SDG 16.3
“Promote the rule of law at the national and international levels and ensure equal access to justice for all”

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Goal 16: Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels

- Target 16.3 Promote the rule of law at the national and international levels and ensure equal access to justice for all.
  - Promote the rule of law
  - Ensure equal access to justice

  ✓ Access to justice in civil matters
  ✓ Access to justice in criminal matters
  ❑ For victims: Indicator 16.3.1.
  ❑ For offenders: indicator 16.3.2
Restorative justice

• Any process that **brings together the victim and the offender** to participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator.

• The main types of restorative processes include:
  o Victim-offender mediation
  o Family group conferences
  o Restorative circles

• A key measure in increasing access to justice by giving those affected by the crime **a voice and power to address the harm** (often the only measure that allows victims of crime to participate!)

• Provides guidance on development and operation of restorative justice at any stage of the criminal justice system

• Articulates fundamental procedural safeguards to guarantee fairness to the offender and victims

• Encourages Member States to adopt and standardize restorative justice by establishing their own guidelines and standards with legislative authority, if necessary
UNODC Tools on restorative justice

- **UNODC Handbook on Restorative Justice Programmes**
  - Contains normative and practical guidance on restorative justice
  - Initially published in 2006
  - Currently under revision to reflect the developments in the field
  - Will be reviewed at an Expert Group Meeting in June 2019

- **UNODC Training Curriculum on Restorative Justice Programmes**
  - For training criminal justice practitioners on restorative justice
  - Currently under development
  - Will be piloted at a training workshop in Southeast Asia in October 2019
Legal aid – Definition

• Legal aid includes legal advice, assistance and representation provided at no cost for those without sufficient or when the interests of justice so require.

• Provision of legal aid to persons detained, arrested, imprisoned, suspected, accused or charged with a criminal offence

• Provision to victims and witnesses in the criminal justice process
Access to legal aid - Definition

- Plays a crucial role in ensuring access to justice, particularly for poor and marginalized populations, by enabling people to:
  - navigate the justice system, which can be complicated and overwhelming
  - to make informed decisions
  - to obtain justice remedies

- Foundation for the enjoyment of other rights, including the right to a fair trial

- An essential element of a fair, humane and efficient criminal justice system that is based on the rule of law
Access to legal aid

A functioning legal aid system, as part of a functioning justice system, may:

• reduce the length of time suspects are held in police stations and detention centers

• reduce the prison population, wrongful convictions, prison overcrowding and congestion in the courts

• reduce reoffending and revictimization

• can aid in protecting and safeguarding the rights of victims and witnesses.

- The first instrument dedicated exclusively to the right to legal aid

- 14 Principles and 18 Guidelines create a model for making the criminal justice system more accessible, equal and safeguarding for vulnerable groups, and groups with specific needs

- Provides that States should put in place a comprehensive legal aid system that is accessible and effective, has a nationwide reach and is available to all without discrimination, at all stages of the criminal justice process.
UNDP/UNODC Global Study on Legal Aid (2016)

• The first comprehensive global stocktaking exercise on the availability and accessibility of legal aid services.

• While progress can be observed in establishing legal and policy frameworks in many countries, challenges remain across all regions
  o in implementing plans and enhancing the scope and quality of services, embedded in wider justice reform programmes
  o in data collection and analysis to inform evidence-based action.
Challenges in implementing the right to legal aid

• Lack of adequate legislation or not giving effect to existing laws,
• Limited financial resources,
• An inadequate number of lawyers,
• Poor quality legal aid services,
• Insufficient public awareness on how to access effective legal representation,
• Compromised public trust and confidence in legal aid services (bias, complexity, concern about quality of services provided).
UNODC Technical assistance in access to legal aid

• As called upon in GA Resolution 67/187, the Doha Declaration and CCPCJ Resolution 25/2, UNODC assists requesting Member States in improving and strengthening their criminal justice systems through establishing and developing comprehensive legal aid systems.

• UNODC also supports Member States by encouraging and enabling active sharing of experiences in delivery of legal aid and exchange of information on lessons learned and good practices.
UNODC Tools on access to legal aid

**New:** Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes: Practical Guidance and Promising Practices (to be launched on 23 May 2019)

**International**
- Global Study on Legal Aid (with UNDP)
- Model Law on Legal Aid in Criminal Justice Systems with Commentaries
- Early Access to Legal Aid in Criminal Justice Processes: a Handbook for Practitioners (with UNDP)

**Regional**
- Child Friendly Legal Aid in Africa