



General Assembly

Distr.
GENERAL

A/HRC/14/35/Add.1
2 June 2010

Original: ENGLISH

HUMAN RIGHTS COUNCIL
Fourteenth session
Agenda items 2 and 3

**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^{*}**

Addendum

Additional information received from Member States

^{*} The present document is submitted late in order to reflect the information provided by Member States after the deadline.

CONTENTS

	<i>Paragraphs</i>	<i>Page</i>
I. INTRODUCTION	1	3
II. SUMMARY OF REPLIES	2 - 61	3
Albania	2 - 4	3
Argentina	5 - 6	4
Belarus	7 - 10	4
Belgium	11 - 12	5
Bulgaria	13 - 15	5
Colombia.....	16 - 19	6
Croatia	20 - 23	7
Cyprus	24 - 25	8
El Salvador.....	26 - 28	8
Estonia	29 - 30	9
Georgia	31 - 34	10
Iraq	35 - 36	11
Lebanon	37 - 39	11
Monaco	40 - 41	12
Montenegro.....	42 - 44	12
Qatar.....	45 - 46	13
Republic of Korea	47 - 49	13
Serbia	50 - 53	14
Switzerland	54 - 56	15
Syrian Arab Republic	57	15
Venezuela (Bolivarian Republic of)	58 - 61	16

I. INTRODUCTION

1. This addendum to the report of the United Nations High Commissioner for Human Rights on administration justice includes further information received from Member States following submission of the report. In addition to the replies outlined in the report of the High Commissioner, replies were received from Albania, Argentina, Belarus, Belgium, Bulgaria, Colombia, Croatia, Cyprus, El Salvador, Estonia, Georgia, Iraq, Lebanon, Monaco, Montenegro, Qatar, the Republic of Korea, Serbia, Syria, Switzerland and the Bolivarian Republic of Venezuela. Full replies can be consulted on the OHCHR website.

II. SUMMARY OF REPLIES

Albania

2. In its reply, Albania reported that a programme titled “Reform of the Juvenile Justice in Albania” started in 2006. The programme has aimed to develop and improve a system of preventive and restorative juvenile justice system through interventions in five main areas: advocacy for legislation and formulation of policies, building of institutional capacities, drafting of the programme of alternative sentence measures for juveniles, protection and reintegration of children deprived of liberty, preventive programmes including the community and educational system. A probation service institution has been established under the Ministry of Justice, which builds relations with the State institutions and the court in respect of the implementation of the process of supervision of alternative sentencing measures. Albania has abolished death penalty. The Criminal Code of the Republic of Albania provides that the punishment of life imprisonment cannot be imposed against persons who at the time of the commission of crime have not turned 18 years old.

3. The Albanian law on legal assistance provides that the legal assistance service is provided by State-authorized lawyers to the individuals. Trainings on various topics, including gender violence, family violence, forensic medicine, child abuse, gender identity, human rights and immigrants, trafficking of human beings, were carried out in Albania by different judicial institutions. A range of training manuals are drafted and used, of which it is worth mentioning: the manual on intermediation in schools (year 2006); the manual on restorative justice and intermediation in criminal cases (2007); the training manual regarding the juveniles and women serving the sentence in penitentiary institutions (2007); to protect juveniles – a handbook for the lawyers (2007); psychologists and the social workers in the justice system for juveniles (2007).

4. In the framework of the improvement and strengthening of human rights in the administration of justice in Albania, a range of measures have been taken, which are included in various National Strategy and Action Plans for their implementation, including the National Strategy and Action Plan for Children, the National Strategy and Action Plan of Disabled Persons, the National Strategy and Action Plan of Gender Equality and Family Violence, the National Strategy of the fight against trafficking of human beings and the National Strategy of “Improvement of living conditions of the Roma minority”.

Argentina

5. The Government of Argentina indicated that a draft law on the legal regime applicable to children is currently being studied by its congress. The draft law provides for the minimum intervention possible from a criminal law perspective; the full respect for procedural and substantive guarantees; a focus on restorative justice; the provision of alternative measures, including reparations, community service, orientation and supervision measures, and apology to the victims. In relation to the strengthening of alternative measures to prison terms, since 2003 the Government of Argentina has been working on different options to adapt its system to implement mechanisms of restorative justice. With respect to detention policies concerning children, the draft law on the legal regime applicable to children establishes that their imprisonment shall be the last measure and for the shortest period possible. The draft law also provides that children under 18 years of age should in principle be placed under preventive detention as a last measure. Argentina abolished capital punishment.

6. In relation to the detention of women, the Government has since 2007 implemented a pilot programme for the legal assistance of women under detention, which seeks to facilitate access to justice for women and coordinates with public defenders, which role is defined by law. The Government further indicated that a number of tools and materials have been developed on the issue of children in detention to be used in capacity-building activities. With respect to the promotion and strengthening of human rights in the administration of justice, the Government reported that it has been actively engaged in diverse initiatives at the regional level, in particular in the context of MERCOSUR.

