REPORT

on juvenile delinquency, the role of women, the family and society (2007/2011(INI))

Committee on Women's Rights and Gender Equality

Rapporteur: Katerina Batzeli
## CONTENTS

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION</td>
<td>3</td>
</tr>
<tr>
<td>EXPLANATORY STATEMENT</td>
<td>14</td>
</tr>
<tr>
<td>PROCEDURE</td>
<td>19</td>
</tr>
</tbody>
</table>
MOTION FOR A EUROPEAN PARLIAMENT RESOLUTION

on juvenile delinquency, the role of women, the family and society
(2007/2011(INI))

The European Parliament,

– having regard to the UN Convention on the Rights of the Child of 20 November 1989 and, in particular, Articles 37 and 40 thereof,

– having regard to the United Nations Standard Minimum Rules for the Administration of Juvenile Justice or 'Beijing' rules' of 1985, adopted by General Assembly Resolution 40/33 of 29 November 1985,


– having regard to the United Nations' Rules for the Protection of Juveniles Deprived of their Liberty, adopted by General Assembly Resolution 45/113 of 14 December 1990,

– having regard to the Council of Europe's European Convention on the Exercise of Children's Rights of 25 January 1996 and, in particular, Articles 1 and 3-9 thereof,

– having regard to the Council of Europe Committee of Ministers' Recommendation to Member States concerning new ways of dealing with juvenile delinquency and the role of juvenile justice (Rec (2003) 20) of 24 September 2003,

– having regard to the Council of Europe Committee of Ministers' Recommendation on social reactions to juvenile delinquency (Rec (87) 20E) of 17 September 1987,

– having regard to the Council of Europe Committee of Ministers' Recommendation on social reactions to juvenile delinquency among migrant families (Rec (88) 6E) of 18 April 1988,

– having regard to the Treaty on European Union and, in particular, Article 6 and the provisions of Title VI concerning police and judicial cooperation in criminal matters,

– having regard to the Treaty Establishing the European Community and, in particular, Title XI on social policy, education, vocational training and youth and, in particular, Article 137 thereof,


having regard to its position of 30 November 2006 on the proposal for a Council decision empowering the European Union Agency for Fundamental Rights to pursue its activities in areas referred to in Title VI of the Treaty on European Union1,

having regard to the Council's common position of 5 March 2007 for adopting a decision of the European Parliament and of the Council establishing for the period 2007-2013 a specific programme to prevent and combat violence against children, young people and women and to protect victims and groups at risk (DAPHNE III Programme) as part of the general programme 'Fundamental Rights and Justice',

having regard to the communication from the Commission entitled 'Towards an EU Strategy on the Rights of the Child' (COM (2006)367),

having regard to its Resolution of 8 July 1992 on a European Charter of Rights of the Child2 and, in particular, paragraphs 8.22 and 8.23 thereof,

having regard to Council Decision 2001/427/JHA of 28 May 2001 setting up a European crime prevention network3,

having regard to the opinion of the European Economic and Social Committee of 15 March 2006 entitled 'The Prevention of Juvenile Delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union'4,

having regard to the conclusions of the conference held in Glasgow from 5 to 7 September 2005 under the aegis of the UK Presidency on the subject of 'Young people and crime: a European perspective',

having regard to the most recent annual reports issued by the European Monitoring Centre for Drugs and Drug Addiction,

having regard to Rule 45 of its Rules of Procedure,

having regard to the report of the Committee on Women's Rights and Gender Equality (A6-0212/2007),

A. whereas juvenile delinquency is inherently more dangerous than adult offending as it affects a particularly vulnerable section of the population during a crucial period of personal development, exposing juveniles at a very early stage to the risk of social exclusion and stigmatisation,

B. whereas national, European and international studies show that there has been an alarming increase in juvenile delinquency over the last two decades,

C. whereas juvenile delinquency is becoming a matter for concern on account of the huge proportions which it has now assumed, owing to the fact that delinquency is starting at a
younger age, the number of offences committed by children under the age of 13 is increasing and those involved are increasingly young and their actions increasingly brutal,

