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**Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration**

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**Working paper prepared by the Secretariat**

## *Summary*

The present working paper addresses multidimensional approaches to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation. The interconnection between sustainable development and the advancement of the rule of law is highlighted. In the paper, comprehensive and integrated approaches to crime prevention and criminal justice reforms are examined as part of a broader agenda to create an environment conducive to sustainable development.

\* A/CONF.234/1.



## I. Introduction: substantive background

1. Sustainable Development Goal 16 is to promote peaceful and inclusive societies and provide access to justice for all. Access to justice refers to the ability of people to seek and obtain a remedy through formal or informal institutions of justice in conformity with rule of law principles and human rights standards. This requires a comprehensive and multidimensional approach by Member States that involves all actors in the criminal justice system, with attention paid to measures that respect and protect the rights of vulnerable members of society and groups with special needs in the criminal justice system, such as women, children and victims of crime.

2. Effective, accountable, impartial and inclusive institutions are central to meeting Sustainable Development Goal 16. To achieve peace, justice and inclusion, Governments, civil society and communities must work together to implement lasting solutions to reduce violence, deliver justice, combat corruption and ensure inclusive participation. Accountable institutions, in particular, are inherent to the promotion of the rule of law.

3. In the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, adopted by the Thirteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Doha from 12 to 19 April 2015, Member States expressed their commitment to promoting a culture of lawfulness based on the protection of human rights and the rule of law while respecting cultural identity, with particular emphasis on children and youth, seeking the support of civil society and intensifying prevention efforts and measures targeting the full potential of families, schools, religious and cultural institutions, community organizations and the private sector in order to address the social and economic root causes of crime.

4. Criminal justice institutions have multiple accountability responsibilities. They must be accountable for the protection of society, in adherence to the principles of the rule of law, justice, peace and security. At the same time, they must be accountable to the individual members of society who seek fair administration and delivery of justice, particularly victims of crime, persons accused of committing a crime and persons at high risk of abuse and exploitation, including women, children, the poor and minorities.

5. Accountability within criminal justice institutions requires a multifaceted approach. In the first instance, it must be promoted at the institutional level so that policies and procedures are in place to prevent and discourage corruption, facilitate access to justice and carry out institutional functions in an effective and efficient manner. Moreover, criminal justice professionals – police officers, prosecutors, judges, and court and prison staff – must maintain superior standards of personal integrity and ethics, and serve their institutions and the public with high regard for principles of justice, objectivity and fairness. In support of these objectives, the United Nations Office on Drugs and Crime (UNODC), under its Global Programme for the Implementation of the Doha Declaration, has, inter alia, launched the Global Judicial Integrity Network as a platform for judges and other justice sector stakeholders to exchange good practices, develop new tools and materials relevant to upholding the integrity and accountability of the judiciary and the prosecution service, as well as provide access to existing ones, and, where requested, facilitate technical cooperation among judiciaries around the globe.

6. Integrating the rule of law into all levels of education enables young people to become positive agents of change by considering the roles they may play in the promotion of a culture of lawfulness.<sup>1</sup> This also addresses cross-cutting issues such

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<sup>1</sup> At the twenty-sixth session of the Commission on Crime Prevention and Criminal Justice, there was a widely shared understanding of fostering a culture of lawfulness in this agenda item as an

as human rights, global citizenship and gender equality. Social crime prevention programmes may also support the promotion of a culture of lawfulness by fostering protective factors through non-stigmatizing social and economic development programmes, including skills training with a focus on at-risk youth.

7. Following the Thirteenth Congress, at which the importance of education for promoting a culture of lawfulness was expressly recognized,<sup>2</sup> UNODC, under its Global Programme for the Implementation of the Doha Declaration, launched two related initiatives: Education for Justice; and “Line Up, Live Up”, on youth crime prevention through sports. The latter is focused on using sport as a vehicle to train children and youth in social and life skills and thereby address important risk factors for crime and violence. The Education for Justice initiative is focused on education on the rule of law, crime prevention and criminal justice at the primary, secondary and tertiary education levels. The programmes respond to the different needs of young people in formal and life skills education and training.<sup>3</sup>

## II. Access to justice for all

### A. Background

8. Access to justice is a key component of the concept of justice.<sup>4</sup> If justice is not accessible, people are unable to exercise their rights, challenge discrimination or hold decision-makers accountable. Access to justice refers to the ability of people to seek and obtain a remedy through formal or informal institutions of justice in conformity with rule of law principles and human rights standards.<sup>5</sup>

9. The centrality of ensuring access to justice for all people has been recognized by the international community on several important occasions. In 2012, in the declaration of the high-level meeting of the General Assembly on the rule of law at the national and international levels (General Assembly resolution 67/1), Member States emphasized the right of equal access to justice for all, including members of vulnerable groups, and the importance of awareness-raising concerning legal rights. They also committed to taking all necessary steps to provide fair, transparent, effective, non-discriminatory and accountable services that promoted access to justice for all, including legal aid. Recognizing the importance of ensuring that women fully enjoy the benefits of the rule of law, Member States expressed their commitment to using law to uphold their equal rights and secure their empowerment and full access to justice.

