

UNODC Executive Director's remarks

10th Anniversary of the Adoption of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems

Tuesday, 31 January 2023, 13:00, CR-1

Madame Chair,

Excellencies,

Ladies and gentlemen,

It is an honour to join you today at this special CCPCJ event celebrating the 10th anniversary of the adoption of the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, allowing us to reflect on key achievements and the challenges ahead.

As the only international legal instrument on the right to legal aid, the adoption of the Principles and Guidelines was ground-breaking.

They ensure the right to a fair trial and equality before the law, irrespective of background, means, or gender.

They enable people to navigate the justice system – which is oftentimes complicated and overwhelming – by ensuring they can make informed decisions and obtain judicial remedies.

Above all, they protect those who lack the means to protect themselves, be it victims, witnesses, or defendants.

Ten years on, the Principles and Guidelines remain just as relevant, serving as a safeguard of essential human rights, including when addressing structural barriers and discrimination in the criminal justice system.

Over the past decade, Member States have attributed increasing importance to legal aid as a catalyst for justice.

In 2014, the outcome document adopted at the International Conference on Access to Legal Aid in Criminal Justice Systems in Johannesburg acknowledged that the cost of *not* providing free legal assistance supersedes the cost of its provision.

At the 2016 General Assembly, Member States jointly committed to ensure timely access to legal aid in drug-related cases.

More recently, the Kyoto Declaration adopted by the 2021 Crime Congress reaffirmed the need to take measures to ensure access to timely, effective, adequately resourced, and affordable legal aid, and to raise awareness of the availability of such aid, including by promoting the UN Principles and Guidelines.

UNODC, as the guardian of these principles, remains at the forefront of efforts to strengthen criminal justice systems through legal and policy advice, as well as the empowerment of legal beneficiaries and communities.

With UNODC assistance, countries are making progress in establishing stronger legal and policy frameworks worldwide.

Maintaining such progress is key to achieving the promise of the 2030 Agenda for Sustainable Development to “leave no one behind”.

Women are at particular risk of being left behind. Women offenders face specific vulnerabilities in detention facilities and prisons, where they are at high risk of harm.

Women may also lack access to family funds to pay for a lawyer, while survivors of sexual gender-based violence are frequently stigmatized or too afraid to testify. Access to legal aid can help remedy this.

Together with UN Women, UNODC implemented a joint project from 2018 to 2021 to enhance access to legal aid for women in West Africa.

The project provided training to over 1,200 women through community-based legal education.

In Liberia, 718 women were released from prison and reintegrated into their communities after human rights violations identified by legal aid providers were addressed.

Elsewhere, in Pakistan, between 2017 and 2021, we helped increase access to justice through our Legal Aid Project for 522 prisoners facing trial, including women, young and the elderly, minorities, and persons with disabilities.

This work also continued throughout the COVID-19 pandemic. UNODC provided training and guidance on legal aid through remote support and scaled up operations to respond to increased demands caused by lockdowns and strict prevention measures, especially for women who were at greater risk of domestic violence.

Such efforts reinforced the role and support of legal aid providers, allowing them to focus more on service delivery, and enhanced advocacy for women's rights in the criminal justice system.

We have come a long way in the past decade. But challenges remain across all regions.

Too many countries have yet to enact specific legislation on the right to legal aid.

Among those that do recognize this right, they often lack the resources or capacity to provide it.

Far too often, the poor and the marginalized, as well as women, children, persons with disabilities, migrants, and minorities, are unable to seek redress, make their voices heard, or defend their rights in the criminal justice system.

Barriers to justice reinforce poverty and exclusion, and negatively impact the economy, leading to greater social divisions and inequalities, in turn reinforcing the cycle of injustice.

We must do more to ensure that countries can provide nationwide access to legal aid services, especially for those living in rural areas, where access to lawyers and legal services is more limited than in urban areas. This includes specialized gender-sensitive and child-friendly services.

States must allocate more resources through targeted and evidence-based budgeting, in order to increase sustainability and local ownership of reforms.

And we need to strengthen partnerships with civil society and other non-State actors in complementing the state delivery of legal aid services, such as through community paralegals, university-based legal clinics, or private sector initiatives.

UNODC, with its expertise, knowledge, and partnerships with national stakeholders and other actors, is well placed to provide support to Member States on legal aid and criminal justice reform.

I look forward to continuing this important work later this year, as we prepare to launch a new e-learning tool on enhancing the quality of legal aid services.

Ladies and gentlemen,

I would like to thank the Chair of the CCPCJ, Ambassador Mary Mugwanja, for organizing this timely event, as we begin a year that will see access to justice and legal aid remain high on the agenda.

I am pleased that a special event has been dedicated to this topic at the upcoming session of the CCPCJ, and I look forward to the debate on access to justice at the General Assembly later this year.

This will set the ground as we look to the next 10 years.

Together, we can and must do more to ensure free and fair access to justice for all, in all regions and countries. As Martin Luther King Jr. once said, “injustice anywhere is a threat to justice everywhere.”

Thank you.