



21 - 22 September 2023

2023 CCPCJ THEMATIC DISCUSSIONS

Implementing the Kyoto Declaration

CCPCJ

BACKGROUND NOTE

PILLAR III: PROMOTING THE RULE OF LAW



COMMISSION ON CRIME PREVENTION AND CRIMINAL JUSTICE

INTRODUCTION

On 7 March 2021, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice adopted by consensus the ***Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development***. In the Kyoto Declaration, Member States expressed the endeavour to take actions to advance crime prevention (pillar I, para. 21-30), advance the criminal justice system (pillar II, para. 31-47), promote the rule of law (pillar III, para. 48-59) and promote international cooperation and technical assistance to prevent and address all forms of crime (pillar IV, para. 60-95). They called upon the Commission on Crime Prevention and Criminal Justice to adopt the appropriate policy and operational measures for the follow-up to the Declaration and invited the Commission to engage with other relevant stakeholders, including the institutes of the United Nations crime prevention and criminal justice programme network, in order to strengthen global partnership in advancing crime prevention, criminal justice and the rule of law towards the achievement of the 2030 Agenda.

In its resolution A/RES/76/181 entitled “*Fourteenth United Nations Congress on Crime Prevention and Criminal Justice*”, which was prepared by the Commission, the Assembly endorsed the Kyoto Declaration and requested, inter alia, in para. 11, that the Commission hold **intersessional thematic discussions to effectively follow up on the Kyoto Declaration through the sharing of information, good practices and lessons learned**. That request was reiterated in resolution A/RES/77/231 and in the resolution entitled “*Follow-up to the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice and preparations for the Fifteenth Crime Congress*”, negotiated by the Commission during its 32nd session.

On 23 July 2021, the Commission on Crime Prevention and Criminal Justice adopted by silence procedure a **multi-year workplan** for the mentioned thematic discussions. The workplan follows the four pillars of the Kyoto Declaration. The first thematic discussion was held on 10-12 November 2021 and focused on pillar I of the Kyoto Declaration, “Advancing Crime Prevention”. The second thematic discussion was held on 5-7 December 2022 and focused on pillar II of the Kyoto Declaration, “Advancing the criminal justice system.”¹ **The third thematic discussion will be held on 21-22 September 2023 in a hybrid format. It will focus on pillar III “Promoting the rule of law”.** According to the organizational arrangements for the thematic discussion adopted by silence procedure on 28 June 2023, the content of pillar III will be clustered in two meeting days:

Day 1: 21 September 2023

- Access to justice and equal treatment before the law
- Access to legal aid
- National sentencing policies

Day 2: 22 September 2023

- Effective, accountable, impartial and inclusive institutions
- Effective anti-corruption efforts
- Social, educational and other measures

The Secretariat has prepared this background paper with a view to facilitating the dialogue during the Commission’s thematic discussions. The document reflects findings relating to Pillar III, “Promoting the rule of law”, as contained in relevant UNODC research publications and contributions provided by the UNODC substantive Branches and Sections, as well as some discussion questions (not a comprehensive list). It is meant to be read in conjunction with the **discussion guide for the thematic discussion held during the regular 32nd session on “Enhancing the functioning of the criminal justice system to ensure access to justice and to realize a safe and secure society”**.²

¹ Information on the first and second Thematic Discussions is available here:

https://www.unodc.org/unodc/en/commissions/CCPCJ/session/30_Session_2021/thematic-sessions-kyoto.html

https://www.unodc.org/unodc/en/commissions/CCPCJ/session/31_Session_2022/thematic-sessions-kyoto.html

² E/CN.15/2023/6.

21 SEPTEMBER 2023 – THEMATIC SESSION 1: ACCESS TO JUSTICE AND EQUAL TREATMENT BEFORE THE LAW; ACCESS TO LEGAL AID; NATIONAL SENTENCING POLICIES

IN THE KYOTO DECLARATION, MEMBER STATES ENDEAVOURED TO TAKE THE FOLLOWING ACTIONS TO PROMOTE THE RULE OF LAW:

Access to justice and equal treatment before the law

48. Ensure equal access to justice and application of the law to all, including vulnerable members of society, regardless of their status, including by taking appropriate measures to ensure treatment with respect and without discrimination or bias of any kind by criminal justice institutions;

