

**IBA PRO BONO DECLARATION
(DRAFT TO BE CONSIDERED AND ADOPTED AT THE IBA ANNUAL
CONFERENCE IN BUENOS AIRES IN OCTOBER 2008)**

**ДЕКЛАРАЦИЯ МАЮ ПО ПОВОДУ *PRO BONO* (ПРОЕКТ, ПОДЛЕЖАЩИЙ
РАССМОТРЕНИЮ И ПРИНЯТИЮ НА ЕЖЕГОДНОЙ КОНФЕРЕНЦИИ МАЮ В
БУЭНОС-АЙРЕСЕ В ОКТЯБРЕ 2008 г.)**

9th Draft, 13 Aug 2008

The Council of the International Bar Association, the global voice of the legal profession:

- a) Inspired by the vision of a better, more just world;
- b) Affirming the vital role of the legal profession in achieving that vision;
- c) Recognizing that access to justice is essential to liberty, fairness, dignity, progress, development and the Rule of Law;
- d) Advocating that barriers to justice wherever they exist should be broken and dismantled as a matter of the highest priority;
- e) Deploring the fact that access to the courts and effective legal representation and advice are not afforded to all who need them, especially the poor, underprivileged and marginalized;
- f) Recalling that access to justice for all individuals is a human right and that governments have the primary responsibility to realize and protect that human right through measures such as state funded legal aid, as underscored in article 10 of the UN Declaration on Human Rights, article 14 (3) (d) of the International Covenant on Civil and Political Rights, other major international, regional and national instruments, and also the Legal Aid Resolution adopted by this Council in 1996;
- g) Urging governments to allocate sufficient resources to make legal aid available to meet the critical legal needs of the poor, underprivileged and marginalized and not to use pro bono legal service as an excuse for reducing publicly funded legal aid;
- h) Realizing that public confidence in governmental and judicial institutions is eroded by the absence of justice or the existence of barriers to justice;
- i) Considering that the delivery of pro bono service by the legal profession is of vital public and professional interest and helps to fulfil the unmet legal needs of the poor, underprivileged, and marginalized and restore public confidence in the efficacy of governmental and judicial institutions;
- j) Conscious that the legal profession, given its commitment to a fair and equitable legal system, holds a unique and privileged position in matters of justice, and accordingly, has the duty and opportunity to provide pro bono legal service, together with the state, the judiciary, law schools and legal services organizations;
- к) Observing the value of existing traditions and new initiatives, including collaborations among bar associations, private and public interest law firms, law schools, foundations, and other non-governmental organizations to improve access to justice, and to provide effective pro bono legal service;

l) Noting that “pro bono” is derived from the Latin phrase *pro bono publico*, which refers to work or actions carried out “for the public good”;

m) Believing that a determined effort is needed to advance access to justice through pro bono work and to strengthen the commitment to public service in the legal profession;

n) Mindful that the motivation for innovative pro bono standards and practices can be derived from the diversity to be found among nations’ legal systems and traditions; and

o) Reflecting upon the valuable declarations made in this field on a domestic and regional level, notably the Pro Bono Declaration for the Americas, and encouraging more such declarations to be adopted and implemented;

DECLARES AND RESOLVES THAT:

1. The Council calls on lawyers, law firms and bar associations to provide pro bono legal service, which is work by a lawyer of a quality equal to that afforded to paying clients, without remuneration or expectation of remuneration, and principally to benefit poor, underprivileged or marginalized persons or communities or the organizations that assist them. Pro bono legal service may extend to: advice to or representation of persons, communities or organizations, who otherwise could not exercise or assert their rights or obtain access to justice; activities supporting the administration of justice, institution building or strengthening; assisting bar associations and civic, cultural, educational and other non governmental institutions serving the public interest that otherwise cannot obtain effective advice or representation; assisting with the drafting of legislation or participating in trial observations, election monitoring, and similar processes where public confidence in legislative, judicial and electoral systems may be at risk; providing legal training and support through mentoring, project management and exchanging information resources; and also other similar activities to preserve the Rule of Law.

2. The legal profession reaffirms its commitment to pro bono legal service, as an integral part of the profession, and lawyers and law firms are encouraged to specify a proportion of their time or resources which they will devote per lawyer to pro bono legal service each year.

3. Pro bono legal service should be provided on a consistent year-round basis, in all manner of criminal, civil and administrative matters where legal aid may be limited, and on a national and international level.

4. The importance and practice of pro bono legal service should be emphasized and promoted in legal education and practice, by making pro bono opportunities a part of the academic or practical programs for law students and by giving credit to lawyers taking continuing legal education or working in this field.

5. Lawyers, judges, law firms, bar associations, governmental and non governmental organizations and other interested persons should promote the awareness of domestic as well as cross border pro bono legal service, and implement measures designed to monitor and report to the profession and the public at large on the extent to which access to justice is being facilitated by pro bono measures.

6. Lawyers, law firms, bar associations, and other organizations employing lawyers, whether non profit or for profit, are strongly encouraged to develop or improve specific pro bono policies and programs, to create the conditions and incentives so that pro bono work is encouraged, valued and rewarded, and to pursue or provide continuing legal education in this field, as pro bono legal service is closely linked to the corporate social responsibility of the legal profession.

7. The Council calls on governments to promote and support the pro bono efforts of the legal profession in their countries and to desist from in any way deterring the provision of such service. Further, governments should assist and encourage pro bono legal service, through measures such as treating it as not being subject to tax, and where such service is presently taxed, such taxes should be rescinded.

8. The IBA recognises and expresses its gratitude for the efforts of many lawyers and law firms who have already devoted or are devoting a portion of their professional activities to pro bono legal service. The IBA is committed to actively encouraging lawyers, judges, law firms, bar associations, law schools, governmental and non governmental organizations to participate in pro bono legal service, and invites them to use and contribute content to the information resources developed by the IBA in this field, notably the web sites www.internationalprobono.com and www.ibaprobono.com and www.roldirectory.org.

9. Lawyers, judges, law firms, bar associations, governmental and non governmental organizations, and other interested persons are particularly invited to organize, attend and support pro bono and access to justice conferences so that the design and delivery of pro bono legal service can be improved and so that those involved in pro bono legal service will have an extensive pool of resources on both the supply of and demand for such service from which to gain relevant experience.

10. This declaration launches a broad educational campaign and a multi-year process of consultation by the IBA to establish or promote a pro bono culture, to appreciate the meaning and the importance of pro bono legal service, to identify and agree best practices and desirable specific commitments of time and resources, to deepen the consensus and to make further progress in this field. The Pro Bono and Access to Justice Committee is charged to continue and expand its work in this field and to monitor and report on the application of this declaration.