



Fact Sheet on Juvenile Justice

- Youth are disproportionately represented in statistics on crime and violence, both as victims and as perpetrators, and in many developed countries violent crimes are being committed at younger ages than in the past. Moreover, there is growing concern that, in some countries, the proportion of violent crimes committed by youth has been increasing (UNODC & World Bank, 2007, p. 61).
- Statistical data in many countries show that delinquency is largely a group phenomenon. Between two-thirds and three-quarters of all offences committed by young people are committed by members of gangs or groups, which can vary from highly structured criminal organizations to less structured street gangs. Even those young people who commit offences alone are likely to be associated with groups.
- Though poverty and unemployment are not, by themselves causes of violence, they become important factors when coupled with other triggers such as lack of opportunity, inequality, exclusion, the availability of drugs and firearms, and a breakdown in access to various forms of capital, justice and education.
- While adolescence can be an age of “breaking rules” evidence shows that most first-time offenders do not reoffend, and that diversion and other community-based measures are the best responses to offences committed by young people.
- Incarceration, including pre-trial detention, is still used frequently including for young people having committed very minor crimes (such as using drugs, or stealing basic commodities).
- Crime committed by young people is mainly an urban phenomenon. Evidence shows that the probability of being a victim of crime and violence is substantially higher in urban areas than in rural areas.
- Over the years, the United Nations has reaffirmed and expanded its mandate to strengthen juvenile justice through the adoption of the World Programme of Action for Youth (WPAY) (United Nations, 1995) and the work of OHCHR, UNICEF, the Office on Drugs and Crime (UNODC), and the Interagency Panel on Juvenile Justice (IPJJ).

Juvenile justice: an introduction

Youth, defined by the United Nations as between 15 and 24 years of age, are rising to the forefront of the international agenda. On the one hand, they are formidable assets





in innovation and creativity, able to promote equality and justice in society. They often participate in civic life through volunteerism, community service and participation in youth organizations. In some countries, they serve as members of youth committees in local governments helping to shape and influence youth-related policy. On the other hand, however, they are often involved in outbursts of violence and crime, both as perpetrators and victims. Partially this is also due to the fact that in many countries young people represent a large proportion of the population, and accumulate risk factors.

Violence and insecurity perpetrated by and against young people are caused by various factors that work simultaneously to create situations of social instability. These factors can include the availability of firearms, the abuse of alcohol, large-scale migration to urban areas and overpopulation, drug trafficking, weak educational and policing systems, unequal distribution of wealth, and the frustration of many young people faced with unemployment and socio-political exclusion. In combination, these elements fuel hopelessness and frustration not only among the youngest segment of the population, but within families, communities and society more broadly.

In many households, the tension fuelled by social exclusion and financial hardship has is vented on the most vulnerable members of the family, such as women and children. A report of the United Nations Office on Drugs and Crime and World Bank (UNODC & World Bank, 2007) states “evidence suggests that children who witness domestic violence are more likely to engage in delinquent and violent behavior in the future” (Smith and Thornberry, 1995; Margolin, 1998). Being subject to violence as a child, is also associated with a higher probability that children and young people will engage in delinquent and violent behavior, as well as increased risk of children and youth abandoning the home and joining their peers on the street.

Young people turn to and approach violence in different ways. In restrictive societies, when they see their rights trampled and their civic participation put at risk, they may become involved in revolts and riots. Moreover, in conditions of poverty and unemployment, many young people find in petty crimes, such as pick pocketing and minor fraud, or illegal trafficking a means to secure extra income for themselves or even their families. They are often pressured into such activities by other individuals, such as major criminals, under threat to their person and relatives. However, because of socio-economic constraints and exclusion, some choose a criminal and/or gang life on their own accord, as they find in crime the means to obtain quick cash and alluring commodities as well as social status.

Juvenile delinquency and violence are of concern to both developed and developing countries. They can be perpetrated by single individuals or by young people acting in groups. Furthermore, they can emerge as occasional expressions of anger and frustration, such as via protests or revolts, or as regular occurrences in everyday life.





