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

REPORT OF THE INTERREGIONAL PREPARATORY MEETING FOR THE EIGHTH  
UNITED NATIONS CONGRESS ON THE PREVENTION OF CRIME AND THE  
TREATMENT OF OFFENDERS ON TOPIC IV: "PREVENTION OF  
DELINQUENCY, JUVENILE JUSTICE AND THE PROTECTION OF THE  
YOUNG: POLICY APPROACHES AND DIRECTIONS"

Vienna, 18-22 April 1988

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## RECOMMENDATIONS

After an extensive discussion of the various substantive issues related to topic 4, as outlined in the discussion guide (A/CONF.144/PM.1), the Interregional Preparatory Meeting of experts unanimously adopted the following two resolutions, and recommended them to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, through the Committee on Crime Prevention and Control, for consideration and appropriate action.

### Resolution I

#### United Nations draft guidelines for the prevention of juvenile delinquency

##### (The Guidelines of Riyadh)

The Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic 4: "Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions",

Bearing in mind the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights 2/ and the International Covenant on Economic, Social and Cultural Rights, 2/ as well as other international instruments pertaining to the rights of young persons, including relevant standards established by the International Labour Organisation,

Bearing in mind also the Declaration of the Rights of the Child, 3/ the draft convention on the rights of the child and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules,

Recalling General Assembly resolution 40/33 of 29 November 1985, which, inter alia, adopted the Rules, on the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling also that the General Assembly, in its resolution 40/35 of 29 November 1985, entitled "Development of standards for the prevention of juvenile delinquency", adopted on the recommendation of the Seventh United Nations Congress, called for the development of standards for the prevention of juvenile delinquency in order to assist Member States in formulating and implementing specialized programmes and policies, emphasizing assistance, care and community involvement, and called upon the Economic and Social Council to report to the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on the progress achieved with respect to these standards, for review and action,

Recalling further that the Economic and Social Council, in its resolution 1986/10, section II, of 21 May 1986 on juvenile justice and delinquency prevention, inter alia, requested the Secretary-General to report to the Committee on Crime Prevention and Control at its tenth session on progress achieved with respect to development of the United Nations draft guidelines on the prevention of juvenile delinquency,

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1/ General Assembly resolution 217 A (III).

2/ General Assembly resolution 2200 A (XXI), annex.

3/ General Assembly resolution 1386 (XIV).

Recognizing the need to develop national, regional and international approaches and strategies for the prevention of juvenile delinquency,

Affirming that every child has basic human rights, including, in particular, access to free education,

Bearing in mind the large number of young persons who may or may not be in conflict with the law but who are abandoned, neglected, abused, exposed to drug abuse, in marginal circumstances and, in general, who are at social risk,

Taking into account the benefits of progressive policies for the prevention of delinquency as well as for the welfare of the community,

1. Notes with satisfaction the substantive work accomplished by the Secretariat in the formulation of the draft guidelines;

2. Expresses appreciation for the valuable collaboration of the Arab Security Studies and Training Center at Riyadh, in hosting the International Meeting of Experts on the Development of United Nations Draft Standards for the Prevention of Juvenile Delinquency at Riyadh, from 28 February to 1 March 1988, in co-operation with the United Nations Office at Vienna;

3. Approves the United Nations draft guidelines annexed to the present resolution, to be designated as "The Guidelines of Riyadh";

4. Invites the Committee on Crime Prevention and Control, in its capacity as preparatory body for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the regional preparatory meetings and the Eighth United Nations Congress itself to review the draft rules, with a view toward their adoption by the Eighth United Nations Congress;

5. Invites also the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider the present draft guidelines under its sub-item "Protection of children", with a view to providing its comments and observations;

6. Calls upon Member States to apply the guidelines in law, policy and practice, once adopted by the Eighth Congress;

7. Requests the Secretary-General and invites all relevant United Nations offices and interested institutions, as well as individual experts, to make a concerted effort to promote the application of the guidelines, once adopted;

8. Requests the Secretary-General to give priority attention to the final formulation, ensuring that the draft is properly revised, taking into account further comments, before presentation to the Eighth Congress.

#### Annex

### UNITED NATIONS DRAFT GUIDELINES FOR THE PREVENTION OF JUVENILE DELINQUENCY (The Guidelines of Riyadh)

#### I. FUNDAMENTAL PRINCIPLES

1. For the purposes of the interpretation of these guidelines, a child-centred orientation should be pursued. Young persons should have an active role and partnership within society and should not be considered as objects of socialization and control.

2. In the prevention of juvenile delinquency, community-based interventions and programmes should be developed. The intervention of formal agencies of social control should only be utilized as a means of last resort.

3. The need for and importance of applying progressive delinquency prevention policies and measures should be recognized. These should avoid criminalizing and penalizing a child for behaviour that does not cause serious damage to the development of the child or harm to others. Such policies and measures should involve:

(a) The provision of opportunities to meet the varying needs of the young and to serve as a supportive framework for safeguarding personal development for all young persons and particularly those who are demonstrably endangered or at social risk and are in need of special care and protection;

(b) Specialized approaches and philosophies for delinquency prevention, based on laws, processes, institutions, facilities and a service delivery network aimed at reducing the motivation, need and opportunity for, or conditions giving rise to, the commission of infractions;

(c) Official intervention to be pursued primarily in the overall interest of the young person and guided by fairness and equity, within the framework of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights and the International Covenant on Civil and Political Rights, and in the context of juvenile justice in accordance with the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules;

(d) Safeguarding the well-being, development, rights and interests of all young persons;

(e) Consideration that youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood;

(f) Awareness that, in the predominant opinion of experts, labelling a young person as "deviant", "delinquent" or "pre-delinquent" often contributes to the development of a consistent pattern of undesirable behaviour by young persons.

## II. SCOPE OF THE GUIDELINES

4. These guidelines should be interpreted and implemented within the broad framework of the Universal Declaration of Human Rights, the International Covenant on Economic, Social and Cultural Rights, the International Covenant on Civil and Political Rights, the Declaration of the Rights of the Child and the draft convention on the rights of the child and in the context of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules, as well as other instruments and norms relating to the rights, interests and well-being of children.

5. These guidelines should be implemented in the context of economic, social and cultural conditions prevailing in each Member State.

## III. GENERAL PREVENTION

6. Comprehensive prevention plans should be instituted at every level of government and include the following:

(a) Comprehensive analyses of the problem and an inventory of programmes, services, facilities and resources available;

(b) Well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts;

(c) Mechanisms for the appropriate co-ordination of prevention efforts between governmental and non-governmental agencies;

(d) Policies, programmes and strategies based on prognostic analyses to be followed with continuity through time and carefully evaluated in the course of implementation;

(e) Community participation and a wide-range of services and programmes;

(f) Close interdisciplinary co-operation between national, state, provincial and local governments, with the involvement of the private sector, representative citizens of the community to be served, and labour, child-care, health education, social, law enforcement, judicial agencies and other justice, to take concerted action to prevent juvenile delinquency and youth crime;

(g) Youth participation in policies and processes for youth crime and delinquency prevention, including community service, youth self-help, and victim compensation and assistance programmes;

(h) Specialized personnel at all levels.

#### IV. SOCIALIZATION PROCESSES

7. Emphasis should be placed on preventive policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. Due respect should be given to the proper personal development of children and young persons, and they should be accepted as full and equal partners in socialization and integration processes.

##### A. Family

8. Every society should place a high priority on the needs and well-being of the family and of all its members.

9. Since the family is the central unit responsible for the primary socialization of children, governmental and social efforts to preserve the integrity of the family, including the extended family, should be pursued. The society has a responsibility to assist the family in providing care and protection and in ensuring the physical and mental well-being of children. Adequate day-care should be provided.

10. Governments should establish policies that are conducive to the bringing up of children in stable and settled family environments. Families in need of assistance in the resolution of conditions of instability or conflict should be provided with requisite services.

11. Where a stable and settled family environment is lacking and when community efforts to assist parents in this regard have failed and the extended family cannot fulfil this role, alternative placements, including

foster care and adoption, should be considered. Such placements should replicate, to the extent possible, a stable and settled family environment, while, at the same time, establishing a sense of "permanency" for children, thus avoiding problems associated with "foster drift".

12. Special attention should be given to children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular the children of indigenous and migrant families. As such changes may disrupt the social capacity of the family to secure the traditional rearing and nurturing of children, often as a result of role and culture conflict, innovative and socially constructive modalities for the socialization of children have to be designed.

13. Measures should be taken and programmes should be developed in order to provide families the opportunity to learn about parental roles and obligations towards child development and child-care, promoting positive parent-child relationships, sensitizing parents to the problems of children and young persons and encouraging their involvement in family and community-based activities.

14. Governments should take measures to promote family cohesion and harmony and to discourage the separation of children from their parents, unless circumstances affecting the welfare and future of the child leave no alternative.

15. It is important to emphasize the social control function of the family and extended family; it is also equally important to recognize the future role, responsibilities, participation and partnership of young persons in society.

16. In ensuring the right of the child to proper socialization, Governments and other agencies may not only have to rely on existing social and legal agencies but may also have to provide and allow for innovative measures whenever traditional institutions and customs are no longer effective.

#### B. Education

17. Governments are under an obligation to make public education accessible to all young people.

18. Education systems should, in addition to their academic and vocational training activities, devote particular attention to:

(a) Teaching of basic values and developing respect for the child's own cultural identity and patterns, for the national values of the country in which the child is living, for civilizations different from the child's own and for human rights and fundamental freedoms;

(b) The promotion and development of the personality, talents and mental and physical abilities of young people to their fullest potential;

(c) The involvement of young persons as active participants rather than mere objects of the educational process;

(d) The facilitation of activities that promote a sense of identity with and of belonging to the school and to the community, as well as promoting among themselves mutual understanding and harmony;

(e) The encouragement of young persons to understand and respect diverse views and opinions, as well as cultural and other differences;

(f) The provision of information and guidance regarding vocational training, employment opportunities and career development;

(g) The avoidance of harsh disciplinary measures, particularly corporal punishment.

19. Educational systems should seek to work together with parents, community organizations and agencies concerned with the activities of young persons.

20. Young persons should be informed about the law, their rights and responsibilities under the law, as well as the universal value system.

21. Educational systems should extend particular care and attention to young persons who are at social risk. Specialized prevention programmes and educational materials, curricula, approaches and tools should be developed and fully utilized.

22. Special attention should be given to comprehensive policies and strategies for the prevention of alcohol, drug and other substance abuse by young persons. Teachers and other professionals should be equipped and trained to prevent and deal with these problems. Information on the use and abuse of drugs should be made available to the student body.

