

## **Impressions from the 14<sup>th</sup> United Nations Crime Congress from Dr Joutsen**

*Dr Matti Joutsen, former director of HEUNI, attended the Kyoto Congress as a representative of Finland. He has kindly shared his informal reflections from the Congress with HEUNI.*

The Fourteenth United Nations Congress on Crime Prevention and Criminal Justice was organised in Kyoto, Japan, from 7 to 12 March 2021. It continued the long tradition of the world's largest get-togethers on crime and justice, but in some respects, it was a very different Congress. Above all, it had the distinction of being the first major UN conference in any field to be organised after the beginning of the Covid-19 pandemic. The Kyoto Congress set the pattern for how this can be done in such unprecedented circumstances.

The Kyoto Congress was the first to be organised as what is now termed a **hybrid conference**, with some participants on-site actually roaming the conference halls, and others participating remotely from their office or home all around the world. This had benefits as well as drawbacks. However, the core business of a UN conference was achieved. The agenda was adopted, officers were elected, gracious statements were made at the opening and closing, views were exchanged in the formal sessions, the ancillary meetings and the special events, draft reports were prepared and adopted, and perhaps above all, agreement was made on what has become the main outcome of UN Crime Congresses, the Congress Declaration.

### **The Kyoto Declaration**

The Congress had a variety of substantive outcomes. However, the **Kyoto Declaration** is the politically most important outcome of the Congress. The Kyoto Declaration is a political statement negotiated by the member states in advance of the Congress and adopted by the member states on the opening day of the Congress.

The Kyoto Declaration itself is not binding. It does not establish rights or obligations to anyone, nor does it as such guide even the work of the UNODC. Nonetheless, the Kyoto Declaration is of great significance. It has been laboriously drafted and negotiated, and since the representatives of 90 member states gathered in Kyoto have adopted it, it is clear that the document embodies their vision of what member states should commit to on the national level, what their priorities should be, and how they would like to see international cooperation evolve. As a result, it can be expected that the UN Crime Commission will seek to see how the ideas manifested in the Kyoto Declaration can be taken forward.

Since the Kyoto Congress was the first to be held after the adoption of the 2030 Agenda, it is also clearly evident that connections can be drawn not only to Sustainable Development Goal 16 on peace, security, the rule of law, and access to justice, but also to other SDGs.

The Kyoto Declaration is balanced in the sense that it deals with crime prevention and criminal justice at different levels, from the local to the national and international level. It covers a wide range of issues, including the need to support victims and vulnerable communities, gender-sensitive crime prevention, the rule of law, transnational crime, anti-corruption, emerging forms of crime, as well as the operation of the domestic criminal justice system and international cooperation. The Kyoto Declaration is also very timely, above all by including several paragraphs on the impact of and response to the Covid-19 pandemic.



*The Kyoto Declaration, photo from <https://kyotocongress.info/pictures/index.html>*

### **The programme of the Fourteenth United Nations Crime Congress**

Since this was the first UN Crime Congress to be held after the adoption in 2015 of the 2030 Agenda, with its Sustainable Development Goals, it is understandable that the theme of the Congress was formulated as “Advancing crime prevention, criminal justice and the rule of law: towards the achievement of the 2030 Agenda”.

The first substantive agenda item was “Comprehensive strategies for crime prevention towards social and economic development”, which was connected with Workshop 1, on “Evidence-based crime prevention: statistics, indicators and evaluation in support of successful practices”.

The second item was “Integrated approaches to challenges facing the criminal justice system”, which was connected with Workshop 2, on “Reducing reoffending: identifying risks and developing solutions.”

The third item had the unusually lengthy topic of “Multidimensional approaches by Governments to promoting the rule of law by, inter alia, providing access to justice for all; building effective, accountable, impartial and inclusive institutions; and considering social, educational and other relevant measures, including fostering a culture of lawfulness while respecting cultural identities, in line with the Doha Declaration.” This was connected with Workshop 3, “Education and youth engagement as key to making societies resilient to crime”.

