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## 1997/30. Administration of juvenile justice

*The Economic and Social Council,*

Recalling General Assembly resolution 50/181 of 22 December 1995 on human rights in the administration of justice, Commission on Human Rights resolutions 1996/85 of 24 April 1996<sup>165</sup> and 1997/78 of 18 April 1997,<sup>166</sup> on the rights of the child, and resolution 7 of the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders,<sup>86</sup>

Recalling also its resolution 1996/13 of 23 July 1996 on the administration of juvenile justice,

Recalling further Commission on Human Rights resolution 1996/32 of 19 April 1996 on human rights in the administration of justice, in particular with regard to children and juveniles in detention,<sup>165</sup>

Welcoming the fact that the Committee on the Rights of the Child attaches particular importance to the question of the administration of juvenile justice and that it has made concrete recommendations concerning the improvement of juvenile justice systems, through action by the Secretariat and other relevant United Nations entities, including the provision of advisory services and technical cooperation,

Noting the importance of advisory services and technical cooperation programmes for assisting States in implementing such recommendations,

Expressing its appreciation to the Government of Austria for having hosted an expert group meeting at Vienna from 23 to 25 February 1997 on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice,

Recognizing the need further to strengthen international cooperation and technical assistance in the field of juvenile justice,

1. Welcomes the Guidelines for Action on Children in the Criminal Justice System, annexed to the present resolution, which were elaborated by the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, held at Vienna from 23 to 25 February 1997, in response to Council resolution 1996/13 and were amended by the Commission on Crime Prevention and Criminal Justice at its sixth session, and invites all parties concerned to make use of the Guidelines for Action in the implementation of the

<sup>165</sup> See *Official Records of the Economic and Social Council, 1996, Supplement No. 3* and corrigendum (E/1996/23 and Corr.1), chap. II, sect. A.

<sup>166</sup> *Ibid.*, 1997, *Supplement No. 3* (E/1997/23), chap. II, sect. A.

provisions of the Convention on the Rights of the Child<sup>69</sup> with regard to juvenile justice;

2. Encourages Member States to make use of the technical assistance offered through United Nations programmes, including in particular the United Nations Crime Prevention and Criminal Justice Programme, in order to strengthen national capacities and infrastructures in the field of juvenile justice, with a view to implementing fully the provisions of the Convention relating to juvenile justice, as well as making effective use and application of the United Nations standards and norms in juvenile justice;

3. Invites the Crime Prevention and Criminal Justice Division of the Secretariat, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and other relevant United Nations bodies and programmes to give favourable consideration to requests by Member States for technical assistance in the field of juvenile justice;

4. Calls upon Member States to contribute financial and other resources to project activities designed to assist in the use of the Guidelines for Action;

5. Invites the Secretary-General to strengthen the system-wide coordination of activities in the field of juvenile justice, including the prevention of juvenile delinquency, in particular with regard to research, dissemination of information, training and the effective use and application of existing standards and norms, as well as the implementation of technical assistance projects;

6. Also invites the Secretary-General to consider establishing a coordination panel on technical advice and assistance in juvenile justice, subject to the availability of regular budget or extrabudgetary funds, as recommended in the Guidelines for Action, which could be convened at least annually with a view to coordinating such international activities in the field of juvenile justice and could consist of representatives of the Committee on the Rights of the Child, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights and the Crime Prevention and Criminal Justice Division, together with representatives of the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network, the United Nations Children's Fund, the United Nations Development Programme and other relevant United Nations organizations and specialized agencies, as well as of other interested intergovernmental, regional and non-governmental organizations, including international networks concerned with juvenile justice issues and academic institutions involved in the provision of technical advice and assistance;

7. Further invites the Secretary-General to undertake, subject to the availability of regular budget or extrabudgetary funds and in cooperation with interested Governments, needs-assessment missions on the basis of recommendations made by the Committee on the Rights of the Child, with a view to reforming or improving the juvenile justice systems of requesting States, through joint initiatives involving, as required, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United

Nations Children's Fund, the United Nations Development Programme, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization, the World Health Organization, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, including existing international networks concerned with juvenile justice issues, taking into account the advice of any panel established pursuant to paragraph 6 above;

