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Commission on Crime Prevention and Criminal Justice Background Guide 2023

Written by Alexandra Bogdasarow, Kenny Van Nguyen,
Jessie Máxima Luévano, and Catherine J. Tomczyk



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Dear Delegates,

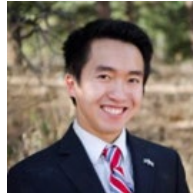
Welcome to the 2023 National Model United Nations New York Conference (NMUN•NY)! We are pleased to introduce you to our committee, the Commission on Crime Prevention and Criminal Justice (CCPCJ). The topics under discussion are:

1. Addressing Gender-Based Discrimination in Criminal Justice Systems
2. Decriminalization and International Drug Policy

Members of our dais this year include:



Alexandra Bogdasarow, Director, has a Bachelor of Arts in Political Science and Chinese Studies and is currently pursuing her Master's in Organisation of Social Issues at the University of Trier. She also works as a research assistant.



Kenny Van Nguyen, Director, graduated from the University of Colorado Boulder with B.A's in Political Science & Communication. Kenny serves as Executive Assistant to Colorado's Lieutenant Governor Dianne Primavera.



Jessie Luévano, Assistant Director, graduated from Hamline University as a double major, earning a BA in Political Science and Global Studies. She is based in St. Paul, Minnesota and is working as a Policy Analyst specializing in healthcare and education.



Catherine Tomczyk, Assistant Director, currently holds a BA in International Affairs with a minor in Criminal Justice from the University of New Haven.

This Background Guide serves as an introduction to the topics for this committee. However, it is not intended to replace individual research. We encourage you to explore your Member State's policies in depth and use the Annotated Bibliography and Bibliography to further your knowledge on these topics. In preparation for the Conference, each delegation will submit a Position Paper by 11:59 p.m. (Eastern Time) on 1 March 2023 in accordance with the guidelines in the [Position Paper Guide](#) and the NMUN•NY [Position Papers website](#).

Two resources, available to download from the [NMUN website](#), serve as essential instruments in preparing for the Conference and as a reference during committee sessions:

1. [NMUN Delegate Preparation Guide](#) - explains each step in the delegate process, from pre-Conference research to the committee debate and resolution drafting processes. Please take note of the information on plagiarism, and the prohibition on pre-written working papers and resolutions. Delegates should not start discussion on the topics with other members of their committee until the first committee session.
2. [NMUN Rules of Procedure](#) - include the long and short form of the rules, as well as an explanatory narrative and example script of the flow of procedure.

In addition, please review the mandatory [NMUN Conduct Expectations](#) on the NMUN website. They include the Conference dress code and other expectations of all attendees. We want to emphasize that any instances of sexual harassment or discrimination based on race, gender, sexual orientation, national origin, religion, age, or disability will not be tolerated. If you have any questions concerning your preparation for this committee, please contact the Economic and Social Council Department, Caitlin M Hopper (Conference A) and Martin Schunk (Conference B), at usg.ecosoc@nmun.org.

We wish you all the best in your preparations and look forward to seeing you at the Conference!

Alexandra Bogdasarow, Director
Jessie Luévano, Assistant Director
Conference A

Kenny Van Nguyen, Director
Catherine Tomczyk, Assistant Director
Conference B

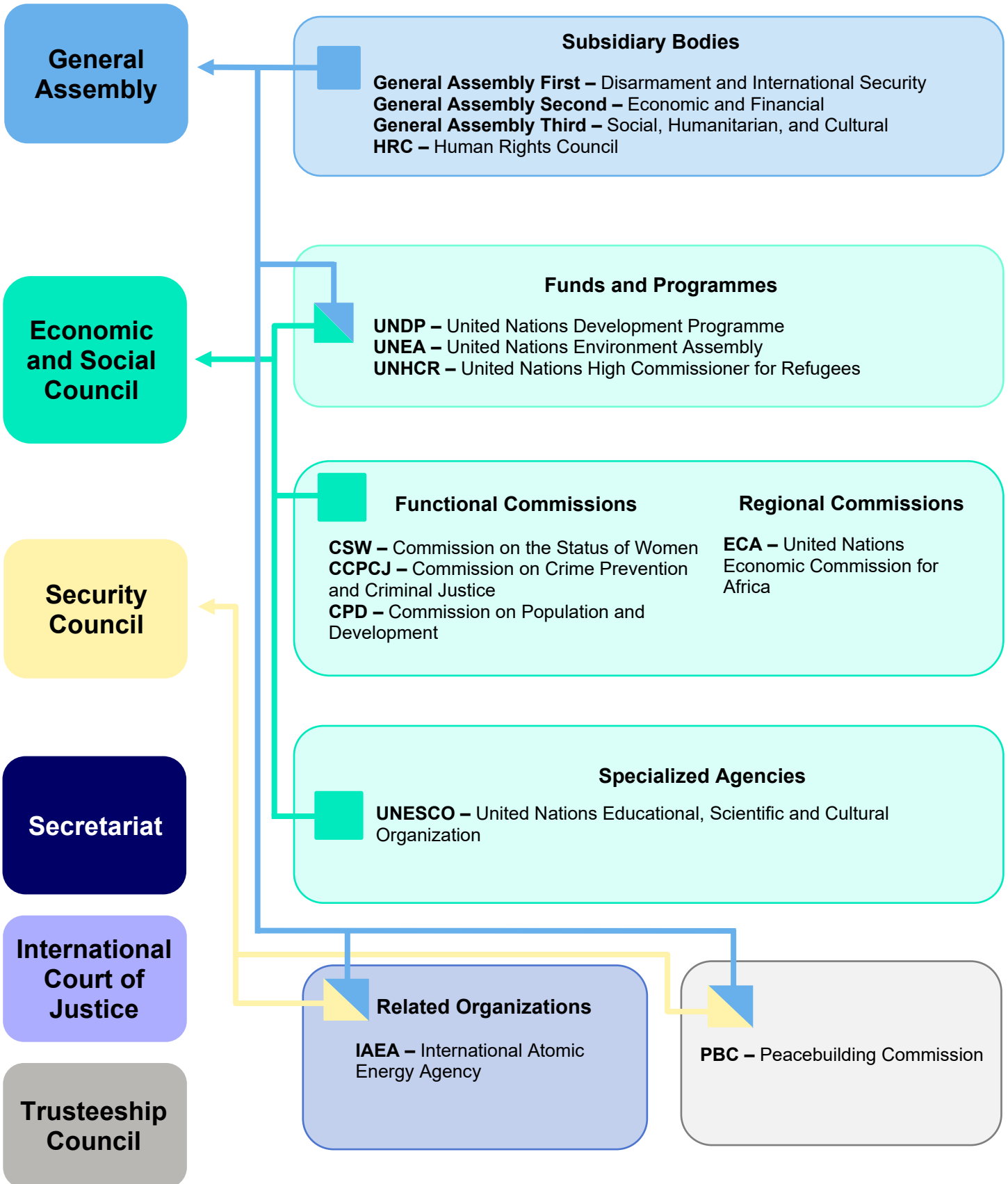


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United Nations System at NMUN•NY

This diagram illustrates the UN system simulated at NMUN•NY. It shows where each committee “sits” within the system to demonstrate the reportage and relationships between entities. Examine the diagram alongside the Committee Overview to gain a clear picture of the committee’s position, purpose, and powers within the UN system.



Committee Overview

Introduction

The Commission on Crime Prevention and Criminal Justice (CCPCJ) addresses issues related to crime and justice systems and is the main forum for Member States of the United Nations (UN) to debate standards and norms in this area.¹ As a functional commission of the Economic and Social Council (ECOSOC), CCPCJ collaborates with other UN bodies working in the field of crime prevention and criminal justice and is a significant actor in the efforts to achieve the *2030 Agenda for Sustainable Development* (2030 Agenda) (2015) and its 17 Sustainable Development Goals (SDGs).² While SDG 16 (peace, justice, and strong institutions) is central to the work of CCPCJ, other SDGs, such as SDG 4 (quality education), SDG 5 (gender equality), SDG 11 (sustainable cities and communities), SDG 14 (life below water), SDG 15 (life on land), and SDG 17 (partnerships for the goals), are also relevant.³ With the rise in transnational crime, CCPCJ has a central role in the discussion on the measures to improve international coordination to combat national and transnational crime, and to strengthen criminal justice administration systems.⁴

Mandate, Function, and Powers

In 1992, ECOSOC created CCPCJ under its resolution 1992/1 on the “Establishment of the Commission on Crime Prevention and Criminal Justice,” and defined its mandate in resolution 1992/22 on the “Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice.”⁵ CCPCJ is the principal policymaking body of the United Nations in the field of crime prevention and criminal justice.⁶ Its role is to consider and make recommendations on crime prevention and criminal justice to ECOSOC through a deliberative process.⁷ In 2006, the General Assembly further expanded the mandate of CCPCJ in its resolution 61/252 on “Questions relating to the programme budget for the biennium 2006–2007” to serve as one of the governing bodies of the United Nations Office on Drugs and Crime (UNODC) and approve the budget of the United Nations Crime Prevention and Criminal Justice Fund.⁸

While the following list is not exhaustive, CCPCJ’s mandate can be summarized as:

- **CCPCJ will generally:** offer policy guidance on crime prevention and criminal justice; enable and coordinate assistance by UN entities, in particular UNODC, for the prevention of crime and treatment of offenders; address issues of national and transnational crime; establish and convene thematic working groups; and promote the implementation of criminal law and all forms of crime prevention matters.⁹

¹ United Nations Office on Drugs and Crime. *CCPCJ: Commission on Crime Prevention and Criminal Justice*. n.d.

