CHAPTER LEARNING OBJECTIVES

On completion of this chapter, students should be able to do the following:

- Analyze the extent of delinquency around the world
- Identify characteristics of juvenile offenders around the world
- Compare patterns of delinquency among various regions of the world
- Discuss juvenile gang formation in various areas of the world
- Discuss responses to juvenile crime among several key countries

KEY TERMS

Globalization
Conflict with the law
Developing countries
Urbanization
Double victimization

Bosozoku Gangs
The Riyadh Guidelines of 1990
The Beijing Rules of 1985

Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC)
The United Nations Basic Principles on the Use of Restorative Justice Programmes
Introduction

Juvenile crime is a major issue throughout the world. The various issues discussed throughout this text are encountered among other countries and other cultures in the global community. Indeed, issues related to youth, delinquent behavior, and the processing of youth who commit these behaviors are common on a worldwide scale. Because of this, we would be remiss if we failed to include some type of attention on international juvenile justice. This chapter addresses numerous juvenile justice issues around the world. We have included details and emphases that are consistent with the earlier chapters in this text. However, it should be clear that the chapter is by no means exhaustive since, in actuality, an entire text could be written on multinational juvenile justice issues alone.

Problems With Delinquency in the Global Community

Simply put, juvenile delinquency is a worldwide problem that has ebbed and flowed in focus and attention just as it has in the United States. The effects of globalization have impacted the juvenile justice arena, just as they have numerous other areas of criminal justice operations. **Globalization** refers to the increased connectivity and interdependence that has evolved among countries; this sense of interconnection has been fostered by technological advances as well as cultural shifts. Despite commonalities throughout the world, there is still a wide degree of variability in the way in which delinquency is measured from country to country around the world, and this makes it difficult to determine the exact extent of delinquency and its impact on the global community. Despite these limitations in data collection and measurement, one thing is clear—delinquency is a growing problem around the world. To illustrate this, consider the following quote from the United Nations:

> Statistical data indicate that in virtually all parts of the world, with the exception of the United States, rates of youth crime rose in the 1990s. In Western Europe, one of the few regions for which data are available, arrests of juvenile delinquents and under-age offenders increased by an average of around 50 percent between the mid-1980s and the late 1990s. The countries in transition have also witnessed a dramatic rise in delinquency rates; since 1995, juvenile crime levels in many countries in Eastern Europe and the Commonwealth of Independent States have increased by more than 30 percent. Many of the criminal offences are related to drug abuse and excessive alcohol use. (2003, p. 189)

The rise in serious delinquency has been especially noteworthy in Europe, where both Eastern and Western European countries noted sharp increases during the late 1990s and early parts of the second millennium, presumably due to social and economic upheaval and change that occurred throughout the continent. In Africa, various parts of Asia, and Latin America, industrialization is considered one of the key reasons for the rise in economic-based, nonviolent offenses that are observed among youth in these regions. Further still, prosperous countries in the Arab world are also reporting increases in delinquency.

The **World Youth Report (2003)**, a comprehensive document describing juvenile delinquency around the world, indicates that the number of children in especially difficult circumstances is estimated to have increased from 80 million to 150 million between 1992 and 2000. While most would agree that these youth are at increased risk of committing acts of delinquency, the United
Nations’ Office on Drugs and Crime (UNODC) points out that it is difficult to develop agreement on something as simple as a definition of what constitutes a delinquent. The UNODC notes that not every child who comes into contact with the juvenile justice or adult criminal justice system should be counted as a delinquent. In discussing this point the UNODC points toward indicators that specifically place the youngster in conflict with the law. This term, conflict with the law, provides a set of criteria that provides practitioners with a working and usable definition of delinquent youth. These criteria, or indicators, have been found to be common around the world and are necessary due to the wide variety of situations that are encountered from country to country.

For instance, consider that youth who are placed into detention may be provided such security for various reasons and that the legitimate grounds for detention may vary considerably by jurisdiction. Thus, children in some nations may be placed into a detention facility by a social worker due to the lack of a primary caregiver and/or the need for basic supervision, care, and protection. Consider some of the other following situations:

A street child may be arrested by the police and detained in order to keep him off the streets for a while. A child’s family may even simply take him or her to the local prison due to an allegedly troublesome nature. Indeed, a large majority of children are in detention because of underlying welfare issues that manifest themselves as delinquent behavior. (United Nations Office on Drugs and Crime, 2006, p. 26)

The examples listed demonstrate that it may be quite difficult to determine when a child is in conflict with the law. The statutes and policies that control whether a child is formally in conflict with the law vary, depending upon the social context within a given country. Situations that should be included are specifically listed in the In Practice 13.1 insert. This insert helps to streamline definitions for juveniles within the global community.

**IN PRACTICE 13.1**

**Cases Where Youth Are in Conflict With the Law**

- Children who have committed or are accused of having committed an offence
- Children considered to be “at risk of delinquency” and/or considered to be in danger by virtue of their behaviour
- Children found in an “irregular situation”, or considered to be in danger from the environment in which they live
- Children arrested by law enforcement authorities acting for improper reasons
- Children detained in relation to an application to claim asylum by the child or his or her family

Experts with UNODC note specific issues that present gray areas in determining youth who are at risk of delinquency. Youth in irregular situations may consist of categories such as those who spend most of their time on the streets and those who may or may not actually commit a true offense under that nation’s law but may, nonetheless, find themselves placed in a secure detention facility after being arrested by the police. This is often couched as the best means of protecting the child but, in actuality, this sets a tone of criminalization for the child. In such cases, it is best that these youth are regarded as in need of care and protection and subject to the concern of a social or welfare officer (UNODC, 2006). However, complications can arise when countries use the same basic facilities for youth who are under the jurisdiction of children protection services, social services, and/or the juvenile justice system. In such cases, youth may be processed in such a manner that their likelihood of future misbehavior is increased, not decreased (UNODC, 2006).

**Characteristics of Juvenile Delinquents Around the World**

The *World Youth Report* notes that around the world youth who are most at risk of becoming delinquent share similar characteristics such as parental alcoholism, poverty, breakdowns in the family, and abusive family dynamics. In developing countries, youth may face the death of one or both parents during periods of armed conflict and can be orphaned without the basic necessities to sustain themselves. In war-torn areas of the world, orphaned youth may band together as a means of survival. The movie *Turtles Can Fly* provides a very good depiction of how youth may form into virtual families out of necessity to support themselves, engaging in various activities such as the removal of mines from fields. Naturally, many of these youth die or are maimed in the process of completing such work. With such stark conditions, it is easy to understand why these youth might resort to theft and other forms of delinquency in a world that is barbaric when compared to most standards that exist in the United States.

There is one single common variable that tends to emerge among all countries that report serious increases in delinquency—urbanization. Given our prior theoretical readings in this text, it is not surprising to find that, as conditions become more congested and as family systems around the world become fragmented due to modern work demands and economic circumstances, similar symptoms of delinquency among youth begin to emerge, regardless of the cultural and/or national background they may have.

Indeed, it would seem to be true that delinquency is, at least in concept, a universal phenomenon in which youth engage in similar types of behavior all around the world. Further, the demographics and factors that exacerbate delinquent activity around the world are also very similar, though in some countries the social, political, and economic circumstances may be much more dire and dangerous than in others. In those areas of the world where warfare, famine, or disaster is not a primary threat to the social order, delinquency is still common, and it has even been speculated that delinquency is simply a natural by-product of modernization in developed countries. In essence, it may well be that delinquency could be seen as a natural part of the life cycle for youth who are westernized. Evidence that delinquency is becoming normalized throughout the world can be found in the statements of the *United Nations Guidelines for the Prevention of Juvenile Delinquency* (1990, p. 2), which note that “youthful behaviour or conduct that does not conform to overall social norms and values is often part of the maturation and growth process and tends to disappear spontaneously in most individuals with the transition to adulthood.” It would then
appear that a large majority of youth tend to commit some type of minor offense (either status or otherwise) during their formative years, and yet they do not tend to become long-term criminals in the majority of cases.