Belarus

7. In its reply, the Government of Belarus reported that juvenile penitentiary institutions provide for the regular secondary and specialized technical education for inmates; and also the juvenile inmates are provided training for preparation for release and rehabilitation. Belarusian legislation takes into consideration the special status of juveniles and the need for their special protection. The Criminal Code of Belarus has a special section pertaining to the juvenile offenders. Children under 18, who have committed minor crimes, are normally not imprisoned; they are rather assigned for correctional work or other administrative measures. In accordance with the Beijing Rules, the Belarusian legislation envisages special regulations for court hearings relating to children aged under 18. The Criminal Code of Belarus forbids life imprisonment for minors and the death penalty.

8. The Government of Belarus further reported that the Criminal Code of Belarus requires the correctional institutions for women inmates to have children's houses. In Belarus, male and female prisoners, as well as adults and juveniles are kept separately. Women cannot be sentenced to life imprisonment or to the death penalty. There are improved prison conditions such as larger cells as well as specialized healthcare services for pregnant women

9. The Government of Belarus reported that the Law on Children's Rights guarantees legal aid to all children, which includes the rights to have a legal defence and representatives in courts. Advocates provide their services to children free of charge. In case if their rights are violated, children under 14 may appeal to the National Commission on Children's Rights, Commission on

Minors' Affairs as well as to the Prosecutor's Office. After they reach the age of 14, children may appeal to courts.

10. The National Plan of Action on Children's Rights (2006-2010), the Presidential Programme "Children Belarus" (2006-2010) and the Sub-Programme "Children and the Law" have been adopted in Belarus. The International Training Centre on Migration and Trafficking of the Ministry of Interior also conducted trainings on juvenile justice.

Belgium

11. Belgium reported that the national law on the protection of youth provides a range of alternative measures to apply to juvenile offenders, including a warning from the judge to the individual, supervision by a competent social service, intensive individual social welfare support, an order to undergo outpatient treatment, or assignment to the care of a trustworthy person such as a member of the offender's family. A specific law applies to the children who have committed offences rather than those under the Criminal Code. This law provides that the administration of juvenile justice promotes the goals of education, empowerment and social reintegration and protection of society. The Government reports that reform of the law on child protection has greatly expanded the number of measures available to the juvenile court judge, and provides issue factors which the judge must prioritize in making a decision. For example, if a custodial order must be made, open detention should be preferred over closed detention. In 2005, the abolition of capital punishment was enshrined in the Constitution of Belgium. Life imprisonment cannot be applied to a person who was a child at the time of the crime. Children over 16 years at the time of committing a serious crime (or who are repeat offenders) may be tried either by the juvenile court applying the ordinary criminal law and procedure or by a court of assizes.

12. Women prisoners are detained in prisons or specific areas reserved for women. Children may stay in prison with their mothers held up to the age of 3 year, and cells are equipped specifically for mothers and their children. Pregnant detainees receive medical care and are transferred to a hospital for childbirth. Belgium also referred to its Judicial Training Institute which organizes training for judges, judicial trainees, clerks, secretaries, prosecutors and other staff members of the judiciary. This training includes specific attention to human rights.

Bulgaria

13. In its reply, the Republic of Bulgaria reported that its juvenile justice policy reflected the aspiration of the State to continue the harmonization of Bulgarian legislation with existing international standards. The underlying understanding of this policy is that it is not the penal repression but the alternative to penal sanctions, implemented through measures for social and correctional intervention, that would have a stronger influence on the juvenile towards a change in his or her anti-social behaviour. Considering this and with a view to preventing and curtailing juvenile anti-social behaviour, the Bulgarian legislator has enlisted the efforts of a broad range of public structures, including the family and the school. The fundamental principles at the core of this effort is focusing work in the family and social environment, with arrest, detention in custody and sentencing to deprivation of liberty being used only as a measures of last resort and for the shortest possible period of time. Suppression of children's anti-social behaviour and alternative measures in respect of child offenders are regulated in the Control of Juvenile Anti-

Social Behaviour Act. The juvenile anti-social behaviour control system is an alternative to penal sanction. This is a special law with regard to the Criminal Code and the Criminal Procedure Code. The death penalty was abolished in 1998. According to Bulgarian law, life imprisonments are not applied to juvenile offenders.

14. Bulgarian legislation acknowledges the special status of pregnant women and lays down a number of special rules intended to ease the degree of penal repression against them. Pregnant and breastfeeding women are entitled to appropriate health and medical care, enlarged food rations and other facilities. The Criminal Code prohibits the imposition of a penal sanction of life imprisonment without commutation on a woman who was pregnant when the criminal offence was committed or when this sentence was pronounced. The Bulgarian law provides special protection to the children of women detained in custodian when they are the children's sole carer. Such children are accommodated immediately by the competent municipality or mayoralty at a crèche, kindergarten or boarding school.

