



# Global Report on Status Offences

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CRIN presses for rights, not charity, for children and is guided by a passion for putting children's rights at the top of the global agenda by addressing root causes and promoting systematic change. Its guiding framework is the UN Convention on the Rights of the Child (CRC).

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## Global Report on Status Offences

This publication gives an overview of status offences, including curfew violations, disobedience, begging, truancy and suspected gang membership with examples from around the world. It also contains a section on how to challenge curfew laws as a first step towards seeking the abolition of all status offence laws affecting children.

This is a new area of research. As such, the report is a working document. If you know of any relevant information, laws, or have any comments, please email [info@crin.org](mailto:info@crin.org)

*Please note that the examples provided in this report are not necessarily accurate reflections of the current laws in a country or city. Rather, they serve to show the various forms that status offences can take, the ways that they often come into being, and the manner in which they affect children's lives.*

### Introduction

Children come into contact with the justice system not only through general crime and delinquency laws, but also through committing special non-criminal "status offences." Status offences are special because they encompass acts that would not be criminal if they were committed by adults. This means that a status offender's conduct is considered unacceptable not because it is harmful, but solely on the basis of age. Status offences take many different forms in countries, states, and localities around the world - examples include curfew violations, school truancy, running away, begging, bad or anti-social behaviour, gang association, and even simple disobedience.

Status offenders are neither criminal nor delinquent, yet they are subject to arrest and detention and - once involved in the justice system - face a glaring lack of parental or legal support. Because status offences are not technically criminal, many status offenders are not guaranteed legal representation and may not even have access to relatives or trusted adults. Moreover, status offenders are frequently brought to the attention of the authorities by parents, which may indicate low levels of support at home.

Status offence laws also tend to have a disproportionate impact on children with the lowest levels of resources and the least available support from home or family environments. Because police are given great discretion to question and investigate children's activities, especially when they are without adult supervision, disadvantaged and street children are targeted because they are forced to spend more time in public spaces and face entrenched cultural biases that equate poverty with criminality.

***In order to prevent further stigmatisation, victimisation and criminalisation of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalised if committed by an adult is not considered an offence and not penalised if committed by a young person.***

Riyadh guidelines, article 56: 56

Most importantly, regardless of their backgrounds or situations at home, status offences are a violation of all children's rights. They violate children's rights because they target what adults consider to be problematic behaviour in children but acceptable once above the age of majority. Thus, limits are placed on children's behaviour that are not tolerated by adults. The United Nations Guidelines for the Prevention of Juvenile Delinquency have spoken out against these limits, stating that status offences stigmatise, victimise, and criminalise young people. These guidelines, the Committee on the Rights of the Child, and the United Nations World Report on Violence Against Children have all called for the abolition of status offences to achieve equal treatment for children and adults.

CRIN believes that status offences are a form of age discrimination and should be eliminated. Status offences are not only unfair, they curtail the freedom children need to grow and develop. They prevent children from becoming integrated into adult society. Ultimately, then, status offences not only fail to respect children's rights, they are in conflict with children's best interests. With this in mind, it is time to call on every country to abolish status offences and protect children from harmful age discrimination.

## International standards against status offences

- [United Nations Guidelines for the Prevention of Juvenile Delinquency \(the Riyadh Guidelines\)](#):  
"In order to prevent further stigmatisation, victimisation and criminalisation of young persons, legislation should be enacted to ensure that any conduct not considered an offence or not penalised if committed by an adult is not considered an offence or not penalised if committed by a young person" (§ 56).
- [General Comment No. 10 of the Committee on the Rights of the Child](#):  
"It is quite common that criminal codes contain provisions criminalising behavioural problems of children, such as vagrancy, truancy, runaways and other acts, which often are the result of psychological or socio-economic problems. It is particularly a matter of concern that girls and street children are often victims of this criminalisation. . . . The Committee recommends that the States parties abolish the provisions on status offences in order to establish an equal treatment under the law for children and adults" (§ 8).
- [UN World Report on Violence against Children](#):  
"Many children are arrested and detained for offences that are only a crime when committed by children. These 'status offences' include truancy, running away from home, or being 'beyond parental control'" (p. 194).  
  
"In the interests of reducing the numbers of children taken into custody, criminal codes and other legislation related to crime and policing need to decriminalise status offences and survival behaviours (such as begging, loitering, vagrancy) to remove the legal basis under which many children are taken into custody" (p. 204).  
  
"Governments should ensure that all forms of violent sentencing are prohibited for offences committed before the age of eighteen, including the death penalty, and all indeterminate and disproportionate sentences, including life imprisonment without parole and corporal punishment. Status offences (such as truancy), survival behaviours (such as begging, selling sex, scavenging, loitering or vagrancy), victimisation connected with trafficking or criminal exploitation, and anti-social or unruly behaviour should be decriminalised" (pp. 218-19).

## Curfews

Curfew laws typically restrict children to their homes during nighttime hours. Although they vary widely across jurisdictions with respect to times, targeted locations, and punishment for violations, curfews of any nature violate children's right to associate with one another. Curfews remove all children within a town or city's boundaries from the streets, banning them from public spaces regardless of their circumstances. Some curfew laws exempt children attending events sponsored by schools, religious organisations, or government bodies; however, these exemptions are inconsistent and far from universal. Moreover, adults are not subject to similar restrictions on movement and need not prove the worthiness of their activity to avoid criminal liability.

Curfews confine children to their homes not because they threaten public safety, but simply because they are below the age of majority. Essentially, curfews punish every child out of adults' fear and assumption that children allowed to gather freely in evening and early morning hours will inevitably resort to criminal activity. Not only is this unfair, it is untrue. The vast majority of children are law-abiding, and even for those few who might contemplate unlawful behaviour, there is little evidence that curfews have any meaningful effect on crime rates. Because curfews prevent children from interacting with each other and their environments in meaningful ways, they do not respect children's rights and freedoms and should be abolished.

### Examples:

*Australia*: [Queensland town introduces child curfew](#), ABC News, Aug. 16, 2007:

"A central Queensland Indigenous community is taking tough steps to curb juvenile crime, introducing a curfew on its young residents. Locals have had enough of unruly behaviour in the small town of Woorabinda...Under the plan,

children under 16 will be banned from the streets from 6:00pm until 6:00am, unless accompanied by an adult. Woorabinda Mayor Laurence Weazel says the hardline approach also sends a clear message to parents. "The curfew is not for the kids, the curfew is for the parents, and it was pretty much well accepted within the community," he said."

