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**Annual report of the United Nations High Commissioner
for Human Rights and reports of the Office of the
High Commissioner and the Secretary-General**

Promotion and protection of all human rights, civil, political, economic, social and cultural rights, including the right to development

Report of the High Commissioner for Human Rights on human rights in the administration of justice, including juvenile justice*

Summary

The present report is submitted in response to resolution 10/2, in which the Human Rights Council requested that the United Nations High Commissioner for Human Rights submit a report on the implementation of the resolution dealing with human rights and the administration of justice. The report is based on information provided by Member States and organized according to the principal focus areas of the resolution, in particular juvenile justice and the human rights of women and children in detention. In conclusion, common approaches reported by Member States are identified, including the grounding of national administration of justice regimes in human rights standards, the detention of children only as an approach of last resort, the existence of the possibility of diversion of juvenile cases from the regular court system, a focus on building a comprehensive approach to juvenile justice at the national level, and the importance of a functioning legal aid system, and of training on human rights for those working in the justice system.

* Late submission.

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I. Introduction

1. In its resolution 10/2 the Human Rights Council reaffirmed the importance of the full and effective implementation of all United Nations standards on human rights in the administration of justice. In doing so, it called on Member States to spare no effort in providing for effective legislative, judicial, social, educative and other relevant mechanisms and procedures, as well as adequate resources, to ensure the full implementation of those standards. In the resolution the Council also identified specific aspects of the administration of justice, including juvenile justice in relation to which Member States are urged to ensure the protection of human rights. The present report is submitted to the Council pursuant to paragraph 19 of the resolution, in which the Council requested the United Nations High Commissioner for Human Rights to report to the Council on the implementation of the resolution. It is based on replies to a note verbale sent by the Office of the United Nations High Commissioner for Human Rights (OHCHR) to all Member and observer States.¹

2. In resolution 10/2 the Council also requested the Secretary-General to submit a report to the Council on the latest developments, challenges and good practices in human rights in the administration of justice, including juvenile justice and conditions for women and children in detention, as well as in the activities undertaken by the United Nations system as a whole. The present report should be read in conjunction with the report of the Secretary-General (A/HRC/14/34) submitted pursuant to the resolution.

II. Summary of country replies to the note verbale

1. The development of comprehensive juvenile justice policies, including the use of alternative measures in respect of children, and rehabilitation and reintegration strategies for former child offenders

3. In resolution 10/2 the Council encouraged States that have not yet integrated children's issues in their overall rule of law efforts to do so, and to develop and implement a comprehensive juvenile justice policy to prevent and address juvenile delinquency as well as with a view to promoting, inter alia, the use of alternative measures, such as diversion and restorative justice, and ensuring compliance with the principle that deprivation of liberty of children should only be used 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 (para. 9). The development of a comprehensive juvenile justice policy at the national level in line with relevant international standards is encouraged by the Committee on the Rights of the Child, and guidance is provided in the Committee's general comment No. 10 (2007) on children's rights in juvenile justice.

4. Bosnia and Herzegovina reported that the best interests of the child is the fundamental principle guiding the administration of juvenile justice in the country. Special provisions based on relevant international standards govern the way in which juvenile offenders are dealt with in criminal matters. These provisions include a separate set of procedural rules which are aimed at, among other things, assisting tribunals in finding the

¹ Replies were received from Bosnia and Herzegovina, Canada, Mexico, the Netherlands, Paraguay, the Republic of Moldova, Slovakia and Uruguay. Replies received after the deadline for processing of the report will be issued in an addendum to the present report.

most appropriate sanction for ensuring the positive social reintegration of the offender. Diversion from ordinary criminal proceedings is possible, one of the conditions being that the offender is no older than 21 years at the time of the trial. In addition, trials of children are conducted by judges with juvenile justice experience, the juvenile must be represented by defence counsel, and the prosecutor must consider whether seeking a custodial sentence is justified before instituting criminal proceedings against a child. Exceptionally, juveniles may be placed in pretrial detention.

5. In order to avoid the detention of juveniles, children between the age of 14 (the age of criminal responsibility) and 16 may receive only correctional measures rather than sentences. The purpose of these correctional measures is to provide offenders with assistance and protection while exercising control over their lives with a view to ensuring education, training and development. Examples of correction measures include committal to a disciplinary centre and intensified supervision by parents, foster parents or a social welfare body. Such measures may be accompanied by additional measures such as an apology to the victim, payment of compensation to the victim to the best of the juvenile's abilities, prohibitions on the use of alcohol and drugs, and compulsory counselling. A custodial sentence for juveniles remains a possibility as a last resort, including short periods of solitary confinement.

