



**Extracts from the Committee on the Rights of the Child (CRC)  
Concluding Observations:**

**Technical assistance recommendations referring to the  
“Interagency Panel on Juvenile Justice”**

**2008**

*Committee on the Rights of the Child, Forty-ninth session  
(15 September – 3 October 2008)*

<http://www2.ohchr.org/english/bodies/crc/crcs49.htm>

<b>BHUTAN</b>	<i>CRC/C/BTN/CO/2</i>	<i>3 October 2008</i>	<i>Original: English</i>
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**The administration of juvenile justice**

70. The Committee notes that child-related provisions have been included in the Penal Code, 2004 and the Civil and Criminal Procedure Code, 2001. Furthermore, the Committee notes that the draft Juvenile Justice Act has been amended as a draft Child Care and Protection Act. The Committee is concerned that the minimum age for criminal responsibility is ten years.
71. **The Committee recommends that the State party:**
- (a) **Expedite the adoption of the Child Care and Protection Act;**
  - (b) **Ensure that a system of juvenile justice of the Convention is fully integrated into legislation and practice, in particular articles 37, 40 and 39, as well as other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules), and the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee’s general comment No. 10 (2007) on children’s rights in juvenile justice;**



- (c) **Raise the minimum age of criminal responsibility in accordance with general comment No. 10, notably paragraphs 32 and 33;**
- (d) **Ensure that deprivation of liberty is used only as a measure of last resort, for the shortest period of time, is expressly authorised by a court and that juveniles are separated from adult during such deprivation;**
- (e) **Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;**
- (f) **Ensure that children have the free assistance of an interpreter if the child cannot understand or speak the language used;**
- (g) **Conduct training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defense lawyers and prosecutors;**
- (h) **Be guided in this respect by the United Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (ECOSOC res. 2005/20);**
- (i) **Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

<i>DJIBOUTI</i>	<i>CRC/C/DJI/CO/2</i>	<i>3 October 2008</i>	<i>Original: English</i>
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### **Administration of Juvenile justice**

72. The Committee notes the State party's indication during the dialogue that only a very small number of children are in conflict with the law in Djibouti. Nevertheless, the Committee is concerned about the lack of specialized courts for juvenile offenders. The Committee is also concerned about the fact that juveniles as young as 13 years old can be detained for long periods of time, that there are no separate facilities to detain children apart from adults and that alternative responses to offences are at the discretionary power of the court.

73. **The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 (2007) on the administration of juvenile justice:**

- (a) **Take all measures to establish a specialized justice system for children;**
- (b) **Take the necessary steps to ensure that persons working with children in the justice system, juvenile judges, etc. receive appropriate training;**



- (c) Take all necessary measures, including the development of a policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible;
- (d) Take all necessary measures to ensure that when detention is carried out, it is done in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced;
- (e) Take all necessary measures to ensure that children are not illtreated in detention, that conditions in detention facilities are conducive, to the extent possible, to the child's development and that their rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible; and
- (f) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

#### **Protection of witnesses and victims of crimes**

74. The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005) and general comment No. 5 (2003) on general measures of implementation of the Convention on the Rights of the Child.

**UNITED KINGDOM OF GREAT BRITAIN AND NORTHERN IRELAND**

*CRC/C/GBR/CO/4*

*3 October 2008*

*Original: English*

#### **Administration of juvenile justice**

77. The Committee is concerned that:

- (a) The age of criminal responsibility is set at 8 years of age in Scotland and at 10 years for England, Wales and Northern Ireland;
- (b) There are still cases where children, notably those aged between 16 and 18, can be tried in an adult court, including in the Overseas Territories of Antigua, Montserrat, Bermuda as well as on the Crown Dependency of the Isle of Man;
- (c) The number of children deprived of liberty is high, which indicates that detention is not always applied as a measure of last resort;



- (d) The number of children on remand is high;
- (e) Children in custody do not have a statutory right to education;
- (f) There is the practice, in the Overseas Territories, of holding persons below 18 in conflict with the law in the same places of deprivation of liberty for adults;
- (g) The recently published Youth Crime Action Plan (July 2008) includes a proposal to remove reporting restrictions for 16 and 17 year-olds facing criminal proceedings “to improve the transparency of the youth justice system”;
- (h) The provisions of the Counter-Terrorism Bill also apply to children suspected or charged with terrorism offences; in particular the Committee is concerned at the provisions for extended pre-charge detention and notification requirements;
- (i) Children deprived of liberty in Turks and Caicos, may end up in detention in Jamaica, due to the lack of detention facilities for children.

