



THE LATIN AMERICAN LEGAL AID MODEL

DIOGO ESTEVEZ

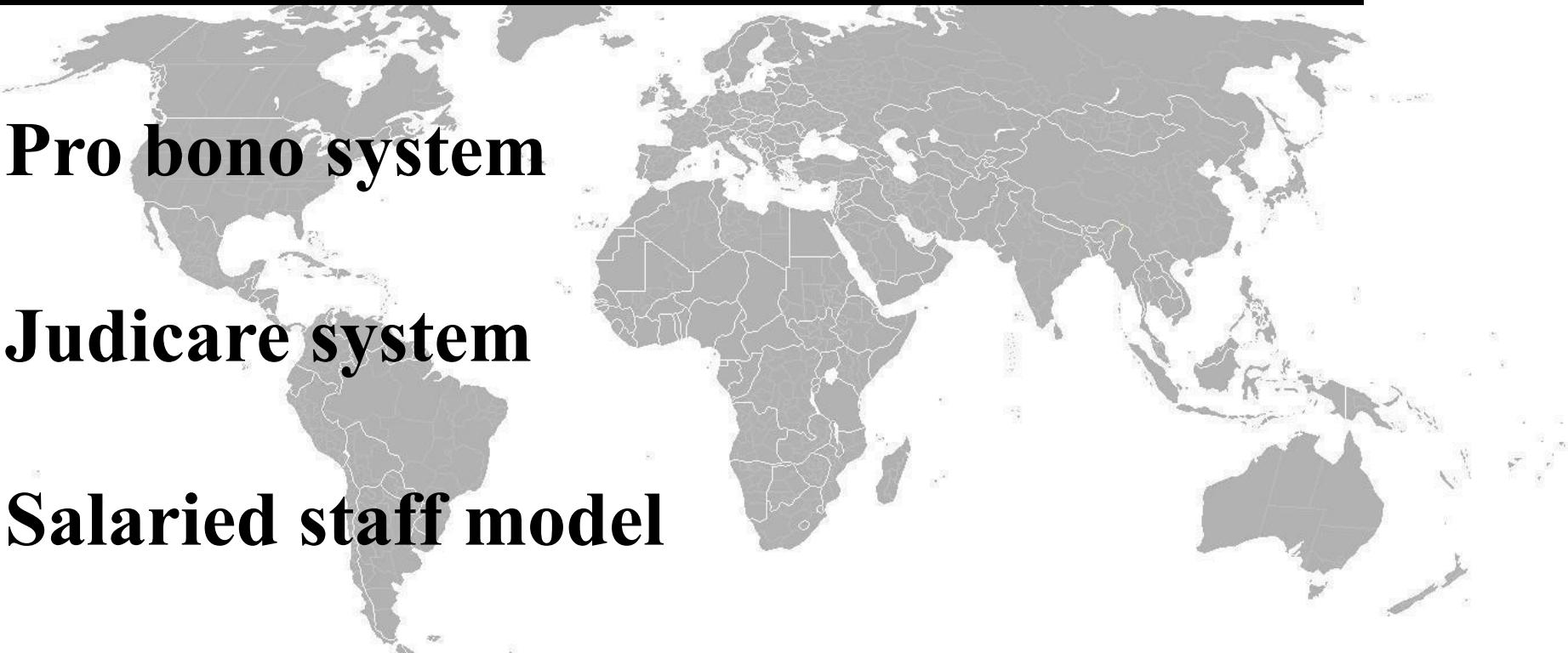
CLEBER FRANCISCO ALVES



**DEFENSORIA PÚBLICA
DO ESTADO DO RIO DE JANEIRO**

TRADITIONAL CLASSIFICATION OF MODELS

- Pro bono system
- Judicare system
- Salaried staff model
- Hybrid or mixing systems



TRADITIONAL CLASSIFICATION OF MODELS

- Pro bono system



- Judicare system



- Salaried staff model



- Hybrid systems



PATTERNS / パターン / PADRÕES / 模式



PATTERNS / パターン / PADRÕES / 模式

SUB-WAVES / サブウェーブ / SUB-ONDA / 子波

Access to Justice Project – Waves:

- The First Wave: Legal Aid for the Poor
 - Sub-waves
- The Second Wave
- The Third Wave
- The Fourth Wave
- The Fifth Wave
- The Sixth Wave?



