

Quadrant II - Notes

Paper Code: CAL0317/CAL0720

**Module Name: Instruments on Juvenile Delinquency: UN
Standard Minimum Rules for Administration
of Juvenile Justice (“The Beijing Rules”) 1985.**

Module No:6

The United Nations Standard Minimum Rules for Administration of Juvenile Justice (“The Beijing Rules”) 1985 were passed with an object of securing well-being of juveniles and their family. It aimed to ensure a delinquency free life for the juvenile. There is expected to be full utilization of the resources at disposal by the member States to humanely deal with juveniles in conflict with law. It also proposes systematic development of Juvenile Justice Service. It directs the Member-States to set minimum standards for dealing with juvenile offenders.

These rules are applicable to juvenile offenders meaning children below the statutory age as prescribed by the legal system, who have committed an offence. The Rules require the States to make laws to ensure justice and rights to such offenders. According to the rules, the aim of juvenile justice, should be to ensure importance to well-being of juveniles, fair and humane juvenile justice administration, use of discretion by concerned Authority to treat each case independently and to ensure proportionate reaction to juvenile offences.

Among the rights of juvenile offenders, it recognises right of presumption of innocence, right to be notified of the charges, right to remain silent, right to counsel, right to presence of parents/guardian, right to confront and cross-examine witnesses, right to appeal and protection of privacy. These rights are to be ensured by the respective legal systems.

It directs the State to make laws to guide the investigation and prosecution process. It states requirements like Informing parents/guardians immediately after apprehension of juvenile, the Competent authority to consider issue of release, having the Legal machinery to respect legal status of juvenile and giving consideration to dealing with juveniles without formal trial. The police should be specially trained for the purpose with Special Juvenile Police Units in place. Detentions should be the last pre-trial resort. Juveniles should be kept separate from the adult offenders and care and assistance should be provided to the juvenile in custody.

The Rules require the administration of justice to be fair and by competent Authority. There should be right to juvenile of participation and legal representation in the whole process. Parent/guardians should be allowed to be present during the process unless inconvenient. The rules state that no capital/corporal punishment should be given to juveniles, amongst other requirements. Institutionalisation should be the last resort.
