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**Successes and challenges in implementing comprehensive
crime prevention and criminal justice policies and
strategies to promote the rule of law at the national and
international levels, and to support sustainable
development**

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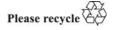## Working paper prepared by the Secretariat

Summary

This working paper addresses the links between peace and security, the rule of law and development by looking at how those links are reflected in United Nations crime-related instruments. It briefly presents relevant initiatives taken at the policymaking level, including in view of the establishment of the post-2015 development agenda and the beginning of its implementation. It highlights the interrelationship between sustainable development and the advancement of the rule of law. The paper also examines comprehensive and integrated approaches to crime prevention and criminal justice reforms as part of a broader agenda to create an environment conducive to development.

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  * A/CONF.222/1.

I. Introduction: substantive background

1.   The rule of law has been firmly acknowledged as a substantial component of governance-oriented reform programmes and sine qua non of the development and the protection of human rights. As well-functioning justice institutions and a government structure founded on and guided by the rule of law are critical to building peace and consolidating development gains, development agencies and practitioners have increasingly supported reforms aimed at improving justice institutions and the rule of law at large. Such reform processes can draw on international commitments to promote and protect the rule of law. At the same time, it must be ensured that they are evidence-based, specific to national and local realities and contexts, and grounded in the lessons learned from past development experience with strengthening the rule of law and promoting access to justice.

2.   Rule-of-law reforms themselves have also improved considerably since they first appeared on the international agenda. Top-down and sector-specific reforms have, in some international aid circles, been supplemented or even replaced with longer-term grassroots initiatives that seek to promote the development of a culture founded on the rule of law. Furthermore, the intimate connection between the rule of law and human rights has been taken on board in reforms targeting access to justice, corruption, freedom of the press and the independence of the judiciary.

3.   In 2004, recognizing the importance of the rule of law in development processes, the Secretary-General clearly articulated a definition of the rule of law grounded in international human rights norms and standards.[1] Additionally, the experience with the Millennium Development Goals has highlighted that the rule of law and development are linked. Although it has not been referred to explicitly in any of the Millennium Development Goals, country experience has suggested that the rule of law is important to achieving them. By establishing legal frameworks, ensuring the enforcement of rules and procedures and reducing corruption, countries have enabled the effective delivery of health, education and other social services, while the absence of those elements has been cited as a factor in countries' failure to meet targets. Legitimate laws and credible enforcement mechanisms have helped to expand opportunities, including for women and disadvantaged groups, to participate in economic and political life.

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[1] The Secretary-General has defined the rule of law as a principle of governance in which all persons, institutions and entities, public and private, including the State itself, are accountable to laws that are publicly promulgated, equally enforced and independently adjudicated, and which are consistent with international human rights norms and standards. It requires, as well, measures to ensure adherence to the principles of supremacy of law, equality before the law, accountability to the law, fairness in the application of the law, separation of powers, participation in decision-making, legal certainty, avoidance of arbitrariness and procedural and legal transparency (see S/2004/616, para. 6). As further highlighted by the Secretary-General, at the national level, the rule of law is at the heart of the social contract between the State and individuals under its jurisdiction, and ensures that justice permeates society at every level. The rule of law guarantees the protection of the full range of human rights, brings citizens and non-citizens alike legitimate avenues of recourse in cases of abuses of power and allows for the peaceful and fair resolution of disputes. Strengthening the rule of law fosters an environment that facilitates sustainable human development and the protection and empowerment of women, children and vulnerable groups, such as internally displaced persons, stateless persons, refugees and migrants (see A/66/749, para. 4).

II. Highlighting the links between the advancement of the rule of law and sustainable development

A. Normative framework

4.   The United Nations Convention against Transnational Organized Crime[2] and the United Nations Convention against Corruption[3] were the first universal crime-related instruments whose provisions highlighted the impact of criminal activity on development. Article 30, paragraph 1, of the Organized Crime Convention obliges States parties to take measures conducive to the optimal implementation of the Convention to the extent possible, through international cooperation, taking into account the negative effects of organized crime on society in general, in particular on sustainable development.

5.   A similar provision is contained in article 62, paragraph 1 of the Convention against Corruption. In addition, the General Assembly, in its resolution 58/4 adopting the Convention against Corruption, expressed its concern about cases of corruption that involve vast quantities of assets, which may constitute a substantial proportion of the resources of States, and that threaten the political stability and sustainable development of those States. Furthermore, the Convention against Corruption was the first international instrument incorporating a separate chapter on asset recovery (chapter V) and treating asset recovery as a fundamental principle with positive development impacts.[4]

6.   Acknowledging the need to tackle trafficking from both the demand and supply sides, the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the Organized Crime Convention,[5] requires the adoption of measures intended to alleviate the factors that make individuals or groups vulnerable to trafficking, such as poverty, underdevelopment and lack of equal opportunity (art. 9, para. 4).

7.   Similarly to the Trafficking in Persons Protocol, the Protocol against the Smuggling of Migrants by Land, Sea and Air, supplementing the United Nations Convention against Transnational Organized Crime,[6] accords high priority to the adoption of general preventive measures targeting potential migrants, and seeks to prevent their possible victimization by smugglers. Thus, it obliges States parties to promote or strengthen development programmes and cooperation at the national, regional and international levels, taking into account the socioeconomic realities of migration and paying special attention to economically and socially depressed areas, in order to combat the root socioeconomic causes of the smuggling of migrants, such as poverty and underdevelopment (art. 15, para. 3).

