

**Juvenile delinquency, the role of women, the family and society**

**European Parliament resolution of 21 June 2007 on juvenile delinquency, the role of women, the family and society (2007/2011(INI))**

*The European Parliament,*

- having regard to the United Nations' Convention on the Rights of the Child of 20 November 1989 and, in particular, Articles 37 and 40 thereof,
- having regard to the United Nations' Standard Minimum Rules for the Administration of Juvenile Justice or 'Beijing' rules' of 1985, adopted by General Assembly Resolution 40/33 of 29 November 1985,
- having regard to the United Nations' Guidelines for the Prevention of Juvenile Delinquency or 'Riyadh Guidelines' of 1990, adopted by General Assembly Resolution 45/112 of 14 December 1990,
- having regard to the United Nations' Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly Resolution 45/113 of 14 December 1990,
- having regard to the Council of Europe's European Convention on the Exercise of Children's Rights of 25 January 1996 and, in particular, Articles 1 and 3-9 thereof,
- having regard to the Council of Europe Committee of Ministers' Recommendation to Member States concerning new ways of dealing with juvenile delinquency and the role of juvenile justice of 24 September 2003<sup>1</sup>,
- having regard to the Council of Europe Committee of Ministers' Recommendation on social reactions to juvenile delinquency of 17 September 1987<sup>2</sup>,
- having regard to the Council of Europe Committee of Ministers' Recommendation on social reactions to juvenile delinquency among migrant families of 18 April 1988<sup>3</sup>,
- having regard to the EU Treaty and, in particular, Article 6 and the provisions of Title VI concerning police and judicial cooperation in criminal matters,
- having regard to the EC Treaty and, in particular, Title XI on social policy, education, vocational training and youth and, in particular, Article 137 thereof,
- having regard to the Framework Programme for Police and Judicial Cooperation in Criminal Matters (AGIS), which expired on 31 December 2006, and to Council Regulation (EC) No 168/2007 of 15 February 2007 establishing a European Union

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<sup>1</sup> (Rec (2003) 20)

<sup>2</sup> (Rec (87) 20)

<sup>3</sup> (Rec (88) 6)

Agency for Fundamental Rights<sup>4</sup>,

- having regard to its position of 30 November 2006 on the proposal for a Council decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union<sup>5</sup>,
  - having regard to its position of 22 May 2007 on the Council's common position on the adoption of a decision of the European Parliament and of the Council establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (DAPHNE III Programme) as part of the general programme 'Fundamental Rights and Justice'<sup>6</sup>,
  - having regard to the communication from the Commission entitled 'Towards an EU Strategy on the Rights of the Child' (COM (2006)0367),
  - having regard to its resolution of 8 July 1992 on a European Charter of Rights of the Child<sup>7</sup> and, in particular, paragraphs 8.22 and 8.23 thereof,
  - having regard to Council Decision 2001/427/JHA of 28 May 2001 setting up a European crime prevention network<sup>8</sup>,
  - having regard to the opinion of the European Economic and Social Committee of 15 March 2006 entitled 'The Prevention of Juvenile Delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union'<sup>9</sup>,
  - having regard to the conclusions of the conference held in Glasgow from 5 to 7 September 2005 under the aegis of the UK Presidency on the subject of 'Young people and crime: a European perspective',
  - having regard to the most recent annual reports issued by the European Monitoring Centre for Drugs and Drug Addiction,
  - having regard to Rule 45 of its Rules of Procedure,
  - having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0212/2007),
- A. whereas juvenile delinquency is inherently more dangerous than adult offending as it affects a particularly vulnerable section of the population during the formative years of personal development, exposing juveniles at a very early stage to the risk of social exclusion and stigmatisation,
- B. whereas non-attendance at school is one of the factors which increase the risk of juvenile delinquency,

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<sup>4</sup> OJ L 53, 22.2.2007, p. 1.

<sup>5</sup> *Texts Adopted*, P6\_TA(2006)0510.

<sup>6</sup> *Texts Adopted*, P6\_TA(2007)0188.

<sup>7</sup> OJ C 241, 21.9.1992, p. 67.

<sup>8</sup> OJ L 153, 8.6.2001, p. 1.

<sup>9</sup> OJ C 110, 9.5.2006, p. 75.

