

5 – 8 April 2021

Documentation of the Work of the Commission on Crime Prevention and Criminal Justice (CCPCJ) NMUN Simulation*



**TOGETHER
TOWARDS
TOMORROW**

Conference B

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Commission on Crime Prevention and Criminal Justice (CCPCJ)

Committee Staff

Director	Brian T. Tomblin
Assistant Director	Theresa M. McMackin
Chair	Anosh Samuel

Agenda

- I. Improving Vulnerable Persons' Access to Justice Including a Fair Trial
- II. Combating Organized Cybercrime
- III. Combating Illicit Organ Trafficking

Resolutions adopted by the Committee

Code	Topic	Vote
CCPCJ/1/1	Improving Vulnerable Persons' Access to Justice Including a Fair Trial	Adopted without a vote
CCPCJ/1/2	Improving Vulnerable Persons' Access to Justice Including a Fair Trial	Adopted without a vote

Summary Report

The Commission on Crime Prevention and Criminal Justice held its annual session to consider the following agenda items:

- I. Improving Vulnerable Persons' Access to Justice Including a Fair Trial
- II. Combating Organized Cybercrime
- III. Combating Illicit Organ Trafficking

The session was attended by representatives of 12 Member States.

On Monday, the committee adopted the agenda of I, II, III, beginning discussion on the topic of "Improving Vulnerable Persons' Access to Justice Including a Fair Trial." By Tuesday, the Dais received a total of two working papers covering a wide range of sub-topics, including access to justice for women, children, and indigenous people as well as education and training for judicial officials. The delegates immediately began to cooperate on these topics in the first informal session and continued to work together and network throughout the entire conference.

On Thursday, two draft resolutions had been approved by the Dais, none of which had amendments. The committee adopted two resolutions following voting procedure, both of which were approved unanimously by the committee. The resolutions represented a wide range of issues, including access to legal aid resources and improvements to the timeliness and fairness of trials. With a relatively small cohort of representatives, the delegates ensured all perspectives were not only heard but also represented within each resolution. The delegates were also able to briefly discuss their solutions to the second topic of "Combating Organized Cybercrime" before adjournment.



Code: CCPCJ/1/1

Committee: Commission on Crime Prevention and Criminal Justice

Topic: Improving Vulnerable Persons' Access to Justice Including a Fair Trial

The Commission on Crime Prevention and Criminal Justice,

Promoting Sustainable Development Goal Sustainable 10, specifically 10.3, which ensures equal opportunities and ending discrimination, as well as Sustainable Development Goal 16 which includes providing access to justice for all and building effective, accountable, and inclusive institutions for all,

Believing that good faith policing and prosecution practices recommended by the United Nations Development Program (UNDP) report, *Public Sector Oversight in Security* (2008), that would decrease the risk of self-incrimination and other protections laid out in article 14 of the *International Covenant on Civil and Political Rights* (1966), as well as provisions laid out in the United Nations Office on Drugs and Crime (UNODC) *Handbook on Police Accountability, Oversight and Integrity* (2011), and the UNODC's guidelines on improving pretrial justice should be seen as a baseline for the establishment of a fair trial,

Noting with enthusiasm the efficacy of the *Handbook on Police Accountability, Oversight and Integrity* (2011), which expands on the fundamentality of adequate police training, supervision, and reporting, which has shown a reduction of up to 50% of undue police violence per the UNDP *Public Sector Oversight in Security* (2008) report,

Taking into account that working directly with legal practitioners and institutions to help tackle this issue in vulnerable communities based on their situation is one of the most effective means of securing legal protections for these citizens particularly used in the non-governmental organization (NGO) program of the International Bar Association's Human Rights Institute,

Alarmed that per the *Global Study on Legal Aid* (2016), only 37% of Member States are providing specialized legal resources to women and 40% of human rights violations pertain to unfair trials, furthering the inequities that exist in access to pre-trial resources,

Bearing in mind the success of the International Law Development Organization (ILDO) in increasing the number of justice professionals in various communities particularly those of Central Asia,

Further acknowledging that General Assembly resolution 73/177, "Human Rights in the Administration of Justice" (2018), suggests an approach of incorporation and integration of an outline for recurring instances of justice violations,

Keeping in mind the success of regional platforms in the implementation of guidelines such as the *United Nations Convention against Corruption* (UNCAC) (2003) and the influence that they could pose in the realm of access to justice resources particularly noting the first platforms made during the UNCAC program in Southeast Asia and Eastern Africa,

Recognizing that although the COVID-19 pandemic has created setbacks, technology can be used to create better access to justice methods, particularly noting the digitization of the International Court of Justice's hearings,

Determined to advance the prevalence of article 14 of the *International Covenant on Civil and Political Rights* (1966) in its entirety, which is currently recognized by 173 Member States, throughout the international community to ensure fair trials through the protection of rights and promotion of good faith in judicial and policing practices,

1. *Recommends* the use of the action plan titled S.A.L.T. (sustainable peace, accessibility, legal aid, and transparency), that creates goals for the judicial systems of Member States specifically by:
 - a. Addressing sustainable peace by creating cohesive communities with dependable, well-functioning, state security apparatuses with the ultimate goal of forming unity between members of the international community and the judicial establishments committed to their best interests throughout all Member States;



