

INTERNATIONAL JOURNAL FOR LEGAL RESEARCH AND ANALYSIS



Open Access, Refereed Journal Multi-Disciplinary
Peer Reviewed

www.ijlra.com

DISCLAIMER

No part of this publication may be reproduced, stored, transmitted, or distributed in any form or by any means, whether electronic, mechanical, photocopying, recording, or otherwise, without prior written permission of the Managing Editor of the *International Journal for Legal Research & Analysis (IJLRA)*.

The views, opinions, interpretations, and conclusions expressed in the articles published in this journal are solely those of the respective authors. They do not necessarily reflect the views of the Editorial Board, Editors, Reviewers, Advisors, or the Publisher of IJLRA.

Although every reasonable effort has been made to ensure the accuracy, authenticity, and proper citation of the content published in this journal, neither the Editorial Board nor IJLRA shall be held liable or responsible, in any manner whatsoever, for any loss, damage, or consequence arising from the use, reliance upon, or interpretation of the information contained in this publication.

The content published herein is intended solely for academic and informational purposes and shall not be construed as legal advice or professional opinion.

**Copyright © International Journal for Legal Research & Analysis.
All rights reserved.**

ABOUT US

The *International Journal for Legal Research & Analysis (IJLRA)* (ISSN: 2582-6433) is a peer-reviewed, academic, online journal published on a monthly basis. The journal aims to provide a comprehensive and interactive platform for the publication of original and high-quality legal research.

IJLRA publishes Short Articles, Long Articles, Research Papers, Case Comments, Book Reviews, Essays, and interdisciplinary studies in the field of law and allied disciplines. The journal seeks to promote critical analysis and informed discourse on contemporary legal, social, and policy issues.

The primary objective of IJLRA is to enhance academic engagement and scholarly dialogue among law students, researchers, academicians, legal professionals, and members of the Bar and Bench. The journal endeavours to establish itself as a credible and widely cited academic publication through the publication of original, well-researched, and analytically sound contributions.

IJLRA welcomes submissions from all branches of law, provided the work is original, unpublished, and submitted in accordance with the prescribed submission guidelines. All manuscripts are subject to a rigorous peer-review process to ensure academic quality, originality, and relevance.

Through its publications, the *International Journal for Legal Research & Analysis* aspires to contribute meaningfully to legal scholarship and the development of law as an instrument of justice and social progress.

PUBLICATION ETHICS, COPYRIGHT & AUTHOR RESPONSIBILITY STATEMENT

The *International Journal for Legal Research and Analysis (IJLRA)* is committed to upholding the highest standards of publication ethics and academic integrity. All manuscripts submitted to the journal must be original, unpublished, and free from plagiarism, data fabrication, falsification, or any form of unethical research or publication practice. Authors are solely responsible for the accuracy, originality, legality, and ethical compliance of their work and must ensure that all sources are properly cited and that necessary permissions for any third-party copyrighted material have been duly obtained prior to submission. Copyright in all published articles vests with IJLRA, unless otherwise expressly stated, and authors grant the journal the irrevocable right to publish, reproduce, distribute, and archive their work in print and electronic formats. The views and opinions expressed in the articles are those of the authors alone and do not reflect the views of the Editors, Editorial Board, Reviewers, or Publisher. IJLRA shall not be liable for any loss, damage, claim, or legal consequence arising from the use, reliance upon, or interpretation of the content published. By submitting a manuscript, the author(s) agree to fully indemnify and hold harmless the journal, its Editor-in-Chief, Editors, Editorial Board, Reviewers, Advisors, Publisher, and Management against any claims, liabilities, or legal proceedings arising out of plagiarism, copyright infringement, defamation, breach of confidentiality, or violation of third-party rights. The journal reserves the absolute right to reject, withdraw, retract, or remove any manuscript or published article in case of ethical or legal violations, without incurring any liability.