D. whereas current methods of recording and presenting statistical data regarding juvenile delinquency do not correspond to actual needs and present-day circumstances, making it urgently necessary to obtain reliable statistics at national level,

E. whereas it is difficult to classify precisely the reasons for which young people offend, the factors leading to antisocial and finally criminal forms of behaviour being different in each individual case, conditioned as they are by the experiences of each child or adolescent and the elements playing the most central role in their development: family, schools, circles of friends and general economic and social circumstances,

F. whereas the main factors contributing to juvenile delinquency are a lack of structures, communication and appropriate models within the family, often as a result of parental absence, psychopathological problems associated with physical and sexual abuse by people within the family environment, the failure of education systems to pass on social values, poverty, unemployment, social exclusion and racism; whereas additional significant factors are the strong tendency towards copying which young people develop in attempting to form their personality, personality disorders associated with the consumption of alcohol and drugs and the portrayal by the mass media, by certain Internet sites and by video games of models of mindless, excessive and unwarranted violence,

G. whereas deviant behaviour amongst young people does not systematically originate within the family,

H. whereas the increase in the consumption of cannabis and other drugs and/or of alcohol by adolescents may be correlated with the increase in juvenile delinquency,

I. whereas migrants and in particular juveniles are much more exposed to social surveys, creating the impression that the problem of juvenile delinquency occurs mainly among migrants and not in society as a whole, an impression which is not only inaccurate but also dangerous for society,

J. whereas the two 'modern' forms of juvenile delinquency involve the formation of 'juvenile gangs' and increasing violence at school, these being particularly widespread in certain Member States and particularly complex to investigate and deal with,

K. whereas increasingly widespread developments such as juvenile gangs have prompted certain Member States to introduce more severe juvenile delinquency legislation, involving a return to traditional custodial sentences in correctional institutions,

L. whereas in certain Member States the approaches to and even the playgrounds of schools (including those in affluent neighbourhoods) have become lawless areas (drug-dealing, acts of violence sometimes involving the use of knives, extortion by various means, the development of dangerous games and the phenomenon of ‘happy slapping’, involving the posting on websites of photographs of scenes of violence taken with a mobile telephone),
M. whereas recent years have seen a progressive review of national criminal law relating to juveniles and this review should be geared to educational measures and rehabilitation and therapy and not only to custodial measures which, where they are necessary, should be taken as a last resort; stressing, however, that it is very often unfeasible to implement these new measures in practice owing to a lack of suitable, modern facilities and trained specialist personnel, and to limited social involvement and funding,

N. whereas national legislation tends to criminalise actions and behaviour by juveniles, even where they are not considered offences when committed by adults, thereby introducing more widespread controls on young people under criminal law and within society and wrongly penalising poverty, social exclusion and social integration difficulties encountered on occasion by juveniles,

O. whereas the flood of images of extremely violent scenes and of pornographic material carried on the various media, such as games, television and the Internet, and the exploitative media portrayal of juvenile victims and perpetrators in many cases border on violations of the fundamental rights of children and are instrumental in trivialising violence,

P. whereas a special working group on juvenile delinquency was set up under the European Crime Prevention Network founded in 2001, which has begun to draw up a detailed comparative study in the 27 Member States as a basis for future EU policy developments in that field,

1. Stresses that juvenile delinquency can be effectively combated only by adopting an integrated strategy at national and European level which will mesh three guiding principles: prevention, the social inclusion of all young people, and legislative management measures;

Policies at national level

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

3. Maintains that effective combating of juvenile delinquency calls for an integrated and effective school, social, family and educational policy which will help to ensure that social and civic values are passed on and that young people adjust to society at an early age; considers that there is also a need for a policy geared to greater economic and social cohesion and to reducing social inequalities and countering social exclusion and poverty, with particular reference to child poverty;

4. Considers that the prevention of juvenile delinquency should be organised at three basic levels: primary prevention directed at all citizens, secondary prevention directed at occasional or potential juvenile offenders and, finally, tertiary prevention directed at
persistent juvenile offenders, in a bid to put an end to such behaviour;

