



# Economic and Social Council

Distr.: Limited  
21 May 2019

Original: English

## Commission on Crime Prevention and Criminal Justice

Twenty-eighth session

Vienna, 20–24 May 2019

### Draft report

*Rapporteur:* Ahmed Tareq Ibrahim Maaty (Egypt)

### Addendum

## **Thematic discussion on the responsibility of effective, fair, humane and accountable criminal justice systems in preventing and countering crime motivated by intolerance or discrimination of any kind**

1. At its 3rd and 4th meetings, on 21 May 2019, the Commission considered agenda item 5, entitled “Thematic discussion on the responsibility of effective, fair, humane and accountable criminal justice systems in preventing and countering crime motivated by intolerance or discrimination of any kind”. The theme for the thematic discussion of the twenty-eighth session of the Commission had been decided by the Economic and Social Council in its decision 2016/241.
2. For its consideration of agenda item 5, the Commission had before it the note by the Secretariat containing the guide for the thematic discussion ([E/CN.15/2019/6](#)).
3. Introductory remarks were made by the Chair of the Commission, the Special Rapporteur on violence against women, its causes and consequences, and the Chief of the Justice Section of UNODC.
4. The panel discussion in the morning session was presided over by the Chair of the Commission and led by the following panellists: T. George-Maria Tyendeza (Nigeria), Tsang Wai-hung (China), Maria Hilda Marsiaj Pinto (Brazil) and Christopher Perras (United States). Joanna Jamel represented the United Nations crime prevention and criminal justice programme network. The afternoon panel discussion, also presided over by the Chair, was led by the following panellists: R.M.A.J.P. Bandara (Sri Lanka), Diego Tipán Naranjo (Ecuador) and Paul Giannasi (United Kingdom). Philip Birch represented the United Nations crime prevention and criminal justice programme network.
5. The observer for Romania made statements on behalf of the European Union and its member States. Statements were also made by the representatives of Thailand, Japan, Colombia, Algeria, Morocco, France, Indonesia, the United States and the Islamic Republic of Iran.



6. Observers for Kazakhstan, Saudi Arabia, Norway, Armenia, Viet Nam, Canada, Finland and the Philippines also made statements.

7. The observer for the Organization for Security and Cooperation in Europe (OSCE) made a statement. The observer for the Korean Institute of Criminology also made a statement. Statements were also made by the observers for UNITED for Intercultural Action and the Friends World Committee for Consultation.

## **A. Summary by the Chair**

8. The summary by the Chair of the salient points, which was not subject to negotiation, is presented below.

9. Many speakers welcomed the attention devoted by the Commission to the topic of the thematic discussion.

10. Many speakers expressed concern about the rising levels of crime motivated by intolerance or discrimination of any kind. In that regard, speakers mentioned gender-related violence and killings, racism, xenophobia, antisemitism and islamophobia. Violence against LGBTI+ individuals, migrants, refugees, indigenous peoples and ethnic minorities was also mentioned. Several speakers highlighted the underlying social norms, structures, prejudices and stereotypes associated with increased vulnerability to discrimination and intolerance.

11. A number of speakers underscored that crimes motivated by intolerance or discrimination would victimize entire communities and affect societies, and that it was the responsibility of States to effectively prevent and investigate such crimes, and to prosecute and punish the perpetrators, while providing protection and support for victims and witnesses, strengthening the confidence of individuals to report and the willingness of officials to record such crimes.

12. In addition to constitutional anti-discrimination provisions and legislation addressing inequality and discrimination, several speakers reported on the adoption of specific legal provisions on hate crimes, or the consideration of discrimination and intolerance as an aggravating factor. In that regard, some speakers underscored the importance of protecting the right to freedom of speech and expression. A view opposing the criminalization of the content of speech or free expression was also expressed.

13. Many speakers referred to challenges related to the lack of a common understanding or definition of crimes motivated by intolerance or discrimination. A broad range of good practices to prevent and counter such crimes was shared, including capacity-building for law enforcement and justice officials, specialized courts, multisectoral collaboration and referral systems. Some speakers also reported on the use of restorative justice processes as a way to intervene in low-risk cases and protect victims before they suffered physical attacks. Many speakers underscored the importance of education, in both schools and the community, and of awareness-raising programmes in addressing social and economic root causes of intolerance and discrimination.

14. The links between crime motivated by intolerance or discrimination and terrorism and other forms of serious crimes were addressed by a number of speakers, underscoring the importance of early intervention and the promotion of a culture of tolerance.

15. A number of speakers highlighted that effective crime prevention and criminal responses required responsible leadership, transparency and accountability of officials. The importance of working in partnership with civil society, religious leaders, academia and the private sector, as well as of engaging with social media and other online platforms on issues of self-regulation, media ethics and codes of conduct, was highlighted.

16. Many speakers stressed that data collection was a key challenge. With a view to enhancing the understanding of the dimensions and realities of crimes motivated by intolerance and discrimination, speakers recommended addressing data gaps, including through the following: collecting and reporting criminal justice data using the International Classification of Crime for Statistical Purposes; improving domestic integration of disaggregated data stemming from the justice system, the health sector and other relevant sectors; and the use of surveys, hotlines, websites or other innovative tools to collect qualitative information on victims of crime.

17. A number of speakers underscored the importance of enhancing international and regional cooperation in preventing and countering crime motivated by intolerance or discrimination. Reference was made to the implementation of relevant international conventions, such as the Convention on the Elimination of Racial Discrimination.

18. The important role played by the United Nations was underlined, and the relevance of the work undertaken by the Commission on Crime Prevention and Criminal Justice and UNODC was stressed.

## **B. Workshop**

19. The 1st meeting of the Committee of the Whole, on 20 May 2019, was devoted to a workshop organized by the United Nations crime prevention and criminal justice programme network on the topic of the Commission's thematic discussion. The workshop was chaired by the Second Vice-Chair of the Commission and moderated by a representative of the European Institute for Crime Prevention and Control, a member of the United Nations crime prevention and criminal justice programme network.

20. An opening statement was made by the Director of the Division for Treaty Affairs of UNODC. Presentations were made by panellists from Charles Sturt University, Australia; Simon Fraser University, Canada; the International Centre for the Prevention of Crime, Canada; and Kingston University, United Kingdom. During the discussion, statements were made by the representative of the United States. In addition, statements were made by the observers for OSCE, the European Union Agency for Fundamental Rights, the Australian Institute for Criminology, the Latin American Institute for the Prevention of Crime and the Treatment of Offenders and the Friends World Committee for Consultation.