As with the United States, it is clear that delinquency and crime are correlated with gender. International police data show that the delinquency rate of male juvenile offenders is more than double that of juvenile females. Indeed, the number of male juvenile suspects for every 100,000 members of the designated age group is more than six times the corresponding figure for females; for those in the youth category the male-female suspect ratio is even higher, at 12.5 to 1 (United Nations, 2003). There are many reasons why this is the case. Among others, it tends to be true that girls are subject to stronger family control than are boys. Cultural concepts are such that society at large is less tolerant of deviant behavior among young women than among young men. In addition, aggression and violence play an important role in the construction of masculinity and sexuality in patriarchal societies, the primary objective being to reinforce and maintain the status and authoritative position of men (Hearn, 1998).

While delinquency may be a typical characteristic at one time or another among youth, it does not tend to be a solitary activity. Rather, youth tend to engage in delinquent acts with other youth, which often leads to the development of delinquent groups of youth. Among those youth who tend to continue into adult criminal activities, many around the world tend to do so with the socialization and assistance of subcultural groups of like-minded youth (recall the discussion earlier of orphaned youth who ban together for survival). Further, the statistics around the world demonstrate that delinquency is typically a group activity, with approximately two-thirds of all acts of delinquency being committed by groups of youth. While this is true among nations around the world, it is particularly true among larger and more populous countries. For instance, consider data from the Russian Federation: The rate of delinquent and/or criminal behavior among groups of youth is about three to four times higher than that of adult offenders. When considering age ranges, juvenile group crime is most prevalent among 14-year-olds and least prevalent among 17-year-olds. These rates are higher for theft, robbery, and rape and lower for various violent offenses (United Nations, 2003).

The World Youth Report (2003) points toward the similarities in basic characteristics of juvenile groups. According to the report,

Juvenile peer groups are noted for their high levels of social cohesiveness, hierarchical organization, and a certain code of behaviour based on the rejection of adult values and experience. The subcultural aspect of juvenile group activities is rarely given the attention it deserves. Different juvenile groups adopt what amounts to a heterogeneous mix, or synthesis, of predominant (class-based) values, which are spread by the entertainment industry, and intergenerational (group-based) values, which are native to the family or neighbourhood. Subcultures can be defined as particular lifestyle systems that are developed in Groups. (p. 191)

These observations are important because this demonstrates that youthful behavior, both delinquent and prosocial, develops within the context of the peer group. Just as is the case with traditional peer groups, delinquent subcultures reflect the attempts of youth to resolve challenges presented by society. In the process, these groups set up their own rules and mores, often counter to those that are traditional, involving alcohol, drugs, risk taking, and even violence. Indeed, some
groups tend to use violence as a means of solving interpersonal conflicts. Thus, the atmosphere created is an important mediating factor contributing to delinquent behavior.

Lending credence to the criminological theories discussed in Chapter 4, we can apply differential-association theory as an example in this discussion. As readers may recall, differential association entails circumstances where youth are exposed to messages that are supportive of criminal behavior that exceed messages that are counter to engaging in criminal behavior. Given that youth involved in delinquency are receiving group messages (i.e., peer pressure) to engage in delinquent behaviors (such as drug use, vandalism, and even violent actions such as bullying), it is clear that the theoretical explanations in Chapter 4 apply both to youth in the United States and in other areas of the world.

**Juvenile Exploitation and Delinquency**

In prior chapters of this text we have discussed how various forms of abuse and neglect can impair youth and also increase the likelihood that they will commit acts of delinquency. In families where abuse, dysfunction, or neglect is encountered, youth around the world are more prone to engage in substance abuse, vandalism, or other forms of delinquency. Those from seriously abusive homes may be inclined to become runaways and/or may join street gangs as a form of support and survival away from their families. All of these types of circumstances are commonly found among youth worldwide.

However, there is one type of victimization that is encountered in the international environment that tends to be distinct from those in the United States—human trafficking. In many underdeveloped countries, youth may be abducted and trafficked to other more developed nations in Europe, the Americas, and Japan (Hanser, 2007a). The youth frequently suffer from double victimization. **Double victimization** occurs when youth experience abuse and, in reaction, engage in delinquent behaviors that later result in labeling and punishment from the state for their delinquent and/or criminal activity. Hanser (2010) notes specific circumstances where juveniles who are victims of trafficking have been “discovered” in various countries to be delinquent (Shared Hope International, 2008). In many of these cases, these youth may be forced into child prostitution and, though forced into such forms of victimization, may be inappropriately labeled “delinquent” by juvenile officers who consider such youth as vagrant and/or willing participants (Hanser, 2007a; Hanser, 2010; Shared Hope International, 2008). This is particularly true for teenage girls in countries where the sex trade flourishes. In many cases, law enforcement in these countries may simply turn a blind eye to such victimization (Hanser, 2007a; United Nations Office on Drugs and Crime, 2009).

**Age of Responsibility**

Determining the age of responsibility is an important consideration for international research with juveniles. The age at which a person becomes an adult differs in countries throughout the world. Earlier chapters of this text have discussed this important issue within the United States, marking a degree in variance between a number of states. Research has shown that the age of criminal responsibility can range from 7 to 18, depending on the country (United Nations Office on Drugs and Crime, 2006). Currently, the United Nations does not specify a minimum age of criminal responsibility.
However, the U.N. has criticized nations that set the minimum age at 12 or less. The primary philosophy is explained in official commentary to the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*, also known as *The Beijing Rules* (see In Practice 13.6 for additional details), which are discussed at length in later sections of this chapter.

Making matters more complicated, is the fact that many nations have more than one age of criminal responsibility depending upon the category of offense committed. In addition, countries that make use of an administrative system for minor offenses may define the age at which a child can be subject to administrative sanctions. As a general rule, where the age of criminal responsibility is especially high, such as 17 or 18, it is likely that the country’s juvenile justice system is mainly welfare oriented. Under such a system, children are not described as having committed an offense because delinquent behavior of children is viewed as a welfare, social, or educational issue (UNODC, 2006). Nonetheless, these types of systems may still sentence children to secure institutions. The intent of this action is therapeutic rather than punitive. This is distinct from an enforcement approach that relies on police intervention.

**Urbanization and Delinquency**

As one might guess, it has been found that countries with more urbanized populations tend to have higher rates of official juvenile offenses. Multiple theories can serve as explanatory mechanisms for this connection, but, for the most part, researchers have found that it is the breakup of the family—caused by urbanization and employment shifts—that has led to the correlation between youth crime and concentrated populations. According to the United Nations, the higher rates are attributable to differences in social control and cohesion. It seems that rural communities have more closely networked family systems that provide better forms of supervision and control over the behavior of youth. In many cases, smaller communities—where most members of the community know one another personally—allow for informal means of addressing misbehavior of youth.

Areas, such as urban settings, where more people are in contact with one another allow for more criminal opportunities. Also, in these more populous regions where industrialization leads to virtual strangers living next to one another, more formal forms of legal and judicial processing are implemented. The impersonal nature by which these urban areas address youth crime serves to magnify the problem. It is for these reasons that it is thought that the ongoing process of urbanization in developing countries contributes to juvenile involvement in criminal behavior. The basic features of the urban environment foster the development of new forms of social behavior that emerge as informal forms of social control (family) are weakened. These conditions are generated by the higher population density and degree of heterogeneity typically found in urban areas.