PATTERNS / パターン / PADRÕES / 模式

SUB-WAVES / サブウェーブ / SUB-ONDA / 子波

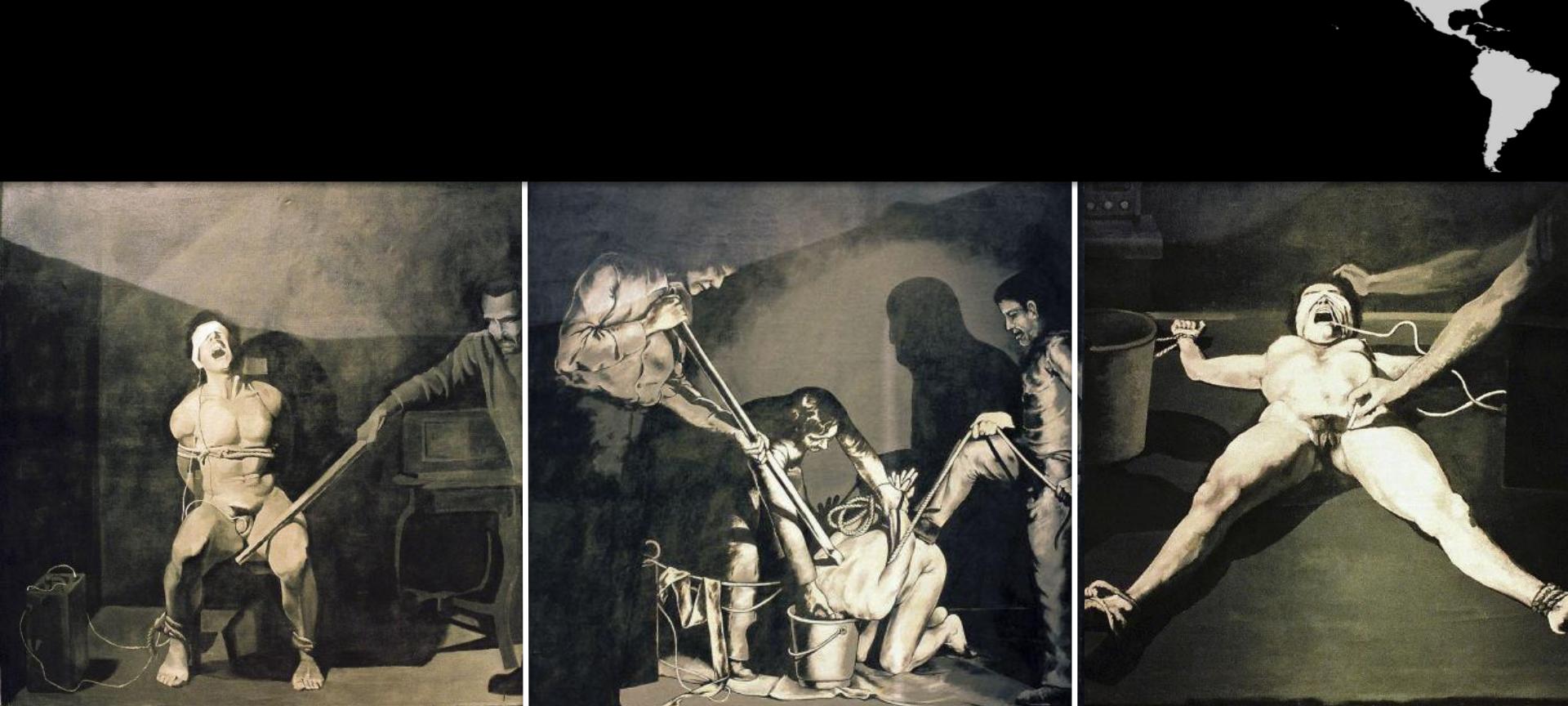




During the second half of the last century,
Latin America went through a long period
of military dictatorship



Period marked by human rights violations,
censorship (cultural and political) and
freedom of speech suppression



The military government used various forms of torture not only to gain information, but to intimidate and silence any further potential opponents



To extinguish its left-wing opponents, the dictatorship used arbitrary arrests, imprisonment without trials, kidnapping and murders



Thousands of people were killed or simply disappeared during the military period



In the late 1970s, a search for a new political and legal order, which was truly democratic and committed to the realization of human rights, began to gain momentum in Latin America



After a long period of dictatorial rule, several conflicts and negotiations boosted the process of political opening and democratic transition in the region, marking the return of the rule of law



Faced with the clear concern to prevent normative achievements from being only in the field of legal abstractions, numerous instruments were created to give concreteness to fundamental rights, especially in relation to historically excluded and marginalized citizens



