

29 April 2024

English only

**Commission on Crime Prevention
and Criminal Justice****Thirty-third session**

Vienna, 13–17 May 2024

Item 9 of the provisional agenda*

**Follow-up to the Fourteenth United Nations
Congress on Crime Prevention and Criminal
Justice and preparations for the Fifteenth United
Nations Congress on Crime Prevention and
Criminal Justice****Chair's summary on the thematic discussions of the
Commission on Crime Prevention and Criminal Justice on
the implementation of the Kyoto Declaration
(21–22 September 2023)****

This document contains a Chair's summary on the thematic discussions held during the first intersessional meeting of the Commission on Crime Prevention and Criminal Justice (CCPCJ) at its thirty-second session from 21 to 22 September 2023. The thematic discussions were chaired by H.E. Ambassador Mary Mugwanja (Kenya), Chair of the CCPCJ at its thirty-second session, and H.E. Ambassador Laura Faxas de Jorgensen (Dominican Republic), Second Vice-Chair of the CCPCJ at its thirty-second session. The summary by the Chair is not subject to negotiation.

* [E/CN.15/2024/1](#).

** This document has not been edited.



I. Background

1. On 7 March 2021, the Congress 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**, calling (in operative para 96) upon the Commission to adopt the appropriate policy and operational measures for the follow-up to the declaration and to identify innovative ways to make use of information on progress made in the implementation of the declaration, and inviting 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.

2. In resolution [A/RES/76/181](#), the General Assembly endorsed the Kyoto Declaration and requested, inter alia, that the Commission on Crime Prevention and Criminal Justice hold intersessional thematic discussions to effectively follow up on the Kyoto Declaration through the sharing of information, good practices and lessons learned. In resolution [A/RES/77/231](#) and [A/RES/78/223](#), the General Assembly requested the Commission to continue implementing the appropriate policy and operational measures for the follow-up to the Kyoto Declaration, including through the holding of intersessional thematic discussions to facilitate the sharing of information, good practices and lessons learnt among Member States and relevant stakeholders.

3. During the summer of 2021, the Commission on Crime Prevention and Criminal Justice adopted a multi-year workplan for the thematic discussions. The workplan follows the four pillars of the Kyoto Declaration, with one pillar discussed each year. The [first round of thematic discussions](#) was held from 10 to 12 November 2021, focusing on Pillar I: Advancing Crime Prevention.¹ The [second round of Thematic Discussions](#) was held from 5 to 7 December 2022 with a focus on Pillar II: Advancing Criminal Justice Systems.² The [third round of Thematic Discussions](#) was held from 21 to 22 September 2023, focusing on **Pillar III: Promoting the Rule of Law**.

4. In 2023, the CCPCJ Thematic Discussions addressed the following topics contained in the Kyoto Declaration under Pillar III, Promoting the Rule of Law, which were clustered in two thematic sessions:

- Thematic session 1: Access to justice and equal treatment before the law; access to legal aid; national sentencing policies;
- Thematic session 2: Effective, accountable, impartial and inclusive institutions; effective anti-corruption efforts; social, educational and other measures.

5. The 2023 CCPCJ Thematic Discussions were held in English and in a hybrid format, with both in-person participation in Vienna and online participation on a conference platform. The discussions were also livestreamed to ensure that all interested stakeholders could follow the proceedings. The event brought together national practitioners and policymakers from more than 80 United Nations Member States, more than ten United Nations entities and other intergovernmental and international organizations, and 20 civil society organizations from around the world.

6. Each of the thematic sessions started with two introductory presentations by the United Nations Office on Drugs and Crime (UNODC), followed by panel presentations, an interactive debate with the panellists, and interventions from the floor. The panels included experts from Member States nominated through the regional groups, from the institutes of the United Nations crime prevention and

¹ The Chair's Summary of the 2021 CCPCJ Thematic Discussions on the Implementation of the Kyoto Declaration, with symbol E/CN/15/2022/CRP1, can be found [here](#).

² The Chair's Summary of the 2022 CCPCJ Thematic Discussions on the Implementation of the Kyoto Declaration, with symbol E/CN/15/2023/CRP1, can be found [here](#).

criminal justice programme network (PNI) and civil society. Further expert presentations were held by United Nations entities as well as international and regional organizations. Following past practice, the civil society panellists and the civil society speakers from the floor were nominated through the UNODC Civil Society Unit in cooperation with the Vienna Alliance of NGOs on Crime Prevention and Criminal Justice.

