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COUNTRY: Kingdom of Morocco

COMMITTEE: United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ)

ISSUE: Improving access to legal aid; National sentencing policies

Legal aid – or assistance can be defined as any advice, assistance or representation offered to persons who have been arrested, detained, imprisoned, or accused of committing a crime. The Universal Declaration of Human Rights includes the right to a fair trial, and one condition that must be met for such a trial to be able to take place is the fact that the person who is being tried has to have access to some form of legal aid throughout every step of the legal process associated with the trial. Fair and unhindered access to legal aid is generally recognized as an essential part of a functioning justice system. This access to legal aid may be provided by many organizations, ranging from direct government provision, non-governmental organizations (NGOs), and to individual legal workers who may offer legal aid with their own discretion, to ones who are not able to access it. (1) National sentencing policies are the ways that a state chooses to punish any offenders of the law – how it chooses to carry out justice. According to the United Nations (UN), national sentencing policies should be non-discriminatory, and should treat every offence objectively, and with regard to any relevant background information and context surrounding the issue – such as economic status, or education level. National sentencing policies are also expected to be easily understandable, and should be clear as to how they are structured, and how they should be implemented. Additionally, they should choose to use non-custodial measures whenever possible, in accordance with the Tokyo and Bangkok rules, instead choosing punishments such as community service, probation, or mandatory rehabilitation. These types of punishments have been shown to be less damaging to the punished, to reduce re-offences, and are also cheaper compared to incarceration. (2)

Many international organizations have taken action regarding improving access to legal aid, and improving national sentencing policies. Arguably one of the most important of these would be, as mentioned previously, the declaration of the right of a fair sentence as a human right, and thus the establishment of the right to legal aid as a human right, by the UN. Adding on, countless NGOs have taken action regarding the matter, with many being regional, they usually provide people who are not fortunate enough to be able to obtain legal aid with legal advice, and also aim to inform people who are unaware of their right to legal aid. One such NGO is the Legal Aid Society (LAS), which is a regional organization operating predominantly in Pakistan. They operate a legal advice helpline, that is completely free and can be accessed country-wide, that provides citizens with immediate access to legal advisors. They have also conducted 1324 legal clinics across Sindh, that aim to make citizens aware about their rights, which has helped over 37 thousand people. (3) One of the most important steps taken towards improving national sentencing policies would be the establishment of the Tokyo rules. The Tokyo rules are a set of international guidelines that aim to transition towards reducing incarceration rates, and instead focus on rehabilitating and reclaiming offenders of the law. It aims to protect the dignities of offenders, avoid pre-trial detention, encourage parole, and to increase the competence of legal personnel. (4)

The Kingdom of Morocco is a country that has only recently been able to gain its independence, and is thus considered a developing country. As a result of this, the actions that we have been able to take regarding the presented issues internally have been mostly minimal. The position of access to legal aid in Morocco can definitely be considered as one that can be significantly improved, as most legal aid is currently provided by NGOs inside our country. We have been taking strides towards improving our judicial system and sentencing policies. Morocco has undergone constitutional revision and improvements in the legal system that aim to move towards some level of rehabilitative punishment. (5) We have also been working closely with the Council of Europe (COE) since 2011 in order to align ourselves with the West's judicial systems, and to improve the efficiency of our justice system. (6)

Conclusively, we, the Kingdom of Morocco recognize the positive effects of legal aid and the restructuring of national sentencing policies. Additionally, we believe it to be vital to work towards the betterment and the expansion of these systems, especially in developing countries, such as ours. We recommend international cooperation to be upheld regarding this issue, and believe that multilateral cooperation between legally developed – and experienced countries, and developing countries is one of the key aspects of the solution.

Resources

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6. Council of Europe. (2020, November). *Improving the functioning of justice in Morocco based on the tools developed by the CEPEJ – phase II - European Commission for the Efficiency of Justice (CEPEJ)* - www.coe.int. European Commission for the Efficiency of Justice (CEPEJ).
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