The fourth substantive agenda item was “International cooperation and technical assistance to prevent and address all forms of crime: (a) Terrorism in all its forms and manifestations; (b) New and emerging forms of crime,” which was connected with Workshop 4, “Current crime trends, recent developments, and emerging solutions, in particular new technologies as means for and tools against crime.”

### **Opening of the Congress**

The formal opening of the Congress set the pattern for subsequent sessions, with its mix of statements given in person, pre-recorded statements, and statements beamed in live from around the world.

**Ms Yoko Kamikawa**, Minister of Justice of Japan and head of the delegation of the host country, was elected President of the Congress by acclamation. In her opening statement, she recalled that the Congress had to be postponed due to the Covid-19 pandemic. The pandemic had increased the vulnerability of hundreds of millions of persons around the world. The Congress needed to address their needs, but at the same time had to look forward. Minister Kamikawa stated that she placed her trust in the youth as the custodians of the future and expressed her hope that the ideas shared by youth at the Youth Forum held during the previous week would enable the participants to work together to make the world better.

The **Kyoto Declaration** was adopted by acclamation. The Kyoto Declaration shall be submitted to the UN Commission on Crime Prevention and Criminal Justice for its consideration at its session on 17-21 May 2021.

The Fourth United Nations Congress was honoured by the presence of **Her Imperial Highness, Princess Takamado**. In her statement, she noted that Covid-19 has been a great leveller and has made it all the clearer that many things are not right in the world. We have the opportunity to address global issues on a more level basis, united by a common foe. No good will come if we leave the weaknesses in our society to fester. We need a more tolerant and more inclusive society globally and locally, to ensure that no one is left behind. The duty of the participants at the Congress was in her view to serve as a beacon, and to ensure that the beacon remains lit. The youth who participated in the Youth Forum will themselves

become beacons. She also expressed the hope that all participants will have the opportunity to form new partnerships and friendships.

The opening of the Congress was also attended by **Prime Minister Yoshihide Suga**, **Mr Antonio Guterres, Secretary-General of the United Nations** (in a live telecast from New York), **Mr Volkan Bozkir**, the **President of the General Assembly** (in a video statement), **Mr Munir Akram**, **President of ECOSOC** (in a video statement) and **Mr Hayashi Makoto**, the **Prosecutor General of Japan**.

### **The high-level segment**

During the **high-level segment**, statements were made by representatives of the Group of 77 and China, the African regional group, and the European Union, by 115 high-level representatives of member states and by representatives of 26 other entities (including the Thailand Institute of Justice, UNAFEI and UNICRI).

Most of the statements during the high-level segment were made by video-link, either online (18 speakers) or as pre-recorded video statements (the vast majority, 109 speakers). Fourteen speakers at the high-level segment gave their statements in person. It was notable that many of the statements were by ministerial level speakers with substantive responsibility in their respective government for crime prevention and criminal justice: one president (Honduras), one prime minister (Saint Vincent and the Grenadines), 79 ministers, three chief justices (or the equivalent) and ten attorney-generals (or the equivalent).

It is difficult to provide summaries of these rich and wide-ranging statements, since each of the speakers was limited to three minutes. Several of the speakers were able to make only general references to, for example, the fundamental importance of taking effective measures in crime prevention and criminal justice, the link between these and the rule of law with the SDGs, the need for enhanced international cooperation, and the importance of the Fourteenth United Nations Crime Congress as well as the Kyoto Declaration.



*Dr Matti Joutsen at the Kyoto Congress, photo from <https://kyotocongress.info/pictures/index.html>*

### **The substantive work and reports**

The substantive work of the formal part of the Fourteenth UN Crime Congress is reflected in the reports that were adopted at the close of the Congress and are available on-line at the UNODC website. What has been heard orally in the statements made by the on-site and the on-line participants has been distilled by the designated rapporteurs (with the UNODC staff assisting in the drafting) into neat, balanced and concise draft reports.

