

Summary of the sixth special meeting on
autonomous official public defenders as a guarantee of
access to justice for vulnerable groups, held on April 5, 2018

The meeting was conducted under the chairmanship of Ambassador Hugo Cayrús, Permanent Representative of Uruguay and Chair of the Committee on Juridical and Political Affairs (CAJP). The meeting was called to order at 2:25 p.m.

The statutory quorum was constituted by the representatives of Antigua and Barbuda, Argentina, Brazil, Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, Guatemala, Honduras, Mexico, Panama, Paraguay, Peru, Trinidad and Tobago, United States, Uruguay, and Venezuela.

The audio recording of the meeting may be obtained at the following link:
http://scm.oas.org/Audios/2018/CP_CAJP-3439_04-05-2018.MP3

- Order of business

The order of business was distributed as document [CP/CAJP-3439/18](#) rev. 2.^{1/}

- Remarks by the Chair of the CAJP

The Chair welcomed the ambassadors, permanent representatives of the member states, the representatives of national public defense institutions, delegates, and staff members of the permanent observer missions and of the General Secretariat present.

He also welcomed and expressed appreciation for the presence of the Coordinators of the Inter-American Association of Public Defender's Offices (AIDEF), Dr. Andrés Mahnke, General Coordinator and National Defender of Chile; Dr. Antonio Maffezoli, Deputy General Coordinator and President of the National Association of Public Defenders of Brazil, Dr. Juan de Dios Moscoso, Advisor on International Institutional Relations of the Federal Public Defender's Office of Argentina; Dr. Diana Montero, Acting Director of the Public Defender's Office of Costa Rica; and Dr. Laura Hernández Roman, National Director, National Public Defender's Office of the Dominican Republic.

The Chair reminded the meeting that the General Assembly, through resolution AG/RES. 2908 (XLVII-O/17), had requested the holding of a special meeting on autonomous official public defenders as a guarantee of access to justice for vulnerable groups, to analyze, in conjunction with

1. Adopted in accordance with the decisions as to structure and time allocation taken by the Committee at its meeting of November 2, 2017.

representatives of public defense institutions of member states and of the AIDEF, best practices for full implementation of the Brasilia Regulations Regarding Access to Justice for Vulnerable People pursued by each public defense institution in the region.

He indicated that this meeting was of the highest importance since, in addition to coinciding with the marking of the tenth anniversary of the adoption of the Brasilia Regulations on March 6 last, it was also the sixth occasion on which the member states had had an opportunity to share experiences and best practices with cost-free legal counsel services and official public defense institutions on promoting and protecting the right of access to justice of all persons, especially vulnerable people. He further recognized the work that the AIDEF had been doing for nearly 15 years as one of the main regional associations, which brought together over 10,000 public defenders from 26 States of the Hemisphere. Work, he said, intended to protect the full force and effectiveness of the human rights and guarantees recognized by the international agreements and treaties, and by national constitutions and legislation in the area of public defense.

The Chair declared the meeting open, underscoring the tenth anniversary of the adoption of the Brasilia Regulations and the coming 15th anniversary of the establishment of the AIDEF and expressing appreciation for the support and collaboration of the delegation of Argentina and the Department of International Law (DIL) for the holding of the meeting, the results of which, he indicated, would be included in a report of the CAJP to the Permanent Council, for subsequent referral to the General Assembly at its next regular session.

- Remarks by the Director of the DIL, Dr. Dante Negro

The Director of the DIL presented the activity report for the recent months, pursuant to resolutions AG/RES. 2887 (XLVI-O/16) and AG/RES. 2908 (XLVII-O/17) and in follow-up of the Principles and Guidelines on Public Defense in the Americas, adopted by the Inter-American Juridical Committee (CJI) in 2016.

La presentation by the Director of the DIL may be consulted in document [CP/CAJP/INF.431/18](#).

- Presentation by the AIDEF

The General Coordinator of the AIDEF and National Defender of Chile, Dr. Andrés Mahnke, gave a presentation on autonomous official public defenders as a guarantee of access to justice for vulnerable groups, noting the scope of the provisions of the Brasilia Regulations and best practices promoted in the region. He referred to the work of the AIDEF in this area and the challenges it faced even in the public defense institutional system as a guarantee of access to justice.

The presentation by the General Coordinator of the AIDEF may be consulted in document [CP/CAJP/INF.432/18](#).

- Sharing of best practices and experiences of the integral application of the Brasilia Regulations Regarding Access to Justice for Vulnerable People pursued by each public defense institution in the region
 - Presentations by regional groups by the following representatives of the AIDEF

Dr. Antonio Maffezoli, President of the National Association of Public Defenders of Brazil (ANADEP) and AIDEF Deputy General Coordinator, gave a presentation on best practices and developments by public defender's offices of Brazil and Paraguay in the application and implementation of the Brasilia Regulations.

Dr. Juan de Dios Moscoso, Advisor on International Institutional Relations of the Federal Public Defender Office of Argentina, representing Dr. Stella Maris Martínez, General Defender of Argentina and AIDEF General Secretary, referred to the progress made by the Attorney General's Office of Public Defense of Argentina at the federal level. The presentation by Dr. Moscoso may be consulted in document [CP/CAJP/INF.440/18](#).

Dr. Diana Montero, Acting Director of the Public Defender's Office of Costa Rica and AIDEF Coordinator for Central America, presented best practices in Costa Rica, Nicaragua, and Honduras of autonomous official public defenders as a guarantee of access to justice for vulnerable groups. Dr. Montero's presentation may be consulted in document [CP/CAJP/INF.433/18](#)

Dr. Laura Hernández Roman, National Director, National Public Defense Office of the Dominican Republic and AIDEF Coordinator for the Caribbean, focused her presentation on best practices in connection with the Brasilia Regulations applied in her country. Dr. Hernández Roman's presentation may be consulted in document [CP/CAJP/INF. 434/18](#).

