

LAW in-depth

Juvenile delinquency An inquiry into the causes

SHEIKH HAFIZUR RAHMAN KARZON

JUVENILE delinquency is an inextricable problem for any human society. Aftermath of any war, economic depression, or any catastrophic situation jeopardize social fabric and existing social structure having severe impact on family and children. Any transition or transformation of society will have same impact on the young folk. Deviant juvenile subcultures represent the malfunctioning of social components in any country.

Juvenile delinquency in USA

The problem of severe juvenile delinquency was first appeared in American society. As an offshoot of the social disorganisation the slum juveniles in down-town Chicago created a network of gangs with distinctive culture. The Wall Street crash and the depression of 1930s worsened the overall economic situation causing severe social disorganisation in America. It also aggravated the situation of juvenile delinquency. Young folk of America developed a culture of criminal gangs widening their criminal activities in different parts of the country. Economic deprivation, class oriented social structure and consumerist ethos caused this increased rate of juvenile delinquency which has been continuing for decades. Robert K. Merton identified juvenile delinquency as a result of the strain between culture goal and social structure. American society has determined a culture goal, i.e., to acquire wealth for all the citizens and has specified hard labour honesty, education for achieving that goal. But there is gap between theory and practice. Social recognition to people who have acquired wealth through ways not approved by the society and insufficient social opportunities to acquire wealth causes high rate of deviant subculture. The strain, created due to the contradiction between culture goal and socially approved means, has tremendous pressure on the young resulting emergence of deviant subcultures. Rather than being the product of strain Albert Cohen saw the deviant subculture as an endeavour to resolve problems encountered by adolescents in a class based society. When failed to achieve middle class success within the social structure, then juveniles are behaving in an abnormal manner and developing deviant subcultures. In this way middle-class value system is being inverted by the juvenile delinquent subcultures.

Juvenile delinquency in UK

The consequences of Second World War and growing inequalities had very damaging impact on the social structure of Britain, specifically on the family and children causing increase in the rate of juvenile delinquency. From about 1955 the juvenile delinquency started to rise. Surrounding increasing affluence young people began to enjoy freedom that was greater than that of previous generations. This paved the way for development of youth culture. The appearance of rock'n'roll with long jackets with velvet collars, bootlace ties, drainpipe trousers, and sued shoes was outrageous for the moral standard of Britain. In the late 1960s the skinheads, the most aggressive of all subcultures, appeared and later on replaced by suede heads and other variants on the style and associated with football hooliganism. Originating from unskilled working class they tried to recreate the traditional working class community with their racism, opposition to hippy values and particular construction of their style.

Most of the British youth cultures in the 1960s were working-class origin, the last years of the decade experienced the emergence of a middle-class counter culture, designated as hippy culture, was largely made up of students and ex-students. The early 1970s experienced the Afro-Caribbean cultural resistance. In this time the view that the relation between crime and black youth and that the blacks were innately criminal took strong hold. Around 1976 punk appeared with bin liners, safety pins, PVC, graffiti, ripped clothing and bondage gear as a resistance to the conventional dress style. Its music, dancing, band names, song titles and language were totally different.

Juvenile delinquency in Bangladesh

In Bangladesh we have not experienced any counter youth culture like Teds,



PHOTO: STAR

Mods, Rock'n'Roll, Hippy or Punk of Britain or any young gang culture of the U.S.A. outraging moral and social concern. But the process of urbanisation (which started from 1960s), migration from village to city (which started at a large scale from 1980s), vulnerable economic condition and impact of globalisation caused social transformation, though slow, of Bangladesh. The large joint families started to break into segments and single parent family begun to get prominence. Economic deprivation, unemployment, poverty, flimsy family ties, media influence and criminalised politics made a fertile ground for increased rate of juvenile delinquency.

There are three correctional centres in Bangladesh for rectification and rehabilitation of juveniles. Two (one is in Tongi, and other in Jessore) for male child, and one (it is in Kunapara) for female child. Two categories of children are kept there: first category constitutes of uncontrollable children and referred by parents and second category comes to the correction centres after committing offences and referred by courts.

Very causes of the juvenile delinquency

A considerable segment of people of this country are very poor. They live below poverty line in terms of the true indicators of poverty. According to recent statistics, around 6.5 million people of Bangladesh are living below poverty line. Due to poor economic condition, parents cannot get their children to go to educational institutions and assist them in developing good educational or vocational career. Parents want their children to assist them in work field instead of going to educational institutions. Some times parents cannot provide their children with all basic necessities of human life, specifically food and clothing. Then the poor children set their legs out towards criminal activities. The children do not know which activities are lawful and which are not. They require some work which can provide their food and clothing. Organised gangs employ poor children in criminal activities by taking advantage of their vulnerable economic condition. Recent statistics show that, huge number of poor children (under 16 years of age) of Jessore

and Khulna have been deployed in carrying Phensydid, and other contraband drugs. Some poor children become members of pick pocket gangs and petty thievery.

