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SEVENTH UNITED NATIONS CONGRESS ON THE
PREVENTION OF CRIME AND THE
TREATMENT OF OFFENDERS

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

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INTRODUCTION

1. 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 was the first of a series of interregional meetings, each convened to discuss one of the substantive topics of the Seventh Congress, which will be held in 1985, in pursuance of General Assembly resolutions 415 (V) and 36/21 and Economic and Social Council resolution 1982/29.

2. The Interregional Preparatory Meeting on Youth, Crime and Justice, hosted by the Government of the People's Republic of China, was held at Beijing from 14 to 18 May 1984. The Beijing Meeting discussed in depth and within the context of the intergovernmental policy recommendations made by the regional preparatory meetings substantive details of topic IV. The Beijing Meeting provided the technical and theoretical framework for the preparations for and documentation on topic IV to be submitted to the Seventh Congress and examined the draft United Nations standard minimum rules for the administration of juvenile justice, which will be considered by the Congress.

3. The Meeting was attended by over 50 participants, including those invited by the Secretary-General, in their individual capacity as experts and with due regard to equitable geographical distribution, and expert observers from China. The Meeting was also attended by Mr. Adedokun A. Adeyemi, representative of the Committee on Crime Prevention and Control, in accordance with Economic and Social Council resolution 1982/30. A list of participants is given in annex I to the present report. The opening ceremony was attended by over 300 high-level officials in the field of crime prevention and criminal justice and related disciplines from China as well as observers from France, the Federal Republic of Germany, Iraq, Japan, Nigeria, Sierra Leone, the Union of Soviet Socialist Republics, and the United Kingdom of Great Britain and Northern Ireland.

4. The Executive Secretary of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders opened the Meeting. He expressed the appreciation and gratitude of the United Nations to the Government of China for hosting the Interregional Preparatory Meeting on Youth, Crime and Justice and commended the Ministry of Justice of China for the effective preparation and organization of the Meeting. The Executive Secretary stated that juvenile justice had been a long-standing concern of the United Nations and was a topic of great contemporary significance, especially within the context of the International Youth Year (1985). There was a unique opportunity for the Seventh Congress and its Interregional Meeting on Youth, Crime and Justice to contribute to the achievement of the goals and objectives of the International Youth Year and to enhance United Nations efforts to improve the situation of the young, in the north, south, east and west, within the broader context of social justice. He emphasized the historical significance of the Beijing Meeting: it represented a landmark in the preparations for the United Nations congresses on the prevention of crime and the treatment of offenders, being the first meeting held in China in the field of crime prevention and criminal justice.

5. The Minister of Justice of the People's Republic of China, His Excellency Mr. Zou Yu, addressed the opening session of the Interregional Meeting. He extended a warm welcome to the experts and observers from all parts of the world and to the United Nations Secretariat and emphasized the interest of the Government of China in topic IV of the Seventh Congress. Youth, crime and justice was an important topic to be considered by the Seventh Congress, and its inclusion in the provisional agenda was fully endorsed and supported by the legal and judicial authorities of the Government of China.

6. In his statement, the Minister observed that young people currently made up nearly 30 per cent of the world's population and were a dynamic force in building a peaceful, prosperous and happy human society. In both economic and cultural development, youth played an important role. However, as a result of the rising rate of unemployment caused by economic crises in many countries of the world and of the negative influences of unhealthy cultural life, ethics and morality had degenerated. Young people tended to fall victim to social problems, and some were pushed to the path of crime and delinquency. The existence of youth crime jeopardized the social order in many countries, unsettled the lives of individuals and infringed upon the rights of people, including the young. Youth crime and delinquency had become a serious social problem in the world, arousing the deep concern of Governments, the legal and educational professions and sociologists, psychologists and criminologists of all countries. In conclusion, the Minister stressed that although problems, policies and measures dealing with juvenile delinquency varied, differences in social systems and approaches to crime prevention should not hinder the international community from contributing to the solution of the problem of juvenile delinquency, inter alia, through the exchange of experiences and learning from each other.

7. The representative of the Committee on Crime Prevention and Control highlighted the important task entrusted to the Meeting by the Committee, namely, the finalization of the United Nations standard minimum rules for the administration of juvenile justice, which would emerge as a significant legal instrument and a model for Member States in the treatment and handling of the young in conflict with the law. He outlined the thrust and purpose of the rules, which were basically standard in the sense that they contained features that would make possible their adoption universally and which were also minimum in that they had a common base which was to be found in most legal systems. Above all, flexibility in different national settings was a key element of the rules. The representative of the Committee drew attention to the activities carried out at the international level in the formulation of the rules and explained the task of the Interregional Meeting, in accordance with existing mandates, in particular those of the Sixth United Nations Congress and the Committee on Crime Prevention and Control.

8. Mme. Simone Rozes, Chief Justice of the Supreme Court of France, addressed the Meeting on behalf of the experts. She stressed that the topic of youth, crime and justice had to be regarded as a major one. She focused, in particular, on the problems of children endangered or neglected by those who were expected to provide them with the necessary care and protection and the need to address those problems before the onset of delinquency. Many systems in the world, she stated, could be geared to ensuring appropriate protection of children, and every country could, in accordance with its own culture and traditions, find a solution to those problems. It had to be borne in mind that a neglected child was a delinquent to be and that abused children were likely to become abusers.

9. The following officers were elected by acclamation: Yu Shutung (China), Chairman; A. A. A. Shiddo (Sudan), First Vice-Chairman; Jorge Montero-Castro (Costa Rica), Second Vice-Chairman; and Frederick McClintock (United Kingdom of Great Britain and Northern Ireland), Rapporteur.