² United Nations Office on Drugs and Crime. *CCPCJ: Mandate and Functions*. n.d.

³ United Nations Office on Drugs and Crime. *United Nations Commission on Crime Prevention and Criminal Justice*. n.d.

⁴ United Nations Office on Drugs and Crime. *CCPCJ: Commission on Crime Prevention and Criminal Justice*. n.d.

⁵ *Ibid.*; United Nations, Economic and Social Council. *Establishment of the Commission on Crime Prevention and Criminal Justice (E/RES/1992/1)*. 1992; United Nations, Economic and Social Council. *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/RES/1992/22)*. 1992.

⁶ United Nations Office on Drugs and Crime. *CCPCJ: Commission on Crime Prevention and Criminal Justice*. n.d.

⁷ United Nations Office on Drugs and Crime. *United Nations Commission on Crime Prevention and Criminal Justice*. n.d.

⁸ United Nations, General Assembly. *Questions relating to the programme budget for the biennium 2006–2007 (A/RES/61/252)*. 2006. p. 8.

⁹ United Nations, General Assembly. *Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/RES/46/152)*. 1991; United Nations Office on Drugs and Crime. *CCPCJ: Mandate and Functions*. n.d.; United Nations, Commission on Crime Prevention and Criminal Justice. *Report on the thirty-first session (10 December 2021 and 16–20 May 2022) (E/CN.15/2022/14)*. 2022. p. 24; United Nations Office on Drugs and Crime. *CCPCJ: Crime-related Resolutions and Decisions 2020 to 2029*. n.d.

- **CCPCJ will not generally:** formulate binding decisions on crime prevention and criminal justice for Member States; implement programmes or directly provide technical assistance to Member States in crime prevention and criminal justice reform.¹⁰

Furthermore, CCPCJ is the preparatory and follow-up body for the UN Congress on Crime Prevention and Criminal Justice (UN Crime Congress), the largest multistakeholder forum on crime prevention and criminal justice.¹¹ The UN Crime Congress is held every five years and influences national and international crime prevention and criminal justice practices through the sharing of information, the formulation of policy recommendations, and by mobilizing public opinion for crime and justice reforms.¹²

Governance, Funding, and Structure

CCPCJ consists of 40 Member States, elected by ECOSOC, each serving a three-year term.¹³ Members are chosen according to equitable geographical allocation and are composed of 12 African states, nine Asian-Pacific states, four Eastern European states, eight Latin American and Caribbean states, and seven Western European and other states.¹⁴ As the Secretariat of CCPCJ, UNODC hosts CCPCJ's annual sessions in the first half of each year.¹⁵ In addition to the annual session, CCPCJ also meets at the end of each year for a reconvened session to discuss and decide on administrative and budgetary issues.¹⁶ There are also inter-sessional meetings to finalize the provisional agenda, address formal and substantive matters, hold thematic discussions, and to offer policy guidance to UNODC.¹⁷

The Bureau and Extended Bureau of the Commission assist CCPCJ in organizing and preparing its work in advance of the various sessions, including identifying priority issues for CCPCJ's thematic discussions.¹⁸ The Bureau's Chairperson, three Vice-Chairpersons, and Rapporteur rotate amongst Member States after each session and the Extended Bureau consists of the chairpersons of the five regional groups, the European Union, and the Group of 77 and China.¹⁹

Since CCPCJ is largely a policymaking body, the majority of its funding is directed towards facilitating meetings and sessions, stemming entirely from the UN regular budget.²⁰ By contrast, the funding for the United Nations Crime Prevention and Criminal Justice Fund, which CCPCJ approves each year, consists solely of voluntary contributions.²¹ The fund allows UNODC and other relevant UN entities to provide technical assistance in crime prevention and criminal justice to Member States and other stakeholders.²²

¹⁰ Van Dijk. *Internationales Handbuch der Kriminologie 2. Criminological Research in the Framework of the United Nations*. 2009. p. 228; United Nations Office on Drugs and Crime. *Crime Prevention and Criminal Justice Reform*. n.d.

¹¹ United Nations Office on Drugs and Crime. *CCPCJ: Mandate and Functions*. n.d.

¹² United Nations Office on Drugs and Crime. *Fourteenth United Nations Congress on Crime Prevention and Criminal Justice - About*. n.d.

¹³ United Nations, General Assembly. *Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/RES/46/152)*. 1991.

¹⁴ New Zealand, Ministry of Foreign Affairs and Trade. *United Nations Handbook 2022-23*. 2022. pp. 166-168.

¹⁵ United Nations Office on Drugs and Crime. *CCPCJ: Events*. n.d.

¹⁶ Ibid.

¹⁷ Ibid.

¹⁸ Ibid.; United Nations Office on Drugs and Crime. *CCPCJ: Membership and Bureau*. n.d.

¹⁹ United Nations Office on Drugs and Crime. *Membership and Bureau*. n.d.

²⁰ United Nations, General Assembly. *Proposed programme budget for 2022 (A/76/6 (Sect. 16))*. 2021. p. 9.

²¹ United Nations, Commission on Crime Prevention and Criminal Justice. *Consolidated budget for the biennium 2022–2023 for the United Nations Office on Drugs and Crime: Report of the Executive Director (E/CN.15/2021/18)*. 2021. p. 71.

²² United Nations Office on Drugs and Crime. *United Nations Commission on Crime Prevention and Criminal Justice*. n.d.

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United Nations, Economic and Social Council. *Implementation of General Assembly resolution 46/152 concerning operational activities and coordination in the field of crime prevention and criminal justice (E/RES/1992/22)*. 1992. Retrieved 11 September 2022 from: <https://undocs.org/en/E/RES/1992/22>
ECOSOC adopted this resolution in 1992 to replace the Committee on Crime Prevention and Control with CCPCJ and expand the mandate and priorities of the body. Reading this resolution, delegates will be able to understand CCPCJ's mandate and thus the scope of their possible actions. Understanding CCPCJ's role in the broader UN crime program is paramount for realizing the full potential of CCPCJ as a functional commission of ECOSOC. It also helps in envisioning possible and realistic cooperation with other UN entities.

United Nations Office on Drugs and Crime. *CCPCJ: Commission on Crime Prevention and Criminal Justice*. n.d. Retrieved 11 September 2022 from:
<https://www.unodc.org/unodc/en/commissions/CCPCJ/index.html>
This UNODC webpage provides a comprehensive overview of the history, mandate, functions, and membership of CCPCJ. It highlights relevant foundational documents, including General Assembly resolution 46/152 and ECOSOC resolutions 1992/1 and 1992/22, which established CCPCJ. Delegates might find this website useful as a starting point for their research on CCPCJ, as it contains links to all relevant documents, a repository for CCPCJ resolutions, and information on CCPCJ meetings and other intersessional events.

United Nations Office on Drugs and Crime. *CCPCJ: Crime-related Resolutions and Decisions 2020 to 2029*. n.d. Retrieved 11 September 2022 from:
https://www.unodc.org/unodc/en/commissions/CCPCJ/Resolutions_Decisions/resolutions_2020-2029.html
This webpage functions as a database of all resolutions and decisions that are relevant to the mandate of CCPCJ. Not only does this database cover CCPCJ resolutions and decisions, but it also extends to relevant General Assembly and ECOSOC resolutions. As such, this webpage offers delegates the ideal starting point to assess the entire repository of crime-related UN resolutions and decisions.

United Nations Office on Drugs and Crime. *Fourteenth United Nations Congress on Crime Prevention and Criminal Justice - About*. n.d. Retrieved 11 September 2022 from:
<https://www.unodc.org/unodc/en/crimecongress/about.html>
This webpage provides all relevant information on the UN Crime Congress, to which CCPCJ is a preparatory and follow-up body. The webpage contains links to the report of the 14th UN Crime Congress, its outcome document the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development (2021) and other information that pertains to the mandate of CCPCJ. Because this declaration and the follow-up of the UN Crime Congress is crucial to CCPCJ, delegates will find this website useful to research the linkage between CCPCJ and the UN Crime Congress.