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[2] United Nations, *Treaty Series*, vol. 2225, No. 39574.
[3] Ibid., vol. 2349, No. 42146.
[4] World Bank and United Nations Office on Drugs and Crime, *Stolen Asset Recovery: Towards a Global Architecture for Asset Recovery*, 2010.
[5] United Nations, *Treaty Series*, vol. 2237, No. 39574.
[6] Ibid., vol. 2241, No. 39574.

8.   Given the direct and indirect effects of firearms on human development, including loss of life and the cost of treating and rehabilitating casualties,[7] the preamble to the Protocol against the Illicit Manufacturing of and Trafficking in Firearms, Their Parts and Components and Ammunition, supplementing the United Nations Convention against Transnational Organized Crime,[8] includes a reminder of the danger they pose to the well-being of peoples, their social and economic development and their right to live in peace. This reference demonstrates, even in an indirect way, that the ultimate purpose behind measures taken to tackle the illicit manufacturing of and trafficking in firearms are the protection and safety of people, the respect for their lives and dignity and the establishment of high security standards that minimize the potential for victimization.

B.   Policymaking framework

9.   The United Nations congresses on crime prevention and criminal justice, especially those held over the past 15 years, have focused on the links between the rule of law and development. At the Tenth Congress, held in Vienna from 10 to 17 April 2000, almost in parallel with the process leading to the adoption of the United Nations Millennium Declaration[9] and the subsequent endorsement of the eight Millennium Development Goals in the report of the Secretary-General on the road map towards the implementation of the Millennium Declaration (A/56/326), consideration was given to the significance of the rule of law as a goal of sustainable development and as a means of supporting the achievement of other development goals (A/CONF.187/3, para. 1). In addition, the Eleventh Congress, held in Bangkok from 18 to 25 April 2005, focused specifically on the impact of economic and financial crimes on sustainable development. It was noted, in this regard, that economic and financial crimes posed a serious long-term threat to peaceful and democratic socioeconomic development in many countries. As further stressed for the purpose of shaping the discussion on this issue during the Congress, while in the short term such crimes typically have costs that are quantifiable, if they occur repeatedly over time, their impact — while less direct — becomes much more serious, holding the potential to undermine the effective functioning or consolidation of democracy, accountability and the rule of law (A/CONF.203/7, para. 25).

10.   Following the Eleventh Congress, the entry into force of all the above-mentioned United Nations crime-related instruments marked a new era for the United Nations crime prevention and criminal justice programme. The

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[7] See *Small Arms Survey 2003: Development denied* (Graduate Institute of International Studies, Geneva, 2003), ch. IV, pp. 125 et seq. The report of the Secretary-General on promoting development through the reduction and prevention of armed violence (A/64/228) drew attention to the specific impact of armed violence on development. In the Geneva Declaration on Armed Violence and Development, adopted in 2006, the signatories recognized that armed violence constitutes a major obstacle to the achievement of the Millennium Development Goals. The report published by the secretariat of the Geneva Declaration entitled "Global burden of armed violence 2011" assessed the linkages between violent death rates and socioeconomic development, demonstrating that homicide rates were higher whenever income disparity, extreme poverty and hunger were high.

[8] United Nations, *Treaty Series*, vol. 2326, No. 39574.

[9] General Assembly resolution 55/2.

experience accumulated by the Conference of the States Parties to the United Nations Convention against Corruption and the Conference of the Parties to the United Nations Convention against Transnational Organized Crime, which have been established to review the implementation of those instruments, but also the growing knowledge of the United Nations Office on Drugs and Crime (UNODC) acquired by helping to promote the implementation of those instruments, have led to a central conclusion: the success of efforts to curb crime in all its forms, especially its most pernicious and sophisticated, depends on whether countries have functioning, efficient, effective and humane criminal justice systems.

11. As a result, in the Salvador Declaration on Comprehensive Strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World, adopted by the Twelfth Congress and further endorsed by the General Assembly in its resolution 65/230, Member States recognized the centrality of crime prevention and the criminal justice system to the rule of law and that long-term sustainable economic and social development and the establishment of a functioning, efficient, effective and humane criminal justice system have a positive influence on each other.

12. In the aftermath of the Twelfth United Nations Congress on Crime Prevention and Criminal Justice, in view of paving the way for shaping priorities and goals for the post-2015 development agenda, a number of United Nations documents and reports and several surveys pointed to the intrinsic link between having effective and accessible criminal justice systems and institutions that operate in accordance with the rule of law on the one hand, and sustained and inclusive economic growth, sustainable development and the full realization of human rights and fundamental freedoms on the other. In 2011, the *World Development Report: Conflict, Security and Development*[10] directly linked development with justice, arguing that threats to development stemming from organized violence, conflict, and fragility cannot be resolved by short-term or partial solutions, and instead require creating legitimate institutions that provide all citizens equal access to security, justice, and jobs. As such, efforts to strengthen justice systems, manage and reduce vulnerabilities, and legally empower the poor are crucial not only to dealing with crime effectively, but also to national development planning and policy.

13. In June 2012, the General Assembly held a thematic debate on drugs and crime as a threat to development. In that debate the linkages between crime and development were discussed, with participants highlighting the need to further integrate criminal justice and crime prevention into the broader work of the United Nations.

