

# 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](https://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.

### ORGANISED BY:



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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 to address these inequalities, including through decriminalization and alternatives to criminal justice approaches. For example, the event will call attention to the impact that an advisory opinion issued by the African Court on Human and Peoples' Rights is having on decisions to overturn or repeal so-called vagrancy offences often used by law enforcement to arrest poor and marginalized people. It will also highlight South Africa's plans to decriminalise sex work as part of efforts to combat violence against women, the U.S. Justice Department's guidance to local courts cautioning that a number of common practices related to the imposition and enforcement of fines and fees without regard for a person's financial status may run afoul of the constitution, and Brazil's efforts to decriminalize drugs and address racial discrimination.

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

Special Message from **Mr. Olivier De Schutter**, UN Special Rapporteur on Extreme Poverty and Human Rights

The **Honorable Mr. Motsamai Makume**, Chairperson of the Board of Directors, Legal Aid South Africa, and Judge of the Gauteng Division of the High Court of South Africa, Pretoria

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

**Mr. Jesse Bernstein**, Senior Advisor, Office for Access to Justice, United States Department of Justice

**Ms. Julie Wayua Matheka Nyaga**, Acting Deputy Executive Director, International Commission of Jurists, Kenya

**Ms. Dominique Day**, Member, UN Working Group of Experts on People of African Descent

**Moderated by:** The **Honorable Mr. Dunstan Mlambo**, Director, The International Legal Foundation, and Judge President of the Gauteng Division of the High Court of South Africa.