

1999/26. Development and implementation of mediation and restorative justice measures in criminal justice

The Economic and Social Council,

Recalling its resolution 1997/33 of 21 July 1997, entitled “Elements of responsible crime prevention: standards and norms”, as well as its resolution 1998/23 of 28 July 1998, in which it recommended to Member States that they consider using amicable means of settlement to deal with petty offences, for example, by using mediation, acceptance of civil reparation or agreement to compensation, and to consider using non-custodial measures, such as community service, as alternatives to imprisonment,

Bearing in mind General Assembly resolution 52/90 of 12 December 1997, in which the Assembly reaffirmed the high priority attached to technical cooperation and advisory services in the field of crime prevention and criminal justice,

Taking note of the reports of the Secretary-General on crime prevention⁷³ and on the use and application of United Nations standards and norms in crime prevention and criminal justice⁷⁴ and of the report of the Expert Group Meeting on Community Involvement in Crime Prevention, held Buenos Aires from 8 to 10 February 1999,⁷²

Recalling the existing regional instruments, including Council of Europe recommendations No. R (85) 11 on the position of victims in criminal law and procedural criminal law and No. R (98) 1 on family mediation, adopted by the Committee of Ministers on 28 June 1985 and 21 January 1998, respectively,

Bearing in mind that crime prevention in all its aspects is a fundamental issue to be considered at 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, and that the issue of community involvement in crime prevention will be the subject of a workshop to be organized during the Tenth Congress,

1. *Recognizes* that, while a significant number of minor offences jeopardize citizens’ security and comfort, traditional criminal justice mechanisms do not always provide an appropriate and timely response to those phenomena, whether from the perspective of the victim or in terms of adequate and appropriate penalties;

2. *Stresses* that an important means of settlement of minor disputes and offences can be represented, in appropriate cases, by mediation and restorative justice measures, especially measures that, under the supervision of a judicial or other competent authority, facilitate the meeting of the offender with the victim, compensation for damages suffered or the provision of community services;

3. *Emphasizes* that mediation and restorative justice measures, where appropriate, can lead to satisfaction for victims as well as to the prevention of future illicit behaviour and can represent a viable alternative to short terms of imprisonment and to fines;

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*

⁷³ E/CN.15/1999/3.

⁷⁴ E/CN.15/1999/7.