

The United Nations Standard Minimum Rules on Juvenile Justice (The Beijing Rules)

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DEFINITIONS

Juvenile justice system

- Laws, policies, guidelines, customary norms, systems, professionals, institutions, sanctions and treatment modalities specifically applicable to children in conflict with the law

Children in conflict with the law

- Individuals below the age of 18 years who are alleged as, accused of, or recognised as, having infringed the penal law

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JUVENILE JUSTICE LEGAL INSTRUMENTS

- Universal Declaration of Human Rights (UDHR) (1948)
- Convention on the Rights of the Child (CRC) (1989)
- International Covenant on Civil and Political Rights (ICCPR) (1966), esp. arts. 23 and 24
- International Covenant on Economic Social and Cultural Rights (ICESCR), (1966), art. 10
- United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) (1985)
- United Nations Rules for the Protection of Juveniles Deprived of their Liberty (1990)
- United Nations Guidelines for the Prevention of Juvenile Delinquency (Riyadh Guidelines) (1990)

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Juvenile justice legal instruments

- Guidelines for Action on Children in the Criminal Justice System (1997)
- Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (2005)
- United Nations Model Strategies and Practical Measures on the Elimination of Violence Against Children in the Field of Crime Prevention and Criminal Justice (2014)

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Convention on the Rights of the Child

CRC key principles

- Non-discrimination (Article 2)
- Best interests of the child (Article 3)
- Child's right to life, survival and development (Article 6)
- Respect for the views of the child (Article 12)
- CRC Relevant Substantive Articles.....
- Article 38 (a) (b) (c) (d)
- Article 40, Paragraphs 1, 2, 3 and 4

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Core elements of a comprehensive juvenile justice system

- Prevention of delinquency
- Diversion
- Minimum age of criminal responsibility
- Fair treatment and fair trial
- Deprivation of liberty as last resort and improvement of the treatment of children in detention, as well as of the conditions under which they are held

General Comment No. 10, Committee on the Rights of the Child (2008), A/63/41

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THE ORIGINS

The Protection of Children Rights and the Prevention of Juvenile Delinquency have been issues of major concern of the international community:

- 1924: Declaration on the Rights of the Child (Declaration of Geneva)
- 1959: Declaration of the Rights of the Child (General Assembly Resolution 1386 (XIV) of 20 November 1959)
- 1979: International Year of Child: 1979, also to celebrate the twentieth anniversary of the Declaration
- 1985: International Youth Year – Participation, Development and Peace

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THE ORIGINS

SPECIAL ROLE OF THE QUINQUIENNAL UN CONGRESSES ON THE PREVENTION OF CRIME AND THE TREATMENT OF OFFENDERS

- FIRST CONGRESS, Geneva, 1955: substantive topic on “Prevention of Juvenile Delinquency” (Report prepared by the Secretariat (ST/SOA/Ser.M/7-8) in NO. 7-8 of the International Review of Criminal Policy)

Juvenile delinquency defined as “situation of minors in whose interest society should promote measures designed to ensure, as far as possible, that they are enabled to live a law-abiding, well-adjusted and useful life. It includes not only those juveniles who have committed an act regarded as a criminal offence by the law of their country, but also those whose social situation or whose character places them in danger of committing such an act, or who are in need of care and protection. Preventive work should cover all three categories”. Specific recommendations were also made related to: a) The community; b) The family and the school; c) Social services including health; d) Work; e) Other agencies; and f) Research (A.CONF. 6/1, Annex E, pages 78-82)

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Role of the UN Congresses

THE ORIGINS

- **SECOND CONGRESS, London, 1960:** substantive topic on “New forms of juvenile delinquency: their origins, prevention and treatment (Working Paper A/CONF.17/7)

The Congress recommendations stress that “juvenile delinquency should be restricted to violation of the criminal law and, even for protection, specific offences that would penalize small irregularities or maladjusted behavior, but for which would not be prosecuted, should not be created“. (A/CONF. 17/20, Annex, page 61)

A “Comparative Survey on Juvenile Delinquency” was also considered by the Congress.

