Proposals on other ways and means of ensuring appropriate follow-up to the Kyoto Declaration**

1. The document has been prepared pursuant to General Assembly resolution 76/181, entitled “Fourteenth United Nations Congress on Crime Prevention and Criminal Justice”, in which the Assembly endorsed the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: towards the Achievement of the 2030 Agenda for Sustainable Development of the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan from 7 to 12 March 2021.

2. In this resolution, the General Assembly requested the Secretary-General to seek proposals by Member States on ways and means of ensuring appropriate follow-up to the Kyoto Declaration, for consideration and action by the Commission on Crime Prevention and Criminal Justice (CCPCJ) at its thirty-first session.

3. Following the request, the Secretariat to the Commission on Crime Prevention and Criminal Justice issued a Note Verbal on 18 January 2022, requesting Member States to submit such proposals by 30 March 2022.


**This document has not been edited.

Canada

5. In light of Canada’s experience, the development of evidence-based crime prevention strategies at the national level could assist in addressing the root causes of crime. In its work within the CCPCJ, Canada would continue to emphasize the
importance of such strategies, with the objective of reducing the number of victims of crime, the likelihood of offenders reoffending and the financial impact of crime and victimization.

6. As called for in paragraphs 27, 28, 43 and 44 of the Kyoto Declaration, mainstreaming a gender perspective in the criminal justice system played an essential role in preventing and combating crime. In CCPCJ resolutions and in the technical assistance provided by the UNODC, mainstreaming such gender and diversity perspectives could be more systematically advocated as they contributed to policy-making and legislative work that was of higher quality and that had a greater relevance for society by responding more effectively to the needs of all citizens.

7. The enactment of legislation could assist in safeguarding the rights of victims of crime, including the right to information, protection, participation, and to seek restitution. Canada had also established specialized services for victims of crime, including Family Information Liaison Units. Those units represented a new model of service for family members of missing or murdered indigenous women and girls, which ensured a culturally-grounded and trauma-informed team made up of “navigators”, who actively worked with family members to obtain the information they were seeking from government institutions.

8. Bearing in mind the need for sharing of information and best practices in the field of offender treatment and rehabilitation, a promising approach would be to establish more fora, such as the Criminal Justice Forum for Asia and the Pacific established under the leadership of the Government of Japan, to enhance regional cooperation in that regard. The establishment of a United Nations expert group to share information on promising practices to reduce reoffending, with a view to developing model strategies in that regard, could also be helpful in fostering the social reintegration of offenders around the world.

9. The onset of the global pandemic in March 2020 had further underscored the critical role access to justice played in supporting the well-being and quality of life of individuals and communities. In its work at the national and international levels, Canada strongly believed in the need to promote the importance of access to fair and impartial justice for all, particularly marginalized populations, including indigenous peoples, who were stigmatized and racially profiled by criminal justice institutions. In that regard, Canada would continue to promote restorative justice and the use of the updated version of the UNODC Handbook on Restorative Justice Programmes within the CCPCJ, as alternatives to the mainstream criminal justice system that could lead to lower incarceration rates for non-violent offences, marginalized populations and indigenous peoples in line with Sustainable Development Goal 16.

10. At the Summit for Democracy, the Prime Minister of Canada announced that Canada would convene a high-level roundtable to examine effective ways to strengthen international anti-corruption legal frameworks. Through its international engagement, research and analysis, and recommendations, the high-level roundtable would offer tangible ways to strengthen the international anti-corruption architecture in the short to medium term and would do so with a focus on grand corruption. Planning was underway to hold the roundtable in fall 2022. Canada would present outcomes to the international anti-corruption community at the Summit for Democracy II.

11. There was a need for supporting capacity building efforts and technical assistance to address crime with a gender-responsive approach. In Canada, the Anti-Crime Capacity Building Program (ACCBP) had been created to enhance the capacity of beneficiary states to prevent and respond to threats posed by international criminal activity, thereby contributing to a full range of Canadian security and foreign policy interests. The ACCBP delivered capacity building projects to foreign states primarily through the provision of training, equipment, and technical assistance. The ACCBP supported capacity building in the following six thematic areas: security system reform, illicit drugs, corruption, human trafficking and migrant smuggling, money laundering, and crime prevention (including cybercrime). All projects
supported by the ACCBP applied a gender-based analysis, where the differential impacts of security sector operations on all persons were assessed, and where the intersections of sex and gender with other identity factors such as age, education, language, culture, and ethnicity were examined. A gender-based analysis provided key planning information to define a project’s expected results and activities, but also gender-sensitive baseline data and performance indicators.

12. In order to increase the efficiency and effectiveness of authorities responsible for facilitating international cooperation, regional initiatives, such as the Criminal Justice Forum for Asia and the Pacific established under the leadership of the Government of Japan, were helpful in developing a better understanding of possible solutions to the challenges faced in providing efficient mutual legal assistance.

