Latin American and Caribbean Regional Preparatory Meeting for the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice
Santiago, 5–7 February 2019

Draft report

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Addendum

II. Conclusions and recommendations (continued)

B. Substantive items and workshops

3. 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 (agenda item 5); and education and youth engagement as key to making societies resilient to crime (workshop 3)

Summary of deliberations

1. The meeting highlighted the importance of addressing the multiple causes of crime as particularly experienced in the region. In addition, it was stated that violence and crime were also an impediment to the enjoyment of rights and vice versa. Participants also highlighted commitments under the Doha Declaration relating to access to justice and to ways to address the multiple causes of crime. Furthermore, it was noted that the multiple causes of crime, including social vulnerabilities, required multidimensional approaches to promote the rule of law at the national and international levels. In particular, it was underscored that these approaches should involve public service-oriented institutions operating across legal, social and economic sectors of society, while also including partnerships with a variety of stakeholders, including, but not limited to, the private sector, civil society and the community to address the interlinkages between crime, violence and economic and social development.

2. As also done when discussing the main theme of the Fourteenth Congress, the Meeting agreed that the Fourteenth Congress was a platform for discussing approaches taken by governments towards the general public that could contribute to fostering a culture of lawfulness in the context of promoting the rule of law. In this
regard, it was noted that building the capacity of criminal justice institutions contributed to galvanizing the public’s trust and respect for the law and its enforcement and could therefore be an important measure for fostering a culture of lawfulness.

3. A number of participants noted that the notion of a culture of lawfulness was not new and was found, for example, in the Guidelines for the Prevention of Crime, though it still presented itself as an evolving concept. It was underlined that the notion of a culture of lawfulness provided new perspectives upon which to seek engagement of the general public in promoting the rule of law, while also allowing States to move beyond traditional technical assistance and engage the public to ensure prevalence of the rule of law, which may, in turn, further strengthen people’s trust in public institutions.

4. A number of participants highlighted that the conference room paper submitted by the institutes belonging to the United Nations Crime Prevention and Criminal Justice Programme Network (PNIs) on a culture of lawfulness could provide valuable background into the concept of a culture of lawfulness. In this connection, it was suggested that this conference room paper be updated to reflect the findings and feedback of the regional preparatory meeting for Asia and Pacific and then be circulated, as amended, as useful reference material for the purposes of the other regional preparatory meetings.

5. It was further stated that promoting a culture of lawfulness should be considered within the scope of public-private partnerships to harness the potential of the private sector to promote the rule of law at the local level.

6. A number of participants recalled that a number of internationally binding and non-binding instruments called upon States to ensure access to justice and legal aid. Examples of such instruments included, apart from the Doha Declaration adopted by the Thirteenth Congress, the International Covenant on Civil and Political Rights, as well as General Comment no. 32 of the Human Rights Committee and the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems. In addition, the meeting noted that ensuring access to justice could contribute to the credibility of the criminal justice system as a whole.

7. A number of participants pointed to the institutional challenges that were an obstacle to ensuring access to justice, such as the abuse of pretrial detention and the significant backlog and lack of efficiency of criminal justice systems, which was also responsible for the high rates of pretrial detainees. It was also noted that legal aid provision may avoid abuse of pretrial detention and foster the access to, and use of, alternatives to imprisonment. A number of participants addressed the issue of vulnerable groups’ access to justice, such as pregnant women and the impact that the lack of legal aid services could have on vulnerable groups and their families. It was further noted that factors such as geography, literacy, culture and language, as well as the digital gap within States were also an impediment to providing equitable access to justice.

8. It was stated that ensuring access to justice was also hindered by barriers in the field of international cooperation. This challenge had become more acute especially in light of intense migration flows and influx of migrant populations into different States, and the fact that migrants faced particular vulnerabilities, such as language barriers. It was further noted that existing international cooperation mechanisms such as the transfer of sentenced persons could also be duly considered within the scope of ensuring access to justice. Another suggestion was to adopt measures and procedures within central and other competent authorities dealing with international cooperation.

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1 ECOSOC Resolution 2002/13.
2 A/CONF.234/RPM.1/CRP.1
3 Article 14.
4 CCPR/C/GC/32.
to allow for more effective action in the field of provision of legal aid at the international level.

9. A number of participants also noted that access to justice should also consider the promotion of restorative justice measures in addition to the traditional criminal justice responses, as well as intercultural approaches referring to indigenous people and their contact with justice.

10. Participants stated that corruption presented major challenges to promoting justice and the rule of law. It was noted that ensuring effective and accountable institutions, as well as increasing transparency and access to information, was central to eliminate corruption in all its forms, in line with Sustainable Development Targets 16.6 and 16.5, and that the general public should take part in these efforts.

11. A number of participants addressed, in particular, the need to prevent corruption in criminal justice institutions and ensure that they were accountable and transparent. In this regard, it was also noted that cooperation and inter-sector coordination among institutions working on crime prevention and criminal justice may also be beneficial for transparency and accountability. Furthermore, impartiality and independence of criminal justice institutions, such as the prosecution services, were key prerequisites for the promotion of the general public’s trust.

12. Efforts to allow the general public to have access to information and report wrongdoing – particularly using new technologies – within the public sector were highlighted in the meeting as effective measures that also contribute to increasing trust in public institutions while promoting their accountability and transparency.

