



Overview

The International Conference on Access to Legal Aid in Criminal Justice Systems will hold a special virtual convening on legal aid amidst COVID-19, to continue to achieve progress on equal access to justice for all as envisaged in the 2030 Agenda, from 14-18 September 2020. This online conference will address global challenges in access to quality legal aid services for the poor and vulnerable, in the context of the coronavirus pandemic. We will consider ways to meet this moment as legal aid providers, highlighting innovative responses to this urgent crisis and how we can build back better.

The Public Defender's Office of the State of Rio de Janeiro will host the conference, together with the International Legal Foundation (ILF), the Open Society Justice Initiative (OSJI), the United Nations Development Programme (UNDP), and the United Nations Office on Drugs and Crime (UNODC), and in collaboration with the Government of the State of Rio de Janeiro, the National College of General Public Defenders of Brazil (CONDEGE), the Public Defender's Office of the Union, and the National Association of Public Defenders of Brazil (ANADEP).

This virtual event with short sessions spread over 5 days will be a specially adapted session of the fourth biennial global Conference, following the inaugural Conference held in Johannesburg, South Africa in June 2014, the second Conference held in Buenos Aires, Argentina in November 2016, and the third Conference held in Tbilisi, Georgia in November 2018. While we hope to gather in person at a future date, we believe it is important at this critical moment to exchange experiences to achieve equal access to justice for all.

The Right to Legal Aid in Criminal Justice Systems

The right to free legal assistance for criminal defendants who are unable to afford a lawyer is a widely accepted principle of law and an essential component of the right to a fair trial. Legal aid provides a foundation for a fair and effective justice system based on the rule of law. A functioning legal aid system may reduce the length of time suspects are held in police stations and detention centers, in addition to reducing congestion in the courts, wrongful convictions, and prison overcrowding, while also reducing reoffending and revictimization. Critically, prompt access to legal aid can prevent torture and other cruel, inhuman, or degrading treatment or punishment. It may also protect and safeguard the rights of victims and witnesses.

With added urgency amidst the COVID-19 pandemic, this Conference will highlight global efforts to implement the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (the "UN Principles and Guidelines"), which provide that States should put in place a comprehensive legal aid system that is accessible and effective, has nationwide reach, and is available to all without discrimination. Consistent with Article 14 of the International Covenant on Civil and Political Rights (ICCPR) and the UN Principles and Guidelines, many States have laws guaranteeing the right to free legal representation for poor and vulnerable persons accused of crimes, or where the interests of justice so require, for example in cases where the death penalty could be imposed. Yet, all States face challenges in implementing this right, including limited financial resources, an inadequate number of lawyers, poor quality legal aid services, and insufficient training and awareness on the meaning and importance of effective legal representation. Further impeding access to legal aid is the fact that public awareness of legal aid is often low, and public trust and confidence in legal aid services may be compromised for a number of reasons, including bias, complexity, and concern about quality of services provided.



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SUPPORT ACCESS TO JUSTICE FOR ALL

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Legal aid is an essential tool in ensuring equal access to justice. When there is insufficient and inadequate access to legal aid and justice, people are unable to resolve their grievances and disputes peacefully and might opt for violence and conflicts. As a result of the global crisis in access to legal aid, millions of poor and marginalized people around the world face illegal and excessive pretrial detention, torture, abuse, and mistreatment by police, coerced confessions, and wrongful convictions. The poor are more likely to be held in pretrial detention, which carries severe social, economic and health consequences, as they are unable to afford bail, fines, and other fees. Police disproportionately target members of marginalized groups, including racial, ethnic, gender identity, and religious minorities for arrest and excessive use of force in many countries. Members of marginalized groups may also face disproportionate prosecutions, unfair trials, and sentences that are disproportionate to the crime committed. Further, there is a significant and unmet need for legal aid services that address the specific rights and needs of certain groups in the justice system, such as victims and witnesses of crime, women, children, persons with disabilities, and those facing civil and family matters. Particularly women often do not have access to family wealth to be able to afford a lawyer, and exponentially encounter difficulties in understanding and navigating the justice system, due to illiteracy or insufficient knowledge of their rights, as well as cultural barriers within communities. In detention, many female offenders have experienced domestic or sexual violence.

Objectives and Desired Outcomes of the Conference

This conference will focus on practical and achievable outcomes by engaging national-level representatives, legal aid providers, civil society members, and other experts to address common challenges in providing the poor and vulnerable with access to effective criminal legal aid services, while showcasing good practices and innovative solutions in addressing the effects of the pandemic, and preventing a negative impact on those persons whose vulnerability is heightened by it. The conference will build on discussions from the first three conferences in light of current challenges and will highlight global, regional, and national efforts to strengthen access to legal aid.

The conference will encourage participants to develop concrete, action-oriented plans to address challenges related to the provision of legal aid services and advance implementation of the UN Principles and Guidelines. Participants will also be encouraged to consider how to integrate additional frameworks and initiatives, such as the 2030 Agenda for Sustainable Development, with its principles of "leaving no one behind", and "reaching the furthest behind first;" and specifically Goal 16 Target 3 on the rule of law and access to justice for all. Participants may also consider the most recent General Assembly Resolution on Sustaining Peace, the Open Government Partnership's National Action Plans, the International Legal Aid Network, and similar platforms and networks.

At the conclusion of the conference, participants will have the opportunity to adopt a declaration in which they commit to take action on items related to improving access to legal aid at the domestic level, and to promoting cooperation and collaboration at the regional and international levels.



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Conference Topics

Conference sessions will address some of the most pressing issues in legal aid around the world in the context of the pandemic, including progress towards achieving the Sustainable Development Goals and expanding access to justice, with a focus on practical efforts to make the right to legal aid a reality. The Conference will highlight interesting aspects of the legal aid systems in Brazil and across the Americas, while inviting participants from around the globe to share experiences and ideas.

Under the broad theme of models for sustainable legal aid systems, the event will facilitate discussions around topics such as mechanisms for ensuring independence, best practices for setting eligibility standards as alternatives to a means test, and the role of legal aid in restorative justice processes. It will also explore monitoring and evaluation for quality legal aid, including measuring and improving access under Sustainable Development Goal 16 Target 3. Issues around the protection of groups with specific rights and needs will be highlighted as well, addressing topics such as the core components of a child-friendly system, equal access to justice for women, and the link between violence, race, and criminal justice. Participants will also be encouraged to share successes and challenges in the use of strategic litigation, technology, and other innovative approaches.

While the conference will focus on legal aid in criminal justice systems, it will also provide an opportunity to address some related civil legal aid issues, such as how State and non-State actors might coordinate the strategies, funding, and administration of both criminal and civil legal aid.