15. On the issue of legal aid, Bulgaria reported that according to the Judicial System Act, citizens may receive legal aid financed by the State under terms and a procedure established by the Legal Aid Act. The following types of legal aid are regulated (a) pre-litigation advice with a view to reaching a settlement prior to bringing legal proceedings or to bringing a case before a court; (b) preparation of documents for bringing a case before a court; (c) representation in court by legal counsel; (d) representation upon detention. Legal aid organised by the National Legal Aid Bureau and the Bar Councils. The National Legal Aid Bureau maintains a national registrar of the lawyers designated to implement legal aid within the geographical jurisdiction of the competent district court.

Colombia

16. The Government of Colombia indicated that, with the adoption of new legislation in 2006, a new system of criminal responsibility for juveniles was created, which includes principles, norms, procedures, specialized judicial authorities and administrative authorities that intervene in the investigation and prosecution of crimes committed by children between age 14 and 18. The law also develops a system of restorative justice and foresees the civil and criminal liability of the children and their parents for their criminal acts. Specific measures include temporary internment, preventive detention, and sanctions. The Government referred to four types of sanctions: community service, release under surveillance, and two different modalities of detention.

17. The Government further stated that it observes international norms relative to the detention of children, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice; the United Nations Guidelines for the Prevention of Juvenile Delinquency; and resolution 2009/26 of the Economic and Social Council. At the national level, the Constitution of Colombia and its national legislation provide the legal framework regulating the detention of juveniles. Additionally, the Ministry of Interior and Justice is developing an institutional programme to address the issue of prevention of juvenile delinquency. In relation to the application of the death penalty, the Government of Colombia indicated that its national Constitution prohibits the application of capital punishment and life in prison.

18. Concerning the situation of women and girls in detention, it was reported that the law regulates the treatment of women in detention and provides, for example, that pregnant women may benefit from a suspension of their prison term. Furthermore, the law allows the children of women detainees to remain with them until the age of 3. The prison system has created day-care centres within the detention centres to receive detainees' children. Moreover, the law provides for preferential treatment for women who request house arrest and community service as an alternative to a prison term. It was indicated that all sanctions which are applied to children seek to protect, educate and restore and will be implemented with the support of the respective family and relevant specialists.

19. Finally, the Government of Colombia stated that the National Development Plan gives due consideration to the importance of the judicial system and has allotted adequate financial resources to the judiciary. This includes as well the development of master plan of investment in infrastructure, information technologies and capacity building in order to improve the administration of justice sector.

Croatia

20. In its reply, Croatia stated that with respect to young offender the Juvenile Courts Act shall apply as a special regulation in addition to the Criminal Procedure Code, if they are not in contravention with the provision of the Juvenile Courts Act. Sanctions, which are imposed on minors for the offences committed, are correctional measures, juvenile imprisonment and safety measures. Only correctional measures may be applied to a minor aged between 14 and 16 at the time of commission of the offence. Both correctional measures and sentences to juvenile imprisonment may be applied to a minor aged between 16 and 18 at the time of commission of the offence. Safety measures may be applied to minors only under the condition provided by the Juvenile Courts Act. Juvenile imprisonment is a special type of punishment of deprivation of liberty, which can only be imposed on senior minors and young offenders. It is only imposed for the most serious criminal offences in exceptional cases.

21. The Government of Croatia also reported that its criminal law gives special attention to protection of children and minors. The Criminal Code provided that children under 14 years of age shall not be criminally liable and therefore cannot be deprived of freedom or apprehended. However, during the pretrial proceedings a juvenile judge may place the accused juvenile offender under the temporary supervision of a social welfare centre or place him or her temporarily in a social welfare institution instead of placing a minor in detention, and when it is necessary to protect the minor from further damage. According to the Juvenile Courts Act, the detention measures shall be applied only as a measures of last resort. A minor shall be detained separately from adults, except in some circumstances. Detained minors shall be allowed to work and to undergo, if possible, training beneficial for their development and occupation. The Croatian penal system does not provide for capital punishment or life imprisonment.

22. In Croatia, there is a special ward for childbearing women which accommodates adult as well as juvenile females sanctioned with a correctional measure of being sent to a correctional institution or a juvenile prison sentence, provided that they have children or that they give birth during a prison term, a correctional measure or a detention.

23. On the legal aid issue, the Government of Croatia reported that a comprehensive free legal aid system, targeted to aid low-income persons for the resolution of their problems, has been established in the Republic of Croatia upon the entry into force of the Free Legal Aid Act in 2009. The Government of Croatia has made provision for legal aid service. Furthermore, it was reported that the Judicial Academy of Croatia implemented various educational activities in the field of family and legal protection of children in 2009. Since 2000, the Ministry of Interior has also organized specialist courses for police officers who deal with criminal matters in which the injured parties or the perpetrators are children or juveniles.

