Germany Italy and the United States established offices for penal experts who help the judge in the study of each criminal's culpable dangerousness and present their reports to the judge enabling him to choose the suitable means of treatment to be pronounced towards the culpable for his emendation.

In Italy, the penal expert cannot intervene in the trail, because his intervention is required in the executive phase to trace the method of treatment that the jail officers must follow towards each prisoner according to his personal special case.

Examples of the executive individualization are offered by the separation of female convicted persons from male ones, the interdiction of executing the penalty of hard labor towards convicted women and those men who surpassed the age of sixty years. These persons undergo their punishment in the general jails, not in the jails of hard labor.

Penal experts suggest whether the conditional release could be ordered in favor of prisoners and those who are submitted to security measures such as insane delinquents. They control the post-care namely the assistance of the released prisoner in order to avoid his relapse into delinquency.

Furthermore, criminology permits the diagnosis of juvenile delinquents or deviated and suggests the methods of their treatment in order to realize their emendation before they become more dangerous.

What we explained till now concerns the practical usefulness of criminology after the commission of crimes post delictum namely in the field of penal treatment. But we add now its importance in the field of prevention namely before the commission of a crime ante defictum.

It is undeniable that criminology opens continuously the door of social

reform. As it discovers the sources of delinquency whether they are individual or social, it attracts the attention of the nation and its government to the necessity of collaboration in the combat of delinquency. All ministries, each in its d6rnain, participate in this combat in order to suppress or at least to delimit the occurrence of criminality or deviation, by means of legislative and administrative measures. Thus, criminology is the pioneer of social reforms and legislation.

Moreover, due to its psychological analysis of individuals whether they are normal or abnormal, it makes each person comprehend himself and the others with whom he gets in contact and therefore he does not damage others or become damaged by them.

Chapter Nine

The Subdivision of Penal Expertise

Experience showed and aroused the necessity of expertise in penal matters analogously to its recognition, since the last century in civil affairs.

That is why the international society of criminology organized an international symposium op 1980 in Syracuse (Italy) about penal expertise. It was held in the international Institute of criminal sciences.

This symposium gave the right conclusion that penal expertise are divided into the following four branches:

(1) Psychiatric expertise
(2) Medico-legal expertise
(3) Criminology expertise
(4) Criminal expertise.

Psychiatric, medical-legal and criminal expertise are recognized expertise and they operate since ancient times, but criminology expertise is not universally extended.

(1) Psychiatric expertise studies the mental capacities of a culpable to establish his sane or insane perception and volition. If he is insane namely mad, this means that he was irresistibly pushed to the commission of his crime and he must be acquitted but interned in a psychiatric hospital.
(2) Medico-legal expertise studies both the culprit's and the victim's body and position in the moment of crime, how the assault happened, with what instrument, and the cause of death in cases of homicide.
(3) Criminal expertise examine the crime scene, collects the traces of the criminal

such as his finger prints, the blood stains in the victim's and the suspected person's clothes, the smell of the criminal for example in a handkerchief left by him. The examination of the material traces is undertaken by the criminal laboratories and police dogs. A part of Criminal, is the examination and identification of handwriting and forged documents.

(4) The criminology expertise as an ideal future system, consists of medical physical and psychological examination to be undertaken by a physician, a psychiatrist, a doctor of psychological and nervous diseases a forensic doctor, a specialist in Criminal, namely by all of them together in a team work. Criminology expertise hence, must be the summary of interaction between the opinions of a group composed by the above mentioned specialists, unless one specialist collects in himself all required specialty. It is difficult to find anywhere such a sapient specialist. That is why criminology expertise is not easy and it is not available unless in a few countries.

Part II

Penology

Chapter One

The Significance of Penology

1. Definition

The word “penology” is derived from the word “punishment or penalty”. It is an ancient denomination issued since the time of struggle for prisons reform.

As the imprisonment was accompanied by abuses in the treatment of the prisoner, reformers tried to eliminate these abuses and their efforts led to the following results:

(1) The possibilities of the prisoner to claim justice in front the court.
(2) The disciplinary sanction could not be applied unless after a disciplinary regular trial in which the prisoner’s defense is heard.
(3) The suppression of any discrimination due to race, religion or social position.
(4) The freedom of religious belief and performing its rites.
(5) The interdiction of any cruelty or savage treatment
(6) The abolition of flagellation
(7) The suppression of the iron chain which was attached to the prisoner’s legs.
(8) The teaching of a job that the prisoner exerts after his release or the improvement of the job exercise when the prisoner has yet a job.
(9) The prohibition of medical experiments on prisoners without their consent.
(10) The attenuation of freedom restrictions before release
(11) The right of vote in the general elections.
(12) The right of studying and passing instruction examinations
(13) The right of maintaining contact with the exterior social ambient of relatives and friends by receiving their visits exchanging correspondence with them, and going out of the prison for a short stay.

