Parliamentary Assembly
Assemblée parlementaire
https://pace.coe.int

COUNCIL OF EUROPE
CONSEIL DE L'EUROPE

Resolution 1796 (2011)[1]

Young offenders: social measures, education and rehabilitation

Parliamentary Assembly

1. Crime by young people can blight communities and make everyone feel unsafe. However, socially excluded young people and young offenders remain children first, offenders and/or antisocial individuals second, and thus cannot be treated in the same way as offending adults.

2. Young offenders often come from amongst the most disadvantaged groups in society. Many have histories of unemployment, educational disadvantage and/or disaffection, substance abuse, mental health problems, and disrupted and/or abusive family backgrounds. Systematic processes of social exclusion in terms of lack of formal education and training and ensuing low earning capacity often create barriers, preventing young people from entering the legal economy, which makes crime more attractive for them, including in financial terms.

3. The Parliamentary Assembly believes that it is important to find the right balance between protecting the community – and other young people – from crime, while making the best possible use of the fact that a child/young person, as a developing, learning human being, is still open to positive socialising influences. Whilst it is imperative that young persons are taught to take responsibility for their actions, young offenders are children first and foremost and must be protected by all the accepted human rights standards for children. Retribution and punishment should thus take second place to social measures for, and education and rehabilitation of, young offenders. Deprivation of liberty should be a last resort, as posited in the Committee of Ministers European Rules for juvenile offenders subject to sanctions or measures (Recommendation CM/Rec(2008)11).

4. The Assembly shares the concern of the Council of Europe Commissioner for Human Rights about a disturbing trend in Europe today to lock up more children at an earlier age. Furthermore, in the last two decades, several Council of Europe member states have developed policies and plans based on retribution and behaviour-focused programmes, rather than on prevention of youth offending and addressing the welfare needs of young offenders.

5. The Assembly believes that this is in contrast to the proven cost-effectiveness of welfare- and community-based measures. Evidence strongly suggests that welfare-based responses lead to greater social inclusion, greater participation and greater commitment to education and socially acceptable behaviour. These responses are able to tackle different levels of social exclusion, offending and disaffection and incorporate mechanisms to ensure children's best interests and to protect their rights. Furthermore, inter-agency and multi-professional work is key both to the prevention of crime and to the rehabilitation of educationally disaffected young people and young offenders.

6. The Assembly therefore invites member states to:

6.1. prevent juvenile delinquency in the first place by:

6.1.1. providing family support services in disadvantaged areas with high crime and unemployment rates and low educational attainment;

1. Text adopted by the Standing Committee, acting on behalf of the Assembly, on 11 March 2011 (see Doc. 12523, report of the Social, Health and Family Affairs Committee, rapporteur: Ms Karamanli).

6.1.2. encouraging young people at risk to continue beyond the minimum leaving age in education/training, possibly with enhanced benefits;

6.1.3. designing specific programmes that provide help for young people and teachers in schools, based on social work and psychological and mental health support, with specialist teachers trained not just in academic development, but also in citizenship and relationship skills, and in dealing with difficult behaviour;

6.1.4. promoting mentoring, involving volunteers, appropriate peers and part-time workers who have credibility with young people in a specific area, ethnic group or faith group, and who can provide emotional support and act as role models, to help increase personality development, social inclusion and feelings of connection within their own community and the wider community, while avoiding pushing young people into conformity with traditional (gender or cultural) stereotypes;

6.1.5. promoting community development and youth work with ethnic minorities and/or faith groups in identified geographical areas;

6.1.6. providing alcohol and drug abuse counselling services;

6.2. educate young offenders to avoid reoffending by:

6.2.1. fully implementing the European Rules for juvenile offenders subject to sanctions or measures, which put the emphasis on community sanctions and measures while safeguarding children's and young people's rights in all settings (from court proceedings to the deprivation of liberty);

6.2.2. ensuring that the age of criminal responsibility is not set too low and that sanctions and measures involving the deprivation of liberty are only applied to children and young offenders as a last resort;

6.2.3. developing restorative justice and mediation programmes which make victims feel included;

6.2.4. working with police, prosecutors and youth judges to promote cases being treated out of court as well as welfare-based approaches.