

4. *Welcomes* the development in many countries of experience in mediation and restorative justice in the field of criminal justice, where appropriate, in the areas of, *inter alia*, minor offences, family problems, school and community problems, and problems involving children and youth;

5. *Calls upon* States to consider, within their legal systems, the development of procedures to serve as alternatives to formal criminal justice proceedings and to formulate mediation and restorative justice policies, with a view to promoting a culture favourable to mediation and restorative justice among law enforcement, judicial and social authorities, as well as local communities, and to consider the provision of appropriate training for those involved in the implementation of such processes;

6. *Calls upon* interested States, international organizations and other entities to exchange information and experience on mediation and restorative justice, including in the framework of the United Nations Crime Prevention and Criminal Justice Programme, and to contribute actively to the discussion and consideration of mediation and restorative justice policies in the framework of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders and in particular in its workshop on community involvement in crime prevention;

7. *Requests* the Commission on Crime Prevention and Criminal Justice to examine ways and means of facilitating an effective exchange of information concerning national experience in this area and possible ways to promote awareness among Member States of the issues of mediation and restorative justice;

8. *Recommends* to the Commission that it consider the desirability of formulating United Nations standards in the field of mediation and restorative justice, which are intended to ensure fairness in the resolution of minor offences;

9. *Requests* the Secretary-General to undertake, within existing or extrabudgetary resources, activities to assist Member States in developing mediation and restorative justice policies and to facilitate the exchange at the regional and international levels of experience on the issues of mediation and restorative justice, including dissemination of best practices;

10. *Also requests* the Secretary-General to prepare a report on work in progress in this area to be submitted to the Commission on Crime Prevention and Criminal Justice at its tenth session or as soon as possible, taking into account, *inter alia*, relevant results of the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders.

43rd plenary meeting
28 July 1999

1999/27. Penal reform

The Economic and Social Council,

Recalling its resolution 1997/36 of 21 July 1997 on international cooperation for the improvement of prison conditions and the Kampala Declaration on Prison Conditions in Africa, annexed to that resolution,

Recalling also its resolution 1998/23 of 28 July 1998 on international cooperation aimed at the reduction of prison overcrowding and the promotion of alternative sentencing and the Kadoma Declaration on Community Service, contained in annex I to that resolution,

Bearing in mind the recommendations of the African Regional Preparatory Meeting for the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Kampala from 7 to 9 December 1998, on topics III and IV,⁷⁵

Bearing in mind also the relevant United Nations standards and norms in crime prevention and criminal justice, in particular the Standard Minimum Rules for the Treatment of Prisoners,⁷⁶ the Basic Principles for the Treatment of Prisoners,⁷⁷ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)⁷⁸ and the United Nations Standard Minimum Rules for Non-custodial Measures (The Tokyo Rules),⁷⁹

Taking note of the Arusha Declaration on Good Prison Practice, annexed to the present resolution,

1. *Urges* Member States that have not yet done so, to the extent needed:

(a) To take specific action and to establish time-bound targets to address the serious problems confronting many Member States as a result of prison overcrowding, recognizing that the conditions in overcrowded prisons may affect the human rights of prisoners and that many States lack the necessary resources to alleviate prison overcrowding;

(b) In accordance with the Kampala Declaration on Prison Conditions in Africa⁸⁰ and the Kadoma Declaration on Community Service,⁸¹ to devise, where necessary, and further to promote measures to reduce the number of prisoners on remand and awaiting trial;

(c) In this context, to make increased use of alternatives to imprisonment, such as pre-trial release, release on own recognizance, conditional release, restitution, community service or labour, the use of fines and payment by instalments and the introduction of conditional and suspended sentences;

2. *Recommends* to Member States that they consider the following, subject to the provisions of their national law:

(a) Conducting research on new approaches to penal and justice reform, including promoting alternatives to imprisonment, alternative forms of dispute resolution, new approaches to prison and traditional forms of justice, alternatives to custody, alternative ways of dealing with juveniles, restorative justice, mediation and the role of civil society in penal reform;

⁷⁵ See A/CONF.187/RPM.3/1, chap. II, paras. 22–35.

