

**Forum:** Social, Humanitarian, and Cultural Committee

**Issue:** *The issue of preventing discrimination against gender and ethnicity in criminal justice systems.*

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## Introduction

“Our criminal justice system has swallowed up too many people I love”, once said the American actor Michael K. Williams. In 2016, he appeared in “The Night Of”, a drama about the moral rot of New York’s criminal justice systems. However, such stories about discrimination in the judiciary are not only told in TV shows, but also happen in day-to-day life. During filming, Williams was often reminded of his nephew, Dominic Dupont, who was convicted at 19 of second-degree murder. Therefore, Williams realized he wanted to learn more about the mass incarceration of young people and the unjust treatment they face in court. The example of Michael K. Williams is, by far, not the only of its kind. Although overt discrimination has diminished in the criminal justice system over recent decades, at the beginning of the twenty-first century, we continue to grapple with the perceptions of and the reality of unfairness in our justice systems. Data gathered in the United Kingdom reveal that people of Asian, ‘Mixed’ or ‘Chinese descent, as well as people of color and other backgrounds, made up a disproportionate share of people arrested. Additionally, evidence suggests that offenders from these backgrounds receive longer custodial sentences. This implies that criminal justice systems around the world fail to fulfill their incarnate purpose: Protect society, punish offenders, and rehabilitate criminals by evaluating each case rationally and objectively.

## Definition of Key Terms

## **Discrimination**

Discrimination is the act of making unjustified, prejudiced distinctions between people based on the groups, classes, or other categories to which they belong or are perceived to belong. People may be discriminated against based on race, gender, age, religion, disability, or sexual orientation, as well as other categories.

## **SDG**

Sustainable Development Goal

## **UNODC**

United Nations Office on Drugs and Crime

## **ECOSOC**

Economic and Social Council; At the center of the UN development system, it conducts analysis and agrees on global norms.

## **PNI**

The United Nations Crime Prevention and Criminal Justice Programme Network consist of the United Nations Office on Drugs and Crime and several interregional and regional institutes around the world, as well as specialized centers.

## **NGO**

A non-governmental organization is a nonprofit organization that is independent of any government.

## **United Nations Crime Congress**

A global forum, held once every two years to discuss global issues and challenges. The Congress is attended by representatives from all Member States of the United Nations and provides an opportunity for Member States to discuss possible solutions to global issues. The Congress also serves to strengthen the coordination of the UN's development efforts and to ensure that Member States can access the resources and support they need.

## **Background Information**

Under article 13 of the Convention on the Rights of Persons with Disabilities, the human right to access to justice “is a fundamental right in itself and an essential prerequisite for the protection and promotion of all other human rights”. Furthermore, access to justice encompasses the right to a fair trial, including equal access to and equality before the courts, and seeking and obtaining just and

timely remedies for rights violations. Yet around the world, these rights are threatened by criminal justice systems that discriminate and harass. Although at the heart of all forms of discrimination is prejudice, which was evolved and is still perpetuated by society, it is oftentimes the governments that openly justify discrimination in the name of morality, religion, or ideology. Especially countries with absolute monarchies, dynasties, or authoritarian regimes cement discrimination in national laws- even if that breaks international law. Whilst discrimination against ethnicity, gender, and sexuality is particularly widespread in the Middle East, Africa and East Asia, Europe, and other regions are not devoid of systemic injustice. For example, Hungary passed a package of punitive laws in 2018, which targets groups that the government has identified as supporting refugees and migrants. The implications of discrimination in criminal justice systems are far-reaching: 76 countries still criminalize sexual acts between adults of the same sex, 40% of women of childbearing age live in countries where abortion remains highly restricted, and the gender pay gap currently stands at 23% globally. By and large, the right to fair trial and treatment before the court is a cornerstone of democracy. Unsurprisingly, democracies are far below the scale of the most racist countries in the world.

There is no doubt that the malfunctioning of justice systems is due to numerous factors. The local authorities are the biggest source of systemic discrimination. Besides the government's role, one can address, by way of example, the fact that many criminal justice systems around the world are overburdened with heavy caseloads and suffer from insufficient financial and human resources. In some cases, this might lead to pretrial detention for lengthy periods or insufficient use of alternative sentencing options. Thus, the problem of discrimination in criminal justice systems is multi-dimensional.

To achieve goal 16 of the United Nations' Sustainable Development Agenda, which is about promoting peaceful and inclusive societies and providing access to justice for all, there is still much action to be taken.