*Belize:* Belize City has periodically introduced curfews for children over the past decade. While the Government [indicated in 2005](#) that curfews were put in place as a child protection measure, In a summary of discussions between the government of Belize and the UN Committee on the Rights of the Child, other reports also indicate a desire to curb juvenile crime.

- [Curfew for children in Belize City and Dangriga](#), Channel 5 Belize, Apr. 9, 1999:  
"It was a suggestion made over and over at the Children's Summit and an action already adopted by concerned citizens in Dangriga. Today the Minister of Human Development and Youth signed a statutory instrument instituting a curfew for Belize City and Dangriga. When it takes effect in the next few days children 16 and under will no longer be permitted to be on the streets after 8 p.m. unless accompanied by a parent or guardian. If police do pick up a child for violating the curfew, which lasts until 6 a.m., the parent or guardian will face charges....The move, which may seem extreme, is intended to curb the incidents of juvenile violence as well as indecent assaults against minors."
- [Curfew back for city children](#), Channel 5 Belize, Oct. 18, 2004  
"It's been tried before and, as of Friday night, the measure has made a reappearance.... Tonight at eight, any child thirteen years and under found on the streets will be picked up and taken back to their homes or held until a parent or guardian can be located....It's been on the table for awhile, but certainly we have been getting a lot of complains and concerns from the public at large and we think that they are far too many children out in the streets late at night and unsupervised. But just how effective can the curfew be? One criticism is that the decision was only a knee jerk reaction to recent incidents and is more about politic than crime fighting.... The curfew will run seven days a week from 8p.m. to 6a.m.... We need to attack this at the root and get the children that are unaffected and who are in danger. We do know that the age of children legal is eighteen and the curfew can affect these. If we see people who are above the age of thirteen and we feel that they need to be addressed, those people will also be picked up and spoken to. Over the weekend seventeen children in Belize City were picked up and returned to their families.... [T]hey will try to have the curfew run as long as is necessary."
- [Belize City will reintroduce summer curfew](#), Channel 5 Belize, July 3, 2007:  
"It has been tried before with varying success and beginning the night of Friday July thirteenth, Belize City will once again impose a curfew for children. According to a release from the Press Office, the effort is being carried out by the Ministry of Human Development, with the help of the Police Department, NOPCAN, and Youth Enhancement Services. Under the terms of the city regulations, no child under the age of sixteen will be allowed to be in a street, park, or other public place between the hours of eight p.m. and six a.m. without an adult present. The goal is to protect children from criminal activities. Parents are urged to keep their children well supervised."

*Colombia:* Curfews were initially introduced in 2001 to curb the sexual exploitation of children in Bogota, but since that time have expanded to address concerns about children's potentially offending behaviour.

- [Bogota curfew aims at child sex](#), BBC News, Dec. 13, 2001:  
"The mayor of Bogota has imposed a night-time curfew on minors to clamp down on child prostitution and reduce crime rates in the Colombian capital. Under the new rules, which came into force on Wednesday night, any children under the age of 16 caught out on the streets between 11pm and 5am will be arrested by police. Any bars selling alcohol to minors will be fined over \$1,000 for every child served.... [Bogota Mayor Antanas Mockus] said the curfew, which is timed to coincide with seasonal festivities, aims to reduce violence and drug abuse, and other crimes committed both by and against young people....The BBC's Jeremy McDermott in Bogota says that as the curfew came into force, police fanned out to trawl Bogota's nightspots, but most of the children disappeared from sight as soon as the police vans arrived. In response to criticisms of the curfew, Mr Mockus said, 'I have received an avalanche of accusations saying these and other measures restrict people's freedoms, but I would prefer people to look on this from a different, more positive perspective.'"
- [Curfew for minors in the district of Bogota will be temporary](#), Caracol Radio, Sept. 4, 2008

“Bogotá's government secretariat has told local mayors that the curfew applied under-18s must be a temporary measure. The movement of under-18s is currently restricted after 11pm in some parts of the districts of Suba, Bosa, Usaquén, Kennedy, Ciudad Bolívar and Mártires. However, speaking to Caracol Radio station, state official Clara López said that there are no 'magic bullets' to the problem of juvenile delinquency. 'Signing a law or decree does not mean we can transfer all responsibility for dealing with the flaws in bringing up our children to the police so that they take restrictive measures like this,' argued López... The District Secretariat of the Government is studying the strengths and weaknesses of the curfew, but has already rejected the law in the Congress of the Republic which sought to extend its reach across the country.”

*Japan:* [Karaoke curfew imposed on Japanese teens](#), ABC News, Feb. 1, 2006:

“...Osaka prefecture has imposed a ban on youths under 16 going alone to any establishment with a karaoke machine after 7:00pm in an effort to promote "sound nightlife for young people". The region, which has Japan's most most bountiful entertainment after Tokyo, will fine karaoke operators about \$A3,300 if they violate the regulation." We had relied on operators' self-regulation but we decided to impose the ordinance in line with a change in times," prefectural official Chiyuki Yamada said. There is no punishment for teenagers if they stay out singing and teenagers aged under 16 are still allowed to sing their hearts out until 10:00pm if they are with a parent. Other Japanese prefectures have imposed similar curfews, but Osaka's is the toughest of its kind in Japan.”

Marshall Islands: The government has indicated that there is a curfew in place for children, and that violators are regularly detained and brought up on criminal charges.

- Initial Report of Marshall Islands to Committee on the Rights of the Child, Nov. 18, 1998, para. 199 ([CRC/C/28/Add.12](#)):  
“Over the past three years, there have been over 200 juvenile cases. Most cases involve multiple defendants, so the number of juveniles charged with offences is much higher - as many as 400. The majority of cases involve misdemeanours such as breach of curfew, drunk and disorderly conduct, traffic violations, malicious mischief and simple assault. In about 95 per cent of the cases, the court finds the juveniles guilty. ”

*Panama:* [Children detained for status offences in Panama...](#), CRIN, Feb. 16, 2010:

“In Panama, hundreds of children are being detained for curfew violations. Panamanian authorities reportedly detained 877 children in January for violating night-time curfews established in July 2009. The curfew, designed to reduce the potential for children to engage in criminal activity during night-time hours, establishes 9 pm as the curfew hour. After this time, children must be accompanied by an adult, and first time violators face a fine of 50 dollars. Panamanian authorities appear to be ramping up enforcement of the curfew. Last year, 133 cases out of a total of 161 in which children were detained for curfew violations occurred in December, according to reports by the Police's Department for Children and Young People. Between December and January, then, over 1,000 children were arrested and detained for being in public spaces in the night-time and early morning hours.”

