

Restorative justice

The Commission on Crime Prevention and Criminal Justice,

Recalling Economic and Social Council resolution 1999/26 of 28 July 1999, entitled “Development and implementation of mediation and restorative justice measures in criminal justice”,

Recalling also Council resolutions 2000/14 of 27 July 2000 and 2002/12 of 24 July 2002, both entitled “Basic principles on the use of restorative justice programmes in criminal matters”,

Taking note of the *Handbook on Restorative Justice Programmes* prepared in 2006 by the United Nations Office on Drugs and Crime,¹ which provides an overview of key considerations in the implementation of participatory responses to crime based on a restorative justice approach,

Recognizing that there are differences in the application of restorative justice by some Member States, and stressing that Member States have the sovereign right to determine the need for the application and appropriate scope of such practices within their jurisdictions, bearing in mind potential risks that may occur in implementing restorative justice programmes,

Reaffirming the shared commitment to the universal respect for and observance of all human rights and fundamental freedoms, and recognizing that restorative justice processes can be adapted to established criminal justice systems and can complement those systems, taking into account legal, social, economic and cultural circumstances,

Recognizing that restorative justice is an evolving response to crime that respects the dignity and equality of each person, builds understanding and promotes social harmony through the healing of victims, offenders and communities,

Recognizing also that the use of restorative justice does not prejudice the right of States to prosecute alleged offenders,

Taking into account the Declaration of Basic Principles of Justice for Victims of Crime and Abuse of Power² and other United Nations standards and norms on crime prevention and criminal justice,

Recognizing that, in some Member States, restorative justice initiatives draw upon traditional and indigenous forms of justice, and recalling General Assembly resolution [61/295](#) of 13 September 2007 and the United Nations Declaration on the Rights of Indigenous Peoples annexed thereto,

Recalling General Assembly resolution [70/1](#) of 25 September 2015, entitled “Transforming our world: the 2030 Agenda for Sustainable Development”, which includes, under Sustainable Development Goal 16, the commitment to promote peaceful and inclusive societies for sustainable development, provide access to justice for all and build effective, accountable and inclusive institutions at all levels, and the target of ensuring responsive, inclusive, participatory and representative decision-making at all levels,

Recalling also General Assembly resolution [70/174](#) of 17 December 2015, entitled “Thirteenth United Nations Congress on Crime Prevention

¹ Criminal Justice Handbook Series (United Nations publication, Sales No. E.06.V.15).

² General Assembly resolution [40/34](#), annex.

and Criminal Justice”, in which it endorsed the Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider United Nations Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Levels, and Public Participation, in which Heads of State and Government, ministers and representatives of Member States reaffirmed their commitment in support of effective, fair, humane and accountable criminal justice systems and committed to endeavour, inter alia, to review or reform their restorative justice and other processes in support of successful reintegration,

Reaffirming the commitment expressed by Member States in the Doha Declaration to endeavour to integrate child- and youth-related issues into their criminal justice reform efforts, as well as to mainstream a gender perspective into their criminal justice systems by developing and implementing national strategies and plans and to promote gender-specific measures as an integral part of their policies on crime prevention, criminal justice and the treatment of offenders, including the rehabilitation and reintegration of women offenders into society,

Recalling Economic and Social Council resolution 2016/17 of 26 July 2016, entitled “Restorative justice in criminal matters”,

Taking into account the request made in Economic and Social Council resolution 2016/17 to the Secretary-General to convene a meeting of restorative justice experts to review the use and application of the basic principles on the use of restorative justice programmes in criminal matters as well as new developments and innovative approaches in the area of restorative justice,

Noting the experiences of Member States, including good practices, lessons learned and other recent developments in the area of restorative justice, including at the regional level,

Recognizing the need to ensure that restorative justice processes are gender-sensitive and uphold the rule of law,

Noting that restorative justice programmes are most frequently used in the resolution of minor offences, and also noting that they have been applied by some Member States to a broader range of criminal offences, including more serious crimes,

Noting also that a restorative justice approach may be helpful, where appropriate, in promoting resolution, reconciliation, accountability and the rule of law, while protecting the rights of victims, in particular during periods in which States may face challenges in the development, reform or operation of their criminal justice systems,