In various industrialized countries, increased prosperity and the availability of a growing range of consumer goods have led to increased opportunities for juvenile crime, including theft, vandalism, and the destruction of property. With these social changes that have been seen during the past few years, it has been observed that “the extended family has been replaced by the nuclear family as the primary kinship group,” and “the informal traditional control exercised by adults (including parents, relatives and teachers) over young people has gradually declined” (United Nations, 2003, p. 1999). Throughout this process, effective substitutes have not been developed. Related to this is the fact that insufficiency of parental supervision has become common and has been found to be one of the strongest predictors of delinquency throughout the world.
Lastly, urbanization and modernization have not translated to wealth and prosperity for everyone. Among many developing countries, there is also a growing population of “have-nots,” which are people who are disadvantaged and experience deprivation in relation to the wealth that may exist around them in urban and modernized areas. These lower-income families may be immigrants or persons who have recently come from rural areas of a country to a more urban setting. Social and economic shifts have created a distinct gap between the rich and the poor, and some populations (i.e., minority groups and immigrants) have been excluded from success due to the emergence of social obstacles. Similar to what occurs in the United States, welfare systems in industrialized nations have provided relief but have not eliminated the meager standards by which some groups subsist. This, together with the increased dependence of low-income families on different forms of social services, has led to the development of a new class of poverty-ridden persons in many industrialized areas of the world (United Nations, 2003).

**Delinquency in Various World Regions**

While certain aspects of juvenile delinquency are universal, others vary from one region to another. This section provides the student with a very quick and topical overview of delinquency in various regions of the world. This topic alone could actually serve as the basis for an entire text in and of itself. The purpose here is simply to provide readers with some idea of the global picture related to delinquency. This section, while broad in scope, is followed by another more specialized section that focuses on juvenile gang offenders in various areas of the world. Students will see that many of the issues found around the world are similar to those in the United States but, at the same time, have different nuances shaped by internal and external factors that are unique to that region or country. We now proceed with a regional analysis of delinquency.

**Delinquency in Africa**

Throughout the African continent, delinquency tends to be attributed primarily to poverty, malnutrition, and unemployment. These factors are the result of marginalization of juveniles in the already severely disadvantaged segments of society. Rapid population growth has been experienced in Africa, and the population seems to be getting correspondingly younger over time. This is coupled with the fact that few new jobs are developed in Africa, which has resulted in half of all families living in poverty. Many of the urban poor live in slum and squatter settlements with unhealthy housing. One of the most serious problems is the great number of street and orphaned children, whose numbers have been growing as a result of continuous and multiple armed conflicts, the advent of HIV/AIDS, and the breakdown of the traditional tribal culture and family influence on children. Juvenile delinquency is on the rise, with the primary offenses being theft, robbery, smuggling, prostitution, the abuse of narcotic substances, and drug trafficking among young offenders.

**Delinquency in Asia**

In Asian countries, juvenile crime and delinquency are largely an urban phenomena. As is true elsewhere, young people constitute the most criminally active segment of the population. The most noticeable trends in the region are the rise in the number of violent acts committed by young
people, the increase in drug-related offenses, and the marked growth in female juvenile delinquency. The financial crisis that hit some countries in East and Southeast Asia in the late 1990s created economic stagnation and contraction, leading to large-scale youth unemployment.

Some countries are facing great difficulty because they are located near or within the “Golden Crescent” or the “Golden Triangle,” two areas of Asia where massive amounts of opium is grown and produced. Drug traffickers frequently recruit adolescents to serve in this industry, and many become addicted to drugs while involved in this criminal activity.

**Delinquency in Latin America**

In Latin America, the young have been the hardest hit by the economic problems linked to the debt crisis in the region, evidenced by the extremely high unemployment rates prevailing within this group. Juvenile delinquency is particularly acute and is often associated with the problem of homelessness among children and adolescents. Government corruption and constant military skirmishes in countries such as Nicaragua, El Salvador, Guatemala, and Honduras create environments that are conducive to crime and delinquency.

**Delinquency in the Middle East**

In the Middle East, there is less indication that serious problems with juvenile delinquency exist. However, affluent nations such as Saudi Arabia and the United Arab Emirates have more problems with juvenile offenders than do other nations in the Middle East (Reichel, 2005). Otherwise, issues associated with juvenile delinquency vary from one country to another. Some countries have experienced socioeconomic difficulties, while others have become prosperous. In the latter group, delinquency may occur in connection with migrants seeking employment, or it may be linked to factors such as continued urbanization, sudden affluence, rapid changes in the economy, and the increasing heterogeneity of the population. The conflict between traditional Arab-Islamic values and modern views imported from other areas of the world seems to be a common problem for countries in this area of the world.

**Delinquency in Eastern Europe**

In Eastern European countries and among those countries that were once part of the prior Soviet Union, families are becoming more dysfunctional. Indeed, the number of parents who are deprived of their childrearing rights is increasing annually. These parents are often alcoholics, drug addicts, and people who have mental health issues or criminal backgrounds. Factors such as unemployment and low family income are the main contributors to juvenile delinquency in many parts of this region. There are few, if any, social services in these countries, which creates a dismal picture for youth.

**Juvenile Gangs Around the World**

Serious gang problems among youth have been discussed elsewhere in this text. The impact of the gang subculture’s pull on youth is also seen in other countries and, in many cases, is idealized just as it is done via the media and music of youth in the United States. Among such youth, aggression may be considered an acceptable, preferable, and courageous approach to problem solving. In fact, youth who are willing to engage in violence may derive status and prestige among their cohorts, which
serves to socially reinforce this type of behavior in the future. These factors have been observed among youth in various countries around the world (Reichel, 2005; United Nations, 2003).

It would appear that the most likely youth groups to engage in delinquent behaviors are members of territorial gangs. Indeed, juvenile gang members commit a much greater number of offenses, per person, than do non–gang members (Hanser, 2007c). United Nations research reveals that the most frequent offenses committed by gang members are fighting, street extortion, and school violence. These types of offenses are similar to those found among youth gangs in the United States. Because juvenile gangs are a clear and identifiable problem in numerous areas of the world, we will cover this phenomenon in more detail in the subsection that follows.

**Juvenile Gangs in Mexico and Central America**

In Mexico, juvenile gangs can be found in various urban areas. Studies have found that perhaps 1,500 different street gangs exist in Mexico City alone. These street gangs may range from a handful of members to full-blown international gangs such as MS-13 and MS-18 (see Chapter 12 for more information on these gangs). Youth gangs in Mexico are normally referred to as “pandillas” not “maras,” fight for territorial control over barrios, and carry homemade arms or arms that are often acquired through the robbery of private security guards. These gangs are typically comprised of youths from marginal urban neighborhoods (USAID, 2006). Such gangs tend to have teen members but recruit very young members, younger than the age of 12, who serve as lookouts and drug couriers for older gang members. The younger members may be given humorous or derogatory names such as “pee wee league” or “diaper brigade,” which denotes their lower status in the gang pecking order.

In Central America, the youth gang problem is very serious and often leads to what is later an adult gang problem. For instance, in Honduras, the population is fairly young: 41 percent are under the age of 15, and 20 percent are 15–24 years old. Further, in that country, about 6 percent of the youth population is illiterate. Twenty-nine percent of children drop out of school before the eighth grade, further limiting the chances that these youth will be able to compete in the legitimate workforce. These factors create a fertile breeding ground for young members who are recruited by older youth and adult leaders of these gangs. See In Practice 13.2 for a profile of a youngster who is at risk of being recruited into the gang life and In Practice 13.3 for a profile of a gang member in Central America.

**IN PRACTICE 13.2**

**Profile of a Youth at Risk of Joining a Gang**

Alberto Mendez is 10 years old and does not like school. His family lets him hang out on the street with friends even though his mother knows that his cousin joined a gang sometime ago. He admires his cousin. Last week his cousin’s picture was in the newspaper. He was detained by the police but back in the neighborhood three days later. If his father continues to get drunk at night, and beat his mother and his little brother, he will ask his cousin to let him join the gang.

Indeed, the current level of youth violence in Honduras is among the worst in Central America. The gang phenomenon is considered by many as one of the biggest problems affecting Honduras. Currently, Honduras is noted as having the largest gang member population in Central America. According to police statistics, at the end of 2003, there were 36,000 gang members in Honduras alone (USAID, 2006).