14. Moreover, as noted in the report of the United Nations System Task Team on the Post-2015 United Nations Development Agenda entitled "Realizing the future we want for all", the implementation of a post-2015 development agenda depends, critically, on effective governance capacities at national, local and municipal levels, based on the rule of law, including compliance with international laws, and principles of inclusion and participation, and on the legal and economic

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[10] World Bank, *World Development Report 2011: Conflict, Security and Development* (Washington D.C., 2011).

empowerment of people, especially those most excluded, to let them participate effectively in national and local decision-making.[11]

15. The report proposed four interconnected core dimensions that could serve as the basis for the definition of goals and targets for an agenda aimed at transformative change leading to a shared, secure and sustainable future for all. One of those dimensions was peace and security.[12] The report also stressed that the prevention and reduction of all forms of violence and abuse should be at the heart of any agenda that fully recognizes the centrality of human security, both as a human rights imperative and as being integral to development.[13]

16. Furthermore, in the Declaration of the High-level Meeting of the General Assembly on the Rule of Law at the National and International Levels, the advancement of the rule of law, nationally and internationally, was seen as essential to the full realization of human rights and fundamental freedoms, sustainable development, inclusive economic growth and the eradication of poverty and hunger. In turn, progress in each of these areas might reinforce application of the rule of law more generally (General Assembly resolution 67/1, para. 7).

17. In his report on advancing the United Nations development agenda beyond 2015, the Secretary-General underlined that peace and stability, human rights and effective governance based on the rule of law and transparent institutions are outcomes and enablers of development. There can be no peace without development and no development without peace. Lasting peace and sustainable development cannot be fully realized without respect for human rights and the rule of law. Transparency and accountability are powerful tools for ensuring citizens' involvement in policymaking and their oversight of the use of public resources, including to prevent waste and corruption. Legal empowerment, access to justice and an independent judiciary and universal legal identification can also be critical for gaining access to public services (A/68/202, para. 95).

18. In accordance with its resolution 68/309, the General Assembly decided that the proposal of the Open Working Group on Sustainable Development Goals was to be the main basis for integrating sustainable development goals into the post-2015 development agenda. Sustainable development goal 16 is among those identified in the final report. It calls for States to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels (A/68/970/Corr.1).

19. Moreover, in his December 2014 synthesis report on the post-2015 sustainable development agenda entitled "The road to dignity by 2030: ending poverty, transforming all lives and protecting the planet", the Secretary-General highlighted that access to fair justice systems, accountable institutions of democratic governance, measures to combat corruption and curb illicit financial flows, and safeguards to protect personal security are integral to sustainable development (A/69/700, para. 78). Furthermore, "justice: to promote safe and peaceful societies and strong institutions" was identified as one of the six essential elements that

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[11] United Nations System Task Team on the Post-2015 United Nations Development Agenda, *Realizing the Future We Want for All* (New York, 2012), paras. 92 and 93.
[12] Ibid., paras. 89 et seq. See also A/67/257, para. 58.
[13] *Realizing the Future We Want for All*, para. 91.

would help frame and reinforce the universal, integrated and transformative nature of a sustainable development agenda.

20. In the context of the preparations for the Thirteenth Congress, the Economic and Social Council, in its resolution 2014/22, invited Member States, international organizations and all relevant stakeholders to provide their views regarding the contribution that the Thirteenth Congress could make to the discussions on the post-2015 development agenda. The views compiled by UNODC are contained in a separate report (A/CONF.222/5).

21. In its resolution 69/195 on the rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015, the General Assembly underscored that the discussions on the post-2015 development agenda should take into account respect for and promotion of the rule of law and that crime prevention and criminal justice have an important role in that regard, giving due consideration to the work of the Commission on Crime Prevention and Criminal Justice in order to channel, as appropriate, its contribution to the discussions on the post-2015 development agenda, in close consultation with all relevant stakeholders, and encouraged Member States, in their deliberations on the post-2015 development agenda, to give due consideration to the rule of law, crime prevention and criminal justice, while promoting universal respect for human rights and strengthening relevant national institutions.

22. Moreover, in the regional preparatory meetings for the Thirteenth Congress, Member States emphasized the relevance of the rule of law to security, justice and human rights and stressed the crucial role of the rule of law as an enabling condition and an integral part of sustainable and equitable growth, recognized the centrality of crime prevention and criminal justice issues for the rule of law and, consequently, for social and economic development, and recommended the inclusion of elements of crime prevention and criminal justice policies and strategies to promote the rule of law in United Nations common country assessments, United Nations development assistance frameworks and their related action plans and work plans, country poverty reduction strategy papers and any other development assistance frameworks (A/CONF.222/RPM.1/1, paras. 8 to 10 and A/CONF.222/RPM.2/1, paras. 7 and 8).

III. Comprehensive approaches in the implementation of crime prevention and criminal justice measures

23. In its resolution 66/181, the General Assembly recommended that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated approach to crime prevention and criminal justice reform, based on baseline assessments and data collection and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes. A comprehensive approach is one by which the multiple dimensions of crime and victimization in a country, including transnational and organized crime, are addressed on the basis of a thorough assessment using tools such as victimization surveys and crime statistics. Such an approach also involves all relevant institutions and civil society, and includes measures to address the needs of particular groups of offenders or victims. In most cases, comprehensive approaches include both crime

prevention and criminal justice responses. They need to be endorsed at the highest political level after being developed through a participatory approach.