5. Considers it necessary to establish a series of concrete restrictions and benchmarks that families, educators and society must convey to young people from their infancy;

6. Considers that preventing juvenile delinquency also requires state policies in other areas, including housing, employment, vocational training, leisure occupation and youth exchanges;

7. Recalls that families, schools and society in general must work together to combat the growing phenomenon of juvenile violence;

8. Draws the attention of the Member States to the specific role the family plays in all stages of this fight against juvenile delinquency and asks them to develop adequate support for parents;

9. Encourages the Member States to ensure that their national policies include provision for one-year parental leave which would enable families which so wish to devote particular attention to the initial upbringing of their child (which is of such great importance to a child’s emotional development);

10. Calls on the Member States to give particular assistance to families with financial and social problems; takes the view that measures to cover essential needs in terms of housing, food, guaranteed access to basic education and medical care for all family members, in particular children, together with action to ensure access on equal terms to the employment market and to social, economic and political activities for family members will ensure a healthy and equitable family environment for children’s development and their initial steps towards social integration;

11. Calls on the Member States to provide resources for the expansion of an efficient psychosocial advice service, including contact points for problem families affected by juvenile delinquency;

12. Stresses the particular importance of schools and school communities in shaping the character of children and adolescents; stresses that, if the education system fails to provide suitable channels for intervention, assistance and contact with students, two fundamental characteristics of present-day schools, multiculturalism coupled with an increased distinction between social classes, may lead to violence within schools and generate a climate of hostility between, on the one hand, the more aggressive pupils who indulge in bullying, and on the other, the pupils who become their victims;

13. Calls on the Member States in this context to issue the education authorities with the necessary guidelines regarding an up-to-date approach to conflict management at school by means of conciliation procedures involving pupils, parents, teachers and local authorities;

14. Considers it essential to provide special training for teachers in the management of heterogeneous classes, enabling them to develop an educational approach based not on
moralising but on prevention and solidarity, avoiding the stigmatisation and marginalisation of both juvenile perpetrators and victims among their pupils;

15. Calls on the Member States in addition to include within their educational policies the provision of special counselling and psychological support for children encountering problems of social integration, the availability of medical care in each school and the appointment of social workers, sociologists/criminologists, child psychologists and experts in issues relating to juvenile delinquency, each serving a small number of educational institutions, close checks on alcohol and drugs consumption among pupils, measures to combat all forms of discrimination against members of the school community, the appointment of a community ombudsman acting as intermediary between the school and the community and cooperation between various school communities in drawing up and implementing programmes to prevent violence;

16. Calls on the Member States and the relevant national and regional authorities to implement strictly and fully Community and national legislation on the monitoring of television broadcasting and other content possibly of a particularly violent nature or unsuitable for juveniles; calls on the Member State authorities to reach agreement with the media on a 'road map' upholding the rights of the child and in particular those of juvenile offenders, involving a ban on the broadcasting of extremely violent images at certain times of the day and prohibiting the revelation of the identity of those involved in juvenile delinquency;

17. Recommends that the Member States improve the quality of youth centres and enhance their role as a meeting place for young people and observes that the admission of juvenile offenders to such centres would facilitate their social reintegration and encourage a feeling of being a valuable member of society;

18. Stresses that the media can play an important role in preventing juvenile delinquency by providing information and increasing public awareness as well as by means of high quality broadcasts, focusing on the positive contribution that young people make to society while at the same time monitoring broadcasts involving violence, pornography or drugs under 'road map' agreements to protect the rights of children;

19. Calls on the Member States to update judicial and legislative procedures in respect of juvenile delinquency, moving towards decriminalisation, depenalisation and a lessening of the jurisdiction of courts and other institutions; recommends in this connection reducing to an absolute minimum actions punishable by deprivation of freedom and partial or total custodial sentences for juveniles, replacing them with a wide range of alternative educational measures at the discretion of the national courts, such as community service, reparation and mediation with victims, vocational training, road safety instruction and special counselling regarding drugs dependency and alcohol addiction;

