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YOUTH, CRIME AND JUSTICE

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CONTENTS

	<u>Paragraphs</u>	<u>Page</u>
Introduction .....	1-8	4
<u>Chapter</u>		
I. MODELS OF JUVENILE JUSTICE .....	9-11	6
II. DRAFT UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE .....	12-17	7
III. YOUTH IN THE CONTEXT OF JUVENILE JUSTICE ADMINISTRATION AND THE INTERNATIONAL YOUTH YEAR ....	18-21	8
IV. PERSPECTIVES ON YOUTH CRIME AND JUVENILE JUSTICE ...	22-55	9
A. The consequences of criminal responsibility and special considerations for young adult offenders .....	22-25	9
B. Processes of youth socialization and the danger of labelling .....	26-29	9
C. Decriminalization, protectionism and depenalization .....	30-33	11
D. Institutionalization of young offenders .....	34-42	11
E. The fair treatment of juvenile offenders .....	43-52	13
F. The fair treatment of female juvenile offenders .....	53-54	15
V. DIMENSIONS AND CHARACTERISTICS OF YOUTH CRIMINALITY .....	55-77	16
A. Young females involved in crime .....	62	18
B. Youth drug abuse .....	63-72	18
C. Youth violence .....	73-77	19
VI. MARGINALIZATION, VICTIMIZATION AND CHANGING SOCIO-ECONOMIC FACTORS INVOLVED IN YOUTH CRIME .....	78-105	20
A. Lack of requisite care and support .....	86-91	22
B. Discrimination .....	92-93	23
C. Value conflict .....	94	23
D. Rural to urban migration .....	95-99	23
E. The use of leisure time and the impact of the mass media .....	100-105	24

<u>Chapter</u>	<u>Paragraphs</u>	<u>Page</u>
VII. THE PREVENTION OF YOUTH CRIME .....	106-144	25
A. General principles of juvenile justice policy ..	106-115	25
B. Planning, policy formulation and evaluation ....	116-117	27
C. Primary socialization institutions .....	118-137	27
D. Youth and the police .....	138-144	31
VIII. REGIONAL, INTERNATIONAL AND INTER-AGENCY CO-OPERATION FOR THE PREVENTION OF YOUTH CRIME .....	145-151	32

## INTRODUCTION

1. Juvenile crime, its causes and prevention and the treatment of juvenile offenders have been a long-standing concern of the United Nations and a topic of discussion at all six United Nations congresses on the prevention of crime and the treatment of offenders. Over the years, the congresses have stressed the fair treatment and handling of juveniles in the administration of justice. In examining different modalities for the treatment of juveniles in conflict with the law, the congresses have attempted to guide approaches away from strictly punitive models towards those that place more emphasis on the special rights of the young. The United Nations congresses have also been concerned about the adverse effects of criminal justice intervention on juveniles. This culminated in a forceful call by the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in its resolution 4, for the setting of protective standards in the administration of juvenile justice and for action in the area of research (see A/CONF.87/14/Rev.1).
2. As regards the setting of standards in juvenile justice, in recognition of the need for a special approach and philosophy and procedures specifically applicable to juvenile offenders, the Sixth Congress requested the development of standard minimum rules for the administration of juvenile justice that could serve as a model for Member States. In pursuance of resolution 4 of the Sixth Congress, as well as decision 8/4 adopted by the Committee on Crime Prevention and Control at its eighth session (E/1984/16), the Economic and Social Council approved the transmittal of the proposed rules to the Seventh Congress for consideration and adoption through the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic IV: "Youth, Crime and Justice" (hereafter referred to as the "Beijing Meeting"), convened at Beijing, China, from 14 to 18 May 1984 (A/CONF.121/IPM.1). At that Meeting the draft rules were approved as amended for onward transmission to the Seventh Congress. It was unanimously decided to recommend to the Congress that the draft rules, once adopted, should be designated the "Beijing Standard Minimum Rules for the Administration of Juvenile Justice (A/CONF.121/IPM.1, chap. II, para. 18). The text of the draft United Nations standard minimum rules for the administration of juvenile justice is contained in a separate report of the Secretary-General (A/CONF.121/14).
3. As regards research, the Sixth Congress highlighted the need for further insight into the causes of juvenile delinquency in order to enable more effective, fair and humane intervention. The Sixth Congress recommended that the United Nations Social Defence Research Institute and the United Nations regional institutes for the prevention of crime and the treatment of offenders conduct cross-cultural research on the causation and prevention of delinquency and requested the Secretary-General to report to the Seventh United Nations Congress on the progress achieved in that regard. The report of the Secretary-General on research in juvenile delinquency, prepared jointly by the United Nations institutes, is before the Congress for its consideration (A/CONF.121/11).
4. On the recommendation of the Committee on Crime Prevention and Control at its eighth session, the Economic and Social Council adopted resolution 1984/45, in which it, inter alia, requested the Secretary-General, in collaboration with the United Nations Social Defence Research Institute, the United Nations regional institutes and other relevant national and international institutions, to conduct a research workshop on youth crime and

juvenile justice at the Seventh Congress. The above-mentioned report of the Secretary-General constitutes the basis for discussions at the research workshop.

5. "Youth, crime and justice" is a topic of contemporary significance, especially as the year 1985 has been proclaimed International Youth Year by the General Assembly in its resolution 34/151 of 17 December 1979. Thus, Member States have committed themselves to focusing their attention on and concentrating and co-ordinating their efforts with respect to the particular situation, needs and problems of youth in the contemporary world. As the Seventh Congress is taking place during the observance of the International Youth Year by the international community, it has a unique opportunity to contribute to the achievement of the goals and objectives of the Year, one of the most important of which is to ensure for the young their proper development and integration into the mainstream of national life (see A/36/215). High priority is being accorded to categories of youth who are particularly affected by socio-economic marginality or who are disadvantaged, emphasizing the need to safeguard their well-being and human rights.

6. In the context of International Youth Year and the United Nations Decade for Women: Equality, Development and Peace, 1975-1985, the Seventh Congress focuses on the problems of the young, especially young females, within the realm of crime and justice. Attention should be given to the intimate relationships between opportunity structures and the nature of youth crime. Emphasis might be placed on policies and programmes that aim at ensuring proper development for the young, free from crime and victimization, and, through the standard minimum rules for juvenile justice, at ensuring the fair and humane treatment and handling of those in conflict with the law, diminishing any adverse impact of criminal justice intervention upon them. Due regard should be paid to maintaining a balance between the specific needs of the young on the one hand and those of society on the other. Through the work of the United Nations regional institutes, undertaken in collaboration with the Secretariat and its network of national correspondents, the Seventh Congress may wish to examine future prospects for research in the field of juvenile crime and justice, at the national, regional and international levels, with a view to assessing juvenile crime and delinquency and evaluating appropriate juvenile justice intervention strategies.

7. In addition to the proposed standard minimum rules and research issues in the field of juvenile crime and delinquency, the Seventh Congress may wish to consider the formulation of international guidelines for the prevention of juvenile crime that could have world-wide application. The Economic and Social Commission for Asia and the Pacific (ESCAP) and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders and the Secretariat have taken a first step towards that end. In the implementation of resolution 4 of the Sixth Congress at the regional level, and as a contribution to the Seventh Congress and in observance of the International Youth Year, a joint project has been undertaken to survey and analyse trends in juvenile crime and prevention and treatment modalities in the Asian and Pacific region, (1970-1983). This activity might be carried out in other regions in order to facilitate the cross-cultural research envisaged by the Sixth Congress.

8. To facilitate consideration of the topic youth, crime and justice by the Seventh Congress, the present working paper seeks to highlight key elements of the problems, priorities and major issues relating to youth crime and juvenile justice, particularly as identified by Governments at the regional preparatory meetings for the Seventh Congress (A/CONF.121/RPM/1-5), the Beijing Meeting

(A/CONF.121/IPM.1) and other international expert group meetings.\* General principles of juvenile justice are elaborated through the specific provisions of the standard minimum rules, and consideration is given to the diverse philosophies underlying contemporary juvenile justice systems.

## I. MODELS OF JUVENILE JUSTICE

9. Differences in established juvenile justice systems relate to the specific historical, cultural and developmental circumstances of individual countries and to traditional or changing relationships of juveniles to the adult criminal justice system. Considerable attention has been given by the regional preparatory meetings and the Beijing Meeting to contemporary approaches towards ensuring justice for juveniles. These are: (a) the due process model, which places justice for juveniles in the protection of substantive and procedural rights of young persons involved with legal processes; (b) the welfare or parens patriae model, which considers juvenile justice primarily in terms of interventions that foster the economic and social well-being of young persons in contact with the legal system; and (c) the "participatory" model, which views juvenile justice as requiring the active participation of the community in containing the harmful behaviour of young persons, the integration of marginalized youth or young offenders into the mainstream of social life and the minimization of formal legal intervention. Most juvenile justice systems could not be described entirely in terms of one of these models but rather in terms of a combination of them. The participatory processes, for example, are not confined to developing countries but are being fostered or re-created in industrialized countries, often through diversion methods.

10. At the regional preparatory meetings it was generally agreed that the principles of each model should not be regarded as mutually exclusive and, indeed, that efforts might be made to harmonize them. Differences could be reconciled through a preferred, amalgamated model which could include the substantive core of each, as far as possible.

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\*This report also attempts to reflect the scientific contributions made in the development of the topic by: the International Meeting of Experts on Youth, Crime and Justice, convened by the School of Criminal Justice of Rutgers University, in co-operation with the National College of Juvenile and Family Court Judges of the University of Nevada, held at Newark, New Jersey, United States of America, November 1983; the International Seminar on the Development of Standard Minimum Rules for the Administration of Juvenile Justice, held at the headquarters of the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, Tokyo, Japan, November 1983; the Sixth Joint Colloquium (of the International Association of Penal Law, International Society for Criminology, International Society of Social Defence and the International Penal and Penitentiary Foundation) on Youth Crime and Justice, held at Bellagio, Italy, April 1984 (hereinafter referred to as the Bellagio Colloquium); and the "Think-tank project on urban crime patterns", an activity of the American Council of Learned Societies and the Soviet Academy of Sciences, the Commission of the Humanities and Social Sciences, sponsored by the International Research and Exchanges Board, at the School of Criminal Justice of Rutgers University, Newark, New Jersey, May 1985.

11. The draft rules attempt such a synthesis by incorporating key elements of due process, with its range of legal safeguards, of the welfare model, with its use of helping services in the protection of juvenile well-being, and the participatory approach, with its reliance on diversion from the formal system and on the use of non-custodial sanctions (see A/CONF.87/5). Furthermore, the rules, which take into account current legislation, legal procedures and juvenile justice practices of different countries, attempt to combine varying approaches to the disposition of juvenile cases with the principle of fair, equitable and humane treatment of juveniles in conflict with the law and the right to personal development.

## II. DRAFT UNITED NATIONS STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE\*

12. The Sixth Congress recognized that special attention had to be paid to ways of ensuring the proper development of the young and their integration in the mainstream of national life. In an attempt to contribute to that process, the Congress recommended the formulation of standard minimum rules for the administration of juvenile justice. The Sixth Congress envisaged the rules as an important international instrument and an ideal model for Member States for the fair and humane treatment and disposition of young persons in conflict with the law and for the protection of their rights in diverse national settings and legal structures.\*\*

13. As directed by the Sixth Congress, four basic principles are reflected in the rules: (a) the responsibility of the community of nations, both individually and collectively, to ensure opportunities for a meaningful life for the young as fully participating members of society; (b) the provision of carefully defined legal protections; (c) the use of pre-trial detention only as a last resort, with special institutional arrangements for confinement, taking always into account varying needs particular to age; and (d) the use of institutionalization only after adjudication for very serious offences.

