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**USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS
IN CRIME PREVENTION AND CRIMINAL JUSTICE**

Report of the Secretary-General

Addendum

**USE AND APPLICATION OF UNITED NATIONS STANDARDS AND NORMS
IN JUVENILE JUSTICE**

Summary

The present report has been prepared in response to Economic and Social Council resolution 1996/16. It contains information received from Governments on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty, based on a questionnaire on this subject matter. The results summarized in the report should assist countries in assessing the progress made in the use and application of such instruments and the Commission in its task of reviewing their implementation, and thus direct the course of future action.

*E/CN.15/1998/1.

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INTRODUCTION

1. The present report has been prepared in response to Economic and Social Council resolution 1996/16, in which the Secretary-General was requested to submit to the Commission on Crime Prevention and Criminal Justice at its seventh session a report on the use and application of the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) (General Assembly resolution 40/33, annex), the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (General Assembly resolution 45/112, annex) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (General Assembly resolution 45/113, annex). The process of information-gathering on these standards is an integral part of the overall information-gathering process on the use and application of standards and norms in crime prevention and criminal justice, in pursuance of Economic and Social Council resolution 1993/34. Based on a questionnaire that was developed pursuant to Council resolution 1995/13, the following 51 countries have provided relevant information: Algeria, Argentina, Armenia, Australia, Austria, Azerbaijan, Bahrain, Brunei Darussalam, Chile, China, Colombia, Costa Rica, Cuba, Denmark, Ecuador, Egypt, Estonia, Finland, Germany, India, Iraq, Israel, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Mauritius, Mexico, Mongolia, Norway, Panama, Philippines, Poland, Qatar, Republic of Korea, Saudi Arabia, Senegal, Singapore, Slovakia, Slovenia, Spain, Sweden, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago and Zambia.

2. The report summarizes and analyses the information received, focusing on the most important issues related to the administration of juvenile justice, the situation of juveniles deprived of their liberty and the prevention of juvenile delinquency.

I. ADMINISTRATION OF JUVENILE JUSTICE

3. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) were adopted by the General Assembly in its resolution 40/33, upon the recommendation of the Seventh United Nations Congress on the Prevention of Crime and the Treatment of Offenders, held at Milan in 1985. They state that the aims of juvenile justice are to enhance the well-being of the juvenile and to ensure that any reaction to juvenile offenders is always in proportion to the circumstances of both the offender and the offence.

A. General principles

4. The table below shows the minimum age of criminal responsibility for juveniles in the responding countries:

<i>Age</i>	<i>Country</i>
7	Australia (Tasmania, under current legislation), Egypt, India, Kuwait, Switzerland and Trinidad and Tobago
8	Australia (Capital Territory) and Libyan Arab Jamahiriya
9	Iraq
10	Australia (Tasmania, under proposed legislation minimum age will increase from 7 to 10 years, New South Wales, Northern Territory, Queensland, South Australia, Victoria and Western Australia) and Malaysia
12	Costa Rica, Ecuador, Israel and Lebanon
13	Algeria (but it is not full responsibility), Estonia, Senegal, Spain and Togo
14	Armenia, Austria, Azerbaijan, China, Germany, Italy, Japan, Kazakhstan, Mauritius, Mongolia (14/16), ^a Republic of Korea, Slovenia and Zambia
15	Denmark, Finland, Norway, Slovakia and Sweden
16	Argentina, Chile, Cuba, Mongolia (14/16) ^a and Singapore
17	Poland
18	Colombia and Luxembourg

^a Depending on the nature of the crime (see CRC/C/3/Add.32, para. 211).

5. The concept of the age of criminal responsibility was not recognized under national law in Brunei Darussalam, Panama and Saudi Arabia.

6. Juvenile justice was regarded as an integral part of the national development process within the framework of social justice in 36 countries. This also applied, to a certain extent, in Australia (Capital Territory, Northern

Territory, Victoria and Western Australia), Chile, Lebanon and Trinidad and Tobago. In Australia (South Australia), Cuba, Estonia and Panama, juvenile justice was regarded as an integral part of the national development process, however, not within the framework of social justice. Togo reported that juvenile justice was not an integral part of the national development process within the framework of social justice but was of the view that a juvenile justice system should be established. Argentina, Brunei Darussalam, Ecuador, Italy, Norway and Slovenia reported that juvenile justice was not regarded as an integral part of the national development process within the framework of social justice.

7. So-called status offences (e.g. truancy, school and family disobedience, public drunkenness and idle behaviour), where the range of behaviour is considered to be a broader offence for juveniles than it is for adults, existed in the national legislation of Algeria, Argentina, Australia (Tasmania, where proposed new legislation will, however, decriminalize status offences), Australia (Northern Territory and Western Australia), Bahrain, Egypt, Estonia, Iraq, Kuwait, Malaysia, Panama, Poland, Qatar and Republic of Korea. Status offences existed to a certain extent in Armenia, Australia (Queensland), Austria, Mongolia, Senegal, Singapore and Trinidad and Tobago. More than half of the responding countries did not have status offences for juveniles. Some of those countries, recognizing the concept of status offences for juveniles in their national legislation, provided further information. For example, in Argentina, there are regulations on contraventions that contemplate such behaviour (laziness). Austria explained that status offences existed only in administrative laws but not in criminal law. Although status offence provisions existed in Australia (Queensland), they were rarely used and, in general, were used in relation to young people's need for care and protection. Estonia clarified that status offences were regarded as misconduct and that such behaviour was tried by a special administrative board. In Malaysia, a juvenile who was beyond parental control could be dealt with under the 1947 Juvenile Courts Act. Panama reported that it accords equal importance both to police control of juvenile roaming and to juvenile runaways. It puts in parallel illegal behaviour and social risk situations. Under the Polish Law of Proceeding in Cases of Juveniles, children below the age of 13 who commit acts such as truancy, school and family disobedience, idle behaviour, or cruelty to animals, or who show disturbed behaviour, are considered to be immoral. In such cases a family court may apply measures to prevent and combat immoral behaviour and juvenile delinquency. In Qatar, an act related to sexual or immoral behaviour, idle behaviour, drunkenness, gambling, begging or drug abuse may be regarded as a status offence; running away from home, school or other training institute is also included in this category. In the Republic of Korea, juveniles above the age of 12 commit status offences if they habitually disobey their guardians, run away from home without proper reason, or associate with persons of criminal or immoral nature or who habitually impair their own moral nature or that of another person. Children in Trinidad and Tobago, who are beyond control, truant from an institution or breach school rules may be punished in accordance with the Children's Act.

8. Separate juvenile justice courts were in place in 29 countries. Juvenile offenders were reported to be dealt with by family courts in Japan, Poland and Togo and by criminal courts in Australia (New South Wales and Queensland), Austria, Azerbaijan, Brunei Darussalam, Chile, Denmark, Estonia, Finland, Kazakhstan, Mongolia, Norway, Republic of Korea, Slovakia and Togo. Juvenile offenders were also dealt with by criminal courts in Slovenia, but special provisions for the procedure and penalties were applied in those cases; in Trinidad and Tobago, the criminal courts sat on specific days as juvenile courts. Administrative authorities also dealt with juvenile offenders in Armenia, Australia (New South Wales and Tasmania), Azerbaijan, China, Colombia, Cuba, Estonia, Kuwait and Slovakia. Sweden reported that its general courts handled both criminal cases and cases concerning civil matters.