Cyprus

24. Cyprus reported that according to its criminal procedure law a person under the age of 14 years is not criminally responsible for any act or omission. Several provisions of the Juvenile Offenders law aim at dealing with juvenile offenders in a manner taking into account their tender age and consistent with the promotion of their best interest. Cases against juveniles are heard by a juvenile court, in which no person other than the members and officers of the court and the parties to the case, their advocates and other persons directly concerned in the case are allowed to attend. The court may, in its discretion, require the attendance of the parents or guardian. The Juvenile Offenders law states that no young person shall be sentenced to imprisonment if he can be suitably dealt with in any other way. The Juvenile Court may deal with case in any of the following ways: (a) by dismissing the charge, (b) by committing the offender to the supervision of a probation officer, (c) by committing the offender to the care of a relative or other fit person, (d) by sending the offender to a reform school, (e) by ordering to pay a fine, damages or costs to which he is liable and (f) by reaching a sentence of imprisonment.

25. In Cyprus, young offenders sentenced to imprisonment are held separately and do not associate with adult prisoners. Young people in detention are encouraged to improve the level of their education and vocational training. They are also entitled to work, psychological and psychiatric service, recreational activities and programmes such as sports, athletics, theatre, music, sports, and welfare services and supports. The President of the Republic may, on the recommendation of the Attorney General, remit, suspend or commute any sentence passed by a court in the Republic. Prison Regulations also provide for the remission of sentences for good conduct and industry. In Cyprus, the deprivation of liberty of pregnant women or mothers of children up to 3 years of age, either during the investigation of an offence against them or after conviction, was limited to very serious offences and under prescribed conditions. Cyprus further reported that, legal aid is provided only if the penalty for the offence that the defendant is accused of, is over one year in prison. A bill is pending before the House of Representatives concerning the extension of legal aid to all criminal procedures irrespective of the nature of the sentence. Capital punishment has not applied in Cyprus since 1999. In 1999, the Supreme Court established a programme for the training of first-instance judges on a regular basis, targeted in various fields of law and matters relevant from a broader perspectives to the administration of justice.

El Salvador

26. The Government of El Salvador indicated that it has increasingly applied alternative measures to prison terms, including conciliation, community service, decisions not to pursue crimes punished with less than 3 years imprisonment, and termination of the investigation

without charges under certain conditions. It was stated that between 2000 and 2004, 77 per cent of the cases registered in juvenile courts ended with the imposition of an alternative measure. The Government of El Salvador reported that its rehabilitation programme seeks to diminish the level of violence due to the operation of criminal gangs by providing reinsertion opportunities to children who have expressed a desire to be reintegrated into society. Various State and municipal authorities, civil society organizations and the Catholic Church are involved in the implementation of such a programme. It has focused on certain areas where criminal gangs have been identified. The programme also includes the establishment of farms where children are exposed to seven components, namely education, professional training, health, spiritual support, family relations, sports and culture.

27. In relation to reinsertion programmes, the Government has created four centres for social reinsertion which seek to support juvenile delinquents to reintegrate the society. Juveniles interned in these centres include those who have been sentenced to a prison term, those in preventive detention, and those under administrative detention. The centres develop a series of professional activities for their inmates. Concerning the Government's policies related to detention of children, the Salvadorian legislation prohibits the publication of information that could allow the identification of children detained; it is also prohibited to keep criminal records of children, unless ordered by the office of the general prosecutor or a competent judge. In that case, however, the records will be kept for procedural purposes only and will remain strictly confidential. Moreover, the law provides for the respect of the rights of victims. It was noted that the juvenile justice mechanisms have successfully decreased the number of prison terms, favouring instead the imposition of alternative measures.

28. With respect to the imposition of the death penalty, it was indicated that the Constitution of El Salvador provides that capital punishment may only be imposed for crimes foreseen in military laws during a state of international war. Capital punishment or lifetime prison terms are not applied to juveniles. The Government of El Salvador reported that the country has had special detention centres for women since 2002. Special attention is given to the detention conditions and human rights of the children of women in detention, including through the creation of day-care centres. It was further indicated that the office of the general prosecutor guarantees the protection of the rights of children under criminal investigation, in particular the right to legal assistance. Finally, it was indicated that the Government has undertaken to provide capacity-building programmes on children's rights to police and officers in charge of detention centres for juveniles.

