



American Model United Nations

Commission on Crime Prevention and Criminal Justice

CCPCJ/II/1

SUBJECT OF RESOLUTION: International cooperation for the improvement of access to legal aid in criminal justice systems, particularly in Africa

SUBMITTED TO: The Commission on Crime Prevention and Criminal Justice

The Commission on Crime Prevention and Criminal Justice

1 *Recalling* Article 10 of the Universal Declaration of Human Rights, which
2 stipulates that everyone is entitled to full equality in a fair and public hearing by an
3 independent and impartial tribunal in the determination of his rights and obligations and
4 of any criminal charge against himself,

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6 *Recalling* the Lilongwe Declaration on Accessing Legal Aid in the Criminal
7 Justice System in Africa,

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9 *Recognizing* that many affected by the criminal justice system are economically
10 disadvantaged and lack the financial resources to protect their rights,

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12 *Fully aware* that judicial systems in various Member States run the risk of
13 political corruption and may be susceptible to outside influence and interests,

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15 *Noting* the prolonged incarceration of suspects and pretrial detainees without
16 being provided access to legal aid or to the courts, and concerned that it violates the basic
17 principles of universal human rights,

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19 *Recognizing* that providing legal aid to suspects and prisoners may reduce the
20 length of time suspects are held at police stations and detention centers, in addition to
21 reducing the prison population, prison overcrowding, and congestion in the courts,

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23 *Recognizing* the facts highlighted by the United Nations Principles and Guidelines
24 on Access to legal aid in criminal justice systems, along with the principles of the Tokyo
25 Rules,

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27 1. *Encourages* the establishment of programs allocating government and/or
28 private sector funding towards international, online and domestic law scholarships while
29 incentivizing that lawyers return to practice in their home countries;

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31 2. *Recommends* the complimentary provision of legal and law-related services by

32 paralegals and legal assistants, reiterating that in some Member States, paralegals and
33 lawyers do not have the same certifications and should act within their means in order to
34 better meet the demand for legal consultation, thus diversifying legal aid service
35 providers;

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37 3. *Recommends* the provision of legal assistance at all stages of the criminal
38 process including investigation, arrest, pretrial detention, bail hearings, trials, appeals and
39 other proceedings to ensure that human rights are protected, including:

40 (a) Access to legal assistance immediately upon arrest and/or detention;

41 (b) The right to see and consult with a lawyer, accredited paralegal, or legal
42 assistant;

43 (c) Special attention to persons detained without charge, or beyond the expiration
44 of their sentences, or who have been held in detention/prison without access to courts;

45 (d) Special attention to groups such as but not limited to children, young people,
46 the elderly, disabled people, people with HIV/AIDS, the mentally/seriously ill, refugees,
47 internally displaced persons and foreign nationals;

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49 4. *Recommends* that national governments take action to broaden the availability
50 of pro-bono legal aid and consultation through means such as but not limited to the
51 continued mandated pro-bono quotas by bar associations;

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53 5. *Urges* the governments of Member States to further strengthen their judicial
54 and legal institutions, and to promote independence of the judiciary, in order to reduce the
55 risks of judicial corruption and unfair trials;

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57 6. *Calls for* the creation and continuation of programs encouraging human rights
58 education and legal literacy programs in educational institutions, taking into account
59 cultural relevance through consultation of regional bodies, with special attention to the
60 groups mentioned above;

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62 7. *Welcomes* the use of non-custodial measures in keeping with the Tokyo Rules,
63 such as alternative dispute resolution for use in communities where inadequate resources
64 and lack of access to the courts render typical legal procedures ineffective.

Passed, Yes: 26 / No: 1 / Abstain: 6