7. **Government panellists**, nominated by their respective regional groups, came from Australia, Brazil, Canada, Colombia, Czechia, India, Japan, Namibia, Peru, Romania, South Africa, Thailand, and the United States of America. Observers for the following **entities** also contributed to the discussions: Council of Europe, International Anti-Corruption Academy (IACA), Inter-American Development Bank (IADB), International Centre for Criminal Law Reform (ICCLR), Organization for Economic Co-operation and Development (OECD), the Organization for Security and Co-operation in Europe (OSCE), Thailand Institute of Justice (TIJ), the United Nations Development Programme (UNDP), the United Nations Educational, Scientific and Cultural Organization (UNESCO), the United Nations Expert Mechanism on the Rights of Indigenous Peoples, the United Nations Working Group of Experts on People of African Descent, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-WOMEN) and the World Bank, as well as the Alliance of NGOs on Crime Prevention and Criminal Justice and the International Legal Foundation. Further, observers for **non-governmental organizations** from a variety of countries, including Argentina, Bulgaria, Indonesia, Nigeria, Qatar, Switzerland, Tanzania, and the United States also contributed to the discussions, speaking on the various angles of the topic.

8. In preparation for the 2023 CCPCJ Thematic Discussions, a **background note**³ was prepared by the Secretariat and shared with Permanent Missions and relevant stakeholders, to provide information on the topics and to facilitate a substantive dialogue.

9. In line with the Commission's efforts to share information, good practices and lessons learned, statements and presentations made during the meeting were published on the Commission's dedicated Kyoto Declaration follow-up website (https://www.unodc.org/unodc/en/commissions/CCPCJ/session/32_Session_2023/thematic-sessions-kyoto.html).

II. Chair's summary of the deliberations

(a) Opening session

10. In the opening of the intersessional meeting, **UNODC Executive Director Ms Ghada Waly** underlined that the rule of law was an important foundation for human rights, justice, equality and prosperity, and that it empowered bold action that was needed to push for transformative change and accelerated the drive for the SDGs. She underlined that the "younger generations have an important role to play and an important message when it comes to upholding the rule of law, achieving justice, and rejecting corruption. They deserve to be heard, and we would do well to listen to them, to the benefit of everyone."

11. **H.E. Antonio Manuel Revilla Lagdameo, Chair of the 68th session of the Commission on the Status of Women**, stressed the importance of upholding the commitment made in the Kyoto Declaration to mainstream a gender perspective into crime prevention and criminal justice to achieve sustainable development, and commended that the Commission's work and its focus on women's access to justice and laws and policies related to the promotion of gender equality were essential for the achievement of the 2030 Agenda and the empowerment of all women and girls.

³ https://www.unodc.org/documents/commissions/CCPCJ/CCPCJ_Sessions/CCPCJ_32/TD/32nd_CCPCJ_TD_Background_Document_27July2023.pdf (unodc.org).

12. **Mr. Tomohito Yasui and Ms. Rethida Tek** represented the **participants in the ASEAN-Japan Special Youth Forum for Promoting the Rule of Law**, held in Tokyo on 5th and 6th July 2023, under the theme “Building Justice Literacy for Enhanced Access to Justice – the Key to the Rule of Law in the Digital Era”. They highlighted the need to adapt justice systems to the development of technology, to engage youth in the development of law and to foster legal literacy among children by integrating legal education into the school curriculum. They informed the Commission about the recommendations of the Youth Forum and symbolically handed them over to the Commission.

(b) **Access to justice and equal treatment before the law; access to legal aid; national sentencing policies**

13. On 21 September 2023, the Commission discussed **access to justice and equal treatment before the law, access to legal aid, and national sentencing policies**.

14. The thematic session was initiated with **introductory presentations** by a representative of the Research and Trend Analysis Branch and a representative of the Crime Prevention and Criminal Justice Section of UNODC. The panel included experts from Brazil, Canada, Czechia, Namibia, Thailand, the Thailand Institute of Justice, and the International Legal Foundation. Experts from India and Peru also delivered presentations, as well as experts from the United Nations Expert Mechanism on the rights of Indigenous Peoples, the Council of Europe, the OECD, UN-WOMEN, the United Nations Working Group of Experts on People of African Descent, UNDP, IADB and the World Bank.

