

International Bridges to Justice

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No Justice in Poverty and Inequality

Every day in over 100 countries around the world, hundreds of thousands of people are arbitrarily detained, tortured, and denied access to counsel by the police. Torture is used as a basic and cheap method to extract confessions and speed up criminal trials, completely circumventing due process. Why bother building a case based on evidence – and potentially lose at trial, with a loss of face as well – when a confession can speed up a clogged docket? What does it matter if the confession is coerced? This lack of respect for rule of law in criminal justice systems causes untold human suffering, perpetuates patterns of violence and impunity, and wastes vast economic potential.

Today, the problem of state-sanctioned torture mostly affects ordinary people ensnared in failed judicial systems in countries whose public services fail in a myriad of other ways. Torture particularly afflicts the poorest of the poor: the three million people around the world stuck in pre-trial detention. It is shocking that there are places in the world where a person's guilt is determined by their threshold for physical and mental abuse; often the guilty escape consequences because of the forced confession of an innocent.

Over 70 years have passed since the *Universal Declaration on Human Rights* in 1948 recognised the right not be tortured, bolstered by a plethora of EU and other regional resolutions. Although most countries have laws prohibiting torture, these robust forms of declaration have not been matched with on-the-ground implementation.

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The problem is systemic, not personal – that is, it is not a matter of individual victims or corrupt bureaucrats, but about the lack of a basic legal infrastructure to protect individual rights. Likewise, the remedy is not to draw attention to one-off abuses, but to improve the overall process of the judicial system, with a particular emphasis on public defenders.

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International Bridges to Justice (IBJ), partners with national governments, not antagonise them as outside activists. And we team up with local defense lawyers rather than swoop in with experts who do not understand local conditions. We connect these pioneering, local defense lawyers with a network



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of likeminded peers from around the world – often hailing from our *JusticeMakers*’ annual fellowship program of local public defenders – so that they can support each other and learn from each other.

After more than a decade of running legal rights programs deep in the heart of countries as diverse as China, India, Rwanda and Brazil, we find that there is, optimistically, a cost-effective calculus to eliminating torture: the establishment of legal aid centers and qualified staff to intervene to defend a suspect’s rights from the moment they are accused. By advocating on behalf of the suspects at the earliest stages of a case, it is far less likely that the people will see their rights violated or be tortured by police or prosecutors.

By doing this, *IBJ* is able to rescue people ensnared in failed judicial system. This not only supports individual rights, but brings about systematic changes to the legal infrastructure of the country. It produces lasting social stability and supports the wider development agenda.

Putting a sustainable judicial infrastructure in place makes legal rights a part of the mainstream development agenda that policymakers, economists, businesses and regulators sign on to, not simply a matter for lawyers at the courthouse. Improving the foundations of legal rights involves more than ensuring that every person has access to counsel. It means changing the mindset of all stakeholders in society about how integrity in the judicial system is a critical prerequisite to a cohesive and prosperous society, where the dignity of each person is respected.

Fighting Poverty with Rule Of Law

The moral and ethical case for putting in place the judicial infrastructure to protect everyone’s rights is unarguable. The economic side of the case is equally compelling.

A functional criminal defence system is hugely cost-effective for governments when weighed against the full costs of the alternatives to government, taxpayers, foreign and domestic investors, and to society as a whole. While criminal defence is only a minor element in an entire judicial system, accounting for a small fraction of the system’s cost, *IBJ*’s experience has shown that it is the central factor in determining the system’s overall success in ensuring the rule of law. And this, in turn, is critical for attracting and retaining foreign investment.

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Moreover, a functioning criminal defence system, by keeping people out of unwarranted detention and preventing torture, minimises other costly social problems. These include the loss of productive workers, the spread of deadly diseases, and the exacerbation of extreme poverty and its attendant

social problems like drug trafficking and child prostitution.

When people are tortured, they become disabled physically or mentally. Families living on the edge can plunge into poverty. The economy loses potential output and the government loses tax revenue, while being called upon to pay the cost of the incarceration and social services to the detainee's dependents. Family members may have little choice but to turn to illicit activities. Lengthy pre-trial detention and jail terms for petty crimes or civil offenses give rise to the same consequences.

Other social costs accrue. The longer someone stays in detention or prison, the more likely they are to contract HIV/AIDs, drug-resistant TB, or other deadly infectious diseases. Such maladies are rampant in the typically overcrowded and unsanitary prisons, and spread to the public at large. With the very high proportion of pre-trial detainees in developing countries, it is unquestionable that keeping people out of unnecessary detention – a major benefit of a functioning criminal defence – reduces public health costs, and prevents loss of income due to illness.

The huge demand for *IBJ's* assistance – we have 20 pending requests for country programs underscores the degree to which countries understand the benefits of a functional criminal defence system. Running an effective criminal defence system is relatively inexpensive. In Cambodia, for example, defending a criminal case from the time of arrest to the end of the trial costs about \$260. This is roughly the same as the monthly cost in Cambodia of keeping someone in jail.

In summary, everyone wants live in a fair society. This is what *IBJ* delivers – protection from fear as we achieve justice.

Karen founded International Bridges of Justice in 2000 to promote systemic global change in the administration of criminal justice. A former public defender, Karen first developed her interest in the cross section of criminal law and human rights as a Thomas J. Watson Fellow in 1986, after observing Southeast Asian refugees detained in a local prison without trial; thousands of prisoners of all ages being held without trial, often having been tortured into making so called confessions. In 1994, she moved to Cambodia to train the country's first core group of public defenders and subsequently served as a United Nations Judicial Mentor. Under the auspices of the U.N., she trained judges and prosecutors, and established the first arraignment court in Cambodia. In the initial stages, she negotiated groundbreaking measures in judicial reform with the Chinese, Vietnamese and Cambodian governments. Under her leadership, IBJ has expanded its programming to include Rwanda, Burundi, Zimbabwe and India. In addition to the Defenders Resource Centers in those countries, IBJ also sponsors independent Justice Makers in 37 countries. IBJ has created a Global Defense Support Program to bring IBJ assistance to public defenders worldwide. In 2010, IBJ launched the Justice Training Center in Singapore. A graduate of UCLA Law School and Harvard Divinity School, Karen was named by U.S. News & World Report as one of America's Best Leaders in 2007. She has been recognised by the Skoll Foundation, Ashoka and Echoing Green as a leading social entrepreneur. Karen was the recipient of the 2008 Harvard Divinity School's First Decade Award, and the 2008 American Bar Association's International Human Rights Award. She also received the 2009 Gleitsman International Award at the Harvard Kennedy School of Government. To learn more about Karen's work and International Bridges to Justice, please visit www.ibj.org