Access to legal aid

49. Take measures to ensure access to timely, effective, adequately resourced and affordable legal aid for those without sufficient means or when the interests of justice so require, and raise awareness of the availability of such aid, including by promoting the practical application of relevant provisions of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,³ United Nations Office on Drugs and Crime tools on ensuring the quality of legal aid services in criminal justice processes and other related tools, by encouraging the development of guidance tools, as well as the collection and sharing of data on access to legal aid, and by developing a specialized network of legal aid providers to exchange information and best practices and to assist each other in carrying out their work;

National sentencing policies

50. Promote national sentencing policies, practices or guidelines for the treatment of offenders in which the severity of penalties for offenders is proportionate to the gravity of offences in accordance with national legislation;

BACKGROUND

Access To Justice and Equal Treatment Before the Law

Access to justice is the ability to seek and obtain a just, equitable and timely remedy for violations of rights. It includes the right to be recognized before the law and to a fair trial, including equal access to courts and equality before the law. **Equal treatment before the law** is a fundamental principle enshrined in international human rights instruments. It requires that all individuals be treated impartially and without discrimination by the legal system.

Recognised not only as a dedicated target under the sustainable development agenda (Target 16.3) but also as an enabler for reaching most of the other goals, access to justice has received growing attention from the international community, as demonstrated by the **recommendation for adoption by the General Assembly of a dedicated resolution**⁴ at the 32nd session of the Commission and the convening of a **high-level debate on “Equal Access to Justice for All” by the General Assembly on 15 June 2023**. In adopting the resolution, the General Assembly would encourage Member States to take measures to ensure equal access to justice for all with a focus on people in vulnerable situations and the reduction of inequities. UNODC would be requested to continue developing technical tools and training material based on United Nations standards and norms in crime prevention and criminal justice and provide technical and material assistance to Member States, and convene a meeting of experts, with a view to sharing information on challenges, lessons learned, best practices and enabling factors to enhance the functioning of the criminal justice systems to ensure equal access to justice for all.

³ United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, General Assembly Resolution 67/187, annex, adopted on 12 December 2012.

⁴ Draft resolution V, “Equal access to justice for all”, E/2023/30, E/CN.15/2023/15.

The need for justice and the rule of law to benefit all individuals is emphasized in the **Secretary-General's Report "Our Common Agenda"**, recognizing the limited reach of many justice systems.⁵ The new **Secretary-General's New Vision for the Rule of Law**⁶ recognizes that "individuals and groups facing systemic prejudice, bias and stereotypes must be afforded fair treatment in criminal and civil justice systems". The Vision advocates for a people-centred approach to justice: "People-centredness means that laws and justice institutions are accessible to every person user-friendly, non-discriminatory, fair, and focused on solutions and remedies that address people's needs and deliver better outcomes. Rule of law institutions that are inclusive, representative, responsive and accountable to those they serve will better address the multi-faceted discriminations and rights violations that individuals and communities face."

During the General Assembly high-level debate on "Equal Access to Justice for All" and the thematic discussion of the Commission at its 32nd session, the urgent need to **address the barriers to access to justice** for women and to recognize the distinct characteristics and needs of children compared to adults was highlighted, and speakers also referred to the need to invest in addressing structural and historical barriers and discrimination against racial and ethnic minorities, indigenous peoples, people of diverse sexual orientation and gender identity and people with disabilities. **Countries' increased reliance on new and advanced technologies to strengthen access to justice** was discussed. In this regard, the need to undertake evidence-based research to evaluate digital technological solutions against a robust human rights framework and the establishment of adequate human rights safeguards was underlined.

On further specific access to justice topics, you are invited to consult document E/CN.15/2023/6, in particular

- *Para. 16-20: Promoting equality and non-discrimination in the criminal justice system*
- *Para. 24-27: Gender-sensitive criminal justice*
- *Para. 28-32: Age-sensitive criminal justice*
- *Para. 33-35: Racial equity and equality in the criminal justice system*
- *Para. 36-37: Access to justice for people with disabilities*
- *Para. 38-45: Ensuring that the criminal justice system is victim-centered (including access to justice for victims of terrorism and access to justice for people victimized while on the move)*

Access To Legal Aid

Legal aid plays a crucial and indispensable role in ensuring that poor, marginalized, and disadvantaged persons have equal access to justice within the criminal justice system. This is paramount in safeguarding the rights of those who are unable to advocate for themselves: those who are suspected or accused of a crime, detained, arrested, or imprisoned, as well as victims/survivors and witnesses. Legal aid can help reduce the duration for which suspects are held in detention and the occurrence of corruption and human rights violations. By providing timely legal support, legal aid ensures that individuals are not unjustly deprived of their freedom, promoting, safeguarding, and upholding fair trial rights.