- C. whereas national, European and international studies show that there has been an alarming increase in juvenile delinquency over the last two decades,
- D. whereas juvenile delinquency is becoming a matter for concern on account of the huge scale it has now assumed, owing to the fact that delinquency is starting at a younger age, the number of offences committed by children under the age of 13 is increasing and that the acts committed by young people are becoming increasingly brutal,
- E. whereas current methods of recording and presenting statistical data regarding juvenile delinquency do not correspond to actual needs and present-day circumstances, making it urgently necessary to obtain reliable statistics at national level,
- F. whereas it is difficult to classify precisely the reasons for which young people offend, the factors leading to antisocial and finally criminal forms of behaviour being different in each individual case, conditioned as they are by the experiences of each child or adolescent and the elements playing the most central role in their development: family, school, circles of friends and general economic and social circumstances,
- G. whereas the main factors contributing to juvenile delinquency are a lack of structures, communication and appropriate models within the family, often as a result of parental absence, psychopathological problems associated with physical and sexual abuse by people within the family environment, the failure of education systems to pass on social values, poverty, unemployment, social exclusion and racism; whereas additional significant factors are the strong tendency towards copying which young people develop during the formative years of their personal development , personality disorders associated with the consumption of alcohol and drugs and the portrayal by the mass media, by certain Internet sites and by video games of models of mindless, excessive and unwarranted violence,
- H. whereas deviant behaviour amongst young people does not systematically originate within the family,
- I. whereas the increase in the consumption of cannabis and other drugs and/or of alcohol by adolescents may be correlated with the increase in juvenile delinquency,
- J. whereas migrants and in particular juveniles are much more exposed to social surveys, creating the impression that the problem of juvenile delinquency occurs mainly among migrants and not throughout society as a whole, an impression which is not only inaccurate but also dangerous for society,
- K. whereas the two 'modern' forms of juvenile delinquency involve the formation of 'juvenile gangs' and increasing violence at school, these being particularly widespread in certain Member States and particularly difficult to investigate and deal with,
- L. whereas increasingly widespread developments such as violent organised juvenile gangs have prompted certain Member States to open a debate on the need to revise criminal law relating to juveniles,
- M. whereas in certain Member States the environs of and even the school playground itself (including those in affluent neighbourhoods) have become lawless areas (drug-dealing,

acts of violence sometimes involving the use of knives, extortion by various means, the development of dangerous games and the phenomenon of 'happy slapping', involving the posting on websites of photographs of violent scenes taken with a mobile telephone),

- N. whereas recent years have seen a progressive revision of national criminal law relating to juveniles and this revision should be geared to preventive measures, judicial and extrajudicial measures and re-education and rehabilitation measures, including therapy where necessary; stressing, however, that it is very often unfeasible to implement these new measures in practice owing to a lack of suitable, modern facilities and trained specialist personnel, to limited funding and sometimes to a lack of will on the part of those involved or to inherent faults in the system,
- O. whereas the flood of images of extremely violent scenes and of pornographic material carried on the various media, such as games, television and the Internet, and the exploitative media portrayal of juvenile victims and perpetrators in many cases border on violations of the fundamental rights of children and are instrumental in trivialising violence,
- P. noting that, according to the statistics published in certain Member States, between 70% and 80% of juvenile delinquents who are punished when they commit their first offence do not re-offend;
- Q. having regard to the articles and studies published in certain Member States which reveal an increase in the number of acts of violence perpetrated by adolescents on their parents and the powerless state in which the latter find themselves,
- R. having regard to the fact that organised crime networks sometimes employ juvenile delinquents for their activities,
- S. whereas a special working group was set up, within the framework of the European Crime Prevention Network founded in 2001, in order to combat juvenile delinquency and which has begun to draw up a detailed comparative study in the 27 Member States as a basis for future EU policy developments in that field,
- 1. Stresses that juvenile delinquency can be effectively combated only by adopting an integrated strategy at national and European level which will mesh three guiding principles: prevention, extrajudicial and judicial measures and the social inclusion of all young people;

