

**A Note From the Director of the United Nations Commission on Crime Prevention and  
Criminal Justice**

Delegates,

Welcome to the CCPCJ of the 2018 Dayton Model United Nations Conference. My name is Samantha Pugh, and I look forward to interacting with you all as the director of this esteemed committee.

The CCPCJ was established by Economic and Social Council (ECOSOC) Resolution 1992/1 and serves as a functional commission of ECOSOC. The commission's mandate is outlined in ECOSOC Res 1922/22 and develops the CCPCJ as the primary international body tasked with the development and implementation of policies on crime prevention and criminal justice, focusing on combating both national and transnational crime as well as ensuring global fairness and equality in criminal justice systems. Furthermore, General Assembly Resolution 61/252 expanded the commission's mandate to act as a governing body of the UN Office on Drugs and Crime (UNODC) .

This background guide will introduce this commission and its functions and serves only to guide you on the mandate of the CCPCJ as well as in your research.

The topics before this commission include:

1. Criminal Justice Reform to Ensure Equitable and Fair Implementation of the Law and Adherence to Human Rights Standards; and
2. Criminal Justice Mechanisms to Ensure Accountability and Combat Conflict-Related Sexual Violence.

I encourage you all to keep in mind that this is a learning conference, and I urge you to not hesitate to come forward with any questions or concerns you may have during committee.

Sincerely,

Samantha Pugh  
Director of the CCPCJ

## **Criminal Justice Reform to Ensure Equitable and Fair Implementation of the Law and**

### **Adherence to Human Rights Standards**

A vast majority of the international community utilizes imprisonment as the primary means of detaining those who have either been accused or convicted of violations in criminal legal systems. This over-reliance on prisons has led to a number of very serious functional and humanitarian issues within prisons internationally including overcrowding, insufficient medical services, inadequate resources for vulnerable populations such as women, lack of post-imprisonment re-integration programs, and failure to implement functional monitoring and oversight mechanisms, among others.<sup>1</sup> Many of these problems in the penal system stem from broader issues in the global criminal justice system. To ensure comprehensive and effective criminal justice mechanisms, reform must be multilateral and extend to law enforcement officials, providers of public legal aid, judges, and prosecutors to ensure equitable and humane application of the law.

#### **Existing Frameworks**

The *UN Standard Minimum Rules for the Treatment of Prisoners (The Nelson Mandela Rules)* serve as the UN's guiding principles on the most effective and acceptable way to conduct imprisonment.<sup>2</sup> These rules outline the best approaches to carrying out the overall purposes of imprisonment which include protecting society from crime and deterring recidivism.<sup>2</sup> A more multi-faceted approach to ensuring a balance between these two goals is essential to ensuring both effective and humane imprisonment. The *Bangkok Rules* go further to establish a basis for meeting the unique needs of women prisoners, particularly those women prisoners who are

<sup>1</sup>*Thematic Programme on Crime Prevention and Criminal Justice*, 20 June, 2012, [http://www.unodc.org/documents/justice-and-prison-reform/20120702\\_-\\_Thematic\\_Programme\\_Crime\\_Prev\\_and\\_Criminal\\_Justice\\_2012-2015\\_FINAL.pdf](http://www.unodc.org/documents/justice-and-prison-reform/20120702_-_Thematic_Programme_Crime_Prev_and_Criminal_Justice_2012-2015_FINAL.pdf)

<sup>2</sup>*United Nations Standard Minimum Rules for the Treatment of Prisoners*, 17 Dec., 2015, [https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E\\_ebook.pdf](https://www.unodc.org/documents/justice-and-prison-reform/GA-RESOLUTION/E_ebook.pdf)

pregnant or the primary caregiver of a child, and calls for States to give more attention to the development of non-custodial measures of punishment.<sup>3</sup> It is important to recognize that many women face imprisonment due to the side-effects of systemic discrimination and denial of basic needs.<sup>3</sup> More probing mechanisms need to be integrated on local and State levels to fight this cycle, adapt existing predominately male prisons to meet the vastly different needs of women, and to reduce the imprisonment of women through the development of alternative measures of punishment.

*The Tokyo Rules* provide a guiding basis for implementing non-custodial measures of punishment, outlining the sustainable implementation of alternatives to imprisonment from the pre-trial to post-sentencing stages in the criminal justice process while encouraging an equilibrium between protecting the public and ensuring the rights of criminals.<sup>4</sup> These rules encourage greater societal involvement in the operation of each individual Member State's criminal justice system, taking into consideration the specific culture and concerns of each State, while further highlighting the importance of instilling a responsibility toward society in offenders.<sup>4</sup> *The Tokyo Rules* are intended to be implemented uniformly regardless of race, gender, socioeconomic status, sexual orientation, etc., but it is clear that this is not the case in many Member States. Further work needs to be done to implement this framework efficiently and equally.