23. Schools should serve as resource and referral centers for the provision of medical, counselling and other services to young persons, particularly those with special needs and suffering from abuse, neglect, victimization and exploitation.

24. Through a variety of educational programmes, adults should be sensitized to the problems, needs and perceptions of young persons, particularly those belonging to underprivileged, disadvantaged, ethnic or other minority and low-income groups.

25. School systems should attempt to meet and promote the highest professional and educational standards with respect to curricula, teaching and learning methods and approaches and the recruitment and training of qualified teachers. Regular monitoring and assessment of performance by the appropriate professional organizations and authorities should be ensured.

26. School systems should plan, develop and implement extra-curricular activities of interest to young persons, in co-operation with community groups.

27. Assistance should be given to children and young persons who find it difficult to comply with attendance codes, as well as to "drop-outs".

28. Schools should promote policies and rules that are fair and just; students should be represented in school policy, decision-making and disciplinary matters and proceedings.

#### C. Community

29. Community-based services and programmes should be developed, or strengthened where they exist, which respond to the special needs, problems, interests and concerns of young persons and which offer appropriate counselling and guidance to young persons and their families.

30. Communities should provide, or strengthen where they exist, a wide range of community-based support measures for young persons, including community development centers, recreational facilities and services to respond to the



special problems of children, who are at social risk. In providing these helping measures, respect for individual rights should be ensured.

31. Special facilities should be set up to provide adequate shelter for young persons who are no longer able to live at home.

32. A range of services and helping measures should be provided to deal with the difficulties experienced by young persons in the transition from childhood to adulthood. Such services should include special programmes for young drug abusers which emphasize care, counselling, assistance and therapy-oriented interventions.

33. Voluntary organizations providing services for young persons should be provided with financial and other support by Governments and other institutions.

34. Youth organizations should be created or strengthened at the local level and should be given full participatory status in the management of community affairs. These organizations should encourage youth to organize concrete collective and voluntary projects, particularly projects aimed at helping young persons in need of assistance.

35. Special programmes should be developed to meet the needs of young persons not normally involved in more traditional youth organization activities.

36. Government agencies should take special responsibility and provide necessary services for homeless or street children; information about local facilities, accommodations, employment and other forms and sources of help should be made readily available to young persons.

37. A wide range of recreational facilities and services of particular interest to young persons should be established and made easily accessible to them.

#### D. Mass media

38. The mass media should ensure that the child has access to information and material from a diversity of national and international sources, including material aimed at promoting the social and spiritual well-being and physical and mental health of young persons.

39. The mass media should endeavour to portray the positive contribution of young persons to society.

40. The mass media should be encouraged to disseminate information concerning the existence of services, facilities and opportunities for young persons in society.

41. The mass media generally, and the television and film media in particular, should be encouraged to reduce the level of violence portrayed and to display violence and exploitation disfavouredly, as well as to avoid demeaning and degrading presentations of children, women and interpersonal relations and to promote egalitarian principles and roles.

42. The mass media should be aware of its extensive role and responsibility, as well as its influence, in communications related to youthful drug abuse. It should use its power for drug abuse prevention by relaying consistent messages through a balanced approach. Effective drug awareness campaigns at the primary, secondary and tertiary levels should be promoted.

## V. SOCIAL POLICY

43. 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 abuse prevention and treatment, ensuring that such resources reach and actually benefit young persons.

44. The institutionalization of young persons should be a measure of last resort and for the minimum necessary period, and the best interests of the child should be of paramount importance. Criteria authorizing formal intervention of this type should be strictly defined and limited normally to the following situations: (i) where the child has suffered harm that has been inflicted by the parents/guardians; (ii) where the child has been sexually, physically or emotionally abused by the parents/guardians; and (iii) where the child has been neglected, abandoned or exploited by the parents/guardians.

45. Government agencies should provide young persons with the opportunity of continuing in full-time education (funded by the State where parents/guardians are unable to support the young persons) and or receiving work experience.

46. Programmes to prevent delinquency should be planned and developed on the basis of reliable, scientific research findings and should be periodically monitored, evaluated and adjusted accordingly.

47. Scientific information should be disseminated to the professional community and to the public at large about which sort of behaviour and/or situation indicates or may result in physical and psychological victimization, harm and abuse, as well as exploitation, of young persons.

48. Participation in plans and programmes should be voluntary. Young persons themselves should be involved in their formulation, development and implementation.

## VI. LEGISLATION AND JUVENILE JUSTICE ADMINISTRATION

49. Governments should enact and enforce specific laws and procedures to promote and protect the rights and well-being of all young persons.

50. Legislation prohibiting the victimization, abuse and exploitation of children and young persons should be enacted and enforced.

51. No child or young person should be subjected to torture or other harsh, cruel, inhuman or degrading treatment, correction or punishment measures at home, in schools or in any other institutions.

52. Legislation and enforcement aimed at regulating and controlling accessibility of weapons of any sort to children and young persons should be pursued.

53. In order to prevent further stigmatization, victimization and criminalization of young persons, legislation should be enacted to ensure that any conduct not considered an offence or penalized if committed by an adult is not considered an offence or penalized if committed by a young person.

54. Consideration should be given to the establishment of an office of Ombudsperson or similar independent office for young persons, which would

ensure that status, rights and interests of young persons vis-à-vis justice systems are upheld and that proper referral to available services is made. Child advocacy services should also be established.

55. Police and other justice personnel, of both sexes, should be trained to respond to the special needs of young persons and should be familiar with and use, to the maximum extent possible, programmes and referral possibilities for the diversion of juveniles from the justice system.

56. Legislation should be enacted and strictly enforced to protect children and young persons against drug abuse and trafficking.

#### VII. RESEARCH, POLICY DEVELOPMENT AND CO-ORDINATION

57. Efforts should be made and appropriate mechanisms should be established to promote multidisciplinary, inter- and intra-sectoral interaction and co-ordination between economic, social, educational and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions.

58. The exchange of information, experience and expertise gained through projects, programmes, practices and initiatives relating to youth crime, delinquency prevention and juvenile justice should be intensified at the national, regional and international levels.

59. Regional and international co-operation on matters of youth crime, delinquency prevention and juvenile justice involving practitioners, experts and decision-makers should be further developed and strengthened.

60. Technical and scientific co-operation on practical and policy-related matters, particularly in training, pilot and demonstration projects, and on specific issues concerning the prevention of youth crime and juvenile delinquency should be strongly supported by all Governments, the United Nations system and other concerned organizations.

61. Collaboration should be encouraged in undertaking scientific research with respect to effective modalities for youth crime and juvenile delinquency prevention and the findings of such research should be widely disseminated and evaluated.

62. Appropriate United Nations bodies, agencies and offices should pursue close collaboration and co-ordination on various questions related to children, juvenile justice and youth crime and juvenile delinquency prevention.

63. On the basis of these Guidelines, the United Nations, in co-operation with interested institutions, should play an active role in the conduct of research, scientific collaboration, the formulation of policy options and the review and monitoring of their implementation, and should serve as a source of reliable information about effective modalities for delinquency prevention.

Resolution II

United Nations draft rules for the protection  
of juveniles deprived of their liberty

The Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, on topic 4, "Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions",

Bearing in mind the Universal Declaration of Human Rights, 1/ the International Covenant on Civil and Political Rights, 2/ the draft convention on the rights of the child, as well as other international instruments relevant to the protection of the rights and well-being of young persons,

Bearing in mind also the Standard Minimum Rules for the Treatment of Prisoners, 4/ adopted by the First United Nations Congress on the Prevention of Crime and the Treatment of Offenders,

Recalling General Assembly resolution 40/33 of 29 November 1985 and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules,

Recalling also resolution 21 of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, that called for the development of United Nations rules for the protection of juveniles deprived of their liberty,

Recalling further Economic and Social Council resolution 1986/10, section II of 21 May 1986, that, inter alia, requested the Secretary-General to report on progress achieved in respect of the rules to the Committee on Crime Prevention and Control at its tenth session and requested the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders to consider the proposed rules with a view to their adoption,

Alarmed at the conditions and circumstances under which juveniles are being deprived of their liberty all over the world,

Aware that juveniles in deprivation of liberty situations are highly vulnerable to abuse, victimization and the violation of their rights,

Concerned that many systems do not differentiate between adults and juveniles at various stages of justice administration, and therefore juveniles are being held in gaols and facilities with adults,

1. Affirms that the placement of a juvenile in an institution should always be a disposition of last resort and for the minimum necessary period;

2. Recognizes that, because of their high vulnerability, juveniles deprived of their liberty require special attention and protection and that their rights and well-being should be guaranteed during and after the period when they are deprived of their liberty;

3. Notes with appreciation the valuable work of the Secretariat and the collaboration which has been established between the Secretariat and experts,

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4/ Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.83.XIV.1).

practitioners, intergovernmental organizations, the non-governmental community, particularly Defence for Children International, and scientific institutions concerned with children's rights and juvenile justice in developing the rules;

4. Approves the United Nations draft rules for juveniles deprived of their liberty ("JDLS"), annexed to the present resolution;

5. Invites the Committee on Crime Prevention and Control, in its capacity as preparatory body for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, the regional preparatory meetings and the Eighth United Nations Congress itself to review the draft rules with a view toward their adoption;

6. Invites further the Sub-Commission on Prevention of Discrimination and Protection of Minorities of the Commission on Human Rights to consider this new draft international instrument under its sub-item "Protection of children", with the view to providing its comments and observations;

7. Calls upon Member States to apply the rules, in law, policy and practice, once adopted by the Eighth Congress;

8. Requests the Secretary-General and invites all relevant United Nations offices and interested institutions, as well as individual experts, to make a concerted effort to promote the application of the rules, once adopted;

9. Requests the Secretary-General to give priority attention to the final formulation, taking into account further comments, before presentation to the Eighth Congress.

#### Annex

### UNITED NATIONS DRAFT RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY ("JDLS")

#### I. SCOPE AND APPLICATION OF THE RULES

1. For the purposes of these rules, the following definitions should apply:

(a) A juvenile is a child or young person who, under the respective legal system, may be dealt with for an offence in a manner that is distinctly different from an adult. The age limit below which it should be prohibited to deprive a child of her/his liberty should be determined by law;

(b) The deprivation of liberty means any form of detention or imprisonment or the placement of a person in another public or private custodial setting from which the juvenile is not permitted to leave at will by order of any judicial, administrative or other public authority.

