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

Support of national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination

Report of the Secretary-General**

Summary

The present report provides information on activities carried out in accordance with Economic and Social Council resolution 2007/23, entitled “Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination”. It contains information provided by Member States, the Secretariat and members of the Interagency Panel on Juvenile Justice, including the United Nations Office on Drugs and Crime. The report describes encouraging trends towards the reduction of pretrial detention and detention for children and the growing use of prevention, diversion, restorative justice and alternatives to imprisonment, while underscoring that much progress remains to be made. The report also describes encouraging progress in the coordination and joint provision by the United Nations system and non-governmental organizations of technical assistance to Member States. In its resolution 2007/23, the Council requested the Secretary-General to report to the Commission, at its eighteenth session, on the implementation of that resolution.

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I. Introduction

1. The present report has been prepared pursuant to Economic and Social Council resolution 2007/23, entitled “Supporting national efforts for child justice reform, in particular through technical assistance and improved United Nations system-wide coordination”. In its resolution, the Council invited Member States to take action in the field of child justice reform, requested the United Nations Office on Drugs and Crime (UNODC) to provide assistance in that regard, and requested the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice, at its eighteenth session, on the implementation of that resolution. Thirty-one Member States provided information on national efforts for child justice reform to the Secretariat.¹ In November 2008, UNODC requested the secretariat of the Interagency Panel on Juvenile Justice and, through it, its members to provide information on their implementation of that resolution. A summary of the responses received from Member States, arranged according to thematic area, is presented in section II below. An overview of the work of the Interagency Panel, its secretariat and those members of the Panel that responded to the request for information is provided in section III.

II. Information received from Member States

2. Of the responses to the note verbale sent by the Secretariat to Member States requesting information on their national efforts for child justice reform, 14 responses were received from States of Western, Central and Eastern Europe. Five responses were received from the Americas (one response each from the Caribbean, North America and South America and two responses from Central America), five responses from Africa (three responses from North Africa and two responses from sub-Saharan Africa), three responses from Asia, and four responses from the Middle East.

3. In its resolution 2007/23, the Economic and Social Council urged Member States to take into consideration applicable United Nations standards and norms in the area of juvenile justice, and invited them to adopt national action plans on crime prevention and child justice reform containing, in particular, specific targets with regard to reducing the pretrial detention and imprisonment of children. Also in that resolution, the Council invited Member States to provide or offer specialized training to criminal justice officers involved in the administration of child justice and to make use of the various tools developed by members of the Interagency Panel on Juvenile Justice.

¹ Replies were received from the following Member States: Algeria, Andorra, Argentina, Bahrain, Belarus, Bulgaria, Canada, Cyprus, Egypt, Finland, Germany, Greece, Hungary, Italy, Japan, Kuwait, Lebanon, Madagascar, Malta, Netherlands, Nicaragua, Oman, Pakistan, Panama, Poland, Serbia, Singapore, the former Yugoslav Republic of Macedonia, Trinidad and Tobago, Tunisia and Uganda.

A. National legislation and implementation of international obligations

4. Many of the States reporting on national efforts for child justice reform considered their ratification of the Convention on the Rights of the Child² to be an important milestone for reforming their child justice system and referred to relevant national legislation. Some States referred to their reporting obligations under the Convention, in particular efforts undertaken in implementing the recommendations made by the Committee on the Rights of the Child with regard to the country.

5. In addition, several States referred to regional instruments containing provisions relating to justice for children to which they were a party, including the African Charter on the Rights and Welfare of the Child,³ the Charter of Fundamental Rights of the European Union⁴ and relevant recommendations of the Council of Europe and agreements of the Common Market of the South (MERCOSUR).

6. Some States referred to the role of United Nations standards and norms on juvenile justice, which provide detailed provisions relating to child justice, children in detention and the prevention of involvement of children in crime. Germany welcomed the renewed effort to promote compliance with and implementation of United Nations standards and norms on dealing with delinquent young people and to prevent further delinquency. Finland noted that it had been closely involved in the longstanding work of the United Nations in formulating standards and norms on criminal justice and in the child justice sector, and, accordingly, was fully supportive of the work of the United Nations in that field.

7. Several States explained how their Constitution provided protection for children and incorporated the provisions of international conventions and standards. Tunisia reported that, in accordance with the Constitution, the Convention on the Rights of the Child was directly applicable in the national courts.

8. Many States provided detailed accounts of their current legislation in the area of child justice, including efforts to reform legislation to make it compliant with the above-mentioned standards and reflect national needs. While some States had adopted broad children's codes or other legislation covering all legal aspects of the life of children, in most countries child justice was regulated either by the criminal code and codes of criminal procedure or by laws relating to the administration of juvenile justice. In several countries, provisions are contained in both general criminal law and special laws or regulations relating to children and juvenile justice.

9. Several States have recently amended their legislation relating to child justice. For example, in July 2007, the former Yugoslav Republic of Macedonia enacted its Law on Juvenile Justice, which created a separate legal system for children in conflict with the law and is based on the principles of the protection of the child and his or her rights, resettlement and assistance for children in conflict with the law, restorative justice and youth crime prevention.

² United Nations, *Treaty Series*, vol. 1577, No. 27531.

³ *Human Rights: A Compilation of International Instruments*, vol. II: *Regional Instruments* (United Nations publication, Sales No. E.97.XIV.1), sect. C, No. 39.