20. Urges the Member States to adopt new innovatory legal measures in response to the problem, such as the direct involvement in the criminal proceedings of the parents or guardians of juveniles from prosecution up to the implementation of sentences, accompanied by education and intensive psychological support measures, placing juveniles with foster families where considered necessary, together with support, in the
form of advice and information, for parents, teachers and pupils in connection with violent behaviour by juveniles at school;

21. Points out that in the case of juvenile delinquency the conduct and the duration of the judicial proceedings, the choice of the measure to be adopted and the subsequent implementation thereof must be guided by the principle of the overriding interest of the child and observance of procedural law; stresses in this connection that imprisonment must be ordered only as a last resort and that any prison sentence must be served in facilities suitable for juvenile delinquents;

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

Towards a European strategy

23. Urges the Member States, in cooperation with the Commission, to draw up and adopt immediately a number of minimum standards and guiding principles common to all Member States in relation to juvenile delinquency to focus on the four basic pillars of prevention, rehabilitation, social integration or reintegration and judicial or non-judicial measures, on the basis of the principles internationally established under the Beijing rules and the Riyadh guidelines, the UN Convention on the Rights of the Child and other international conventions in this field;

24. Maintains that the objective of a common European approach should be to define models for intervention to deal with and manage juvenile delinquency, while recourse to custodial measures and punishment should constitute the last resort and be implemented only when judged to be absolutely necessary;

25. Notes that the inclusion and participation of young people in all issues and decisions concerning them is vital if common solutions are to be found that will prove successful; considers, therefore, that care should be taken when appointing youth court jurors to ensure not only that they have experience in youth education but also that they are trained in problems linked to violence and young people;

26. Calls on the Commission to lay down specific criteria for all Member States for the collection of national statistics in order to ensure that they are comparable and therefore usable during the planning of measures on a European scale; calls on the Member States to take an active part in the Commission's work by motivating and obtaining information from all of the competent national, regional and local authorities, associations, NGOs and other civil society organisations operating in this field;

27. Calls upon the Commission and the Member States’ national and local authorities to learn from the best practices in operation within the EU countries which activate the whole of society and include positive action and intervention on the part of parents' associations in
schools and neighbourhood residents, and to assess the experiments conducted in the Member States in respect of cooperation agreements between police authorities, educational establishments, local authorities, youth organisations and social services at local level (with due regard to the rule of shared confidentiality), together with national strategies and national youth programmes; calls upon the Member States to learn from the best practices currently in operation within those States in order to combat the worrying increase in drug consumption by juveniles and in the related delinquency, and from the best solutions to be applied in the event of problematic consumption, with particular regard to healthcare;

28. Welcomes national initiatives that include positive integration measures such as the 'out-of-school youth worker scheme' now being launched in regions such as La Rioja;

29. Calls on the Commission and the Member States as an initial measure to develop existing European resources and programmes encompassing measures to cope with and prevent juvenile delinquency and facilitate satisfactory social reintegration of perpetrators and victims, examples being:

- the special 2007-2013 programme for 'Preventing and Combating Crime', basically seeking to prevent crime and protect victims,

- the specific 'Criminal Justice' programme for 2007-2013, promoting cooperation in the field of criminal justice based on mutual recognition and trust and improved contacts and exchange of information between the national authorities involved,

- the DAPHNE III programme to combat violence against juveniles and children,

- the 2007-2013 Youth in Action Programme, one of the main priorities of which is support for young people with fewer opportunities or from less privileged backgrounds,

- European Social Fund and Equal Programme initiatives to promote social integration and combat discrimination and facilitate access to the employment market for those with fewer opportunities,

- the EU-funded Urbact initiative programme seeking an exchange of best practices between European cities regarding a more sustainable living environment and encompassing measures to improve urban safety for juveniles and facilitate social integration of juveniles with fewer opportunities, with a view to increasing their social involvement and participation,

- cross-border initiatives such as the 'Let bind safe net for children and youth at risk' project focusing on measures to assist children and juveniles who are at risk or socially marginalised, which could benefit from the participation of partners from as many Member States as possible,

