

International and European Procedural Safeguards for Juvenile Offenders

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Agenda

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2. Main international instruments
3. Age-appropriate justice
4. Diversion from judicial proceedings
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5. Conclusions

Juvenile Justice System

Finding the right balance between the protection of society and the best interest of the child, as a developing, learning human being who is still open to positive socialising influences

Main international instruments

GLOBAL LEVEL

EUROPEAN LEVEL

Global level

- ➔ United Nations Convention on the Rights of the Child adopted by the UN General Assembly on 20 November 1989
- ➔ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the 'Beijing Rules'), 1985
- ➔ United Nations Guidelines on the Prevention of Delinquency (the 'Riyadh Guidelines'), 1990
- ➔ United Nations Rules for the Protection of Juveniles Deprived of their Liberty (the 'Havana Rules'), 1990
- ➔ General Comment No. 10 adopted by The United Nations Committee on the Rights of the Child in 2007

European level

- ⇒ Recommendation Rec(2003)20 of the Committee of Ministers of the Council of Europe to member states concerning new ways of dealing with juvenile delinquency and the role of juvenile justice, 2003
- ⇒ European Parliament resolution of 21 June 2007 on juvenile delinquency, the role of women, the family and society, 2007
- ⇒ Recommendation CM/Rec(2008)11 of the Committee of Ministers of the Council of Europe to member states on the European Rules for juvenile offenders subject to sanctions or measures regarding penalties and alternative measures used in respect of juvenile perpetrators, 2008

European level



Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010



Directive of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 2016

Child-friendly justice

- accessible
- age appropriate
- speedy
- diligent
- adapted to and focused on the needs and rights of the child
- respecting the right to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity



Age-appropriate justice

'It is required that States Parties shall establish a minimum age below which children shall be presumed not to have the capacity to infringe the penal law' (Article 40(3) CRC)

Diversion from judicial proceedings

- ⇒ community support and appropriate services or interventions
- ⇒ mediation, preventive programmes, alternative dispute resolution methods
- ⇒ avoidance of punishment, in particular deprivation to liberty

Procedural safeguards

- ⇒ right to information
- ⇒ right to professional assistance
- ⇒ right to parents or guardians assistance
- ⇒ right to be heard
- ⇒ right to court hearing which is adapted to children's possibilities



Conclusions

Thank you for attention

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