To meet the goals of the aforementioned frameworks, it is essential to ensure that the criminal justice system as a whole is operating as an effective vehicle of human rights and combatting inequality. The *Code of Conduct for Law Enforcement Officials* provides a standard expected of all criminal justice officials and details their duty to uphold the *UDHR* in the carriage of their official responsibilities and prohibits abuse of power and corruption by these

<sup>3</sup>*The Bangkok Rules*, 16 Mar. 2011, [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)

<sup>4</sup>*The Tokyo Rules*, 14 Dec. 1990,

<https://www.ohchr.org/Documents/ProfessionalInterest/tokyorules.pdf>

officials<sup>5</sup>. *The Guidelines on the Role of Prosecutors* further detail an international standard established to ensure that prosecutorial services are rooted in human rights and the fair application of the law, as prosecutors are in a direct position to combat the global prison crisis.<sup>6</sup> The Johannesburg Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems highlights the necessity of ensuring access to legal aid to accused and imprisoned people<sup>7</sup>. It is essential that each Member State adheres to these principles and adapts them to meet their own specific cultural and societal needs while maintaining the integrity of the UDHR. Further steps must be taken to ensure that these basic legal necessities are being provided on a more globally uniform level.

### Conclusion

The international community is currently facing a global prison crisis. The CCPCJ, through its cooperation with the General Assembly, ECOSOC, and UNODC, is committed to alleviating this crisis through comprehensive criminal justice reform that addresses the role of criminal justice officials in facilitating an end to this over-reliance on prisons. It is the goal of the CCPCJ to promote alternatives to imprisonment and ensure the *UDHR* is fully adhered to in operation of existing prisons. The CCPCJ further encourages the development of solutions adapted to the unique needs of vulnerable groups that may arise in a prison setting.

### Questions to Consider:

1. What oversight mechanisms can be developed to ensure that both prisons and law enforcement officials are operating effectively and within the scope of the *UDHR*?

<sup>5</sup> The *Code of Conduct for Law Enforcement Officials*, 17 Dec. 1979, [https://www.unodc.org/pdf/criminal\\_justice/Code\\_of\\_Conduct\\_for\\_Law\\_Enforcement\\_Officials\\_GA\\_43\\_169.pdf](https://www.unodc.org/pdf/criminal_justice/Code_of_Conduct_for_Law_Enforcement_Officials_GA_43_169.pdf)

<sup>6</sup> *Guidelines on the Role of Prosecutors*, 7 Sept. 1990, [https://www.unodc.org/pdf/criminal\\_justice/Guidelines\\_on\\_the\\_Role\\_of\\_Prosecutors.pdf](https://www.unodc.org/pdf/criminal_justice/Guidelines_on_the_Role_of_Prosecutors.pdf)

<sup>7</sup> The Johannesburg Declaration on the Implementation of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, 26 June 2014, [https://www.unodc.org/pdf/criminal\\_justice/2014\\_Johannesburg\\_Declaration\\_on\\_Implementation\\_of\\_UNPGLA.pdf](https://www.unodc.org/pdf/criminal_justice/2014_Johannesburg_Declaration_on_Implementation_of_UNPGLA.pdf)

2. How can current criminal justice systems be better adapted to meet the needs of vulnerable populations, including those with special health needs, mothers and their children?
3. How can alternative approaches to punishment help to solve the over-representation of impoverished people and minorities within the global prison population?
4. What approaches has your State taken, if any, to alleviate or prevent prison overcrowding and how could these be expanded to the international community?
5. What mechanisms can be implemented to prevent recidivism?
6. What role can law officers, prosecutors, judges, and defense attorneys play during the criminal proceedings in curbing the problems in prisons?

**Criminal Justice Mechanisms to Ensure Accountability and Combat Conflict-Related Sexual Violence**

Sexual violence has become a weapon of war, used by combatants as a means of torture, repression, and terrorism to further extremist political goals. Increasingly in conflict-affected States including Columbia, Iraq, Syria, the Horn of Africa, and others, sexual violence has been strategically used to target marginalized women, girls, and boys as a means to forcibly displace them and carry out a virtual ethnic cleanse by doing so. Violent groups target women and girls of opposing ethnic or political beliefs and use rape and sexual torture as a means to terrorize them into fleeing or, in some cases, as a tool to force them into participating as members of terrorist cells. These marginalized groups then face the risk of sexual coercion and extortion within migrant and refugee camps by camp officials and migrant smugglers. This cycle of sexual violence is even further exacerbated by the reluctance of forcibly displaced women, girls, and boys to return to their countries of origin for fear of repeated sexual violence.

