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## **Commission on Crime Prevention and Criminal Justice**

### **Thirty-third session**

Vienna, 13–17 May 2024

Agenda item 6 (d)

### **Integration and coordination of efforts by the United Nations Office on Drugs and Crime and by Member States in the field of crime prevention and criminal justice: other crime prevention and criminal justice matters**

#### **Andorra, Austria, Ecuador, France, Germany, Indonesia, Italy, Malta and Slovenia: revised draft resolution**

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the approval of the following revised draft resolution for adoption by the General Assembly:

#### **Preventing and countering violence against children by organized criminal groups and terrorist groups in the field of crime prevention and criminal justice**

*The General Assembly,*

*Recalling* the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Economic, Social and Cultural Rights,<sup>2</sup> the International Covenant on Civil and Political Rights,<sup>3</sup> the Convention on the Rights of the Child<sup>4</sup> and all other relevant international and regional treaties,

*Recalling also* the United Nations standards and norms in crime prevention and criminal justice, in particular those relating to juvenile justice,<sup>5</sup>

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<sup>1</sup> General Assembly resolution 217 A (III).

<sup>2</sup> General Assembly resolution 2200 A (XXI), annex.

<sup>3</sup> Ibid.

<sup>4</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>5</sup> The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, the Guidelines for Action on Children in the Criminal Justice System, the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules), the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice, the updated Model Strategies and Practical Measures on the Elimination of Violence against Women in the

*Recalling further* its resolution 69/194 of 18 December 2014, entitled “United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice”, and reaffirming that violence against children is never justifiable and that it is the duty of States to protect children, including those in conflict with the law, from all forms of violence and human rights violations and to exercise due diligence to prohibit, prevent and investigate acts of violence against children, eliminate impunity and provide assistance to the victims, including prevention of revictimization,

*Bearing in mind* that the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice recognize the key role played by the justice system in preventing and responding to violence against children and draw attention to the need for Member States to ensure that criminal law is used appropriately and effectively to criminalize various forms of violence against children, including forms of violence prohibited by applicable international law, as well as to prevent and respond to violence against children, including by ensuring the prohibition by law of the forced or compulsory recruitment of children for use in armed conflict and by implementing specific measures to prevent various forms of exploitation of children by criminal groups, with a view to, inter alia, increasing the diligence of criminal justice institutions in investigating, convicting and rehabilitating perpetrators of violent crimes against children,

*Recalling* its resolution 70/1 of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, and noting in particular the relevance of Sustainable Development Goal 16, to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and its target 16.2, aimed at ending abuse, exploitation, trafficking and all forms of violence against and torture of children,

*Recalling also* its resolution 76/181 of 16 December 2021, in which it endorsed the Kyoto Declaration on Advancing Crime Prevention, Criminal Justice and the Rule of Law: Towards the Achievement of the 2030 Agenda for Sustainable Development, and in particular paragraph 29 of the Declaration and the call contained therein to address the needs and protect the rights of children and youth, with due consideration to their vulnerabilities, to ensure their protection from all forms of crime, violence, abuse and exploitation both online and offline, such as sexual abuse and exploitation of children and trafficking in persons, noting the particular vulnerabilities of children in the context of smuggling of migrants, as well as recruitment by organized criminal groups including gangs, as well as by terrorist groups,

*Recalling further* that the Kyoto Declaration recognized the importance of international cooperation, including through capacity-building and technical assistance,

*Recalling further* Commission on Crime Prevention and Criminal Justice resolution 26/3 of 26 May 2017 on mainstreaming a gender perspective into crime prevention and criminal justice policies and programmes and into efforts to prevent and combat transnational organized crime,

*Emphasizing* that children alleged as, accused of, or recognized as having infringed the law, particularly those who are deprived of liberty, as well as child victims and witnesses of crimes, should be treated with respect for their rights, dignity and needs, in accordance with applicable international law, including international

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Field of Crime Prevention and Criminal Justice, the Guidelines for the Prevention of Crime, the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, the guidelines for cooperation and technical assistance in the field of urban crime prevention, the Code of Conduct for Law Enforcement Officials, the Guidelines for the Effective Implementation of the Code of Conduct for Law Enforcement Officials and the Basic Principles on the Use of Force and Firearms by Law Enforcement Officials.

human rights obligations, bearing in mind relevant United Nations standards and norms in crime prevention and criminal justice, and taking into account also the age, gender, social circumstances and development needs of such children, as well as any disabilities they may have,

*Recalling* its resolution 78/227 of 19 December 2023, entitled “Equal access to justice for all”, in which Member States, inter alia, affirmed the importance that certain members of society, such as children, persons with disabilities, those in vulnerable situations and victims of violence be given additional protection in order to access justice systems,

*Deeply concerned* by the fact that children in the contexts of organized crime and terrorism are particularly exposed to crime and violence and face heightened risks of recruitment, abuse and exploitation by organized criminal groups and terrorist groups,

*Deeply concerned also* by the fact that children face growing risks of recruitment, abuse and exploitation by organized criminal groups and terrorist groups through the use of modern and evolving technologies, in particular online, including through social media and other online platforms,