9. In 33 countries, the reaction to juvenile offenders was always in proportion to the circumstances of both the offender and the offence (in terms of just desert in relation to the gravity of the offence). Poland explained that while the principle of proportionality was recognized by the judiciary, the best interests of the child and his or her personal circumstances were main considerations. The concept of proportionality was recognized only to a certain extent in 11 countries. Australia (Northern Territory), Bahrain and the Libyan Arab Jamahiriya reported that this was not the case but that retribution was not exercised. In Argentina, Colombia and Trinidad and Tobago, the concept of proportionality was not applied in national jurisdictions. In Argentina, Australia (Tasmania, under existing legislation), Israel, Italy, Singapore and Slovakia, the principle of proportionality may be disregarded in cases in

which it is considered to be in the best interests of the child to react to a juvenile offence with more intensive intervention. Some countries reported that the concept of the best interests of the child may be used only as an argument for more intensive care to the extent that the fundamental rights of the young individual were not infringed. Australia (Northern Territory and Western Australia) replied that, in some cases, a certain reaction was mandatory, which may not necessarily take the principle of proportionality into account. Intensive intervention may be justified, even in cases of minor offences, in Algeria, Armenia, Bahrain, Cuba (less intense in more serious crimes), India, Libyan Arab Jamahiriya, Mauritius, Panama, Poland, Republic of Korea and Zambia. The concept of proportionality was not recognized under national law in Colombia, Slovenia and Trinidad and Tobago.

10. The individual circumstances of the offender influenced the gravity of the reaction in 25 countries. Even in those countries that did not apply this principle as such, the social status of the juvenile may influence the severity of the reaction in 10 countries; the family situation may influence the reaction in 12 countries; and the harm caused by the offence may influence the reaction in 11 countries. Some countries reported on other factors affecting personal circumstances that may influence the gravity of the sanction; for example, in Australia, such circumstances could be attendance at school, drug and alcohol abuse issues, mental health issues, prior proven offending history and age of the offender. In Zambia, poverty, sickness, age of the offender, and recidivism may influence the disposition of sanctions.

11. In view of the varying special needs of juveniles, as well as the variety of measures available, appropriate scope for discretion was allowed at all stages of proceedings in two thirds of all responding countries. In Israel, 50 per cent of all cases were closed without criminal prosecution by the police and the public prosecutor, after consulting the juvenile probation service. In Australia (Northern Territory), appropriate scope for discretion was allowed only if the juvenile was not a second-time offender between 15 and 16 years of age.

12. In 36 countries, sufficient accountability was ensured at all stages and levels in the exercise of any discretion by checks and balances in order to curb any abuse of discretionary power and to safeguard the rights of the young offender. However, in some countries (Australia (New South Wales, Northern Territory, Tasmania and Western Australia), Chile, Israel, Lebanon, Libyan Arab Jamahiriya, Mauritius and Syrian Arab Republic), a system of checks and balances was functioning only to a limited extent. In other countries (Argentina, Colombia and Panama), such a system needed to be improved.

13. In eight countries (India, Israel, Luxembourg, Poland, Senegal, Slovenia, Switzerland and Togo), information that could lead to the identification of a juvenile offender was disclosed by the media. If it was in the public interest, information that could lead to the identification of a juvenile offender was published in Australia (Northern Territory and Queensland, if it was necessary to protect the safety of another person), Azerbaijan, Costa Rica, Estonia and Kazakhstan. Information leading to the identification of a juvenile offender was disclosed by the media to a certain extent in Argentina, Colombia, Denmark, Lebanon, Mexico, Panama and Trinidad and Tobago. However, in more than half of the responding countries, such information was never disclosed. In Australia (Western Australia), the media must seek permission from the court, which rarely happened.

B. Investigation and prosecution

14. If a juvenile was apprehended, his or her parents or guardians were immediately notified of the apprehension in person, by telephone or in writing in almost all responding countries. However, in Chile, Colombia, Lebanon and Panama, this was not the case. In Costa Rica, the juvenile often did not ask to have his or her parents or guardians notified. If immediate notification was not possible, the parents or guardians were notified usually within 24 hours or three days. However, in India, it may take up to five days, in Kuwait up to seven days and in Lebanon up to 15 days until the parents or guardians are notified by the administration. If a juvenile is apprehended, the issue of release is considered in almost all countries within one day (eight countries), two days (nine countries) or three days (five countries). However, in some countries, the time between apprehension and consideration of release may take 15 days (Mexico) and up to 20 days (Lebanon).

15. In cases in which law enforcement officials consider it to be in the best interests of the child, such officials may use harsh language (Argentina, Bahrain, Egypt, Estonia, Israel, Kazakhstan, Lebanon, Luxembourg, Qatar, Saudi Arabia, Senegal, Switzerland and Togo). In the Syrian Arab Republic, law enforcement officials may use physical violence and in Colombia they may expose the child to the environment.

16. In 24 countries, the competent authorities give consideration to dealing with juvenile offenders without resorting to formal trial. Australia (Queensland) explained that this was particularly the case where the police had the power to caution offenders. In nine countries (Australia (New South Wales, Tasmania and Western Australia), Bahrain, China, Germany, Libyan Arab Jamahiriya, Malaysia, Senegal, Slovakia and Sweden), such consideration was limited to the extent that the fundamental rights of the young individual were not infringed. In Australia (New South Wales, Tasmania and Western Australia), China, Germany, Senegal and Sweden, it had to be ensured that such reaction was always in proportion to the offence and that it took into consideration the circumstances of the offender, the victim and the offence. In some countries (Australia (Western Australia), Costa Rica, Malaysia, Slovakia and Sweden), reactions without resorting to formal trial may result in intensive intervention even in cases involving minor offences. In a number of countries (Algeria, Argentina, Azerbaijan, Brunei Darussalam, Chile, Colombia, Italy, Kuwait, Lebanon, Mauritius, Mexico, Panama, Qatar, Slovenia, Syrian Arab Republic and Trinidad and Tobago), competent authorities were not supposed to give consideration to dealing with juvenile offenders without resorting to formal trial.

17. Diversion, involving removal from criminal justice processing and, frequently, redirection to community support services, was commonly practised on a formal or informal basis in 31 countries. In 16 countries, diversion was not practised. Zambia reported that the introduction of diversion was currently being debated. Diversion may be used, in accordance with the national legal system, at any point in the decision-making process, in particular by the police (19 countries); by the prosecution (20 countries); and by other agencies such as the courts, tribunals, boards and councils (22 countries). Diversion can be used in all cases involving juvenile delinquency in Australia (Victoria), Azerbaijan, Cuba, Denmark, Germany, India, Italy, Japan, Libyan Arab Jamahiriya, Mongolia, Norway, Qatar, Singapore, Spain and Zambia. Diversion may even be used in cases involving more severe infringement of the law, provided, however, that the harm caused was minor in Australia (Queensland and Western Australia), Austria, Costa Rica, Israel, Republic of Korea, Senegal, Sweden, Switzerland and Togo. In Australia (New South Wales) and Luxembourg, diversion was not used in cases involving more severe infringement of the law even if the harm caused was minor. The use of diversion was limited to cases involving petty offences in Australia (Tasmania and the Capital Territory), Bahrain, China, Egypt, Estonia, Finland, Kazakhstan, Kuwait, Poland, Slovakia and Togo.

18. In principle, any diversion involving referral of a juvenile to appropriate community or other services required the consent of both the juvenile and his or her parent or guardian in 11 countries. Such consent was required only by the parent or guardian in nine countries, while in another six countries diversion from the justice system was possible if the juvenile agreed to such services.

19. Police officers who frequently or exclusively dealt with juveniles or who were primarily engaged in the prevention of juvenile crime were reported to be specially instructed and trained in 28 countries. In nine countries, police officers were trained to deal with so-called "status offences" and crimes that are typically committed by children or juveniles. Police officers in Australia (the Capital Territory and Victoria), Colombia, Estonia, Finland, Libyan Arab Jamahiriya, Mauritius, Poland, Singapore and Togo were trained to respect specific procedural aspects when dealing with juvenile offenders. In Algeria, Australia (the Capital Territory and Victoria), Germany, Luxembourg, Poland and Togo, officers received instructions on specific issues related to techniques for the interrogation of children and juveniles. No special instructions or training were provided for police officers in Argentina, Italy, Lebanon, Senegal, Syrian Arab Republic, Trinidad and Tobago and Zambia.