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Role of the UN Congresses

THE MANDATE

- **SIXTH CONGRESS, Caracas, 1980:** Substantive topic on “Juvenile justice: before and after the onset of delinquency”, Working Paper (A/CONF. 87/5)

***Resolution 4:** Development of minimum standards of juvenile justice, with request to the Committee on Crime Prevention and Control to develop standard minimum rules for the administration of juvenile justice, drawing on four main principles, for submission to the Seventh Congress (A/CONF. 87/14/Rev.1)*

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Role of the UN Congresses

THE CRAFTING PROCESS

With the overview of the Committee on Crime Prevention and Control, several expert groups meetings took place, including:

- (a) A Study Group in connection with the UNAFEI 58th International Training Course (May-July 1981)
- (b) International Meeting of Experts at the Rutgers University (November 1983)
- (c) The Sixth Joint Bellagio Colloquium (April 1984)
- (d) The “Beijing Meeting” (14-18 May 1984)

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Role of the UN Congresses

APPROVAL AND ADOPTION OF THE BEIJING RULES

▪ **SEVENTH CONGRESS, Milan, 1985: Substantive topic on “YOUTH, CRIME AND JUSTICE”, Working paper (A/CONF.121/7)**

- Report of the Interregional Preparatory Meeting (A/CONF.121/IPM.1)
- Draft UN Standard Minimum Rules (A/CONF.121/14)
- “Research in juvenile delinquency”, Workshop paper (A/CONF.121/11)
- Discussion and approval of the Rules: **draft resolution 2**, in Report of the Congress (A/CONF.121/22/Rev.1)
- Approval also of **draft resolution 3** on “Standards for the prevention of juvenile delinquency” and **resolution 21** on “Development of standard minimum rules for the protection of juveniles deprived of their liberty”
- **Adoption of the Rules by the UN General Assembly** (Res. 40/33, annex of 29 November 1985)

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SIGNIFICANCE AND IMPACT OF THE BEIJING RULES

30 Articles, with respective commentaries, covering the entire spectrum of juvenile justice

- **Part one:** General principles (Arts. 1-9)
- **Part two:** Investigation and prosecution (Arts. 10-13)
- **Part three:** Adjudication and disposition (Arts. 14-22)
- **Part four:** Non-institutional treatment (Arts. 23-25)
- **Part five:** Institutional treatment (Arts. 26-29)
- **Part six:** Research, planning, policy formulation and evaluation (Art. 30)

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IMPLEMENTATION AND FOLLOW UP ACTION

- A number of specific reports by the Secretary General, based mainly on replies from Member States, on the implementation of the Beijing Rules
- Continuing role of successive UN Congresses in making relevant recommendations
- Development of additional new Standards by the Commission on Crime Prevention and Criminal Justice
- Involvement and action by other UN bodies from the General Assembly and ECOSOC to the Committee on the Right of the Child and the Human Rights Commission/Council

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Role of the UN Congresses

FOLLOW UP ACTION

- **EIGHTH CONGRESS, Havana, 1990:** Substantive topic on “Prevention of juvenile delinquency, juvenile justice and the protection of the young: policy approaches and directions”, Working Paper (A/CONF. 144/16); as well as SG report on the “Implementation of the Beijing Rules” (A/CONF.144/4), recalling a previous report submitted earlier to the Committee (E/AC.57/1988/11)

Report of the Interregional Preparatory Meeting (A/CONF.144/IPM.3)

Report of the Committee on Crime Prevention and Control at its eleventh session (E/1990/31), Chap. I, sect. C, decision 11/117, annex and decision 11/118, annex, containing the text of these two draft instruments of the Congress

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Role of the UN Congresses

FOLLOW UP ACTION

- **EIGHTH CONGRESS, Havana, 1990:**

Discussion and approval of the “*Riyadh Guidelines*” and the “*Rules for the Protection of Juveniles Deprived of their Liberty*”: draft resolutions 6 and 7, in Report of the Congress (A/CONF.144/28/Rev.1)

