

STATEMENT OF THE INTERNATIONAL DEVELOPMENT LAW ORGANIZATION

HIGH-LEVEL GENERAL ASSEMBLY THEMATIC DEBATE ON “INTEGRATING CRIME PREVENTION AND CRIMINAL JUSTICE IN THE POST-2015 DEVELOPMENT AGENDA”

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Introduction

As the head of the only intergovernmental organization exclusively devoted to advancing the rule of law, I am honored to participate in this thematic discussion, and I would like to thank the President of the General Assembly and the Permanent Missions of Qatar, Thailand, Italy, Mexico and Morocco for giving this opportunity to IDLO.

That crime, violence and insecurity are major impediments to sustainable development is a well-known fact. It is no mere coincidence that the most conflict-prone, insecure countries are also among the poorest. Or that the poorest neighborhoods, even in the richest cities of the world, are often the places with the highest crime rates. Or that slums are beehives of illegal activity that thrive on the exploitation of their poor inhabitants. Or that gender-based violence is a major obstacle to women’s development. These are not problems limited only to developing countries.

Violence breeds poverty, while poverty creates the conditions for crime and violence. Extortion and corruption distort economic activity. They also degrade the environment. The consequences are devastating for all three dimensions of sustainable development – economic, social and environmental.

The nexus between organized crime and politics has added a new dimension of complexity to many rapidly growing countries, affecting not only economic development but also corrupting public services. When crime and violence erode political and state institutions, including the police and the judiciary, they create a dangerous, explosive situation. The protector becomes the predator. The adverse impact is not limited to national borders, but can become global, as we see with trafficking, terrorism and illicit financial flows.

At the root is a deficit of the rule of law: when the state does not have the capacity or the will to protect people, their property or their human rights; when the institutions are not strong enough to resolve social and political conflicts; when the laws discriminate against people and leave them with no recourse.

The rule of law is essential for what the UN Secretary General has described as “a people-centered and planet-friendly” development agenda. If I may put it bluntly, without draft

Sustainable Development Goal 16 on peaceful societies, access to justice and accountable institutions, the earlier 15 goals may remain unfulfilled or only partially fulfilled.

IDLO is a program-based organization, working to advance the rule of law across the spectrum of development, from post-conflict to middle income countries. Allow me to share with you some lessons learned from our field-based practical experience:

1. The rule of law is not an abstract concept, but a concrete basis from which to eradicate poverty, fight discrimination and exclusion, and protect the environment.

By providing predictability and certainty through a stable, transparent legal regime, economic development is promoted. By fighting discrimination, ensuring equal opportunity and equitable access to basic services, social development is aided by the rule of law. And by strengthening the legal framework for natural resource management, fair and sustainable use of the planet is ensured. Seen in this way, the rule of law is crucial and relevant to all three dimensions of sustainable development - economic, social and environmental.

The rule of law provides the framework for transparent, responsive and accountable institutions. So, by building people's confidence in institutions, the rule of law promotes peaceful societies, as well as sustainable development. It is important however to note that the rule of law, understood in this way, goes beyond efficient courts and the administration of criminal justice to encompass the basis for a just society. Equality, accountability and respect for human rights - including economic, social and cultural rights, as well as civil and political rights - are integral parts of the rule of law in this sense. Ensuring that the state has the proper institutions to fight crime and violence is important but our experience indicates that this is not enough if people do not see equality, equal opportunity and fair treatment in their own daily lives. People do not, and cannot, have confidence in institutions that do not operate in a fair and transparent manner.

2. National ownership and an understanding of the national and local context are fundamental to effective reform.

When national ownership is underpinned by political will, only then is it possible to achieve meaningful and lasting judicial and legal reform. That is the lesson that IDLO draws from its experience of over 30 years of work in the rule of law sector. Legal pluralism is a basic principle of IDLO's work around the world.

Each country has a distinct legal system with its own jurisprudence. Just as the development challenges of each country are unique, the justice-making efforts of each country are also deeply rooted in specific histories, politics, jurisprudence, values, customs and traditions. Furthermore, rules and remedies may need to be informed not just by the national legal system but also by local, customary or informal practices, taking into account the specific circumstances of each country, while respecting the broad, internationally recognized norms and standards that are fundamental to the notion of the rule of law.

3. Developing countries need support for capacity building - for building institutions that are effective, responsive, transparent and accountable.

Organized crime, money laundering, human trafficking, narcotics trade, cybercrime - these are extremely complex problems. International cooperation is needed to fight them, along with an appreciation of the huge capacity gap in many developing countries, especially those in a post-conflict state. The countries most likely to be the target of organized crime are also usually those least able to fight it.

Institution-building takes time, money and effort. But resources are often scarce in the area of justice sector reform. Judicial capacity building is often a poor cousin to security sector reform in peace-building operations. Time can be underestimated in the rush to get quick, visible and measurable results.

4. We must not overlook the social dimensions of crime prevention.

The answer may not lie solely in the courts, but also in other areas such as youth employment. To give you an example of how socially sensitive law enforcement can aid social development, as well as improve crime prevention, IDLO is currently working with law enforcement agencies – a network of police officers – to make them more aware of how they can improve access to medical services for populations at risk of HIV. How the police deal with sex workers or drug addicts can make or break HIV prevention strategies. Turning to another example, we have a project in the Arab region that, in cooperation with UNICEF, is looking at alternatives to detention for juvenile offenders. If the criminal justice sector fails children, it will transfer the problem of the present into the future, possibly in much more serious forms. We also have a major program on tackling gender-based violence in Afghanistan. The criminal justice element is one component of a multi-faceted program. I mention it however because the best indicator that a justice sector is functioning is when the most marginalized members of society are able to access justice and get a remedy.

Conclusion

Let me end by emphasising that, while they are key to criminal justice, institutions work best when people are able to hold them accountable. Societies can only do so when they are empowered: through transparency, better information, and awareness about laws and legal aid. Civil society is a critical player in making crime prevention and criminal justice work better.

In the final analysis, the rule of law builds people's confidence in state institutions. There is much hope that the post-2015 agenda will be a transformative one. This will require us to better understand the relationship between crime prevention, rule of law and sustainable development.

The International Development Law Organization (IDLO) enables governments and empowers people to reform laws and strengthen institutions to promote peace, justice, sustainable development and economic opportunity.