



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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Contents

| | |
|--|----|
| Introduction..... | 3 |
| Curfews..... | 4 |
| Reform..... | 5 |
| Disobedience..... | 7 |
| Street children | 9 |
| Antisocial behaviour orders (ASBOs)..... | 12 |
| Other..... | 12 |

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

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, anti-social behaviour, gang association, and even simple disobedience or bad behaviour.

Status offenders are neither criminal nor delinquent, yet they are subject to arrest and detention. Once involved in the justice system, status offenders often face a glaring lack of parental or legal support. Because they are children and their offences are not technically criminal, many status offenders are not guaranteed legal representation and may not even have access to interested adults. Moreover, because status offences also come to the attention of the authorities when parents report their children's behaviour, many status offenders may have little support at home. Status offence laws also have a disproportionate impact on those with the least support available - because police are given great discretion to question and investigate the activities of youth, disadvantaged and street children are targeted because they are forced to spend more time in public spaces and face cultural biases that equate poverty with criminality.

Status offences are a form of age discrimination and should be eliminated. They violate children's rights because they target what adults consider to be problematic behaviour in youth 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.¹ Both these guidelines and the Committee on the Rights of the Child call for the abolition of status offences to achieve equal treatment for children and adults.² 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.

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

Further information

- [General Comment No. 10: Children's Rights in Juvenile Justice](#)
- [World Report on Violence against Children](#)
- [Comprehensive Article describing status offences in the U.S. and the rise in enforcement/ institutionalisation](#)

- [Juvenile Justice Bulletin showing status offence statistics in U.S.](#)
- [Fact Sheet on Status offences](#) (U.S.)
- [National Youth Rights Association](#) (U.S.). This website gives an overview of status offences and advocacy pieces on why they should be repealed.

Curfews

Curfew laws typically restrict children to their homes and property 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.³ They are confined 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

- [Curfew in QLD town](#)

Belize

- In a summary of discussions between the government of Belize and the UN Committee on the Rights of the Child, [a rationale/explanation](#) was given of the country's curfew law (para. 78):

78. Ms. PENNILL (Belize) said that the main purpose of the curfew was to protect unaccompanied children, particularly from the risk of abduction. The intention was not to institutionalise children or to incriminate their parents. The curfew was carried out on a random basis by policemen in civilian clothes accompanied by social workers. Children found loitering in the streets were taken home. Parents who were not at home at the time their child was brought back received a warning. After two warnings, the parents were charged with neglect.

79. Mr. LIWSKI asked whether any studies had been carried out to assess the effectiveness of the curfew.

80. Ms. PENNILL (Belize) said that, although no studies had been carried out, records indicated that most of the children loitering in the streets were aged 13 and under. Older children tended to be on their way to some sporting event or cultural activity. The families and children concerned were closely monitored by the neighbourhood police.

81. Mr. CITARELLA asked whether the curfew was designed to reduce the amount of crime committed by young people.

82. Ms. PENNILL (Belize) said that the curfew was a child protection measure that had been implemented in the wake of a number of child abductions.

- [Curfew in Belize city](#)
 - Para 82: in 1999 the government introduced the Families and Children (Protection of Children) (Belize City) Regulations which imposed a curfew in Belize City for all children under 16 years mainly as a reaction to a spate of abductions and murders of young girls. Children not off the streets between 2000

and 0600 are liable to be taken home by police or if there's no suitable home, into protective custody. This curfew is however barely operational and no child has been taken into care.

- [Curfew in Belize City](#)

Colombia

- [Curfew to curb child prostitution](#) (2001)
- [Bogotá, Colombia](#): A curfew was imposed to tackle young offending. Families will also be supplied with pedagogical tools so they can “take more responsibility for bringing up their children well”.

Japan

- [Karaoke curfew to promote “sound nightlife”](#)

Russia

- Children under seven are not allowed out without adults at any time during the day. Children between seven and 13 aren't allowed out in public from 9pm – 6am. 14-17 year olds aren't allowed out between 10pm and 7am. If they get caught, their parents will be fined. Read more [here](#).