13. The meeting highlighted the importance of educating youth on crime prevention, criminal justice and other rule of law aspects from an early age through to tertiary education. It was especially noted that encouraging a wider understanding of these issues among youth can foster their positive engagement in society as well as the promotion of a culture of lawfulness. Participants also noted the relationship between education and other topics within the agenda of the Fourteenth Congress. For example, agenda item 5 could also be approached through the lens of education on the rule of law as the latter may foster equitable access to justice.

14. It was further underlined that education on integrity and on the prevention of corruption should be key and cross-cutting to promoting a culture of lawfulness and addressing the crime-related challenges of countries in the region. Furthermore, it was stated that due consideration must also be given to, as well as the need to undertake education for prisoners and children in conflict with the law within the juvenile justice system. In addition, quality education and consideration to Sustainable Development Goal 4 were highlighted.

15. The promotion of youth crime prevention through sports and the development of music programmes, especially youth symphony orchestra systems and other similar approaches, were reported and praised at the Meeting as effective social measures to foster a culture of lawfulness. Youth participation was also stated as being key to promoting the rule of law and fostering a culture of lawfulness.

16. The host country of the Fourteenth Crime Congress announced its intention to organize a Youth Forum and introduced the topics to be discussed: (a) youth engagement in crime prevention and reintegration, (b) youth education for fostering a culture of lawfulness, and (c) youth commitment towards a safe information society. It was acknowledged that such initiatives to involve youth in the Crime Congresses would be a promising approach to foster a culture of lawfulness through youth education and empowerment in the field of crime prevention and criminal justice.

17. Building on the discussion guide for the Fourteenth Congress and even going beyond it, the Meeting offered a very important contribution by adding one more area of relevance when discussing the role and impact of technology on crime prevention and criminal justice issues: the participants did not only discuss the role of technology under workshop topic 4 of the Fourteenth Congress, but they also highlighted the
important role that information technology could play in promoting a culture of lawfulness and promoting the rule of law. In doing so, participants noted that technology could promote more equitable access to justice, as well as ensure the accountability and transparency of institutions by providing access to information to the general public and allowing citizens to report wrongdoing. It was stated that the Organization of American States (OAS), through its Meeting of Ministers of Justice or Other Ministers or Attorneys General of the Americas, had recently issued recommendations on widening the use of technology as a means through which to advance the administration of justice, including access to justice. It was further noted that technology could also provide an opportunity to educate youth on topics related to crime prevention, criminal justice and other rule of law aspects.

18. Participants noted the importance of the establishment of a programme to carry out the recommendations of the Doha Declaration, namely the work of UNODC under the Global Programme for Implementation of the Doha Declaration, and how they relate to Agenda Item 5 and Workshop 3 of the Fourteenth Congress. It was noted that the Global Programme created the Global Judicial Integrity Network to promote integrity within the judiciary. In addition, participants also noted the work, under the same Programme, of the Education for Justice (E4J) initiative to develop and disseminate educational tools and materials on crime prevention, criminal justice and other rule of law issues. Examples were provided of the work carried out by both components of the Global Programme.

Outcome of deliberations

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

(b) Share, together with PNIs which have relevant expertise, good practices and experiences of legal technical assistance and capacity building projects that contribute to fostering a culture of lawfulness;

(c) Improve and widen public access to legal information, among others through accessible language and the use of information technology to ensure access to justice;

(d) Consider specificities of vulnerable groups and how their needs might be addressed to ensure equitable access to justice for all, for example, ensuring that States give due regard to migrants’ specific needs with regard to access to justice, including their vulnerable conditions and language needs, as well as how international cooperation can support access to justice through, among others, the transfer of sentenced persons;

(e) Consider the potential role of traditional and indigenous justice systems, while also giving due regard to indigenous groups’ specific language needs and cultural specificities when making use of justice systems;

(f) Promote measures to bring criminal justice systems closer to citizens and ensure access to justice for local populations through, for example, decentralized institutional mechanisms that can operate in local and remote areas, and striving to ensure that the judiciary is representative of the population;

(g) 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;

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

(i) Promote and raise awareness on a culture of lawfulness among children and youth to enhance their perception of the rule of law and to reduce conflicts with
law and other crimes, and consider organizing youth forum on crime prevention, criminal justice and the rule of law;

(j) Promote education on crime prevention, criminal justice and other rule of law issues, including on integrity and the prevention of corruption, from an early age, integrating these issues into the education system as a cross-cutting measure to prevent crime and foster a culture of lawfulness that upholds the rule of law among the general public;

(k) Consider promoting coordination between the criminal justice and education sectors in the formulation of crime prevention, criminal justice and other rule of law policies at the domestic and international levels;

(l) Foster and strengthen the use of information technology to promote the rule of law, especially through the development of mechanisms through which to access justice and information concerning the law, ensuring that institutions are transparent and accountable, that the general public can monitor institutions and report crimes and also as a means through with to educate the population, from an early age, on crime prevention, criminal justice and other rule of law issues;

(m) Consider promoting youth fora or similar spaces to allow young people to become familiarized with the policymaking process concerning crime prevention, criminal justice and other rule of law aspects.