



# Fourteenth United Nations Congress on Crime Prevention and Criminal Justice

Distr.: General  
23 January 2020

Original: English



Kyoto, Japan, 20–27 April 2020

Item 4 of the provisional agenda\*  
**Integrated approaches to challenges  
facing the criminal justice system**

## **Integrated approaches to challenges facing the criminal justice system**

**Working paper prepared by the Secretariat**

### *Summary*

The present working paper illustrates the critical need for and benefits of an integrated approach to criminal justice challenges, with a focus on three specific issues given priority attention in the 2030 Agenda for Sustainable Development, namely, violence against women, violence against children and support for and care of victims by justice systems. The paper contains examples of innovative global, regional and national integrated responses to those challenges and a series of recommendations for consideration by Member States.

\* A/CONF.234/1.



## I. Introduction

1. Criminal justice systems around the world are expected to respond to wide-ranging and complex challenges, in a context of often lacking preventive approaches to crime and of evidence-based crime prevention strategies failing to receive priority attention (see A/CONF.234/4). Challenges facing criminal justice systems include persistently high levels of crime and violence,<sup>1</sup> new forms of criminality that require adaptive responses in a constantly evolving context, including through new technologies (see A/CONF.234/11), and an urgent need to enhance responses to criminal behaviours that have long pervaded many societies but have now ceased to be invisible and condoned, including corruption and specific forms of violence, such as violence against women and children.

2. Responding to those long-existing and new challenges requires careful balancing among the need of society and communities for protection and safety, the need of victims for justice and reparation and the need to hold offenders accountable, while ensuring their rehabilitation and social reintegration and reducing reoffending. Many criminal justice systems around the world are overburdened with heavy caseloads and suffer from insufficient financial and human resources. This leads to various malfunctions of the justice system, including high levels of impunity, delays in the administration of justice, overuse of pretrial detention, and for lengthy periods, insufficient resort to the whole range of available sentencing options and alternative options, overcrowded prisons that cannot fulfil their rehabilitative function (see A/CONF.234/9) and high rates of reoffending. Against this background, communities often perceive criminal justice systems as unreliable, lacking effectiveness and fairness in their responses to crime and violence, which in turn undermines respect for the rule of law and increases perceptions of insecurity in the community.

3. Moreover, criminal justice systems often suffer from a compartmentalization and lack of integration of the different components of the criminal justice chain, as well as a lack of coordination and collaboration with other sectors essential to ensuring integrated responses to crime and violence, such as the health, education and social welfare sectors. Integrated, multisectoral and coordinated approaches are essential if criminal justice systems are to address effectively the various challenges that they face. The present working paper illustrates the critical need for and benefits of integrated criminal justice responses, with a focus on three specific issues given priority attention in the 2030 Agenda for Sustainable Development as justice challenges that need to be addressed to achieve sustainable development, namely, violence against women, violence against children and support for and care of victims by justice systems.<sup>2</sup>

4. Eliminating all forms of violence against all women and girls in the public and private spheres is the second target under Sustainable Development Goal 5 (Achieve gender equality and empower all women and girls). Under Goal 16 (Promote peaceful and inclusive societies for sustainable development, provide access to justice for all and effective, accountable and inclusive institutions at all levels), the first two targets focus on significantly reducing all forms of violence and related death rates everywhere, and ending abuse, exploitation, trafficking and all forms of violence against and torture of children, respectively. In addition, in the global indicator framework for the Sustainable Development Goals and targets of the 2030 Agenda for Sustainable Development,<sup>3</sup> a strong emphasis is placed on the situation of victims of crime and violence in relation to Goals 5 and 16 and related targets, with such indicators as the number of victims of intentional homicide per 100,000 population;

<sup>1</sup> United Nations Office on Drugs and Crime (UNODC), *Global Study on Homicide 2019: Homicide—Extent, Patterns, Trends, and Criminal Justice Response*, Booklet 2 (Vienna, 2019), p. 11.

<sup>2</sup> These issues have also been selected as the focus of the present working paper as they have not been covered in detail under the documentation relating to other agenda items and workshops of the Fourteenth Congress (see A/CONF.234/1).

<sup>3</sup> See General Assembly resolution [71/313](#), annex; [E/CN.3/2018/2](#), annex II; and [E/CN.3/2019/2](#), annex II.

the proportion of population subjected to various forms of violence in the previous 12 months; and the proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms.

