Note: A ***memorandum*** in legislative parlance is an excerpted version of a legislative action presented to a deliberative assembly. Memorandum is used when a particular legislative action is too long in its entirety for reprinting and re-reading in the legislative assembly, particularly when there are excerptable portions that are intended for deliberation, and the rest of the action is generally accepted by the parliament. After deliberation, the Parliament adopted the Statute for the World Juvenile Bench as defined by the Memorandum as World Legislative Act #28.

Please note that this is only the memorandum. The fully engrossed version is being prepared for posting onto the Internet as soon as feasible.

Statute for a World Bench for Juvenile Cases was adopted at the eighth session of the provisional World Parliament, convened in conformance with Article 19 of the *Earth Constitution*, August 2004, at City Montessori School, Lucknow, in Uttar Pradesh, India.

World Legislative Act #28

Memorandum of an Act

World Legislative Act #28
World Bench for Juvenile Cases

Short Title:

World Juvenile Bench

Whereas,

As a precedent, the provisional World Parliament has reconstituted and integrated the Rome Statute for the International Criminal Court as World Legislative Act #20, for the World Bench for Criminal Cases; and

Whereas, it has been noted by the youth of the World, as represented by the students of City Montessori School, Lucknow, as well as young people of many lands, that a World Juvenile Justice System is necessary for protecting young people, both within and without the world's criminal justice systems, as well as to protect the adults of the world;

And whereas, this eighth session of the provisional World Parliament has adopted the Statute on the Rights of the Child, reconstituting with greater strength the original Convention on the Rights of the Child, as a necessary legal basis for creating a World Juvenile Bench that recognizes the generally accepted principles of juvenile law;

This eighth session of the provisional World Parliament, meeting at City Montessori School, Lucknow, in August 2004, hereby adopts this World Legislative Act for a World Bench for Juvenile Cases.

Part 1. Establishment of the Court

Article 1. The Juvenile Bench

This Statute establishes a World Bench for Juvenile Cases (World Juvenile Court). The Juvenile Bench is a permanent institution with the power to exercise jurisdiction over persons for the most serious crimes of world concern, as referred to in this Statute. The Juvenile Court is complementary to national juvenile criminal jurisdictions. The Juvenile Court is supplementary to the other benches of the World Court System. This Statute governs the jurisdiction and functioning of the Juvenile Court.

Purposes

1.1. to protect the world's children, as well as the greater society of human beings

1.2. to try civil cases involving juveniles in matters of custody, education, juvenile employment, juvenile business or medical treatment if the case court determines world jurisdiction;

1.3. to try criminal cases involving juvenile defendants in matters of world criminal law;

1.4 to try criminal cases involving adult defendants who were juveniles at the time of commission of world crimes.

1.5. to order protection for juveniles in any event that families have been unable to provide protections, national governments have been unable to provide protection or agencies of the world government have not been responsive to the needs of juveniles in accordance with world law;

1.6. to coordinate with agencies of the Earth Federation to provide protection and services to juveniles.

Article 2. Seat of the Juvenile Bench. The first Seat of the Juvenile Bench shall be in or near Lucknow, Uttar Pradesh, INDIA. The provisional world government shall establish another Seat of the Juvenile Bench in or near

Kinshasa, Congo, as soon as feasible.
The Juvenile Bench may sit elsewhere, upon decision of the Juvenile Bench.

Article 3. Legal status and Powers of the Juvenile Bench
The Juvenile Bench has global legal personality. The Juvenile Bench has legal capacity for the exercise of Juvenile Bench functions and fulfilment of Juvenile Bench purposes. The Court may exercise functions and powers anywhere on Earth.

Part 2. Jurisdiction, Admissibility and Applicable Law

Article 4. Crimes within the Jurisdiction of the Court
This Statute limits jurisdiction of the Juvenile Court to cases involving juveniles:

4.1. Cases that address the most serious crimes of concern to the world community as a whole, in which the defendant is a juvenile, or was a juvenile at the time of commission of the crime. The Court has jurisdiction in accordance with this Statute with respect to the following crimes:
4.1.1. The crime of genocide;
4.1.2. Crimes against humanity;
4.1.3. War crimes;
4.1.4. The crime of aggression;
4.1.5. Environmental crimes;
4.1.6. World federal corruption;
4.1.7. Interference in world government.

4.2. In civil cases, jurisdiction is same as for world civil court, except for issue of age. If civil suit is drawn against a juvenile, the Juvenile Bench has jurisdiction.