### ***Policies at national level***

- 2. Stresses that it is crucially important for all stakeholders in society to be directly involved in the planning and implementation of an integrated national strategy i.e., the State as central administration, regional and local authorities, educational institutions, the family, NGOs and especially youth NGOs, civil society and every individual; maintains that it is essential to have adequate financial resources available in order to implement effective measures to combat juvenile delinquency;
- 3. Maintains that, in order to effectively combat juvenile delinquency, an integrated and effective school, social, family and educational policy must be implemented which will

help to ensure that social and civic values are passed on and that young people adjust to society at an early age; considers that there is also a need for a policy geared to greater economic and social cohesion and to reducing social inequalities and countering social exclusion and poverty, with particular reference to child poverty;

4. Considers it necessary that families, educators and society should convey values to young people from their infancy;
5. Considers that preventing juvenile delinquency also requires state policies in other areas, including housing, employment, vocational training, leisure and youth exchanges;
6. Recalls that families, schools and society in general must work together to combat the growing phenomenon of juvenile violence;
7. Emphasises the specific role that the family plays in all stages of this fight against juvenile delinquency and requests the Member States to develop adequate support for parents; notes, in certain cases, the need for parents to be involved to a greater extent and to be made more aware of their responsibilities;
8. Encourages the Member States to ensure that their national policies include provision for one-year parental leave which would enable families that so wish to devote particular attention to the initial upbringing of their child (which is of such great importance to a child's emotional development);
9. Calls on the Member States to give particular assistance to families with financial and social problems; takes the view that measures to cover essential needs in terms of housing, food, guaranteed access to basic education and medical care for all family members, in particular children, together with action to ensure access on equal terms to the employment market and to social, economic and political activities for family members will ensure a healthy and equitable family environment for the child's development and its initial steps towards social integration;
10. Calls on the Member States to provide resources for the expansion of an efficient psychosocial advice service, including contact points for problem families affected by juvenile delinquency;
11. Stresses the particular importance of schools and school communities in shaping the character of children and adolescents; stresses that, if the education system fails to provide suitable channels for intervention, assistance and contact with students, two fundamental characteristics of present-day schools, multiculturalism coupled with an increased distinction between social classes, may lead to violence within schools;
12. Calls on the Member States in this context to issue the education authorities with the necessary guidelines regarding an up-to-date approach to conflict management at school by means of conciliation procedures involving pupils, parents, teachers and local authorities;
13. Considers it essential to provide special training for teachers in the management of heterogeneous classes, enabling them to develop an educational approach based not on moralising but on prevention and solidarity, avoiding the stigmatisation and

marginalisation of both juvenile perpetrators and victims among their pupils;

14. Calls on the Member States in addition to include within their educational policies the provision of special counselling and psychological support for children encountering problems of social integration, the availability of medical care in each school and the appointment of social workers, sociologists/criminologists, child psychologists and experts in issues relating to juvenile delinquency, each serving a small number of educational institutions, close checks on alcohol and drug consumption among pupils, measures to combat all forms of discrimination against members of the school community, the appointment of a community ombudsman acting as an intermediary between the school and the community and cooperation between various school communities in drawing up and implementing programmes to prevent violence;
15. Calls on the Member States and the relevant national and regional authorities to implement strictly and fully Community and national legislation on the monitoring of television broadcasting and other content possibly of a particularly violent nature or unsuitable for juveniles; calls on the Member State authorities to reach agreement with the media on a 'road map' upholding the rights of the child and in particular those of juvenile offenders, involving a ban on the broadcasting of extremely violent images at certain times of the day and prohibiting the revelation of the identity of those involved in juvenile delinquency;
16. Recommends that the Member States improve the quality of youth centres and enhance their role as a meeting place for young people and observes that the admission of juvenile offenders to such centres would facilitate their social reintegration and encourage a feeling of being a member of society;
17. Stresses that the media can play an important role in preventing juvenile delinquency by providing information and increasing public awareness as well as by means of high quality broadcasts, focusing on the positive contribution that young people make to society while at the same time monitoring broadcasts involving violence, pornography or drugs under 'road map' agreements in order to protect the rights of the child;
18. Stresses furthermore (in connection with the fight against juvenile delinquency) the value of introducing measures in the Member States which will provide alternative forms of punishment to confinement, and also educational measures at the discretion of the national courts, such as community service, reparation and mediation with victims and vocational training, depending on the seriousness of the offence and the delinquent's age, personality and level of maturity;
19. Urges the Member States to adopt new innovatory legal measures in response to the problem, such as the direct involvement, in criminal proceedings, of the parents or guardians of juveniles from prosecution up to the implementation of sentences, accompanied by education and intensive psychological support measures, placing juveniles with foster families where considered necessary, together with support, in the form of advice and information, for parents, teachers and pupils in connection with violent behaviour by juveniles at school;
20. Points out that, in the case of juvenile delinquency, the conduct and duration of judicial proceedings, the choice of the measure to be adopted and the subsequent implementation

thereof must be guided by the overriding interest of the child and observance of the procedural law of each Member State; stresses in this connection that imprisonment must be ordered only as a last resort and that any prison sentence must be served in facilities suitable for juvenile delinquents;