Gangs have established themselves throughout Honduras, El Salvador, Guatemala, and Nicaragua. As with Mexico, MS-13 and MS-18 have proliferated and are well entrenched throughout Honduras and the remainder of Central America. Since the late 1980s, an internationalization of the gang problem has occurred. Indeed, many MS-13 and MS-18 gang members immigrated illegally into the United States; this includes both juvenile and adult members. Over time, the United States deport these members back to their home country, which has resulted in a large number of MS-13 and MS-18 in Central America who have extensive experience in the United States. These gang members, once released into Honduran society, actively recruit young gang members, perpetuating membership across generations. In the process, these gangs also recruit members across borders as well since they actively recruit youth in the United States, particularly Latino American youth from disadvantaged areas of California. Over time, this has led to the growth of MS-13 due to increased membership of U.S. citizens, usually of Mexican or Central American origin.

### IN PRACTICE 13.3

**Profile of a Neighborhood Gang Member**

Roberto Lopez, 16 years old, says that he joined the gang because he wanted love and respect. He dropped out from school, consumes crack, and carries a homemade firearm. He is protective of his territory, and regularly fights with the rival gang to safeguard it, which often gets him in trouble with the police. He knows about the MS-13 and 18th Street gangs and may one day become a member of one of them.


In El Salvador, members of the Mara Salvatrucha in the Tonacatepeque penitentiary for underage prisoners are shown.
As in the United States, growth of MS-13 and MS-18 has occurred in Honduras and, to a lesser extent, El Salvador, Guatemala, and Nicaragua due to the broad assimilation of small-scale street gangs into the MS-13 and MS-18 gangs. As this assimilation has taken place, members of smaller gangs began to imitate the two main rival gangs, adopting the hand signs, clothing, and language that originated on the streets of Los Angeles. It is in this manner that an almost symbiotic relationship is shared between members of these gangs in the United States and Central America. Members of these gangs circulate back and forth into and out of the United States and into and out of jail and/or prison. Throughout the process, they recruit young members and even have children who later become members of these gangs. Thus, these “street gangs” are intergenerational and international in scope, using juvenile members for petty aspects of the day-to-day gang operations and refining them into more sophisticated members by the time they reach adulthood. Both MS-13 and MS-18 play upon the various misfortunes of the regions in which they operate when recruiting new members. In Practice 13.4 indicates some of the typical reasons that many youth in Honduras decide to join the gang lifestyle.

In Mexico and Central America, gang members can be organized into the following four categories: (1) sympathizers, (2) recruits, (3) members, and (4) leaders. Sympathizers start as lookouts on sidewalk corners and later become involved in selling drugs and other crimes. A sympathizer is voluntarily “jumped” (or beaten) into the gang two to three years later. It has been reported by some gang experts that the MS-13 require that the beating last for 13 seconds, a symbolic marker for the gang’s number. Adding to the overall crime problem associated with gangs is the fact that, before the new gang members are “jumped,” they are required to kill or commit a crime.

Youth in Mexico and Central America who will possibly join a gang are characterized by several risk factors that make them susceptible to gang membership. The majority of youths in this group are poor, live in marginalized urban areas, have limited or no educational or job opportunities, and represent the lowest level of the gang membership, carrying the least amount of status. With continued exposure to gang subcultures and mores, these youth become well-versed and more sympathetic to gang life. Such youth are more likely to stay entrenched in gang membership if their basic needs such as income and fulfilling social ties are not satisfied in other ways.
Juvenile Gangs in Africa

Research on juvenile gangs in Africa tends to focus on the nation of South Africa or the region of West Africa, because of their modernized society that breeds the conditions for gang membership (Pinnock, 1996). In both areas of Africa, urbanization and economic factors have been considered as primary contributors to the emerging gang problem. However, it should be noted that Africa, in general, is characterized by a great deal of political instability and corruption, with this being particularly true in Western African nations such as Nigeria, Dakar, and Senegal.

In South Africa, the need to earn a wage and the adjustment to urbanization has impacted the family system, which has not effectively adapted to the newer form of society. In the process, extended-family support systems and their role of extending guidance, mentorship, and discipline to youth have all but disappeared. This has affected youth in a very profound manner that results

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**IN PRACTICE 13.4**

Reasons for Joining Juvenile Gangs in Honduras

Youths join gangs in Honduras for many reasons; it is difficult to pinpoint any one cause. As in other parts of the world, there seem to be a series of risk factors that drive youths to become gang members. Some of these factors are discussed here.

*Lack of opportunities and alternatives for youth and adolescents.* There are too few educational opportunities, skills training, recreation and sports activities, and artistic and cultural activities for Honduran youths. Educational options are often of poor quality or irrelevant to their lives; this can lead to school drop-out, leaving youths open to gang recruitment.

*Family breakdown.* Many families are single-parent households. In some cases, both parents are absent and other relatives (grandparents, aunts, and uncles) assume responsibility for raising the family. Many parents are forced to work long hours to earn enough income to subsist, which consequently means they have little time to spend with or supervise their children.

*Movement of Hondurans to and from the United States.* There are large numbers of Honduran immigrants—both legal and illegal—in the United States. A cultural confrontation occurs when the children of these immigrants return to Honduras, either voluntarily or involuntarily, such as in the case of deportations. These youths, who may have belonged to gangs in the United States, return to Honduras with different customs and socialization, which clash with the Honduran culture.

*Abuse of drugs and alcohol.* Many youths who join gangs are often drug dependent, and commit delinquent acts to acquire more drugs. The proliferation of drugs like crack, marijuana, and glue seem to be on the increase and are cited by many for the increase in violence among gangs.

in many spending more time on the streets in urban areas of South Africa and developing criminal associations.

Pinnock (1996) contends that gangs, similar to traditional society, provide support and a sense of direction to youth who feel accepted by the gang culture. As we have seen in Chapter 12, this same desire for belonging and acceptance is found among many youth who join gangs in the United States. Many marginalized youth in South Africa found the acceptance they desired within the structure of street gangs. Others gravitated toward the emerging political groups that rose against apartheid and the government. Street culture and the involvement of youth in street gangs or political formations are not homogeneous but are composed of a variety of groups established to meet the different needs of the youth.

Youth in some major towns in South Africa grow up spending their time on the streets. Many of these juveniles, particularly the males, are drawn into gangs due to prior family affiliations; they may have even been born into a world of gang membership. It is not uncommon for youth to have parents who are, or were, gang members, so they naturally take on the inherited roles from their parents who were involved in the gang life. Yet again, this demonstrates how theoretical explanations like differential association and subcultural theories explain how gang membership is perpetuated across generations. Youth often model the behaviors seen in their dysfunctional parents and seek out the feelings of inclusion offered by gangs. This is reinforced by the understanding that gang life can provide opportunities for economic improvement and for gaining a sense of power, acceptance, and purpose (Pinnock, 1996).

Lastly, gang operations in South Africa tend to center on the supply and trade of drugs in the community, in surrounding areas, and, at an even higher level, internationally (Dissel, 1997). As with gangs in Mexico and Central America, it is common for adults to lead gangs that have operations extending past mere local street operations. Nevertheless, these youth play an important role in the drug trafficking process perpetuated by organized adult criminals in the areas of South Africa.

**Juvenile Gangs in Asia**

Juvenile gangs emerged and caught media headlines in Japan, with initial reports surfacing in the late '90s and early 2000s. Most government and media portrayals indicated that these gangs were more of a nuisance than a serious threat. The largest nuisance has been juvenile biker gangs who are seen as one of the key contributors to juvenile crime, including serious crimes (Kattoulas, 2001). As early as 1999, the National Police Agency in Japan produced data that demonstrated that these biker gangs, known as **Bosozoku Gangs**, were responsible for more than 80 percent of serious crimes committed by juveniles (Kattoulas, 2001).