8. *Requests* those organizations and bodies, subject to the availability of regular budget or extrabudgetary funds, as well as interested Governments, to offer assistance through short-, medium- and long-term projects to those States parties to the Convention which the Committee on the Rights of the Child considers to be in need of improvement in their juvenile justice systems, and recommends that such projects be undertaken in the context of the report of the States parties concerned on the implementation of the Convention, in accordance with article 44 of the Convention;

9. *Invites* the governing bodies of the organizations and bodies referred to in paragraph 7 above to include in their programme activities a component on juvenile justice, with a view to ensuring the implementation of the present resolution;

10. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice on a biennial basis on the implementation of the present resolution.

*36th plenary meeting  
21 July 1997*

## ANNEX

### Guidelines for Action on Children in the Criminal Justice System

1. Pursuant to Economic and Social Council resolution 1996/13 of 23 July 1996, the present Guidelines for Action on Children in the Criminal Justice System were developed at the expert group meeting on the elaboration of a programme of action to promote the effective use and application of international standards and norms in juvenile justice, held at Vienna from 23 to 25 February 1997 with the financial support of the Government of Austria. In developing the Guidelines for Action, the experts took into account the views expressed and the information submitted by Governments.

2. Twenty-nine experts from eleven States in different regions, representatives of the Centre for Human Rights of the Secretariat, the United Nations Children's Fund and the Committee on the Rights of the Child, as well as observers for non-governmental organizations concerned with juvenile justice, participated in the meeting.

3. The Guidelines for Action are addressed to the Secretary-General and relevant United Nations agencies and programmes, States parties to the Convention on the Rights of the Child,<sup>169</sup> as regards its implementation, as well as Member States as regards the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),<sup>167</sup> the United Nations Guidelines

for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)<sup>168</sup> and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty,<sup>169</sup> hereinafter together referred to as "United Nations standards and norms in juvenile justice".

## I. AIMS, OBJECTIVES AND BASIC CONSIDERATIONS

4. The aims of the Guidelines for Action are to provide a framework to achieve the following objectives:

(a) To implement the Convention on the Rights of the Child and to pursue the goals set forth in the Convention with regard to children in the context of the administration of juvenile justice, as well as to use and apply the United Nations standards and norms in juvenile justice and other related instruments, such as the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>170</sup>

(b) To facilitate the provision of assistance to States parties for the effective implementation of the Convention and related instruments.

5. In order to ensure effective use of the Guidelines for Action, improved cooperation between Governments, relevant entities of the United Nations system, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society is essential.

6. The Guidelines for Action should be based on the principle that the responsibility for implementing the Convention clearly rests with the States parties thereto.

7. The basis for the use of the Guidelines for Action should be the recommendations of the Committee on the Rights of the Child.

8. In the use of the Guidelines for Action at both the international and national levels, consideration should be given to the following:

(a) Respect for human dignity, compatible with the four general principles underlying the Convention, namely: non-discrimination, including gender sensitivity, upholding the best interests of the child, the right to life, survival and development and respect for the views of the child;

(b) A rights-based orientation;

(c) A holistic approach to implementation through maximization of resources and efforts;

(d) The integration of services on an interdisciplinary basis;

(e) The participation of children and concerned sectors of society;

<sup>168</sup> General Assembly resolution 45/112, annex.

<sup>169</sup> General Assembly resolution 45/113, annex.

<sup>170</sup> General Assembly resolution 40/34, annex.

<sup>167</sup> General Assembly resolution 40/33, annex.

(f) The empowerment of partners through a developmental process;

(g) Sustainability without continuing dependency on external bodies;

(h) Equitable application and accessibility to those in greatest need;

(i) Accountability and transparency of operations;

(j) Proactive responses based on effective preventive and remedial measures.

9. Adequate resources (human, organizational, technological, financial and information) should be allocated and utilized efficiently at all levels (international, regional, national, provincial and local) and in collaboration with relevant partners, including Governments, United Nations entities, non-governmental organizations, professional groups, the media, academic institutions, children and other members of civil society, as well as other partners.