All these reforms mean that the prisoner should not suffer any pain other than that of loosing freedom.

The energetic movement of human rights contributed to the adoption of the above said reforms. Hence penology as a science meant in its origin the indication of the ideal methods of treatment in prisons, and it was the worry of international penal and penitentiary foundation. The first United Nations international congress for the prevention of crime and the treatment of offenders (Geneva 1955) established minimal rules to fallow in the treatment of prisoners.

But now, as the struggle against criminality uses not only penalties but also security measures and pure social methods, the denomination of penology became anachronistic. We prefer to it the name: “science of struggle against delinquency”.

This science could be divided into prevention science and treatment science. The prevention science operates before the commission of the crime, while the treatment science takes place after the occurrence of the crime to emend the criminal and avoid his recidivism.

As the science of struggle against criminality suggests the ideal methods of prevention and treatment, therefore it traces the ideal criminal policy.

It could not be confused by the national criminal policy because the latter differs from a country to another while the science of prevention and treatment (struggle against criminality) substituted to penology, indicates a criminal policy which is ideal namely it should be followed by all countries whatever could be their respective criminal policies.

In conclusion we mean by penology nowadays a substitute which we call “science of struggle against criminality” that means the ideal methods of

prevention and treatment as regards criminality.

Then we shall face at first the prevention and after that the treatment whether its method is legislative, judicial or executive.

1. Crime Prevention

Prevention of delinquency concerns either the causal factor of it, namely the criminal predisposition which is hereditary as we said, or the animating factors of it whether they are internal or external.

1.1. Prevention of Causal Factor

As the causal factor is hereditary, its prevention means the avoidance of bad heredity. For this purpose, some scientists suggested the protection of posterity through the three following methods:

1) The medical examination of engaged persons before their marriage, in order to prevent their marriage when they have defects that could be transmitted to their posterity.
2) Sterilization by closing the fallopian tubes of the female and the ejaculation tube of the male.
3) Castration which means the removal of man's testicles or of woman's uterus.

Between 1907 and 1909 the United States promulgated laws which imposed the sterilization of criminals and insane persons, after that, Canada, Switzerland, Denmark, Sweden and Finland did the same and Germany also on

The German laws fixed imitatively the cases which require sterilization. They are the hereditary disease like mental debility, idiocy, schizophrenia, depressive mania, epilepsy, nervous diseases, serious addiction to alcohol, grave physical defects, blindness and deafness simultaneous to the birth.

According to these laws, sterilization is pronounced by technical courts of specialized physicians.

The international congress of penal law and penology held in Berlin on 1935 as well as the congress of criminal biology held in Hamburg on 1938 favored the above said laws and it was said that sterilization recovered sexual constitutional criminals.

We have to notice that castration is more harmful than sterilization. Sterilization does not affect neither the bodily appearance nor the psychological structure nor the sexual gland function or stimulant while castration affects the sexual function and changes the appearance of the body as well as the psychological condition.

Anyhow the above said three methods were not approved by Italians, because they violate the human bodily integrity.

The Italian scientist Anile declares with regard to castration and sterilization, that heredity is submitted to secret and not controllable laws, that sometimes even the apparently sane person has hidden defects that he does not perceive, that it is not indispensable that defective men transmit their defects to their heirs as the woman has a compensate role which hinders the transmission of the defect to the descendant. Therefore one should not be proud of his health, and should not exaggerate his pessimism when he sees apparent bodily and psychological defects in another.

Consequently that scientist affirms that nature regulates heredity without any need of castration and sterilization which violate human bodily integrity and that medical hygienic and treatment methods strengthen the descendant either before or after birth.

As regards medical examination before marriage it could not be imposed.

Therefore, Italy is of the opinion that the expansion of medical knowledge among citizens makes them understand that diseases and defects could be inherited and that every person who is willing to marry must cure himself physically and psychologically before marriage in order not to give birth to a defective son.

The medical knowledge is necessary not only before marriage but also after it and during the period of pregnancy to avoid what could affect the physical and psychological formation of the embryo.

1.1. Prevention of Animating Factors

It is a duty of the State to improve the general life conditions 6f the people by:

(1) Raising its standard of life, eliminating misery, unemployment, small wage and encouraging charity associations by giving them subsidy if this is possible.
(2) Setting up a social system that provides poor men with gratuitous medical treatment either for diagnosis or medicament.
(3) Enlightenment of citizens as regards the harms of addiction to alcohol.
(4) Fighting against the consumption of drugs by creating a popular consciousness of their damages, through the cinema and television, the instruction at school and in the university, the foundation of a museum that exposes the various kinds of narcotics indicating the damages of each kind for the individual and public health.
(5) The construction of dwellings for the workers coming from villages to the town, the assignment of work to them and the organization of their entertainment during their leisure time.
(6) The expansion of constructed popular dwellings to distribute among poor persons, the facilitation of their furnishing, and the impediments of

constructions without permission in order to avoid the neighborhood of criminals.