Estonia

29. In order to evaluate the practice and efficiency of juvenile criminal law, the Ministry of Justice ordered research from the University of Tartu, which indicated that in the case of juveniles the most common measure applied is release on probation with supervision of conduct (55 per cent), supervision of conduct as a sanction in releasing from sentence (19 per cent), imprisonment (17 per cent). Warning and conditional exemption from sentence was used in less than 3 per cent of the cases and in 1 per cent of cases community service and reference to a reformatory school was applied. According to Estonian law, imprisonment for a term of more than 10 years or life imprisonment shall not be imposed on a person who at the time of commission of the criminal offence is less than 18 years of age. There are also specially furnished and equipped rooms for pregnant prisoners. The Imprisonment Act provides

imprisoned mothers the opportunity to raise their children in prison in a specially established ward until the child reaches the age of 4. There is a separate mother-children ward in Harku prison.

30. Estonia also reported that several non-profit organizations offer simpler legal aid to the least privileged persons, for example the Estonian Lawyers Union. Student law divisions have operated both under the Lawyers Union and the law faculty of the University of Tartu. The State legal aid system enables the assistance of lawyers for the least privileged persons. State aid is granted in civil, criminal and administrative court proceedings and court proceedings in misdemeanour matters; in pretrial proceedings, enforcement proceedings and in administrative proceedings; in preparing legal documents and providing other legal counselling to a person or representing a person in another manner. State legal aid means that initially the State pays for legal services. It does not however necessarily mean that the service is entirely free. In addition to the State legal aid, it is also possible to request procedural assistance from the court for covering legal costs and to request for the exemption from payment of notary fee.

Georgia

31. In its reply, the Government of Georgia reported that it adopted the Criminal Justice Reform Strategy and the respective Action Plan in line with international standards. The Strategy and the Plan represent consolidated concept paper guiding criminal justice reforms and initiatives in Georgia. The Juvenile Justice Strategy aims at liberalizing the legislation with respect to juveniles. One of the main components of the reform is to propose development of alternative measures that allows ultimate dismissal, removal or redirection of juvenile offender from the criminal procedure system. Recently, a draft law on discretionary prosecution has been elaborated. In particular, Government of Georgia has foreseen mechanism to dismiss juvenile from criminal justice system via the Discretionary Prosecution Concept. The Juvenile Justice Strategy also foresees re-socialization of former child offenders. In relation with this, the Government of Georgia emphasizes the necessity of providing juveniles with rehabilitation and reintegration programmes and accommodation.

32. In line with the Juvenile Justice Strategy, the Action Plan provides elaboration of the prevention programs which focus on promotion and encouraging the development of child's personality. In particular, it includes promotion of successful socialization and integration of all children through the family and community (particularly vulnerable families) through day center; promotion of successful socialization and integration of all children through the peer groups; promotion of successful integration of all children and through the school/civil education (including "problem children"); active involvement of police in preventive activities; adoption of the memorandum of cooperation among State agencies and social services; raising the level of awareness in society; informing courts about ongoing prevention programmes; and establishment of community prosecution programmes. The Government of Georgia reported that capital punishment as a sentence is prohibited by article 15(2) of Constitution of Georgia. As for the life imprisonment, article 51 of CCG abolishes imposition of the lifetime imprisonment to persons below 18 years.

33. The Georgian Law on Imprisonment regulates the situation of inmates in prisons. Under the said law, female convicts are placed separately from male or other convicts. Women and female juveniles are separately placed. The Government of Georgia emphasizes the vulnerable

position of pregnant women and child's sole or primary carers. Criminal legislation of Georgia prescribes that detention as a constraint measure (pretrial) shall not be applied to a woman with a pregnancy term over 12 weeks. In addition, the enforcement of a sentence can be suspended by the court for a pregnant woman or a woman who has a child up to 5 years of age, until the delivery of the child or until child reaches age of 5 years. When the child reaches the age of 5 years, the court shall either release the convict from the undischarged term or make a decision on returning the convict to the relevant institution for serving the undischarged term of the sentence.

34. In 2007, the Parliament of Georgia adopted the Law on Legal Aid. Currently, the Legal Aid Service provides legal assistance in cases prescribed by law throughout the whole territory of Georgia by the lawyers employed at 10 legal-aid bureaus. The Government of Georgia reported that it pays particular importance to trainings for all professionals working in the field of justice. Within the framework of the Criminal Justice Strategy and Action Plan, respective training institutions coordinate on a permanent basis their activities.

Iraq

35. In its reply, the Republic of Iraq reported that the legal framework on juvenile justice is summarized in the Constitution. The Law on the Protection of Juveniles focuses on the legal protection to this vulnerable group through legal assistance, judicial assistance and legal protection. It also establishes institutions for juveniles deprived of their liberties or those who are street children. A department for the rehabilitation of juveniles delinquency is also established. This department is responsible to an early discovery of delinquency and investigating reasons for children of breaking the law and to decide the level of punishment, in coordination with the juvenile courts and the special juvenile police. It also looks into the parental responsibility and the follow-up after the release of the juvenile. Iraqi legislation does not include the death penalty for juveniles. Iraqi laws do not yet include a comprehensive vision for the alternative measures.

