

U.S. Justice Gap Faces Human Rights Review

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New York, March 10, 2014 – Millions of poor and low-income individuals in the U.S. have no access to a lawyer when facing a crisis such as deportation, eviction, foreclosure, domestic violence, or loss of subsistence benefits, according to a report released by Columbia Law School's Human Rights Clinic in advance of the country's review before the U.N. Human Rights Committee in Geneva on March 13 and 14.

The U.N. Human Rights Committee will review the U.S. for its compliance with the International Covenant on Civil and Political Rights (ICCPR), a treaty the U.S. ratified in 1992. In advance of the review, the Human Rights Committee has asked the U.S. to provide information on what steps it has taken to improve legal representation in civil proceedings for litigants belonging to racial, ethnic, and national minorities, and for victims of domestic violence.

The [report](#) released by Columbia Law School's Human Rights Clinic was endorsed by nine legal advocacy organizations. Columbia Law School's Human Rights Institute and students in the Human Rights Clinic will travel to Geneva next week to participate in meetings with U.N. Committee members and the U.S. government, raising concerns and offering constructive solutions identified in the access to justice report.

“Legal representation is fundamental to ensuring fair and equal access to justice, one of the core rights protected by the ICCPR,” said Risa Kaufman, executive director of Columbia Law School's Human Rights Institute and acting co-director of its Human Rights Clinic. The report notes that the civil justice gap in the United States stems from a variety of factors, including the absence of a federal right to counsel in civil cases and severe funding and other restrictions placed on the federal Legal Services Corporation (LSC), the primary civil legal services delivery system in the U.S.

“The result is a crisis in unmet civil legal needs that disproportionately harms racial minorities, women, and immigrant communities,” said Reena Shah, the Human Rights Director at the Maryland Legal Aid Bureau, one of the organizations endorsing the report.

John Pollock, Coordinator of the National Coalition for a Civil Right to Counsel, another endorsing organization, said “fairness in our justice system should not depend on the size of a person's wallet, especially when basic human needs are at risk. The average legal proceeding involving basic human needs is too complex for most people to handle, and without counsel, they cannot hope for a just result.”

The report, which was submitted to the U.N. Human Rights Committee as part of the treaty review, recommends federal reforms to address the civil justice gap. The report recommends easing restrictions and increasing funding for the Legal Services Corporation, supporting research to accurately assess the impact of civil legal assistance on courts and

litigants, and enacting federal legislation to establish a right to counsel in federal civil cases where basic needs are at stake, as well as in immigration removal proceedings.

Upon completion of the review, the U.N. Human Rights Committee will provide recommendations to the federal government to improve its compliance with the human rights standards set out in the ICCPR.

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