

Overview of Children in Justice System

Children (persons under the age of 18) are entitled to justice and accountable for injustice. Here is a brief overview of how children can be involved in the justice system, including the degree of involvement. Each level requires special measures that ensure that children's rights and best interests are served.

<p>Low involvement in justice system</p> <p>↓</p> <p>Heavy involvement in justice system</p>	All Children	All children are entitled to welfare and protection from harm; it is their right as children and human beings, laid out in the Convention on the Rights of the Child and Universal Declaration of Human Rights.
	Justice for Children	Children can be directly involved in judicial proceedings as an offender, victim, or witness. Their involvement may also be indirect, such as when decisions have a considerable impact on their lives. This can be the case in civil matters, such as divorce or custody proceedings, and the failure of parents to perform their duties to the child.
	Children in Conflict with the Law/ Juvenile Justice	Children who are accused of, or found responsible for breaking the criminal law. May include instances where children were victims (e.g. of prostitution rings) but legally they've broken the law by performing underage sex.
	Punishment for Convicted Juvenile Offenders	Regular punishment according to penal code. Diversion and Alternatives for juvenile offenders. This depends on the age of criminal liability. Although a child may have committed a criminal act, it does not necessarily warrant criminal liability because he/ she may not be mentally sound/ developed to understand the wrongness of the act. In many countries, criminal liability begins from age 14.

Children play a role in, and need to be involved in the justice system. For example, they may be required to give testimonies or have their preferences taken into account in a custody suit. Therefore, it is necessary that the justice system is child-friendly - in terms of language and comprehension, and a palatable reception. This is because legal proceedings can be confusing to children and can appear daunting and cause undue trauma. Furthermore, children deserve to understand their role, options, and intricate implications in the justice system, whether they are involved indirectly or directly.

- Because each jurisdiction has different rules and procedures, it helps social workers, advocacy groups, or legal defenders to have localised knowledge of the legal system and how they cater to children. The Child Rights International Network's Legal Database has useful resources that provide information on the accessibility of the justice system to children in various countries¹.

¹ See https://www.crin.org/en/library/custom-search-legal?promo=1&search_api_language=current.

For children who are further involved with, and in conflict with the justice system, more measures are required. The Beijing Rules - or UN Standard Minimum Rules for the Administration of Juvenile Justice - outline international standards for administering juvenile justice. It provides several safeguards for children in the legal process such as:

- The presumption of innocence;
- The right to be notified of the charges;
- The right to remain silent;
- The right to counsel;
- The right to the presence of a parent or guardian;
- The right to confront and cross-examine witnesses;
- The right to appeal to a higher authority.

Beijing Rules provide that the guiding consideration in juvenile justice should be the child's wellbeing. This has led to a rise in the adoption of diversion and alternatives to criminal justice over the past 3 decades. Diversions and restorative justice generally try to keep children out of the formal justice system and find constructive solutions that benefit the offender, victim, and society.

If you would like to learn more, please visit childhub.org where you can find other material relating to child justice. This includes summaries on diversion programs, as well as restorative justice.

The following sources were consulted and referred to in the writing of this summary. Readers may find these sources insightful.

Written by Ser Jay Tan in 2018.

References

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