5. Despite their grave and long-term adverse consequences on individuals, families and communities, violence against women and children has for long not been regarded as serious offences in many societies and has thus remained unreported and unaddressed by justice systems. Effective responses to these challenges require multifaceted, targeted and sustained interventions by the criminal justice system, in close cooperation with other sectors, such as social, education and health services. Equally, victims – despite being most affected by crime – have all too often been overlooked by conventional criminal justice systems, with little to no support, protection and opportunity to be heard and participate in criminal justice processes. An integrated approach involving criminal justice agencies at all stages of the criminal justice process and other actors, such as social welfare agencies and organizations supporting victims, is critical to ensuring protection and support for victims.

6. The United Nations standards and norms in crime prevention and criminal justice<sup>4</sup> are a reliable resource for tackling the challenges outlined above. Over the years, the standards and norms have become a collective body of normative instruments designed to assist Member States in achieving a fair, effective and humane criminal justice system. By providing an agreed-upon set of minimum standard rules or basic principles on a wide variety of criminal justice issues, they represent the best practices that can be considered and adopted by States to meet their specific contexts and needs. Using those standards and norms, UNODC assists Member States in their efforts to address their challenges in criminal justice through targeted technical assistance and the development of guidance materials. In so doing, UNODC also actively contributes to United Nations-wide coordination mechanisms, such as the Rule of Law Coordination and Resource Group and the Global Focal Point for the Rule of Law.

## II. Integrated responses to violence against women

7. Violence against women and girls is an alarmingly widespread crime throughout the world, occurring regardless of development context. It manifests itself in physical, sexual and psychological forms through multiple types of crime, such as intimate partner violence, sexual violence and harassment, trafficking in persons for sexual exploitation, female genital mutilation and child marriage. Studies show that one in three women worldwide has experienced physical or sexual violence – mostly from an intimate partner.<sup>5</sup> Furthermore, one in two women victims of homicide is killed by her partner or family members.<sup>6</sup> Violence against women is a particularly insidious crime as, despite its ubiquitous occurrence, it is often unreported, undocumented, unprosecuted and, worst of it all, still condoned in many societies.

8. Violence against women not only has detrimental and long-lasting consequences to the well-being, health and safety of women and girls, but has also significant economic costs, in terms of decreased productivity, lost income for women and their families and negative impact on future capital formation, all of which are major hindrances to economic and social development. Eliminating violence against women and girls requires a multidisciplinary approach with effective coordination among

<sup>4</sup> UNODC, *Compendium of United Nations Standards and Norms in Crime Prevention and Criminal Justice* (Vienna, 2016).

<sup>5</sup> World Health Organization, Department of Reproductive Health and Research, London School of Hygiene and Tropical Medicine and South African Medical Research Council, *Global and Regional Estimates of Violence against Women: Prevalence and Health Effects of Intimate Partner Violence and Non-partner Sexual Violence* (Geneva, 2013).

<sup>6</sup> UNODC, *Global Study on Homicide 2013: Trends, Contexts, Data* (Vienna, 2014).

various actors. Experience shows that coordination between the health, social, police and justice sectors is crucial in providing access to a comprehensive set of essential and high-quality services to mitigate the negative consequences for women and girls, as well as their families and communities, and help to break recurrent cycles of violence.

9. Globally, the need for assistance, protection and redress for women and girls subjected to violence is far too often neither recognized nor met by criminal justice systems. This is due in part to persistent challenges, such as a lack of appropriate capacity among criminal justice officials to deal with gender crimes, unfamiliarity with gender-sensitive approaches, a lack of victim-centred processes and insufficient coordination across relevant State authorities. Over time, those factors have led to a profound loss of confidence and trust in criminal justice institutions by victims, secondary victimization<sup>7</sup> and, in some countries, a high degree of impunity for perpetrators.

10. In Africa, crucial priorities in this regard are awareness-raising of the incidence and impact of violence against women and girls and the review of national legislation to ensure that laws do not discriminate against women (A/CONF.234/RPM.4./1, para. 33). In Latin America and the Caribbean, a victim-centred approach is viewed as a vehicle for reducing victimization and increasing the reporting of crimes and a key component to address effectively the challenges faced by criminal justice systems in preventing and eliminating violence against women and girls, in particular those from indigenous communities (A/CONF.234/RPM.3/1, para. 29). In Europe, the difficulties faced in supporting victims of crime in cross-border cases and the need to ensure protection of their rights in different jurisdictions still represent a challenge (A/CONF.234/RPM.5/1, para. 30).

11. Preventing and responding to violence against women require integrated and coordinated action by State authorities involving legal, social and health services, among others. Violence against women needs to be addressed in a coordinated manner based on an integrated criminal justice response for the prevention of this type of violence, the protection and empowerment of victims and the prosecution of the perpetrators of violence.<sup>8</sup> In order to address the serious challenges faced by national criminal justice systems in responding to violence against women, it is crucial to strengthen collaboration between relevant agencies to establish internal information-sharing procedures and systems and to promote the collaboration of the police and criminal justice agencies with external actors, including community services providers, data collection experts, media and civil society (A/CONF.234/RPM.1/1, para. 26).