15. The representative of the UNODC Research and Trend Analysis Branch presented **research on the access to and reliance on the justice system** of victims of trafficking in persons and smuggled migrants. Trafficking victims, when seeking to exit exploitation, mainly relied on “self-rescue” (41%), rather than turning to law enforcement (28%) or other institutions. The detection of trafficking victims globally decreased during the pandemic. The representative of the UNODC Crime Prevention and Criminal Justice Section highlighted that access to justice had been high on Member States’ political agenda throughout the year 2023 and outlined **key activities and initiatives by UNODC to support Member States** in their efforts to further equal access to justice for all, for example, in the areas of access to legal aid, human-rights based policing, oversight and accountability of the criminal justice system, victim-centred and trauma informed approaches, restorative justice, measures to address bias and discrimination in the criminal justice system and increasing access to justice for people facing marginalization, as well victims of crimes motivated by bias and discrimination. She also stressed the importance of taking into account the background of individual potential offenders to avoid disproportionate sentencing.

16. Speakers underlined that **access to justice** was an individual target under SDG 16, and an enabler to achieve the entire 2030 Agenda. They urged all States to make enhanced efforts to achieve SDG 16 and to implement the Kyoto Declaration, a document that connected law, development, and human rights. Some speakers noted with satisfaction the adoption of resolution [A/78/227](#) on “Equal access to justice for all”. The value of technical assistance, information sharing, and adhering to the United Nations standards and norms in crime prevention and criminal justice, such as the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) was emphasized as crucial for progress in the achievement of SDG 16, as was the important role of UNODC and its partners in supporting States in this regard.

17. Many speakers reported on **challenges** in ensuring people-centred and accessible justice. Although progress had been made, it was underlined that ensuring tailored, sustainable, and well-funded justice services remained a challenge globally. Several speakers highlighted that increasing access to justice helped to enhance trust in the fairness of the justice system, and that it was a **multidisciplinary endeavour**

that required the involvement of, inter alia, the education and health sectors. The need for partnerships, meaningful consultations and cooperation with communities and civil society organizations was underlined by many speakers. A number of speakers also highlighted the **need for disaggregated data and evidence-based approaches**. In this regard, a national justice needs survey in one country was presented, which made disaggregated data available and allowed, inter alia, to assess the needs of different gender and age groups in the justice system for future policy development.

18. Many speakers discussed the organization, funding and delivery of **legal aid in criminal justice systems as a means to enhance equal access to justice for all**. Many speakers reported on **practical measures** taken in their countries to improve access to legal aid. These included strengthening legal aid providers, including their accessibility throughout national territories, and the creation of a national justice fund to compensate complaints, lawyer fees, and victim protection services. Further, some speakers reported on hotline services and multilingual communication campaigns, contributing to improving access to justice especially in remote areas. It was noted that data indicated that increased access to legal aid contributed to reducing pre-trial detention. The importance of enabling access to legal aid from the first contact with the police was emphasized as a means to protect rights and prevent torture and corruption and ensure a victim-centred approach.

19. **Practical barriers that hindered the effective realization of the right to legal aid** included stigmatization of the poor and the need for simplified means tests to determine eligibility for free legal aid services. Institutional efforts to ensure access to legal aid included establishing legal aid centres and clinics offering free services. Some speakers also reported on their countries' efforts to tailor services to the languages and legal needs of foreigners, both as victims and offenders, demonstrating how inclusive legal reforms could benefit marginalized people, including "illegal migrants." Some speakers stated that legal aid services needed to be more tailored to the needs of and become more accessible for victims of crime. The importance of coordination between service providers and law enforcement was highlighted, particularly to ensure early access to services upon first contact with the police.

20. Some speakers highlighted the importance of **addressing access to justice and equal treatment before the law for diverse groups in society**, including, among others, women, children and youth, members of racial and minority groups, and persons with disabilities, and of including these groups to hear their experiences when tailoring approaches, while also promoting diversity within criminal justice professions. The disproportionate representation of specific groups in the criminal justice system was underlined, and a number of speakers shared examples of successful initiatives to address racial discrimination in the criminal justice system, including with regard to sentencing policies.