- Adoption of the *Guidelines* and the *Rules* by the General Assembly (General Assembly Resolutions 45/112 and 45/113 of 14 December 1990)

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Role of the UN Congresses

FOLLOW UP ACTION

■ NINTH CONGRESS, Cairo, 1995:

Resolution 1 on “*Recommendations on the four substantive topics*” chapt. IV, op. paras. 15 and 16, and **Resolution 7** on “*Children as victims and perpetrators of crime and the United Nations criminal justice programme: from standard setting to implementation and action*”, in Report of the Congress (A/CONF.169/16/Rev.1)

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Role of the Crime Commission

FOLLOW UP ACTION

■ ECOSOC Resolution 1996/13 of 23 July 1996 on “*Administration of juvenile justice*”, as recommended by the Crime Commission

■ ECOSOC Resolution 1997/30, Annex, of 21 July 1997 on “*Administration of juvenile justice*”, approving the *GUIDELINES FOR ACTION ON CHILDREN IN THE CRIMINAL JUSTICE SYSTEM*, as submitted by the Crime Commission at its sixth session, drawing on the recommendations of an expert group meeting held at Vienna from 23 to 25 February 1997 (E/1997/30).

See also Docs. E/CN.15/1996/10; E/CN.15/1997/13 and Add.1; and E/CN.15/1998/8 and Add.1.

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IMPORTANCE OF THE GUIDELINES

- Main emphasis on technical assistance and interagency coordination to help countries in need to effectively implement both the CRC and the Juvenile Justice Standards and Norms
- Establishment of a coordination panel on technical advice and assistance on juvenile justice
- 53 GUIDELINES subdivided in three main chapters on:
 - I. Aims and objectives;
 - II. Plans for the implementation of the CRC and the application of standards and norms;
 - III. Plans concerned with child victims and witnesses

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Role of the UN Congresses and the Crime Commission

FOLLOW UP ACTION

- **TENTH CONGRESS**, Vienna, 1990: “*Vienna Declaration on Crime and Justice: Meeting the Challenges of the Twenty-first Century*”, op. para. 24 (A/CONF.187/15)
General Assembly Resolution 55/59, annex, of 4 December 2000

“*Plans of action for the implementation of the Vienna Declaration*”, Chapt. XII, “Action on juvenile justice”, op. paras. 37-39, G.A. Resolution 55/261 of 31 January 2002, as recommended by the Crime Commission at its Tenth reconvened session (E/2001/30-Rev.1)

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Role of the UN Congresses and the Crime Commission

FOLLOW UP ACTION

■ ELEVENTH CONGRESS, Bangkok, 2005:

Substantive topic on “*Making standards work: fifty years of standard setting in crime prevention and criminal Justice*” (A/CONF.203/8) and workshop on “*Strategies and best practices for crime prevention, in particular in relation to urban areas and youth at risk*” (A/CONF.203/11). See also, Report of the Congress (A/CONF.203/18)

“*Bangkok Declaration on Synergies and Responses: Strategic Alliances in Crime Prevention and Criminal Justice*”, G. A. Resolution 60/177 of 16 December 2005, annex, op. para. 33

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Role of the Crime Commission

FOLLOW UP ACTION

ECOSOC res. 2005/20, Annex, of 25 July 2005: “*Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime*”:

- I. Objectives,
- II. Special Considerations,
- III. Principles,
- IV. Definitions,
- V. The right to be treated with dignity and compassion,
- VI. The right to be protected from discrimination,
- VII. The right to be informed,
- VIII. The right to be heard and to express views and concerns,
- IX. The right to effective assistance,
- X. The right to privacy,
- XI. The right to be protected from hardship during the justice process,
- XII. The right to safety,
- XIII. The right to reparation,
- XIV. The right to special preventive measures,
- XV. Implementation.

See also the Crime Commission report (E/CN.15/2005/30), as well as the report of the intergovernmental expert group meeting held in Vienna on 15 and 16 March 2005 (E/CN.15/2005/14/Add.1) and the SG report on implementation (E/CN.15/2008/11).