GLOBAL APPROACHES TO JUVENILE JUSTICE: COMPARATIVE LEGAL FRAMEWORKS

AUTHORED BY - ABHISHEK SUCHARI,
PhD (Law), Faculty of Juridical Sciences, Rama University, Kanpur Nagar

CO-AUTHOR - RISHABH VERMA,
LL.B. (2nd Year), Law Centre 2, Faculty of Law, University of Delhi

CO-AUTHOR 2 - NAKUL DIWAKAR,
M.A. Sociology (2nd Year), I.G.N.O.U, New Delhi

Abstract:

Juvenile delinquency is a complex issue for criminal justice systems around the world. It requires a careful balance between protecting society and helping children who get into trouble with the law. In recent decades, many places have rethought their juvenile justice systems to reflect new insights into child psychology, legal requirements, and human rights standards. This research paper presents a detailed comparison of juvenile justice systems in selected countries India, the United States, the United Kingdom, Germany, Norway, Sweden, Japan, China, Brazil, Argentina, Canada, South Africa, and Kenya to see how different legal traditions handle juvenile delinquency. The study looks closely at the laws, court decisions, and systems in place for dealing with young offenders. It focuses on the age of criminal responsibility, diversion, rehabilitation, and the use of punitive measures. By combining local legal practices with international standards like the United Nations Convention on the Rights of the Child, the Beijing Rules, and the Havana Rules, the paper examines how well national systems align with child-focused justice principles. The research shows a noticeable global move toward rehabilitation and restorative justice models, though some areas face ongoing pressures from public opinion, crime fears, and punitive attitudes. The paper wraps up by highlighting best practices and suggesting reform ideas, especially for countries still developing their systems, to better meet international commitments on children's rights.

KEYWORDS:

Juvenile Delinquency; Juvenile Justice; Comparative Law; Child Rights; UNCRC; Restorative Justice; Criminal Responsibility

Introduction:

“Juveniles are more vulnerable or susceptible to negative influences and outside pressures, including peer pressure (Youth is more than a chronological fact. It is a time and condition of life when a person may be most susceptible to influence and to psychological damage). This is explained on part by prevailing circumstance that juveniles have less control or less experience with control over their own environment.

- Roper vs Simmons

Juvenile delinquency has consistently posed a challenging issue within criminal law, as it lies at the crossroads of child welfare considerations, the need for accountability, and the imperative of maintaining public safety. Children who come into conflict with the law are widely regarded as fundamentally different from adult offenders, given their developmental immaturity, heightened vulnerability to social and environmental influences, and greater potential for behavioral reform. These characteristics have played a major role in shaping modern juvenile justice systems, leading to the gradual replacement of adult-oriented punitive models with specialized regimes centered on rehabilitation, social reintegration, and the protection of children’s rights.

In its early stages, particularly during the 19th and early 20th centuries, juvenile justice was heavily influenced by the principle of *parens patriae*, under which the State acted as a surrogate parent responsible for guiding and correcting wayward youth. While this approach was framed as benevolent, it frequently resulted in unchecked discretion and the erosion of procedural safeguards for children. From the latter half of the twentieth century onward, however, juvenile justice underwent a significant transformation toward a rights-based framework, shaped by constitutional developments and the growing influence of international human rights law. This shift found its clearest expression in the adoption of the United Nations Convention on the Rights of the Child in 1989, which emphasizes that depriving children of liberty should occur only in exceptional circumstances and for the minimum duration necessary¹.

Notwithstanding the widespread acceptance of child-centered principles at the international level, substantial differences persist in the manner in which national juvenile justice systems are structured and implemented. Welfare-oriented jurisdictions such as Norway and Sweden

¹ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

have largely abandoned punitive detention in favor of social and rehabilitative interventions, whereas other systems, most notably that of the United States, continue to permit the prosecution of juveniles as adults in cases involving serious crimes. India's Juvenile Justice (Care and Protection of Children) Act, 2015 similarly illustrates the tension between reformative objectives and punitive public sentiment by allowing children between the ages of sixteen and eighteen to face adult criminal proceedings for certain grave offences. This paper contends that these variations are rooted not only in legal doctrine but also in broader socio-political dynamics, public attitudes toward crime, and constitutional traditions. Here is a list of countries along with its juvenile justice systems.

India-

India's juvenile justice regime is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, enacted to replace the Juvenile Justice Act, 2000, in purported compliance with the UNCRC. The Act classifies children into two categories: children in conflict with law and children in need of care and protection². The most controversial feature of the 2015 Act is the introduction of Section 15, which allows a preliminary assessment to determine whether children aged 16–18 years accused of heinous offences may be tried as adults.

This provision marked a significant departure from the traditionally reformative approach of Indian juvenile jurisprudence and was largely influenced by public outrage following the 2012 **Delhi gang rape case**³. Critics argue that the provision undermines the principle of diminished culpability and violates India's obligations under international law.

In **Salil Bali v. Union of India**⁴, the Court dismissed objections to the constitutional validity of setting eighteen years as the age of juvenility, asserting that legislative policy based on international conventions could not be contested without evidence of arbitrariness. The Court clearly acknowledged India's commitments under the UNCRC and the Beijing Rules.

