “gained confidence that they were on the right path” due to the newly acquired knowledge. In certain cases, the project achieved direct results by contributing to policy decision-making and encouraging stakeholders to go to court to challenge decisions that breach environmental legislation. The project work also led to further connections with policy makers, which is indicated, for instance, by the participation of MEPs as well as members of national political parties in the training sessions and webinars – which in turn may further impact policy. The project had a wide range of impacts on the participating organizations. They extended their networks at the EU and national levels, and among the actors of the target audience. Having closer ties with judges, public administrations, and lawyers, along with NGOs, largely benefitted the organizations. Working closely with additional stakeholders, including decision makers, journalists, and academia, also extended their networks and provided them with additional opportunities. The project network and relevant international knowledge exchange reinforced further the participating organizations’ collaboration potential and capacity. Organizations and individuals both extended their own knowledge about relevant topics and increased their understanding of how their own country and other EU countries deal with access to justice.





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More information at:

email: info@justiceandenvironment.org

web: <https://www.clientearth.org/projects/access-to-justice-for-a-greener-europe>

twitter: [@A2JusticeCE](https://twitter.com/A2JusticeCE)