36. The applicable prison laws provide minimum guarantees to pregnant women who face deprivation of liberty and allow convicted mothers to have children with them in the prison for a period of three years. The child born in prison is not registered as born in prison. The Ministry of Human Rights, the National Academy of Human Rights and the Offices of Inspection of Prisons and Detention Centers and the Department of Juveniles Rehabilitation are responsible to organize training for the relevant officials involved in juvenile justice. The issues at trainings include human rights in juvenile justice system. The Juvenile Courts also receive support from these institutions in trainings.

Lebanon

37. The Lebanese legislation on juvenile justice ensures that the best interest of the children is achieved through alternative measures for juvenile conflict with the law. The juvenile justice law requires the presence of a lawyer at all investigation stages immediately after six hours as opposed to 24-hour provisions for adults. The Juvenile Law allows for alternative measures by placing juvenile under protection and probation or monitoring by community services. The measures could also be rehabilitation or imprisonment and fines which could be reduced to half. Capital punishment and life sentence are not applied to juveniles.

38. The Government of Lebanon reported that minors aged below 12 are not arrested in Lebanon. The Criminal Procedure Law of 2001 allows detention only for serious crimes. The law also provides for the parental responsibilities as part of the rehabilitation. The law allows for imprisonment of those beyond the age of 15 and the alternative measures to the deprivation of liberties are used as part of the policy of rehabilitation. UNODC and UNICEF are providing technical assistance to follow-up on the effectiveness of those measures. The Bar Association and civil society provide assistance to ensure the protection to juveniles.

39. The punishment of women is left to the judicial discretion. Generally, sentences- for woman with children, woman who is sole career of a child or pregnant women- do not include deprivation of liberty. This depends on the conditions and the protection of evidence and for the prevention of escape. The children born in prison will only stay with his or her mother for two months with the agreement of the appeal prosecutions and the security forces of internal affairs (without a law).

Monaco

40. In its reply, the Principality of Monaco indicated the legal framework governing juvenile offenders dating from 1963 and the overall policy on juvenile justice that aims to balance punishment with education and rehabilitation. The detention of children remains an exception in the country. Children and women are detained in separate places of detention. The fact that a woman is pregnant or mother of a new born is taken into account by the judge in deciding on a detention order. All women prisoners receive social care, medical and psychological if necessary.

41. Staff of the Judicial Services Department and judges receive training on human rights. The most important judgments of the European Court of Human Rights are distributed regularly with analysis and commentary to judges and legal professionals in the country. The Principality reports that death penalty was abolished in the country by the Constitution in 1962.

Montenegro

42. In its reply, Montenegro stated that its justice system is in the phase of a reform and harmonization with the international legal provisions. In accordance with the 2007-2012 Strategy of the Reform of Justice, the Government of Montenegro submitted a draft bill on Juvenile Justice in 2009. This draft law integrates the matters of juvenile criminal law and it envisages its separation from the criminal law for adults, and it provides that a corrective measures, the sentence of juvenile imprisonment, and safety measures may be passed against juvenile offenders. The provisions of correctional orders as alternative measures provide the possibility of implementation of diversion, or of redirecting children in conflict with the law from the conventional criminal procedure. The Constitution of Montenegro prohibits the death penalty.

43. The sentence of juvenile imprisonment passed against females is served in a separate ward for women of the juvenile correction institution, or in a separate ward of the women's correction institution. The Law of Criminal Procedure does not stipulates any special rules with respect to their conviction or handing down of the decisions on custodial measures prior to a trial when pregnant women are in question as well as with respect to the persons who are single or primary guardians of a child. The Law on Free Legal Aid is in the stage of being drafted.

44. The Government of Montenegro further reported that the Law on Education of Judicial Bodies prescribes that holders of judicial office have the right and the obligation to receive in-service training. The Centre for Education for Judicial Officers is organized as a separate organizational unit of the Supreme Court of Montenegro. The Centre is particularly dedicated to training in human rights. Recently, seminars and trainings have been organized in cooperation with international, regional and national organizations, including UNDP, UNICEF, the Council of Europe, OSCE, the Centre for Democracy and Human Rights in Montenegro, and the AIRE Centre - a London-based non-governmental organization.

Qatar

45. In its reply, Qatar reported that in accordance with the Juvenile Law, the juvenile police take measures to investigate cases of juveniles and arrest those juveniles or delinquencies and implement the sentences issued against them by dividing them into groups according to the court decisions, to monitor their behavior and prepare files and report to the juvenile courts. According to the Juvenile Law, the Ministry of Labour and Social Affairs and Housing supervises and takes care of the rehabilitation centres for juvenile and those at risk of delinquency. They also prepare social reports to the juvenile police and court. The Ministry of Labour, Social Affairs and Housing and the Ministry of Education, Sports and Youth jointly follow up educational activities for the juveniles.