**78. The Committee recommends that the State party fully implement international standards of juvenile justice, in particular articles 37, 39 and 40 of the Convention, as well as general comment No. 10 on “Children’s rights in juvenile justice” the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”). It also recommends that the State party:**

- (a) Raise the minimum age of criminal responsibility in accordance with the Committee’s general comment No. 10, and notably its paragraphs 32 and 33;**
- (b) Develop a broad range of alternative measures to detention for children in conflict with the law; and establish the principle that detention should be used as a measure of last resort and for the shortest period of time as a statutory principle;**
- (c) Children in conflict with the law are always dealt with within the juvenile justice system and never tried as adults in ordinary courts, irrespective of the gravity of the crime they are charged with;**
- (d) Following the welcome withdrawal of its reservation to article 37 (c) of the Convention, ensure that, unless in his or her best interests, every child deprived of liberty is separated from adults in all places of deprivation of liberty;**
- (e) Provide for a statutory right to education for all children deprived of their liberty;**
- (f) Review the application of the Counter Terrorism Bill to children;**
- (g) Ensure that, when children in the Overseas Territories are subject to deprivation of liberty in another country, all the guarantees enshrined in article 40 of the Convention are respected and that this respect is duly monitored; the State party should also ensure that those children have the right, unless it is considered in the child’s best interest not to do so, to maintain contact with their family through regular visits;**



- (h) **Adopt appropriate measures to protect the rights and interests of child victims or witnesses of crime at all stages of the criminal justice process.**

79. The Committee is concerned at the application to children of the Anti-Social Behaviour Orders (ASBOs), which are civil orders posing restrictions on children's gathering, which may convert into criminal offences in case of their breach. The Committee is further concerned:

- (a) At the ease of issuing such orders, the broad range of prohibited behaviour and the fact that the breach of an order is a criminal offence with potentially serious consequences;
- (b) That ASBOs, instead of being a measure in the best interests of children, may in practice contribute to their entry into contact with the criminal justice system;
- (c) That most children subject to them are from disadvantaged backgrounds.

**80. The Committee recommends that the State party conduct an independent review of ASBOs, with a view to abolishing their application to children.**

*Committee on the Rights of the Child, Forty-eighth session  
(19 May - 6 June 2008)*

<http://www2.ohchr.org/english/bodies/crc/crcs48.htm>

<b>BULGARIA</b>	<i>CRC/C/BGR/CO/2</i>	<i>6 June 2008</i>	<i>Original: English</i>
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#### **Administration of juvenile justice**

68. The Committee notes with appreciation the amendments to the Juvenile Delinquency Act, the introduction of measures regarding deprivation of liberty by courts and the adoption of the new Criminal Procedure Code in 2005. However, the Committee is concerned:

- (a) That the State party has not established specialized juvenile courts or chambers within the existing settlements as recommended by the Committee in its previous concluding observations;
- (b) At the definition of "anti-social behaviour" of juveniles which contradicts international standards;
- (c) That despite the fact that the Juvenile Delinquency Act defines the minimum legal age for criminal responsibility at the age of 14, children at a very low age (8 years old) are considered by measures of prevention and re-education fixed by article 13 of the Juvenile Delinquency Act and which may be decided by the local Commission, without adequate guarantees;



- (d) That the deprivation of liberty is not used as a means of last resort;
- (e) At the high percentage of children placed in correctional-educational institutions; and
- (f) At the inadequate conditions prevailing in prisons and detention centres, including overpopulation and poor living conditions.