## II. PLANS FOR THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD, THE PURSUIT OF ITS GOALS AND THE USE AND APPLICATION OF INTERNATIONAL STANDARDS AND NORMS IN JUVENILE JUSTICE

### A. MEASURES OF GENERAL APPLICATION

10. The importance of a comprehensive and consistent national approach in the area of juvenile justice should be recognized, with respect for the interdependence and indivisibility of all rights of the child.

11. Measures relating to policy, decision-making, leadership and reform should be taken, with the goal of ensuring that:

(a) The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice, in particular by establishing a child-oriented juvenile justice system that guarantees the rights of children, prevents the violation of the rights of children, promotes children's sense of dignity and worth and fully respects their age, their stage of development and their right to participate meaningfully in and contribute to society;

(b) The relevant contents of the above-mentioned instruments are made widely known to children in language accessible to children. In addition, if necessary, procedures should be established to ensure that each and every child is provided with the relevant information on his or her rights set out in those instruments, at least from his or her first contact with the criminal justice system, and is reminded of his or her obligation to obey the law;

(c) Understanding on the part of the public and the media of the spirit, aims and principles of justice centred on the child is promoted in accordance with the United Nations standards and norms in juvenile justice.

### B. SPECIFIC TARGETS

12. States should ensure the effectiveness of their birth registration programmes. In those instances where the age of the child involved in the justice system is unknown, measures should be taken to ensure that the true age of a child is ascertained by independent and objective assessment.

13. Notwithstanding the age of criminal responsibility, civil majority and the age of consent as defined by national legislation, States should ensure that children benefit from all their rights, as guaranteed to them by international law and, specifically in this context, those set forth in articles 3, 37 and 40 of the Convention.

14. Particular attention should be given to the following points:

(a) There should be a comprehensive child-centred juvenile justice process;

(b) Independent expert or other types of panels should review existing and proposed juvenile justice laws and their impact on children;

(c) No child who is under the legal age of criminal responsibility should be subject to criminal charges;

(d) States should establish juvenile courts with primary jurisdiction over juveniles who commit criminal acts and special procedures should be designed to take into account the specific needs of children. As an alternative, regular courts should incorporate such procedures, as appropriate. Wherever necessary, national legislative and other measures should be considered to accord all the rights of and protection for the child, where the child is brought before a court other than a juvenile court, in accordance with articles 3, 37 and 40 of the Convention.

15. A review of existing procedures should be undertaken and, where possible, diversion or other alternative initiatives to the classic criminal justice systems should be developed to avoid recourse to the criminal justice systems for young persons accused of an offence. Appropriate steps should be taken to make available throughout the State a broad range of alternative and educative measures at the pre-arrest, pre-trial, trial and post-trial stages, in order to prevent recidivism and promote the social rehabilitation of child offenders. Whenever appropriate, mechanisms for the informal resolution of disputes in cases involving a child offender should be utilized, including mediation and restorative justice practices, in particular processes involving victims. In the various measures to be adopted, the family should be involved, to the extent that it operates in favour of the good of the child offender. States should ensure that alternative measures comply with the Convention and the United Nations standards and norms in juvenile justice, as well as other existing standards and norms in crime prevention and criminal justice, such as the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),<sup>171</sup> with special regard to ensuring respect for due-process rules in applying such measures and for the principle of minimum intervention.

<sup>171</sup> General Assembly resolution 45/110, annex.

16. Priority should be given to setting up agencies and programmes to provide legal and other assistance such as interpretation services to children, if necessary, free of charge, and, in particular, to ensure that the right of every child to have access to such assistance from the moment that the child is detained is respected in practice.

17. Appropriate action should be ensured to alleviate the problem of children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children.

18. The placement of children in closed institutions should be reduced. Such placement of children should only take place in accordance with the provisions of article 37 (b) of the Convention as a matter of last resort and for the shortest period of time. Corporal punishment in the child justice and welfare systems should be prohibited.

19. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty<sup>169</sup> and article 37 (d) of the Convention also apply to any public or private setting from which the child cannot leave at will, by order of any judicial, administrative or other public authority.

20. In order to maintain a link between the detained child and his or her family and community and to facilitate his or her social reintegration, it is important to ensure easy access by relatives and persons who have a legitimate interest in the child to institutions where children are deprived of their liberty, unless the best interests of the child would suggest otherwise.