A. Implementing comprehensive crime prevention policies and strategies

1. The broad concept of crime prevention

24. In the Salvador Declaration, Member States recognized that the development and adoption of crime prevention policies and their monitoring and evaluation should be based on a participatory, collaborative and integrated approach that includes all relevant stakeholders including those from civil society.[14]

25. Traditional criminal justice responses to crime aim at preventing crime by deterring criminal behaviour through the establishment of individual criminal liability. Crime prevention, as addressed in the Guidelines for the Prevention of Crime,[15] is a broader concept grounded in the notion that there are risk factors related to the individual, the family, the community and wider society that can place individuals at higher risk for crime, violence and victimization. The Guidelines outline several approaches to prevention, including the promotion of well-being of people by taking social, economic, health and educational measures, by changing conditions in neighbourhoods that influence offending, by reducing opportunities and increasing the risk of being apprehended, and by preventing recidivism by assisting in the social reintegration of offenders. Well-planned crime prevention strategies can prevent crime and victimization, further promote community safety, and contribute to the sustainable development of countries.[16] With regard to victims of crime, in particular women and children, the objective of crime prevention is to reduce victimization and suffering in accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power.[17]

26. Despite advances in crime prevention research in the last decades, multiple challenges in the development and implementation of comprehensive crime prevention policies and programmes are encountered, in particular in low and middle-income countries. Those challenges relate to data collection and analysis, coordination between the various sectors of government and civil society stakeholders, and to the measurement of the impact of policies and programmes. They are exacerbated by the fact that the resources allocated for crime prevention are not commensurate with the extent of the crime problems to be addressed. Moreover, a comprehensive and holistic approach requires the integration of crime prevention objectives in all sectors of the criminal justice system.

2. Data collection

27. National action plans for crime prevention are implemented or being developed in most countries, but are not always sufficiently supported by relevant

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[14] General Assembly resolution 65/230, annex, para. 33.
[15] Economic and Social Council resolution 2002/13, annex.
[16] Ibid., annex, para. 1.
[17] General Assembly resolution 40/34.

data.[18] Effective crime prevention needs to be based on a broad, multidisciplinary foundation of knowledge about crime problems and their multiple causes.

28. UNODC supports efforts by Member States to strengthen the collection of data for official statistics and their subsequent use to analyse crime and criminal justice systems. It makes relevant information available to all Member States through the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems.[19] Upon request, it also supports States in their efforts to develop and implement victimization surveys and local safety audits to complement administrative statistics. Such surveys can shed light on crimes that are underreported to police, and reveal the factors and driving forces behind offending behaviour and victimization, thereby generating knowledge that is crucial to the development of effective prevention policies. The *Manual on Victimization Surveys*,[20] which is the result of cooperation between UNODC and the Economic Commission for Europe, provides invaluable guidance to Member States in developing and implementing those population-based surveys.

29. A valuable option for competent authorities wishing to strengthen the collection, analysis and dissemination of data is to partner with universities, research institutes and think tanks. In addition, a large number of national and municipal authorities rely on crime observatories to improve data and information on the socioeconomic problems associated with crime. Crime observatories provide policy makers with information that complements and enriches administrative data.

30. Observatories are often designers and implementers of diagnostic tools such as victimization surveys, self-reported delinquency surveys and local safety audits. They operate in partnership with other actors such as universities, national statistics offices, non-governmental organizations and international organizations. Importantly, observatories often conduct qualitative individual and focus group interviews, which are needed for a deeper understanding of local crime issues. The geographical and thematic coverage of observatories varies: they can cover cities, regions or an entire country, and look into general safety concerns or specific topics or types of crime.

31. At the national level, in particular in the anti-corruption field, the establishment and growth of anti-corruption bodies have given new impetus to quantitative methods to assess corruption. At the international level, various organizations have produced assessments and collated methodological documentation. The Diagnostic Surveys of Corruption produced by the World Bank, the corruption surveys conducted by UNODC and the analytical and methodological publications issued by the United Nations Development Programme (UNDP) are only a few examples (CAC/COSP/WG.4/2010/4, paras. 29-31).

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[18] World Health Organization, United Nations Office on Drugs and Crime, and United Nations Development Programme, *Global status report on violence prevention* (Geneva, 2014).

[19] UNODC, *Global Study on Homicide, 2013: Trends, Contexts, Data* (United Nations publication, Sales No. 14.IV.1); see also the UNODC crime and criminal justice statistics available at www.unodc.org, United Nations Survey of Crime Trends and Operations of Criminal Justice Systems, and *Manual for the Development of a System of Criminal Justice Statistics* (United Nations publications, Sales No. E.03.XVII.6).

[20] United Nations Office on Drugs and Crime and Economic Commission for Europe, Manual on Victimization Surveys, document ECE/CES/4 (Geneva, 2010). See also A/CONF.222/4.

3. Addressing the wide range of risk factors for crime

32. Member States have often underlined that comprehensive and inclusive crime prevention programmes, i.e. programmes that include not only security, justice and maintenance of the rule of law, but also the promotion of social peace and social inclusion, are an integral component of national efforts towards achieving sustainable development goals, freedom from violence and good governance.

33. To be effective and sustainable over time, efforts towards preventing crime need to tackle the whole range of risk factors for crime and victimization, including larger social determinants such as marked socioeconomic and gender inequality. Prevention efforts can be targeted at individuals, relationships, communities and whole societies, and delivered in collaboration with various actors such as schools, workplaces, non-governmental organizations and the criminal justice system.