Recognizing the significance of legal aid, in 2012 the General Assembly adopted the United Nations **Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems**⁷, which are based on international human rights law and national good practices and aim at providing guidance to Member States on the fundamental principles on which a legal aid system should be based, to ensure that legal aid is accessible, timely, effective, and adequately resourced for those who lack sufficient means or when the interests of justice so require.

According to the **Global Study on Legal Aid**⁸ published in 2016 by UNDP and UNODC, in most Member States, defendants had a right to legal aid under national law and progress was made in establishing

⁵ United Nations Secretary-General's Report, "Our Common Agenda", Chapter II, We the peoples: a renewed social contract anchored in human rights, available online [here](#).

⁶ New Vision for the Rule of Law, publication pending - see also Our Common Agenda, A/75/982, at para. 23.

⁷ United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, General Assembly Resolution 67/187, annex, adopted on 12 December 2012.

⁸ UNDP, UNODC, Global Study on Legal Aid, Report (2016), available online [here](#).

national legal and policy frameworks.⁹ However, there was a **significant gap between legal entitlements as provided by law and the availability of legal aid in practice**. Challenges persisted in expanding nationwide reach, particularly in rural areas, and enhancing the quality of legal aid services. Groups with specific rights and needs, such as women, children, minorities, or persons with disabilities, continued to face obstacles in accessing specialized, age-sensitive, and tailored legal aid services, including for victims of domestic violence and sexual violence. Coordination between providers and justice and other law enforcement actors was not always sufficient to ensure continued delivery of services, especially during times of emergency. Finally, there was a need to allocate more resources through targeted, evidence-based budgeting, to increase sustainability and local ownership of reforms, and a need to strengthen partnerships with civil society and other non-State actors – e.g., paralegals and university clinics – to complement the delivery of services.

On further specific legal aid topics, readers are invited to consult document E/CN.15/2023/6, in particular para. 21-23: The provision of quality legal aid services

National Sentencing Policies

Sound sentencing policies, practices, and guidelines are cornerstones of an effective criminal justice system that considers the **rehabilitation of offenders and the prevention of reoffending as central objectives of sentencing decisions**. These must form part of an evidence-based and sustainable effort to protect society from crime that equally incorporates a careful balance between the rights of individual offenders and the rights of victims.

The key principle of proportionality requires that the **severity of criminal sanctions imposed on offenders correspond to the nature and gravity of the offence**, as outlined in United Nations standards and norms in crime prevention and criminal justice.¹⁰ Proportionate and consistent national sentencing policies should also consider the **circumstances of the offence as well as the personality and unique background of the offender**, rather than exclusively focusing on the nature and gravity of the offence.¹¹ This constitutes a precondition for individualized, tailored and gender-responsive sentencing approaches and criminal justice interventions that equally reflect the specific needs of the offender, promote successful rehabilitation and aim towards their social reintegration.¹²

Legislative reform may involve the establishment of comprehensive sentencing guidelines, the introduction of alternative sentencing options¹³ to align with the principle of minimum intervention, a more restricted use of short-term prison sentences which create significant costs without corresponding opportunities for rehabilitation as well as the explicit consideration of relevant factors in sentencing decisions, such as the gender, age, health and caretaking-responsibilities of offenders. Attention should be paid to maintaining a respective discretion amongst judicial and other competent authorities, including by removing mandatory minimum sentencing laws, which constrain judicial discretion without offering increased crime prevention benefits. Such discretion should be based on a respective information and evidence-base, e.g., in the form of social inquiry reports, where applicable.