(7) The dissipation of widespread believes that conduce to delinquency such as that of vengeance.

(8) The control of jobs' polluted atmospheres.

(9) The control of films and press.

(10) The expansion of preaching, religious guidance, music, fine arts and sportive competitions.

(11) The control of arms and harmful substances.

(12) The foundation of prevention clubs in popular districts to engage young men in order to avoid their criminal agglomerations, to dissipate their adversity towards society and to get in contact with their families. Such prevention clubs have had a great success in France.

(13) The efficient combat of vagrants, suspected persons and of those who possess instruments that could be used in the perpetration of crimes.

(14) The progress of glandular medicine.

1. Prevention of Juvenile Delinquency And Youth Crimes

3.1. Some trends and factors

During the regional preparatory meetings for the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders, countries in every region reported sharp increases in juvenile delinquency and youth crime. In most cases, the average age of the offenders is also dropping. These facts coupled with the estimation that by the year 2000 more than fifty percent of the world's population will be under the age of fifteen highlight the seriousness of the juvenile and youth crime problem.

Crimes committed by juveniles run the gamut from petty larceny to murder. The reasons for these offences vary. While it is possible to group the identified risk factors loosely into economic and non-economic ones, in reality, they often create a vicious circle of deprivation, alienation and delinquency.

In developing countries, economic factors are the most likely to incline youth toward crime. The offences arise primarily out of a need for the basic necessities of life. This survival crime has been termed "subsistence delinquency" by the regional meetings. Deteriorating economic conditions also place additional strains on family units, and contributes to broken homes, dysfunctional families and homeless children. However, even in the most affluent countries, economic factors play a role in the development of delinquency.

The stratification of the poor in urban areas creates dense pockets of under-skilled individuals and precipitates unrest; when such stratification is coupled with constant bombardment of images of wealth and power, via the media and personal encounters, the possibility of violence is dramatically increased. Rising unemployment, with a deteriorating labor market for young workers, a failing educational system and a dearth of other opportunities, reinforce the belief that these goals are unattainable by legitimate means. Many children who may initially believe in the possibility of success through acceptable channels lose that hope in the face of continued adversity and bleak prospects. Expectations of failure can begin to develop in very young children, and if consistently reinforced, may force a child to abandon longer-term goals to pursue more immediate gratification, possibly though delinquency.

Unfortunately, a developed national economy does not necessarily reduce the risks to the young, nor the rate or severity of juvenile delinquency. In fact, there are many more serious youthful offenders in some of the most economically developed countries, though they generally come from disadvantaged areas. One recent report shows a nineteen percent rise in violent offences by juveniles in the United States in the past ten years, and attributes more than one quarter of the increase in murders, forcible rapes and robberies to juveniles. These findings are consistent with those presented for some European countries. Even if the perceived increase in violent juvenile offending is routinely greater than the actual increase, the situation is still cause for alarm. While most juvenile delinquency still consists of petty crime, the range of delinquent acts is increasing. The violent

nature of much delinquency and youth crime poses a greater threat to society than lesser property crimes, bringing with it a heightened level of public fear which negatively affects the quality of life.

Studies have shown that violence and delinquency are related to relative deprivation, and indeed, countries with greater income disparities seem to be experiencing a higher level of violence. This is also the situation in the former Soviet Union. The distance between the “haves” and the “have-nots” has increased dramatically, and the juvenile crime rate has risen commensurately. From a relatively low delinquency rate, there has been an eighty percent increase in juvenile crime over the last decade, and juveniles now account for twenty percent of all violent crimes.

1. Children Particularly at Risk

(1) Working children

Many young children in developing countries are forced to work to support themselves and their families. Historically, children have worked in most cultures, which often helped their socialization. However, today’s child labor is less structured and more time consuming and exploitative. A large percentage of the children start full4ime jobs at eight years of age or even younger, unprepared for separation from their families. Some enterprises rely wholly on child labor; for example, carpet-weaving factories in Asia use full-time child labor, recruiting under the guise of offering youngsters a “better life”. These jobs require constant, hard work, and the material, educational and socialization benefits are usually minimal. A substantial portion of these children eventually enters into illegal activities as a means of survival.

The Special Rapporteur on the Sale of Children, Child Prostitution and Pornography has pointed out that many exploitive practices are driven by sex tourism demand, and criminal networks which orchestrate the supply. The Commission on Crime Prevention and Criminal Justice, at its third session,

decided that the Ninth Congress, under items 2 and 4 of the provisional agenda should give the international traffic in minors. The curtailment of social services in response to economic constraints imposed by stringent adjustment programs has also endangered child welfare. There is often multiple victimization, since the children used for coercive labor or sexual exploitation are generally lured from the lowest social strata (for example, untouchables in South Asia and other marginalized populations).

