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Commission on Crime Prevention and Criminal Justice

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Agenda item 6

Use and application of United Nations standards and norms in crime prevention and criminal justice

Argentina, Austria, Sweden and Switzerland: revised draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance

The Economic and Social Council,

Recalling the Universal Declaration of Human Rights,¹ which states, in its article 25, that children are entitled to special care and assistance,

Recalling also the Convention on the Rights of the Child,² in particular articles 37 and 40 of the Convention, which commit parties to the Convention to, inter alia, using the deprivation of liberty of persons under the age of eighteen only as a measure of last resort,

Recalling further article 40 of the Convention on the Rights of the Child,

Recalling further the numerous other United Nations standards and norms in the area of child justice, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules),³ the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,⁴ the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)⁵ and

¹ General Assembly resolution 217 A (III).

² United Nations, *Treaty Series*, vol. 1577, No. 27531.

³ General Assembly resolution 40/33, annex.

⁴ General Assembly resolution 45/113, annex.

⁵ General Assembly resolution 45/112, annex.



the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime,⁶

Recalling further General Assembly resolutions 62/158 of 18 December 2007 and 63/241 of 24 December 2008, Commission on Human Rights resolution 2004/43 and Human Rights Council resolutions 7/29 and 10/2,

Noting the adoption by the Committee on the Rights of the Child of general comment No. 10 (2007) on children's rights in juvenile justice,⁷

Noting also the guidance note of the Secretary-General on the United Nations approach to justice for children, of September 2008, and the report of the independent expert for the United Nations study on violence against children,⁸ in particular the recommendations contained therein concerning children in care and justice systems,

Recalling its resolution 1997/30 of 21 July 1997, in which it welcomed the Guidelines for Action on Children in the Criminal Justice System, contained in the annex thereto, and invited the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice,

Recalling also its resolution 2007/23 of 26 July 2007 on child justice reform,

Welcoming the report of the Secretary-General on the support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination,⁹

Noting that, according to that report some States have reported on the implementation of effective measures to reduce the use of imprisonment and pretrial detention for juveniles in conflict with the law, while many States still use deprivation of liberty as the rule rather than an exception,

Noting also the increased specialization of institutions and professionals and the provision of appropriate training and retraining in this area and the development of diversion, restorative justice and alternatives to detention programmes reported by Member States, and encouraging other States to adopt such programmes,

Acknowledging with satisfaction the work of the Interagency Panel on Juvenile Justice and of its members, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Office on Drugs and Crime, the United Nations Interregional Crime and Justice Research Institute, the United Nations Development Programme, the Department of Peacekeeping Operations of the Secretariat, the Committee on the Rights of the Child and a number of non-governmental organizations, in particular the coordination of the provision of technical advice and assistance in the area of child justice and the active participation of civil society in that work,

⁶ Economic and Social Council resolution 2005/20, annex.

⁷ CRC/C/GC/10.

⁸ A/61/299.

⁹ E/CN.15/2009/12.

Bearing in mind that the United Nations approach to justice for children contained in the guidance note of the Secretary-General¹⁰ aims at full application of United Nations standards and norms for all children who come into contact with justice and related systems as victims, witnesses or alleged offenders or in other circumstances where judicial intervention is needed,

1. *Urges* Member States to pay particular attention or increase the attention paid to the issue of child justice and to take into consideration applicable international instruments and, as appropriate, applicable United Nations standards and norms for the treatment of children in conflict with the law, in particular juveniles deprived of their liberty, and child victims and witnesses of crimes, taking into account also the age, gender, social circumstances and development needs of such children;

2. *Invites* Member States to adopt, where appropriate, comprehensive national action plans on crime prevention and child justice reform dealing, in particular, with preventing child involvement in crime, ensuring access to legal assistance, especially for those children with scarce resources and reducing the use and the duration of juvenile detention, especially at the pretrial stages, including through the use of diversion, restorative justice and alternatives to detention; the reintegration of children in conflict with the law back into their communities; and child-sensitive procedures for all children in contact with the justice system;

3. *Also invites* Member States and their relevant institutions to adopt, where appropriate, a comprehensive approach to child justice reform, including through policy reform; legal reform; the establishment of data collection and information management systems; the strengthening of institutional capacity, including with regard to social workers and providers of legal assistance, awareness-building and monitoring; and the establishment of child-sensitive procedures and institutions;

4. *Encourages* Member States, where appropriate, to conduct scientific research in relation to children in conflict with the law, in particular on their social environment and other risk factors, and on measures for their social rehabilitation and integration into society;

5. *Invites* Member States, as appropriate, to make use of the technical assistance tools developed by the Interagency Panel on Juvenile Justice and by its members and to seek technical advice and assistance in the area of child justice from the members of the Panel in order to design, implement and monitor comprehensive child justice policies;

6. *Encourages* Member States and international funding agencies to provide adequate resources to the secretariat of the Interagency Panel on Juvenile Justice and to the members of the Panel so that they may continue to provide enhanced technical assistance, upon request, to Member States, in particular to those having expressed a need for technical assistance pursuant to Economic and Social Council resolution 2007/23 of 26 July 2007;

7. *Invites* the members of the Interagency Panel on Juvenile Justice to continue providing assistance to Member States, upon request and subject to the

¹⁰ Guidance note of the Secretary-General on the United Nations approach to justice for children, September 2008.

availability of resources, in the area of child justice, including by following up on the recommendations contained in the United Nations study on violence against children¹¹ and setting up national data collection and criminal justice information systems with regard to children in conflict with the law, using as a guide the *Manual for the Measurement of Juvenile Justice Indicators*;¹²

8. *Encourages* the members of the Interagency Panel on Juvenile Justice to further increase their cooperation, to share information and to pool their capacities and resources in order to increase the effectiveness of programme implementation, including through, when appropriate, joint programming, and the development of common tools and awareness-raising;

9. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its twentieth session, on the implementation of the present resolution.

[*Calls upon* Member States to consider “The protection of children in the digital age, in particular against the misuse of technology for the purposes of abuse and exploitation of children”, as the topic of a thematic debate of the Commission on Crime Prevention and Criminal Justice at its twentieth session, in 2011.]

¹¹ A/61/299.

¹² United Nations publication, Sales No. 07.V.7.