14. The draft rules attempt a balance between the potentially conflicting interests - protecting society from juvenile crime and ensuring the rights of victims of such crimes, on the one hand, and avoiding harm to young offenders and protecting their rights, on the other - in the fair disposition of juvenile cases, particularly those involving serious violations of the law.

15. The regional preparatory meetings were in agreement with the basic principles set out by the Sixth Congress and were strongly in favour of the rules proposed by the Secretary-General. At the Asian and Pacific Regional

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\*See the report of the Secretary-General on the draft standard minimum rules for the administration of juvenile justice (A/CONF.121/14).

\*\*Due regard is given to existing or emerging international instruments relevant to the protection of the rights of the young, particularly the Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (General Assembly resolution 39/46), the Universal Declaration of Human Rights (General Assembly resolution 217 A (III)), the Declaration of the Rights of the Child (General Assembly resolution 1386 (XIV)), the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex) and the draft Convention on the Rights of the Child, currently being formulated by the Commission on Human Rights.

Preparatory Meeting, the rules were considered to be "enlightened, progressive ... and representing the best thinking on the processing of young offenders" (A/CONF.121/RPM/2, para. 77).

16. It was reported by some countries that although they had made considerable efforts and progress in recent years towards adopting a more humane approach to the treatment and handling of juvenile offenders, many of the proposed rules were not being implemented, although attempts would be made to do so. Furthermore, it was noted that the adoption of the rules by the Seventh Congress would not necessarily provide the protection envisaged. For a variety of reasons, including lack of resources, many countries might not be able to adopt measures for their implementation.

17. It was recommended that once the rules were adopted by the Seventh Congress, measures for their effective implementation should be devised and mechanisms established for monitoring progress. As stressed at the regional preparatory meetings, the United Nations should have an important role in rendering assistance in that regard. Thus, in considering the adoption of the rules, the Seventh Congress may wish to give particular attention to obstacles that may be encountered by Governments and to ways of effectively implementing the rules at the national, regional and international levels. The United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders has conducted preliminary research in this regard.

### III. YOUTH IN THE CONTEXT OF JUVENILE JUSTICE ADMINISTRATION AND THE INTERNATIONAL YOUTH YEAR

18. There is no universally agreed definition of "youth". Age-based definitions of a child, juvenile, youth or adult vary from country to country and from culture to culture. The United Nations, for the purposes of the International Youth Year, defines persons between the ages of 15 and 24 as "youth" without prejudice to other definitions by Member States (A/36/215, annex, para. 5, footnote 8). Youth is not merely a term to identify an age-group but one that refers to the period between childhood and adulthood and relates primarily to a process of personal development and self-realization. Thus, central to the concept of youth is the overriding question of affording opportunities for that process.

19. As a basis for deliberations by the Seventh Congress, the term youth encompasses persons up to the age of 24. This constitutes, however, a wider age-range than that used in national legislation relating to juvenile delinquency. And, from a social planning perspective, this might be considered somewhat problematic. The amorphous group of young persons up to the age of 24 might require sub-categorization, especially when considering issues such as socialization processes relating to the family, formal education, community social services and, especially, the response of the juvenile and criminal justice systems to delinquency and youth crime.

20. For operational purposes and in accordance with the proposed rules a "juvenile" is "a child or young person who, under the respective legal system, may be dealt with for an offence but is not yet criminally responsible as an adult" (rule 2.2). Juvenile justice issues will be discussed in relation to this definition, without prejudice to particular legal definitions of what constitutes a juvenile or differing ages of adult criminal responsibility adopted in the legal systems of respective countries.



21. In accordance with the prevailing United Nations perspective on youth, offenders who fall within the age range of 21-24 are considered "young adult offenders" who require special consideration in light of their transitional period of maturation. The European Regional Meeting proposed that efforts should be made to overcome "artificial legal distinctions" in view of similarities between juvenile delinquents and young adult offenders (A/CONF.121/RPM/1, para. 87). This is reflected in the proposed rules, which recommend that favourable consideration be given to extending the scope of the rules (which apply to juveniles as defined in respective jurisdictions) to "young adult offenders" as well (rule 3.3).

#### IV. PERSPECTIVES ON YOUTH CRIME AND JUVENILE JUSTICE

##### A. The consequences of criminal responsibility and special considerations for young adult offenders

22. The Committee on Crime Prevention and Control, the regional preparatory meetings and the Beijing Meeting discussed the lowest age limit of criminal responsibility that could be used as a guideline world-wide in the context of the rules. Agreement could not be reached on a minimum age limit, as it was a question of national character, making a uniform, common formula difficult. In the view of the Committee, as supported by the regional preparatory meetings, consideration might be given to raising the age of criminal responsibility in countries where it reached down to the level of infancy.

23. In this regard, the proposed rules recommend that, in legal systems that recognize the concept of the age of criminal responsibility, the age should not be fixed too low, bearing in mind problems of emotional, mental and intellectual maturity (rule 4.1). Experts suggest that there should be a congruence between the age level at which young people are held criminally responsible and the age at which they become part of social institutions generally considered to represent a person's assignment of responsibility in civil and communal society. The European Preparatory Meeting, for example, recommended that the age of criminal responsibility might be raised and brought in line with age divisions used in civil law.

24. As stated by the Committee on Crime Prevention and Control at its eighth session, juvenile criminality does not deserve condemnation similar to that accorded to adult criminality and the irregular conduct of juveniles should not be equated with adult criminality. "There needed to be a new concept, special jurisdictions and standards to deal adequately with the problem of juvenile crime and to meet the requirements of the situation of minors" (E/1984/16, para. 43). In that regard, as emphasized by the Latin American Regional Preparatory Meeting, the stigmatization of juveniles by the use of labels such as "delinquent" should be avoided and national laws should be modified so that juveniles in irregular situations would not be held criminally responsible (A/CONF.121/RPM/3, para. 75). Further, as stressed at the Latin American Meeting, the treatment of juvenile delinquency has to be taken out of the criminal justice system and the realm of penal law and should be dealt with by the community; efforts should be made to integrate juveniles into the mainstream of national life. (A/CONF.121/RPM/3, para. 72).\*

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\*For a discussion of operations in juvenile justice administration in Latin America, see United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (Ricardo Ulate Chacon), Juvenile Justice Systems in the Latin American Countries, paper presented at the Eighth World Conference of Therapeutic Communities, Rome, 2-7 September 1984.

25. The issue of criminal responsibility leads to a consideration of serious young adult offenders as a separate category whose conditions and circumstances require special attention. A number of countries favour special measures for this category, as reflected in their legislation, manner and procedure of adjudication and methods of treatment. Those in favour of this approach hold the view that although responsible for their actions (notwithstanding laws governing exculpation from criminal responsibility on grounds of mental illness), those offenders still may lack the stability and judgement of more mature persons (see A/CONF.26/6). Furthermore, the malleable character of young adult offenders warrants special consideration. Apart from considering the offender's age as an attenuating circumstance, it could be argued that the specialized procedural and substantive measures accorded to serious juvenile offenders might be extended to serious young adult offenders. Special handling would have to take into account the characteristics of the offender as well as the nature of the offence. 1/

B. Processes of youth socialization and the danger of labelling

26. The labelling of certain events as "delinquency" or "youth crime" can exaggerate or distort the nature of the original conflict situation. There is a wide discrepancy between real and ideal conditions for growing up, and some degree of "maturation disharmony" is to be expected. Evidence suggests that "delinquency" is to some extent part of this process of growing up, indicating quite normal conflicts that are overcome with the transition to adult life. It is unrealistic to assume that the physiological, emotional, social and psychological development of the young takes place in a perfectly synchronized and harmonious fashion (see A/CONF.87/5).

27. It is important to note that only some juvenile delinquents continue a criminal career through adulthood and thus deserves serious attention. As an alternative to punishment or stigmatization, an attempt can be made to channel the offender's energy into constructive activity. Labelling deviance as delinquency or youth crime may be counter-productive to a humane effort to improve the quality of life of young persons. For example, while some young people suffer the detriments of drug abuse, criminological evidence suggests that labelling such behaviour as criminal may result in a young person's self-identification as a deviant, hastening the individual down the path of a potentially self-destructive delinquent career. 2/

28. Another example involves the class of juvenile offenders identified as recidivists. They are particularly vulnerable to labelling processes, partially as a result of previous intervention and partly as a result of the influence of a troubled social environment. Juveniles themselves have very little control over both of these circumstances.

29. The delinquent and criminal behaviour of a high percentage of young offenders ceases with the onset of adulthood. The keys to understanding the problem, then, lie in the capacity of the young to resist criminogenic influences during the process of maturation and in society's capacity to resist labelling them as offenders (see A/CONF.26/6; A/CONF.121/RPM.1). The "spontaneous resocialization" of the majority of young offenders when they reach maturation calls for a greater degree of tolerance on the part of society and the family towards youth deviance, although a balance is always necessary between this level of tolerance and the legitimate claims of victims of youth crime. It seems to be necessary to reconsider the delinquency problem and to adopt policies that are more tolerant rather than that criminalize diverse attitudes and behaviour. The alternative is a rigid formal standard of conduct, neither organic to processes of maturation and development nor acceptable to a large portion of juveniles themselves. 3/

C. Decriminalization, protectionism and depenalization

30. Progressive criminology emphasizes the study of processes by which conduct becomes criminalized as well as the processes leading to, decriminalization. This is considered essential for understanding and responding to youth crime and delinquency, since the assessment of delinquency is largely dependent on definitions of acceptable and non-acceptable behaviour for the young. Current research in juvenile justice indicates that traditional policies on delinquency have prescribed youthful conduct well beyond what is required to protect society from the criminal behaviour of young persons. The over-regulation of juvenile conduct is especially clear in the case of so-called "status offences", where a different and wider range of behaviour is considered an offence for juveniles than is the case for adults. 4/ In addition to behaviour that would be criminal on the part of an adult, delinquency stricto sensu includes conduct that is uniquely juvenile - truancy, school and family disobedience, growing up in idleness - as well as conduct that would be tolerated in adults but found objectionable in the young - drinking, using vulgar language, staying out late, immoral conduct etc. 2/

31. The criminalization of many forms of behaviour of young people is based largely on adult value judgements on what is regarded as appropriate behaviour for young people. Here the parens patriae ideology has transformed the disciplinary side of parental control into a punitive State attitude. The "protectionism" that characterizes this approach is often extended at the expense of a juvenile's basic legal rights, thereby subverting, from the very start, any ostensible attempt to ensure justice for juveniles. 2/ It is in this context that the relevant provisions of the proposed rules should be applied, not only to juvenile offenders but also to juveniles who may be proceeded against for any behaviour that would not be punishable if committed by an adult and to all juveniles who are dealt with in welfare and care proceedings (rules 3.1 and 3.2). 5/

32. Decriminalization, depenalization and the use of diversion and welfare alternatives for young offenders are making significant inroads into the application of traditional criminal justice processes, diluting the significance of labelling misconduct by the young as criminal. Progressive criminology advocates the use of non-institutional rather than institutional sanctions. For young persons, the adverse influences of institutional confinement cannot be outweighed by efforts at treatment. 6/ Furthermore, the use of institutionalization rather than non-institutionalization has not been found to have any deterrent value, according to research.

