

Convention of 25 October 1980 on International Access to Justice

The Access to Justice Convention ensures that nationals or habitual residents of a Contracting Party to the Convention have non-discriminatory access to justice. This includes with respect to legal aid, including the provision of legal advice, security for costs, copies of entries and decisions, and physical detention and safe-conduct. Its purpose is not to harmonise domestic laws, but to ensure that the mere status as a foreign national or the absence of residence or domicile in a Contracting Party are not grounds for discrimination.

Principal features of the Convention

Chapter I – Legal aid

The Convention entitles nationals and habitual residents of any Contracting Party to legal aid in each of the other Contracting Parties on the same conditions as if they were themselves nationals of and habitually resident in that State. This entitlement to legal advice is based on presence in the Contracting Party where advice is sought.

When legal aid has been granted, service of documents, Letters of Request, and social enquiry reports shall be free. This also extends to the process to secure the recognition and enforcement of any decision.

Chapter I on Legal Aid is the operative Chapter of the Convention and is obligatory for all Contracting Parties.

Chapter II – Security for costs and enforceability of orders for costs

Chapter II exempts plaintiffs and parties from a security, bond or deposit of any kind that is required by reason of their foreign nationality. In return for this benefit, when costs are ordered against a plaintiff or party under the Convention, the order must be rendered enforceable without charge in any other Contracting Party.

Contracting Parties may exclude application of this Chapter of the Convention. This information is available on the status table on the Access to Justice Section of the HCCH website.

Chapter III – Copies of entries and decisions

The Convention grants nationals and habitual residents of a Contracting Party a right to obtain copies or extracts from entries in public registers and court decisions in any other Contracting Party, on the same terms and conditions as its nationals.

Chapter IV – Physical detention and safe-conduct

In order to avoid discrimination against national and habitual residents of other Contracting Parties, the Convention prohibits arrest and detention in civil or commercial matters, either as means of enforcement or as a precautionary measure, in circumstances where they cannot be applied against nationals.

Finally, the Convention provides for safe-conduct of a person who is a national or habitual resident of a Contracting Party and who is summoned to appear as a witness or expert in proceedings. Such person shall not be liable to prosecution or detention, or subjected to any other restriction on personal liberty, while in the territory of the requesting Contracting Party. Contracting Parties may exclude application of

this Article of the Convention. This information is available on the status table on the Access to Justice Section of the HCCH website.

Role of Authorities

The Convention provides for a system of Central Authorities in all Contracting Parties. A Central Authority is responsible for receiving and transmitting legal aid applications under Chapter I and receiving enforceable orders under Chapter II. Contracting Parties may also designate other authorities in addition to the Central Authority.

Additional resources

The [Access to Justice Section](#) of the HCCH website contains the latest information about the Access to Justice Convention. This includes:

- Text of the Convention
- Status table of Contracting Parties
- Explanatory Report on the Access to Justice Convention
- Mandatory Model Form