In addition, it has been made public by the NPA that the Bosozoku Gangs are linked to the Yakuza, the broad term used for members of the various Japanese organized crime syndicates. The Yakuza, known for their tattoos and penchant for violence, often recruit members from these biker gangs as the juveniles mature and become adults. Further, it has been indicated that these juvenile biker gangs provide tribute to the Yakuza, thereby lining the pockets of the adult mobsters.

Fortunately, it has been found recently that these gangs are in a state of decline. They tend to ride expensive motor bikes, wear flamboyant outfits, and are easily identified by police. Further, economic factors have apparently restricted the ability of youth to purchase these bikes and other articles that were customary for these gangs in the early part of this decade. Theft of bikes and
other types of procurement do not seem to be effective enough to supplement gang activity due to police crackdowns on these juvenile gangs during the past few years. These crackdowns have reduced the spread of juvenile biker gangs in Japan. Nevertheless, they represent a unique type of youthful delinquency that is worth mention among the East Asian region of the world.

In the People’s Republic of China, juvenile crime has increased, and juvenile gangs have been specifically cited for serious crimes such as assault and rape (BBC News, 2007). The rise in youth gangs has been attributed to immigration, globalization, modernization, and economic shifts that have impacted families. Among many rural families, youth are left with elderly relatives while parents go into the cities for employment (BBC News, 2007). The breakdown in the traditional Chinese family structure is further aggravated by technological influences from the Internet and other sources where the youth subculture is unduly influenced.

In other countries, such as South Korea, Thailand, and Taiwan, youth gangs exist, but they are typically local and engage in only petty delinquency. In most cases, they are seen as being fairly harmless and more of a simple inconvenience than anything else. While youth crime has risen in most East Asian countries, the existence of youth gang-related crime in these other countries is not cited as a problem. Thus, it would appear that juvenile gangs in Asia are, for the most part, not a widespread or serious issue except in certain specific countries, such as Japan and China, as well as Hong Kong and Taiwan.

**Juvenile Gangs in Europe**

Juvenile crime in Europe has been given a great deal of attention during the past decade (Fitzgerald, Stevens, & Hale, 2004). Indications are that youth crime has increased and, as with other areas of the world, much of the cause is attributed to urbanization and modernization, along with immigration and economic factors. However, some countries began to see a rise in juvenile gangs that, while loosely organized, were aligned along either racial or ethnic ties, such as has been noted among Muslim youth in France (Hanser & Caudill, 2002). The emergence of these gangs has much to do with the sense of powerlessness that these youth experience, poor economic conditions, a sense of identity crisis as immigrants with few opportunities, and a sense of cultural isolation from mainstream French society (Hanser & Caudill, 2002; Radu, 2005).

In Germany, juvenile gangs are also reported as a problem and seem to focus more around ethnic issues. Youth gangs in Germany tend to be traditional German youth who have embraced neo-Nazi ideologies, largely in reaction to the immigration of Eastern Europeans and other foreigners into Germany (Decker, 2005; Klein, Weerman, & Thornberry, 2006). These youth typically promote supremacist viewpoints and commit crimes of vagrancy and hate crimes against minorities and immigrants. In recent years, as the rate of immigration into Germany has stabilized, the level of violence associated with youth gangs has declined (Decker, 2005; Klein, Weerman, & Thornberry, 2006).

Throughout the remainder of Europe, juvenile gangs exist but are not the focus of as much media attention. The factors associated with their development tend to include shifts in immigration and ethnicity, urbanization, national influences, and local neighborhood circumstances related to gang development in several European countries. Klein, Weerman, and Thornberry (2006) conducted research on juvenile gangs in over a dozen countries throughout Europe and found a wide pattern of violent behavior that existed within these groups. They also found that the levels of violence among these youth were greater than among nongang youth and that the level of violence was less serious than that committed by juvenile gangs in the United States. The
reasons for this less serious violent crime (when compared with the United States) were thought to be linked with the tighter control on handguns in Europe and the fact that youth gangs were not usually linked to territory or organized criminal syndicates and/or drug trafficking activity.

**Juvenile Gangs in Australia**

One of the most preeminent researchers on youth gangs in Australia, Rob White, has provided the most relevant and recent research on this issue. According to White, there is a widespread public perception that juvenile gangs have become a serious concern in Australia. White (2004) further contends that this perception is increased by politicians who add hype to the portrayal of the problem to gain attention and public support. Nevertheless, White (2004) contends that there is very little empirical data that allows researchers or agencies to know how many gangs and/or gang members exist throughout the nation. There is also a corresponding lack of data on the types of crimes committed by these gangs and/or the motivations behind these groups.

Among the scant research that does exist, it has been speculated that the social dynamics of youth group formation have been impacted by modern-day information access (the Internet and popular-media culture) as well as aggravation related to economic inequalities experienced by immigrants. As a means of rectifying these issues, White (2004) calls for community collaboration and community policing techniques to reduce crime-producing conditions that lead to youth gang formation. In promoting this approach, White (2004) points toward the extensive research conducted by gang and community policing researchers in the United States, demonstrating the back-and-forth learning process that nations can develop when addressing social issues such as youth gangs and criminal activity.

**International Approaches to Preventing Juvenile Gangs**

The *World Youth Report* (2003) makes it clear that, if gang prevention efforts are to be effective, they must take into account both individual motivations and group dynamics. While this is true, such programs must also take into account the severe forms of deprivation that many youth experience, especially in developing countries. In addition, it is likely that delinquency will only be reduced if developing countries become more stable and less corrupt since instability and corruption are invitations to organized crime syndicates to exercise influence over communities. When organized crime has strong influence over a region, youth involved in crime serve as the breeding ground for recruits into organized criminal activity. Juvenile gangs, in particular, serve as a very good source of recruits for organized criminal groups.

In some countries, such as the Russian Federation, Japan, and Honduras, juvenile gangs have a direct link to adult criminal groups and are therefore undaunted by official forms of sanction. They view their activity as the first step into what might be seen as a career track; facing legal sanctions and penalties is simply a rite of passage that indicates their maturity into the world of crime. With these types of structures in place, it is virtually impossible to effectively implement gang-prevention programs and even less likely that gang exit strategies discussed in Chapter 12 can be successfully provided.

In addition, prevention and intervention programs cannot be viewed in a “one-size-fits-all” fashion; what works in one country will not necessarily work in another. Countries around the globe will need to implement combined approaches that consist of prevention, intervention, and suppression strategies. Only when these three aspects are successfully implemented can gang exit
strategies be realistically developed within emergent countries. In order for these programs to be optimally effective, they should consist of the following:

1. Prevention efforts that utilize community policing techniques so that a rapport can be developed with youth and police
2. Interventions that include restorative justice applications, creating “buy in” from victims and avoiding the effects of stigmatization for youthful offenders
3. Suppression techniques that are specifically targeted at disrupting juvenile links with larger organized criminal syndicates

The World Youth Report (2003) notes that juvenile gang members do not necessarily lack the desire to live within socially approved boundaries. In fact, as we have seen in this and previous chapters, youth often engage in delinquency, including gang membership, because of factors related to home life or external influences. As such, many see the gang as their only family and support. When shown another path, and when that path is realistic when considering their circumstances, many will be likely to consider options other than gang life. This is particularly true if the previously listed aspects (prevention, intervention, and suppression) of gang reduction are implemented. In addition, the prevention of juvenile gang activity and juvenile delinquency in general should be considered a multifaceted project. Students should refer to In Practice 13.5 for details on what the United Nations has identified as necessary for model prevention programs.

