



1st Regional Conference on Access to Legal Aid

STRENGTHENING ACCESS TO JUSTICE
IN THE GLOBAL SOUTH

New Delhi, November 27-28, 2023

Organized By



NATIONAL LEGAL
SERVICES AUTHORITY
(NALSA)

ILF

THE INTERNATIONAL
LEGAL FOUNDATION

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Overview

The National Legal Services Authority, India (NALSA) together with the International Legal Foundation (ILF), the United Nations Development Programme (UNDP), and the United Nations Children's Fund (UNICEF) will host the first regional conference on Access to Legal Aid in New Delhi, India on November 27 & 28, 2023 with the goal to address challenges in ensuring access to quality legal aid services in the countries of the Global South.

The *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (Principles and Guidelines)* were adopted by the UN General Assembly in December 2012. In 2014, the ILF, UNODC and UNDP partnered with the Government of South Africa, and its national legal aid service, Legal Aid South Africa, to hold the first International Conference on Access to Legal Aid in Criminal Justice Systems in Johannesburg, South Africa with the goal to address global challenges in ensuring access to quality legal aid services for the poor and vulnerable, particularly in criminal justice systems. The second conference was hosted by the Government of Argentina and the Federal Public Defender's Office of Argentina and held in Buenos Aires, Argentina in 2016. Subsequently, the third conference was hosted by Parliament of Georgia and the Legal Aid Service of Georgia and held in Tbilisi, Georgia in 2018, and the fourth Conference was hosted in 2020 by the State of Rio De Janeiro, Brazil and the Rio Public Defenders Office but held virtually, due to the COVID-19 pandemic.

This two-day event will be the first regional conference of its kind and is intended to initiate, facilitate, and support partnerships that increase access to legal aid services across the Global South. It will focus in particular on the need to strengthen legal aid systems in the Asia Pacific Region. It will also provide an opportunity for knowledge exchange between legal aid institutions in Asia and Africa. It follows the call made by participants at the 2nd International Conference on Access to Legal Aid in Criminal Justice Systems, held in Argentina in 2016, for conferences to be organised at the regional level, to enable discussion of progress, challenges and exchange of good practices, to foster collaborations, and search for solutions.

Legal Aid: Access to Justice and Sustainable Development

This Conference will highlight regional efforts to implement the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* and *The United Nations Standard Minimum Rules for the Administration of Juvenile Justice* or *Beijing Rules* and to further the *Agenda for Sustainable Development Goals 2030*. Access to effective legal aid services is vital towards attainment of Target 16.3 of the Sustainable Development Goals 2030, which seeks to ensure equal access to justice for all. The *Principles and Guidelines* also affirm that States should put in place a comprehensive legal aid system that is accessible and effective, is sustainable, has a nationwide reach, and is available to all persons without discrimination.

Legal aid provides a foundation for a fair and effective justice system based on the rule of law. The right to free legal assistance for persons 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 and the right to defence. The provision of effective legal aid services can reduce pretrial detention rates and ensure equal access to justice for persons suspected and accused of a criminal offense. Further, a critical component of a child-friendly justice system is for children to have access to specialized legal aid services. Legal aid providers can make an enormous difference in determining whether children will go into detention, whom they will live with, and whether they will have access to education. Legal aid is critical to enable individuals and communities to understand their rights, and to make informed choices along the way to see them protected and enforced. Moreover, the provision of legal aid services in civil and administrative matters can advance SDG 16 and equal access to justice for all. Access to legal aid, including legal information, legal counselling, and legal assistance can resolve unmet justice issues such as a house eviction, family or employment disputes, or obstacles in accessing public services.

Consistent with Article 14 of the *International Covenant on Civil and Political Rights* 1966 and the *Principles and Guidelines*, most States have laws guaranteeing the right to free legal representation for poor and vulnerable persons accused of criminal offenses. Yet, countries face numerous challenges in providing free legal aid services in practice, including developing the adequate policies, regulatory frameworks, and systems, engaging sufficient financial and human resources, establishing quality safeguards and monitoring, or increasing awareness on the importance of effective legal representation. A further impediment lies in limited information about existing legal aid mechanisms, which compromises public trust and confidence in legal aid services. Progress needs to be made to ensure legal aid extends to all persons who are detained, arrested, suspected of, or charged with a criminal offence, as well as to victims and survivors and witnesses, to ensure their voices are heard and to protect and safeguard their rights, including their access to services that address their specific needs to social, psychological, and other protection.

Objectives and Desired Outcomes of the Conference

The objectives of this regional conference are to raise awareness on the need of legal aid in ensuring equal access to justice for all and to renew commitment in establishing effective, accessible, credible, and sustainable legal aid systems. The conference will provide a platform to the participating countries of the Global South to facilitate sharing of lessons and best practices on strengthening the delivery of legal aid services and in addressing the significant access to justice challenges that exist. It is also expected to generate discussion and

recommendations that contribute to policies, legislation, and practices that will strengthen the delivery of effective, quality legal aid services across the region.

Global research on legal aid systems indicates that a large number of countries continue to have no national legal aid body; do not guarantee the right to legal aid to all suspected and accused persons who cannot afford a lawyer or in civil and administrative matters; and permit trials to be conducted even where an accused does not have a qualified lawyer representing them. It is hoped and expected that this conference will not only strengthen regional cooperation on strengthening access to legal aid, but also inform the conference priorities and topics for discussion at the next International Conference on Access to Legal Aid.

The conference aims at encouraging participants to develop concrete, action-orientation plans to address challenges related to the provision of legal aid services in their countries. It will also explore opportunities for greater regional and international collaboration and sharing of innovations, knowledge, and strategies, including through a Regional Legal Aid Network.

Participants will also have the opportunity to adopt a declaration that makes recommendations on action needed to improve access to legal aid, as well as cooperation and collaboration.

Conference Topics

Conference topics may include the following: (1) Models of delivering legal aid services, including institutionalized legal aid (public defender) offices; (2) The role of legal aid in advancing equal access to justice for all; (3) Addressing sustainable funding mechanisms and innovative financing models to ensure resources for state-funded legal aid; (4) The role of bar associations, university clinics, paralegals, civil society, and community based organizations in the delivery of legal aid services, and in partnering with public legal aid providers; (5) Good practices for measuring the impact of a legal aid representation; (6) Strategies for improving the quality and effectiveness of legal aid services; (7) Strategies for reducing pretrial detention, including through provision of early access to legal aid services; (8) Special measures to ensure meaningful access to legal aid for the poor, vulnerable and marginalized groups and addressing criminalization of poverty; (9) Legal aid in civil and administrative law matters; (10) Core components of systems of child friendly legal aid and their impact in advancing the rights of children, including to non-custodial detention and diversion; (11) The role of legal aid in restorative justice processes, mediation, and alternative dispute resolution; and (12) Models for, and the benefit of providing more holistic, people-centered legal aid services.