

# The Rights of Juvenile Defendants



## Definition

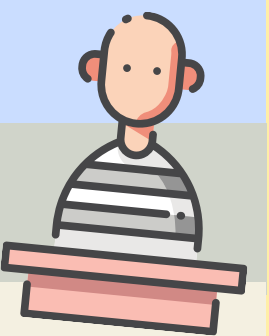
A **child** (or a **minor** or a **juvenile**) is defined internationally as a human being **under 18 years old**.

In criminal proceedings, juveniles accused of an offense are entitled to **all the same fair trial rights as adults**. However, they also **need special protection and care**, which take into account their age, maturity, and intellectual and emotional development.

This translates by the particular necessity for State authorities to:



- Protect juvenile defendants' **presumption of innocence** by providing **information about child development** to relevant authorities and actors.
- Inform juveniles **directly and as soon as possible** of the **charges and procedural steps against them** and, if appropriate, through their parents or legal guardians.
- Provide juveniles with **free and appropriate assistance** to prepare their defense.
- Protect juvenile's **right not to be compelled to give testimony or to confess their guilt**.
- Bring juvenile accused before a competent, independent, and impartial authority or judicial body **"without delay."**
- Conduct the proceedings in a manner that **allows juveniles defendants to understand and participate** and respect the principle of equality of arms.
- Provide juvenile defendants with a **free interpreter** if they do not speak the language.
- **Ensure the privacy of juvenile defendants is respected at all stages** of the proceedings. Hearings of juveniles must be held **behind closed doors as a general rule**.
- Respect the **juvenile accused' right to be heard at all stages** of the proceedings.
- **Prevent unlawful and arbitrary deprivation of liberty** of juveniles at all times.
- **Prohibit capital punishment and life imprisonment** without the possibility of release.



States **are strongly encouraged to establish an appropriate juvenile criminal justice system**, with laws, procedures, authorities, and institutions specifically applicable to juveniles to ensure that they are treated according to their age. States must also set a minimum age for criminal responsibility under which juvenile defendants cannot be held criminally responsible and prioritize alternative measures to criminal proceedings for juvenile offenders.

# Legal Framework

## International Law



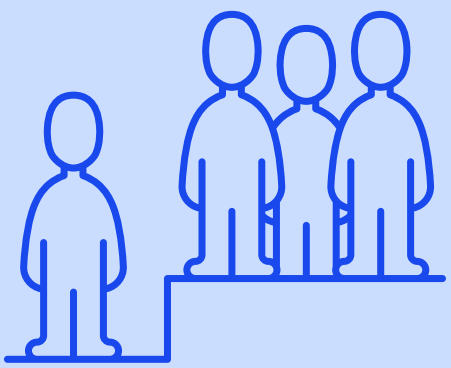
Articles 14(4) of the International Covenant on Civil and Political Rights, which states that "In the cases of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation," recognizes the need for protection of juveniles, as does Article 24 (1). The Convention on the Rights of the Child also set out specific provisions for the treatment of juveniles in criminal proceedings.

## Cambodian Law

Article 31 and 48 of the Cambodian Constitution - the latter stating that "The State shall protect the rights of children as stipulated in the Convention on Children [...]" - expressly protect children's rights. The Cambodian Criminal and Criminal Procedure Codes contain several provisions related to juvenile defendants. Finally, the 2016 Law on Juvenile Justice sets out specific rules for the treatment of juvenile offenders.

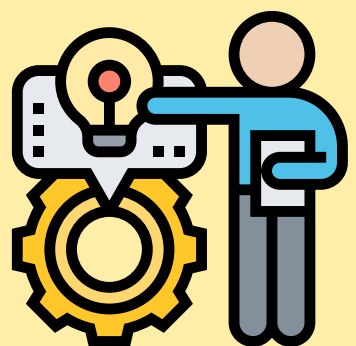


## Importance



Juveniles are one of the most vulnerable segments of the population due to their age and development. Their best interests and well-being must be a primary consideration in all actions, including those taken by public or private government institutions and courts of law.

A juvenile justice with rules and measures adequately treating juvenile accused, taking into account their age, development, and maturity is critical. This ensures that the lives of juvenile offenders are not permanently impacted by acts committed at an age when they may have been too young to have understood or been in control of their actions.



Juvenile justice is fundamental to promoting their sense of dignity and worth, to reinforcing their respect for the human rights and freedoms of others, and to ensuring their successful reintegration into society.

## Limitations

Juvenile justice should suffer no exceptions and apply to all juveniles under 18 years old at the time of the alleged offense to avoid discrimination. International human rights standards require that States do not limit the applicability of their juvenile justice legislation and procedures to minors under the age of 16 years old or lower or that exceptionally allow the criminal justice system to treat 16 or 17-year-old juveniles who committed an offense as adults to prevent discrimination against them.



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