Juvenile justice: a data overview

Reports show that in recent years, manifestations of discontent by youth have become increasingly violent (UN-HABITAT, 2006, p. 146). Not only is the proportion of violent crimes committed by young people on the rise, but youth are also increasingly likely to be victims of violent crimes, as research in the Caribbean reveals (UNODC & World Bank, 2007).

In addition, there seems to be a link between excessively high urban growth rates and violence in cities (Worldwatch Institute, 2005), with violence becoming an increasingly urban phenomenon. In the urban context, violence is acquiring more visibility than in the past, with much of it carried out on the streets, often in densely populated neighbourhoods.

In many urban areas, migration has led to overpopulation and to the consequent formation of slums, “off-limits” areas and “no man’s lands,” in which even security forces fear to enter. According to estimates in 2005, one out of every three city dwellers – nearly one billion people – lived in slum conditions. Slums, characterized by social exclusion and lack of social support systems, are distinctive of developing countries; sub-Saharan Africa is the region with the highest percentage of its urban population living in slums (71.8%), followed by Southern Asia (57.4%), Eastern Asia (34.8%) and Latin America and the Caribbean (30.8%) (UN-HABITAT, 2006).

Street and gang activity among youth

Young people roaming the streets have become a normal presence in many urban areas of the developing world, especially in those cities characterized by slums. Estimates suggest that tens of millions of children and youth live or work on the street (UNICEF, 2012, p. 32), and that the majority of them reside in the most populous cities of sub-Saharan Africa, Latin America and India. Either because their families are incapable of supporting them or because they have little choice but to opt for street life over the hardship of their domestic situation, youth in many developing countries have made their home on the street. There, many become involved in often clandestine and informal activities, such as begging or petty crime. In such situations, they are more likely to take part in criminal activities instigated by traffickers and criminals, lured by the possibility of fast profits and a need for recognition or approval from their peers, or even simple protection from violence committed by criminals or, in some cases, the very police who should be protecting them.

Young urban-dwellers who engage in illegal activities usually gather in gangs, which provide systems for the sharing of profits as well as protection from external aggressors. Often, these gangs are the main sources of urban insecurity. In some regions youth gangs hold control of entire cities, competing over territory and collaborating with major criminals in various forms of trafficking– of prostitution, weapons, drugs and illegally traded goods. A recent study showed that in the Caribbean, gang members





were 20 times more likely to sell drugs than were non-members, and 35 times more likely to collaborate with drug dealers. Worldwide, the youth most likely to participate in delinquent or violent activities are part of a gang, though this association tends to be higher for theft, robbery and rape, and lower for premeditated murder and assault with the intent to inflict grievous bodily harm (UNODC & World Bank, 2007, p. 72).

Juvenile justice: detention systems

With dedicated juvenile justice systems absent in many developing countries, young people caught breaking the law often end up in places of detention that are inappropriate for their age and development, and, as such, will not increase the likeliness of their reintegration into society. In such custodial or detention facilities, young people are forced to reside with adult criminals, putting them at risk on a number of different fronts. Violence, including sexual violence, bullying, extortion and torture have been found to be the most typical forms of mistreatment and abuse inflicted on young people by adult inmates, and sometimes also staff of such institutions, who take advantage of age and power differentials. Alcohol or drug intoxication, lack of appropriate food, and untreated illness are other common features of detention centres.

Although in some countries, young people are held in specific juvenile facilities, the detention conditions are often extremely poor and dangerous. Correctional centres and educational establishments can be arenas for fights, violence and abuse between rivals. In any case international standards provide that detention should be a measure of last resort and used only for the most serious crimes.

Juvenile justice: the way forward through a holistic approach

Research demonstrates that “the earlier the investment in an individual, the greater the chance that violent behaviours can be prevented through adulthood, and the more cost-effective the investment” (WHO, 2006; Guerra, 2005; Schweinhart, 2005; Levitt, 1998; in UNODC & World Bank, 2007, p. 61). In particular, one case study in the Dominican Republic highlighted that youth violence can be prevented, and young offenders rehabilitated, through appropriate policies and interventions.