Code: CCPCJ/1/2

Committee: Commission on Crime Prevention and Criminal Justice

Topic: Improving Vulnerable Persons' Access to Justice Including a Fair Trial

The Commission on Crime Prevention and Criminal Justice,

Viewing with appreciation existing regional organizations dedicated to resource-sharing, capacity-building, and education with regards to individual access to justice and fair trials and especially the efforts already being made by governments and non-governmental organizations, such as Amnesty International and Human Rights Watch, to address the human rights violations that occur as a result of the injustices faced by vulnerable populations,

Deeply appreciative of the education initiatives of regional organizations focusing on development, including but not limited to the Continental Education Strategy for Africa, the Association of Southeast Asian Nations University Network, and the United Nations Development Programme Istanbul International Center for Private Sector in Development under the guidance of the Institutes of the UN Crime Prevention and Criminal Justice Programme Network for the purposes of strengthening communication in crucial areas of criminal justice,

Recognizing the work done by the World Programme of Action for Youth to improve the situation of young people by offering a policy framework and practical guidelines for national action specifically working towards an improvement of juvenile justice systems by prioritizing preventative measures, the prevention of violence, and rehabilitation programs as outlined in 1996 General Assembly resolution 50/81 on “World Programme of Action for Youth to the Year 2000 and Beyond,”

Deeply concerned by the psychological consequences that often occur as a result of pre-trial detention and disproportionate sentencing of children, as has been expressed in the *Convention on the Rights of the Child* (1989),

Recognizing that citizens' inability to access justice serves as a hindrance to the global Sustainable Development Goals (SDGs) such as 5, 10, and 16 which respectively addresses means to increase gender equality, decrease inequality based on factors such as income, and promoting peaceful inclusive societies while holding institutions accountable for reducing legal inequalities, as noted in paragraph 35 of the 2015 General Assembly resolution 70/1 on “Transforming our world: the 2030 Agenda for Sustainable Development,”

Noting the need to further the legal empowerment and legal literacy of vulnerable people, giving them the ability to articulate their needs and defend their rights as outlined in paragraph 18 of the *Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice* (2005),

Having considered the inequalities and injustices commonly faced by indigenous populations which must be addressed in order to have a fair justice system as explained in the United Nations report *The State of the World's Indigenous Peoples*,

Encouraged by the previous work of Australia when addressing reforming indigenous children's over-representation in their jails and attempts to quell this discrepancy as shown by their 1997 report *Bringing Them Home*,

Concerned by the inequality of power when considering gender in justice systems, especially in the lack of representation in positions of power, as stated in the 2019 United Nations Office on Drugs and Crime (UNODC) opinion article *The Role of Women Judges and Gender Perspective in Ensuring Legal Independence and Integrity*,

Noting with alarm the discrepancy of women and men in judgeship positions of Member States, the negative effects this can subsequently have on equality within justice systems, and the need to make these positions more equal as stated in the Organization for Security and Co-operation in Europe Office for Democratic Institutions and Human Rights 2019 study *Gender, Diversity and Justice: Overview and Recommendations*,

Cognizant of the claims made by United Nations WomenWatch that women have less access to education and their recommendation that regional conferences be expanded to be more inclusive of all regions of the world, in addition to those made in the *Convention on the Elimination of All Forms of Discrimination Against Women* (1979),



Bearing in mind the *African Charter on Human and Peoples' Rights* (1981) which guarantees a person's right to an impartial trial in a timely manner,

Fully aware that many vulnerable persons around the globe are unaware of resources available for improving access to justice, including a fair trial, as noted in Part II.B of the *Global Study on Legal Aid Global Report*,

Having considered the work already accomplished surrounding the issue of access to justice for vulnerable persons outlined in documents, such as the *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems* which was adopted in General Assembly resolution 67/187 on "United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems" and the 2019 UNODC *Handbook on Ensuring Quality of Legal Aid Service in Criminal Justice Processes: Practical Guidance And Promising Practices*, giving Member States measures to improve their legal aid system and calling them to ensure state-funded legal aid services for poor, marginalized, and disadvantaged vulnerable persons,

Reaffirming the need for gender-sensitive and age-appropriate measures addressing the education of officials within the justice system in relation to the special needs of vulnerable persons, including those addressed in the 14th United Nations Congress on Crime Prevention and Criminal Justice,

Stressing the significance of a fair trial and lack of justice in vulnerable persons groups, including but not limited to women, children, Indigenous peoples, minorities, the LGBTQ+ community, and people living in poverty, as stated in Module 9 on "Gender in the Criminal Justice System" in the UNODC Education for Justice series on "Crime Prevention and Criminal Justice,"

Further acknowledging that Member States may face unique hardships in their efforts to address regional and national barriers to justice, and that progress must be accomplished within local contexts,

Reiterating its appreciation for the voices of non-governmental organizations (NGOs) such as Global Alert for Defense of Youth and the Less Privileged, Women's Federation for World Peace, the World Society of Victimology, and the African Policing Civilian Oversight Program,