10. With the adoption of the Doha Declaration, Member States reaffirmed their commitment to providing access to justice for all and, to that end, they stated that they would endeavour, inter alia, to ensure the right of everyone to a fair trial without undue delay by a competent, independent and impartial tribunal established by law and to equal access to justice with due process safeguards. They also undertook to review and reform legal aid policies for expansion of access to effective legal aid in criminal proceedings for those without sufficient means or when the interests of justice so required and to build capacities to provide and ensure access to effective

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approach by Governments towards the general public to promote trust and respect for the law and its enforcement (E/2017/30, para. 112).

<sup>2</sup> Doha Declaration, para. 10 (c).

<sup>3</sup> See also the report of the Secretariat on the outcome of the expert group meeting on integrating sport into youth crime prevention and criminal justice strategies (A/CONF.234/14-E/CN.15/2020/14).

<sup>4</sup> According to the definition provided in the report of the Secretary-General on the rule of law and transitional justice in conflict and post-conflict societies (S/2004/616, para. 7), “justice” is an ideal of accountability and fairness in the protection and vindication of rights and the prevention and punishment of wrongs. Justice implies regard for the rights of the accused, for the interests of victims and for the well-being of society at large.

<sup>5</sup> United Nations Development Programme (UNDP), *Programming for Justice: Access for All – A Practitioner’s Guide to a Human Rights-based Approach to Access to Justice* (Bangkok, 2005), p. 5.

legal aid in all matters and all forms, taking into account the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems.

11. The centrality of access to justice for all people for the upholding of the rule of law was fully reaffirmed with the adoption of the Sustainable Development Goals in 2015. With the adoption of target 16.3 of the Goals, the international community undertook the commitment to promote the rule of law at the national and international levels and to ensure equal access to justice for all.

## **B. Measures to promote access to justice**

12. Ensuring that all people have access to justice requires a comprehensive and multidimensional approach by Member States that involves all actors in the criminal justice system and in which due attention is paid to measures that respect and protect the rights of vulnerable members of society and groups with special needs in the criminal justice system, including women, children, victims of crime, indigenous peoples and migrants. As indicated in the *Global Study on Legal Aid*,<sup>6</sup> only when concerted efforts are made towards crucial reforms, such as reducing excessive and arbitrary pretrial detention, improving the capacity of States to respond to violence against women and children and enhancing the independence of judges and lawyers, can access to justice for all truly be achieved.

13. Access to justice for all entails States having in place measures to improve and broaden public access to legal information by using accessible language and information technology, as well as by paying due regard to particular language needs and cultural specificities. In addition, prompt and effective access to justice for everybody requires the adoption of policies and measures to bring criminal justice systems closer to citizens, including by decentralizing relevant institutions and by ensuring that criminal justice entities are representative of the whole population.

14. Because of their higher levels of poverty and exclusion and in view of the power dynamics that still exist within families, communities and societies, women still face barriers in their capacity as claimants, victims, witnesses or offenders, often driven by institutional, policy and legislative failures to remove discrimination, gender bias, stereotyping, stigma, indifference, corruption and impunity. Ensuring access to justice for women, particularly those belonging to the more marginalized sectors of society, is a means of implementing women's rights, is central to sustaining peace and the rule of law, contributes to combating impunity for crimes against women, combats poverty and exclusion and protects women from economic exploitation and abuse. Making sure that women have full access to justice requires that States reform formal and informal legal norms that discriminate against women, including addressing the lack of gender-responsive legislations, where appropriate; reform justice institutions, including criminal justice ones, to make them effective, accountable and gender-responsive; and legally empower women.<sup>7</sup>

15. Answering the call of the 2030 Agenda to leave no one behind and to prioritize the more marginalized, which in many cases means women, UNODC, in cooperation with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women), the United Nations Development Programme (UNDP) and the Office of the United Nations High Commissioner for Human Rights (OHCHR), launched *A Practitioner's Toolkit on Women's Access to Justice Programming* with the aims of ensuring that justice systems are non-discriminatory and inclusive, and of informing and inspiring comprehensive, rights-based access to justice programming that recognizes women's rights as indivisible and interdependent. Furthermore, with a view to strengthening access to justice for women and girls subject to violence, in

<sup>6</sup> UNODC and UNDP (2016).

<sup>7</sup> United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and others, *A Practitioner's Toolkit on Women's Access to Justice Programming* (2018).