33. A strong effort is required to divert juveniles from the criminal justice system, and an even stronger effort is needed to provide alternatives to incarceration or other types of confinement (rule 19.1). The Committee on Crime Prevention and Control, representatives of Governments at the regional preparatory meetings and experts at the Beijing Meeting pointed to the dangers and detrimental effects on the young of all forms of deprivation of liberty. Instead, less confinement, various types of diversion, alternatives to custodial sanctions and community-based corrections and service orders should be widely encouraged. (See rules 18.1, 11.1 - 11.4, 19.1, 26.) The use of innovative approaches, where feasible, limiting the use of incarceration to the most serious offenders, was said to reduce possible abuses and excessive rigidity in the handling of juvenile cases.

D. Institutionalization of young offenders

34. In resolution 4 of the Sixth Congress, it is recommended that the placement of a juvenile in an institution should only occur when there is no

other appropriate response that will protect public safety. It should, therefore, always be a disposition of last resort and only after adjudication for a very serious offence or for persistent offences (rule 20.1).

35. The regional preparatory meetings raised several issues relevant to the incarceration of young people, a sanction that many experts believe is over-used, especially for property-related offences. The view was held that because of the vulnerability of the young in custody, institutional confinement should be used as a measure of last resort, especially before trial.

36. Whenever juveniles must be institutionalized, the loss of liberty, according to the rules, should be restricted to the minimum necessary period, with institutional arrangements for confinement that take into account their sex, age and personality and that allow for their personal development (rules 27.1 - 27.6 and 28.1 - 28.2). Furthermore, treatment should involve specialized criminal justice or welfare professionals (rule 23.1), should involve the local community and should take place, as far as possible, in a non-penal or family setting (rule 26.1).

37. The objectives of institutional treatment are "to provide care, protection, education and vocational skill, with a view to assisting [the offender] to play a socially constructive and productive role in society" (rules 27.1 - 27.6).

38. The incarceration of children together with adults is the object of increasing international attention. Representatives at the regional preparatory meetings considered it desirable to keep young people incarcerated separately from adults, although it was reported that in many countries juveniles were held in correctional facilities with adults. The proposed rules stipulate that juveniles in institutions should be kept separate from adults (rules 13.4 and 27.4).

39. The rights, interests and welfare of children found particular expression in the International Year of the Child in 1979, and an important instrument foreseen in that respect is the draft convention on the rights of the child. A number of prominent organizations concerned with the protection of children have joined efforts at the international level to draw attention to the problems of young persons in detention.\*

40. Defense for Children International Movement recently conducted a world-wide survey of the situation of children (under 18) held in correctional facilities with adults to identify the effect incarceration has on children and to define required action at all levels to avoid the incarceration of children, with special reference to existing or needed national and international legal protections.\*\*

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\*Among others, the International Association of Juvenile and Family Court Magistrates, the International Catholic Child Bureau and the International Commission of Jurists, non-governmental organizations in consultative status with the Economic and Social Council, category II, and the Defense for Children International Movement, roster.

\*\*The results of the survey and the issue in general were considered at the International Seminar on Children in Prison with Adults, convened by the Defense for Children International in co-operation with the United Nations Children's Fund (UNICEF), Florence, December 1984 (see report prepared by R. Fox (83/23-SC-35)). See also "Report of the International Seminar on Children in Prison with Adults", Geneva, December 1984.

41. Research has indicated that the incarceration of children is a world-wide phenomenon and that children are in prison in countries with very different socio-political and economic systems. There is great concern about both the principles of such detention and the actual and alleged consequences for children involved, such as physical and sexual abuse, emotional neglect, severe malnutrition, untreated physical and mental illness, suicide, psychological trauma and "prisonization". While shortcomings and unavoidable adverse effects of correctional institutions create conditions that are not acceptable for adults, the situation is particularly serious in the case of young persons. Pre-trial detention has been recognized as a practice that entails serious dangers of criminal contamination and victimization for young detainees. In this respect, the use of pre-trial detention should be a measure of last resort and used only for the shortest possible period of time (rules 13.1 - 13.5).

42. The Committee on Crime Prevention and Control considered that "the issue of the special vulnerability of juveniles in official detention under any circumstances was an important consideration from the perspective of the observance of human rights" (E/1984/16, para. 46). In that connection, it was recommended that human rights instruments be taken into account, and, in particular, that the use of corporal punishment and capital punishment should be reviewed in accordance with the principles embodied in the Convention Prohibiting Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment and the International Covenant on Civil and Political Rights (General Assembly resolution 2200 A (XXI), annex), respectively. The rules recommend that capital punishment should not be imposed for any crimes committed by juveniles (rule 18.2) and that juveniles should not be subject to corporal punishment (rule 18.3).

#### E. The fair treatment of juvenile offenders

43. As emphasized by the Latin American Regional Preparatory Meeting, the significance of juvenile justice is the assurance of the fair treatment of young offenders within a larger justice system. In its broadest formulation, the fair treatment of juveniles is the recognition that young persons constitute a special category of individuals requiring special treatment and handling, distinct from the ordinary processes of criminal justice invoked for adults. <sup>1/</sup> It was recognized at the regional preparatory meetings that there was a need for a separate juvenile court structure with jurisdiction to deal with the transgressions of juveniles within a determinable age-range. Moreover, these courts should possess the authority to adjudicate the individual circumstances of juvenile offending and to make dispositions that do not entail the consequences of adult criminality.

44. Both the Sixth Congress and the Committee on Crime Prevention and Control held the view that the fair treatment of young persons in conflict with the law did not stop at guaranteeing juveniles the procedural and substantive rights available to adult offenders but required specialized standards, processes and carefully constructed legal provisions that would protect young persons from the physical and psychological harm that could result from subjection to criminal justice procedures and harsh sanctions. This view was supported at the regional preparatory meetings. In this regard, "efforts shall be made to establish, in each national jurisdiction, a set of laws, rules and provisions specifically applicable to juvenile offenders, and institutions and bodies entrusted with the functions of the administration of juvenile justice" (rule 2.3). The establishment of a separate juvenile justice system is recognized in many countries of the world as a major advancement in dealing with the problem of juvenile criminality.

45. The fair treatment of juveniles forms the basis of the rules, and justice for juveniles finds concrete expression in the specific guidelines outlined in the rules. It is possible to extract from the rules several fundamental principles of fairness that are the cornerstone of a fully developed system of juvenile justice. Some derive from standards of criminal justice for adults. It is appropriate to begin a discussion of the fair treatment of young offenders with existing standards while others are specific to the varying needs and requirements of juveniles within a justice system. These needs and requirements are outlined below.

#### 1. Protection and preservation of well-being

46. The juvenile court is a unique agency charged not only with determining whether the facts as charged constitute an infringement of law but also with acting for, or in the place of, the defendant's parents (parens patriae). Such "paternalism" requires that the overriding aim of juvenile justice should be the preservation of the well-being of young offenders while they are in official contact with the system. The rules specify that the goals of juvenile justice are assistance and rehabilitation and emphasize personal development and education in addressing the various needs of juveniles.

47. In juvenile justice processes, young offenders are considered to be the ongoing "product" of a process of social education. When young people come into conflict with the law, the issue is not simply the crime itself but the conditions and situations that may have influenced the young individual to behave in a certain way. There is a danger that concern for the total well-being of the juvenile may be transformed into harsh control of attitudes and behaviour that do not cause any real harm to society. Similarly, structural inequalities in society may lead to differential and prejudicial judgements of youthful behaviour based on categories such as sex and race. Such judgements represent a conscious concern for the well-being of young offenders but may impinge on the rights of young persons who come into conflict with parents, school, other segments of society or the law itself. Specific problems, by way of example, relate to the differential treatment and handling of females and males in the juvenile justice system and the vague categories of "status offences" that form the bulk of the work of some juvenile courts.

48. A further consideration in a discussion of a juvenile's well-being is a young person's right to the protection of privacy, since criminological research into the process of labelling points to the detrimental effects of stigmatization (rules 8.1 - 8.2). Furthermore, the special character of proceedings in juvenile cases requires that confidentiality be ensured throughout such proceedings. The interest of juveniles should prevail over the interest of public participation (rules 15.1 - 15.2). The participation of parents or guardians, on the other hand, should be permitted throughout the proceedings unless there are reasons to assume that their exclusion is necessary in the interest of the juvenile (rules 16.1 - 16.2). Records of juvenile offenders should be kept strictly confidential (rules 22.1 - 22.2).

#### 2. Non-punitive intervention

49. Non-punitive intervention is a basic principle of progressive juvenile justice policy. Sufficient attention in this regard should be given to positive measures involving the full mobilization of all possible resources to promote the well-being of the juvenile by reducing the need for intervention under the formalities of law (rule 1.3). As agreed by the regional preparatory meetings and the Committee on Crime Prevention and Control, attempts to

adopt a prevention- and treatment-oriented policy towards juveniles had to be made in order to avoid penal sanctions. Thus, the quality of the dispositions of juvenile authorities - whether boards, tribunals or courts - that affect the future of the young person is considered important.

### 3. Proportionality

50. The principle of proportionality is well known as an instrument for curbing punitive sanctions. The principle implies that the sanction must have a just relationship to the gravity of the offence and the guilt or culpability of the perpetrator. In a moderated form, the principle also allows for adjustment of the sanction owing to the individual circumstances of the offender (for example age and maturity). In essence the rules call for no less and no more than a fair reaction to the juvenile's behaviour. New and innovative types of reactions are desirable rather than punitive sanctions (rules 18.1 - 18.3).

### 4. Protection of basic rights

51. Where preventive measures have failed and intervention is necessary, the rules emphasize that juveniles should be ensured a full range of procedural and substantive safeguards at every stage of juvenile justice proceedings (rule 7.1). The presumption of innocence, the right to be notified of the charges, the right to remain silent, the right to counsel, the right to the presence of parents or guardians, the right to confront and cross-examine witnesses and the right to appeal to a higher authority represent essential elements of due process of law that have been internationally recognized in existing human rights instruments. The use of informal and diversionary intervention procedures, while a goal of juvenile justice processes, should not eliminate procedural and substantive safeguards if the results of such intervention, especially deprivation of liberty, corporal punishment and public stigmatization, are likely to have serious consequences for the juvenile.

### 5. Equality

52. In accordance with the rules (see rule 2.1), equality means that procedural safeguards, sanctions and treatment shall not be applied differentially to juveniles in respect of race, colour, sex, language, religion, political or other opinions, national or social origin, property, birth or other status. In the pursuance of juvenile justice and in accordance with the principles of the Standard Minimum Rules for the Treatment of Prisoners (Economic and Social Council resolution 663 C (XXIV)), this calls for equal processing as well as equal access to programmes, facilities and services that could contribute to the personal development and rehabilitation of juveniles in official contact with the justice system.