**IN PRACTICE 13.5**


The following guidelines are broad and all-encompassing as a means of providing a multifaceted approach to delinquency prevention. Referred to as the **Riyadh Guidelines of 1990** because they were adopted by the United Nations General Assembly at a meeting in Riyadh, Saudi Arabia, these guidelines provide insight into what a model program would entail. The guidelines consist of five broad components listed here:

1. **GENERAL PREVENTION:** Comprehensive prevention plans should be instituted at every level of Government and include the following:
   (a) In-depth analyses of the problem and inventories of programmes, services, facilities and resources available;
   (b) Well-defined responsibilities for the qualified agencies, institutions and personnel involved in preventive efforts;
   (c) Mechanisms for the appropriate co-ordination of prevention efforts between governmental and non-governmental agencies;
   (d) Policies, programmes and strategies based on prognostic studies to be continuously monitored and carefully evaluated in the course of implementation;
(e) Methods for effectively reducing the opportunity to commit delinquent acts;
(f) Community involvement through a wide range of services and programmes;
(g) Close interdisciplinary co-operation between national, State, provincial and local
governments, with the involvement of the private sector representative citizens of
the community to be served, and labour, child-care, health education, social, law
enforcement and judicial agencies in taking concerted action to prevent juvenile
delinquency and youth crime.

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

3. **SOCIAL POLICY:** Government agencies should give high priority to plans and pro-
grammes for young persons and should provide sufficient funds and other resources
for the effective delivery of services, facilities and staff for adequate medical and
mental health care, nutrition, housing and other relevant services, including drug and
alcohol abuse prevention and treatment, ensuring that such resources reach and actu-
ally benefit young persons. The institutionalization of young persons should be a mea-
sure of last resort and for the minimum necessary period, and the best interests of the
young person should be of paramount importance.

4. **LEGISLATION AND JUVENILE JUSTICE ADMINISTRATION:** Governments should
enact and enforce specific laws and procedures to promote and protect the rights and
well-being of all young persons. Legislation preventing the victimization, abuse, exploita-
tion and the use for criminal activities of children and young persons should be enacted
and enforced. No child or young person should be subjected to harsh or degrading cor-
rection or punishment measures at home, in schools or in any other institutions.

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

5. **RESEARCH, POLICY DEVELOPMENT AND CO-ORDINATION:** Efforts should be
made and appropriate mechanisms established to promote, on both a multidiscipli-
ary and an intradisciplinary basis, interaction and co-ordination between economic,
social, education and health agencies and services, the justice system, youth, commu-
nity and development agencies and other relevant institutions.

As it stands, the World Youth Report (2003) notes that in most countries, “most rehabilitation initiatives are not working to redirect the energies or potential of gang members into socially desirable activities” (p. 206). We agree with this appraisal of gang reduction programs around the world and would, therefore, encourage practitioners around the world to develop new and innovative strategies for solving the juvenile gang epidemic that has proliferated throughout many urban areas of the globe.

**International Administration of Juvenile Justice**

In 1985, the United Nations produced a document titled *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*. This document is often referred to as the *Beijing Rules of 1985* due to the fact that it was developed during a United Nations meeting held in Beijing. The document set the initial stage and tone for how juvenile justice programs should be administered. While this document is not legally binding, it has served as an official reference point since its inception. The primary impetus behind the document was to encourage the humanitarian treatment of juvenile offenders. In Practice 13.6 provides students with a modified version of the Beijing Rules.

**IN PRACTICE 13.6**


**Part One. General principles**

Member States shall endeavor to develop conditions that will ensure for the juvenile a meaningful life in the community, which, during that period in life when she or he is most susceptible to deviant behavior, will foster a process of personal development and education that is as free from crime and delinquency as possible.

Sufficient attention shall be given to positive measures that involve the full mobilization of all possible resources, including the family, volunteers and other community groups, as well as schools and other community institutions, for the purpose of promoting the well-being of the juvenile, with a view to reducing the need for intervention under the law, and of effectively, fairly andhumanely dealing with the juvenile in conflict with the law.

**Part Two. Age of criminal responsibility**

In those legal systems recognizing the concept of the age of criminal responsibility for juveniles, the beginning of that age shall not be fixed at too low an age level, bearing in mind the facts of emotional, mental and intellectual maturity.

**Part Three. Adjudication and disposition**

The proceedings shall be conducive to the best interests of the juvenile and shall be conducted in an atmosphere of understanding, which shall allow the juvenile to participate therein and to express herself or himself freely.
Four years after the Beijing Rules were created, the United Nations developed another legal instrument known as the United Nations Convention on the Rights of the Child (1989), often called the “CRC” as a shorter means of reference (see In Practice 13.7). The CRC was different from the Beijing Rules because it was legally binding upon member nations who signed this document. Further, it was considered “in bad taste” for nations to not adopt these practices. Those nations signing the treaty agree to abide by its standards, associated national laws, policies, and procedures (Reichel, 2005). The CRC has become one of the most universally accepted treaties around the world. Currently, only two countries have not ratified and signed this document—Somalia and the United States (Reichel, 2005).

One of the most important reasons that the United States has not ratified this treaty is because, during the time of its creation, the United States allowed the death penalty for juveniles whose crime was committed prior to their 18th birthday. Because Article 37 of the CRC expressly

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**Part Four. Non-institutional treatment**

Efforts shall be made to provide juveniles, at all stages of the proceedings, with necessary assistance such as lodging, education or vocational training, employment or any other assistance, helpful and practical, in order to facilitate the rehabilitative process.

**Part Five. Institutional treatment**

Juveniles in institutions shall be kept separate from adults and shall be detained in a separate institution or in a separate part of an institution also holding adults. Young female offenders placed in an institution deserve special attention as to their personal needs and problems. They shall by no means receive less care, protection, assistance, treatment and training than young male offenders. Their fair treatment shall be ensured.

**Part Six. Juvenile reentry**

Efforts shall be made to provide semi-institutional arrangements, such as half-way houses, educational homes, day-time training centers and other such appropriate arrangements that may assist juveniles in their proper reintegration into society.

**Part Seven. Research, planning, policy formulation and evaluation**

The utilization of research as a basis for an informed juvenile justice policy is widely acknowledged as an important mechanism for keeping practices abreast of advances in knowledge and the continuing development and improvement of the juvenile justice system. The mutual feedback between research and policy is especially important in juvenile justice. With rapid and often drastic changes in the life-styles of the young and in the forms and dimensions of juvenile crime, the societal and justice responses to juvenile crime and delinquency quickly become outmoded and inadequate.

prohibits capital punishment for juveniles, the United States was initially in direct conflict with the legally binding document. At that time, only seven countries (Congo, Iran, Nigeria, Pakistan, Saudi Arabia, Yemen, and the United States) were known to have executed juvenile offenders, being either nonsignatory nations or having only eliminated this practice at a later period after the creation of the CRC. At the time of the document’s drafting, 22 U.S. states allowed the death penalty for persons who were under the age of 18 at the time that they committed their crime. However, readers may recall the more recent U.S. Supreme Court ruling, *Roper v. Simmons* (2005), where the Supreme Court invalidated the execution of juveniles who were under 18 at the time of the crime commission. Obviously, this ruling changes the political and social landscape for the United States in regard to signing the CRC.

### IN PRACTICE 13.7


The following articles (Articles 32 through 40) have been taken from the CRC because they are most relevant to this chapter. Students will notice that most all of the articles here address issues that have been discussed throughout this chapter. It should be noted that the CRC is a binding document upon all signing countries. The specific articles of interest are the following:

**Article 32 (Child labour):** The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age.

**Article 33 (Drug abuse):** Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

**Article 34 (Sexual exploitation):** Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 35 (Abduction, sale and trafficking):** The government should take all measures possible to make sure that children are not abducted, sold or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

**Article 36 (Other forms of exploitation):** Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

**Article 37 (Detention and punishment):** No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.
**Article 38 (War and armed conflicts):** Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention’s Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

**Article 39 (Rehabilitation of child victims):** Children who have been neglected, abused or exploited should receive special help to physically and psychologically recover and reinte-grate into society. Particular attention should be paid to restoring the health, self-respect and dignity of the child.