2019, UNODC developed the Global Programme on Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women.<sup>8</sup>

16. Recognizing the importance of strengthening access to justice for women, in recent years, UNODC has increased its activities to support countries in this area. In Viet Nam, the Office provided policy advice and technical support in implementing legal and judicial reform to increase access to justice, enhanced the capacity of legal and judicial professionals to provide high-quality services, and strengthened the national legal framework for legal aid in line with international standards. In particular, UNODC, in partnership with other relevant United Nations agencies, supported the revision of the law on legal aid, adopted by the National Assembly in June 2017, which has increased the categories of legal aid beneficiaries: it now includes all children (those aged under 16, according to Vietnamese law), victims of domestic violence, victims of trafficking in persons and people aged between 16 and 18 who are accused of committing a crime or who are victims of crime and are in difficult financial situations. The Office has also supported the National Legal Aid Agency, the Ministry of Public Security and the Supreme People's Procuracy to develop training curricula on providing legal assistance to victims of violence against women, with specialized training courses delivered to more than 1,000 criminal justice officers and legal aid providers. As part of a joint project in Liberia, Senegal and Sierra Leone, UNODC and UN-Women supported the capacity-building of legal aid providers to deliver tailored services to female offenders and victims of crime, and strengthened the legal empowerment of women, in cooperation with OHCHR, government agencies and civil society.

17. Violence against children has a severe impact on children's physical and mental health, as it affects their current and future well-being in multiple ways. Children, owing to their physical and mental development, need special safeguards, and part of those is the promotion of effective access to justice. UNODC, through its Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice, which covers all types of violence against children, independently of the setting in which it occurs, has been proactively supporting Member States by delivering technical assistance at the global, regional and country levels, including through awareness-raising activities, supporting the development or strengthening of legal and policy frameworks in accordance with applicable international law, conducting national, regional and online training for justice and child protection professionals, developing handbooks and tools and carrying out technical assistance needs assessments.<sup>9</sup>

18. Addressing access to justice in the context of trafficking in persons is critically important and requires the participation of multiple actors across the justice system and in Government, civil society and the public sector. Access to justice requires laws, programmes and policies that facilitate the clear and early identification of victims. A failure to properly identify victims can result in various negative consequences, including denial of rights, an inability to access services, a failure to investigate and prosecute offenders, removal from a country in which the victim has no right of residence and, in certain cases, the charging and prosecution of victims for crimes that they were compelled to commit as victims.

19. Identification of victims must be followed by appropriate support that contributes to their physical, social and psychological recovery, that recognizes the autonomy of trafficked persons and that respects their privacy and, where possible, the importance of confidentiality. Such measures should enable the participation of victims at all stages of the criminal justice system, in addition to the provision of legal aid or legal representation and information about the criminal justice process. It can

<sup>8</sup> See also the working paper on comprehensive strategies for crime prevention towards social and economic development A/CONF.234/4.

<sup>9</sup> For more information on the work of UNODC to end violence against children, see the working paper on integrated approaches to challenges facing the criminal justice system (A/CONF.234/5), paras. 25–30.

also include measures to enable victims to participate as witnesses in the criminal justice process in a manner that recognizes their circumstances and the context of trafficking in persons as a gendered crime that involves clear power imbalances between the accused and victim. The use of testimonial aids, support persons, publication bans or other measures can facilitate victim participation, support the truth-seeking function of the courts and respect the fair trial rights of the accused. Additional provisions that enable victims to share their views as part of the sentencing process and that enable victims the possibility of seeking compensation for harm suffered are also effective in supporting access to justice. Access to justice measures should be evaluated on a regular basis and reflect the experiences and perspectives of those they support.

20. Through its policy development and normative work, including the forthcoming, revised version of the *Legislative Guide for the Implementation of the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, Supplementing the United Nations Convention against Transnational Organized Crime* and the *Model Law against Trafficking in Persons*, as well as its technical assistance work in countries around the world, UNODC promotes action on these and other issues to enable meaningful access to justice for victims of trafficking in persons.<sup>10</sup>

21. Legal aid is a key component of access to justice. It translates into access to justice for the poor, marginalized and disadvantaged and, when provided at no cost, protects those who are detained, arrested or imprisoned, suspected, accused of or charged with a criminal offence, as well as victims and witnesses, who do not have the means to defend and enforce their rights in the criminal justice system.<sup>11</sup> It has an impact on families and communities, as it helps reduce the length of time suspects are held in detention, the number of wrongful convictions, the incidence of justice mismanagement and rates of reoffending and revictimization. Its crucial role was recognized in the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and in the framework of the implementation of the Global Programme on Addressing Prison Challenges. The assistance provided by UNODC is focused on supporting States in implementing the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems through building capacity to respond to local needs and developing practical tools that can be applied across regions.<sup>12</sup> The Office continues to bring together experts at global, regional and national levels to exchange experiences and discuss innovative practices that can help overcome obstacles to accessing justice.

22. As indicated in the *Global Study on Legal Aid*, progress in establishing national legal and policy frameworks may be observed across all development levels, while challenges remain, particularly regarding enhancing the nationwide scope and quality of services, as well as reaching groups with specific rights and needs in the justice system, such as women and children. Across the world, innovative projects are aimed at fostering partnerships with actors in the health and education sectors and use is made of new technology to reach clients in remote areas, as well as to educate and train providers in a cost-efficient manner.

