

# DEFINITIONS<sup>1</sup>

## Appendix 1

TERM	DESCRIPTION
<b>acquitted</b>	A child is acquitted where he or she is found not guilty of an offence by a competent authority.
<b>administrative detention</b>	A child is held in administrative detention where he or she is held specifically under the power or order of the executive branch of government and is not subject to the usual juvenile justice or adult criminal justice system procedure.
<b>adult criminal justice system</b>	The adult criminal justice system consists of the laws, procedures, professionals, authorities and institutions that apply to witnesses and victims, and to adults alleged as, accused of, or recognized as having committed a criminal offence.
<b>aftercare</b>	Means the arrangements in place that are designed to assist children released from detention in returning to society, family life, education or employment after release.
<b>arrest</b>	A child is arrested where he or she is placed under the custody of the police, military, intelligence or other security forces because of actual, perceived or alleged conflict with the law.
<b>at risk of delinquency</b>	Although it may not be an offence under the law in question, children may come into contact with the juvenile justice or adult criminal justice system as a result of being considered to be in danger by virtue of their behaviour, or, through association, by the behaviour of others.
<b>category of offence</b>	Means the categories of offence listed in Table 2.2 on page 9 of this manual and as defined in this definitions section. Although the categories of 'at risk of delinquency' and 'irregular situation' may not strictly be offences under the national law in question, they are included in Table 2.2 due to their frequent occurrence.
<b>charged</b>	A child is charged with an offence where the police, a law enforcement authority, the public prosecutor or a competent authority formally accuses him or her of having committed a specific offence.
<b>child</b>	A child is any person below the age of eighteen years.
<b>child population</b>	A child population is a particular group of children, such as ' <i>all children in detention on a particular date</i> ', that must be counted in order to measure a particular indicator.
<b>competent authority</b>	The competent authority is the part of the juvenile justice or adult criminal justice system that is responsible for making procedural or disposition decisions regarding a child's case.
<b>complaints mechanism</b>	A complaints mechanism is any system that allows a child deprived of liberty to bring any aspect of the treatment that child has received, including violations of his or her rights, to the attention of the authority responsible for the place of detention, or any other official body established for such purpose.
<b>conflict with the law</b>	A child is in conflict with the law where he or she has committed or has been accused of having committed an offence. Depending upon the local context, children may also be in conflict with the law where they are dealt with by the juvenile justice or adult criminal justice system for reason of being considered to be in danger by virtue of their behaviour or the environment in which they live.
<b>convicted</b>	A child is convicted where he or she is found guilty of having committed an offence by the decision of a competent authority.
<b>customary norms</b>	Means widespread consistent norms in the state in question, including long standing tribal or indigenous rules that may be known by a large part of the population.
<b>deprivation of liberty / detained</b>	A child is deprived of liberty where he or she is placed in any form of detention or imprisonment in a public or private setting, from which the child is not permitted, by order of any competent authority, to leave at will.
<b>diversion</b>	A child is diverted where he or she is in conflict with the law but has their case resolved through alternatives, without recourse to the usual formal

<sup>1</sup> These are definitions to the terms used in this Manual. Definitions might need to be adapted to each legal system.

	hearing before the relevant competent authority. To benefit from diversion, the child and/or his or her parents or guardian must consent to the diversion of the child's case. Diversion may involve measures based on the principles of restorative justice.
<b>drug-related offence</b>	Drug-related offence may be understood to mean intentional acts that involve the cultivation, production, manufacture, extraction, preparation, offering for sale, distribution, purchase, sale, delivery on any terms whatsoever, brokerage, dispatch, dispatch in transit, transport, importation, exportation and possession of internationally controlled drugs.
<b>information source</b>	Information sources are single institutions or individuals that form part of the juvenile justice or adult criminal justice system. They are usually responsible for taking key decisions that affect children in conflict with the law, and they often have direct contact with such children. Information sources supply information for measurement of the juvenile justice indicators.
<b>immigration/migration offence</b>	An immigration/migration offence is an offence relating to the legality of the entry and/or continued presence of the child and/or his or her family in the country in question, or to the legality of the current place of residence of the child and/or his or her family following internal displacement.
<b>information systems</b>	Information systems are internal methods or structures that enable bodies or institutions that deal with children in conflict with the law to systematically record, update and retain information about those children.
<b>irregular situation</b>	Although it may not be an offence under the law in question, children may come into contact with the juvenile justice or adult criminal justice system as a result of being considered to be in danger from the environment in which they live.
<b>juvenile justice system</b>	The juvenile justice system consists of the laws, policies, guidelines, customary norms, systems, professionals, institutions and treatment specifically applicable to children in conflict with the law
<b>laws</b>	Means all national legislation in force pertaining to children in conflict with the law, including criminal laws, criminal procedure laws, penal sanctions laws and juvenile justice laws, together with decisions of competent authorities and courts or tribunals having binding legal effect.
<b>non-custodial measure</b>	A non-custodial measure is a measure to which a child may be sentenced by a competent authority that does not include deprivation of liberty.
<b>offence</b>	A child commits an offence where he or she commits any act punishable by the law by virtue of the legal system in question.
<b>place of detention</b>	A place of detention is any public or private facility where a child is deprived of liberty.
<b>policies</b>	Means all national policy instruments pertaining to children in conflict with the law, including executive orders and ministerial documents.
<b>pre-sentence detention</b>	A child is held in pre-sentence detention where he or she is deprived of liberty and is awaiting a final decision on his or her case from a competent authority.
<b>prevention</b>	Prevention involves the active creation of an environment that deters children from conflict with the law. Such an environment should ensure for the child a meaningful life in the community and foster a process of personal development and education that is as free from crime as possible.
<b>probation</b>	Probation is a non-custodial measure involving the monitoring and supervision of a child whilst he or she remains in the community. A competent authority, the public prosecutor, the social welfare service or a probation officer usually supervises probation. Probation may be employed as a measure on its own, or following a custodial sentence.
<b>probation officer</b>	A probation officer is the government official responsible for supervising a period of probation. He or she is often in charge of conducting an assessment of the child and referring him or her to appropriate counselling, education and reintegration programmes.
<b>public disorder offence</b>	A public disorder offence is an offence involving a breach of the peace or causing a public nuisance.
<b>restorative justice programme</b>	A programme which uses any process in which the victim and the offender, and, where appropriate, any other individuals or community members affected by a crime, participate together actively in the resolution of matters arising from the crime, generally with the help of a facilitator. Restorative processes may include mediation, conciliation, conferencing and sentencing circles.
<b>sampling</b>	Sampling is the collection of information from part of the whole population. Information about that part is used to make inferences about the whole population.

<b>sentence</b>	A competent authority passes a sentence when – notwithstanding any right of appeal – it makes a final decision about a child's case and rules that the child shall be subject to certain measures.
<b>serious offence against a person</b>	A serious person offence can be homicide, non-intentional homicide, kidnapping, rape, sexual assault or abuse, assault or an attempt to carry out any of these acts.
<b>serious property offences</b>	A serious property offence can be burglary, robbery or arson, or an attempt to carry out any of these acts. Burglary is the unlawful entry into someone else's premises with the intention to commit a crime. Robbery is the theft of property from a person, overcoming resistance by force or the threat of force.
<b>status offence</b>	A status offence is an act or behaviour that is only punishable if the person committing it is aged under eighteen, or is believed to be aged under eighteen.
<b>system map</b>	The system map is a map of the juvenile justice or adult criminal justice system in a particular country that shows the relevant laws, systems and the connections between them.
<b>theft</b>	Theft is the removal of property without the consent of the owner. Theft excludes burglary and housebreaking.