



JUSTICE FOR ALL: STOP VIOLENCE AGAINST CHILDREN! CHILDREN IN CONFLICT WITH THE LAW HUMAN RIGHTS AND LEGAL FRAMEWORKS

CONVENTION ON THE RIGHTS OF THE CHILD

- The Convention on the Rights of the Child (CRC) is the most widely ratified of all UN treaties. It was adopted by the UN General Assembly on 20 November 2009.
- The CRC rests on four foundation principles: non-discrimination (article 2); best interests of the child (article 3); the child's right to life, survival and development (article 6); and respect for the views of the child (article 12).
- The CRC has general provisions against violence and abuse of children as well provisions specifically for juvenile justice which promotes the dignity and worth of children who come into conflict with the law, taking into account their age and aims at their reintegration into society. These include:

- **Article 19:** Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse and neglect by their parents, or anyone else who looks after them.
- **Article 37:** Children who break the law should be protected from torture and inhuman or degrading treatment and should not be treated cruelly. They should not be put in prison with adults and should be able to keep in contact with their families.

The Convention prohibits the imposition of the death penalty and sentences of life imprisonment for offences committed by persons under the age of 18.

- **Article 39:** Children who suffer violence, neglect, abuse, torture or any other form of cruel, inhuman or degrading treatment or punishment should benefit from services and programs that will promote physical and psychological recovery and social reintegration within an environment that promotes their health, self-respect and dignity.
- **Article 40:** Children who are accused of breaking the law should receive legal help. Prison sentences for children should be avoided whenever possible. If it has to be applied, it should only be used as a measure of last resort and for the most serious offences.

NOTE:

While Malaysia has ratified the Convention on the Rights of the Child, it has several reservations including a reservation on Article 37.

For more information, visit www.unicef.org/malaysia/about_crc.html

INTERNATIONAL COVENANT ON CIVIL AND POLITICAL RIGHTS

- The International Covenant on Civil and Political Rights (ICCPR) is one of the basic documents contained in the International Bill of Human Rights. It was adopted by UN General Assembly in 1966. Specific civil and political rights are enumerated in this instrument, such as inherent right to life, right to liberty and security of person and right to a fair trial. It also states:
 - **Article 6:** The sentence of death shall not be imposed for crimes committed by persons below 18 years of age.
 - **Article 10:** Juvenile offenders shall be segregated from adults and be accorded treatment appropriate to their age and legal status
 - **Article 14:** Procedures against juvenile persons should take account of the age and the desirability of promoting rehabilitation.

CONVENTION AGAINST TORTURE AND OTHER CRUEL, INHUMAN OR DEGRADING TREATMENT OR PUNISHMENT

- The Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment (CAT) is one of seven core international human rights treaties. It was adopted by the UN General Assembly on 10 December 1984.
 - **Article 2:** States should take effective legislative, administrative, judicial or other measures to prevent acts of torture.

STANDARD MINIMUM RULES FOR THE ADMINISTRATION OF JUVENILE JUSTICE

- Also known as the 'Beijing Rules', this document was adopted in November 1985. Amongst others it calls for actions to ensure that a juvenile has a meaningful life in the community, particularly during the time in life they are most susceptible to deviant behavior. It offers guidance on the administration of justice in such a way as to provide for the protection of children's rights and respect for their developmental needs.

UN GUIDELINES FOR THE PREVENTION OF JUVENILE DELIQUENCY

- Also known as the Riyadh Guidelines, this document was adopted in 1990. The Guidelines assert that the prevention of juvenile delinquency is an essential part of overall crime prevention in society.

UN RULES FOR THE PROTECTION OF JUVENILES DEPRIVED OF THEIR LIBERTY

- Also known as the JDL Rules, this document was adopted in 1990. It asserts that the juvenile justice system should uphold the rights and safety and promote the physical and mental well-being of juveniles. Imprisonment should be used as a last resort.