

**EXPERT GROUP MEETING ON GOALS AND TARGETS FOR THE
WORLD PROGRAMME OF ACTION FOR YOUTH:**

“YOUTH IN CIVIL SOCIETY” AND “YOUTH AND THEIR WELL-BEING”

19-21 May 2008, UN Headquarters, New York

Juvenile Delinquency

The basic need to feel worthwhile to self and others is significant in adolescence. Without family and public acknowledgement of socially acceptable accomplishments, youth will seek out anti-social forms of recognition, as consequences for delinquent behavior are better than feeling isolated and lonely due to neglect. Prior to becoming perpetrators, most children and adolescents have somehow victimized and to some degree have not had their basic needs met. For some committing crimes is a means of survival. Compounding the problem is when family and community systems isolate and at times abandon their parental and guardianship duties when a young person acts willingly or unwillingly in ways that are legally or socially unacceptable, such as in the case of child soldiers and sexually trafficked youth. Regardless, once the path of anti-social and criminal behavior is taken, youth become labeled as delinquent and immoral, inferring that they are permanently damaged, not amenable to change, and some bringing irrevocable shame onto the family. Youth in general tend to have negative images of police, especially youth in conflict with the law. Police often make the mistake of treating a minor as an adult, not being able to provide what the child needs, and sometimes even making matters worse. When police and judicial systems treat the following as adult criminals: first time minor offenders, status offenders, and crimes unwillingly committed by juveniles, they lose sight of the fact that they are working with children and adolescents in need of care and protection. To address these issues related to juvenile delinquency, goal 1 focuses on reducing youth involvement in crime and goal 2 helps ensure that law enforcement and judicial systems treat youth in conflict with the law humanely, with the goal of community reintegration and not further social isolation.

Goal 1: Reduce youth involvement in crime

All community stakeholders, including law enforcement, are responsible for mobilizing needy, idle, and marginalized youth and engaging them in accessible pro-social activities. This deters them from partaking in socially undesirable and deviant behaviors. Police, who actively involve themselves in youth activities, build helpful and trusting relationships with young people. Families and communities whose children have been forced unwillingly to act criminally, or in ways that violate cultural norms, such as child soldiers or sexually exploited children, need extra care and support if they are fortunate to return home. Assistance must be unconditional and provided regardless of the persons status with the law or standing in society. So the community showing sympathy today for the child crying for hunger must resist the call to have that same child removed from the community tomorrow and punished for stealing food. The provision of basic needs, the organization of leisure and recreation activities, educational and vocational training, and community projects are ways to teach social responsibility and build cohesion and self worth. Target 1.1 therefore focuses on actively engaging youth in accessible learning opportunities and activities that build self-worth and give them a sense of belonging. Early intervention through the mobilization of all community stakeholders from local to international levels will help reduce the risk exploitation and anti-social and delinquent behavior.

Status offenses are societal woes not criminal acts. Vagrant youth who loiter and beg are not the source of the problem, rather are the result of other social and economic problems plaguing the community. First time minor offenses should be dealt with more leniently, giving youth opportunities to make amends for their irresponsible behavior. “Thus, the implementation of penal sanctions within the community, rather than through a process of isolation from it, offers in the long-term better protection for society.”¹ Furthermore, minors forced against their will to commit acts of violence, crime, or socially unacceptable behaviors should also not be viewed as perpetrators, but rather as victims. These measures will reduce the rates of youth incarceration minimizing: family separation, deprivation of liberty, risk of increased criminal thinking and behaviors, psychological trauma, physical, verbal and sexual abuse, spread of disease, interruption in educational services, and drug use. Target 1.2 denounces: status offenses, first time minor offenses, and crimes and socially unacceptable behaviors against one’s will, as criminal acts to be handled by criminal justice systems. Rather it calls for restorative justice methods to process such acts (e.g., restitution, rehabilitation, community service, or local and youth courts).

