

## **THE TBILISI DECLARATION ON ACCESS TO STATE-GUARANTEED LEGAL AID FOR FORCIBLY DISPLACED POPULATIONS**

*Tbilisi, Georgia  
1 December 2023*

Representatives of state legal aid providers from Armenia, Georgia, Moldova, and Ukraine gathered in Tbilisi, Georgia on 1-2 December 2023 to participate in the Tbilisi Regional Conference on Improving the Rule of Law and Access to Justice for All. The conference was organised by the United Nations Development Programme with support from the German Government.

In light of the waves of forced displacement in the region including as a result of recent and ongoing armed conflicts, the parties discussed effective strategies for upholding the role of state legal aid providers in the context of forced displacement and enhancing regional cooperation and coordination in promoting people-centred approaches to justice and ensuring access to justice for all. As a result, the parties adopted this declaration by consensus on the first day of the conference.

### ***Preamble***

*The representatives of state legal aid providers from Armenia, Georgia, Moldova, and Ukraine*

*Recalling Article 11, paragraph 1 of the Universal Declaration of Human Rights, as a common standard of achievement for all peoples and all nations, which states that everyone enjoys a fair trial and has all the guarantees necessary for his defence;*

*Recalling Article 14 of the International Covenant on Civil and Political Rights which states that everyone should be entitled, among other rights, "to be tried in his presence, and to defend himself in person or through legal assistance of his own choosing; to be informed, if he does not have legal assistance, of this right; and to have legal assistance assigned to him in any case where the interests of justice so require, and without payment by him in any such case if he does not have sufficient means to pay for it";*

*Adhering to the General Assembly resolution 67/187 of 20 December 2012 on the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems that recognises the significant role of legal aid and urges Member States to put in place accessible, effective, and sustainable legal aid systems, with specialized services for disadvantaged groups;*

*Recalling the Resolution 25/2 of the Commission on Crime Prevention and Criminal Justice on promoting legal aid, including through a network of legal aid providers;*

*Bearing in mind the 2023 Global Legal Community Pledge aimed at increasing refugees' access to legal services and information by building a connected global legal community;*

*Reaffirming the declarations adopted in the International Conferences on Access to Legal Aid in Criminal Justice Systems, including the 2018 Tbilisi Declaration on the Implementation of*

*the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and Progress on "Access to Justice for All" of the 2030 Agenda on Sustainable Development;*

*Joining the pledge that no one will be left behind and reaffirming that the 2030 Agenda reflects our collective view that the rule of law, access to justice for all, and building effective, accountable and inclusive public institutions together are a precondition for sustainable development;*

*Recognising the displaced communities in the region including as a result of recent and ongoing armed conflicts, and the negative impact on the national rule of law and access to justice systems in the countries of the region;*

*Recognising the various causes of forced displacement, including conflict, persecution and discrimination, violence and human rights violations, natural disasters and environmental factors, and the ensuing legal complexities and vulnerabilities faced by displaced populations;*

*Recognising that displaced populations are per definition in a vulnerable position, are subject to heightened risks of rights violations and have specific needs in terms of access to justice and legal protection, including knowledge about their rights and information about available mechanisms, and that they often need immediate access to legal aid and require appropriate rule of law and judicial measures;*

*Considering the role of state legal aid providers to ensure access to justice for people who have been forcibly displaced across borders or within a state's territory;*

*Acknowledging that state legal aid providers require sufficient resources and capacities to deliver effective legal aid services in the context of displacement, which often involves complex and multifaceted legal challenges;*

*Recognising that rule of law institutions and access to justice are key to effective conflict prevention and long-term stability, in particular, that people-centred approaches to justice and security could strengthen the resilience of populations affected by war and crisis;*

*Agree on the following principles:*

### **1. Equal Access to Existing Services Without Discrimination**

Access to justice should be granted to all without discrimination. Displaced people must be given equal access to all the justice services available to host communities. Legal aid services should be made available to the forcibly displaced to facilitate the timely and efficient resolution of the legal issues they face in all matters, including but not limited to those related to displacement, such as asylum applications, property rights, family reunification, and documentation.

### **2. Access to Information**

Access to information about rights, local laws, and procedures, as well as about existing free legal aid services must be provided to the displaced. State legal aid providers should take steps to facilitate and ensure such access in a transparent, and inclusive manner, taking into consideration the linguistic and cultural diversity of displaced populations. Information should

be made available in languages commonly spoken by displaced persons to ensure comprehension and accessibility. When possible, it should be provided in multiple formats, including written materials, audio recordings, and visual aids.

### **3. Accessibility of Legal Aid Services to the Displaced**

State legal aid providers must ensure that legal aid services are accessible to the displaced and take all necessary measures to remove the physical barriers that they might face, such as mobility and language, and adapt their services accordingly. Measures can include expanding the number of legal aid help desks in the most displacement-affected municipalities, establishing mobile counselling centres and hotlines, and making interpretation services available.

### **4. Inclusivity**

State legal aid systems must generally be organised towards inclusive access to ensure that no one is left behind; the same must apply to displaced populations, with special attention and measures taken to include displaced women, children, the elderly, people with disabilities, and victims of sexual and gender-based violence. Legal aid systems must be accessible and tailored to the diverse needs and vulnerabilities of all displaced individuals.

### **5. Women's Rights**

Displaced women may confront distinct legal issues, including but not limited to matters related to family, inheritance, property rights, domestic violence, and gender-based violence. State legal aid providers must take proactive measures to address these specific needs and challenges and ensure that women do not suffer disproportionately from the lack of access to free legal aid services in a displacement context. Ensuring the availability of female legal practitioners and support personnel can enhance the accessibility of legal aid services for women who may be survivors of gender-based violence.

### **6. Ensuring Quality of Service**

State legal aid providers must be equipped with the necessary legal knowledge, capacities and skills and understand the context of displacement to be able to effectively provide adequate services to displaced people and communities. They should ensure that their staff and lawyers have relevant capacities and knowledge, including on refugee rights and the rights of internally displaced persons. Displaced persons denied legal aid must have the right to appeal that decision. Quality assessment monitoring mechanisms must also be introduced.

### **7. Policy Framework**

The displacement context should be reflected in national policy documents, including national legal aid strategies and national human rights strategies and action plans. National strategies

and plans must recognize the vulnerabilities and legal complexities faced by displaced persons and include provisions to ensure tailored legal aid services to address their specific needs.

## **8. Funding**

States must allocate sufficient financial resources to legal aid providers in a transparent and accountable manner to enable the delivery of services, and budgets must be tailored to include the delivery of free legal aid services to displaced individuals, including the necessary funding to address the complex and multifaceted legal challenges and specific needs, such as recruiting and retaining qualified legal professionals, providing necessary training, maintaining accessible service locations, and developing outreach and awareness programs.

## **9. Partnerships**

National and international public and private partners of state legal aid providers, including donors, UN agencies, international humanitarian NGOs, national civil society, and academia must strengthen joint action, create new networks and work together to address common challenges. State legal aid providers must support and engage in national coordination platforms and identify ways to collaborate with other actors involved in the provision of support services to the forcibly displaced, especially with other refugee-led organizations or displaced representatives and other legal aid providers in the context of forced displacement.