	Brazil	1988	- Article 134 of the Constitution - Complementary Law No. 80/1994
	Argentina	1994	- Article 120 of the Constitution - Law No. 24,946/1998 Law No. 27,149/2015
	Venezuela	1999	- Article 273 of the Constitution - Law No. 39,021
	Uruguay	2005	- Law No. 17,930/2005
	Paraguay	2011	- Law No. 4,423/2011

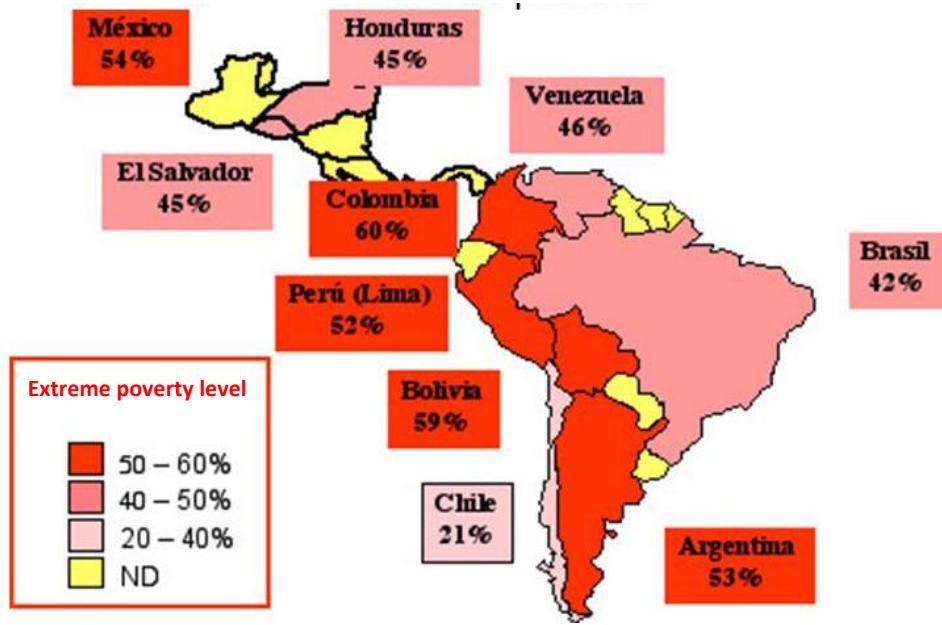
After the process of redemocratization it emerged in the region a movement of consolidation of the public/state legal aid models



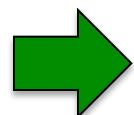
Ministerio de la Defensa Pública
PODER JUDICIAL



Due to the historical, political, social and cultural peculiarities of the region, the development of legal aid models in Latin America ended up following a different path, adopting a very particular salaried staff model

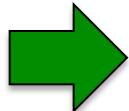


High levels
of poverty



High number of people
eligible for legal aid

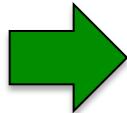
Good point



**Salaried Staff = \$\$
Judicare =\$\$\$\$\$\$\$\$\$\$\$\$**

Despite the criticisms, the Latin American systems have provided extensive legal aid, presenting a high cost-benefit ratio

Good point



“Golden Cases” OR “Junk Cases”

