



# **Twelfth United Nations Congress on Crime Prevention and Criminal Justice**

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## **Draft report**

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### **Addendum**

## **Consideration of agenda items in plenary meetings and by sessional bodies and action taken by the Congress**

### **A. Children, youth and crime (agenda item 3); and making the United Nations guidelines on crime prevention work (agenda item 5)**

#### **Proceedings**

1. At its 2nd plenary meeting, on 12 April 2010, the Congress allocated to the plenary agenda item 3, entitled “Children, youth and crime”, and agenda item 5, entitled “Making the United Nations guidelines on crime prevention work”. The Congress considered the items at its 2nd, 3rd and 4th plenary meetings, on 12 and 13 April 2010. For its consideration of the item, the Congress had before it the following documents:

(a) Working paper prepared by the Secretariat on children, youth and crime (A/CONF.213/4);

(b) Working paper prepared by the Secretariat on making the United Nations guidelines on crime prevention work (A/CONF.213/6);

(c) Background paper on the workshop on international criminal justice education for the rule of law (A/CONF.213/12);

(d) Background paper on the workshop on the survey of United Nations and other best practices in the treatment of prisoners in the criminal justice system (A/CONF.213/13);

(e) Background paper on the workshop on practical approaches to preventing urban crime (A/CONF.213/14);



(f) Background paper on the workshop on strategies and best practices against overcrowding in correctional facilities (A/CONF.213/16);

(g) Report submitted by the Chair of the expert group on the outcome of the meeting of the expert group to develop supplementary rules specific to the treatment of women in detention and in custodial and non-custodial settings (A/CONF.213/17);

(h) Discussion guide (A/CONF.213/PM.1);

(i) Reports of the regional preparatory meetings for the Twelfth Congress (A/CONF.213/RPM.1/1, A/CONF.213/RPM.2/1, A/CONF.213/RPM.3/1 and A/CONF.213/RPM.4/1).

2. At the 2nd plenary meeting, items 3 and 5 were introduced by representatives of the Secretariat. A short film entitled “United Nations principles for the prevention of crime and their practical application around the world” was shown, and the Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment addressed the Congress on the item on children, youth and crime. Statements were made by representatives of Chile, Finland, Germany, China, Switzerland, Canada, Argentina, Brazil, Egypt and the Libyan Arab Jamahiriya.

3. At the 3rd plenary meeting, on 13 April, statements were made by the representatives of the Russian Federation, South Africa, the Republic of Korea, the United States of America, Peru, the United Kingdom of Great Britain and Northern Ireland, Angola, India, Uganda, the Islamic Republic of Iran, Romania, Mexico, Chad, Algeria, Thailand, France, Brazil, the Libyan Arab Jamahiriya and Viet Nam. A statement was also made by the observer for the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD).

4. At its 4th plenary meeting, on 13 April, statements were made by the representatives of Saudi Arabia, China, the Philippines, Nigeria, Namibia, Zimbabwe, Cuba and the Plurinational State of Bolivia. Statements were also made by the observers for the League of Arab States, the Academic Council on the United Nations System (also on behalf of the Vienna NGO Alliance on Crime Prevention and Criminal Justice and the International Commission of Catholic Prison Pastoral Care), the International Society for Traumatic Stress Studies (also on behalf of the New York Alliance on Crime Prevention and Criminal Justice), the Interagency Panel on Juvenile Justice, the Friends World Committee for Consultation, the Open Society Institute and Prison Fellowship International. Three individual experts also made statements.

### **General discussion (agenda item 3)**

5. A representative of the Secretariat made an introductory statement, recalling that the adoption of the Convention on the Rights of the Child<sup>1</sup> over 20 years ago marked a new era in children’s rights. Noting that in 2010 the United Nations celebrates the International Year of Youth, for which 15 areas of action had been identified, including juvenile delinquency, she indicated that the rights of children and youth were very often challenged by violence and exploitation, as well as by

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<sup>1</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

poverty, malnutrition and disease. Children and youth exposed to such circumstances were at greater risk of becoming involved in criminal activities. Therefore, strong preventive and reactive measures addressing the root causes of juvenile delinquency were needed. The representative of the Secretariat also stressed the fact that restorative justice measures had proved to be more effective than detention, with recidivism rates as low as 10 per cent in some cases, and underlined that detention should be used only as a measure of last resort in cases of child or juvenile offenders.