United Kingdom

- [Curfew in UK](#) (2008)

United States

- Mall curfew trend:
 - [St. Louis mall curfew at 3 p.m](#)
- [Curfew in Hartford, CT, USA](#): ;
([General NY Times curfew topic](#))
- [Cinema curfew in South Carolina](#)
- [Rhode Island town to detain curfew violators](#)

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 removal. 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.⁴ A petition signed by affected children and parents asking for the curfew 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. Examples of curfews that have been challenged appear below.

Canada

- [Quebec curfew struck down](#)
- [Description of challenges to curfews in Canada](#)

United Kingdom

- [Argument against curfews in UK case](#) (2005)
- [UK curfew case to go to European Court of Human Rights](#) (2004):
- [follow up in Court of Appeals](#)

United States

- [American Civil Liberties Union against curfews](#) (U.S.)
- [Curfew law challenges](#) (U.S.)
- [Petition to stop curfew in Des Moines](#) (U.S.)
- [Alaska court strikes down curfew](#) (U.S.)
- [Port Washington North, NY, USA](#) (U.S.)
 - [repealed](#)

See also: See also: Teen curfew abolition: petition site: <http://www.thepetitionsite.com/1/teen-curfew-abolition>

Further information

United States

- [Juvenile Curfews: The rights of minors vs. the rhetoric of public safety](#) (American Bar Association, 1999)
- [Overview of curfews in the U.S.](#) (Office of Juvenile Justice and Delinquency Prevention, 1994-96)
- [Curfew trends in U.S.](#) (2000)
- [Conference of mayors report on curfews](#) (U.S.)

Disobedience

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

- 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 (Report to CRC)

Belize

- [Children may be put in detention for being "out of control" \(pp.7, 27\)](#)

Denmark

- CRC committee requested that the government "take measures to abolish practice of imprisoning or confining in institutions persons under 18 who display difficult behaviour" <http://www.universalhumanrightsindex.org/>

Egypt (includes truancy)

- Status offences, such as begging and truancy, under art. 96 of Children's Code are in practice criminalised: <http://www.universalhumanrightsindex.org/>
- 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.

Read more [here](#).

- Article 96 of the Child Law states that:

A child shall be considered liable to perversion in any of the following cases:

- ...3. If he is found performing...debauchery, corruption of morals, gambling, drugs, or other such conducts, or serving those performing them....
5. If he mingles with others who are liable to perversion, and the suspects or persons who are notorious for bad conduct and behaviour.
6. If he is an habitual disruptive student and truant from educational or training institutes.
7. If he has a bad conduct and errs from the authority of his father, guardian, or curator, or from the authority of his mother in case of the decease and absence of his guardian, or his legal incapacity.. no procedures shall in this case be taken vis a vis the child, even if it is a factual investigation procedure, except with the permission of his father, guardian, curator, or mother, according to each case....

Japan

- CRC: reports that children exhibiting problematic behaviour, such as frequenting places of dubious reputation, tend to be treated as juvenile offenders
- 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. Read more [here](#).

Kazakhstan

- CRC reports that disorderly conduct defined as “serious crime constituting danger to society, leading to criminalisation of behavioural problems”
- Mr Zhovtis pointed at the fact that at the present it is considered a status offence, for more than five children to gather in the street. Read more [here](#).
- 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. Click [here](#) for more information

Nigeria

- [Juveniles in detention for status offences such as “disobeying parents”](#) ("38 [per cent of offenders] were held for status offences committed as a result of defying parental control")
- CRC: some children are detained for "status offences" such as vagrancy, truancy or wandering, or at request of parents for "stubbornness or for being beyond parental control" applies to children aged 3-18. Click [here](#) for more information.
- Child Rights Act 2003 as potential means of challenging? 18 states have adopted the Child Rights Act (according to the Sixth Period Report of Nigeria to CEDAW)