20. Detention pending trial was avoided if alternative measures were applicable in Armenia, Australia, Austria, Azerbaijan, Brunei Darussalam, China, Costa Rica, Denmark, Estonia, Finland, Germany, Japan, Kazakhstan,

Kuwait, Lebanon, Luxembourg, Mauritius, Mongolia, Norway, Poland, Qatar, Republic of Korea, Saudi Arabia, Senegal, Slovakia, Slovenia, Sweden and Trinidad and Tobago. Detention pending trial was also avoided if the same purpose could be achieved by (a) close supervision, in Argentina, Australia (Queensland), Austria, China, Ecuador, Estonia, Germany, Kuwait, Mauritius, Norway, Poland, Qatar and Switzerland; (b) intensive care, in Australia (Queensland), Austria, China, Ecuador, Estonia, Germany, Mongolia, Poland, Norway and Senegal; (c) placement with a family, in Australia (Queensland), Austria, Bahrain, China, Egypt, Estonia, Germany, Israel, Kuwait, Mongolia, Norway, Poland, Qatar, Slovenia and Zambia; and (d) placement in an educational setting or home, in Argentina, China, Egypt, Estonia, Germany, Kuwait, Libyan Arab Jamahiriya, Poland, Qatar, Senegal, Slovenia, Spain (cautionary internment procedure, not preventive imprisonment (pre-trial detention)), Switzerland and Togo.

21. Detention could not be avoided even if alternative measures were applicable or if the same purpose could be achieved by close supervision, intensive care, placement with a family or placement in an educational setting or home in the following countries: Algeria, Chile, Egypt, India, Kuwait, Malaysia, Panama (substitute measures could be applied in accordance with the law) and Syrian Arab Republic

22. Detention pending trial (including any possible extension of initial pre-trial detention placement decisions) was limited to a period of 30 days or less in Australia (the Capital Territory and Tasmania), Luxembourg, Qatar, Saudi Arabia, Spain, Switzerland and Zambia; to less than 60 days in Armenia, Costa Rica, India, Japan, Libyan Arab Jamahiriya and Togo; to less than 90 days in Azerbaijan, Bahrain, Colombia and Lebanon, to less than 120 days in the Republic of Korea; and to less than 150 days in China.

23. In Austria, detention pending trial was limited to one year, without a formal trial having begun. In Mongolia, that period was 28 months and in Slovakia, it was limited to a period of two years. A number of countries did not limit the duration of detention pending trial (Argentina, Australia (New South Wales, Queensland, South Australia, Victoria and Western Australia), Chile, Denmark, Ecuador, Estonia, Iraq, Kazakhstan, Kuwait, Malaysia, Mauritius, Norway, Panama (where it was at the discretion of the judge), Poland, Senegal, Switzerland, Syrian Arab Republic and Trinidad and Tobago). In Sweden, the decision to put someone in detention had to be reviewed every two weeks, and in Germany, the law made provision for numerous restrictions and examinations and required the acceleration of proceedings.

C. Adjudication and disposition

24. According to estimates or surveys that were carried out, the average time from the beginning of an investigation until the competent authority had decided on a case was up to three months in Australia (the Capital Territory, New South Wales, Victoria and Western Australia), Azerbaijan, Bahrain, Cuba, India, Japan, Kazakhstan, Malaysia, Mexico, Norway, Qatar, Republic of Korea, Saudi Arabia, Senegal, Singapore and Zambia. It may take up to six months in Colombia, Costa Rica, Finland, Kuwait, Libyan Arab Jamahiriya, Luxembourg, Mauritius, Poland, Spain, Sweden, Switzerland, Syrian Arab Republic and Togo before the competent authority had decided on the case; in Israel, it may take up to nine months, in Estonia, Lebanon, Panama and Slovakia up to 12 months. The average time was more than 12 months in Argentina, Ecuador, Italy, Mongolia and Trinidad and Tobago. Slovenia reported that in 32.3 per cent of all cases, the competent authority had decided on the case within three months; in 23 per cent of all cases, it took four to six months, while in 44.7 per cent of all cases, the procedure might take up to nine months.

25. The right of a juvenile to be represented by a legal adviser throughout the proceedings was always the practice in 37 countries. It was the usual practice in Argentina, Australia (South Australia), Chile, Colombia, Lebanon, Libyan Arab Jamahiriya, Panama and Togo. In Brunei Darussalam, Mauritius and Senegal, the right to legal representation was only exceptionally the practice. Cuba and Saudi Arabia reported that juveniles were never represented by a legal adviser. Chile, Ecuador, Kazakhstan, Panama, Senegal and Togo reported that difficulties concerning resources was the reason that the rule was not always applied. In Colombia, there were not enough juvenile ombudsmen to meet the needs. Argentina, Armenia, Colombia, Kazakhstan, Lebanon, Mongolia, Panama, Senegal and Togo expected legal reforms in this area.

26. In 28 countries, the juvenile had the right to free legal aid in all cases, while some countries limited that right if it was so decided by the competent authority. Juveniles were provided with free legal aid in cases of severe infringement of criminal law in Austria, Bahrain, Brunei Darussalam, Germany, Iraq, Lebanon, Libyan Arab Jamahiriya, Mauritius, Qatar and Zambia. If it was expected that the juvenile would have to face imprisonment, Germany and Poland would provide free legal aid. Lebanon reported that juveniles who were facing imprisonment or who were facing institutionalization other than imprisonment for more than 24 months received such aid. Japan explained that juveniles did not have the right to free legal aid by the Government, but that he or she could receive free legal aid by the Japanese Legal Aid Association.

27. In two thirds of all responding countries, the parents or guardians of the juvenile were entitled to participate in the proceedings and could be required by the competent authority to attend the court proceedings if that was in the interest of the juvenile. In 12 countries, that was the usual practice. In Kazakhstan and the Libyan Arab Jamahiriya, this practice was applied only in exceptional cases. Kazakhstan explained that this was due to difficulties concerning resources. Argentina, Colombia, Denmark and Ecuador were of the view that there were advantages to a different practice. Argentina, Chile, Mongolia, Qatar and Syrian Arab Republic reported that they expected reforms in that area in the near future.

28. Almost all countries reported that in all cases except those involving minor offences, the circumstances in which the juvenile was living or the conditions under which the offence had been committed were presented to the competent authority before it rendered a final disposition prior to sentencing. In Australia (New South Wales and Victoria), the Republic of Korea and Zambia, this was done in almost all cases of a more serious nature. In Argentina, Colombia, Kazakhstan, Panama and Trinidad and Tobago this was done in most of those cases. In the Syrian Arab Republic, the practice was applied in about one quarter of all cases and in Chile it was applied in a small proportion of cases.

29. Zambia reported that capital punishment could be imposed on a juvenile who had committed murder, aggravated robbery or treason. In Japan, the death penalty could only be imposed on a juvenile who was at least 18 years of age at the time of commission of the offence. For crimes committed by juveniles, life imprisonment with no early release could be imposed in Mauritius for murder, in Zambia for aggravated robbery and treason, and in Trinidad and Tobago for capital offences. In Trinidad and Tobago, a juvenile was last punished with life imprisonment with no early release in February 1997. Juveniles could be subject to corporal punishment, which included caning, in Singapore, caning with a light cane, in Malaysia and whipping, in Saudi Arabia and Trinidad and Tobago. Brunei Darussalam reported that juveniles might face capital punishment, life imprisonment with no early release and corporal punishment, in accordance with the Criminal Procedure Code, but that, in general, young offenders were punished differently from adult offenders.

30. The placement of a juvenile in an institution, including imprisonment, was avoided if alternative measures were applicable (34 countries) or the same purpose could be achieved by close supervision (18 countries), intensive care (17 countries), placement with a family (16 countries) or placement in an educational setting or home (19 countries).