6. Slovakia referred to new legislation that more fully respects both the constitutional rights and the international human rights obligations binding on the State. The age of criminal responsibility is 14 years and special provisions apply to offenders aged 14 to 18 years. These include a range of penalties to avoid the detention of juveniles, such as community service, payment of a fine, forfeiture of a piece of property, and the prohibition of certain activities.

7. Canada referred to its national Youth Criminal Justice Act (2002), which as federal legislation applies in all provinces and territories of Canada, and provides the legal basis for all the policies and practices on the treatment of juveniles in the administration of justice. The Act refers to the Convention on the Rights of the Child in its preamble, and includes a Declaration of Principle that sets out the comprehensive juvenile justice policy of Canada. The Act provides for the use of alternative measures in juvenile cases (which can include diversion and restorative justice), as well as rehabilitation and reintegration strategies. Part 4 of the Act provides for a range of community sentences for youth, and states that youth custody sentences should be used only as a last resort, and that rehabilitation and reintegration components must form part of each sentence.

8. The Netherlands reported that the use of alternative sanctions in the country's juvenile justice system is being promoted, with non-custodial sanctions being preferred over detention. Alternative sanctions include measures of redress, such as the extension of an apology to the victim and the payment of compensation. The national organization Halt is responsible for the enforcement of alternative punishment for juveniles, and approximately half of the juveniles arrested by Netherlands police are referred to a Halt office for enrolment in one of its programmes. With respect to rehabilitation and reintegration, the Netherlands reported that in recent years investment has been made in a system of post-release care for individuals following time in a juvenile detention facility. A post-release programme and trajectory for juveniles is discussed at the time the juvenile enters detention. A trajectory plan and guidance is established for juveniles and their parents, following input from relevant actors, including the Child Protection Board, youth probation services, juvenile detention centres and city councils.

9. The Republic of Moldova highlighted the country's development of a comprehensive approach to juvenile justice, including the possibility of the exemption of juveniles from criminal responsibility and the use of non-custodial sanctions such as strict parental supervision, payment of damages, treatment and counselling, and internment in a

correctional institution. Juveniles aged 16 to 18 years are regularly sentenced to unpaid community work. A new law on mediation also forms a component of the restorative justice approach. Statistics from 2009 indicate that a high percentage of suspended sentences are being handed to juvenile offenders – double the number of custodial sentences. While specific rules govern the pretrial detention of children (including, for example, their separation from adult detainees), statistics indicate that pretrial detention of juveniles has been reduced by almost 60 per cent since 2007. While the Republic of Moldova does not have a separate court or prosecution service for juvenile cases, investigations and prosecutions of children are carried out exclusively by the prosecutor, with a specialist appointed in each regional prosecutor's office for this task.

10. Paraguay referred to the work of the Directorate of Human Rights of the Supreme Court, which designs and promotes programmes and targeted interventions to provide judicial officers with technical assistance and training on human rights and in the administration of justice. Two programmes in particular were mentioned. The first is the Programa de Inserción Familiar, which focuses on comprehensive care for children removed from their family environment by a court order, providing for a multidisciplinary team (medical professionals, educators, psychologists, sociologists and social workers) to advise the judiciary authority making the order. The second is the Programa de Atención a Adolescentes Infractores, under which an assessment is made of the situation and condition of each adolescent in conflict with the law, proposals are made for appropriate measures for their social reintegration, and the juvenile's progress is monitored. The programme is being rolled out throughout the country. Alternatives to detention for juveniles are available under the Criminal Code, which stipulates that custodial measures are to be used only if corrections measures are deemed insufficient. Strategies for the rehabilitation and reintegration of young offenders include compulsory schooling in the detention centre, with a focus on skills that enable personal development and maximize opportunities for post-release employment.

11. Uruguay referred to the Code of Childhood and Adolescence and its insistence on respect for the Convention on the Rights of the Child, to which Uruguay is a party. Cases involving juveniles are heard by specialized magistrates, with appeals to the Family Court. Only crimes with a penalty exceeding one year may go to trial. The Code sets out various principles which guarantee rights to due process (including the presumption of innocence, the right to defence, freedom of communication with family, and a trial within a reasonable time) as well as minimum conditions of detention. It also addresses sanctions in juvenile cases, including the possibility of social and educational measures rather than custodial sentences (which are given only in respect of the most serious offences). Non-custodial sentences include warnings, reprimands, attendance at social or educational programmes, community service, probation, payment of damages and internment in medical facilities or in open detention centres.