- the European helpline for missing children, including victims of juvenile delinquency;
30. Stresses that one means of preventing and combating juvenile delinquency is to develop a communication policy that will publicise the issues, put an end to violence in the mass media and promote audiovisual media whose scheduling is not exclusively centred on violent programmes; calls, in this connection, for European standards placing restraints on the promotion of violence in both broadcast and print media to be laid down;

31. Notes that the Television Without Frontiers Directive (Directive 89/552/EEC)\(^1\) sets strict limits regarding the broadcasting of violent images or, more generally, images unsuitable for the education of children, a measure designed to prevent violence by and against juveniles; calls on the Commission to take further steps in this direction, extending existing obligations to cover mobile telephony and the Internet, something which should be one of the fundamental political priorities in connection with the above Commission communication on the rights of the child;

32. Welcomes the entry into force of the self regulatory framework for European companies concerning the safer use of mobile telephones by juveniles and children and accordingly stresses the need for the Commission to make specific proposals binding at European level to ensure safety awareness and vigilance with regard to Internet navigation and the use of mobile telephones;

33. Calls on the Commission to set up immediately a European Juvenile Delinquency Observatory, the purpose of which will be to collect and make a comparative assessment of statistics from all the Member States, disseminate experience and good practices, plan and promote innovative initiatives and programmes at international, inter-regional and Community level, provide advisory support, organise seminars with the participation of the national authorities and, finally, organise technical and scientific cooperation on matters relating to personnel training and the exchange of professionals; stresses that effective action by this European Observatory depends on the effective activation and operation of national observatories with corresponding responsibilities;

34. Calls on the Commission to continue its work on setting up a free Europe-wide telephone hotline for children and young people with problems, since such hotlines can make a significant contribution to preventing juvenile delinquency;

35. Calls on the Commission, once the necessary studies have been completed at European level, to propose an integrated Community framework programme with Community preventive measures, support for NGO initiatives and transnational cooperation and the funding of pilot programmes at regional and local level, which will be based on best national practices, will attempt to disseminate these practices throughout Europe and will also cover social and educational infrastructure requirements;

36. Stresses that there are two basic lines of action by the Community which should be drawn up immediately:

- funding for preventive measures under existing Community programmes and the creation of a new budget heading for integrated actions and networks to combat

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\(^1\) OJ L 298, 17.10.1989, p. 23.
juvenile delinquency,

- the publication of a study and, subsequently, a Commission communication on the extent of the problem in Europe and suitable preparations through a network of national experts for the drafting of an integrated framework programme to combat juvenile delinquency;

37. Calls on the Commission in this context to draw up a programme of co-funded measures, to include:

- consideration of best prevention practices and, in particular, forms of cooperation between private and public bodies,

- measuring and analysing the possible long-term effectiveness of recently developed systems for the treatment of juvenile offenders, such as restorative justice,

- exchanging best practices at international, national and local level, including the very positive experiences made with the European anti-violence programme Daphne, whose many efficient projects against violence can be cited as examples of best practice,

- ensuring that these services and practices focus on the protection of the rights of children and adolescents and adequate support for parents;

- developing a European model for the protection of young people, the main focus of which is not punishment but the social welfare of and educational support for young people and the promotion of values of respect and equality and the rights and obligations of everyone,

- drawing up educational and vocational training programmes for juveniles in order to facilitate their social integration and achieve genuine equal opportunities through lifelong learning for everyone; efficient education for everyone from the outset and the implementation of the Barcelona objectives, which are a precondition for the effective prevention of violence; support for existing initiatives undertaken by youth organisation in that regard,

- organising a coordinated programme of continuous training for national ombudsmen, police forces and members of the judiciary, competent national bodies and supervisory authorities,

- networking the responsible services of the local and regional authorities, youth organisations and the educational community;

38. Urges the Commission, in preparing the way for the European Juvenile Delinquency Observatory and the related framework programme, to propose immediately the following measures for the promotion and dissemination of experience and know-how:

- a joint survey and dissemination of the results of national policies,
- the organisation of conferences and platforms (forums) with the participation of national experts,

- promotion of communication and information between the competent authorities and Community bodies via the Internet and the creation of a web page specialising in these matters,

- the establishment of an international centre of excellence;

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

There is currently a widespread perception in most European societies that there has been a progressive increase in juvenile delinquency and a heightening of the danger it poses, a perception also confirmed by national statistics and international research and studies.