23. One of the key measures in increasing access to justice is the use of restorative justice. It is often observed that the criminal justice system's focus on offender accountability has led to its processes being entirely offender-centric. In other words,

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<sup>10</sup> See also Inter-Agency Coordination Group against Trafficking in Persons, "Providing effective remedies for victims of trafficking in persons", Issue Paper (Vienna, UNODC, 2016); and UNODC, *Evidential Issues in Trafficking in Persons Cases: Case Digest* (Vienna, 2017).

<sup>11</sup> Further information on meeting the needs of victims, including their right to access justice and remedies, is contained in A/CONF.234/5, paras. 31–41.

<sup>12</sup> See UNODC, *Model Law on Legal Aid in Criminal Justice Systems with Commentaries* (Vienna, 2017); UNODC, *Handbook on Ensuring Quality of Legal Aid Services in Criminal Justice Processes: Practical Guidance and Promising Practices* (Vienna, 2019); and the tools developed as part of projects, such as a training manual on legal aid for women in Liberia, Senegal, and Sierra Leone.

once a case is initiated in the criminal justice system, it is typically only the offender who participates in its processes, from arrest, prosecution and sentencing to post-sentencing. Restorative justice, as a flexible and participatory approach to criminal justice that can be complementary to criminal justice proceedings, as well as an alternative to them, gives an opportunity to all those affected by the crime to take part in addressing and repairing the harm caused by it. Through restorative processes such as victim-offender mediation and family or community group conferences and circles, restorative justice widens access to justice for all those affected by the crime and not just for those in conflict with the law.

24. In recognition of the potential benefits of restorative justice, UNODC has undertaken a range of activities aimed at promoting its wider use. As part of this effort, UNODC convened the expert group meeting on restorative justice in criminal matters in Ottawa from 22 to 24 November 2017, to review the use and application of the basic principles on the use of restorative justice programmes in criminal matters, as well as new developments and innovative approaches in the area of restorative justice. Furthermore, UNODC has updated the *Handbook on Restorative Justice Programmes*, the draft of which was validated at an expert group meeting held in Bangkok in June 2019, and developed the *Training Curriculum on Restorative Justice*, piloted in October 2019 at a regional training workshop held also in Bangkok.

### III. Effective, accountable, impartial and inclusive institutions

25. Corruption is a major obstacle to social and economic development and it undermines objective decision-making, public trust and access to justice. However, corruption is a challenge that persists in many forms and at many levels and continues to taint many criminal justice institutions.

26. The United Nations Convention against Corruption provides a comprehensive framework for States to build effective and strong institutions free from corruption that operate on the principles of integrity, accountability and transparency.

27. Effective, accountable, impartial and inclusive institutions are also central to achieving Sustainable Development Goal 16. States should therefore strengthen their efforts to implement lasting solutions and undergo legal reforms to ensure that their institutions, in particular criminal justice institutions, deliver justice, are free from corruption and other criminal behaviour, and promote the rule of law.

28. Criminal justice institutions have multiple accountability responsibilities. They must be accountable for the protection of society, in adherence to the principles of the rule of law, justice, peace and security; at the same time, they must be accountable to the individual members of society who seek fair administration and delivery of justice.

29. Accountability also needs to go hand-in-hand with effectiveness, impartiality, integrity, transparency, competence and inclusiveness. Criminal justice institutions are required to facilitate access to justice and carry out institutional functions in an effective and efficient manner. To build institutions that function on the basis of those principles, a multifaceted approach is required.

30. For the judiciary, all efforts should also be based on the principle of judicial independence, as stipulated in article 11 of the Convention against Corruption. The *Implementation Guide and Evaluative Framework for Article 11*<sup>13</sup> was specifically developed to assist States in assessing their level of compliance with the requirements of article 11. In 2018, under its Global Programme for the Implementation of the Doha Declaration, UNODC launched the Global Judicial Integrity Network as a platform to support judiciaries in the development and implementation of strategies, measures and systems to strengthen integrity and accountability in the justice system. The Network creates networking opportunities for judges, facilitates information-sharing

<sup>13</sup> UNODC (Vienna, 2015).

and dissemination of existing resources, and responds to existing and emerging challenges related to judicial integrity. To address these emerging challenges, the Network is documenting and analysing good practices and experiences to prepare practical tools, guidance materials and knowledge products, as well as working to identify and address technical assistance needs, including facilitating peer-to-peer support and learning opportunities.