31. The maximum duration of institutionalization, including imprisonment, and any possible extension of the initial punishment, in various countries, is as follows:

Maximum duration
(years)

Country

2

Australia (the Capital Territory, New South Wales and Tasmania), Lebanon, Senegal, Spain, Switzerland and Togo

3	Australia (Victoria), Colombia, Malaysia and Slovenia (institutionalization other than prison)
4	Australia (South Australia) and Ecuador
5	Brunei Darussalam
8	Estonia
10	Australia (Queensland, but there is also the possibility of life imprisonment with possible early release), Azerbaijan, Bahrain, Egypt, Germany, Libyan Arab Jamahiriya, Qatar, Slovakia and Slovenia (imprisonment)
15	Austria, Finland, Mongolia and the Republic of Korea
25	Israel

32. There was no limitation of the period of institutionalization for juvenile offenders in Argentina, Armenia, Chile, China, Italy, Japan (but parole may be granted after seven years even in the case of life imprisonment), Kazakhstan, Kuwait, Mauritius, Panama, Saudi Arabia, Syrian Arab Republic, Trinidad and Tobago and Zambia. Poland reported that, even though institutionalization was not limited by law, institutionalization, including imprisonment, could only last until the juvenile was 21 years of age. Australia (Western Australia) explained that the duration of institutionalization was not limited by law, although in practice unlimited deprivation of liberty never happened. In Cuba, the placement of juveniles in re-education centres was only applied in serious cases. They were never placed in prisons. The duration of the institutionalization of juveniles depended on both their behaviour in the re-education centre and their places of residence when released temporarily. Confining measures could be replaced by non-custodial ones.

II. JUVENILES DEPRIVED OF THEIR LIBERTY

33. The United Nations Rules for the Protection of Juveniles Deprived of their Liberty were adopted by the General Assembly in its resolution 45/113. They advocate the least possible use of deprivation of liberty, especially in prison and other closed institutions. They provide specific principles that apply to all juveniles held in any form of detention and in any type of facility. The Rules call for the separation of juveniles from adults in detention and the classification of juveniles according to their sex, age, personality and type of offence, with a view to ensuring their protection from harmful influences and risky situations.

A. Admission, registration, movement and transfer

34. Almost all responding countries reported that a bound registration book was kept in every place where juveniles were institutionalized or imprisoned. These registration books contained information concerning the juvenile's identity; the fact of and reasons for his or her commitment and the authority concerned; the day and hour of his or her admission, transfer and release; details of notifications to his or her parents or guardians on every admission, transfer or release; and details of known physical and mental health problems, including drug and alcohol abuse. However, in Argentina, Colombia and Kazakhstan, such a registration book was not always kept and, in Panama, a different system of classification existed, which put the registration of juveniles in closed institutions at the discretion of the judiciary or administration. In Argentina and Kazakhstan, the reason for not keeping a registration book was difficulties concerning resources and in Colombia it was due to negligence.

35. Almost all countries reported that no person was received in an institution without a valid commitment order, details of which had been previously entered in the register. In Colombia and Panama, this was usually the case and, in Argentina, this was done only in exceptional cases. Argentina, Colombia, Iraq, Panama and Syrian Arab Republic foresaw legal reforms in this area.

B. Classification and placement

36. In almost all countries, male and female juveniles were either detained in separate institutions or, where they were in an institution that received both male and female juveniles, the whole of the premises allocated for female juveniles was entirely separate. In Argentina, Australia (the Capital Territory, New South Wales and the Northern Territory), and Denmark, Lebanon, Norway, Panama, Sweden and Togo, this was the usual practice. In Australia (Western Australia), such separation did not exist, due to the fact that only a few detained juveniles were female. In Australia (the Capital Territory and Western Australia) and Sweden, the separation of females was at the discretion of the judiciary or administration. Separation from adults was also ensured in the vast majority of responding countries. However, in Lebanon, for example, this was practised only in a few cases and in Brunei Darussalam and Saudi Arabia, juveniles were always placed together with adults. Pre-trial juveniles were kept entirely separate from convicted juveniles in most countries. However, this was only exceptionally the case in Australia (Northern Territory and South Australia because of the small number of institutionalized children) and in Saudi Arabia, but was not the case in Argentina, Australia (New South Wales, Queensland, Tasmania, which has only one detention centre for all juveniles in custody, and Victoria), Chile, Ecuador, Israel, Italy, Lebanon, Mongolia and Syrian Arab Republic.

37. In almost all countries, as soon as possible after admission, each juvenile was 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 was prepared. In Colombia, Finland, Kazakhstan and Mongolia, this was the usual practice. In Panama and Zambia, this was only exceptionally the practice, due to difficulties concerning resources.

C. Physical environment and accommodation

38. In 13 of the responding countries, a juvenile occupied a cell or a room of his or her own during the night. In 24 responding countries, this was practised only exceptionally or never. In 16 countries, this was at the discretion of the judiciary or administration.

39. In those countries that preferred dormitories as the sleeping accommodation, the maximum number of juveniles placed in one dormitory room was up to 5 in Australia (Northern Territory), Bahrain (3), Estonia, Israel (3), Italy, Japan, Kazakhstan, Kuwait, Luxembourg, Philippines, Poland, Qatar, Slovakia, Slovenia and Switzerland; up to 10 in Australia (Queensland and Tasmania), Brunei Darussalam, Libyan Arab Jamahiriya, Mongolia, Saudi Arabia and Togo; up to 15 in Argentina, China, Costa Rica, Republic of Korea and Trinidad and Tobago (varies in accordance with the institution); up to 20 in Chile, Ecuador and Iraq; up to 25 in Cuba, Mauritius and the Syrian Arab Republic; up to 30 in Australia (New South Wales), Azerbaijan, Senegal and Trinidad and Tobago (varies in accordance with the institution); up to 35 in Colombia; up to 40 in Egypt and Malaysia; and more than 40 in Armenia, Panama (in some areas) and Zambia.

40. The maximum size of a dormitory room was less than 40 m² in Austria, Bahrain, Costa Rica, Ecuador, Estonia, Israel, Japan, Kazakhstan, Luxembourg, Mongolia, Panama, Philippines, Poland, Qatar, Slovakia, Slovenia, Syrian Arab Republic, Togo and Trinidad and Tobago; 41-60 m² in Australia (Northern Territory), Chile, China, Kuwait, Libyan Arab Jamahiriya, Republic of Korea and Switzerland; 61-80 m² in Brunei Darussalam, Cuba, Saudi Arabia and Senegal; 81-100 m² in Australia (New South Wales), Azerbaijan, Colombia and Iraq; 101-120 m² in Argentina and Australia (Queensland); and more than 120 m² in Armenia, Australia (Tasmania), Egypt, Lebanon, Malaysia, Mauritius and Zambia.

41. The minimum floor space available to each juvenile was 3 m² or less in Armenia, Australia (South Australia, in some facilities), Costa Rica, Egypt, Estonia, Israel, Kazakhstan, Lebanon, Mongolia, Panama, Republic of Korea, Syrian Arab Republic and Togo; 3-5 m² in Australia (New South Wales and Western Australia), Azerbaijan, China, Cuba, Iraq, Japan, Kuwait, Mauritius, Poland (depending on the facility), Qatar, Saudi Arabia, Slovakia and Slovenia; 6-10 m² in Australia (Queensland and South Australia, depending on the facility), Austria, Bahrain, Denmark, Ecuador, Finland, Libyan Arab Jamahiriya, Luxembourg, Malaysia, Philippines, Poland (depending on the facility) and Switzerland; 11-15 m² in Australia (Northern Territory and Tasmania) and Chile; and more than 15 m² in Australia (the Capital Territory).

42. Information on the subject was not available for Argentina, Brunei Darussalam, Colombia, Mexico, Spain, Trinidad and Tobago and Zambia.

43. Most countries reported that juveniles were entitled to take a bath or shower at least three times a week or upon request. Colombia, Cuba, Israel, Malaysia, Mauritius, Mexico, Panama, Philippines and Trinidad and Tobago reported that juveniles could shower daily. However, juveniles were entitled to take a bath or shower less than once a week in Argentina, Australia (the Capital Territory) and Mongolia, and at least once a week in Algeria, Armenia, Azerbaijan, Kazakhstan and Syrian Arab Republic.

