The Theme Day of the Committee on the Rights of the Child on the administration of juvenile justice

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In the light of rule 74 of its provisional rules of procedure, the Committee on the Rights of the Child has decided to periodically devote one or more of its meetings to a general discussion on one specific article of the Convention on the Rights of the Child (CRC) or to a theme in the area of the rights of the child in order to enhance a deeper understanding of the content and implications of the CRC. Previous theme days of the Committee concerned the girl child, the role of the family in the promotion of the rights of the child, the economic exploitation of children and children in armed conflicts. The most recent theme day of the Committee, held on 13 November 1995, concerned the administration of juvenile justice.

In the preparation for the general discussion, the members of the Committee discussed how their experience to date has shown that the area of the administration of juvenile justice is of practical and current relevance in all regions of the world and in relation to the different existing legal systems. In this regard, they spoke of the innovative philosophy arising from the CRC and other relevant United Nations standards, namely the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 1990, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990. This philosophy calls for a child-oriented system that recognises the child as a subject of fundamental rights and freedoms and ensures that all actions concerning him or her are guided by the best interests of the child as a primary consideration.

In addition, the members of the Committee recalled the increasing interest within the United Nations system in the field of the administration of juvenile justice, including standards relating to juveniles deprived of their liberty. Special reference was made to the Expert meeting on children and juveniles in detention, which was held in Vienna in October-November 1994, and the important set of recommendations it had adopted,¹ as well as to the subsequent decisions of both the Commission on Human Rights² and the Ninth United Nations Congress on the Prevention of Crime and the Treatment of Offenders endorsing them. They also considered the important resolutions

adopted during the Fourth session of the Commission on Crime Prevention and Criminal Justice, in particular those relating to “Children as victims and perpetrators of crime: Effective application of United Nations standards and norms in juvenile justice”.

The theme day on the administration of juvenile justice was mainly intended to address the provisions of articles 37, 39 and 40 of the CRC, while reflecting the holistic approach of the CRC and its general principles, and illustrating the interdependence and indivisibility of the fundamental rights of children. The Committee identified two main areas to be considered during the general discussion: (1) The relevance of the effective implementation of existing standards; and (2) The value of international cooperation, especially through programmes of technical assistance. The Committee invited, in the light of article 45 of the CRC, representatives of United Nations organs, bodies and specialized agencies, and other competent bodies, including non-governmental organizations and research and academic institutions, to contribute to the theme day and provide expert advice on the two identified topics.


During the general discussion it was emphasized that other relevant instruments, namely the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) 1985, the United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines) 1990, and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty 1990, complement and provide guidance to the implementation of the rights recognized in the CRC.

In the evaluation of the experience of the Committee in its monitoring function, it was brought forth that very often State Party reports lack information on the number of children deprived of their liberty through arrest, detention or imprisonment, and on the grounds leading to such solutions, including the situations of deprivation of liberty of asylum-seeking, refugee and unaccompanied children. Usually State Party reports merely contain a general description of legal provisions, and rarely do they address the social factors leading to the involvement of juveniles with the juvenile justice system, or the social consequences of such involvement.