All four substantive agenda items were dealt with in the plenary, which means in practice that between two and four hours were allotted to the discussion on each. The discussion on each of the substantive agenda items began with a report on the discussion at the relevant Workshop, which was followed by somewhat over a dozen national statements, and a few statements by other speakers. The fourth substantive agenda item, on international cooperation, technical assistance, terrorism and new forms of crime, elicited much more discussion: 36 national statements. Even given the shortened length of the Congress as a result of the postponement and the pandemic from the originally envisaged eight days to six days, there was generally more time than there were speakers.

The reports of all the Workshops reflect very accurately reflect what was said. Workshop 2, for example, stressed application of the principle of the use of the least restrictive measures, as well as the principle of proportionality. More broadly, it reflected the spirit that underlines the Nelson Mandela Rules, the Tokyo Rules, the Bangkok Rules, the Beijing Rules and the Riyadh Guidelines. During the Workshop, there were no interventions that would have been cast in a more populist, punitive mould (although one or two such statements were heard in the high-level segment). Workshop 4, in turn, succeeded in narrowing its focus to certain issues. Two panels in Workshop 4 dealt with issues such as cryptocurrencies, the darknet, and the use of technology in specific forms of crime. One panel dealt with artificial intelligence and robotics, ethical considerations, and the role of technology in international cooperation in criminal matters.

Workshop 1 dealt with evidence-based crime prevention, while Workshop 3 dealt with “education and youth engagement as key to making societies resilient to crime”. The reports of both these Workshops fit in very well with the mainstream of the work of the UN Crime Programme, within the framework of the Sustainable Development Goals. The topics dealt with by these two Workshops have a growing constituency; the report of Workshop 1 will satisfy those who would like to see criminal policy based more on evidence and less on either “this is the way we have always done things around here” or on populist punitiveness, while the report of Workshop 3 will sustain those who would like more attention to the role of education and youth work in the context of crime prevention.

One point of interest is that the moderator of Workshop 2, when reporting to the plenary under agenda item 4, suggested the initiation of work on United Nations standards on the reduction of reoffending. This point was repeated by the representative of Japan, which in line with past practice as well as other statements by representatives of the host country – including the Minister of Justice of Japan – would seem to suggest that Japan shall take this idea forward.

It would appear that essentially all of the conclusions and recommendations to be found in the reports of the four Workshops can be readily linked to various paragraphs in the Kyoto Declaration. On the basis of my own observations, flitting from room to room whenever circumstances permit, the Congress proceedings have also more generally been in line with a workmanlike approach to dealing with key issues in crime prevention and criminal justice. There were many “national statements” that brought to the attention of the Plenary and of the two Committees (in the context of their discussion in the Workshops) the experience of member states.

The plenary on the next to the last day, Thursday, commemorated the decennial of a sad event. At 14:46 on 11 March 2011, the Great Japan Earthquake hit, at magnitude 9 the largest earthquake ever recorded in Japan. It resulted in a vast tsunami as well as the destruction of the Fukushima Daiichi nuclear power plant. The death toll was huge: over 22,000 persons were dead or missing, and 470,000 persons had to flee their homes. At 9:35 on that next to the last day of the Congress, an emergency test alert was sent out to the mobile telephones of everyone who had registered their telephone number in Japan. And at 14:46, the Plenary rose for a minute of silence to commemorate the occasion.

### **The closing session**

As with the opening session on Sunday, the closing session of the Fourteenth United Nations Congress was chaired by the President of the Kyoto Congress, **Ms Yoko Kamikawa**, Minister of Justice of Japan.

In her closing statement, Ms Kamikawa emphasised the rule of law and the SDGs. As in her opening statement, she stressed that the pandemic has impacted the most vulnerable in our society, such as those in extreme poverty, those suffering from social bias, and those lacking access to justice. Those left behind are now even farther behind. The rule of law and the independence of the judiciary are important. She recalled that the Youth Forum had cautioned that rapid digitalisation of society creates huge risks in cyberspace, for example cybercrime and cyber-harassment. There was consensus that the SDGs are now even more important, since the fabric of society has become even more frayed. It is the time for action. The Kyoto Declaration does not set out goals but starting points. We need to realise them in order to achieve just and peaceful societies. The Kyoto Declaration guides us towards multi-stakeholder partnerships in preventing and responding to crime. No stakeholder can succeed alone. In order to respond to crime, seek justice and achieve rule of law, all stakeholders should work together. Now is the time for full solidarity.