21. An independent body to monitor and report regularly on conditions in custodial facilities should be established, if necessary. Monitoring should take place within the framework of the United Nations standards and norms in juvenile justice, in particular the United Nations Rules for the Protection of Juveniles Deprived of their Liberty. States should permit children to communicate freely and confidentially with the monitoring bodies.

22. States should consider positively requests from concerned humanitarian, human rights and other organizations for access to custodial facilities, where appropriate.

23. In relation to children in the criminal justice system, due account should be taken of concerns raised by intergovernmental and non-governmental organizations and other interested parties, in particular systemic issues, including inappropriate admissions and lengthy delays that have an impact on children deprived of their liberty.

24. All persons who have contact with or are responsible for children in the criminal justice system should receive education and training in human rights, the principles and provisions of the Convention and other United Nations standards and norms in juvenile justice as an integral part of their training programmes. Such persons include police and other law enforcement officials, judges and magistrates, prosecutors, lawyers and administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers,

peacekeepers and other professionals concerned with juvenile justice.

25. In the light of existing international standards, States should establish mechanisms to ensure a prompt, thorough and impartial investigation into allegations against officials of deliberate violation of the fundamental rights and freedoms of children. States should equally ensure that those found responsible are duly sanctioned.

#### C. MEASURES TO BE TAKEN AT THE INTERNATIONAL LEVEL

26. Juvenile justice should be given due attention internationally, regionally and nationally, including within the framework of the United Nations system-wide action.

27. There is an urgent need for close cooperation between all bodies in this field, in particular, the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the Office of the United Nations High Commissioner for Refugees, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the International Labour Organization, the United Nations Educational, Scientific and Cultural Organization and the World Health Organization. In addition, the World Bank and other international and regional financial institutions and organizations, as well as non-governmental organizations and academic institutions, are invited to support the provision of advisory services and technical assistance in the field of juvenile justice. Cooperation should therefore be strengthened, in particular with regard to research, the dissemination of information, training, the implementation and monitoring of the Convention and the use and application of existing standards, as well as with regard to the provision of technical advice and assistance programmes, for example, by making use of existing international networks on juvenile justice.

28. The effective implementation of the Convention on the Rights of the Child, as well as the use and application of international standards through technical cooperation and advisory service programmes, should be ensured by giving particular attention to the following aspects related to protecting and promoting the human rights of children in detention, strengthening the rule of law and improving the administration of the juvenile justice system:

(a) Assistance in legal reform;

(b) The strengthening of national capacities and infrastructures;

(c) Training programmes for police and other law enforcement officials, judges and magistrates, prosecutors, lawyers, administrators, prison officers and other professionals working in institutions where children are deprived of their liberty, health personnel, social workers, peacekeepers and other professionals concerned with juvenile justice;

(d) The preparation of training manuals;

(e) The preparation of information and education material to inform children about their rights in juvenile justice;

(f) Assistance with the development of information and management systems.

29. Close cooperation should be maintained between the Crime Prevention and Criminal Justice Division and the Department of Peacekeeping Operations of the Secretariat in view of the relevance of the protection of the rights of children in peacekeeping operations, including the problems of children and youth as victims and perpetrators of crime in peace-building and post-conflict or other emerging situations.

#### D. MECHANISMS FOR THE IMPLEMENTATION OF TECHNICAL ADVICE AND ASSISTANCE PROJECTS

30. In accordance with articles 43, 44 and 45 of the Convention, the Committee on the Rights of the Child reviews the reports of States parties on the implementation of the Convention. According to article 44 of the Convention, these reports should indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the Convention.

31. States parties to the Convention are invited to provide in their initial and periodic reports comprehensive information, data and indicators on the implementation of the provisions of the Convention and on the use and application of the United Nations standards and norms in juvenile justice.<sup>172</sup>

32. As a result of the process of examining the progress made by States parties in fulfilling their obligations under the Convention, the Committee on the Rights of the Child may make suggestions and general recommendations to the States parties to ensure full compliance with the Convention (in accordance with article 45 (d) of the Convention). In order to foster the effective implementation of the Convention and to encourage international cooperation in the area of juvenile justice, the Committee transmits, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies any reports from States parties that contain a request, or indicate a need, for advisory services and technical assistance, together with the observations and suggestions of the Committee, if any, on those requests or indications (in accordance with article 45 (b) of the Convention).

