



## **IIJ Inputs for the preparation of the meeting of experts as requested by GA Resolution 78/227**

### **Enhancing Equal Access to Justice: Challenges, lessons learned, best practices and enabling factors**



**Question 1: What are the primary challenges your country faces in ensuring equal access to justice within your criminal justice system? How do these challenges impact groups in vulnerable situations in your society? (Maximum word count: around 550)**

#### **Answer:**

The IIJ has identified several critical challenges related to ensuring equal access to justice in the regions where it conducts its programs, including Africa, the Middle East, and Southeast Asia. A primary challenge is the capacity of justice institutions to effectively handle complex transnational crimes such as terrorism while simultaneously safeguarding the rights of vulnerable populations. Many of the countries in the geographic focus of the IIJ have judicial systems that are under-resourced and lack the specialized expertise required to prosecute terrorism cases effectively, often resulting in prolonged pre-trial detentions and delayed access to legal representation. This situation is particularly pronounced in regions like West Africa, where the legal infrastructure is strained by both resource limitations and the complexities of handling cases involving terrorism.

Another significant challenge is the integration of counter-terrorism efforts with broader rule of law initiatives. For example, in Nigeria, the intense focus on combating terrorism has strained the judicial system, leading to practices that undermine public trust, such as extended pre-trial detentions without sufficient legal oversight. These issues are exacerbated by the limited availability of trained legal professionals who can navigate both counter-terrorism legislation and human rights obligations. The IIJ has observed that when justice systems are perceived as unfair or ineffective, particularly in terrorism-related cases, it can lead to a breakdown in trust between communities and the state, potentially exacerbating the conditions that fuel extremism.

Furthermore, cultural and societal barriers present significant challenges across many regions. Gender bias within the legal system can prevent women from accessing justice, especially in cases involving domestic violence or terrorism-related offenses. Traditional justice mechanisms, which often dominate in rural and conflict-affected areas, may not align with international human rights standards, particularly concerning gender equality and the protection of minors. In regions like East and West Africa, the lack of resources, and targeted training further hinder the justice system's ability to address sexual violence linked to terrorism.

Additionally, regional instability and ongoing conflicts in areas like the Sahel have made it difficult to implement consistent justice reforms. The IIJ's work has highlighted the challenges in these regions, where the security situation often prevents the consistent application of capacity building programmes to promote justice and the protection of vulnerable populations, leading to a perpetuation of cycles of violence and impunity.



**Question 2: Can you provide examples of initiatives or policies that have been successful in addressing access to justice issues in your country? What key lessons have been learned from these initiatives or policies? (Maximum word count: around 550)**

Answer:

Through its extensive work in building capacity and strengthening the rule of law in challenging environments, the IJJ has identified key lessons that have shaped its approach. A notable example is the **IJJ Juvenile Justice Initiative** in various regions where the IJJ operates. This initiative highlighted the critical importance of protecting the rights of minors within the justice system. Recognizing the unique vulnerabilities of juvenile offenders, the IJJ developed and delivered specialized training programs for prosecutors, judges, and other justice sector actors.

In addition, The IJJ's **Uganda Workshop on Enhancing the Prosecution of Sexual Violence Linked to Terrorism** highlighted the complexities of prosecuting sexual violence within counterterrorism contexts. Bringing together legal experts, the workshop focused on improving legal frameworks to better support these prosecutions, considering the interplay between sexual violence, human trafficking, and local customs. This initiative underscored the importance of culturally sensitive approaches and comprehensive training to effectively address sexual violence in terrorism cases.

The IJJ's **Judicial Capacity-Building Initiative**, in collaboration with the International Centre for Counter-Terrorism (ICCT), highlighted the importance of addressing the interlinkages between terrorism and other serious crimes such as human trafficking, sexual violence, and slavery. During the 2022 workshop for the MENA region, participants gained a deeper understanding of how terrorism is intertwined with these crimes and the necessity for a holistic legal approach. The workshop emphasized the need for comprehensive legal strategies that ensure accountability and support for victims, reinforcing the importance of an integrated approach to counter-terrorism efforts.

**Question 3: What are the best practices currently being implemented in your criminal justice system to enhance access to legal aid and fair trials? How do these best practices improve outcomes for individuals involved in the criminal justice system? (Maximum word count: around 550)**

Answer:

The IJJ has implemented several best practices aimed at enhancing access to justice, particularly in the contexts of counterterrorism and transnational crime. A key example is the **IJJ Juvenile Justice Practitioner's Toolkit**, developed as part of the IJJ's Juvenile Justice Initiative. This toolkit provides practical, actionable guidance specifically tailored for prosecutors handling cases involving children in terrorism-related offenses. The toolkit emphasizes the principles of rehabilitation, protection, and reintegration of children into society while maintaining public security. It aligns with the Neuchâtel Memorandum, which outlines good practices for juvenile justice within counterterrorism contexts, ensuring that justice is administered in a manner that respects the rights and needs of minors involved in such offenses.