**69. The Committee recommends that the State party take prompt measures to fully bring the system of juvenile justice in line with the Convention, in particular articles 37(b), 40 and 39, as well as with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the Havana Rules), the Vienna Guidelines for Action on Children in the Criminal Justice System and the recommendations of the Committee's general comment No. 10 (CRC/C/GC/10) on children's rights in juvenile justice. In this regard, the Committee recommends that the State party:**

- (a) **Implement the Committee's recommendations (CRC/C/15/Add.66) regarding juvenile justice;**
- (b) **Reform the Juvenile Delinquency Act and the Criminal Procedure Code with the view to withdraw the notion of anti-social behaviour;**
- (c) **Make a clear definition of the legal age of criminal responsibility in order to guarantee that children under the age of fourteen years are totally treated outside of the criminal justice system on the basis of social and protective measures;**
- (d) **Set up an adequate system of juvenile justice, including juvenile courts with specialized judges for children, throughout the country;**
- (e) **Use deprivation of liberty, including placement in correctional-educational institutions, as a means of last resort and, when used, regularly monitor and review it taking into account the best interests of the child;**
- (f) **Provide a set of alternative socio-educational measures to deprivation of liberty and a policy to effectively implement them;**
- (g) **Ensure that children deprived of their liberty remain in contact with the wider community, in particular with their families, as well as friends and other persons or representatives of reputable outside organisations, and are given the opportunity to visit their homes and families;**
- (h) **Focus on strategies to prevent crimes in order to support children at risk at an early stage;**
- (i) **Train judges and all law enforcement personnel who come into contact with children from the moment of arrest to the implementation of administrative or judicial decisions taken against them;**
- (j) **Ensure independent monitoring of detention conditions and access to effective complaints, investigation and enforcement mechanisms; and**



- (k) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.

**70.** The Committee also recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

<i>ERITREA</i>	<i>CRC/C/ERI/CO/3</i>	<i>6 June 2008</i>	<i>Original: English</i>
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#### **Juvenile justice**

78. The Committee regrets the absence of a child friendly juvenile justice system in the country and reiterates its concern that children between 15 and 17 are tried as adults. The Committee is concerned that deprivation of liberty is not used as a measure of last resort and at the lack of separation of children from adults in pretrial detention.

**79.** The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”) and the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”), and in the light of the Committee’s day of general discussion on the administration of juvenile justice. In particular, the Committee recommends that the State party:

- (a) Develop a juvenile justice system, with specialized juvenile courts, which ensures that all children are tried as such. Children under 18 should not be tried as adults;
- (b) Improve training programmes on relevant international standards for all professionals involved with the system of juvenile justice such as judges, police officers, defence lawyers and prosecutors;
- (c) Provide children, both victims and accused, with adequate legal assistance throughout the legal proceedings;
- (d) Be guided in this respect by the Guidelines on Justice in Matters involving Child Victims and Witnesses of Crime (Economic and Social Council resolution 2005/20);



- (e) **Ensure that detention and institutionalisation of child offenders is only resorted to as a last resort;**
- (f) **Seek technical assistance and other cooperation from the Interagency Panel on Juvenile Justice, which includes UNODC, UNICEF, OHCHR and NGOs.**

<b>GEORGIA</b>	<i>CRC/C/GEO/CO/3</i>	<i>6 June 2008</i>	<i>Original: English</i>
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### **Administration of juvenile justice**

70. While noting that that a reform of the criminal justice system is currently underway, the Committee is concerned that the Convention does not appear to be adequately reflected in guiding documents on the State reform of the criminal justice system, for example, the “Implementation Plan for the Strategy of Criminal Justice Reforms in Georgia, 12 June 2006”. In particular, the Committee is concerned about:

