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Social and human rights questions: crime prevention and criminal justice

Resolution adopted by the Economic and Social Council on 22 July 2021

[on the recommendation of the Commission on Crime Prevention and Criminal Justice (E/2021/30)]

2021/23. Strengthening criminal justice systems during and after the coronavirus disease (COVID-19) pandemic

The Economic and Social Council

Recommends to the General Assembly the adoption of the following draft resolution:

The General Assembly,

Reaffirming its commitment to the purposes and principles of the Charter of the United Nations, applicable international law and the Universal Declaration of Human Rights,¹ and reaffirming also its commitment to fully promoting and protecting all human rights and fundamental freedoms, as well as to upholding the principle of human dignity, in the impartial administration of justice and throughout all its efforts in preventing and combating crime,

Reaffirming also the responsibility of all States to uphold the Charter in its entirety and to fully respect the principles of sovereign equality, the territorial integrity of States and non-intervention in the domestic affairs of other States throughout all their efforts in preventing and combating crime,

Recalling the relevant United Nations standards and norms in the area of crime prevention and criminal justice, as well as General Assembly resolution [75/196](#) of 16 December 2020 on strengthening the United Nations crime prevention and criminal justice programme, in particular its technical cooperation capacity, in which the Assembly recommended that Member States, as appropriate to their national contexts, adopt a comprehensive and integrated

¹ General Assembly resolution [217 A \(III\)](#).



approach to crime prevention and criminal justice reform, based on baseline assessments, regular data collection and analysis, and focusing on all sectors of the justice system, and develop crime prevention policies, strategies and programmes, including ones that focus on early prevention by using multidisciplinary and participatory approaches, in close cooperation with all stakeholders, including civil society,

Recalling also the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, adopted by the Fourteenth United Nations Congress on Crime Prevention and Criminal Justice, held in Kyoto, Japan, from 7 to 12 March 2021,² in which Member States undertook to contribute to achieving the 2030 Agenda for Sustainable Development³ through efforts in crime prevention and criminal justice, with the firm recognition that sustainable development and the rule of law are interlinked and mutually reinforcing, that crime is an impediment to sustainable development and that achieving sustainable development is an enabling factor for States to effectively prevent and combat crime,

Recalling further the United Nations standards and norms in crime prevention and criminal justice related primarily to the treatment of prisoners and other offenders in closed detention settings, in particular the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),⁴ the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules),⁵ the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)⁶ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,⁷

Expressing grave concern about the situation arising from the coronavirus disease (COVID-19) and its social and economic implications, which have created new opportunities for and transformed the *modi operandi* of criminals and organized criminal groups in different forms and to different extents, and the challenges that it has posed to criminal justice in multiple aspects,

Expressing concern that the COVID-19 pandemic has posed challenges to international cooperation on criminal matters, including delays in some cases of mutual legal assistance, extradition and other measures related to the physical transfer of persons,

Noting that, in response to the threats posed by the COVID-19 pandemic, Member States have taken measures that, in many cases, have resulted in the disruption of normal criminal justice services, temporarily diminishing capacity and challenging the ability of correctional institution staff, as well as law enforcement, prosecution services, the judiciary and others, to prevent and combat crimes and maintain fully functioning institutions of justice while also complying with necessary health measures, and noting with appreciation the dedication of these professional staff, whose tireless efforts have ensured effective crime prevention and criminal justice, notwithstanding the pandemic and related disruptions,

² [A/CONF.234/16](#), chap. I, resolution 1.

³ General Assembly resolution [70/1](#).

⁴ General Assembly resolution [65/229](#), annex.

⁵ General Assembly resolution [70/175](#), annex.

⁶ General Assembly resolution [45/110](#), annex.

⁷ General Assembly resolution [45/113](#), annex.

Gravely concerned about the vulnerability of prisons, especially in terms of health, safety and security, to the real risk of a rapid spread of COVID-19 in closed settings, which can be further aggravated by long-standing challenges such as prison overcrowding and poor prison conditions,

Reiterating, in the light of the ongoing experience of the COVID-19 pandemic and in preparation for any similar future challenges, the need to review criminal justice systems and to make them more effective, accountable, transparent, inclusive and responsive through, as appropriate, promoting digitalization, the use of technology, health-care services and health-related improvement measures to prevent the spread of infectious diseases, including for the protection of criminal justice staff and officials, rehabilitation and reintegration into society, and alternatives to pretrial detention and custodial sentences, in accordance with domestic law,

Recalling, against the backdrop of the COVID-19 pandemic, the endeavour expressed in the Kyoto Declaration with regard to promoting national sentencing policies, practices or guidelines for the treatment of offenders in which the severity of penalties for offenders is proportionate to the gravity of offences in accordance with national legislation,

Reaffirming the commitment to take decisive actions and action-oriented measures to address challenges and remove international impediments posed and aggravated by COVID-19 to crime prevention and criminal justice, including by a multilateral approach and strengthening the resilience of law enforcement and other criminal justice institutions through multilateral cooperation and cooperation with other relevant stakeholders in a multidisciplinary approach, where appropriate, and public-private partnerships, with special attention to the urgent capacity-building and technical assistance needs of developing countries in this regard, bearing in mind the long-term social and economic implications of the pandemic, including for sustainable development and international cooperation, and recognizing that the poorest and most vulnerable are among the hardest hit by the impact of the pandemic,