**Aetiological approach to contemporary juvenile delinquency**

It is extremely difficult to identify the exact reasons for delinquent behaviour in a juvenile. This is because the specific act carried out by the juvenile is expressed in the context of a complex process of socialisation and social control. Nevertheless, it is possible to make two reliable ascertainments. Firstly, it is in no way the case that juvenile delinquency is a 'social disease' and that the behaviour of juvenile delinquents is attributable to physical, intellectual or mental abnormalities. Secondly, in order to analyse the behaviour of juveniles, delinquent or not, we must examine the environment in which they are developing: family, school, friends and social setting. Every cause and factor, therefore, relating to juvenile delinquent behaviour can be traced back to these points of reference. However, caution is called for in identifying the actual causes. For example, it is not the frequent physical absence of the parents or the fact of growing up in single-parent families which necessarily result in delinquency as much as the essential inability of the parents to carry out their duties of care towards their children or the absence of a healthy and quality relationship - because of financial, social and/or interpersonal problems - between the parents and children or between the parents themselves. It is not the failure of individual pupils but the inability of the school system to overcome their stigmatisation and marginalisation. Finally, it is not the identity of an immigrant which leads to an expression of delinquency but his social marginalisation. In this day and age particularly, however, juveniles who find themselves catapulted into the adult world by external factors such as the media, technology and especially the internet frequently react aggressively to this invasion of their lives.

**Models for the management of juvenile delinquency**

In general terms, the management of delinquency and its social control has developed significantly. It started with the protected model, whereby adults determined in each case the rights of the juvenile offender and the methods of 'improving' his behaviour. Then the responsibility model was developed whereby the juvenile has specific, recognised rights from the outset and the aim of measures to combat delinquent behaviour is 'education through responsibility'. The current approach seeks to incorporate restorative justice in the responsibility model, involving the victims themselves in the process and aiming to reconcile the parties by making good the damage. There is, however another crucial consideration relating to the management of juvenile delinquency and the current models. In general, juveniles are particularly hostile to the official system of social control, to which they are more susceptible, given the incomplete development of their personality, their age and limited financial resources.

At the same time, the penal system is particularly harsh on young people, treating as delinquency any juvenile rebellion against society fuelled by poverty and social exclusion.
even where it is not criminal in nature, an approach which is not adopted with regard to adults. Moreover, even acts of pre-delinquent behaviour or situation in which there is simply an inherent risk of delinquency (such as leaving home and seeking independence) are unjustifiably equated with delinquent behaviour.

Legislation and measures for managing juveniles should be liberal, and show the greatest possible understanding and tolerance towards juveniles and their problems without labelling them as suffering from forms of social pathogeny or describing any attempt at self determination as delinquency.

Modern management approach should go one step further and, after gradually replacing custodial measures by other alternatives (deinstitutionalisation and dejudicialisation), switch to decriminalisation and depenalisation of juvenile acts. This requires the abolition of penalties' in the majority of cases and, at the same time, the strengthening of socialising organisations and taking genuine preventive measures.

Morals and standards of behaviour are not changed by laws and penalties but by educating young people 'in freedom' and the broadest possible social involvement which will strengthen trust between the generations, the family, the school community, the state, the neighbourhood, friendships and society as a whole.

**The three pillars of prevention, social integration and legislative management measures**

**A. Preventive mechanisms**

Prevention should be the primary and main part of a strategy for combating juvenile delinquency. The reason why historically 'repression' took precedence, while even up to the present the main emphasis is on penalization, is because prevention policies are long-term (their results are not immediately visible, which deprives governments and politicians of any immediate political gains), and particularly expensive. Timely intervention by the welfare state to assist families and juveniles before the emergence of delinquent behaviour is clearly considerably more expensive than criminal or civil prosecution, even more so when a prevention strategy requires action from several different sectors, calling for joint responsibility and social participation directly and indirectly by the organisations involved.