*Russia:* Nighttime curfews for children have become increasingly common in Russia over the past several years:

- [Night curfew for children](#), Times of India, Mar. 26, 2009:  
“The Russian state Duma (parliament) has approved a bill introducing 'night curfews' for children, banning them from visiting public places during restricted hours without parents or guardians. The bill is an amendment to the law on the rights of a child, which bans minors from visiting gambling parlours, restaurants, cafes, bars, clubs, cinema halls and other places of entertainment. It also prohibits them from being on the streets, visiting parks and stadiums and travelling on public transport from 10 pm to 6 am, without the company of parents or guardians. The bill, which will come into force after approval by the Federation Council of Russia (upper house of parliament), permits the state's regions to expand the list of places and extend the hours of curfew by up to two hours. Parents and guardians of minors as well as owners and managers of public places will be fined for violating the law. According to lawmaker Yelena Mizulina, chair of the child welfare committee of the Duma (lower house of parliament), the bill is aimed at protecting children under 18 from violence and criminal influence.”
- [Minors Curfew Bill Passes First Reading in Khabarovsk Krai Duma](#), Vostok Media, Sept. 30, 2009:  
“Parents of minors who failed to follow the law will be imposed a fine. Today, the Legislative Duma of the Khabarovsk Krai has reviewed two draft laws concerning child rights...The second bill imposes a curfew on

minors under 16 years old. The curfew has been already imposed in several regions of the country. It would prohibit minors from loitering in public between 10 p.m. (11 p.m. in the summertime) and 6 a.m. Parents of minors who failed to follow the law will be imposed a fine. The bill enables law enforcement agencies to detain minors at public places, railroad stations, airports and a lot of other places.”

*South Korea:* In South Korea, where “internet addiction” has become a hot button issue, the government introduced plans in Spring 2010 to impose a curfew to reduce the amount of time children are able to spend playing online games:

- [Children face gaming curfew](#), BBC, Apr. 14, 2010:  
“The South Korean government is introducing policies aimed at curbing the amount of time children spend playing online games. The first involves barring online gaming access to young people of school age between 12am (midnight) and 8am. The other policy suggests slowing down people's internet connections after they have been logged on to certain games for a long period of time. The Culture Ministry is calling on games providers to implement the plans. It is asking the companies to monitor the national identity numbers of their players, which includes the age of the individual. Parents can also choose to be notified if their identity number is used online...A total of 19 role playing games will eventually be included - a huge proportion of the online gaming market in the country.”

*United Kingdom:* [Youth Curfew in Redruth to crackdown on anti-social behaviour](#), Telegraph, Jul. 8, 2008:

“Operation Goodnight in Redruth, Cornwall, will see officers given the power to remove any youth under 16 seen on the streets after 9pm and any child under 10 after 8pm. Officers in Redruth, Cornwall, say they have been forced into the extensive curfew in an attempt to make parents more responsible for their children. The scheme encourages parents to voluntarily sign up to the lock-in and register their children. Any child found outside after hours will then be checked on a register and if their parents have refused to take part in the voluntary scheme they face tough parenting orders. Police hope the scheme will not only tackle young offenders but also highlight parents who are failing to take responsibility for their offspring.... PC Marc Griffin, who is behind Operation Goodnight, said the curfew was brought in because unsupervised youngsters face an "increased risk" of becoming offenders....'Young people are at an increased risk of becoming either a victim or offender of crime and or anti social behaviour if left unsupervised during the evenings. The spirit of this scheme is not about restricting what our young people can and cannot do, but making certain that during the summer holiday evenings they are able to enjoy themselves but not at the expense of the wider community.'”

*United States:* Curfews have been introduced by cities and businesses across the country, often to address a perceived fear of offending or otherwise anti-social behaviour. Some examples include:

- [For teens, it's curfew time...at the mall](#), Christian Science Monitor, June 6, 2007:  
“It's 3 p.m. Time for the evening lockdown... [Police and guards are] trying to keep children and teens...out of the shopping mall... [T]his scene could have been played out in more than 40 major shopping centers across the country [which] have adopted what the Galleria terms a 'parental guidance required' policy, where anyone under 17 must be accompanied by someone 21 or older.... Behind the curfews is the occasional violence at some shopping centers across the country – and, more common, the boisterous behavior of cliques of teens, who often scare off adult consumers. Here in St. Louis, several malls have instituted curfews in just the past few months... Store officials here and elsewhere complain that swarms of teenagers do often make shopping seem as pleasant as a trip to the dentist...Yet not all teens who hang out at malls are disruptive, and many of them, predictably, resent the new strictures. "It's dumb," says Jen, a 16-year-old high school student. She thinks kids will just look for other places to hang out and other, less wholesome ways to pass the weekend hours – including driving around aimlessly...Others think teens are being unfairly blamed... "I hate it," concurs Elaina Barnie, 13... 'I don't think all kids should be punished for something others did.' And 16 as the cutoff age – it's too Draconian, says Laura Grauer, 22. She notes that people are almost ready to move away from home at that age: "If they're mature enough to live on their own, they should be mature enough to shop.”
- [Theater curfew steams teens](#), Spartansburg Herald-Journal, Sept. 12, 2007:  
“A month-old curfew at Spartansburg's largest theater might be drawing a few jeers from local teens, but an executive for the cinema's parent company said he believes more people are buying tickets with the measure

in place. Spartan 16 -- so named for its 16 screens and not its curfew age -- instituted the policy in the wake of youth violence at other nearby west-side businesses. The curfew, which took effect Aug. 1, prohibits anyone younger than 16 from attending shows that begin at 9:30 p.m. or later without being accompanied by someone 21 or older.”