#### F. The fair treatment of female juvenile offenders

53. As emphasized by the Sixth Congress, female offenders normally receive much less attention than their male counterparts and often suffer the affects of gender-based discriminatory policies and practices in the administration of justice. This situation is more pronounced in the case of young female offenders. In its resolution 9, the Sixth Congress called for special measures to ensure the fair treatment of female offenders, as a particularly disadvantaged population group. In line with the views of the Sixth Congress, particularly those expressed in resolution 9, the Committee on Crime Prevention and Control, the regional preparatory meetings and the Beijing

Meeting stressed that the special needs and problems of young female offenders in custody deserved much greater attention. Particularly when placed in an institution, young female offenders should by no means receive less care, protection, assistance, treatment and training than young male offenders (see rule 27.4).<sup>\*</sup> This principle is also in accordance with those of the Caracas Declaration of the Sixth Congress, one of which calls for equal treatment in criminal justice administration, <sup>8/</sup> and has particular importance against the background of the Convention on the Elimination of All Forms of Discrimination against Women (General Assembly resolution 34/180).

54. According to recent studies in a number of countries, at every stage of processing (from intake to after-care) young females are subject to differential measures that indicate discrimination. By way of example, females are significantly more likely than males to be brought within the purview of the criminal justice system for status offences. Categories of offences such as running away from home, incorrigibility and uncontrollability are likely to be contraventions of expected behavioural roles and, in many countries, punished quite harshly contrary to popular beliefs that female offenders are accorded preferential or lenient treatment (see E/AC.57/1984/15). <sup>9/</sup> Self-report studies of female and male delinquency indicate that young females charged with non-criminal status offences have been and continue to be significantly over-represented in court populations. <sup>10/</sup> Experts contend that this over-representation is a manifestation of the juvenile justice system's traditional "double standard" in judging male and female conduct.<sup>\*\*</sup> <sup>11/</sup>

#### V. DIMENSIONS AND CHARACTERISTICS OF YOUTH CRIMINALITY

55. As emphasized at the Beijing Meeting, juvenile crime and delinquency continues to be perceived as serious social problems, arousing the concern of Governments, experts in the legal and educational professions, sociologists and criminologists. Although problems, policies and measures for dealing with juvenile crime and delinquency vary around the world, the differences in national systems and their approaches to delinquency prevention and control should not hinder the world community from contributing to finding a solution of the problem.

56. Youth criminality has to be considered in the wider context of the social, cultural, economic and political realities of different countries. Consequently, it is difficult on the basis of present data to draw a detailed profile of the young offender and particularly to ascertain the magnitude of youth crime in relation to adult crime. This presents a complex situation for

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<sup>\*</sup>The improvement of the situation of young women in terms of ensuring equal access to opportunities, affording equal rights and eliminating discriminatory policies and practices has been identified as a priority issue in accordance with United Nations efforts to improve the status of women through the United Nations Decade for Women: Equality, Development and Peace, 1975-1985, and, particularly young women through the International Youth Year (1985).

<sup>\*\*</sup>For further discussion, see the report of the Secretary-General on the fair treatment of women by the criminal justice system (A/CONF.121/--).



comparative study at the international level.\* A sound and refined methodology is needed to enable crime prevention and justice policies for the young to be appropriately formulated, implemented and evaluated.

57. The accuracy of official data on recorded crime has been the basis of much discussion and research in recent years. Information is usually supplied only according to legal categories, and it is not therefore possible to assess the social significance or context in which the crimes occurred. Furthermore, "hidden crime" and "victimization surveys" tend to show that only a small proportion of the conduct that could (and perhaps should) have been identified as juvenile crime is, in fact, reported to the police or other official agencies.

58. Experts generally agree that the "dark figure" of crime is substantial for the young. It has to be stressed, however, that the proportion of hidden juvenile crime and delinquency varies according to socio-legal system and culture. For example, informal social control by the family, peer groups and the community can prevent a myriad of delinquent acts from being formalized. 2/

59. Representatives of Governments at the regional preparatory meetings for both the Seventh Congress and the International Youth Year have stressed the increase in and gravity of youth crime and delinquency. In some countries over the last two decades, particularly in the urban environment, there has been a general upward trend in the incidence of recorded conventional crime committed by the young - statistically the most criminally active population. 12/

60. However, problems of juvenile crime and delinquency are not necessarily equally pressing in all countries. The European Regional Preparatory Meeting reported that the proportion of reported crime committed by young persons in some countries constituted only a fraction of total criminality. Rates of youth crime have stabilized and were even reported as having decreased in a number of countries (for example, in countries with centrally planned economies). On the other hand, many representatives at the regional preparatory meetings reported serious manifestations of violence, drug abuse, drug trafficking and assault and robbery by young people. Furthermore, an increase in the incidence of youth crime related to drug and alcohol dependence was observed. Recorded youth criminality, however, still consists mostly property crime, particularly theft and breaking into premises.

61. As regards emerging new forms of youth crime, in the Asian and Pacific region increases in highway robbery and "violence following a period of turmoil" were reported, and in the Western Asian region, extremist activities were reported to have increased. Moreover, at the Western Asian Regional Preparatory Meeting it was reported that even in some countries where crime among the young was relatively low, increases were occurring in reported youth crime, particularly with regard to violence. 13/

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\*However, an attempt is being made towards that end by the Secretariat, in collaboration with the United Nations regional institutes, and in particular with the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, and the Economic and Social Commission for Asia and the Pacific (ESCAP).

A. Young females involved in crime\*

62. Although males constitute the majority of young offenders, the situation has been changing in many countries. 14/ Males figure more frequently than females in most offences that become known officially, but there is a considerable dark figure for female criminality. Most of the crime committed by young females, however, are minor acts. Research suggests that males are involved both more persistently and more seriously in delinquent and criminal behaviour than females. 15/ Although young female offenders are still predominantly involved in petty offences, however, in some countries increasing numbers are involved in more serious offences, e.g., drugs, gang violence, 16/ terrorism and robbery. Explanations for this are complex. The trend may reflect greater economic and social equality for females. 14/ Yet it may also reflect increased economic marginalization. 17/

B. Youth drug abuse

63. There appears to be an upward trend in the involvement of young people, both females and males, in drug offences even in countries in which drug abuse is a relatively recent phenomenon, according to reports by Governments at the regional preparatory meetings for both the Seventh Congress and the International Youth Year.

64. The abuse of drugs, especially hard drugs, by the young is reported to be a growing problem in a number of countries, particularly in the larger cities. Moreover, as stressed at the Beijing Meeting, there is a growing recreational use of various drugs such as hashish, cocaine and cannabis, which are known to be commonly accepted in some youth cultures. The Western Asian Regional Preparatory Meeting noted that the young are increasingly taking drugs at an early age. 18/

65. In many parts of the world, it has been reported that hard drugs such as heroin and cocaine are prevalent and easily accessible, especially in the urban environment. A major development in this respect is the production and distribution of purely synthetic substances, often of greater potency, which has expanded the international drug market.

66. The interrelationships between youth drug addiction and crime on the one hand and alcohol-dependence and crime on the other have been the subject of study for some time. Many countries report a considerable increase in the number of drug addicts involved in street crime, especially property-related offences, committed largely in order to obtain the funds to purchase drugs. The excessive use of alcohol by the young, particularly by those under 20 years of age, is also increasing in many countries and is often associated directly or indirectly with various forms of crime, especially violence and various forms of vandalism.

67. Young people use drugs for a variety of reasons (for example, experimentation, recreation and escape from social deprivation), and while many "grow out of it" or continue to use drugs through adult life without causing harm, a substantial number of them use drugs, especially hard drugs, because of serious psychological problems. Among the manifestations of the

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\*See "The fair treatment of women by the criminal justice system: report of the Secretary-General (A/CONF.121/-). See also A/CONF.121/IPM.1.

youth drug problem are personal deterioration, suicide, accidents, family conflicts and the commission of crime, particularly in order to finance expensive drug habits.

68. Primary prevention measures should be devised to avoid the necessity of remedial action. The family, school and community can play a significant role in the prevention of drug dependence by the young. Greater emphasis might be given to educating the young at an early age on the effects and potential dangers of drugs and alcohol and to helping them to solve the range of complex problems associated with addiction.

69. At the national level, special legislation has been adopted to deal with the problems of drugs and an attempt has been made to take a treatment approach, rather than a purely penal approach, to drug abuse by the young. Some countries have had successful results in dealing with addiction through socio-medical rather than penal methods, and some are making efforts to decriminalize the use of cannabis.

70. Some countries have reduced the abuse of particularly dangerous substances through regulation of their production, manufacture and distribution. The exercise of control over pharmaceutically produced dangerous drugs in many industrialized countries and over hard-drug crops in agricultural countries has proved somewhat effective (see A/CONF.56/3).

71. International co-operation has been emphasized by Governments as an important step towards reducing the enormous youth drug problem. Such measures could include the improvement of procedures to ensure extradition of convicted drug traffickers; the improvement of mechanisms for expeditiously providing information on drug offenders and drug traffic; the strengthening of border controls; ensuring that national drug polices do not adversely affect the drug control situations in other countries or in the international community in general; the implementation of the international drug conventions; and co-operation with international bodies for the prevention and control of drug abuse and illicit drug traffic (see E/CN.5/536).

72. Moreover, it is worthy of note that the Secretary-General, in a major policy statement concerning drug abuse made to the Economic and Social Council on 24 May 1985, has, inter alia, proposed that a world conference should be convened at the ministerial level in 1987. Such a conference would concern itself with all facets of drug abuse and illicit trafficking and focus on the following key areas: (a) the promotion of education and community participation in prevention and reduction of the demand for illicit drugs; (b) crop substitution and other methods of reduction of supply; (c) improving methods to limit the use of narcotics to medical and scientific purposes; (d) forfeiture of illegally acquired proceeds and the extradition of persons arrested for drug-related crimes; (e) strengthening of resources of law enforcement authorities; and (f) treatment and rehabilitation of drug addicts.

#### C. Youth violence

73. Generally there appears to be growing concern on the part of Governments and experts about an apparent increase in the number of young people involved in criminal violence, especially in the economically and socially deprived sectors of the urban environment. Often young people resort to violence in groups or gangs. In many cities of the world, violent youth gangs have become a problem. Although the majority of gang members are male, female membership is not uncommon. 16/ The contemporary trend seems to be that gangs are less often organized with clear leadership; they tend to be casual or informally

controlled by temporary leaders (see A.CONF.121/IPM.1). However, some gangs have a well-established hierarchy and have existed for years in the same locale. They affect public perceptions about fear of crime, especially among the elderly who often tend to live in concentrated areas in close proximity to youth in highly urbanized areas. 19/

74. In many countries much of the violence occurs at the base of the socio-economic pyramid, as noted at the Beijing Meeting. Furthermore, young violent offenders frequently come from deprived urban areas and in many cases are "street children",\* who have been exposed to violence in their immediate environment, either as observers or as victims of violence and, sometimes, of sexual exploitation. Moreover, they are often drop-outs from school, the family and work. In modern urban society, the young may feel alienated from their parents and other adults in the community, and they may receive contradictory or no guidance for their future. They may be in search of an identity, and violence can then become part of an ideological expression or protest. Constructive solutions to the problem of violence involve changes in the social and economic structures and the realization of planned growth with respect to sound urban development.

75. It is necessary for city growth to be planned to ensure the provision of proper educational, social, cultural and recreational resources and facilities. An integrated approach to the planning and maintenance of a healthy urban environment is crucial.

76. The nature and complexity of the phenomenon of youth violence requires special intervention measures, personnel and facilities. Many types of treatment have been tried over the years; some have proved effective, some have aggravated the situation and some have had no effect at all. In many cases harsh sanctions and custodial measures are imposed for acts of violence by young persons. Although such measures can ameliorate the immediate problem, they provide no long-term solution. Attempts should be made to adopt a treatment- and prevention-oriented policy in order to avoid strictly penal sanctions and punishment.