2. These rules apply to all types and forms of facilities in which juveniles are deprived of their liberty. Parts I-VII of the rules apply to all facilities and institutional settings in which juveniles are detained, while part VIII applies to juveniles under arrest or awaiting trial.

3. The deprivation of liberty should be effected in conditions and circumstances which ensure respect for the human dignity of juveniles. Juveniles detained in facilities should be guaranteed the benefit of meaningful activity

and programmes which would serve to promote and sustain their health and self-respect, to foster their sense of responsibility and encourage those attitudes and skills that will assist them to develop their potential as members of society.

4. All efforts should be made to avoid, or at least to minimize the detrimental effects of the deprivation of liberty of young persons.

5. Juveniles deprived of their liberty should not by any reason of this status be denied the civil, economic, political, social or cultural rights to which they are entitled under national or international law, such as social security rights and benefits, freedom of association, the right of juveniles having the minimum age established by law to marry etc.

6. The protection of the individual rights of juveniles with special regard to the legality of the execution of detention measures as well as the objectives of social integration should be secured by regular inspections and other means of control carried out, according to international standards, national laws and regulations, by a judicial authority or other duly constituted body authorized to visit the juveniles and not belonging to the administration of the institution.

## II. FUNDAMENTAL PERSPECTIVES

7. The juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. The imprisonment of juveniles should be abolished.

8. Juveniles should only be deprived of their liberty in accordance with the principles and procedures set forth in these Rules and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules. The deprivation of a juvenile's liberty should be a disposition of last resort and for the minimum necessary period. It should be restricted to exceptional cases, for purposes of carrying out a sentence, upon conviction, for the most serious offence types, and with due regard to surrounding circumstances and conditions. Juveniles should not be arrested or detained without charge.

9. The following rules are intended to establish minimum standards accepted by the United Nations for the protection of juveniles deprived of their liberty in all forms, consistent with human rights and fundamental freedoms, and with a view to counteracting the detrimental effects of all types of detention and to fostering integration in society.

10. The rules should be applied impartially to all juveniles, without distinction of any kind as to race, colour, sex, age, language, religion, nationality, political or other opinion, cultural beliefs or practices, property, birth or family status, ethnic or social origin, and disability. The religious and cultural beliefs, practices and moral concepts of the juvenile should be respected.

11. The rules are set out to provide a ready reference, encouragement and guidance to those professionals who are working at all levels, especially in the management of the juvenile justice system.

12. These rules should be made readily available to juvenile justice personnel in their national languages. They should also be available to detained juveniles in the same languages and in other languages so far as it is

reasonable and practicable. Juveniles who are not fluent in the language spoken by the institutional personnel should have the right to the services of an interpreter whenever necessary to ensure the rights enumerated in these rules, in particular during medical examinations and disciplinary proceedings.

13. Where appropriate, States should incorporate these Rules into their legislation or amend it accordingly and provide effective remedies for their breach, including compensation when injuries are inflicted on juveniles. States should also monitor the application of these rules. The public authorities should constantly seek to increase the awareness of the public that the care of detained juveniles and their preparation for return to society is a social service of great importance, and to this end all appropriate means of informing the public should be used, including that of taking active steps to foster open contacts between the juveniles and the local community.

14. Nothing in these rules should be interpreted as precluding the application of the relevant United Nations and human rights instruments and standards, recognized by the international community, that relate to the care and protection of juveniles and all young persons.

### III. THE MANAGEMENT OF JUVENILE DETENTION FACILITIES

#### A. Records

15. All reports, including legal records, medical records and records of disciplinary proceedings, and all other documents relating to the form, content and details of treatment should be placed in a confidential individual file, which should be kept up to date, accessible only to authorized persons and classified in such a way as to be easily understood. Every juvenile should have the right to contest any fact or opinion contained in her/his file so as to permit rectification of inaccurate, unfounded or unfair statements. In order to exercise this right, there should be procedures that allow the juvenile and an appropriate and independent third party to have access and to consult the file on request.

16. No juvenile should be received in any detention facility without a valid commitment order, the details of which should be immediately entered in the register, or detained in any institution or facility where there is no such register.

#### B. Admission, registration, movement and transfer

17. In every place where juveniles are detained, a complete and secure record of the following information should be kept concerning each juvenile received:

- (a) Information concerning the identity of the juvenile;
- (b) The fact of and reasons for commitment and the authority therefore;
- (c) The day and hour of admission, transfer and release;
- (d) Details of the notifications to parents/guardians concerning every admission, transfer or release of the juvenile in their care at the time of commitment;
- (e) Details of known physical and mental health problems, including drug abuse.

18. The above-mentioned information concerning admission, place, transfer and release should be provided without delay to the parents/guardians or closest relative of the juvenile concerned.

19. As soon as possible after reception, full reports and relevant information about the personal situation and circumstances of each juvenile should be drawn up and submitted to the administration.

20. On admission, all juveniles should be given copies of the institutional rules and a written description of their rights and obligations, in accessible language, together with the address of the authorities competent to receive complaints and the address of public or private individuals and agencies that provide legal assistance to juveniles deprived of their liberty.

21. All juveniles should be helped to understand the regulations governing the internal organization of the facility, the goals and methodology of the care provided, the disciplinary requirements and procedures, other authorized methods of seeking information and of making complaints, and all such other matters as are necessary to enable them to understand fully their rights and obligations during detention. When a juvenile is illiterate or does not understand the language in which the information is written, the information should be conveyed to the juvenile in a manner enabling full comprehension.

22. The transport of juveniles should be carried out at the expense of the administration in conveyances with adequate ventilation and light, in conditions that should in no way subject them to hardship or indignity. Juveniles should not be transferred from one facility to another arbitrarily.

### C. Classification and placement

23. As soon as possible after the moment of admission, each juvenile should be interviewed, and a psychological and social report identifying any factors relevant to the specific type and level of care and programme required by the juvenile should be prepared. This report, together with the report prepared by a medical officer who has examined the juvenile upon admission, should be forwarded to the director for purposes of determining the most appropriate placement for the juvenile within the facility and the specific type and level of care and programme required and to be pursued.

24. Juveniles should be detained only under conditions that take full account of their particular needs, status and special requirements according to their age, personality, sex, and offence type, as well as mental and physical health, and which ensure their protection from harmful influences and risk situations. The principal criterion for the separation of different categories of juveniles deprived of their liberty should be the provision of the type of care best suited to the particular needs of the individuals concerned and the protection of their physical, mental and moral integrity and well-being.

25. In all facilities juveniles should be separated from adults. Under controlled conditions, juveniles may be brought together with carefully selected adults as part of a special programme that has been definitively proven beneficial for the juveniles concerned.

26. Open institutions for juveniles should be established. Open institutions are facilities with no or minimal security measures. The population in such facilities should be as small as possible. The number of juveniles detained in closed institutions should be small enough to enable individualized treatment. Institutions for juveniles should be decentralized and of such



size as to facilitate access and contact between the juveniles and their families. Small-scale facilities should be established and integrated into their social, economic and cultural environment and community.

D. Physical environment and accommodation

27. Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.

28. The design of facilities for juveniles and the physical environment should be in keeping with the rehabilitative aim of residential treatment, with due regard to the juvenile's need for privacy, sensory stimuli, opportunities for association with peers and participation in sports, physical exercise and leisure-time activities. The design and structure of juvenile facilities should be such as to minimize the risk of fire and to ensure safe evacuation from the premises. There should be an effective alarm system in case of fire, as well as formal and drilled procedures to ensure the safety of the juveniles. Facilities should not be located in areas where there are known health risks or other hazards.

29. Sleeping accommodation should normally consist of small group dormitories or individual bedrooms, while bearing in mind local standards. Confinement in individual cells at night can be imposed only in exceptional circumstances, and no longer than is absolutely necessary. During sleeping hours there should be regular, unobstrusive supervision of all sleeping areas, including individual rooms and group dormitories, in order to ensure the protection of each juvenile. Every juvenile should, in accordance with local or national standards, be provided with separate and sufficient bedding, which should be cleaned when issued, kept in good order and changed often enough to ensure cleanliness.

30. Sanitary installations should be so located and of a sufficient standard to enable every juvenile to comply, as required, with their physical needs in privacy and in a clean and decent manner.

31. The possession of personal effects is a basic element of the right to privacy and essential to the psychological well-being of the juvenile. The right of every juvenile to possess personal effects and to have adequate storage facilities for them should be fully recognized and respected. Personal effects that the juvenile does not choose to retain or that are confiscated should be placed in safe custody. An inventory thereof should be signed by the juvenile. Steps should be taken to keep them in good condition. All such articles and money should be returned to the juvenile on release, except in so far as she/he has been authorized to spend money or send such property out of the facility. If a juvenile receives or is found in possession of any medicine, the medical officer should decide what use should be made of it.

32. Juveniles should have the right to use their own clothing. Institutions should ensure that each juvenile has personal clothing suitable for the climate and adequate to keep her/him in good health, which should in no manner be degrading or humiliating. Juveniles removed from or leaving a facility for any purpose should be allowed to wear their own clothing.

33. Every juvenile has a right to food that is suitably prepared and presented at normal meal times and of a quality and quantity to satisfy the standards of dietetics, hygiene and health and, as far as possible, religious and cultural requirements. Clean drinking water should be available to every juvenile at any time.

E. Contact with the wider community

34. Every means should be provided to ensure that juveniles have adequate communication with the outside world, which is an integral part of the right to fair and humane treatment and is essential to the preparation of juveniles for their return to society. Juveniles should be allowed to communicate with their families, friends and other persons or representatives of reputable outside organizations, to leave institutions for a visit to their home and family and to receive special permission to leave the institution for educational, vocational or other important reasons. Should the juvenile be serving a sentence, the time spent outside an institution should be counted as part of the period of sentence.

35. Every juvenile should have the right to receive regular and frequent visits, in principle once a week and not less than once a month, in circumstances that respect a juvenile's need for privacy, contact and unrestricted communication with the family and the defence council. Family members should receive assistance when this is necessary to ensure that the juvenile can effectively enjoy this right. Married juveniles or those who have an established stable union should have the right to visitation, should receive marriage counselling if needed and should be given counselling sufficient to make informed decisions on family planning.

36. Every juvenile should have the right to communicate in writing or by telephone at least twice a week with the person of her/his choice, unless legally restricted, and should be assisted as necessary in order to effectively enjoy this right. Every juvenile should have the right to receive all correspondence addressed to her/him.

37. Juveniles should have the opportunity to keep themselves informed regularly of the news by reading newspapers, periodicals and other publications, through access to radio and television programmes and motion pictures, and through the visits of the representatives of any lawful club or organization in which the juvenile is interested.