The prevalence of ruthless child labor practices has also prompted the recent appointment of a Special Rapporteur on the Exploitation of Child Labor and Child Bondage, practices which are considered to be a modern form of slavery. In 1931 the Commission on Human Rights adopted the Program of Action on the Elimination of the Exploitation of Child Labor, which advocates a number of measures, particularly at the national and local levels. These include information campaigns to. raise awareness of the problem, educational and vocational training to prevent the exploitation of child labor, social action to help families and their children, development aid, the stipulation and application of labor standards, the adoption by States of appropriate policies and programs as well as support from international agencies.

The Asia Regional Seminar on Children in Bondage (Islamabad, November 1992) adopted a Program of Action Against Child Bondage, which, inter alia, targeted children pledged in partial payment of debts, those lured away from their families and those kidnapped or confined. Young children with an illegal status are often forced into hazardous work with high accident risk in sweatshops and brothels, and are compelled to work in exploitative conditions. The seminar urged a series of measures, including legislative reviews, with the simplification of sanctions, victim compensation, enforcement machinery, enabling provisions for special courts, adverse publicity for violators, education and rehabilitation for the children, as well as effective prohibition and prevention, advocacy and social mobilization campaigns.

(2) The Problem of Street children

Children without families, or whose family links are tenuous, are particularly at risk, especially when they spend most of the time in the streets. Aside from the daily fight for material survival, they are subject to abuse, exploitation and other depredations, including disappearances, trafficking and outright killings. The numbers of street children are staggering, estimated at 100 to 150 million in the world, and seem to be increasing. The situation is particularly acute in Latin America and parts of Asia, but the numbers in Africa are also growing as a result of civil strife, rapid urbanization, and economic recession and the dwindling social supports. The problem is now being felt in countries in transition as well.

Street children are often compelled to engage in marginal activities and delinquent acts to meet their basic needs. Most survive by making their way in the informal sector as street vendors, petty hawkers, shoeshine boys, scavengers of raw materials or even thieves and street prostitutes. Their drug involvement ranges from glue sniffing to being cooped into the drug trade. Since they generally lack access to the necessary health or social services and education1 they are in serious emotional and physical danger. HIVIAIDS is spreading, especially among those drawn into prostitution, exacerbating their ill-treatment.

In some places, older youth have begun to form gangs as a means of self-protection in a hostile environment. The coercion of children into organized criminal activities is particularly insidious, as it exploits the precarious material and emotional state of conscripts, who may crave human relationships and a sense of loyalty or belonging.

Street children and working children are in special need of protection from danger, access to services and opportunities for personal development and a productive life. This includes support for families, to communities and to children themselves, through outreach activities, UNICEF-assisted programs and joint initiatives. In Sao Paulo, Brazil, for instance, communities have been assisted

by the Pastorate for Children to mobilize protective services for their children. The UNICEF Urban Basic Services Program is now seeking to include the reinforcement of family and community solidarity and protection.

Attempts to help street children have often focused on their immediate needs, including the provision of institutional facilities, which can usually accommodate only a small number and may not adequately prepare them for future life in society. They cannot tackle larger problems of inequity and deprivation, though they can serve as focal points for efforts to reclaim the children and integrate them into the mainstream. Probation centers have been suggested as a means of providing street children with proper support and training. The authorities could undertake the civic education of leaders, residents, street children and delinquents. The children themselves, who in some countries have organized themselves into associations, including an advocacy role, are helping these efforts. Preventive strategies are also being pursued, with the help of non-governmental organizations, as reflected in the Intergracion Infantile project in Santiago, Dominican Republic, for “potential street children. The African Foundation has also sought to mitigate the problem by providing counseling and education40. International guidelines and special training for community workers and all those involved should help to mount more effective preventive and remedial action for street children and others in very difficult circumstances such as those caught in armed conflict.

(3) Children in Armed Conflicts

Although they are to be considered as a “zone of peace”, protected by the Geneva Conventions, children have been prime victims of armed conflicts and, as such, designated by UNICEF as “children in very difficult circumstances”. According to UNICEF, in the past decade, 1.5 million children have been killed in armed conflicts, and a further four million have been disabled, maimed, blinded and brain-damaged. At least five million have become refugees and ten million more have been uprooted from their communities. The rape of girls has

been used as a weapon of war, and millions have been killed through female infanticide. Orphans and street children have been special targets of perpetrators, sometimes in collusion with par police services. In many parts of the world, children have been tortured or forced to watch or participate in atrocities, given drugs and weapons and have been desensitized to others' pain. Uncounted youngsters are said to suffer from post-traumatic stress disorders. Children have been conscripted into the front lines in times of war and crippled by land mines in local hostilities; they have often served as pawns, especially when their families have perished or when they have become lost, or have witnessed the abduction of their parents, leaving permanent scars.