## Major Countries and Organizations Involved

### CCPCJ - Commission on Crime Prevention and Criminal Justice

### UNODC - United Nations Office on Drugs and Crime

### Institutes of the PNI (Crime Prevention and Criminal Justice Programme Network)

- AIC - Australian Institute of Criminology; Canberra, Australia
  - crime monitoring, reduction, analysis, and prevention
- The Basel Institute on Governance - (International Centre for Asset Recovery)
  - strengthen governance and research, counter corruption
- College for Criminal Law Science (CCLS): Beijing, China
  - development in criminal law
  - offer consultation services for criminal legislation and criminal justice
- HEUNI - European Institute for Crime Prevention and Control, affiliated with the United Nations; Helsinki, Finland
  - international exchange of information on crime prevention and control among European countries
  - support innovation in research
  - practices developed in Europe applying to the UN as well
- ICCLR & CJP - International Centre for Criminal Law Reform and Criminal Justice Policy; Vancouver, Canada
  - promotion of the rule of law, human rights, democracy, and good governance by providing technical cooperation, research, training, and advisory services in the field of criminal law, criminal justice policy, and crime prevention
- ICPC - International Centre for the Prevention of Crime; Montreal, Canada

- a platform for governments, local authorities, public agencies, specialized institutions, and non-government organizations to share knowledge and policies related to crime prevention and community safety
- the goal of reducing delinquency, violent crime, and insecurity
- ILANUD - Latin American Institute for the Prevention of Crime and the Treatment of Offenders; San José, Costa Rica
  - the main goal is to collaborate with the governments to promote the balanced economic and social development of the Latin American and Caribbean countries through the formulation and incorporation into national development plans of adequate policies
  - services include research, training, and technical assistance in designing and implementing programs and projects
- ISPAC - International Scientific and Professional Advisory Council of the United Nations Crime Prevention and Criminal Justice Programme
  - enhancing the contributions of scientific and professional institutions and non-governmental organizations from developing countries in crime prevention and criminal justice
  - coordination of NGO activities and additional meetings at the United Nations Crime Congresses
- ISS - Institute for Security Studies; Pretoria, South Africa
  - regional human security policy think-tank with an exclusive focus on Africa
  - goal to conceptualize, inform and enhance the debate on human security in Africa to support policy formulation and decision-making at every level
  - working towards a stable and peaceful Africa characterized by sustainable development, human rights, the rule of law, democracy, and collaborative security
- KICJ - Korean Institute of Criminology and Justice; Seoul, Korea

- member of the Korean Research Council for Humanities and Social Sciences
- conducts comprehensive and interdisciplinary research on justice reform, criminal law reform, and international organized crime, including human trafficking, drugs, corruption, and technology-related crimes
- promotes cooperation and information exchange in technical assistance and research activities
- NAUSS - Naif Arab University for Security Sciences; Riyadh, Saudi Arabia
  - an intergovernmental institution that provides postgraduate degrees and short-term training to Arab law enforcement agencies in the areas of security, forensics, languages, and computer and information sciences
- NIJ - National Institute of Justice; Washington D.C., USA
  - the research, development, and evaluation agency of the United States Department of Justice
  - Institute's mission is to advance scientific research, development, and evaluation to enhance the administration of justice and public safety
  - sponsors research, evaluations, and pilot program demonstrations
- RWI - Raoul Wallenberg Institute of Human Rights and Humanitarian Law; Lund, Sweden
  - promotes universal respect for human rights and humanitarian law utilizing research, academic education, dissemination, and institutional development
  - Institute hosts one of the largest human rights libraries in northern Europe
  - engaged in various research programs and publication activities
- SII - The Siracusa International Institute for Criminal Justice and Human Rights; Siracusa, Italy
  - Italian not-for-profit foundation
  - dedicated to education, training, and research in the fields of international and comparative criminal justice and human rights