F. Education, vocational training and work

38. Every juvenile of compulsory school age has the right to education suited to her/his needs and abilities and designed to prepare her/him for return to society. Such education should be provided outside the institution in community schools wherever possible and, in any case, by qualified teachers through programmes integrated with the education system of the country so that, after release, juveniles may continue their education without difficulty. Special attention should be given by the administration of the institutions to the education of juveniles of foreign origin or with particular cultural or ethnic needs. Juveniles who are illiterate or have cognitive or learning difficulties should have the right to special education.

39. Juveniles above compulsory school age who wish to continue their education should be permitted and encouraged to do so, and every effort should be made to provide them with access to appropriate educational programmes, including information about the law.

40. Diplomas or educational certificates awarded to institutionalized juveniles should not indicate in any way that the juvenile has been institutionalized.

41. Every institution should provide access to a library that is adequately stocked with both instructional and recreational books and periodicals

suitable for the juveniles, who should be encouraged and enabled to make full use of it.

42. Every juvenile should have the right to receive vocational training in occupations likely to prepare her/him for a fulfilling life.

43. Compatible with proper vocational selection and with due regard to the requirements of institutional administration, juveniles should be able to choose the type of work they wish to perform. Juveniles should not be required to perform work other than routine housekeeping chores in their residential units and similar minor tasks.

44. All protective national and international standards applicable to child labour and young workers should apply to juveniles deprived of their liberty.

45. Wherever possible, juveniles should be provided with the opportunity to perform remunerated labour, if possible within the local community, as a complement to the vocational training provided in order to enhance the possibility of finding suitable employment when they return to their communities. The type of work provided should be such as to constitute appropriate training for juveniles following release. The organization and methods of work offered in institutions should resemble as closely as possible those of similar work in the community, so as to prepare juveniles for the conditions of normal occupational life.

46. Every juvenile who performs work should have the right to an equitable remuneration. The interests of the juveniles and of their vocational training should not be subordinated to the purpose of making a profit for the institution or a third party. Part of the earnings of a juvenile should normally be set aside to constitute a savings fund to be handed over to the juvenile on release. The juvenile should have the right to use the remainder of those earnings to purchase articles for her/his own use or to indemnify the victim injured by her/his offence or to send it to her or his family or other persons outside the institution.

#### G. Recreation

47. Every juvenile should have the right to a suitable amount of time for daily free exercise, in the open air whenever weather permits, during which time appropriate recreational and physical training should normally be provided. Appropriate space, installations and equipment should be provided for these activities. Every juvenile should have additional time for daily leisure activities, part of which should be devoted, if the juvenile so requests, to assistance with arts and crafts skill development. The institution should ensure that each juvenile is physically able to participate in the programmes of physical education offered her/him, and remedial physical education and therapy should be offered, under medical supervision, to juveniles needing it.

#### H. Religion

48. Every juvenile should be allowed to satisfy the needs of her/his religious and spiritual life, in particular by attending the services or meetings provided in the institution or by contacting her/his own services and having in her/his possession the necessary books or items of religious observance and instruction of her/his denomination. If an institution contains a sufficient number of juveniles of a given religion, one or more qualified representatives of that religion should be appointed or approved and allowed to hold regular services and to pay pastoral visits in private to juveniles at their request.

Every juvenile should have the right to receive visits from a qualified representative of any lawful religion of her/his choice, as well as the right not to participate in religious services and to freely decline religious education, counselling or indoctrination.

#### I. Medical care

49. Every juvenile has the right to adequate medical care, both preventive and remedial, including dental, ophthalmological and mental health care, as well as pharmaceutical products and special diets as medically indicated. All such medical care should normally be provided to detained juveniles through the appropriate health facilities and services of the community in which the institution is located, in order to prevent stigmatization of the juvenile and promote self-respect and integration into the community.

50. Every juvenile has a right to be examined by a physician immediately upon admission to a juvenile facility, for the purpose of recording any evidence of prior ill-treatment and identifying any physical or mental condition requiring medical attention or affect the type of régime best suited to the specific needs and problems of the juvenile.

51. The medical services provided to juveniles should seek to detect and should treat any physical or mental illness, substance abuse or other condition that may hinder the juvenile's integration into society. Every institution for juveniles should have immediate access to adequate medical facilities and equipment appropriate to the number and requirements of its residents and staff trained in preventive health care and the handling of medical emergencies. Every juvenile who is ill, who complains of illness or who demonstrates symptoms of physical or mental difficulties, should be examined promptly by a medical officer.

52. Any medical officer who has reason to believe that a juvenile's physical or mental health has been or will be injurously affected by continued detention, a hunger strike or any condition of detention should report this fact immediately to the director of the institution in question and to the independent authority responsible for safeguarding the well-being of the juvenile.

53. A juvenile who is suffering from mental illness should be treated in a specialized institution under independent medical management. It is desirable for steps to be taken, by arrangement with appropriate agencies, to ensure if necessary the continuation of psychiatric treatment after release and the provision of social-psychiatric after-care.

54. Juvenile institutions should adopt specialized drug abuse prevention and rehabilitation programmes adapted to the age, sex and other requirements of their residents, and detoxification facilities and services staffed by trained personnel should be available to juvenile drug or alcohol abusers.

55. Medicines should be administered only for necessary treatment or on medical grounds and, when possible, after having obtained the informed consent of the juvenile concerned. In particular, they should never be administered with a view to illiciting information or a confession, as a punishment or as a means of restraining the juvenile. The administration of any drug should always be authorized and carried out by qualified medical personnel and, in the absence of the juvenile's consent, a judicial order.

J. Notification of illness, injury and death

56. The family/guardian of a juvenile and any other person designated by the juvenile have the right to be informed of the state of health of the juvenile on request and in the event of any important changes in the health of the juvenile. The director of the institution should notify the family/guardian of the concerned juvenile, or other designated person, at once in all cases of death, illness requiring transfer of the juvenile to a medical facility outside the institution or condition requiring treatment in clinical facilities within the institution for more than forty-eight hours.

57. Upon the death of a juvenile during the period of deprivation of liberty, the nearest relative should have the right to inspect the death certificate, see the body and determine the method of disposal of the body. Upon the death of a juvenile in detention, there should be an independent inquiry into the causes of death, the report of which should be made available to the nearest relative. This inquiry should also be made within six months from the date of release if there is reason to believe that the death is related to the period of detention.

58. A juvenile should be informed at the earliest possible time of the death or serious illness or injury of any relative and should have the right to attend the funeral of the deceased or go to the bedside of a critically ill relative, either under escort or alone, unless the grant of a furlough would clearly represent a grave threat to public security.

K. Limitations of physical restraint and the use of force

59. Recourse to instruments of restraint and to force for any purpose should be prohibited, except for what is set forth in Rule 60.

60. Instruments of restraint and force can only be used in exceptional cases, where all other control methods have been exhausted and failed, and only as explicitly authorized and specified by law and regulation. They should not cause injury, pain or degradation and should be used restrictively and only for the shortest necessary period of time. By order of the director of the administration, such instruments might be resorted to in order to prevent the juvenile from inflicting self-injury, injuries to others or serious destruction of property. In such instances, the director should at once consult medical and other relevant personnel and report to the higher administrative authority.

61. The carrying and use of weapons by personnel should be prohibited in any juvenile institution.

L. Preparation for return to the community

62. All juveniles should have the benefit of arrangements designed to assist them in returning to society, family life, education or employment after release. Procedures, including early release, and special courses should be devised to this end.

63. Competent authorities should provide or ensure services to assist juveniles to re-establish themselves in society and to lessen prejudice against such juveniles. These services should ensure, to the event possible, that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain her/himself following release. The representatives of agencies providing such services should be consulted and should have access to juveniles while in custody with respect to assisting them in their return to the community.

#### IV. JUVENILE JUSTICE PERSONNEL

64. Given the importance of special aptitudes, qualifications and training, and the need to properly handle those juveniles deprived of their liberty and avoid stigmatization and various adverse effects of detention, the personnel, security and services of institutions in which juveniles are placed should be completely distinct from those for adults.

65. Personnel should be qualified and include a sufficient number of specialists such as child psychiatrists and psychologists, social workers, drug abuse specialists, teachers and vocational instructors and counsellors. These and other specialist staff should normally be employed on a permanent basis. This should not preclude part-time or voluntary workers when this is appropriate and beneficial to the level of support and training they can provide. Facilities should make use of all remedial, educational, moral, spiritual, and other resources and forms of assistance that are appropriate and available in the community, according to the individual needs and problems of detained juveniles.

66. The administration should provide for the careful selection and recruitment of every grade and type of personnel, since the proper administration of facilities depend on their integrity, humanity, ability and professional capacity to deal with juveniles, as well as personal suitability for the work.

67. To secure the foregoing ends, personnel should be appointed as professional officers with adequate remuneration to attract and retain suitable women and men. The personnel of juvenile facilities should be continually encouraged to fulfil their professional duties and obligations in a humane, committed, professional, fair and efficient manner, to conduct themselves at all times in such a way as to deserve and gain the respect of the juveniles and to provide juveniles with a positive role model and perspective.

68. The administration should introduce forms of organization and management that facilitate communications between different categories of staff in each institution with a view to ensuring co-operation between the various services engaged in the care of juveniles, as well as between staff and the administration with a view to ensuring that staff directly in contact with juveniles are able to function in conditions favourable to the efficient fulfilment of their duties.

69. The personnel should receive such training as will enable them to carry out their responsibilities effectively, including in particular training in child psychology, child welfare and international human rights standards, including the present Rules. The personnel should maintain and improve their knowledge and professional capacity by attending courses of in-service training, to be organized at suitable intervals throughout their career.

70. In the performance of their duties, institutional personnel should respect and protect the human dignity and fundamental human rights of all juveniles. In particular:

(a) Personnel should ensure the full protection of the physical and mental health of juveniles, including protection from physical, sexual and emotional abuse and exploitation, and should take immediate action to secure medical attention whenever required;

(b) No member of the institutional personnel may inflict, instigate or tolerate any act of torture or any form of harsh, cruel, inhuman or degrading

treatment, punishment, correction or discipline under any pretext or circumstance whatsoever;

(c) Personnel should respect the juvenile's right to privacy, and in particular should safeguard all confidential matters concerning juveniles or their families learned as a result of their professional capacity;

(d) Personnel should respect the present rules. Personnel who have reason to believe that a violation of the present rules has occurred or is about to occur should report the matter to their superior authorities or organs vested with reviewing or remedial power;

(e) Personnel should rigorously oppose and combat any act of corruption, reporting it without delay to the competent authorities.