33. Accordingly, should a State party report and the review process by the Committee reveal any necessity to initiate reform in the area of juvenile justice, including through assistance by the United Nations technical advice and assistance programmes or those of the specialized agencies, the State party may request such assistance, including assistance from the Crime Prevention and Criminal Justice Division, the Centre for Human Rights and the United Nations Children's Fund.

<sup>172</sup> See the general guidelines regarding the form and contents of periodic reports to be submitted by States parties under article 44, paragraph 1 (b), of the Convention, adopted by the Committee at its 343rd meeting (thirteenth session), on 11 October 1996 (CRC/C/58); for a summary of the discussion on the topic (the administration of juvenile justice) of the special thematic day of the Committee on the Rights of the Child, see the report of the Committee on its tenth session (Geneva, 30 October–17 November 1995) (CRC/C/46), pp. 33–39.

34. In order to provide adequate assistance in response to those requests, a coordination panel on technical advice and assistance in juvenile justice should be established, to be convened at least annually by the Secretary-General. The panel will consist of representatives of the Crime Prevention and Criminal Justice Division, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations Development Programme, the Committee on the Rights of the Child, the institutes constituting the United Nations Crime Prevention and Criminal Justice Programme network and other relevant United Nations entities, as well as other interested intergovernmental, regional and non-governmental organizations, including international networks on juvenile justice and academic institutions involved in the provision of technical advice and assistance, in accordance with paragraph 39 below.

35. Prior to the first meeting of the coordination panel, a strategy should be elaborated for addressing the issue of how to activate further international cooperation in the field of juvenile justice. The coordination panel should also facilitate the identification of common problems, the compilation of examples of good practice and the analysis of shared experiences and needs, which in turn would lead to a more strategic approach to needs assessment and to effective proposals for action. Such a compilation would allow for concerted advisory services and technical assistance in juvenile justice, including an early agreement with the Government requesting such assistance, as well as with all other partners having the capacity and the competence to implement the various segments of a country project, thus ensuring the most effective and problem-oriented action. This compilation should be developed continuously in close cooperation with all parties involved. It will take into account the possible introduction of diversion programmes and measures to improve the administration of juvenile justice, to reduce the use of remand homes and pre-trial detention, to improve the treatment of children deprived of their liberty and to create effective reintegration and recovery programmes.

36. Emphasis should be placed on formulating comprehensive prevention plans, as called for in the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines).<sup>168</sup> Projects should focus on strategies to socialize and integrate all children and young persons successfully, in particular through the family, the community, peer groups, schools, vocational training and the world of work. These projects should pay particular attention to children in need of special protection measures, such as children working or living on the streets or children permanently deprived of a family environment, children with disabilities, children of minorities, immigrants and indigenous peoples and other vulnerable groups of children. In particular, the placement of these children in institutions should be proscribed as much as possible. Measures of social protection should be developed in order to limit the risks of criminalization for these children.

37. The strategy will also set out a coordinated process for the delivery of international advisory services and technical assistance to States parties to the Convention, on the basis of joint missions to be undertaken, whenever appropriate, by staff

of the different organizations and agencies involved, with a view to devising longer-term technical assistance projects.

38. Important actors in the delivery of advisory services and technical assistance programmes at the country level are the United Nations resident coordinators, with significant roles to be played by the field offices of the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund and the United Nations Development Programme. The vital nature of the integration of juvenile justice technical cooperation in country planning and programming, including through the United Nations country strategy note, is emphasized.

39. Resources must be mobilized for both the coordinating mechanism of the coordination panel and regional and country projects formulated to improve observance of the Convention. Resources for those purposes (see paragraphs 34 to 38 above) will come either from regular budgets or from extrabudgetary resources. Most of the resources for specific projects will have to be mobilized from external sources.