Problematic family is a crucial cause for the deviation of the juveniles. Absence of father or mother due to death or divorce, lack of parental control, lack of home discipline, bad relation between father and mother, presence of criminal among the members of family are the principal indications of problematic family. Due to these problems the mental growth of a child takes an abnormal course. In slum areas adult males and females get married several times. They have children of their first and second marriages. These children are not usually taken care of. These uncared children become notorious criminal of different organised gangs. The juveniles of a well-off family having father residing abroad details due to lack of father's guidance. They get huge amount of money from their father. Affluence and father's absence makes the juvenile to involve with vicious circle.

Due to poverty, loss of land by river erosion, and unemployment lots of people has been migrating from different parts of the country to Dhaka and other metropolitan cities. Large scale migration from village to city started from 1980s. Many women of rural areas came to city and started working in garment factories. This titanic migration had degenerating affect on city life destroying social equilibrium of Dhaka, Chittagong and some other metropolitan cities. The people coming from villages usually take shelter in slum areas, pavements and streets. They are deprived of basic necessities and basic amenities of life. Father and mother of the family go out of their abode at the very first hour of the day for earning money remaining their children uncared and uncontrolled. In this situation children (popularly known as tokai) are used by the politicians in their political activities, which include picketing and ransacking cars and shops. They are also utilised by the organised gangs in their criminal activities.

Surrounding environment of slum area, smuggling zone and crime prone areas are very vulnerable for the juveniles. When residing in such areas juveniles come in contact with criminal pattern and learn criminal techniques, then they become notorious criminals. Action movies and obscene pictures have negative impact on the mind set of the juveniles. The violence and sexuality visualised in the movies make the juvenile to go brothel and involve them with violent activities.

Concluding Remarks

Juveniles are the future of any society and require special care and attention. Due to their susceptibility they respond to social malfunctioning and other anomalies in ways not approved by social norms and values. Their resistance to the dominant culture indicates the necessity of reorganising the social institutions and spatial attention being given to promote the cause of juveniles.

Sheikh Hafizur Rahman Karzon is a Lecturer, Department of Law, Dhaka University.

LAW news



Argentine military face trials

At least 40 retired Argentine military officials accused of human rights violations during the 1976-1983 dictatorship are now in custody in Argentina and facing trials in Europe after the new government moved to strip them of their longstanding immunity from extradition.

President Néstor Kirchner, who took office two months ago, revoked a government edict that prohibited Argentine officials from being handed over to foreign countries to face criminal charges abroad.

His action came one day after a federal judge in Buenos Aires ordered the detention of 46 former government officials, all but one of them military officers, in response to a Spanish government request for their extradition.

The two actions represent an important shift in Argentina's position on bringing human rights abusers to justice and signal what could turn out to be a major advance in international law.

During the late 1980's, the Argentine Congress, facing the threat of rebellions within the armed forces, approved a pair of laws that granted amnesty to hundreds of military officers facing criminal charges inside the country.

The officials now being held for extradition include the two principal leaders of the successful military coup of March 1976. The coup was followed by a campaign of state terrorism in which foes and critics of the government, real and imagined, were kidnapped and killed. The two men, Gen. Jorge Rafael Videla and Adm. Emilio Massera, both 77, were facing other criminal charges stemming from actions not covered by the amnesty and were already under house arrest.

In 1985, General Videla and Admiral Massera were among nine members of the military junta who were tried by an Argentine court and found guilty of human rights violations ranging from kidnapping to murder. Both were sentenced to life in prison, but in 1989 and 1990, President Carlos Saúl Menem pardoned them, along with other military officers and left-wing guerrillas they had fought.

Two senior military officials sought in the Spanish extradition request have died, including the former junta chief, Gen. Leopoldo Galtieri, and another, according to government officials, has fled.

Foreign governments seem especially interested in trying Alfredo Astiz, a 50-year-old naval captain who has become perhaps the most notorious symbol of Argentina's Dirty War. Nicknamed "the blond angel of death," Captain Astiz infiltrated human rights groups and is accused of having designated which of their leaders were to be kidnapped, tortured and killed.