- Thailand Institute of Justice (TIJ); Bangkok, Thailand
  - devoted to improving the justice system in the country by conducting research, providing training, and developing policy recommendations
- UNAFEI - Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders; Tokyo, Japan
  - aim of promoting the sound development of criminal justice systems and mutual cooperation mainly in the Asia and Pacific Region
  - focus on training courses and seminars for personnel in crime prevention and criminal justice administration, and the research and study of crime prevention and the treatment of offenders
  - conducts special seminars outside of Japan jointly with the governments of participating nations, to promote effective measures for the fight against crime
- UNAFRI - African regional Institute for the Prevention of Crime and the Treatment of Offenders; Kampala, Uganda
  - an inter-governmental organization that aims at promoting active cooperation of governments, academic institutions, non-governmental organizations, and experts in the area of crime prevention and criminal justice
  - mandated by the African States to help mobilize human, material, and administrative potential to promote sustainable development, and strengthen crime prevention and control capacity
  - undertakes research for policy development, training, documentation, and information dissemination programs, as well as advisory services to governments
- UNICRI - United Nations Interregional Crime and Justice Research Institutes; Turin, Italy
  - created to assist intergovernmental, governmental, and non-governmental organizations in formulating and implementing improved policies

- major goals include advancing security, serving justice and building peace, tackling corruption, security governance, and counter-terrorism and organized crime

## Timeline of Events Relevant UN Treaties and Events

### **1965** – International Convention on the Elimination of All Forms of Racial Discrimination (ICERD)

Its goal is to adopt all necessary measures for speedily eliminating racial discrimination in all its forms and manifestations, to prevent and combat racist doctrines and practices to promote understanding between races, and to build an international community free from all forms of racial segregation and racial discrimination.

### **1979** – Convention on the Elimination of All forms of Discrimination against Women (CEDAW)

The agenda for equality is specified in fourteen subsequent articles. In its approach, the Convention covers three dimensions of the situation of women. Civil rights and the legal status of women are dealt with in great detail. In addition, and unlike other human rights treaties, the Convention is also concerned with the dimension of human reproduction as well as with the impact of cultural factors on gender relations.

### **2010** – The Bangkok Rules

The first international instrument provides a framework for responding to the gender-specific needs of women in the criminal justice system, as well as of the children of such women.

### **2015** – Doha Declaration

Adoption of comprehensive and inclusive national crime prevention and criminal justice policies and programs; ensuring the right of everyone to a fair trial without undue delay; reviewing and reforming legal aid policies; mainstreaming a gender perspective and youth-related concerns into criminal justice efforts; and countering corruption and enhancing transparency in public administration.



## 2021 – Kyoto Declaration

The conceptualization of law enforcement and criminal justice as the central components of the rule of law; affirms the primary role and responsibility of states and governments to implement responses.

## Previous Attempts to solve the Issue

### Women in/for justice campaign

“To achieve justice, we need more women in justice” - The campaign calls for the advancement of women’s representation and leadership in the justice sector, and the improvement of the existing knowledge base with a focus on addressing regional gaps in data collection and analysis.

### Handbooks on gender inequality and reforms

The handbooks of the UN help policy-makers and everyone working with the UN achieve the goals which are set. Various handbooks on gender-based violence have been published by the UN, for example, “Handbook on gender-responsive police services for women and girls subject to violence” or “Toolkit on Strengthening the Medico-Legal Response to Sexual Violence”.

Furthermore, the UN published various handbooks and guidelines on reforms for the police concerning “Basic Principles on the Use of Force and Firearms by Law Enforcement Officials” and “Code of Conduct for Law Enforcement Officials” as well as guidelines for the effective implementation of the Code Conduct.

Moreover, the UNODC published further handbooks on prison reforms. There are handbooks on minimum rules for the treatment of prisoners as well as handbooks on women's imprisonment and general handbooks (e.g. for prison leaders, prisoners with special needs, or restorative justice programs).

### Policy on Crime Prevention and Criminal Justice

In 1922, the improving international action to combat national and transnational crime and the efficiency and fairness of criminal justice administration systems were decided.

### Victim support

The UN offers help to countries in various areas to improve the situation for victims. The services are the following:

- Guiding how to establish national victim assistance services;

- Reviewing and enhancing the legal framework and how it addresses the rights of victims;
- Developing national policies with respect to victim support, assistance, and protection;
- Developing the capacity of existing institutions and agencies to offer victim assistance services;
- Conducting victimization surveys to understand existing victimization patterns and monitoring the experiences of victims who come into contact with justice systems

## Possible Solutions

As the world is confronted with the issue of finding ways of ensuring equality before criminal justice systems for all, regardless of gender or ethnicity, there is a plethora of possible solutions. The empowerment of women is one way of ensuring equal rights and criminal persecution. The aforementioned empowerment of women could come in the form of a higher participation rate of women in occupations of political significance and status. Moreover, the education of children and adults regarding the many different cultures of our world could serve as a means of confronting the problem of discrimination at its core. But whilst some states are fully committed to ensuring the equality of all people before the criminal justice system, other states' reasons for discrimination are rooted in their culture and history. Creating an attractive and beneficial way of convincing all of the world's countries could play an important part in overcoming this issue.