12. In Latin America and the Caribbean, special procedures and mechanisms to deal with perpetrators of violence against women and domestic violence have been established by several countries (A/CONF.234/RPM.3/1, para. 33). In the Plurinational State of Bolivia, for example, the law on expediting the criminal process (Law No. 1173 of 2019) is aimed at promoting access to justice and preventing revictimization by strengthening cooperation among different criminal justice institutions (i.e., the police, the office of the prosecutor, the judiciary and the prison system). This law establishes an integral resolution procedure for cases of violence, which allows judges to resolve on divorce or the annulment of consensual unions in cases of physical or sexual violence against women. Furthermore, article 393 of Law No. 1173 provides that, in cases of violence against women and children, civil society organizations providing assistance and support to victims may participate in the judicial process at the victim's request.

<sup>7</sup> "Secondary victimization" is victimization that occurs not as a direct result of a criminal act but through the inadequate response of institutions and individuals to the victim (General Assembly resolution 65/228, annex, para. 15 (c)).

<sup>8</sup> UNODC, *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women* (Vienna, 2014), p. 30.

13. In recognition of the importance of a multidisciplinary approach to combating violence against women, the United Nations system takes an integrated approach to address those challenges. In 2015, the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP), the United Nations Population Fund (UNFPA), UNODC and the World Health Organization (WHO) developed a comprehensive *Essential Services Package for Women and Girls Subject to Violence: Core Elements and Quality Guidelines* and launched the United Nations Joint Global Programme on Essential Services for Women and Girls Subject to Violence. The Programme identifies the core essential services to be provided by the health and social services and the police and justice sectors, as well as guidelines and good governance practice for coordination processes and mechanisms. Through multi-agency cooperation, it aims to support Member States in designing, implementing and reviewing services for women and girls who are victims and survivors of intimate partner violence and non-partner sexual violence, providing guidance on how to put into practice existing international standards and norms for multisectoral services and responses. It also sets a due diligence standard by identifying the core elements of health, social services, justice and policing services to ensure the delivery of high-quality services to victims of violence, in particular women and girls in low- and middle-income countries. The *Essential Services Package* is a practical tool to ensure the provision of coordinated, comprehensive, women-centred and accountable services to victims of violence against women and girls.

14. The essential services initiative, which began in 2013, is a direct response to recommendations contained in the agreed conclusions of the Commission on the Status of Women at its fifty-seventh session (E/2013/27-E/CN.6/2013/11, chap. I, sect. A) and the call for coordinated, multisectoral approaches contained in international standards and norms on the elimination of violence against women and girls. The current phase of the Programme (2017–2020) includes testing the global guidance and tools on essential services through their piloting in 10 countries (Cambodia, Egypt, Guatemala, Kiribati, Mozambique, Pakistan, Peru, Solomon Islands, Tunisia and Viet Nam), with a view to supporting and advocating their global roll-out.

15. Another key example of an integrated approach to violence against women is the development of the new initiative “RESPECT women: preventing violence against women”, a tool developed through multi-agency cooperation, including UNODC, under the leadership of UN-Women and WHO and launched in May 2019. RESPECT women is a comprehensive framework of action-oriented steps aimed at enabling policymakers and health-care providers to design, plan, implement, monitor and evaluate interventions and programmes using seven strategies to prevent and respond to violence against women (see A/CONF.234/4). Based on the principles of respect and equality and on lessons learned from evidence-based results compiled in the publication entitled “A framework to underpin action to prevent violence against women”, published by UN-Women in partnership with the International Labour Organization, UNDP, the United Nations Educational, Scientific and Cultural Organization, UNFPA, the Office of the United Nations High Commissioner for Human Rights (OHCHR) and WHO, and other systematic reviews, this tool outlines seven interlinked intervention strategies, namely: (i) relationships skills strengthened; (ii) empowerment of women; (iii) services ensured; (iv) poverty reduced; (v) environments made safe; (vi) child and adolescent abuse prevented; and (vii) transformed attitudes, beliefs and norms. The framework also calls for strengthening enabling environments, namely: building political commitment from leaders and policymakers; investing in and supporting the work of women’s organizations; strengthening policies, laws and institutions to address violence against women and promote gender equality; and allocating resources to programmes, research and capacity-building of health, education, law enforcement and social services.