13. The formulation of strategies aimed at effectively addressing the conditions conducive to the spread of terrorism including violent extremism were important, including in implementing the United Nations Global Counter-Terrorism Strategy. However, efforts to prevent and counter terrorism in all its forms and manifestations including the growing threat from ideologically motivated violent extremism, needed to be in line with human rights and fundamental freedoms and should integrate gender considerations (including a gender-based analysis) and the Women, Peace and Security Agenda.

14. A number of measures could be considered at the national and international levels, as provided under paragraphs 93 to 95, to combat cybercrime and cyber-enabled crime. For example, a national cybercrime coordination unit could be helpful in combating a wide range of cybercrime and cyber-enabled crimes, in close collaboration with the private sector, stakeholders and civil society organizations. At the international level, the CCPCJ could establish an open-ended United Nations group of experts on cybercrime to facilitate the assessment of needs and criminal justice capabilities and the delivery and coordination of technical assistance. Such practitioners could play a useful role in assisting the United Nations General Assembly Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes in its work, bearing in mind the important role played by the CCPCJ open-ended intergovernmental Expert Group to Conduct a Comprehensive Study on Cybercrime from 2011 to 2021.

**Czech Republic**

15. The Czech Republic noted that the intersessional thematic discussions, as those held in November 2021, represent a good way for sharing information and experience. It is believed that more intersessional meetings could take place than those already envisaged. Those meetings could discuss challenges and problems that the United Nations Member States face in individual areas covered by the Kyoto Declaration. The challenges and gaps most commonly identified could then be looked into to try to find the best solution for those.

16. Side events represent another way of making good practices known. The Czech Republic took note of the challenges in organizing side events recently due to the COVID-19 pandemic, however, it would be suggested holding side events not only in a virtual format, but also in an in-person or hybrid one. Physical presence of participants usually triggers a more interactive communication, which is very useful.

17. The Government of the Czech Republic would encourage the engagement of private companies in side events and other relevant fora, in particular in line with paragraph 95 of the Kyoto Declaration, which called for public-private partnerships. The sharing of experience from such partnerships or networking with a view to establish new ones would be of high value.

18. The provision of capacity building and technical assistance should be further promoted. The role of the UNODC in the provision of capacity-building and technical assistance was crucial. At the same time, provision of those services could benefit
from the engagement of a larger number of United Nations Member States—calls for their participation could be communicated regularly. Meanwhile, recipients of capacity building and technical assistance services could further be encouraged, on a regular basis, to identify specific areas for which those services would be needed. The proposal would be in line with paragraphs 65, 80 are 94 of the Kyoto Declaration.

19. The Government of the Czech Republic also proposed that the CCPCJ reconsider a new mandate for the Intergovernmental Expert Group (IEG) on Cybercrime. The previous mandate had not been prolonged and therefore the activities of the group were suspended. It was highlighted, however, that the renewed functioning of the IEG would not only implement paragraphs 2, 63 and 93 of the Kyoto Declaration, but would again provide a platform for practitioners to share their knowledge, experience, good practices and challenges in the area of investigation, prevention and fight against cybercrime. Current discussions taking place under the United Nations General Assembly Ad Hoc Committee to Elaborate a Comprehensive International Convention on Countering the Use of Information and Communications Technologies for Criminal Purposes would not replace expert discussions held at such IEG.

India

20. The Government of India highlighted the importance of conducting continuous training and skill development for police officers, legal and/or judicial officers, court’s registrars and officers of national investigation agencies, with a view to improving their capacity to draft and prepare requests for mutual legal assistance.

21. It was also noted that the process of sending and receiving mutual legal assistance requests needed to be further streamlined by making relevant provisions under domestic law (if not available). Such requests needed to be scrutinized by national authorities, with due consideration of the nature of evidence sought vis-a-vis its relevance for the purpose of prosecution.

22. It was further mentioned that the extradition procedure prescribed under Chapter 3 of the national Extradition Act of India may be explored for expeditious extradition of fugitives who were avoiding the process of law. As on date, the extradition process as per Chapter 2 of the national Extradition Act, required establishment of prima facie case against the fugitive.

Japan

23. Japan, as the host country of the Fourteenth Crime Congress, had developed three initiatives, namely: the “Criminal Justice Forum for Asia and the Pacific (Crim-AP)”, the “Global Youth Forum for a Culture of Lawfulness” and had initiated the work towards the formulation of new United Nations standards and norms on reducing reoffending”, to foster the implementation of the Kyoto Declaration, aiming at promoting the rule of law, including in an international setting.