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United Nations, General Assembly. *Creation of an Effective United Nations Crime Prevention and Criminal Justice Programme (A/RES/46/152)*. 1991. Retrieved 11 September 2022 from: <https://undocs.org/en/A/RES/46/152>

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United Nations Office on Drugs and Crime. *CCPCJ: Crime-related Resolutions and Decisions 2020 to 2029*. n.d. Retrieved 11 September 2022 from: https://www.unodc.org/unodc/en/commissions/CCPCJ/Resolutions_Decisions/resolutions_2020-2029.html

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United Nations Office on Drugs and Crime. *Fourteenth United Nations Congress on Crime Prevention and Criminal Justice - About*. n.d. Retrieved 11 September 2022 from: <https://www.unodc.org/unodc/en/crimecongress/about.html>

United Nations Office on Drugs and Crime. *United Nations Commission on Crime Prevention and Criminal Justice*. n.d. Retrieved 11 September 2022 from: https://www.unodc.org/documents/commissions/CCPCJ/19-10645_CCPCJ.pdf

Van Dijk. *Internationales Handbuch der Kriminologie 2. Criminological Research in the Framework of the United Nations*. 2009. Retrieved 11 September 2022 from: https://pure.uvt.nl/ws/portalfiles/portal/1196455/Dijkk_van_Criminological_research_in_the_framework_of_the_United_Nations_100226.pdf

1. Addressing Gender-Based Discrimination in Criminal Justice Systems

Introduction

The United Nations Office on Drugs and Crime (UNODC) defines justice as “the ability of people to seek and obtain a remedy through formal or informal institutions ... and in conformity with human rights standards.”²³ The criminal justice system in any given Member State consists of numerous aspects, including legislation, law enforcement, legal systems, legal service providers, and prisons.²⁴ Criminal justice systems can involve both custodial and non-custodial measures.²⁵ Custodial measures are sentences handed down from a court or judge that involve prison or jail time, and non-custodial measures are any other type of sentence issued, such as community service or financial penalties.²⁶

At the end of 2019, UNODC data showed that, globally, approximately 11.7 million people were detained, 93% of which were men.²⁷ However, in the last 20 years the rate at which women are being incarcerated has increased by 33%, which surpasses the 25% increased rate at which men are being incarcerated.²⁸ Women experience both formal and informal challenges in criminal justice systems.²⁹ Formal challenges refer to systemic and institutional challenges, such as explicitly discriminatory legal codes and courts.³⁰ Informal challenges refer to barriers stemming from subtle forms of discrimination, such as individuals with power treating women who don’t follow societal gender norms more harshly.³¹ UNODC notably mentions that gender-based discrimination is not limited to issues affecting women, but includes any and all genders.³² It further notes that laws, policies, and criminal proceedings are articulations of gendered inequalities and norms that are generally already present in the broader society.³³

UNODC explains key challenges that prevent gender equality in criminal justice systems.³⁴ This includes discriminatory laws that target women specifically while not criminalizing the same actions if done by a man, such as premarital sex and adultery.³⁵ Stereotyping on the basis of sex, and a lack of gender diversity within the system leads to harsher judgments and sentences on those who do not fit traditional gender norms ascribed to women.³⁶ Prisons and imprisonment provide additional challenges, with the Commission on Crime Prevention and Criminal Justice (CCPCJ) noting that the initial design of criminal justice systems worldwide were intended to accommodate male prisoners and, given the increased rate of female imprisonment, how prisons need to be more accommodating towards gender-specific needs.³⁷ Access to justice is key to sustaining peace, and so the United Nations (UN) strives to ensure the preservation of rights to achieve this goal.³⁸

²³ United Nations Office on Drugs and Crime et al. *A Practitioner’s Toolkit on Women’s Access to Justice Programming*. 2018.

²⁴ United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

²⁵ United Nations Office on Drugs and Crime. *University Module Series: Crime Prevention and Criminal Justice: Module 9*. 2019.

²⁶ Ibid.

²⁷ United Nations Office on Drugs and Crime. *Data Matters*. 2021.

²⁸ Ibid.

²⁹ United Nations Office on Drugs and Crime. *University Module Series: Crime Prevention and Criminal Justice: Module 9*. 2019.

³⁰ Ibid.

³¹ Ibid.

³² United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

³³ United Nations Office on Drugs and Crime. *University Module Series: Crime Prevention and Criminal Justice: Module 9*. 2019.

³⁴ Ibid.

³⁵ Ibid.

³⁶ Ibid.

³⁷ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229)*. 2011. p. 2.

³⁸ United Nations Office on Drugs and Crime et al. *A Practitioner’s Toolkit on Women’s Access to Justice Programming*. 2018.

International and Regional Framework

The *International Covenant on Civil and Political Rights* (ICCPR) was adopted by the General Assembly in 1966 and is a foundational international human rights framework that underlines the civil and political rights of individuals.³⁹ The *Convention on the Elimination of all Forms of Discrimination against Women* (CEDAW) (1979) acknowledges equality of rights for women and presents an agenda of action taken by States parties to achieve those rights.⁴⁰ By ratifying CEDAW, States parties commit to establishing laws that prohibit the discrimination of women and establish public institutions for effective protection of women against discrimination.⁴¹

The *Beijing Declaration and Platform for Action* (1995) is a fundamental framework on gender and criminal justice and calls upon Member States to review and amend criminal laws to eliminate discrimination against women.⁴² To achieve justice for all, gender-based obstacles in the criminal justice system need to be addressed by working on challenges such as “discriminatory criminal laws and procedures and a lack of gender diversity among criminal justice professionals, to gender bias, stereotyping, stigma, and impunity.”⁴³ The document presents 12 areas of concerns and asks governments and national systems to “integrate gender perspectives in legislation, public policies, programs and projects.”⁴⁴ This can be achieved by providing training to government agencies to integrate a gender perspective in their policies and programs, increasing investment in gender equality and women rights, and tackling all forms of discrimination women face.⁴⁵

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* (Doha Declaration) was the outcome document of the 13th United Nations Congress on Crime Prevention and Criminal Justice in 2015.⁴⁶ The Doha Declaration addresses social and economic challenges, and promotes the rule of law and public participation.⁴⁷ It further calls upon Member States to focus on human dignity, human rights, and fundamental freedoms for all, especially in regard to women and children affected by crime and in contact with the criminal justice system.⁴⁸

The General Assembly called upon Member States to ensure that women are treated fairly in the criminal justice system with its 1998 resolution 52/86 on “Crime Prevention and criminal justice measures to eliminate violence against women.”⁴⁹ Additionally, General Assembly resolution 65/228 on “Strengthening crime prevention and criminal justice responses to violence against women” (2011) adopted *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice*.⁵⁰ The resolution urges Member States to evaluate their methods of crime reporting, and acknowledged that gender-based crimes are disproportionately underreported, particularly domestic violence and sexual assault.⁵¹

³⁹ United Nations, General Assembly. *International Covenant on Civil and Political Rights (A/RES/2200 (XXI))*. 1966.

⁴⁰ United Nations, General Assembly. *Convention on the Elimination of All Forms of Discrimination against Women (A/RES/34/180)*. 1979.

⁴¹ Ibid.

⁴² United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

⁴³ Ibid.

⁴⁴ United Nations, Fourth World Conference on Women. *Beijing Declaration and Platform for Action*. 1995.

⁴⁵ Ibid.

⁴⁶ United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on “Ensuring that no one is left behind”*. 2016.

⁴⁷ Ibid.

⁴⁸ Ibid.

⁴⁹ United Nations, General Assembly. *Crime Prevention and criminal justice measures to eliminate violence against women (A/RES/52/86)*. 1998.

⁵⁰ United Nations, General Assembly. *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*. 2011.

⁵¹ Ibid.

In 1990, the General Assembly adopted the *United Nations Standard Minimum Rules for Non-custodial Measures* (The Tokyo Rules), which promote the use of non-custodial measures and greater community involvement of criminal justice management.⁵² Building on the Tokyo Rules, the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) were adopted in 2010 by the General Assembly and recognized the particular needs of female prisoners and highlights the need for global standards that respond appropriately to the needs of women.⁵³ The Bangkok Rules cover issues such as healthcare for women, search procedures, humane treatment of prisoners, admission procedures, and rules about children accompanying mothers to prison.⁵⁴ Furthermore, they give guidance to Member States on how to keep women out of prison by providing gender-sensitive alternatives like non-custodial measures or counselling.⁵⁵ The 2015 *United Nations Standard Minimum Rules for the Treatment of Prisoners* (the Nelson Mandela Rules), adopted by the General Assembly, protects the rights of prisoners.⁵⁶ The resolution calls upon Member States to strengthen prison management to ensure safety and humane custody of prisoners.⁵⁷ The Nelson Mandela Rules regulate how pregnant prisoners should be treated while giving birth, and works to ensure that men and women are treated equally in their rights as prisoners.⁵⁸

The Sustainable Development Goals (SDGs) recognize the need to address gender-based discrimination in criminal justice systems.⁵⁹ Uneven access to justice and a weak criminal justice system is considered detrimental to development, peace, and human security under SDG 5 (gender equality).⁶⁰ SDG 4 (quality education) promotes the creation of a culture of lawfulness and gender equality, SDG 16 (peace, justice and strong institutions) ensures equal access to justice for all.⁶¹ SDG 16's aim is to establish effective, accountable and transparent institutions, as well as extend national institutions by building capacity at all levels with the help of international cooperation.⁶² The interlinkages between effective criminal justice systems and the SDGs was recognized in the outcome document of the 14th United Nations Congress on Crime Prevention and Criminal Justice, the *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development* (Kyoto Declaration) (2021).⁶³ Amongst other commitments, the Kyoto Declaration calls for gendered perspectives to be mainstreamed into crime prevention and criminal justice, and outlines an ambition to undertake an analysis of gender-specific needs.⁶⁴

⁵² United Nations, General Assembly. *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110). 1990.

⁵³ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* (A/RES/65/229). 2011.

⁵⁴ Ibid.

⁵⁵ Ibid.

⁵⁶ United Nations, General Assembly. *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules)* (A/RES/70/175). 2015.

⁵⁷ Ibid.; United Nations Office on Drugs and Crime et al. *The Nelson Mandela Rules*. n.d.

⁵⁸ Ibid.

⁵⁹ United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on "Ensuring that no one is left behind"*. 2016.

⁶⁰ Ibid.

⁶¹ Ibid.

⁶² United Nations, Department of Global Communications. *Goal 16: Promote just, peaceful and inclusive societies*. n.d.

⁶³ United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021.

⁶⁴ Ibid. p. 5.