16. These joint actions were taken in response to the call by the Special Rapporteur on violence against women, its causes and consequences for strong cooperation among the United Nations mechanisms and across the United Nations system (A/72/134, para. 12), and in line with guidelines or manuals relating to violence against women that contribute to the implementation of the Convention on the Elimination of All Forms of Discrimination against Women and the Declaration on the Elimination of Violence against Women. The Convention and the Declaration indeed establish not only global standards but also the obligation for States to prevent violence against women and provide integral services to survivors of violence. The joint actions also respond to the Special Rapporteur's call to Member States to: (i) ensure that women subjected to violence and, where appropriate, their children receive specialized assistance, such as rehabilitation, assistance in child care and maintenance, treatment, counselling and health and social services, facilities and programmes, and support structures; and (ii) take all other appropriate measures to promote their safety and physical and psychological rehabilitation (A/HRC/32/42, para. 51), in line with article 4 (g) of the Declaration. In the same line, civil society organizations have constantly underlined the need for a comprehensive approach to respond to violence against women, with a view to using the indicators of target 5.2 (Eliminate all forms of violence against all women and girls in the public and private spheres, including trafficking and sexual and other types of exploitation) of Sustainable Development Goal 5 as a way to verify accountability, and they have continuously provided comprehensive support and assistance to women and girls subjected to violence.

### III. Integrated responses to violence against children

17. Preventing and responding to violence against children is another significant challenge faced by national criminal justice systems. Violence affects millions of children all over the world. Most cases of violence against children, whether in the family, schools, alternative care and justice institutions, the community or even the workplace (legal or not), are implicitly socially condoned but not legally sanctioned.<sup>9</sup> Like violence against women, violence against children remains unrecorded, unprosecuted and unpunished, and exists in every country in the world, cutting across culture, class, education, income and ethnic origin. While the nature and the seriousness of violence vary from case to case, the short- and long-term implications for both children and society as a whole are severe. Violence against children is thus a major threat to sustainable development, and the crucial role of children in the construction of peace, justice and robust institutions, and thus in global development, is emphasized in the 2030 Agenda.

18. As stated in various international legal instruments, children have a right to be protected from being hurt and mistreated, physically or mentally. International law directs States to ensure through a wide range of public institutions that children are properly cared for and protected from violence, abuse and neglect. Should children become victims of violence, States are required to take all appropriate measures to promote their physical and psychological recovery and social reintegration. States should also ensure that children in conflict with the law are protected from torture or other cruel, inhuman or degrading treatment or punishment, that detention is used as a measure of last resort, that they are not put in prison with adults and that all justice interventions promote their reintegration and constructive role in society.

19. In order to tackle the complex and multifaceted phenomenon of violence against children, coordinated efforts by a number of actors and institutions across different sectors are essential. The criminal justice system, as one of the institutions responsible for the protection of children, is not only essential for ending impunity and ensuring that perpetrators are held accountable, but also instrumental in promoting measures

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<sup>9</sup> See Paulo Sérgio Pinheiro, *World Report on Violence against Children* (Geneva, United Nations Secretary-General's study on violence against children, 2006); and A/HRC/21/25.

to prevent violence against children. While not all child victims of violence are in contact with the justice system, criminal justice actors are often the first ones to be in contact with them. For that reason, they have an undeniable responsibility to protect, respect and fulfil the rights of children, to prevent re-victimization and to ensure that other systems, such as those of child protection, health and education, provide appropriate responses.

20. It is important to recognize that violence is also perpetrated against children who are in contact with the criminal justice system (i.e., child victims and witnesses of crime and children who are suspected or accused of, or recognized as, having infringed the penal law). Not only does this type of violence have serious consequences on the child's development and growth into adulthood, but it also has a negative long-term impact on the wider society, as a child's experience of engagement with the justice system is likely to shape his or her future culture of lawfulness and trust in public institutions, including the justice system. To be fair and effective, criminal justice systems therefore need to respect the rights of child victims and witnesses of crime, as well as the rights of children in conflict with the law, while also prioritizing the prevention of victimization and protecting children who come in contact with the law from re-victimization.

21. The challenges facing the criminal justice system relating to violence against children are broad and need to be addressed from two angles, namely, by facilitating better access to justice for children through improved knowledge about their rights and by strengthening the justice systems to prevent and respond to violence against children effectively.

22. First, challenges exist on the side of the children who suffer from violence and lack the capabilities to claim their rights. These challenges concern, inter alia, access to legal aid, awareness of justice procedures and access to health care, as well as access to justice by disadvantaged and marginalized groups. From the perspective of children as rights holders, it is essential that children in contact with the justice system be empowered to overcome deprivation, social exclusion and denial of entitlements. Justice systems need to be accessible, and children need to be legally empowered on their own and through their families and communities. It is therefore vital that children be considered as actors in their own protection by imparting knowledge of their rights and of the procedures available to them to ensure the fulfilment of those rights.