⁴ *Official Journal of the European Communities*, C 364, 18 December 2000.

10. The Ministry of Justice of Argentina noted that although the Law for the Integral Protection of Children and Adolescents had been adopted, the treatment of children in conflict with the law was still regulated by Law N. 22.278 on the penal responsibility of minors. Several draft laws before Parliament incorporated common characteristics: the idea that the scope of the application of penal law should be limited; respect for procedural and substantive guarantees; the use of restorative justice instead of retributive justice; the establishment of diversion mechanisms and alternatives to imprisonment; and the use of imprisonment for a limited period of time and for a limited number of the most serious offences.

11. Several States referred to the current age of criminal responsibility in their legislation or reforms having amended that age. Lebanon and Kuwait employed a system with different degrees of responsibility at different ages. In Egypt, Law No. 126/2008 had been adopted to amend certain provisions of the national Child Act by narrowly restricting the scope of punishment for children, given that child victims are not offenders and that criminal activity is not an innate characteristic or a natural disposition of children, but the result of environmental, economic and social factors and family circumstances. The amendment also raised the age of criminal responsibility from 7 to 12 years and introduced the use of community service.

12. Argentina, Cyprus and Germany referred to the positive influence of jurisprudence on the treatment of children in conflict with the law. Argentina referred to various cases that had challenged the constitutionality of the current system. In Germany, although authority for prisons and the execution of remand detention had been transferred from the federal level to the state level in 2006, the Federal Constitutional Court had established strict standards for appropriate regulations and measures for young people in custody.

B. National plans in the area of child justice

13. Some States referred to national plans in various areas concerning child justice. Hungary referred to a plan for community crime prevention for the period 2003-2007. Three States referred to plans relating to children: Bulgaria (for the period 2008-2018), Pakistan (a plan had been developed but not yet adopted) and the former Yugoslav Republic of Macedonia (2005). In the area of youth justice, the Netherlands referred to a plan for the period 2002-2010, which encompassed early intervention, enhancing the effectiveness of sanctions, improving the speed and consistency of sanctions, immediate aftercare and the professionalization of operational organizations. Trinidad and Tobago reported a proposal developed by a task force. Pakistan had developed but not yet adopted a policy for child protection, which included setting up child protection courts and relevant training. The Department of Youth and Children Affairs of the Ministry of Gender, Labour and Social Development of Uganda had accorded priority in the period 2008-2009 to the development of a national action plan on crime prevention and child justice. That action plan would be based on the baseline data provided through the assessment of the status of juvenile justice in the period 2006-2007. In Belarus, an interdepartmental working group had developed a conceptual basis for child justice with the support of the United Nations Children's Fund (UNICEF).

C. Data and statistics

14. Statistical data on various aspects of child justice, including on the pretrial detention of children, the percentage of cases resulting in formal conviction and the percentage of convicted prisoners that were children were provided by the following States: Andorra, Finland, Germany, Netherlands, the former Yugoslav Republic of Macedonia, Trinidad and Tobago and Uganda. In Andorra, two minors were detained in pretrial detention for one month in the first half of 2008. Finland highlighted that its policy of avoiding incarceration had resulted in low numbers of detained children: in recent years, an average of 3-5 children between the ages of 15 and 17 years and an average of 75-80 young people between the ages of 18 and 20 years had been held in prison. In Germany, youth custody was imposed on only 16 per cent of those convicted under juvenile criminal law in 2006. In approximately 70 per cent of all cases, there was no formal conviction but a dismissal within the framework of a diversion programme, owing to the minor nature of the crime or to a ruling that extrajudicial educational measures were sufficient.

15. The former Yugoslav Republic of Macedonia provided comprehensive statistics for the period 1997-2005 on its total number of convicted offenders and the percentage of that number that were juveniles, as well as a table of the different types of criminal sanctions imposed on juveniles for the years in that period. The percentage of convicted offenders in that country that were juveniles had declined since 1997, the average in the period being 12 per cent of all convicted offenders. Of the 7,666 juveniles convicted in the period 1997-2005, 78 had been sentenced to imprisonment and 216 to other institutional measures (educational and correctional institutions), while more than half had been sentenced to intensified supervision by parents.

16. In the Netherlands, about 70,000 children were heard each year by the police. Of that number, 25,000 went through the HALT diversion programme, 24,000 cases were settled by the prosecution, and only 12,500 cases reached the courts. Of the 12,500 cases reaching the courts, about 50 per cent of those tried were sentenced to community service, and 23 per cent were sentenced to imprisonment.

17. Trinidad and Tobago reported that of the 158 juveniles held in the Youth Training Centre in November 2002, 67 were being held awaiting trial and that, given the nature of the offences, 62 per cent of those individuals would likely be diverted to community sentencing. The most common grounds for detention were larceny, breaking and entering and possession of marijuana. Children were being detained for offences such as breaking school rules, driving without a permit, loitering, trespassing and being out of control. A minority were detained for more serious offences such as kidnapping (three cases), murder (three cases) and assault (eight cases).