34. As the *Global Status Report on Violence Prevention 2014*[21] indicates, the different types of violence and offending share many underlying risk factors and are interrelated in important ways. The report notes with great concern that only about half of the countries surveyed reported having integrated plans that address multiple types of violence (the countries surveyed represented 80 per cent of the world population). This suggests that planning may be driven more by efforts to address specific types of violence than by the need to create synergies across efforts to prevent multiple types of violence.

35. The report also reveals that only a few countries are implementing social and educational policy measures to mitigate key risk factors for violence. Concentration of poverty, high rates of socioeconomic inequality, in particular in urban areas, gender inequality, low school attendance and early school drop-out are all risk factors associated with various types of violence and crime. Knowledge-based policies that address multiple risk factors therefore have the potential to influence general levels of violence and crime more effectively and positively. Creating such policies requires comprehensive and multi-sectoral analysis of institutional capacities at multiple levels. The assessment should include information on crime prevention legislation, national and local crime prevention strategies and action plans where they exist (or the feasibility of obtaining support for their development where they do not), research and data collection capacities, and policymaking and programmatic capacities.

4. Ensuring coordination among all actors

36. In multi-sectoral endeavours, coordination between all actors involved is of paramount importance. Research and experience shows that crime prevention strategies and plans developed through multi-sector partnerships across government ministries and with civil society can facilitate the development of strategic responses at all levels.

37. Such broad-based partnerships can be conducive to identifying the main concerns about crime problems, victimization and insecurity across a given country, both in the cities and in the rural areas. Examination of some of the causes and of possible interventions in the short, medium and longer term will help to establish priorities for action. Plans made on the basis of those priorities will need to indicate

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[21] Available at www.who.int/en.

what their main objectives are, what funding and resources will be needed or available over what period of time, and who will be involved in implementing them. They need to make provision for local communities and services to respond to local concerns.

38. National inter-agency coordination is crucial to the efficiency and effectiveness of crime prevention strategies. In order to improve crime prevention coordination mechanisms, a number of countries have designated a coordinating authority at the central level. Ideally, such an authority should be placed at an appropriately high level that allows for horizontal coordination between ministries and vertical coordination between national and local authorities. The authority can be responsible for the overall coordination of efforts to reach crime prevention objectives undertaken by the health, education, socioeconomic development, housing, transport and other sectors, and by the special secretariats or ministries responsible for youth, children and women's issues. The authority could also coordinate preventive actions mainstreamed in the work of the prosecution service, the courts, the public defence service and the prisons.

39. National crime prevention councils have also proven to be a viable option to step up crime prevention efforts and assist in their coordination. The tasks of such councils vary, but may include the production of data and dissemination of knowledge on crime and crime prevention work, giving support to local crime prevention work, and evaluating specific activities. They serve as catalysts for efforts by various ministries and sectors of government, and by non-State stakeholders.

40. The *Crime Prevention Assessment Tool*[22] is a valuable instrument that can help States to conceptualize and develop their crime prevention efforts from a national, provincial and local or municipal perspective. It provides a basis for a multi-level, multi-disciplinary and multi-stakeholder assessment of prevention challenges and needs, and facilitates the design of multi-stakeholder programmatic responses.

5. Mainstreaming crime prevention in criminal justice reforms

41. When undertaking comprehensive assessments of national criminal justice systems, crime prevention needs and capacities should always be factored in. They should review social prevention capacities and the prevention capacities of the police, the prosecution service, the courts and the prison system.

42. For example, as a study in four Latin American cities has shown, police forces that aim to support and listen to communities by using strategic and proactive problem-solving approaches rather than reactive ones, are more likely to see clear changes in levels of crime and violence.[23] Not only were levels of violence reduced,

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[22] United Nations Office on Drugs and Crime and United Nations Human Settlements Programme, *Cross-Cutting Issues: Crime Prevention Assessment Tool*, Criminal Justice Assessment Toolkit, No. 5 (HS/1232/09E).

[23] Hugo Frühling E. (ed.) and others, *Calles más seguras: Estudios de Policía comunitaria en América Latina* (Washington D.C., Inter-American Development Bank, 2004). See also the experience of the police in Lagos, Nigeria in *Practical Approaches to Urban Crime Prevention: Proceedings of the Workshop held at the 12th UN Congress on Crime Prevention and Criminal Justice, Salvador, Brazil, April 12-19, 2010* (Montreal, International Centre for the Prevention of Crime and United Nations Office on Drugs and Crime, 2011).

but local residents showed much higher rates of approval for their community police, as levels of corruption and abuse by the police themselves diminished.

43. Given the role of judges in adjudication and sentencing, it is paramount that they be aware of the costs and benefits of a range of sentencing options, including non-custodial sentences, alternatives to imprisonment, and restorative justice,[24] and that they be aware of the special needs of vulnerable groups, particularly women and children. An understanding of the role of prison and community-based rehabilitation programmes and exposure to local programmes supported by State authorities or non-governmental organizations are valuable tools to increase judges' awareness of the impact of different sentencing options, including on re-offending.

44. The above equally applies to prosecutors, defence lawyers and other legal aid providers. It is also important to consider the preventive role of legal aid, i.e. its capacity to uphold the rights of victims and offenders, promote trust in the justice system and increase awareness of the implications of offending.