23. Second, State institutions, as duty bearers, in particular within the justice system, also face challenges in preventing and responding to violence against children in a fair and effective manner, owing to various factors, such as a lack of adequate legislative and policy frameworks and of human and financial resources. Such challenges can be addressed by strengthening the justice system to ensure that children are better served and protected from all forms of violence. As children in contact with the justice system are particularly vulnerable, there is an obligation upon State institutions to be especially vigilant in cases involving children and to mitigate the risk of their being exposed to violence when in contact with the justice system, in particular when they are deprived of their liberty, considering their vulnerability to various forms of violence, abuse and exploitation.

24. Third, another key challenge faced by many States is the lack of adequate coordination, communication and cooperation among different institutions, including those in charge of child protection, justice, education and health. This leads to delays in the processing of cases, not only for children in conflict with the law, but also for child victims and witnesses of crime. Both groups of children are at the risk of experiencing prolonged trauma as a result of protracted proceedings. Considering that an important objective of the justice system is the protection of children and of their rights and fundamental freedoms, violence against children within that system thwarts its achievement and is counterproductive to any efforts of rehabilitation and reintegration of the child.

25. Since 2015, UNODC has been implementing its Global Programme to End Violence against Children, which is aimed at supporting Member States in preventing and responding to serious forms of violence against children. Recognizing that serious forms of violence against children are not only a crime problem but first and foremost a developmental issue, the Programme adopts an integrated approach involving multidisciplinary efforts and cooperation across different institutions to prevent the phenomenon effectively, as well as to understand its root causes and identify sustainable responses.

26. In recent years, a serious form of violence against children has received specific attention from the international community, namely, the recruitment and exploitation of children by terrorist and violent extremist groups. UNODC has provided in-depth guidance to Member States on how to prevent child involvement with terrorist and violent extremist groups, how to promote the rehabilitation and reintegration of children associated with those groups and how to ensure the appropriate treatment of those children when they are in contact with the justice system. Based on two years of multidisciplinary research carried out in consultation with experts and professionals from various fields of work and from all the regions affected by this problem, UNODC has developed a comprehensive training package on this topic.<sup>10</sup> The package comprises a *Handbook on Children Recruited and Exploited by Terrorist and Violent Extremist Groups: The Role of the Justice System* and three training manuals targeting primarily practitioners from the justice system and policymakers and professionals from other sectors, such as health, education and child protection, who share the responsibility to protect children from violence. On the basis of the experience gained during four years of technical assistance to Member States, UNODC has also developed a “Roadmap on the treatment of children associated with terrorist and violent extremist groups”.

27. Over the past four years, more than 30 countries have received assistance on protecting children from violence committed by terrorist and violent extremist groups, including children affected by the foreign terrorist fighter phenomenon. Employing an integrated approach involving the security, justice, child protection, health and education sectors has proved particularly critical in responding to that phenomenon. Technical assistance has focused on data collection and analysis, support for the development of national legislation and policy, regional and national capacity-building initiatives and the facilitation of coordination mechanisms. In Niger, for example, technical assistance has focused on coordination between justice and child protection authorities, with the joint support and coordinated efforts of multiple United Nations entities, including UNODC. As a result, more than 100 children deprived of liberty for their association with Boko Haram were released from detention and handed over to the child protection system to commence a process of reintegration into their communities.

28. UNODC has also assisted the Government of Lebanon with the adoption of a multidisciplinary approach to the effective rehabilitation and reintegration of children accused of terrorism-related offences who had been deprived of their liberty by enabling various sectors to work together and develop a common strategy.<sup>11</sup> Similarly, UNODC has also supported the Government of Colombia with the adoption of a multidisciplinary approach for protecting children from violence through the establishment of multi-agency coordination and referral mechanisms aimed at widening the use of restorative justice and diversionary measures for promoting the rehabilitation and reintegration of children in conflict with the law.<sup>12</sup>

29. At the global level, a key example of the value of an integrated, inter-agency response to violence against children is the establishment of the Global Partnership to End Violence against Children, comprised of United Nations agencies, Member

<sup>10</sup> Available at <https://spark.adobe.com/page/8tFTfQGYr8Tis/>.

<sup>11</sup> UNODC, *Justice for Children in the Context of Counter-Terrorism: A Training Manual* (Vienna, 2019), pp. 118–119.

<sup>12</sup> E/CN.15/2017/9, para. 42, and 45; E/CN.7/2017/2-E/CN.15/2017/2, para. 67.