10. In thanking the experts for his election, the Chairman stated that all participants at the Meeting were united in a common purpose: the struggle against crime and delinquency and the quest for justice. He was confident that they would join together to contribute to finding practical solutions to the problems of the young in the contemporary world, particularly those in conflict with the law, and to promote juvenile justice.

11. During the Meeting a series of consultations were held with high-level criminal justice authorities of China, including the First Vice-Premier, Mr. Wan Li, Minister of Justice; Mr. Zou Yu, the President of the Beijing Higher People's Court; the Director and the staff of the Beijing Prison and the Juvenile Reformatory and the Faculty of Law at Beijing University.

12. To facilitate discussion of the items of the agenda, the Meeting had before it the discussion guide for the regional and interregional preparatory meetings for the Seventh Congress (A/CONF.121/PM.1), which outlined the issues to be discussed, as well as the reports of the regional preparatory meetings for the Seventh Congress (A/CONF.121/RPM/1 to A/CONF.121/RPM/5), various expert papers and relevant United Nations documents and resolutions (see annex II). The Meeting also had before it the draft text of the standard minimum rules for the administration of juvenile justice, in accordance with draft decision 8/4 of the Committee on Crime Prevention and Control at its eighth session. The Meeting also had before it the general reports presented to the Sixth Joint Colloquium of the International Association of Penal Law, the International Society of Criminology, the International Society of Social Defence and the International Penal and Penitentiary Foundation, on Youth, Crime and Justice, held at Bellagio, Italy, in April 1984.

13. The experts expressed their appreciation for the valuable contributions of the international expert group meetings held at Rutgers University, School of Criminal Justice, Newark, New Jersey, United States of America, and at the United Nations Asia and Far East Institute for the Prevention of Crime and the Treatment of Offenders (UNAFEI), Tokyo, Japan, as well as the Sixth Joint Colloquium at Bellagio, in developing the topic and elaborating on the standard minimum rules.

I. DISCUSSION

A. The problems of youth in the contemporary world

14. It was recognized that any consideration of youth criminality had to be seen in the wider context of social, political, economic and cultural realities of different countries throughout the world. Although that presented a complex situation for comparative study, it was necessary to gather information at that level if criminal and social policy were to be developed from a sound foundation. Participants recognized that for most countries it was not possible on the basis of present knowledge to construct detailed profiles of the youth population in the social, economic and cultural life of the community. Nevertheless, certain characteristic salient features were identified by the experts:

(a) In many contemporary societies there was widespread structural unemployment or under-employment, and the young were particularly vulnerable to such adverse economic factors. It was noted that the situation applied both to developed and to developing countries. In the urban areas in industrial countries there was a growing social alienation of youth and a deepening cynicism regarding political and economic institutions, while in the developing countries there continued to be mass migration of the young from rural to urban areas, and substantial sections of the youth population were below the poverty line or, indeed, at starvation levels;

(b) In many societies the majority of youth felt that they were marginal to the political decisions that were taken on legal, economic and social issues. In fact, many young people perceived that decisions on matters that affected their everyday lives were taken by officials with whom there appeared to be little contact and no means of direct accountability or control. It was pointed out that youth comprised a large segment of contemporary society and would be the future citizens and leaders of society. The opportunity to participate both in the economic and social life of the community was vital. It was important to recognize that in youth were to be found latent resources for the revitalization of society.

15. Two institutions were singled out as important in providing the socializing processes for the development of young people in contemporary society; one was the family and the other was the educational system. Emphasis was placed on the need to strengthen the family, on the one hand, and on adapting the educational system to the needs of youth, on the other. It was also stated that the family and the educational system should be seen as complementing each other in the primary socialization processes. It was suggested that the years from ages 15 through 24 - the definition of youth adopted for the International Youth Year * - was a considerable span of years and that those years needed to be subdivided in order to look at the socializing processes in the family and in the educational system. Several groupings were suggested, but it was recognized that those would vary for different regions and different cultural contexts and that it would not be very meaningful to attempt to impose such groupings on a uniform basis. The meaning of youth contained an important subjective element. How it was defined legally, educationally and socially by the adult population varied from one country to

* It should be noted that there is no universally agreed upon definition of youth. A chronological definition of who is young, as opposed to who is a child or who is an adult, varies with each nation and culture. However, the United Nations, for statistical purposes, defines those persons between the ages of 15 and 24 as youth without prejudice to other definitions by Members States.

another. Also, the meaning of youth to the young people themselves, in their everyday lives, should not be ignored.

16. A lengthy discussion took place on the nature of the family and its importance for the development and well-being of young persons. In some countries, the extended family of three generations and many relatives still existed, but in the industrial countries and in large urban areas elsewhere, the nuclear family of parents and children tended to prevail. The vulnerability of young people in the nuclear family was noted as increasing as a result of both parents working outside the home, an increase in divorce or legal separation of parents (which, it was suggested, was often related to a self-centred concept of self-fulfilment) and of a growing trend towards one-parent families. It was also noted, however, that in some forms of extended families, e.g., polygamy, there were internal rivalries and stresses in the parental group that could have adverse effects on children.

17. The participants stressed the need for strengthening the family in the contemporary world. This could be accomplished by providing support services for family life and by emphasizing the importance of the relationship between parents and between the parents and the child. Other participants underlined the need to provide specific education in family life for those who were to become parents, while others stressed the need, particularly in urban society, to develop neighbourhood groups to give support to the family in the community. In urban society the nuclear family was often isolated and had to rely entirely on social services of a professional nature when crises occurred.