31. Reliable data and data analysis should be the driving force behind criminal justice reforms. Data are a key ingredient in understanding the functioning of criminal justice systems, and data collection and analysis are important tools for improving criminal justice institutions and addressing specific challenges. Moreover, data and statistics should be collected on the capacity and performance of criminal justice practitioners. Methodologies, indicators and analytical approaches should be developed in this regard. The importance of the user-centred approach should be understood, in particular the importance of measuring the perceptions of those affected by crime or involved in the criminal justice process with regard to 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 gathering and analysis of reliable data should accompany all areas of the functioning and delivery of justice.<sup>14</sup>

32. Given the fast pace of innovation and new technologies, Member States should take them into consideration when developing strategies, policies and programmes. Innovation and the use of technology are cross-cutting issues that should play a key role in identifying challenges and proposing avenues for change. Because of new technologies, the traditional tasks and responsibilities of criminal justice officials are also being redefined. Technologies now have an impact on the administration of institutions, case management, assignments and decision-making. New systems have been introduced in many countries based on the use of artificial intelligence or predictive algorithms. The use of artificial intelligence poses many opportunities, but also poses risks. For example, with regard to the judiciary, artificial intelligence's ability to process myriad data quickly and accurately makes it a valuable tool for judiciaries with a high workload. It builds upon existing forms of technology used in court administration to provide a great opportunity to increase judicial efficiency and potentially ensure the consistent fulfilment of judicial functions and increase public confidence in the judiciary. However, artificial intelligence poses significant challenges for judiciaries in terms of reliability, transparency and accountability. For example, in cases where machine learning and predictive analysis are involved in the judicial decision-making process, there is a risk that technical tools are replacing the discretionary power of judges. Under its workplan for the period 2018–2019, the Global Judicial Integrity Network has focused on this area and has promoted a dialogue on the opportunities and risks that these measures pose to judicial integrity, independence, impartiality and accountability.<sup>15</sup>

33. In an era in which social media has become an important part of the social life of many people and communities, it is important to understand the opportunities and risks of its use. Given the nature of criminal justice institutions and the importance of public confidence in their integrity and impartiality, the use of social media by public officials may raise specific questions that should be addressed. For example, the Global Judicial Integrity Network developed non-binding guidelines on the use of social media by judges. The guidelines address issues such as risks and opportunities

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<sup>14</sup> See also the background paper on the workshop on evidence-based crime prevention (A/CONF.234/8).

<sup>15</sup> The workplan of the Network was endorsed by the Advisory Board of the initiative. The Advisory Board was created at the launch event of the Network in April 2018 and comprises 10 senior judges and representatives from judicial associations, including the Special Rapporteur on the independence of judges and lawyers. See also the background paper on the workshop on current crime trends, recent developments and emerging solutions, in particular new technologies as means for and tools against crime (A/CONF.234/11).

in judges' awareness and use of social media, identification on social media, content and behaviour, online friendships and relationships, and training.

34. In addition, Member States should consider focusing on ways and means to enhance the general public's knowledge of and respect for the law and its enforcement. In this regard, efforts could be undertaken to promote public awareness in the communities about the existence of laws, legal remedies and legal aid services, including through using modern technology such as social media.

35. Mainstreaming a gender perspective and gender-sensitive approaches into the criminal justice systems is key to understanding the important role and specific needs of women and girls and to ensuring that policies, programmes and actions address crime effectively. Some of the areas that States should focus on include the need to implement effective strategies for the advancement of women at the leadership, managerial and other levels and the need for the continued promotion of the full participation of women; the need for criminal justice institutions to be gender-sensitive; and the need to implement a victim-centred approach to preventing and countering crime and protecting and empowering victims. Under its workplan for the period 2018–2019, the Global Judicial Integrity Network has been addressing gender-related judicial integrity issues such as “sextortion”, sexual harassment, discrimination on the basis of gender, gender stereotyping, gender bias and sexual impropriety. The Network has developed a dedicated issue paper on the topic with the aim of identifying existing challenges and good practices and making recommendations on how to develop regional and national standards on gender-related judicial integrity issues.

36. Criminal justice practitioners must maintain superior standards of personal integrity and ethics and serve their institutions and the public with high regard for the principles of justice, objectivity and fairness. In this regard, it is important that States develop and implement standards and codes of professional conduct or ethics. States should increase their understanding of the impact of such measures on the relationship between criminal justice institutions and their beneficiaries, in particular in terms of public perception, as well as trust and confidence in the criminal justice institutions. In addition, criminal justice practitioners should receive effective training on the implementation of standards or codes of conduct and ethics. Building the capacity of criminal justice practitioners contributes to establishing the public's trust in and respect for the law and its enforcement and therefore may be an important measure that contributes to fostering a culture of lawfulness. In support of these objectives, the Global Judicial Integrity Network has developed a comprehensive package of judicial ethics training tools with the aim of providing newly appointed and serving members of the judiciary with a solid understanding of the Bangalore Principles of Judicial Conduct and the requirements of article 11 of the Convention against Corruption. The package consists of an interactive and widely applicable e-learning course, a self-directed course for environments where access to the Internet may be a challenge, and a trainers' manual for the organization of in-person training activities. Over 40 jurisdictions worldwide have already begun testing the new tools, and more jurisdictions have expressed great interest in becoming pilot sites and benefiting from the support provided by UNODC. In addition, the Global Judicial Integrity Network is currently developing a practical guide on how to develop and implement effective codes of judicial conduct.