In this respect, it would be a considerable achievement for society and the State at national and Community level to adopt a code of social prevention and solidarity for juveniles (offenders and victims), which is dissociated from the criminal justice systems.

**B. Social integration mechanisms**

Despite the current focus on the ways in which delinquent behaviour commences and the reasons for this, it is also extremely important to provide a way out of it. As already mentioned, criminal procedure (even its educational form) is at best inadequate and at worst actually unsuitable for the reintegration and smooth reincorporation of juvenile delinquents into the social setting of family, school or the environment which they were trying to reject with their behaviour.
The restoration of juveniles' trust in their immediate and broader social environment and the feeling that they belong to that environment is their most important way out of delinquency. However, this is not achieved through penalties and sanctions but by integrating them into all aspects and activities of their social environment - ensuring their education, smooth integration into the labour market, protecting their right to self expression and active participation in decision-makings at local and national level, offering them the possibility of creative leisure activities and recreation.

C. Legislative management measures

As noted above, the most appropriate legislative measures take the form of four 'de-':

- decriminalisation: i.e. the declassification of acts such as pre-delinquent behaviour or minor offences,
- depenalisation: the abolition of penalties for the broad majority of offences and their substitution by educational and integrative measures,
- dejudicialisation: transferring the administration of justice from the courts to social mediators which may be, depending on the type of delinquent behaviour, school committees (teachers, pupils and parents), associations at neighbourhood or local level (e.g. social ombudsman), social workers etc.,
- deinstitutionalisation: avoiding custodial sentences in correctional or penitentiary institutions.

The role of the family

- The family as a factor and a cause: the impact of external (relating to the structure of the family) and internal (relating to how it operates) family conditions is crucial. The lack of supervision and control by parents and delinquent behaviour by the parents themselves are considered to be particularly aggravating factors.

- The family in the context of prevention policies: the family as a socialising institution helps cultivate compliance with and respect for the law.

- The family during the process of social reintegration: the main launch pad for the reintegration process is to incorporate the juvenile within the family as a whole by restoring relations with parents and the other members of the family. It is also crucial at this stage to provide the juvenile with financial, social and psychological support if the outcome is to be successful.

- The family at the stage of the penal process: where the juvenile receives a custodial sentence in an institution, it is particularly important that he continues to have contact with the members of his family, whereas in the event of alternative measures, the supervision and care of the juvenile's parents are essential. It is also essential that the parents be actively involved during the legal proceedings and while the juvenile is serving his sentence and receive ongoing training and information to enable them to provide appropriate support for their child.

The role of the school
- The school as a place of expression of delinquent behaviour: violence at school is a particular form of juvenile delinquency used either to express antagonism created at the outset in the school environment or to transfer to that environment family problems or problems associated with the broader neighbourhood.

- The school as the underlying cause: present day school is extremely class-bound and multicultural.

- Where teachers and parents failed to clarify the differences between fellow pupils and cultivate tolerance and respect for others and their differences, pupils unable assimilate such concepts react and behave violently, and, depending on the circumstances, assume the role of victim or victimiser.

- The school as an institution for combating delinquency: the school and its teachers should intervene in a corrective and empowering way and not classify individual juveniles as incorrigible, thereby marginalising them. Teachers should socialise the aggressiveness of their pupils, emphasising the positive sides of their aggressive pupils. School is also the primary setting for the implementation of innovative projects to combat juvenile delinquency, such as the school system for resolving conflicts, with pupils themselves acting as mediators, restorative justice, where the pupil undertakes to make good the damage he has caused and cooperation between schools on anti-violence programmes.

- The school as a preventive institution: schools create support facilities which prevent stigmatisation and make pupils feel accepted and operate as a 'sphere of dialogue', providing answers in the form of clarity, availability and responsiveness.

- Involvement of society in combating violence in schools: measures to combat violence in schools are a typical example of broad social involvement and the joint responsibility of numerous social institutions; teachers, psychologists, parents associations, teachers associations, community mediators and local authorities, all share the responsibilities and work together.

**The European dimension**

The main argument against attempting to establish common EU models and methods for combating juvenile delinquency is that such an undertaking comes into conflict with various national criminal law provisions, particularly in regard to what age constitutes 'juvenile' and what acts constitute delinquent behaviour.