18. Uganda provided gender-disaggregated data for the period 2003-2008 on juveniles in pre-sentence detention in one remand home, data disaggregated by gender and category of offence in all remand homes as at May 2008 and data on the time elapsed from the reporting of the offence to the sentencing, disaggregated according to the category of criminal offence. In addition, statistics on children being held within the prison system with adult prisoners in 2003 and 2007 were also

provided, disaggregated by gender and by remand/convict category. Of the 247 children being held in pre-sentence detention in the country, 136 had been accused of non-violent offences, such as theft and malicious damage. The second most common offence was defilement (57 children detained). The duration of pre-sentence detention averaged 175 days for charges of rape, 138 days for criminal trespass and between 5 and 73 days for other categories of crime. While the number of children held in adult prisons had been significantly reduced since 2003, in 2007 two girls (one in remand and one convicted) and 75 boys (only 14 of whom had been convicted) remained in adult prisons. In 2008, the National Juvenile Justice Committee of Uganda, making use of the UNODC/UNICEF manual for the measurement of juvenile justice indicators, provided an overview of the results of the assessment. Gender-disaggregated data on offences committed by category were thus provided for the period 2000-2007. More than a third of accusations against boys were for the offence of defilement (5,749 of 15,577 accused), and almost a third were for theft. The main offences committed by girls in that period were theft and assault.

D. Pretrial detention and imprisonment: separation and conditions

19. While many States noted that detention was or should be used as a measure of last resort, most States reported a number of institutions used for the detention and imprisonment of children, including plans to build such institutions, in order to separate children from detained adults and provide a number of specialized services such as educational and psychological services to children. For example, Andorra was building an educational centre for a capacity of 20 minors that would also enable families to live close to their children. In Pakistan, two borstal institutions were under construction in Haripur and Bannu, North-West Frontier Province. However, since the number of borstal institutions was low, children were also held in juvenile sections within adult prisons.

20. Argentina highlighted the various national institutions carrying out inspection and monitoring visits to places for the detention of children. One province had prohibited the detention of children in police stations.

21. Cyprus reported that in 1987 it had closed its only reform school, which had had no inmates at the time. In Japan, children committed by a family court for protection and children executing a sentence under juvenile law were held together in juvenile training schools, while children in pretrial detention (“protective detention”) were held in juvenile classification homes.

22. Madagascar reported that its Ministry of Justice had sent a formal circular to all judges and prosecutors containing detailed instructions on measures to reduce the use of pretrial detention and delays in the handling of cases involving children (including by giving priority to cases involving an accused child and the prohibition of pretrial detention for children under the age of 13 years).

23. Nicaragua noted the difficulty faced by not having specialized institutions for children in conflict with the law, in particular in the autonomous regions. Those institutions established at the national level did not have the resources necessary to give children the appropriate attention.

24. In Singapore, the Ministry of Community Development, Youth and Sports operated two juvenile homes and supported 24 other homes for children and young people operated by voluntary welfare organizations. In 2004, the rehabilitation framework for institutional care was reviewed to improve the assessment of children in conflict with the law, reduce the period of institutionalization and strengthen aftercare services.

25. The Netherlands noted that a growing number of young people had such severe behavioural problems that they needed to be treated in secure institutions even though they had not committed a crime. By 2010, several young offender institutions would be converted into non-custodial institutions for that category of youth.

E. Specialized institutions and professionals

26. Most countries reported on the specialization of some or all parts of their criminal justice institutions and staff responsible for children in conflict with the law. In Serbia, a law adopted in 2006 created special chambers, specialized courts of first instance and specialized prosecutors and established the mandatory specialization of judges, prosecutors and police officers.

27. Several States, such as Madagascar, had set up specialized police units, and some States had received assistance to do so, in particular from UNICEF. In the former Yugoslav Republic of Macedonia, a juvenile delinquency department had been established and later decentralized. In Nicaragua, although there were no specialized investigators, there was a specialized prosecutor in each court. In Germany, specialized police officers (“juvenile case workers”) were assigned to cases of children, and juvenile courts had first been established in 1923.

28. In Belarus, a specialized bar association for child justice had been established. In Japan, the central and local bar associations provided training on children’s rights to lawyers.

29. Pakistan planned to establish child protection courts at the district level, and training to that end would be provided. Training modules that had already been developed would also be integrated into training institutions such as the judicial academy and the police training college. The judicial schools of Algeria, Panama and Tunisia had implemented various specialized training programmes.

30. In Egypt, the Prosecutor General had issued an instruction to all prosecutors regarding, inter alia, cooperation with the child protection committees, the prohibition of pretrial detention for children under age 15, the role of prosecutors in inspection and monitoring with respect to unlawful arrest and detention and the use of child-friendly interrogation techniques for all children. In Bahrain, special rules were applied to the questioning of children.

31. In Hungary, specialized probation officers worked with juvenile offenders. In Uganda, while several positive initiatives had been carried out by non-governmental organizations, a challenge remaining at the technical level was to provide refresher training for serving officers. Staffing was considered one of the greatest challenges for the juvenile justice system, in particular the lack of dedicated probation officers.

32. Oman had adopted, by its decree 30/2008, measures relating to the prevention of juvenile offences, special courts, a juvenile affairs office and the specialization of police units, social workers and prosecutors who questioned child victims and witnesses.

33. In Bahrain, the judge responsible for deciding juvenile cases must be a specialist with adequate sociological and humanitarian training and must be familiarized with approaches for dealing with children and juveniles and with the problems of such young people, and the court responsible for juvenile affairs must include social workers in its composition and should preferably include women. The prosecution service was also specialized and provided with special training.

