

Juvenile Delinquency – An International Case Study

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INTRODUCTION

Juvenile delinquency is a problem which, despite different and varied cultural backgrounds, is found with common characteristics universally. In our part of the world, the Middle East, the family is still the basic set up for child development. It is therefore most affected by the problem of juvenile delinquency.

This article looks at juvenile delinquency and juvenile corrections in one Middle Eastern country, Lebanon, and provides recommendations for improving its juvenile rehabilitation system.

HISTORY OF JUVENILE CORRECTIONS IN LEBANON

The history of juvenile corrections in Lebanon has been a long and convoluted experience in trial and order. Methods for dealing with delinquent juveniles have ranged from religious judgment to paternalistic protection.

The table below depicts a history or timeline of juveniles' involvement in the Lebanese justice system:

1948	Laws for prosecuting juveniles enacted
1949	Laws for regulating prisons, and establishing centers for arresting and rehabilitating juveniles enacted

1958	First institute for rehabilitating male juvenile offenders established
1973	A consulting board on childhood and adulthood created
1983	Laws for protecting juvenile delinquents enacted
1990	Lebanon joined the United Nations' Association for Children's Rights

Noteworthy is the fact that methods for prosecuting juveniles go back to the time when the Ottoman Turks were in control of Lebanon. Before 1914 Turkish laws were the only source of laws relating to juveniles. Most of these laws were enacted in 1868.

The Lebanese Union for the Protection of Juvenile Delinquents

Since it was founded in 1936, the Lebanese Union for the Protection of Juvenile Delinquents, operating under the official control and funds of the ministries of Social Affairs and Justice, has been striving to provide services for this country’s greatly expanding and high-risk age group: adolescents. Many of them are exposed to delinquency, due to family-based, social and economic factors.

According to decree-law No. 119, dated September 16, 1983, article 51: “The Lebanese Union for the Protection of Juvenile Delinquents, as a Public Association, is held responsible for the control of the court affairs concerning juvenile delinquents in the Lebanese Republic.”

Decree-law No. 119, as amended by law No. 182 dated December 22, 1992, defines the mission of the association as follows:

- taking appropriate prevention and control measures for delinquents under 12 years old;
- operating the association’s correctional institutions and guidance clinics, and organizing counseling programs for delinquents in confinement;
- ensuring follow-up investigation on how delinquents with prison sentences are admitted, confined, released and transferred to their communities;
- issuing specific reports on detention conditions liable to necessary changes;
- ensuring proper counseling for a delinquent’s parents or guardian;
- providing institutions or foster homes for sentenced juvenile;
- setting up surveillance and follow-up programs for paroled delinquents and subsequently issuing appropriate reports for legal examination;
- organizing rehabilitation, counseling, vocational training and treatment programs for delinquents;
- ensuring proper rehabilitation of former delinquents in their communities, work places and families;

- ensuring the legal right of under age wives to visit their homes every three months;
- providing proper health services for the treatment of juvenile delinquents; and
- attending charge examinations conducted by police on juvenile delinquents.

Other assignments and tasks are added, such as reporting on women and children subjected to illegal work conditions, conducting joint work sessions with State agencies on legal texts to be established or amended, and elaborating legal texts for the Penal and criminal Procedure Codes.

JUVENILE DELINQUENCY IN LEBANON

Among the many paradoxes that exist today in post-war Lebanon is that, despite rapid growth and development, huge sectors of Lebanese society suffer indescribable poverty. (It should be noted in this respect that about one-third or 30 percent of the residents in Lebanon are living below the poverty level, and 7.25 percent of all Lebanese are living in utter and total destitution. The majority of these poor individuals tend to be part of the working class and employees of the public sector, as well as small farmers and those made homeless by the 1975-1990 civil war). One direct result of this dreary reality is the increasing number of “children of the streets”, who eventually become juvenile delinquents.

According to the Lebanese Union for the Protection of Juvenile Delinquents, 2,995 minors were accused of criminal offenses in 1997. Of the 1,086 convictions, almost 400 children were sent to prison or reform schools. 250 to 300 are in custody at any one time. (Major problems include low age of criminal responsibility, existence and length of pre-trial custody, non-availability of legal assistance and lack of health and education facilities for young detainees. The juvenile judiciary system suffers from lack of magistrates specialized in juvenile matters. Also, there is lack of coordination between judges, lawyers and social workers, preventive delinquency measures and inadequate follow-up procedures).

