



## 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:

## 01

Foster local engagements in the co-producing process of urban security policies

## 02

Foster a coordinated and multi-stakeholder decision-making approach in the design of urban security policies

## 03

Incorporate social and technological innovations into urban security policies

## 04

Equip local authorities with forward thinking solutions to better understand and anticipate emerging security challenges

### FOCUSING ON 4 AREAS

Preventing juvenile delinquency

Preventing radicalisation leading to violent extremism

Designing and managing safe public spaces

Preventing and reducing trafficking and organised crime

## What is Juvenile Delinquency?

Juvenile delinquency refers to offences, 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 does the law say?

At the international level a body of norms has existed for more than 50 years that aims to guarantee the rights of the child and 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).

## Is there a common EU policy in this area?

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

# Legislation

## 01

### International level: the United Nations

**The United Nations encourages states to seek alternatives to criminal justice and not to stigmatize young people in vulnerable 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 development of this group.
- **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.

## 02

### European Union level

- **European Parliament resolution of 21 June 2007 on juvenile delinquency, the role of women, the family and society (2007/2011).** The European Union urges member states to adopt an integrated strategy at national and European level which will include three guiding principles: prevention, extrajudicial and judicial measures and the social inclusion of all young people.

## 03

### National level (Italy - Turin)

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 intervention in favour of minors at risk of involvement in criminal activities. It authorises and promote initiatives aimed at protecting and guaranteeing the personal, social and physical development of minors who are at risk of social exclusion.

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 Procedure Code.

- **Law n.216, of 19 July, 1991,** of first intervention in favour of minors at risk of involvement in criminal activities. It authorises and promotes the implementation of initiatives aimed at protecting and guaranteeing the personal, social and physical development of minors who are at risk of social exclusion.

# Key Takeaways

**For the implementation of adequate measures to combat juvenile delinquency,** international bodies such as the UN and the EU recommend an approach based on prevention rather than sanction. For local actors, this means:

## Prevention instead 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.

## 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 of people who are socially and economically marginalised have also a positive impact on juvenile crime.

## Community service orders rather than punishments

Sentences that are contributed to the social benefit and contribute to the local community should be favoured over punishments that are oriented towards isolation or deprivation of liberty. Isolating a young offender from society will only lead to further marginalisation and prevent their reintegration into society. Local governments should organise adequate activities for young offenders serving a community service order.

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Consortium

Website

[www.icarus-innovation.eu](http://www.icarus-innovation.eu)

Contact us

[info@icarus-innovation.eu](mailto:info@icarus-innovation.eu)

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