Similarly, in **Pratap Singh v. State of Jharkhand**⁵, the Court "clarified that the relevant date for determining juvenility is the date of commission of the offence, reinforcing the child-centric

² Juvenile Justice (Care and Protection of Children) Act, No. 2 of 2016.

³ *Mukesh v. State (NCT of Delhi)*, (2017) 6 S.C.C. 1 (India).

⁴ *Salil Bali v. Union of India*, (2013) 7 S.C.C. 705 (India).

⁵ *Pratap Singh v. State of Jharkhand*, (2005) 3 S.C.C. 551 (India).

orientation of the law.”

Nonetheless, the judicial decisions after 2015 show a lack of clarity. In **Dr. Subramanian Swamy v. Raju**⁶, the Supreme Court affirmed the constitutional legitimacy of the Juvenile Justice Act, 2015, which includes clauses permitting transfer to adult courts, noting that the legislation sought to achieve equilibrium between children's rights and public concerns. The Court refused to endorse claims that international treaties explicitly ban differential treatment for serious crimes.

In **Mukesh v. State (NCT of Delhi)**⁷, commonly referred to as the Nirbhaya case, the Court implicitly affirmed legislative intent by observing that the juvenile defendant had been addressed under the relevant juvenile law, while deferring policy reform to Parliament.

United States of America-

In contrast to other jurisdictions, the United States does not have a standardized juvenile justice law. Juvenile justice is primarily regulated by state legislation, leading to considerable differences in the age of criminal accountability, transfer processes, and sentencing alternatives. Numerous states allow judicial waiver, prosecutorial discretion, or statutory exclusion that enables juveniles to be prosecuted as adults.

The U.S. Supreme Court has significantly influenced the integration of constitutional safeguards into juvenile sentencing law.

In *Roper v. Simmons*⁸, the Court “determined that applying the death penalty to individuals under eighteen at the time of the crime infringes upon the Eighth Amendment’s ban on cruel and unusual punishment. The Court heavily referenced psychological studies and global standards, such as the UNCRC”.

This logic was expanded in *Graham v. Florida*⁹, in which the Court “decided that life sentences without parole for juvenile offenders who did not commit homicide are unconstitutional. The Court acknowledged the lesser moral responsibility of juveniles and their greater potential for

⁶ *Dr. Subramanian Swamy v. Raju*, (2014) 8 S.C.C. 390 (India).

⁷ *Ibid.*

⁸ *Roper v. Simmons*, 543 U.S. 551 (2005).

⁹ *Graham v. Florida*, 560 U.S. 48 (2010).

reform”.

Additionally, in *Miller v. Alabama*¹⁰, the Court ruled that “mandatory life sentences without parole for juvenile homicide offenders violated the Constitution. They highlighted the importance of personalized sentencing and dismissed automatic punitive measures”.

The retroactive enforcement of *Miller* was upheld in *Montgomery v. Louisiana*¹¹, emphasizing that juvenile sentencing should focus on rehabilitation rather than punishment.

Despite progressive Supreme Court jurisprudence, lower courts and state legislatures continue to permit adult trials and harsh sentencing, highlighting the fragmented nature of juvenile justice in the United States.

United Kingdom:

In England and Wales, the governance of juvenile justice is provided by the Crime and Disorder Act, 1998, as well as the Children and Young Persons Act, 1933. The minimum age for criminal responsibility is ten years, among the lowest in Europe, attracting ongoing criticism from advocates for children's rights.

The UK’s juvenile justice system has been profoundly shaped by decisions of the **European Court of Human Rights (ECtHR)**.

In *T v. United Kingdom*¹² and *V v. United Kingdom*¹³, the ECtHR held that the “trial of two eleven-year-old boys in an adult Crown Court violated Article 6 of the European Convention on Human Rights due to the intimidating atmosphere and lack of effective participation”.

Domestically, in *R v. Secretary of State for the Home Department, ex parte Venables*¹⁴, the House of Lords emphasized that decisions “relating to juvenile offenders must be guided by welfare considerations rather than public opinion”.

More recently, courts have stressed the importance of **Youth Offending Teams** and

¹⁰ *Miller v. Alabama*, 567 U.S. 460 (2012).

¹¹ *Montgomery v. Louisiana*, 577 U.S. 190 (2016).

¹² *T v. United Kingdom*, App. No. 24724/94, 30 Eur. H.R. Rep. 121 (1999).