45. As regards tertiary prevention, international standards prescribe that the principle of helping prisoners with their social reintegration in order to prevent re-offending should be at the heart of prison management strategies and policies. In practice, however, a large proportion of the budget of prison systems is used to provide security, safety and order, with a small and typically inadequate amount being invested in prison workshops, skills training, educational facilities, sports and recreation, and, to an even lesser extent, community-based reintegration activities. Nonetheless, a promising example of the latter is the project entitled "From prison back home" of the Uganda Prisons Service, which is based on a restorative justice approach emphasizing mediation and healing between offenders, victims and local communities for the purpose of repairing the harm caused by crime. The programme has consistently involved local council leaders, clan leaders, religious leaders, police, individual members of the community and civil society organizations doing work in the rehabilitation and reintegration of offenders. Communities have been sensitized and informed about the project and have been willing to participate in it. The Uganda Prisons Service has partnered with the police through the community policing programme, community liaison offices and child and family protection units.

B. Implementing comprehensive criminal justice policies and strategies

1. Overcoming challenges to reform

46. Implementing criminal justice reforms is a sensitive and often challenging endeavour. It is inherently political, as it relates to resources and vested interests and often touches on delicate issues that may be complicated to discuss or approach, such as corruption.

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[24] See *Handbook on Restorative Justice Programmes*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.06.V.15); *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations publications, Sales No. E.07.XI.2); UNODC, *Introductory Handbook on the Prevention of Recidivism and the Social Reintegration of Offenders*, Criminal Justice Handbook Series (2012).

47. Corruption creates a challenge to the development and implementation of criminal justice reforms, because corrupt officials are likely to resist changes to the status quo. Corruption in the justice system, in particular, is one of the most critical areas requiring attention and focus in the fight to improve transparency, strengthen integrity and safeguard principles of human rights and the rule of law. Adherence to good governance practices, including within the justice system, is indispensable to economic growth, the eradication of poverty and hunger, and sustainable development. In addition, a transparent and independent justice system helps to promote objective and fair decision-making, and establishes public confidence through the encouragement of informed, meaningful participation and access by the general public.

48. The Convention against Corruption highlights a range of issues of great importance for good governance and development, including the principles of proper management of public affairs and public property, fairness, responsibility and equality before the law, and the need to safeguard integrity and foster a culture of rejection of corrupt practices. Improving governance, strengthening institutions and reducing vulnerability to corruption are core development challenges. In view of its potential to function as a consensus framework to address those challenges, implementation of the Convention should form an integral part of development assistance.

49. The lack of baselines and proper independent assessment of the crime situation and the state of criminal justice institutions poses a major challenge to the design of programmes and strategies. Despite the development of assessment tools and global indicators, many national strategies and technical assistance programmes are still being developed based on one-size-fits-all approaches, and without taking into account national needs, priorities and social and economic conditions. Scattered resources and disparate donor priorities often make it difficult to define national and local priorities through a dialogue between national and, where useful, international experts. Given these challenges, sufficient time and efforts should be devoted to the assessment phase of criminal justice reform processes. Consultations should be held with all relevant stakeholders to ensure national ownership and create a solid basis for the next steps in the reform programme.

50. The reform of criminal justice systems has become a priority in the international community's efforts to assist transitional and post-conflict societies in re-establishing the rule of law. Specific types of crime can be seen in post-conflict societies, such as residual violence or criminal activity linked to State or political structures. At the same time, common crime can rise markedly after a conflict has ended, and organized criminal groups can take advantage of the lack of well-functioning institutions. Post-conflict and fragile States often face a multitude of crime-related issues that compete for priority in addressing them, not least through the implementation of transitional justice arrangements.

51. Supporting reform processes in countries in transition or emerging from conflict presents particular challenges, especially where the key institutions of the system are highly dysfunctional. In a number of post-conflict countries, international partners have made considerable joint efforts to develop rule-of-law programmes and strategies based on national priorities and needs. For instance, the United Nations Organization Stabilization Mission in the Democratic Republic of the Congo, UNDP and UNODC have developed a joint justice support programme.

As another example, in Somalia and Burundi, United Nations rule-of-law strategies have been developed within the framework of the Global Focal Point on Police Justice and Corrections to avoid fragmentation and duplication of efforts.

52. In its resolution 69/195 on the rule of law, crime prevention and criminal justice in the United Nations development agenda beyond 2015, the General Assembly stressed the importance of a comprehensive approach to transitional justice, incorporating the wide range of judicial and non-judicial measures to ensure accountability and promote reconciliation while protecting the rights of victims of crime and of abuse of power, drawing on the work of the UNODC, in accordance with its mandates, to support criminal justice reforms and strengthen the rule of law at the national and international levels.

2. Moving beyond a sector approach

53. A coordinated approach is required to effectively address all forms of crime, including organized crime, corruption and terrorism. Strengthening one sector of the criminal justice system is not enough. Experience shows that police, prosecution, courts and prisons function more effectively when they interact and integrate their efforts with the important work done by other sectors and civil society. This is also a key lesson learned from decades of institution-based approaches to criminal justice reform that often focused on a single pillar of the criminal justice system and gave mixed and fragmented results. For example, strengthening only the police has typically led to further delays in courts and increased the use of pretrial detention and thus prison overcrowding.