Among the many factors driving children into the streets are the following:

- The absence of mandatory, free education at the elementary and secondary levels. With school fees so high, families with very limited income cannot afford a formal education for their children, or even afford to send them to vocational trade schools. Thus, there are few options remaining for the youth, and the street is one such option. Studies show that 63 percent of juvenile delinquents can neither read nor write and 37 percent of them have only elementary level academic abilities.
- In the poorer sectors of society, families sometimes abandon their role of providing direction and guidance to their children because the burden of sheer survival outweighs all other concerns. The children are forced to find work and in turn become economically self reliant, thereby finding it unnecessary to heed any direction their families may attempt to provide for them. Instead of gaining moral values from their families, such misguided youth instead turn to movies on television and in the cinema,

which are saturated with crime, violence, drugs, and sex and exhibit a total disregard for any and all social and familial values and responsibilities.

- Frequent relocation seems to be yet another cause for instability in the lives of the youth who end up on the streets of Lebanon, especially when their families move from the rural communities to the bigger cities, suddenly exposing their children to the dazzling and sometimes overwhelming life of the city.
- The Lebanese war (1975-1990) gave birth to a unique psychological state of mind, one that is immersed in anger and resentment toward society and nation. The children of the streets found, in the many years of war, an outlet for expressing their frustration, and they revolted against all accepted social standards. By going out into the streets, they felt, for the first time, in charge of their destiny, especially the youth who used the chaos of the war to rob and loot and who were able to amass sizeable fortunes which could be spent freely and without much thought.

The Lebanese legal system is trying to deal with the problem of juvenile delinquency by creating a department of social workers to supervise and rehabilitate these young people and by establishing facilities for their incarceration, separate from those used by older jail inmates. A decree to establish a correctional facility for youth over fifteen years of age was issued over ten years ago, but to date nothing has been done.

Those rehabilitation centers where delinquents carry out their sentences provide temporary housing and are more like boarding schools than prisons. They only accept certain cases, most of whom are children of wealthier individuals who can pay the centers' fees. As far as female juvenile delinquents are concerned, they are placed in a prison-like facility, consisting of an apartment reinforced with iron doors which opens onto two mid-size rooms and house girls accused of various crimes such as theft, murder and prostitution. As for those unfortunate enough not to attend one of those rehab centers, their fate is to go to various jails where they suffer the difficulty of life behind bars.

CONCLUSIONS AND RECOMMENDATIONS

From a judicial point of view, it is recommended that the following measures be taken into consideration:

- ensure the release of juveniles placed in detention centers for adults and transfer them to appropriate institutions, which implies creating new facilities;
- open in the country's 6 regions rehabilitation centers for juveniles to facilitate detention conditions, proper surveillance and contact with their community;
- create a correctional center;

- create a detention center for young women; and
- carry-up follow-up action for paroled delinquents.

But, more rehabilitation centers are not the whole answer to the problem; there is also the training issue. From a training point of view, and in order to deal effectively with juvenile offenders, the (future) juvenile rehabilitation system should stress at least the following:

- Careworkers, along with other staff, should be trained to play a major and significant role in getting the juvenile ready for successful reentry into the community. This must begin at intake and continue to release. Positive attitudes, motivation, and help on focusing on leaving the institution should be key roles of facility staff.
- Careworkers should be trained to help steer juveniles away from activities that could land them behind bars. Careworkers should be trained to present alternatives to juveniles to change their lives. Alternatives should stress the following:

Self-awareness	Know who they are
Communication	Express themselves clearly and talk openly about their problems
Responsibility	Being able to answer for everything they do
Education	Finishing high school or vocational school
Environmental change	Changing the surroundings that may be leading them into trouble
Employment	Seeking and getting a job so they can buy the things they want instead of stealing to get them
Religion	Looking into their religious faith and seeking its guidance

- Careworkers should be trained to make sure that no juvenile is harassed or belittled in a rehabilitation setting. In other words, careworkers should make sure that the atmosphere in the rehabilitation setting is relaxed. The goal is to help juveniles realize they can make changes in their lifestyles and avoid incarceration.
- Careworkers should be trained to encourage juveniles to discuss alternative behaviors and sources of available help. In other words, careworkers should help juveniles identify and analyze their problems and realize that there are many people and places

they can turn to if they need help.

- Careworkers should be trained to provide juveniles with a sense of purpose, honor, hope, and compassion in an environment, as is the case in Lebanon today after so many years of national insecurity, that clearly does not foster those qualities.

In closing, the Lebanese juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort and for the minimum necessary period and should be limited to exceptional cases. The judicial authority should determine the length of the sanction, without precluding the possibility of his or her early release. On the other hand, there should be improved coordination among concerned governmental institutions, and implementation of the recently adopted law on obligatory primary education.

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