21. Calls on the Member States, in the framework of an integrated approach to juvenile delinquency, to earmark separate budget appropriations specifically for measures to prevent juvenile delinquency, increase funding for social and workplace integration for young people and for the improvement and modernisation of central and regional facilities for juvenile offenders and for the provision of specialist and ongoing training for all individuals involved in a professional capacity and all organisations concerned;

### *Towards a European strategy*

22. Recommends that the Member States, in cooperation with the Commission, draw up and adopt immediately a number of minimum standards and guiding principles common to all Member States in relation to juvenile delinquency, focusing on the three basic pillars of (firstly) prevention, (secondly) judicial and extrajudicial measures and (thirdly) rehabilitation and social integration or reintegration, on the basis of the principles internationally established under the Beijing rules and the Riyadh guidelines, the United Nations' Convention on the Rights of the Child and other international conventions in this field;
23. Maintains that the objective of a common European approach should be to define models for intervention in order to deal with and manage juvenile delinquency, while recourse to custodial measures and punishment should constitute a last resort and be implemented only when judged to be absolutely necessary;
24. Notes that the inclusion and participation of young people in all issues and decisions concerning them is vital if common solutions are to be found that will prove successful; considers, therefore, that care should be taken when appointing youth court jurors to ensure not only that they have experience in youth education but also that they are trained in problems linked to violence and young people;
25. Calls on the Commission to lay down specific criteria for all Member States for the collection of national statistics in order to ensure that they are comparable and therefore usable during the planning of a range of measures at European level; calls on the Member States to take an active part in the Commission's work by circulating and providing information from all of the competent national, regional and local authorities and from associations, NGOs and other civil society organisations operating in this field;
26. Calls upon the Commission and the Member States' national and local authorities to learn from best practice in operation within the Member States which activate the whole of society and include positive action and intervention on the part of parents' associations and NGOs in schools and local residents, and to assess the experiments that have been conducted in the Member States as regards cooperation agreements between police authorities, educational establishments, local authorities, youth organisations and social services at local level (with due regard to the rule of shared confidentiality), together with national strategies and national youth programmes; calls upon the Member States to learn from best practice currently in operation within those States in order to combat the

worrying increase in drug consumption by juveniles and in related delinquency, and from the most effective solutions to be applied in the event of problematic consumption, with particular regard to healthcare;

27. Welcomes national initiatives that include positive integration measures such as the 'out-of-school youth worker scheme' now being launched in regions such as La Rioja;
28. Calls on the Commission and the Member States as an initial measure to develop existing European resources and programmes encompassing measures to cope with and prevent juvenile delinquency and facilitate satisfactory social reintegration of perpetrators and victims, examples being:
  - the special 2007-2013 programme for 'Preventing and Combating Crime', basically seeking to prevent crime and protect victims,
  - the specific 'Criminal Justice' programme for 2007-2013, promoting cooperation in the field of criminal justice based on mutual recognition and trust and improved contacts and exchange of information between the relevant national authorities involved,
  - the DAPHNE III programme to combat violence against juveniles and children,
  - the 2007-2013 'Youth in Action' Programme, one of the main priorities of which is support for young people with fewer opportunities or from less privileged backgrounds,
  - the European Social Fund and Equal Programme initiatives to promote social integration and combat discrimination and facilitate access to the employment market for those with fewer opportunities,
  - the EU-funded Urbact initiative programme seeking an exchange of best practice between European cities regarding a more sustainable living environment and encompassing measures to improve urban safety for juveniles and facilitate social integration of juveniles with fewer opportunities, with a view to increasing their social involvement and participation,
  - cross-border initiatives such as the 'Let bind safe net for children and youth at risk' project focusing on measures to assist children and juveniles who are at risk or socially marginalised, which could benefit from the participation of partners from as many Member States as possible,
  - the European helpline for missing children, including victims of juvenile delinquency;
29. Stresses the need for close cooperation and networking between all judicial and police authorities at national and Community levels as regards the investigation and resolution of cases of missing children who are the victims of juvenile delinquency, taking as a basis the specific objectives of the EU Strategy on the Rights of the Child as presented in the Commission's Communication;