54. Moving beyond a sector approach and towards comprehensive criminal justice policies and strategies presents several challenges. The absence of a single coordinating institution for the different sectors of the criminal justice system hampers cooperation and leaves each body to operate on its own. Further challenges include the weakness, political vulnerability and operational ineffectiveness of institutions, insufficient human and financial resources, lack of adequate legal frameworks and procedures, inadequate training of criminal justice officials, institutional cultures, and individual attitudes and behaviours.

55. Creating effective coordination mechanisms can require setting up an official body or institution, developing agreed protocols or setting up round table meetings that enable the stakeholders to cooperate in a standardized manner. For example, some States have established criminal justice administration committees made up of members of the police, prosecution and the judiciary, that meet regularly to discuss common issues and challenges, and identify solutions. Other coordination mechanisms may include memorandums of understanding with various agencies and civil society organizations.

56. Some examples indicate that enhanced coordination helps institutions in meeting the needs of victims and ensuring offender accountability. In Thailand, the prosecution agency has signed a memorandum of understanding with the Association for the Promotion of the Status of Women to designate a prosecutor who attends conferences at which the victim and social workers discuss their cases. The prosecutor is there to provide legal advice. In other countries, multidisciplinary teams have been established in one location, such as the women justice centres in Mexico and the one-stop shops in South Africa.

57. Other examples demonstrate that better coordination can reduce prison overcrowding. In Kenya, Malawi, Uganda and the United Republic of Tanzania, cooperation has been established or improved between courts, prosecutors and prisons, and between those authorities and social services, local community leaders and non-governmental organizations, through regular meetings, joint prison visits, and the development and distribution of agreed performance standards. Those efforts have been successful in speeding up the processing of cases and the release of detainees who were found to have been imprisoned unlawfully. Other examples, such as case coordination committees in Bangladesh and court user committees in several countries in Africa, have also demonstrated how coordination between justice actors at the local level can resolve problems of overcrowding at little or no cost.

3. Regional cooperation

58. Regional cooperation is another crucial component in comprehensive criminal justice policies and strategies. By sharing information and capacity and providing financial and technical assistance, countries develop more effective ways to address transnational crimes and other forms of crime of common concern.

59. At the regional level, UNODC helps Member States to jointly address major transnational issues such as organized crime and illicit trafficking (i.e. in persons, arms, drugs, money, wildlife, natural resources etc.), corruption, and terrorism through the formulation of regional programmes in close consultation with regional entities and partner countries. In the past five years, UNODC has launched nine regional programmes for the following regions: Afghanistan and neighbouring countries, the Caribbean, East Africa, Southern Africa, West Africa, the Arab States, South Asia, South-East Asia and the Pacific, and South-Eastern Europe. The regional programmes aim at providing joint platforms for action by relevant stakeholders by increasingly integrating rule-of-law promotion within the development agenda.

60. In the Horn of Africa, UNODC has promoted the establishment, under its Maritime Crime Programme (formerly the Counter Piracy Programme), of a regional piracy prosecution model to coordinate the apprehension of alleged pirates on the high seas and their transfer to States in the Indian Ocean region for prosecution. UNODC has supported Kenya, Mauritius, Seychelles and the United Republic of Tanzania by training judges, prosecutors, prison staff, police and coast guard officers, by building court-houses and prison facilities, by providing equipment and material for law enforcement agencies, and by supporting legislative reform.

4. A human rights-based approach

61. Criminal justice institutions play an important role in protecting and ensuring legal rights that individuals and groups enjoy under domestic and international law. When their police, prosecution service, courts and prisons all function effectively and in line with international standards and norms, States are able to guarantee the liberty and security of persons, to provide fair trials without undue delay and to address the specific needs of women and children in the criminal justice system.

62.   The recent experience in criminal justice reform has highlighted the benefits of a human-rights-based approach. That enables policymakers and institutions to clearly identify rights-holders and duty-bearers and to develop appropriate mechanisms to address the specific needs of women, children and persons that may be subject to marginalization and discrimination. Some programmes have focused on access to justice for rights-holders by setting up legal empowerment programmes that provide funds to enhance access to justice for a given community or its most vulnerable members. However, an important condition for the success of such programmes is the existence of sufficient institutional capacity to respond to an increased demand for justice by the community.

63.   Reforming institutions to ensure respect for human rights is complex. It requires changing both mindsets and modes of operation to replace abusive practices with legal ones. An important example is the need to enhance the capacity of police to collect forensic evidence in order to reduce the need to rely on confessions and with it the incentive to use coercion in interrogations. In Pakistan, for example, police reliance on confessions has been reduced by the introduction of training programmes, supported by UNODC, on investigative interviewing, and by the establishment of forensic science laboratories. In Kenya, UNODC has been assisting the national police with capacity-building, the strengthening of oversight functions to increase transparency and accountability, the development of vetting tools, the revision of existing codes of conduct and ethics, and the provision of training on intelligence-led policing or forensic investigations.

64.   Another important challenge is to ensure that the specific needs of women and children are taken into account, whether they are victims, witnesses or offenders. For example, criminal justice institutions need to develop and use child-friendly questioning methodologies that are adapted to the particular child. A better understanding by institutions of the interrelationship between gender and crime can contribute to those institutions' overall effectiveness. Persistent gender stereotypes frequently impede adequate criminal justice responses to violence against women and perpetuate the discriminatory treatment of women prisoners. Despite these challenges, the Philippines, for example, has introduced a human rights-based policing programme covering institutional policy development, training and capacity-building, prevention and control of human rights violations, and multi-sectoral cooperation and partnerships.