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Role of the Crime Commission

FOLLOW UP ACTION

- ECOSOC Resolution 2007/23 of 26 July 2007 on *“Child justice reform”*
- ECOSOC Resolution 2009/26 of 30 July 2009 on *“Supporting national and international efforts for child justice reform, in particular through improved coordination in technical assistance”*.

See also the SG reports submitted to the Crime Commission for the implementation of the above mentioned resolutions (E/CN.15/2009/12 and E/CN.15/2011/13

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Role of the UN Congresses

FOLLOW UP ACTION

- TWELFTH CONGRESS, Salvador, 2010: Substantive topic on *“Children, youth and crime”*, Working Paper (A/CONF.213/4). See also the report of the Congress (A/CONF.222/17)

“Salvador Declaration on Comprehensive strategies for Global Challenges: Crime Prevention and Criminal Justice Systems and Their Development in a Changing World” (G.A. res. 65/230, annex, of 21 December 2010, op. paras. 26, 27 and 28)

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Role of the Crime Commission

FOLLOW UP ACTION

- “*United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice*” (G. A. res. 69/194, Annex, of 18 December 2014, mandated by G. A. res. 68/189 of 18 December 2013, as recommended by the Crime Commission)

See also the report of the expert group meeting held in Bangkok from 18 to 21 February 2014 (E/CN.15/2014/14/Rev.1), as well as the Crime Commission’s report (E/CN.15/2014/30)

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UTMOST RELEVANCE OF THE MODEL STRATEGIES AND PRACTICAL MEASURES

- Latest and most comprehensive instrument covering not only the general prevention of all forms of violence against children, but also the enhancement of the criminal justice system to adequately respond to violence and protect child victims, as well as to take appropriate action in cases of violence against children within the justice system
- 47 detailed provisions contained in three main Parts and XVII Chapters

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Role of the UN Congresses

FOLLOW UP ACTION

- **THIRTHEENTH CONGRESS, Doha, 2015:**
Workshop on the “Role of the UN standards and norms in crime prevention and criminal justice in support of effective, fair, humane and accountable criminal justice systems: experiences and lessons learned in meeting the unique needs of women and children, in particular the treatment and social reintegration of offenders” (A/CONF.222/10). See also the report of the Congress (A/CONF. 222/17)
- *“Doha Declaration on Integrating Crime Prevention and Criminal Justice into the Wider UN Agenda to Address Social and Economic Challenges and to Promote the Rule of Law at the National and International Level” (G.A. res. 70/174, Annex, of 17 December 2015, op. paras. 5(e) and 7)*¹⁰⁰⁰²⁷

Role of the Crime Commission

FOLLOW UP ACTION

- *“Mainstreaming holistic approaches in youth crime prevention” (ECOSOC res. 2016/18 of 26 July 2016). See also the report of the Crime Commission (E/CN.15/1916/30)*

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EXAMPLES OF RECENT GENERAL ASSEMBLY RESOLUTIONS

- Biennial resolutions on Human Rights in the Administration of Justice
- Annual resolutions on the Rights of the Child
- Annual resolutions on Strengthening the Crime Prevention and Criminal Justice Programme, in particular its Technical Cooperation Capacity