⁷⁶ See *First United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Geneva, 22 August–3 September 1955: report prepared by the Secretariat* (United Nations publication, Sales No. 1956.IV.4), annex I, sect. A.

⁷⁷ General Assembly resolution 45/111, annex.

⁷⁸ General Assembly resolution 40/33, annex.

⁷⁹ General Assembly resolution 45/110, annex.

⁸⁰ Resolution 1997/36, annex.

⁸¹ Resolution 1998/23, annex I.

(b) The possible use of new modes of accessible justice for minor offences, with a view to the following:

- (i) Reviewing existing trends in and issues concerning people's access to criminal justice systems;
- (ii) Examining models of pre-trial dispute resolution;
- (iii) Assessing the use of mechanisms for expediting justice;

3. *Invites* international and regional financial institutions such as the World Bank and the International Monetary Fund to incorporate in their technical assistance programmes measures to promote examination of those issues;

4. *Invites* the Tenth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, to be held at Vienna from 10 to 17 April 2000, to consider those issues;

5. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its tenth session on the implementation of the present resolution.

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ANNEX

Arusha Declaration on Good Prison Practice

Aware of the fact that the management of prisons is a social service and that it is important to keep the public informed about the work of prison services,

Also aware of the need to promote transparency and accountability in the management of prisons and of prisoners in Africa,

Recalling the Kampala Declaration on Prison Conditions in Africa,⁸⁰ which sets out an agenda for penal reform in Africa,

Taking note of the Kadoma Declaration on Community Service,⁸¹ which recommends greater use of non-custodial measures for offences committed at the lower end of the criminal scale,

Taking note also of the provisions of the African Charter on Human and Peoples' Rights,⁸² the International Covenant on Civil and Political Rights,²³ and the International Covenant on Economic, Social and Cultural Rights,²³ and the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment²⁴ that safeguard the right to life, to a prompt trial and to human dignity,

Bearing in mind the Standard Minimum Rules for the Treatment of Prisoners,⁷⁶ the Basic Principles for the Treatment of Prisoners,⁷⁷ the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules),⁷⁸ the Body of Principles for the Protection

of All Persons under Any Form of Detention or Imprisonment⁸³ and the Code of Conduct for Law Enforcement Officials,⁸⁴

Bearing in mind also that prison officers who comply with national and international standards for the protection of prisoners deserve the respect and the cooperation of the prison administration where they serve and of the community as a whole,

Noting that conditions in most African prisons fall short of these minimum national and international standards,

The participants in the Fourth Conference of the Central, Eastern and Southern African Heads of Correctional Services, meeting in Arusha from 23 to 27 February 1999, agree with the following principles:

(a) To promote and implement good prison practice, in conformity with the international standards mentioned above, and to adjust domestic laws to those standards, if this has not yet been done;

(b) To improve management practices in individual prisons and in the penitentiary system as a whole in order to increase transparency and efficiency within the prison service;

(c) To enhance the professionalism of prison staff and to improve their working and living conditions;

(d) To respect and protect the rights and dignity of prisoners as well as to ensure compliance with national and international standards;

(e) To provide training programmes to prison staff that incorporate human rights standards in a way that is meaningful and relevant and to improve the skills base of prison officers and, for this purpose, to establish a training board of the Conference of the Central, Eastern and Southern African Heads of Correctional Services;

(f) To establish a criminal justice mechanism comprising all the components of the criminal justice system that would coordinate activities and cooperate in the solution of common problems;

(g) To invite civil society groups into the prisons to work in partnership with the prison services in order to improve the conditions of imprisonment and the working environment of prisons;

(h) To call upon Governments and national and international organizations to give full support to the present declaration.

1999/28. Administration of juvenile justice

The Economic and Social Council,

Recalling its resolution 1997/30 of 21 July 1997 on the administration of juvenile justice and the Guidelines for Action on Children in the Criminal Justice System annexed to that

⁸² United Nations, *Treaty Series*, vol. 1520, No. 26363.

⁸³ General Assembly resolution 43/173, annex.

⁸⁴ General Assembly resolution 34/169, annex.