46. In Qatar, if a juvenile not yet 14 years old commits an offence, he should not be punished. In Qatar, alternative measures include vocational training, community service, judicial testing, sending him to a special rehabilitation centre or to health institutions. With regards to the policy of reintegration and rehabilitation for those in conflict with the law, the Juvenile Law states that the court sends the juvenile to a factory, farm or specialized centre owned by the Government, which accepts to train him. It also compels juveniles to go to social and religious meetings; this measure will not be for a period less than six months. In accordance with the Juvenile Law, the placement can be introduced in social houses prepared for this purpose; the house will provide a report on his behaviour every six months so the court will decide in accordance.

Republic of Korea

47. In 2007, the Juvenile Act was amended in response to the need for restoration of juvenile delinquents and juvenile victims and the request of the local community, in order to prevent crime and its reoccurrence. According to the recent amendment to the Juvenile Act, the prosecutor is obliged to have juvenile offenders guided by volunteers or a counselling organization for criminal prevention with the option of suspending further prosecution on them. To help juvenile offenders' rehabilitation and reintegration, the juvenile reformatory has allowed them to receive general or specialized middle and high school education and, if they want, occupational training. If juvenile offenders abused drugs or had development disorders, they would receive education to build their attitudes, which includes specialized education, counselling, psychological therapy, experiential learning, and community service. The Government of the Republic of Korea also introduces "user-oriented treatment", "thematic treatment", and "Request of Love"- a financial aid package for juvenile offenders with financial difficulties who are released from the juvenile reformatory. The legislation of the Republic of Korea stipulated that a sentence of the death penalty or life imprisonment shall be reduced to 15

years of imprisonment for a juvenile offender who was less than 18 years old at the time of committing crime.

48. Female detainees are accommodated in separate accommodation at detention centres and correctional institutions and in Cheong-ju Women's Correctional Institution, a facility with a capacity of 750 female inmates. Female detainees are entitled to medical care and other health facilities. Pregnant detainees are provided with necessary facilities, including a regular medical checkup. A female detainee may request for care her child at a correctional facility before and after the imprisonment. She may present such a request until the baby is 18 months old except for some cases, including where the baby is so sick or injured that the facility cannot be suitable for him/her. Juvenile offenders are accommodated in separate living quarters from adult detainees, including the Kim-cheon Juvenile Correctional Institution, which has a capacity of 680 inmates.

49. The Government provides the financially troubled, the legally unaware, or the socially vulnerable with legal aid, such as representation, consultation and education. This legal aid has been provided for by the Legal Aid Corporation, the Korea Legal Aid Centre for Family Relation and the Family Legal Service Centre, while the Government supports the three institutions with approximately US\$ 20 million every year, which represents 43-50 per cent of these institutions' total budget. Human rights awareness training programmes have also been administered to prosecutors and the law enforcement officials, including to juvenile protection, probation, immigration and correction officials.

Serbia

50. The Law on Juvenile Offenders and Criminal Justice Protection of Minors ("Juvenile Justice Law") was adopted in 2006. The Juvenile Justice Law provides a legal basis for the restorative justice approach and the application of diversionary measures and alternative sanctions. The law also calls for mandatory specialization of all juvenile justice professionals dealing with cases involving children as offenders, victims and witnesses, and for the development of secondary legislation- by laws and related administrative rules and procedures. The age of criminal responsibility in Serbia is 14 years. Exceptionally, a juvenile can be detained during criminal proceedings only under circumstances that are precisely defined by law and for certain limited number of offences, if the purpose for ordering detention cannot be achieved by temporary placement measure. Detained juveniles shall be held separately from adults. Capital punishment and life imprisonment do not exist in the Serbian legal system.

51. The Law on Enforcement of Penal Sanctions includes a separate penal-correctional facility for women sentenced to imprisonment. A women's institution must have special facilities for treatment of pregnant women, women at childbirth and female illness.

52. A free legal aid project is currently being implemented by the Ministry of Justice, with the support of international community in Serbia. The main aims of this project are to develop a strategy for the reform of free legal aid system, including adopting legislation which would allow this system to function effectively, and to enable vulnerable groups to have better access to justice through creating a Legal Aid Fund.

53. The Juvenile Justice Law explicitly envisages specialization of all key stakeholders concerned with juvenile justice and protection, in all stages of criminal proceedings. The Judicial Academy organizes regular professional seminars, skills check-up and other forms of supplementary professional advanced training and permanent education of juvenile justice judges, prosecutors, police officers, professionals of social welfare agencies, institutions and facilities for execution of institutional sanctions, lawyers and other qualified persons.

Switzerland

54. In its reply, Switzerland reported that the national juvenile criminal law provides for several measures to reduce the number of cases and criminal convictions in respect of children. The federal law governing the criminal status of minors sets out the legal framework and conditions for the classification and the suspension of the proceedings, exemption from punishment, and the waiver of criminal prosecution. Children are detained dedicated juvenile detention facilities that gives each detainee appropriate educational support and mentoring to prepare for social integration after release, including the possibility of studying, training or employment. Preventive detention and security detention are imposed only in exceptional circumstances and only if no alternative measure is feasible. Investigating authorities may order seven-day detention on remand, which may be extended by a judge. The detainee or his legal representative may at any time request the release.