It is also critical that national sentencing policies and guidelines are accessible and comprehensible to all stakeholders, including judges, prosecutors, defence attorneys, victim service providers, and the general public. Transparent sentencing guidelines help ensure **consistency in sentencing decisions and reduce the risk of arbitrary or discriminatory practices**. Consistency in sentencing plays a pivotal role in fostering fairness and equality under the law, with national policies striving to yield consistent outcomes for similar offences, taking into account both aggravating and mitigating factors.

⁸ 125 countries surveyed for the Global Study had incorporated legal aid into their national legislation by 2016, though many did not enact specific legislation.

¹⁰ United Nations Standard Minimum Rules for Non-Custodial Measures (the Tokyo Rules), General Assembly resolution 45/110, annex, adopted on 14 December 1990, Rule 1.5, Rule 2.3; United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measure for Women Offenders (the Bangkok Rules), General Assembly resolution 65/229, adopted in March 2011, Rule 61; Council of Europe, Committee of Minister, Recommendation No. R(92)17, Concerning Consistency in Sentencing, adopted by the Committee of Ministers on 19 October 1992 at the 482nd meeting of the Minister's Deputies, Part D. para. 2.

¹⁰ Tokyo Rules, Rules 2.3 and 3.2.

¹¹ Tokyo Rules 8.

¹² Tokyo Rules, 2.3, 2.7 and 9.1.

In line with the Tokyo Rules and the Bangkok Rules,¹⁴ sentencing policies and guidelines should include and

Further information on national sentencing policies is contained in document E/CN.15/2023/6, in particular

- *para. 46-50: Safe and secure societies as the guiding objective of criminal justice interventions*
- *para. 54-57: Advancing public safety and security through the rehabilitation and reintegration of offenders*

and prioritize **non-custodial measures** whenever appropriate, including those of a gender-responsive nature. This is all the more the case as investments in the availability, quality and actual use of non-custodial measures continue to be overlooked in many countries – despite a broad acknowledgment that a default resort to prison sentences to address criminal behaviour is a major contributor to overincarceration and prison overcrowding.

In many cases, **community-based sentencing options** are more effective in addressing the underlying causes of criminal behaviour and in

promoting rehabilitation, actively involving the community in the process of reintegrating offenders and reducing recidivism rates. In the context of no-custodial measures, it is important to avoid mass supervision and “net-widening”, the latter meaning that the number of persons monitored by the criminal justice system increases.

In light of the above, the United Nations System Common Position on Incarceration¹⁵ reiterates **United Nations system support for 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. Next to ensuring accountability for criminal offences, rehabilitation and social reintegration support should feature amongst the key objectives of national sentencing policies¹⁶ with a view to addressing the underlying causes of criminal behaviour, reduce recidivism rates and contribute to public safety and cohesion.

DISCUSSION QUESTIONS

- What would be required by Member States to enhance collaboration and cooperation among governments, civil society and community organizations to promote equal access to justice and address discrimination against marginalized groups? What innovative, data-driven and evidence-based strategies and interventions have been effective in breaking the cycle of discrimination and ensuring equal treatment before the law?
- What concrete steps can Member States take to build representative criminal justice institutions that address discrimination, promote inclusivity in the workplace, and foster trust between communities and the criminal justice system?
- How can new and advanced technologies strengthen access to justice, and which human rights safeguards need to be in place?
- How can the financial sustainability and long-term effectiveness of legal aid programmes be ensured, considering changing socio-political landscapes and evolving needs of populations?
- Which evidence-based approaches to legal aid, including through civil society, paralegals and university clinics, have been effective in reaching those at risk of being left behind?
- How can national policies strike a balance between the need for individualized interventions and the need for consistency in sentencing decisions? How can personalized approaches be implemented while avoiding arbitrary or discriminatory practices?
- Which community-based sentencing options have proven successful, and how can countries effectively engage diverse communities when developing and implementing national sentencing policies to better serve the unique needs and challenges faced by their members?

¹⁴ See Fn 10.

¹⁵ A common framework for United Nations support to Member States, available [here](#).

¹³ The United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), General Assembly resolution 70/175, annex, Rule 4.

