



Promoting fair and effective criminal justice

Oral statement: Follow-up on criminal justice commitments in the UNGASS Outcome Document

UN Commission on Crime Prevention and Criminal Justice, Agenda Item: 6 (Use and application of United Nations standards and norms in crime prevention and criminal justice)

Vienna, 25 May 2017

Dear Chairperson, Distinguished delegates,

Penal Reform International and the International Drug Policy Consortium want to take the opportunity to highlight the role of the Commission on Crime Prevention and Criminal Justice in following up on the UNGASS Outcome Document.

In recent decades, drug policies have seen an unwavering application of punitive criminal sanctions for drug offenders, with little differentiation between use and possession, at one end of the scale, and large-scale trafficking with links to organised crime, at the other end. This has given rise to a dramatic increase in the number of persons disproportionately criminalised for small-scale drug offences, and has fueled prison overcrowding. Women are particularly affected: in several Asian and Latin American countries, female drug offenders make up more than half of the total number of women incarcerated.

In light of this, we consider that - even though it fell short of expectations in other regards - the UNGASS achieved major milestones on commitments relating to drug control in the area of criminal justice reform. We would like to highlight in particular the Outcome Document's section on '*Proportionate and effective policies and responses, as well as legal guarantees and safeguards pertaining to criminal justice proceedings and the justice sector*', which is of particular and direct relevance to the mandate of the Crime Commission.

Inter alia, the Outcome Document calls for 'proportionate national sentencing policies, practices and guidelines for drug-related offences', with the consideration of 'both mitigating and aggravating factors' by the judge when imposing a penalty (paragraph 4.1), and encourages the development and implementation of alternative measures with regard to conviction or punishment in cases of an appropriate nature, taking into account the UN Tokyo Rules.

It also calls for 'criminal justice responses that ensure legal guarantees and due process safeguards (...), including practical measures to uphold the prohibition of arbitrary arrest and detention and of torture and other' ill-treatment, the enhancement of access to treatment for those incarcerated (paragraph 4.m), for the consideration of the specific needs and vulnerabilities of women drug offenders when imprisoned in line with the UN Bangkok Rules (paragraph 4.n).

We would like to encourage follow-up on these commitments at the level of the Crime Commission, which will also contribute to an inter-agency approach on drug policies, ensuring their coherence with criminal justice and human rights standards, health and sustainable development.

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