1. *Calls upon* Member States to implement, as appropriate, the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development;

2. *Underlines* that the COVID-19 pandemic poses cross-cutting, multifaceted challenges to the criminal justice system and that it requires comprehensive, integrated, multisectoral and coordinated responses, including through cooperation between the justice and health sectors;

3. *Recognizes* that the COVID-19 pandemic has affirmed that closed settings, including prisons, may exacerbate the spread of viral infections and that the pandemic and responses to it, including lockdown measures and other restrictions, such as an interruption in in-person prison visits, have presented challenges for criminal justice systems;

4. *Recommends* that Member States take into account lessons learned and best practices applied during the COVID-19 pandemic in an effort to make criminal justice systems more effective, accountable, transparent, inclusive, responsive and better prepared for similar future challenges, by recognizing the need to adapt to epidemics and pandemics, including through, as appropriate, promoting digitalization, the use of technology, health-care services and health-related improvement measures to prevent the spread of infectious diseases, including for the protection of criminal justice staff and officials, rehabilitation and reintegration into society, and alternatives to pretrial detention and custodial

sentences, in accordance with domestic law, and to that end examine alternatives and promote the exchange of information on how to address the challenges to such reform efforts, including funding;

5. *Encourages* Member States, in implementing holistic and comprehensive crime prevention and criminal justice policies, to promote, as appropriate, alternatives to imprisonment, from the pretrial stage to the post-sentencing stage, taking into account the background, gender, age and other specific circumstances of offenders, including their vulnerability, such as in relation to health, and the objective of their rehabilitation and reintegration into society;

6. *Also encourages* Member States, against the backdrop of the COVID-19 pandemic, to take appropriate measures to ensure that, subject to their constitutional principles and the basic concepts of their legal systems, sentencing for criminal offences is proportionate to the gravity of the offence;

7. *Further encourages* Member States to mainstream a gender perspective into their criminal justice systems and to take into account the specific needs of women prisoners and women offenders when developing, monitoring and evaluating responses to the challenges posed by the COVID-19 pandemic to the criminal justice system;

8. *Recommends* that Member States promote the application of the relevant provisions of the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules) and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules), in particular in terms of improving the detention conditions for both pretrial and post-trial detainees and the capacities of prison and correctional institution staff and other relevant officers, and promoting health-care services in prisons;

9. *Also recommends* that Member States take appropriate measures to improve the overall effectiveness and capacity of the criminal justice system, including by addressing overcrowding in detention and correctional facilities, ensuring access to timely, effective, adequately resourced and affordable legal aid for those without sufficient means or when the interests of justice so require, providing adequate human and material resources, expertise and tools, including modern communications and case-management tools, to facilitate international cooperation, such as mutual legal assistance and extradition, and considering the use of alternatives to pretrial detention and custodial sentences along with restorative justice processes at relevant stages of criminal justice proceedings in accordance with domestic legislation, giving due consideration to the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules) and preventive measures such as community outreach;

10. *Further recommends* that Member States endeavour to promote a rehabilitative environment in correctional facilities, including through designing and implementing effective treatment programmes based on an individual assessment of the needs and risks of offenders, and provide offenders with access to vocational and technical training and educational programmes, which create opportunities to develop the skills and knowledge needed for joining the workforce and successfully reintegrating into society and reducing the risks of reoffending, which may, inter alia, help in addressing the problem of prison overcrowding;

11. *Stresses* the importance of a multidisciplinary approach to strengthening criminal justice systems, including the involvement, as

appropriate, of relevant stakeholders and public-private partnerships, and enhancing domestic inter-agency cooperation, capacity-building for criminal justice officials and practitioners and specialized training and education for prison staff and relevant criminal justice officials, as well as the importance of improving prison management and preparing for health-related challenges;

12. *Invites* Member States to exchange, including through the United Nations Office on Drugs and Crime, information on national legislation, best practices and technical assistance and to strengthen international cooperation in addressing the challenges posed by the COVID-19 pandemic to the criminal justice system, including to its facilities, institutions and non-custodial settings, taking into account the contributions of relevant stakeholders such as civil society and academia, where appropriate and in accordance with domestic law, with a view to better preparing for similar future challenges;

13. *Requests* the United Nations Office on Drugs and Crime, as the leading entity of the United Nations supporting Member States in the field of crime prevention and criminal justice through the provision of technical assistance and capacity-building, based on their needs and priorities, as well as through its normative work, research and expertise, to conduct in close consultation with Member States, and within existing extrabudgetary resources, further studies on the impact of COVID-19 on criminal justice systems and to provide recommendations on advancing criminal justice reforms, with an emphasis on the future preparedness of the criminal justice system, in particular prison systems, to tackle challenges arising from pandemics and widespread health-related issues;

14. *Invites* the institutes of the United Nations crime prevention and criminal justice programme network to consider including in their work programmes the issue of criminal justice system reform in the context of the COVID-19 pandemic with a view to understanding how such reforms can be achieved more effectively, including, where appropriate, by strengthening cooperation between the justice and health sectors, taking into account the relevant Sustainable Development Goals and targets, contained in the 2030 Agenda for Sustainable Development, and noting the efforts of Member States to achieve them;

15. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.

*13th plenary meeting
22 July 2021*