¹³ *V v. United Kingdom*, App. No. 24888/94, 30 Eur. H.R. Rep. 121 (1999).

¹⁴ *R v. Sec’y of State for the Home Dep’t, ex parte Venables*, [1998] A.C. 407 (HL).

diversionary measures, reflecting partial alignment with rehabilitative ideals. While the UK has institutional mechanisms favoring rehabilitation, its low age of criminal responsibility and continued use of custodial sentences reflect unresolved contradictions.

Canada:

Canada's juvenile justice regime is governed by the Youth Criminal Justice Act, 2003 (YCJA)¹⁵, which replaced the Young Offenders Act. The YCJA explicitly prioritizes rehabilitation, reintegration, and proportional accountability.

In **R v. D.B.**¹⁶, the Supreme Court of Canada held that the “presumption of diminished moral blameworthiness for young persons is a principle of fundamental justice under the Canadian Charter of Rights and Freedoms. This decision significantly curtailed the imposition of adult sentences on juveniles”.

Similarly, in **R v. C.D.**¹⁷, the Court reiterated that “detention must be a last resort and that alternative measures should be preferred”.

Canadian courts have consistently incorporated international norms, particularly the UNCRC, into constitutional interpretation. Among common law jurisdictions, Canada stands out for its coherent, rights-based, and restorative juvenile justice framework, offering valuable lessons for reform-oriented jurisdictions.

Germany:

Germany's juvenile justice system is governed by the **Jugendgerichtsgesetz (Juvenile Courts Act – JGG)**¹⁸, which is widely regarded as one of the most progressive juvenile justice frameworks globally. Unlike many jurisdictions that strictly separate juvenile and adult criminal responsibility at the age of eighteen, German law extends juvenile justice principles to **young adults aged 18–21**, provided their moral and psychological development is deemed equivalent to that of a juvenile.

¹⁵ Youth Criminal Justice Act, S.C. 2002, c. 1 (Can.).

¹⁶ *R v. D.B.*, [2008] 2 S.C.R. 3 (Can.).

¹⁷ *R v. C.D.*, [2005] 3 S.C.R. 668 (Can.).

¹⁸ Jugendgerichtsgesetz [JGG] [Juvenile Courts Act], Apr. 4, 1953, BGBI I at 751 (Ger.).

The **Federal Constitutional Court of Germany (Bundesverfassungsgericht)**¹⁹ has repeatedly affirmed that the primary objective of juvenile justice is rehabilitation. In its landmark decisions, the Court has held that “punitive sanctions against juveniles must be justified only insofar as they serve educational purposes and societal reintegration”.

In a significant ruling concerning preventive detention, the Court held that “prolonged incarceration of young offenders without individualized assessment violates **Article 2(1)** (right to free development of personality) read with **Article 1(1)** (human dignity) of the German Basic Law”. This constitutional emphasis on dignity has profoundly shaped sentencing practices under the JGG.

Brazil:

Brazil’s juvenile justice framework is governed by the **Estatuto da Criança e do Adolescente (ECA), 1990**²⁰, enacted following Brazil’s ratification of the UNCRC. The ECA constitutionally recognizes children and adolescents as subjects of rights, not merely objects of protection.

Under Article 228 of the Brazilian Constitution, criminal responsibility begins at “eighteen years, and juveniles aged twelve to eighteen are subject to socio-educational measures rather than criminal penalties. These measures include warning, restitution, community service, assisted liberty, and institutional placement as a last resort.”

In the case **Emasculated Boys of Maranhão" Case** is perhaps the most famous international human rights case involving the ECA. In this case Between 1991 and 2003, dozens of young boys in the state of Maranhão were murdered and mutilated. The apex court ruled that the “The Inter-American Commission on Human Rights held the Brazilian state responsible for negligence. It confirmed that the ECA's Duty of Care is not optional; the state has a positive obligation to prevent violence against children.”

Argentina:

Argentina’s juvenile justice system has undergone significant transformation following the incorporation of the UNCRC into its constitutional framework. Historically governed by **Law**

¹⁹ Bundesverfassungsgericht [BVerfG] [Federal Constitutional Court], Mar. 31, 2006, 116 BVerfGE 69 (Ger.).

²⁰ Estatuto da Criança e do Adolescente [ECA], Law No. 8.069 (1990) (Braz.).

No. 22,278²¹, Argentina followed a patronato model characterized by judicial paternalism and weak procedural safeguards.