The United Nations recognizes that strategies to tackle juvenile delinquency are often too narrowly focused on tough penalties and law enforcement. Many countries still have “punitive” prevention programmes that try to suppress juvenile and youth offences and gang activity by means of police surveillance and prosecution.





A more effective way to address youth crime is to target communities severely affected by violence and other criminal activity with a *holistic approach* to the rule of law and justice that takes into consideration the causes of delinquency and its prevention through measures that address both individual needs and socio-environmental conditions. These measures should provide meaningful alternatives for socialization and achievement for young people. This can be achieved by:

- Providing rural areas with socio-economic opportunities and services to promote rural development as well as discourage young people from migrating to urban areas.
- Providing recreational, sport and leisure activities. In a number of towns in the United States, the establishment of basketball programmes for adolescents led to a 60 per cent decrease in crime rates (UNDESA, 2003).
- Improving school quality, incorporating into school programmes seminars and lessons to raise awareness about issues related to violence, and expanding access to/retention in schools for high-risk individuals and communities, with meaningful after-school group activities.
- Providing tailored apprenticeship programmes that enable youth to enter the labour market through an alternative, effective channel.
- Preventing violence by involving families and entire communities, raising awareness of the importance of domestic support in the prevention of juvenile crime, and setting up information campaigns and training and educational programmes for family members or guardians.

If preventive measures address the root causes of criminality, rehabilitation programmes and services should be made accessible to those who already have a criminal history. The “Manual for the measurement of juvenile justice indicators” of the United Nations Office on Drugs and Crime and the United Nations Children’s Fund (UNODC & UNICEF, 2006) is a resource for Governments on the collection of indicators for measuring information about the situation of children and youth in conflict with the law.¹ The manual addresses several stages of the judicial process, including youth detention, contact with parents and family, and aftercare. Likewise, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (also referred to as “The Beijing Rules”) (United Nations, 1985), emphasizes that the detention, arrest and imprisonment of a young person should be used as a measure of last resort, and that alternatives to institutional care should be provided, such as close supervision, intensive care or placement with a family or in an educational setting or home. Moreover, it highlights the need to separate adults from young people and children in detention centers.² This will prevent young people from being subjected to abuse, violence or

¹ The document was drafted with a focus on young people under the age of 18. However, the recommendations produced could well apply to older youth.

² “Juveniles in institutions 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” (United Nations, 1985, para 26.3).





exploitation by adult criminals. It will also prevent adult criminals from recruiting or pressuring young people to take over criminal activities on their behalf once they finish their detention period. The UNODC/IPJJ Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes provide guidance on how to design and evaluate successful juvenile justice reform programmes.

Special attention should be focused on developing juvenile justice provisions tailored to young people between 18 and 24 years of age, who are transitioning into adulthood. Several countries have established a minimum age for juvenile criminal responsibility, defined as the age at which a child becomes responsible for his or her actions and can be legally prosecuted as a juvenile. The minimum age varies by country, ranging between 6 and 16, whereas the maximum age is often set at 18, beyond which young people are subject to laws that apply to adults. The Committee on the Rights of the Child recommends that governments consider increasing the age of criminal responsibility to at least 12 years of age and do not lower the age in those countries where it is already above 12. Governments should provide young people between the ages of 18 and 24 with adequate structures and social support to protect them from abuse and to prevent the recurrence of criminal behavior that often occurs in countries which lack dedicated juvenile justice systems. Governments should also ensure that children under the age of criminal responsibility who commit acts that would be qualified as criminal offences be treated in a manner consistent with their needs and proper safeguards.

Moreover, in order to monitor progress within national juvenile justice systems, it is necessary to strengthen holistic policies and laws addressing youth crime, and to develop effective information management systems and performance indicators to enhance problem diagnostics, tracking of system outputs and monitoring of programme enhancement, as well as to strengthen Government accountability to citizens.