37. Bearing in mind that institutions do not work in a vacuum but are part of a broader system of relevant bodies, it is important to enhance cooperation between institutions as an essential technique to strengthen the rule of law. Effective coordination mechanisms should be in place, including through setting up official coordination bodies or committees, developing agreed protocols or setting up round-table meetings that enable practitioners to cooperate in a standardized manner.

38. With a view to ensuring strong and effective criminal justice institutions, effective oversight and inspection mechanisms and institutions are necessary for the improvement of professional conduct, integrity and respect for human rights.

Monitoring and evaluation of the work of institutions should be ensured, while guaranteeing the necessary judicial independence and, where applicable, the independence of prosecution services.

39. The need to promote partnerships with and the inclusion of civil society organizations in crime prevention and criminal justice should be emphasized. Civil society plays an important role in providing information on the needs of the public, holding criminal justice institutions accountable to citizens, defending human rights, and educating the public. Coordination and cooperation with civil society in crime prevention and criminal justice is thus a key ingredient to achieving justice and the rule of law.

#### **IV. Social, educational and other relevant measures**

40. The achievement of the Sustainable Development Goals is the collective responsibility of Governments (at the international, regional and local levels), civil society, the private sector and society as a whole. Therefore, promoting the rule of law at the national and international levels, especially with a view to fostering a culture of lawfulness, depends on cooperation between different stakeholders and sectors of society, including actors working on social crime prevention<sup>16</sup> and the education sector.

41. Education can play a key role in fostering a culture of lawfulness and engaging society at large in the promotion of the rule of law. At the primary and secondary education levels, educators can encourage learners to value and apply the principles of the rule of law in their daily lives, allowing them to make decisions that are ethically responsible. Moreover, education can equip learners with the appropriate knowledge, values, attitudes and behaviours they need to contribute to the continued improvement and regeneration of the rule of law in society more broadly.<sup>17</sup> At the tertiary level, the education sector produces in-depth knowledge that may inform policymaking, and it provides expert knowledge and capacity-building to the next generation of professionals, many of whom will be at the forefront of promoting the rule of law.<sup>18</sup>

42. The Doha Declaration constitutes an important milestone in considering education as key to promoting the rule of law and fostering a culture of lawfulness. Specifically, the aspects of it pertaining to social, education and other relevant measures are noteworthy for two main reasons. First, the Declaration contains a strong emphasis on multi-stakeholder involvement, including the involvement of youth,<sup>19</sup> to promote the rule of law. In fact, the Doha Declaration is the first major United Nations political declaration to acknowledge the importance of youth in the promotion of the rule of law.<sup>20</sup> Second, the emphasis in the Declaration on multi-stakeholder involvement entails not only considerations on how different groups can benefit from the rule of law, but also on how they can support Governments in promoting it.

43. These two elements within the Doha Declaration exemplify the international community's shift towards more inclusive policymaking in promoting the rule of law, as well as a key group that must be considered: young people. Accordingly, while promoting the rule of law is ever more dependent on the involvement of youth, it also entails close partnerships with sectors and stakeholders that are crucial for setting enabling environments that allow for meaningful engagement with young people and that allow benefits to reach them. Examples of such sectors and stakeholders include

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<sup>16</sup> For more information on social crime prevention issues, see A/CONF.234/4.

<sup>17</sup> For more information on the role of education in promoting the rule of law, see United Nations Educational, Scientific and Cultural Organization and UNODC, *Strengthening the rule of law through education: a guide for policymakers* (2019).

<sup>18</sup> See also A/CONF.234/4.

<sup>19</sup> For the purposes of this document, the terms "youth" and "young people" are used interchangeably.

<sup>20</sup> Doha Declaration, para. 7.

education, in formal, non-formal and informal settings,<sup>21</sup> and those engaged in crime prevention activities.

44. Similar to the Doha Declaration, two cross-cutting principles of the 2030 Agenda are particularly relevant. The first relates to the principle of leaving no one behind, and the second pertains to the importance attributed to partnerships for supporting the implementation of the Sustainable Development Goals. Accordingly, the development of multidimensional approaches by Governments to promoting the rule of law must give due consideration to the involvement of the broadest possible group of stakeholders, including children, youth and the education sector. By doing so, Governments also foster and rely on partnerships that can catalyse the achievement of the 2030 Agenda, particularly Goals 16 and related Goals.

45. In addition, Security Council resolution [2250 \(2015\)](#), which was adopted in the same year as the Doha Declaration and the 2030 Agenda, further contributes to the assertion that the involvement of multiple stakeholders, especially youth, is key to promoting the rule of law at the national and international levels. The implementation of these multilateral documents has since gained significant traction among youth. Building on this impetus, the Envoy of the Secretary-General on Youth launched an ambitious strategy on youth in September 2018. The document, entitled “Youth 2030: working with and for young people”, outlines practical measures for how the United Nations should not only involve youth in support of the 2030 Agenda, but also work with Member States to ensure that young people benefit from governmental efforts to promote the implementation of the Sustainable Development Goals.