40. The coordination panel may wish to encourage, and in fact be the vehicle for, a coordinated approach to resource mobilization in this area. Such resource mobilization should be on the basis of a common strategy as contained in a programme document drawn up in support of a global programme in this area. All interested United Nations bodies and agencies as well as non-governmental organizations that have a demonstrated capacity to deliver technical cooperation services in this area should be invited to participate in such a process.

#### E. FURTHER CONSIDERATIONS FOR THE IMPLEMENTATION OF COUNTRY PROJECTS

41. One of the obvious tenets in juvenile delinquency prevention and juvenile justice is that long-term change is brought about not only when symptoms are treated but also when root causes are addressed. For example, excessive use of juvenile detention will be dealt with adequately only by applying a comprehensive approach, which involves both organizational and managerial structures at all levels of investigation, prosecution and the judiciary, as well as the penitentiary system. This requires communication, *inter alia*, with and among police, prosecutors, judges and magistrates, authorities of local communities, administration authorities and with the relevant authorities of detention centres. In addition, it requires the will and ability to cooperate closely with each other.

42. To prevent further overreliance on criminal justice measures to deal with children's behaviour, efforts should be made to establish and apply programmes aimed at strengthening social assistance, which would allow for the diversion of children from the justice system, as appropriate, as well as for improving the application of non-custodial measures and reintegration programmes. To establish and apply such programmes, it is necessary to foster close cooperation between the child justice sectors, the different services in charge of law enforcement and the social welfare and education sectors.

#### III. PLANS CONCERNED WITH CHILD VICTIMS AND WITNESSES OF CRIME

43. In accordance with the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,<sup>170</sup> States should undertake to ensure that child victims and witnesses of crime are provided with appropriate access to justice and fair treatment, restitution, compensation and social assistance. If applicable, measures should be taken to prevent the settling of penal matters through compensation outside the justice system, when doing so is not in the best interests of the child.

44. Police, lawyers, the judiciary and other court personnel should receive training in dealing with cases in which children are victims. States should consider establishing, if they have not yet done so, specialized offices and units to deal with cases involving offences against children. States should establish, as appropriate, a code of practice for the proper management of cases involving child victims.

45. Child victims should be treated with compassion and respect for their dignity. They are entitled to access to the mechanisms of justice and to prompt redress, as provided for by national legislation, for the harm they have suffered.

46. Child victims should have access to assistance that meets their needs, such as advocacy, protection, economic assistance, counselling, health and social services, social reintegration and physical and psychological recovery services. Special assistance should be given to those children who are disabled or ill. Emphasis should be placed upon family- and community-based rehabilitation rather than institutionalization.

47. Judicial and administrative mechanisms should be established and strengthened where necessary to enable child victims to obtain redress through formal or informal procedures that are prompt, fair and accessible. Child victims and/or their legal representatives should be informed accordingly.

48. Access should be allowed to fair and adequate compensation for all child victims of violations of human rights, specifically torture and other cruel, inhuman or degrading treatment or punishment, including rape and sexual abuse, unlawful or arbitrary deprivation of liberty, unjustifiable detention and miscarriage of justice. The legal representation needed to bring an action within an appropriate court or tribunal, as well as interpretation into the native language of the child, if necessary, should be available.

49. Child witnesses of crime need assistance in the judicial and administrative processes. States should review, evaluate and improve, as necessary, the situation for children as witnesses of crime in their evidential and procedural law to ensure that the rights of children are fully protected. In accordance with the different law traditions, practices and legal frameworks, direct contact between the child victim and the offender should be avoided as far as possible during the process of investigation and prosecution as well as during trial hearings. The identification of the child victim in the media should be prohibited, where necessary, to protect the privacy of the child. Where prohibition is contrary to the fundamental legal principles of Member States, such identification should be discouraged.

50. States should consider, if necessary, amendments to their penal procedural codes to allow for, *inter alia*, videotaping of testimony by the child and presentation of the videotaped testimony in court as an official piece of evidence. In particular, police, prosecutors, judges and magistrates should apply more child-friendly practices, for example, in police operations and interviews of child witnesses.