18. It was pointed out that the role of the family varied according to the age of the young person: for the very young, it embraced an entire life; for the school child, it was the most important primary group; and for the older adolescent, it tended to become merely a reference group. Another issue that was discussed was the social significance of the so-called generation gap. Many parts of the world were undergoing rapid social and technological change, and youth had in many instances developed a separate social milieu from which parents and other members of their generations felt isolated. It was necessary to emphasize the need for understanding and communication across such a gap to avoid rapid social alienation of the young, from their parents. Parents had to be encouraged to make an effort to understand the young for their problems were not solely generated by the young but had also been created by adults.

19. Most participants stressed the importance of the educational system in the socialization of young people. Education had to provide young people with basic skills; but, in addition, it had to help young people to a better understanding of the contemporary world and their social responsibilities in it. It needed to be more closely related to the future work situation, in which young people would have to contend and not to concentrate exclusively on academic subjects. It was pointed out that significant sections of the youth population obtained little, if any, satisfaction or benefit from existing formal educational systems.

20. The problems of youth in the modern, large urban community were examined. It was agreed that social change, as such, did not create youth problems. It was the unplanned, segmental change that gave rise to a great deal of the problems of youth in contemporary urban society. This was aggravated by the extent to which society produced material temptations for youth, through advertising and the media. The young desired goods and thus experienced stress owing to what has been termed "relative deprivation". Several participants emphasized that there was a need to develop a concerned society, one based upon respect and affection, especially for the young. It was noted that "if there was more love and affection in society, there would be less need for so much law enforcement, especially against the young".

21. The failure of economic and political institutions to provide an acceptable life-style for youth, the weakening of family relations and often the inadequacy of educational systems to meet the needs of youth, especially in the unplanned and socially deprived urban environment, resulted in youth sub-cultures or counter-cultures, "alternative" life styles, "drop-out" societies, gangs, protest societies etc. In such circumstances, youth were not becoming an integral part of society, which would better enable them to contribute to positive developments and social change. It was generally agreed long-term solutions to many of the youth problems in the contemporary world would only be brought about through fundamental economic, social and cultural change and not through an increase in the application of legal sanctions.

B. Characteristics of youth crime in the context of changing socio-economic conditions

1. Nature and extent of youth criminality

22. The breakdown of the family - conflict situations between parents or between parents and children, neglect and abuse of children - was considered a primary factor in the occurrence of youth criminality. The "street child" phenomenon was noted in particular: in some cities of the world, there were large populations of homeless or street children with no community ties or resources. This was cited as an extreme sample of the negative consequences of the disintegration of family life and of the inability of society to provide comprehensive care and assistance.

23. There was a lengthy discussion on the accuracy of official data in indicating the nature and extent of youth criminality. Often such data concealed more than it revealed. Crime data were recorded according to legal categories only; it was therefore not possible to assess the social significance or context in which the crime occurred. By way of example, the murder of a young person could have been committed by a mother during an argument, or during the course of a robbery or in connection with political protest. At the international level, there were considerable differences in the systems and methods of recording crime, even if, as in the case of INTERPOL data, only certain crimes were included.

24. It was pointed out that most "hidden" crime and delinquency studies and victim surveys indicated that only a small proportion of conduct that could have been labelled criminal was, in fact, reported to the police or other comparable recording agencies. The "dark" figure of crime, it was suggested, was clearly enormous. However, it seemed that the proportion of unrecorded crimes was lower for youth than other age groups in the population. The proportion of hidden youth delinquency varied according to the kind of socio-legal system and culture especially in some countries where informal processes of social control were applied to the deviant behaviour among the young. But it was noted that no detailed comparative studies had so far been undertaken, although a study by the United Nations Social Defence Research Institute (UNSDRI) provided some useful information. Many difficulties in making meaningful international comparisons based upon official statistical data on youth criminality were mentioned, and the necessity for further research was underlined.

25. It was also indicated that the major part of youth crime could be classified as conventional crime - sex crimes, crimes against property, such as theft and breaking into premises, violent street crime and criminal damage. Such crimes immediately came to the attention of the community and received public attention through the media. In contrast, there were many non-conventional crimes committed by adults - white collar crime, fraud, tax evasion, non-compliance with health and

safety laws for factories and offices - of which neither the victims nor the community were usually aware until after the discovery of the perpetrators. It was difficult, therefore, to ascertain the actual magnitude of youth criminality in relation to that of other age groups. But it was pointed out that many Governments had expressed concern for the marked increase in youth crime in recent years.

26. It was recognized, however, that the interpretation of trends in recorded criminality was fraught with difficulties. The category labelled "youth criminality" was determined not only by the number of conflict situations but also by the types of institutions capable of handling conflict situations satisfactorily or the ability of informal processes to deal with conflicts. It was pointed out that most discussions on youth criminality assumed misconduct solely by males, which was misleading. Although the ratio of young males to young females in recorded crime varied, it was emphasized that young females were greatly underrepresented in registered crime data. Moreover, the amount of registered data on female crime was increasing. The extent and changing nature of crimes involving young females merited close scientific study at the international level.

2. Youth and drug abuse and criminality

27. The seriousness of youth involvement in drug offences, which was occurring in many countries, was emphasized, and the extent to which there was an increase in the use of hard drugs by the young was examined. It was pointed out that there were two related aspects to the drug problem: (a) the suppliers and (b) the young users. Supplying drugs was an economic crime involving organized networks. The prevention and control of that activity required considerable efforts on the part of law enforcement agencies. Young people were involved in the supply of drugs on the street and were the primary users of drugs. Harsh sentences for young drug offenders had not produced successful results.