4.3. If a juvenile initiates a civil suit action involving an adult, the juvenile may initiate the suit in the World Bench for Civil Cases, or in the Juvenile Court, subject to World Court determination of case jurisdiction.

Article 5. Elements of Crimes is in effect for the Juvenile Bench. Although crimes described in the World Legislative Act #19 for a Criminal Code Penalty Classification (Penal Code) are also crimes for juveniles, the penalty classification of (WLA #19) is not in effect for children. This Act directs the World Judicial Commission to draft provisions for a juvenile penal code. The provisional World Parliament shall nominate a Juvenile Advisory Committee, composed of juvenile members, to give recommendations to the World Judicial Commission.

Article 6. Jurisdiction *ratione temporis*
The Juvenile Bench has jurisdiction only with respect to crimes committed after the entry into force of respective world statutes. This Statute enters into force upon adoption by the provisional World Parliament.

Article 7 . Preconditions and exercise of jurisdiction
The Court may exercise its jurisdiction with respect to a World Crime referred to World Legislative Act 19 (WLA#19.), or Elements of Crimes in accordance with the provisions of this Statute if:
7.1. The World Ombudsmus or a State Party in accordance with World Legislative Act #20, Article 14 (WLA#20.14) refers a situation in which one or more of World Crimes appears to have been committed;
7.2. The World Presidium refers to the Prosecutor a situation in which one or more World Crimes appears to have been committed; or
7.3. The Prosecutor has initiated an investigation in respect of World Crimes in accordance with World Legislative Act #20, Article 15 (WLA#20.15.).

Article 8. Prosecutor
Within the Office of World Attorneys General, an office of Juvenile Case Prosecutor is hereby established. If a person charged with a crime is a juvenile, or was juvenile at the time of commission of crime, the Office of World Attorneys General shall assign a Juvenile Prosecutor to the case.

Article 9. Admissibility
In criminal cases, admissibility is same as for world criminal court (Same as WLA#20, Article 17).
In civil cases, admissibility is same as for the World Bench for Civil Cases.

Article 10. Challenges – (Same as WLA#20, Article 19)
Article 11. *Ne bis in idem* (Same as WLA#20, Article 20)

Article 12. Applicable Law - (Same as WLA#20, Article 21 , except that age is a determining factor) The Juvenile Court shall consider the age and the maturity of any Juvenile defendant in the application and interpretation of the law.

Part 3. General Principles of Juvenile Law

Article 13. *Nullem crimen sine lege*
13.1. A person is not criminally responsible under this Statute unless the conduct in question constitutes, at the time it takes place, a crime within the jurisdiction of the Court.
13.2. The World Court shall strictly construe the definition of a crime and shall

not extend by analogy. In case of ambiguity, the Juvenile Court shall interpret the definition in favour of the person being investigated, prosecuted or convicted.
13.3. This article does not affect the characterization of any conduct as criminal under world law independently of this Statute. .
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Article 14. *Nulla poena sine lege*.

A person convicted by the Court may be punished only in accordance with this Statute, or other world legislation of the World Parliament.

Article 15. Non-retroactivity *ratione personae*
(Same as WLA#20, Article 24)

Article 16. Age limits for defendants

Lower limit in juvenile criminal cases. The Juvenile Bench has no jurisdiction in cases in which a juvenile had not reached the age of fourteen (from first complete year after birth) at the time at which the crime was committed.

As there is no statute of limitations for World Law, there is no upper age limit for juvenile criminal cases.
The Juvenile Bench has jurisdiction in cases in which an adult is charged to have committed a crime as a juvenile before the age of 18, unless the adult had probably not yet reached fourteen years of age, in which case there is no jurisdiction for the Juvenile Bench. If an adult is charged with having committed a crime before the defendant's age of fourteen, this probability excludes criminal responsibility. Penalties for adults charged with juvenile crime are the same as for juveniles, except the Court shall consider whether maturation precludes the necessity for the respective penal provisions.

Article 17. Mental element (Same as WLA#20, Article 30)
Article 18. Grounds for excluding criminal responsibility (Same as WLA#31, Article 30), except that in cases where the commission of a crime takes place before the defendant's age of fourteen, in which case, criminal responsibility is excluded. The Juvenile Court may determine conditions for treatment or care of juveniles for whom age excludes criminal responsibility. However, the Juvenile Court must not subject underage juveniles to trial, nor juveniles or adults who were probably underage at the time of commission of the crime.