22 SEPTEMBER 2023 – THEMATIC SESSION 2: EFFECTIVE, ACCOUNTABLE, IMPARTIAL AND INCLUSIVE INSTITUTIONS; EFFECTIVE ANTI-CORRUPTION EFFORTS; SOCIAL, EDUCATIONAL AND OTHER MEASURES

IN THE KYOTO DECLARATION, MEMBER STATES ENDEAVOURED TO TAKE THE FOLLOWING ACTIONS TO PROMOTE THE RULE OF LAW:

Effective, accountable, impartial and inclusive institutions

51. Ensure the integrity and impartiality of law enforcement and other institutions comprising the criminal justice system, as well as the independence of the judiciary, and ensure the fair, effective, accountable, transparent and appropriate administration and delivery of justice, while taking into consideration the documents¹⁷ noted by relevant General Assembly and Economic and Social Council resolutions;

52. Take effective legislative, administrative, judicial or other relevant measures to prevent, investigate, prosecute and punish all forms of torture and end impunity in this regard, and to prevent other cruel, inhuman or degrading treatment or punishment;

Effective anti-corruption efforts

53. Effectively avail ourselves of existing tools of the international anti-corruption architecture, particularly by implementing the Convention against Corruption and the Organized Crime Convention, and other relevant tools where applicable;

54. Develop, adequately resource and implement effective policies and measures, including by, inter alia, enhancing the collection and assessment of data to analyse corruption and strengthening the integrity, transparency and accountability of public institutions, in order to prevent, detect, investigate, prosecute and adjudicate corruption in a holistic manner for ending impunity;

55. Ensure the use of appropriate measures to effectively disrupt the existing links between organized criminal groups and corruption, including by preventing and combating bribery and the laundering of proceeds of crime into the legitimate economy, and thus develop strategies to prevent and combat illicit financial flows;

56. Provide protection against any unjustified treatment for any persons who report acts of corruption in good faith and on reasonable grounds to the competent authorities, and thereby promote the reporting of corruption;

57. Investigate, prosecute and punish threats and acts of violence, falling within their jurisdiction, committed against journalists and media workers, whose professional duties put them at specific risk of intimidation, harassment and violence through the conduct of impartial, efficient and effective investigations, in particular in the context of fighting corruption and organized criminal activities, including in conflict and postconflict situations, with a view to ending impunity for crimes committed against them, in accordance with national legislation and applicable international law;

58. Increase public awareness of means for reporting instances of corruption, including by disseminating information regarding the responsibilities and rights of reporting persons, including available measures for their protection;

Social, educational and other measures

59. Provide access to quality education and promote awareness-raising activities regarding law and policies, including public law-related education for all, to equip the public with the values, skills and knowledge necessary to foster among the general public a culture of lawfulness, cognizant of cultural diversity, based on respect for the rule of law;

¹⁴ These documents include the Basic Principles on the Independence of the Judiciary and its complementary document, the Bangalore Principles of Judicial Conduct, the Basic Principles on the Role of Lawyers and the Guidelines on the Role of Prosecutors, and the Istanbul Declaration on Transparency in the Judicial Process and measures for the effective implementation of the Istanbul Declaration.

Effective, Accountable, Impartial and Inclusive Institutions

Ensuring the integrity and impartiality of law enforcement and other institutions comprising the criminal justice system, as well as the independence of the judiciary, and ensuring the fair, effective, accountable, transparent and appropriate administration and delivery of justice, is key to strengthening the rule of law, advancing human rights and achieving Goal 16. **The integrity, accountability and oversight of institutions** is a prerequisite for preventing and responding to crime and human rights violations and strengthening the trust between the criminal justice institutions and the population.

States have made significant strides in the last decades to strengthen institutional integrity and accountability, however, **corruption continues to weaken national institutions**. According to UNCAC country reviews and related technical assistance requests, a number of States face challenges relating to transparency and accountability, procurement and management of public finances, audit and oversight standards, judicial integrity, and systems for good commercial practices between companies and States.

For further information on effective, accountable, impartial and inclusive institutions, please consult document E/CN.15/2023/6, in particular

- *para. 5-8: Integrity as a prerequisite for a well-functioning criminal justice system*
- *para. 9-12: Increased efficiency through multisectoral cooperation*
- *para. 13-15: The principled application of technology in the criminal justice system*
- *para. 51-53: The role of community-oriented policing in preventing crime*

Regarding enforcement, moving away from confession-based investigations reduced the risk of torture and contributed to higher-quality investigations and prosecutions. Independent police oversight bodies play a key role in advancing accountability and integrity, as well as human-rights compliant policing and investigative interviewing.¹⁸

Building on the premises laid down in the **Secretary General's Road Map for Digital Cooperation**,¹⁹ it is essential to explore the potential of innovative technological solutions in advancing inclusivity and transparency within the realm of criminal justice, while carefully evaluating both the advantages and the risks associated with the use of these emerging tools in their

pursuit of equal access to justice for all citizens. Striking a delicate balance between harnessing cutting-edge advancements in technology and safeguarding the principles of impartiality and broader human rights remains of utmost importance.