77. There is a need to examine the effectiveness of specific innovative programmes dealing with the young violent offender in light of the serious problems in institutions in which this type of offender is accommodated such as "prisonization", overcrowding and inmate victimization. This requires a policy that is attuned to contemporary research findings and progress in different countries. 20/

#### VI. MARGINALIZATION, VICTIMIZATION AND CHANGING SOCIO-ECONOMIC FACTORS INVOLVED IN YOUTH CRIME

78. Representatives of Governments at the regional preparatory meetings and experts at the Beijing Meeting discussed extensively a number of specific socio-economic factors that affect youth criminality to varying degrees and

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\*The definition adopted by the Inter-NGO Programme on Street Children and Street Youth is as follows: "A street child or street youth is any girl or boy who has not reached adulthood for whom the street (in the widest sense of the word, including unoccupied dwellings, wasteland, etc.) has become his or her habitual abode and/or source of livelihood and who is inadequately protected, supervised or directed by responsible adults".

pose serious challenges to education, social services and juvenile justice systems. 21/ Opportunity structures were necessarily central to the discussions, a brief account of which is presented below.

79. It was emphasized that mitigating against the active participation of the young in national life and the realization of their aspirations were the bleak opportunities for the young in many countries. Destitution, poor living conditions, malnutrition, illiteracy (as high as 80 per cent in some rural areas), poor education, unemployment and underemployment tend to marginalize young people and increase the likelihood that they will become victims of exploitation or become involved in criminal and other deviant behaviour.

80. The International Youth Year has recognized that one of the problems jeopardizing the integration of youth into the mainstream of development is the social and economic marginality of certain segments of the young population. 22/ This problem requires urgent governmental action.

81. The marginalization of the young in economic life today, compounded by their traditional lack of legal and social autonomy, contributes to much of their victimization. They may be victimized by familial economic hardship and instability and through physical abuse and neglect by family members. Eventually, many turn to the streets and to petty crime to generate a cash income in the absence of legitimate jobs or training. Many girls and boys are victimized through prostitution and drug dealing.\* 23/

82. A major demographic change in population structures, particularly in developing countries, has been a disproportionate increase in younger age groups. In 1984, the world youth population was estimated to be over 900 million: about 16 per cent of the total population in more developed regions and 20.5 per cent in less developed regions. In a percentage breakdown of the number of youth per major region in the last decade and a half, most of the developing countries have increased their percentage share of the world's youth: southern Asia (by 3.1 per cent), Africa (by 1.2 per cent) and Latin America (by 0.6 per cent). The percentages remain constant in Oceania and eastern Asia, and they have decreased in North America and in the Union of Soviet Socialist Republics (each by 1.2 per cent) and in Europe (by 2.5 per cent). It is projected that by the year 2000 the youth population of Africa will increase to a considerably greater percentage share than before, as it rises another 4.9 per cent, to comprise 16 per cent of the world's total youth population (see E/1985/3 and E/1985/5).

83. While the number of young persons in some parts of the world is increasing, employment prospects for newcomers to the labour market are radically decreasing, in many cases, against a background of illiteracy, poor education and poverty. 24/ This situation tends to create disparities in the social structure, giving rise to problems of inequality and the marginalization of the young from the mainstream of national life. This creates an increasingly fertile climate for youth crime and delinquency.

84. Current trends in developed and developing countries indicate dramatically increasing numbers of unemployed and underemployed young people, undereducated, skilled and unskilled alike (E/1983/3). By way of example, youth unemployment,

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\*See the report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/-).

as a percentage of total unemployment figures, was as high as 73.9 per cent in 1978 in Thailand, 69.9 per cent in 1979 in the Syrian Arab Republic and 62.4 per cent in 1980 in Italy.\*

85. As participation in the labour force constitutes a major means for the inclusion of youth in society, prolonged unemployment and idleness can create severe problems among young people and have been identified as critical factors contributing to juvenile crime and delinquency. However, attempts to link the criminality of the young with unemployment figures have not produced clear-cut conclusions, except that the relationship between material need and crime is not a direct one. It thus becomes necessary to examine the economic opportunities that exist for the young compared to those for other population groups in order to differentiate between chronic and temporary unemployment and to examine further the mechanisms that may link unemployment and crime. 25/

A. Lack of requisite care and support

86. The experience of Governments and a substantial amount of scientific research indicate that the lack of requisite physical and mental health care and support to ensure the proper "bio-psycho-social" development of the young 26/ affects youth crime and delinquency. Thus, the failure of the family and the community to provide a supportive framework for healthy primary relations and upbringing and of requisite institutions to provide services and facilities for acceptable life-styles is considered to be a primary factor in the occurrence of youth criminality. 27/

87. During the formative years of development, young persons require a closely bonded and warm upbringing in order to ensure a personality formation that will enable them to make a smooth transition into adult life. Especially in early childhood the young need to be protected from influences that might have an adverse impact on proper development and maturation. Thus, reference should be made to situations in which there is no appropriate environment for proper upbringing. 28/

88. Families that have undergone severe crises or complete disintegration have great difficulty in safeguarding the well-being of young people. In some cases, the result may be that the young are institutionalized; in others, they become street children. In the course of growing up, the sense of permanency is lost in situations where children are being "warehoused" in different institutional settings, passed on to different foster families or left to fend for themselves. Without support and care they may become victimized and come into conflict with the law. 29/

89. While normally an environment for the harmonious development of the child, the family may also become a forum in which aggressions are vented between family members. This might be due to a myriad of problems, including those of contemporary society that tend to create stress, conflict and crisis and that may limit the capacity and ability of the family to carry out its basic function of safeguarding the well-being of the young. Troubled families, for example those with chronic alcohol or drug problems, often create an atmosphere of violence and conflict for young family members, which does not provide a framework conducive to growth. 30/ In this regard, the abuse and exploitation of children by family members or by those charged with their care are reported to be problems of considerable proportion in a number of countries. Abuse or exploitation can have severe negative repercussions

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\*Data are from the International Labour Organisation Bureau of Statistics, as cited in "The situation of youth in the 1980s: report of the Secretary-General" (E/1983/3).

for the physical and mental health of the young. Often traumatic childhood experiences, about which the child might be unable to communicate, are manifested in psycho-pathology, deviance and crime.

90. It is recognized that the young are victim-prone. 31/ The International Youth Year and the United Nations Decade for Women have identified young victims of sexual abuse and exploitation in general, and female victims of such offences in particular (since they constitute the majority), as worthy of special attention. 32/ Governments and experts alike have identified child abuse, victimization and exploitation (e.g., through labour, prostitution and war) as key factors affecting youth crime and delinquency.

91. Another pressing problem for the young is neglect or abandonment by the family, often for economic reasons. Children may be turned out to survive in the streets, and many resort to crime or suicide. The Beijing Meeting called attention to the street child phenomenon - a major problem in some countries. Particularly in slums there are large populations of homeless children - without community ties, resources, services or facilities. They are frequently found to be involved in street theft and violence and are often primary victims of sexual abuse and exploitation. 33/ Many of them come to the attention of psychiatric or criminal justice institutions by default. The Beijing Meeting emphasized that there was a danger of repressive action against such neglected, abandoned or maltreated children when they were dealt with exclusively by the criminal justice system.

#### B. Discrimination

92. Large segments of the youth population stand on the fringe of development activities and do not profit from the benefits derived from them. Discriminatory practices based on socio-economic, cultural, ethnic, national or political backgrounds, sex, age or material means obstruct the full participation of youth in development activities. 34/

93. Young women, who constitute over 50 per cent of the total young population, face problems characteristic of youth even more dramatically in every respect (E/1983/3). The overall subordinate role of females is reflected in the difference in economic, social, cultural and political opportunities and benefits for females and males. Females constitute the majority of the unemployed, unskilled, illiterate and under-paid. 35/

#### C. Value conflict

94. As noted at the regional preparatory meetings, in many countries there is a growing social alienation of youth and a deepening cynicism regarding social, economic and political institutions, owing to rapidly changing values, roles and interrelationships. Many young people feel cut off from decision-making on matters that affect their everyday lives. In many instances, the young are frustrated and question the validity of the prevailing order, created by adults with whom they experience a "communication gap". It has been recognized that this frustration could lead to anti-social activities, including drug and alcohol abuse, violence and political protest.

#### D. Rural to urban migration

95. In 1984 slightly over 44 per cent of the total world youth population lived in urban areas, although the percentage differed greatly between countries and regions. Some 78 per cent of youth resided in urban areas in more developed regions and 36 per cent in less developed regions. The highest proportion

percentage of youth in urban areas was in the Union of Soviet Socialist Republics (81 per cent) and North America (80 per cent), followed by Oceania (79 per cent) and Europe (74 per cent). The lowest percentage of youth in urban areas was in eastern Asia (35 per cent) and southern Asia (30 per cent). In Latin America, however, 70 per cent of the young people live in urban areas (E/1985/5).

96. From 1984 to the year 2000, urban youth populations are projected to rise by 5.5 per cent in more developed regions (from 78 per cent to 83.5 per cent) and by 11.5 per cent in less developed regions (from 36 per cent to 47.5 per cent). Thus, the total world-wide urban youth population will increase by 8.5 per cent (from 44.5 per cent to 53 per cent).

97. A common cause of urban growth is migration from rural to urban areas. This is occurring rapidly, particularly in developing countries. Young people tend to migrate owing to lack of suitable work, social services and amenities in rural areas. Large numbers of young people move to cities in the hope of finding employment, higher income, training and education and, in general, a more varied and improved life-style.

98. The advantages of urban life are usually glorified by the mass media, which often gives no indication of the difficulties involved. Contrary to their expectations, many young people who migrate to cities have difficulty in securing employment and finding an integrated community life. Having severed ties with family, friends and relatives, they often become frustrated and alienated in the over-crowded "urban jungle". They become particularly vulnerable to exploitation and may come into conflict with the law.

99. Throughout the world, urban areas tend to have higher rates of crime in general, and higher rates of juvenile crime in particular, for both violent crime and property-related offences. In urban areas, the typical offender is young and male. 36/

#### E. The use of leisure time and the impact of the mass media

100. Since an abundance of energy and a capacity for involvement in overt physical activity are characteristic of the young, constructive ways of channelling youthful energies into leisure pursuits need to be devised. This becomes especially important where there is a lack of recreational facilities that are consonant with the interests of prevailing "youth cultures", especially in the urban setting.

101. As noted at the Beijing Meeting, in the urban environment, young people tend to spend their leisure time with peer groups outside the home. As a means of escaping boredom and providing excitement and adventure, young people may engage in vandalism or other more serious kinds of violence, as well as car theft and property offences.

102. As recognized at the regional preparatory meetings and the Beijing Meeting, the mass media occupies a considerable and, in some societies, increasing amount of the leisure time of young people, both as entertainment and for inspiration. This is seen to be related to the move away from traditional society and from the more traditional uses of leisure time and entertainment. In the domestic environment, the time spent watching television was seen as replacing that spent in meaningful contact with family members.



103. At the regional meetings, Governments expressed concern about the fact that violence in some of its forms was being given prominence in the media and that this seemed to be a contributing factor in the adoption of deviant behaviour patterns among the young. It was recognized that the media can influence the attitudes and behaviour of the young, particularly with respect to work, family life, material goods and living standards. Above all the mass media may cause the young to have expectations that contrast sharply with existing circumstances.