24. The Kyoto Declaration called for strengthening of international cooperation to combat crime and establishing of regional networks to facilitate cooperation among criminal justice practitioners. To implement the commitment, Japan had decided to convene, together with the UNODC, the Criminal Justice Forum for Asia and the Pacific (Crim-AP) on a regular basis, which would serve as a forum for cooperation among central authorities responsible for mutual legal assistance in criminal matters and competent authorities engaging in offender treatment and rehabilitation, in the Asia-Pacific region. The first meeting had successfully concluded in Tokyo in February 2022, with the participation of ministers, senior officers and practitioners from 20 countries and organizations. The Government of Japan noted that organizing such regional fora would be an effective platform to implement the commitment set forth in the Kyoto Declaration to strengthen international cooperation to combat crime.
25. The Kyoto Congress Youth Forum had been held just before the Fourteenth Crime Congress. Its successful outcome had been widely recognized, and the Kyoto Declaration called for efforts to empower youth to become active agents of positive change to support crime prevention efforts by organizing youth forums and other initiatives. Against that background, Japan had decided to hold, with the support of UNODC, the Global Youth Forum for a Culture of Lawfulness on a regular basis. The first meeting had successfully concluded in Tokyo in October 2021, with the participation of nearly 120 youth representatives from 41 countries. The recommendations of the Global Youth Forum, adopted as its outcome, had been subsequently presented to the CCPCJ at the opening of the first round of thematic discussions on the Kyoto follow-up, held in November 2021. Organizing such youth fora would be an excellent way to implement the commitment of the Kyoto Declaration related to youth empowerment for crime prevention.

26. The Kyoto Declaration contained detailed measures to reduce reoffending, including through fostering multi-stakeholder partnerships, and demonstrated the need to develop United Nations standards and norms on that matter. To respond to that need, Japan had decided to take the lead (by tabling last year’s resolution) in the formulation of new United Nations standards and norms on reducing reoffending, building on the experience accumulated through its 130-year history of the “hogoshi” system, or Volunteer Probation Officers, and multi-stakeholder partnerships. Such United Nations standards and norms would serve as an important tool to implement the commitments on reducing reoffending through rehabilitation and reintegration, as set in the Kyoto Declaration.

27. Additionally, Japan highlighted that the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI) held seminars and training programmes for criminal justice personnel from a wide range of countries, focusing on, inter alia, anti-corruption, prevention of crime, treatment of offenders, and fight against cybercrime. In that regard, Japan welcomed the role of UNAFEI in the effective follow-up to the Kyoto Declaration and stressed its endeavour to fully support UNAFEI’s activities in terms of both financial and human resources.

Mali

28. In order to go beyond the intersessional thematic discussions and to take a more formal approach, the following means should be considered:

(i) Drafting, adoption and dissemination of voluntary periodic reports on the implementation by Member States of the Kyoto Declaration;

(ii) Establishment by the Commission of standard tools for preparing, adopting and disseminating voluntary reports.

Morocco

29. The Government of Morocco proposed that the CCPCJ formulate an action plan with specific components and objectives, in accordance with the General Assembly resolution 76/181 (paragraph 11). The Commission should urge States to do the following:

(i) Develop national strategies aimed at implementing, and following up on, the recommendations set forth in the Kyoto Declaration;

(ii) Identify, and actively follow up through the implementation process with, the relevant stakeholders;

(iii) Create multifocal national committees to be tasked with implementing and following up on the Kyoto Declaration, with a view to consolidating the views of various stakeholders;

(iv) Set forth a four-year action plan, with each year to be devoted to a component of the Declaration and comprehensive and effective follow-up on the thematic focus of the previous year;
(v) Improve the performance and capabilities of all stakeholders in implementing the Declaration and its follow-up.

30. Morocco also proposed that Member States prepare annual reports on national efforts to implement the recommendations of the Fourteenth Crime Congress. Those reports should be presented to the Commission at its regular sessions, to enable the Commission to identify and help States overcome the difficulties they may be facing and to distil best practices for dissemination among other Member States.

31. It was also noted that UNODC should consider the possibility of inviting all States to provide periodic reports on the implementation of the recommendations contained in the Kyoto Declaration. To ensure an effective follow-up to the Declaration, it would be better if those reports were thematic and distributed according to the content of each of the Declaration’s recommendations, as opposed to the general reporting mechanism used for the follow-up to the Doha Declaration, adopted at the Thirteenth Crime Congress in 2015.

32. It was also proposed to consider the possibility of launching an international survey on the subject and preparing an annual or periodic questionnaire on the implementation of recommendations stemming from the Kyoto Declaration.

33. Another proposal regarded fostering exchange of expertise and best practices among States by organizing training courses, field visits and seminars.

34. The Government of Morocco was willing to make available its national strategy for improving prisoner conditions, reintegration and rehabilitation.

Romania

35. The Government of Romania proposed that the UNODC develop a set of general indicators related to each of the four pillars of the Declaration, namely: crime prevention, strengthening the criminal justice system, promoting the rule of law, and promoting international cooperation and technical assistance to prevent and combat all forms of crime.

