

# INTERAMERICAN ASSOCIATION OF PUBLIC DEFENDER OFFICES PRESENTATION

GENERAL AIDEF COORDINATION

Johannesburg June 2017

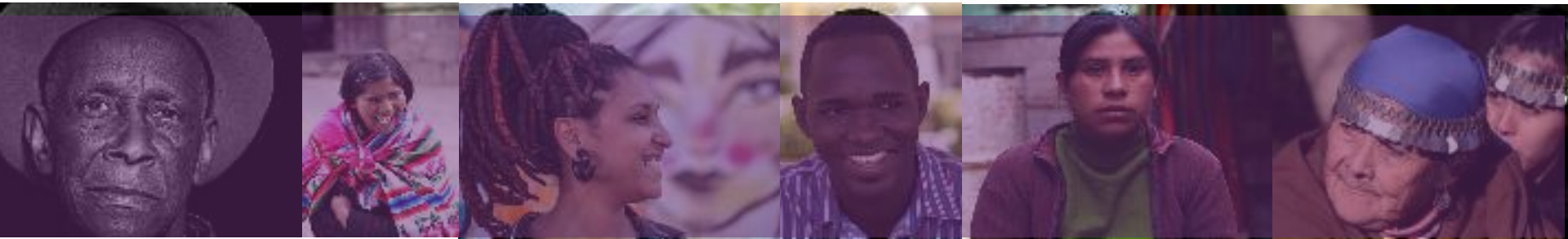


**Andres Mahnke Malschafsky**  
Coordinador General  
AIDEF

# What is AIDEF

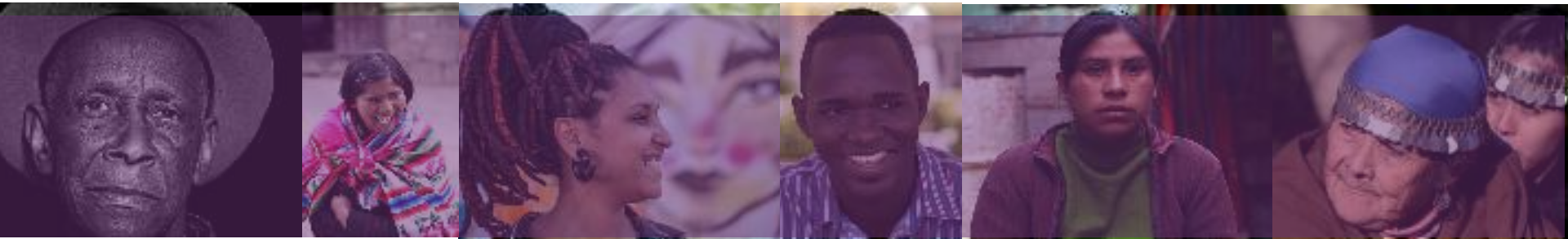


- The Inter-American Association of Public Defender's Office (AIDEF) **was created in October 18th 2003** in the City of Río de Janeiro.
- The Association, has as an objective to **defend the full validity and efficacy of human rights**, establishing a permanent system of **coordination and interinstitutional cooperation** of the public defender's office and the Associations of Public Defender's of the Americas and the Caribbean, **moving towards independence and functional autonomy** to ensure the full exercise of the rights to defend people.
- **The public defender's offices and the defender's associations of the following countries are part of AIDEF:** Antigua and Barbuda, Argentina, Bahamas, Bolivia, Brasil, Colombia, Costa Rica, Chile, Ecuador, Estados Unidos, El Salvador, Guatemala, Jamaica, Honduras, México, Nicaragua, Panamá, Perú, Paraguay, Puerto Rico, República Dominicana, Trinidad y Tobago, Uruguay and Venezuela.



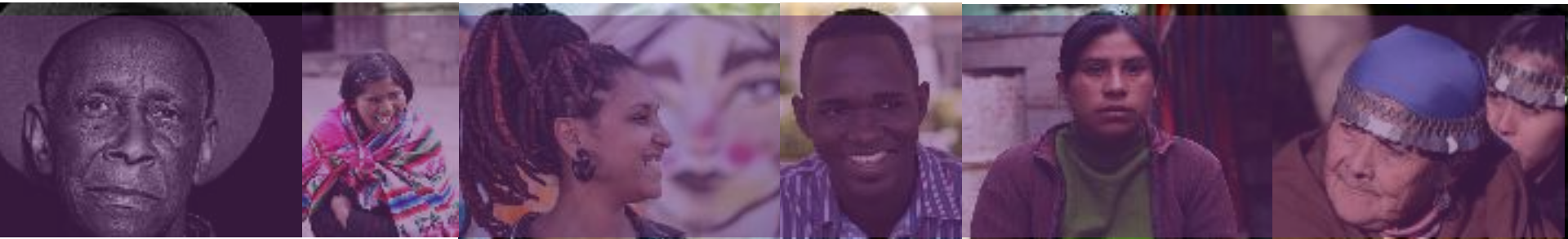
# Strategic Objectives

- Defend the full **validity and efficacy of Human Rights** and the **recognised guarantees** in international agreements of Human Rights.
- Establish a **permanent system of interinstitutional coordination and cooperation** of the Public Defender's Office.
- Provide the necessary **assistance and representation to people** and human rights to the defendants.