104. On the other hand, it was acknowledged at the preparatory meetings that the media can contribute to promoting positive values and ethics, can exert a positive influence on the lives of the young and can be a positive factor in the prevention of youth crime.

105. As noted at the Beijing Meeting, the precise role of the mass media in contributing to youth crime is still unclear owing to inconclusive scientific evidence. Further research is needed to ascertain the nature of the inter-relationship between the mass media and different types of youth crime. 37/

## VII. THE PREVENTION OF YOUTH CRIME

### A. General principles of juvenile justice policy

106. In dealing with youth crime, consideration should be given to the formulation of comprehensive policies and programmes that represent an integrated approach at the national level. The problems of the young must be dealt with before they come to the attention of criminal and juvenile justice systems, that is, at the "pre-conflict" stage. Moreover, long-term solutions to problems relating to youth crime cannot be found by merely extending the net of formal social control or by increasing the severity of punishment, nor can they be achieved through superficial crime prevention measures. It is necessary to deal with the fundamental issues relating to youth crime rather than simply reacting to its individual manifestations. Progress can only be achieved by means of fair, effective and humane policies for the prevention of youth crime that fully take into account the needs of young people and the socio-economic environment in which they live.

107. Greater attention should be given to realistic programmes in the context of overall socio-economic development that would enable young people to participate fully in and to contribute positively to the advancement of society. This requires the provision of appropriate means and a range of opportunities for their integration into the mainstream of social, economic, cultural and political life. One of the basic principles of the draft standard minimum rules, as stipulated in resolution 4 of the Sixth Congress, is the responsibility of the community of nations, both individually and collectively, to ensure opportunities for the proper development of and a meaningful life for the young.

108. In setting national development goals, social justice for the young should become a priority in the prevention of juvenile crime and delinquency and justice for juveniles "in conflict" with the law as a desired consequence. Efforts have to be made to ensure the care and protection of the young, especially in early childhood, in order to provide opportunities for their proper development free from exploitation, delinquency and the need for criminal justice intervention. The adequate and equitable delivery of comprehensive services to meet the varying needs of the young, especially those who are demonstrably endangered, is essential. This requires an

enhancement of the overall quality of life, in accordance with the principles of the Caracas Declaration adopted by the Sixth United Nations Congress and endorsed by the General Assembly in its resolution 35/171.

109. Emphasis has to be placed on dealing with youth crime in its totality as a complex phenomenon. Frequently youth crime prevention is piecemeal and compartmentalized between various ministries responsible for different services; programmes are developed by the police and prosecuting offices, by social services, by educational authorities, by medical and health services, by juvenile justice organizations and by those responsible for the correctional system. There is a need for a more co-ordinated and integrated approach to the prevention of crime among the young so as to maximize the use and impact of available resources and to ensure effective service delivery. The criminal justice system alone cannot prevent youth crime. 38/

110. Those involved in these tasks require training in substantive fields and in skills relating to management. However, it has to be recognized that the extent to which specific programmes can be developed varies and depends largely on what individual countries can invest in terms of expertise and resources. Often there are gaps between the basic facilities and services required and the resources needed to provide them.

111. In accordance with the principles of the draft rules, in the prevention of youth crime priority should be given to positive measures involving the full mobilization of all possible resources including the family, volunteers and the community at large, thus reducing the need for formal intervention (rule 1.3). 39/ In society's response to deviant behaviour of the young, formal intervention should be used only when other social agencies and primary institutions of social control have failed. This implies a somewhat delimited role and function for the juvenile justice system and reduces the scope and range of intervention. 40/

112. In the Member States' effort to achieve a better quality of life for all, a goal-specific approach to youth crime prevention might seem most appropriate for populations which are most disadvantaged or at risk. 31/, 32/, 41/ This entails comprehensive measures aimed at preventing the abuse, maltreatment and exploitation of children inside the home as well as in institutions. Adequate safeguards, whether through protective legislation or as specific measures that are an integral part of broad social policy, are thus necessary.

113. At the Beijing Meeting it was emphasized that since courts normally intervene only after a serious event had taken place, goal-specific prevention strategies were called for. Courts frequently are able to use volunteer assistance to augment the efforts of professional workers. This practice helps provide additional resources and encourages the participatory process of members of the community at the local level.

114. In some countries, special centres for juvenile care have been established in the larger urban areas. These emphasize the treatment of the family as a whole rather than the individual young person. Family or juvenile courts attempt to avoid the use of institutional measures wherever possible and develop the use of foster care as a more constructive alternative. In that connection, the establishment and promotion of permanency for children who have

been separated from their parents for any reason is considered necessary.\* Projects in this sphere need to be properly monitored and evaluated and guidance must be provided for the handling of individual cases.

115. Other examples of goal-specific approaches are the efforts in many countries to secure the continuity of the nuclear family, to strengthen public education, to support programmes and services in the local community, to provide amenities in remote rural areas and in slums, and to enact protective legislation against child battering, kidnapping, trafficking in persons and other exploitative practices.

#### B. Planning, policy formulation and evaluation

116. The draft standard minimum rules posit that research should form the basis of planning, policy formulation and evaluation, with a view towards improving and reforming juvenile justice administration (see rule 3.1 - 3.4). A constant review, appraisal and study of the changing needs of juveniles as well as of the trends and problems of juvenile crime and delinquency is a prerequisite for the formulation of appropriate policies and strategies for adequate intervention, both formal and informal. Planning must necessarily emphasize a more effective and equitable system for service delivery through the identification of clear-cut priorities, the development of resources, the establishment and co-ordination of services and the setting up of procedures designed to implement, monitor and evaluate programmes.

117. Modes of intervention should be based on scientific research findings concerning effective and non-effective strategies, especially those that are innovative and progressive. 20/ In order to facilitate this task, research methodology needs to be refined and improved in order to make it a more useful tool in the formulation, implementation and evaluation of juvenile crime prevention policies. This requires a strong link between research and policy formulation, as well as strengthened inter-country collaboration, so as to pool research and planning resources in the field of juvenile justice.

#### C. Primary socialization institutions

118. The family, the educational system and the community were singled out by the regional preparatory meetings and the Beijing Meeting as being important in the primary socialization of young people, as necessary organs not only for imparting basic skills but also for the requisite internalization of social responsibilities.

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\*Worthy of special note in this connection is the "Permanency planning project" (for abused, abandoned and neglected children) of the National Council of Juvenile and Family Court Judges (NCJFCJ), Reno, Nevada, in co-operation with the Office of Juvenile Justice and Delinquency Prevention, Washington, D.C. Task forces have been established in all 50 states of the United States, for which the Council provides training, technical assistance and educational materials, and subsequently monitors progress made. The purpose of the project is to devise a system for keeping dependent children from drifting within foster care programmes, to reunite them with their biological family or to free them for adoption and to ensure and expedite permanent placement in caring homes.

## 1. The family

119. The primary responsibility for socializing the young rests largely with the family. The regional preparatory meetings recognized that the role of the family as a primary institution of social control had diminished. Furthermore, it was recognized that the traditional family, as nostalgically remembered, is vanishing in some parts of the world. The family as a whole has been greatly affected by socio-economic and technological development and has undergone a metamorphosis. 42/

120. Inasmuch as expectations and societal norms are in a state of flux, indigenous social control mechanisms such as the family have to be flexible in order to react to the requirements of a changing socio-economic environment. For example, in many industrialized countries the husband/father is no longer the sole bread-winner; the wife/mother, the traditional child-rearer, is no longer at home; and, in many cases, new forms of families have emerged that have supplanted the traditional two-parent family.

121. As stressed at the preparatory meetings, because of its role in socializing the young, the most effective primary prevention measures are clearly those that emphasize the provision of support and the strengthening of the family unit. This could be accomplished, inter alia, through measures aimed at the elimination of impoverished living conditions, specific education in family life (for example, on becoming parents, on family interrelationships), and, particularly in urban society, through the development of community liaison.

## 2. Education

122. At the regional preparatory meetings emphasis was placed on the need to strengthen the role of the educational system. The school has long been considered a primary vehicle of socialization. Thus, schools have a considerable impact on the prevention of youth criminality and delinquency. The period of compulsory formal education should be a period of learning that leads to social maturity and prepares the young to become full working members of the community. In addition to providing the young with basic skills, the educational system can indeed help contribute to a better understanding of the contemporary world and social responsibilities.

123. The extent to which education improves the general quality of life of young people deserves attention. In many parts of the world young people receive little if any formal education because of economic constraints and the problem of illiteracy is paramount; in others there is a lack of purposeful education, the school environment is not conducive to learning and the attrition rate is high.

124. The educational system must be alert to the varying needs and problems of young people, especially in the context of social and economic deprivation in some urban environments. In some parts of the world the dynamics of change seem to place the school in the position of becoming less an agent of socialization and more an arena of social unrest and discontent. In some cases, in fact, the school has been identified as a potential breeding ground for juvenile delinquency, especially in highly dysfunctional urban settings where gang violence and drug trafficking in schools is reported to occur. Generally, schools that administer their rules in a fair and uniform manner, that take into account the needs and problems of the young, and that enable functional working relationships between students, teachers and administrators tend to experience less disruption.

125. In order for the school environment to serve as an effective social control agent, the educational system as a whole needs to adapt to current socio-economic and cultural realities, particularly in the case of minorities who may be facing problems of culture conflict and increasing marginalization.

126. There is a need for a comprehensive educational system within the national context to provide purposeful education, which is realistically oriented to human resource development, helps reduce school drop-out rates and counters the "street factor" that all too often leads to the involvement of the young in delinquent behaviour.

127. Education in general needs to be more closely related to future work and social integration. Large sections of the youthful population obtain little, if any, satisfaction or benefit from formal educational systems. Research has related youth criminality to the failure to achieve within the framework of academically oriented public education. The experiences of some countries, as reported at the regional level, indicates that academically oriented education alone does not adequately meet overall educational objectives. Frequently, such educational programmes result in expectations of unrealistic life-styles and draw educated youth away from the rural to metropolitan areas without any realistic prospect of employment. It can also lead to the situation, currently found in many highly industrialized countries, where there are large numbers of young, over-qualified people for a changing and diminishing job market.

128. As beneficial as technical training may be in the process of nation-building, public education that focuses on it may nevertheless entail an incongruence between skills imparted and those needed by future employment demands. Careful planning is required in order to avoid this problem. Thus, formal education should aim more at the development of general knowledge and at imparting basic skills that can be applied to a wide range of job situations. Above all, education programmes need to be flexible in the face of rapidly changing industrial and economic developments.

129. The school system has the potential to be one of the most effective shields against juvenile crime and delinquency, especially through general and specific intervention and prevention measures, owing to the amount of time a child may spend in school - perhaps 50 per cent of waking time on a given day. There is considerable opportunity to use the school setting in order to influence the behaviour of delinquent and delinquent-prone youngsters.

130. School-based delinquency prevention programmes have been introduced in a number of countries. They tend to differ greatly in structure, substance and approach, but they can be categorized simply as those that are individual-oriented and focus on the individual student; group-oriented and target specific groups of juveniles; and organization-oriented and focus on the total school environment. 43/

131. Most individual-oriented programmes are designed to identify and provide remedial services to those youngsters who are considered to be at risk. Counselling and tutorial services are frequently employed. Group-oriented programmes include law-related curricula designed to give youngsters a conceptual and practical understanding of law, legal processes and ethics and to foster good citizenship and favourable attitudes towards law enforcement and the justice system. Organization-oriented programmes involve policy measures aimed at enhancing positive behaviour, improving learning and academic achievement, strengthening aspects of school life and promoting

better relations between the school, family and other segments of the community. Common elements of such programmes involve adjustments in curricula, expanded student participation, the establishment of alternative educational structures that focus on troublesome behaviour through guided group interaction and the establishment of "track" systems that attempt to improve learning disabilities through specialized education.