65.   Through its Hostage Support Programme, UNODC is helping victims of maritime crime by providing medical support to piracy hostages, facilitating communication with their families and embassies and securing their safe release and transfer. In South Africa, UNODC has supported the Government in implementing a large-scale victim empowerment programme with funding from the European Union. The programme was linked to a number of national strategies. It comprehensively addressed the rights of victims and helped civil society to build capacity in supporting and assisting victims.[25]

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[25] See the final evaluation report at
www.unodc.org/documents/evaluation/Independent_Project_Evaluations/2012/XAM_T15_Final
_Report_24Sept2012.pdf.

5. **Measuring the effectiveness of criminal justice institutions**

66. Measuring the effectiveness of criminal justice systems involves multiple actors, institutions and approaches. Measurement efforts necessarily include a review of the capacity and performance of local government institutions, the courts, the prosecution service, the police, the ministry of justice, administrative redress procedures and informal justice mechanisms. They require an assessment of the effectiveness and relevance of laws, the consistency in their implementation, and their alignment with international human rights standards. They may also require an assessment of the public's perceptions regarding access to justice, the effective and equitable application of laws, the level of transparency of public institutions, and the public's confidence in governance, the security sector and both formal and informal justice systems. Efforts to assess the effectiveness of public administration may also be required to explore the level of discrimination faced by poor and marginalized groups.

67. The last decade has seen considerable progress in the development of measurement methodologies, indicators and analytical approaches. In addition to the main mechanisms for the collection of global data on crime and criminal justice,[26] such instruments include the collection of administrative data from public records, large-scale public opinion surveys, expert surveys, the collection of specialized data from research institutions and monitoring entities, and archival reviews. Significant advances have been made in measurements of how individuals experience violence, corruption, discrimination, the use of land, justice services, government effectiveness, security, and social cohesion. There is also a dramatic growth in new types of online data, including from social media, and attitudes and behaviours can now be monitored and analysed on the basis of big data sets.

68. Notwithstanding these developments, many States still lack the capacity to collect and analyse crime and justice-related data. Data collection activities offer opportunities to enhance service delivery. However, they also pose challenges. Efforts to harvest data on the performance of institutions can be perceived as a challenge to existing structures, particularly in the case of justice and security institutions. Several constraints may limit the extent to which data can be gathered from administrative sources or public surveys on issues related to the rule of law. Consultations with Member States and civil society are necessary to build support for rule-of-law goals, targets and indicators, and of efforts to collect the necessary data. Briefings with a variety of State and civil society actors on the rule of law outside justice and security institutions are also required to better demonstrate how the rule of law applies to the entire spectrum of sustainable development practice.

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[26] For example, the United Nations Survey of Crime Trends and Operations of Criminal Justice Systems collects information on the main components of criminal justice systems, namely police, prosecution, courts and prisons.

IV. Conclusions and recommendations

69.   The Thirteenth United Nations Congress on Crime Prevention and Criminal Justice may wish to consider the following recommendations:

(a)   The Congress may wish to reaffirm the crucial role of the rule of law as an outcome of, and enabling condition for, development, and as an integral part of sustainable and equitable growth, and stress the need to include the rule of law, and particularly crime prevention and the strengthening of the criminal justice system, in the post-2015 development agenda;

(b)   The Congress may wish to recommend the inclusion of the rule of law, including crime prevention and criminal justice reform considerations, strategies and policies, in the United Nations common country assessments, in the United Nations Development Assistance Frameworks and their related action plans and workplans, in the country poverty reduction strategy papers and in any other development assistance frameworks and indicators;

(c)   The Congress may wish to call on Member States to:

(i)   Develop through a participatory approach, implement and monitor comprehensive crime prevention policies and strategies designed to address the various types of crime and violence and their common and specific risk factors, including at the community level;

(ii)   Place greater emphasis on the role of education in crime prevention, with a view to instilling shared values relating to the importance of the rule of law and the protection of human rights;

(iii) Strengthen national statistical systems, victimization surveys and administrative records relating to crime, to enable the production and development of official statistical information and indicators relating to crime, crime prevention and criminal justice in support of relevant public policies;

(iv) Develop evidence-based crime prevention and criminal justice reform strategies by setting specific targets and objectives for crime reduction, the reduction of victimization, in particular of children and women, and the reintegration of offenders and victims, and include such strategies in national development plans and national budgets;

(v)   Pay due attention to the need for multi-sector coordination and partnerships within and beyond the criminal justice system;

(vi) Adopt a human rights-based approach in their crime prevention and criminal justice reform efforts by identifying and addressing risks of human rights violations;

(vii) Promote joint efforts by the criminal justice system, other sectors of government, civil society and the media in preventing crime and violence targeting women and children, address the specific root causes of crime and violence, and provide victims with assistance, protection and access to justice;

(viii) Include in their national plans on gender and the advancement of women measures to promote women's access to justice, to respond to violence against

women, and to ensure women's adequate representation in the criminal justice system;

(ix) Integrate requirements regarding justice for children into their overall rule-of-law efforts, and develop and implement a comprehensive child justice policy; and

(x) Give due consideration to penal and prison reforms, recognizing that poor prison conditions and prison overcrowding often point at systemic deficiencies in a State's crime prevention and criminal justice system, such as lack of access to legal aid and lack of alternatives to imprisonment or social reintegration measures.

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