**Article 40 (Juvenile justice):** Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.


*Roper v. Simmons* is important for another reason that many people are not aware of; in *Roper*, the Court looked to the laws and standards of several other industrialized countries as additional support for determining whether national consensus against the death penalty was consistent with worldwide cultural shifts. To be clear, the Court did not rely on their analysis of other countries when making its ruling nor was it under any obligation to do so. Rather, the U.S. Supreme Court did what it rarely does, which was to utilize legalistic evolution around the world as a means of supporting the rationale for its decision. While this was not completely unheard of (the Court has examined foreign laws in other cases as supporting commentary), it was unusual and also represented the impact that globalization has had upon all countries, including the United States. In fact, the decision to utilize precedent and legal developments in the global community drew criticism from some members of Congress who felt that the interpretation of law in the United States should be strictly based upon the interpretation of the U.S. Constitution. Whether or not the Court was “out of bounds” in its analysis is a matter of judgment concerning the age-old arguments centering around judicial restraint. For our purposes, it is important to understand that juvenile law in the United States has been, and will continue to be, impacted by developments around the world.

From 1990 until the 2005 ruling in *Roper*, it was the United States who had committed the majority of juvenile executions. Further still, in his arguments against the death penalty, Justice Kennedy pointed out that all of these countries, save the United States, had either completely abolished the death penalty for youth or had provided strong public statements and legal mechanisms that disavowed the use of the death penalty with juvenile offenders. The United States stood as the most ardent and passionate supporter of the practice. Thus, it is clear that the *Roper* decision generated a good deal of international controversy and debate, with legal scholars from countries around the world watching with keen interest. Whether the United States will eventually sign the CRC is still a matter to be decided. In 2002, during the United Nations’ Special Session on Children, various members of the U.S. delegation again declined to
sign the CRC. This occurred in spite of the fact that the United States was an active participant in the drafting and creation of the document. Authorities from the United States had still not signed the document in 2010.

Since the Special Session on Children in 2002, there have been a number of children’s advocates who have pushed for the U.S. adoption of this document. In fact, one organization, known as the Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC), is a volunteer-driven network of academics, attorneys, child and human rights advocates, educators, members of religious and faith-based communities, physicians, representatives from nongovernmental organizations, students, and other concerned citizens who seek to bring about U.S. ratification and implementation of the CRC. According to their website, their campaign began shortly after the Special Session on Children in 2002. The following passage describes this group’s development:

Through the leadership of the Child Welfare League of America (CWLA), a core group of child advocates convened the first meeting of the Campaign for U.S. Ratification of the CRC in August 2002. Participants focused on efforts needed to build a national coalition. In 2003, representatives from more than 50 U.S. non-governmental organizations met in Washington, DC for a two day strategy session entitled “Moving the CRC Forward in the United States.” Out of this effort, the Campaign for U.S. Ratification of the CRC was formalized. From its origins, the Campaign has grown to encompass membership from 200 organizations and academic institutions. (Campaign for U.S. Ratification of the Convention on the Rights of the Child, About Us page, 2010).

It is uncertain whether the United States will eventually sign the CRC. Most likely, the United States will ratify this document because it has become an increasing source of embarrassment and makes it difficult for the United States to admonish other countries that have exploitative practices that involve children. The fact that it has not adopted this document serves as a political barb that sticks the United States whenever it attempts to promote enforcement of child welfare issues or matters of human rights that impact youth around the world. Eventually, with internal political pressure from child advocates within the country and external political pressure from abroad, it will simply make good sense for the United States to become a signatory.

Reichel (2005) notes that when nations agree to sign the CRC, they are allowed to state reservations that they have regarding any of its specific provisions. This process allows signatory countries to avoid being bound by specific provisions as long as the majority of other signatory nations do not object to these disagreements. Reichel (2005) presents an example where Australia, Canada, and numerous other countries lodged reservations with the provision that during times of detention, juvenile offenders cannot be detained with adult offenders in the same detention facility. These countries contend that, while they agree with the spirit of the provision, it is not always logistically feasible to provide separate accommodations. Despite this, these countries indicate understanding that such youth should be afforded concerns for safety and security to ensure that juveniles in detention are not victimized by adults in detention.

Other countries in the Middle East have also indicated disagreements related to the use of the CRC when provisions conflict with Islamic law. Based on religious factors, these nations have been
allowed to be signatories to the CRC while at the same time maintaining tenets of the Muslim faith. Within the convention’s signatory content, reservations by Muslim nations are documented. For instance, as noted within the CRC, the nation of Iran has the following reservation on file:

...reserves the right not to apply any provisions or articles of the Convention that are incompatible with Islamic Laws and the international legislation in effect. (United Nations, 1990c, p. 4)

Within the signatory documents, it can be seen that nine countries filed objections to this reservation and the other similarly worded reservations filed by different Middle Eastern nations. These objecting countries included Austria, Denmark, Finland, Germany, Ireland, the Netherlands, Norway, Portugal, and Sweden (United Nations, 2007). From other supporting documents, it is clear that these objecting nations filed their objections simultaneously and for similar reasons—the belief that a general reference to religious law without specification of its content lacks clarity in determining the extent to which reserving states (Iran, Saudi Arabia, Oman, Pakistan, and other Arab nations) commit themselves to the CRC.

From these examples of reservations and objections to those reservations, all held by multiple nations for multiple reasons, it is clear that consensus on the CRC does not exist around the world. Nevertheless, the entire world has been able to agree, at least in terms of philosophy, that juveniles warrant different treatment from adults and that this treatment must be geared toward correction rather than punishment (these, of course, were the very concerns upon which a separate juvenile justice network is based in the United States). Thus, the CRC remains an important international document that sets forward minimal standards for processing juvenile offenders and has created a global culture that acknowledges the unique issues related to children who are found errant (Reichel, 2005).

**Discussion on International Standards and Documents**

Among other documents, conferences, and World Court rulings, it is the Convention on the Rights of the Child, the Standard Minimum Rules for Administration of Juvenile Justice, and the Guidelines for Prevention of Juvenile Delinquency that are most important in shaping the international juvenile justice response. Readers may recall that the previous section focused on the CRC, and the Guidelines for Prevention of Juvenile Delinquency have already been presented in the In Practice 13.5 box, since it was related to many of the prevention efforts with juvenile gangs around the world. The prevention guidelines were drafted in 1990 and represent the most recent of the three documents discussed in this chapter.

The Beijing Rules encourage diversion mechanisms rather than formal court processes for all but the most serious of juvenile offenders. The Riyadh Guidelines (prevention guidelines, see In Practice 13.5) consider most youth offending to be a part of the growing process; something routinely engaged in by youngsters that they eventually mature out of. This is, in actuality, consistent with criminological research that has found that many offenders “age out” of the criminal lifestyle.

The key to understanding the long-term implications of juvenile delinquency around the world is to perhaps view delinquency as a dual taxonomy (Moffitt, 1993). According to this theoretical basis, most youth engage in delinquency that is short term, peer-group based, and part
of the process of adolescent development and maturation. For the majority of youth who commit delinquent acts, they will likely age-out by early adulthood; this is an observation that is noted around the world (Moffitt, 1993; Reichel, 2005; World Youth Report, 2003). However, among those youth who commit violent crimes, become true members of a criminal gang, and/or have serious crimes perpetrated against them, there is a likelihood that they will persist in crime throughout the course of their life (Moffitt, 1993). This means that early intervention efforts are critical to curbing the likelihood that a youngster will reach a point where his or her aberrant behavior becomes a lifelong trajectory rather than one that is limited to adolescent years of development. Thus, it is clear that the international community and the global culture should identify juvenile delinquency and juvenile welfare as problems that warrant corrective solutions rather than punitive reactions. It would appear that the world, for the most part, agrees that youth who offend are in need of assistance and guidance rather than harsh discipline (returning us full circle to the foundation upon which the first juvenile court in the United States was built in 1899).