## Bibliography

### Example of Michael K. Williams

Knafo Saki: The True Legacy of Michael K. Williams, published in 2022 in the New York Times.

<https://www.nytimes.com/2022/08/19/nyregion/michael-k-williams-brooklyn.html>

### Data, basic information, rights

Sturge Georgina, Yasin Baber: Ethnicity and the criminal justice system: What does recent data say on over-representation?, published in 2020 in the House of Commons Library

<https://commonslibrary.parliament.uk/ethnicity-and-the-criminal-justice-system-what-does-recent-data-say/>

Amnesty International: Discrimination, published in 2023 in

<https://www.amnesty.org/en/what-we-do/discrimination/>

Deutsches Institut für Menschenrechte: OHCHR (2017): Right to access to justice under article 13 of the Convention on the Rights of Persons with Disabilities, published in 2017 in

<https://www.institut-fuer-menschenrechte.de/menschenrechtsschutz/datenbanken/datenbank-fuer-menschenrechte-und-behinderung/detail/ohchr-2017-access-to-justice-under-art-13-crp>

Bachelet Michelle: Addressing and Responding to Racial Discrimination in the Criminal Justice System, published in 2022 in

<https://www.ohchr.org/en/statements/2022/05/addressing-and-responding-racial-discrimination-criminal-justice-system>

UNODC: Integrated approaches to challenges facing the criminal justice system, published in 2021 in <https://www.unodc.org/lpo-brazil/pt/crime/challenges-facing-the-criminal-justice-system.html>

### Campaigns

UNODC: Campaign “Women in /for justice” published on the UN website.

<https://www.unodc.org/unodc/en/women-in-for-justice/index.html>

UNODC: Video “Women in/for justice”, published 2022 on Youtube.

<https://www.youtube.com/watch?v=oQgcJSdWpBo>

## Resolutions

UN: Policy on Crime Prevention and Criminal Justice

<https://www.unodc.org/unodc/en/commissions/CCPCJ/crime-policy.html>

UN: Resolution 1922/22 on Crime Prevention and Criminal Justice

[https://www.unodc.org/documents/commissions/CCPCJ/ECOSOC\\_Resolution-1992-22\\_E.pdf](https://www.unodc.org/documents/commissions/CCPCJ/ECOSOC_Resolution-1992-22_E.pdf)

UN: Resolution 1965 on ICERD

<https://www.ohchr.org/en/instruments-mechanisms/instruments/international-convention-elimination-all-forms-racial>

UN: Resolution 1979 on CEDAW

<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-elimination-all-forms-discrimination-against-women>

UN: Resolution 2012 on Bangkok Rules

[https://www.unodc.org/documents/justice-and-prison-reform/Bangkok\\_Rules\\_ENG\\_22032015.pdf](https://www.unodc.org/documents/justice-and-prison-reform/Bangkok_Rules_ENG_22032015.pdf)

UN: Resolution 2015 on Doha Declaration

[https://www.unodc.org/documents/congress/Declaration/V1504151\\_English.pdf](https://www.unodc.org/documents/congress/Declaration/V1504151_English.pdf)

UN: Resolution 2021 on Kyoto Declaration

[https://www.unodc.org/documents/commissions/Congress/21-02815\\_Kyoto\\_Declaration\\_ebook\\_rev\\_cover.pdf](https://www.unodc.org/documents/commissions/Congress/21-02815_Kyoto_Declaration_ebook_rev_cover.pdf)

## Handbooks and guides by the UN

UN: Gender in the Criminal Justice System (Handbooks and guides)

<https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-tools-gender.html>

UNODC: Victim support

<https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-victims.html>

UNODC: Police reform

<https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-tools-police.html>

UNODC: Prison reform

<https://www.unodc.org/unodc/en/justice-and-prison-reform/cpcj-tools-prison-reform.html>

### **Further literature**

*UNODC: Gender in the Criminal Justice System (above all topics 1-3), published 2019.*

<https://www.unodc.org/e4j/en/crime-prevention-criminal-justice/module-9/index.html>