F. Diversion, restorative justice and alternatives to imprisonment

34. Many States referred to diversionary and restorative measures as a means of reducing the use of imprisonment and achieving the reintegration into society of children in conflict with the law. In addition to the measures noted above, several States referred to the successful introduction of victim-offender mediation, community service and intensified supervision by parents.

35. In Argentina, the Ministry of Justice was currently reviewing detailed questionnaires that had been sent out to evaluate the 195 restorative and alternative programmes in operation in four provinces.

G. Bilateral and multilateral assistance

36. Some States reported on technical assistance provided, through financial support to United Nations agencies or bilaterally, in the area of juvenile justice. Some States also requested technical assistance in particular areas.

37. Canada supported numerous initiatives related to child justice reform and child protection, including projects in the Sudan, northern Uganda and Ukraine, and a global project to combat Internet-facilitated sexual exploitation of children. Canada had also supported the creation and operation of the international tribunals that play an important role in countering violations of children's rights.

38. Japan reported that while it did not provide technical assistance, the Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders had carried out various technical cooperation projects in that area, including international training courses held every year, the dispatch of Institute staff to Kenya and the provision of training in Kenya. Argentina, Nicaragua, Panama and Uganda welcomed the offer of technical assistance from UNODC, with some States requesting support in particular areas.

III. Technical assistance provided through United Nations system-wide coordination

A. Interagency Panel on Juvenile Justice

39. The Interagency Panel on Juvenile Justice, formerly known as the Inter-Agency Coordination Panel on Juvenile Justice, was mandated by the Economic and Social Council to facilitate and enhance coordination at the national and international levels on technical advice and assistance in juvenile justice. Functioning since 2000 on the basis of the voluntary efforts of its members, in 2007 the Panel established a permanent secretariat hosted in the offices of the Defense for Children International secretariat in Geneva. With the support of UNODC, UNICEF, the Defense for Children International secretariat and Terre des Hommes–aide à l'enfance, the Panel recruited a permanent Secretariat Coordinator, who took up her functions at the end of May 2007.

40. Between May 2007 and March 2009, the objective of the Panel secretariat was to develop, strengthen and support the work of the Panel. As decided at the annual meetings of the Panel held in New York in June 2007 and in Geneva in 2008, the following activities were undertaken: raising the visibility of the Panel; making information, tools and resources on juvenile justice available; developing common tools, including a roster of juvenile justice experts; coordinating Panel representation at key events and organizing Panel events and common statements; and informing Panel members about technical advice and assistance requests. The establishment of the secretariat has had a significant impact on the efficiency and outreach of the Panel. The main achievements of the Panel during the reporting period are described below.

1. Enhancing the visibility of the Interagency Panel on Juvenile Justice and raising the profile of juvenile justice issues

41. The Panel secretariat assisted the Panel in expanding its membership base through the addition of three new members in 2008: the United Nations Interregional Crime and Justice Research Institute, the International Association of Youth and Family Judges and Magistrates and the International Juvenile Justice Observatory. The Panel's activities included the compilation of a table of activities undertaken by Panel members at the field and global levels, the organization of public events of the Panel on juvenile justice on the occasion of the seventeenth session of the Commission on Crime Prevention and Criminal Justice, a Panel discussion organized by Defense for Children International in Geneva in June 2008 and a discussion at the Defense for Children International Conference entitled "Ending violence against children in juvenile justice systems: from words to action" held in Brussels in October 2008. The Panel also gained greater visibility through its website and the creation of a newsletter launched in December 2007 in English, Spanish and French (<http://www.juvenilejusticepanel.org/en/newsletter.html>). The newsletters are disseminated to organizations related to the Panel's work through an electronic mailing list of over 950 contacts.

2. Increasing the availability of existing technical resources on juvenile justice

42. A first version of the Panel's juvenile justice expert roster was finalized in December 2007, and a revised version of the roster was developed in 2008 and published online in early 2009. The Panel's website (www.juvenilejusticepanel.org), published in English, French and Spanish, contains information on Panel members and their activities in the world, international standards on justice for children, a calendar of events, good practices, a newsletter, links, a site map and a database of resources containing more than 5,000 documents. The number of visits to the website increased from 2,854 in November 2007 to 5,233 in October 2008. The Panel secretariat also collected hard copies of documents issued by Panel members and disseminated them at meetings with organizations active in juvenile justice.

3. Developing common tools and documenting good practices

43. The Panel secretariat drafted a project proposal for the development and translation into French and Spanish of a series of good practice information notes as a follow-up to the Panel book *Protecting the Rights of Children in Conflict with the Law* published in Arabic, English, French and Russian in 2006. The secretariat began gathering information and compiling a map of projects by Panel members on juvenile justice in February and March 2008 as a basis for the development of those information notes. The drafting of the information notes has been postponed until funding can be secured.

4. Developing common positions

44. The Panel secretariat drafted and coordinated a statement delivered by UNICEF on behalf of the Panel at the substantive session of the Economic and Social Council in July 2007 and coordinated a statement made on behalf of eight Panel members at the seventeenth session of the Commission on Crime Prevention and Criminal Justice in April 2008.

5. Informing Panel members about technical assistance requests

45. The secretariat prepared and circulated compilations of the concluding observations of the Committee on the Rights of the Child recommending that States parties to the Convention on the Rights of the Child seek technical assistance.

