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Third International Conference on ACCESS TO LEGAL AID IN CRIMINAL JUSTICE SYSTEMS

November 13 - 15, 2018
Tbilisi, Georgia

1. Overview

The Parliament of Georgia and the Legal Aid Service of Georgia, together with The International Legal Foundation (ILF), the Open Society Justice Initiative (OSJI), the United Nations Development Programme (UNDP), and the United Nations Office on Drugs and Crime (UNODC), and in collaboration with the Open Society Georgia Foundation (OSGF), the United States Agency for International Development (USAID) Project “Promoting Rule of Law in Georgia” implemented by East-West Management Institute (EWMI-PROLoG), the European Union (EU), the Council of Europe (CoE) “Support to the Judicial Reform” Project, and the United Nations Children’s Fund (UNICEF) will host the International Conference on Access to Legal Aid in Criminal Justice Systems in Tbilisi, Georgia from November 13 – 15, 2018 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. This three-day event will be the third biennial global conference of its kind, following the inaugural conference held in Johannesburg, South Africa in June 2014, and the second conference held in Buenos Aires, Argentina in November 2016.

2. The Right to Legal Aid in Criminal Justice Systems

The right to free legal assistance for criminal defendants 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. Legal aid provides a foundation for a fair and effective justice system based on the rule of law. 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, in addition to reducing the prison population, wrongful convictions, prison overcrowding and congestion in the courts, and reducing reoffending and revictimization. It may also protect and safeguard the rights of victims and witnesses.

This Conference will highlight global efforts to implement the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* (the “UN Principles and Guidelines”), which provide 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. Consistent with article 14 of the *International Covenant on Civil and Political Rights* (ICCPR) and the UN Principles and Guidelines, most States have laws guaranteeing the right to free legal representation for poor and vulnerable persons accused of crimes. Yet, all States face challenges in implementing this right, including limited financial resources, an inadequate number of lawyers, poor quality legal aid services, and insufficient training and awareness on the meaning and importance of effective legal representation. Further impeding access to legal aid is the fact that public awareness of legal aid is often low, and public trust and confidence in legal aid services may be compromised for a number of reasons, including bias, complexity, and concern about quality of services provided.

Legal aid is an essential tool in ensuring equal access to justice. When there is insufficient and inadequate access to legal aid and justice, people are unable to resolve their grievances and disputes peacefully and might opt for violence and conflicts. As a result of the global crisis in access to legal aid, millions of poor and marginalized people around the world face illegal and excessive pretrial detention, torture, coerced confessions, and wrongful convictions. The poor are more likely to be held in pretrial detention, which carries severe social, economic and health consequences, as they are unable to afford bail, fines, and other fees. Police disproportionately target members of marginalized groups, including racial, ethnic and religious minorities, for arrest in many countries. Members of marginalized groups may also face disproportionate prosecutions, unfair trials, and sentences that are disproportionate to the crime committed. Further, there is a significant and unmet need for legal aid services to meet the specialized needs of victims and witnesses of crime, women, children, persons with disabilities, and those facing civil and family matters

3. Objectives and Desired Outcomes of the Conference

By engaging national-level representatives, legal aid providers, civil society members, and other experts on common challenges to providing the poor and vulnerable with access to effective criminal legal aid services, and showcasing good practices and innovative solutions to common challenges this conference will focus on practical and achievable outcomes. The conference will build on the presentations and discussions from the first two conferences, and will highlight global, regional and national efforts to strengthen access to legal aid in recent years.

Throughout the conference participants will be encouraged to develop concrete, action-oriented plans to address challenges related to the provision of legal aid services and advance implementation of the UN Principles and Guidelines. Participants will also be encouraged to consider how additional frameworks and initiatives can integrate with that goal, such as the 2030 Agenda for Sustainable Development with its *principles of leaving no one behind, and reaching the furthest behind first*, and specifically Goal 16, target 3 on rule of law and access to justice for all, the most recent General Assembly Resolution on Sustaining Peace, the Open Government Partnership's National Action Plans, the International Legal Aid Network, and similar platforms and networks.

At the conclusion of the conference, participants will have the opportunity to adopt a declaration in which they commit to take action on items related to improving access to legal aid at the domestic level, and cooperation and collaboration at the regional and international levels.

4. Conference Topics

Conference topics may include the following: (1) Effective models of governance or administration of legal aid systems; (2) Mechanisms for ensuring the independence of legal aid providers and systems; (3) The role of bar associations and the private sector in legal aid, and their cooperation with public legal aid providers; (4) Good practices for measuring and improving quality of legal aid representation; (5) Standards for the monitoring and evaluation of legal aid systems; (6) Best practices for setting legal aid eligibility standards; (7) Strategies for reducing pretrial detention, including providing early access to legal aid; (8) Special measures to ensure meaningful access to legal aid for the extreme poor and for marginalized and vulnerable groups, and groups with specific needs, in line with the principle of *leaving no one behind*; (9) Core components of a child friendly system of legal aid; (10) Role of legal aid in restorative justice processes, mediation and alternative dispute resolution; (11) Providing legal aid to victims and others; (12) Innovations in expanding access to legal aid; (13) Innovating strategies to safeguard the rights of the accused, including plea bargaining and strategic litigation; (14) Challenges regarding respect of legal aid and human rights in terrorism and other serious cases; (15) Developing the International Legal Aid Network; and (16) Measuring and improving access to legal aid under Sustainable Development Goal 16, target 3.

While the conference will focus on legal aid in criminal justice systems, it will also provide an opportunity to address some related civil legal aid issues, as States and non-State actors often coordinate the strategies, funding, and administration of both criminal and civil legal aid.