On the other hand, however, national surveys of the causes of delinquent behaviour, showing an increase in some forms of it and decrease in others, and a new approach by the penal systems, which are seeking alternatives to custodial sentences for juveniles are some of the points which reflect striking similarities.

These similarities lead us to two conclusions. Firstly, that the conventional and traditional models of penal management have now reached their limits and can no longer meet the current challenges in most Member States. Secondly, that these current challenges, and the
Member States' methods of responding to them are strikingly similar. It is precisely these similarities that now make it feasible and warranted to plan and implement measures at European level. In particular, if we also take into account the ability of young people to move freely within the EU, the widespread use of the Internet, and the new forms of technology and communication significantly broadens the notion of the scene of a crime, then a European approach is not only feasible and warranted, it is also essential.

As regards best national practices, there is already a significant body of national tradition and experience, for example:

- the Spanish regions of Asturias and Rioja and, in particular, the 'Mediador Escolar' programme designed for the school community, the jointly funded 'Servizio de Atencion a la Famiglia (SAF) social service programmes aimed at educating and training the professional experts and the Sograndio Reformatory guidance, training and employment programme;

- methods of analysing high-risk individuals and areas using an electronic recording system in the region of Bavaria (the PROPER list) though with some reservations about the role of the police and possible violation of juveniles' rights

- the organisation of a 'day of safety at school' in Latvia with schools visits by police officers and information for pupils;

- the organisation of joint excursions for pupils and juvenile offenders to give the latter closer contact with a friendly and organised social environment;

- the development of recreational programmes to divert young people from antisocial or delinquent behaviour by special committees in municipalities and communities in Ireland (Garda Youth Diversion Projects);

- the Children's Reporter and voluntary agreements between families, juveniles and local authorities known as Acceptable Behaviour Contracts (ABCs) in Scotland;

- the memorandum of understanding between the Hellenic Ministry of Health and NGOs concerning the role and separation of powers between the official authorities and the NGOs. The EU should coordinate and promote reforming policies including not only immediate measures for combating juvenile delinquency but above all additional measures and initiatives designed to achieve balanced family policy, the socialisation of educational policy, effective action to combat poverty and social exclusion, smooth and full social integration of immigrants and the establishment of common cultural principles.

'Bad' children are usually also 'distressed' children. We should return the smile to their faces.
<table>
<thead>
<tr>
<th><strong>PROCEDURE</strong></th>
</tr>
</thead>
<tbody>
<tr>
<td><strong>Title</strong></td>
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<tr>
<td><strong>Procedure number</strong></td>
</tr>
<tr>
<td><strong>Committee responsible</strong></td>
</tr>
<tr>
<td>Date authorisation announced in plenary</td>
</tr>
<tr>
<td><strong>Committee(s) asked for opinion(s)</strong></td>
</tr>
<tr>
<td>Date announced in plenary</td>
</tr>
<tr>
<td><strong>Not delivering opinion(s)</strong></td>
</tr>
<tr>
<td>Date of decision</td>
</tr>
<tr>
<td><strong>Enhanced cooperation</strong></td>
</tr>
<tr>
<td>Date announced in plenary</td>
</tr>
<tr>
<td><strong>Rapporteur(s)</strong></td>
</tr>
<tr>
<td>Date appointed</td>
</tr>
<tr>
<td><strong>Previous rapporteur(s)</strong></td>
</tr>
<tr>
<td><strong>Discussed in committee</strong></td>
</tr>
<tr>
<td><strong>Date adopted</strong></td>
</tr>
<tr>
<td><strong>Result of final vote</strong></td>
</tr>
<tr>
<td><strong>Members present for the final vote</strong></td>
</tr>
<tr>
<td><strong>Substitute(s) present for the final vote</strong></td>
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<tr>
<td><strong>Substitute(s) under Rule 178(2) present for the final vote</strong></td>
</tr>
<tr>
<td><strong>Date tabled</strong></td>
</tr>
<tr>
<td><strong>Comments (available in one language only)</strong></td>
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