B. Joint activities of members of the Interagency Panel on Juvenile Justice

46. As a result of the guidance note of the Secretary-General on the United Nations approach to justice for children of September 2008, United Nations entities are now requested to take children into account in their rule-of-law initiatives. The United Nations approach to justice for children was developed by United Nations entities that are members of the Rule of Law Coordination and Resource Group, at the initiative and under the leadership of UNICEF. In 2009, UNICEF will lead the development of an inter-agency operational guide to translate the United Nations approach into policies and programmes at the country level.

47. Various members of the Panel have collaborated in developing common tools and carrying out joint activities at the field level. At the global level, UNODC and UNICEF, together with the International Bureau for Children's Rights, implemented a project to develop a Model Law on Justice in Matters involving Child Victims and Witnesses of Crime, an implementation handbook and a training website to support the implementation of the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20, annex). The project will also provide regional training events and further assessments of technical assistance needs.

48. The *Manual for the Measurement of Juvenile Justice Indicators*, prepared jointly by UNODC and UNICEF, was further disseminated during the reporting period. The first regional workshop on establishing juvenile justice information systems, for staff members of law enforcement services, prosecution services, courts and Ministries of the Interior, Justice and Social Welfare, was held in November 2008 in Nepal. The workshop resulted in action plans for seven countries of South Asia. The workshop also provided an opportunity to train 15 national and international staff members of UNODC and UNICEF. Similar workshops will be held in 2009, and remote technical assistance will be provided to Governments to implement their action plans.

49. In the Russian Federation, based on the discussions of the Office of the United Nations High Commissioner for Human Rights (OHCHR) with stakeholders, especially with judges and juvenile justice experts from the Rostov area, where a pilot programme has achieved much progress, joint work of OHCHR, UNICEF and UNODC started in 2009. It is planned that the *Manual for the Measurement of Juvenile Justice Indicators* will be translated into Russian and printed and that use of the manual in the Russian Federation and the subregion will be promoted; a study of the financial implications of the creation of a juvenile justice system will be carried out; and existing pilot projects in the area of juvenile justice will be further promoted.

50. In Indonesia, the OHCHR Human Rights Adviser, together with UNICEF, has been providing advice on draft legislation on juvenile justice matters.

51. In Panama, the OHCHR Regional Office for Latin America has jointly organized with UNICEF a high-level regional seminar in San José and provided support to the Inter-American Commission on Human Rights in the organization of subregional consultations in preparation for a regional study on juvenile justice. Since 2006, the human rights component of the United Nations Stabilization Mission in Haiti has been working with UNICEF to train members of the Haitian police on the protection of minors in conflict with the law. The programme is also aimed at establishing specialized police units outside the capital.

52. In line with the guidance note of the Secretary-General on the United Nations approach to justice for children, UNODC and UNICEF have identified a number of countries to carry out pilot joint programming in 2009. Joint projects have already been developed for Cambodia and Indonesia, while discussions are under way in several other countries, including the pilot countries of the One United Nations initiative. The annual meeting of the Panel, to be held in Amman in May 2009, will provide an opportunity to review joint activities and explore further possibilities for the joint programme.

C. United Nations Children's Fund

53. During the reporting period, the support of UNICEF to Governments and civil society in strengthening child justice systems has resulted in significant progress in all regions. The value of adopting a comprehensive approach to justice for children that goes beyond juvenile justice and covers the situation of child victims and witnesses, an approach that was initiated in the past two years, has been confirmed.

54. With support from UNICEF, progress has been made in law and policy development, thus reinforcing the legal protection of children in all regions. New laws have been adopted in Angola, Serbia and the former Yugoslav Republic of Macedonia. The former Yugoslav Republic of Macedonia reported that its draft law on juvenile justice was included in the package of laws to be adopted for accession to the European Union and that the draft law had been given priority on the Parliament's agenda. New laws for child justice reform had been drafted by Brazil, Chile, the Dominican Republic, Gabon, Peru and Uzbekistan, and such laws were under review in Bhutan, Cambodia, the Syrian Arab Republic, Tajikistan and Togo. UNICEF had developed a guidance note on juvenile justice legislative reform.

55. Considerable progress has also been made in establishing specialized courts and police units for children in all regions. Such courts typically offer a child-friendly environment and trained professionals and employ procedures that have been adapted in line with the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. Such courts have been created or supported in Albania, Jordan, Kenya, Malawi and Mozambique. In 2008, new special police units, with trained personnel and employing child-sensitive procedures, were established in several countries, including Bhutan, the Maldives, Pakistan and the Sudan, and in many more countries, existing units have received support. A number of countries, such as Brazil, Guatemala, the Lao People's Democratic Republic, Paraguay, Peru and Somalia, have received support in the establishment of child-friendly and gender-appropriate investigation and court procedures to prevent the revictimization of child victims.

56. In tackling the issue of justice for children, UNICEF country offices are increasingly promoting a comprehensive approach encompassing several systemic elements (law, policy, capacity-building, services and monitoring), as demonstrated in Bangladesh, Papua New Guinea and Thailand, as well as in several countries of Central and Eastern Europe and countries of the Commonwealth of Independent States. In Papua New Guinea, that comprehensive approach, including a national policy, a juvenile justice act, multidisciplinary working groups at the provincial level, a monitoring mechanism and capacity-building, had proven effective in reducing the number of children deprived of liberty. In 2007, the rate of police diversion increased by 75 per cent over the previous year, and the rate of pre-court diversion increased by 35 per cent.