1. *Notes* the convening of the expert group meeting on restorative justice in criminal matters in Ottawa from 22 to 24 November 2017, held in collaboration with Member States, relevant United Nations entities, including the Permanent Forum on Indigenous Issues, the institutes of the United Nations crime prevention and criminal justice programme network and other relevant stakeholders with experience in restorative justice processes, and expresses its gratitude to the Government of Canada for its financial support for the meeting;

2. *Takes note* of the report of the Secretary-General on the outcome of the expert group meeting on restorative justice in criminal matters;³

3. *Encourages* Member States, where appropriate, to consider facilitating restorative justice processes, at relevant stages in the criminal

³ [E/CN.15/2018/13](#).

justice process, to the extent possible and in accordance with applicable law, including by considering applying the basic principles on the use of restorative justice programmes in criminal matters;⁴

4. *Also encourages* Member States to consider facilitating restorative justice programmes, in appropriate cases, as a possible measure to address challenges in their criminal justice systems;

5. *Further encourages* Member States to bear in mind that restorative justice programmes should be used only with the free and voluntary consent of the parties and with fundamental procedural safeguards, and to ensure that the needs and interests of the victims are protected;

6. *Encourages* Member States, when facilitating restorative justice programmes, to consider providing, as one of their priorities, restorative justice services and programmes in juvenile justice, and to bear in mind relevant standards and norms in the area of juvenile justice, and, while recognizing that the education and rehabilitation of children in contact with the criminal justice system should be among their priorities, invites States parties to bear in mind their obligations under the Convention on the Rights of the Child;⁵

7. *Calls upon* Member States to protect the rights of children in contact with the criminal justice system and, where appropriate, to take into consideration the special circumstances and needs of children, and to endeavour to achieve the rehabilitation of such children by, inter alia, restricting the application of arrest and/or detention, applying conditional non-prosecution and/or alternative measures to imprisonment and strengthening education and supervision, while respecting the privacy of the children;

8. *Invites* Member States to consider, when developing restorative justice programmes, and where appropriate, issues such as access to justice and social reintegration of offenders, reducing recidivism, and access to health and education services for offenders;

9. *Also invites* Member States to assist one another in the exchange of experiences on restorative justice and in the development and implementation of research, training or other programmes and activities to stimulate discussion, including through relevant regional initiatives;

10. *Further invites* Member States to consider providing technical assistance, upon request, to Member States, including, as appropriate, Member States confronting specific difficulties in national or international circumstances, in the development and implementation of restorative justice programmes;

11. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue collecting and analysing information provided by Member States on their experiences in restorative justice programmes, as well as relevant information provided by intergovernmental and non-governmental organizations, the institutes of the United Nations crime prevention and criminal justice programme network, and other relevant stakeholders with experience in restorative justice processes;

12. *Also requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to develop, in consultation with Member States, educational materials and practical

⁴ Economic and Social Council resolution 2002/12, annex.

⁵ United Nations, *Treaty Series*, vol. 1577, No. 27531.

guidance, including the updating of its *Handbook on Restorative Justice Programmes*, to offer training and other capacity-building opportunities, in particular for practitioners working in the areas of crime prevention and criminal justice, and to make available and disseminate information on restorative justice programmes, including successful practices, potential risks, technical challenges and possible solutions, as well as lessons learned;

13. *Further requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue, in coordination with other relevant United Nations agencies, to provide advisory services and technical assistance to Member States, upon request, in the area of restorative justice;

14. *Requests* the United Nations Office on Drugs and Crime, subject to the availability of extrabudgetary resources, to continue providing technical assistance and advisory services to Member States, upon request, in the area of restorative justice for children, through the development of technical tools, educational materials, practical guidance and tailor-made capacity-building initiatives, within the framework of its Global Programme on Violence against Children in the Field of Crime Prevention and Criminal Justice;

15. *Commits* to endeavouring to cooperate with other United Nations entities with experience in restorative justice;

16. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its twenty-ninth session on the implementation of the present resolution;

17. *Invites* Member States and other donors to provide extrabudgetary resources for the purposes described above, in accordance with the rules and procedures of the United Nations.