Reforms, particularly after the 1994 constitutional amendment granting international human rights treaties constitutional status, have reoriented juvenile justice toward a rights-based approach. Juveniles below sixteen are exempt from criminal responsibility, while those aged sixteen to eighteen are subject to specialized treatment.

In **Maldonado v. State**²², the Argentine Supreme Court held that “sentencing juveniles to life imprisonment violates constitutional guarantees and international obligations under the UNCRC. The Court emphasized the principles of proportionality, rehabilitation, and reintegration.”

In another significant decision, the Court “invalidated indefinite preventive detention of juveniles, holding that such practices violate due process and the right to personal liberty”. Argentine courts have repeatedly invoked the Inter-American Court of Human Rights jurisprudence, particularly the **Instituto de Reeducación del Menor v. Paraguay**²³ decision, to reinforce child-centric justice norms.

Norway:

Norway’s juvenile justice system is governed by the **Child Welfare Act, 1992**²⁴, read alongside provisions of the Norwegian Penal Code. The age of criminal responsibility is fifteen years, among the highest globally. Children below this age are exclusively subject to child welfare measures, not criminal prosecution.

Norwegian courts consistently apply principles derived from the European Convention on Human Rights and the UNCRC. In cases concerning juvenile detention, domestic courts have emphasized Article 37 of the UNCRC, which mandates that deprivation of liberty be used only as a measure of last resort. Norway can be said to have pure restorative justice model.

²¹ Ley 22.278 (Arg.).

²² *Maldonado v. State*, Fallos: 328:4343 (Arg.).

²³ *Instituto de Reeducación del Menor v. Paraguay*, Merits, Reparations & Costs, Judgment, Inter-Am. Ct. H.R. (ser. C) No. 112 (2004).

²⁴ Child Welfare Act, Act No. 100 of July 17, 1992 (Nor.).

Sweden:

Sweden's juvenile justice system is primarily governed by the Social Services Act²⁵ and the Care of Young Persons (Special Provisions) Act (LVU). Like Norway, Sweden sets the age of criminal responsibility at fifteen. Juveniles below this age are entirely removed from the criminal justice system. For juveniles aged fifteen to seventeen, criminal prosecution is rare, and social welfare authorities play a central role in determining appropriate interventions.

Swedish courts routinely invoke principles of proportionality and best interests of the child. In detention-related matters, courts have relied upon ECtHR jurisprudence, including **Bouamar v. Belgium**²⁶, to reinforce the necessity of alternatives to incarceration.

Sweden's compliance with international standards has been cited favorably by the UN Committee on the Rights of the Child, particularly for its emphasis on diversion and social rehabilitation.

Japan:

Japan's juvenile justice system is governed by the Juvenile Act, 1948²⁷, which places juvenile offenders under the exclusive jurisdiction of Family Courts. The age of criminal responsibility is fourteen, but even above this age, prosecution is rare. Family Courts possess wide discretion to impose protective measures, including probation, guidance, and placement in juvenile training schools.

Japanese courts operate under the principle of protective paternalism, emphasizing moral education and social harmony. In Family Court decisions, judges frequently prioritize apology, restitution, and reconciliation with victims over formal punishment. The Supreme Court of Japan²⁸ has upheld the constitutionality of "broad judicial discretion in juvenile cases, recognizing the unique rehabilitative purpose of the juvenile justice system".

Critics argue that excessive judicial discretion may compromise procedural transparency and due process.

²⁵ Social Services Act (SoL) (2001:453) (Swed.).

²⁶ *Bouamar v. Belgium*, App. No. 9106/80, 11 Eur. H.R. Rep. 1 (1988).

²⁷ Juvenile Act, Act No. 168 of 1948 (Japan).

²⁸ Supreme Court of Japan, Decision of July 14, 1999, Saikō Saibansho Minji Hanreishū [Minshū].

China:

China's juvenile justice regime is governed by the Criminal Law of the People's Republic of China²⁹, as amended, and the Law on the Protection of Minors. Recent amendments have lowered the minimum age of criminal responsibility to twelve years for certain serious offences, while retaining rehabilitative measures for most juvenile offenders.

A notable feature of China's system is the principle of conditional non-prosecution, allowing procuratorates to divert juvenile offenders away from formal trials.

The **Supreme People's Procuratorate (SPP)**³⁰ has issued guidelines emphasizing education and reform over punishment. In pilot programs, juveniles granted conditional non-prosecution are subject to supervision, counseling, and community service rather than incarceration.