- [After Surge of Violence, a Curfew in Hartford](#), New York Times, Aug. 22, 2008:  
“...[S]hootings...prompted the police and city officials to take a series of steps to try to quell the violence in Hartford, which has seen 152 people shot since January... The most drastic measure city officials took was to impose a 30-day emergency curfew that prohibits children under 18 years old from being on the street after 9 p.m. unless they are with a parent or guardian. ' The goal of the curfew was to continue to secure the safety of all citizens, especially the young people,' [the mayor] said. By Thursday morning, after the curfew had been in place more than a week, the police had taken more than 70 children home to their parents. But by then, the strategy of picking up under-age youths out late was already showing its limits as a preventive to the violence. On Wednesday night, there were three shootings, critically injuring two men. They did not involve teenagers, the police said.... On the first night of the curfew, 11 teams of Hartford officers and State Police troopers fanned out across the city in patrol cars and on bicycles. Officers in cruisers went through the city’s most troubled neighborhoods, reminding teenagers clustered on the sidewalks to be inside by 9 p.m.”
- [Richmond fights truancy with daytime curfew](#), SF Gate, Apr. 11, 2010:  
“On any given school day, an estimated 450 Richmond teenagers are truant, hanging out on the streets, at parks, in shopping malls, or worse, committing or falling victim to crime. State law says they have to be in school. But enforcement has meant dragging the students back to class or to the police station, where officers might have to wait with them - often for hours - until their parents pick them up....But with truancy rates double the statewide average and with residential burglary rates committed by juveniles too high, Richmond Police Chief Chris Magnus decided to take an unusual step. He proposed a daytime curfew - one that went from 9 a.m. to 2 p.m every school day. Last week, the City Council approved his idea unanimously, making it a municipal offense for a juvenile to be without a parent or guardian on city streets or in any public place when school is in session. Any minor found violating the new law will risk receiving a citation, a trip to juvenile traffic court and a possible fine. But the daytime curfew wasn't enough. Magnus believed businesses had to step up, too. So, the law stipulates that any employee who knowingly allows an unaccompanied minor to linger on the premises during curfew hours could be cited with a misdemeanor....”
- [Halloween Curfews & Trick or Treating](#), October 2010  
“This is a list of curfews a few days before and during Halloween from various sources. If in doubt, check with your local authorities.” Note that curfews on and around Halloween evening are common in the United States, and are often imposed to limit children's movements for fear of anti-social behaviour in the wake of holiday festivities. This list reveals the extent of these curfews in just one state, New Jersey.

## Curfew reform

Because curfews are very popular, high-profile, and can affect large numbers of children where they are in force, many strategies have been developed to advocate for their repeal. Before you begin a campaign against a curfew, it is important to fully understand who has put the curfew in place, what precisely it prohibits, and where and when it applies. If there is a youth rights or civil liberties organisation in your area, they may be an excellent source of information. If it is a local curfew that applies only within your town or city, you might write letters to your major or city councilman or present your objections at local town hall or city council meetings. If the curfew is on a state or national level, you could contact your state or national representative or seek an audience before the legislature.

On a grass roots level, children, parents, and advocates have begun movements to repeal curfews in their towns and cities. Simple and direct strategies like distributing information and stickers about how curfews negatively affect children may be a first step. Once a group of people interested in challenging a curfew has been gathered, speeches, press releases and protest marches may all play a role in gathering momentum behind the cause. A petition signed by children and parents affected by the curfew and asking for it to be repealed may be of great value to show politicians that the community is concerned about the negative impact of curfews on children's rights and freedoms.

Many curfews have also been successfully challenged in courts. Where curfews violate fundamental rights and

freedoms, courts have overturned them as inconsistent with national or international protections. The sources of these rights are many, from state or national charters and constitutions to international conventions like the European Convention of Human Rights and the Convention on the Rights of the Child. Successful lawsuits have focused on many rights (including liberty, protection against unreasonable detention, and privacy) and freedoms (including movement, association, speech, and peaceful assembly). Some lawsuits are brought by children directly, some by parents, and some by civil liberties or youth rights organisations on behalf of children and their families. If these organisations exist in your area, they may again be a valuable first line of contact.

The U.S.-based National Youth Rights Association has also developed a programme for children looking to organise and lobby against curfews directly; details are available on their website at <http://www.youthrights.org/curfewaction.php>. Examples of curfews that have been challenged appear below.

*Canada:* [Curfews violate freedom of movement](#), Montreal Gazette, Jul. 14, 2004:

“The Quebec Human Rights Commission declared yesterday that a curfew proposed by the town of Huntingdon contravenes the province's Charter of Rights and Freedoms. In its statement, the commission said it decided unanimously that the proposed curfew for minors in the border town violated freedom of movement and of peaceful assembly guaranteed by the charter....A spokesperson for the Surete told The Gazette earlier that Huntingdon does not have more acts of mischief than other parts of the region. 'Where you have youth, you have a certain level of criminality,' Ronald McInnis said. His words echo those of Chenail, who accused the mayor of exaggerating the town's record of youth crime and, thus, tarnishing its reputation. While the commission recognizes that cities can adopt measures to ensure the peace, no measure can contradict the laws of Quebec, Canada and the charter...”

*United Kingdom:* In 2004, a 13-year-old boy sued the Government to challenge new police curfew powers with the assistance of a prominent civil liberties advocacy group. In the end, the courts agreed that police could not detain or remove children from an area simply because they are present there during certain hours; rather, there must be some measure of anti-social behaviour involved.

- [Civil rights group challenges night curfews for teenagers](#), Observer, Jun. 20, 2004:

“Night-time curfews, Labour's big idea to curb anti-social behaviour, will be challenged in the European Court of Human Rights after a teenager in West Sussex agreed to let the civil rights group Liberty bring a test case in his name. If the case is successful, it will be a humiliating blow for the government, which introduced the legislation in a blaze of publicity, despite opposition from civil rights campaigners. The 13-year-old boy from Seaford, who will remain anonymous, claims that his right to free movement and assembly has been breached after police imposed the dispersal order over a large part of his town, including the beach and park. The order - which gives police the power to order any group of two or more young people aged 16 or under and out after 9pm to leave the area and not return - will remain in place until the end of November. 'Our action will be a crucial test case with obvious implications over all of the country,' said Barry Hugill of Liberty. 'If we win, and we believe our chances are high, the policy will collapse across the whole country.'....'These orders are becoming ubiquitous,' added Hugill. 'Placing teenagers who have done nothing wrong under house arrest - which is, in effect, what a curfew is - restricts their freedom of movement, which is a right guaranteed by the Human Rights Act. 'The police have ample powers to deal with youngsters who break the law and there is no justification for this blanket, which treats them all as criminals.'”

- [Curfew zones breach human rights, court told](#), Telegraph, May 27, 2005:

“The introduction of curfew zones to tackle anti-social behaviour was a fundamental breach of children's rights, the High Court was told yesterday. The comments were made on behalf of a 15-year-old boy who is challenging the creation by the Metropolitan Police of two child "dispersal areas”.... Any unaccompanied child under 16 who ventures into such an area after 9pm is liable to be arrested and escorted home, whether or not he or she is suspected of bad behaviour. Javan Herberg, appearing for the unnamed boy, said the effect was to create curfew zones which violated the human rights of innocent young people and were an abuse of the common law.... People could be detained, held and returned to their homes 'even when there is no suggestion or apprehension that they will commit anti-social behaviour or anything else wrong'....'A large number of people have had their freedom of movement and association curtailed or fettered by the designation of dispersal areas and by the curfews operated in those areas.'”