44. Separate beds and bedding were provided for every juvenile by almost all countries. However, not all juveniles were provided with separate beds or bedding in Argentina, Colombia, Ecuador, Kazakhstan, Panama, Qatar, Togo and Zambia. In Brunei Darussalam, children were never provided with separate beds or bedding. Argentina, Brunei Darussalam, Colombia, Ecuador, Panama, Togo and Zambia stated that this was due to difficulties concerning resources.

45. While almost all countries stated that all parts of an institution regularly used by juveniles were properly maintained and kept clean at all times, that was not entirely ensured in Argentina, Brunei Darussalam, Colombia,

Ecuador, Kazakhstan and Togo. In Mongolia, only half of the facilities were kept clean and, in Togo, it applied only to some prisons. In Lebanon and Zambia, no prison was kept entirely clean.

46. In most countries, the administration provided juveniles with food. However, in a number of countries (Algeria, Argentina, Australia (Tasmania), Ecuador, Estonia, Senegal, Slovenia and Togo), food had to be provided by the parent or guardian of the juvenile to meet his or her nutritional needs. Zambia reported that the food provided by the administration was neither adequate for the health and strength of the inmate nor was it well prepared.

47. Drinking water was available to every juvenile whenever he or she needed it in almost all responding countries. However, that was not always the case in Mongolia and Togo and, in Panama, it was only exceptionally the case. In Brunei Darussalam, Israel, Panama and Togo, the provision of inmates with drinking water was at the discretion of the judiciary or administration.

D. Education, vocational training and work

48. Many countries reported that education was available to all institutionalized juveniles. In Australia (Western Australia), Chile, Finland, Israel, Kuwait, Lebanon, Mauritius and Mongolia, education was available to almost all institutionalized juveniles. In Algeria, Brunei Darussalam, Libyan Arab Jamahiriya, Qatar and Togo, education was available to most and, in Argentina, to half of all institutionalized juveniles. In Panama, a quarter of all juveniles received education in closed institutions, in Egypt, Iraq, Kazakhstan and Zambia, only some did, and in the Syrian Arab Republic, no institutionalized juveniles received education.

49. Sentenced juveniles were required to work, subject to their physical and mental fitness as determined by a medical officer, in about two thirds of all responding countries (Algeria, Armenia, Australia (except Queensland), Austria, Azerbaijan, Brunei Darussalam, China, Denmark, Egypt, Estonia, Finland, Germany, India, Iraq, Israel, Italy, Japan, Kazakhstan, Kuwait, Lebanon, Libyan Arab Jamahiriya, Luxembourg, Mauritius, Malaysia, Norway, Philippines, Poland, Republic of Korea, Senegal, Slovenia, Switzerland, Syrian Arab Republic, Togo, Trinidad and Tobago and Zambia). They were not required to work in Argentina, Australia (Queensland), Colombia, Costa Rica, Cuba, Ecuador, Mexico, Panama, Qatar, Saudi Arabia, Slovakia, Spain and Sweden. Of those countries in which juveniles were required to work, the majority of institutionalized juveniles received no wages for their work in Australia (New South Wales, South Australia and Victoria), Luxembourg and Togo.

E. Recreation

50. Institutionalized juveniles had access to radio, television, newspapers, magazines and books in almost all countries. However, in many countries, this was limited to some leisure-time period. Also, in a number of countries, radio and television programmes were selected by the prison administration. In Togo and Zambia, institutionalized juveniles had no access to radio and television; in Argentina, Australia (Queensland), Colombia, Lebanon, Panama and Zambia, no newspapers were available to juveniles in such institutions; and in Colombia, Mongolia, Panama and Zambia, no magazines were available. In Colombia, Malaysia and Zambia, books were not available and, in Costa Rica, Lebanon, Panama, Philippines and Togo, the institutions had no library.

51. While most countries ensured that institutionalized juveniles of suitable age and physique may participate in sports and/or physical education at least three times a week or upon request, such participation was less than once a week in Algeria and Togo. In a number of countries, participation in sports and physical education was dependent on the behaviour of the juvenile.

52. In more than two thirds of all responding countries, institutionalized juveniles were allowed at least one hour of exercise in the open air each day. In Cuba, Iraq and Kazakhstan, this applied to almost all juveniles, while in Panama, it applied to only half of all juveniles and for a period of less than one hour daily.

F. Medical services

53. Most countries reported that access to a qualified medical officer was available to institutionalized juveniles every day. That was usually the case for institutionalized juveniles in Algeria, Argentina, Austria, Egypt, Israel, Kazakhstan, Lebanon, Qatar and Zambia and only exceptionally the case in Colombia, Mongolia, Panama and Togo.

54. Ill juveniles who required treatment by specialists were transferred to specialized institutions or to civil hospitals in almost all countries. This was usually the practice in Argentina, Lebanon, Libyan Arab Jamahiriya, Mongolia, Panama, Qatar and Togo, and only exceptionally the case in Kazakhstan. In that connection, difficulties concerning resources were mentioned by Argentina, Panama (with regard to transportation) and Togo.

G. Privileges and disciplinary procedure

55. Privileges appropriate to the various classes of juveniles and the different methods of treatment were established in almost all responding countries at every institution in order to encourage good conduct, develop a sense of responsibility and secure the interest and cooperation of the juveniles in their treatment. This was not the practice in Denmark and Germany, owing to the belief that there were advantages to a different practice. Such privileges included a wide range of issues. For example, in Austria, institutionalized juveniles who behaved well could be allowed to wear their own personal clothing or use personal sports equipment. They could also use their own personal television and radio sets or other electronic equipment. In Australia, privileges could include participation in activities away from the detention centre, e.g. camping and recreational activities; family visits away from the centre, for day or weekend release and extra telephone calls. Also, less intrusive supervision might be a privilege that could be earned by a well-behaving juvenile. In Egypt, the number of visits may be increased and, in Israel, such privileges included, for example, the provision of cigarettes and sweets, extra phone calls, off-duty leave, and participation in desired activities. In Japan and Poland, juveniles may be awarded a certificate and they may be allowed to stay out overnight. Home leave was also a privilege in the Philippines, for example during Christmas. In Switzerland, a privilege may include going to see a movie outside the prison. In Zambia, trusted juveniles were not subject to strict control and were given leadership responsibilities.

56. Juveniles were not allowed to exercise disciplinary functions over other juveniles in almost all countries. In Argentina, Mongolia and Zambia that was the usual practice, while in Ecuador and Panama, it was only exceptionally the case. In Colombia, Costa Rica, Saudi Arabia and Togo, juveniles were always allowed to exercise disciplinary functions over other juveniles.

57. In most countries, juveniles could only be punished in accordance with the law or regulations. That was not always the case but was the usual practice in Argentina, Colombia, Mongolia and Panama. Punishment included a wide range of measures. Many countries stated that withdrawal of privileges was one of the measures. Some countries, however, limited such withdrawal to a maximum period of 30 days or less. Other punishment included, for example, limitations on the right to receive mail and visits. Loss of earnings, loss of remission on sentences, non-approval of outings and leaves of absence, exclusion from activities and requirement to do extra chores were punishment measures in Australia. In Colombia, juveniles had to fulfil a determined work assignment as punishment. In Mauritius, examples of punishment included losing the privilege of playing games or receiving pocket money, loss of grade for a maximum period of three months, or confinement in a separate room for a period not exceeding 14 days. In the Philippines, juveniles received additional work assignments as punishment and, in Poland, suspension of leave (up to three months) could be applied. Isolation, harsh language and being deprived of visits were measures that could be used in the Syrian Arab Republic. In Trinidad and Tobago, corporal punishment could be applied in extreme cases, as well as dietary punishment and fatigue duty. In Qatar, punishment measures included confinement for a short period, limitation on making telephone calls or receiving visits, exclusion from sports activities or the use of harsh language. In Zambia, caning, confinement, removal of privileges and extra work were measures used to punish misbehaving juveniles in institutions. However, discussions and consultations were being held, with a view to amending Zambian law in order to abolish corporal punishment.