Effective Anti-Corruption Efforts

Corruption is difficult to address due to its secrecy and pervasiveness, which is why the **United Nations Convention against Corruption** addresses it from the angles of prevention, criminalization and law enforcement, international cooperation and asset recovery, as well technical assistance and information exchange. Through the **Implementation Review Mechanism to the Convention**, over 8,000 implementation gaps and over 4,000 technical assistance needs have been identified across the States parties to the Convention. While the reviews have triggered numerous legislative and other changes across the globe in recent years, the majority of States still faces challenges in addressing implementation gaps.²⁰

Enhancing the collection and assessment of data to analyse corruption and strengthening the integrity, transparency and accountability of public institutions requires stepping up capacities for effective data collection on corruption in line with international standards and best practices. UNODC has developed a set of methodological guidelines and an integrated statistical framework to measure corruption.²¹ The main goal

¹⁸ UNODC collaborates with the Convention against Torture Initiative, the Association for the Prevention of Torture and the Norwegian Centre for Human Rights, in the development of technical tools in these areas.

¹⁹ <https://www.un.org/en/content/digital-cooperation-roadmap/>

²⁰ UNODC regularly analyses and publishes the analyses of gaps in anti-corruption frameworks, as well as technical assistance needs and delivery, see [here](#).

²¹ https://unstats.un.org/UNSDWebsite/statcom/session_54/documents/BG-4d-Framework-E.pdf

of this framework is to enable national governments to develop national information systems able to detect the presence, measure the magnitude and monitor trends of the different forms of corruption and of anticorruption policies, following the provisions of the Convention towards a more effective and comparable measurement at the global level.

One example where many countries face challenges, often request technical assistance, but have made significant progress in recent years is the **reporting of corruption and the protection of reporting persons**. To respond to the requirements of Article 33 of the United Nations Convention against Corruption and to the challenge posed by the reluctance of individuals to report alleged wrongdoing or suspected acts of corruption, a growing number of States have adopted or strengthened whistle-blower reporting and protection frameworks. In order for these frameworks to be fully implemented and reporting persons to be effectively protected, **greater awareness-raising is required**. This involves widespread communication on the legal regimes applicable to reporting persons, including whistle-blowers. It is essential for organizations in all sectors to be aware of and trained to establish internal reporting and protection mechanisms. It is also essential for potential reporting persons to be familiar with the systems and mechanisms available to them and be aware of what can be reported, where, when and how.

Disrupting existing links between organized criminal groups and corruption requires a consequent focus on addressing **illicit financial flows and denying safe havens**. A number of challenges, good practices and success factors have been identified regarding the prevention of money-laundering, financial investigations, identification and tracing of assets, seizure and freezing, confiscation or forfeiture and the final disposal of assets.²²

Strengthening the role of **non-governmental stakeholders** in the fight against corruption includes independent media, which constitutes a critical pillar of democracy. **Investigative journalism** can play a critical role in the fight against corruption, by exposing corrupt practices and thereby raising awareness and promoting accountability. Article 13 of the United Nations Convention against Corruption calls for appropriate measures to respect, promote and protect "the freedom to seek, receive, publish and disseminate information concerning corruption". For journalists and media workers to effectively play their role, the necessary frameworks and capacity are to be in place to allow for their protection and safety, as well as to ensure that there is no impunity for crimes committed against them.

Social, Educational and Other Measures

Preventing crime, including corruption, begin with strengthening efforts that foster a culture of integrity globally.