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Tools and publications

Justice for Children

- Handbook for Professionals and Policymakers on Justice in Matters involving Child Victims and Witnesses of Crime Arabic, Chinese, English, French, Russian, Spanish, Croatian
- Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime English
- United Nations Guidelines on Justice in Matters involving child victims and witnesses of crime Online Training English, French
- Justice in Matters Involving Child Victims and Witnesses of Crime: Model Law and Related Commentary English, Spanish, French,
- Criteria for the Design and Evaluation of Juvenile Justice Reform Programmes English, French, Spanish, Russian
- Child-friendly version of the UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime Arabic, Chinese, English, French, Russian, Spanish
- Justice in Matters Involving Children in Conflict with the Law: Model Law on Juvenile Justice and Related Commentary English, Tajik, Russian, French
- Guidance Note of the Secretary-General: UN Approach to Justice for Children English
- Child Friendly Legal Aid in Africa English, French
- UNODC/UNICEF Manual for the Measurement of juvenile justice indicators English, French, Spanish, Russian
- Capacity Building in the Area of Child Justice (the Child Justice Project) South Africa, 2003, English
- Strengthening Legislative and Institutional Capacity for Juvenile Justice and Support to the Juvenile Justice System in Lebanon, 2005 English, Arabic
- Protecting the Rights of Children in Conflict with the Law, 2005 English, Arabic, French, Spanish
- Introductory Booklet on the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the field of crime prevention and criminal justice English
- Checklist to the United Nations Model Strategies and Practical Measures on the Elimination of Violence against Children in the field of crime prevention and criminal justice English
- Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Prosecutors and Judges English NEW!
- Training Programme on the Treatment of Child Victims and Child Witnesses of Crime - for Law Enforcement Officials English NEW!

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Flowchart: juvenile justice process



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Minimum guarantees: general principles

- Prohibition of retroactive criminalisation of a conduct
Article 40(2)(a) CRC; Article 15(1) ICCPR
- Competent, independent and impartial authority
Article 40(2)(b)(iii) CRC; Article 14(1) ICCPR; Beijing Rule 14.1
- Presumption of innocence throughout the process
Article 40(2)(b)(i) CRC; Article 14(2) ICCPR; Beijing Rule 7.1

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Minimum guarantees

■ Child's right to effective participation

Articles 12 and 40(2)(b)(ii) CRC; Beijing Rule 14.2

■ Right to have the matter determined without delay

Article 40(2)(b)(iii) CRC; Beijing Rule 20.1

■ Right to legal assistance

Articles 37(d) and 40(2)(b)(ii and iii) CRC; Article 14(3)(d) ICCPR; Beijing Rule 7.1

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Minimum guarantees

■ The presence of parents or guardians during legal proceedings

Article 40(2)(b)(iii) CRC; Beijing Rule 15.2

■ Right not to be compelled to give testimony or to confess or acknowledge guilt

Article 40(2)(b)(iv) CRC; Article 14(3)(g) ICCPR

■ Free assistance of an interpreter if the child cannot understand or speak the language used

Article 40(2)(b)(vi) CRC; Article 14(3)(f) ICCPR

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Minimum guarantees

- **Right to privacy during all stages of the proceedings**

Article 40(2)(b)(vii) CRC; Beijing Rule 8

- **Child's right to appeal against a verdict or sentence**

Article 40(2)(b)(v) CRC; Article 14(5) ICCPR

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Arrest and pre-trial proceedings

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Arrest and pre-trial

Contacts between law enforcement agencies and children in conflict with the law

- Respect the legal status of the child
Beijing Rule 10.3
- Promote her or his well-being
Beijing Rule 10.3
- Avoid harm to her or him
Beijing Rule 10.3
- Specialized training for all law enforcement officers
Beijing Rule 12.1 and Riyadh Guideline 58

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Arrest and pre-trial

Deprivation of liberty as measure of last resort and for the shortest appropriate period of time

Art. 37 (b) CRC, Beijing Rule 13.1

- Regular review of detention, preferably every two weeks
General Comment No. 10, Committee on the Rights of the Child
- “Pre-charge police detention should not last longer than 24 hours”
General Comment No. 10, Committee on the Rights of the Child
- “Period of pre-trial detention should not exceed 30 days”
General Comment No. 10, Committee on the Rights of the Child

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Arrest and pre-trial

Measures to be taken upon arrest of a child

- The child should be brought promptly before a judge or other authorized officer to exercise judicial power

Article 40(2)(b)(iii) CRC, Article 9(3) ICCPR and Beijing Rule 10.2

- Immediate notification of parents or guardian

Beijing Rule 10.1

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Arrest and pre-trial

Alternative measures to pre-trial detention

Examples:

