



# Economic and Social Council

Distr.: Limited  
25 April 2017

Original: English

## Commission on Crime Prevention and Criminal Justice

### Twenty-sixth session

Vienna, 22-26 May 2017

Item 6 of the provisional agenda\*

### Use and application of United Nations standards and norms in crime prevention and criminal justice

#### Thailand: draft resolution

The Commission on Crime Prevention and Criminal Justice recommends to the Economic and Social Council the adoption of the following draft resolution:

#### Effective implementation of alternatives to imprisonment

*The Economic and Social Council,*

*Reaffirming* the purposes and principles of the Charter of the United Nations, the Universal Declaration of Human Rights,<sup>1</sup> the International Covenant on Civil and Political Rights,<sup>2</sup> the Convention on the Rights of the Child<sup>3</sup> and other relevant international legal instruments, as well as standards and norms pertaining to the treatment of offenders,

*Recognizing* the potential of alternatives to imprisonment in providing an effective means for the criminal justice system to meet the rehabilitation needs of offenders and, when successfully implemented, contributing to the building of a safer community in a sustainable manner,

*Mindful* of the United Nations Standard Minimum Rules for Non-custodial Measures (the Tokyo Rules)<sup>4</sup> and the United Nations Rules for the Treatment of Women Prisoners and Non-custodial Measures for Women Offenders (the Bangkok Rules),<sup>5</sup> which recommend the greater use of non-custodial measures with adequate safeguards for offenders, including women and girls and other offenders who are vulnerable or come from disadvantaged backgrounds, while outlining key considerations for the proper design and implementation of non-custodial measures to allow for sufficient flexibility in meeting the rehabilitation needs of offenders, the needs of victims and of society at large,

\* [E/CN.15/2017/1](#).

<sup>1</sup> General Assembly resolution 217 A (III).

<sup>2</sup> See resolution 2200 A (XXI), annex.

<sup>3</sup> United Nations, *Treaty Series*, vol. 1577, No. 27531.

<sup>4</sup> General Assembly resolution 45/110, annex.

<sup>5</sup> General Assembly resolution 65/229, annex.



*Bearing in mind* the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice,<sup>6</sup> in which it was recognized that the development of alternative non-custodial interventions and effective social reintegration programmes could provide an effective way of reducing the number of children in the justice system as well as reducing the risk of violence against children within the justice system,

*Bearing in mind also* the basic principles on the use of restorative justice programmes in criminal matters,<sup>7</sup> in which attention was drawn to the fact that restorative justice could provide an adequate response to crime by addressing the needs of victims, offenders and communities,

*Mindful* of the United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems,<sup>8</sup> in which it was stressed that legal aid could play an important role in facilitating diversion and the use of community-based sanctions and non-custodial measures,

*Taking note with appreciation* of the *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment* prepared by the United Nations Office on Drugs and Crime,<sup>9</sup> which sets out key considerations in implementing alternatives to imprisonment at each stage of the criminal justice process and strategies for developing alternatives for specific categories of offenders,

*Reaffirming* 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,<sup>10</sup> in which Member States reaffirmed their commitment to promoting and encouraging the use of alternatives to imprisonment, where appropriate, and to reviewing or reforming restorative justice and other processes in support of successful reintegration,

*Convinced* that the effective implementation of alternatives to imprisonment can enhance the role of criminal justice systems in promoting the successful reintegration of offenders, by reducing the risk of reoffending, and can promote community safety in the long term, thereby contributing to the achievement of Sustainable Development Goal 16, on the promotion of peaceful societies and the building of effective, accountable and inclusive institutions at all levels,

1. *Encourages* Member States, in implementing alternatives to imprisonment, to adopt holistic and comprehensive approaches to crime, criminal offenders and their relationships to society at large by focusing on the education, work, medical care, rehabilitation and reintegration of offenders and on the prevention of recidivism, taking into account the backgrounds, current realities and specific circumstances of offenders, including vulnerable offenders;

2. *Urges* Member States to develop or strengthen legislative or other measures to ensure the effective implementation of alternatives to imprisonment, including through the provision of treatment and rehabilitative programmes and development-oriented interventions for offenders aimed at addressing the underlying problems leading to their contact with the criminal justice system and facilitating their reintegration into society;

3. *Encourages* Member States to review and strengthen domestic legislation and policies in order to ensure the proportionality of sanctions with a view to

<sup>6</sup> General Assembly resolution 69/194, annex.

<sup>7</sup> Economic and Social Council resolution 2002/12, annex.

<sup>8</sup> General Assembly resolution 67/187, annex.

<sup>9</sup> *Handbook of Basic Principles and Promising Practices on Alternatives to Imprisonment*, Criminal Justice Handbook Series (United Nations publication, Sales No. E.07.XI.2).

<sup>10</sup> General Assembly resolution 70/174, annex.

providing an enabling environment for the effective use of alternatives to imprisonment at all stages of the criminal justice process;

4. *Urges* Member States to provide adequate resources and mechanisms for the effective implementation of alternatives to imprisonment, taking into account the potential role of the community and the private sector in the social rehabilitation, reintegration and aftercare of offenders;

5. *Encourages* Member States to build or enhance the capacity of criminal justice officials and practitioners, including through specialized training to promote better understanding and recognition of the risks and specific needs of offenders;

6. *Also encourages* Member States, in cooperation with civil society, where appropriate, to promote the systematic monitoring and evaluation of alternatives to imprisonment in order to assess their effectiveness in the rehabilitation and reintegration of offenders;

7. *Calls upon* Member States and relevant international and regional organizations to enhance cooperation and coordination at all levels, including with relevant non-governmental organizations and other relevant stakeholders, in order to better understand, identify, develop and implement effective policies on alternatives to imprisonment, in particular through the sharing of information, knowledge and best practices, including with regard to challenges to the implementation of such policies;

8. *Requests* the United Nations Office on Drugs and Crime, together with the institutes of the United Nations crime prevention and criminal justice programme network, to continue its efforts to promote the collection, analysis and dissemination of statistical data on alternatives to imprisonment and the research on relevant policies that relate to the social reintegration needs of offenders and reduce recidivism;

9. *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.

---