28. Drug taking by the young could be a symptom of the larger problem of youth in modern, urban society; the problem could be dealt with effectively only through structural changes in the economic and social situation of the young in contemporary society. The need for better education about the effects and potential dangers of drugs was emphasized. It was acknowledged that the use of drugs for recreational purposes varied from one culture to another: alcohol and tobacco were accepted in some cultures while cannabis was accepted in others. No drug was harmless if used in large quantities. It was suggested that the issues relating to the use of drugs by youth should be studied in a wider context.

29. Several participants said that property crimes, e.g., theft, burglary, robbery, were committed by young offenders in order to obtain funds to purchase drugs and enter the network of suppliers. It was also pointed out that the excessive use of alcohol by young people was causing considerable concern; alcoholism among those under 20 years of age was a growing problem in many countries. Heavy drinking by the young was often associated directly or indirectly with various forms of crime, especially those of violence.

3. Youth and violence in the urban environment

30. Several participants emphasized that there was growing concern about youth and violence at the governmental level. Robbery was singled out as a particularly disturbing phenomenon and was especially found in the economically and socially deprived sectors of large urban areas. The prevalence of this crime, especially street robbery, was noted by both developed and developing countries. It was reported that street children often resorted to violence in small groups.

31. Repressive measures were not a long-term solution. Constructive solutions required changes in social and economic structures and planned urban development. Since it was not possible to stop the growth of cities, proper educational, social, cultural and recreational resources and facilities had to be provided. An integrated approach to planning for the urban environment was recommended.

32. Other forms of inter-personal violence also occurred predominantly among the economically and socially disadvantaged urban population. Violent youth were often "drop outs" from school, the family and work. The primary socialization that they had received through the family was frequently inadequate and their basic education was poor. Remedial action of a social and educational nature would form part of a constructive approach to dealing with these youth. In some countries violent youth were less often in organized groups with clear leadership; there was an increase in violence by casual or informal "gangs" of youth with a temporary leader only. Such violence was often without specific motivation but seemed to be committed to make a sensational impact on the local community or to provide the offenders with notoriety. It was suggested that violence by the very young and violence by older youths were quite distinct phenomena that required separate study in-depth.

33. Student protest could lead to violence as a result of police tactics of an overtly repressive nature rather than as a planned part of the protest. This might apply to other kinds of youth violence, and it was suggested that this had important implications for police training.

34. It was pointed out that in modern urban society youth often felt alienated from their parents and other adults in the community and received no clear guidance for the future. They were in search of an identity, and violence then became part of an ideology of protest. It was clear to participants at the Meeting that there was no simple cause for or solution to the problems of youth violence. Criminal violence by youth manifested itself in many different social and political contexts and should not, therefore, be treated as if it were a homogeneous phenomenon. There was evidence to suggest that in some industrial societies youth may be underrepresented in terms of the incidence of registered crimes of violence.

35. It was recommended that in giving further consideration to issues relating to youth and violence special attention should be given to the following aspects: (a) youth and robberies of ordinary citizens, so-called "muggings"; (b) youth and violence associated with heavy drinking or drunkenness; (c) youth and violent sex crimes; (d) youth and violence involving minority groups; (e) youth and violence associated with drug abuse and drug trafficking; (f) apparently unmotivated destructive violence to persons and property by youths in public places; and (g) political and other forms of public protest involving violence by young people.

4. The impact of the mass media and entertainment on the young

36. It was noted that the mass media, particularly television, was an integral part of everyday life in many countries. Television could enrich life and be a stimulus to creativity, but it could also cause passivity and social isolation. Several participants stressed that the positive influence of the media on the lives of the young in terms of education and entertainment should not be overlooked but that the negative influences on attitudes and behaviour were of direct relevance to the Meeting. A growing number of programmes portrayed the crude and more sordid sides of human nature and social life, especially with respect to sex, violence and greed or commercial gain. It was suggested that there was need for some form of control in order to protect the young from disturbing influences.

37. It was pointed out that television programmes, entertainment programmes, were produced mainly in the industrialized countries but were shown throughout the

developing countries, which had a disturbing influence on the young in those countries. It was stated that television was a new form of colonialism or imperialism, imposing the attitudes and standards of behaviour of industrialized countries - whether capitalist or socialist - on the third world. There was need to protect the culture and traditions of the smaller countries from alien values and beliefs. However, it was noted that accountability and control had been the subject of much controversial discussion, especially at the United Nations Educational, Scientific and Cultural Organization (UNESCO). Little progress had been made in reaching agreement at the international level; therefore, although representatives at the Meeting expressed the view that some form of control should be considered, the way in which it could be brought about was outside the scope of deliberation.

38. A number of representatives suggested that no firm conclusions could be drawn from research on the extent to which television influenced violent conduct or other forms of criminality. Other participants felt that there were shortcomings in the research methodology but that the adverse effects of programmes showing violence could be seen in everyday life. It was recommended that research of an experimental nature might produce harder evidence of the direct connection between the media and forms of youth criminality.

39. More recent research had indicated that it was necessary to study the influence of the media as a two-way process: what was produced, on the one hand, and what was selected by the audience, on the other. There was also another variable - the interpretation of what was seen, based upon the perceptions of those exposed to the media. However, some participants felt that in a general way the media influenced the attitudes of the young towards family life and work and raised the expectations of the young, especially with respect to material goods and living standards. The long-term effects of the media were difficult to ascertain, but it was noted that a false fear of the extent of violence or other forms of criminality could result from the media and that even the views of policy-makers and practitioners of criminality were probably in part the result of indirect knowledge of youth criminality and social behaviour that had been obtained from the media.