- Close supervision
- Intensive care
- Placement with a family or in an educational setting or home

Beijing Rule 13.2 and Tokyo Rule 6.2

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Arrest and pre-trial

During pre-trial detention period

- **Right to legal assistance**

Articles. 37(d) and 40(2)(b)(ii and iii) CRC; Article 14(3)(d) ICCPR; Beijing Rule 7.1

- **Separation from convicted children and adult prisoners**

Article 37(c) CRC, Article 10(2)(b) and (3) ICCPR, and Beijing Rule 13.4

- **Boys and girls should also be detained separately**

Beijing Rule 26.4, Rule 8(a) SMRTP, Bangkok Rules 36-39.

- **Provision of care, protection and assistance**

Beijing Rule 13.5

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Diversion

- **When can diversion be applied?**

- **At any point of decision-making**

Beijing Rule 11.2

- **Not limited to petty cases**

- **Who can apply diversion?**

- **Police, prosecutors, courts, tribunals**

- **It can be exercised by one, several, or all authorities.**

Beijing Rule 11.2

- **Are there any requirements?**

- **The child needs to give consent to the diversionary measures!**

Beijing Rule 11.3

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Diversion

Pre-trial diversion: Legal safeguards

- Compelling evidence that the child committed the offence
- Admission of an offence must not be used against the child
- Child consent is provided freely, voluntarily and in writing
- Legal assistance

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Diversion

Diversion measures

Article 40 (3) CRC, Beijing Rule 11, Vienna Guidelines 15 and 42, Tokyo Rule 2,5

Examples:

- Restorative justice
- Family-based/welfare diversion
- Activity programmes

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Diversion

Key requirement for effective diversion programmes

Foster close cooperation between child justice sectors, as well as between the different services in charge of law enforcement and the social welfare and education sectors

Vienna Guideline 42

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Adjudicatory process and sentencing

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Procedures for dealing with a child charged with a criminal offence

- According to **due process of law**

Beijing Rule 10.3

- A **fair and just trial** include:

- Presumption of innocence
- Presentation and examination of witnesses
- Access to legal assistance
- Right to remain silent
- Right to have the last word in a hearing
- Right to appeal

- Tried by a **competent, independent and impartial authority, tribunal or judicial body**

Article 40(2)(b)(iii) CRC, Article 14(1) ICCPR and Beijing Rule 14.1

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Sentencing

Article 40(1) CRC and Beijing Rule 5.1 and 17.1(a)

Available measures to ensure that:

- Children are dealt with in a manner **appropriate to their well-being**
- Responses are **proportionate** to both the objective gravity of criminal offence and individual circumstances
- Responses **promote reintegration** and the child assuming a constructive role in society

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Social inquiry report

Beijing Rule 16.1; Tokyo Rule 7.1

When?

- Before a sentence is passed on a child
- In all cases, except in those involving minor offences

Purpose:

- Assist the Court in determining the most effective sentence to enable reintegration of the child into the community

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Non Custodial Sentences

Article 40 (3)(b) and Beijing Rules 17 and 18.1

Examples:

- Guidance and supervision
- Restorative justice measures
- Community service orders
- Probation
- Financial penalties
- Educational and vocational measures
- Suspended sentences

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Custodial Sentences

Article 37 (b) CRC; Beijing Rules 17.1 (b) (c) and 19; Havana Rules 1 and 2

- In conformity with the law
- As a measure of last resort
- For the shortest appropriate period of time

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Strict Prohibitions

No Torture or other cruel, inhuman or degrading treatment or punishment

Art. 37 (a) CRC, Beijing Rule 17.3, Article 7 ICCPR, Articles 3 and 5 UDHR

- No use of death penalty
Article 37(a) CRC, Art. 6 (5) ICCPR, Beijing Rule 17.2
- No life imprisonment without the possibility of release
Article 37(a) CRC,
- No corporal punishment
General Comment No. 10, Committee on the Rights of the Child

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Confidentiality of records of child offenders