12. Mexico referred to a decision of the Supreme Court that only in cases of serious antisocial behaviour can juveniles be deprived of their liberty. Following this decision a specialized regime was established in 2006 to allow for the reform within specialized institutions of juveniles charged with serious antisocial behaviour. This form of detention, which is not administrative but rather controlled by a judicial order, provides a comprehensive programme of social rehabilitation, including educational activities, sport and recreation. The Government notes that the civil society contribution in the rehabilitation of juvenile offenders has been invaluable.

2. Law, policies and practices relating to the detention of children

13. The protection of the human rights of children in detention, both in law and in practice, is a focus of resolution 10/2, in which the Human Rights Council reaffirms that the best interests of the child must be a primary consideration in all decisions concerning deprivation of liberty. Depriving children 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. If detention is unavoidable, child detainees should be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so. In addition to special protection, child detainees are also entitled to all human rights guarantees afforded to adult detainees. In the resolution, the Council urges States to be aware of the need for special vigilance with regard to the specific situation of children and juveniles in detention, and their vulnerability to various forms of violence, abuse, injustice and humiliation.

14. The Republic of Moldova reported that under legislation in force, the arrest and detention of juveniles is to be exceptional and only in relation to allegations of a serious crime. There are strict time limits on pretrial detention of juveniles, and any detention must include a focus on ensuring access to education and preparation for reintegration on release. This includes the possibility of following the high school curriculum (through affiliation with a local high school), as well as programmes focused on the rehabilitation of drug users, on reducing violence, and on sport and art, and a programme to prepare detainees for release entitled PROSOCIAL.

15. The Netherlands reported that following a national review in 2007, a programme to significantly improve the handling of juveniles in detention has been undertaken with the aim of improving detention in the majority of detention facilities by 2011. The programme includes a system of certification for juvenile detention facilities, and the introduction of a basic methodology for all facilities which ensures uniformity and continuity in the treatment of juvenile offenders.

16. Paraguay indicated that juveniles over the age of criminal responsibility (14 years) who are detained on suspicion of a criminal offence must be brought before a court within six hours. The judge may then order continued detention if correctional measures are deemed insufficient. As noted in paragraph 7 above, national legislation in Canada provides for a range of community sentences for youth, and sets down the position that youth custody sentences should be used only as a last resort, and that rehabilitation and reintegration must be part of each sentence. Slovakia reported that, in accordance with international norms, minors are detained separately from adults, and those convicted and sentenced to imprisonment serve sentences in institutions separate from adults.

17. In its contribution, Mexico referred to national legislation and programmes aimed at ensuring compliance with international standards relating to detention, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice.² In particular, the Law for the Protection of the Rights of Children and Adolescents guarantees juveniles rights under the Constitution as well as rights recognized in human rights treaties ratified by Mexico. Specific guarantees apply to juveniles coming from indigenous communities, such as taking into account the customs and language of their community, as well as the provision of a defence counsel with knowledge of their language and culture and access to an interpreter if needed.

² General Assembly resolution 40/33, annex.

3. The use of capital punishment and of life imprisonment without the possibility of release for offences committed by persons under 18 years of age

18. Both the International Covenant on Civil and Political Rights (art. 6, para. 5) and the Convention on the Rights of the Child (art. 37 (a)) include an obligation that capital punishment may not be imposed for offences committed by persons below 18 years of age. The Convention on the Rights of the Child also specifies that States parties may not allow a sentence of life imprisonment without possibility of release to be imposed for offences committed by persons below 18 years of age (art. 37 (a)). In resolution 10/2, the Human Rights Council urges States to respect these norms under both legislation and practice.

19. All States contributing to the present report noted that they have abolished the death penalty, and many reported the abolition of life imprisonment for juveniles. Capital punishment was abolished in the Netherlands in 1870 and in 2008 life sentences for juveniles were abolished. In the Republic of Moldova, capital punishment has been abolished, and life imprisonment cannot be applied to juveniles or to women. In Paraguay the death penalty has been abolished, and the maximum custodial sentence for juveniles is eight years, life imprisonment for juveniles thus being prohibited.

