

Juveniles and Justice - Frequently asked questions

Why is Amnesty International concerned about juvenile justice? Isn't this a criminal justice issue and outside your mandate?

Amnesty International has long worked to oppose torture and other cruel or degrading treatment of prisoners, regardless of whether those prisoners are accused of or have been found guilty of criminal acts. Our mandate also includes building awareness of international standards for the protection of human rights and encouraging governments to put in place laws and policies to comply with those standards. Part of this work is promoting international standards for juvenile justice.

Still, why waste your energy on criminals? Didn't they give up their rights when they committed a crime?

Amnesty International doesn't take issue with the need to punish crime or defend society from criminal actions. However, as the Universal Declaration of Human Rights made clear, human rights belong to everyone - there are no exceptions. Grave violations of these rights such as torture and abuse are unacceptable under any circumstances. Furthermore, if at any time we turn our backs when government employees and agencies carry out human rights violations, then we invite the erosion of human rights in all aspects of society.

In the case of children, there are additional reasons to be concerned. International standards of juvenile justice are based, in part, on the recognition that young people are continuing to mature. As a consequence, children shouldn't always be held responsible for their actions in the same way that an adult would be. There is also greater potential for rehabilitation.

I still think there's too much concern for the rights of criminals and not enough for the rights of victims.

Amnesty is sympathetic to the victims of crime. And again, Amnesty doesn't take issue with the need to defend society from criminal actions. However, abusing prisoners or denying young people the right to an education, to a healthy environment, or to eventual rehabilitation does nothing to make society safer or reduce the suffering of crime's victims.

There are other issues to consider as well. First, many calls for harsher treatment of young offenders are based on an assumption that youth crime is widespread and unpunished. In many countries, however, it's punishment, not crime that's on the rise. In the US, for example, there has been a 20 percent increase in the incarceration of children since 1989. There has been no corresponding increase in the frequency or seriousness of youth crime.

It's also worth keeping in mind that the world isn't neatly separated into victims and criminals. Many people who end up in trouble with the law have previously been victims of crimes such as physical and sexual abuse. This is particularly true of women and young people. Furthermore, one of the purposes of juvenile justice is to ensure that young people who are charged with crimes don't become victims of crimes committed by other prisoners or by prison officials.

Finally, let's not forget that young people in the juvenile justice system include people who have been accused but who have not yet been found guilty of any crime, children who have committed minor infractions such as violating a curfew, and people who have been wrongly convicted.

If it's a question of maturity, why are you lumping everyone under the age of 18 into the same category of "child."

The Convention on the Rights of the Child defines children either as people under the age of 18 or people under the age of majority in the country where they live. This definition reflects a consensus among the world's governments.

However, the Convention doesn't require treating all young people the same. In fact, the opposite is true: the purpose of juvenile justice is to ensure that the justice system considers and respects the specific needs and level of maturity of each child. For example, one reason international standards call for a distinct justice system for young people is so that judges and lawyers can be specially trained to take into account how a child's development affects his or her ability to understand the law and take responsibility for his or her actions.

So what is AI calling for?

International human rights treaties and standards, including the Convention on the Rights of the Child, clearly call for a juvenile justice system adapted to the special needs of children and adolescents. The essential elements of such a system have already been spelled out, including:

1. sanctions adapted to juveniles which prioritize education and training over detention and retribution;
2. specially trained judges and lawyers who are aware of the particular needs of children and the different stages of their development;
3. special training for law enforcement and corrections officers; and
4. separate detention facilities for children, including rehabilitation centres.

AI is calling for implementation of these standards for all children, without exception.