States, civil society and the private sector. Under its umbrella, WHO, the United Nations Children's Fund (UNICEF), UNODC and other members produced the "INSPIRE Technical Package". Published in 2018, the package comprises *INSPIRE: Seven Strategies for Ending Violence against Children*, *INSPIRE Indicator Guidance and Results Framework: Ending Violence against Children – How to Define and Measure Change* and *INSPIRE Handbook: Action for Implementing the seven Strategies for Ending Violence against Children*. The INSPIRE seven strategies for ending violence against children concern: implementation and enforcement of laws; norms and values; safe environments; parent and caregiver support; income and economic strengthening; response and support services; and education and life skills. The package is aimed at helping policymakers, planners, practitioners and other key actors to implement the strategies in their countries or settings. As a member of the Advisory and Operational Support Team of the INSPIRE Working Group, UNODC is engaged in disseminating and rolling out the package.

30. In recognition of the need for close inter-agency cooperation, in particular to avoid the overlapping of mandates and the duplication of efforts, UNODC, UNICEF, OHCHR, the Office of Counter-Terrorism of the United Nations, the Global Counterterrorism Forum, the Special Representative of the Secretary-General on Violence against Children and the Special Representative of the Secretary-General for Children and Armed Conflict (whose contributions to the development of legal guidance, policy and tools on the prevention of, and responses to, violence against children perpetrated by armed groups, including terrorist and violent extremist groups, has been critical), the European Union (through the Radicalization Awareness Network) and a number of non-governmental organizations work together to ensure coherent, comprehensive and complementary responses to violence against children.

#### **IV. Meeting the needs of victims through victim-centred, integrated responses to crime**

31. Support and protection for victims remains one of the persistent challenges that criminal justice systems face around the world. Victims of crime are often the most left behind in criminal justice systems. Measures to increase victim support and protection are integral to preventing secondary victimization and revictimization and to increasing the reporting of incidents, thus responding more effectively to crime. Such measures include setting up and expanding victim support and assistance programmes, enabling victims to access legal aid, increasing the use of restorative justice programmes at every stage of the criminal justice process and providing measures to allow for reparations and restitution. In using such measures, it is important to recognize that specific groups of victims and victims of particular types of crimes require specialized responses. The criminal justice system should strive to protect victims and treat them with compassion and respect for their dignity.

32. Since the adoption of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power in 1985 (General Assembly resolution 40/34, annex), efforts have been made at the regional and national levels towards ensuring that the rights of victims are respected and recognized. At the regional level, Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishes minimum standards on the rights, support and protection of victims of crime. It provides victims, among others, with the right to obtain a decision on compensation by the offender and encourages European Union member States to set up mechanisms for recovering compensation payments from the offender. It also imposes an obligation on those States to ensure that victims are offered information on available restorative justice services upon first contact with a competent authority. As an example of a national measure for the protection of the rights of victims, South Africa has published a service charter for victims of crime, which is a consolidation of the present legal framework relating to the rights and services provided to victims of crime in that country.

33. The establishment of coordination mechanisms paves the way for increased support for and protection of victims. In 2018, Victim Support Asia was launched at a conference in the Republic of Korea, bringing together victim support organizations, national institutions and academics. Such regional coordination mechanisms are a welcome development, especially given the increasing globalization of crime and the resulting victimization across borders. Responding to this phenomenon requires both legal and practical reforms to allow victims to receive assistance, support and protection and participate in the justice process remotely, if they are no longer present in the country where they were victims of criminal acts.

34. Access to legal aid is another measure that can increase support and protection for victims of crime (see A/CONF.234/6). Legal aid is an essential condition for the exercise and enjoyment of a number of fundamental rights, including the right to an effective remedy. While the right to legal aid for victims of crime is not codified in international law, the benefits of providing legal aid services to those victims who cannot afford a criminal defence are widely recognized and provided for in international standards and norms, such as the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems (General Assembly resolution 67/187, annex). Providing access to free legal aid services to victims who could not otherwise afford them enables them to obtain guidance on the legal measures that they may employ to obtain redress and seek remedy for the harm that they have suffered, thereby contributing to protecting and safeguarding the rights of victims in criminal justice processes.

35. The importance of addressing the needs of victims to have meaningful access to justice is underlined in indicator 16.3.1 of Sustainable Development Goal 16, namely, “Proportion of victims of violence in the previous 12 months who reported their victimization to competent authorities or other officially recognized conflict resolution mechanisms”. It is crucial that, in this context, access to legal aid services be provided to victims at the earliest possible stage after they have reported their victimization or after competent services have learned about it in other ways, so that victims may take full advantage of the support available to them. This requires efficient and sustained coordination among the various sectors that provide services to victims or serve as their entry point to the criminal justice system. Front-line responders are often in the best position to assess whether victimization has occurred, and which needs should be catered for in each case.

