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COMMISSION ON HUMAN RIGHTS
Fifty-second session
Agenda item 8

QUESTION OF THE HUMAN RIGHTS OF ALL PERSONS SUBJECTED TO ANY
FORM OF DETENTION OR IMPRISONMENT

Argentina*, Armenia*, Australia, Austria, Belarus, Belgium*,
Bosnia and Herzegovina*, Bulgaria, Chile, Cyprus*, Denmark,
El Salvador, Finland*, France, Germany, Guatemala*, Haiti*,
Honduras*, Hungary, Ireland*, Italy, Latvia*, Luxembourg*,
Madagascar, Mali, Republic of Korea, Romania*, Paraguay,
Philippines, Portugal*, Slovakia*, Slovenia*, South Africa*,
Sweden*, Switzerland*, The former Yugoslav Republic
of Macedonia*, Ukraine and Uruguay*: draft resolutions

1996/... Human rights in the administration of justice, in
particular of children and juveniles in detention

The Commission on Human Rights,

Guided by the Universal Declaration of Human Rights, the International
Covenant on Economic, Social and Cultural Rights and the International
Covenant on Civil and Political Rights and its Optional Protocols, and in
particular article 6 of the latter Covenant, which explicitly states that no
one shall be arbitrarily deprived of his life and prohibits the imposition of
the death penalty for crimes committed by persons below 18 years of age,

* In accordance with rule 69, paragraph 3, of the rules of procedure of
the functional commissions of the Economic and Social Council.

Guided also by the Convention on the Rights of the Child, and in particular its articles 3, 37, 39 and 40, as well as the relevant provisions of the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment, the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention on the Elimination of All Forms of Discrimination against Women,

Recognizing the central role of the administration of justice in the promotion and protection of human rights,

Emphasizing the importance of coordinating the activities in the field of the administration of justice carried out under the responsibility of the Commission on Human Rights with those under the responsibility of the Commission on Crime Prevention and Criminal Justice,

Noting that women, juveniles and children are frequently the most vulnerable victims of human rights violations in the administration of justice and that the identification and reporting of these violations demand special vigilance,

Aware of the specific situation of children and juveniles in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Welcoming the important activities of the Committee on the Rights of the Child, the Commission on Crime Prevention and Criminal Justice, the United Nations Children's Fund, the Sub-Commission on Prevention of Discrimination and Protection of Minorities and the Special Rapporteur on the sale of children, child prostitution and child pornography with regard to the special needs of children and juveniles in detention,

Noting that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it includes in its conclusions on reports of States parties concrete recommendations concerning the provision of advisory services and technical cooperation in this field,

Recalling the recommendations of the Ninth United Nations Congress on the Prevention of Crime and Treatment of Offenders concerning juvenile justice and children as victims and perpetrators of crime,

Deeply concerned at the severity and brutality with which children and juveniles are used as instruments in criminal activities,

Reaffirming that the best interests of the child and the juvenile must be a primary consideration in all decisions concerning the deprivation of their liberty,

1. Takes note with appreciation of the report of the Secretary-General (E/CN.4/1996/31 and Add.1) and the replies received from a number of Governments;

2. Reaffirms the importance of the full implementation of all relevant United Nations standards on human rights in the administration of justice;

3. Reiterates once again its call to all Member States to spare no effort in providing for effective legislative and other mechanisms and procedures, as well as adequate resources, to ensure full implementation of these standards;

4. Appeals to Governments to include in their national development plans the administration of justice as an integral part of the development process and to allocate adequate resources for the provision of legal-aid services with a view to the promotion and protection of human rights;

5. Recognizes the important role that non-governmental organizations, including professional associations of lawyers and judges, can play in promoting human rights in the administration of justice;

6. Invites Governments to provide training in human rights and the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers and other professionals concerned with juvenile justice matters, including police and immigration officers;

7. Calls upon special rapporteurs, special representatives and working groups of the Commission on Human Rights to continue to give special attention to questions relating to the effective protection of human rights in the administration of justice and to provide, wherever appropriate, specific recommendations in this regard, including proposals for concrete measures of advisory services and technical assistance;

8. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in order to strengthen national capacities and infrastructures in the field of the administration of justice;

9. Urges the High Commissioner for Human Rights to consider favourably requests by States for assistance in the field of the administration of justice and to strengthen system-wide coordination in this field, in

particular between the United Nations programme of advisory services and technical assistance in the field of human rights and the technical cooperation and advisory services of the United Nations crime prevention and criminal justice programme;

10. Recognizes that every child and juvenile in conflict with the law must be treated in a manner consistent with his or her dignity and needs;

11. Calls upon all States to give high priority to the promotion and protection of all rights of the child and juveniles in the administration of justice;

12. Urges States to take fully into account, in their national legislation and practice, and disseminate widely the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines), the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty;

13. Invites Governments of those countries where there are traditional systems of justice to ensure that such informal justice methods are compatible with international standards in the field of human rights in the administration of justice and the Convention on the Rights of the Child;

14. Urges States to take appropriate steps to ensure compliance with the principle that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, both before trial and after conviction and to ensure that, if they are arrested, detained or imprisoned, children and juveniles be separated from adults;

15. Recommends that States ensure that all structures, procedures and programmes in the administration of justice with regard to child offenders promote assistance to allow children to take responsibility for their actions and to encourage, inter alia, reparation, mediation and restitution, especially for the direct victim of the crime;

16. Requests the High Commissioner for Human Rights to continue to pay special attention to the subject of juvenile justice and, in close cooperation with the Committee on the Rights of the Child, the United Nations Children's Fund and the Crime Prevention and Criminal Justice Division of the United Nations Secretariat to develop strategies to ensure effective

coordination of technical cooperation programmes in the field of juvenile justice, in particular within the framework of his Plan of Action to strengthen the implementation of the Convention on the Rights of the Child;

17. Requests the Secretary-General to report to the Commission at its fifty-third session on the implementation of the present resolution;

18. Decides to consider this question at its fifty-third session under the item entitled "Question of the human rights of all persons subjected to any form of detention or imprisonment".