Role of the International System

CCPCJ assists Member States in eliminating gender-based discrimination in criminal justice systems by providing fora to exchange knowledge, information, and experience.⁶⁵ Its resolutions articulate the overarching framework for international policy in relation to criminal justice.⁶⁶ Recent resolutions have called upon Member States to integrate a gender-based perspective into their national justice systems and to take into account gender-specific needs in relation to arrest and detention.⁶⁷ It also provides guidance and toolkits to Member States, including resources such as the *Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice*.⁶⁸ Strategies and best practices taken by Member States to address gender-based discrimination in the criminal justice system include reducing the imprisonment of women by using non-custodial measures, helping women to seek legal aid, legal empowerment of women, helping prison administration to respond to gender-specific needs, and to aim for equal representation of women in criminal justice institutions.⁶⁹ Member States take the primary role in establishing strategies and policies for crime prevention within their respective territories and establishing intergovernmental crime prevention and criminal justice norms within CCPCJ.⁷⁰

As its governing body, CCPCJ works closely with UNODC.⁷¹ UNODC supports Member States in relation to gender-responsive criminal justice by providing advisory services, including developing crime prevention plans and strategies, as well as sector-specific projects.⁷² UNODC published the *Handbook on Gender-Responsive Police Services for Women and Girls Subject to Violence (2021)* together with the United Nations Entity for Gender Equality and Empowerment of Women (UN Women) and the International Association of Women Police.⁷³ The handbook provides country-specific guidance on national prison legislation, such as establishing global norms for gender-sensitive responses by police forces.⁷⁴ UNODC also focuses on adopting the *Toolkit on Gender-Responsive Non-Custodial Measures (2018)* in order to provide contemporary recommendations for gender-responsive treatment of women in prison.⁷⁵ The toolkit builds upon existing international resources and instruments and provides guidance for civil society organizations, judges and prosecutors, policymakers, and other professionals when applying non-custodial measures.⁷⁶ In 2020 UNDOC, together with UN Women and the International Criminal Police Organization (INTERPOL), launched a report, *Women in Law Enforcement in the ASEAN Region* about the important role of women in police service and promoting the rule of law in the Association of Southeast Asian Nations (ASEAN) region.⁷⁷ The Special Rapporteur on the independence

⁶⁵ United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on “Ensuring that no one is left behind”*. 2016.

⁶⁶ United Nations, Commission on Crime Prevention and Criminal Justice. *Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1)*. 2017.

⁶⁷ Ibid.

⁶⁸ United Nations, General Assembly. *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*. 2011.

⁶⁹ United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

⁷⁰ United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021.

⁷¹ United Nations Office on Drugs and Crime. *Mandate and Functions*. n.d.

⁷² United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on “Ensuring that no one is left behind”*. 2016.

⁷³ United Nations, Commission on Crime Prevention and Criminal Justice. *Use and application of United Nations standards and norms in crime prevention and criminal justice: Report of the Secretary-General (EN/CN.15/2022/9)*. 2022.

⁷⁴ Ibid.

⁷⁵ United Nations Office on Drugs and Crime. *Toolkit on gender-responsive non-custodial measures*. 2020.

⁷⁶ Ibid.

⁷⁷ United Nations Office on Drugs and Crime. *UNODC-UN Women-INTERPOL report on women in law enforcement in the ASEAN region: increasing participation will improve effectiveness*. 2020.

of judges and lawyers was appointed by the Commission on Human Rights in 1994.⁷⁸ The Special Rapporteur's mandate is to record attacks on the independencies of judges and lawyers, give recommendations to states and other actors, and improve the independency of prosecutors and lawyers.⁷⁹

The need to address gender-based violence in the criminal justice system has also gained recognition among non-governmental organizations (NGOs).⁸⁰ The independent, non-profit International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR & CJP), "focuses on technical co-operation, research, training and advisory services in the field of criminal law, criminal justice policy and crime prevention."⁸¹ The International Center for the Prevention of Crime (ICPC) is an "international forum for national governments, local authorities, public agencies, specialized institutions, and NGOs to exchange experience, emerging knowledge, and policies and programs in crime prevention and community safety."⁸² Crime prevention initiatives from local communities that provide a focus on a greater involvement of women in the justice and security sector can also be very effective in criminal justice system management.⁸³

The Treatment of Women and Girls in Prisons

Prisons are an integral part of the criminal justice system and play an important role in ensuring public safety, justice, and holding perpetrators accountable.⁸⁴ However, the increasing rates of incarceration present challenges with overcrowding, especially given that, as of 2021, over half of Member States are at more than 150% of their prison capacity.⁸⁵ Overcrowding multiplies and exacerbates the existing challenges and inequalities found in prison systems, both in terms of basic access to services and in how prisoners and prison staff interact.⁸⁶ Due to a lack of gender-responsive prison management, incarceration will generally have a disproportionately negative impact on female prisoners, including exposing them to a heightened risk of gender-based violence and stigma.⁸⁷

CCPCJ resolution 18/1 on "Supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings" (2009) calls to attention how the initial design of prisons worldwide was intended to accommodate male prisoners, which has resulted in a lack of gender-appropriate facilities, especially in regards to specialized needs for juvenile women.⁸⁸ UNODC's *Handbook on Women and Imprisonment* (2014) cites both mental and physical health as some of the special needs areas in caring for women prisoners that need improvement, specifically sexual and reproductive health.⁸⁹ CCPCJ resolution 26/2 on "Ensuring access to measures for the prevention of mother to child transmission of HIV in prisons" of 2017 calls attention to the need for special consideration of how to prevent HIV transmission from mother to child in prisons.⁹⁰

⁷⁸ Office of the United Nations High Commissioner for Human Rights. *Special Rapporteur on the independence of judges and lawyers*. 2022.

⁷⁹ Ibid.

⁸⁰ United Nations Office on Drugs and Crime. *International Center for Criminal Law Reform and Criminal Justice Policy (ICCLR & CJP)*. n.d.

⁸¹ Ibid.

⁸² United Nations Office on Drugs and Crime. *International Center for the Prevention of Crime (ICPC)*. n.d.

⁸³ United Nations Office on Drugs and Crime. *UNODC supports the empowerment of female criminal justice practitioners*. 2022.

⁸⁴ United Nations Office on Drugs and Crime. *United Nations System Common Position on Incarceration*. 2021. p. 3.

⁸⁵ Ibid. p. 5.

⁸⁶ Ibid. pp. 5-6.

⁸⁷ Ibid. p. 5.

⁸⁸ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229)*. 2011. p. 2.

⁸⁹ United Nations Office on Drugs and Crime. *Handbook on women and imprisonment*. 2014. p. 10.

⁹⁰ United Nations, Commission on Crime Prevention and Criminal Justice. *Ensuring access to measures for the prevention of mother to-child transmission of HIV in prisons (E/CN.15/2017/L.5/Rev.1)*. 2017.

As outlined by UNDOC's *Training Curriculum on Women and Imprisonment* (2015), another issue facing women in prison is the existing power dynamic between prisoners and staff.⁹¹ The curriculum notes how this dynamic differs when it comes to women prisoners and male guards because of the existing societal gender imbalance.⁹² The curriculum outlines special considerations that should be taken during intimate searches and punishment in order to prevent sexual violence against women and young girls.⁹³ The Bangkok Rules urge that female staff should conduct searches, and it should be ensured that staff be thoroughly and effectively trained.⁹⁴

Solutions to address issues of overcrowding, lack of gender-sensitive care, and the physical and emotional safety of women and girls in prisons are currently underdeveloped.⁹⁵ In the case of overcrowding, possible solutions include decreasing the use of custodial measures as a response to crime, shortening lengthy pre-trial incarceration, and decreasing the range of offenses that warrant a sentence of life in prison without parole.⁹⁶ These solutions are not without barriers, which include a lack of awareness and a lack of public support.⁹⁷ In order to ensure accommodations can be made for juvenile women, the Bangkok Rules suggest creating initial investments in programs, including giving young women access to the same vocational and educational opportunities as men, gender-specific counselling for sexual abuse and violence, and specialized care during pregnancy due to the greater possibility of medical complications because of their age.⁹⁸ Recommendations for women's safety in intimate searches include ensuring that there are sufficient trained female staff, ensuring equal training opportunities for both male and female staff, providing management opportunities to female staff, and working to address institutionalized barriers that prevent women from becoming employed in the criminal justice system.⁹⁹

Strengthening Crime Prevention and Criminal Justice Responses to Violence Against Women

UNODC defines violence against women as including physical, sexual, psychological, and economic abuse.¹⁰⁰ In 2017, 87,000 women were intentionally killed, 58% of whom were killed by an intimate partner or close family member.¹⁰¹ The study aids in the definition of two commonly used terms, "femicide" and "feminicide," both of which are often used to describe the murder of women, by men, for reasons that exist solely because of societally prescribed gender norms.¹⁰² Less than 40% of women who are victims of sexual violence report the crimes and, more often than not, they first rely on friends and family and turn away from formal institutions.¹⁰³ One important aspect when considering underreporting are the laws that govern a state, as only 69% of states have laws in place addressing sexual assault and only 27% of states have laws addressing marital rape.¹⁰⁴

CCPCJ and UNODC have emphasized the importance of a victim-centered legal approach to empower women and hold those committing violence against women accountable.¹⁰⁵ CCPCJ has specifically urged

⁹¹ United Nations Office on Drugs and Crime. *Training curriculum on women and imprisonment*. 2015. p. 17.

⁹² Ibid. p. 17.

⁹³ Ibid. p. 17.

⁹⁴ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* (A/RES/65/229). 2011. p. 12.

⁹⁵ United Nations Office on Drugs and Crime. *United Nations System Common Position on Incarceration*. 2021. p. 3.