21. The importance of **mainstreaming gender** into promoting the access to justice, including the access to legal aid, was underlined by many speakers. The treatment of female victims was mentioned as an area of concern, and the need for gender-sensitive treatment throughout the justice process and for sensitization of criminal justice actors in that regard was highlighted. In particular in cases of gender-based violence, lack of gender-sensitive treatment could lead to re-victimization of women.

22. The potential of **new technologies to enhance access to justice** was recognized, with a strong emphasis on ensuring human rights compliance, due process safeguards and preventing digital disparities. The implementation of measures such as electronic case management systems, judicial processes automation, virtual hearings and video conferencing, as well as the use of technology to disseminate information about laws and judicial decisions was discussed. A number of speakers noted that the acceleration of technological transformation was notably catalysed by the challenges posed by the pandemic, but that such technology had demonstrated its adaptability and potential in transforming the criminal justice landscape for the future.

23. As regards **national sentencing policies**, the importance of proportionality and of taking into account the background of each individual accused person was

emphasized. An initiative on youth courts was shared, which showed how the elements of traditional justice practices could have a catalysing effect on the delivery of justice, rehabilitation of offenders, and the prevention of recidivism. Further, proportionality and equal treatment before the law were discussed in cases settled through plea-bargaining, and it was recommended that especially in countries in which this was a new mechanism, the legislator should establish clear policies and guidelines to ensure proportionate results.

(c) **Effective, accountable, impartial and inclusive institutions; Effective anti-corruption efforts; Social, educational and other measures**

24. On 22 September 2023, the Commission held discussions on **effective, accountable, impartial and inclusive institutions; effective anti-corruption efforts; and social, educational and other measures**.

25. **Introductory presentations** were delivered by representatives of the Research and Trend Analysis Branch, the Corruption and Economic Crime Branch and the Crime Prevention and Criminal Justice Section of UNODC. The expert panel included experts from Australia, Colombia, Japan, Romania, South Africa, ICCLR and the Alliance of NGOs on Crime Prevention and Criminal Justice (and UNCAC Coalition). Experts from Brazil, Thailand and the United States also made statements, as well as experts from the Council of Europe (Venice Commission, GRECO), IACA, OECD, OSCE, UNDP (Oslo Centre) and UNESCO.

26. The representative of the Research and Trend Analysis Branch provided an overview of **contemporary findings and progress in the measurement of bribery and other forms of corruption**, including the **Statistical Framework to Measure Corruption**, which was launched at the 10th session of the Conference of the States Parties to the United Nations Convention against Corruption (UNCAC) in December 2023.⁴ The representative from the Corruption and Economic Crime Branch highlighted that the **UNCAC** was the only legally binding international document addressing corruption and enjoyed nearly universal adherence. She informed the audience how UNODC as the guardian of UNCAC supported States parties in its implementation through gap analyses, the Implementation Review Mechanism, the development of knowledge and practical tools, capacity-building and thematic technical assistance on areas such as corruption in sports, the role of supreme audit institutions in preventing and countering corruption, and anti-corruption education. The representative of the Crime Prevention and Criminal Justice Section presented the Office's support to Member States in **strengthening their criminal justice institutions** to be human rights-based, evidence-based and informed by a principled use of technology.

27. A number of speakers referred to available data showing the **insufficient achievement at the global level of SDG 16**, in particular targets 16.4 (significantly reduce illicit financial flows) and 16.5 (substantially reduce corruption and bribery in all their forms). It was noted that, although in the last two decades many countries had enhanced efforts to quantify corruption and integrity, consistent and comparable data as well as evidence-based policy reforms were still limited. A number of speakers called upon States to strengthen their efforts to **improve data collection** on SDG 16. Several new tools were presented in this regard, including the Council of Europe's Rule of Law Checklist and a new generation of OECD Public Integrity Indicators.

28. It was noted that building **effective, accountable, impartial, and inclusive institutions** hinged on **promoting integrity** within government structures and judicial independence. Some speakers stressed the need for national anti-corruption strategies and strong, independent anti-corruption institutions with sufficient authority to collect evidence on corruption offences. A multi-sectoral center established to fast-track anti-corruption investigations in one country was presented. Many speakers underlined the need for **inter-agency cooperation** and **multi-disciplinary efforts** in addressing

⁴ <https://www.unodc.org/unodc/en/corruption/COSP/conference-of-the-states-parties.html>.

corruption. Further, a number of speakers called for a **“whole of society” approach** engaging different stakeholders such as businesses, civil society and faith-based organizations.