5. Cross-cultural influences on juvenile delinquency

40. In addition to the mass media, another important cross-cultural influence on the young was through innovations brought about by new technology. Technology had certain implicit social values and influenced both the context and the methods of education, which, it was claimed, produced culture conflict, especially among the young. Developing countries could not shut the door to such innovations, but they had to emphasize their own distinct cultural values and identity. It was stressed that certain alien cultural influences increased the gap between the values and knowledge of the younger generation and those of the parental or adult generation. When technology was introduced without making alternative types of employment available, the marginalization of certain categories of youth would occur. The differences between the rich and poor would also increase. Without a link between education and training of the young for the labour market, the young could no longer easily be absorbed into the economic process.

41. Cross-cultural influences on youth varied according to stages of economic growth in different countries and their effect on juvenile delinquency was largely indirect. Cross-cultural influences were not only the influences of industrial countries on developing countries but also those between industrialized countries and between developing countries. There were also other cross-cultural influences; in particular, the significance of cross-cultural influence on indigenous people in developed countries should be closely examined.

C. Crime prevention and control: planning and implementing comprehensive policies and programmes

42. The participants noted that in a number of countries specific programmes had been developed to prevent and control crime by youth. However, the approach was frequently piecemeal and compartmentalized between various ministries responsible for different services; programmes were developed by the police and the prosecuting services, by the social services, by the educational authorities, by the medical and health services, by the juvenile justice organizations and by those responsible for the penal system. There was need for a more integrated approach to the prevention of crime among the young in order to maximize the use of resources available and for those who carried out programmes to have training in management skills. It was pointed out, however, that the extent to which specific programmes could be developed varied according to economic development in different countries: often there were gaps in the basic facilities and services available and no resources to provide for them. In some countries, religious organizations played an important role and were integrated through the family, school and the State for the prevention and control of crime among the young. Several participants emphasized the need to consider the family and schools in relation to the local community in any co-ordinated approach to positive prevention programmes. Also, considerable attention had to be paid to the resources available for leisure activities for the young at the local level.

43. Comprehensive policies and programmes for dealing with the young had been developed in a number of countries. In some countries, one authoritative organ was responsible for all services dealing with youth and co-ordinated activities at the local level; in others, the central government co-ordinated the activities both centrally and locally. Comprehensive programmes dealt with positive prevention and were co-ordinated with the formal system of juvenile justice. The comprehensive approach dealt with crime and the individual delinquent in a total context, in other words, attempts were being made to deal with the fundamental issues relating to delinquency and not only to react to individual cases of delinquency. Basic to such an approach were educational measures for the socialization or re-socialization of the young.

44. It was pointed out that in all situations the introduction of formal or institutional measures of prevention and control should have due regard to the maintenance and development of informal processes of social control at the primary level. It was also suggested that prevention programmes were necessarily related to the kind of juvenile justice system that existed at the judicial or tribunal level.

45. It was proposed that the United Nations consider the possibility of designating one year as "international crime prevention and criminal justice year".

D. Social justice for the young

46. Participants emphasized the importance of comprehensive measures to prevent child abuse, maltreatment and exploitation inside and outside the home as well as in institutions. It was noted that courts intervened only after some serious event had taken place, and it was important to develop preventive strategies at an earlier stage wherever possible. The courts in some instances were able to use volunteer assistance to augment professional work, a development that should be encouraged not only because it saved resources but also because it encouraged the participation of members of the community at the local level.

47. Young girls and boys were exploited for prostitution and immoral purposes. Child labour, while necessary for family survival in some social contexts, could also lead to exploitation or ill-treatment. Adequate safeguards were necessary, including the appropriate procedure to ensure that legal requirements were enforced. Some parents forced their children to beg, which was another social problem in this respect.

48. The abandonment of children in urban areas was a major problem in some countries and marginalized large sectors of the youth population. The abandonment of children had moral consequences with respect to the socialization process which normally takes place initially through the family; and material consequences as regards their behaviour and victimization. Such consequences were related to the only possibility of survival in a socially and economically deprived environment. While legal remedies might have some impact in individual cases in the short-run, only a transformation of the economic and social structures to provide sufficient resources and comprehensive service delivery for economic survival would provide any positive long-term solution.

49. In some countries, special centres for juvenile care had been established in the larger urban areas, where it was found that both material resources and psychological care were important. Abandoned, exploited, neglected or abused children had a very high risk of becoming delinquent, more so than those from ordinary home backgrounds. Some centres for juvenile care emphasized the need for treating the family as a whole. Often the parents as well as the child were in need of psychological or psychiatric help. The mental health problem required special consideration. Family or juvenile courts were usually concerned with avoiding the use of institutional measures wherever possible and instead developed the use of foster care and foster-parent homes as a more constructive alternative. Participants agreed that such developments were to be encouraged. The establishment and promotion of "permanency" for children who had been separated from their parents for any reason was considered necessary. Projects in that sphere needed to be properly monitored and evaluated, and guidance was needed in the handling of individual cases.

50. It was noted that the concepts "exploitation", "neglect" and "maltreatment" were relative to the cultural and socio-legal situations in different countries. Nevertheless, it was important to formulate basic international standards for the care and protection of the young. However, such issues should not be viewed exclusively in terms of the criminal justice process. There were considerable dangers of repressive action against neglected, abandoned or maltreated children if they were dealt with primarily within the criminal justice process, even when it was modified into a juvenile justice system.