30. Stresses that one means of preventing and combating juvenile delinquency is to develop a communication policy that will raise public awareness of the issues, put an end to violence in the mass media and promote audiovisual media whose scheduling is not exclusively centred on violent programmes; calls, in this connection, for European standards placing restraints on the promotion of violence in both broadcast and print media to be laid down;
31. Notes that the Television Without Frontiers Directive (Directive 89/552/EEC<sup>10</sup>) sets strict limits regarding the broadcasting of violent images or, more generally, images unsuitable for the education of children, a measure designed to prevent violence by and against juveniles; calls on the Commission to take further steps in this direction, extending existing obligations to cover mobile telephony and the Internet, something which should be one of the fundamental political priorities in connection with the abovementioned Commission communication on the rights of the child;
32. Welcomes the entry into force of the self-regulatory framework for European companies concerning the safer use of mobile telephones by juveniles and children and accordingly stresses the need for the Commission to make specific proposals binding at European level to ensure safety awareness and vigilance with regard to Internet navigation and the use of mobile telephones;
33. Calls on the Commission to continue its work on setting up a free Europe-wide telephone hotline for children and young people with problems, since such hotlines can make a significant contribution to preventing juvenile delinquency;
34. Calls on the Commission to propose, once the necessary studies have been completed at European level, an integrated Community framework programme with Community preventive measures, support for NGO initiatives and international cooperation and the funding of pilot programmes at regional and local levels, which will be based on best national practice, will attempt to promote these practices throughout Europe and will also cover social and educational infrastructure requirements;
35. Stresses that there are two basic lines of Community action which should be taken into consideration forthwith:
  - funding for preventive measures under existing Community programmes and the creation of a new budget heading for integrated actions and networks to combat juvenile delinquency,
  - the publication of a study and, subsequently, a Commission communication on the extent of the problem in Europe and suitable preparations to be made, through a network of national experts, for the drafting of an integrated framework programme to combat juvenile delinquency;
36. Calls on the Commission in this context to draw up a programme of co-funded measures, to include:
  - consideration of best prevention practices and of effective, innovative solutions

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<sup>10</sup> OJ L 298, 17.10.1989, p. 23.

based on a multi-sectoral approach,

- measuring and analysing the possible long-term effectiveness of recently implemented systems for the treatment of juvenile offenders, such as restorative justice,
- exchanging best practice at international, national and local levels, taking into account the very positive experiences had with the European anti-violence programme Daphne, whose many efficient projects against violence can be cited as examples of best practice,
- ensuring that these services and practices focus on the overriding interests of children and adolescents, on the protection of their rights and on teaching them to perform their duties and to obey the law;
- developing a European model for the protection of young people, focusing on the three basic pillars of prevention, judicial and extrajudicial measures and social reintegration, and also on the promotion of values of respect and equality and the rights and obligations of everyone,
- drawing up educational and vocational training programmes for juveniles in order to facilitate their social integration and achieve genuine equal opportunities through lifelong learning for everyone; efficient education for everyone from the outset and the implementation of the Barcelona objectives, which are a precondition for the effective prevention of violence; support for existing initiatives undertaken by youth organisations in that regard,
- organising a coordinated programme of continuous training for national ombudsmen, police forces and members of the judiciary, competent national bodies and supervisory authorities,
- networking the responsible services of the local and regional authorities, youth organisations and the educational community;

37. Recommends that the Commission, in preparing the way for the European Juvenile Delinquency Observatory and the related framework programme, propose forthwith the following measures for the promotion and dissemination of experience and know-how:

- a joint survey and dissemination of the results of national policies,
- the organisation of conferences and platforms (forums) with the participation of national experts,
- promotion of communication and information between the competent authorities and Community bodies via the Internet and the creation of a web page specialising in these matters,
- the establishment of an international centre of excellence;

38. Instructs its President to forward this resolution to the Council, the Commission, the Economic and Social Committee and the Committee of the Regions.