

Thirty-second session of the Commission on Crime Prevention and Criminal Justice

Statement by the Office of the High Commissioner for Human Rights¹

Agenda Item 3 (General Debate)

22 May 2023

Madam Chair,

Excellencies,

Distinguished Delegates,

The Office of the United Nations High Commissioner for Human Rights (OHCHR) thanks the Commission on Crime Prevention and Criminal Justice for the invitation to attend this session of the Commission.

This year, we celebrate the 75th anniversary of the Universal Declaration of Human Rights (UDHR). This milestone celebration provides us an opportunity to rekindle the spirit, impulse, and vitality of the UDHR and renew a worldwide consensus on human rights, including in the areas of crime prevention and criminal justice.

Madam Chair,

In the UN Common Position on Incarceration, the UN system pledges, *inter alia*, to support reform efforts aimed at ensuring proportionate and individualized sentencing policies and alternatives to conviction or punishment in appropriate cases, including for minor drug-related offences.²

The UN Systems equally commits to advocate for the decriminalization of acts that are protected by international human rights law.³

The unjustified criminalization of individuals and sometimes entire communities for acts protected by international human rights law is increasingly impeding progress in advancing human rights in many areas, including racial and gender justice and equality; reproductive autonomy; disability; economic justice; civil liberties; sexual orientation; gender identity; education; youth development; and public health.

In this context, OHCHR brings to your attention the recently published “*Principles for a Human Rights-Based Approach to Criminal Law Proscribing Conduct Associated with Sex, Reproduction, Drug Use, HIV, Homelessness and Poverty*”.⁴

¹ Delivered by Zaved Mahmood, Human Rights Officer, OHCHR

² [The United Nations Common Position on Incarceration](#), p.11

³ *ibid*

⁴ Since 2018, OHCHR and UNAIDS jointly supported the development of these principles. The Principles, widely known as [the 8th March Principles](#), were published by the International Commission of Jurists on 8th March 2023. They were led by ICJ and developed by a wide range of civil society actors (e.g. expert jurists, academics, legal practitioners, human rights defenders and civil society organizations working in diverse legal traditions).

The Principles note that the existence and enforcement of criminal laws proscribing the above-mentioned conduct punish, stigmatize, and deny services and rights to individuals, particularly those from already marginalized communities, leading to a broad range of human rights violations. These includes violations of the rights to: dignity; equality; non-discrimination; life; personal integrity; freedom from torture; freedom of expression and association; liberty and security of person; privacy; and health.

The Principles provide practical legal guidance on the application of a human rights-based approach to criminal law and recommend the decriminalization of conducts associated with above areas.

The Principles aim to be practically useful to the widest range of stakeholders, including those engaged in criminal justice system and beyond.

Madam Chair,

OHCHR⁵ and UN human rights mechanisms⁶ continue to highlight an alarming picture of system-wide, disproportionate and discriminatory impacts of policies and practices on people of African descent in their encounters with law enforcement and the criminal justice system in some countries. As the High Commissioner stated⁷, there is widespread ‘presumption of guilt’ against people of African descent.

Lack of accountability for violations by law enforcement officers is also an enormous obstacle. Oversight, complaint and accountability mechanisms lack independence in many instances.

OHCHR calls on States to implement reforms to restrict use of force and prohibit racial profiling. Law enforcement officials who commit violations against Africans and people of African descent must be brought to justice swiftly.

Structural safeguards must be set up, including independent oversight, effective complaint procedures, and robust legislative reform. Victims and their families must be provided redress.

Thank you.

⁵ [A/HRC/47/53](#) and its accompanying conference room paper ([A/HRC/47/CRP.1](#)); [A/HRC/51/53](#)

⁶ E.g. Committee on the Elimination of Racial Discrimination General recommendation [No. 36 \(2020\)](#) on preventing and combating racial profiling by law enforcement officials; General recommendation [No. 34 \(2011\)](#) on racial discrimination against people of African descent; [General recommendation](#) No. 31 (2005) on the prevention of racial discrimination in the administration and functioning of the criminal justice system International Independent Expert Mechanism to advance racial justice and equality in the context of law enforcement ([A/HRC/51/55](#))

⁷ See [A/HRC/47/53](#), para 33; and accompanying CRP, para 119