

## Justice Working Group Minutes of Meeting

<b>Meeting chairs</b>	UNDP Resident Representative, Melanie Hauenstein Head of EU Delegation, Sandra De Waele/EU Head of Cooperation Alessandra Viezzer
<b>Meeting attendees</b>	High Judicial Council, State Council, Ministry of Justice (MoJ), Parliament Administration and Justice Committee (MP Okais), Venice Commission, European Commission (DG NEAR, DG JUST), Beirut Bar Association (BBA), Lebanese Judges Association, Independence of Justice Coalition, AICS, Embassy of France, Embassy of Canada, Embassy of Switzerland, Expertise France, US Bureau of International Narcotics and Law Enforcement Affairs, ARCS Solidali, UN RCO, UNICEF, UNODC, 3RF Independent Oversight Board, Restart Center
<b>Location</b>	UNDP Beirut
<b>Date</b>	18 December 2023
<b>Duration</b>	2 hours
<b>Meeting nr.</b>	6
<b>Agenda</b>	<ol style="list-style-type: none"> <li>1. Introduction</li> <li>2. Presentation by the Venice Commission</li> <li>3. Update on draft laws on independence of the judiciary</li> <li>4. TAIEX Functional review and its follow-up</li> <li>5. AOB</li> </ol>
<b>Link to previous minutes</b>	<a href="https://www.lebanon3rf.org/sites/default/files/2023-07/3RF-Justice-WG-MoM-and-Presentation-21062023.pdf">https://www.lebanon3rf.org/sites/default/files/2023-07/3RF-Justice-WG-MoM-and-Presentation-21062023.pdf</a>

Minutes of meeting
<p><b>1. Opening Remarks:</b></p> <ul style="list-style-type: none"> <li>• The <b>UNDP Resident Representative</b> noted that it has been almost 5 months since the last WG meeting. While the situation at the southern border is alarming, it has in no way dampened the urgency of undertaking comprehensive justice sector reform. Lebanon and its people more than ever need independent, effective, accountable and accessible justice institutions to safeguard their rights, rebuild trust in the State, and lay the groundworks for economic growth.</li> <li>• <b>Head of EU Delegation</b> expressed her delight in attending her first 3RF JWG and noted that efforts exerted in the justice sector fall into the heart of democratic development. Stressed that it is important to keep the dynamic of reforms going and not fall victim of the trap of current crises. Acknowledged that reform is never easy but undertaking them is necessary for the future.</li> </ul> <p><b>2. Presentation by the Venice Commission:</b></p> <ul style="list-style-type: none"> <li>• <b>EU Head of Cooperation</b> noted that the Venice Commission is drafting an opinion on the draft law on administrative courts following an official request of the Ministry of Justice. She explained that the Commission's planned visit to Lebanon had to be postponed due to recent events. Nevertheless, the Commission was ready to outline its methodology and plans in regards with the new legal opinion.</li> <li>• The Venice Commission provided background information regarding its structure, the selection procedure for rapporteurs and the methodology for drafting legal opinions.</li> <li>• In preparation for the review of the draft law on independence of administrative courts, five rapporteurs have been selected</li> </ul>

- The Venice Commission hopes to visit Lebanon at the beginning of February 2024, in order to be able to draft an opinion by 1 March 2024, so that the opinion can be adopted during the plenary on 15-16 March 2024.
- During its visit, it will seek to meet all relevant stakeholders, including from civil society.
- **Parliament Administration and Justice Committee** inquired about benchmarks regarding countries involved in the process of legal opinions and the outcome of such process. The Venice Commission acknowledged that all countries of the Council of Europe are eligible to request an opinion. Exceptionally, other countries may be granted this opportunity in light of joint programmes in place, such as the EU-funded South V, which allows the Commission to work with Lebanon.
- **Lebanese Judges Club** asked if the Venice Commission follows up on whether its opinions are taken into consideration, since Lebanon did not apply the recommendations relating to the draft law on independence of judicial courts. The Commission clarified that they provide opinions upon request, but it is up to the country that requests the opinion whether they follow its recommendations or not. The country can also request a follow-up opinion to assess its updated or adopted draft law.