20. Uruguay indicated that the Constitution prohibits both the death penalty and life imprisonment, the most severe penalty being 30 years in prison. Mexico indicated that the death penalty has been abolished and life imprisonment is prohibited for individuals under 18 years of age. Slovakia noted that the death penalty was abolished in 1990 and that the relevant regional and international conventions on abolition have been ratified. According to the Slovak law, it is not possible for children to be sentenced to life imprisonment. Under the Criminal Code, the penalties for juveniles are lowered to half the amount stipulated for adults, and the maximum prison sentence length for juveniles is 15 years. Canada reported that its national law prohibits capital punishment and life imprisonment without the possibility of release for adults as well as youth.

4. The situation of women and girls in prison, including issues relating to the children of women in prison

21. The situation of women and girls in detention, including their children, raises specific human rights concerns, including those linked to their vulnerability to various forms of violence, abuse, injustice and humiliation. In its resolution 10/2, the Human Rights Council invited governments, relevant international and regional bodies, national human rights institutions and non-governmental organizations to devote greater attention to the issue of women and girls in prison, including issues relating to the children of women in prison, with a view to identifying and addressing the gender-specific aspects and challenges related to this problem.

22. The Netherlands reported that women and men are detained in separate facilities in its system. In one of the women's facilities a special programme is run to support detained mothers in raising their children. This project, entitled "Better start", is being evaluated. In exceptional cases, a mother can be allowed to keep her child with her in the detention facility until a certain age.

23. The Republic of Moldova noted the working and education opportunities offered to women in detention, including paid work and access to sports and artistic activities. In the six months before release, reintegration programmes are offered. Women with children can be housed in separate blocks with gardens. Children are held with mothers until they are three years old. Pregnant women in prison receive the requisite health care, and childbirth

takes place in hospital. Since January 2008, women with children in detention are entitled to receive the child allowances paid by the State. Following recommendations of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment, the Republic of Moldova is adjusting its temporary detention isolators with a view to bringing them into line with international standards.

24. Paraguay referred to detention facilities that are exclusively for women and another for girls. Paraguay does not have a system of mixed incarceration. Canada noted that its national legislation requires that all measures taken against young people who commit offences must respect gender.

25. Uruguay referred to women's prisons and halfway houses (preparing women detainees for release) in the country. The children of women prisoners are allowed to remain with their mothers until they reach the age of five, and in 2005, home detention was introduced for pregnant inmates for the last trimester of pregnancy and the first quarter of breastfeeding.

26. Mexico referred to the formation in 2008 of a group, including federal agencies, civil society and academia, to consider the care of women in prison. The group held three training courses on the human rights of women in prison for government officials. The National Institute for Women (*Inmujeres*) has undertaken a number of activities in relation to women in prison, including a study of court records of cases involving women prosecuted for crimes and detained in rehabilitation centres. The Institute has proposed amendments to the minimum standards for the social rehabilitation of women in prison.

5. Law, policy and practice in respect of sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary carer

27. In resolution 10/2, within a broader invitation to States and other actors to devote greater attention to the issue of women and girls in prison (para. 12), the Human Rights Council highlighted the situation of pregnant women and those who are a child's sole or primary carer. In doing so, it emphasized the need to ensure that when sentencing or deciding on pretrial measures for a pregnant woman or a child's sole or primary carer, priority should be given to non-custodial measures, bearing in mind the gravity of the offence and after taking into account the best interest of the child (para. 13).

28. The Netherlands reported that it is customary in the country that pregnant women who are in pretrial detention are released from custody to give birth. In principle, the non-detained partner is expected to raise the child. If that is not an option, there are possibilities for the mother to keep her child with her in pretrial detention, and possibilities for sanctions alternative to detention are considered. Solutions are tailored to individual cases.

29. The Republic of Moldova reported that the Criminal Code allows for the possibility of deferral of punishments for pregnant women and women with children under 8 years old. Paraguay referred to the existence of houses of refuge for juvenile detainees during pregnancy and breastfeeding. Home detention is available for women with newborn children and in the final months of pregnancy. Uruguay noted that a woman's responsibility for a child becomes one of the factors for judges to consider in deciding whether or not to order release from custody.

30. Slovakia noted that if an indicted woman is pregnant, this fact is brought to the attention of the court and the prosecutor, with a supporting report on the woman's state of health. If a detention order has already been made, then specific conditions will be attached, for example that the woman will be allowed to buy food, and that she will not be subject to

solitary confinement. A custodial sentence on a pregnant woman or mother of a newborn child is usually postponed for a period of one year after the delivery of the child.

