



**Economic and Social  
Council**

Distr.  
LIMITED

E/CN.4/2000/L.49  
13 April 2000

Original: ENGLISH

---

COMMISSION ON HUMAN RIGHTS  
Fifty-sixth session  
Agenda item 11 (d)

CIVIL AND POLITICAL RIGHTS, INCLUDING THE QUESTION OF:  
INDEPENDENCE OF THE JUDICIARY, ADMINISTRATION OF JUSTICE,  
IMPUNITY

Albania\*, Armenia\*, Austria\*, Azerbaijan\*, Bosnia and Herzegovina\*,  
Bulgaria\*, Cameroon\*, Chile, Congo, Cyprus\*, Denmark\*, Egypt\*,  
Georgia\*, Germany, Greece\*, Guinea\*, Hungary\*, Iceland\*, Ireland\*,  
Italy, Latvia, Liechtenstein\*, Lithuania\*, Malta\*, Mexico, Norway\*,  
Paraguay\* Poland, Portugal, Slovenia\*, South Africa\*, Switzerland\*,  
Thailand\*, the former Yugoslav Republic of Macedonia\* : draft resolution

2000/ ... Human rights in the administration of justice, in particular, juvenile justice  
The Commission on Human Rights,

Recalling 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,

---

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

Bearing in mind the relevant principles embodied in 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,

Calling attention to the numerous international standards in the field of the administration of justice,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice,

Aware of the need for special vigilance with regard to the specific situation of children and juveniles as well as women in detention and their special needs while deprived of their liberty, in particular their vulnerability to various forms of abuse, injustice and humiliation,

Reaffirming that the best interest of the child must be a primary consideration in all decisions concerning deprivation of liberty, and in particular 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, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children shall be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so,

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

Underlining the need to increase further the cooperation in the field of the administration of justice between the Commission on Human Rights, the Commission on Crime Prevention and Criminal Justice and other relevant bodies,

Welcoming the important activities of the Committee on the Rights of the Child, the United Nations Children's Fund, the Office of the United Nations High Commissioner for Human Rights, the Centre for International Crime Prevention and the United Nations Development Programme in the field of juvenile justice,

Recalling the Guidelines for Action on Children in the Criminal Justice System, annexed to Economic and Social Council resolution 1997/30 of 21 July 1997 on administration of juvenile justice, and the establishment of a coordination panel on technical advice and assistance in juvenile justice in order to facilitate the coordination of activities in this field undertaken by

relevant entities of the United Nations system as well as non-governmental organizations, professional groups and academic societies involved in the provision of technical advice and assistance,

Welcoming the second meeting of the coordination panel on technical advice and assistance in juvenile justice on 20 and 21 March 2000, hosted by the United Nations Children's Fund,

Recalling its resolutions 1998/39 of 17 April 1998 and 1999/80 of 28 April 1999, Economic and Social Council resolution 1999/28 of 28 July 1999 on administration of juvenile justice and General Assembly resolution 54/163 of 17 December 1999 on human rights in the administration of justice, as well as the recommendation of the Committee on the Rights of the Child on administration of juvenile justice adopted at its twenty-second session,

1. Takes note of the report of the Secretary-General (E/CN.4/2000/54);
2. Reaffirms the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice;
3. Reiterates 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 the full implementation of those 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. Invites Governments to provide training, including gender-sensitive training, in human rights in the administration of justice, including juvenile justice, to all judges, lawyers, prosecutors, social workers, immigration and police officers, and other professionals concerned, including personnel employed in international field presences;
6. Stresses the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform;
7. Encourages States to make use of technical assistance offered by the United Nations programmes of advisory services and technical assistance in the field of the administration of justice;

8. Invites the international community to respond favourably to requests for financial and technical assistance for the enhancement and strengthening of the administration of justice;

9. Calls upon the High Commissioner for Human Rights to reinforce her activities relating to national capacity-building in the field of the administration of justice, in particular in post-conflict situations;

10. Calls upon the Secretary-General and the High Commissioner for Human Rights to strengthen system-wide coordination in the field of the administration of justice, in particular between the United Nations programmes in the fields of human rights, crime prevention and criminal justice, and development;

11. 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, in accordance with the relevant principles and provisions embodied in the Convention on the Rights of the Child and other relevant standards on human rights in the administration of justice;

12. Takes note of the concern of the Committee on the Rights of the Child that in all regions of the world and in relation to all legal systems the provisions of the Convention on the Rights of the Child relating to the administration of juvenile justice are in many instances not reflected in national legislation or practice;

13. Recognizes the necessity of ensuring effective implementation of the provisions of the Convention on the Rights of the Child and international standards relating to juvenile justice and invites States to improve the status of information on the situation of juvenile justice to this end;

14. Underlines that raising awareness of the specific situation of children and juveniles in the administration of justice and providing training thereon are crucial in strengthening the implementation of international standards in this field and, in this regard, welcomes the finalization and dissemination of a training manual on juvenile justice, entitled "The child criminal justice manual";

15. Welcomes the fact that the administration of juvenile justice is receiving consistent and systematic attention from the Committee on the Rights of the Child and that the Committee provides concrete recommendations concerning the improvement of national juvenile justice systems, in particular through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical assistance;

16. Takes note with satisfaction of the activities of the coordination panel on technical advice and assistance in juvenile justice and calls on the partners involved to continue to cooperate, share information and pool their capacities and interests in order to increase coordination and the effectiveness of programme design and implementation at Headquarters and in the field;

17. Welcomes the elaboration by the coordination panel of an information kit on technical cooperation in the area of juvenile justice to assist in the identification and coordination of assistance programmes in this field;

18. Also welcomes the increased attention paid to the issue of juvenile justice by the High Commissioner for Human Rights and encourages further activities, within her mandate, in this regard;

19. 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, including juvenile justice, and to provide, wherever appropriate, specific recommendations in this regard, including proposals for advisory service and technical assistance measures;

20. Requests the Secretary-General to submit a report to the Commission at its fifty-eighth session on practical measures for the implementation of the international standards in the field of human rights in the administration of justice, in particular regarding rebuilding and strengthening structures and capacities for the administration of justice in post-conflict situations, and in juvenile justice, as well as the role of technical assistance of the United Nations system in this regard;

21. Also requests the Secretary-General to make available to the Commission at its fifty-eighth session his reports on the administration of juvenile justice, as well as on the activities of the coordination panel on technical advice and assistance in juvenile justice, submitted to the Commission on Crime Prevention and Criminal Justice;

22. Decides to consider this question at its fifty-eighth session under the agenda sub-item entitled "Independence of the judiciary, administration of justice, impunity".

-----