One of the main problems, even in the advent of peace, is not only how to relieve the effects of their suffering but also how to reorient them to peaceful pursuits. In some countries where they have served in liberation movements (for example, in Uganda), this is being attempted in special schools. Elsewhere, the transition to peacetime has been accompanied by a crime wave, with the weapons now used as tools of crime and for the pillaging of those displaced by war. Trigger-happy, poorly trained police often contribute to the problem, setting a dangerous example. How the young can be helped to make the necessary transition to the "culture of peace" under these circumstances is a problem facing the affected countries and the international community.

(4) Urban "War Zones"

It has been found that children learn basic ways of dealing with stress and conflict very early in their lives; indeed, the best predictor of future violent behavior is a history of violence. Without prompt and proper intervention, early manifestations of aggression will commonly escalate into subsequent violence and broaden into antisocial behavior. Social and cultural influences (along with family) shape the course, which is, however, not inevitable. Efforts are under way to identify the protective factors that prevent children from following a negative trajectory, in spite of possible risks.

While no single experience is decisive, the adverse settings, climate of violence and pervasive insecurity surrounding youngsters in their daily lives in inner city ghettos and other marginalized areas place them at grave risk. Especially where squalor, drugs and weapon use are common, and where crime is a constant fact of life, the inhabitants are exposed to chronic danger and stress. Rather than being safe havens, the home and school are often part of the battleground, and negative peer pressures, especially gang intimidation, pose a very real threat. Such areas have not improperly been called urban war zones.

(5) The Instrumental Use of Children

The mounting concern about the dangers posed by the instrumental use of children was reflected in General Assembly resolution 45/115, adopted in accordance with the recommendations of the Eighth United Nations Congress on the Prevention of Crime and the Treatment of Offenders. It also motivated the convening of an expert group meeting on the problem, hosted by the Government of Italy (Rome, 8-10 May 1 992).

As pointed out by the experts and the regional preparatory meetings, there are a number of factors conducive to the instrumental use of children, which must be addressed if it is to be curtailed. Among them are the lack of specific legislation for the penalization of adults who exploit children and, where legislation exists, a lack of proper enforcement. There is agreement that the recruitment, organizing or entrapment and use of children for criminal purposes by adults should be made a specific criminal offence.

Since criminal justice systems have rarely dealt with the child element in serious offences, existing child exploitation legislation should be reviewed and appropriate reforms promoted, taking into account the United Nations instruments for juvenile justice and delinquency prevention, and with full regard for human rights standards. Since children are often helpless to resist exploitation, legal aid and assistance need to be made more accessible to them. Alliances can

be usefully established with children's and youth organizations, to disseminate information and monitor abuses. Safe houses, emergency placements, telephone hotlines and more sympathetic law enforcement agents could help juveniles to avoid such perils. Mobile units, staffed by professionals, can visit high-risk areas, and the collaboration of child protective agencies and targeted citizen groups in planning, implementing and evaluating projects should be encouraged.

In order to curb such predatory activities, however, comprehensive action must be taken at the national and international levels, to strengthen their prevention and control. Technical cooperation, advisory services, the training of personnel and pilot projects can help countries stem the wide-ranging abuse, and should be more extensively provided. The envisaged publication of the United Nations manual on juvenile justice instruments should provide a key training aid. Computerized data banks, the exchange of information on offending syndicates and mutual cooperation in such matters of this kind should be pursued

1. Mitigating Predisposing Risk Factors

Strategies to safeguard children at risk are needed all along the continuum of development It has been pointed out that piecemeal attempts to deal with delinquency problems have been doomed because they have not paid adequate attention to the urban environment that spawn them. The vast numbers of children and youth at serious risk necessitate broad-based strategies, targeting the family and vulnerable communities or groups. Various measures to strengthen the family have been suggested in the context of the International Year of the Family. They need to be implemented. Communities suffering from violence and anomie are a breeding ground for delinquency. They must be salvaged and revitalized, providing hope as well as concrete opportunities for youth, so that they do not adopt criminal lifestyles.

5.1. Strengthening Families

This includes measures to discourage teen pregnancies and to improve

access to critical support services, such as childcare, home visitor programs and multipurpose resource centers that facilitate service delivery and self-help efforts. Good parenting is not easily taught, but essential parenting skills can be imparted in primary health facilities, maternity clinics or community settings. The focus should primarily be on dysfunctional or single-parent families, where role models may by missing, discipline erratic, absent or excessive, and mistreatment likely. Early intervention can help to break the cycle of abuse that continues across generations, and the related likelihood of delinquency. The United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) indicate the directions to be pursued; they need to be more widely known, and practical action models provided.