6. The allocation of resources for the provision of legal aid services with a view to the promotion and protection of human rights

31. Adequate representation in legal proceedings is central to an effective system of administration of justice which respects human rights. The right to legal assistance (if necessary without cost to the accused in criminal matters) is set out in the International Covenant on Civil and Political Rights (art. 14, para. 3 (d)). In resolution 10/2, the Council invited governments to allocate adequate resources for the provision of legal aid services with a view to the promotion and protection of human rights.

32. Paraguay reported that the right to counsel from the time of arrest is guaranteed by law. The legal aid system has 192 public defenders, who handled over 26,000 cases in 2008 and over 27,500 cases in 2009. A bill currently before Congress seeks to clarify the nature and mission of the Ministry of Public Defence, including its autonomy. Paraguay also reported an increasing annual allocation of funds for the provision of legal aid services. Mexico reported that the Federal Institute of Public Defence ensures the right to a public defence in criminal matters, with a view to assisting disadvantaged populations in accessing justice, overcoming social inequalities, safeguarding human rights and strengthening the rule of law.

33. Canada noted that constitutional responsibility for criminal justice, which includes matters under the Youth Criminal Justice Act, is divided between the federal and provincial governments, which work in partnership to ensure coordination. The absolute right to counsel is established under the Act for juveniles when they are charged with a criminal offence. If no legal aid coverage is available, the court may direct that the young person be represented by counsel. The federal Government contributes to the costs of criminal legal aid. Overall, legal aid plans in Canada spend some \$43 million on legal aid services to youth, representing 14 per cent of the total direct service spending on criminal legal aid. This is in proportion to the requests for legal aid service to youth, which represent 14 per cent of applications for legal aid. About 10 per cent of all duty counsel services in criminal matters are provided to youth.

34. Slovakia reported that the Centre for Legal Aid is a State-funded organization, established by statute, which provides legal aid services in the areas of civil, family, labour and asylum law, as well as under certain conditions, in matters of commercial law. The Centre does not provide legal aid services for proceedings in the areas of criminal, administrative or social security law. Juveniles who will be tried on a criminal charge must be represented by counsel after indictment, the cost being borne by the Ministry of Justice if required.

35. Uruguay referred to the adoption of the Code of Childhood and Adolescence and its incorporation of a child's right to be heard in the judicial system. The State provides free advocacy for children in court proceedings.

7. Training by governments in human rights and the administration of justice to various actors as outlined in paragraph 6 of the resolution

36. In paragraph 6 of resolution 10/2, the Human Rights Council invites governments to provide for training, including anti-racist, multicultural and gender-sensitive and child rights training, in human rights in the administration of justice, including juvenile justice, for all judges, lawyers, prosecutors, social workers, immigration and police officers and

other professionals working in the field of administration of justice, including personnel deployed in international field presences.

37. The Republic of Moldova reported on training programmes held jointly with international organizations and bilateral donors on juvenile justice for prosecutors. Human rights training of prison officials is organized both during job induction and on an ongoing basis. In 2007, together with the United Nations Development Programme country office, the Government published a human rights trainers' guide for prison officials, which includes a focus on women and children in detention. In 2009, in cooperation with the United Nations Children's Fund (UNICEF), the Government held training and prepared a guide on the treatment of minors in detention. The National Justice Institute carries out ongoing on-site training in prisons with prison staff, judges and prosecutors. Continuous occupational training is a component of the 2009–2012 action plan of the Ministry of Labour, Social Protection, Family and Children.

38. Paraguay referred to a monitoring and training programme on improving access to justice for female victims of domestic violence, carried out with support from the United Nations Population Fund (UNFPA), the United Nations Development Fund for Women (UNIFEM) and UNDP. The programme targeted judicial officers of the criminal courts, justices of the peace and police officers. Other programmes focus on issues such as labour rights, with the publication of a guide entitled "Women workers: protecting your rights in court". In respect of indigenous peoples, the Directorate of Human Rights runs training activities for the judiciary in partnership with the Coordinating Committee for the Self-Determination of Indigenous Peoples. The main objective of the training is to promote the implementation of a human rights perspective in judicial proceedings concerning indigenous peoples in both civil and criminal cases, and to promote a better appreciation of cultural diversity.

39. Uruguay referred to training activities undertaken in 2009 by the National Institute for Children and Adolescents for more than 300 actors in juvenile justice in the country, as well as to the graduate course on juvenile justice offered by the Faculty of Law at the University of the Republic. The Netherlands reported that due attention is paid to human rights and children's rights in the standard training of public prosecutors and members of the judiciary. Within government organizations focused on children (such as the Child Protection Board), training on diversity is provided.