By equipping prosecutors with these guidelines, the IIJ helps ensure that children receive fair treatment in the justice system, ultimately improving outcomes for young offenders and contributing to their successful reintegration into society.

Additionally, the IIJ plays a significant role in supporting the **GCTF Criminal Justice and the Rule of Law Working Group (CJ-RoL WG)**, co-chaired by Italy and Nigeria. Within the framework of the EU-funded CT PHARE project, the IIJ supported the launch of a survey assessing the application of non-binding recommended good practices outlined in the GCTF's Hague Memorandum and Rabat Memorandum. These memoranda focus on supporting the right to a fair trial with adequate legal representation and ensuring the lawful exercise of pre-trial detention for terrorist suspects.



The findings of this survey, detailed in a report available in multiple languages, including Arabic and French, provide insights into how the right to a fair trial is applied in terrorism-related cases globally. By identifying gaps and areas of improvement, this initiative has contributed to enhancing the fairness and effectiveness of legal proceedings, ensuring that defendants' rights are protected even in complex counterterrorism cases.

Moreover, the IIJ has prioritized **gender-sensitive approaches** across its initiatives. By incorporating gender perspectives into its training programs and workshops, the IIJ ensures that justice systems are more inclusive and responsive to the needs of all individuals, particularly women and girls who may face additional barriers in accessing justice. This approach not only improves the fairness of trials but also strengthens the overall credibility and effectiveness of the criminal justice system.

**Question 4: What factors have been crucial in enabling successful reforms or improvements in your criminal justice system? How can these enabling factors be replicated or adapted in other contexts or regions to ensure equal access to justice for all? (Maximum word count: around 550)**

Answer:

Several key factors have been crucial in enabling successful reforms and improvements within the criminal justice systems where the IIJ operates. These factors have not only driven positive change but have also created a sustainable foundation for ongoing development. Here's how these enabling factors can be replicated or adapted in other contexts to ensure equal access to justice for all.

### **1) Leadership and Political Will:**

Securing buy-in from high-level officials and local leaders has been essential to driving legal reforms. The IIJ's success often hinges on the commitment of policymakers who prioritize justice sector improvements. When leaders champion reforms, they create an environment that supports change, ensuring that initiatives are implemented effectively and that resources are allocated appropriately. This political will can be cultivated in other regions by demonstrating the long-term benefits of reform, including enhanced security, social stability, and international credibility.



## 2) International Collaboration and Support:

The IIJ's partnerships with international organizations, such as the United Nations, the European Union, and other global entities, have been vital in providing the financial and technical support necessary for implementing reforms. These collaborations ensure that initiatives align with international standards and best practices, while also facilitating the exchange of knowledge and resources across borders. To replicate this success in other regions, fostering strong international partnerships is key. Encouraging cross-border cooperation and leveraging international expertise can help tailor reforms to the specific needs of each region, ensuring they are both effective and sustainable.

## 3) Empowering Regional and Local Experts:

A critical component of the IIJ's approach has been empowering regional and local experts to take ownership of justice reforms. By investing in capacity-building and providing continuous support, the IIJ ensures that local practitioners are well-equipped to sustain and further develop reforms. This empowerment fosters a sense of responsibility and commitment among local actors, who are crucial in adapting reforms to their unique cultural and legal contexts. Replicating this approach involves prioritizing local expertise, providing targeted training, and establishing networks for ongoing support and knowledge sharing.

## 4) Alumni Engagement:

The IIJ has successfully fostered a strong alumni network that continues to play a pivotal role in sustaining the positive impact. Alumni engagement is crucial for maintaining momentum, sharing best practices, and addressing emerging challenges within the justice sector. By keeping former participants connected through follow-up activities, workshops, and peer exchanges, the IIJ ensures that the impact of its training programs extends far beyond the initial intervention. This model can be adapted in other contexts by creating alumni networks that encourage ongoing collaboration, mentoring, and professional development, thereby enhancing the resilience and adaptability of justice reforms.

## 6) Long-Term Engagement and Commitment:

The IIJ's long-term commitment to its initiatives, along with the sustained engagement of international organizations, governments, alumni, and the private sector, has been crucial for the lasting impact of reforms. Reforms that are supported over the long term are more likely to become embedded in the justice system, leading to sustainable change. Replicating this factor involves advocating for long-term investment and consistent follow-through on initiatives, ensuring that reforms are not only implemented but are also continuously monitored, evaluated, and adapted to meet evolving challenges.