57. In that context, UNICEF country offices continued to focus on promoting diversion, alternatives to the deprivation of liberty and restorative justice approaches, with positive results for children. Tajikistan implemented a notable mediation project that has reduced recidivism and juvenile offending rates. UNICEF has started to compile and document good practices on diversion from judicial proceedings, alternatives to deprivation of liberty and restorative justice approaches.

Those good practices would be part of a toolkit to be finalized and disseminated in 2009.

58. Training for justice professionals on child justice issues has taken place in approximately 50 countries. Such programmes are increasingly being integrated into national education systems, thus ensuring the sustainable, long-term availability of qualified professionals. Training programmes targeting professionals who work with child victims and witnesses of crime are increasingly being carried out.

59. UNICEF estimated that in 2007, 1.1 million children worldwide were held in detention as a result of juvenile justice processes.

D. Office of the United Nations High Commissioner for Human Rights

60. OHCHR continues to support the work of national human rights institutions, including strengthening their capacities in the area of juvenile justice. A number of institutions undertake visits to places where children are deprived of liberty.

61. In the context of the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 57/199, annex), OHCHR is supporting a number of national institutions that have been identified as national preventive mechanisms in order to strengthen their capacity to undertake visits to places where people are deprived of liberty, including juvenile detention centres.

62. The Subcommittee on Prevention of Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment has undertaken a number of country visits with the support of OHCHR. During country visits, places where children are deprived of liberty are regularly visited.

63. In the context of the follow-up to the report of the independent expert for the United Nations study on violence against children (A/61/299), OHCHR has strengthened its efforts to encourage treaty bodies and special procedures to work on child rights issues, including juvenile justice issues. Notes have been prepared for newly appointed mandate-holders highlighting relevant areas that could be analysed under their mandates. The annual meeting of special procedures has been briefed on related issues. A standard list of issues on children's rights, with a specific focus on violence, has been drafted for the Committee against Torture and the Committee on Migrant Workers.

64. The Committee on the Rights of the Child regularly addresses juvenile justice issues during its consideration of the reports of the States parties to the Convention on the Rights of the Child, based on its general comment No. 10 (2007). Other treaty bodies, including the Committee against Torture, the Committee on Migrant Workers and the Committee on the Elimination of Racial Discrimination, also address relevant issues.

65. A number of special procedures address relevant issues through their country visits and individual communications. The Working Group on Arbitrary Detention regularly visits places where children are deprived of liberty. The Special Rapporteur on extrajudicial, summary or arbitrary executions has addressed several

communications to the Government of the Islamic Republic of Iran and the Government of the Sudan concerning the execution of juvenile offenders. The Special Rapporteur on contemporary forms of racism, racial discrimination, xenophobia and related intolerance dealt extensively with juvenile justice during his mission from 19 May to 6 June 2008 to the United States of America. Other examples of the relevant work of treaty bodies and special procedures include specific recommendations addressed to countries by the Committee against Torture, the Committee on the Elimination of Discrimination against Women, the Special Rapporteur on the independence of judges and lawyers, the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment and the Working Group on Arbitrary Detention.

66. At a meeting held by the secretariat of the Interagency Panel on Juvenile Justice and OHCHR staff assisting relevant mandate-holders in October 2008, areas of future cooperation were discussed.

67. All OHCHR entities with field presence promote the implementation of the recommendations of special procedures and treaty bodies, including the Committee on the Rights of the Child. In their work on legislative reforms, relevant international standards are promoted, including in the area of juvenile justice. A number of those entities with field presence given a monitoring mandate regularly report on juvenile justice issues and in some cases undertake visits to places where children are deprived of liberty. Some OHCHR entities with field presence have undertaken specific activities in the area of juvenile justice.

68. For example, a subregional workshop on follow-up to the concluding observations of the Committee on the Rights of the Child was held in Burkina Faso in November 2007. One of the workshop's round tables focused on juvenile justice. The Human Rights and Protection Section of the United Nations Mission in Liberia monitors several cases of maltreatment of juveniles found to be in conflict with the law.

E. Defense for Children International

69. In 2005, Defense for Children International launched its global campaign "No Kids Behind Bars!", aimed at reducing the number of children in detention worldwide. The campaign advocated for the development and implementation by Governments of national action plans based on the Convention on the Rights of the Child and other relevant international instruments. The campaign had contributed to relevant international and national initiatives relating to the provisions contained in paragraph 2 of Economic and Social Council resolution 2007/23. For example, with regard to the protection of children from violence in justice institutions, specific recommendations to reduce the use of detention and for legal reform and child-focused juvenile systems were included in the report of the independent expert for the United Nations study on violence against children.

70. Promoting the protection of the rights of children in conflict with the law is one of the main areas of focus of Defense for Children International and its 41 national sections worldwide. In January 2008, the secretariat of Defense for Children International launched an international project aimed at promoting and monitoring the use of general comment No. 10 (2007) of the Committee on the

Rights of the Child. The project was being piloted by Defense for Children International national sections in eight countries: Albania, Cameroon, Costa Rica, Ecuador, Ghana, Sierra Leone, Sri Lanka and Uganda. Implementation activities, including advocacy, awareness-raising, capacity-building and monitoring at the national and international levels, were aimed at ensuring that Committee general comment No. 10 (2007) was widely known, understood and used by States parties to the Convention on the Rights of the Child. A second phase of the project involving more countries was planned to start in 2009.