58. The juvenile was given the opportunity to present his or her defence before the imposition of a disciplinary measure in almost all countries, except for Australia (South Australia), Israel, Kazakhstan, Libyan Arab Jamahiriya, Malaysia, Panama, Qatar and Zambia, where the practice was only usually followed. In Argentina, Brunei Darussalam and Colombia, the right of a juvenile to defend himself or herself was granted only in exceptional cases.

59. Almost all countries reported that instruments of restraint, such as handcuffs, chains, irons and straitjackets, were never used as punishment. In Argentina, Kazakhstan, the Libyan Arab Jamahiriya and the Republic of Korea, that was usually the case. In Panama and Slovakia that rule was applied only in exceptional cases and, in Ecuador, China and Qatar, those instruments of restraint were allowed to be used. In Argentina and the Republic of Korea, the rule was not always applied, due to the belief that there were advantages to a different practice.

60. While a number of countries reported that they would never use close confinement or isolation, those that applied such measures reported that the maximum period for close confinement or isolation was as follows: 10 days or less, in Armenia, Australia, Azerbaijan, Bahrain, Chile, Colombia, Cuba, Kazakhstan, Libyan Arab Jamahiriya, Malaysia (less than 24 hours), Mexico (confinement zones), Slovakia, Switzerland, Syrian Arab Republic, Trinidad and Tobago and Zambia; 11-20 days, in Austria, Estonia, Finland, Germany, Japan, Mauritius and Republic of Korea (in the case of juvenile reformatories); 21-30 days, in Brunei Darussalam, Denmark, Luxembourg and Panama; and more than 40 days, in the Republic of Korea and Togo.

H. Contact with the community outside the institution

61. Institutionalized juveniles may receive visits once a month in Armenia, China, Germany (at the least), Kazakhstan and Malaysia, twice a month in Egypt, four times a month in Argentina, Azerbaijan, Bahrain, Colombia, Denmark (one visit weekly), Estonia, Iraq, Libyan Arab Jamahiriya, Mauritius, Mexico, Philippines, Slovakia and Switzerland (on average), and five times a month in Austria and Cuba. In Australia, juveniles may receive visits six times a month or more. That practice was also applied in Chile, Costa Rica, Finland, Lebanon, Luxembourg, Norway, Panama, Saudi Arabia, Slovenia, Spain, Togo, Trinidad and Tobago and Zambia. In some countries, the number of visits could vary depending on the behaviour of the juvenile. That was the case in Argentina, Australia (Western Australia), China, Colombia, Israel, Kuwait, Luxembourg, Poland, Slovakia, Slovenia and Zambia.

62. Institutionalized juveniles could receive and send mail once a month in Malaysia (at the least) and Togo, twice a month in Argentina, Kazakhstan and Mauritius, four times a month in the Libyan Arab Jamahiriya and Trinidad and Tobago, six times a month in Austria and more than six times a month in Australia (New South Wales and Victoria), Germany (no limitations), Luxembourg, Norway, Switzerland and Zambia. In Argentina, Israel, Kuwait, Panama, Poland and Zambia, the amount of mail a juvenile could receive and send might vary depending on his or her behaviour.

I. Institutional personnel and inspection

63. All of the 46 responding countries except for Argentina and Colombia reported that detention facilities and services were regularly inspected. In many countries, the head of prison administration was required by law to follow the recommendations of the inspector, while, in some countries, the head of prison administration was not required to do so but, in actual practice, he or she did follow them as far as possible. In some countries, the recommendations of the prison inspector had no direct influence on the practice followed by the prison administration in the management of prisons and the treatment of juveniles.

J. Social relations and aftercare

64. Less than half of all responding countries provided aftercare services to all institutionalized juveniles, while some juveniles enjoyed such services in Argentina, Chile, Colombia, Panama (as decided by the judge), Trinidad and Tobago and Zambia. Those services were not provided in Brunei Darussalam, Costa Rica, Ecuador, Lebanon and Syrian Arab Republic.

65. Aftercare services included, for example, employment, clothing, psychological and therapeutic aftercare, medical care, drug rehabilitation services, housing, education programmes and assistance in the management of any financial problems the juvenile may face after release. However, only a few responding countries offered assistance in all of those areas.

III. PREVENTION OF JUVENILE DELINQUENCY

A. Application of fundamental principles

66. The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) were adopted by the General Assembly in its resolution 45/112. They set forth standards for the prevention of juvenile delinquency, including measures for the protection of young persons who are abandoned, neglected, abused or in marginal circumstances. The Riyadh Guidelines cover the pre-conflict stage, i.e. the stage before juveniles come into conflict with the law. They have a “child-centred” orientation and are based on the premise that it is necessary to offset those conditions that adversely influence and impinge on the healthy development of the child. The Riyadh Guidelines focus on early preventive and protective intervention modalities and aim at promoting in a concerted effort a positive role on the part of various social agencies, including the family, the educational system, the mass media and the community, as well as the young persons themselves.

67. A number of countries have implemented policies that provide for specific measures to prevent juvenile delinquency. Some countries have done so to a certain extent, while in Argentina, Australia (the Capital Territory and New South Wales), Bahrain, Chile, Estonia, Kazakhstan, Lebanon, Mauritius, Panama and Sweden, the prevention of juvenile delinquency has been taken into account in overall crime prevention strategies. Ecuador reported that it had no such policies. In general, delinquency prevention policies and measures involved the provision of opportunities, in particular educational opportunities, to meet the varying needs of young persons and to serve as a supportive framework for safeguarding the personal development of all young persons. Such policies paid special attention to those who were demonstrably endangered or at social risk and were in need of special care and protection. In 13 countries, the official intervention to be pursued focused primarily on the overall interest of the young person and was guided by fairness and equity. Almost half of the responding countries had measures in place that safeguarded the well-being, development, rights and interests of all young persons. One fifth of all responding countries reported that their delinquency prevention programmes took into consideration that youthful behaviour or conduct that did not conform to overall social norms and values was often part of the maturation and growth process and tended to disappear spontaneously with the transition to adulthood. In almost one third of all responding countries, policies recognized that, in the predominant opinion of experts, labelling a young person as “deviant”, “delinquent” or “pre-delinquent” often contributed to the development of a consistent pattern of undesirable behaviour by the young person. A number of countries (Algeria, China, Germany, India, Japan, Kuwait, Norway, Senegal, Sweden and Zambia) reported that their delinquency prevention policies and measures had involved all of the above.

B. Comprehensive prevention plans

68. A quarter of all responding countries had instituted a comprehensive juvenile delinquency prevention plan at every level of government. Argentina, Austria, Colombia, Israel and Slovenia reported that those plans did not include all levels of government, while China, Kazakhstan, Libyan Arab Jamahiriya, Poland, Republic of Korea, Saudi Arabia, Switzerland and Syrian Arab Republic reported that those plans existed only to a certain extent. The

prevention of juvenile delinquency had been taken into account in overall crime prevention plans in one third of all responding countries. Ecuador, Finland and Zambia reported that such plans did not exist.

69. Those countries in which such plans existed reported that they included, *inter alia*, well-defined responsibilities for the qualified agencies, institutions and personnel involved in the preventive efforts (23 countries), in-depth analysis of the problem and inventories of programmes, services, facilities and resources available (21 countries) and mechanisms for the appropriate coordination of prevention efforts between governmental and non-governmental organizations (21 countries).

C. Socialization processes

1. Family

70. In more than one third of all responding countries, families in need were provided with care and protection to ensure the physical and mental well-being of children. Such services were provided to almost all families in need in Armenia, Libyan Arab Jamahiriya, Luxembourg, Mongolia, Qatar, Sweden and Switzerland. Most families in need received such assistance in Algeria, Australia (New South Wales and Queensland), Chile, Estonia, Israel, Malaysia, Mexico, Senegal, Slovenia and Syrian Arab Republic.