⁹⁶ Ibid. p. 4.

⁹⁷ Ibid. p. 4.

⁹⁸ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* (A/RES/65/229). 2011. p. 14.

⁹⁹ United Nations Office on Drugs and Crime. *Training curriculum on women and imprisonment*. 2015. p. 27.

¹⁰⁰ United Nations Office on Drugs and Crime. *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*. 2014. p. 1.

¹⁰¹ United Nations Office on Drugs and Crime. *Global Study on Homicide: Gender-Related Killing of women and girls*. 2018. p. 10.

¹⁰² Ibid. p. 10.

¹⁰³ United Nations, Department of Economic and Social Affairs. *Violence Against Women and the Girl Child*. 2020.

¹⁰⁴ Ibid.

¹⁰⁵ United Nations Office on Drugs and Crime. *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*. 2014; United Nations, Commission on Crime Prevention and Criminal Justice.

all Member States to enhance measures to empower victims of gender-based violence and develop coordinated, systematic approaches to promote victim safety and due process.¹⁰⁶ It has further reiterated the need for Member States to better prevent the killing of women and girls, including establishing community engagement initiatives to counter social attitudes that “foster, justify or tolerate” violence against women.¹⁰⁷

UNODC, in collaboration with the World Health Organization (WHO), published a guide on *Strengthening the Medico-Legal Response to Sexual Violence* (2015).¹⁰⁸ This guide defines “medico-legal” as the intersection between medical and legal processes, and involves the prevention of and response to sexual violence.¹⁰⁹ The guide recommends interventions for health services, social services, forensic medicine, forensic lab services, police investigation, and the legal system, including lawyers and judges.¹¹⁰ One such intervention is creating one-stop centers that provide 24-hour, multidisciplinary services for women who are victims of violence.¹¹¹ In areas where creating these centers may not be feasible, another option is to coordinate information exchange and a system for referrals between health services, social services, and legal services.¹¹²

UNODC’s *Handbook on Effective Police Responses to Violence Against Women* (2014) emphasizes the role that police forces play in ensuring justice for and preventing violence against women.¹¹³ *Strengthening the Medico-Legal Response to Sexual Violence* notes that police are often the first on the scene in cases involving violence against women, and that this means police should be sufficiently trained in relevant laws surrounding violence against women and be equipped to testify in court regarding the subject.¹¹⁴ According to UNODC, one possible measure to ensure this is to create specialized police units that are trained to cater specifically towards the needs of women and girls, and be more sensitive to situations involving domestic abuse or sexual assault.¹¹⁵ The aforementioned guide also urges police sensitivity in collecting evidence in a way that is considerate and maintains the dignity of victims.¹¹⁶

Conclusion

Gender-based discrimination in criminal justice systems remains a problem that affects women that need access to justice.¹¹⁷ It serves as a reflection and multiplier of existing societal gender-based disparities.¹¹⁸ The UN system now has numerous frameworks that draw attention to the importance of a gender-responsive criminal justice system, including The Nelson Mandela Rules, Tokyo Rules, Bangkok

Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1). 2017.

¹⁰⁶ United Nations, Commission on Crime Prevention and Criminal Justice. *Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1)*. 2017.

¹⁰⁷ Ibid. p. 4.

¹⁰⁸ United Nations Office on Drugs and Crime et al. *Strengthening the Medico-Legal Response to Sexual Violence*. 2015. p. 3.

¹⁰⁹ Ibid. p. 3.

¹¹⁰ Ibid. p. 3.

¹¹¹ Ibid.

¹¹² Ibid.

¹¹³ United Nations Office on Drugs and Crime. *Handbook on effective police responses to violence against women*. 2014.

¹¹⁴ United Nations Office on Drugs and Crime et al. *Strengthening the Medico-Legal Response to Sexual Violence*. 2015. p. 3.

¹¹⁵ United Nations Office on Drugs and Crime. *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*. 2014.

¹¹⁶ Ibid.

¹¹⁷ United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

¹¹⁸ United Nations Office on Drugs and Crime. *University Module Series: Crime Prevention and Criminal Justice: Module 9*. 2019.

Declaration, and many of the SDGs.¹¹⁹ CCPCJ and UNODC have consistently emphasized a gender-centered legal approach, encompassing those who both perpetrate crime and are victims of crime.¹²⁰ For the former, promoting non-custodial measures, providing gender-sensitive prison treatment, and equal representation of law authorities are key.¹²¹ In regards to the latter, CCPCJ has highlighted the need for special training for police units to respond to domestic abuse or sexual assault, better integrate communities into crime prevention, and for Member States to implement proper system to criminalize and deter gender-based violence.¹²² Addressing gender-based discrimination in criminal justice systems remains an important issue considering the increasing rate of female prisoners.¹²³ The treatment of women and girls in prisons and strengthening crime prevention and criminal justice responses to violence against women play a pivotal role addressing the issue.¹²⁴

Further Research

As delegates begin their research, the following questions may be helpful to consider: How can the UN, alongside NGOs, other intergovernmental organizations, the private sector, and other stakeholders address gender-based discrimination in criminal justice system? What specific health considerations for women and girls in prison are often neglected? How can prisons be redesigned to accommodate these shortcomings? What methods are effective in mitigating violence against women within prison systems? How can Member States ensure adequate training of police forces to handle gender-based crime? How can evidence from gender-based crime be collected and preserved? How can legal systems increase the rate at which women report crimes?

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This 2017 resolution provides a clear and concise summary of CCPCJ's position on the role of gender in the criminal justice system. It calls upon Member States to enact systems and policies to ensure that a gendered perspective is incorporated into criminal justice systems, as well as in efforts towards crime prevention. Delegates will find this source essential not only in its relevant content and proposals, but also as a tool to understand the nature of CCPCJ's mandate in relation to this topic.

¹¹⁹ United Nations, General Assembly. *United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules) (A/RES/70/175)*. 2015; United Nations Office on Drugs and Crime et al. *The Nelson Mandela Rules*. n.d.; United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-level Political Forum on Sustainable Development on "Ensuring that no one is left behind"*. 2016.

¹²⁰ United Nations, Commission on Crime Prevention and Criminal Justice. *Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1)*. 2017.

¹²¹ United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.; United Nations, Commission on Crime Prevention and Criminal Justice. *Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1)*. 2017. pp. 4-5.

¹²² United Nations Office on Drugs and Crime. *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*. 2014; United Nations, Commission on Crime Prevention and Criminal Justice. *Mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime (E/CN.15/2017/L.9/Rev.1)*. 2017. p. 4.

¹²³ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229)*. 2011. p. 2.

¹²⁴ United Nations Office on Drugs and Crime. *United Nations System Common Position on Incarceration*. 2021. pp. 3-4; United Nations Office on Drugs and Crime. *Strengthening Crime Prevention and Criminal Justice Responses to Violence against Women*. 2014. p. 1.

United Nations, Fourth World Conference on Women. *Beijing Declaration and Platform for Action*. 1995. Retrieved 21 October 2022 from: <http://www.un.org/womenwatch/daw/beijing/pdf/BDPfA%20E.pdf>

The Beijing Declaration functions as a roadmap for achieving gender equality and is therefore useful for delegates to explore actions taken by governments. This landmark document functions as guidance and inspiration to achieve gender equality in all fields. The platform for action covers 12 areas, including poverty; education and training; health; violence; armed conflict; economy; power and decision-making; institutional mechanisms; human rights; media; environment; and the girl child. Delegates can use this source to gain an understanding of what national actions they may propose.

United Nations, General Assembly. *Strengthening crime prevention and criminal justice responses to violence against women (A/RES/65/228)*. 2011. Retrieved 25 June 2022 from: <http://undocs.org/en/A/RES/65/228>

This resolution aids in giving delegates an understanding of the international community's view of criminal justice responses to violence against women, as well as specific topics regarding policing. The resolution itself mentions other key documents that could further aid in a deeper understanding of the topic. The annex also provides the Model Strategies and Practical Measures on the Elimination of Violence against Women in the Field of Crime Prevention and Criminal Justice.

United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229)*. 2011. Retrieved 3 August 2022 from: <http://undocs.org/en/A/RES/65/229>

This resolution is a foundational document on the treatment of women in prisons and is critical in understanding the nuances of the challenges they may face. Delegates will also find helpful the way in which the resolution makes considerations of mental and physical health. This document recommends gender-based considerations that should be taken into account but that are often neglected in a custodial environment. It also contains references to regional existing programs that could be a springboard for further research that is more specific to a delegate's Member State.

United Nations Office on Drugs and Crime. *Global Study on Homicide: Gender-Related Killing of women and girls*. 2018. Retrieved 2 August 2022 from: https://www.unodc.org/documents/data-and-analysis/GSH2018/GSH18_Gender-related_killing_of_women_and_girls.pdf?fbclid=IwAR0i0KqpLQypGB7tzZI8eMshgKPYk9RQFNbniG2z4ENxZ41uydAdby0BL34

This study provides useful data on violence against women. There are useful statistics that break down the topic, and even regional numbers that could be helpful in research for a delegate's individual Member State. Delegates can assess the statistics and the breakdown to see what areas need particular attention when it comes to violence against women, and how the response from criminal justice systems could be improved.

