

Factsheet #2

Prevention of Juvenile Delinquency: relevant international and national regulations

This factsheet is based on research conducted for the IcARUS report "Legal adjustment report of IcARUS to the relevant international and national regulations" (D6.1).



ICARUS (Innovative AppRoaches to Urban Security) is a 4-year project funded

under the European Union H2020 programme. Its main objectives are to:

Foster local

engagements in the co-producing process of urban security policies

Foster a coordinated and

policies

multi-stakeholder decisionmaking approach in the design of urban security

policies

technological innovations into urban security

Incorporate social and

Equip local authorities with forward thinking solutions to better understand and

anticipate emerging security challenges

FOCUSING ON 4 AREAS Preventing juvenile Designing and Preventing and Preventing delinquency radicalisation leading managing safe reducing trafficking to violent extremism public spaces and organised crime

whether petty or serious, committed by children and youngsters who are under 18, which is the legal age of majority in all EU countries (with the exception of Scotland, where it's 16). Its prevention focuses on early interventions in the environment and life of children and young people at risk of offending or in the developmental trajectory of behavioural problems.

What is Juvenile Delinquency?

Juvenile delinquency refers to offences,

to guarantee the rights of the child and

What does the law say?

At the international level a body of norms

has existed for more than 50 years that aims

establish minimum standards to be met in juvenile justice. The rights of the children must be paramount when making any kind of legislative decision and judicial application. The body of international law in this area is extensive as the subjects of these acts are considered a vulnerable group. Some examples of these tools created by international bodies are the Convention on the Rights of the Child 1989 and the Guidelines for the Prevention of Juvenile Delinquency (UNGA RES/45/112).

The European Union does not have an extensive body of legislation with direct

Is there a common EU policy

reference to dealing with "juvenile delinquency", despite the existence of proposals for directives and initiatives to create a homogeneous legal framework. Nevertheless, it promotes prevention and interventions in the educational environment over an approach centred on sanctioning.

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Legislation

International level: the United Nations

The United Nations encourages states to seek alternatives to criminal justice and not to stigmatize young people in vulnerable

development of this group.

contexts. • Convention on the Rights of the Child 1989. It points out that the interests of the child must be prioritised. Laws should be geared towards guaranteeing special protection for the

- Guidelines for the Prevention of Juvenile Delinquency (UNGA RES/45/112). This instrument takes a proactive approach to the issue of juvenile delinquency, rather than a defensive posture tackling negative situations, they promote the
- well-being and welfare of minors.



International and supranational legal framework

about juvenile delinquency



Of the cities involved in IcARUS, only Turin

identified juvenile delinquency as its main

urban security issue. The Italian Penal Code

applies in these cases. This behaviour falls within

the chapters on crimes against public order and

against property. In some cases, offenders who

are under 14 cannot be sanctioned. Concerning

legislation that is focused on prevention, we can

mention the law n.216, of 19 July, 1991, of first

involvement in criminal activities. It authorises

guaranteeing the personal, social and physical

and promote initiatives aimed at protecting and

intervention in favour of minors at risk of

development of minors who are at risk of

National level (Italy - Turin)

social exclusion.

(2007/2011). The European Union urges member states to adopt an integrated strategy at national and European level which will include three guiding

European Union level

European Parliament resolution of 21

June 2007 on juvenile delinquency, the

role of women, the family and society

and judicial measures and the social inclusion of all young people.

At the same time, in the case of young

offenders aged over 14 and under 18, the

Federal juvenile criminal law provides for

a special regime and a special criminal

proceeding under the Juvenile Criminal

• Law n.216, of 19 July, 1991, of first intervention

in favour of minors at risk of involvement in

the implementation of initiatives aimed at

criminal activities. It authorises and promotes

Procedure Code.

principles: prevention, extrajudicial

protecting and guaranteeing the personal, social and physical development of minors who are at risk of social exclusion.



recommend an approach based on

prevention rather than sanction. For

local actors, this means:

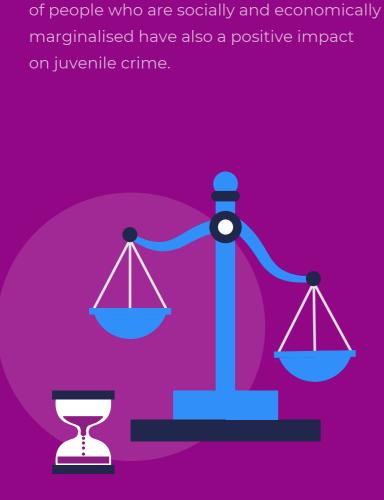
Social integration must be a priority Local policies should prioritize the social

integration of minors and families from

marginalised groups. Indeed, marginalisation

and deprivation are often a factor in juvenile

crime. Policies aimed at integrating groups



nature of the offence.

of sentencing The concept of social reintegration is perhaps more important with young offenders than with adults, as they obviously still have a whole life ahead of them. In this respect, local actors such as councils and municipalities should design or adapt educational or social programmes with the objective of preventing the commission of crimes.

Prevention instead



Community service orders

rather than punishments

Sentences that are oriented towards

should organise adequate activities for young offenders serving a community service order. In conclusion, the UN and the EU recommend that the processes to which young offenders are subjected prioritise their well-being and be based on a fair balance between such well-being and the

ethics

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