South Africa:

South Africa's juvenile justice system is governed by the **Child Justice Act, 2008**³¹, enacted to give effect to **Section 28** of the Constitution of the Republic of South Africa, 1996, which explicitly recognizes that a child's best interests are of paramount importance in every matter concerning the child. The Act establishes a separate criminal justice process for children accused of crimes, emphasizing diversion, restorative justice, and reintegration.

The minimum age of criminal capacity is set at ten years, subject to a rebuttable presumption of incapacity for children aged ten to fourteen. Diversion is the preferred mechanism, and detention is permitted only as a last resort.

In *Centre for Child Law v. Minister of Justice and Constitutional Development*³², the Court "struck down provisions mandating minimum sentences for certain juvenile offenders, holding that mandatory sentencing violates the constitutional principle of individualized justice and the best interests of the child".

In *S v. M*³³, the Court held that "sentencing courts must consider the impact of parental

²⁹ Criminal Law of the People's Republic of China (amended 2020).

³⁰ Supreme People's Procuratorate, Guidelines on Conditional Non-Prosecution for Juveniles (2021).

³¹ Child Justice Act 75 of 2008 (S. Afr.).

³² *Centre for Child Law v. Minister of Justice & Constitutional Development* 2009 (2) SACR 477 (CC).

³³ *S v. M* 2007 (2) SACR 539 (CC).

imprisonment on children and must balance societal interests with child welfare”.³⁵ Although not directly a juvenile delinquency case, the decision underscores the constitutional centrality of child rights in criminal adjudication.

The Court has also emphasized restorative justice in *Teddy Bear Clinic for Abused Children v. Minister of Justice*³⁴, “where it invalidated statutory provisions criminalizing consensual sexual conduct between adolescents, citing dignity and best interests of the child.”

Kenya:

Kenya’s juvenile justice framework is primarily governed by the **Children Act, 2022**³⁵, enacted to align domestic law with the **2010 Constitution of Kenya** and international child rights obligations. The Act raises the profile of diversion, rehabilitation, and alternative dispute resolution in cases involving children in conflict with law.

In *A.O.O. & 6 Others v. Attorney General*³⁶, the High Court emphasized that “detention of children must be a measure of last resort and must prioritize rehabilitation over punishment. The Court expressly relied upon Article 53 of the Kenyan Constitution and the UNCRC.”

In *S.O. v. Republic*³⁷, the High Court “quashed custodial sentences imposed on juveniles without consideration of diversion and rehabilitation, holding such sentences to be unconstitutional.”

International Legal Framework:

United Nations Convention on the Rights of the Child (UNCRC)

The **UNCRC (1989)**³⁸ is the cornerstone of international juvenile justice norms. Article 37 mandates that “detention be used only as a measure of last resort and for the shortest appropriate period, while Article 40 guarantees fair trial rights and treatment consistent with the child’s dignity”.

³⁴ *Teddy Bear Clinic for Abused Children v. Minister of Justice* 2013 (2) SACR 402 (CC).

³⁵ Children Act, No. 29 of 2022 (Kenya).

³⁶ *A.O.O. & 6 Others v. Attorney General* [2017] eKLR.

³⁷ *S.O. v. Republic* [2019] eKLR.

³⁸ Convention on the Rights of the Child, Nov. 20, 1989, 1577 U.N.T.S. 3.

Beijing Rules (1985)

The **United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)**³⁹ emphasize diversion, proportionality, and specialization of juvenile courts. Rule 17 discourages institutionalization and promotes community-based alternatives.

Havana Rules (1990)

The **United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)**⁴⁰ set minimum standards for detention conditions, emphasizing education, healthcare, and protection from abuse.

Conclusion:

The way that societies view childhood, responsibility, and redemption is reflected in juvenile justice. Punitive responses to juvenile delinquency are neither empirically effective nor legally justified, as this comparative study shows. Jurisdictions motivated by retaliatory impulses are consistently outperformed by those that place a higher priority on rehabilitation, welfare intervention, and constitutional protection of child rights.

There is a clear global trend toward restorative and rehabilitative justice, but where criminal law reform is dominated by populist narratives, opposition still exists. It is not just a legal requirement to align domestic juvenile justice systems with international child rights standards; it is also a moral requirement based on the understanding that children are developing individuals deserving of care, respect, and second chances.

³⁹ U.N. Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), G.A. Res. 40/33 (Nov. 29, 1985).

⁴⁰ U.N. Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), G.A. Res. 45/113 (Dec. 14, 1990).