- (a) The abolishment, in November 2006, of the Commission of Minors and the Inspectorate of Minors, the only specialist unit dealing with prevention activities with regard to juveniles, and that apparently no appropriate mechanism has been put in its place;
- (b) The increasing number of children entering the criminal justice system and receiving custodial measures and punishments;
- (c) The lack of juvenile courts;
- (d) The absence of efficient mechanisms to ensure that imprisonment is used as a last resort and for the shortest possible period of time (e.g. pre-sentence reports, risk and needs assessment, individual sentence planning, parole board); and the often disproportionate length of sentences in relation to the seriousness of offences;
- (e) The lack of community-based programmes offering an alternative to prosecution and custody, in particular, the negative impact of the 2006 “Zero-Tolerance” policy on juvenile offenders, such as the reduced possibility of alternative sentencing;
- (f) The excessive length of pre-trial detention and the limited access to visitors during this period;
- (g) The conditions of detention; and
- (h) The absence of facilities for the physical and psychological recovery and social reintegration of juvenile offenders.

**71. The Committee reiterates its previous recommendation that the State party bring the system of juvenile justice fully in line with the Convention, in particular articles 37, 40 and 39, and with other United Nations standards in the field of juvenile justice, including the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), the United Nations Rules for the Protection of**



**Juveniles Deprived of Their Liberty (the Havana Rules) and the Vienna Guidelines for Action on Children in the Criminal Justice System; and the Committee's general comment No. 10 (2007) on children's rights in juvenile justice. In this regard, the Committee recommends the State party in particular:**

- (a) Undertake all necessary measures to ensure the establishment of juvenile courts and the appointment of juvenile judges in all regions of the State party;**
- (b) Ensure that all professionals involved with the system of juvenile justice are trained on relevant international standards;**
- (c) Consider deprivation of liberty only as a measure of last resort and for the shortest possible period of time; protect the rights of children deprived of their liberty and monitor their conditions of detention; and ensure that children remain in regular contact with their families while in the juvenile justice system;**
- (d) Take a holistic and preventive approach to addressing the problem of juvenile crime (e.g. addressing underlying social factors) advocated in the Convention with a view to supporting children at risk at an early stage, by using alternative measures to detention such as diversion, probation, counselling, community service or suspended sentences, wherever possible;**
- (e) Provide children with legal and other assistance at an early stage of the procedure and ensure that children in detention are provided with basic services (e.g. schooling and healthcare); and**
- (f) Request further technical assistance in the area of juvenile justice and police training from the United Nations Interagency Panel on Juvenile Justice.**

#### **Minimum age for criminal responsibility**

72. The Committee deeply regrets the decision of the State party to lower the minimum age for criminal responsibility from 14 to 12.

73. The Committee strongly urges the State party to reinstate, as a matter of urgency, the minimum age of criminal responsibility at 14 years, taking into account the Committee's general comment No. 10 in which States parties are urged not to lower their minimum age of criminal responsibility to the age of 12 (para. 33) on the grounds that a higher age, such as 14 and 16 years of age, contributes to the juvenile justice system which deals with children in conflict with the law without resorting to judicial proceedings, providing that the child's human rights and legal safeguards are fully respected, in accordance with the article 40(3)(b) of the Convention.

#### **Protection of victims and witnesses of crimes**

74. The Committee recommends that State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes e.g. children



victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes are provided with the protection required by the Convention and to take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

<i>REPUBLIC OF SERBIA</i>	<i>CRC/C/SRB/CO/1</i>	<i>6 June 2008</i>	<i>Original: English</i>
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### **Administration of juvenile justice**

73. The Committee welcomes the adoption of the Law on Juvenile Perpetrators of Criminal Acts and on Criminal Legal Protection of Minors, which provides for special provisions for young offenders, such as, inter alia, mandatory defence of minors, exemptions and limited duration of proceedings and the imposition of guidance measures instead of juvenile prison. The Committee also welcomes the various projects aimed at the reintegration of juvenile perpetrators. The Committee is concerned at the lack of implementation of the existing provisions due to various factual constraints and the lack of an effective juvenile justice system of specialized prosecutors, judges and social workers to deal with children in conflict with the law.