Beijing Rules 21.1

- Access limited to persons directly involved with the disposition of the case or other duly authorised persons
- Records shall not be used in adult proceeding in cases involving the same offender

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Non- institutional and institutional treatment and rehabilitation

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Treatment and rehabilitation

Purpose of deprivation of liberty of children in conflict with the law

- Rehabilitation and reintegration of the child rather than punishment or the protection of society

Beijing Rule 26.1

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Treatment and rehabilitation

Child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person

Art. 37 (c) CRC, Havana Rule 12

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Treatment and rehabilitation

■ Separation of children from adult prisoners

Article 37(c) CRC, Article 10(2)(b) ICCPR, and Beijing Rule 13.4; 26.3; Rule 8 (d) SMRTP, Havana Rule 29

■ Girls should be held separate from male young offenders

Beijing Rule 26.4, Rule 8(a) SMRTP, Bangkok Rules 36-39.

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Treatment and rehabilitation

Facilities and services must meet requirements of health and human dignity

Havana Rules 31-37; Rules 9-20 and 43 SMRTP

Facilities and services shall include:

- Sleeping accommodation consisting of small dormitories or individual rooms that can be unobtrusively supervised
- Sufficient, clean bedding, which is appropriate for the climate
- Storage facilities for personal items
- Adequate sanitary facilities
- Personal clothing suitable for the climate and to ensure good health
- Access to drinking water
- Sufficient food of adequate nutritional value

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Treatment and rehabilitation

Communication with the outside world

- Essential to the preparation of children for their return to society”.

Havana Rule 59

- Key role of the family for the well-being of the child

Beijing Rule 26.5, Rule 37 SMRTP, Section J Havana Rules

- Right to maintain contact with family through correspondence and visits

Art. 37 (c) CRC

- Decentralised institutions

Havana Rule 30

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Treatment and rehabilitation

Access to health care services

Article 24 (1) CRC, Beijing Rule 26.2, Rules 22-26 SMRTP, Havana Rules 49-55

- Medical and psychological assistance

Beijing Rule 26, Rules 82-83 SMRTP and Havana Rules 51-54

- Preventive and remedial medical care, including dental and ophthalmological care

Havana Rule 49

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Treatment and rehabilitation

Education and vocational training

Art. 28 CRC in connection with Art. 2 CRC

- Vital for enhancing a child's life chances, facilitating the child's reintegration and reducing the rate of recidivism
- Standards for education of children deprived of liberty
Havana Rule 18(b) Havana Rules, Section E, Rule 66(1) SMRTP, Beijing Rules 26.1, 26.2, 26.6
- Right to receive vocational training in occupations likely to prepare the child for future employment
Havana Rule 42, Rules 66(1) and 71(5) SMRTP and also in Beijing Rules 26.1 and 26.2
- Right to select educational and vocational training options, as far as that is feasible
Havana Rule 43

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Treatment and rehabilitation

Opportunity to perform labour

- Labour is primarily viewed as a complement to vocational training that enhances the possibility of finding suitable employment
- No work for free: equitable remuneration
Havana Rule 18(b) in connection with Rule 45
- Prison work not of an afflictive nature
Rule 71 SMRTP

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Treatment and rehabilitation

Opportunity to perform labour

- National labour laws should explicitly apply to children in custodial facilities in the same way as to other children in the community
- No interference with the child's education
- All laws and regulations on children's labour should comply with the international standards set out in the CRC and International Labour Organisation Convention on the Worst Forms of Child Labour

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Treatment and rehabilitation

Exercise and recreational activities

- Appropriate recreational and physical training should be provided
Rule 21 SMRTP, Havana Rules 18(c), 41, 47 and 62
- Adequate space, installations and equipment for recreational, physical and leisure activities
Havana Rule 47 and Rule 21(2) SMRTP
- Each child should be physically able to participate in the available programmes of physical education
Havana Rule 47 and Rule 21(2) SMRTP

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Treatment and rehabilitation

