

“Legal aid, a right in itself” – UN Special Rapporteur

GENEVA (30 May 2013) – The United Nations Special Rapporteur on the independence of judges and lawyers, Gabriela Knaul, today urged world governments to develop and sustain effective legal aid systems as an essential component of a fair and efficient justice system founded on the rule of law.

“Legal aid is both a right in itself and an essential precondition for the exercise and enjoyment of a number of human rights, including the rights to a fair trial and to an effective remedy,” said Ms. Knaul, presenting her latest report to the UN Human Rights Council. “It represents an important safeguard that contributes to ensuring the fairness and public trust in the administration of justice.”

“Legal aid should be as broad as possible,” she said, stressing that its aim “is to contribute to the elimination of obstacles and barriers that impair or restrict access to justice by providing assistance to people otherwise unable to afford legal representation and access to the court system.”

The human rights expert underlined that legal aid should not only include the right to free legal assistance in criminal proceedings, but also the provision of effective legal assistance in any judicial or extrajudicial procedure aimed at determining rights and obligations.

“States bear the primary responsibility to adopt all appropriate measures to fully realize the right to legal aid for any individual within its territory and subject to its jurisdiction,” the Special Rapporteur said. “Beneficiaries of legal aid should include any person who comes into contact with the law and does not have the means to pay for counsel.”

“The right to legal aid must be legally guaranteed in national legal systems at the highest possible level, possibly in the Constitution,” Ms. Knaul highlighted among the specific recommendations provided in her new report.

The independent expert also observed that it is up to the individual State to identify the model that can maximize access to free legal aid for all individuals within its territory and subject to its jurisdiction.

“Regardless of the structure of the legal aid programme or its formal status, it is of paramount importance that legal aid schemes be autonomous, independent, effective, sustainable and easily available in order to ensure that they serve the interests of those who need financial support to have access to justice on an equal basis with others,” she concluded.

Gabriela Knaul took up her functions as UN Special Rapporteur on the independence of judges and lawyers on 1 August 2009. In that capacity, she acts independently from any Government or organization. Ms. Knaul has a long-standing experience as a judge in Brazil and is an expert in criminal justice and the administration of judicial systems.

Learn more, log on to: <http://www.ohchr.org/EN/Issues/Judiciary/Pages/IDPIndex.aspx>

(*) Check the report: <http://daccess-dds-ny.un.org/doc/UNDOC/GEN/G13/119/35/PDF/G1311935.pdf?OpenElement> or http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/43

The Special Rapporteur also presented country reports on:

El Salvador: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A_HRC_23_43_Add.1_ENG.PDF

Pakistan: http://ap.ohchr.org/documents/dpage_e.aspx?si=A/HRC/23/43/Add.2

The Maldives: http://www.ohchr.org/Documents/HRBodies/HRCouncil/RegularSession/Session23/A-HRC-23-43-Add3_en.pdf

Check the UN Basic Principles on the Independence of the Judiciary: <http://www2.ohchr.org/english/law/indjudiciary.htm>

For additional information and media requests, please contact Amanda Flores (+41 22 917 9186 / aflores@ohchr.org) or write to srindependence@ohchr.org.

For media inquiries related to other UN independent experts:

Xabier Celaya, UN Human Rights – Media Unit (+ 41 22 917 9383 / xcelaya@ohchr.org)

UN Human Rights, follow us on social media:

Facebook: <https://www.facebook.com/unitednationshumanrights>

Twitter: <http://twitter.com/UNrightswire>

Google+ [gplus.to/unitednationshumanrights](https://plus.google.com/unitednationshumanrights)

YouTube: <http://www.youtube.com/UNOHCHR>

Storify: <http://storify.com/UNrightswire>

The world we want: <http://www.ohchr.org/EN/Issues/MDG/Pages/MDGPost2015Agenda.aspx>