E. Juvenile justice systems

51. Participants agreed that there was a fairly clear understanding of the three perspectives or models of juvenile justice that have been the basis of contemporary approaches to dealing with juvenile offenders: (a) the due process model; (b) the social welfare model; and (c) the participatory process model. Details of the three had recently been described in a paper presented at the Bellagio colloquium on youth, crime and justice. The first model was based upon the concept of legality, the rule of law and due process, the professional lawyers making the main decisions. The second model was based upon notions of economic and social justice through State planning and welfare, with administrators and professionals from the "helping services" making the main decisions. The resolution of the issues with respect to the first two competing models was essential for the proper development

of a mechanism to control and protect the young. However, another view was that although the debate might be regarded important in industrialized countries, the welfare issues in the two models arose in historical contexts and are not necessarily relevant today. The third model, it was suggested, could resolve the issue because juvenile justice could more meaningfully take place at the macro level, with greater participation of citizens in the resolving or containing of conflict at the local level with a minimum of intervention of the centralized power structure of the modern State. The third model existed still in pre-industrialized countries and was still applied to youth delinquency in the developing countries.

52. Participants agreed that there were few, if any, countries in which juvenile justice systems were entirely described in terms of one of the models. Most juvenile justice systems had elements of each model to a varying degree.

53. A question was raised on the possible ways of achieving a balance between the three models. It was suggested that the balance between models would vary according to the culture and stage of development of a country. It was stressed, however, that the participatory processes were not confined to developing countries but were being fostered or recreated in industrialized countries, often through diversion from the legal or welfare system. It was suggested that the participatory processes in the developing world, often local and informal, should be protected, especially where rapid industrialization was taking place. It was also pointed out that the kind of juvenile justice system that existed was related to the history and culture of the country, to the criminal justice system for adults and to other social institutions. In some countries evidence suggested that "welfare justice" or "red model" had not been successful and consideration was given to a return to the "due process" or "blue model" for dealing with the more serious delinquents, with the aim of using punishment as the main form of social control. It was, however, pointed out that the justice model applied was likely to be related to the age group of the offender and that a particular model was hardly likely to be applicable to all young persons under 24 years of age.

54. It was agreed that most of the aspects relating to the three models, such as legal protection and guarantees for the young in conflict with the law, governing policies for adjudication, handling and treatment of young offenders, the role of criminal and juvenile justice personnel in the handling and treatment of the young, diversion from the formal system and the use of custodial sanctions were covered by the proposed standard minimum rules for the administration of juvenile justice.

F. Standard minimum rules for the administration of juvenile justice

55. It was pointed out that the draft standard minimum rules *, which had a long history, were before the Interregional Preparatory Meeting for consideration and transmission to the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, in accordance with draft decision 8/4 of the Committee on Crime Prevention and Control. After in-depth consideration of the rules, the Meeting agreed on a number of amendments, which the Secretariat was requested to take into account in the finalization of the rules and the preparation of the report for submission to the Congress.

56. The rules were regarded as providing a proper balance between the concern for the young and the interest of society and provided basic, minimum legal guarantees for the fair and humane treatment and handling of the young in conflict with the

* Issued at the Meeting without a symbol.

law. The Rules were considered to provide enough flexibility to be applicable to all Member States. Their adoption by the United Nations would be an important step forward in the international concern for promoting juvenile justice and improving the quality of life.

II. RECOMMENDATIONS

57. At the end of its work, the Meeting agreed on the following recommendations:

1. Every effort should be made to ensure that youth have the right to and facilities for full participation in national development, in particular with respect to work, education, political participation, legal facilities and cultural activities.

2. The family should be supported and strengthened because of its role in the socialization of the young and in the prevention of juvenile delinquency.

3. Educational systems should be evaluated to ascertain whether they were relevant to the emotional and social needs of youth and prepared the young for work and leisure activities.

4. Special attention should be given to the needs of the young and the prevention of delinquency in the urban setting. In particular, attention should be given to homeless and street children in the urban setting.

5. Urban planning should include adequate social and recreational activities for youth as well as proper resources for integrated community life. It should be noted that inadequate urban planning contributed to atrophied relations and could be assessed as being related to the occurrence of sex crime.

6. Although precise data on youth criminality and delinquency is difficult to collect and in some countries there appears to be no marked recorded increase, policy-makers and research workers at the national, regional and international levels should pay special attention to youth criminality, which is a serious problem particularly in urban areas. Also, the nature of youth criminality in rural areas, especially in developing countries, should not be overlooked.

7. Because the measurement of youth criminality is insufficient to be used for comparative purposes by policy-makers, new methodological approaches should be developed in addition to those relating to "hidden" delinquency studies, in order to provide the information for effective planning in crime prevention. The nature and extent of youth crime and delinquency should be analysed at the international level utilizing such approaches.

8. The growing number of female juveniles using drugs and involved in criminality and the implications of that phenomenon on the administration of juvenile justice should be carefully studied.

9. Because the illegal use of drugs by the young was a growing problem in many countries, especially in the larger cities, and juvenile justice systems did not appear to have contributed positively to solving the issues of concern, greater emphasis should be given to educating the young on the danger of both illegal and legal drugs. These issues including both legal and illegal drugs and the growing recreational or non-medical use of drugs and alcohol should be tackled in a much wider context. Research on drug use by the young, especially in the urban environment, should be undertaken, at the international level, because there was

evidence of an increase in crime relating to illegal drug taking, although that might be due to the illegality rather than to the substance of the drug.

10. Further consideration should be given to and studies should be made on specific manifestations of youth violence, especially in the urban environment, such as muggings, violent sex crime, street gang violence, violence involving minority groups, apparently unmotivated destructive violence to persons and property and violence associated with heavy drinking and drug abuse and trafficking.

11. The influence of the mass media on the young is all pervasive, both in positive and negative ways; however, the precise role of the mass media in contributing to crime is unclear. Further research is needed. Studies of an experimental nature on the interrelationship between media and youth crime should be carried out.