- [Court Judgment on Government's Anti-Yob/Anti-Child Policy](#), Liberty, Press Release, May 11, 2006:

“The Court of Appeal today ruled on the case of ‘W’, the child who won his challenge to the Government’s

curfew power. In July 2005 the High Court ruled that the curfew power of the Anti-Social Behaviour Act 2003 could not have been intended to include the right to use force. Today's ruling states that the Police do have the right to use force, but only to remove children who are involved in, or at risk from, actual or imminently anticipated bad behaviour. Liberty represented the boy 'W' in opposing the arbitrary nature of this curfew power and to protect the right of everyone, no matter what their age, not to be subjected to coercive powers without good cause. Alex Gask, Liberty Legal Officer, said: 'My client is very pleased with this outcome....No longer must he and other well behaved young people worry about being criminalised simply for being out past 9pm on warm summer evenings.'

*United States:* Curfews across the country have been challenged both by children directly affected and by civil liberties advocacy groups. While these challenges have not always been successful, a small sample of advocacy efforts and further resources on curfew reform are presented below:

- [ACLU troubled by city's curfew](#), Columbus Dispatch, June 7, 2008:  
"As the city's stepped-up curfew enforcement rolls into its first full weekend, the initiative is drawing scrutiny from the American Civil Liberties Union of Ohio. The ACLU has sent a letter to Columbus City Attorney Richard C. Pfeiffer Jr. asking his office to better explain the city's program of detaining juveniles for curfew violations, saying a number of reported practices appear to be unconstitutional. 'To be sure, the ACLU of Ohio opposes all juvenile curfew ordinances as a violation of fundamental rights of innocent people,' the letter states. 'Curfews, at their core, essentially place all persons of a particular demographic under 'house arrest' for the actions of a minority.' The letter questions the city's procedures while detaining juveniles at the Downtown YMCA, including whether authorities are confiscating their belongings or subjecting them to invasive questioning about their personal lives..."
- [Alaska Court Strikes Down Curfew Law as Violation of Parents' and Children's Constitutional Rights](#), ACLU, Press Release, Mar. 22, 2001:  
"Moving to protect the rights of parents to rear their children free from unwarranted government intrusion and the rights of innocent teenagers to travel at night without being given criminal citations, a local court here struck down the city's curfew ordinance. The ruling was hailed as a victory by the Alaska Civil Liberties Union, which had filed a constitutional challenge to the law on behalf of parents who had given their children oral permission to be out past curfew hours and teens whose only "crime" was being out at night for legitimate reasons with their parents' permission. "There are countless instances in which fairness and justice dictate that teens should be allowed to travel at night," said Jennifer Rudinger, Executive Director of the Alaska Civil Liberties Union....Courts across the country are divided on whether curfews are constitutional, and curfews have been struck down in states including New Jersey, Iowa, Washington and California. Curfews have been upheld in Texas and the District of Columbia...."<sup>1</sup>
- [Juvenile Curfews: The rights of minors vs. the rhetoric of public safety](#), American Bar Association, Fall 1999:  
"After an absence of several decades, juvenile curfews have reappeared in communities across the United States. Researchers estimate that nearly 75 percent of major American cities now enforce some form of a nocturnal curfew. As curfews become more widespread, the debate over their efficacy and constitutionality has intensified. That debate frames a number of fundamental questions regarding the relationship between individual liberty and community safety, and the degree to which we are willing to infringe the rights of a discrete and vulnerable group to advance our collective sense of security..."
- Petition: [The curfew laws say everybody underage is guilty](#), Des Plaines, IL:  
"This law doesn't just target Bad kids it targets anybody: Teenagers leaving a late movie; Kids sitting at the coffee shop playing Chess; Even that 3am Once in a life time meteor shower. Our Parents might have to bail us out of jail because the concert we went to ran a little late. Curfew means that teenagers that are slightly older than 17 have to carry around Ids. And if for some reason we don't have it on us, we could be hauled away by the police until we could prove our age. I mean it is one thing to strengthen parental responsibility; it's a whole other thing to shift responsibility from the parents to the governments! What can you do to help Well you cann sign this very petition!... Please help fight the curfew!"

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1 This case was later [overturned on appeal](#) to the Alaska Supreme Court. The arguments presented and review of curfew laws, however, remain of interest.

In many countries, children may be reported to the authorities simply for disobeying their parents. Children are routinely detained for "unruly", "disruptive", and "difficult" behaviour, or even where adults believe them to be "out of control". These laws do not address the nature of the conflict between a child's and his or her parent's wishes, and do not require authorities to explore the reasons behind his or her behaviour. Instead, children are subject to official punishment regardless of how unreasonable the demands on them may be. And because status offence laws covering disobedience are very vaguely worded, it is impossible for children to know when they risk arrest or detention. Unfortunately, this means that these laws are easy for parents and authority figures to abuse, turning a confused or upset child into a criminal. Moreover, as many of these children are brought to the police directly by their parents, officers are unlikely to believe or even listen to them, much less investigate the circumstances fully. In sum, disobedience laws arbitrarily and unnecessarily criminalise children's actions merely because they do not fit adults' ideas of acceptable behaviour. For this reason, disobedience laws should be abolished.

### Examples:

*Bahrain*: The Committee on the Rights of the Child expressed concerns about laws punishing children for bad behaviour, among other status offence-related provisions:

- Initial Report of Bahrain to the Committee on the Rights of the Child, July 23, 2001, para. 148 ([CRC/C/11/Add.24](#)):  
“In cases of exposure to delinquency, such as begging, peddling, truancy from educational institutions and lack of parental control, the sociologist at the Office of the Women’s Police serves notice, in writing, on the guardian to provide the juvenile with the care and supervision needed to ensure that the juvenile is never again found in a situation that exposes him or her to the risk of delinquency. A copy of the said notice is sent to the Juvenile Welfare Unit at the Ministry of Labour and Social Affairs, the staff of which monitor the juvenile’s welfare and endeavour to overcome any obstacles impeding the rectification of his or her conduct. If the juvenile is again found to be at risk of delinquency six months after the notice was served, the juvenile’s case is once again referred to the Women’s Police, who takes the necessary measures to bring the matter, through the Juvenile Social Welfare Unit, to the attention of the juvenile court. The situations that entail a risk of delinquency include: (i) Frequentation of delinquents, suspected delinquents or persons renowned for their bad conduct; (ii) Engagement in, or assisting persons engaged in, acts associated with prostitution, vice, moral corruption, gambling or narcotic drugs, etc.; (iii) Lack of a legitimate livelihood or reliable provider; (iv) Affliction with a mental disease or infirmity entailing total or partial loss of discretion or choice and endangering the safety of the afflicted person or of others.”
- Committee on the Rights of the Child, Concluding Observations on Initial Report, Mar. 11, 2002, para. 47 ([CRC/C/15/Add.175](#)):  
“The Committee is concerned that...(b) Under article 2 of the 1976 Juvenile Law, persons who commit status offences (e.g. begging, dropping out, misbehaviour, etc.) are subject to legal sanctions....”

