

COUNCIL OF EUROPE

COMMITTEE OF MINISTERS

RECOMMENDATION No. R (88) 6

OF THE COMMITTEE OF MINISTERS TO MEMBER STATES

ON SOCIAL REACTIONS TO JUVENILE DELINQUENCY AMONG YOUNG PEOPLE COMING FROM MIGRANT FAMILIES

*(Adopted by the Committee of Ministers on 18 April 1988
at the 416th meeting of the Ministers' Deputies)*

The Committee of Ministers, under the terms of Article 15.b of the Statute of the Council of Europe,

Drawing attention to the principles of the European Convention on Human Rights;

Having regard to the multicultural and multiracial nature of most European societies today and the need for Council of Europe member states to make allowance for this when framing their policies;

Considering the need for each state to reduce, as much as possible, differences existing between nationals and non-nationals in the participation in the social life of the country of residence;

Considering that any policy on juvenile delinquency necessarily entails taking measures to facilitate the social integration of young people in difficulty;

Considering that, of these young people, those coming from migrant families and in particular second-generation migrants deserve special attention;

Considering the need to prevent delinquent behaviour among the latter by giving them equal opportunities for self-fulfilment with the young among the indigenous population and enabling them to integrate themselves fully into the society of the country of residence;

Considering that special arrangements should be made to ensure that, when these young people come into contact with the system of justice for minors, the action taken is likely to foster their social integration;

Taking into account the work of the European Committee on Crime Problems in the sphere of juvenile delinquency and crime among migrants, namely: Resolution (75) 3 on the legal and administrative aspects of criminality among migrant workers, Resolution (78) 62 on juvenile delinquency and social change, Recommendation No. R (84) 12 concerning foreign prisoners and Recommendation No. R (87) 20 on social reactions to juvenile delinquency,

Recommends the governments of member states to take the following measures in legislation and practice in order to avoid any discriminatory treatment of young people coming from migrant families in the juvenile justice system and within the policy of social integration of youth and to help those who have displayed delinquent conduct to derive the maximum benefit from the measures available under that system:

I. Prevention

1. To promote their access to all available institutions and social resources in order to enable them to acquire a social status equivalent to that of other young people; to this end, to give young migrants, in accordance with arrangements laid down in the legislation, the possibility of acquiring the nationality of the country of residence;
2. To promote their participation in all facilities for young people: youth clubs and associations, sports clubs and social services; in this framework, encourage organisations aiming at conserving the cultural heritage of these groups;
3. To offer adequate aid and assistance to these young people and their families when they are in social and family crisis situations;
4. To ensure as far as possible that schools which have a certain proportion of these young people among their pupils are provided with special facilities, such as a larger number of teachers sensitive to the questions of migrants and minorities, tuition in the language and civilisation of both the host country and the country of origin, extra support in school work;
5. To ensure, with a view to securing equality of opportunities, that compulsory school attendance is effective for girls as well as boys;
6. To promote the access of these young people, even at a later stage, to training and offer them information and assistance in obtaining and keeping employment.

II. Police

7. To ensure that police services, which often constitute the first point of contact with young people in difficulty, adopt a non-discriminatory attitude during these contacts, taking into account the cultural context in which these young people live;
8. To ensure, consequently, that, in those departments of the police force responsible for juveniles, there are enough police officers having specialist training focused on the cultural values and standards of behaviour of the various ethnic groups with which they come into contact, including if possible police officers coming from a migrant background, and that all these officers may if necessary have recourse to interpreters;
9. To ensure that those departments establish links with associations concerned with these young people, in particular in order to be able to give the latter adequate assistance and guidance.

III. Juvenile justice and care system

10. To ensure that these young people benefit equally with young nationals from innovations in the juvenile justice and care system (diversion, mediation, other new forms of intervention, etc.);
11. To ensure that persons handling cases of minors at the various stages in proceedings are able to communicate in a satisfactory manner with the young migrants on account either of their ethnic origin or of their specialist training;
12. To intensify and ameliorate the contacts between the agents of the criminal justice and care system and families of migrants or other persons from the minor's environment in order better to understand the problems of the minor and reach well-founded decisions; to this end, to secure also the assistance of associations concerned with these young people.

IV. Interventions and measures

13. To undertake an adequate review of the young person's personal and social circumstances, in order to avoid simplistic and automatic "cultural" explanations, based on cultural values and conflicts;
14. To avoid systematic placing of these young people in institutions by providing the necessary resources in order that non-custodial measures and alternatives to placement and imprisonment are accessible and effectively applied to these young people in the same way as to the indigenous young people;
15. To ensure that educational and social staff are trained in the problems of these young people and include, if possible, members coming from migrant backgrounds, and that they can have recourse to collaborators (professional or voluntary) or to associations with experience in this field;

16. To avoid grouping young people of the same origin in specialised institutions ;
17. To ensure that religious convictions and practices, including food practices, of the groups concerned are respected in the course of these interventions ;
18. To encourage the recruitment of foster families representative of the various communities existing in the national territory so that, if desirable, young people can be entrusted to families of the same cultural origin ;
19. To avoid, in principle, the expulsion of second-generation migrants during their minority or later for offences committed during their minority.

V. Research

20. To promote research especially on the following subjects :
 - perception of the juvenile criminal justice system by young migrants and young people belonging to ethnic or cultural minorities ;
 - problems of young people returning to the country of origin and measures to be taken to prevent their possible misadaptation and delinquency ;
 - social and ethnic discrimination and institutional practice ;
 - practice related to reporting facts concerning these groups to the criminal justice system ;
 - discrimination in the reporting of criminality of young migrants by the media ;
 - effects of demographic changes on the labour-market and impact on the position of migrants and the development of criminality ;
 - studies of victimisation of young migrants or young people belonging to minorities, especially by racial attacks ;
 - ethnic monitoring of recruitment and selection of staff working in the juvenile justice system.