Article 19. Mistake of fact or mistake of law (Same as WLA#20, Article 32)

Part 4. Composition and Administration of the Court

Article 20. Organs of the Court

Article 21. Service of Judges

Article 22. Qualifications, nomination and election of judges

Article 23. The Presiding Council of World Judges shall fill Judicial vacancies giving preference to Judges with expertise in Juvenile Law or with significant juvenile case experience.

Article 24. Chambers (Same as WLA#20, Article 39,)
Article 25. Independence of Judges (Same as WLA#20, Article 40.,)
Article 26. Excusing and disqualification of judges
(Same as WLA#20, Article 41,)
Article 27. Office of the Prosecutor (Same as WLA#20, Article 42,)
Article 28. The Registry (Same as WLA#20, Article 43)
Article 29. Staff (Same as WLA#20, Article 44)
Article 30. Solemn undertaking (Same as WLA#20, Article 45)
Article 31. Removal from office (Same as WLA#20, Article 46)
Article 32. Disciplinary measures (Same as WLA#20, Article 47,)
Article 33. Privileges and Immunities (Same as WLA#20, Article 48,)
Article 34. Salaries, allowances and expenses (Same as WLA#20, Article 49,)
Salaries, allowances and expenses of the Juvenile Court are the same as for other benches of the World Court System.
Article 35. Official and working languages (Same as WLA#20, Article 50,)

Article 36. ***Rules of Procedure and Evidence*** (Same as WLA#20, Article 51, except that the Juvenile Court shall give due consideration to the best interest of the child under all circumstances.) The Juvenile Court must provide arrangements for the regular attendance of immediate family members of a defendant, or of the defendant's customary custodian, unless the Court, under the advice of competent authorities, determines that a family member's presence would be detrimental to the well being of the juvenile. In the case of working parents whose employers do not wish the parent to attend, the Court may decide, if necessary, to subpoena the parents. The Juvenile Court may order the employer to allow leave for the parents, if that is in the best interest of the defendant.. However, the Juvenile Court must pay employer costs if the employer is ordered to allow parental leave. The Court may pay costs for parents or closest significant others to attend. If the juvenile is found guilty, the juvenile may be required to eventually pay restitution for costs incurred.

The Juvenile Court must additionally pay close attention to the defendant's state of mind during the trial. If the juvenile requires rest, the Court must recess for a rest.

The Juvenile Court must allow adequate time during the course of a day for the defendant to receive adequate educational services. Direct instructional time may be up to four hours per day, four days per week. The Juvenile Court must provide qualified educational staff for the defendant. The teacher student ratio in a Juvenile Court system learning room is no more than six students per teacher. This Act recommends a stronger teacher student ratio, such as two students per teacher, or four students per teacher. As feasible and appropriate for teaching in different subject areas, students may have multiple teachers in the Juvenile Court System.

Article 37. Regulations of the Court (Same as WLA#20, Article 52), except that the Juvenile Court may adopt additional regulations to adapt specifically to the needs of juveniles.

Part 5. Investigation and Prosecution. –Provisions of this part are the same as listed in Rules of Procedure and Evidence, except that child rights apply and take precedence if there is any conflict between the provisions. The Juvenile Bench Commission shall report its recommendations at upcoming sessions of the provisional World Parliament if substantial conflicts are determined.

Article 38. Initiation of Prosecution.

38.1.Duties and powers of the Prosecutor
38.2.Rights of persons during an investigation (Same as WLA#20.55, except that additional child rights apply.)
38.3. Role of Pre-Trial Chamber
38.4. Pre-Trial Chamber functions and powers
38.5. Issuance by the Pre-Trial Chamber of a warrant of arrest or a summons to appear
38.6. Arrest proceedings in the custodial state
38.7. Initial proceedings
38.8. Confirmation of charges before trial
38.9 Sanctions for misconduct before the Court – The Juvenile Bench Commission shall include recommendations for these provisions of sanctions for misconduct in its report to upcoming sessions of the provisional World Parliament.

Part 6. The trial

Article 39. Use of juveniles in juvenile juries and Juvenile Court
In jury trials, Juvenile defendants have the right to select a juvenile jury, an adult jury or a mixed adult and juvenile jury. Juvenile jurors must have attained the age of fourteen in order to serve. The Juvenile Court must provide juvenile jurors with adequate instructions for Court participation and Juror deliberation. Juvenile jurors may be selected from a jury pool of world citizens, which may include persons with prior jury experience, and juveniles who have completed sentencing programs, or who are performing satisfactorily within a sentencing program. Juvenile jurors may be disqualified for misconduct as determined by the presiding Judge.