### **The Kyoto Congress as the first major hybrid United Nations Conference**

Necessity is the mother of invention. After the postponement of the Congress from 2020 to 2021, the decision was made that the plenary and the Committee sessions would all be live-streamed, enabling anyone to follow them from anywhere in the world. Some attendees would attend in person, while most would tune in from their homes and offices across the world.

Perhaps somewhat surprisingly given the pessimistic worries of many persons that holding an international conference in the middle of a pandemic is simply not possible, the Fourteenth United Nations Crime Congress was in many senses a “normal” UN Crime Congress - and that is very good. For this, the credit very much goes to the commitment and hard work of the host government and the UNODC.

The main difference with early UN Crime Congresses, of course, is that there were far fewer participants attending the Congress in person. I understand that about 260 persons participated on-site. A total of about 90 member states participated in the Congress; in many cases, the on-site participants had come from the respective embassy or mission in Tokyo. I do not at the time of this writing have any estimates for how many UN special agencies, IGOs, NGOs and individual experts, but I do not believe there were many.

As to the PNI family, and while UNAFEI had a considerable representation at the Congress, ILANUD was apparently the only other PNI to have sent a representative on-site. In addition, the PNIs have a clear “footprint” at the Congress. After all, the four Workshops were organised by PNIs, and in addition

according to the programme, CCLS, ILANUD, NIJ, RWI, Siracusa, TIJ, UNAFEI all organised ancillary meetings.

The bulk of the participants – perhaps some 5,300 – participated on-line, from their offices or homes, wherever they were located around the world. A total of 70 United Nations Secretariat staff members were brought in from Vienna to Kyoto: perhaps some 30 UNODC staff members, 15 UN security personnel, and other UN conference support and technical personnel. Otherwise, UNODC, conference support and technical staff serviced the Congress remotely from Vienna (and, in the case of several interpreters, serving from interpretation booths located in New York).

As a result of the low number of participants on-site, the Kyoto Congress gave the impression of a quiet Congress, with few delegates roaming the halls, chatting over coffee, or actually sitting in the meeting halls. The sense of quiet was reinforced by large signs blocking off three out of every four seats in the plenary hall, and the plexiglass partitions that could be found everywhere where people might sit. Social distancing was very much being practiced at the Congress. And even with the figure of 260 registered on-site participants, the number seems all the smaller when they were dispersed into the cavernous plenary hall or the Committee room, or to the many meeting rooms.

To provide a sense of the attendance in person and on-line, in Committee 2, which dealt with the prevention of reoffending – certainly a subject worthy of debate and of wide interest around the world – there were at the peak perhaps 50 persons in the room, with some 30-40 persons attending on-line. At one stage, I sat in the Plenary, and there were less than ten persons sitting in the cavernous hall. Despite this restful serenity on-site, and as can be seen from the above report, the work of the Fourteenth United Nations Congress was otherwise quite normal.

The hybrid model has its drawbacks and benefits. Trying to connect 5,000 or so participants, when almost all were using their own equipment, means that individual connections would now and then be dropped. In the context of a global conference, the hybrid model also meant that many attendees were tuning in from different time zones and having to stay alert at unsociable times. This presumably requires a considerable amount of coffee or tea. In any case, they would tend to try to link in only for very specific events, discussions or panels, perhaps to give a statement, and then turn off the link after this is done, without doing “virtual roaming” to see what other discussions were underway in other fora at the Congress.

