

UNODC suggestions for topics to be discussed during the Forum on Human Rights, Democracy and the Rule of Law under the theme, “Equal access to justice for all: a necessary element of democracy, rule of law and human rights protection”

1. Challenges related to measuring progress on access to justice

In the last few years, civil society, academia, national statistical offices, and justice institutions have all been engaged in addressing the challenge of measuring the multiple aspects related to access to justice. While the SDG indicator framework includes now a new indicator on the topic, this remains a complex area with still large gaps in national data that limit the capacity to monitor progress and setbacks. The purpose of the discussion would be to raise awareness on the need to invest in creating monitoring systems and ensuring that all multiple aspects related to access to justice are properly covered.

2. Access to justice for populations in situations of vulnerabilities: the importance of quality legal aid delivery in the criminal justice system

Ensuring equal access to a fair justice system includes the provision of support to those who do not have the means to actively enforce and protect their rights. Vulnerable groups (including but not limited to economically disadvantaged groups, racial and ethnic minorities, indigenous peoples, persons with disabilities, people who use drugs) may often require specialised assistance, for example, psychosocial care or an interpreter. One of the greatest challenges that vulnerable groups across the world face in accessing justice relates to the quality of legal aid services. Ensuring truly equal access to justice requires legal support at no cost for those who do not have the means to protect and defend their rights in the criminal justice system. In supporting beneficiaries in navigating a system that can be complicated and overwhelming, the work of legal aid providers also has an impact on their families and communities, as it helps reduce the length of time suspects are held in detention, the number of wrongful convictions, the incidence of torture, bribery and justice mismanagement, and ultimately the rates of reoffending and revictimization. Access to legal aid translates into access to justice for the poor, the marginalized, and the disadvantaged. The purpose of the discussion would be to discuss experiences, lessons learned, and good practices related to the improvement of the quality of legal aid services to ensure access to justice for all.

3. Compliance with International Human Rights Standards in cases of State of Emergency, including COVID-19 measures

UNODC recognizes that human rights compliance is one of the key components to equal justice, rule of law and democracy. The COVID-19 pandemic has/could provide grounds for governments to adopt emergency measures that could limit, restrict or derogate human rights. There are concerns expressed at the international level that the health crisis could be used as opportunity to introduce measures (e.g. systematic cell phone tracking, restriction of assembly, restriction of movement) that could subsequently be kept in force, including for national security purposes. There are other areas that could be added as well, such as measures affecting fundamental rights in procedural criminal law, such as rights of detainees and prisoners (right to prompt medical attention, no procedural delays). In view of the current circumstances and the aftermath left by the measures applied to manage the health situation, discussion by the OHCHR on these issues would be extremely quite relevant.