Article 40. This Statute encourages juveniles to take an active and orderly part in the Juvenile Court process. However, the prosecutor and the presiding judges must meet the qualifications as defined in the Earth Constitution. Further world legislation may determine additional conditions and qualifications for juvenile participation in the Juvenile Court.

Part 7 Sentencing

Article 41. Applicable penalties. The primary function of the World Juvenile Court System is to protect the public, to include preventative measures, education and other means to protect the children. If a convicted child has caused damages or costs, these may be noted in the child's credit file. The Juvenile Court may assess payments to be made by installments for restitution. Ordinarily, incarceration is to be avoided. However, in some circumstances, such as in the repetition of violent crimes, the Juvenile Court may determine that incarceration may be necessary for the best interests of all. Before the next Lucknow session of the provisional World Parliament, the Juvenile Bench Commission shall submit a juvenile penalty classification proposal to the Commission for Legislative Review with appropriate juvenile sentencing parameters for all crimes listed in the Penalty Code (adult) and Elements of Crimes.

Article 42. Non-Prejudice to national penalties and national laws. This Act affects the application by States of penalties by national law, if the State is not in compliance with the Statute on the Rights of the Child. States shall refrain from actions or inactions that infringe on the rights recognized in the Statute on the Rights of the Child.

Article 43. Trust Fund. This Act establishes a Trust Fund for the benefit of victims of crimes within the jurisdiction of the Juvenile Court, and of the families of victims.
The Court may order money and other property collected through fines or

forfeiture to be transferred, by order of the Juvenile Court, to the Trust Fund. The Juvenile Bench shall manage the Trust Fund according to the Regulations of the Juvenile Bench, subject to approval by the World Parliament.
If the Assembly of States Parties Trust Fund management decides that it will be in the best interest of victims, their families, and the management of the overall Trust Funds of the World Court System, then the Assembly of States Parties may submit a proposal to the World Parliament for consideration.

Part 8. Appeal and Revision
(Same as WLA#20. Articles 81, 82, 83, 84, 85)

Part 9. International Cooperation and Judicial Assistance
(Same as WLA#20. Articles 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98,99, 101, 102)

Part 10. Enforcement
(Same as WLA#20. Part 10., Articles 103, 104, 105, 106, 107, 108, 109, 110, 111;
Many of these provisions might be quite different for Juvenile Bench. The Juvenile Bench Commission shall report its recommendations at upcoming sessions of the provisional World Parliament.

Part 11. Civil Cases
The Juvenile Bench Commission shall report its recommendations for this part at upcoming sessions of the provisional World Parliament. Article 112 is reserved for Juvenile Bench Commission recommendations. Juvenile Bench Commission shall consider the necessity for provisions addressing the following matters:

Cases of Family Custody

Cases of Custodial Dispute involving public agencies

Other Civil Cases involving juveniles

Part 12. Financing
(Same as WLA#20. Articles 113 through 118)
Juvenile Bench Commission shall consider the necessity for additional provisions addressing the following matters:

Recognition of need to support families of juveniles

Recognition of need for juvenile residential facilities

Part 13. Final clauses
(Same as WLA#20. Part 13., Articles 119, 120, 121, 122, 123, 125, 126, 128.)

Article 129. To reduce costs and to promote general acceptance and use of this world legislation, the format of this legislation may be presented in three forms, until the second operational stage of world government begins, as defined in the Earth Constitution:

129.1. Legislative Summary;

129.2. Short form (Memorandum WLA#28.), with reference to the Criminal Court (World Legislative Act #20) in redundant articles and provisions.

129.3. Long form, including all redundant provisions from the Criminal Court (World Legislative Act #20)

130. As soon as feasible after the Second Operational Stage of world government begins, or during the First Operational Stage, the World Parliament may reformulate this legislation for integration without redundancy, together with (World Legislative Acts #5, #15, #20), and any other world legislation relating to the World Judiciary.

131. The World Judicial Commission shall examine this Statute, to determine in what ways the Statute may be amended for the protection of children as well as for the rest of human society. When the World Judicial Commission has determined recommendations to be made, the Commission shall convey this information to the Commission for Legislative Review, which shall report to the provisional World Parliament or World Parliament at the respective next session.