The **United Nations Guidelines for the Prevention of Crime**²³ offer a flexible and rich menu of options for developing an **integrated crime prevention strategy** that responds to the problems identified in a particular context. One of the main categories of crime prevention outlined in the Guidelines is **crime prevention through social development**, which aims at developing resilience and social skills among children and their families. Respective interventions include a range of social, educational, health, and training programmes, such as those that target at-risk children or families when the children are young, to provide them with support and child-rearing skills. **Education programmes in prison settings** are also key to supporting the rehabilitation and social reintegration of offenders upon release, thus contributing to the prevention of recidivism. **Life skills training and programmes that use sport to cultivate a culture of lawfulness** have proven successful especially among young persons. Engaging in sport-related activities presents a crucial opportunity to encourage positive youth development, enhance physical and mental health, and mitigate risk factors associated with crime and violence. Additionally, the establishment of safe public spaces provides a nurturing learning environment that facilitates positive interactions and personal growth among young people. As stipulated in General Assembly Resolutions 74/170 and 76/183, the integration of sports into youth crime prevention and criminal justice strategies further advances civic values and is a preventive measure to deter youth from their involvement in crime and violence,

²² See UNODC, Manual on International Cooperation for the Purposes of Confiscation of Proceeds of Crime, 2012; Kevin Stephenson et al., Barriers to Asset Recovery, An Analysis of the Key Barriers and Recommendations for Action, StAR Initiative, 2011. See also preliminary findings of a study conducted by the StAR Initiative on the recovery of proceeds of corruption, reported in document CAC/COSP/WG.2/2020/4.

²³ ECOSOC resolution 2002/13.

while also reducing recidivism rates. Ultimately, these efforts contribute to the development of inclusive societies rooted in a culture of lawfulness.

Anti-corruption education plays an important role in any preventive action against corruption, as it not only increases knowledge about the impact of corruption and how to prevent it but can also lead to behavioural change that is needed in order to foster a culture of rejection of corruption. Article 13 of the United Nations Convention against Corruption highlights the importance of whole of society approaches, public information activities and public education as key elements in preventing corruption. The **political declaration “Our common commitment to effectively addressing challenges and implementing measures to prevent and combat corruption and strengthen international cooperation”**, adopted at the special session of the General Assembly (UNGASS) against corruption in June 2021²⁴ places renewed emphasis on **anti-corruption education and training** as key to a holistic and multidisciplinary approach to promote transparency, accountability, integrity and a culture of rejection of corruption as a basis for preventing and countering corruption. It recognizes the role young people play as agents of change in creating an atmosphere of non-tolerance towards corruption at all levels of society. The Declaration mandates the United Nations Office on Drugs and Crime (UNODC) to increase public awareness of and knowledge on preventing and countering corruption. In recent years, more and more State parties to the Convention have increased their preventive efforts by, among other things, advancing education on anti-corruption, ethics and integrity in their countries, while at the same time identifying this as an area in need of further support. Non-state actors, including academia, educators, youth and civil society organizations, have a strong role to play in strengthening the prevention of corruption.

DISCUSSION QUESTIONS

Effective, Accountable, Impartial and Inclusive Institutions

- Which evidence-based approaches to advance transparency, accountability, integrity and oversight have had a significant impact on the efficiency of responding to crime, including torture and corruption?
- What nationally-led sustainable approaches to criminal justice reform focusing on effectiveness, accountability, impartiality and inclusivity, including through the use of technology, have shown significant impact for justice users and professionals?

Effective Anti-Corruption Efforts

- How can countries raise awareness of mechanisms to protect reporting persons and of the distinction between the various categories of reporting persons?
- How could the role of individuals and groups outside the public sector be further strengthened in the fight against corruption?
- What are the main challenges for your country in disrupting any links between organized criminal groups and corruption and in preventing and combating illicit financial flows?
- Which measures have proven particularly effective in facilitating the protection and safety of journalists and media workers, as well as ensuring that there is no impunity for crimes committed against them?

Social, Educational and Other Measures

- What experience does your country have in implementing awareness-raising, crime prevention and anti-corruption educational programmes and in working with non-state actors, including youth, in this area?
- What are the challenges countries are facing when mainstreaming anti-corruption, ethics and integrity education in the primary, secondary and tertiary level?
- What support mechanisms can be instituted to ensure the long-term personal growth and empowerment of young individuals participating in sports-based crime prevention programmes?

²⁴ A/RES/S-32/1, available [here](#).

Photo credits:

United Nations Office on Drugs and Crime

This paper has not been formally edited.