

UNODC submission to the
Secretary-General's report on the "20th anniversary and promotion of the
Declaration on the Right and Responsibility of Individuals, Groups Organs of
Society to Promote and Protect Universally Recognized Human Rights and
Fundamental Freedoms."

1. Progress, achievements and challenges related to the ways in which relevant United Nations offices, departments and specialized agencies, including at the country level, give and can give due consideration to the specific provisions of the Declaration

In relation to **Articles 6, 14 and 15** of the Declaration, related to access of information on and publication and teaching of relevant rights, the United Nations Office on Drugs and Crime (UNODC) developed and maintains the [SHERLOC \(Sharing Electronic Resources and Laws On Crime\)](#) knowledge management portal to facilitate the dissemination of information regarding how States implement the [UN Convention against Transnational Organized Crime \(UNTOC\) and its three Protocols](#). This includes a database of legislation which contains, among other things, provisions that reflect the wide-ranging features and obligations embodied by the UNTOC and its Protocols – including on those provisions that are related to due process, fair and equal treatment under domestic law, the principle of legality and witness protection, among others.

Additionally, UNODC gives particular consideration to **Article 9** of the Declaration, which provides for everyone's right to benefit from an effective remedy and to be protected in the event of the violation of human rights and fundamental freedoms. It does so, in part, through its role as guardian of the UNTOC and its supplementing Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children (Trafficking in Persons Protocol) and the Protocol to Prevent, Suppress and Punish the Smuggling of Migrants by Land, Sea and Air (Smuggling of Migrants Protocol). Several provisions of these Protocols are directly relevant to Article 9, insofar as they deal with protection and assistance measures for victims of trafficking in persons and smuggled migrants. UNODC uses rights-based and victim-centred approaches to develop policies and deliver technical assistance, emphasising at the same time that smuggled migrants and victims of trafficking have rights that States have corresponding obligations to protect.

UNODC is also the Manager of the [UN Voluntary Trust Fund for Victims of Trafficking in Persons, Especially Women and Children](#), a UN-wide Fund established by the General Assembly in its resolution 64/293 (2010), which provides humanitarian, legal and financial aid to victims of trafficking in persons. In particular, the Fund supports actions by specialized non-governmental organizations around the world that seek to ensure that women, children and men who have been exploited by human traffickers are identified, treated humanely as victims of a crime and provided with the necessary assistance, protection and support for their physical, psychological and social recovery and reintegration into their communities.

Also in relation to Article 9 of the Declaration, under the Global Programme for the Implementation of the Doha Declaration, UNODC supports judiciaries in strengthening [judicial integrity](#) and preventing corruption in the justice system in line with the requirements of Article 11 of the [United Nations Convention against Corruption \(UNCAC\)](#). The overall objective of these efforts is to ensure that everyone has access to independent, impartial and

fair courts that adhere to the highest standards of integrity. To this end, [UNODC launched the Global Judicial Integrity Network in April 2018](#) at the United Nations Office in Vienna, with the participation of chief justices, presidents of supreme and constitutional courts and other high-ranking judges from more than 100 countries. The Network provides a platform for judges to share experiences and good practices, learn from and support each other and collaborate in the development of new practical tools and guidance on strengthening integrity and preventing corruption in the justice system. As such, the Network supports Member States in the effective implementation of Article 9, paragraph 2 of the Declaration.

Moreover, UNODC collaborates with bar associations in countries particularly affected by terrorism to strengthen the capacity of criminal defence lawyers to ensure terrorism suspects are detained and tried in accordance with the law, including applicable human rights law. UNODC also trains criminal justice officials on the right to legal representation of defendants in terrorism cases, and on the principle whereby lawyers should not be associated with their clients' cause, which is of particular importance in terrorism cases. In Nigeria, for instance, UNODC and the Nigerian Bar Association have delivered a series of training workshops to defence counsel from North-East Nigeria.

In partnership with the Office of the United Nations High Commissioner for Human Rights (OHCHR), UNODC has also started an initiative to strengthen the capacity of women lawyers to represent female terrorism suspects and witnesses of sexual and gender-based violence carried out by terrorist groups. In Nigeria, UNODC is cooperating with the North-East Nigerian chapters of the International Federation of Women Lawyers (FIDA) to ensure access to justice for women associated with Boko Haram.

UNODC also collaborated with national human rights institutions (NHRIs) in Burkina Faso, Cameroon, Chad, Kenya, Mali, Mauritania, Niger and Nigeria to strengthen their capacity to promote respect for human rights in counter-terrorism activities, including by involving experts from these institutions in train-the-trainers programmes related to human rights and criminal justice responses to terrorism.

In addition, **Article 14** of the Declaration stipulates that States have the responsibility to take appropriate measures to promote the understanding by all persons under their jurisdiction of their civil, political, economic, social and cultural rights. UNODC technical assistance activities are aimed at assisting States to effectively investigate and prosecute trafficking in persons and smuggling of migrants, while also providing appropriate support to victims of trafficking and persons who fall victim to crimes in the course of being smuggled.