Goal 2: Ensure that law enforcement and judicial systems dealing with youth are fair, safe, and promote well-being

“Every day, in all parts of the world, children come into contact with the police either when they are in need of care and protection or in conflict with the law. This contact therefore occurs at times when a vulnerable child is most in need of support and guidance. Police training is essential in ensuring that this encounter is always a positive one, where both sides emerge with dignity and respect.”² Common interactions involving a delinquent young person and police can quickly become argumentative and even violent, leading to further legal problems and increased likelihood of incarceration. Many times escalation occurs at the hands of the officer where authority and use of power can easily become abusive. Police need to learn not to discriminate against and deal appropriately with marginalized and vulnerable youth groups. If not, profiling based on biased physical and/or social attributes will occur, resulting in disproportionately higher rates of incarceration of that population. Verbal, physical, and sexual abuse and neglect while in a facility further victimizes juveniles in custody. Target 2.1 focuses on training law enforcement in adolescent development, safety and reporting abuse and neglect, relationship building, and non-violent crisis intervention, helping police to be nonjudgmental and better understand and assist young people in need of services.

“Juveniles should have the right of legal counsel and be enabled to apply for free legal aid, where such aid is available, and to communicate regularly with their legal advisers....”³ Competent legal representation promotes quicker and fairer dispositions, shortening time detained and lowering the likelihood of incarceration. “Government agencies should give high priority to plans and programmes for young persons and should provide sufficient funds and other resources for the effective delivery of services, facilities and staff for adequate medical and mental health care, nutrition, housing and other relevant services, including drug and alcohol abuse prevention

¹ *Criminal Justice Assessment Toolkit: Custodial and Non-custodial Measures: Alternatives to Incarceration* (United Nations Office on Drugs and Crime, Vienna, 2006), 1.

² Wernham, Geerinchx, and Jackson, *Police Training on Child Rights and Child Protection: Lessons Learned and Manual* (Consortium for Street Children: London, 2005), 12

³ *United Nations Rules of the Protection of Juveniles Deprived of their Liberty*, III. Juveniles under Arrest or Awaiting Trial, 18(a), 3.

and treatment, ensuring that such resources reach and actually benefit young persons.”⁴ Towards this end, juvenile justice systems should be created under government ministries whose policies promote “engagement and rehabilitation” and not “determent and incapacitation”. “Juveniles under detention pending trial shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults.”⁵ Whether detained, pre-trial, incarcerated, or in residential placement, care and service delivery is optimal when minors are separated from adult populations. The rights of children and youth in conflict with the law can further be ensured when minors are housed separately by gender due to physical, emotional and social differences, and the implementation of gender specific treatment modalities. In countries with existing or developing juvenile justice systems, all policies and procedures should be reviewed and updated regularly and initiatives evidence based. Target 2.2 promotes the development and improvement of juvenile justice systems with age and gender appropriate legislation that upholds due process, health care, rehabilitation, and community reintegration.

Summary of Proposed Juvenile Delinquency Goals and Targets	
Goal 1: Reduce youth involvement in crime	<p>Target 1.1: By 2015 increase at local, national, and international levels, accessible social inclusion and prevention programs for at-risk youth.</p> <p>Target 1.2: By 2015 remove status offenses, first-time minor offenses, and crimes committed unwillingly from traditional criminal justice systems to restorative processes (e.g., counseling, restitution, community service, local and youth courts).</p>
Goal 2: Ensure that law enforcement and judicial systems dealing with youth are fair, safe, and promote well-being.	<p>Target 2.1: By 2015 double training of law enforcement personnel in child development, safety and reporting abuse and neglect, relationship building, and non-violent crisis intervention.</p> <p>Target 2.2: Double by 2015 the development and improvement of juvenile justice systems with age and gender appropriate legislation that upholds due process, health care, rehabilitation, and community reintegration.</p>

Other unmentioned resources to assist with juvenile justice reform include:

- a. *The United Nations Guidelines on Justice in Matters involving Child Victims & Witnesses of Crime* (UNODC, UNICEF, and the International Bureau of Children’s Rights)
- b. Marie Wernham, *An Outside Chance: Street Children and Juvenile Justice – an International Perspective* (Consortium for Street Children, 2004), 191-193.
- c. *Manual on the Measurement of Juvenile Justice* (UNICEF and UNODC) - Indicators
- d. *Restorative Justice Programmes* (UNODC)
- e. *Alternatives to Imprisonment* (UNODC)

⁴ *United Nations Guidelines for the Prevention of Juvenile Delinquency*, “*The Riyadh Guidelines*” Section V. Social Policy, 1990, #45, 6.

⁵ *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, “*The Beijing Rules*”, 1985, Section 13.4, 9.