### 3. Update on draft laws on independence of the judiciary

- **Parliament Administration and Justice Committee** noted that the Parliament is barely functioning in the absence of a President; moreover, significant logistical gaps remain such as proper premises and support staff. During the 15 December 2023 General Assembly meeting, the Speaker of the Parliament decided to postpone the decision on the draft law on the independence of judicial courts, in order to focus on the extension of the mandate of the LAF Chief.
- The sub-committee is discussing two different drafts laws to reform administrative courts which were submitted to the Parliament (1) by MP Osama Saad in March 2021, and (2) by MP George Adwan, with the support of the President of the State Council, in July 2021. Discussions are deep and constructive aiming to achieve full alignment between the draft laws on the independence of judicial and administrative courts.
- As the sub-committee has concluded its deliberations regarding the law on military courts, it can now convene four times a month to discuss the draft law on the administrative courts.
- An interest was also raised in seeking the opinion of the Venice Commission on the final draft law on the independence of judicial courts, and on the completed section of the draft law on administrative draft law.
- **Legal Agenda** inquired about which updated version of the draft law on the independence of administrative courts the Venice Commission has received. **Ministry of Justice (MoJ)** clarified that MoJ submitted the draft law which was drafted by the Head of the State Council for the Venice Commission to review. But regardless of which draft was submitted, the opinion by Venice Commission will guide the drafting process, so it will be beneficial. MoJ has not sent any updated version of the draft law since.
- **Legal Agenda** welcomed that the draft law on military courts has been finalized and requested to see the final version of it to comment it. **Parliament Administration and Justice Committee** outlined that the Parliamentary process according to Article 34 of the Parliament's rules stipulates that the public can only see the draft law that is submitted, but the discussions about the draft law within the Parliament are confidential. In the past, MP Okais has submitted a motion to amend Article 34 to allow the public to be informed about the discussions, but this was not adopted. CSO and IC stakeholders

are encouraged to advocate for this change to make all debates in Parliament public. Furthermore, it would be good to get a follow-up opinion by the Venice Commission on the amended draft law on the independence of judicial courts. **UNDP** took note of the support required on parliamentary procedures and informed about an upcoming project under the chapeau of the Parliament-UN Partnership Compact, through which UNDP will support the Parliament.

- **Legal Agenda** lamented that the process to discuss the draft law on the independence of administrative courts is very slow. **Parliament Administration and Justice Committee** acknowledged the problem, but explained that this is mainly due to limited human resources. Furthermore, as there are some great judges involved, discussions on one article can sometimes take up an entire session. The most difficult part of the law (approx. 30%) has already been discussed and finalized, the remaining parts are procedural, so less challenging. **Beirut Bar Association (BBA)** suggested setting up a system whereby university students or apprentice judges can support the process pro-bono to speed things up.
- **BBA** asked why the international community does not support the judiciary as much as it supports the security sector, including on pressuring the Parliament to extend the mandate of the LAF Chief. **EU Head of Cooperation** replied that the international community clearly supports reforms in the justice sector, as evidenced by the existence of the 3RF Justice WG, and the technical assistance being provided, but that is where their role ends – it is up to the Lebanese authorities to implement reforms.
- **Legal Agenda** informed that they will have a section on their website, which will be a repository of all the draft laws submitted to Parliament as well as the final versions so that the public has access to this information more easily.
- **UN Resident Coordinator:** Emphasized the importance of communicating what is going on in WG meetings, both so that the public understands all that is being done to support reforms, but also so that the international community learns from the good practice of the Justice WG and understands where the priorities of Lebanese counterparts lie. He stressed the importance of the dialogue that happens in these fora.

#### 4. TAIEX Functional review and its follow-up

- **EU Head of Cooperation** noted that the report of the TAIEX Functional Review (FR) has been uploaded to the [3RF website](#) in English and Arabic, with a French translation to follow.
- **MoJ** informed that authorities commented on the FR and highlighted the MoJ's intention to follow-up on its recommendations through an inclusive national-led "Legal Forum", as agreed in the last JWG meeting. To this end, in coordination with other justice sector authorities, sector stakeholders, including those participating in the 3RF JWG, will be invited to the launch of the Forum in late January, if the situation permits. The Legal Forum will serve the development of a national roadmap through a Lebanese-led process based on the themes of the FR. **Legal Agenda** requested to get more information about the Forum, especially on the involvement of different stakeholders, suggesting that there be a meeting with Lebanese partners before its official launch. **MoJ** took note of the request and clarified that the structure and the modus operandi is being considered; the intention is to have inclusive discussions, including with civil society representatives. A concept note detailing the process will be shared in advance.

- **UNDP** mentioned that they will support the secretariat of the Forum. In that regard, a call for applications had been made for the recruitment of 3-4 national experts. The recruitment process is being finalized. In parallel, **UNDP** and **EU** will also ensure the presence of international expertise to accompany the process.
- **Parliament Administration and Justice Committee** noted that there is a momentum for judicial reforms in Lebanon now. The strength of 3RF is its inclusiveness, but it has not yet provided a roadmap – so this will be an important aim of the Legal Forum.
- **Lebanese Judges Club** informed participants that its members face impediments in their work. The President of the State Council issued a memorandum forbidding administrative judges to attend meetings of the Parliamentary sub-committee on the draft law on administrative courts. The State Council should withdraw this memorandum ahead of the launch of the Legal Forum, so that members of the Lebanese Judges Club can attend its meetings.

**Closing Remarks:**

- **UNDP Resident Representative** closed the meeting by reiterating commitment to support as convening entities, as well as providing technical assistance where needed.
- **EU Head of Cooperation** thanked the UNDP Resident Representative for her support to the justice sector and wished her well for her next posting in Germany.