Captain Astiz, had already been convicted in absentia in France in 1990 and sentenced to life in prison for the kidnapping and killing of two French nuns in 1977. The French government said that it would renew an earlier request for his extradition; in 2001, Italy and Sweden also filed papers asking that Captain Astiz be handed over so he could be tried for the kidnappings or killings of citizens of those countries.

As Captain Astiz's case indicates, deciding which extradition requests to honor, and in which order, is likely to be a complicated and time-consuming process. The judge who issued the detention orders, Rodolfo Canicoba Corral, said it would take "at least several months" to sort out the various requests and hinted that extraditions might not occur at all if Argentina reversed course and decided to try the accused in local courts.

Mr. Kirchner has said he would like to see the amnesty measures overturned, which would allow local prosecutions, but he does not have the authority to do so himself. Lower courts have found both amnesty laws to be unconstitutional, but those verdicts have been appealed to the Supreme Court, which is in turmoil because of Mr. Kirchner's campaign to force judges loyal to Mr. Menem to step down. A final ruling on the question has not yet been issued.

The Spanish judge who made the extradition request, Baltazar Garzón, is the same judge whose efforts led to the detention of Gen. Augusto Pinochet, Chile's former military dictator, in Britain in 1998.

With the 30th anniversary of the coup that brought General Pinochet to power now less than two months away, Argentina's actions are certain to add to an already heated debate in Chile about how to deal with military human rights abusers there.

Source: New York Times.

LAW campaign



Sustainable consumption: The task ahead

CONSUMER INTERNATIONAL

CONSUMERS cannot afford to ignore the consequences of their consumption patterns and lifestyles on the environment. Money spent on household consumption worldwide increased 68% between 1980 and 1998. Ever increasing consumption is straining the environment, polluting the Earth, destroying the ecosystem and undermining living conditions. This is a deadly side effect of the development model and lifestyles of the developed countries in the North and emulated by the rich in the South. Such consumption is not environmentally sustainable. Humans must learn to manage their consumption patterns in an equitable manner and nation states must adopt environmentally and socially sustainable patterns of consumption.

For the Asia Pacific region, there are several critical factors and pressure points that make sustainable consumption a complex and inter-related problem.

Population increase

Population increase bring with it greater consumption pressure. Population in the Asia Pacific region, home to two-thirds of the world population, is increasing at a rate of 1.2% every year, and is estimated to reach 4.7 billion in 2025. China already has 1.3 billion people and India, over 1 billion. The Asia Pacific is also an area of rapid urbanisation. The urban population is currently growing at twice the rate of the total population and it is projected that in 2025 over half (51%) of the population will be urban (ESCAP, 2001). Urban populations everywhere consume more resources than their rural counterparts.

Resource intensity of consumption and the emerging middle class

The level of consumption, however, is not dependent on total population only. More significant to the level of consumption is the intensity of resource utilisation. Population and consumption are two interactive sides of man's impact on the environment. Indeed, overpopulation is the over consumption of environmental goods and that over consumption may be the result of too many humans contending over a limited resource base or an economic elite using that resource base excessively and abusively to the detriment of poor nations, future generations, and non-human kind.

This is a growing phenomenon in developing countries where a section of the population enjoys a standard of living, and even lifestyles, similar to, if not even more lavish, than that of the populations of the developed countries. One estimate suggests that by 1996, the emerging middle class of China, India, Venezuela, Brazil, Argentina, South Korea, Taiwan, Indonesia, Malaysia and Thailand amounted to roughly 750 million, almost as many of the 880 million in the industrialised countries. The rich contribute more to outdoor pollution, global warming, acid rain and toxic. But the poor bear the brunt in loss of lives and risks to health from pollution and toxic and in loss of livelihoods from soil degradation, desertification, deforestation and

biodiversity loss.

Under-consumption

The foremost concern of any consumption policy is meeting the consumption needs of the current poor feeding, clothing, housing, educating, and healing the ill among the poverty stricken of the world. It is meaningless to talk about consumption that is sustainable, when the basic and primary current consumption needs of society are not yet met. This is especially relevant for the Asia Pacific region. It is in Asia that the bulk of humanity resides and where rapid economic growth has occurred especially during the decade of the nineties. However, though much of Asia has grown rapidly, the progress achieved in the region continues to exclude a vast majority of its poor and undernourished. At the same time, the region is slated to become "more degraded, less forested, more polluted and less ecologically diverse in the future" (UNEP and Earthscan, 1999, 72). It is paradoxical that a region that has abundant resources and is consuming its resources rapidly is still unable to provide a decent living for the majority of its inhabitants.