71. Care and protection was provided to only half of the families in need in Argentina, while only a third of the families in need in Kazakhstan and less than one quarter of the families in need in Colombia and Lebanon received such services. In Bahrain, Panama, Republic of Korea, Trinidad and Tobago and Zambia, a small proportion of the families in need were taken care of or were protected, while such assistance was provided only in exceptional cases in Togo and were not provided in Ecuador.

72. The 32 countries reporting that they provided such assistance to more than half of the families in need included the following care and protection measures in their programmes: support for parents in educating their children (29 countries), prenatal/perinatal assistance (27 countries), family counselling services (24 countries), education in drug abuse resistance (23 countries), training for children to increase social competence (21 countries), family and child bonding (20 countries), development of parenting skills (17 countries), training for parents to increase social competence (14 countries) and development of social skills (12 countries).

73. One quarter of all countries reported that special attention was given to all children of families affected by problems brought about by rapid and uneven economic, social and cultural change, in particular to children of indigenous, migrant and refugee families. In seven countries, almost all children who were affected by such problems received special attention. In Poland, only refugee families received such attention. Algeria, Australia (New South Wales), Austria, Israel, Kazakhstan, Luxembourg, Malaysia, Mexico, Qatar, Saudi Arabia, Senegal and Switzerland limited the focus of their attention to most children, while, in Argentina, such services were provided to only about one third of those children. In Ecuador, about one quarter of those children received such attention, in Colombia, less than one quarter and in Chile, Estonia, Mongolia and Zambia, only a small proportion of children affected by such problems were given attention. The same applied to only a few children in Panama and only in exceptional cases in Australia (the Capital Territory), Mauritius, the Republic of Korea and Togo. The Republic of Korea reported that only a few children were affected by the above-mentioned problems. In Bahrain, attention was not given to this group of children. In this regard, special services focused mainly on school-based programmes and community programmes and, to a lesser extent, on family programmes, while language training programmes, cultural exchange programmes and programmes to strengthen the values of indigenous people were executed by only a few countries.

2. Education

74. Regarding the regular attendance of young persons in public education, a majority of the countries reported that all or almost all young persons participated in regular public education programmes (i.e. schools or other educational

institutions). In Chile, Ecuador, Estonia, Lebanon, Mongolia and Zambia, most young persons attended regular public education, while about one half of the young persons in Mauritius and Senegal received regular public education. In Togo, only a minority of the young persons received regular public education and, in Kuwait, only a few children received regular public education.

75. Educational systems, in schools or in other educational institutions, provided programmes for young persons that included the following: after-school activities for youth (28 countries); school drop-out prevention services (17 countries); specialized prevention programmes for young persons who are at social risk (15 countries); violence prevention programmes (11 countries); and student conflict-resolution programmes (8 countries). In addition, other extracurricular activities of interest to young persons were provided in 11 countries. Some countries reported examples of additional extracurricular activities, such as "hobby schools" in Estonia, tolerance programmes in Norway, holiday camps in Malaysia and artistic programmes, such as drama and choir activities, in Togo and Trinidad and Tobago.

76. In 37 countries, the school systems had established policies and strategies to prevent alcohol, drug and other substance abuse by young persons and 28 countries reported that students were represented in bodies formulating school policy, including the policy on discipline, and decision-making.

3. Community

77. Community-based services and programmes offered appropriate counselling and guidance to young persons and their families in almost one third of all responding countries and, to a certain extent, in additional 11 countries. In Argentina, Australia (Queensland and South Australia), Austria, Chile, Colombia, Estonia, Lebanon, Panama, Slovakia, Togo and Trinidad and Tobago, such services were offered in principle, although not in all communities throughout the country. Kazakhstan and Zambia were of the view that such services needed to be developed, while in Ecuador such services did not exist. In Poland, those services would be established by law in the near future.

78. In 15 responding countries, communities offered a wide range of community-based support services, including community development centres. Such services existed only to a certain extent in an additional nine countries. In Argentina, Australia (New South Wales and South Australia), Bahrain, Chile, Colombia, Estonia, Lebanon, Panama, Slovakia, Switzerland, Togo and Trinidad and Tobago, not all communities throughout the country provided a wide range of community-based support services. In Denmark, Ecuador and Kazakhstan, such centres did not exist. Poland, the Syrian Arab Republic and Zambia were of the view that such centres should be developed.

79. In 20 responding countries, recreational facilities and services were provided by communities. Those facilities and services were provided, to a certain extent, in almost one quarter of the responding countries. In Australia (New South Wales, Queensland, South Australia and Tasmania), Bahrain, Chile, Colombia, Estonia, Lebanon, Panama, Poland, Slovakia and Trinidad and Tobago, such services existed, but not throughout the country, while in Kazakhstan such services did not exist. The Syrian Arab Republic, Togo and Zambia reported that such services should be developed.

80. Government agencies provided necessary services for homeless or street children in 25 responding countries. Poland informed the Secretariat that all such children were placed in orphanages. Homeless or street children received necessary services, to a certain extent, in Argentina, Australia (the Capital Territory, Queensland, South Australia and Victoria), Israel, Luxembourg, Mexico, Mongolia, Panama, Republic of Korea and Trinidad and Tobago. In Australia (New South Wales), Chile, Estonia, Lebanon and Zambia, those services were not available throughout the country, while in Ecuador and Kazakhstan such services did not exist. Bahrain and Togo reported that such services should be developed. Cuba and Saudi Arabia reported that the phenomenon of street children did not exist in those countries. In Cuba, children were protected through a governmental system of institutions.

4. Mass media

81. In 15 countries, the mass media disseminated information on the existence of services, facilities and opportunities for young persons. That information was disseminated by the media, to a certain extent, in 19 countries. The mass media did not disseminate such information in Argentina, Austria, Kazakhstan, Lebanon, Luxembourg, Mauritius, Norway, Syrian Arab Republic, Togo and Zambia, but should be encouraged to do so.

82. In 39 countries, the mass media, in particular radio and television, ran drug-awareness and anti-drug campaigns. Those campaigns were not run in Austria, Ecuador, Estonia and Togo but those countries were of the view that the mass media should be encouraged to do so. Cuba reported that the “drug phenomenon” did not exist as such and that, therefore, the above-mentioned issue was not applicable to Cuba.

5. Social policy

83. A number of countries reported on their social policies, including information regarding the amount spent for the delivery of services, facilities and staff necessary to implement the programmes. For example, Chile spent 2.4 million United States dollars on its social assistance programmes, which corresponded to 15.6 per cent of its total gross national product (GNP). Israel spent a total of 76 billion United States dollars, corresponding to 22 per cent of GNP. Denmark spent 25 per cent of its GNP on such services, while Japan spent 12.6 per cent of its GNP on social welfare programmes and Malaysia just over half of that amount (6.7 per cent).¹

84. Some countries reported that the formal institutionalization of young persons may be authorized under circumstances other than those mentioned above. For example, in Panama, formal institutionalization may be ordered in response to parental requests or as a result of police actions deriving from juveniles roaming at certain hours. In Poland, immoral behaviour of children up to 13 years of age may be a reason for such formal institutionalization. In Slovakia, a young person may be placed in an institution as a consequence of the death of his or her parents or for any other serious reason. In Trinidad and Tobago, children who were considered to be beyond parental control could be placed in institutions. In Cuba, a set of legal instruments was established for the protection of children and juveniles. Due care was provided to victims of rare cases of familial abusive treatment. Institutionalization of children and juvenile victims was avoided. The Ministry of Education provided them with shelter in cases where educative measures imposed on responsible adults were not effective. Also, the regular governmental educational system included internal schools for meeting the special needs of the population. In Chile, juvenile institutionalization in special establishments occurred in cases of the violation of penal laws when the juvenile was subjected to materially or morally dangerous situations. In Colombia, those young persons were regarded as victims of natural disasters or as dependants of drug users. In Ecuador, children and juveniles were not considered “criminals” or “delinquents”. Corrective action implied the institutionalization of young persons in establishments in which their behaviour was monitored. In Malaysia, a child or young person could be placed in an institution if he or she was an orphan or did not have parents who were able to exercise proper care and guardianship, or where a child or young person had committed a criminal offence or was in need of care or protection. Sweden reported that authorized interventions did not always result in the institutionalization of children; they were more often placed in foster care.