*Bangladesh*: Committee on the Rights of the Child, Concluding Observations on Initial Report, June 18, 1997, para. 26 ([CRC/C/15/Add.74](#)):

“The situation in relation to the administration of juvenile justice, and its incompatibility with articles 37, 39 and 40 of the Convention and other relevant international standards, is a matter of concern to the Committee. Specifically, the Committee is concerned about the very young age of criminal responsibility (7 years), the lack of adequate protection for children aged 16-18, grounds for arrest and detention of children that can include prostitution, 'vagrancy' or 'uncontrollable behaviour', the possibility of imposing heavy sentences on children and the solitary confinement and ill-treatment of children by the police.”

*Belize*: [Children and Adolescents in Belize 2004](#), Alternative Report to the Committee on the Rights of the Child, pp. 7, 27:

“The Certified Institutions (Children’s Reformation) Act is contrary to a child’s best interests by allowing a parent to put their child in detention for the status offence of being 'out of control.' It should be repealed.”

“The Certified Institutions (Children’s Reformation) Act allows parents to send their child to a juvenile detention

centre known as the Youth Hostel, for being 'out of control'. In 2003, over 400 children and adolescents went to court for this status offence. The Youth Hostel was relocated some years ago from Belize City to a remote place at 21 miles on the Western Highway, in contravention of s. 21 of the 1990 Rules which requires that as much contact as possible be maintained between children and community to enable children's rehabilitation. Children were removed from being in a community which sometimes reported suspected abuse. In 2002 there was such concern about the systematic harsh punishment of children at the Youth Hostel that NGO human rights monitors were called in. At one stage all the girls held there were said to have absconded. Absconders as young as 12 are detained in Hattieville prison. Corporal punishment and harsh treatment of children at the Youth Hostel persist, despite official efforts to forbid it and train staff. There have been reports that Youth Hostel staff take children to local police for a good beating."

Japan: Juvenile justice and the role of probation officers, Keynote Speech, Jaap E. Doek (Committee on the Rights of the Child), Oct. 12, 2005:

"In quite a number of States Parties to the CRC, including Japan, children who have not committed a crime but have shown a problematic behaviour that indicates that they may commit offences in the future, are treated under the same rules and regimes as juvenile delinquents. But it is not clear what kind of charges (if any) are brought against them. The Committee regularly expresses its concerns in this regard. For instance, they may be deprived of their liberty and kept in police custody or some kind of pre-trial detention without having committed a crime (or being accused of it). So, how can they defend themselves if no clearly defined charges have been submitted to the judge (or the family court). And, are there specific criteria for the decision to treat a juvenile with problematic behaviour as a juvenile delinquent? The CRC Committee has recommended States Parties to abolish these kind of rules and practices. In this regard the same applies for the so-called status offences, that is the criminalisation of unruly/difficult behaviour of a juvenile, such as in Japan habitually disobeying the proper control of the custodian or frequenting places of dubious reputation."

Kazakhstan: Kazakhstan's juvenile justice laws have been found troublesome by a number of different observers, including the Committee on the Rights of the Child, the Danish Centre for Human Rights, and local NGOs:

- Committee on the Rights of the Child, Concluding Observations on Initial Report, July 10, 2003, paras. 68-69 ([CRC/C/15/Add.213](#)):  
"The Committee notes, inter alia, that disorderly conduct has been defined as a serious crime constituting a danger to society, leading to the criminalization of behavioural problems. ...The Committee recommends that the State party review its classification of serious crimes in order to reduce criminal law prosecution of 14 to 16-year-old children and abolish provisions that criminalize the behavioural problems of children (so-called status offences)."
- [Kazakhstan NGO Alternative Report to the Committee on the Rights of the Child](#) (2003), p. 42:  
"The existing procedure applied to juvenile offenders is not defined by any separate procedural laws, but is based on subordinate legislation (regulations, rules, instructions) and on practical experience. At first children are taken to police departments on juveniles (PDJ). According to the departmental rules, the groups of children taken to juvenile police stations are as follows: 1) children below the age of criminal liability that committed acts injurious to the public in general, containing signs of a criminal act; 2) children that committed administrative violations; 3) children that left without proper authorisation the special educational institutions for children, Centers of temporary isolation, adaptation and rehabilitation for juveniles (CTIARJ); 4) juveniles below 16 years of age that left their family without proper authorisation, and unidentified adolescents from 16 to 18 years of age that need supervision and help to be taken to CTIARJ with a purpose of subsequent return to parents or placement in the health and education institutions; 5) children that were lost or abandoned are taken to PDJ with a purpose of return to their parents or others that have the care of the child, or to be placed in CTIARJ, orphanage or healthcare institutions. The adoption of such decision on placement of the child is not defined by any procedure of the procedural code and legislation."
- [Juvenile Justice in Kazakhstan](#), Danish Centre for Human Rights (2000), p. 62:  
"[A]t the present it is considered a status offense, if more than 5 children are gathered on the street."

Morocco Sexual Exploitation of Children: the Case of Marrakech [French], UNICEF, 2003, p. 27:

"Article 513 also defines children in difficult situations: 'A minor not having attained the age of 16 is considered to be in a difficult situation if his/her physical, mental, psychological or moral security, or his/her education is endangered

because of spending time with delinquent persons or persons known for their bad reputation or record with the law; if he/she rebels against the authority of his/her parents, guardian, court-appointed guardian, tutor, the person responsible for his/her care, or the institution where he/she has been placed, if he /she is habitually truant at school, if he/she runs away from home, or if he/she doesn't have a suitable place to live.”