5.2. Strengthening Communities

Economic growth may not reach those most in need, whose children are at greatest risk. Special measures are needed, such as skills training, entrepreneurial or other assistance and the creation of economic development zones. Ways in which communities can be mobilized for more effective crime prevention have been noted before. Young people can be closely involved in efforts to reclaim anemic and dangerous neighborhoods. In some places, youth leaders and “social facilitators” are being trained with this aim in mind, as part of multi-faceted local revitalization schemes. Social solidarity is demonstrated in various ways, including group supervision of youth in situations of risk.

Structured cultural and recreational activities can help to bind young people and offer outlets for their energies. Worthwhile community projects can be pursued with the participation of youths, both as helpers and those to be helped.

5.3. The School And Transition to Work

Schools have a crucial and perhaps impossible mission; not only to impart knowledge and to develop know-how, but also to offset and even compensate for

societies and parental failings, by providing a propitious environment for human growth. However, rather than doing so, schools in many places have themselves become scenes of violence and delinquency. Instead of being safe havens and places of enlightenment for the young, their attendance may be fraught with real danger that even intensified security, with in-house police protection, cannot control. At the same time, the educational role of the school is being questioned, because, inter alia, of rigid, abstract curricula, unsuited to modem requirements, the failure to gear education to development and market needs and poor teacher training. Inadequate attention to learning difficulties, lack of relevance to the often harsh realities and barriers facing children who must gain a livelihood have undermined school attendance and contributed to the high drop-out rate, increasing the likelihood of delinquent short-cuts to the acquisition of daily necessities or prized consumer goods.

Yet, education of different kinds, formal, non-formal and informal, has almost infinite potential in helping to prevent delinquency and crime. The early years are crucial for psycho-social development and the formation of a moral conscience, especially where suitable role models are lacking at home and where discipline is erratic. At a time of pervasive social changes, lack of stable norms and conflict of values (for example, in second generation immigrants), the school must also impart a moral and civic education. In recognition of this need, moral education is now part of school programs is some countries (for example, in Chile and the Netherlands), and efforts are underway in others to evaluate the effectiveness of such methods, including legal education. At a time of waning religion or its radicalization, the school must nurture the qualities of tolerance, empathy, fairness and respect for others. It can also help to detect emotional problems and learning difficulties, to develop the capacity for self-control and to teach non-violent conflict resolution as an alternative to aggression. The Scandinavian countries have introduced anti-bullying programs - the Wallenberg Foundation supports a non-violent heroes module - and there are initiatives in various countries which train teachers to prevent misbehavior through “social

contracts", or to manage it when it does occur and to better deal with chronically disruptive students. Practical demonstrations show how to resolve conflict situations non-violently, and develop interpersonal and self-management skills.

Some forms of early intervention seek to maximize individual potential, to compensate for initial disadvantage and to provide developmental support. The Head Start program in the United States and a UNESCO-sponsored Scandinavian program for youngsters from disadvantaged zones in Santiago, Chile have yielded positive results, including reduced delinquency. Programs to reduce truancy, viewed as "pre-delinquent behavior", such as the PINS adjustment program and the multi-agency Project Hope in California (involving the school district, county probation department, county social service agency and police department), have reached the twin goals of keeping students in school and reducing daytime crime. Some, like project DARE (Drug Abuse Resistance Education), have successfully used peer pressure and a variety of techniques.

In many places, schools are increasingly becoming multipurpose organizations, providing diagnostic and health services, counseling, sports and recreational facilities (also in extended time frames, for example, midnight basketball), basic skills training and vocational guidance. School-based community centers with comprehensive programming for youth and their families are also envisaged as "safe havens", open all day throughout the year and offering a range of educational, cultural and recreational activities, as well as access to social services. These centers should be concentrated in communities identified as having the greatest number of youths at risk.

One of the key problems for many youths is bridging the gap between school and work. The lack of coordinated planning of educational and employment opportunities has increased the numbers of young unemployed, whose aspirations have been raised without legitimate ways of fulfilling them.

In some developing countries, there is even a surplus of university graduates unable to find suitable jobs in the deteriorating economic climate. A more organic approach to education and integrated human resources development might reduce the structural imbalances that frustrate youthful expectations and lead to illicit shortcuts. Vocational training and apprenticeship programs for those who will not pursue academic careers have been found most useful in imparting the necessary skills and work habits to succeed in a competitive job market. Businesses and trades have been encouraged to invest in apprenticeship programs, through tax incentives and other means. Programs facilitating employment and the empowerment of high-risk youths have also been found successful in preventing delinquency and recidivism.