85. In 12 countries, programmes to prevent juvenile delinquency were planned and developed on the basis of reliable, scientific research findings. This was done, to a certain extent, in another 14 countries. Such research findings, however, did not yet cover all aspects of juvenile delinquency prevention in Argentina, Australia (the Capital Territory, South Australia and Victoria), Chile, Colombia, Denmark, Germany, Kazakhstan, Mexico, Mongolia, Saudi Arabia, Slovakia, Syrian Arab Republic and Zambia. Research did not provide the basis for such prevention programmes, in Algeria, Finland and Togo, due to inadequate resources. In Bahrain, Ecuador, Luxembourg, Mauritius and Panama (due to the lack of resources), research findings did not provide the basis for the planning and development of juvenile delinquency programmes.

86. Programmes to prevent juvenile delinquency were periodically monitored, evaluated and adjusted in almost one third of all responding countries and, to a certain extent, in another 15 countries. In Australia (the Capital Territory, New South Wales and South Australia), Denmark, Kazakhstan, Libyan Arab Jamahiriya, Mexico, Qatar, Saudi

Arabia and Zambia, not all such programmes were monitored on their efficacy. In Algeria, Colombia, Finland, Lebanon, Senegal, Togo and Trinidad and Tobago, monitoring did not take place, due to inadequate resources, nor did it take place in Argentina, Bahrain, Ecuador, Mauritius or Panama.

6. Research, policy development and coordination

87. Mechanisms were established to promote, on both a multidisciplinary and an in tra-disciplinary basis, interaction and coordination between economic, social, educational and health agencies and services, the justice system, youth, community and development agencies and other relevant institutions in 13 countries. This was the case, to a certain extent, in another 14 countries. In Algeria, Argentina, Armenia, Australia (the Capital Territory and South Australia), Austria, Finland, Israel, Kuwait, Lebanon and Slovakia, such interaction and cooperation was not ensured with all the above-mentioned agencies. These mechanisms have been established mainly through inter-agency meetings (33 countries), individual contacts (30 countries) and conferences (27 countries). In Bahrain, Colombia, Kazakhstan, Mongolia, Panama and Togo, such mechanisms did not exist; however, agencies and services interact and coordinate their activities on occasion. Bahrain, Mauritius and Zambia reported that such mechanisms should be established. In Ecuador, such mechanisms were not in place.

88. Asked to mark on a scale ranging from 0 to 15 whether the exchange of experiences involving research, policy development and coordination has proved to be satisfactory (0) or unsatisfactory (15), 22 countries were of the view that such exchange was satisfactory: Azerbaijan (0), Cuba (1), Egypt (1), India (1), Libyan Arab Jamahiriya (1), Qatar (1), Senegal (1), Spain (1), Syrian Arab Republic (1), Mexico (1.5), China (2.5), Japan (2.5), Slovenia (2.5), Malaysia (3), Denmark (3.5), Australia (Queensland) (4), Iraq (4), Lebanon (4), Norway (4), Switzerland (4), Kuwait (4.5) and Togo (4.5). Twelve countries were of the view that it was neither really satisfactory nor really unsatisfactory: Israel (6), Australia (6.5), Colombia (6.5), Sweden (7), Argentina (7.5) Bahrain (7.5), Chile (7.5), Republic of Korea (7.5), Trinidad and Tobago (8), Estonia (9), Poland (9) and Mongolia (9.5). A few Member States appeared to be dissatisfied with how experiences were exchanged: Kazakhstan (10.5), Armenia (11), Slovakia (11), Finland (12), Panama (12.5), Luxembourg (14) and Zambia (14.5).

IV. SUMMARY

89. In the administration of juvenile justice, the minimum age of criminal responsibility for juveniles ranged from 7 to 18 years of age, with most countries setting this limit at any age between 12 and 16 years. So-called status offences existed in the national legislation of 13 countries and, to a certain extent, in another six countries. Almost all responding countries appreciated the fact that juvenile delinquency necessitated a different procedure than that used in cases of adult criminality. In some countries, the concept that in all actions concerning juvenile offenders the best interests of the child were a primary consideration resulted in the possibility of providing more intensive care than would be justified on the basis of the proportionality between the offence and the reaction. In two thirds of all responding countries, diversion programmes were established as common reactions to juvenile delinquency. Some countries reported that half or more of all cases involving juvenile delinquency were dealt with by diversion programmes and that such programmes may even be used in cases involving more severe infringements of the law. In almost three quarters of the responding countries, detention pending trial was avoided if there was an alternative measure that could be applied. Many countries limited the time of detention pending trial, which may last up to two years in some countries. Some countries reported considerable delays in justice. In two countries, the death penalty could be imposed on a juvenile. Life imprisonment with no possibility of early release could be imposed on juveniles in four countries. Corporal punishment could be imposed in five countries. Most countries limited the maximum duration of institutionalization, including imprisonment, and any possible extension of an initial punishment to up to 10 years. However, in five countries, the duration could be up to 15 or 25 years and in another 15 countries it was not limited.

90. Juveniles deprived of their liberty were kept in dormitories in almost three quarters of the countries. In one quarter of all responding countries, the minimum floor space available for each juvenile was 3 m² or less. In another one quarter of all responding countries, it was from 3 to 5 m². In some countries that used dormitories as sleeping accommodations, more than 30 juveniles could be placed in one room. In a number of countries, separation of different categories of juvenile inmates was not applied. Although in some countries, juveniles could take a bath or shower whenever they wanted to, in other countries, imprisoned juveniles had poor conditions for maintaining personal hygiene. With regard to the provision of beds and bedding, as well as the provision of food, education and work, a number of countries appeared to be facing serious challenges. Punishment measures included, for example, limitations on receiving visits or mail, extra work and reductions in pocket money and participation in leisure-time activities. In a few countries, close confinement and corporal punishment, including caning, could be applied to discipline imprisoned juveniles. Instruments of restraints could be used in nine countries. Almost all countries reported that there were regular inspections of the detention facilities and services. However, in some countries, the recommendations of the prison inspector had no direct influence on the practice followed by the prison administration in the management of prisons and the treatment of juveniles.

91. Half of all responding countries had a comprehensive policy in place that would ensure coherent action to prevent juvenile delinquency. In those countries that had such a plan, emphasis was placed on the family, the school and the community as partners to prevent juvenile delinquency. With regard to education, most school systems were reported to have in place programmes for the prevention of alcohol consumption and drug and other substance abuse by young persons. Counselling and guidance for young persons and their families through community-based services and programmes were provided by more than half of all countries. Some countries were of the view, however, that such programmes needed to be established or further improved. A number of countries could afford to provide services for homeless children or street children to a limited extent, while in other countries, children in those difficult circumstances did not receive any assistance. With regard to social policies, not all countries had established strictly defined criteria authorizing formal intervention or institutionalization of young persons.

92. It may be recalled that the Committee on the Rights of the Child, when reviewing the implementation of the Convention on the Rights of the Child by States parties regarding the situation of children when in conflict with the law, takes into account the basic principles reflected in the three United Nations standards and norms. To that end, the Committee has repeatedly made clear that in order to fully implement the Convention, due respect of the aforementioned instruments was required. Accordingly, and as recommended by the Council, in its resolution 1997/30 on the administration of juvenile justice, the information contained in the present report will be made available to the Committee on the Rights of the Child to complement the reports of States parties.

Notes

¹For further information, see United Nations Development Programme, *Human Development Report 1997* (New York, Oxford University Press, 1997).