# General Foundations

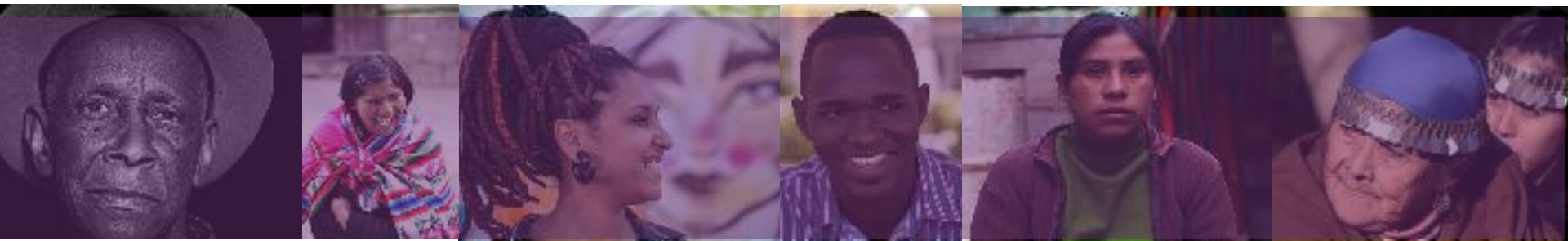
- Propitiate the existent legislations in the countries of America and the Caribbean, **respect and make effective the guarantees considered in the international treaties of Human Rights**, specially those that protect **the most vulnerable social groups rights**.
- Work for the **independence and functional autonomy** of the public defender's office to ensure the full exercise of people's defense.
- Support the **institutional strength of the public defender's** in equilibrium with those that carry out the accusatory functions of the State.



# Principles and Guidelines



- In August 2016, AIDEF adopted the “Principles and Guidelines over the Public Defense in the Americas”, document that systematizes and reinforces the most important concepts of the public defense role and the importance of guaranteeing the access to justice.
- Currently it means being approved by the General Assembly of the OAS.
- The document contributes to the progressive development of the standards in areas of juridical assistance, bearing in mind the characteristics of the public defense in the region.
- The principles and guidelines of AIDEF reinforce the following aspects of the Defense and access to Justice:
  - Access to justice as a Fundamental Right.
  - Importance of the Official Public Defender’s role for the justice access strengthening and the democracy consolidation.
  - Independence importance, functional autonomy, financial and/or budgetary of the official public defense.
  - Promote the participation of the public defenders in the International System of Human Rights.



# AIDEF Permanent Activities

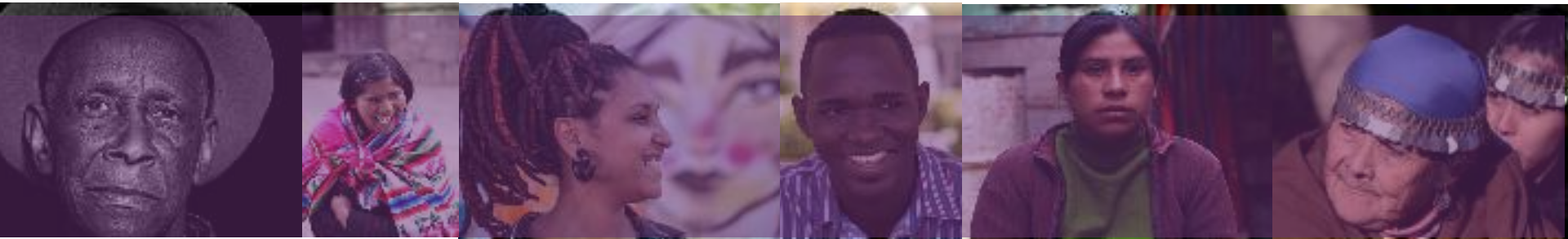
To achieve its objectives, AIDEF develops diverse permanent activities that permit the exchange of good practices between the Defender's Offices of the Region, as well as the constant developments of the Public Defender's Office.

- Training programs in areas of Human Rights and Interamerican System.
- Researchers and Studies with International Organisms in subjects linked to the defense (EUROSOCIAL).
- International Conferences.