71. The nine national sections of Defense for Children International in Latin America were working together on a regional project for the promotion of a legal foundation for the operation of specialized systems of juvenile justice, alternative measures and socio-educative sanctions, training for justice workers, social sensitization and advocacy and lobbying.

72. In the report *Violence against Children in Conflict with the Law* of March 2008, produced by Defense for Children International–Netherlands in partnership with the Howard League for Penal Reform and Defense for Children International national sections in Belgium and France, 12 indicators of violence against children deprived of liberty were introduced with the aim of improving data collection and monitoring processes throughout Europe.

73. Together with the Interchurch Organization for Development Cooperation/KerkinActie, Defense for Children International–Netherlands was currently developing a national initiative to give higher priority, in the development assistance policy of the Netherlands, to child justice reform in developing countries, with special attention to the reduction of the pretrial detention and imprisonment of children, taking into account the provisions contained in paragraph 2 of Economic and Social Council resolution 2007/23.

74. Activities of national sections include the provision of specialized training to criminal justice officers involved in the administration of child justice. One example was the ongoing project of Defense for Children International–Netherlands entitled “Creation of preconditions for a juvenile justice system in Ukraine: pedagogical aspects and pilot courts”.

75. As part of the Defense for Children International follow-up project on Committee on the Rights of the Child general comment No. 10 (2007), training sessions for professionals and government officials on general comment No. 10 and relevant juvenile justice standards and norms were held in 2008, in particular in Costa Rica, Ghana and Sri Lanka.

76. Judges, multidisciplinary technical court teams, advisers, detention centre personnel and police employees participated in training programmes for administrators and justice workers offered through the regional project for Latin America.

F. International Juvenile Justice Observatory

77. The International Juvenile Justice Observatory provided a permanent forum for analysis, information and reflection on topics related to juvenile delinquency and justice. The Observatory had a benchmarking function: it established good practice

criteria and disseminated information about efficient strategies related to policies and interventions. It also helped to generate research and offers technical assistance to those working in the field. Finally, the Observatory disseminated information through its website, including news, events and publication databases, and undertook activities to raise public awareness in order to build support for the protection of the rights of young offenders.

78. The Observatory was also active in the field of civil rights and freedoms, promoting different campaigns and connecting juvenile delinquency with other important concerns of civil society, such as the role of women in society and family matters. In that context, the Observatory provided advice for the opinion document entitled “Juvenile delinquency: the role of women, the family and society” submitted to the Committee on Women’s Rights and Gender Equality of the European Parliament.

79. The Observatory also provided advice to the Rapporteur of the European Economic and Social Committee in drafting the opinion document entitled “Prevention of juvenile delinquency: ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union” approved by the European Economic and Social Committee. The Observatory was collaborating with the Rapporteur of the European Economic and Social Committee, providing advice and assistance in preparing a draft opinion on urban spaces and violence by minors.

80. The Observatory’s international campaign on legal assistance for children in conflict with the law (<http://www.oijj.org/legal>) was the first such initiative taken in that field. The international campaign had been welcomed by experts and practitioners, who had underlined the need to provide proper legal assistance to children in conflict with the law. The mission of the campaign was to raise public awareness of the problem in order to provide an international and interdisciplinary vision of legal assistance for young offenders.

81. The campaign sought to create a global database of international and domestic legislation concerning the right of children to legal assistance and to motivate States to update their national legislation in the spirit of the Convention on the Rights of the Child. The Observatory’s website provided reliable data on juvenile justice, based on a daily monitoring system.

G. International Federation Terre des Hommes

82. The International Federation Terre des Hommes was working in Burundi, Guinea, Mauritania, Peru and Romania, as well as in Kosovo, towards systems of justice with a greater focus on restorative rather than retributive justice and that complied with the Convention of the Rights of the Child. The procedures used by Terre des Hommes were based on various pillars. At the legislative level, Terre des Hommes worked with the national authorities concerned to adapt laws to respect the dignity of children, as advocated through the international legislative standards. Terre des Hommes worked on projects aimed at preventing juvenile delinquency so that children did not have to be submitted to the penal law system. In those cases where children were submitted to the penal law system, action by Terre des Hommes aimed, at every stage of the judiciary procedure, at safeguarding opportunities for juveniles to benefit from alternatives based on restorative justice,

thus endeavouring to prevent subsequent offences by dealing appropriately with the causes of delinquent behaviour.

H. United Nations Office on Drugs and Crime

83. The mission of UNODC is to contribute to the achievement of security and justice for all by making the world safer from crime, drugs and terrorism. The strategy for the period 2008-2011 for UNODC translates that vision into a platform for action.

84. In accordance with the strategy, UNODC will concentrate on three themes: rule of law; policy and trend analysis; and prevention, treatment and reintegration and alternative development. One of the objectives of UNODC under the theme of the rule of law is to promote, at the request of Member States, effective, fair and humane criminal justice systems through the use and application of United Nations standards and norms in crime prevention and criminal justice. In the area of prevention, treatment and reintegration, juvenile justice and community-centred prevention are key result areas.