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2. Decriminalization and International Drug Policy

Introduction

According to the United Nations Office on Drugs and Crime (UNODC), nearly 12 million people are currently in prison globally, with about 22% of the prisoners having been sentenced for drug-related offenses.¹²⁵ Many of these offenses are for drug use or drug possession, which can be minor and non-violent but carry lengthy sentences rather than a fine or treatment for drug use.¹²⁶ These long sentences can lead to overcrowding in prisons, which puts a strain on the criminal justice system, leading to unjust trials and possible human rights violations.¹²⁷ Additionally, incarceration of non-medical opioid users can worsen their situation and increase their dependence on that opioid.¹²⁸ Women make up the minority of prisoners, but are subject to correctional procedures that are designed for men, which can create a stigma against women who are or have been incarcerated.¹²⁹

The Joint United Nations Programme on HIV/AIDS (UNAIDS) defines drug decriminalization as the removal of criminal penalties on the use and possession of drugs for personal use.¹³⁰ In most cases of decriminalization, criminal penalties still apply for the cultivation and sale of drugs.¹³¹ By contrast, legalization removes all criminal penalties and is often instituted to enable and regulate the commercial use of a drug.¹³² In the context of criminal justice, decriminalization of drugs can contribute to a decrease in prison overcrowding, fewer cruel and unusual punishments, and fewer arbitrary detentions.¹³³ Drug decriminalization also affects the progress towards *2030 Agenda for Sustainable Development* (2030 Agenda) (2015) and its 17 Sustainable Development Goals (SDGs), most specifically SDG 3 (good health and well-being), SDG 5 (gender equality), and SDG 16 (peace, justice and strong institutions).¹³⁴ Thus, 12 United Nations (UN) entities and multiple human rights bodies recognize the decriminalization of drugs as a means to partially address the world drug problem.¹³⁵

However, neither the Commission on Crime Prevention and Criminal Justice (CCPCJ) nor the UNODC have officially endorsed the decriminalization of drugs.¹³⁶ Although significant efforts have been undertaken to harmonize approaches, there is presently no singular, universal position within the UN system on drug decriminalization.¹³⁷ Nonetheless, according to the Commission on Narcotic Drugs (CND), there cannot be an effective drug policy without successful crime prevention and a fair criminal

¹²⁵ United Nations Office on Drugs and Crime. *Rethinking incarceration: UNODC hosts Consultation on Treatment of Drug Use Disorders and Associated Mental Health Disorders in Prison Settings*. 2022.

¹²⁶ Harm Reduction International. *The Harms of Incarceration*. 2021. p. 4.

¹²⁷ United Nations Office on Drugs and Crime. *Handbook on strategies to reduce overcrowding in prisons*. 2013. p. 14.

¹²⁸ United Nations Office on Drugs and Crime. *World Drug Report 2022: Global overview of drug demand and drug supply*. 2022. p. 40.

¹²⁹ United Nations Office on Drugs and Crime. *World Drug Report 2020: Other Drug Policy Issues*. 2020. p. 57.

¹³⁰ Joint United Nations Programme on HIV/AIDS. *Health, Rights and Drugs*. 2019. p. 33.

¹³¹ *Ibid.* p. 33.

¹³² United Nations Office on Drugs and Crime. *World Drug Report 2022: Drug market trends of Cannabis and Opioids*. 2022. p. 28.

¹³³ Office of the United Nations High Commissioner for Human Rights. *Aligning Drug Policies with Human Rights*. 2022.

¹³⁴ United Nations, General Assembly. *Transforming our world: the 2030 Agenda for Sustainable Development (A/RES/70/1)*. 2015. p. 14.

¹³⁵ United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 28.

¹³⁶ Rajagopalan. Drug Policy Alliance. *United Nations and World Health Organization Call for Drug Decriminalization*. 2017.

¹³⁷ United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 52; Rajagopalan. Drug Policy Alliance. *United Nations and World Health Organization Call for Drug Decriminalization*. 2017; Global Commission on Drug Policy. *Enforcement of Drug Laws*. 2020. p. 36.

justice system.¹³⁸ National and international drug policies aim to mitigate the harmful effects of drug trafficking, reducing incarceration rates, and combating drug addiction, which can go alongside criminal justice reforms to ensure fair trials and fair punishments.¹³⁹

International and Regional Framework

Drug policy and the associated penalties sit at a nexus between the obligations on Member States in relation to human rights treaties and the concurrent obligations of drug control treaties.¹⁴⁰ The international drug control conventions do not specifically *oblige* States parties to deem the use of drugs a criminal offense, although they are generally more prescriptive in relation to acquisition or possession with intent to distribute.¹⁴¹ The international drug control conventions do *enable* their States parties to impart some level of criminal penalty for the production, possession, and consumption of narcotic drugs.¹⁴² The three main conventions are the *Single Convention on Narcotic Drugs of 1954 as amended by the 1972 Protocol* (1972), the *Convention on Psychotropic Substances* (1971), and the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* (1988).¹⁴³ Specifically, article 36 of the *Single Convention on Narcotic Drugs*, article 22 of the *Convention on Psychotropic Substances*, and article 3 of the *United Nations Convention against Illicit Traffic in Narcotic Drugs and Psychotropic Substances* permit States parties to criminalize the production, possession, and consumption of drugs.¹⁴⁴ Aside from criminalization, these treaties also establish general provisions on trafficking and drug abuse for the work of UNODC and the States parties to the conventions.¹⁴⁵

The *Universal Declaration of Human Rights* (UDHR) (1948), the *International Covenant on Civil and Political Rights* (ICCPR) (1966), and the *International Covenant on Economic, Social and Cultural Rights* (ICESCR) (1966) are key frameworks for efforts towards the decriminalization of drugs.¹⁴⁶ Article 10 of the UDHR states that all individuals are entitled to a full, fair, and public hearing for any criminal charges brought against them.¹⁴⁷ Similarly, the ICCPR states that everyone has the right to be brought before a judge for any criminal charges that may be brought against them in article 9.3.¹⁴⁸ Similarly, the *Convention on the Elimination of All Forms of Discrimination Against Women* (CEDAW) was adopted by the General Assembly in 1979 in order to provide recommendations and guidelines in support of women's rights around the world.¹⁴⁹

The 2030 Agenda establishes that the health and rights of people are the center of sustainable development.¹⁵⁰ Moreover, drug policy is interlinked with all of the 17 SDGs.¹⁵¹ For example, SDG 3

¹³⁸ United Nations, Commission on Crime Prevention and Criminal Justice. *Drug control, crime prevention and criminal justice: A Human Rights perspective* (E.CN.7/2010/CRP.6-E/CN.15/2010/CRP). 2010. p. 3.

¹³⁹ Office of the United Nations High Commissioner for Human Rights. *End 'war on drugs' and promote policies rooted in human rights: UN experts*. 2022.

¹⁴⁰ Joint United Nations Programme on HIV/AIDS et al. *International Guidelines on Human Rights and Drug Policy*. 2019. pp. 4-5.

¹⁴¹ The Transnational Institute. *The UN Drug Control Conventions*. 2015.

¹⁴² United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 25.

¹⁴³ United Nations Office on Drugs and Crime. *Treaties*. 2022.

¹⁴⁴ United Nations Office on Drugs and Crime. *The International Drug Control Conventions*. 2013.

¹⁴⁵ United Nations Office on Drugs and Crime. *Treaties*. 2022.

¹⁴⁶ Joint United Nations Programme on HIV/AIDS. *Health, Rights and Drugs*. 2019. p. 33; United Nations, General Assembly. *Universal Declaration of Human Rights* (A/RES/3/217 A). 1948; United Nations, General Assembly. *International Covenant on Civil and Political Rights* (A/RES/2200A(XXI)). 1966.

¹⁴⁷ United Nations, General Assembly. *Universal Declaration of Human Rights* (A/RES/3/217 A). 1948. p. 3.

¹⁴⁸ United Nations, General Assembly. *International Covenant on Civil and Political Rights* (A/RES/2200A(XXI)). 1966. p. 6.

¹⁴⁹ Office of the United Nations High Commissioner for Human Rights. *Committee on the Elimination of Discrimination against Women*. 2022.

¹⁵⁰ United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 5.

¹⁵¹ Ibid. p. 5; International Drug Policy Consortium. *Drug Policy and the Sustainable Development Goals*. 2015.

establishes that ensuring healthy lives and promoting well-being is dependent on well-designed drug policies.¹⁵² Concurrently, an environment that enables the international drug trade and its resulting profits adds to the risk of corruption and undermines the objectives of having accountable and transparent institutions as outlined by SDG 16.¹⁵³

In 2021, the 14th United Nations Congress on Crime Prevention and Criminal Justice adopted the *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development* (Kyoto Declaration).¹⁵⁴ The Kyoto Declaration provides recommendations for action by Member States towards reforming the criminal justice system to ensure that prison conditions are improved and gender perspectives are mainstreamed.¹⁵⁵ In this context, the *United Nations Standard Minimum Rules for Non-custodial Measures*, adopted by the General Assembly in 1990 and commonly known as the Tokyo Rules, aim to safeguard people against wrongful imprisonment by providing guidance for rules that should be upheld during each stage of criminal justice proceedings regardless of the charges brought forth.¹⁵⁶ In addition to the Tokyo Rules, the General Assembly adopted the *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders* (the Bangkok Rules) in 2010 to further the development of gender-specific alternatives.¹⁵⁷ The Bangkok Rules also recognize that many women in conflict with the law do not pose significant risks in society and that their imprisonment frequently has a negative impact on their rehabilitation.¹⁵⁸

Role of the International System

CND and CCPCJ are the primary policymaking organs within the UN system and guide international action against drugs and crime.¹⁵⁹ While CND is responsible for policy guidance on the global drug situation, CCPCJ addresses international drug policy indirectly through aspects of the criminal justice system.¹⁶⁰ In particular, its mandate to improve the efficiency and fairness of criminal justice systems as well as its role as a forum for the exchange of experiences and best practices around criminal justice position CCPCJ is the ideal body to discuss criminal justice responses to the world drug situation.¹⁶¹ Furthermore, CCPCJ prepares the United Nations Congress on Crime Prevention and Criminal Justice every five years.¹⁶²

In 2016, the General Assembly convened a special session to address the world drug problem.¹⁶³ At the special session, the General Assembly adopted its resolution S-30/1 on “Our joint commitment to effectively addressing and countering the world drug problem,” (2016) which, among others, recommends the development and implementation of alternative measures to punishment for drug-related offenses.¹⁶⁴ The special session further recognized the importance of appropriately mainstreaming gender and age

¹⁵² United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 5.