No difference

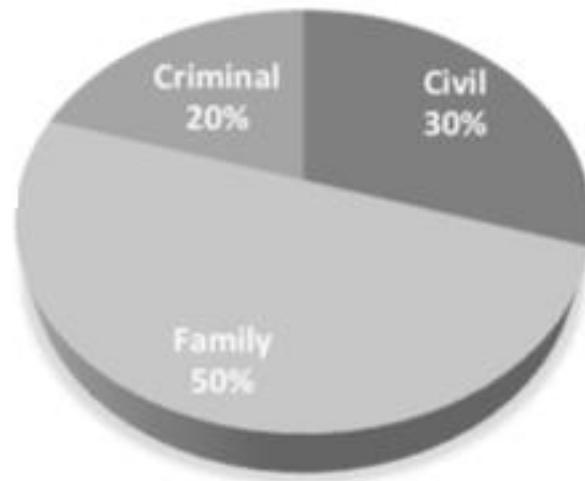


Good point ➔

Legal assistance and
advice in all cases

Scope of Legal Aid in Brazil

■ Civil ■ Family ■ Criminal

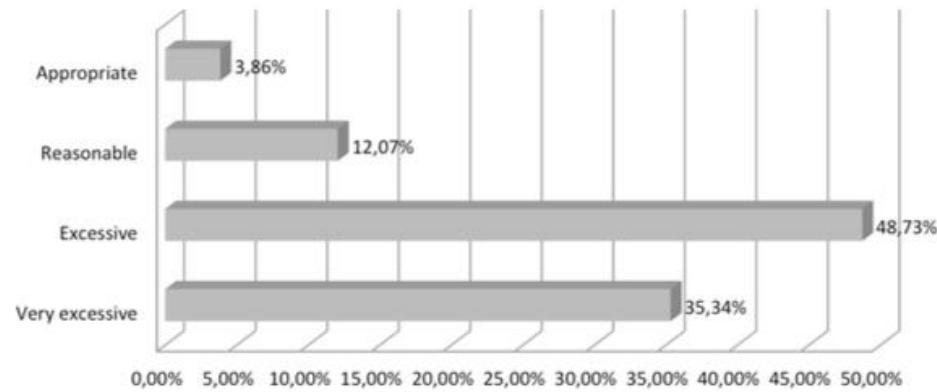




Bad point ➔



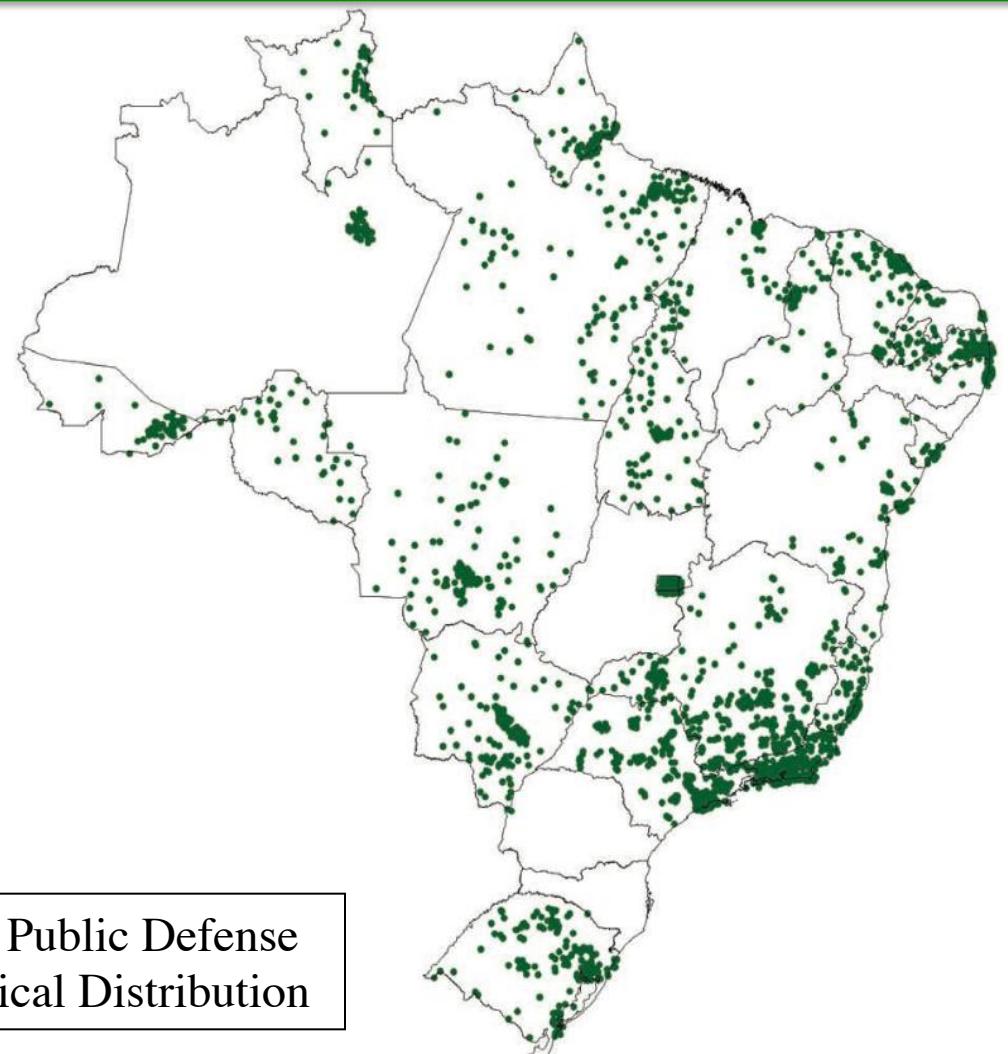
Perception of Public Defenders in Relation to Workload



Territorial Distribution

- ✓ Unequal
- ✓ Not Extensive

Brazilian Public Defense
Geographical Distribution





THANK YOU

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