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:

Bahrain

- 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 (Report to CRC)

Bangladesh

- Police have extensive discretionary powers, reportedly resulting in the incarceration of street children and child prostitutes; information that victims of practices covered by OP-CRC-SC, notably child prostitution, are sometimes charged with immoral behaviour and detained until their case is heard and that, after trial, especially boy victims are often placed in child correctional centres (Reports to CRC)

Egypt

- Status offences, such as begging and truancy, under art. 96 of Children's Code are in practice criminalised: <http://www.universalhumanrightsindex.org/>

This article examines the relationship between street children and the justice system in Egypt. After introducing the context of street children in the Egyptian case, it explores whether the justice system exacerbates the problem of street children and whether its potential to play a positive part in alleviating the problem should be revisited. The article then explores the basis for the negative perspective on the role of the justice system and the steps required to improve its role in solving the problem of the increasing number of street children. It concludes with a three-pronged approach for the Egyptian justice system to adopt to effectively address the problem of street children. The article is based on an existing knowledge base that is scattered in small-sample empirical studies, large-scale surveys, United

Nations reports, newspapers, and a few academic articles written in both English and Arabic.

Read more [here](#)

- 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.
- Article 96 states that: 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.
Read more [here](#).

Kenya

- Committee on the Rights of the Child reports that "street children are detained on the basis of their social condition"
- 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.
Read more [here](#).
- 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.
- They are subject to frequent arrest simply because they are homeless; "vagrancy"¹ (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.
Read more [here](#).

Libya

- CRC: status offences are criminalised (i.e. vagrant and street children may be placed in juvenile homes or other institutions)

- 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.

Read more [here](#).

Mozambique

- CRC: list of punishable acts, including begging, vagrancy and promiscuity, may lead to inappropriate targeting of children by judicial system
- As mentioned above, minors 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.

Read more [here](#).

Myanmar

- The Committee on the Rights of the Child has noted the presence of "legal sanctions imposed on children who commit statutory offences such as begging"

Nigeria:

- [Law on status offences](#) (p. 53)

Qatar

- "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."

Read more [here](#).

Tanzania

- 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.

Read more [here](#)

Antisocial behaviour orders (ASBOs)

In the United Kingdom and Ireland, Antisocial behaviour Orders (ASBOs) may be imposed on people who engage in what is perceived to be harmful or distressing conduct. ASBOs differentially target supposed "problem" youths, restricting their freedom and criminalising their behaviour. Because they unfairly penalise children rather than focusing on their welfare, ASBOs should be abolished.

Ireland

- CRC notes that Anti-Social Behaviour Orders provided for in Criminal Justice Act 2006 will have effect of bringing "at risk" children closer to criminal justice system, especially as a breach of the Order is considered crime

United Kingdom

- [Abolish ASBOs for children](#)
- [ASBOs violate human rights](#) (also "ASBOs and Human Rights" on page)
- Institute for Public Policy Research: [Make Me a Criminal: Preventing youth crime](#) (May 2008)

Other

Luxembourg

- CRC: persons under 18 who are in conflict with law and those having social or behavioural problems are placed in the same structures.
- [The Grand Duchy does not have a criminal law for minors](#). Both minors "in need of protection" and minors in conflict with the law fall within the scope of the same Protection of Young People Act.

Marshall Islands

- CRC: juvenile justice system is not fully in compliance with CRC, in particular failure to separate juvenile and adult prisoners; use of concept of status offences which punishes behaviour by a child that would not be punishable if committed by adult.

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1. United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) (1990), available at http://www.unhchr.ch/html/menu3/b/h_comp47.htm: "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.
 2. Committee on the Rights of the Child, General Comment 10: Children's rights in Juvenile Justice (2007), available at <http://www.unhcr.org/refworld/type,GENERAL,,,4670fca12,0.html>: "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.

3. 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.
4. The U.S.-based National Youth Rights Association has 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>