29. Several speakers called for **full implementation of UNCAC**. States were encouraged to publish their full implementation review reports and meaningful information on the follow-up to their country implementation reviews. Several speakers highlighted the importance of corruption prevention and secure environments and mechanisms for **reporting corruption**. A number of speakers encouraged a review of existing **whistleblower protection** legislation and measures to incentivize the reporting of corruption, in line with art. 33 UNCAC. A broad definition of whistleblower, as well as comprehensive protection measures both in the criminal process and in the professional and private lives of whistleblowers were recommended. It was noted that the establishment of trust and the provision of concrete, reliable assurances of protection were paramount for the willingness of whistleblowers to report corruption. Furthermore, the role of **investigative journalists** in exposing corruption and in following up on corruption investigations was underscored. The need to **strengthen public transparency laws** was also discussed, including the establishment of centralized public registries on beneficial ownership.

30. Many speakers underlined the **role of education** in the establishment of a **culture of legality, integrity, and resilience** within a society. Examples of anti-corruption education were shared and the importance of the institutionalization of anti-corruption teaching was highlighted. Furthermore, many speakers emphasized that holistic, multi-disciplinary approaches for fighting crime and corruption were important. Approaches to improve **justice literacy**, aiming to develop a society well-versed in justice issues and empowered to collaboratively address challenges towards creating a more equitable environment, were shared. Some speakers showcased examples of the implementation of educational and cultural activities in prisons, such as providing vocational training, establishing prison libraries and furthering creative writing and artistic skill development, all of which contributed to reducing recidivism. Some speakers called upon States to address corruption in the education sector.

31. Recognizing young people as agents of change, a number of speakers also referred to the importance of investing in **youth education and engagement on crime and corruption prevention**. Some speakers referred to educational measures to equip young people with competencies, knowledge, skills and values to advocate for a culture of integrity and to prepare them to hold their governments accountable. A whole-of-society approach was highlighted as a key factor for success in addressing the challenges faced by youth and their communities, including through collaboration with civil society organizations, schools and other stakeholders.

32. Several speakers emphasized the importance of **international cooperation and asset recovery**, highlighting that corruption was not limited by national boundaries. Reference was made to cooperation forums and networks, such as the Global Operational Network of Anti-Corruption Law Enforcement Authorities (Globe Network), the joint UNODC-World Bank Stolen Asset Recovery (StAR) Initiative, the Africa Association of Anti-Corruption Authorities, the Commonwealth Anti-Corruption Training Centre, the G-7 meeting of Ministers of Justice and the G-7 anti-corruption task force for Ukraine, the Criminal Justice Forum of Criminal Justice Practitioners in Asia and the Pacific and the Council of Europe Venice Commission. Some speakers also shared information on the regional anti-corruption conventions and their respective implementation review mechanisms.

33. Referring to technical assistance in anti-corruption matters, a number of speakers underlined the importance of **multi-disciplinary and inter-agency approaches**, for example, in addressing corruption as an enabler of organized crime. Some speakers also underlined the potential of cooperation of the Commission with other subsidiary bodies of ECOSOC such as the Statistical Commission, as well as

the cooperation of UNODC with other international organizations such as the Financial Action Task Force and UNCTAD.

III. Way forward

34. As part of the Commission's efforts to enhance the implementation of the Kyoto Declaration, the next thematic discussion is scheduled to be held during the 33rd session of the CCPCJ in 2024. In line with the multi-year workplan, the Commission will focus on **Pillar IV of the Kyoto Declaration, "Promoting international cooperation and technical assistance to prevent and address all forms of crime"**. This will include the topics of international cooperation, including through capacity-building and technical assistance; international cooperation to deprive criminals of their proceeds of crime; terrorism in all its forms and manifestations; and new, emerging and evolving forms of crime.

35. Member States and interested stakeholders are encouraged to initiate timely preparations for the 2024 thematic sessions and facilitate the participation of relevant experts, with a view to sharing good practices and to discussing how to successfully implement pillar IV of the Kyoto Declaration.