71. The director of a facility should be adequately qualified for her/his task by character, administrative ability, suitable training and experience and should carry out her/his duties on a full-time basis.

72. When two or more facilities are under the authority of one director, a responsible resident official should be in charge of each of these facilities, and the director should visit each of them at frequent intervals.

#### V. DISCIPLINE

73. Any disciplinary measures and procedures should maintain the interest of safety and an ordered community life and should be consistent with the upholding of the inherent dignity of the juvenile and the fundamental objective of institutional care, namely, instilling a sense of justice, self-respect and respect for the basic rights of every person.

74. Legislation or regulations adopted by the competent administrative authority should establish norms concerning the following, taking full account of the fundamental characteristics, needs and rights of juveniles:

(a) Conduct constituting a disciplinary offence;

(b) The types and duration of disciplinary sanctions that may be inflicted;

(c) The authority competent to impose such sanctions;

(d) The authority competent to consider appeals.

75. A report of misconduct should be presented promptly to the competent authority, which should decide on it without undue delay. The competent authority should conduct a thorough examination of the case.

76. No juvenile should be disciplinarily sanctioned except in strict accordance with the terms of the law and regulations in force. No juvenile should be sanctioned unless she/he has been informed of the alleged infraction in a manner appropriate to the juvenile's full understanding and given a proper opportunity of presenting her/his defence. Complete records should be kept of all disciplinary proceedings.

77. In cases of disciplinary infraction punishable by any restriction of liberty, a juvenile should be provided with appropriate assistance in presenting her/his defence and should have the right of appeal to a competent impartial authority.

78. The disciplinary rules and procedures referred to above should be applied by persons designated by a body that includes representatives of the institutionalized juveniles.

79. No juveniles should be responsible for disciplinary functions except in the supervision of specified social, educational or sports activities or in self-government programmes.

80. All disciplinary measures constituting cruel, inhumane or degrading treatment should be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the juvenile concerned. The reduction of diet and the restriction or denial of contact with family should be prohibited for any purpose. Labour should always be viewed as an educational tool and a means of promoting the self-respect of the juvenile in preparing her/him for return to the community and should not be imposed as a disciplinary sanction. No juvenile should be sanctioned more than once for the same disciplinary infraction. Collective sanctions should be prohibited.

#### VI. GRIEVANCE PROCEDURE AND INSPECTION

81. Every juvenile should have the daily opportunity of making requests or complaints to the director of the institution and to her/his authorized representative.

82. Every juvenile should have the right to make a request or complaint, without censorship as to substance, to the central administration of institutions for juveniles, the judicial authority or other proper authorities through approved channels and to be informed of the response without delay.

83. Every juvenile should have the right to request assistance from family members, legal counsellors, humanitarian groups or others where possible, in order to make a complaint.

84. Qualified inspectors or an equivalent independent authority should conduct inspections on a regular basis, should be empowered to undertake unannounced inspections on their own initiative and should enjoy full guarantees of independence in the exercise of this function. Inspectors should have unrestricted access to all persons employed by or working in any institution or facility where juveniles are or may be deprived of their liberty, to all juveniles and to all records of such institutions.

85. Qualified medical officers attached to the inspecting authority or the public health service should participate in the inspections, evaluating compliance with the rules concerning the physical environment, hygiene, accommodation, food, exercise and medical services as well as any other aspect or conditions of institutional life that affects the physical and mental health of juveniles. Every juvenile should have the right to talk in confidence to any inspecting officer.

86. After completing the inspection, the inspector should be required to submit a report on the findings. The report should include an evaluation of the institutions' compliance with the present rules and relevant provisions of national law, and recommendations regarding any steps considered necessary to ensure compliance with them. Any facts discovered by an inspector that appear to indicate that a violation of legal provisions concerning the rights of juveniles or the operation of a juvenile institution has occurred should be communicated to the competent authorities for investigation and prosecution.



VII. JUVENILES UNDER ARREST OR AWAITING TRIAL

87. Juveniles who are detained under arrest or awaiting trial ("untried") are presumed innocent and shall be treated as such. Detention before trial shall be avoided to the extent possible and limited to exceptional circumstances. Therefore all efforts shall be made to apply alternative measures. When preventive detention is nevertheless used, juvenile courts and investigative bodies shall give the highest priority to the most expeditious processing of such cases to ensure the shortest possible duration of detention. In any case, untried detainees should be separated from sentenced juveniles.

88. The conditions under which an untried juvenile is detained should be consistent with the rules set out above, with additional specific provisions as are necessary and appropriate, given the requirements of the presumption of innocence, the duration of that detention and the juveniles' legal status and circumstances. These provisions would include, but not necessarily be restricted to the following:

(a) 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 and, possibly, on a daily basis, with legal counsel. Such communication shall ensure privacy and confidentiality;

(b) Juveniles should receive and retain materials for their leisure and recreation as are compatible with the interests of the administration of justice;

(c) Juveniles should be provided with opportunities to pursue work, with remuneration, and continue education or training, but should not be required to do so. In no case should work, education or training cause the continuation of the detention.

## I. ATTENDANCE AND ORGANIZATION OF WORK

### A. Date and venue of the Meeting

1. The Interregional Preparatory Meeting for the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders on topic 4, "Prevention of delinquency, juvenile justice and the protection of the young: policy approaches and directions", was the third of a series of interregional meetings, each convened to discuss one of the substantive agenda items of the Eighth Congress, to be held in 1990, in accordance with Economic and Social Council resolution 1987/49 of 28 May 1987 and General Assembly resolution 42/59 of 30 November 1987. The Meeting was held at Vienna from 18 to 22 April 1988.

### B. Attendance

2. The Meeting was attended by experts from different regions of the world and observers from Member States, United Nations bodies and intergovernmental and non-governmental organizations. A list of participants is given in the annex.

### C. Adoption of the agenda and organization of work

3. The Meeting adopted the following agenda:

1. Opening of the Meeting.
2. Election of officers.
3. Adoption of the agenda and organizational matters.
4. Phenomenology of youth crime and juvenile delinquency in the contemporary world.
5. Delinquency prevention:
  - (a) Current policies, programmes and modalities;
  - (b) Children and juveniles "at social risk":
    - (i) Child abuse;
    - (ii) Child exploitation;
    - (iii) Targets of the illicit drug trade;
    - (iv) "Street" children;
  - (c) "The Guidelines of Riyadh".
6. Change and reform in juvenile justice administration: the impact of "The Beijing Rules" and the role of the United Nations.
7. Juveniles deprived of their liberty:
  - (a) Problems and circumstances;
  - (b) United Nations Draft Principles for the Protection of Juveniles Deprived of their Liberty.
8. Adoption of the report.
9. Closure of the Meeting.

D. Election of officers

4. The Meeting elected the following officers by acclamation:

Chairperson: M. El-Augli (Lebanon)

Vice-Chairpersons: Roger Clark (New Zealand)

E. Fall-Sow (Senegal)

Adam Lopatka (Poland)

Rapporteur: Nicolas Liverpool (Barbados)

E. Opening of the Meeting

5. The Interregional Preparatory Meeting was opened by the Director-General of the United Nations Office at Vienna and Secretary-General of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. The Director-General emphasized the commitment of the United Nations to juvenile justice and delinquency prevention, as evidenced by the high priority accorded in this field by the Seventh United Nations Congress and the General Assembly and the adoption of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, The Beijing Rules by the General Assembly in resolution 40/33 of 29 November 1985. In that connection, the Interregional Meeting has been requested to consider how those Rules could be promoted most effectively in law, policy and practice. Also, in response to General Assembly resolution 40/35 of 29 November 1985, resolution 21 of the Seventh Congress 1/ and Economic and Social Council resolution 1986/10, section II, of 21 May 1986, the Meeting was requested to review the draft rules for the prevention of juvenile delinquency, which had been elaborated by the Secretariat in co-operation with the Arab Security Studies and Training Center (ASSTC), and the draft rules for the protection of juveniles deprived of their liberty, which had been developed by the secretariat in co-operation with Defence for Children International (DCI) and the Max-Planck Institute for Foreign and International Criminal Law at Freiburg.

6. The Director-General stated that the Beijing Rules and other universally accepted standards, such as the United Nations Declaration on the Rights of the Child (General Assembly resolution 1386 (XIV) and the draft convention on the rights of the child, which was under consideration by the Commission of Human Rights, constituted an international normative system in children's rights. The aim and spirit of those instruments, as well as scientific evidence and practical experience, provided a basic international premise: that young persons' rights, well-being, status and interests had to be protected and upheld. Specific measures therefore had to be provided for the large number of the young who were not in conflict with the law but who were abandoned, neglected, abused and, in general, were endangered or at social risk.

7. The Director-General noted that the labels "criminal", "deviant", "delinquent" or even "pre-delinquent" could have a stigmatizing effect and cause young persons to adopt undesirable behaviour that they otherwise would have outgrown. Such conduct often led to undue rigidity on the part of formal systems of social control and resulted in unwarranted, excessive and costly intervention in the private sphere of juveniles. The basic goal should be to

limit formal intervention and the application of legal sanctions. Where official intervention was necessary, the measures employed should avoid criminalizing behaviour that did not present serious harm to society.

8. The representative of the Committee on Crime Prevention and Control placed emphasis on the importance of the issues to be discussed by the Meeting, which should assist the Committee on Crime Prevention and Control, as the preparatory body of the Eighth United Nations Congress. He explained that the Committee had been promoting the ideals of juvenile justice, and, through the Beijing Rules, the positive impact of its work on different types of justice systems was becoming increasingly visible. The problems related to youth crime and juvenile delinquency were of constant concern to Governments and practitioners, and effective global action and regional and international co-operation were needed to deal with the problem. In many parts of the world, juvenile delinquency seemed to be linked to a disequilibrium in social relations and to the inability of primary social control agents, such as the family and the school, to cope with the problem. In suggesting future action, he stressed the need for reform and changes, including adequate protection for juveniles, humane enforcement of the law and professional training.

9. The Chief of the Crime Prevention and Criminal Justice Branch, United Nations Office at Vienna, introduced the substantive issues under consideration, stating that topic 4 represented the latest stage in the progressive evolution of thought and action under the aegis of the United Nations congresses. The Seventh Congress had made major advances by establishing a set of universally accepted principles for the protection of the rights of juveniles in conflict with the law, the characteristic elements of which were reflected in the Beijing Rules. He noted the initiatives and actions that had been taken by Governments to ensure that the provisions of the Beijing Rules were embodied in substantive and procedural law, translated into policy and followed in practice. He also reported that a number of activities had been carried out in co-operation with the network of United Nations institutes for the prevention of crime and the treatment of offenders, including scientific collaborative research, field visits, study tours, the training of practitioners and decision-makers, advisory services, joint programming and pilot projects, as well as the dissemination of information to bring about a concerted and sustained effort to promote the Rules.