The United Nations and juvenile justice

The 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) (United Nations, 1985) and the 1990 Guidelines for the Prevention of Juvenile Delinquency (also referred to as “The Riyadh Guidelines”) (United Nations, 1990) established basic actions to prevent children and young people from engaging in criminal activities, as well as to protect the human rights of youth already found to have broken the law. In 1989, the focus on safeguarding the human rights of children and young people was strengthened by the Convention on the Rights of the Child (CRC) (United Nations, 1989), which entered into force in 1990.

In 1995, the United Nations adopted the World Programme of Action for Youth (WPAY) (United Nations, 1995), providing a policy framework and practical guidelines for national action and international support to improve the situation of young people.





Through the WPAY, the United Nations puts forth policy actions specifically tailored to young people between 15 and 24 years of age. The World Programme of Action for Youth aims at fostering conditions and mechanisms to promote improved well-being and livelihoods among young people. As such, it requires that Governments take effective action against violations of all human rights and fundamental freedoms and promote non-discrimination, tolerance and respect for diversity as well as religious and ethical values. The WPAY focuses on 15 priority areas, among which is juvenile delinquency. Under that priority area, it details proposals for action towards preventing juvenile delinquency and rehabilitating young people who have engaged in criminal activity.

In 1997, the United Nations adopted resolution 1997/30 on the administration of juvenile justice (United Nations Economic and Social Council, 1997), which requests the Secretary-General to consider the creation of a “coordination panel on technical advice and assistance in juvenile justice”. Annexed to the resolution are the “Guidelines for Action on Children in the Criminal Justice System,” which lay out measures required to establish an effective system of juvenile justice administration. The Guidelines refer to “the goal of ensuring that: (a) The principles and provisions of the Convention on the Rights of the Child and the United Nations standards and norms in juvenile justice are fully reflected in national and local legislation policy and practice, in particular by establishing a child-oriented juvenile justice system” (annex, sect. IIA, para. 11(a)).³

The United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Crime and Justice Research Institute (UNICRI) work to assist Member States in their struggle to fight illicit drugs, crime and terrorism and to pursue peace, development and social stability. In addition, the United Nations Interagency Panel on Juvenile Justice (IPJJ), works to facilitate and enhance the coordination of technical assistance in juvenile justice reform.

From the field

UNICRI is working on several projects to protect the rights of young people in conflict with the law. In Angola and Mozambique, for example, UNICRI has supported local governments in establishing juvenile courts and juvenile justice departments, while at the same time making sure that they are administered in the best interests of young people. In Mozambique, the programme also conducts analysis and information-sharing through a juvenile justice forum and a database on minors in conflict with the law.⁴

Meanwhile, UNODC has provided policy advice and technical assistance on various juvenile justice issues to a number of countries, including Afghanistan, Bulgaria, Cape

³ For current information on international standards, norms and instrument of reference for juvenile justice, see United Nations Interagency Panel on Juvenile Justice, <http://www.ipjj.org/resources/international-standards/>.

⁴ For more information, see United Nations Interregional Crime and Justice Research Institute (UNICRI), http://www.unicri.it/emerging_crimes/youth/.





Verde, Cambodia, Ecuador, Egypt, Georgia, Haiti, Jordan, Lebanon, Libya, Peru, and South Sudan. The projects currently being implemented by UNODC focus on a variety of objectives which include: *i)* youth crime prevention; *ii)* to divert children away from the juvenile justice system; *iii)* to ensure that children's rights are protected throughout the criminal justice process; *iv)* to ensure that deprivation of liberty is a measure of last resort and for the shortest period of time; *v)* to improve conditions of detention; and *vi)* to improve the social reintegration of children in conflict with the law.

For further information:

[World Programme of Action for Youth](#)

[Interagency Panel on Juvenile Justice](#)

[United Nations Interregional Crime and Justice Research Institute \(UNICRI\)](#)

[United Nations Office on Drugs and Crime \(UNODC\)](#)

Criminal justice statistics:

<http://www.unodc.org/unodc/en/data-and-analysis/statistics/crime.html>

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