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Latin American and Caribbean Regional Preparatory Meeting for the Fifteenth United Nations Congress on Crime Prevention and Criminal Justice

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Draft report

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Addendum

II. Recommendations (*continued*)

B. Substantive items and workshops – Agenda item 5 (b)

2. Promoting people-centred, inclusive and responsive criminal justice systems in a world of continuous change (agenda item 4); and ensuring equal access to justice for all: towards safe and secure societies while respecting the rule of law (workshop 2)

1. An introductory presentation was delivered by a representative of the Secretariat introducing the agenda item. Statements were made by the representatives of Costa Rica, Chile, Argentina, Panama, Peru, Colombia, Guyana, Brazil, Guatemala, Dominican Republic, Canada and Ecuador.

2. Statements were also made by the observers for the International Legal Foundation, the Alliance of NGOs for Crime Prevention and Criminal Justice, GI-TOC and Housing Works.

Summary of deliberations

3. Speakers highlighted barriers to people-centred justice and equal access to justice for all, including geographical, technological, economic, gender, ethnic, and cultural barriers, lack of infrastructure and trust, in particular for populations in remote areas and Indigenous Peoples.

4. Several speakers highlighted the Brasilia Rules on Access to Justice for People in Vulnerable Situations.

5. Many speakers emphasized the need to move from a solely retributive approach to crime towards a model of people-centred justice that guarantees full respect for human rights and promotes rehabilitation as a fundamental pillar. A people-centred justice system was considered as one whose design is guided by the needs and perspectives of individuals experiencing justice problems, taking into consideration



the legal needs of diverse individuals, including those who are marginalized or in vulnerable situations.

6. It was highlighted that multisectoral and holistic approaches to access to justice, including affordable legal aid were essential to people-centred justice in order to identify and address the root causes that may have led to contact with the criminal justice system and provide appropriate responses. The provision of legal aid in particular through the model of public defenders was highlighted as essential while requiring constant strengthening and adequate resources.

7. Many speakers emphasized the need to invest in restorative justice approaches and programmes and shared their experiences, informing the meeting of the benefits and advantages of those programmes, including as an alternative to imprisonment, within prison settings and for children and youth in conflict with the law.

8. Speakers stressed the importance of establishing comprehensive care for victims as an integral part of national policies on access to justice in order to reduce secondary victimization through trauma-informed and victim-centred approaches. Victim-centred criminal justice systems required specialized knowledge and skills among criminal justice professionals. Specialized courts or support units could help to provide trauma-informed services.

9. Several speakers highlighted the need to address the increased number of women imprisoned in the region, many of which had a common experience of victimization as a root cause of offending, through reforms of the legal framework and programmes addressing the needs of women offenders, in line with and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the “Bangkok Rules”). It was highlighted that a gender- and human-rights perspective should be mainstreamed in the criminal justice system.

10. Several speakers informed about their experiences in increasing transparency and access to justice through the responsible use of technology as well as measures to address corruption in the criminal justice system through oversight bodies.

11. Several examples on how to measure access to justice were shared, including by monitoring how many disadvantaged people access legal aid services, analysing delays in justice delivery for marginalized members of society and measuring trust and satisfaction levels in the justice system.

Outcome of deliberations

12. The following recommendations, which were not negotiated by the participants, were identified:

(a) To promote education as a tool for social advancement and access to justice, and as a way to provide opportunities beyond illegal activities;

(b) Provide adequate resources and training to practitioners and law enforcement to strengthen their capacity to provide victim-centred assistance and support initiatives that take into account the specific needs of victims;

(c) Ensure consistency of legislation and policies with international standards that address protection and assistance for victims of crime;

(d) Leverage technology to promote equal access to justice for all by advancing the modernization of judicial services, such as through virtual hearings, digital platforms for case management, and the use of electronic evidence, while ensuring respect for privacy and due process;

(e) Invest in modern training programmes for criminal justice practitioners including opportunities for distance and eLearning;

(f) Ensure that criminal justice systems are balancing victims’ needs, the rights of accused persons and offenders and the need for an efficient and effective

criminal justice system and provide effective rights for victims of crime, including the right to information, participation, protection, and to seek restitution;

(g) Recommend that criminal justice systems incorporate a gender perspective, including by legal reforms and adopting alternatives to imprisonment for women and training to prison staff;

(h) Ensure equal access to justice for all at all stages of the criminal justice process, guaranteeing equitable access in interactions with law enforcement, prosecution offices, independent and impartial courts, the judiciary, and other criminal justice institutions, as well as with legal aid providers and victim support services; including providing holistic services to victims and accused from the first contact with the criminal justice system;

(i) Make efforts to advance equal access to justice for all that are data-driven, evidence-based, inclusive and transparent, informed by qualitative and quantitative data and research and developed through wide engagement of groups and individuals with lived experience of structural inequalities and exclusion, and with the participation of diverse voices in decision-making while guaranteeing the allocation of sufficient resources for the implementation, evaluation and further adjustments, as necessary;

(j) Encourage law enforcement agencies and criminal justice institutions to systematically collect, analyse, and disseminate data, disaggregated by factors such as, among others, race, gender, and age, ensuring its accessibility to promote transparency, and to inform evidence-based policymaking, and include safeguards to ensure the protection and security of personal data that are collected and stored;

(k) Promote and support the implementation of people-centred, equity-based, gender-responsive, and identity-inclusive criminal justice systems and reforms to eliminate structural and cultural barriers, ensuring fair and equal treatment for all individuals and strengthening knowledge of, and trust in the criminal justice system, its institutions and the administration of justice;

(l) Address systemic racism, discrimination, and poverty, which continue to impact the experiences of Afro-descendant, Indigenous, and traditional communities in their contact with the criminal justice system, by adopting an intersectional approach;

(m) Review criminal laws and practices to ensure that legislation and law enforcement measures do not perpetuate structural inequalities, eliminating the criminalization of behaviours that disproportionately affect marginalized members of society, including individuals deprived of liberty due to their inability to pay fines or fees;

(n) Consider the impact of crimes that affect the environment, including on Indigenous Peoples and local communities, and examine the challenges this poses to ensuring access to justice for all, including the threats faced by environmental and human rights defenders;

(o) Raise awareness and provide public education by promoting campaigns on the right to equal access to justice, with a special focus on rural populations, remote communities, and groups facing discrimination or language and physical barriers, ensuring that the justice system is brought closer to the people;

(p) Prevent and respond to corruption in the criminal justice system and strengthen and/or establish independent oversight bodies to monitor law enforcement and criminal justice practices, ensuring transparency and accountability, particularly in cases of over-policing, detentions, and criminalization of members of society, as well as the treatment of victims in criminal proceedings;

(q) Promote inclusive and accessible legal aid by removing barriers and implementing diverse models to ensure quality, fair, and effective legal aid, in line with the United Nations Principles and Guidelines on Access to Legal Aid in Criminal

Justice Systems, at all stages of the criminal justice process and consider establishing adequately funded free legal assistance as a public policy in particular through the establishment and strengthening of public defender's offices, to guarantee access to justice for all people, including poor people and other members of society;

(r) Strengthen restorative and community-based justice models that bring justice closer to communities and are based on an understanding of local contexts;

(s) Adopt strategies to promote diversity, equality and equity within law enforcement and criminal justice institutions, legal aid services, victim support services, and among legal professionals and organizations supporting the criminal justice system.