*Nigeria*: Reports of large numbers of children being detained for being “beyond parental control” are common in the press and the UN human rights system alike:

- [Pathetic: 500 babies abandoned annually in Nigeria](#), says ILO child labour survey, Abuja Daily Sun, Apr. 30, 2007:  
“Faced with an increasingly hopeless situation, the number of juvenile offenders in police custody are multiplying by the day. Police crime data further showed that about 15 percent of all persons detained in the country are juveniles, 45 percent of whom were arrested for offences against property such as robbery, theft and fraud, while 38 [percent] were held for status offences committed as a result of defying parental control.”
- Committee on the Rights of the Child, Concluding Observations on Initial Report, Apr. 13, 2005, para. 78 ([CRC/C/15/Add.257](#)):  
“However, the Committee remains gravely concerned that the juvenile justice system in the State party, in particular, the Shariah court system, does not conform to international norms and standards, in particular that... (h) Some children are detained for 'status offences' such as vagrancy, truancy or wandering, or at the request of parents for 'stubbornness or for being beyond parental control'”
- [UN World Report on Violence against Children](#), p. 194:  
“In March–April 2003, 60% of children detained in a Boys’ Remand Home in Lagos, Nigeria were non-criminal cases, of which 55% were boys ‘beyond parental control’, and 30% were care and protection cases (‘found’ children). A further 15% were children who had been rounded up in police street raids. Likewise, 80% of girls detained in the Girls’ Remand Home were non-criminal cases, i.e. ‘beyond parental control’, or ‘care and protection’ and civil dispute cases.”

## Street children

Status offence laws in many countries particularly criminalise children living in the streets or otherwise without a home. These laws prohibit begging, truancy (absence from school), vagrancy, homelessness, collecting rubbish, and running away, and may further target children involved in prostitution or gambling. Street children are undoubtedly one of the most vulnerable groups in society. Status offence laws that criminalise their lifestyles fail to provide these children with the special protection and assistance they need. Instead, street children are harassed and detained by police to face harsh conditions in jails and other poorly-suited institutions. Because these children are confined solely on the basis of factors beyond their control - their age and often extreme poverty - status offence laws relating to street children should be abolished.

### **Examples:**

*Bangladesh*: The Committee on the Rights of the Child has repeatedly voiced concerns over the extensive discretion granted to police in Bangladesh to detain street children and victims of sexual exploitation:

- Committee on the Rights of the Child, Concluding Observations on Second Periodic Report, Oct. 27, 2003, para. 77 ([CRC/C/15/Add.221](#)):  
“[T]he Committee remains concerned at the limited progress achieved in establishing a functioning juvenile justice system throughout the country. In particular, the Committee is concerned at... (d) The extensive discretionary powers of the police, reportedly resulting in incarceration of street children and child prostitutes...”
- Committee on the Rights of the Child, Concluding Observations on Initial Report under the OPSC, July 5, 2007, para. 32 ([CRC/C/OPSC/BGD/CO/1](#)):  
“The Committee notes that while some measures protecting the rights and interests of child victims are

included in the Children Act of 1974, there is no specific law for the protection of child victims and witnesses of crime. It is also concerned at the information that victims of the practices covered by the Protocol, notably child prostitution, are sometimes charged with immoral behaviour and detained until their case is heard and that, after the trial, especially boy victims are often placed in child correctional centres.”

*Egypt*: Status offences, such as begging and truancy, are in practice criminalised under the Children's Code:

- [Children's Code, Article 96](#):  
“A child shall be considered liable to perversion in any of the following cases: 1. In case he is found begging. Displaying trifle commodities or services, or performing acrobatic shows and other such unfit works for a serious source of living shall be considered a type of mendacity. 2. If he practices the business of collecting cigarette butts or other remnants or waste matters. 3. If he is found performing...debauchery, corruption of morals, gambling, drugs, or other such conducts, or serving those performing them. 4. If he has not stable residence address, or normally sleeps in the streets or in other places that are not provided for residence or sleeping... 8. If he has no licit means of living, nor a trustable supporter.”
- [Representing Children Worldwide](#), Egypt (May 2005):  
“Egyptian law does not effectively distinguish between children who have committed criminal offences and children who are in need of protection. Chapter Eight of Egypt's Child Law 12 of 1996, entitled 'The Criminal Treatment of Children,' allows police to arrest any child under eighteen for a wide variety of activities. Some of these activities, including being habitually absent from school or suffering from mental illness or diminished mental capacity, are 'status offences' that would not constitute crimes if committed by adults. Others, like being homeless, begging, or practicing or working for those involved in prostitution, gambling, or drugs, are clear evidence that a child is in need of special protection and assistance from the state.”

*Kenya*: Extensive concerns about the criminalisation of street children in Kenya have been raised by human rights groups and the Committee on the Rights of the child over the past several decades:

- [Juvenile injustice: Police abuse and detention of street children in Kenya](#), Human Rights Watch, June 1997:  
“[Street children] are subject to frequent arrest simply because they are homeless; "vagrancy" (being without a fixed abode) is a criminal offence under Kenyan law. Once arrested, often by plainclothes police in roundup operations, street children are processed through the revolving doors of the Kenyan juvenile justice system, where children pass back and forth between remand detention centers and court before a final disposition is reached in their cases. After spending indefinite periods of time on remand, where they are further neglected and abused, they may be finally sentenced to institutions called approved schools, borstal institutions or adult prisons, which do little to improve their lives. Further, the procedures by which street children are deprived of their liberty and are committed to these institutions do not comply with the due process standards of international law.”
- Initial Report of Kenya to Committee on the Rights of the Child, Feb. 16, 2001, para. 490 ([CRC/C/3/Add.62](#)):  
“One of the difficulties experienced in the administration of juvenile justice is the overlap of discipline and protection cases. This weakness arises from the Children and Young Persons Act which does not provide a clear distinction between a child in need of protection and a child in need of discipline. A child in need of protection may easily be processed through the juvenile justice system as one in need of discipline.”
- [NGO Group for the Convention on the Rights of the Child](#), State Party Examination of Kenya's Second Periodic Report, Jan. 16, 2007, p. 5:  
“The Committee was concerned that the police picked up children off the street for preventative detention, referred to as diversion. It enquired about the process in this situation, if the child's opinion was taken into account and whether there was any status offence in Kenyan Legislation. The delegation confirmed this practice and stated that it was being reviewed under the revision of the Children's Act. The Committee asked if there was any overseeing body in this area. The National Diversion Co-Teams followed the regulation of diversion and trained police officers to receive these children. Each station was also supposed to have a social worker to ensure that the child's rights were being respected. These children were separated from those who had committed offences.”