#### **74. The Committee recommends that the State party:**

- (a) Continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, in particular articles 37, 40 and 39 of the Convention and other relevant international standards in this area, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“the Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (“the Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“the Havana Rules”), taking into account the Committee’s general comment No. 10 (2007) on child rights in juvenile justice.**
- (b) As a matter of priority, pay particular attention to:**
  - (i) The need to take measures to prevent and reduce the use of pretrial and other forms of detention and to make this detention as short as possible, inter alia, by developing and implementing alternatives to detention such as community service orders, interventions of restorative justice, etc.;**
  - (ii) The need to train police officers, prosecutors, judges, probation officers and others involved in the process of dealing with children in conflict with the law, in order to, inter alia, make sure that these children are interrogated by trained police officers who notify parents immediately about their child’s arrest and who encourage the presence of legal assistance for the child;**
  - (iii) The need to promote, in accordance with article 40, paragraph 1, of the**



- Convention, social reintegration of children in the society;**
- (c) **Strengthen preventive measures, such as supporting the role of families and communities in order to help eliminate the social conditions leading to problems such as delinquency, crime;**
  - (d) **Enhance enforcement of existing legislation;**
  - (e) **Request further technical assistance in the area of juvenile justice and police training from the Interagency Panel on Juvenile Justice and others, including UNICEF.**

<i>SIERRA LEONE</i>	<i>CRC/C/SLE/CO/2</i>	<i>6 June 2008</i>	<i>Original: English</i>
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### **Juvenile justice**

76. The Committee notes that efforts at reviewing and upgrading current laws on juvenile justice have intensified and are near completion and that the Child Rights Act contains extensive provisions on alternative approaches to the issue of juvenile justice. The Committee welcomes the various measures taken by the State party to improve the situation of children in conflict with the law, including training programmes, awareness-raising and sensitization campaigns, monitoring of Remand and Bail Homes, and the establishment of a task force on juvenile justice to review policy and law and develop best practice for the general administration of juvenile justice. The Committee also notes that the Child Rights Act increases the minimum age of criminal responsibility from 10 years to 14 years. The Committee expresses concern that the State party does not provide legal aid for children within the justice system and that there is only one juvenile court in the country. The Committee is further concerned that the country's Remand Homes and Approved School are understaffed and ill-equipped, with little or no security, poor learning facilities, little recreation and limited food supplies. The Committee also notes with concern that children suspected of crimes are either incarcerated with adult offenders in deplorable conditions or sent to overcrowded facilities in Freetown.

**77. The Committee urges the State party to ensure that juvenile justice standards are fully implemented, in particular in line with articles 37 (b), 40 and 39 of the Convention, as well as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines) and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the Havana Rules). In particular the Committee recommends that the State party, while taking into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice:**

- (a) **Take the necessary steps to ensure full implementation of the Child Rights Act, which raises the age of criminal responsibility to 14 years;**



- (b) Take all necessary measures, including adopting a permanent policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible and that detention sentences are reviewed periodically;
- (c) Take all necessary measures to ensure that when detention is carried out, it is done so in compliance with the law and respects the rights of the child as set out under the Convention and that children are held separately from adults both in pre-trial detention and after being sentenced;
- (d) Take all necessary measures to ensure that children are not ill-treated in detention, that conditions in detention facilities are not contrary to the child's development, that such facilities are regularly and independently monitored and that children's rights, including visitation rights, are not violated, and that cases involving juveniles are brought to trial as quickly as possible;
- (e) Request further technical assistance in the area of juvenile justice and police training from the United Nations Interagency Panel on Juvenile Justice.

#### **Protection of witnesses and victims of crimes**

78. The Committee recommends that the State party ensure, through adequate legal provisions and regulations, that all children victims and or witnesses of crimes, e.g. children victims of abuse, domestic violence, sexual and economic exploitation, abduction, and trafficking and witnesses of such crimes, are provided with the protection required by the Convention and that it take fully into account the United Nations Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime (annexed to Economic and Social Council resolution 2005/20 of 22 July 2005).

