



Economic and Social Council

Distr.: Limited
5 May 1999

Original: English

Commission on Crime Prevention and Criminal Justice

Eighth session

Vienna, 27 April-6 May 1999

Agenda item 7

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

Austria and Romania: 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:

Administration of juvenile justice

The Economic and Social Council,

Recalling its resolution 1997/30 of 21 July 1997, on the administration of juvenile justice, and the Guidelines for Action on Children in the Criminal Justice System annexed to that resolution, and its resolution 1998/21 of 28 July 1998, on United Nations standards and norms in crime prevention and criminal justice,

Welcoming the fact that the Committee on the Rights of the Child places considerable emphasis on juvenile justice during its review of reports by States parties to the Convention on the Rights of the Child¹ and noting that its concluding observations often include recommendations to seek technical assistance in juvenile justice from, *inter alia*, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat, the United Nations Children's Fund and the network of non-governmental organizations concerned with juvenile justice issues, through the coordination panel on technical advice and assistance in juvenile justice, established pursuant to Economic and Social Council resolution 1997/30,

¹ General Assembly resolution 44/25, annex. In article 1 of the Convention on the Rights of the Child, the word "child" is defined as follows: "For the purposes of the present Convention, a child means every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier."

Emphasizing the important preventive role of the effective use and application of existing United Nations standards and norms in juvenile justice,

Concerned about the situation of children and young people in conflict with the law and their treatment by the criminal justice system in a number of States,

Acknowledging that there are links between juvenile delinquency and drug abuse, and recognizing that there is an urgent need for adequate measures and enhanced cooperation between all relevant actors at the national and international levels,

Recognizing that young drug addicts in conflict with the law are often victims and offenders at the same time, vulnerable not only to drug-related criminal activities, but also to activities involving ordinary crime,

Taking note of the draft proposal by the Secretariat on the global programme against trafficking in human beings, taking into account the fact that children, especially the girl child, and young people are often victims of such trafficking,

Concerned about the fact that, in the view of the Committee on the Rights of the Child, there is a need to strengthen the juvenile justice system in the majority of States parties whose reports have been considered by the Committee,

1. *Takes note* of the report of the Secretary-General on the use and application of United Nations standards and norms in juvenile justice,² in which the Secretary-General highlighted difficulties and deficiencies in the use and application of United Nations standards and norms in juvenile justice by Member States;

2. *Welcomes* the fact that the Centre for International Crime Prevention of the Office for Drug Control and Crime Prevention of the Secretariat has enhanced its cooperation with other United Nations entities and with other partners involved in assisting Member States in setting up separate juvenile justice systems or in improving existing juvenile justice systems by bringing them in line with United Nations standards and norms in juvenile justice;

3. *Also welcomes* the increased number of technical assistance projects in the field of juvenile justice, reflecting an increased awareness among Member States of the importance of juvenile justice reform in establishing and maintaining stable societies and the rule of law;

4. *Further welcomes* the establishment of a coordination panel on technical advice and assistance in juvenile justice to coordinate activities in the field of juvenile justice, subject to the modalities set out in Economic and Social Council resolution 1997/30, and calls on the partners involved to increase their cooperation, share information and pool their capacities and interests in order to increase the effectiveness of programme implementation;

5. *Urges* States to include, where necessary, provisions for juvenile justice in their national development plans, calls upon States to include the administration of juvenile justice in their funding policies for development cooperation, and invites them to respond favourably to requests from other States seeking assistance from the Centre for International Crime Prevention, the Office of the United Nations High Commissioner for Human Rights or the United Nations Children's Fund in developing and improving juvenile justice systems;

² E/CN.15/1998/8 and Add.1.

6. *Stresses* the need to give timely assistance to children and young people in difficult circumstances, especially in drug-related situations, in order to prevent them from resorting to crime;

7. *Underlines* the importance of establishing, where possible and as appropriate, alternatives to imprisonment for young people in conflict with the law, including young drug addicts or users, such as the provision of treatment and vocational training, counselling, rehabilitation, reintegration and aftercare services;

8. *Requests* States to promote re-education and rehabilitation of children and young people who are in conflict with the law by encouraging, where appropriate, the use of methods of restorative justice, mediation, conflict resolution and victim/offender conciliation, as alternatives to judicial proceedings, as well as within the framework of community-based and custodial-based sanctions;

9. *Stresses* the need for close cooperation between all authorities and other actors working with children and young people, especially in the field of juvenile justice, such as the police, the judiciary, lawyers, prison staff, probation officers, social workers, health professionals, teachers and parents;

10. *Urges* Governments to consider including in policies, legislation and programmes on juvenile justice adequate prevention and rehabilitation measures targeting young offenders who are drug addicts or users or who commit drug-related criminal offences;

11. *Requests* the Secretary-General to ensure effective cooperation between the relevant United Nations entities active in the fields of juvenile justice and drug control, in particular between the United Nations International Drug Control Programme and the Centre for International Crime Prevention, and the other organizations mentioned in the Guidelines for Action on Children in the Criminal Justice System;

12. *Urges* States parties to the Convention on the Rights of the Child³ to ensure full implementation of their obligations under the Convention and to pursue the goals set forth in the Convention with regard to the treatment of children and young people in the administration of juvenile justice, and urges States to use and apply the United Nations standards and norms in juvenile justice and related instruments;

13. *Reaffirms* that juvenile justice remains a high priority in the work of the Centre for International Crime Prevention and the institutes comprising the United Nations Crime Prevention and Criminal Justice Programme network, in particular as children and young people, both those in conflict with the law and those in difficult circumstances who may be potential future criminals, are easy prey for criminal organizations;

14. *Calls upon* States parties to the Convention on the Rights of the Child to avail themselves fully of the existing programmes for technical assistance in juvenile justice;

15. *Calls upon* the Secretary-General to provide technical assistance in juvenile justice, in particular where States parties request assistance pursuant to recommendations of the Committee on the Rights of the Child, and to consider the provision of technical assistance in juvenile justice as a matter of high priority;

³ General Assembly resolution 44/25, annex.

16. *Requests* the Secretary-General to submit to the Commission on Crime Prevention and Criminal Justice at its ninth session a programme proposal, involving all United Nations entities mentioned in the Guidelines for Action on Children in the Criminal Justice System, by which the timely and in-depth assessment of the needs of States parties to the Convention regarding juvenile justice reform is ensured;

17. *Underlines* the need for mainstreaming a gender perspective into all policies and programmes relating to children and young people in the criminal justice system;

18. *Requests* the Secretary-General to report on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, to the Commission on Crime Prevention and Criminal Justice at its tenth session.