85. The issue of children is mainstreamed within various mandates of UNODC, with particular focus being placed on children and young people in the areas of crime, drugs and HIV/AIDS prevention, victim and witness support and assistance programmes and justice reform programmes (juvenile justice reform, penal reform and alternatives to imprisonment and violence against women and girls). Within that framework, UNODC continued to provide tools and technical assistance to Member States in the area of child justice, in particular through joint activities with UNICEF. UNODC technical assistance programmes are often comprehensive in nature, reflecting the need to address reform within various institutions and levels of the justice system in order to achieve sustainable results. Most of those programmes include support for setting up national systems for data collection and information management.

86. In 2008, UNODC implemented programmes in Egypt, Jordan and the Libyan Arab Jamahiriya. The programme carried out in the period 1999-2007 in Lebanon was concluded, and UNODC is now supporting a broader process of criminal justice reform focusing on penal reform and alternatives to imprisonment. In Afghanistan, phase II of the project for the reform of the juvenile justice system in the country, which is the extension of the province programme, following a positive evaluation of phase I of the project, is still in need of funding. The programme that started in Egypt in 2003 is now focusing on the vocational training and social reintegration of boys, including pre-release and post-release preparation, and provides specific actions targeting girls in conflict with the law. The programme in the Libyan Arab Jamahiriya has led to the adoption and start of implementation of a national strategy on juvenile justice.

87. The independent evaluation of two projects implemented in Jordan in the area of juvenile justice, carried out in 2007, found that the overall programme was both necessary and timely because the Government was ready and willing to focus on juvenile justice, and national legislation would be brought in line with international standards. The programme has raised the profile of juvenile justice in the country and brought acceptance of the fact that there was a need for specialist courts and

specialist personnel in the various disciplines (judges, social workers, probation officers and police officers).

88. In carrying out the programme, training strategies were devised comprising an extensive package of multidisciplinary and specialized training programmes for judges and prosecutors, social workers, lawyers and police officers and training curricula developed especially at the Judicial Institute of Jordan. The programme has broadened the experience of judges, prosecutors and other professionals and introduced them to a range of new ideas. The programme has worked to place juvenile justice on the curricula of various university programmes focusing on children's issues (in the areas of law, social work and policing). Four training manuals, for judges and magistrates, police, social workers and lawyers, have been developed through the relevant national institutions. The evaluation further found that the programme has directly benefited young people in conflict with the law as a result of the good quality of the rehabilitation programmes introduced and the construction work carried out at various centres, the automation of processes of the Juvenile Court in Amman and the installation of audiovisual equipment at the Zarqa Court of First Instance, which will provide protection not only for juveniles in conflict with the law but also for children at risk.

89. In the area of youth crime prevention, in 2008, UNODC started developing its technical assistance portfolio in a concerted manner. A project for youth crime prevention was fully implemented in Senegal in 2007. Crime and drug prevention programmes focusing on community-based social inclusion models were still under way in the Dominican Republic and Honduras. In 2008, UNODC started developing, with the support of the Government of Canada and in partnership with the International Centre for the Prevention of Crime, a crime prevention assessment tool and a handbook on making United Nations crime prevention guidelines work. The *Handbook on Planning and Action for Crime Prevention in Southern Africa and the Caribbean Regions* was published. UNODC carried out a joint programming mission to Honduras and Nicaragua with the Safer Cities Programme of the United Nations Human Settlements Programme and supported the drafting of a crime prevention action plan by the Caribbean Community.

90. In 2008, UNODC also started moving from a project approach to a regional programme approach, with a focus on several key regions. Those programmes all contain components relating to preventing the involvement of children in crime and providing effective and human rights-based institutions for children who are offenders, victims and witnesses.

91. Also in 2008, UNODC participated in various successful joint country team submissions for the Millennium Development Goals Achievement Fund thematic window on conflict prevention and peacebuilding, for which the contribution of UNODC focused on the prevention of crime and violence and access to legal aid. For example, the programme in Mauritania will provide houses of justice and female paralegals in remote communities for the benefit of children.

IV. Conclusions and recommendations

92. In view of the responses from Member States and information provided by the Interagency Panel on Juvenile Justice, the Commission may wish, in the context of child justice reform, to consider the following actions:

(a) Welcome the measures adopted by States to reduce the use of detention, including pretrial detention, for children in conflict with the law;

(b) Welcome the development by several States of programmes for diversion, restorative justice and alternatives to imprisonment and encourage other States to adopt similar measures;

(c) Welcome the provision by the Interagency Panel on Juvenile Justice and its members of technical assistance to Member States, as well as the issuance of the guidance note of the Secretary-General on the United Nations approach to justice for children;

(d) Invite Member States to provide resources to the secretariat of the Interagency Panel and the members of the Panel so that they can continue to provide, upon request, high-level technical assistance to Member States;

(e) Encourage the Interagency Panel, its secretariat and its members to continue to provide technical assistance to Member States in implementing international standards and the guidance note of the Secretary-General on the United Nations approach to justice for children, in particular through joint programming;

(f) Invite Member States and other donors to provide resources to UNODC for the purpose of providing, upon request, technical assistance in the area of child justice reform to Member States, in particular those that referred to technical assistance needs in response to the Economic and Social Council resolution 2007/23.