10. The Chief noted the grave risk situation which resulted when juveniles were deprived of their liberty. The incarceration of children and youth, a fairly widespread practice in countries with very different socio-political and economic systems, was in contravention of the relevant provisions of the International Covenant on Civil and Political Rights, as well as the Standard Minimum Rules for the Treatment of Prisoners <sup>2/</sup> and the Beijing Rules. There was increasing international concern about both the principles of such detention and its serious consequences, including physical and sexual abuse, emotional neglect, severe malnutrition, untreated physical and mental illness, trauma, suicide, criminal contamination, cruel, inhumane and degrading treatment, or punishment and even torture. Thus, far from advocating more prisons or better prisons for juveniles, the proposed draft rules on juveniles deprived of their liberty attempted to encourage the use of alternatives to imprisonment and cover the different situations of juveniles in custody so as to ensure the protection of their basic rights. In conclusion, the Chief stated that a juvenile was not an adult in miniature but a developing human being in her or his own right, that a system of "small prisons for small persons" was undesirable and that the control of youth crime, delinquency and deviance should not be at the expense of those rights which the international community had solemnly proclaimed to protect in order to prevent further victimization.

## II. SUMMARY OF DISCUSSIONS

11. The experts expressed satisfaction of the preparatory work accomplished by the Secretariat on topic 4, especially with respect to the development of two draft instruments submitted to the Meeting. Also, they supported the approach, main directions and substantive issues outlined in the discussion guide (A/CONF.144/PM.1), which would serve as a sound basis for further follow-up by the regional preparatory meetings.

### A. Item 4: Phenomenology of youth crime and juvenile delinquency in the contemporary world

12. Although not all countries of the world were experiencing serious problems relating to youthful offending, the persistent phenomenology was such that the international community as a whole shared a concern with finding appropriate and unified intervention strategies and approaches at various levels.

13. The discussion centered around methodological instruments that were often the basis of the assessment of youth crime and delinquency, particularly in relation to patterns and trends. Reference was made to the difficulties of collecting, measuring and comparing data on youthful crime, and, in that connection, an improvement of measurement instruments was warranted. Even more difficult was the assessment of the impact of prevention measures. It was noted that data were often not reliable and, in fact, were seriously lacking in a number of countries. The reluctance on the part of authorities to make such data available for purposes of research, study and publication was also mentioned.

14. Intensified collaborative research and the dissemination of information and findings, as well as regional and international co-operation, would be highly beneficial for Member States. The Meeting acknowledged with satisfaction the efforts and activities of the United Nations Secretariat in monitoring trends and ascertaining system profiles, particularly through the First United Nations Regional Survey of Juvenile Crime and Prevention and Treatment Modalities, 1970-1985.

15. Participants took note of trends and changes in juvenile justice operations and especially the progressive measures being introduced, including those inspired and influenced by the Beijing Rules, such as less severe and punitive sanctions, the increased use of diversion, the restriction of imprisonment, the limitation of the scope of the definition of delinquency, guaranteeing procedural and substantive rights before the law and increasing the age of criminal responsibility. Such measures were having a noticeable impact on the measurable incidence of youthful crime and delinquency. In that respect, an inverse relationship might be observed between an enhanced quality of justice and a reduced incidence of youthful offending, as the number of young persons being brought to justice, i.e. the "intake", appeared to be decreasing in certain countries.

16. Serious concern was expressed about a new trend, namely that young people were committing crimes at an earlier age and that such crimes were often serious offences that were largely considered to be adult crimes. With respect to the latter trend, the participants recommended that in the context of the programme of work of the Secretariat in juvenile justice, research and studies should be undertaken with respect to the young adult offenders who, as a group, were often chronic offenders who had histories of abuse and institutionalization, for whom rehabilitation was an extremely difficult undertaking and for whom intervention strategies were not marked by success.

17. A serious situation was the marginalization of young persons into delinquency. Factors such as rural to urban migration and the absence of adequate service infrastructures, unemployment, poverty, malnutrition, inadequate shelter and housing, rapid and unbalanced development, and increased population growth appeared to be contributing to and aggravating that process. Large numbers of children who were surviving in the streets through petty theft, begging, trafficking in narcotic drugs, prostitution, pornography etc. were figuring prominently in the youth crime world. In that connection, the manipulation and instrumental use of children by adults in such activities was apparent. Out-dated justice procedures, which neither promoted respect for the rights of the child nor made provisions for criminalizing those directly responsible for such activities, made it difficult to make progress in that area.

18. The violent behaviour of groups of young persons, such as gang activities and vandalism, for example at sporting events, was mentioned as a trend that was arousing increasing concern.

19. Considerably more attention and scientific research should be given to the general conditions that promoted or were conducive to specific types of offences committed by the young in order to develop an optimum model for prevention.

#### B. Item 5: Delinquency prevention

20. In light of the many different and complicated aspects and dimensions of the problem of youthful offending, a multidisciplinary and intersectoral approach to prevention had to be taken. Prevention efforts appeared to be marked by a lack of co-ordination and a combination of ad hoc fragmented approaches. Clearly, what was needed was a rational and proportionate reaction that involved all sectors and levels of the community as a whole and, as a basic element, should involve adequate safety nets for troubled situations such as family disruption. There was no doubt that the environment critically affected the mental and physical well-being of children, and therefore a positive environment that neutralized adverse influences had to be the strategic point of departure for delinquency prevention measures.

21. Participants emphasized policy approaches to delinquency prevention that encompassed various measures for all young persons, with emphasis on the special category of young persons who were demonstrably endangered or at social risk. In that connection, it was felt that the central reference point should be to provide a milieu that would promote proper and healthy development and growth for all children and young persons and that would offset circumstances that were conducive to victimization and involvement in irregular situations, bringing young persons into conflict situations, especially vis-à-vis the law.

22. Often young persons who were at social risk were being considered and labelled as delinquents and subjected to adverse intervention, constituting a double victimization. Thus, the approach that should be taken would not imply coercive or excessive official intervention but, on the contrary, would restrict its scope and parameters. Where protective intervention was warranted, it should take place in accordance with strict and clear legal criteria, guaranteeing the rights and well-being of those involved. The procedural aspects of protective official intervention were a subject of long-standing controversy, especially in the light of a parens patriae role that the State often assumed.

23. The strategic position of the public prosecutor was recognized. It was highly desirable for the prosecutor to be invested with discretionary power and have a wide range of diversionary measures at her/his disposal.

24. The lack of realization and protection of rights was manifest in the severe and harsh conditions in which so many children of the world lived and in the quality of life that they were afforded. Children were increasingly being used as objects and instruments of economic transactions. They were being sold or used as commodities in massive numbers. In particular, sexual or labour exploitation and the use of children as agents in the illicit drug trade were phenomena that had reached enormous proportions in the contemporary world. It was noted that such practices had a transnational character and involved organized criminal syndicates. In many countries no specific legislation existed for the penalization of adults who used children as agents in criminal activities; in fact, the children were being penalized and were, in fact, "crimeless victims".

25. At the same time, limiting the definition of "delinquency" and raising the lower age level of criminal responsibility would make significant inroads into a delinquency prevention approach that ensured juvenile justice. It appeared that the child victim was the forgotten party in justice processes, and legal provision had to be made to address the various social risk situations of the young. In that connection, it was proposed that the Secretariat should intensify its study of the laws, approaches and practices with respect to the definition of juvenile crime and delinquency, with a view towards reaching a common approach.

26. Major differences and distinctions should be made between real delinquency and apparent or assumed delinquency. That was particularly evident in the case of street children who, in trying to meet their most basic needs, were subject to a process of stigmatization and criminalization and who were being brought into justice systems by virtue of default, without a clear notion of what was transpiring. There appeared to be an increase in policy polarization in the sense that there was a poor understanding of the situation and needs of street children by the official authorities. In light of the extreme vulnerability of those children, the role and reaction of the police became critical.

27. Thus, street children were undergoing a street acculturation process and were highly vulnerable to violence, criminality, abuse and exploitation, and were coming into conflict with and being subjected to the official sanctions of society. It was noted that the umbilical cord between society and those young persons was severed when the elements of victimization and criminalization penetrated the lives of young persons.

28. Informing young persons about the law and their legal rights and obligations under the law were considered to be important aspects of successful youth crime and delinquency prevention. Incorporating such elements in school curricula and promoting such information through the mass media were new developments that should be promoted. Furthermore, educational programmes tailored for young persons should foster awareness about human rights, social norms and non-violent conflict resolution.

29. A valuable informal approach to delinquency prevention, with a high potential for reducing the need for formal intervention, was the enhancement of the role of youth organizations. They provided leisure activities, facilities and programmes for youth and, at the same time, strengthened the sense of community participation, as well as an understanding and acceptance of social rules of interaction.

30. An alarming fact was that drug consumption among young persons was fairly widespread in all continents and was escalating. In fact, youthful drug abuse was expanding beyond expectation. At the time the Eighth Congress was to take place, there would be millions of young persons under the age of 18, constituting a large possible market that could be influenced by the dangerous phenomenon.

31. The Executive Director of the United Nations Fund for Drug Abuse Control addressed the Meeting, reporting on the major developments world-wide in respect of drug abuse and traffic, and outlined the activities of the Fund in providing assistance to developing countries in drug abuse control.

32. Young persons had become targets of the illicit drug trade. It was noted that highly sophisticated organized criminal syndicates had engaged young persons as main actors in the illicit drug trafficking and distribution network, taking advantage of their vulnerability as the best consumer market.

33. What was needed was a global vision of the continuous opening of the many new drug demand markets rather than over-reliance on aetiological studies which emphasized the responsibility of social control agents such as the family and the school.

34. In the ensuing discussion, it was stressed that it was difficult to assess and interpret rapidly changing trends and new waves of youthful drug consumption, as well as to ascertain causal patterns and interrelationships and develop effective countermeasures, interventions and policy approaches. Nevertheless, those matters had to be effectively pursued. There were many complicated factors involved. Young persons, both deprived and wealthy, from different socio-economic and cultural backgrounds and geographic areas, resorted to drugs.