36. Another proposal concerned the elaboration of electronically configured questionnaires on the implementation of the Kyoto Declaration for all relevant stakeholders, following the framework of sets of indicators, to be completed periodically by relevant stakeholders and used by the UNODC Secretariat.

37. It was also proposed to include discussion segments dedicated to the progress made in the implementation of the Kyoto Declaration, quantifiable on the basis of the aforementioned indicators, in the agenda of events organized under the auspices of the CCPCJ (e.g. intersessional meetings).

38. Final proposal regarded the creation of an online platform dedicated to the Kyoto Declaration, covering issues such as:

   (i) Highlighting the progress made in implementing the Kyoto Declaration, taking into consideration, among others, the answers to the questionnaires;

   (ii) The resources shared in the context of the thematic discussions organized in the implementation of the Commission’s multi-annual work plan.

Turkey

39. The Government of Turkey shared a recommendation for States to prepare national guidelines on judicial ethics for judges, prosecutors and other personnel in the judiciary, in line with the relevant international documents.¹

40. Another proposal was to invite the UNODC to update the “Implementation Guide and Evaluative Framework for Article 11 of the United Nations Convention against Corruption”, which had been prepared in 2013 and published in 2015. It was also proposed to invite UNODC to prepare training modules, available in different languages, on ethics in judiciary, especially on the issue of conflict of interest of prosecutors, in accordance with the reports of the Group of States against Corruption.

41. A proposal to establish transparent remedies for unethical practices in the judiciary was also mentioned.

42. The Government of Turkey also proposed organizing a thematic meeting for the criminal definition of “sextortion”, which was a new term, as well as developing of guidelines for States to criminalize “sextortion”.

43. With regard to judicial governance, the following proposals were shared:

   (i) Supporting the principle of division of powers, which was referred to in most of the international human rights documents, such as for example, the International Covenant on Civil and Political Rights, as well as in the Basic Principles on the Independence of the Judiciary;

   (ii) Supporting States to enhance inclusive, transparent and accountable judicial systems, in line with the 2030 Agenda for Sustainable Development, in particular Goal 16 and its targets 3, 5 and 6;

   (iii) Organization of thematic meetings to foster exchange of information on the strategies that States had adopted to achieve Goal 16.

44. With regard to outreach programmes, the following was proposed:

   (i) Inclusion of “preventing gender-based discrimination, gender-based homicide and sexist-language” among the topics of the fora and events to be organized in the implementation of the Kyoto Declaration;

   (ii) Inviting States to include elements on “preventing gender-based discrimination, gender-based homicide and sexist-language” in their education systems;

   (iii) Encouraging judicial authorities to establish and enhance outreach programmes to receive the complaints or comments by general public on the judicial system;

   (iv) Encouraging judicial authorities to organize educational activities that could increase the judicial literacy (ability to monitor, understand and evaluate the standards of the judicial proceedings) of general public in order to advance the culture of lawfulness.

45. The Government of Turkey shared the following proposals in relation to increasing transparency and accountability of judicial institutions:

   (i) Publishing decisions of national supreme courts to be available for general public, in accordance with the domestic law and international standards;

   (ii) Publishing judicial statistics for the information of general public;

   (iii) Enhancing the relevant activities of the legislative and executive bodies to support easy access to justice;

   (iv) Inviting UNODC to prepare compendiums that would gather relevant international documents and resolutions on combating corruption, protecting vulnerable groups, and promoting transparent and accountable judiciary;
(v) Enhancing judicial strategies in order to increase transparency, bearing in mind the Istanbul Declaration on Transparency in the Judicial Process and the measures for the effective implementation of the Istanbul Declaration.

46. With regard to promoting gender equality in judicial institutions, it was proposed to avoid the use of sexist language in the judicial proceedings and decisions as well as to organize fora and meetings for journalists, judicial personnel and the youth on the topic of avoiding the use of sexist language.

47. In relation to reducing reoffending, the Government of Turkey proposed to:

   (i) Establish necessary standards and resources to increase the use of artificial intelligence that could assist in analysing the judicial statistics, in order to prevent reoffending and to decrease the crime rate;

   (ii) Analyse judicial statistics and determine the priority areas to prevent reoffending, without creating discrimination in the society, in order to enhance tailor-made crime prevention strategies.

48. Further proposals were made on:

   (i) Organizing thematic meetings with participation of experts, on topics covered by the Kyoto Declaration;

   (ii) Inviting UNODC to establish networks that may help experts to directly and easily communicate, exchange information and obtain relevant information;

   (iii) Establishing expert groups on specific topics in order to foster the sharing of best practices and preparation of related guidelines;

   (iv) Preparation of questionnaires and checklists to follow the status of implementation of the Kyoto Declaration.