

# WORLD CONGRESS ON JUVENILE JUSTICE FINAL DECLARATION

*Geneva, Switzerland, 30 January 2015*

The World Congress on Juvenile Justice was organised by Switzerland and the Foundation Terre des hommes and held in Geneva, Switzerland from 26-30 January 2015. About 900 participants from over 80 countries including government officials, members of the judiciary and experts of law enforcement, representatives of United Nations agencies and programmes, child rights expert bodies, other international and regional organisations, civil society, non-governmental organisations, and organisations of professionals working with or for children, and attended the World Congress to discuss different aspects of juvenile justice given its importance for their respective societies and guided by the objectives set for the World Congress.

1. The World Congress on Juvenile Justice (hereafter: World Congress) was convened with the objectives to:
  - i) reaffirm and strengthen the implementation of applicable juvenile justice standards, for children in conflict with the law – covering children alleged as, accused of, or recognized as having infringed the law - as well as child victims and child witnesses;
  - ii) serve as a forum for dialogue to facilitate the exchange of good practices that respect the rights of the child in the implementation of judicial proceedings, including the social reintegration of children in conflict with the law; and
  - iii) promote international cooperation and follow-up in this area.
2. The Participants in the World Congress recognized that the main challenge is effective implementation of existing international norms and standards in the field of the administration of justice in relation to juvenile justice at the national level, including the mobilization of adequate resources and capacity-building. They equally recognized the importance of ensuring comprehensive policies in juvenile justice that prevent and respond to juvenile delinquency while protecting children in conflict with the law, child victims and child witnesses, and that is non-discriminatory, takes into account the best interests of the child, and respects the child's right to life, survival and development as well as respecting the child's participation and his/her dignity.
3. The Participants in the World Congress recalled the Universal Declaration of Human Rights and all relevant international treaties, including the International Covenant on Civil and Political Rights and the Convention on the Rights of the Child and its three optional Protocols.
4. The Participants in the World Congress further recalled the numerous other international norms and standards in the field of the administration of justice, in particular of juvenile justice, including the Standard Minimum Rules for the Treatment of Prisoners, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the "Beijing Rules"), the Basic Principles for the Treatment of Prisoners, the Body of Principles for the Protection of All Persons under Any Form of Detention or Imprisonment, the United Nations Guidelines for the Prevention of Juvenile Delinquency (the "Riyadh Guidelines"), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the "Havana Rules"), the Guidelines for Action on Children in the Criminal Justice System (the "Vienna Guidelines"), the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime, the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power, the United Nations Rules for the Treatment of Women Prisoners and Non-Custodial Measures for Women Offenders (the "Bangkok Rules"), the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice

Systems, as well as the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice.

5. The Participants in the World Congress acknowledged the important role of the Committee on the Rights of the Child in reviewing the implementation by States Parties to the Convention on the Rights of the Child of their obligations under the Convention, including in the field of juvenile justice.
6. The Participants in the World Congress noted the work of the Committee on the Rights of the Child including its adoption of General Comment No. 8 on “The right of the child to protection from corporal punishment and other cruel or degrading forms of punishment (arts. 19; 28, para. 2; and 37, inter alia)”, General Comment No. 10 on “children’s rights in juvenile justice”, General Comment No.12 on “The right of the child to be heard”, General Comment No. 13 on “the rights of the child to freedom from all forms of violence” and General Comment No. 14 on “the right of the child to have his or her best interests taken as a primary consideration”.
7. The Participants in the World Congress acknowledged with appreciation the work of the Interagency Panel on Juvenile Justice and its members, including the United Nations Office on Drugs and Crime, the United Nations Children’s Fund, the Office of the United Nations High Commissioner for Human Rights, the United Nations Development Programme, the Department of Peacekeeping Operations, the Committee on the Rights of the Child and various non-governmental organizations, in particular their coordination in providing technical advice and assistance in juvenile justice, and the active participation of civil society in its respective work, as well as the work of the Special Representative of the Secretary-General on Violence Against Children, and welcomed the joint UNODC/UNICEF Global Programme on Violence Against Children in the Field of Crime Prevention and Criminal Justice as a concrete step to protect all children who are in contact with the justice system from violence.
8. The Participants in the World Congress affirmed that important aims of juvenile justice are to promote the child’s rehabilitation, reintegration, and assuming a constructive role in society, while also contributing to reducing recidivism.
9. The Participants in the World Congress noted that States promote, to this end, the establishment of laws, procedures, authorities and institutions specifically designed for children in conflict with the law, the establishment of a minimum age of criminal responsibility at not too low an age level, bearing in mind the emotional, mental and intellectual maturity of the child, and, whenever appropriate and desirable, measures for dealing with these children without resorting to judicial proceedings while ensuring that human rights and legal safeguards are fully respected. Every child alleged as, accused of or recognized as having infringed the criminal law must receive fair treatment and fair trial, and must have adequate legal assistance during every crucial stage of the legal proceeding. In order to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence, States should make available a variety of dispositions, such as care, guidance and supervision orders, counselling, probation, foster care, educational and vocational training programmes and other alternatives to institutional care.
10. The Participants in the World Congress expressed support for the objective of promoting the establishment of prevention, support and caring services as well as justice systems specifically designed for children, taking into account the principles of restorative juvenile