35. Although in-depth research had isolated various factors conducive to drug-related criminality, effective and viable countermeasures had not been found to stop the further spread of the problem. That indicated that research and study needed not only to be intensified but also to be re-oriented. The commonly used one-cause one-result approach had to be questioned. Instead, there were indications that youth drug consumption was not triggered by singular causes but by a complex mechanism of factors. Research, therefore, should also focus on the mechanisms of interlinkages in order to serve as a basis of action-oriented, new approaches and policies in the prevention of youthful drug abuse and drug-related delinquency, the treatment of young drug offenders and the care for young drug victims.

36. The Meeting agreed that a strategic line of defence was necessary for youthful demand reduction strategies, characterized by incisive action and involving many specialized types of forms of intervention at all possible levels and involving a multidisciplinary approach and various sectors (e.g., health, justice, education, labour, service-delivery), in a co-ordinated way. In that respect, primary attention had to be given to early prevention policies, programmes and interventions.

37. In order to cope with and reduce the youthful demand for drugs, action at various levels was necessary: (a) sanctions through the criminal code against drug trafficking; (b) the promotion of knowledge and awareness, by, inter alia, intensifying scientific research, disseminating information about effective programmes and strategies; (c) developing better methodologies for trend analyses and identifying causal patterns of youthful drug consumption; (d) examining drug markets and traffic routes at the regional and



international levels; (e) harmonizing legislation with respect to youthful drug offending in order to bring about a concerted response to the phenomenon; and (f) sensitizing young persons about the use and abuse of drugs, as well as about the law.

38. With respect to the latter action, specialized programmes, materials and curricula, appropriate teaching methods in schools, basic training for professionals to identify and deal with early warning signs of drug abuse, as well as programmes to involve youth in meaningful and interesting activities were considered important.

39. The United Nations draft guidelines for the prevention of juvenile delinquency, as recommended by the International Meeting of Experts on the Development of United Nations Draft Standards for the Prevention of Juvenile Delinquency at Riyadh were introduced by the Vice-Chairperson of that Meeting, who was also the Chairperson of the Open-ended Working Group on the draft convention on the rights of the child of the Commission on Human Rights. He noted the fact that adoption of the draft guidelines by the United Nations would place those rules among other international instruments applicable to children's rights and juvenile justice, including the Beijing Rules.

40. The draft guidelines represented a set of universally applicable principles to prevent juvenile delinquency at the "pre-conflict" stage, i.e., the stage before juveniles came into conflict with the law.

41. In the draft guidelines, within the general framework of the specialized approach and philosophy of the Beijing Rules, early preventive and protective intervention modalities for all young persons were emphasized, with special attention being accorded to children who were at social risk. In addition, specific desirable objectives for delinquency prevention, that promoted the healthy psycho-social development and growth of young persons were spelled out.

42. Gratitude was expressed to the host of the Riyadh Meeting for the staunch support of the United Nations juvenile justice programme, as well as other prominent experts and organizations that had collaborated with the Secretariat in this field.

43. The participants made specific comments on various provisions of the draft instrument. A number of issues were recommended for inclusion in the draft text, including the protection of indigenous populations and ethnic minorities, the promotion of knowledge about the law or "legal enlightenment", labour protection, child day-care services and facilities, and the increased use of adoption.

44. The participants commended the child-centred orientation of most of the principles and were of the view that such an orientation should be consistent throughout the text. In fact, young persons should have an active role rather than be considered as objects of socialization, control and prevention, and as potential or present threats to society.

45. The participants expressed satisfaction with the draft guidelines and congratulated the Secretariat and those who co-operated in their formulation. They noted that the draft guidelines were based on a conceptual framework, approach and general vision with respect to progressive delinquency prevention policy and promoted desirable trends in thought and action to be pursued by the world community.

46. The Meeting was informed of various provisions of and the work in progress with respect to the draft convention on the rights of the child by the Chairperson of the Open-ended Working Group, in the light of the close substantive interrelationships between the draft convention, the Beijing Rules and the new draft guidelines.

47. The Chairperson of the Open-ended Working Group highlighted the fact that, while the draft convention was not specifically aimed at the prevention of juvenile delinquency, it included provisions that would contribute to delinquency prevention, in line with the goals and objectives of the new guidelines and the Beijing Rules.

48. He reported that the draft convention aimed at promoting and protecting all rights of children up to the age of 18, applied to both normal and difficult situations, and covered all aspects of the life of the child. Specifically, the draft convention contained provisions for the equal treatment of every child, ensuring protection against all forms of discrimination or punishment. It also provided that States parties should take all appropriate measures to protect the child from all forms of physical or mental injury or abuse, neglect, maltreatment or exploitation, including sexual abuse, torture or any other form of cruel, inhumane or degrading treatment or punishment and capital punishment. The States parties were furthermore requested to take national, bilateral and multilateral measures to prevent the abduction or sale of or traffic in children for any purpose or in any form.

49. Finally, the draft convention recognized the rights of the child accused of or found to have infringed upon the law to be treated in a manner consistent with promoting a sense of dignity and worth, respect for human rights and fundamental freedoms.

C. Item 6: Change and reform in juvenile justice administration:  
the impact of The Beijing Rules and the role of the United Nations

50. The Beijing Rules were highly regarded as an instrument by which to promote justice for juveniles, while at the same time making an important contribution to the prevention of juvenile delinquency. Many countries were following the orientation and philosophical approach of the Rules. In fact, the Rules were already changing profiles of juvenile justice systems and operations in different parts of the world. It was recognized that they were inspiring innovation and reforms in juvenile justice and fostering a perspective and notion of children's rights in juvenile justice administration. It was noted that the practical character of the Rules facilitated their implementation.

51. There was a vigorous movement in all regions of the world to disseminate and implement the Rules. Major progressive and comprehensive reforms had been made in the process of translating the policy approach and provisions of the Rules into concrete changes in juvenile justice operations.

52. Appreciation was expressed for the efforts of the Secretariat which, in co-operation with a far-reaching constituency, was attempting to bring about a concerted effort towards the effective application of the Rules. A tribute was paid to the contribution of Horst Schüler-Springorum (Federal Republic of Germany) of the International Association of Juvenile and Family Court Magistrates.

53. Experts underlined the particular importance of the Rules with respect to current reforms in juvenile justice procedures. A number of countries had undertaken a thorough review to bring justice administration into conformity and more close alignment with the Rules. There were immediate visible effects of the Rules in the sense of the realization of principles which would bring about the type of system foreseen.

54. In pursuance of the objectives and in the spirit of the Rules, specific reforms related to: a limiting of the use of juvenile institutionalization and an increased use of diversion; the establishment of juvenile courts and the use of separate detention facilities; the use of offender classification; the professionalization of personnel; decriminalization and depenalization; law reform; new substantive and procedural rights; the revision and enactment of child legislation; the provision of specialized facilities and services, raising the lower age limit of criminal responsibility. Also, changes in the physical design of facilities and a reorientation of rehabilitative goals from penal to training and education were reported. The Rules were being used for instruction in universities and as reference material in law libraries and had generated research, programme development and a body of scientific literature.

55. An important element of the Rules which was being pursued in a number of countries was the establishment or expansion of discretionary power vis-à-vis the prosecution of juveniles, particularly in cases of minor offences or infractions, in an effort to avoid stigmatization and harm when juveniles were brought to trial, particularly when they were institutionalized. Such steps would divert juveniles away from formal prosecution and direct and refer them to other agencies and services. It was, therefore, highly desirable to avoid, as far as humanly possible, not only the institutionalization of juveniles but also their handling by the courts, particularly in view of current justice delays and the over-use of preventive detention.

56. Although there was a will and readiness in some countries to fully implement the Beijing Rules, in some cases there was resistance to changes in respect of traditional and out-dated practices and approaches to juvenile justice. Some systems were, in fact, undergoing fundamental and substantial change, introducing procedures which challenged existing practices. Obstacles were being encountered in some developing countries, which were experiencing financial constraints. There was a lack of means and even infrastructure with respect to provisions requiring a certain level and proficiency of services and personnel and also of physical facilities. In that respect, it would be necessary to make funds available and to render assistance in order to facilitate the implementation process at the national level and to enhance possibilities for international co-operation in the juvenile justice field.

57. It was mentioned that the delay being experienced by some countries with respect to implementation would enable them to benefit from the two newly emerging and complementary instruments in the juvenile justice field.

58. Spanish-speaking participants indicated that there were some unfortunate inadequacies in the translation of the Rules in Spanish, which had caused some difficulty in the Latin American region, particularly in respect of the terminology used. It was desirable, therefore, that particular attention be paid to the official translation of such technical texts. It was recommended that a new Spanish version of the text should be produced, reviewed by practitioners and then re-disseminated widely in Spanish-speaking countries.

59. The representative of the United Nations Centre for Human Rights praised the invaluable work accomplished by the Crime Prevention and Criminal Justice Branch in the field of human rights, in particular with regard to the

administration of juvenile justice. He emphasized the importance of the efforts made to protect children's rights and the significance of the adoption of The Beijing Rules in that regard.

60. He pointed out that the United Nations had recently strengthened the advisory services programmes in the field of human rights by establishing the voluntary fund for advisory services. The Centre for Human Rights, in collaboration with the Crime Prevention and Criminal Justice Branch, might pursue technical and other assistance programmes to Governments in respect of developing juvenile justice systems.

61. The Meeting underlined the importance of the role of the United Nations in rendering advisory services to Governments, upon request, in order to implement the Rules as well as the urgent need to further enforce such services both in the field of human rights and within the crime prevention and criminal justice programme.

62. It was also recognized that much remained to be done in the future, and it was recommended that the Secretariat should actively pursue the matter. In that respect, specific action and activities were recommended, including the development of training modules, manuals and curricula; further research and evaluation concerning system operations and effective procedures; monitoring and assisting Governments in the application of the Rules; model projects; special publications; and developing information material and clearinghouse activities. Also, the further promotion of regional and international co-operation was considered essential, and that should necessarily involve, to the extent possible, other interested parties.

63. The network of United Nations institutes was fostering the implementation of the Rules through work to translate the norms into practice, particularly through collaborative research, field visits, personnel training, seminars and the dissemination of information. In that connection, reference was made to the training programmes of the United Nations Asia and Far East Institute for the Prevention of Crime and Treatment of Offenders and United Nations Latin-American Institute for the Prevention of Crime and Treatment of Offenders for juvenile justice practitioners and decision-makers; the Arab Security Studies and Training Center seminar on the treatment of young offenders in the Arab world; and United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders seminar on juvenile delinquency in Africa. The advocacy role of the non-governmental community and the promotional role of intergovernmental organizations were also noted with appreciation, as were the roles of other agencies in incorporating the implementation of the Rules in their regular programme activities.

