

On May 23, the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ) approved a draft Resolution entitled “Equal Access to Justice for All”, which will be submitted to the United Nations General Assembly at the end of the year. [Click here to read the Resolution.](#)

The important innovations of this resolution were presented by the Crime Prevention and Criminal Justice Officer at the United Nations Office on Drugs and Crime (UNODC), Anika Holterhof, at the 14th Biennial Conference of the International Legal Aid Group (ILAG) held on the campus of the Harvard University, in the United States, between June 21st and 23rd. Check out the interview:

1- What is the role of the United Nations Commission on Crime Prevention and Criminal Justice (CCPCJ)?

The CCPCJ guides the activities of the United Nations in the field of crime prevention and criminal justice. It takes action through resolutions and decisions. It acts as one of the two governing bodies of the United Nations Office on Drugs and Crime and approves the budget of the United Nations Crime Prevention and Criminal Fund, which provides resources for promoting technical assistance in the field of crime prevention and criminal justice worldwide.

The Commission provides substantive and organizational direction for the quinquennial United Nations Congress on Crime Prevention and Criminal Justice, considers the outcome of the congresses, and takes decisions on appropriate follow-up measures. The 14th Congress took place in Kyoto, Japan, in 2021, resulting in a comprehensive Declaration that contains important language regarding access to justice and equal treatment before the law. The 15th Congress will take place in 2026, hosted by the United Arab Emirates, with the main theme of “Accelerating crime prevention, criminal justice and the rule of law: protecting people and planet and achieving the 2030 Agenda for Sustainable Development in the digital age”.

2- The Commission has just approved a draft Resolution entitled “Equal Access to Justice for All”. What are the main innovations brought by this document?

The new Resolution builds on the aforementioned Kyoto Declaration, particularly its paragraph 48, as well as numerous United Nations resolutions that contain reference to access to justice, including the 2030 Agenda on Sustainable Development. It also builds on relevant United Nations standards and norms in crime prevention and criminal justice – such as the UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, and the United Nations Standard Minimum Rules for the Treatment of Prisoners (the Nelson Mandela Rules). The Resolution highlights the importance of ensuring equal access to justice for all in criminal justice systems to strengthen the rule of law, achieve safe and secure societies, and the right to equal treatment before the law.

The Resolution “encourages Member States in accordance with their domestic legislation and within their capacity to ensure equal access to justice and application of the law to all, including by taking effective measures that are informed by relevant data, such as age and gender”. It encourages Member States to adopt various measures that are key to enhancing access to justice, such as legal aid services; services for victims of crime including restorative justice programmes; the collection and use of data disaggregated by relevant factors; and the promotion of use of technology that fosters inclusive and equitable access to justice. The Resolution also recognizes the importance of training of criminal justice practitioners, including lawyers, to carry out their responsibilities in a non-discriminatory manner.

### 3- How important is the Resolution to the United Nations 2030 Agenda?

This Resolution is significant. Equal access to justice for all is an important component of the 2030 Agenda, enshrined in Goal 16, “Promote peaceful and inclusive societies for sustainable development, **provide access to justice for all** and build effective, accountable and inclusive institutions at all levels”. The new Resolution reaffirms the 2030 Agenda for Sustainable Development, and highlights that in the 2030 Agenda the General Assembly “adopted a comprehensive, far-reaching and people-centred set of universal and transformative Sustainable Development Goals and targets which are indivisible, integrated and balance the three dimensions of sustainable development, and in which it recognized that eradicating poverty in all its forms and dimensions, including extreme poverty, is the greatest global challenge and an indispensable requirement for sustainable development, and in which it committed to achieving sustainable development in its three dimensions, economic, social and environmental - in a balanced and integrated manner”. The new Resolution moves on to recall SDG 16 itself, and the objective of the 2030 Agenda of envisaging “a world of universal respect for human rights and human dignity, the rule of law, justice, equality and non-discrimination”. Concrete measures that the Resolution mentions, such as legal aid, restorative justice and services for victims, are key to transform criminal justice systems and contribute to progressing towards achieving SDG 16.