46. The Doha Declaration, the 2030 Agenda and the United Nations Youth Strategy also converge on an additional topic, which is the importance of education. Target 4.7 of the Sustainable Development Goals is on education to support, among others, human rights, gender equality, the promotion of a culture of peace and non-violence, and global citizenship. It is also for this purpose that, in the Doha Declaration, Member States called for the integration of crime prevention, criminal justice and other rule of law aspects into education systems.

47. Education must be understood as strategic for the promotion of the rule of law on two accounts. First, it can support crime prevention efforts, including among youth. Second, by gaining knowledge on rule of law issues, youth are empowered to take action on those issues, thereby increasing the participation of society in the promotion of the rule of law. This development should begin at the primary level, with values-based education and skills development, which prepare children to discuss more specific issues at the secondary education level. In tertiary education, universities have a key role in providing in-depth knowledge to future professionals. Accordingly, it is paramount that rule of law education at the university level be integrated into various career paths and not restricted to law schools or humanities courses.

48. The Education for Justice initiative builds on these commitments and has developed and disseminated educational tools and materials for the primary, secondary and tertiary educational levels. The initiative has over

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<sup>21</sup> According to International Standard Classification of Education of the United Nations Educational, Scientific and Cultural Organization (ISCED 2011), formal education is education that is institutionalized, intentional and planned through public organizations and recognized private bodies and – in their totality – constitute the formal education system of a country. Non-formal education is also institutionalized, intentional and planned by an education provider. The defining characteristic of non-formal education is that it is an addition, alternative and/or complement to formal education within the process of lifelong learning of individuals. Informal learning is defined as forms of learning that are intentional or deliberate, but are not institutionalized. It is consequently less organized and less structured than either formal or non-formal education. Informal learning may include learning activities that occur in the family, workplace, local community and daily life, on a self-directed, family-directed or socially directed basis.

417,000 beneficiaries, both students and educators, from over 180 Member States.<sup>22</sup> The initiative's success further demonstrates the demand for education on the rule of law, reference to which is also made in the Convention against Corruption, by the Conference of the States Parties to the Convention in its resolution 7/6 and, more recently, by the General Assembly in its resolution 74/172.

49. During the regional preparatory meetings for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, Member States and other participating stakeholders overwhelmingly supported the view that the rule of law cannot be achieved without extensive dialogue and cooperation among various stakeholders, including the education sector.<sup>23</sup> In addition, the need for youth engagement to promote the rule of law was strongly emphasized during the regional preparatory process. Member States participating in the meetings suggested, *inter alia*, organizing youth forums to promote the active participation of youth in promoting the rule of law.<sup>24</sup>

50. Effective partnerships between crime prevention and criminal justice institutions and the education sector are vital. Examples from various regions highlight existing mechanisms for such cooperation. In Brazil and Mauritius, for example, anti-corruption authorities have actively coordinated with the ministries of education and schools to promote education on integrity. In addition, in Brazil, the State institutions in charge of free legal aid have also worked with schools to promote a wider understanding of access to justice and trafficking in persons. In Uzbekistan, prosecution services have liaised with the Ministry of Public Education to promote education on issues such as integrity and preventing corruption and violent extremism.

51. Focusing on collaboration between different sectors, particularly the education sector, is crucial to move beyond isolationist approaches, whereby promoting the rule of law is seen as the sole responsibility of law enforcement and justice institutions or Governments, while fostering a culture of lawfulness is an approach by the Governments towards the general public. In addition, this also moves closer to the vision expressed by Member States in the 2030 Agenda, according to which the different goals and targets are interdependent.

## V. Conclusions and recommendations

52. With a view to ensuring access to justice for all people, the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice may wish to consider recommending that Member States:

(a) Design and implement comprehensive policies and programmes to increase access to justice for all, particularly the more marginalized and vulnerable sectors of societies, and to bring criminal justice systems closer to citizens, including through the decentralization and localization of justice institutions so that they can operate in remote and rural areas;

(b) Improve and broaden public access to legal information through the use of accessible languages as well as information technologies;

(c) Develop and implement measures to strengthen access to justice for women, including women who are victims of violence and women in conflict with the law, taking into consideration that some women, such as girls and adolescents, rural women, women from indigenous and minority populations, women living with HIV,

<sup>22</sup> For more information, see the background paper on the workshop on education and youth engagement as key to making societies resilient to crime (A/CONF.234/10) and the report of the Secretary-General on the follow-up to the Doha Declaration (A/CONF.234/12).

<sup>23</sup> A/CONF.234/RPM.1/1, paras. 44 (a) and (h); A/CONF.234/RPM.2/1, para. 42 (e); A/CONF.234/RPM.3/1, para. 59 (j); and A/CONF.234/RPM.4/1, paras. 45 (a) and (b).