¹⁵³ Ibid. p. 5.

¹⁵⁴ United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021.

¹⁵⁵ Ibid. p. 6.

¹⁵⁶ United Nations, General Assembly. *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110). 1990. p. 3.

¹⁵⁷ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules)* (A/RES/65/229). 2010.

¹⁵⁸ Ibid. p. 3.

¹⁵⁹ United Nations Office on Drugs and Crime. *The Commission on Crime Prevention and Criminal Justice*. n.d.

¹⁶⁰ Ibid.

¹⁶¹ Ibid.

¹⁶² Ibid.

¹⁶³ United Nations, General Assembly. *Our joint commitment to effectively addressing and countering the world drug problem* (A/RES/S-30/1). 2016.

¹⁶⁴ Ibid. p. 13.

perspectives in drug-related policies and programs, in particular in the context of criminal justice responses.¹⁶⁵

Within the larger UN system, many specialized agencies and human rights mechanisms, including the Office of the United Nations High Commissioner for Human Rights (OHCHR) and the World Health Organization (WHO), maintain a call for decriminalization of the production, cultivation, possession, and use of drugs.¹⁶⁶ In 2018, these UN entities came together as part of a UN system coordination Task Team on the Implementation of the UN System Common Position on drug-related matters.¹⁶⁷ This Task Team elaborated a coherent set of recommendations within the UN system on criminal justice responses to the drug problem.¹⁶⁸ The outcome of this task team was a report on *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters* (2019), which calls for the decriminalization of drug possession for personal use and measures to address overcrowded prisons.¹⁶⁹

Advancing Criminal Justice Systems to Address the World Drug Problem

In 2016, UNODC estimated that 115 states had an occupation rate of above 100% of their prison capacity.¹⁷⁰ The UN High Commissioner for Human Rights and other UN entities have consistently emphasized that overcrowding in prisons can lead to human rights violations through the deprivation of liberty, absence of alternatives to imprisonment, and unequal access to healthcare.¹⁷¹ For those with drug offenses, it may also limit their ability to access education, drug treatment, and rehabilitation.¹⁷² From a criminal justice perspective, the decriminalization of drugs could help reduce the number of incarcerated people, reduce criminal justice costs, and increase access to drug rehabilitation and treatment.¹⁷³ Overcrowding in prisons can have a negative effect on the physical and mental health of prisoners, which is also highlighted in the Tokyo Rules.¹⁷⁴

Creating alternatives to imprisonment for drug-related offenses will help reduce the number of people imprisoned and may therefore mitigate the adverse effects of these issues.¹⁷⁵ In many criminal justice systems, penalties for drug-related offenses are focused on keeping offenders incarcerated rather than getting them treatment for drug abuse.¹⁷⁶ According to WHO and UNODC, working towards reforming drug policies and drug decriminalization to focus on rehabilitation rather than incarceration will also help work towards the achievement of SDG 3 and SDG 16.¹⁷⁷ The Tokyo Rules define non-custodial measures as the imposing of an obligation on an offender before or instead of a formal trial or

¹⁶⁵ Ibid.

¹⁶⁶ United Nations, Chief Executives Board. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. pp. 41, 43.

¹⁶⁷ Ibid. pp. 41, 43.

¹⁶⁸ Ibid. p. 5.

¹⁶⁹ Ibid. p. 46.

¹⁷⁰ United Nations Office on Drugs and Crime et al. *Treatment and care for people with drug use disorders in contact with the criminal justice system*. 2018. p. 10.

¹⁷¹ United Nations, Human Rights Council. *Human rights implications of overincarceration and overcrowding (A/HRC/30/19)*. 2015. p. 8; United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. pp. 28.

¹⁷² United Nations Office on Drugs and Crime et al. *Treatment and care for people with drug use disorders in contact with the criminal justice system*. 2018. p. 10.

¹⁷³ Drug Policy Alliance. *Approaches to Decriminalizing Drug Use & Possession*. 2016. p. 1.

¹⁷⁴ United Nations, Commission on Crime Prevention and Criminal Justice. *Economic fraud and identity-related of prison overcrowding, including the provision of legal aid in criminal justice systems: Note by the Secretariat (E/CN.15/2009/15)*. 2009. pp. 14-17.

¹⁷⁵ United Nations Office on Drugs and Crime et al. *Treatment and care for people with drug use disorders in contact with the criminal justice system*. 2018. p. 10.

¹⁷⁶ Ibid. p. 9.

¹⁷⁷ Ibid. p. 1.

proceedings, which, like alternatives to imprisonment, must require the offender's consent.¹⁷⁸ UNODC's *Handbook of basic principles and promising practices on Alternatives to Imprisonment* (2013) proposes using verbal sanctions, status penalties, or economic penalties instead of imprisonment to help reduce overcrowding in prisons.¹⁷⁹

From a criminal justice perspective, CCPCJ can thus address the world drug problem by promoting and advancing fair, effective, and equitable criminal justice systems.¹⁸⁰ This is in line with the second pillar of the Kyoto Declaration, namely on "Advancing the criminal justice system," which recommends alternatives to pre-trial detention and imprisonment by considering the Tokyo Rules.¹⁸¹ Based on this, CCPCJ will hold several thematic sessions on the implementation of the Kyoto Declaration from 2021 to 2024, which, among others, will include a session on improving prison conditions in December 2022.¹⁸² Additionally, UNODC can also help countries by offering assistance to Member States in decriminalization and reducing sentences of certain offenses.¹⁸³

Mainstreaming Gender Equality into Criminal Justice Approaches to Drug Policy

In 2018, according to the UNODC's World Drug Report, 35% of the female prison population were incarcerated for drug-related offenses, compared with only 19% of the male prison population.¹⁸⁴ According to UNODC, the majority of drug traffickers globally are male, but the issue of gender has not been taken into consideration of punishments and laws concerning of drug trafficking.¹⁸⁵ The decriminalization of drugs can help achieve SDG 5 by working towards eliminating all forms of violence and discrimination against all women and girls and by upholding women's rights in the criminal justice system, especially in prisons.¹⁸⁶

As outlined by UNODC's *World Drug Report* (2018), there are unique socioeconomic factors as to why women participate in the international drug trade.¹⁸⁷ Although not universally applicable, the role of women in the drug trade are often interlinked with positions of socioeconomic vulnerability, violence, intimate relationships, and more.¹⁸⁸ According to the Criminal Network Disruption Global Programme by UNODC, drug trafficking presents an opportunity for many women to climb the social ladder while receiving a source of income to benefit themselves and their families, albeit with the risk of incarceration.¹⁸⁹ Women who participate in illicit drug trafficking operations are still expected to perform traditional gender roles of mothers and housekeepers, while keeping up with the demands of the drug trafficking operation.¹⁹⁰

Most national judicial systems are designed for and enforced by men, exacerbating gender-specific vulnerabilities, especially when it comes to drug-related offenses.¹⁹¹ Efforts to reduce overcrowding in

¹⁷⁸ United Nations, General Assembly. *United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules)* (A/RES/45/110). 1990. p. 2.

¹⁷⁹ United Nations Office on Drugs and Crime. *Handbook on Strategies to Reduce Overcrowding in Prisons*. 2013. p. 29.

¹⁸⁰ United Nations Office on Drugs and Crime. *CCPCJ: Standards and norms*. n.d.

¹⁸¹ United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021. p. 7.

¹⁸² United Nations Office on Drugs and Crime. *CCPCJ: Thematic Discussions of the Commission on Crime Prevention and Criminal Justice on the implementation of the Kyoto Declaration*. n.d.

¹⁸³ United Nations Office on Drugs and Crime. *Criminal Justice Reform*. n.d.

¹⁸⁴ United Nations Office on Drugs and Crime. *World Drug Report 2018: Women and Drugs*. 2018. p. 9.

¹⁸⁵ United Nations Office on Drugs and Crime. *Workshop provides insight on role of women in illicit networks*. 2019.

¹⁸⁶ United Nations, Chief Executives Board for Coordination. *Summary of deliberations (CEB/2018/2)*. 2019. p. 14.

¹⁸⁷ United Nations Office on Drugs and Crime. *World Drug Report 2018: Women and Drugs*. 2018. p. 7.

¹⁸⁸ *Ibid.* p. 7.

¹⁸⁹ United Nations Office on Drugs and Crime. *Workshop provides insight on role of women in illicit networks*. 2019.

¹⁹⁰ United Nations Office on Drugs and Crime. *World Drug Report 2018: Women and Drugs*. 2018. p. 26.