<sup>8</sup>Report of the Secretary General on Conflict-Related Sexual Violence, 16 April 2016, <https://www.un.org/sexualviolenceinconflict/wp-content/uploads/reports/sg-reports/SG-REPORT-2017-CRSV-SPREAD.pdf>

From a criminal justice perspective, these acts of sexual violence are among the least likely crimes to be reported. Many of these conflict-affected States are proponents of a culture that is more likely to punish a victim than a perpetrator in these instances of sexual offenses and, as such, impunity is widespread. As of 2017, not a single member of ISIL or Boko Haram had been prosecuted for any acts of sexual violence and instances of mass rape were wholly overlooked by criminal justice systems shrouded in conflict.<sup>8</sup>

### Existing Frameworks

*The Rome Statute* categorizes the strategic use of rape, forced prostitution, forced sterilization, and other forms of sexual violence during times of conflict against civilian populations as both a War Crime and a Crime Against Humanity, thus giving the International Criminal Court jurisdiction over such acts<sup>9</sup>. The Secretary General in his 2017 report on Conflict-Related Sexual Violence recommended frameworks to increase accountability for these crimes in national criminal justice schemes. One such effort is the Framework of Cooperation signed by the UN and the government of Bangladesh, which focuses increasing the capacity of States' justice and security sectors to promote justice and accountability for perpetrators of conflict related sexual violence<sup>10</sup>. The UN Action Against Sexual Violence in Conflict further promotes a concerted effort among UN entities to comprehensively prevent sexual violence in conflict and end impunity for such crimes through strategic support to State's to help build their

<sup>9</sup>*Rome Statute of the International Criminal Court*, 17 July 1998, [http://legal.un.org/icc/statute/99\\_corr/cstatute.htm](http://legal.un.org/icc/statute/99_corr/cstatute.htm)

<sup>10</sup>Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict, "Framework of Cooperation signed between the United Nations and the Government of Bangladesh will enhance efforts to address conflict-related sexual violence against displaced Rohingya population," 28 Sept. 2018, <https://www.un.org/sexualviolenceinconflict/press-release/framework-of-cooperation-signed-between-the-united-nations-and-the-government-of-bangladesh-will-enhance-efforts-to-address-conflict-related-sexual-violence-against-displaced-rohingya-population/>

mechanisms to combat sexual violence, knowledge building efforts in these states, and increased advocacy for survivors<sup>11</sup>.

### Conclusion

Sexual violence in conflict is a violation of international criminal and humanitarian law and should not be treated with the level of impunity that has been displayed in many conflict-affected States. There is a desperate need for strengthened criminal justice mechanisms to promote further accountability for these perpetrators and the CCPCJ is committed to multilateral efforts to bring an end to Conflict-Related Sexual Violence.

### Questions to Consider

1. How can criminal justice mechanisms be shaped to encourage increased reporting of sexual-violence in conflict?
2. How can States' criminal justice systems be strengthened to handle this unique type of crime, especially during times of conflict where their governmental frameworks are weakened?
3. What regional or international frameworks can be established to handle these types of crimes?
4. What impact will the increased representation of marginalized women in criminal justice frameworks have on deterring this problem and what mechanisms can be developed to encourage this?
5. What role can criminal justice systems play in advocating and ensuring services for these victims?

<sup>11</sup>UN Action Against Sexual Violence in Conflict, 2007, <http://evaw-un-inventory.unwomen.org/en/agencies/un-action>

6. What criminal justice mechanisms can be used to protect women from being victimized in refugee and migrant camps and other displacement-related situations?

<sup>9</sup>*Rome Statute of the International Criminal Court*, 17 July 1998,

[http://legal.un.org/icc/statute/99\\_corr/cstatute.htm](http://legal.un.org/icc/statute/99_corr/cstatute.htm)

<sup>10</sup>Office of the Special Representative of the Secretary-General for Sexual Violence in Conflict, “Framework of Cooperation signed between the United Nations and the Government of Bangladesh will enhance efforts to address conflict-related sexual violence against displaced Rohingya population,” 28 Sept. 2018, <https://www.un.org/sexualviolenceinconflict/press-release/framework-of-cooperation-signed-between-the-united-nations-and-the-government-of-bangladesh-will-enhance-efforts-to-address-conflict-related-sexual-violence-against-displaced-rohingya-population/>