132. While such programmes are generally considered to have a positive influence on potential criminal behaviour, many experts, on the basis of a critical review of causal theories of delinquency, have reservations on the use of the school setting for prevention programmes. Some are of the view that it is difficult to identify specific programmes or elements that are appropriate or effective in preventing or reducing delinquent-prone behaviour. Some experts contend that these programmes have no viable basis at all. Some, indeed, link individual-oriented programmes with labelling and regard such programmes as counter-productive.

### 3. The community

133. In endeavours to guide the young away from criminal life-styles, the local community can play an important part. 44/ The community and its institutions should be relied on in the implementation of programmes aimed at the prevention of juvenile crime (see rule 1.3). 45/ These afford an increased level of democratic participation in policy-making, and, for that reason, can provide the impetus for creating social stability. They can also provide a framework for two-way communication between the young and the community.

134. In the formulation of development plans, the existence of wholesome networks of interrelations and communications in the community should be acknowledged, and care should be exercised so as not to adversely affect these networks. Experience has shown that projects imposed by distant authorities have been rejected while projects originating in local communities have flourished. This has been particularly the case with community projects intended to benefit youth in which youth have had a creative hand. The Latin American Regional Preparatory Meeting emphasized that the involvement of youth in general and of youth organizations in particular in bringing about social changes and reforms (e.g., literacy campaigns) can be quite effective.

135. For the family and the school to function successfully, it is necessary for the community to support and identify and develop a variety of essential services for the young such as victim services, community-based corrections, addiction-awareness campaigns and counselling. In particular, community services can provide mechanisms for rendering assistance to young persons of school age who have special problems which the school and the family cannot deal with effectively (see A/CONF.87/5).

136. Stable relationships between the family, the school and the community are especially useful in assisting young persons in finding their place in society and as a form of informal social control. Priority should be given to community solutions for minor offences; whenever voluntary solutions to a conflict situation are possible, these should be encouraged, preferably with the participation of the local community. 46/ However, caution has to be exercised as regards the impact not only of formal but also of informal control networks, since both can and do exert positive and negative influences. Thus, community service systems should not involve the imposition of formal sanctions but rather be administered with the aim of avoiding the necessity of invoking legal processes.

137. There are many successful national examples of endeavours to achieve communication and co-ordination with the active help of diverse community authorities, such as community leaders, judges and prosecutors, the police, social service agencies, unions, business representatives, teachers, youth groups and the community at large. This should be fostered and encouraged through provision of needed services without sacrificing respect for the rights of the young (see A/CONF.87/5). 47/

#### D. Youth and the police

138. The relationship between youth and the police was considered at the regional preparatory meetings as one of the key issues relating to youth crime prevention strategies. 48/ The European Regional Preparatory Meeting noted that the police, the first point of contact with the justice system, were generally viewed with hostility by young persons. Particularly in urban areas, the young may display disdain for the police and disregard for "law and order". In some instances, this situation becomes a source of confrontation (see A/CONF.56/5 and A/CONF.56/10).

139. Styles of police conduct and training are important in both preventing and handling confrontations with the young. In that connection, it was pointed out at the Beijing Meeting that there were situations where violent protest by the young could lead to violence as a result of overtly repressive police tactics rather than as a planned part of the protest itself.

140. It was reported by a number of countries at the regional preparatory meetings that the police were making attempts to improve their image and the nature of their relationship with the young. Young people should have the opportunity to familiarize themselves with the activities and duties of the police. The African Regional Preparatory Meeting stressed that a climate of understanding and co-operation between the police and the young was mutually beneficial in order to alleviate tension.

141. A vigorous community relations programme might reduce antagonism and tension and provide an outlet for grievances that might otherwise erupt into violence. It might also promote greater respect for the police in their daily contact with the public, especially with juveniles (see A/CONF.56/10).

142. The complexity of police work in general and in relation to juveniles in particular should not be overlooked. The police are challenged by changing forms of youth crime, the changing characteristics of the youthful offender and the changing perceptions, demands and directives of the authorities and the public at large, both for crime control and for safeguarding of civil rights. Modern police forces in many countries increasingly face a myriad of social problems, many of which actually fall within the competence of other agencies (e.g. housing). Improvements in juvenile crime prevention, therefore, require a flexible and responsive police structure that is capable of a wide-range of tasks. In many large cities around the world there are police units that specialize in dealing with young victims, drug addicts, alcoholics and violent offenders. They are also capable of providing a wide range of necessary facilities and services, thus serving as "multi-service" police systems. 49/ This development is endorsed in the rules (see rule 12.1).

143. The decriminalization of petty juvenile crime has not preceded at a rate equivalent to the decriminalization of other types of minor offences. In fact, the policing of petty juvenile offences still constitutes the bulk of everyday police work in some countries. Decriminalizing petty juvenile offences would help free police resources which can then be devoted to juvenile crime of a

more serious nature. Expanded police resources could be used to develop specialized training programmes for police officers who may deal exclusively or in large part with juvenile offending.

144. The selection of competent police personnel to deal with juveniles is necessary in view of the responsibilities involved. In particular, there is an urgent need in some countries for specialized training of police personnel who come into contact with the young and with juvenile offenders. The draft rules recommend that police officers who frequently or exclusively deal with juveniles or the prevention of juvenile crime be specially instructed and trained (see rules 12.1 and 23.1). In addition to professional qualifications and standards for recruitment, the composition of a police force should reflect the ethnic and cultural composition of the community it serves. Thus, members of minority groups and women should be recruited, and they should be treated as equals in the performance of police functions, in accordance with the recommendations of the Fifth and Sixth Congresses. 50/ In that connection, the preparatory meetings emphasized that there is a need to increase the number of female personnel in the justice system, especially in the police force, to deal with juveniles - particularly females - who come within its purview (see rule 23.2).

#### VIII. REGIONAL, INTERNATIONAL AND INTER-AGENCY CO-OPERATION FOR THE PREVENTION OF YOUTH CRIME

##### 1. Regional

145. It was emphasized at the regional preparatory meetings for the Seventh Congress and those for the International Youth Year that the United Nations has an important role to play in assisting Governments in the formulation of justice policies relating to the young. 51/ In particular, the regional plans of action for the International Youth Year identify as priority areas for co-operation, inter alia, the prevention of youth crime and drug abuse, the humane treatment of young offenders and the protection of the young against exploitation and maltreatment. 22/ Furthermore, juvenile justice and youth constitute one of the main priorities of the Specific Programme of Measures and Activities for the Preparation and Observance of International Youth Year (see A/37/348). The following are guidelines for regional and international long-term action:

"... at the regional level: Regional commissions, in co-operation with Governments, national organizations and the United Nations regional institutes for the prevention of crime and the treatment of offenders should conduct research and organize training courses on the problems which cause juvenile delinquency, on the relationships between development, youth and crime, and on effective solutions to deal with these problems, including juvenile justice administration;

... at the international level: Agencies and bodies of the United Nations should provide technical assistance to Governments in the development of effective programmes aimed at the causes and prevention of youth crime and juvenile delinquency, and of standard minimum rules for the administration of juvenile justice."

146. The regional approach has proved particularly fruitful in the area of crime prevention and criminal justice, and the success of the United Nations institutes in this field underlines that fact. In general, the network of regional and interregional institutes has an enormous potential role in the



promotion of regional and interregional co-operation in the field of delinquency prevention and juvenile justice, especially in co-operation with the United Nations regional commissions. Through their activities relating to training, research, information-exchange, technical assistance and expert meetings, the institutes' work can lead to the improved planning, implementation and evaluation of juvenile justice policies, within the framework of the recommendations of the United Nations. 52/

147. ESCAP and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders, in observance of the International Youth Year and as a regional contribution to topic IV of the Seventh Congress, have undertaken a first joint project on juvenile crime and justice with a view toward formulating effective and humane guidelines for the prevention of juvenile crime at the international level. In collaboration with the Secretariat, a survey has been conducted in the Asian and Pacific regions, in order to ascertain the nature and extent of juvenile crime and crime prevention measures and treatment modalities for the period 1970-1983. A similar preliminary survey has been conducted in the Latin American region by the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders.

## 2. International

148. The United Nations Social Defence Research Institute is in a special position to conduct research and devise new methodologies as well as to advance thinking in the field of delinquency prevention and juvenile justice. In particular, the Institute can assist the Secretariat in identifying major obstacles to the measurement of delinquency. In that connection, the workshop on action-oriented research in juvenile crime and justice, being organized by the Secretariat Institute in collaboration with the interregional institute, the United Nations regional institutes and other research institutions can be viewed as a beginning in that endeavour.

149. The Seventh Congress may wish to consider ways of strengthening collaboration in the field of juvenile justice in order to further advance policy and practice. In view of the proposed rules relating to juveniles who are already in conflict with the law and in accordance with Sixth Congress resolution 4 calling for effective methods for the prevention of juvenile crime, the Congress may wish to consider the formulation of guidelines and policy options for the effective, fair and humane prevention of juvenile crime, at the pre-conflict stage. This could serve as a model for Member States in their efforts to reduce the need for juvenile justice intervention. Towards that end, the joint research project of ESCAP and the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders represents an important initiative at the regional level and, in fact, provides an exemplary modus operandi for other regions.

## 3. Inter-agency

150. Problems of the young are among the most important issues dealt with in the United Nations system, and they have had the benefit of inter-agency co-operation, especially in light of the International Year of the Child and the International Youth Year. In particular, activities that serve the objective of delinquency prevention and which are currently being carried out, inter alia, relate to: abused and abandoned children (United Nations Children's Fund/World Health Organization); bio-psycho-social development of the young

(United Nations Educational, Scientific and Cultural Organization\*/World Health Organization); education reform (United Nations Educational, Scientific and Cultural Organization); improvement of rural living conditions (Food and Agriculture Organization of the United Nations); child labour (International Labour Organisation); youth population trends and forecasting (United Nations Fund for Population Activities); the rights of the child (United Nations High Commissioner for Refugees); and drug control (Division of Narcotic Drugs). Issues that specifically concern the administration of juvenile justice include: child prison labour (International Labour Organisation); programmes and services while in institutional confinement (United Nations Children's Fund/United Nations Educational, Scientific and Cultural Organization); conditions of confinement (United Nations High Commissioner for Refugees); and the affects of confinement on mental health (World Health Organization).

151. An effective approach to delinquency prevention requires close collaboration between specialized agencies and other bodies of the United Nations system. The potential scope of inter-agency collaboration in the field of delinquency prevention is evidenced by the fact that as early as the 1960s there were periodic inter-agency meetings on juvenile delinquency, which proved fruitful. The consideration of the topic "youth, crime and justice" by the Seventh Congress during the International Youth Year may open new avenues for continued fruitful collaboration.

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\*And the Institute for Education Planning, operating under its auspices.

Notes

1/ See United Nations, The Young Adult Offender: A Review of Current Practices and Programmes in Prevention and Treatment (New York, DIESA, 1965).