- Participation by member states

The following delegations took the floor under this agenda item: Argentine, Guatemala, Ecuador, Paraguay, Panama, Brazil, Uruguay, Costa Rica, and Chile.

The delegation of Argentina expressed appreciation for the presentations given and for the presence of Dr. Fernando Lodeiro Martínez, President of the Civil Association of Magistrates and Staff Members of the Attorney General's Office of Public Defense of the Argentine Republic (ADePRA). It indicated the priority attached by its country to the topic of this meeting and, in that regard, announced and explained the reasons why it had presented paragraphs on autonomous official public defenders as a safeguard of personal integrity and liberty for inclusion in the draft omnibus resolution "Promotion and Protection of Human Rights" for the forty-eighth regular session of the General Assembly.

The delegation of Guatemala expressed appreciation for the presentations given and the presence of representatives of public defender's offices of member states, especially Ms. Nydia Arévalo, Director, Criminal Public Defense Institute of Guatemala (IDPP). She shared information on progress made in her country in the area of cost-free criminal public defense, emphasizing the progress made in 2017 in the area of access to justice by vulnerable people.

The delegation of Ecuador expressed appreciation for the presentations given and the resolutions adopted by the OAS General Assembly that enabled these meetings to be held and promoted the autonomy and independence of public defender's offices. It referred to the background of public defense in Ecuador and urged the delegations to step up efforts to implement the General Assembly mandates regarding defense institutions, primarily with regard to strengthening their autonomy.

The delegation of Paraguay expressed appreciation for the presentations given, especially the presentation on the Paraguayan experience of implementation of the Brasilia Regulations. It referred to progress made in its country to guarantee access to justice, especially by vulnerable people. It recognized the work being done by the AIDEF to strengthen the autonomy and independence of public defender's offices in the region, reiterating the support of its delegation for the AIDEF in pursuing its objectives. It closed by expressing appreciation for the presence at the meeting of representatives of the Public Defender's Office of Paraguay.

The delegation of Panama expressed appreciation for the presentations given and shared some best practices of its country of integral application of the Brasilia Regulations from 2011 to date. It closed by urging the member states to continue to promote inclusive practices that guarantee access to justice by vulnerable groups in the region.

The delegation of Brazil expressed appreciation for the leadership of the delegation of Argentina in this area, and for the presence of and presentations by the AIDEF representatives. It noted the tenth anniversary of the Brasilia Regulations and briefly described the characteristics and legal basis of public defense in its country, recognizing the CJI's Principles and Guidelines on Public Defense in the Americas. It also expressed appreciation for the presence of Dr. Edson Rodrigues Marques, Deputy Federal Public Defender General, who referred to the institutional structure, objectives, functions, and best practices of the Public Defender's Office of Brazil, among them, legal advice services for foreign nationals, for which a video would be presented which, in response to a request by a delegation, was not reproduced.

The delegation of Uruguay expressed appreciation for the presentations given and recognized the work of the AIDEF and public defender's offices as guarantors of access to justice by vulnerable groups.

The delegation of Costa Rica applauded the AIDEF and the public defender's offices for the work they were doing primarily on behalf of vulnerable people.

The delegation of Chile expressed appreciation for the presentations given, especially that by Dr. Andrés Mahnke. It shared information on the main reforms made in its country to guarantee access to justice, referring to the work being done by the Criminal Public Defender's Office and its program for access to justice for women deprived of liberty, among other projects.

Dr. Andrés Mahnke expressed appreciation for the interventions by delegations and noted the presence of representatives of the Public Defender's Office of Honduras, the Public Defender's Office of El Salvador, and the National Association of State Public Defender's Offices of the Mexican Republic (ANADEPE). He also endorsed the AIDEF commitment to raise the profile of vulnerable groups and to ensure recognition of their rights. He concluded by recognizing and expressing appreciation for the work of the incumbents of the Public Defender's Office of the Union of Brazil

and of the Public Defender's Office of Ecuador, who shortly would complete their terms at the helm of those agencies, for their contributions and support to the AIDEF.

Following the remarks, the Committee decided to:

1. Take note of the presentations on autonomous official public defenders as a guarantee of access to justice for vulnerable groups, given by the AIDEF representatives.
2. Take note of the presentations given by delegations during the sharing of experiences of best practices of integral application of the Brasilia Regulations Regarding Access to Justice for Vulnerable People pursued by each public defense institution in the region.
3. Take note as well of the presentation by the Director of the DIL, Dr. Dante Negro, on advances in the work of the CJI in the area of access to justice, especially the Principles and Guidelines on Public Defense in the Americas.
4. Emphasize the relevance of the work done by official public defenders in a number of countries in the region to defend the fundamental rights of individuals, especially cost-free legal counsel services, which provide simple and timely access to justice for everyone, in particular to people who are especially vulnerable, and
5. Request the DIL to disseminate as widely as possible the Principles and Guidelines on Public Defense in the Americas, adopted by the CJI in 2016, and the Practical Guide to Reduce Pretrial Detention, adopted by the Inter-American Commission on Human Rights (IACHR) in 2017, and to continue to provide training activities for public defenders in the countries of the region that so request on different aspects that contribute to improving access to justice.

There being no further business to consider, at 4:45 p.m., the meeting was declared closed.