*Committee on the Rights of the Child, Forty-seventh session  
(14 January – 1 February 2008)*

<http://www2.ohchr.org/english/bodies/crc/crcs47.htm>

<i>DOMINICAN REPUBLIC</i>	<i>CRC/C/DOM/CO/2</i>	<i>1 February 2008</i>	<i>Original: English</i>
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#### **Administration of juvenile justice**

86. The Committee welcomes the progress made in the area of juvenile justice, including the initiatives taken by the Inter-Institutional Commission for Reform of the Administration of Justice for Children and Adolescents (CEJNNA). It notes that the State party reports that children are separated from adults in detention facilities, that the legal criterion for pre-trial detention are clear, that this measure applies only in exceptional circumstances and that children have the right



to challenge the legality of the deprivation of liberty before the Juvenile Court. However, the Committee is concerned that current legal reform proposals might endanger the special protection provided to children, if they could be tried as adults.

**87. The Committee recommends that the State party take into account the Committee's general comment No. 10 (2007) on children's rights in juvenile justice, in particular paragraph 33 of this document. The Committee also recommends that the State party:**

- (a) Take all necessary measures, including the adoption of a permanent policy of alternative sanctions for juvenile offenders, to ensure that children are held in detention only as a last resort and for as short a time as possible;**
- (b) Ensure that detention, when carried out, is done in compliance with articles 37 and 40 of the present Convention and that children are not ill-treated, their development is not threatened by conditions in detention facilities and their rights are not violated;**
- (c) Ensure that specialized courts (juvenile courts) exist;**
- (d) Bring cases involving juvenile offenders to trial as quickly as possible;**
- (e) Take all measures to ensure better promotions of socio-economic services for dealing with young offenders;**
- (f) Seek technical assistance and other cooperation from the United Nations Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime (UNODC), the United Nations Children's Fund (UNICEF), the Office of the High Commissioner for Human Rights (OHCHR) and NGOs.**

<i>TIMOR-LESTE</i>	<i>CRC/C/TLS/CO/1</i>	<i>1 February 2008</i>	<i>Original: English</i>
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### **Administration of juvenile justice**

73. The Committee notes that the State party has drafted a new Penal Code, which raises the age for criminal responsibility was raised and provides that special provisions for young offenders between 16 and 21 years old will be established in a separate law. The Committee further notes that the State party has elaborated Rules of Organization and Procedure for law enforcement officers and child protection personnel. Despite these positive steps, the Committee notes with concern that the rights of children to a fair treatment in the justice system are inadequately protected.

74. The Committee further notes that pre-trial detention is often extended beyond the maximum period prescribed in the applicable regulations, that children in detention are not



always strictly separated from adult detainees, and that measures of restorative justice are not systematically considered.

**75. The Committee recommends that the State party continue and strengthen its efforts to ensure the full implementation of juvenile justice standards, with due regard to articles 37, 40 and 39 of the Convention, the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the “Beijing Rules”), the United Nations Guidelines for the Prevention of Juvenile Delinquency (the “Riyadh Guidelines”) and the United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (the “Havana Rules”), as well as the Committee’s general comment No. 10 on children’s rights in juvenile justice (CRC/C/GC/10). In this regard, the Committee recommends that the State party:**

- (a) Expedite its efforts to finalize juvenile justice legislation, with a particular focus on setting appropriate minimum age limits for criminal responsibility;**
- (b) Systematically train judges and other professionals in juvenile justice matters, and ensure that proper legal representation is regularly available to juvenile offenders;**
- (c) Ensure that children are deprived of their liberty only as a means of last resort; continue and expand community-based reintegration programmes and similar measures of restorative justice; and, if detention is unavoidable, take measures to ensure that children are separated from adult detainees and that decisions on the deprivation of liberty can be reviewed; and**
- (d) Seek technical assistance from the United Nations Interagency Panel on Juvenile Justice, which includes the United Nations Office on Drugs and Crime (UNODC), UNICEF, OHCHR and non-governmental organizations.**