<sup>24</sup> A/CONF.234/RPM.1/1, para. 42; A/CONF.234/RPM.2/1, para. 42 (e); A/CONF.234/RPM.3/1, paras. 59 (i) and (m); and A/CONF.234/RPM.4/1, para. 45 (b).

women migrants, older women and women with disabilities, are at higher risk of exclusion and marginalization;

(d) Increase access to justice for children by improving the response of the criminal justice system and recognize the importance of specialized and up-to-date training on child rights and justice for children for relevant professionals;

(e) Support UNODC in continuing to provide technical support to Member States, at their request, including through its Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice;

(f) Take effective measures to strengthen and improve access to justice for victims of crime, in particular those in vulnerable conditions, such as victims of trafficking in persons;

(g) Take appropriate measures to ensure that legal aid is effective, sustainable and accessible to all without discrimination and is provided at all stages of the criminal justice process, including by fostering the use and application of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems and other relevant standards and norms in crime prevention and criminal justice;

(h) Increase the use of restorative justice programmes at every stage of criminal justice proceedings, including by: (i) providing sufficient resources to ensure that high-quality restorative justice programmes and relevant support services are available; (ii) considering the development of legislative frameworks to facilitate access to restorative justice and ensure procedural safeguards in line with the basic principles on the use of restorative justice programmes in criminal matters; and (iii) promoting data collection, monitoring and evaluation to broaden the evidence base on restorative justice, including on its usefulness in preventing crime and victimization.

53. With a view to promoting effective, accountable, impartial and inclusive institutions, the Fourteenth Congress may wish to consider recommending that Member States:

(a) Promote policies and strategies geared towards enhancing the capacity of criminal justice institutions in support of efforts to promote the rule of law;

(b) Support the advancement of criminal justice systems and their institutions to ensure that they are able to perform their multiple mandated responsibilities and that they are accountable, without discrimination of any kind, to those who seek fair administration and delivery of justice;

(c) Promote the rule of law, in particular with regard to the equal application of the law to all individuals to whom it applies;

(d) Undertake measures to eliminate corruption in all its forms as a cross-cutting measure to address crime and ensure effective, accountable and impartial institutions at all levels, including promoting the integrity and independence of criminal justice institutions such as, but not limited to, the judiciary and prosecution services;

(e) Integrate the framework of effective, accountable, impartial and inclusive institutions into bilateral cooperation between Member States and within UNODC technical assistance provision;

(f) Support UNODC in continuing to provide technical support to Member States, at their request, including through its Global Judicial Integrity Network;

(g) Adopt, reinforce and effectively implement anti-corruption laws and strategies to strengthen the transparency and accountability of public institutions and build trust among the general public;

(h) Foster and strengthen the use of information and communications technology to promote the rule of law, develop mechanisms to give citizens access to information about public services and related legislative frameworks, and ensure that

institutions are transparent and accountable so that the general public can file timely reports or complaints of crimes;

(i) Focus on the urgent priority of building effective, accountable, impartial and inclusive criminal justice institutions, including through enhanced technical assistance.

54. With a view to strengthening social, educational and other measures, the Fourteenth Congress may wish to consider recommending that Member States:

(a) Develop national cooperation mechanisms to establish effective and comprehensive strategies to promote a culture of lawfulness involving all relevant sectors in society (the education sector (including academia), local communities, criminal justice institutions, law enforcement authorities and others, as relevant);

(b) Foster partnerships within and between governmental institutions, including ministries of education, higher education, interior or justice, and the private sector, civil society organizations and academia to advance education on the rule of law at all levels;

(c) Support UNODC in the provision of technical assistance to Member States, at their request, including through the Education for Justice initiative, to foster meaningful youth engagement on crime prevention, criminal justice and other aspects of the rule of law;

(d) Support the sharing of good practices among the United Nations, Member States and the institutes of the United Nations crime prevention and criminal justice programme network and enhance the coordination between them with a view to fostering a culture of lawfulness;

(e) Continue and strengthen efforts to integrate the promotion of the rule of law into relevant social and economic policies and programmes, in particular those affecting young people, with a special emphasis on programmes that increase educational, recreational and employment opportunities for young people;

(f) Foster the development of platforms for meaningful youth engagement to promote the rule of law and ensure that no one is left behind, including through the use of education and youth engagement opportunities;

(g) Develop national awareness-raising campaigns and strategies involving all relevant sectors of society, including children and youth, to increase public knowledge of the rule of law and foster a culture of a lawfulness;

(h) Promote the exchange of good practices and experiences in preventing the victimization of children and youth, as well as in preventing their involvement in crime, including by promoting programmes that facilitate early contact between local law enforcement officials and youth;

(i) Discuss the relationship between the rule of law and a culture of lawfulness during the preparations for and at the Fourteenth Congress, in order to spur a meaningful debate on that relationship, as well as on a culture of lawfulness as an important notion in the context of crime prevention.

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