- Committee on the Rights of the Child, Concluding Observations on Second Periodic Report, June 19, 2007, para. 67 ([CRC/C/KEN/CO/2](#)):  
“The Committee is concerned that children in need of care are kept in the same institutions as children in conflict with the law and that detention facilities are overcrowded. The Committee also regrets that free legal aid for children is not systematized and that assistance for child victims is inadequate. Finally, the Committee is concerned that street children are detained on the basis on their social condition. ”

*Libya:* The Government has reported that street children can be institutionalised under laws which have been criticised by the Committee on the Rights of the Child as criminalising status offences:

- Second Report of Libya to Committee on the Rights of the Child, Sept. 19, 2002, para. 50 ([CRC/C/93/Add.1](#)):  
“On 5 October 1955, a law on young vagrants was promulgated to address the welfare of child beggars, street children living outside the family fold, children without a family provider, children associating with persons of dubious character and children who collect refuse, waste and cigarette ends or who assist persons employed in prostitution and gambling. The welfare procedure entails the issuance of a ruling - at the request of the Department of Public Prosecutions - for the child to be handed over to his rightful guardian, a charitable foundation or a State-recognised establishment. If the child returns to vagrancy within one year, the court issues an order committing him to an institution for juveniles, a charitable foundation or a recognised establishment.”
- Committee on the Rights of the Child, Concluding Observations on Second Periodic Report, July 4, 2003, para. 45 ([CRC/C/15/Add.209](#)):  
“[T]he Committee is concerned that...(b) Status offences are criminalized (i.e. vagrant and street children may be placed in juvenile homes or other institutions)...”

*Mozambique:* Laws permitting the detention of street and “difficult” children have been heavily criticised by the Committee on the Rights of the Child:

- Initial Report of Mozambique to the Committee on the Rights of the Child, May 14, 2001, para. 555 ([CRC/C/41/Add.11](#)):  
“[M]inors under 16 years of age fall under the jurisdiction of the Juvenile Court, and only assistance, education or corrective measures envisaged in special legislation, the Statute of Legal Aid to Minors, may be taken. As regards criminal protection measures, the provisions of article 16 of the Statute give the Juvenile Court the power to determine measures for those minors under 16 who: (a) Through their condition, their behaviour or their tendencies reveal serious difficulty in adapting to normal social life; (b) Are beggars, vagrants, prostitutes or promiscuous; (c) Are the agents of an act described as a crime or misdemeanour in penal law.”
- Committee on the Rights of the Child, Concluding Observations on Initial Report, Apr. 3, 2002, para. 72 ([CRC/C/15/Add.172](#)):  
“The Committee is concerned that: (a) Some laws, policies and practices in the State party’s juvenile justice system are incompatible with the principles and provisions of the Convention, including articles 37, 40 and 39; (b) Children aged 16 and 17 do not benefit from the protections afforded by juvenile justice standards; (c) The list of punishable acts described by the State party in its initial report, including begging, vagrancy and promiscuity, may lead to the inappropriate targeting of children by the judicial system; (d) While the illegal detention of minors and violence by the police have decreased, such incidents continue...”

*Myanmar:* The Committee on the Rights of the Child has expressed concerns that street children and children considered “uncontrollable” can be and are taken into care under Myanmar's Child Law.

- Second Periodic Report of Myanmar to the Committee on the Rights of the Child, Nov. 5, 2003, para. 98 ([CRC/C/70/Add.21](#)):  
“Section 32 of the Child Law is concerned with the child in need of protection and care. It stipulates that a child in need of protection and care is...(b) One who earns his living by begging; (c) One who is of so depraved a character that he is uncontrollable by his parents or guardian...”

- Committee on the Rights of the Child, Concluding Observations on Second Periodic Report, June 30, 2004, para. 76 ([CRC/C/15/Add.237](#)):  
“The Committee is concerned at the limited progress achieved in establishing a functional and adequate juvenile justice system throughout the country. In particular, the Committee is concerned about...(i) The legal sanctions imposed on children who commit statutory offences such as begging.”

*Nigeria*: [Street Children & The Juvenile Justice System in Lagos State](#), Consortium for Street Children, January 2004, p. 53:

“The juvenile court system goes beyond dealing with criminal cases. As previously stated, the objective is for the welfare of children in need of care and protection and the treatment of children in conflict with the law. The court therefore adjudicates over cases of:

- (i) Children in need of care and protection;
- (ii) Children who need to be taken in by another family (fostering and adoption)
- (iii) Children whose paternity is denied or in dispute;
- (iv) Truants;
- (v) Children ‘beyond parental control’
- (vi) Children in conflict with the law

Children under categories (i) and (ii) above are social welfare cases. Category (iii) is civil while categories (iv) and (v) are ‘status offences’. Only category (v) covers criminal cases. According to international guidelines, categories (iv) and (v) should be decriminalized and categories (i), (ii) and (iii) should be dealt with separately from criminal cases at all times.”

*Qatar*: The Penal Code of Qatar criminalises children involved in prostitution, begging and vagrancy, and has been criticised by the Committee on the Rights of the Child.

- Initial Report of Qatar to the Committee on the Rights of the Child, Oct. 29, 1999, para. 160 ([CRC/C/51/Add.5](#)):  
"Children are protected under the provisions of the Penal Code and a number of other special enactments prohibiting prostitution, begging and vagrancy, etc., and also under the provisions of the Code of Criminal Procedure concerning the trial of juveniles."
- Committee on the Rights of the Child, Concluding Observations on Second Periodic Report, Nov. 6, 2001, para. 59 ([CRC/C/15/Add.163](#)):  
“The Committee is concerned that persons under 18 may be prosecuted for crimes in the same manner as adults (i.e. without special procedures), and be subject to the same penalties as adults. Moreover, the Committee is concerned at the criminalization of status offences.”

*Tanzania*: NGO reports indicate that street children are regularly rounded up and detained by the police, and the courts have recently upheld laws permitting this:

- [Police Round-ups of Street Children in Arusha are Unjust, Unconstitutional and Undermine the United Republic of Tanzania Constitution and Rule of Law](#), Mkombozi Centre for Street Children with the Arusha Caucus for Children's Rights, Dec. 2005:  
“Since September 2001, Tanzania has witnessed the arrest and detention of more than 45 street children during the course of four major round-ups by police in the Arusha Municipality. Police round-ups of street children as 'vagrants' has been the simplified response of the District Commissioner to the increasingly complex and urgent issue of street children, justified on the basis of the dated and repressive 1944 Townships (Removal of Undesirable Persons) Ordinance. In fact, the constitutionality and appropriateness of police round-ups of street children was challenged in both Europe and South America, and resulted in the revocation of unconstitutional laws on vagrancy and begging. As such, despite the fact that 50 per cent of Tanzania's population is comprised of children, the legal protection provided to them is disturbingly incomplete, contradictory and in violation of both human and child rights.”
- [Children detained for status offences in...Tanzania](#), CRIN, Feb. 16, 2010:  
“In Tanzania, a court application calling for the repeal of a law permitting municipal authorities to round-up street children has been rejected by the High Court of Tanzania on the same day that the President approved

the new 'Law of the Child Act'. NGO Caucus of Children's Rights, which submitted the application, plans to appeal the decision.”

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