36. Access to high-quality legal aid services is particularly important for women offenders, who typically come from disadvantaged and marginalized backgrounds. Many of them have previously been the victims of domestic or sexual violence, and their economic circumstances often prevent them from reporting those crimes. The crimes that they themselves commit tend in many cases to be minor offences that relate to their social situation or past victimization. Thus, providing adequate legal aid services to them at the time of their first victimization, for example, by increasing their personal safety by issuing restraining orders against the persons who harmed them, or offering remedies that may strengthen their economic situation, could be a critical measure in preventing future offences. In this regard, it is notable that, among the Member States responding to surveys used in the UNDP/UNODC *Global Study on Legal Aid: Global Report* of 2016, 50 per cent of the least developed and lower-middle-income countries and more than 60 per cent of upper-middle-income and high-income countries reported that legal aid advice and court support services were provided to female victims of violence in all legal proceedings.<sup>13</sup>

37. Legal aid provided to victims have the greatest potential for impact in post-conflict societies, where it can support the legal empowerment of the most vulnerable and positively affect reconciliation efforts. For example, comprehensive services provided by legal clinics in the Democratic Republic of the Congo have helped victims to reintegrate into their communities and “regain control” over their lives through legal, medical and psychological support. In Guatemala, civil society

<sup>13</sup> UNODC and UNDP, *Global Study on Legal Aid: Global Report* (New York, 2016), p. 78.

organizations provided legal and psychological assistance to victims of human rights violations as part of the transitional justice process.<sup>14</sup> For those efforts to be successful, multi-agency coordination was essential to providing the support that victims needed, which went beyond legal needs and included health and welfare needs.

38. Moreover, integrating community paralegals or volunteers as legal aid service providers can further support the legal empowerment of victims. Under such a scheme, which is applied in many countries in Africa and increasingly in other regions, paralegals and volunteers with legal knowledge provide assistance to those who need it, including victims. Experience has shown that such schemes contribute significantly to legal empowerment. For example, instead of treating victims as people requiring the service of an expert, through a “I will solve this problem for you” approach, paralegals often empower the victim as an equal, that is, “we will solve this together, and when we are done, you will be in a stronger position to tackle problems like these in the future”.<sup>15</sup>

39. Restorative justice processes, such as victim-offender mediation or family or community group meetings or circles, constitute another useful mechanism that can provide additional support to victims. By recognizing that criminal behaviour is not only a violation of the law but also a source of pain for victims, their families and members of the community, restorative justice gives those affected by crime a voice and an opportunity to participate in the resolution of a crime in a way that conventional criminal justice processes do not.

40. As a participative approach to addressing crime, restorative justice necessarily requires a coordinated response within and outside the criminal justice system. As restorative justice programmes rely upon referrals from other criminal justice actors, such as the police, prosecutors, legal aid providers, judges, probation and parole officers and prison staff, multi-agency cooperation within the criminal justice system is essential for the successful delivery of restorative justice services. Furthermore, most restorative justice processes include a role for the community, which may take the form of a community of support for both the victim and the offender. As such, it requires sustained coordination and information-sharing with those outside the criminal justice system, such as social welfare agencies, victim support organizations and other community-based organizations. Establishing and maintaining such partnerships are crucial to meet the objectives of restorative justice programmes.

41. In many countries, legal and policy reforms that have increased the support and protection provided to victims have been a result of coordinated multisector advocacy by victim support groups or of pressure from public opinion after a particular crime and the treatment received by its victims have received important media attention. While specific legislation and procedure may be necessary to address the particular needs and vulnerabilities of certain categories of victims, evidence shows that it is important to invest in long-term nationally owned and adequately funded reform and integrated programmes addressing the rights of all victims to access justice and to receive protection and support.

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<sup>14</sup> Ibid., p. II. The *Global Study on Legal Aid* includes further examples on services for victims of gender-based violence, for example on pages 25, 29, 30. Innovative approaches making use of new technology to reach victims of gender-based violence can also be found on page 162. More examples of different types of victim-focused services are provided throughout the *Global Study*.

<sup>15</sup> See UNODC and UNDP, *Global Study on Legal Aid*, p. 42.