# AIDEF AND THE ORGANIZATION OF AMERICAN STATES (OAS)



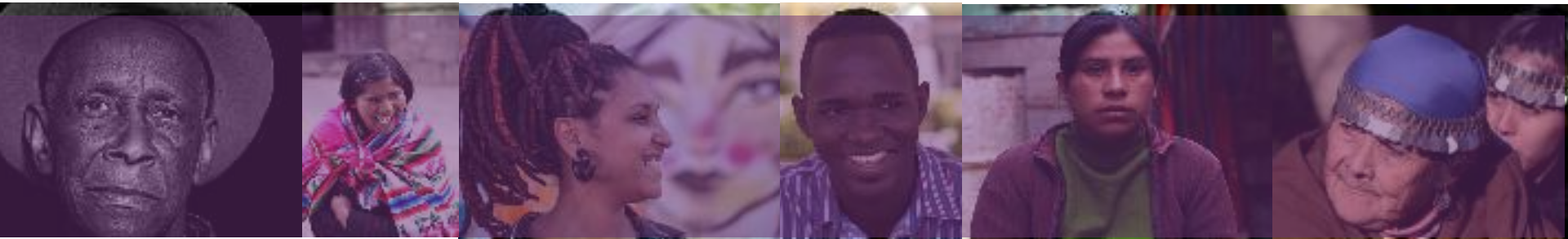
- Integration of the OAS as a Civil Society Organization (2010).
- Cooperation agreement with the Secretary General of the OAS ( 2011).
- As an Organization of the Civil Society it has been able to participate in the activities of the OAS, as for example, presentations before the Commission of Legal and Political Issues, contributing from its experience in the public defense and guaranteeing access to justice in general and to the groups in situation of vulnerability, in particular. In such quality, AIDEF has promoted and achieved resolutions adopted by the General Assembly of the OAS about public defense, raising the region standards in the area.
- The five resolutions stress the:
  - Role of the Defense in **guaranteeing access to Justice**, specially in **people of vulnerable condition**.
  - **Autonomy of Defense** as a guarantee of access to justice.
  - **The Defense and its role in the promotion and protection of Human Rights**.



# AIDEF AND THE INTERAMERICAN SYSTEM OF HUMAN RIGHTS



- Agreement of understanding with the IHR Court (2009) and Agreement of Cooperation with the ICHR (2013).
- In the framework of these agreements, the figure of the InterAmerican Public Defender is created (DPI) destined to deliver legal assistance to the victims that do not have a specific defender.
- This permit to guarantee and deepen the access to justice in the area of InterAmerican System of Human Rights. Access to the legal representation for the victims that do not have economic resources.
- Two professional are appointed per country, these last three years in their job positions with the possibilities of being renewed.

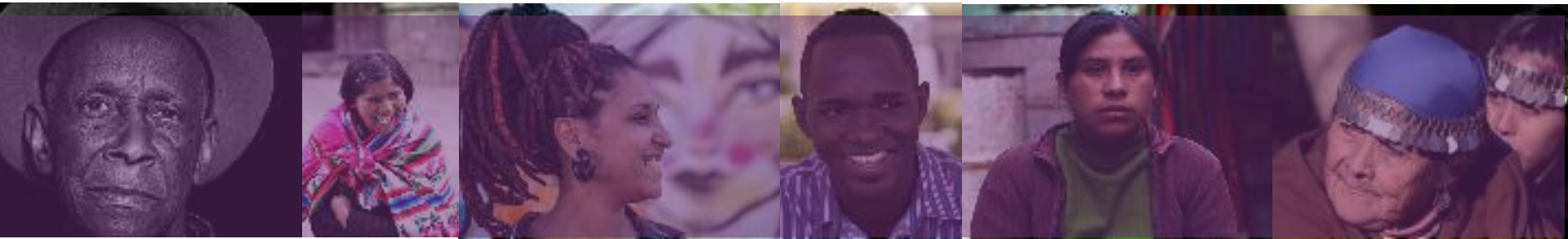




# CASES LED BY INTERAMERICAN PUBLIC DEFENDERS



- **Cases Before the InterAmerican Human Rights Court.**
  - 5 Cases in current proceedings.
  - 5 Cases with final judgement in phase of achievement supervision.
  - 2 Cases with final judgement and completed.
- **Cases before the InterAmerican Commission of Human Rights.**
  - 6 Cases under current proceedings.



# AIDEF AND ACCESS TO JUSTICE

- The Interamerican System and the network of Public Defender's Office, acquires greater relevance.
- Importance to develop specialized networks to exchange information and share good practices as well as specialized knowledge.
- AIDEF constitutes an essential milestone about strengthening concerning fundamental rights.
- The real materialization of access to justice, demands delivering contents to the principles of Effective Remedy of Rights, for Victims and Defendants in agreement to the standards of the Interamerican System of Human Rights in agreement to the essential dimension of the human being.



# AIDEF AND OTHER INTERNATIONAL ORGANISMS



- The Defense Networks and specially Public Defense must widen to all the Human Rights systems.
- It is necessary to strenghten the link with the United Nations and with different institutions that perform it in the protection area to the justice access in criminal matters and concerning those deprived in liberty.
- Generate protection systems that advance in people's protection facing the state intervention, through the criminal systems.
- Principles and guidelines established in different tools of human rights, materializing an access to justice that is in charge of all the people that need it, independently from the social condition and that ensure a quality defense for all, specially for the most vulnerable.



### **General Coordinator of the AIDEF, Andrés Mahnke:**

“AIDEF constitutes a fundamental pillar of the strengthening concerning essential rights and the real materialization of access to justice. Demands to entitle the content to the principles of effective remedy of the rights, for victims as well as defendants in agreement to the standards of the Interamerican System of Human Rights, considering the essential dimension of human beings”.