

THE GLOBAL CRISIS IN ACCESS TO LEGAL AID

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. Yet, every country in the world is facing a deep crisis in access to legal aid. A key factor behind this global crisis is the failure of States to properly prioritize the right to legal aid as a fundamental human right, and to meaningfully discharge their obligation to provide access to justice for all. Additional challenges include limited financial resources, an inadequate number of legal aid lawyers, and insufficient training and awareness on the meaning and importance of providing effective legal aid services.

Without access to effective legal aid, millions of poor and marginalized persons charged with criminal offenses in countries around the world are facing arbitrary and extended pretrial detention, torture, coerced confessions, and wrongful convictions. Although country- and context-specific, these issues present themselves consistently and repeatedly in the delivery of legal aid services. Worldwide, the poor do not have equal access to justice as they do not have access to effective legal aid services. In post-conflict settings the issue of lack of access to legal aid is particularly urgent, as when state institutions do not adequately protect citizens, provide access to justice, or guard against corruption the likelihood of violent conflict increases.



CONTACT THE ILF

GENERAL INQUIRIES:
info@theilf.org

PRESS INQUIRIES:
areisman@theilf.org

THE INTERNATIONAL LEGAL FOUNDATION
315 West 39th Street, Room 507
New York, NY 10018, USA
P: +1 212 608 1188

ILF-AFGHANISTAN
House #261, Street #1 Ansari Square
Kolola Pushta Road, Kabul, Afghanistan
P: +93 20 22 00 215

PDS-NEPAL
Uma Bhaban – 1st Floor
Surya Marg House #19
Babar Mahal, Kathmandu, Nepal
P: +977 1 422 3545

ILF-WEST BANK
Albalu' (in front of Alhashim Building)
2nd floor
Ramallah (Al-Bireah), Palestine
P: +970 72 242 3235

ILF-TUNISIA
Sindbad II, Bloc A, 2^{ème} étage, app 3
10 rue Medhat Bacha, Tunis 1001, Tunisia
P: +216 71 241 216

ILF-MYANMAR
No 69, Room 602
Botahtaung Zay Road, Botahtaung Township,
Yangon, Myanmar

FIND THE ILF ONLINE:
theilf.org * facebook.com/theilf * twitter.com/theilf

ILF

THE INTERNATIONAL LEGAL FOUNDATION



*Guaranteeing the right to legal aid
for indigent accused worldwide*



ABOUT THE ILF

Established in 2001, the International Legal Foundation is a leading global advocate of the right to legal aid for poor people accused of crimes, and is a provider of quality, effective criminal defense services for the poor and marginalized in post-conflict and transitioning countries. As of the end of 2016, the ILF has represented over 50,000 poor men, women and children through its public defender programs in Afghanistan, Nepal, the West Bank, and Tunisia. In 2017, the ILF launched a new public defender program in Myanmar.

The ILF's impact on its clients' lives and on criminal justice systems around the world has been profound. Suspects and accused persons who had previously languished in detention for years have been released, incidents of torture have been reduced, and many innocent people have been acquitted.

Moreover, the ILF's advocacy is shifting the conversation worldwide, pushing countries, international institutions, and donors to prioritize access to legal aid as a fundamental human right and crucial development issue that should be addressed under target 16.3 of the new United Nations Sustainable Development Goals.

THE ILF'S GLOBAL ADVOCACY

The ILF played a key role in the drafting and adoption by the General Assembly of the United Nations's *Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, the first international instrument dedicated to the right to legal aid. Subsequently, the ILF's biennial *International Conferences on Access to Legal Aid in Criminal Justice Systems* have aimed to assist countries to develop concrete action plans to address global challenges related to the provision of criminal defense services to the poor. These conferences were hosted by the Government of South Africa in 2014, and the Government of Argentina in 2016. A third conference is planned for 2018.

The ILF also develops research and publications advancing the right to legal aid, advises governments and civil society organizations on strategies for building effective legal aid systems, and provides expert input into technical assistance tools published by UN agencies and other partners.

The ILF is also working with experts, organizations, and governments to launch the first International Legal Aid Network, a forum intended to inform and empower legal aid providers around the world.

THE ILF'S APPROACH

The ILF has developed a unique, field-tested model for ensuring effective delivery of criminal defense services for the poor in post-conflict and transitioning countries. After researching the country's criminal laws and procedures and working with local lawyers to understand the gap between law and practice, the ILF establishes public defender offices staffed with local lawyers, who receive daily training and mentoring from International Fellows and access to a network of legal aid experts.

By providing expert mentoring and legal and technical expertise to lawyers on the ground, the ILF's model has led to major changes in the practices of local lawyers, shifts in lawyers' assumptions about their role in the justice system, and the establishment of a true culture of defense in places where none previously existed.

The ultimate goal of the ILF is to establish effective, sustainable, locally-run and supported public defender systems in post-conflict and transitioning countries. In 2017, the ILF successfully spun off the Public Defender Society of Nepal, a nonprofit Nepali organization, from its groundbreaking legal aid project in Nepal, after less than ten years.