Addendum: Correlations of Criminal Bench to Juvenile Bench

132. The comprehensive integration of a World Court System is complex. The World Court, the World Parliament and World Citizens may use this statutory addendum to better understand the structure of the Juvenile Bench within the World Court System. The Judicial Commissions and the Commission for Legislative Review may also use this addendum to eventually integrate and streamline provisions for fuller integration of the World Court System.

Since implementation conditions prevent perfect integration of statutory foundations from the inception, these three tables [Ed.: section lists] of correlations identify overlapping provisions and distinctive provisions between the Criminal Bench and the Juvenile Bench:

132.1. Provisions of World Bench for Criminal Cases that are operative or substantially similar for the Juvenile Court as well, though mostly listed under different article numbers, or not actually listed in the Juvenile Court Statute:

(Part 1., WLA#20, Article 2);
(Part 2., WLA#20, Articles 4, 5, 6, 7, 8, 9, 10, 11, 15, 16, 17, 18, 19, 20);
(Part 3., WLA#20, Articles 22, 23, 24,25, 27, 28, 29, 30, 32, 33);
(Part 4., WLA#20, Articles 34, 35, 36, 37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 47, 48, 49, 50);
(Part 5., WLA#20, Articles 53, 54, 55, 56, 57, 58, 59, 60, 61);
(Part 6., WLA#20, Articles 62, 63, 64, 65, 66, 67, 68, 69, 70, 71, 72, 73, 74, 75, 76);
(Part 7., WLA#20, Articles (none));

(Part 8., WLA#20, Articles 81, 82, 83, 84, 85);
(Part 9., WLA#20, Articles 86, 87, 88, 89, 90, 91, 92, 93, 94, 95, 96, 97, 98,99, 101, 102);
(Part 10., WLA#20, Articles 103, 104, 105, 106, 107, 108, 109, 110, 111);
(Part 11., WLA#20, Articles (none));
(Part 12., WLA#20, Article 118);
(Part 13., WLA#20, Articles 119, 120, 121, 122, 123, 125, 126, 128.)

132.2. Provisions of World Bench for Criminal Cases that are not operative, or that are substantially different for the Juvenile Court:

(Part 1., WLA#20, Articles 1, 3);
(Part 2., WLA#20, Articles 12, 13, 17, 21);
(Part 3., WLA#20, Articles 26, 31);
(Part 4., WLA#20, Articles 51, 52);
(Part 5., WLA#20, Article (none));
(Part 6., WLA#20, Article (none));
(Part 7., WLA#20, Articles 77, 78, 79, 80);
(Part 8., WLA#20, Articles (none));
(Part 9., WLA#20, Article 100);
(Part 10., WLA#20, Articles (none));
(Part 11., WLA#20, Article 112);
(Part 12., WLA#20, Articles 113, 114, 115, 116, 117);
(Part 13., WLA#20, Articles (none));

132.3. Corresponding differences between Criminal Court and Juvenile Court Statutes,

by Article numbers or parts.
Right Caret (>) indicates respective correspondence.

CC1-The Court>JC1	CC78 Sentence Determination >JC-part7
CC3-Court Seat>JC2	CC79- Trust Fund>JC-part7
CC12-Preconditions to jurisdictional exercise>JC7	CC80-Non-prejudice to national laws>JC-part7
CC13-Jurisdictional exercise>JC7	CC100-Costs>JC-part12
CC17-Admissibility issues>JC9	CC112-Assembly of States Parties>JC-no corresponding provision
CC21-Applicable law>JC12	CC113-Financial Regulations>JC-part12
CC26-Age exclusions>JC16	CC114-Expense Payments>JC-part12
CC31-Grounds for exclusion of criminal responsibility>JC18	CC115-Court Funds>JC-part12
CC51-Rules of Procedure & Evidence>JC36	CC116-Voluntary Contributions>JC-part12
CC52-Court Regulations>JC37	CC117-Contribution Assessments>JC-no corresponding provision
CC77-Applicable Penalties>JCpart7	

The Statute for a World Bench for Juvenile Cases was adopted August 2004, in Lucknow, Uttar Pradesh, India, at eighth session of the provisional World Parliament, convened in conformance with Article 19 of the *Earth Constitution*.

Please note that this is only the memorandum. The fully engrossed version is being prepared for posting onto the Internet as soon as feasible.

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