



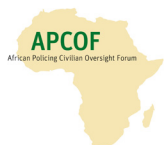
JUSTICE FOR ALL.

DECISIVE ACTION TO REFORM LAWS THAT CRIMINALISE POVERTY AND STATUS

Side event to the 31st session of the UN Commission on Crime Prevention and Criminal Justice

The Universal Declaration of Human Rights sets forth that “*all are equal before the law and are entitled without any discrimination to equal protection of the law.*” Criminal systems and incarceration, however, continue to disproportionately affect segments of society that are living in poverty and/or are marginalised. A typical example of bias and active targeting by decision-makers seen across the world can be found within Black and marginalised ethnic communities who continue to be overrepresented in criminal justice systems. Moves have accelerated in countries across the world to reform national laws that criminalise people for who they are, rather than what they have done, through court action and legislative reform. This side event will provide an opportunity for Member States, UN bodies, and civil society actors to set out clear goals and decisive action needed to decriminalise poverty and status, linked to the work of the UN Crime Commission and other international mechanisms and initiatives.

ORGANISED BY:



DECISIVE ACTION TO REFORM LAWS THAT CRIMINALIZE POVERTY AND STATUS

Criminal justice systems and incarceration disproportionately affect segments of society that are living in poverty or are marginalised, as recognised by the UN System Common Position on Incarceration published in 2021, with many people imprisoned due to factors directly linked to poverty. As the Common Position states, poverty and insufficient access to social, health and legal aid services, combined with “tough on crime” policies and systemic forms of discrimination (e.g., based on race, ethnicity, sex, or gender), result in the overrepresentation of minority and marginalised groups in prison. Time spent in prison is in turn likely to aggravate unemployment, homelessness, and poverty, thereby feeding a vicious cycle of deprivation and exclusion.

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, national Constitutions and laws incorporate equal protection and non-discrimination clauses, yet, everywhere, there exists a two-tier system of justice that exploits poor and marginalised communities. 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 offenses; and laws and policies frequently target migrants and refugees for arrest. Around the world, people of African descent and marginalised ethnic communities are overrepresented in criminal justice systems, demonstrating bias by decision-makers at all stages of the justice process, as well as the active targeting of specific groups.

Moves have accelerated in countries across all regions in recent years to reform laws that criminalise acts associated with poverty and survival – many of them colonial legacies – through court action and legislative reform. At regional level, the African Court on Human and Peoples’ Rights in December 2020 found so-called vagrancy offences to be incompatible with African human rights instruments and a positive obligation on states to amend or repeal these laws. At international level, the United Nations has briefed the global community on decriminalisation of drug use as an issue of health as well as an issue of extreme poverty. 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. In 2021, the UN High Commissioner for Human Rights presented an agenda towards transformative change for racial justice and equality (A/HRC/47/53).

Galvanising growing support for reform, this event will function as a working session for Member States, UN bodies, and civil society actors to set out goals and decisive action to decriminalise poverty and status, linked to the work of the UN Crime Commission and other international mechanisms and initiatives. Participants will be encouraged to share learnings and experiences in enacting reforms and to share recommended actions that can be taken at the national, regional, and international levels to decriminalise poverty and status.

DRAFT PROGRAMME

50 minutes - 20 May 2022 at 13h10-14h00 CEST

Opening remarks: Rachel Rossi, Deputy Associate Attorney General, U.S. Department of Justice

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

Olivier De Schutter, UN Special Rapporteur on extreme poverty and human rights

Dominique Day, Chair of the UN Working Group of Experts on People of African Descent

Nathalia Oliveira, Co-founder, Black Initiative for a New Drug Policy, Brazil

Dr. Janeille Matthews, Lecturer in Law, University of the West Indies

Q&A

Moderated by Jennifer Smith, Executive Director, The International Legal Foundation