55. On conviction of a child, a competent authority orders a preliminary inquiry into the juvenile offender's personal circumstances to allow the choice of fair punishment. A crime or misdemeanor is punishable by imprisonment for one day to one year if the minor was 15 years or younger at the time, four years if the crime is particularly serious and the child older than 15. The law provides different forms of deprivation of liberty for children from the age of 10 years. Detention is reviewed annually to see whether these measures can be lifted, and all measures are terminated at the latest when the person reaches the 22 years of age. Switzerland does not have prisons for children, but rather educational institutions which are set up in the cantons. Pregnant women and young mothers are placed in the institutions specifically designed for their needs, including the provision of necessary medical care and supervision. Children can stay with their mothers until they reach 3 years of age.

56. In terms of training, in Switzerland police, lawyers, social workers, judges and prosecutors benefit from human rights training, including in their university education. The Swiss Training Centre for Prison Staff provides specific training combating torture and other cruel, inhuman and degrading treatment. Finally, Switzerland reports that there is no capital punishment in the country nor is there life imprisonment for children.

Syrian Arab Republic

57. In the Syrian Arab Republic, the Law on Minors of 1974 offers an important number of alternatives to a referral to courts. And even in those cases where a minor is referred to the court, very often the decision is to release him under bail, under his parents' responsibility, as well as in contact with local organizations specialized in legal support for juveniles offenders. Syrian law

exempts from responsibility juveniles who had not reached the age of 10 when the crime was committed. The law on juveniles includes various measures that should be applied for a juvenile, including surrender of the juveniles to parent custody, or authorized guardian, surrender to a member of the juvenile's family, surrender to an accredited organization specialized in taking care of juveniles, placement in a specialized centre for re-education of juveniles, restricted liberty, prohibition of residence in a certain areas, prohibition of the frequentation of the damaged shops, prohibition of certain kinds of activities, jobs, special care. In Syria, there is no legal provision for application of the death penalty and life sentences to juveniles who have not reached the age of 18. The law also stipulates that the death sentence be delayed for a pregnant woman until the end of her pregnancy.

Venezuela (Bolivarian Republic of)

58. The Government of the Bolivarian Republic of Venezuela indicated that since 2007 its national legislation has reflected the doctrine of integral protection of the child and promotes the respect of the human rights of children, respect of the due process principle, the treatment as full subjects of law, the superior interest of child, the principle of non-discrimination and the joint responsibility of the State, the society and the family for the child's well-being. It was further stated that the law clearly establishes the following alternative measures of punishment: verbal admonishment; imposing rules of conduct; community service; release on probation under supervision; release on condition to register with a specialized centre. These alternative measures seek to educate to child and involve, under certain conditions, the participation of the family and of different specialists. The competent judge may apply these measures on the basis of the analysis of different criteria in simultaneous, successive or alternative way.

59. In relation to strategies to rehabilitate and reintegrate juveniles the Government of Venezuela informed that they focus on socio-educational programs. These programs are implemented by internment institutions for juveniles. Such institutions design, develop and implement policies, plans, programs and projects focusing on juveniles in detention. In addition, a series of social initiatives are implemented as a complement to the socio-educational programs, for example, the development of a policy on crime prevention, and the shared responsibility between the State and the society. With respect to the detention of juveniles, the government indicated that the law provides that detention should only be used as a last resort and for the shortest duration possible. Children may be detained only in cases where they were apprehended *in flagrante*; for identification purposes; and as precautionary measure to ensure their presence in the preliminary hearing. Some alternative measures to preventive detention include house arrest; supervision by a third party; periodic appearances before the competent judge; the prohibition to leave the country; the prohibition to attend certain demonstrations or certain places; the prohibition to communicate with certain persons; and release subject to the posting of bail. In relation to prison terms, these are carried out in specialized juvenile internment institutions. Prison terms are reviewed every six months and may be modified or replaced by other alternative measures. Furthermore, the law also provides the rights and the conditions of imprisonment of juveniles.

60. Concerning the application of the death penalty, the Government of Venezuela informed that its constitution prohibits the application capital punishment as well as life in prison. The government further stated that pregnant girls in detention receive specialized attention in relation to therapeutic and educational follow-up.

61. It was informed that persons working in internment institutions have a multi-disciplinary profile that contributes to the integral development of juveniles in detention. Personnel include social workers, sociologists, psychologists, educators and lawyers able to plan, organize, consolidate and implement programs following a multifaceted approach. Furthermore, capacity-building programs for judges and magistrates include areas such as human rights, gender and children.