¹⁹¹ Dholakia. Vera. *Women's Incarceration Rates are Skyrocketing. These Advocates Are Trying to Change That*. 2021.

prisons and incarceration rates are largely targeted towards men, disregarding the needs of women and leaving them imprisoned.¹⁹² Female prisoners are more likely to enter prison with a history of trauma or violence than male prisoners, and yet are less likely to have access to appropriate treatment and support.¹⁹³ Many women face abusive and unsanitary conditions while incarcerated, something that has been exasperated by the COVID-19 pandemic.¹⁹⁴ Furthermore, while there are long-lasting consequences for women who are incarcerated for drug trafficking, their role in drug trafficking operations is often minor, while their punishment can be disproportionate to their crime.¹⁹⁵ Many of these women face harsher penalties, threats of rape, and in some cases sexual harassment and assault while they are being held in overcrowded prisons.¹⁹⁶ Taking a human rights approach to drug decriminalization and prison reform can help reduce the number of women incarcerated for non-violent drug-related offenses and reduce overcrowding in prisons.¹⁹⁷

According to UNODC, there is a higher percentage of women prisoners compared to male prisoners that have a drug dependency and whom would benefit from adequate treatment.¹⁹⁸ Decreasing or eradicating the length of pre-trial detention for women accused of drug-related offenses can help these women get the treatment they may need if they have a drug dependency.¹⁹⁹ Overall, due to gender-based discrimination in the criminal justice system, women suffer more consequences other than just incarceration, they also face a higher risk of poverty, extremely low or no wages, lack access to healthcare and education for themselves and their children.²⁰⁰ This highlights the need for gender-inclusive policies, such as those outlined in the Bangkok Rules, and modifications to the criminal justice system, especially in relation to drug-related offenses.²⁰¹ Mainstreaming a gender perspective into criminal justice responses on drug-related offenses is also part of the second pillar of the Kyoto Declaration on “Advancing the criminal justice system.”²⁰² In December 2022, CCPCJ will also hold a thematic session on “Mainstreaming a gender perspective into criminal justice systems” as part of its thematic discussions on the implementation of the Kyoto Declaration, which could provide an opportunity to also consider a gender-responsive approach to criminal justice responses to drug-related offenses.²⁰³

Conclusion

The decriminalization of drugs remains a controversial and developing topic at the international level.²⁰⁴ There remains no single consensus within the international system on drug decriminalization and, although efforts have been undertaken to harmonize approaches, CCPCJ and UNODC have not officially

¹⁹² Ibid.

¹⁹³ Ibid.

¹⁹⁴ Ibid.

¹⁹⁵ United Nations Office on Drugs and Crime. *World Drug Report 2018: Women and Drugs*. 2018. p. 25.

¹⁹⁶ United Nations, Department of Global Communications. *Rise in women prisoners and COVID measures, 'making sentences worse'*. 2020.

¹⁹⁷ Ibid.

¹⁹⁸ United Nations Office on Drugs and Crime. *Drug Dependence Treatment: Interventions for Drug Users in Prison*. 2008. p. 74.

¹⁹⁹ United Nations Office on Drugs and Crime. *Handbook on Strategies to Reduce Overcrowding in Prisons*. 2013. p. 23.

²⁰⁰ United Nations Office on Drugs and Crime. *Gender in the Criminal Justice System*. n.d.

²⁰¹ United Nations, General Assembly. *United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) (A/RES/65/229)*. 2011. p. 3.

²⁰² United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021. p. 8.

²⁰³ United Nations Office on Drugs and Crime. *CCPCJ: Thematic Discussions of the Commission on Crime Prevention and Criminal Justice on the implementation of the Kyoto Declaration*. n.d.

²⁰⁴ United Nations, Commission on Crime Prevention and Criminal Justice. *Note on the contribution of the Commission on Crime Prevention and Criminal Justice to the 2016 High-Level Political Forum on Sustainable Development on “Ensuring that no one is left behind”*. 2016. p. 2.

endorsed drug decriminalization.²⁰⁵ Member States are obligated to balance their commitments under human rights law and those of the drug control treaties.²⁰⁶ Non-custodial measures could be used as an alternative to incarceration for drug-related offenses, which can help reduce overcrowding in prisons.²⁰⁷ Women prisoners incarcerated for drug offenses often face discrimination and receive different treatment while incarcerated.²⁰⁸ Many drug policies are specifically designed for male prisoners, leaving the specific needs and concerns for female prisoners out of the picture, furthering discrimination against women prisoners.²⁰⁹ Advancing the criminal justice system, through the use of alternatives to imprisonment, gender-inclusive drug policies, and drug decriminalization can help advance criminal justice systems, in particular within the context of the Kyoto Declaration.²¹⁰

Further Research

As delegates research the role of the CCPCJ in the decriminalization of drugs and international drug policy, they should keep in mind the following questions: Given the complexity of this topic, how can CCPCJ address decriminalization of drugs while keeping in mind that together with UNODC and CND, it has not officially endorsed decriminalization of drugs? How might the decriminalization of drugs affect the criminal justice system? What is the international community doing towards or against drug decriminalization? How will drug decriminalization affect women both within and outside of the criminal justice system?

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https://www.unodc.org/documents/ungass2016/Contributions/Civil/Health_Poverty_Action/HPA_SDGs_drugs_policy_briefing_WEB.pdf

This 2015 briefing details each of the 17 SDGs and how drug policies and drug decriminalization can help achieve each goal. This briefing is useful when understanding the broad impact drug decriminalization has on society, rather than just the social, political, and environmental impact. This publication also provides examples of Member States that have made great strides toward achieving the SDGs with drug decriminalization. Delegates will find this useful as they explore their Member States position on drug policy.

Joint United Nations Programme on HIV/AIDS. *Health, Rights and Drugs*. 2019. Retrieved 19 June 2022

from: https://www.unaids.org/sites/default/files/media_asset/JC2954_UNAIDS_drugs_report_2019_en.pdf

This 2019 report from the Joint United Nations Programme on HIV/AIDS (UNAIDS) highlights how the world's drug problem impacts access to healthcare, human rights, and global epidemics for those incarcerated for drug offenses. While this report mainly focuses on the HIV/AIDS epidemic and drugs, its findings may also be applicable to other epidemics. In this report, delegates will also find how the decriminalization of drugs directly affects access to healthcare and human rights in the criminal justice system.

United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019.

²⁰⁵ United Nations, Chief Executives Board for Coordination. *What we have learned over the last ten years: A summary of knowledge acquired and produced by the UN system on drug-related matters*. 2019. p. 52; Rajagopalan. Drug Policy Alliance. *United Nations and World Health Organization Call for Drug Decriminalization*. 2017; Global Commission on Drug Policy. *Enforcement of Drug Laws*. 2020. p. 36.

²⁰⁶ Joint United Nations Programme on HIV/AIDS et al. *International Guidelines on Human Rights and Drug Policy*. 2019. pp. 4-5.

²⁰⁷ United Nations Office on Drugs and Crime et al. *Treatment and care for people with drug use disorders in contact with the criminal justice system*. 2018. p. 10.

²⁰⁸ United Nations Office on Drugs and Crime. *World Drug Report 2018: Women and Drugs*. 2018. p. 9.

²⁰⁹ Ibid. p. 9.

²¹⁰ Drug Policy Alliance. *Approaches to Decriminalizing Drug Use & Possession*. 2016. p. 1.

Retrieved 18 July 2022 from:

https://www.unodc.org/documents/commissions/CND/2019/Contributions/UN_Entities/What_we_have_learned_over_the_last_ten_years_-_14_March_2019_-_w_signature.pdf

This report was produced in 2019 by several UN entities within the context of the UN Chief Executives Board for Coordination, a mechanism where heads of UN entities coordinate on cross-cutting policy matters. The report reflects the ambition for the UN to greater harmonize its policy approaches towards drug control and decriminalization. It provides a detailed overview of the various positions of UN entities on drug-related matters, ranging from health-centered approaches to law enforcement and criminal justice responses. Delegates will find this source instrumental in determining a coordinated approach to the criminal justice responses to the world drug problem.

United Nations Office on Drugs and Crime. *Handbook on Strategies to Reduce Overcrowding in Prisons*. 2013. Retrieved 1 August 2022 from: https://www.unodc.org/documents/justice-and-prison-reform/Overcrowding_in_prisons_Ebook.pdf

This handbook was prepared by UNODC in cooperation with the International Committee of the Red Cross. It presents a concrete tool for policy- and decision-makers to ensure that prisons are not overcrowded, and criminal justice systems function effectively and fairly. Part II on “Strategies to reduce overcrowding in prisons” and, in particular chapter B, provides concrete recommendations and best-practice examples that address sound and pragmatic criminal justice responses to solve the issue of overcrowding in prisons. As such, delegates may find this handbook useful as an example for how CCPCJ could address the issue of the world drug problem within the confines of its mandate.

United Nations Office on Drugs and Crime. *Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development*. 2021. Retrieved 16 October 2022 from:

https://www.unodc.org/documents/commissions/Congress/21-02815_Kyoto_Declaration_ebook_rev_cover.pdf

The 14th United Nations Congress on Crime Prevention and Criminal Justice adopted the Kyoto Declaration in March 2021. The Kyoto Declaration outlines the commitments and intentions of Member States to intensify efforts to address crime prevention and criminal justice in the context of sustainable development. As such, the declaration consists of three pillars: crime prevention, criminal justice administration, and international cooperation. The declaration is central to the mandate of CCPCJ and will serve delegates as guidance towards overarching topics to address the international drug problem from a criminal justice perspective.

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