



# 4° International Conference on Access to Legal Aid in Criminal Justice Systems

SPECIAL CONVENING AMIDST COVID-19 TO  
SUPPORT ACCESS TO JUSTICE FOR ALL

September 14-18, 2020

HOSTED VIRTUALLY BY THE PUBLIC DEFENDER'S OFFICE OF THE STATE OF RIO DE JANEIRO

## Outcome Document

### Roadmap for Increasing Access to Justice Amidst the COVID-19 Pandemic

Amidst the COVID-19 pandemic, the organizers of the 4th International Conference on Legal Aid in Criminal Justice Systems held a special virtual convening from September 14-18, 2020. Stressing the continued importance of implementing the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and striving towards achieving the 2030 Agenda on Sustainable Development and its objective "to leave no one behind" and achieve equal access to justice for all, the event provided a forum for legal aid providers and justice stakeholders from around the world to exchange knowledge, practical strategies, and expertise on how to address the urgent justice challenges arising from COVID-19.

In recognition of the unprecedented impact of COVID-19 on criminal justice systems around the world and its disproportionate impact on vulnerable communities, over 800 people from over 75 countries joined this special virtual convening. Participants included legal aid providers and experts from public defender and legal aid offices, bar associations, civil society organizations and international organizations, and other justice and government stakeholders.

The week's sessions highlighted the importance of:

- Advocating for release and protecting the rights of people deprived of liberty
- Holistic representation and access to justice for vulnerable and marginalized groups
- Combating systemic racism and discrimination based on ethnicity, gender, religion, or other status

During nine panel sessions spread across three time zones, experts and practitioners shared their perspectives, lessons learned, and best practices on how to advance access to justice for all. They also shared specific ideas for how we can move forward together.

To address the impact of COVID-19 on people deprived of their liberty, expand access to justice, and combat discrimination, conference participants made the following call to action:



1. Legal aid providers should engage in action to expand government funding and support for legal aid in order to mitigate impacts of COVID-19 which exacerbated existing legal challenges and legal needs of people. Such action should be geared towards strengthening access to legal aid for all, promoting effective use of alternatives to imprisonment, and improving conditions and healthcare in detention facilities.
2. Legal aid providers and experts around the world should collaborate in the development of technical guides that share practical experience, legal strategies and best practices.

Specific recommendations include sharing of information and advice on the following:

- A. Ways in which implementation of safety measures to prevent the spreading of COVID-19 are violating the rights of persons deprived of their liberty, as defined in international human rights instruments and the Nelson Mandela Rules.
  - B. Strategies and practical examples of what works in advocating and litigating for pretrial release and promoting more effective use of diversion and alternatives to imprisonment, both during the COVID-19 pandemic and over the long-term.
  - C. The impact of COVID-19 driven technology, including video conferencing and remote hearings on the rights of suspects and accused, fairness and access to justice.
  - D. Guidance for using strategic litigation and advocacy to address racial, ethnic, gender and other discrimination to advance equality in courts of law and public opinion
3. Legal aid providers should consider adopting a more holistic, comprehensive and multidisciplinary approach to representation that is inclusive of the provision of social assistance, and engage in multiple forms of advocacy, not just litigation, but also policy reform and partnership with stakeholders, as well as consider the role of local, informal and community-based systems to address injustice and meet people's needs.
  4. Legal aid providers and justice stakeholders should evaluate the ways in which the gap in digital access may widen the access to justice gap during and after the COVID-19 pandemic, and seek alternative solutions and alternatives where necessary.



5. Justice stakeholders and legal aid providers should consistently track data and engage in research and analysis to determine the systemic challenges and injustices that need to be addressed, and to advocate for meaningful reform.

Specific recommendations include a need to:

- A. Track what is happening to people who have benefited from COVID-19 related pretrial release and early prison release decisions to build a case that can support long-term efforts to reduce pretrial detention, eliminate cash bail, decriminalize petty offences, reform mandatory detention and reduce mass incarceration.
  - B. Track racial, ethnic, gender and other disparities in criminal justice systems around the world by disaggregating data at all stages of a criminal case with the goal to document the scope and nature of systemic and structural discrimination and to develop data-driven strategies to address these injustices.
6. Legal aid providers should center in their work the individuals, families, and communities directly impacted by criminal justice systems, including by engaging in legal empowerment and legal information initiatives; partnering with community-based paralegals, community-led organizations and movements; and by elevating the voices and experiences of impacted individuals, including formerly incarcerated persons, victims of gender and sexual-based violence, and victims of police violence and torture.
  7. Legal aid providers and justice stakeholders should develop action plans to guide and track efforts to promote the racial, ethnic, gender and other diversity, equity and inclusion that they seek to secure in their communities, and promote their advancement in the leadership ranks of legal aid organizations and the overall criminal justice system.
  8. Legal aid providers and justice stakeholders should receive implicit bias training to better understand how biases affect the decisions and actions of justice stakeholders in the system - such as police, prosecutors and judges, as well as legal aid providers themselves - which can enable them to service their clients in the best possible manner.
  9. While not displacing the responsibility of the state to appropriately fund legal aid services, legal aid providers may consider advocating governments explore public-private partnerships with civil society, and/or the private sector to spur innovation to increase access to justice, including use of technology to span the digital divide.



10. Finally, participants agreed to work together to continue to strengthen cooperation with each other, including through the International Legal Aid Network established at the Second International Conference on Access to Legal Aid in Criminal Justice Systems, with the goal to achieve the following objectives:

- A. Facilitate the sharing of best practices and practical legal strategies;.
- B. Strengthen collaboration of legal aid providers across borders to identify, understand and address broad patterns of human rights violations and injustice; and
- C. Promote coalition-building and joint advocacy at the nation, regional and international level to strengthen legal aid systems and expand access to justice.

Individuals participating in this special virtual convening agreed to work together to advance these outcomes, improve collaboration and sharing of information and expertise, and continue to support the development of the International Legal Aid Network.