51. The responsiveness of judicial and administrative processes to the needs of child victims and witnesses of crime should be facilitated by:

(a) Informing child victims of their role and the scope, timing and progress of the proceedings and of the disposition of their cases, especially where serious crimes are involved;

(b) Encouraging the development of child witness preparation schemes to familiarize children with the criminal justice process prior to giving evidence. Appropriate assistance should be provided to child victims and witnesses throughout the legal process;

(c) Allowing the views and concerns of child victims to be presented and considered at appropriate stages of the proceedings where their personal interests are affected, without prejudice to the accused and in accordance with the relevant national criminal justice system;

(d) Taking measures to minimize delays in the criminal justice process, protecting the privacy of child victims and witnesses and, where necessary, ensuring their safety from intimidation and retaliation.

52. Children displaced illegally or wrongfully retained across borders are, as a general principle, to be returned to their country of origin. Due attention should be paid to their safety and they should be treated humanely and should receive necessary assistance, pending their return. They should be returned promptly to ensure compliance with the Convention on the Rights of the Child.<sup>173</sup> Where the Hague Convention on the Civil Aspects of International Child Abduction of 1980,<sup>173</sup> the Convention on Protection of Children and Cooperation in respect of Intercountry Adoption of 1993<sup>174</sup> or the Convention on Jurisdiction, Applicable Law, Recognition, Enforcement and Cooperation in respect of Parental Responsibility and Measures for the Protection of the Child of 1996,<sup>174</sup> approved by the Hague Conference on Private International Law, is applicable, the provisions of the convention in question with regard to the return of the child should be promptly applied. Upon the return of the child, the country of origin should treat the child with respect, in accordance with international principles of human rights, and offer adequate family-based rehabilitation measures.

53. The United Nations Crime Prevention and Criminal Justice Programme, including the institutes constituting the Programme network, the Office of the United Nations High Commissioner for Human Rights/Centre for Human Rights, the United Nations Children's Fund, the United Nations

Development Programme, the Committee on the Rights of the Child, the United Nations Educational, Scientific and Cultural Organization, the World Bank and interested non-governmental organizations should assist Member States, at their request, from within the overall appropriations of their regular budgets or from extrabudgetary resources, in developing multidisciplinary training, education and information activities for law enforcement and other criminal justice personnel, including police officers, prosecutors, judges and magistrates.

#### 1997/31. Victims of crime and abuse of power

*The Economic and Social Council,*

*Bearing in mind* General Assembly resolution 40/34 of 29 November 1985, by which the Assembly adopted the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power,

*Considering* that the adoption of the Declaration is an important landmark in international efforts to improve the treatment of victims,

*Recalling* that the General Assembly, in its resolution 40/34, called upon Member States to take the necessary steps to give effect to the provisions contained in the Declaration and urged United Nations entities, other intergovernmental organizations and non-governmental organizations to cooperate in the implementation of those provisions,

*Mindful* of the serious consequences of various forms of crimes, including those committed in cases of armed conflict or military occupation, for the victims,

*Bearing in mind* all relevant Security Council resolutions, in particular resolutions 687 (1991) of 3 April 1991, 688 (1991) of 5 April 1991, 827 (1993) of 25 May 1993 and 955 (1994) of 8 November 1994,

*Taking into account* section IV, paragraph 2, of its resolution 1995/27, of 24 July 1995 and its resolution 1996/14 of 23 July 1996, in which it noted the usefulness of the manuals published and disseminated by the Secretariat under the United Nations Crime Prevention and Criminal Justice Programme,

*Taking into account also* the recommendations of the Expert Group Meeting on Victims of Crime and Abuse of Power in the International Setting, held at Vienna from 18 to 22 December 1995,<sup>175</sup>

1. *Takes note* of the progress made in the work on the use and application of the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, as reflected in the note by the Secretary-General,<sup>176</sup>

2. *Welcomes* the establishment of a victim and witness unit as reported in the 1995 yearbook of the International Tribunal for the Prosecution of Persons Responsible for Serious Violations of International Humanitarian Law

<sup>173</sup> United Nations, *Treaty Series*, vol. 1343, No. 22514.

<sup>174</sup> See Permanent Bureau of the Hague Conference on Private International Law, The Hague, 1996, *Collection of Conventions (1951-1996)*.

<sup>175</sup> E/CN.15/1996/16/Add.5.

<sup>176</sup> E/CN.15/1997/16 and Add.1.