Use of Restorative Justice With Young Offenders Around the World

Restorative justice has been discussed throughout this text as a means of addressing delinquent activity. What may not be widely known is that restorative justice processes in the United States were largely borrowed from other countries, particularly European countries (Reichel, 2005). Thus, the use of restorative justice applications is one that has international roots. Nations such as Germany, Canada, Australia, New Zealand, and Japan have long histories of integrating restorative justice techniques into their official response to problems with delinquency. The United Nations Basic Principles on the Use of Restorative Justice Programmes in Criminal Matters provides a clear example of how restorative justice processes have been widely adopted within the international community. This document notes that obvious disparities with respect to “power imbalances and the parties’ age, maturity or intellectual capacity should be taken into consideration in referring a case to and in conducting a restorative process” (United Nations, 2000, p. 3). These principles point toward the fact that various forms of crime mediation should be free from coercion, manipulation, or exploitation, both for the victim and the juvenile offender. This is important because this also points the way for informal means of handling youth that can avoid the stigmatization of official courtroom processing.

As was noted earlier, many juveniles begin their delinquent and/or criminal activity with minor acts. Those that persist tend to progressively commit more crimes, which eventually leads to violent criminal activity. In these cases, these youth will often gravitate toward other youth (whether as informal groups or formal gang structures) who are prone to criminal behavior. As the youth go along this trajectory, they acquire definitions that are favorable to crime, become labeled by others in their community as delinquent or criminal, and then move into more long-term criminal histories. Restorative justice provides one mechanism (amongst others) where youth can make amends with the victim without the formal experience of a country’s court system and, perhaps, without the formal labels. This type of approach often yields more flexible solutions that seem to benefit the victim and the young offender more than stiff sanctions usually do (Reichel, 2005).
CAREER OPPORTUNITY: UNICEF PROGRAM SPECIALIST IN ADOLESCENT DEVELOPMENT

**Job description:** The person working in this position is responsible for providing program support for UNICEF’s approach to holistic and positive survival, development, protection, and participation for extremely vulnerable adolescents in underdeveloped and developing countries. The program specialist will work in accordance with the organizational and international framework of policies and procedures. Experience with child protection issues and emergency/transition situations is commonplace for adolescent development program specialists. Other areas of responsibility may include child poverty and poverty reduction strategies as well as working with institutional reforms related to migration, particularly for migrant children, women, and families.

**Employment requirements:** The following general requirements are common to most all positions working with youth at UNICEF:

- **Education:** master’s degree in a field relevant to the work of UNICEF or equivalent professional experience
- **Experience:** relevant professional work experience, some of which has been obtained in a developing country, at least five years for mid-career and two to three years for an entry-level position
- **Language:** proficiency in English and in another UN working language (Arabic, Chinese, French, Russian, and Spanish). Knowledge of the local language of a duty station where the position is based is an asset.

**Beginning salary:** Salaries for professional staff are set by the International Civil Service Commission and include base salaries that are standardized but have additional enhancements for employees who are stationed in affluent areas of the world. As of January 2010, the absolute lowest entry-level salary for professionals (most all child and adolescent workers are considered professional employees) was around $50,000 to start and could go up—depending on the professional category (ranging from P1 to P5)—to approximately $140,000 a year. These are nonsupervisory positions. For supervisory positions (director positions) salaries can nearly reach $168,000. It is important to note that these are base salaries only and are the lowest end salary that employees will make, usually if they are stationed in a less developed area of the world where living expenses are considerably less than in the United States. If an employee is stationed in an industrialized area or a developed country, salaries are given standardized adjustments that can be quite considerable.

The salary level for professional staff is based on the notion that the International Civil Service Commission should be able to recruit staff from its member states, including those states that have economies where personnel are paid much higher. Because of this, the salaries for professional staff are set by reference to the highest-paying national civil service system. This should make it clear that UNICEF and other affiliates of the United Nations are good organizations to work within, at least when considering pay scales.

(Continued)
When comparing juvenile delinquency around the world, it is clear that juvenile misbehavior is a common phenomenon throughout all of humanity. It would appear that delinquency is to be expected and that the dynamics related to offending are very similar around the world. Further, the causal factors associated with juvenile offending are similar. Whether the youngster is subjected to abuse, neglect, dysfunctional family lifestyles, states of poverty and deprivation, urbanization, social messages that are procriminal, or media influences that provide fuel for an aberrant youth subculture, the reasons seem to be similar in various parts of the world. Youth from modernized regions where family instability has emerged are particularly vulnerable to becoming delinquent. Other youth who are from war-ravaged countries or regions of great instability are also at risk of committing delinquent acts, in many cases as a means of survival. It appears that youth suffer serious forms of victimization that set the stage for their own future tendency to victimize others.

Juvenile gangs have been given special focus in this chapter because they have emerged throughout the past decade as a specific and serious international concern. In various areas of the world, youth have banded together and engaged in various types of crimes. It would seem that youth who join gangs do so for very similar reasons, regardless of the region of the world where they are located. Many join gangs for acceptance and a sense of belonging. Many come from dysfunctional family systems or from backgrounds of serious deprivation and/or violence. Many juvenile gangs are connected to other more serious criminal organizations that are usually run by adults. This means that juvenile gangs tend to be a primary source of later members of various criminal organizations. It is important to keep in mind that those members who join gangs in various areas of the world tend to do so to have basic needs met, but it is those who are prone to acts of violent crime and/or suffer from serious deprivations that are most likely to continue their criminal activity into adulthood.

In addition, UNICEF’s policies and protections for these employees have numerous benefits related to family issues, work-life fitness and health, as well as protections for a diverse work group. UNICEF is committed to maintaining a balanced gender and geographical employee composition. Other benefits and entitlements include the following:

- Annual leave
- Dependency allowance
- Rental subsidy
- Education grant
- Pension scheme
- Medical and dental insurance
- Home leave
- Life insurance
- Paid sick leave
- Family leave
- Family visit
- Maternity/paternity adoption leave
- Special leave

SUMMARY

When comparing juvenile delinquency around the world, it is clear that juvenile misbehavior is a common phenomenon throughout all of humanity. It would appear that delinquency is to be expected and that the dynamics related to offending are very similar around the world. Further, the causal factors associated with juvenile offending are similar. Whether the youngster is subjected to abuse, neglect, dysfunctional family lifestyles, states of poverty and deprivation, urbanization, social messages that are procriminal, or media influences that provide fuel for an aberrant youth subculture, the reasons seem to be similar in various parts of the world. Youth from modernized regions where family instability has emerged are particularly vulnerable to becoming delinquent. Other youth who are from war-ravaged countries or regions of great instability are also at risk of committing delinquent acts, in many cases as a means of survival. It appears that youth suffer serious forms of victimization that set the stage for their own future tendency to victimize others.

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The standards and guidelines for addressing juvenile offending have been set by the United Nations through three key documents. These documents include the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), the United Nations Convention on the Rights of the Child—CRC (1989), and the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines). Each of these three documents were discussed in detail in this chapter and when combined, they provide a unified set of protocols that guide signatory nations toward a civilized and humane means of addressing juvenile offending throughout the world. While cultural, religious, and political factors may impact the specific means by which these documents are integrated into a particular nation’s juvenile justice system, it is clear that a basic philosophical framework has emerged within the global community that enshrines reformative approaches to juvenile justice processes. It is equally clear that most of the tenets contained in these documents can be found in juvenile court acts in every state in the United States and reflect the historical approaches used in the U.S. juvenile justice system.

**CRITICAL THINKING QUESTIONS**

1. In your opinion, how should the United Nations work to eradicate juvenile gangs in different areas of the world? Be sure to explain the reasons for your answer.

2. Recently, the nation of Somalia has considered becoming a signatory with the CRC. This would mean that the United States would be the only nation to not officially support the document. From an international-relations standpoint, how do you think that this impacts the ability of the United States to provide input on juvenile issues?

3. Discuss some of the challenges in defining juvenile delinquency in the international community. In addition, explain how the age of responsibility in different nations serves to further complicate our ability to achieve any one specific definition.

4. Discuss the major documents drafted by the United Nations to address the processing of juvenile offenders. From what you can tell, do these documents seem to address issues consistent with the prior chapters of your text related to juvenile justice in the United States? Explain your answer.

**Suggested Readings**