5.4. The role of the media

There has been a long-standing debate on the relationship of violence in the media, especially television, to heightened aggressive behavior in children and youth. Evidence has been mustered on both sides to stress or contest the links between them. Recent research, including a comprehensive study of 200 students, offers convincing evidence that the observation of violence in everyday television entertainment does affect the aggressive behavior of viewers. According to the study, all types of aggressive behavior, including criminal violence and other illegal acts had significant associations with exposure to television violence, giving serious cause for concern. However, questions persist about the causal relationship, the permanence of any possible side effects, the importance of whether television violence is punished or rewarded and whether high levels of neighborhood violence reduce the effects of television violence.

Governments should also provide resources for the establishment of apprenticeship programs.

The policy debate on the need for media regulation thus continues. Western European countries1 for example, have government agencies that monitor

television and films and do not permit the showing of excess violence. Where there is no such regulation, for example, in the United States, major television networks agreed in December 1992 on a common set of standards regarding the violent content of their programs. Since working parents and single-parent families cannot exert sufficient control over children's viewing habits, social controls over programming have been urged. However, the voluntary standards adopted, which do not apply to films, have apparently been unsuccessful in reducing television violence.

A broader effort to enlist the cooperation of all the media, including journalists and programmers, is clearly needed to reduce sensationalism, which affects not only children but the public as a whole, raising levels of fear and inuring people to human suffering. The media, through responsible reporting and special educational campaigns, have a crucial role to play in socialization, delinquency prevention and empathy with victims from the early years on.

6. Reclaiming Delinquents

There is wide support in the juvenile justice field and apparently among the public for the stipulation in the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules) that detention should be used only as a last resort and for the shortest period of time, and that alternatives should always be considered. These can be close supervision, intensive care, foster home placement, at-home detention and placement in an educational setting. If detention in a secure correctional-type facility becomes unavoidable, basic standards should be met and juveniles held separate from adults and from adjudicated juvenile offenders. The use of objective risk assessment criteria to inform detention decisions has in some jurisdictions drastically reduced the daily number of juvenile detainees, without increased recidivism or failure to appear at trial. The use of detention as "shock incarceration" or short-term commitment is a violation of their rights, and has proved ineffective. For adjudicated offenders, the principle of minimizing incarceration is also applicable.

6.1. First-time Offenders

This is certainly the case for first-time offenders and even some repeat cases unlikely to pose major danger. In Africa and other developing regions, indigenous approaches, such as restitution and community service, could be more widely used instead of incarceration. Probation, supervised by local authority figures, is another option. The seminars on the prevention, control and correction of juvenile delinquency in the region have sought to advance this aim. The expense and negative impact of confinement underline the position that its use should be an exception rather than the rule. In many countries, such a reorientation will be part of broader juvenile justice reforms, whose promotion is a key task of the United Nations regional institutes, which seek to promote alternatives to imprisonment for offenders, including young adults, and especially for juveniles. Thus, the United Nations Latin American Institute for the Prevention of Crime and the Treatment of Offenders (ILANUD) has been carrying out a project on the improvement of the juvenile justice systems in Central America that combines policy-oriented research, assistance with actual reforms and training, consonant with the United Nations guidelines and the United Nations Convention of the Rights of the Child.

In many countries, the juvenile justice paradigm has shifted from “rehabilitation” to accountability” and sanctioning, but this need not reduce the use of diversion (at various stages of the juvenile court processing) and the reliance on non-institutional options, including work programs, probation, community service or other forms of “creative restitution” or participation in a counseling or substance abuse treatment program, to name only a few possibilities. Evaluations of such measures have been mixed and require further research; however, preliminary findings indicate that the younger the offender, the more likely that diversion will have a positive effect, and the more frequent the number of contacts between youth and the service provider, the greater the positive effect on outcome measures

The negative consequences of this approach include its possible net-widening effect, which presumably increases the total number of young people subject to the juvenile court's services or control. This is very much the case for status offenders, who may require protective measures and crisis or family intervention.

But others argue that the promise of diversion has in fact not been fulfilled because of poorly developed program rationale, failure to select the appropriate youth, professional resistance and organizational dynamics. To overcome these shortcomings, better targeting of youth for diversion programs has been suggested, the agreement among the various professionals concerned (police, prosecutors, judges and program staff) and referrals to appropriate community agencies. Greater attention must also be paid to due process and the human rights of juveniles.

For diversion and alternatives to work properly, a whole array of community interventions should be available and individual youths matched with the most appropriate services. Programs should be run without stigmatizing participants, and should be suited to their particular needs. Further research will be important in order to determine what alternatives work best for which types of youth, who responds best to certain interventions, how interventions can be structured for ready replication, if they prove promising, the agency context, organizational requisites, professional qualifications and program rationale.

