Justice for children: Children in conflict with the law

ISSUE

When a child is believed to have committed a crime, the way the justice system responds can have a lifelong impact – positive or negative. Successful juvenile justice systems recognise that children can learn from their mistakes and be taught to respect the rights of others. They take into account a child’s age and aim to help a young offender become a productive citizen. Punitive approaches including overuse of pre-trial detention and custodial sentences help neither children nor the communities to which they return. Staying in detention stigmatizes children, separates them from their families and communities and makes it more likely that they will reoffend.

Moldova has made progress in juvenile justice, but challenges remain. Excessive use of pre-trial detention, lengthy sentences, and lack of proper legal assistance are still common. Once a child is accused of a crime, there are no alternatives to formal court proceedings. And violence against children in conflict with the law has also been reported.

WHAT UNICEF IS DOING

During the last few years UNICEF supported the Government of Moldova to make important advances in reforming the juvenile justice system. In 2006, the legislation of the Republic of Moldova concerning children in conflict with the law was modified significantly. New amendments had an immediate positive effect on the kinds of sentences applied to children, as well as on the way children’s cases are treated during the penal process.
First of all, the length of the maximum detention was reduced, as well as the time children may be kept before the pronouncement of the sentence. In addition, the responsibility for investigating children accused of committing an infraction was transferred from the police to the prosecutor. The newly created Probation Service has specialised probation officers working with children. In this way, the juvenile justice system has become more friendly to children and closer to European and international standards.

Since September 2008, all children from pre-detention centres, including girls in the women’s penitentiary in the village of Rusca, now receive education for the first time. Because they cannot go to the community schools, teachers in the vicinity go to the prison and give lessons to the children. Thus, some rooms in the penitentiaries are transformed into well-equipped study rooms that have been provided everything needed to conduct lessons. Teachers instruct children according to a special program written by the Ministry of Education and Youth and the Ministry of Justice.

Activities are implemented within a broader project aimed at reforming the Justice for Children system, implemented in cooperation with the Ministry of Justice and with financial support from the Swedish International Development Agency.

**IMPACT**

Moldova’s Government is committed to further modernise its juvenile justice system: the first alternatives to detention, such as: mediation, probation, and community service work have begun to be applied. These alternatives are viable options for non-violent and minor crimes, and then detention can be avoided.

Much has been achieved with the support of UNICEF during the last several years. The maximum sentences for a child was reduced to 12.5 years, and the maximum amount of time a child can be held by the police was reduced from 72 to 24 hours.

Prosecutors and judges specialized in examining penal cases involving children were appointed, and educational classes for all children in pre-detention were opened. The number of children held in detention and pre-detention has decreased as well by roughly one half following a one time amnesty in 2008 and remains relatively low.

Nevertheless, challenges remain: children in detention continue to be confronted with many problems. 80 percent of minors interviewed in preventative detention have not had a single consultation with a lawyer regarding their case. In half of the cases, not a single legal representative was present during the hearing, nor did a psychologist or teacher assist with the interrogation of the child.

Continuing reforms in the area of juvenile justice is extremely important to improve the situation of children in conflict with the law. It is necessary that positive models be implemented at the national level, and the application of alternative punishments must become the rule, not the exception. Likewise, it is necessary to increase the quality of legal, social, and psychological assistance for children in the juvenile justice system through informing the public and training specialists.