6. The Special Rapporteur on torture and other cruel, inhuman or degrading treatment or punishment noted that worldwide more than 1 million children lived behind bars. Following his fact-finding missions, he had come to the conclusion that too many children are deprived of their liberty, in violation of international standards and norms. He had also observed that in many countries the criminal justice system functioned as an ill-suited substitute for a lacking or dysfunctional welfare system. He called for strong action to prevent children from being sent to prison and for a total ban on capital and corporal punishment and life imprisonment for children. He urged Member States to establish the minimum age of criminal responsibility at at least 14 years and in no case below 12 years of age. He invited Member States to open to external scrutiny closed institutions where children were held by acceding to the Optional Protocol to the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 57/199, annex). He also invited Member States to contribute to the drafting and adoption of a United Nations convention on the rights of detainees, containing special provisions on the rights of child detainees.

7. In the subsequent discussion, many speakers made reference to the Convention on the Rights of the Child, which had reached almost universal adherence and had marked an important evolution in the recognition of the rights and needs of children. Many countries mentioned that they had adopted national legislation and procedures to ensure compliance with the Convention. Various views were expressed with regard to the age of criminal responsibility, but many were of the view that it should not be lower than 12.

8. Most speakers highlighted the importance of the United Nations standards and norms on children, youth and crime, including the following: the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) (General Assembly resolution 40/33, annex); the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) (Assembly resolution 45/112, annex); the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Assembly resolution 45/113, annex); the Guidelines for Action on Children in the Criminal Justice System (Economic and Social Council resolution 1997/30, annex); and the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Council resolution 2005/20, annex). Speakers stated that those standards and norms provided excellent guidance in the areas of youth crime prevention, juvenile justice, children in detention and child victims or witnesses of crime. Some countries emphasized the use of standards and norms to ensure that children's rights were taken into account in the context of broad rule of law initiatives. A human rights-based approach was mentioned by several speakers.

9. Many speakers referred to comprehensive prevention frameworks and programmes, including effective awareness-raising initiatives and educational measures. Schools were mentioned as a particularly cost-effective means of providing crime prevention and criminal justice education for children and youth. Such programmes should address all forms of crime affecting children and youth, including cybercrime and school crimes such as bullying.

10. Some speakers noted the benefits of providing specialized training to a range of professionals including police, prosecutors, judges and medical practitioners to respond to individual needs of children and youth in contact with the criminal justice system.

11. Several speakers discussed the special needs of child victims and witnesses and the responses to such needs, including juvenile and child-friendly courts, non-uniformed staff and specialized training for professionals dealing with child victims and witnesses. Many speakers referred to the Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, which gave detailed guidance on how to provide justice for child victims and witnesses of crime while protecting their rights and respecting their particular needs. Several speakers referred to the alarming increase in cases of sexual abuse of children and the special needs of the victims of such crimes. Speakers also referred to the vulnerability of refugee and internally displaced children, as well as orphans in contact with the criminal justice system.

12. Many speakers made reference to the importance of addressing the needs of children in conflict with the law outside the formal criminal justice system. Furthermore, speakers emphasized the benefits of restorative justice approaches that offered unique opportunities to create a community of care around children in conflict with the law. Several speakers stressed that alternative measures to imprisonment should be used whenever possible, including the use of community-based rehabilitation and social reintegration schemes.

13. Several speakers noted the lack of comparable data and scientific evidence on children, youth and crime and that such data were necessary to design strategies and policies to prevent and respond to juvenile delinquency. A few speakers made particular mention of the need to evaluate programmes as a basis for elaborating new approaches. Many speakers expressed an interest in sharing experience as a means of learning from each other. Several speakers mentioned the good practice of ensuring coordination between the criminal justice system and the social welfare system when responding to the needs of child and youth offenders, victims and witnesses.

14. Some speakers mentioned media and its responsibility to present information that distinguished between reality, as reflected by academic and scientific evidence and studies, and perceptions among the general public with regard to children and youth and their relation to crime.

15. A few speakers mentioned the challenges involved in mobilizing national and international financial and human resources for comprehensive reforms. Several speakers indicated that their countries or organizations were providing international technical assistance in the area of justice for children, while others called on the international community to provide such support. Member States commended the work of the Interagency Panel on Juvenile Justice in coordinating technical

assistance related to children, youth and crime and recommended States to make use of its resources.

### **Conclusions and recommendations**

16. It was emphasized that detention should be used only for the shortest appropriate time and imposed only if no other alternative measure contributes to the reintegration and rehabilitation of the child.

17. The best interest of the child should be put at the centre of national juvenile justice systems.

18. Member States should step up efforts to adopt a comprehensive approach to juvenile justice and child victims and witnesses and take the necessary measures to integrate restorative processes as a means of dealing with children in conflict with the law at all stages of the administration of juvenile justice.

