



Global Study on Legal Aid

Global Report



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Foreword

In Tbilisi, Georgia, 25-year-old Mikheil*, who spent a year in jail after being falsely accused of a crime that he did not commit, was exonerated with help from the Legal Aid Service, the State agency responsible for delivery of legal aid in Georgia.

In Jabalia Camp in the Gaza Strip, Asma* was able to escape an abusive marriage and obtain custody of her children through help from a legal aid clinic, which assisted in compiling medical records to document ongoing abuse as well as in securing funding for a monthly allowance from the State.

In North Kivu in the Democratic Republic of Congo, Julie*, just 10 years old, is a survivor of sexual violence. She has returned to school after nearly four months of absence with help of the legal aid centre that supports victims of sexual and gender based violence. Through comprehensive service provided by the legal aid centre, including legal services, medical care, psychological counselling and support for reintegration into the community, Julie was able to focus on regaining control over her life.

The stories above are just a few examples of how access to legal aid empowers individuals and communities, contributes to reducing poverty and promotes the protection of human rights. Many initiatives around the world using different approaches and models strive to ensure access to legal services for those who cannot afford it. From university-based legal aid clinics supporting prisoners in Viet Nam in their reintegration into the community, to the national legal aid authority assisting in mediation of labour disputes and providing legal representation for employees of the garment, ship breaking, steel manufacturing industries in Bangladesh, to civil society organizations in Guatemala providing legal and psychological assistance to victims of human rights violations as part of the transitional justice process, legal aid services can help people gain knowledge about their rights, assist in resolving disputes and support them in obtaining redress for violation of their rights.

This Global Study on Legal Aid was initiated in 2014 and presents data gathered in 2015 from both Member States and independent national experts. This global effort coincided with the adoption of the 2030 Agenda for Sustainable Development by the United Nations General Assembly, which clearly acknowledges the importance of peaceful, just and inclusive societies in achieving sustainable development and an enabler for the broader Sustainable Development Goals, with access to justice for all as one of its targets.

The *Global Report*, *Country Profiles* and the *Case Studies* publications of the Global Study on Legal Aid provide an initial overview of the current state of legal aid worldwide. It illustrates how States have striven to safeguard the right to legal aid services in criminal matters and to meet the demand for legal aid services in a wide range of civil and administrative matters. While progress has been made in establishing national legal and policy frameworks on legal aid in many countries, States face common challenges in translating this into improved access to justice for its people. Indeed, effective delivery of legal aid service is but one of many aspects of broader reforms that are necessary to ensure wider access to justice. It is only when concerted efforts are made towards other crucial reforms, such as reducing excessive and arbitrary pretrial detention, improving the capacity of States to respond to violence against women and children, or enhancing the independence of judges and lawyers, that access to justice for all can truly be achieved.

In addition to presenting a global picture of the situation of legal aid, the Study also highlights specific challenges and priority areas in various aspects of legal aid delivery. Moreover, innovative approaches and lessons learned on delivering legal aid services are featured in order to inform future technical assistance to strengthen legal aid systems around the world. This Study represents the first step in raising awareness of the global state of legal aid services as well as interest and momentum towards wider reforms to improve access to legal aid as part of a broader agenda of ensuring access to justice for all.

As members of the Steering Committee overseeing this Study, we have been engaged throughout the process of the Study from conceptualization to the final review. We welcome this Study as an initial attempt to take stock of how legal aid services are being delivered worldwide.

The Global Study on Legal Aid Steering Committee

* Not their real names.

Preface

The 2030 Agenda for Sustainable Development recognizes “the need to build peaceful, just, and inclusive societies which provide equal access to justice and are based on respect for human rights.” Goal 16, and its target 3 in particular, highlight the importance of ensuring “access to justice for all” in achieving sustainable development. That target has a direct impact on progress across other goals, such as Goal 1 on Poverty, Goal 5 on Gender Equality and Women’s Empowerment, Goal 8 on Productive Employment and Decent Work, and Goal 10 on Reducing Inequalities.

Access to legal aid is central to ensuring access to justice, especially for the poorest and most vulnerable people. As emphasized by the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, legal aid is an essential aspect of a fair, humane, and efficient criminal justice system based on the rule of law. Without access to legal aid, millions of people around the world are at high risk of having their rights ignored or violated when they interact with a criminal justice system, including through arbitrary pretrial detention, torture, coerced confessions, and/or wrongful convictions.

Ensuring access to legal aid for civil and administrative matters is also critical for empowering poor and marginalized populations. So is access to legal aid for marital and custody cases, labour disputes, and property and inheritance issues. Legal aid helps people to assert their rights and to contest cases of discrimination. It contributes to enhancing people’s trust in the justice system, and it enhances the legitimacy of the state. Legal aid can also ensure that people have access to information about their rights, entitlements, and obligations. Put simply, access to legal aid is fundamental to safeguarding fair, equal, and meaningful access to justice.

The United Nations Development Programme (UNDP) and the United Nations Office on Drugs and Crime (UNODC) undertook the Global Study on Legal Aid in order to collect data systematically on legal aid, examine how the right to legal aid is being defined worldwide and how it is being addressed through laws and

policies by states, and understand better the reality of what access and delivery of legal aid looks like across countries and regions in diverse development contexts.

This global study is the first time the UN system has endeavoured to provide an overview of the current state of legal aid around the world. It increases the knowledge and evidence base on how legal aid is being provided. Drawing on survey responses from UN Member States and independent national experts, the study presents various recommendations on how to address common challenges which Member States across all regions and in different development contexts face in delivering legal aid. We hope that the study will galvanize states into taking concrete steps to enhance their legal aid systems.

UNDP and UNODC are committed to supporting access to justice for all, including through the effective provision of legal aid services. This is fundamental to building peaceful, just, and inclusive societies based on the rule of law, and thereby to ensuring sustainable development.

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The Study has been developed with the guidance of an advisory Steering Committee, who provided invaluable support throughout the development of the Study. Steering Committee members include: Maria Luz Ramirez and Nicolás Laino (AIDEF), Donald Deya and Irini Anastassiou (Pan-African Lawyers Union), Vidhu Vedalankar and Patrick Hundermark (Legal Aid South Africa), Manzoor Hasan (BRAC), Gabriela Knaul (Former Special Rapporteur for the Independence of Judges and Lawyers), Jennifer Tsai (American Bar Association - Rule of Law Initiative), Myriam Khaldi (Avocats Sans Frontières), Alejandro Ponce (World Justice Project), Zaza Namoradze (Open Society Justice Initiative), Alan Paterson (International Legal Aid Group), Jennifer Smith (The International Legal Foundation), Tina Gewis and Nathalie Tran (OSCE Office for Democratic Institutions and Human Rights), Nina Berg (Denmark), Åsa Wallendahl (Finland), Abigail Moy (Namati), Paul Prettitore (The World Bank), Kerry Neal and Mathilde Renault (UNICEF), Ute Eckertz (BMZ Germany) and Anna-Sophie Guehrs and Susanne Jacobi (GIZ Germany).

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