

## Linkage between Sustainable Development Goals and Criminal Justice System Reform

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**1. Comment on the Special Focus segment of the current edition of Global Prison Trends report**, which is dedicated to illustrating the link between the SDGs and criminal justice and prison reform.

1.1 The segment was commendable in its effort to put together research findings and compelling statistics as well as experiences and anecdotal descriptions of certain aspects of the operation of the CJSs in various jurisdictions around the globe, to convince us that **when CJSs is dysfunctional\*\*\***, it can adversely and disproportionately impact certain members of the society who come into contact with the justice system, thus excluding them from the benefits of development efforts called for in the SDGs, to which they are also entitled.

- Since CJS operates on people, be it victims, suspects, witnesses or offenders subjected to criminal sanction, in this context, we can see that of the 16 SDGs, naturally the success or failure of CJS reform will have a significant impact on the achievement of certain Goals that are directly related to aspects of the well-being of a human being, such as:

- Goal 1: poverty
- Goal 2: hunger and nutrition
- Goal 3: health
- Goal 4: education
- Goal 5: gender equality
- Goal 6: water and sanitation
- Goal 8: employment and decent work
- Goal 10: inequality

And, of course, Goal 16: promotion of peaceful and inclusive societies for sustainable development, the provision of access to justice for all, and the building of effective, accountable and inclusive institutions at all levels, which has a direct bearing on the CJS.

## 2. Key “take away”:

One of the underlying assumption of the Special Focus on SDGs and CJS and Prison Reform, I believe, is that:

“both the SDGs and the operation of the CJS have a REAL impact on everyday life; this is true for both developed or developing societies”

From this assumption, we can take one more step and argue for the inter-relationship between CJS Reform and SDGs – how CJS depends on and its reform should be guided by the consideration of various relevant SDGs, and vice versa, how the **CJS is also a pre-requisite for the achieving the goals referred to in the SDGs++++.**

[example of++++: For example, good governance in both the public and the private sector requires the enforcement of criminal law provisions regarding bribery, embezzlement, nepotism and other forms of corruption/

Or/ The protection of the environment requires the strengthening and effective implementation of laws on the husbanding of natural resources, and against pollution and trafficking in endangered species

Realizing this inter-linkage will be good for CJS practitioners and everyone in the society: it will give the sense of purpose for CJS reform (what we do matters to everyone in a real sense), as well as important guidelines for reform efforts (things to avoid; challenges to overcome or gaps to bridge)

Appreciation of this interlink will ultimately lead to another crucial realization that the rule of law is NOT something abstract, but it is something that has a direct bearing on each and every sector of government, including the CJS, as well as the life of ordinary citizens.

### **3. What are the implication of realizing such inter-relationship, particularly on CJS Reform?**

We have seen that strengthening the criminal justice system (alongside the civil justice and administrative justice systems) in line with the rule of law is an integral part of the efforts to achieve the other Sustainable Development Goals.

Now what can we do?

We need to continue our efforts, both at international and national levels, to improve the criminal justice systems. Although each country may have different priorities depending on each local context, following concepts shall be applied in building a concrete foundation for criminal justice reform.

#### **Enhancing access to justice and legal empowerment:**

Access to justice and legal empowerment should be promoted in order to empowered to exercise and advance their rights and interests using the law, the legal system and legal services.

Equal access to justice also contribute to inclusive society. In many developing countries enforcement of criminal justice subsequently can have wide-reaching effects on the accused, victims, witnesses, as well as their families. In too many cases, it represents penalization of the poor and the vulnerable already at the bottom end of the socioeconomic ladder by taking away their opportunity to attain higher skills, education, and decent employment or putting them in further risks of victimization and violence.

As such, vulnerability and specific needs of persons who come into contact with the criminal justice system should be taken into consideration.

#### **The use of alternative to dispute resolution and alternative to imprisonment**

Alternative dispute resolution as well as alternatives to imprisonment, when properly done, can help the CJS achieve its fundamental role of reintegration of offenders into society and protection of community.

Criminal justice should not deprive people from development. The fact that people are kept in cell without appropriate rehabilitation program would decrease productivity of a society and will and even more put them is a disadvantage situation.

As a last resort, imprisonment should prioritize protection of human rights and access to decent provision of education, skills training and preparing them for reintegration into community.

### **Significance of people-oriented approach**

In making decision impacting the rights of people in contact with criminal justice system, more comprehensive study on the individual's backgrounds, their pathways in criminal justice, and the effects of criminal justice system has on them and the overall impact on society.

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### **when CJSs is dysfunctional\*\*\*,**

We all know that the fundamental role of the criminal justice system is to identify and bring to justice those individuals who commit the act which society deems as criminal offence.

Society determines what conduct should be subjected to punishment. It is then the agents of the criminal justice system that enforce these norms, by force where and if necessary.

The criminal justice system should be able to fulfil this role in an **efficient, effective, accountable and fair manner**, protecting and supporting the victim, ensuring that innocent persons are not unduly suspected of crime, and integrating offenders back into the community. But this is not always easy.

Throughout the world, criminal justice systems struggle to fulfil their role. [Ineffective CJS fails to provide proper response to crime that is harmful to society, be it domestic abuse to transnational crime. These crime are not detected or reported. The offenders are therefore not brought to justice, and the victims do not receive recognition or support.

Entire communities can suffer from wide-spread violence and the spread of drugs, with the police unable or unwilling to intervene. Such practices and strategies as profiling and zero tolerance may lead to **inequitable law enforcement**, with the burden generally placed on the poor, and on members of ethnic or other minorities. Suspects may be held in pre-trial detention for extended periods without the benefit of qualified legal counsel. Prosecutors and judicial personnel may be overburdened, under-resourced and insufficiently trained and supervised, which may lead to the exercise of improper discretion or to lengthy delays in the processing of cases. Victims may find that their legitimate needs and concerns are ignored in the criminal justice process.

If and when punishment is imposed, it may be harsh and retributive in a manner that does not adequately combine the goal of reintegrating the offender into society with the other important goal of protecting society. These dysfunctions in the criminal justice system lessen public confidence in the criminal justice system, further dampening its effectiveness. Absence of public confidence may become generalized to the local and national government as a whole, leading to an estrangement between the government and the public.