Religious, cultural and other rights

Art. 14 (1), 30 CRC, Rules 41, 42 SMRTP, Havana Rules 4, 48

- Enabling the attendance or conduct of services
- Providing the necessary books or items of religious observance
- Allowing representatives of religions to hold services and pay visits
- The right NOT to participate in religious services

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Treatment and rehabilitation

Disciplinary measures

- No cruel, inhuman or degrading treatment including corporal punishment, placement in a dark cell, closed or solitary confinement or any other punishment that may compromise the physical or mental health of the child

Article 37(a) CRC, Article 7 ICCPR, Article 5 Universal Declaration of Human Rights, CAT, Beijing Rule 17.3, and Havana Rule 67

- No reduction of diet or restriction or denial of contacts with family members

Havana Rule 67

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Treatment and rehabilitation

Methods of restraint

- **Restrictions**

37(a) CRC, Havana Rule 64, Section K of the Havana Rules, Rules 33 and 34 SMRTP

- Instruments of restraint, such as handcuffs, chains, irons and strait-jacket, never to be applied as a punishment

Rule 33 SMRTP

- Carrying of weapons in any facility where a child is detained should be prohibited

Havana Rule 65

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Treatment and rehabilitation

Places of detention should keep complete and secure records

Havana Rules 19, 21, 70

- Information on the identity of the child
- Fact of and reasons for commitment and the authority thereof
- Day and hour of admission, transfer and release
- Details of the notifications to parents and guardians on every admission, transfer or release of the child
- Details of known physical and mental health problems

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Treatment and rehabilitation

Upon admission in a detention facility

- Full reports and relevant information on the personal situation and circumstances of each child should be drawn up and submitted to the administration
Havana Rules 23 and 27
- All children shall be given a copy of the rules governing the detention facility and a written description of their rights and obligations
Havana Rule 24

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Treatment and rehabilitation

Staffing

Qualified and trained personnel in institutions where children are deprived of liberty

Section V of the Havana Rules, Rules 46-54 SMRTP

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Treatment and rehabilitation

Complaint mechanisms

Havana Rules 75 and 76 and Rule 36 SMRTP

- Every child should have the opportunity to submit requests/complaints to:
 - the director of the detention facility
 - the Central Administration
- Efforts should be made to establish an independent office (ombudsman) to receive and investigate complaints and to assist in the achievement of equitable settlements

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Treatment and rehabilitation

Regular and independent system of inspection

- Qualified inspectors not belonging to the administration of the facility should be empowered to conduct inspections on a regular basis and to undertake unannounced inspections, and should enjoy full guarantees of independence in the exercise of this function.

Havana Rule 72

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After-care and reintegration

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After-care and reintegration

After release

Havana Rule 79

- Assistance to children in returning to society, family life, education or employment after release from institutionalisation
- Procedures, including early release, and special courses should be devised to this end

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After-care and reintegration

Review of custodial sentence on regular basis

- Conditional release

Beijing Rule 28.1

- Release may be conditional on the satisfactory fulfilment of requirements

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After-care and reintegration

Support following detention

Havana Rule 80

- Competent authorities should provide or ensure services to assist juveniles in re-establishing themselves in society
- They should ensure that the juvenile is provided with suitable residence, employment, clothing, and sufficient means to maintain himself or herself upon release in order to facilitate successful reintegration.

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After-care and reintegration

Semi-institutional arrangements

Beijing Rule 29.1

- Halfway houses, educational homes, day-time training centres
- Diversified range of facilities and services designed to meet the different needs

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BY WAY OF CONCLUSIONS

- CRIME AND DEVELOPMENT
- SD GOAL 16
- INVESTING ON PREVENTION
- CHILDREN ARE NOT JUST SMALL OR LITTLE ADULTS....BUT....YOUNG HUMAN BEINGS WHOSE RIGHTS MUST BE CONSISTENTLY AND EFFECTIVELY PROTECTED TO ENSURE THE SURVIVAL OF OUR FUTURE GENERATIONS

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Thank you for your attention!

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