6.2. Serious and Persistent Offenders

Research has found that "chronic offenders" are responsible for the majority of violent offences. The alarm caused by the brutality of some youthful crime has led to some juvenile offenders being treated as adults, which can confirm their "criminal" identities and impede rehabilitation. Related studies have identified developmental pathways to chronic delinquency: an overt pathway (from aggression to fighting to violence), a covert pathway (from minor covert

behavior to property damage to serious delinquency) and an authority conflict pathway (from stubborn behavior to defiance to authority avoidance). Problem behaviors, such as delinquency and drug use, often occur together, even before a child reaches the teens, and the earlier they are manifested, the more likely is the progression to more serious and extensive delinquent and drug-using careers

Special efforts are being made to ensure more effective apprehension, prosecution and treatment of such serious or chronic offenders, including “vertical prosecution” (a single prosecutor follows the case), limited charge -and sentence-bargaining, assistance to victims and witnesses and special correctional services for convicted youth. A series of recommendations has also been developed regarding serious juvenile offenders, issues facing the juvenile court system and the possible establishment of unified family courts. In the past decade, some jurisdictions have redefined the purposes of juvenile courts, de-emphasizing the role of rehabilitation and the child’s “best interest”, and emphasizing public safety, punishment, deterrence and system accountability.

Research and experience to date suggest that a structured system of graduated sanctions may offer the most promising approach. Rehabilitation, the traditional offender-based sanctioning system, based on the same parens patriae notion and medical model, has been criticized for the variable treatment of the same offence for differing periods of time, and thus led to the “just-desserts” approach based on the offence, degree of culpability and harm done. Incapacitation, deterrence, and to some extent, accountability have been the driving sanction philosophy in countries where rehabilitation has fallen into disrepute, and where there is increased concern about escalating serious juvenile crime.

Contrary to the prevailing stance toward this approach, however, the rehabilitation of juvenile offenders urged by the United Nations Rules can

be effective, even for serious young offenders. A leading expert in this field concludes that the emphasis in the Beijing Rules, the Rules for the Protection of juveniles Deprived of their Liberty and the Riyadh Guidelines on minimizing institutionalization, avoiding punishment and adopting rehabilitation as the preeminent purpose of juvenile sanctions are well founded in current theory, practice and research. The proper classification of juveniles is required, both in terms of matching the needs of the juvenile to the services required to meet them and of risk in order to decide whether a juvenile should be in a residential or non-residential program, and whether there is a requirement for custody or for intensive supervision in the community.

Where confinement proves inevitable, the trend is away from mammoth training schools and toward smaller community-based units, as recommended by the Riyadh Guidelines. For example, the state of Massachusetts in the United States has long replaced its training schools with a network of decentralized community services and a few small secure-care units for violent juvenile offenders, saving eleven million dollars a year without any increase in the juvenile delinquency rate.

There are also intermediate measures1 such as half-way houses, day detention and others, that can be applied in a combination of residential and non-residential settings, including therapeutic communities (for example, utilizing Positive Peer Culture, where values and interactions reinforce thinking and behavior consistent with a core culture, and Guided Group Interaction, where an adult facilitator leads group discussions which ultimately evolve into youth leadership). Programs deemed most effective have usually combined two or more methods of treatment and rehabilitation. Among these are psychodynamic and behavioral approach methods and life-skill interventions. Meta analyses of their outcomes have concluded that those with increased staff contacts were the most successful, and that behavioral approach methods were more likely to reduce recidivism

6.3. Youth Gangs

As considered here, the term refers to a group of youths and young adults (mostly aged between fourteen and twenty-four years) that operates primarily in the streets and engages in a sufficient amount of antisocial activity to warrant attention by the criminal justice system. Such gangs are usually active in lower-class communities of inner cities or other marginalized areas. While juvenile gangs are not a novel phenomenon, they manifest certain new features. Often linked by common ethnic or other background, the age limits to membership seem to be expanding, with the youngest usually doing the bidding of the gang leaders. They may engage in various illegal activities, including car theft and robbery. They have become morn violent in recent years1 particularly through the illegal use of sophisticated lethal weapons and involvement in drug trafficking.

It is also believed that gang membership has grown because it fulfills a need for belonging and identity, which may not be met in other ways. While gang members are still primarily adolescents and young adult males, female members often come from even more problematic homes with a gang tradition, and may be even more difficult to redirect. Gangs have evolved from street-corner neighborhood groups to contemporary gangs that often define as ‘turf” their girl friends, local skating rinks and certain shopping malls. Schools, which used to be “neutral zones”, have in some countries become the scene of warfare and recruitment (often through coercion and intimidation). In some places, gangs have migrated to set up “franchises” to distribute drugs, especially in smaller cities where law enforcement may be less stringent. The line dividing gangs and organized crime activities has seemingly blurred in the past few years

The relationship between organized criminal groups and gangs may well depend on techniques and utilization of violence as a resource; top figures have sought to distance themselves from violent acts and may increasingly use business and monopoly tactics, distributing franchises (held by gangs) and delegating some “enforcement” tasks to them This nefarious chain, in which