In this regard, it is worth mentioning that Member States regard the contributions of the criminal justice system as crucial for achieving the SDGs. In addition to the new Resolution on access to justice, they adopted within the 32<sup>nd</sup> session of the Commission on Crime Prevention and Criminal Justice another Resolution on the same day, entitled “Enhancing the contributions of the Commission on Crime Prevention and Criminal Justice to the accelerated implementation of the 2030 Agenda for Sustainable Development”. It recalls the commitments made by Member States, and the important role of the CCPCJ in advancing progress, welcoming thematic discussions that have been held since 2021, that also served as forums to share good practices and support countries in accelerating progress in their reform efforts.

4- The Resolution was co-sponsored by Canada, Chile, and Peru, as well as Brazil and a number of other countries. What was Brazil's role in its adoption?

Brazil is a current member of the CCPCJ, and its delegates participated in the deliberations to negotiate the draft resolutions that were tabled on different topics under the mandate of the Commission. As regards the Resolution on “Equal access to justice for all”, Brazilian delegates contributed to the substance of the draft throughout the week, and the country was among the first countries to co-sponsor the Resolution. Building on the extensive knowledge and expertise on access to justice in Brazil, in particular as regards its comprehensive legal and policy framework, and the many programmes and projects that are implemented by various actors in the Government, private, academic and civil society sectors, at federal and state levels, Brazilian delegates provided examples of good practices and introduced language to find compromise and build consensus.

5- The Resolution recommends Member States to consider effective ways to provide access to legal aid to ensure access to justice for all, without discrimination of any kind. What are your thoughts on this global challenge?

Legal aid is an essential element to ensure equal access to justice for all nationwide – meaning in urban and rural areas – who are entitled to it, including suspects, accused persons, pre-trial detainees and prisoners, as well as victims and witnesses of crime. Legal aid is a particularly important measure to ensure access of persons living in poverty, those who are disadvantaged and discriminated based on grounds such as their gender, age, race or minority group status, and those who have specific rights and needs in the justice system, such as persons with disabilities, or victims of crime. All these persons require specialized legal support that is tailored to their needs. It is indeed a challenge for legal aid systems to be able to meet this need, both in terms of adequate resources to ensure that all who are entitled to it receive legal aid nationwide, and also in terms of human resources, meaning qualified and specialized legal aid providers who are trained to deliver quality services to all beneficiaries in a timely and comprehensive manner.

As you recall, the Resolution encourages Member States to “promote and implement policies aimed at guaranteeing access to justice for people in vulnerable situations without sufficient means, through timely, effective, adequately resourced and affordable and, whenever possible, free legal aid promoted by the State with the appropriate support of relevant academia”.

In general, an exchange of good practices, technical advice and assistance is needed in all countries of the Global North and South, as even those countries with very sophisticated legal aid systems face challenges to ensure funding, development of skills and capacity, and to ensure people’s rights are respected in the increased use of technology. Working together across sectors with relevant government and private sector stakeholders, including from sectors that support victims of crime such as health and social services, can be a way to share resources and knowledge, for example. Academia and civil society can contribute

to strengthening the evidence-base on available resources and unmet needs, lessons learned and innovative approaches.

#### 6 – What are the next steps?

The Resolution is recommended for adoption by the UN General Assembly later this year, which highlights the importance of access to justice for the global community, including to accelerate progress for achieving the 2030 Agenda for Sustainable Development. Member States who are co-sponsors of the Resolution will get together with UNODC to discuss priorities for its implementation, and we will then move on to discuss concrete plans with partners and stakeholders engaging in criminal justice reform, such as legal aid practitioners, including regarding the organisation of an expert group meeting which UNODC is requested to organise by the resolution.

**Anika Holterhof** is a *Crime Prevention and Criminal Justice Officer at the United Nations Office on Drugs and Crime (UNODC), in Vienna, and the HQ Focal Point for Legal Aid within the Access to Justice Team. She serviced the thirty-second session of the Commission on Crime Prevention and Criminal Justice Vienna (22–26 May), including the thematic discussion on enhancing the functioning of the criminal justice system to ensure access to justice and to realize a safe and secure society. In the end, the Commission recommended to the Economic and Social Council the approval of its draft Resolution entitled “Equal Access to Justice for All”, for adoption by the UN General Assembly (later this year).*

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