



Juvenile Justice Panel website: additional information

More about the need for protection

Why is there such a need for reform of juvenile justice systems internationally?

In many countries children's and adolescents' rights, as set out in the UNCRC and other international human rights standards, are being violated on a daily basis in juvenile justice systems.

- Reports of violence, sexual abuse, economic and sexual exploitation, humiliation, injustice, detention with adults, unacceptable periods of time spent in pre-trial detention, lack of regard for due process and lack of alternatives to harsh and damaging sentencing practices are unfortunately all too common. The death penalty and life imprisonment are still being imposed in some countries for offences committed by children and adolescents under the age of 18, in direct contravention of international human rights standards.
- In some countries, even if a separate system for the treatment of children and adolescents (as opposed to adults) exists only in theory if at all, in practice children and adolescents are often still processed through the adult criminal justice system which is highly unsuited to their needs and circumstances.
- The majority of juvenile justice systems internationally are retributive rather than restorative. They focus on 'punishing criminals' rather than addressing the best interests of society, victims and offenders through offering more long-term, sustainable and ultimately cost-effective options.
- More than 1 million children and adolescents are estimated to be in detention worldwide, the majority of whom do not belong there. Detention is psychologically and often physically damaging to children and should only be used as a last resort, and for the shortest period of time, for very serious offences. An alarming percentage of children and adolescents are in detention even though they have not committed an offence. For example: they are homeless and have nowhere else to go; they have been apprehended for behaviour which should be decriminalised in national legislation such as status offences (e.g. truancy and running away from home) and survival behaviours (e.g. begging, vagrancy and being victims / survivors of commercial exploitation); they have been taken into 'protective custody' (detention) for being victims / survivors of sexual abuse. The majority of children and adolescents in detention who have committed an offence are usually there for property-related crimes such as petty theft, often linked to poverty.
- Governments are spending more time and money on trying to fix a (retributive) system that doesn't work rather than investing in (restorative) alternatives that focus on prevention, diversion, alternatives to detention, and rehabilitation / reintegration which have greater and longer term benefits for society, victims and offenders.
- Children and adolescents who are perceived as committing crimes are not a popular subject for political reform. Combined with negative – and often exaggerated – media attention, it is easier to criminalise so-called 'delinquent' children and adolescents (especially those who are poor) rather than addressing the root causes of their marginalisation from society. This trend is evidenced by the push in many countries to

lower the minimum age of criminal responsibility in order to lock up more children at an even younger age. Current political concerns around international peace and security are also resulting in harsher, more repressive measures towards children and adolescents in some countries.

- In short, most governments are failing in their obligations under international human rights instruments such as the UNCRC to treat such children and adolescents *'in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.'* (UNCRC Article 40.1) As a result of this, huge numbers of children and adolescents are suffering in extreme ways on a daily basis in the context of juvenile justice systems that are in need of urgent reform around the world.