## V. Conclusions and recommendations

42. Taking into account the outcomes of the regional preparatory meetings, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice may wish to consider the following recommendations to Member States and the international community:

(a) Adopt and implement long-term crime prevention and criminal justice reform policies, strategies, plans and programmes that are knowledge-based and multisectoral, cutting across ministries and engaging public participation, to ensure the full implementation of existing United Nations standards and norms in crime prevention and criminal justice;

(b) Use and apply relevant tools developed by UNODC in close cooperation with other stakeholders, such as handbooks, training materials and model laws, when developing and implementing crime prevention and criminal justice reform strategies, policies and programmes, and consider requesting the technical assistance of UNODC when embarking on the development and implementation of crime prevention and criminal justice reform strategies, policies and programmes.

43. In the area of criminal justice responses to violence against women, the Fourteenth Congress may wish to consider the following recommendations:

(a) Develop and implement integrated policies and programmes to prevent and eliminate violence against women, paying special attention to coordination among different agencies of the criminal justice system and relevant service providers;

(b) Promote gender-sensitive approaches to crime prevention and criminal justice and ensure that gender-specific measures are an integral part of national crime prevention and criminal justice policies;

(c) Strengthen and develop a comprehensive and integrated approach to addressing access to justice and redress for women, including the provision of a set of essential services for women and girls subject to violence in line with the *Essential Services Package for Women and Girls Subject to Violence* developed by UN-Women, UNFPA, WHO, UNODC and UNDP;

(d) Enhance the representation of women professionals in the criminal justice system, in particular at the senior level.

44. In the area of criminal justice responses to violence against children, the Fourteenth Congress may wish to consider the following recommendations:

(a) Strengthen the capacity of criminal justice professionals to operate effectively within the framework of the rule of law while paying particular attention to the specific rights and needs of children, with a view to preventing and responding to violence against children;

(b) Establish or strengthen existing juvenile justice systems, to ensure that they are fair, transparent and child-sensitive. Taking into account the vulnerability of children to violence when they are in closed settings, reduce the use of imprisonment, refrain from lowering the age of criminal responsibility and from implementing punitive approaches to children in conflict with the law, make full use of alternatives to imprisonment, restorative justice and diversion measures, and establish monitoring and reporting mechanisms, as provided by the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice;

(c) Ensure that child victims of violence and their families have access to support and information and that adequate referral systems to gender sensitive services outside of the criminal justice sphere exist to ensure they are able to gain access to special services, physical and mental health care and protection mechanisms in a timely manner;

(d) Establish or strengthen multidisciplinary and multi-agency and sectoral coordination mechanisms and interoperability among security, education, health, child protection and other relevant systems to prevent and respond to all forms of violence against children, including by providing appropriate responses to child victims and witnesses of crime and violence that are “trauma-informed” and evidence-based;

(e) Consider children recruited and exploited by organized criminal groups, armed groups and terrorist and violent extremist groups primarily as victims, prevent the stigmatization of such children and ensure that interventions regarding these children have their rehabilitation, reintegration and best interests as key objectives. If such children are to be held responsible for any criminal acts, ensure that they are held accountable under a specialized juvenile justice system and benefit from all relevant legal safeguards.

45. To better apply victim-centred approaches to crime, the Fourteenth Congress may wish to consider the following recommendations:

(a) Reform laws, policies and practices to ensure that the rights and needs of victims of all types of crimes are respected and implemented, including in cross-border cases, allow victim support organizations to play a key role in policy-setting and victim support, reform legislation, as needed, to provide all victims with standing in court, develop victim-centred approaches to access to justice, establish victim compensation and reparation programmes and funds, and ensure that victims are protected from stigmatization, blaming and retaliation, in particular in the case of women and other victims of sexual and gender-based violence;

(b) Develop and implement measures to improve meaningful and effective access to justice for victims, including access to free legal aid services, in particular for vulnerable members of society, and identify and implement practices that have proved to lead to higher crime reporting by victims;

(c) Increase the use of restorative justice programmes, including by: providing a wide range of restorative justice options at every stage of criminal justice proceedings; developing legislative frameworks to establish and facilitate access to restorative justice programmes and ensure procedural safeguards in line with the basic principles on the use of restorative justice programmes in criminal matters (Economic and Social Council resolution 2002/12, annex), with due regard for the principle of proportionality, the protection of society, the rights of victims and the fundamental rights of offenders; and making available sufficient resources to ensure that the services are of high quality and delivered in coordination with relevant support services, and that relevant stakeholders, including the judiciary, receive adequate and sustained information and training;

(d) Promote data collection, monitoring and evaluation to broaden the evidence base on restorative justice, including its usefulness in preventing crime, victimization and reoffending;

(e) Develop and implement legislation, as well as integrated policies and programmes for victim support, assistance and protection, with the objective of putting victims at the centre of the criminal justice system.