*Recalling* its resolution 77/233 of 15 December 2022, entitled “Strengthening national and international efforts, including with the private sector, to protect children from sexual exploitation and abuse”,

*Noting with appreciation* the important work on child rights in the context of crime prevention and criminal justice conducted by United Nations entities, agencies, funds and programmes, including the United Nations Office on Drugs and Crime, the Office of the United Nations High Commissioner for Human Rights and the United Nations Children’s Fund, and by the Special Representative of the Secretary-General on Violence against Children and relevant mandate holders and treaty bodies, and welcoming the active participation of civil society in this field of work,

*Welcoming* the efforts of the United Nations Office on Drugs and Crime to support Member States in preventing and countering violence against children, and taking note of the Strategy to End Violence against Children 2023–2030 of the United Nations Office on Drugs and Crime and the Office of the Special Representative of the Secretary-General on Violence against Children,

*Recalling* its resolution 76/270 of 21 June 2022, entitled “Interaction between the United Nations, national parliaments and the Inter-Parliamentary Union”, in which Member States encouraged the United Nations and the Inter-Parliamentary Union to enhance their cooperation in meeting their common objectives,

1. *Strongly condemns* violence against children, reaffirms the duty of the State to protect children from all forms of violence in both public and private settings, and calls for the elimination of impunity, including by investigating and prosecuting, with due process, and punishing all perpetrators;

2. *Urges* Member States in accordance with fundamental principles of their domestic law, to remove any barrier that children may face in accessing or participating in the justice system, including any kind of discrimination, to pay particular attention to the issue of the rights of the child, including the child’s best interests as a primary consideration, and in this regard to ensure that children in contact with the criminal justice system are treated in an age- and gender-sensitive manner, taking into account the specific needs of those children who are in particularly vulnerable situations;

3. *Encourages* Member States that have not yet integrated crime prevention and children’s issues into their overall rule of law efforts to do so, and to develop and implement a comprehensive crime prevention and justice system policy, with a view to preventing the involvement of children in criminal activities, promoting the use of alternative measures to detention, such as diversion and restorative justice, adopting reintegration strategies for former child offenders and complying with the principle

that deprivation of liberty of children should be used only as a measure of last resort and for the shortest appropriate period of time, as well as to avoid, wherever possible, the use of pretrial detention for children;

4. *Calls upon* Member States to take all necessary and effective measures to prevent and counter the recruitment, abuse and exploitation of children by organized criminal groups and terrorist groups, including by adopting legal measures, consistent with their obligations under international law, aimed at prohibiting and criminalizing such practices and by promoting the accountability of perpetrators;

5. *Also calls upon* Member States to adopt specific measures aimed at preventing and countering the recruitment, abuse and exploitation of children online by organized criminal groups and terrorist groups;

6. Encourages Member States to foster collaboration among policymakers and government agencies, with the participation of educational institutions, the private sector, civil society organizations and children themselves, in order to prevent and counter the recruitment, abuse and exploitation of children by organized criminal groups and terrorist groups and to promote public participation and awareness of this issue;

7. *Emphasizes* the importance of recognizing the victim status of children subjected to recruitment, abuse and exploitation by organized criminal groups and terrorist groups and stresses that recognition of victim status may not exclude criminal liability and other forms of accountability of children alleged to have committed terrorist, criminal and other offenses and does not exclude potential prosecution of such crimes in accordance with domestic law, as well as reiterates that all children formerly associated with such groups should be treated with respect for their rights, dignity, needs, the child's best interests and with due regard to their priorities, in accordance with applicable international law including international human rights obligations, and bearing in mind relevant United Nations standards and norms on crime prevention and criminal justice, prioritizing their reintegration;

8. *Calls upon* Member States to implement, and strengthen as appropriate, measures to assist in the rehabilitation and reintegration of children and youth who have been involved in any form of organized criminal group, including gangs, as well as in terrorist groups, while protecting their rights and giving full recognition to the importance of delivering justice and protecting the safety of victims of these criminal groups and that of society throughout the implementation of such measures;

9. *Encourages* Member States, as appropriate, to share information via bilateral and relevant multilateral platforms such as the International Criminal Police Organization, on organised criminal groups and terrorist groups, and to make best use of its tools, resources and expertise in order to prevent and to counter the recruitment, abuse and exploitation of children by organized criminal groups and terrorist groups;

10. *Requests* the United Nations Office on Drugs and Crime, within its mandate, to provide technical assistance to Member States, upon request, based on their priorities and needs and subject to the availability of extrabudgetary resources, in implementing the present resolution;

11. *Also requests* the United Nations Office on Drugs and Crime, upon availability of extrabudgetary resources, to facilitate an event on the margins of the Fifteenth United Nations Congress on Crime Prevention and Criminal Justice, gathering parliamentarians from all Member States, to exchange best practices in eliminating violence against children and promoting children's rights in the field of crime prevention and criminal justice, including with the participation of the Inter-Parliamentary Union;

12. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes specified in the present resolution, in accordance with the rules and procedures of the United Nations.

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