Recognizing that UNODC works to promote human rights and takes preventive measures to meet the needs of countries regarding criminal justice and reform,

Encouraged by the work of international organizations, such as DefendDefenders and Safeguard Defenders, who work to respect and uphold the rights of legal defenders,

Noting the 2019 UNODC *Handbook on Ensuring Quality of Legal Aid Service in Criminal Justice Processes: Practical Guidance And Promising Practices*, which promotes the improvement to quality of legal aid services, does not provide a mechanism for legal defenders to confer their insights regarding community or regional challenges faced by marginalized groups,

Acknowledging the strides made by article 13 of the United Nations *Convention on the Rights of Persons with Disabilities* (2007) to ensure effective and efficient access to justice for individuals with disabilities and account for the comorbidities that often arises in disabled prisoners,

1. *Suggests* that Member States advance cross-organization resource coordination and information-sharing through:
 - a. The invitation of additional NGOs, including but not limited to the International Work Group for Indigenous Affairs and Amnesty International, to both governmental and intergovernmental discussions on access to justice;
 - b. Dialogue with higher education institutions to inform them of international, regional, and national priorities regarding the advancement of access to justice by expanding programs such as the Institutes of the United Nations Crime Prevention and Criminal Justice Programme Network which will share information regarding research, training, and public education;
 - c. Increased coordination through collaboration with UNODC on standardized methods of reporting and data-sharing regarding access to justice and fair trials;
2. *Expresses its hope* that Member States will look to the World Programme of Action for Youth when addressing the unwarranted sentences that are often used in response to the non-criminal activity of



children, examples of which include skipping school and running away from home, as well as current poor juvenile center conditions by:

- a. Prioritizing the development of educational, employment, and recreational programs and opportunities in an effort to decrease the likelihood of youth criminality within communities;
 - b. Further developing the monitoring practices of Member States juvenile justice systems;
 - c. Improving rehabilitative capacities of juvenile justice systems to prevent reincarceration by bettering living conditions, altering approaches towards leisure-time activities, and further involving families or guardians in the rehabilitation process;
 - d. Expanding educational opportunities for juveniles in incarceration to further sensitize youth of the various effects crime has and affective developing strategies to quell violence without criminal activity;
3. *Supports* liaising with existing initiatives, such as the 2012 European Union directive on the “Right to Information in Criminal Proceedings” and The International Legal Foundation, that work to improve vulnerable person’s knowledge regarding the justice system and available resources including by:
- a. Ensuring that vulnerable persons know their rights and what they encompass;
 - b. Offering assistance on how to access those rights when necessary;
 - c. Informing vulnerable persons of the steps needed to guarantee that their rights will be adhered to in the appropriate settings;
 - d. Providing access to translators or services that stand in the way of proper communication;
 - e. Educating on legal aid opportunities, as stated in the 2019 UNODC *Handbook on Ensuring Quality of Legal Aid Service in Criminal Justice Processes: Practical Guidance And Promising Practices*;
4. *Urges* the implementation of indigenous customs into the national legal systems in order to fill the gaps in the legal system by:
- a. Identifying key challenges within Member States judicial systems commonly faced by indigenous populations;
 - b. Expanding upon or creating awareness and advocacy programs of indigenous peoples’ judicial rights;
 - c. Supporting the participation of indigenous peoples in leadership positions of Member States judicial systems;
5. *Implores* Member States to strive for better gender equality in their legal systems by:
- a. Setting a goal of at least 50% women representation in judgeships, or equivalent position in the respective Member States, as outlined in the *Gender, Diversity and Justice: Overview and Recommendations* study;
 - b. Improving capacities of educational opportunities for women to improve access to positions of power in the legal systems and develop women’s judicial literacy;
 - c. Promoting national strategies for preventing violence against women within their respective justice system through regional conventions and international treaties, such as the *Convention on the Elimination of All Forms of Discrimination Against Women*;
6. *Recommends* that Member States develop dialogues with public defenders working with the United Nations in accordance with the 2019 UNODC *Handbook on Ensuring Quality of Legal Aid Service in Criminal Justice Processes: Practical Guidance And Promising Practices*, to gain more insight into region- and community-specific challenges which marginalized identities may face;



7. *Encourages* Member States to allocate funding for the implementation and operation of legal aid frameworks, including university law clinics, public defender schemes, and legal aid programs working specifically in rural areas;
8. *Encourages* Member States to ensure a fair trial is held within a timely manner and prevent the system from overloading by increasing the number of officials within the judicial system;
9. *Calls upon* Member States to establish specific training programs for local government authorities and officials within the justice system that could provide education about the diverse needs of people of different genders and age groups;
10. *Recommends* Member States assist individuals with disabilities in the judicial system by:
 - a. Improving accessibility within prisons to allow prisoners with disabilities to have an environment comparable to non-disabled prisoners;
 - b. Increasing measures in law enforcement personnel training that accounts for individuals with sensory disabilities;
 - c. Collaborating with current governmental programs to provide legal resources and information that assist individuals with disabilities in their pursuit of justice.