

Promoting the Rule of Law and Governance in the Criminal Justice System

The United Nations Office on Drugs and Crime (UNODC) promotes the rule of law and governance and enhancing access to justice in criminal justice systems, including in West Africa. UNODC, with support from the Development Account, helped improve the availability and quality of justice for the accused in Liberia, by supporting building infrastructure and capacity of legal aid providers and enhancing coordination and synergy among key actors in the criminal justice system. Through these efforts, UNODC has improved the quality of legal representation and advice, and enhanced compliance with the right to a fair trial.

In December 2012, the General Assembly adopted the *UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, which provides a strong basis for the work of UNODC on access to justice: drawn from international standards and good practice, the UN Principles and Guidelines recognize that legal aid is an essential element of a fair, humane and efficient criminal justice system based on the rule of law, and that States should, therefore, guarantee the right to legal aid in their national systems and allocate necessary human and financial resources, to be used strategically.

Access to legal advice, assistance and representation for persons detained, arrested or imprisoned, suspected or accused of, or charged with a criminal offence, and for victims and witnesses has a major impact on the fairness and effectiveness of the justice system as a whole, as well as on the lives of individuals. By protecting the rights of the accused, well-trained criminal defence lawyers make certain that proof presented by the prosecution is strenuously tested, enabling courts to determine the truth, uphold due process rights and avoid mistakes such as wrongful convictions and overly harsh or excessive punishment, as well as building the public's trust in the criminal justice system.

Improving the availability and quality of justice for the accused in Liberia

The 7th tranche Development Account project *Promoting Rule of Law and Governance in the*

Criminal Justice System in Liberia (1011AY) that UNODC implemented from 2013 to 2014 aimed at improving the availability and quality of justice for the accused in Liberia by building legal aid capacity and infrastructure in a cost-efficient and sustainable manner, and enhancing coordination and synergy among key actors that support and oversee the courts. Assistance focused in particular on the James A.A. Pierre Judicial Institute, a training entity supporting the strengthening of the judiciary, and the Public Defenders' Office (PDO), established by the Supreme Court in 2009 to provide legal representation to indigent persons and enhance access to justice. The PDO is viewed as an integral part of the judiciary.

The concerted efforts of UNODC and its partners contributed to a change in the mindset of the judiciary, and the realization that even with limited funds, much can be achieved by means of mobilizing, nurturing and investing in available capacity and resources. The project reinforced the relationship between two bodies of the judiciary, united in their shared concern to improve the quality of legal representation, and enhanced compliance with the right to fair trial – the PDO and the James A.A. Pierre Judicial Institute – through fostering extensive collaboration in the organization of and participation in project activities.

Fellowship programme for law students

Another success of the project was establishing a fellowship programme for law students to

enable them gain practical legal experience by directly supporting the public defenders' daily work; and in turn to provide the defenders which much needed support in research and small tasks. The exposure given to students not only inspired some of them to choose the career path of a public defender, but also offered them further insights into the necessity of this profession, and its roles and responsibilities.

"When I was not a part of this programme, I did not know that millions of Liberians needed access to justice in Liberia, but in most cases they can't because they either don't have money or can't find their way around through the legal system."

"I participated in reviewing the files of several inmates who had been incarcerated for more than three terms of court without indictment. A submission was made to the court and four inmates were freed from prison."

- Law students in Liberia who participated in the UNODC fellowship programme assisting public defenders

Building on the abovementioned achievements, as well as extensive experience in providing guidance and advice to Member States on implementing the UN Principles and Guidelines, UNODC has proposed a new project on *Improving Access to Legal Aid for Women in Western Africa* under the 11th tranche of the Development Account to focus on women as a group with special needs, who often lack the financial resources to afford legal advice or post bail after arrest, face a higher risk of sexual abuse in detention, and overall – as suspects, offenders and prisoners – face unique challenges in exercising their rights in the criminal justice system, which is typically geared to deal with male offenders and does not adequately address the different characteristics and needs of women.

Read more about the work of UNODC in this area:

<http://www.unodc.org/westandcentralafrica/en/newrosenwebsite/criminal-justice-system/criminal-justice-system.html>

<http://www.unodc.org/unodc/en/justice-and-prison-reform/criminaljusticereform.html#accesstolegal>