12. The influence of the mass media on policy-makers and practitioners dealing with youth criminality should be further studied.

13. Because criminal violence involving youth was not a homogeneous phenomenon, policy-makers should distinguish between different types of youth violence committed by individuals and in "gangs", especially in the urban environment. Attention and research should be focused on the social, economic, educational, political and cultural factors associated with different kinds of violent events if constructive solutions are to be found.

14. The negative aspects of external cultural influences on the young in developing countries and on indigenous people in developed countries should be given special attention as they contributed to stress and conflict among the young and were therefore indirectly related to youth crime.

15. Greater awareness of the need for integrating measures to prevent youth criminality and to co-ordinate prevention programmes should be developed. The "comprehensive approach" is a most effective way of bringing this about. It was unanimously recommended that more effective linkages should be established between the programmes for the prevention and treatment of youth criminality and other public structures, especially those relating to health, education and social welfare.

16. In juvenile justice processes due consideration should be given to the development of participatory processes for solving youth conflicts wherever possible. Educative rather than punitive measures should normally receive priority when considering the prevention and control of youth criminality.

17. Special attention should be given to psychological disorders and mental health problems of exploited, abandoned, neglected or abused children and the requisite care services, both physical and psychological, for such children who come to the attention of criminal justice authorities. Research should be undertaken to identify the relationship of those problems to delinquent and criminal behaviour. With a view to delinquency prevention, international standards for the care and protection of the young in different cultural, economic and socio-legal situations should be formulated.

18. The United Nations should consider the possibility of proclaiming one year as the international year of crime prevention and criminal justice. The draft text of the standard minimum rules for the administration of juvenile justice was approved by the Meeting for transmission to the Seventh Congress. The Secretariat was requested to finalize the draft in line with amendments made by the Meeting.

The Meeting unanimously decided to recommend to the Congress that the draft rules, once adopted, be designated and thereafter referred to as the "Beijing Standard Minimum Rules for the Administration of Juvenile Justice".

III. ADOPTION OF THE REPORT AND
CLOSING OF THE MEETING

58. At the final session, the draft report was introduced by the Rapporteur and, after consideration by the participants, was adopted unanimously by the Meeting. Closing statements were made by the Chairman, the Rapporteur, the representative of the Committee on Crime Prevention and Control and the Executive Secretary of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders. On behalf of all participants, appreciation was expressed to the Government of China for its outstanding efforts, co-operation and hospitality and efficient services, as well as the substantive contributions of its experts, to the representative of the Committee for his valuable comments and to the Chairman for his able guidance.

Annex I

LIST OF PARTICIPANTS

Experts invited by the Secretary-General

Tolani Asuni (Nigeria), Director, United Nations Social Defence Research Institute, Rome, Italy

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Sana Jazrawi (Iraq), Chairwoman, Iraq Technical Committee on Juvenile Delinquency, Ministry of Labour and Social Affairs, Baghdad, Iraq

Frederick McClintock (United Kingdom of Great Britain and Northern Ireland), Faculty of Law, Old College, Edinburgh University, Regent Terrace, Edinburgh, Scotland, United Kingdom

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Evelina Melnikova (Union of Soviet Socialist Republics). Membre de l'Institut de l'Etat et du droit de l'Academie des Sciences de l'URRS, 10 rue Frounze, 119841 Moscow, USSR

Jose H. Ruiz Rodriguez (Cuba), Chief, Police Investigation Department, Ministry of the Interior, Havana, Cuba

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Keiji Yonezawa (Japan), Director, Youth Division, Criminal Affairs Bureau, Ministry of Justice, 1-1-1, Kasumigaseki, Tokyo, Japan

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Zheng XiWen, Vice-Minister of Justice

Xu JingFeng, Deputy Director, Foreign Affairs Department, Ministry of Justice

Zhou XianJue, First Secretary, International Organization Department, Ministry of Foreign Affairs

Zhang YanLing, Co-ordinator, Chief, Division of International Organization, Foreign Affairs Department, Ministry of Justice

Lei Xu, Research Fellow, Research Office, Supreme People's Court

Wang RanJi, Procurator, First Department, Supreme People's Procuratorate

Li Chun, Deputy Chief, First Division, Criminal Law Research Office, Commission of Legislative Affairs, the Standing Committee of the National People's Congress

Chen JiaRui, Deputy Chief of Division, Fifth Bureau, Ministry of Public Security

Huang Zuyuan, Head, Bureau of Foreign Affairs, Ministry of Public Security

Wang ZhenYu, Director, Mediation Department, Ministry of Justice

Lan QuanPu, Deputy Director, Propaganda Department, Ministry of Justice

Zhao DianYing, Deputy Chief of Division, Reform-Through-Labour Bureau, Ministry of Justice

Zhang Li, Officer, Bureau of Re-education-Through-Labour, Ministry of Justice

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Chu HuaiZhi, Professor, Law Faculty, Beijing University

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Xu Jian, Professor, Shanghai East China Politics and Law School

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Representative of the Committee
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Non-governmental organization