40. Mexico reported that training activities are organized by the Directorate-General for the Promotion of Human Rights of the Procuraduría General de la República. A basic course on human rights is held for all staff of the Procuraduría General as well as for the Federal Police. Specialized training courses are offered on human rights and detention, on torture or ill-treatment, on assistance to victims of crime, on gender equity and on the human rights of persons with disabilities. A course on human rights in the context of federal law enforcement addresses specific issues concerning juvenile offenders. For its part, the National Human Rights Commission has undertaken a study aimed at promoting the improvement of the situation of women in detention. The Commission conducted workshops on law enforcement with a gender perspective for public prosecutors, and a simulated court case involving women's human rights was conducted jointly with OHCHR.

41. Slovakia reported on recent trainings involving the Ministry of Justice, the Office of the Prosecutor General, the Constitutional Court and the Presidium of the Police Corps. Further trainings on human rights and administration of justice were provided by the Judicial Academy, an independent training institution with nationwide coverage established by legislation. The task of the Academy is to ensure, organize and carry out the training of judges and prosecutors as well as of those training to become judges and prosecutors. In addition, the Academy is responsible for the examinations of judges and prosecutors, and collaborates with international institutions working on the administration of justice.

8. The integration of administration of justice in national development plans and the provision of financial and technical assistance by States for the enhancement and strengthening of human rights in the administration of justice

42. The links between development processes and the protection of human rights in the administration of justice was recognized by the Human Rights Council in resolution 10/2, where it invited governments to include in their national development plans the administration of justice as an integral part of the development process.

43. The Republic of Moldova reported that its National Development Strategy for 2008–2011 calls for the strengthening of human rights guarantees in juvenile justice, including improving the legislative framework, streamlining proceedings while increasing procedural guarantees and improving infrastructure. Furthermore, a strategy for improving the judicial system of the country was adopted by Parliament in 2007. Juvenile justice features among the nine components of the strategy, and includes addressing children both as victims of crime, and as the perpetrators. Moldova also reported a number of administrative reforms, including a 2004 decision that each trial court appoint at least one judge to handle juvenile cases, and each prosecutor's office to similarly appoint a prosecutor to deal with juvenile cases, a development that has shown positive results. More recently however, the global financial crisis has resulted in reduced allocations to all government agencies, including those involved in the administration of justice. Examples of consequences include an inability to reimburse expenses of probation officers. However, the Government reports that improvements in the administration of justice continue to be made, albeit at a slower pace.

44. Uruguay reported a significant increase in the allocation of State funds for the justice system, with an almost fivefold increase from 2006 to 2009. Mexico drew attention to the budgetary allocations flowing from the implementation of constitutional reforms on security and justice, including stronger fair-trial guarantees, the streamlining of criminal proceedings, mechanisms for alternative dispute resolution, and reparation for victims of a crime. The reforms are expected to be implemented over a period of eight years.

45. Slovakia noted that, while the country has not adopted a national development plan, the enhancement and strengthening of human rights in the administration of justice are the responsibility of the Ministry of Justice of the Slovak Republic and the Corps of Prison and Court Guard, acting under the Constitution, in particular the chapter on human rights and fundamental freedoms.

III. Conclusions

46. A number of developments at the national level that illustrate States' efforts to ensure the full and effective implementation of all human rights in the administration of justice are described in the present report. The developments reported place a particular emphasis on juvenile justice and the detention of women, children and mothers. Although representing only a small sample of activities across Member States on the issues raised in resolution 10/2, several common approaches arise. One is the grounding of national administration of justice regimes in international and regional human rights standards. This is reflected, for example, in the national legal requirement reported by all countries that men be separated from women in detention, and children from adults. The responding countries also share a concern that the detention of children be an approach of last resort (in accordance with the Convention on the Rights of the Child) and stress the importance of providing a means of dealing with juvenile crime outside of the formal criminal justice system.

The practices set out in this report provide a number of promising examples of sanctions for juvenile offenders that do not involve detention. Responses also highlighted the importance of the adoption of a comprehensive approach to juvenile justice at the national level, an approach urged by the Committee on the Rights of the Child in its general comment No. 10 on children's rights in juvenile justice (2007). Finally, the report underlines the importance of a well-funded and functioning legal aid system (including for children) and of ongoing training on human rights protection for those actively involved in the administration of justice.