19. Member States are encouraged to adopt a participatory approach to all reform efforts in the area of children, youth and crime and to give effect to the right of all children in contact with the criminal justice system to be heard, regardless of their involvement in crime or state of victimization.

20. It was also recommended that UNODC, upon request, should increase its technical assistance capacity and programming in the area of children and youth in criminal justice systems, including through efforts to promote the use of restorative justice approaches in dealing with offences committed by children and against children, and special measures to address the needs of child victims and witnesses of crime.

21. It was further recommended that Member States establish or strengthen the systematic collection of data on the nature of and the responses to juvenile delinquency in order to inform their policies in that regard with a view to adjusting them as necessary and to conducting or supporting research on the nature and impact of the various responses to juvenile delinquency.

### **General discussion (agenda item 5)**

22. A representative of the Secretariat made an introductory statement. She recalled that prevention was the first imperative of justice and that the United Nations Guidelines for the Prevention of Crime, adopted in 2002, had the purpose of providing guidance to Member States on the main elements of effective crime prevention. She recalled the key elements of successful crime prevention policies, which included establishing a central body charged with the implementation of national programmes; reviewing strategies regularly to identify real needs as well as best practices; producing guides, toolkits and manuals to assist in the dissemination of knowledge on crime prevention; securing the commitment of central and local governments to the success of crime prevention programmes; creating partnerships and cooperation with non-governmental organizations; and encouraging the participation of the public in crime prevention. The main and most pressing challenges that countries encountered in implementing the Guidelines for the Prevention of Crime included strengthening social prevention as public policy, improving coordination among government bodies involved in crime prevention, disseminating relevant knowledge to local governments and stimulating their

participation in crime prevention, creating training programmes and devising proper evaluation mechanisms. The representative of the Secretariat concluded by recalling the most recent activities undertaken by the United Nations Office on Drugs and Crime in the area of crime prevention, referring in particular to its technical cooperation activities and the development of tools such as the *Crime Prevention Assessment Tool*, a manual to facilitate the implementation of the Guidelines for the Prevention of Crime and a handbook on good practices in policing urban space.

23. Several speakers referred to their national experiences on the practical implementation of the Guidelines for the Prevention of Crime with respect to policy and specific actions. In that connection, several participants explained the different strategies that they had adopted. In particular, reference was made to the adoption of a national plan of criminal justice and crime prevention, which encompassed crime prevention in general and certain patterns of crime in particular and included a programme of action to prevent the smuggling of women and children. A number of participants explained that their countries had adopted national programmes in which prevention was the main focus and whose main aim was to address the social origin of crime and violence. In this regard, one speaker noted that the national programme of his country sought a new paradigm to guide the government's public security measures, involving civil society and a wide range of actors, and that there was a need to build urban spaces better able to support a community response to crime prevention.

24. During the discussion, it was noted that in order to implement multisectoral approaches between Government sectors and other sectors of the society, including the private sector, the establishment of intersectoral prevention coordination bureaux, or the establishment of a high-level coordinating body, with its own secretariat and which combined prevention, law enforcement, reconstruction, and rehabilitation and reintegration were options that had proved to be effective.

25. Many speakers addressed the importance of public security management and the Government's guiding function in, for example, the establishment of national citizen security councils to coordinate between public bodies and civil society as key factors in coordinating a public security approach to social development. Furthermore, many speakers stressed the importance of addressing the risk factors associated with engagement in crime and violence through socio-educative preventive responses as well as the development of multisectoral programmes aimed at preventing crime, including preventing the victimization of children and youth.

26. Some speakers reported on pilot prevention and social reintegration projects designed in accordance with best practices and the evaluation of those projects, which included bullying prevention in schools, local justice, peaceful conflict resolution in communities, and psychological interventions aimed at children and adults in vulnerable situations, including the introduction of special programmes for the prison population to prevent re-offending, which were practical applications of the Guidelines for the Prevention of Crime. In particular, one speaker noted that there was a need to see prevention as a criminal justice spectrum and that such a perspective should accelerate the process of building institutional capacity to prevent crime and victimization. Some speakers addressed the key role of educational services alongside the police and the judiciary in preventing youth and children from engaging in violence.

27. The need to address less-discussed risk factors such as how the media portrayed criminality was also emphasized. In that regard, it was noted that efforts at the international level should be strengthened.

28. Several participants stressed the need to look at the social factors behind crime, which required the broad participation of citizens. It was noted that high levels of social exclusion and marginalization were characteristic of many countries, and the need to promote social justice in order to prevent crime was underlined. Unemployment, poverty and underdevelopment were identified as contributing factors to crime.

