

Resolution

2006/25

Strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction

The Economic and Social Council,

Recalling the recommitment made by Heads of State and Government in the 2005 World Summit Outcome,¹

Recalling also General Assembly resolution 60/159 of 16 December 2005 on human rights in the administration of justice,

Welcoming the emphasis on the rule of law in the Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice,² adopted at the high-level segment of the Eleventh United Nations Congress on Crime Prevention and Criminal Justice, held in Bangkok from 18 to 25 April 2005, in which Member States recognized the importance of upholding the rule of law and good governance and, as appropriate, the importance of further developing restorative justice policies, procedures and programmes, and expressed their commitment to the development and maintenance of fair and efficient criminal justice institutions, including the humane treatment of all those in pre-trial and correctional facilities, in accordance with applicable international standards,

Recognizing the system-wide efforts within the United Nations towards strengthening activities to promote the rule of law, including the establishment of the Peacebuilding Commission, the planned establishment of a rule of law assistance unit and the work of the Rule of Law Focal Point Network,

Recalling its resolution 2004/25 of 21 July 2004 entitled “The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, with emphasis on technical assistance, including in post-conflict reconstruction”,

Recalling also its resolution 2005/21 of 22 July 2005 on strengthening the technical cooperation capacity of the United Nations Crime Prevention and Criminal Justice Programme in the area of the rule of law and criminal justice reform, in which it recognized that effective criminal justice systems could only be developed based on the rule of law and that the rule of law itself required the protection of effective criminal justice measures,

Recalling further all relevant resolutions of the Commission on Human Rights, including its resolution 2004/43, on human rights in the administration of justice, in particular juvenile justice, in which the Commission stressed the special need for national capacity-building in the field of the administration of justice, in particular to establish and maintain stable societies and the rule of law in post-

¹ See General Assembly resolution 60/1.

² General Assembly resolution 60/177, annex.

conflict situations, through reform of the judiciary, the police and the penal system, as well as juvenile justice reform,

Bearing in mind the need to establish and strengthen the rule of law as an essential element of reconstruction efforts, in order to support the emergence of stable social, political and economic structures and to protect human rights in the administration of justice,

Acknowledging that United Nations standards and norms in crime prevention and criminal justice are important tools for establishing fair and effective criminal justice systems enshrined in the rule of law and that their use and application in the provision of technical assistance should be enhanced, as appropriate,

Mindful of the importance of ensuring respect for the rule of law and human rights in the administration of justice, in particular in post-conflict situations, as a crucial contribution to building peace and justice and ending impunity,

Noting with appreciation the work on juvenile justice and the cooperation through the Inter-Agency Coordination Panel on Juvenile Justice to develop common indicators, tools and manuals, to share information and to pool capacities and interests in order to increase the effectiveness of programme implementation, and taking note of the publication entitled “Protecting the rights of children in conflict with the law”,

Welcoming the efforts by some Member States to provide assistance to countries in the areas of the rule of law and criminal justice institutions through bilateral or multilateral channels,

1. *Takes note* of the report of the Secretary-General entitled “The rule of law and development: strengthening the rule of law and the reform of criminal justice institutions, including in post-conflict reconstruction”;³

2. *Notes* the progress made by the United Nations Office on Drugs and Crime in the development of a comprehensive set of assessment tools for criminal justice, in cooperation with the Department of Peacekeeping Operations of the Secretariat and other relevant entities, and encourages the Office, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁴ to continue to develop tools and training manuals on criminal justice reform, where appropriate, in cooperation with others, and to disseminate them widely;

3. *Encourages* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁴ while recognizing the importance of avoiding duplication between and ensuring proper coordination with relevant United Nations entities, to further develop its comprehensive programme in strengthening the rule of law and the reform of criminal justice institutions with a continued focus on vulnerable groups, such as women and children,

³ E/CN.15/2006/3.

⁴ This language does not provide a basis for an increase in the regular budget or requests for supplemental increases.

countries with economies in transition and countries in post-conflict situations and the need for capacity-building at the field office level, and to develop innovative approaches and partnerships in that area;

4. *Also encourages* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁴ to continue to provide long-term sustainable technical assistance in the area of criminal justice reform to Member States in post-conflict situations, in cooperation with the Department of Peacekeeping Operations and other relevant entities, and to increase synergies between the involved agencies;

5. *Invites* the United Nations Office on Drugs and Crime, within available extrabudgetary resources, not excluding the use of existing resources from the regular budget of the Office,⁴ to provide its expertise, where appropriate and upon request, to the Peacebuilding Commission, the rule of law assistance unit, in the ongoing work of the Rule of Law Focal Point Network and other relevant entities;

6. *Invites* Member States to provide resources to the United Nations Office on Drugs and Crime in order for it to continue to provide assistance, upon request, to Member States in long-term sustainable criminal justice reform and also to make use of technical assistance offered in that area by the Office and other United Nations entities;

7. *Invites* relevant entities of the United Nations system, including the World Bank, as well as organizations such as the Organization for Security and Cooperation in Europe, to increase their cooperation and coordination with the United Nations entities concerned with supporting the rule of law, including the United Nations Office on Drugs and Crime, in order to promote a more integrated approach to the provision of assistance for building capacity in the area of the rule of law and criminal justice reform and to further explore joint projects in that area;

8. *Requests* the Secretary-General to report to the Commission on Crime Prevention and Criminal Justice at its seventeenth session, in 2008, on the implementation of the present resolution.

*41st plenary meeting
27 July 2006*