Perhaps the main drawback to the hybrid model is that it does not provide the same vibrant mix of different participants gathered in one place. Quite often, the most rewarding part of conferences is formed by those chance meetings in the corridors and when socialising over coffee, lunch or dinner, random encounters that lead to networking and real exchanges of ideas. The UN Crime Congresses have long been a place where members of national delegations, representing many different agencies and fields, could interact with representatives from UN special agencies, IGOs, NGOs and individual experts on an equal basis.

There are also benefits. Obviously, one is the savings to the travel budget, an aspect that Ministries of Finance or the chief financial officer of organisations will welcome. Another benefit that I noted in the high-level segment was that the clear majority of the national statements were given by Ministers or other very senior officials with substantive responsibility for crime prevention and criminal justice in their own government. Yes, it is a question of just a three-minute and often pre-recorded video statement, but the mere fact that ministers make this statement causes them to become aware of the work of UN Crime Congresses, and some will undoubtedly become interested, and charge members of their staff to find out what is happening at the Congress, and how the exchange of ideas could help them in their work on the national level.



*Member States giving statements remotely, photo from <https://kyotocongress.info/pictures/index.html>*

## **Safety and security**

Safety and security are always major considerations at UN Crime Congresses. In the Covid-19 era, however, these concerns have taken on very new dimensions. The Japanese host government has gone to great lengths to ensure that those persons participating in the Congress, whether they come from Japan or from abroad, have a reasonable expectation that they will be protected against infection.

The precautions began with restrictions on who can enter into Japan to attend the Congress, in particular without first undergoing the otherwise mandatory fourteen-day very strict quarantine in government-

operated facilities. Only a very, very few foreigners were allowed in. Exceptions were granted almost solely to ministerial level officials and a few advisors who were accompanying their minister on the same airplane. The conditions for doing so included obtaining a visa, as well as two different Covid-tests. Once in Japan, the participants had to agree to constant use of a face-mask, social distancing, and committing to alerting the responsible authorities should they feel ill with the symptoms of Covid-19.

On entering the Conference Centre and many areas within the Conference Centre, the participants were urged to use the disinfectant spray. Social distancing was ensured by signs that blocked off every other seat in the Conference Centre and the hotel, and three out of every four seats in the plenary hall. On every table there were plex shields separating the participants from their neighbours. The participants could feel very safe while attending the Kyoto Congress, and appreciate the care that was being taken by the host government and the UN Secretariat.

### **Closing reflections**

I have had the privilege of attending several UN Crime Congresses over the years. As a member of the national delegation of my country and having served also as Rapporteur-General and as Committee chairperson, I have had a ring-side seat to seeing how these Congresses have developed. I can safely say that the Kyoto Congress was a United Nations Crime Congress like no other.

I arrived in Kyoto with doubts and worries. Can we hold a Congress in the midst of a pandemic? What is a “hybrid format”? Will anyone attend?

As soon as we began our work early on Sunday, 7 March 2021, my doubts and worries disappeared. We proceeded with our business in a smooth fashion. We had a truly global, interconnected, live and substantive debate, on a high level. This is unprecedented in throughout the UN organisation. The Kyoto Congress set the mould for all UN Conferences to come. And the Kyoto Declaration is remarkably substantive, balanced, well-structured and well written.

I join with many others in thanking our Japanese hosts, the Secretariat staff, and the UNODC staff. Our Japanese hosts have been very hospitable, gracious and efficient. The Secretariat staff has, as always, made everything work so smoothly behind the scenes – a marvel, considering how many changes the pandemic required in the organisation of a huge global conference. And the UNODC staff has, as always, provided us with excellent documentation and other substantive services.

I can only imagine the pressures on all of the organisers in this unprecedented situation, over the past year of the pandemic. On the last day of Congress, 12 March 2021, I was left in awe, in wonder at what they had accomplished, - and what they had accomplished always with a smile, with a calm demeanour, with professional courtesy and utterly admirable competence.

It was a Congress like no other, and an experience like no other. I was very pleased and privileged to have been a part of it. Thank you, Japan, thank you UN Secretariat, and thank you, UNODC!