With regard to **Article 15** of the Declaration, UNODC recently launched the [Education for Justice \(E4J\) initiative](#), which is a key component of the Global Programme for the Implementation of the Doha Declaration, launched in 2016 following the endorsement of the [Doha Declaration](#) by the General Assembly in resolution 70/174. The initiative is funded by the State of Qatar and seeks to prevent crime, corruption and promote a culture of lawfulness through education activities designed for primary, secondary and tertiary education levels. Human rights and fundamental freedoms related to these issues are an integral part of E4J. Specifically, with regard to tertiary education, university modules that cover the respect for human rights while addressing crime and justice are being developed. E4J acknowledges the strong links that exist between education and inclusive and peaceful societies, and the crucial role that education plays in promoting peace, justice and equality, as well as in shaping the values of future generations and building a culture of lawfulness. The initiative directly

supports the implementation of Article 15 of the Declaration by developing materials to foster ethically-responsible behaviour among youth.

2. Good practices of effective technical assistance and capacity-building and examples of positive impact of change as well as challenges related to the provision of support to States in the implementation of relevant human rights obligations and commitments

The Trafficking in Persons Protocol and the Smuggling of Migrants Protocols are a vital part of public international law, including international human rights law. As UNODC takes a victim-centred approach in developing and implementing criminal justice responses to smuggling and trafficking, the needs, rights and safety of victims of trafficking and persons who fall victim to crimes in the course of being smuggled are paramount to all of the technical assistance efforts of the Office. In this regard, UNODC has long employed a rights-based approach in its work and has assisted States to do the same, through the provision of support to implement obligations deriving from international law.

Through its Global Programmes against Trafficking and Smuggling, UNODC provides expert capacity-building assistance to strengthen anti-smuggling of migrants and trafficking in persons policies and action through tailored technical assistance activities. In the last two years alone, these programmes have assisted more than 70 countries across all regions, through the training of over 2,000 criminal justice practitioners and government officials to effectively investigate and prosecute trafficking in persons and the smuggling of migrants, while providing appropriate support to victims and smuggled migrants.

UNODC likewise provides expert assistance through the [Global Action against Trafficking in Persons and Smuggling of Migrants \(GLO.ACT\)](#), a four-year (2015-2019) joint initiative by the European Union and UNODC that is being implemented in partnership with the International Organization for Migration and UNICEF. GLO.ACT assists government authorities and civil society organizations across the following 13 strategically-selected countries: Belarus, Brazil, Colombia, Egypt, the Kyrgyz Republic, Lao PDR, Mali, Morocco, Nepal, Niger, Pakistan, South Africa and Ukraine. The Office supports the development of more effective responses to trafficking and smuggling, including assisting victims of trafficking and vulnerable migrants through the strengthening of identification, referral and direct support mechanisms. Between July 2016 and December 2017, more than 70 activities were delivered in 11 countries.

UNODC is also mandated to support the intergovernmental bodies and processes related to crime prevention and criminal justice matters, such as the Conference of the Parties to UNTOC and its Working Groups, the Conference of States Parties to the UNCAC and the Commission on Crime Prevention and Criminal Justice, as well as the UN Security Council and General Assembly.

Furthermore, UNODC works closely with partners within and outside the UN to coordinate efforts to support States in preventing and combatting trafficking in persons and smuggling of migrants. For example, UNODC is Coordinator of the [Inter-Agency Coordination Group on Trafficking in Persons \(ICAT\)](#), a policy forum mandated by the General Assembly to improve coordination among UN agencies and other relevant organizations to prevent and combat trafficking in persons. UNODC is also an active member of the [Global Migration Group \(GMG\)](#), and has recently contributed to the development of the GMG [Principles and Guidelines, supported by practical guidance, on the human rights protection of migrants in](#)

[vulnerable situations](#). Additionally, UNODC continues to actively participate in negotiations on the development of a [Global Compact on Safe, Orderly and Regular Migration](#) and a [Global Compact on Refugees](#) and continues to stress the importance of employing a human-rights based, victim-centred, age and gender-sensitive approach in both processes.

3. Recommendations on measures relevant to promoting the Declaration and ensuring its implementation

- Member States should consider incorporating crime prevention, criminal justice and other rule of law aspects into their education systems at all levels, particularly with regard to human rights and fundamental freedoms. This will strengthen the implementation of Article 15 of the Declaration on the Right and Responsibility of Individuals, Groups Organs of Society to Promote and Protect Universally Recognized Human Rights and Fundamental Freedoms, as well as paragraph 7 of the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation.
- Member States should consider enabling and encouraging their judiciaries to join the Global Judicial Integrity Network with a view to learning about and sharing good practices, providing peer-to-peer support and collaborating in the development of practical tools and guidance to further advance the effective implementation of Article 9, paragraph 2 of the Declaration.
