



# Economic and Social Council

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## Commission on Crime Prevention and Criminal Justice

Eighth session

Vienna, 27 April-6 May 1999

Agenda item 4

**Strategies for crime prevention**

### **Italy: draft resolution**

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

## **Development and implementation of mediation and restorative justice measures in criminal justice**

*The Economic and Social Council,*

*Recalling* its resolution 1997/33 of 21 July 1997, entitled “Elements of responsible crime prevention: standards and norms”, as well as its resolution 1998/23 of 28 July 1998, in which it is recommended to Member States that they consider using amicable means of settlement to deal with petty offences, for example, by using mediation, acceptance of civil reparation or agreement to compensation, and to consider using non-custodial measures, such as community service, as alternatives to imprisonment,

*Bearing in mind* General Assembly resolution 52/90 of 12 December 1997, in which the Assembly reaffirmed the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice,

*Taking note* of the reports of the Secretary-General on crime prevention<sup>1</sup> and on the use and application of United Nations standards and norms in crime prevention and criminal justice<sup>2</sup> and of the report of the Expert Group Meeting on Community Involvement in Crime Prevention, held in Buenos Aires from 8 to 10 February 1999,

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<sup>1</sup> E/CN.15/1999/3.

<sup>2</sup> E/CN.15/1999/7.

*Recalling* the existing regional instruments, including Council of Europe recommendations (85) 11, on the position of victims in criminal law and procedural criminal law, and (98) 1, on family mediation,

*Bearing in mind* that crime prevention in all its aspects is a fundamental issue to be considered at the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held in Vienna from 10 to 17 April 2000, and that the issue of community involvement in crime prevention will be the subject of a workshop to be organized during the Tenth Congress,

1. *Recognizes* that, while a significant number of secondary and petty offences jeopardize citizens' security and comfort, traditional criminal justice mechanisms do not always provide an appropriate and timely response to those phenomena, whether from the perspective of the victim or in terms of adequate and appropriate penalties;

2. *Stresses* that an important means of settlement of petty disputes and offences can be represented by mediation and restorative justice measures, especially measures that, under the supervision of a judicial authority, facilitate the meeting of the offender with the victim, compensation for damages suffered or the provision of community services;

3. *Emphasizes* that mediation and restorative justice measures can lead to satisfaction for victims as well as to the prevention of future illicit behaviour and can represent a viable alternative to short terms of imprisonment and to fines, which are in certain cases practically impossible to collect;

4. *Welcomes* the development in many countries of experiments in mediation and restorative justice in the field of criminal justice in the areas of, *inter alia*, petty offences, family problems where minors are involved, school problems, urban security and juvenile justice;

5. *Calls upon* States to consider, within their legal systems, the development of means of diversion from ordinary criminal justice proceedings and mediation policies, with a view to promoting a culture favourable to mediation among law enforcement, judicial and social authorities, as well as local communities, and to consider the provision of appropriate training for those involved in the implementation of such processes;

6. *Calls upon* States, international organizations and other entities to exchange information and experience on mediation and restorative justice, including in the framework of the United Nations Crime Prevention and Criminal Justice Programme, and to contribute actively to the discussion and consideration of mediation policies in the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and in particular in its workshop on community involvement in crime prevention;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to examine ways and means of facilitating an effective exchange of information concerning national experience in this area and possible ways to promote awareness among Member States of the issues of mediation and restorative justice;

8. *Recommends* to the Commission that it consider the possible formulation of United Nations standards in the field of mediation and restorative justice;

9. *Requests* the Secretary-General to undertake activities to assist Member States in developing mediation and restorative justice policies, within existing or extrabudgetary resources, and to facilitate the exchange at the regional and international levels of experience on the issues of mediation and restorative justice, including dissemination of best practices;

10. *Also requests* the Secretary-General to prepare a report on work in progress in this area to be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session, taking into account, *inter alia*, relevant results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

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