justice and fully safeguarding children's rights and providing specially trained staff to promote children's reintegration in society.

11. The Participants in the World Congress defined restorative juvenile justice as a way of treating children in conflict with the law with the aim of repairing the individual, relational and social harm caused by the committed offence and which contributes to the child's rehabilitation and reintegration into society. This entails a process in which the child offender, the victim (only with his or her consent) and, where appropriate, other individuals and members of the community participate actively together in the resolution of matters arising from the offence. Restorative juvenile justice takes the child's responsibility seriously and by doing so it can strengthen the child's respect for and understanding of the human rights and fundamental freedoms of others, in particular of the victim and other affected members of the community. The Participants in the World Congress recognized that there are many models for practicing this restorative juvenile justice approach, but also the importance that such models are in line with relevant international obligations and commitments and respect children's rights and the rights of the victims.
12. The Participants in the World Congress underlined that the implementation of a comprehensive approach to crime prevention and criminal justice, including juvenile justice, includes, *inter alia*, data collection and research, information management systems, laws and policies in line with States' international obligations and commitments, strengthening the capacity of relevant institutions and actors, awareness raising, coordination amongst relevant actors, and child-friendly procedures.
13. The Participants in the World Congress noted that:
  - It is key that criminal responses to offences committed by children take into account their age, their level of maturity and their individual needs;
  - Prevention of violence and of delinquency programmes are among the most efficient and cost-effective approaches to reducing youth involvement in crime;
  - Institutions, laws and procedures applicable to juvenile justice should be specifically adapted to children, to the greatest extent feasible;
  - The best interest of the child is a primary consideration in all decisions concerning deprivation of liberty and, in particular, that depriving children and juveniles of their liberty should be used only as a measure of last resort and for the shortest appropriate period of time, in particular before trial, and the need to ensure that, if they are arrested, detained or imprisoned, children should be separated from adults, to the greatest extent feasible, unless it is considered in the child's best interest not to do so;
  - Education plays a key role and should be an essential component of any measures directed at children in conflict with the law;
  - Close cooperation between juvenile justice sectors, different services in charge of law enforcement and the social welfare, education and health sectors is essential in order to promote the use and application of alternative measures to deprivation of liberty;
  - Restorative justice measures should be considered at all appropriate stages of the legal procedure;
  - Specialized training for professionals is important to strengthen the capacity of judges, prosecutors, lawyers, social workers, correction officers, police officers and other relevant professionals on international standards relating to juvenile justice, children's rights in the administration of justice, and the available measures for dealing with children in conflict with the law;
  - Whenever appropriate, the family should be involved and supported throughout the legal procedure.

14. The Participants in the World Congress noted that States should ensure that, under their legislation and practice, neither capital punishment nor life imprisonment without the possibility of release nor corporal punishment is imposed for offences committed by persons under 18 years of age, and encouraged States to consider repealing all other forms of life imprisonment for offences committed by persons under 18 years of age;
15. The Participants in the World Congress underlined that all appropriate measures, including legal reform where necessary, must be taken to prevent and respond to all forms of violence against children within the criminal justice system, including juvenile justice system, including by ensuring that children deprived of liberty can lodge complaints, that these complaints are investigated and that regular and accountable inspections of facilities where children are deprived of liberty are undertaken;
16. The Participants in the World Congress recognized the importance of continued regional and cross-regional efforts, the sharing of best practices, the development of networks and the provision of technical assistance in the field of juvenile justice, including restorative juvenile justice, and encouraged States to make use of technical advice and assistance provided by the relevant United Nations agencies and programmes, as well as civil society actors, in order to strengthen national capacities and infrastructures in the field of the juvenile justice.
17. The Participants in the World Congress welcomed the decision taken by the United Nations General Assembly to invite the United Nations Secretary-General to commission an in-depth global study on children deprived of liberty, and reiterated the call on relevant United Nations agencies and offices, States, civil society, academia and children, to contribute to the study.