

30th Anniversary of the UN Commission on Crime Prevention And Criminal Justice

Statement by Michelle Bachelet, UN High Commissioner for Human Rights

17 May 2021

Ms Waly,

Mr Cortese,

Distinguished Ministers,

Excellencies,

The UN Commission on Crime Prevention and Criminal Justice has been contributing to human rights, and rule of law, for thirty years.

Its work has been pivotal to the development and implementation of UN standards and norms related to crime prevention and criminal justice. Guidelines such as the **Nelson Mandela Rules** for the treatment of prisoners; the **Bangkok Rules** for the treatment of women prisoners and women offenders; and the **Beijing Rules** for the administration of juvenile justice are deeply grounded in human rights principles.

That body of work has contributed vitally to the dignity and protection of millions of people deprived of their liberty around the world – people who, regardless of any crime they have committed, continue to have fundamental human rights and yet are especially vulnerable to human rights violations.

In addition, the CCPCJ works to strengthen States' capacity to detect, prevent and prosecute all types of transnational organized crime, as well as the crime of corruption..

As High Commissioner for Human Rights, I pay tribute to this body of work, and I celebrate the Commission's three decades of service to humanity.

But our gathering today is also an opportunity to prepare new forms of action for the years to come – including some of the urgent challenges in crime prevention and criminal justice that the COVID-19 pandemic has brought to the fore.

Everywhere, poverty, hunger and inequalities have been further deepened by the pandemic, with disproportionate and devastating impact on the most vulnerable and marginalised individuals and communities.

COVID-19 has also sharply worsened the long-standing crisis in prison conditions globally. Over 11 million people are currently imprisoned, often in overcrowded and sub-standard detention centres. Many – we cannot know how many – have become infected with the virus, leading to permanent health damage and death.

And in a powerful illustration of the bonds that connect all human beings, centres where people are deprived of their liberty have also become vectors of contagion to the rest of society. Harm that is done to one of us, has impact on us all.

Excellencies,

Exactly one year ago, I joined the UNODC Executive Director and other principals of UN agencies in a [statement](#) that urgently drew the attention of political leaders to the impact of COVID-19 in prisons and closed settings. We came together to urge public health measures to mitigate the heightened vulnerability of people deprived of their liberty, who are a part of all our societies.

Now, the United Nations system as a whole has developed a **Common Position on Incarceration**, with a common framework for UN support to Member States on incarceration-related matters.

This Common Position, which will be presented at a side-event later today, aims to help States to reduce overreliance on incarceration – and thus reduce the prison population; to strengthen prison management and improve prison conditions; and to advance the rehabilitation and social reintegration of offenders.

It not only addresses long-standing human rights issues – it will also contribute to our societies' capacity to marshal the contributions of every individual in order to recover better from the pandemic.

Excellencies,

The UN System Common Position on Incarceration also constitutes a commitment to further advance law and policy reform, as well as advocacy, with respect to **women deprived of their liberty**.

Ten years after the adoption of the UN Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders, known as the Bangkok Rules, we have seen significant improvement in some countries in admission procedures, gender-specific health care, safety in detention facilities, and the implementation of non-custodial measures for women in conflict with the law.

However, relevant international human rights mechanisms and civil society groups continue to report serious concerns about arbitrary or discriminatory detention of women around the world; unacceptable conditions of detention; and insufficient meaningful rehabilitation opportunities.

As with all detainee issues, the lack of visibility of these human rights gaps significantly contributes to their persistence. We will not fix what we cannot see. We need consistent gender analysis, stronger data and more effective advocacy for reform, in order to advance the effective implementation of the rules agreed in Bangkok.

In the coming months, it will also be vital to address the **extraordinary measures in the administration of justice** adopted by many countries in the context of the pandemic. They include limitations on what matters can be brought to courts; alternative means for courts to conduct 'urgent matters' through remote communication and videoconferencing; and other steps that could impact the independence of the judiciary and, more broadly, the role of judges, prosecutors and lawyers.

These issues are essential to fundamental rights to fair trial, due process and equal access to justice.

States should take urgent steps to ensure that the restrictions placed on the operations of courts and tribunals, and alternative measures put in place, fully respect and protect the rights of every individual. They should clarify how they intend to ensure that courts will build back better in the post-pandemic period.

I also want to make a few remarks about **law enforcement and racial discrimination**.

Recent events have made it impossible to ignore the very frequent, and often systemic, presence of racial bias in policing and justice institutions around the world. These

issues are not restricted to one country, one region or one community, and they erode the legitimacy of these specific institutions, and more broadly, public trust in the authorities.

It is absolutely essential to uphold the key human rights principles of legality, necessity, proportionality, equality and non-discrimination in law enforcement. Profound and far-reaching reforms should be undertaken to ensure that justice is truly just, and that policing does not brutalise, but truly protects people.

This means ending impunity for any crimes committed by any agent of the State. No police officer, or any other agent of any State, should ever be above the law.

It also means undertaking broader reforms to end racial injustice across every institution and sector of society. **The broad base of today's inequalities, and the unacknowledged racism in which they have grown, must be addressed.**

Distinguished Chair,

Last month, the [Kyoto Declaration](#), adopted at the 14th UN Crime Congress, strongly reaffirmed the responsibility of all States to fully promote and protect all human rights.

All UN Member States reaffirmed their commitment to upholding the principle of human dignity in the impartial administration of justice, and throughout all their efforts to prevent and combat crime.

As the major policy-making body of the United Nations in the field of crime prevention and criminal justice, I know that this Commission will continue to uphold human rights as it addresses critical issues related to crime prevention and criminal justice.

You can be confident that in the decades ahead, my Office will support that work in every way we can.

Thank you