T. Dolgopol, Secretary, International Commission of Jurists

Annex II

LIST OF DOCUMENTS

A. United Nations documents

Documents for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders

- A/32/199 Report of the Secretary-General on crime prevention and control
- A/CONF.87/5 Juvenile Justice: Before and After the Onset of Delinquency - working paper prepared by the Secretariat for the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- A/CONF.87/14/Rev.1 Report of the Sixth United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/PM.1 Discussion guide for the regional and interregional preparatory meetings for the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/RPM/1 and Corr.1 Report of the European Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/RPM/2 and Corr.1 Report of the Asia and Pacific Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/RPM/3 Report of the Latin American Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/RPM/4 Report of the African Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders
- A/CONF.121/RPM/5 Report of the Western Asia Regional Preparatory Meeting on the Prevention of Crime and the Treatment of Offenders
- E/AC.57/1984/15 The fair treatment of women by the criminal justice system: report of the Secretary-General
- E/AC.57/1984/18 Report of the Committee on Crime Prevention and Control on its eighth session
- E/AC.57/1984/CRP.1 Research on the causes of delinquency and programmes for its prevention: report of the United Nations Institutes for the Prevention of Crime and the Treatment of Offenders

- E/CN.5/1983/2 Report of the Committee on Crime Prevention and Control on its seventh session
- E/CN.57/1984/NGO.3 Violence in the family: written statement of the International Catholic Child Bureau and the International Association of Penal Law
- E/CN.57/1984/NGO.5 Violence in the family: written statement of the International Alliance of Women
- E/CN.57/1984/NGO.6 Violence in the family: written statement of the Salvation Army
- ESA/SDHA/1 Standard Minimum Rules for the Treatment of Prisoners
- Documents for the International Youth Year
- A/36/215 International Youth Year: Participation, Development, Peace - report of the Secretary-General
- A/37/348 International Youth Year: Participation, Development, Peace - report of the Secretary-General
- E/1983/3 Situation of youth in the 1980s: report of the Secretary-General
- Report of the Regional Preparatory Meeting for the International Youth Year: Economic and Social Commission for Asia and the Pacific, Bangkok, 26-30 July 1983
- and Annex - Draft Regional Plan of Action for the International Youth Year and Beyond: Participation, Development, Peace (SD/RPAIYY/3)

B. Background documents

United Nations information material

Informal note on Seventh Congress Preparations

Crime Prevention and Criminal Justice Newsletter, No.7, December 1982

Crime Prevention and Criminal Justice Newsletter, No.8, September 1983

United Nations draft standard minimum rules for the administration of juvenile justice

Papers submitted by participating experts

Adedokun A. Adeyemi, "Administration of juvenile justice and treatment of juvenile offenders in Nigeria"

Adolfo Beria di Argentine, "Youth, crime and justice: A difficult subject in evolution"

Andre Bossard, "Juvenile delinquency: The role of the police in prevention and law enforcement"

Andre Bossard, "Role of the police in the prevention and control of juvenile delinquency"

Dhavee Choosup, "Institutional treatment of juvenile offenders"

Wu Han, "The major principles of juvenile justice administration in China, and our experience"

Wu Han, "The situation of juvenile delinquency and the strategy of comprehensive approach in China"

Richard W. Harding, "The impact of mass media upon youth violence"

Louis W. McHardy, "An exploratory paper on the role of the American juvenile and family court judiciary in the prevention, adjudication and treatment of juvenile delinquents/offenders"

Evelina Melnikova, "The prevention of juvenile delinquency in the USSR"

Jorge Montero-Castro, "Youth, crime and justice: The exploitation, maltreatment and abandonment of minors"

J. H. R. Rodriguez, "Youth, crime and justice"

Peter Rogers, "Prevention and treatment of drug abuse by young persons"

Simone Rozes, "Alternatives to custodial sanctions for youth offenders"

Hira Singh, "The role of corrections and the training of criminal justice personnel in the prevention, treatment and handling of youth offenders"

Keiji Yonezawa, "Manifestations of youth crime and drug abuse"

Expert papers presented by rapporteurs at the Sixth Joint Colloquium
on Youth, Crime and Justice, Bellagio, Italy

Derick McClintock, Head of the Department of Criminology, University of Edinburgh, "General report of the International Society for Criminology"

Horst Schüler-Springorum, Professor of Criminology and Penal Law, University of Munich, President of the German Association of Youth Magistrates, "General report of the International Association of Penal Law"

Yves De Thevenard, Division President of the Court of Appeal of Versailles, "General report of the International Society of Social Defence"

Jean Pradel, Professor at the Faculty of Law, Poitiers University, Head of the Department of Criminal Sciences, "General report of the International Penal and Penitentiary Foundation"

Other expert papers

Inkeri Anttila, Director, Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, "The young offender and the tug-of-war between ideologies on crime prevention"

S.V. Borodin, Academy of the Ministry of the Interior, Moscow, "Soviet criminology on the causes of juvenile delinquency and its control"

James O. Finckenauer, Acting Dean, School of Criminal Justice, Rutgers University, Newark, New Jersey, "The theory and practice of treating young offenders"

Matti Joutsen, Senior Researcher, Helsinki Institute for Crime Prevention and Control affiliated with the United Nations, "Criminal justice and social justice for young offenders: Finland"

H. M. Joko Smart, Dean, Fourah Bay College, University of Sierra Leone, "Causation and prevention of juvenile delinquency and treatment modalities for juvenile offenders in the African region"

National Council of Juvenile and Family Court Judges, Reno, Nevada, "Judicial review of children in placement deskbook"

Krzysztof Polkewski-Koziell, Editor, "State and Law" Monthly, Polish Academy of Sciences, "The impact of the mass media on the youth violence"

Charles Springer, Acting Chief Justice, Supreme Court of Nevada, Reno, "Justice for juveniles"

Horst Schüler-Springorum, Professor, University of Munich, "Youth, crime and justice"

This archiving project is a collaborative effort between United Nations Office on Drugs and Crime and American Society of Criminology, Division of International Criminology. Any comments or questions should be directed to Cindy J. Smith at CJSmithphd@comcast.net or Emil Wandzilak at emil.wandzilak@unodc.org.