29. Several participants focused on the protection of women and children from violence. One speaker noted the importance of raising awareness and conducting research as a basis for strategy formulation. The key role of cooperation with civil society in preventing violence against women and children was also underlined.

30. Among the challenges that countries still faced in implementing the Guidelines for the Prevention of Crime were the need to better balance public spending between prevention and control measures, the need for more evaluations of the impact of actions, the need to develop the capacities of families and schools and the need to improve feedback to the public on the results of prevention measures. Despite the progress made in achieving a more balanced approach to crime prevention and control that entailed not only repressive but also preventive measures, a number of challenges were reported, including the need to increase the capacities of public services for crime prevention at the local and national levels, to strengthen institutions, by identifying weaknesses and strengths through, for example, assessments using institutional measurement indexes.

31. Speakers also referred to the challenge of being able to allocate more resources for crime prevention and to link violence and crime prevention with human development. It was noted that in order to achieve this, prevention needed to be integrated as a cross-cutting issue in socio-economic policies such as employment and education as well as in the criminal justice system.

32. Several speakers stressed the importance of civil society's engagement in crime prevention and community-based justice initiatives. Some countries reported that they had engaged civil society in implementing and monitoring public security measures. Other interventions described underlined the role that communities can play in conflict resolution and mediation, which in many cases were preferable to institutional responses to crime. Likewise, several countries referred to the importance of informing the public of the results of analysis of the impact of crime prevention programmes.

33. Research on risks and protective factors were mentioned by some speakers as key to elaborating appropriate policies and actions. In that regard, the importance of local diagnosis was stressed, and it was noted that no single factor was likely to cause youth to turn to crime. It was also noted that in view of the fact that an increase in the numbers of risk factors increased the potential for crime, the higher the number of protective factors such as positive parental relationships and good community and school connections, the less likely that youth would become involved in criminal activities.

34. The need to mainstream gender considerations in crime prevention initiatives was stressed, and it was recognized that the use of “women police stations” was an effective form of formal social control if properly designed and implemented.

35. Several participants emphasized the importance of the reintegration of ex-offenders in preventing re-offending. Others focused on the children of imprisoned parents, underlined the fact that there was a much higher likelihood of such children committing crimes in comparison to other children and called on Member States to take the situation of children into account when sentencing or deciding on pre-trial sentencing, in order to prevent future crime among such children.

36. Finally, some speakers stressed that the practical implementation of the Guidelines for the Prevention of Crime was a long-term undertaking requiring financial resources that many countries did not have. Therefore, international cooperation and support was required in order to enable those countries to work towards the prevention of crime in accordance with the Guidelines. In that connection, the importance of technical assistance, particularly that provided by the United Nations Office on Drugs and Crime, in ensuring that guidelines were implemented effectively was stressed. In that regard, the joint development by UNODC and the International Centre for the Prevention of Crime of a manual for the practical implementation of the Guidelines was welcomed.

#### **Conclusions and recommendations**

37. During the discussion on item 5, a series of recommendations were made with a view to ensuring a more effective use and application of the Guidelines for the Prevention of Crime.

38. Countries should give more emphasis to prevention in the design and development of relevant government policies.

39. Countries should endeavour to develop a robust institutional capacity to develop and implement prevention strategies that are focused, multisectoral, evidence-based, inclusive and sustainable.

40. Countries should endeavour to engage the community and civil society in crime prevention strategy development, implementation and monitoring.

41. Countries should increase their efforts to share best practices and the evaluation results of crime prevention models and strategies in order to design more effective crime prevention policies, plans and strategies.

42. In devising crime prevention programmes and strategies, countries should pay particular attention to the needs of children and youth.

43. Countries should ensure that relevant officials, including law enforcement officials, receive appropriate training based on the elements and principles contained in the Guidelines. In addition, countries should strengthen the sharing of information on existing training as well as cooperation in the design and implementation of training programmes for relevant practitioners.

44. Countries should use and adopt innovative approaches in the implementation of the Guidelines for the Prevention of Crime, and they should take into consideration their specific needs and realities in implementing the Guidelines.



45. Countries should develop new specific guidelines for the prevention of crime as to address new emerging threats and challenges such as the ones posed by the Internet.

46. UNODC should strengthen its provision of technical assistance and support to foster the use and application of the Guidelines for the Prevention of Crime and should develop crime prevention programmes and activities taking into account the latest developments in the area of crime prevention, as well as the programmes, strategies and policies that have proved effective.

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