#### D. Item 7: Juveniles deprived of their liberty

64. In pursuance of resolution 21 of the Seventh Congress and resolution 1986/10, section II of the Economic and Social Council, the Secretariat initiated the development of new rules for the protection of juveniles deprived of their liberty, to be presented to the Eighth Congress through the Committee on Crime Prevention and Control.

65. In pursuance of the two resolutions, the Secretariat had requested in 1986 Defence for Children International (DCI) at Geneva, a prominent non-governmental organization that had accomplished considerable work on juveniles in custody around the world, to assist in this work or to establish a working party of non-governmental organizations on the development of the rules.

66. Accordingly, in co-operation with the Secretariat, DCI established an Open-Ended Working Party of Non-Governmental Organizations, attended also by experts and officials from offices and specialized agencies of the United Nations, which held a series of meetings at DCI Headquarters at Geneva in 1986 and 1987, resulting in the formulation of a set of draft rules. The draft was circulated for comment, and extensive consultations were undertaken by both the Secretariat and DCI with a wide range of organizations and experts concerned with children's rights and juvenile justice, including the members of the Committee on Crime Prevention and Control, the United Nations institutes for the prevention of crime and the treatment of offenders, and the network of national correspondents.

67. In January 1988, the Secretariat had engaged the expert advisory services of the Director of the Max-Planck Institute for Foreign and International Criminal Law at Freiburg to review the text submitted by DCI, taking into account to the extent possible the numerous comments received. The result of that process was reflected in the proposed draft rules submitted to the Interregional Preparatory Meeting. Gratitude and satisfaction were expressed to DCI and other non-governmental organizations and to the Max-Planck Institute at Freiburg for their contribution to the formulation of the proposed rules.

68. The Meeting discussed the general substantive questions with respect to juveniles deprived of their liberty in the context of the proposed draft rules.

69. The proposed rules were considered necessary and timely and would constitute a significant international human rights instrument that would frontally address the issue of the overuse of the detention of young persons and the serious problems facing them in situations in which they were deprived of their liberty, in preventive detention, detention awaiting trial, detention without charge or detention while carrying out a sentence, and one which would, in combination with the set of instruments in the juvenile justice field, helped to humanize juvenile justice administration. Furthermore, principles were set out to define universally the specific circumstances under which young persons were deprived of their liberty, as a means of last resort, and specified the conditions requisite to ensure their fair treatment and to safeguard their individual rights and well-being.

70. It was recognized that detaining a child or young person, even for short periods of time, could only harm both the child or young person and society. In fact, many experts were of the view that the deprivation of liberty of young persons, particularly below a certain age, and that their detention pending trial should be abolished, and certain countries were already moving in that direction in law and practice. Closed institutions for juveniles were considered to be a sad example of outdated penal/correctional practice, characterized by marginal rehabilitative effect.

71. It was agreed that adults and juveniles should be separated in any detention facility because of the many adverse repercussions for the well-being of the minor. Similarly, young persons awaiting trial should not be mixed with those convicted of an offence. Young persons carrying out sentences for very different types of offences should be classified and segregated accordingly. Also, individual characteristics, circumstances and personality factors had to be taken into account, e.g., mental illness, drug addiction. In fact, classification of young detainees was a critical tool by which such differences could be taken into account when placing and holding juveniles in custody.

72. The decriminalization and depenalization of certain types of offence, the raising of the lower age limit of criminal responsibility and avoiding the formal processing of young persons for infractions for which adults would not be held accountable, such as vagrancy, loitering, truancy, parental and school disobedience, incorrigibility, would considerably reduce the number of cases of juveniles deprived of their liberty.

73. One of the critical points raised was that of justice delay and its negative effects on the number of juveniles awaiting trial in custody. It was noted that, notwithstanding all the existing limitations placed on the use of preventive detention, a great number of juveniles continued to be subjected to that practice.

74. Although the basic philosophical approach of the proposed rules was to strictly limit juvenile detention and for the minimum necessary period, applying it only in exceptional circumstances, the reality of the extent of the use of such a practice was such that it warranted such international standards.

75. Thus, when juveniles were held in official custody for observation, treatment or under charge and whether the detention facility was a prison, reformatory, training school, youth centre, police lock-up, gaol, or the like, certain basic principles had to apply strictly.

76. The official response to juvenile crime very often dictated what happened in adult systems. Juvenile justice practice should start with a minimalistic approach and incremental level of control, while with adults the opposite might be the case. Facilities for juveniles should not be a replication of those for adults, that were tailored for juveniles. They should be different in physical design as well as in the approaches, aims and programmes to be pursued, and great emphasis should be placed on continuous contact with the involvement of the entire community in the welfare of its juveniles.

77. It was noted that, notwithstanding the efforts to continue to reduce the number of young persons committed to institutions, there was still a need to protect certain juveniles who had committed very serious offences from the violent reactions of certain segments of the community, so as to ensure their physical integrity and to constrain hard-core offenders from committing further crimes.

### III. ADOPTION OF THE REPORT OF THE MEETING

78. At the final session, the reports of the two Working Groups were introduced in plenary by the respective Chairpersons. The Meeting unanimously adopted, with minor amendment, the recommendations of the Working Groups, as reflected in the resolutions at the beginning of the present report.

79. In connection with resolution II, the Interregional Meeting took note of a shorter version of the draft rules for the protection of juveniles deprived of their liberty, which was made available during the Meeting, but which, due to a shortage of time, could not be properly examined. The experts, taking into account General Assembly resolution 41/20 of 4 December 1986, entitled "Setting international standards in the field of human rights", and in accordance with paragraph 8 of resolution II of the Interregional Preparatory Meeting, recommended that the Secretariat give priority attention to the final formulation of the rules, ensuring their proper revision, particularly in the light of further comments, before presentation to the Eighth Congress.

80. In this connection, it was proposed that the draft rules be accompanied by commentaries, as in The Beijing Rules. Also, the Meeting recommended that the special situation of children imprisoned with parents or born in prison deserved attention and further study.

81. The draft report of the general debate was introduced by the Rapporteur and unanimously adopted by the Interregional Meeting of Experts.

82. The Director of the Social Development Division addressed the Meeting, stressing the legal and social nature of measures needed to prevent juvenile delinquency and to promote juvenile justice. It was necessary, he stated, to assist young persons to avoid a "collision course" with the law. The central reference point of this effort had to be full and equal opportunity for all young persons. The Director expressed the appreciation of the United Nations Office at Vienna to all those who had attempted to bring this about, through their participation in this meeting and in other fora.

83. The Chief of the Crime Prevention and Criminal Justice Branch acknowledged the progressive and enlightening exchange of views which had taken place, emphasizing the spirit of co-operation and understanding during the meeting, which paved the way to the codification of principles that would serve to enhance the cause of juvenile justice around the world, for many years to come.

#### Notes

1/ Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, Milan, 26 August-6 September 1985; Report prepared by the Secretariat (United Nations publication, Sales No. E.86.IV.1), chap. I, sect. E.

2/ Human Rights: A Compilation of International Instruments (United Nations publication, Sales No. E.83.XIV.I), sect. G.29.

Annex

LIST OF PARTICIPANTS

Experts invited by the Secretary-General

Maria Josefina Becker (Brazil), Technical Adviser to FUNABEN, Brasilia

Roger Clark (New Zealand), Professor of Law, Rutgers University, School of Law, Camden, New Jersey, United States of America

Mustafa El-Augi (Lebanon), Justice of the Supreme Court of Lebanon, Beirut

E. Dior Fall-Sow (Senegal), Directeur de l'Education Surveillée et de la Protection Sociale, Ministry of Justice, Dakar

Günther Kaiser (Federal Republic of Germany), Director, Max-Planck Institute of Criminology, Freiburg

Nicolas J. Liverpool (Barbados), Dean, Faculty of Law, University of West Indies, Barbados

Wang Lixian (China), Deputy Chief, International Division of Foreign Affairs Department, Ministry of Justice, Beijing

Adam Lopatka (Poland), First President of the Supreme Court of Poland, Warsaw, Chairman of the Open-ended Working Group on the Draft Convention on the Rights of the Child, Commission on Human Rights

Albert Metzger (Sierra Leone), Barrister at Law, Freetown

Victor Rezvykh (Union of Soviet Socialist Republics), Director of the Research Institute, Ministry of Interior, Moscow

Committee on Crime Prevention and Control

Farouk Murad (Saudi Arabia), President, Arab Security Studies and Training Center, Riyadh

States Members of the United Nations  
represented by observers

Argentina, Austria, Bulgaria, Canada, China, Colombia, Cuba, Czechoslovakia, Egypt, France, German Democratic Republic, Germany, Federal Republic of, Indonesia, Italy, Libyan Arab Jamahiriya, the Netherlands, Philippines, Poland, Portugal, Spain, Thailand, Union of Soviet Socialist Republics, United Arab Emirates, United Kingdom of Great Britain and Northern Ireland, Union of Soviet Socialist Republics.

United Nations Secretariat units

United Nations Office at Geneva, Centre for Human Rights

Economic Commission For Africa (ECA)

Youth Unit, United Nations Office at Vienna



United Nations Fund for Drug Abuse Control  
Division of Narcotic Drugs

Institutes

Helsinki Institute for Crime Prevention and Control, affiliated with the United Nations

United Nations African Regional Institute for the Prevention of Crime and the Treatment of Offenders

United Nations and Far East Institute for the Prevention of Crime and Treatment of Offenders

United Nations Social Defence Research Institute

Intergovernmental organizations

Arab Security Studies and Training Center

Council of Europe

League of Arab States

Pan-Arab Organization for Social Defence

Non-governmental organizations in consultative status  
with the Economic and Social Council

Category I

International Alliance of Women - Equal Rights, Equal Responsibilities

Muslim World League

Soroptimist International

Category II

Airport Associations Co-ordinating Council

Friends World Committee for Consultation

International Association of Judges

International Association of Juvenile and Family Court Magistrates

International Catholic Child Bureau

International Commission of Jurists

International Federation of Human Rights

International Federation of Settlements and Neighbourhood Centres

International Federation of Social Workers

International Federation of University Women

International Prisoners Aid Association

International Society of Social Defence

Medical Women's International Association

Pax Romana (International Catholic Movement for Intellectual and Cultural Affairs) (International Movement of Catholic Students)

World Federation for Mental Health

World Safety Organization

Roster

Defence for Children International Movement

Third World Academy of Sciences

Other organizations

American Society of Criminology

Childhope

Institute of Humanitarian Law

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](mailto:CJSmithphd@comcast.net) or Emil Wandzilak at [emil.wandzilak@unodc.org](mailto:emil.wandzilak@unodc.org).