Advertising fuels consumption

Consumption in the Asia Pacific is also growing rapidly due to greater expansion in access to information and communications tools. Access to consumer goods and services have been revolutionised. Billboard, Radio, Television, Cinema and Internet advertising have all grown greatly. Products and services from all corners of the globe are being increasingly promoted and influence the consumption patterns of millions of consumers in the developing countries of the Asia Pacific, especially the younger generation. Growth of advertising in developing countries has been spectacular. Between 1986 and advertising expenditure in China grew by more than 1,000%, in Indonesia by 600%, in Malaysia and Thailand by 300%, and in India, the Republic of Korea and the Philippines by more than 200% (UNDP, 1998). Consumers have been inundated with media messages urging them to consume more and more.

Impact of globalisation

Economic globalisation has further exacerbated the gap between rich and poor nations. There have been negative consequences with economic globalisation that are evident in the depletion of natural resources as a result of globalised trade, and abrupt investment shifts. In some instances, trade



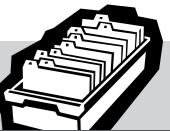
liberalisation has resulted in communities and small producers falling further into poverty, as they are unable to compete with the larger and more powerful multinationals that have entered and cornered their local markets. So far, the benefits of international trade have been felt the least by the people of the developing world.

Concluding remarks

Narrowing the consumption gap between the rich and the poor is obviously a key global priority. There is also a growing consensus that developing countries need not follow the unsustainable path taken by the developed countries. There is a real opportunity for the developing world to leapfrog to growth patterns that are good for the environment and rise from poverty. Very importantly, the sustainable consumption debate needs to shift its focus to the unsustainability of affluent lifestyles of the rich in both the developed and developing world. Towards this end, an alliance needs to be forged between governments, the corporate community and consumers to ensure that the sustainable consumption obligations in the UN Guidelines are successfully implemented.

Consumer International, a coalition of 250 organisations in 115 countries working for the protection and promotion of consumer's rights.

FACT file



Thailand When husbands rape

WALLAPA T

After a 10-year struggle, women groups in Thailand have finally put marital rape on the national agenda. Considered to be widely prevalent but rarely accepted or reported, marital rape till recently was not an issue even for women. Thai law does not recognise marital rape as a crime. Thus most women are forced to remain in the marriage despite sexual abuse.

But today, women like Mhe See hope in the anti-domestic violence campaigns led by women activists. Mhe is preparing a case against her husband, not only for violence but also domestic rape. She was often raped by her husband but as existing Thai laws do not see non-consensual sex between husband and wife as rape, she continued in the marriage.

One day, after a brutal beating, Mhe ran out of her house and was hit by a car. The police rushed her to hospital where the nurse on duty realised that most of her bruises and injuries were not from the accident. She took Mhe to an NGO who filed a case of assault against Mhe's husband. Though Mhe will not be able to slap charges of rape against her husband right now, she hopes that an amendment in the legislation against rape and sexual abuse will enable her to do so.

Mhe's case is considered a small beginning in the long struggle against sexual abuse in marriage. In the early 1990s, the National Women's Commission, the Criminal Law Institute and other concerned groups proposed an amendment to the law to include wives, transsexuals, boys and men in existing legislation on rape and sexual abuse.

It took seven years for the proposal to reach the Council of State, the government's legal arm. The slow progress was mainly due to the biases of a male-dominated bureaucracy. In 2000, the Council finally rejected the proposal saying that a man could be prosecuted for raping his wife only if he forced sex on her when infected with a contagious disease or when the couple has been separated by a court order for a period of no less than three years.

This year, women groups have again girded themselves to fight for a change in the law. This time they have also done some rethinking. "We must address rape, sexual molestation, sex with minors, sexual harassment, exhibitionism and pornography in the same legal offence package," suggests Dr Mataluck Sethamethakul of Thammasat University's Faculty of Law.

Ratchadaporn Kaewsanit of Women and the Constitution Network says that their campaign has so far achieved little for it challenges the perceived 'male prerogative' to control women's bodies. Men justify the use of force as punishment for women who don't perform their duties.

While women activists continue to pressurise the government to enact a new law or amend the old one, many also feel that they need to create more awareness in society, especially among women. "Without public pressure, our legal efforts will once again go nowhere," says Kaewsanit.

One reason for the failure of women groups so far has been their inability to educate women about their rights and prepare them for the long legal and emotional battle a case of domestic violence entails. Pichaiikul says, "Society is not really ready for laws against sexual violence. We need to sensitise women first so that they start asking themselves what kind of families and marital relations they really want."

-NewsNetwork/WFS