

JUSTICE FOR ALL.

GLOBAL ACTION TO COMBAT DISCRIMINATION AND INEQUALITY IN CRIMINAL JUSTICE SYSTEMS

Side event to the 32nd session of the UN Commission on Crime Prevention and Criminal Justice

Date: Thursday 25 May 2023, 08.00-08.50am CEST
Location: In-person: Vienna International Center (VIC) Room M2
 Online via Zoom: bit.ly/justice-discrimination-inequality

International law sets forth that all are equal before the law without discrimination, and governments have incorporated equal protection and non-discrimination into their constitutions and laws. In practice, however, criminal justice systems around the world discriminatorily criminalise people who are marginalized based on poverty, race, caste, ethnicity, religion, disability, nationality, gender, and other statuses or identities. Building on momentum from last year’s CCPCJ and a growing, global movement to address these inequities, this side-event will bring together governments, practitioners, civil society, and other experts to demonstrate discrimination within criminal laws and policies; share effective solutions; and highlight urgent actions needed to increase international cooperation on addressing inequality in criminal justice systems.

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DISCRIMINATION AND INEQUALITY IN CRIMINAL JUSTICE SYSTEMS

International human rights law sets forth that all are equal before the law and are entitled without any discrimination to equal protection of the law (see Article 7 of UDHR, Article 26 of ICCPR). Additionally, governments have incorporated equal protection and non-discrimination clauses into their constitutions, and many have adopted anti-discrimination laws. Yet, in practice, criminal justice systems discriminate against and disproportionately criminalise people who are marginalised because of their economic and social situation, as well as other characteristics such as race, caste, ethnicity, religion or belief, disability, nationality, gender, and sexual orientation.

This is not just an issue for a few countries, but a global issue. Debtors' prisons persist, where people who have been arrested and cannot afford to pay fines and fees are imprisoned; people experiencing homelessness are arrested for acts such as loitering and sleeping in public; street vendors are arrested for attempting to earn money in public places; women and girls are disproportionately targeted for so-called 'moral offences'; and laws and policies frequently target migrants and refugees for arrest. Around the world, people of African descent and marginalized ethnic communities are overrepresented in criminal justice systems, demonstrating bias and discrimination by decision-makers as well as institutional racism at all stages of the justice process.

This event will bring attention to these and other criminal laws and practices that disproportionately affect marginalized and discriminated populations. It will also highlight the growing global movement, including the Campaign to Decriminalise Poverty and Status, to address these inequalities, centred around decriminalisation and alternatives to criminal justice approaches.' For example, a 2016 study by the Ugandan organisation Human Rights Awareness and Promotion Forum on the "Implications of Enforcement of Laws on Idle and Disorderly in Uganda" found that the 'rogue and vagabond' offence had been routinely used by law enforcement to arrest poor and marginalized people including sex workers, LGBTQIA+ persons and street vendors. In line with an Advisory Opinion issued by the African Court on Human and Peoples' Rights in 2020, the Constitutional Court of Uganda, in December 2022, declared parts of the offence of being a 'rogue and vagabond' unconstitutional. Also in December 2022, South Africa announced that it plans to decriminalise sex work as part of efforts to combat violence against women. And this year, the U.S. Department of Justice Office for Access to Justice announced renewed focus on the reform of laws and policies that allow for court-imposed fines and fees that can trap people in cycles of debt.

The event will also raise awareness of work being done by independent experts and civil society organisations to address discrimination and inequality in criminal justice systems. UN Special Rapporteurs on the right to adequate housing and on extreme poverty and human rights are conducting an overview of laws that criminalise poverty-related life-sustaining activities, and the Working Group of Experts on People of African Descent has called for, among other things, rigour in addressing racial discrimination in criminal justice systems and ensuring access to justice for all. And following a convening in South Africa in September 2022, a coalition of organisations from across the world that advocate for the repeal of laws that target people based on poverty, status or for their activism adopted the Cape Declaration on Decriminalising Poverty and Status, which provides detailed recommendations to address these critical issues.

Finally, the event will explore the need to convene an international meeting of experts, judiciary and persons with lived experiences to share good practices and increase international cooperation and technical assistance on addressing discrimination and inequality in criminal justice systems.

SPEAKERS

Judge Motsamai Makume, Chairperson of the Board of Directors, Legal Aid South Africa and Judge of the High Court of South Africa, South Gauteng Division

Jesse Bernstein, Senior Advisor, Office for Access to Justice, U.S. Department of Justice

Livia Miranda Müller Drumond Casseres, Coordinator of the Specialist Centre against Racial Inequality, Brazil

Olivier De Schutter, Special Rapporteur on Extreme Poverty, Video Message

Julie Matheka, Program Manager, The Kenyan Section of the International Commission of Jurists

Ms. Livia Casseres, Coordinator for Racial Justice, National Drug Policy Office, Ministry of Justice, Brazil

TBC

Moderated by: Judge Dunstan Mlambo, Director, the International Legal Foundation

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