2/ Horst Schüler-Springorum, "General report of the International Association of Penal Law on Youth, Crime and Justice", paper presented to the Bellagio Colloquium.

3/ See J. Schur, Radical Non-Intervention (New York, New York University Press, 1975).

4/ See Richard Allinson, ed., Status Offenders and the Juvenile Justice System: An Anthology (Hackensack, New Jersey, National Council on Crime and Delinquency, 1978); and A. Platt, The Child Savers: The Invention of Delinquency (Chicago, University of Chicago Press, 1969).

5/ Wu Han, "The major principles of justice administration in China, Shanghai", expert paper submitted to the Beijing Meeting.

6/ See, for example, American Friends Service Committee, Struggle for Justice (New York, Hill and Wang, 1971).

7/ See Charles E. Springer, "Justice for juveniles", expert paper submitted to the Ad Hoc Meeting of Experts at Rutgers University. See also Alison M. Morris and H. Giller, "The Juvenile Court: the client's perspective", Criminal Law Review, 1977, pp. 198-205; and H. Giller and A.M. Morris, "Children in trouble: care, control or confusion?", Criminal Law Review, 1976, pp. 656-666.

8/ Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Caracas, Venezuela, 25 August-5 September 1980: Report prepared by the Secretariat (United Nations publication, Sales No. E.81.IV.4), chap. I, sect. A, para. 1.6.

9/ See also A/CONF.87/10; E/1984/18; A/CONF.56/10; A/CONF.56/3; E/AC.57/1984/15; A/32/199; A/CONF.121/IPM.1; and Crime Prevention and Criminal Justice Newsletter, No. 8.

10/ See S. Datesman and F. Scarpitti, "Unequal protection for males and females in the juvenile court", Theodore N. Ferdinand, ed., Juvenile Delinquency (Beverly Hills, Sage, 1977).

11/ Medna Chesney-Lind (School of Social Work, University of Hawaii), "The fair and equal treatment of female offenders by criminal justice systems", consultant report prepared for the Secretariat, December 1984. On differential treatment of female juvenile offenders see Medna Chesney-Lind, particularly "Judicial enforcement of the female sex role", Issues in Criminology, Fall, 1973, pp. 51-70; and "Judicial paternalism and the female status offender", Crime and Delinquency, April 1977, pp. 121-130.

12/ Hans-Jorg Albrecht, Max-Planck Institut für Ausländisches und Internationales Strafrecht, "New Dimensions of Criminality", consultant report prepared for the Secretariat, 1984 and INTERPOL, International Crime Statistics, Paris, 1977-1978, 1979-1980, cited in the consultant report; and "Report of the Interregional Preparatory Meeting for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders on Topic IV: 'Youth, Crime and Justice', Beijing, 14-18 May 1984" (A/CONF.121/IPM.1).

13/ See Badr-El-Din Ali, "Crime among Arab youth" (Riyhad, Arab Security Studies and Training Center, 1985).

14/ Freda Adler, Sisters in Crime (New York, McGraw-Hill, 1975); Freda Adler, ed., The Incidence of Female Crime in the Contemporary World (New York, New York University Press, 1981). See "The fair treatment of women by the criminal justice system: report of the Secretary-General", (A/CONF.121/-); and the report of the Western Asia Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders (A/CONF.121/RPM/5).

15/ M. Hindelang, "Sex differences in criminal activity", Social Problems, vol. 27, No. 2 (1979), pp. 143-156.

16/ See Anne Campbell, The Girls in the Gang (Oxford, Basil Blackwell, 1984).

17/ S. Box and C. Hale, "Liberation/emancipation, economic marginalization or less chivalry", Criminology, vol. 22, No. 4 (1984).

18/ See also Badr-El-Din Ali, op. cit..

19/ See the report of the Secretariat on the criminal victimization of the elderly to the World Assembly on Aging, 1982. (Also submitted to the Interregional Preparatory Meeting for the Seventh United Nations Congress on topic III: Victims of crime, Ottawa (IPM/4/CRP.3).

20/ See James O. Finckenauer, Juvenile Delinquency and Corrections - The Gap between Theory and Practice (Orlando, Florida, Academic Press, 1984).

21/ See, for example, "Relationship between crime and specific socio-economic issues: Report of the Secretary-General" (E/AC.57/1984/5).

22/ See Regional Plans of Action on Youth, (Vienna, 1983); the report of the Secretary-General on draft guidelines for further planning and suitable follow-up in the field of youth (A/AC.209/10 and Corr.1); and the report of the Secretary-General on recent trends in strategies and policies for social integration of less-advantaged groups (E/CN.5/1985/6).

23/ Dorie A. Klein (Office of Court Services, Alameda County, California, USA), "Female victimization", consultant report prepared for the Secretariat, January 1985. See N. Christie, "Youth as a crime-generating phenomenon", New Perspectives in Criminology, 1975; and D. Greenberg, "Delinquency and the age structure of society", Contemporary Crises: Crime, Law and Social Policy, April 1977.

24/ See United Nations Children's Fund, World Children's Situation Report (New York, 1984). See also Survey of Recent and Prospective Trends and Fundamental Changes in the Field of Socio-Economic Development, 1985 Report of the World Social Situation, Commission for Social Development, Twenty-Ninth session (E/CN.5/1985/2).

25/ "Report of VII International Study Seminar on Criminogenic Factors in New Technology, International Center of Sociological, Penal and Penitentiary Research and Studies", Messina, Italy, 10-13 December 1984.

26/ See World Health Organization, "Report of a Task Force Meeting on Biobehavioural and Mental Health Aspects of Primary Health Care, with Particular Emphasis on Maternal and Child Health: Research Possibilities, Washington, 29 August-2 September 1983" (MNH/83.29/Rev.1).

27/ Ken Pryce (Department of Sociology, University of West Indies), "Juvenile delinquency in the Commonwealth Caribbean", consultant report prepared for the Secretariat, 1985.

28/ See "Report of the World Conference on Infancy as Prevention", organized by the International Study Center for Children and Families (ISCCF) (Washington, D.C.), in co-operation with the United Nations Children's Fund, the World Health Organization, the World Federation of Mental Health and the Ministry of Health of Greece, 1-6 July 1984, Athens, Greece.

29/ Meeting of Experts on Youth, Crime and Justice, op. cit..

30/ See United Nations, Crime Prevention and Criminal Justice Newsletter, No. 9, Special issue on Violence in the Family; Council of Europe, European Committee on Crime Problems, Criminological Aspects of the Ill-treatment of Children in the Family, Collected Studies in Criminological Research, vol. XVIII (Strasbourg, 1981); United States Department of Health and Human Services, National Center on Child Abuse and Neglect, Perspectives on Child Maltreatment in the Mid 80's, DHHS Publication No. (ONDS) 84-30338 (Washington, D.C., United States Government Printing Office, 1984; and National Institute of Mental Health Mental Health of the Child (Washington, D.C., 1979).

31/ See the reports of the Beijing Meeting (A/CONF.121/IPM.1) and interregional preparatory meeting on victims of crime (A/CONF.121/IPM.4); and the working paper prepared by the Secretariat on victims of crime (A/CONF.121/-).

32/ See "The situation of women as victims of crime: "Report of the Secretary-General" (A/CONF.121/-).

33/ See "Report of the International Forum on Street Children and Street Youth, Grand-Bassam, Ivory Coast, 24 February-2 March 1985", convened by the Inter-NGO Programme on Street Children and Street Youth, in co-operation with the United Nations Children's Fund and Environment et développement du tiers-monde (Dakar); and "Report of the Sub-Regional Seminar for the Mediterranean on Street Children and Street Youth, Marseilles, 24-27 October 1983".

34/ "Guiding principles for crime prevention and criminal justice in the context of development and a new international economic order: Note by the Secretariat" (A/CONF.121/-), annex, para. 35.

35/ See "Recommendations of regional intergovernmental preparatory meetings: Report of the Secretary-General" (A/CONF.116/9); "World Plan of Action for the Implementation of the Objectives of the International Women's Year", Report of the World Conference of the International Women's Year, Mexico City, 19 June-2 July 1975 (United Nations publication, Sales No. E.76.IV.1), chap. II, sect. A; "Report of the Commission on the Status of Women Acting as the Preparatory Body for the World Conference to Review and Appraise the Achievements of the United Nations Decade for Women: Equality, Development and Peace on its second session" (A/CONF.116/PC/19).

36/ See expert papers prepared for the "Think-tank project on urban crime trends", op. cit. (in particular, Anne Campbell, "An overview of the urban crime problem ...", op. cit.). See also the report of Max-Planck Institute and the report of International Study Seminar on Criminogenic Factors in New Technology, op. cit..

37/ See R. Harding, "The impact of mass media upon youth violence", Australian Institute of Criminology, Canberra, expert paper submitted to the Beijing Meeting.

38/ See the Report of the United Nations Meeting of Experts on Juvenile Justice: Before and After the Onset of Delinquency, National Judicial College, University of Nevada, Reno, 27 May-1 June 1979.

39/ For example, see Summary of the White Paper on Crime (Tokyo, Government of Japan, Research and Training Institute, Ministry of Justice, 1983).

40/ See Schüler-Springorum, op. cit.. See also Simone Rozes, "Alternatives to custodial sanctions for young offenders", expert paper submitted to the Beijing Meeting.

41/ Report of the Secretary-General on the situation of women as victims of crime (A/CONF.121/-).

42/ See the report of the International Seminar on changing families: relevant social welfare strategies, Moscow, Union of Soviet Socialist Republics, 1-13 October 1984, Centre for Social Development and Humanitarian Affairs/Department of International Economic and Social Affairs.

43/ See "Think-tank project on urban crime patterns", op. cit., in particular, Albert L. Record, "The schools and delinquency prevention programs".

44/ Working Paper prepared by the Secretariat on the Participation of the Public in the Prevention and Control of Crime and Delinquency, Fourth United Nations Congress, Kyoto, Japan, 1970.

45/ See "Think-tank project on urban crime problems", op. cit., in particular, David Twain, "The role of voluntary organizations in urban crime prevention".

46/ See, for example, Isabelle Thabard, "Quelles approches de la delinquance juvenile en Afrique", report submitted to the International Forum on Street Children and Street Youth, Abidjan, 1985, op. cit..

47/ See Report of the Meeting of Experts on Youth, Crime and Justice, Rutgers University, op. cit.. See Schüler-Springorum, op. cit.. See also A. Platt, op. cit..

48/ See A. Bossard (INTERPOL), "The role of the police in the prevention and control of juvenile crime", expert paper submitted to the Beijing Meeting.

49/ See Lee W. Potts, "Police leadership: Challenges for the eighties", Journal of Police Science and Administration, vol. 10, No. 2 (1982), pp. 181-188; and Jack Kuykendall and Peter C. Unsinger, "The leadership styles of police managers", Journal of Criminal Justice, vol. 10, 1982, pp. 311-321.

50/ See the report of the Secretary-General on the fair treatment of women by the criminal justice system. (A/CONF.121/-).

51/ See reports of the regional meetings on the International Youth Year: (ECA/SDEHSD/IYY/83/RPT; SD/RPA/IYY/3; E/CEPAL/G.1285; IYY/ECE/RPM/4; E/ECWA/SDP/CONF.1/4/Rev.1).

53/ See the report of the Secretary-General on progress of United Nations activities in the field of crime prevention and criminal justice (E/AC.57/1984/17); and the report of the Secretary-General on research in juvenile delinquency (A/CONF.121/11).