


Chapter 1

Juvenile Justice and Human Rights: A Comparative Study

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ABSTRACT

This chapter compares juvenile justice systems in African and Western contexts, focusing on their alignment with international frameworks like the CRC and ACRWC. African systems often reflect punitive colonial legacies, leading to overcrowded facilities and inadequate rehabilitation, while Western systems emphasize restorative justice but face challenges like racial disparities. Case studies from South Africa, Kenya, the U.S., and Europe highlight diverse issues. South Africa's Child Justice Act promotes diversion but lacks resources, and Kenya faces overcrowding despite legal reforms. The U.S. reduces detention through initiatives like JDAI but struggles with equity, while European nations achieve success with rehabilitation-based models. The chapter advocates reforms prioritizing human rights, community-based alternatives, and systemic equity to create effective, rights-based juvenile justice systems.

DOI: 10.4018/978-1-6684-9343-4.ch001

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INTRODUCTION

The Importance of Juvenile Justice

Juvenile justice represents a critical domain within the broader criminal justice system, focused on addressing the unique needs and challenges faced by young offenders. Unlike adult offenders, juveniles are in a critical developmental stage, where their cognitive, emotional, and social capacities are still evolving. This distinction underlines the imperative to approach juvenile justice not merely as a mechanism for punishment but as an opportunity for rehabilitation and reintegration into society.

The importance of juvenile justice is multifaceted. Firstly, it acknowledges that children and adolescents are not yet fully matured, meaning that their actions often stem from a combination of immaturity, environmental influences, and social pressures. Understanding this is crucial for crafting responses that are appropriate and constructive rather than punitive. The juvenile justice system, therefore, plays a vital role in shaping future behaviors and providing young people with the tools necessary for responsible citizenship.

Secondly, juvenile justice systems aim to protect the community while ensuring that young offenders are treated with dignity and respect. The emphasis on rehabilitation, rather than retribution, aligns with developmental theories that argue that juveniles are capable of change when provided with appropriate interventions. Research has shown that rehabilitative approaches, which focus on education, counselling, and community support, yield better long-term outcomes than punitive measures, ultimately reducing recidivism rates among young offenders (Lipsey, 2009).

Finally, the juvenile justice system serves as a reflection of societal values and norms regarding childhood and youth. A society's treatment of its young people can be seen as a measure of its commitment to justice, equity, and human rights. Therefore, developing an effective juvenile justice system is not only a legal obligation but also a moral imperative.

Overview of International Human Rights Standards

The international landscape of juvenile justice is shaped by a robust framework of human rights standards, which assert the rights of children and establish guidelines for their treatment within the legal system. The United Nations Convention on the Rights of the Child (CRC), adopted in 1989, is the cornerstone of this framework, providing comprehensive guidelines that emphasize the protection of children's rights, including those who come into conflict with the law. Key provisions of the CRC, particularly Article 37, prohibit torture and inhumane treatment of children

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