

The Rights of Children in Conflict with the Law



Definition

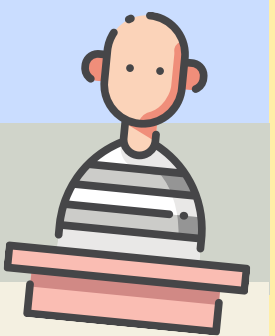
A **child** is defined internationally as a human being **under 18 years old**.

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



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



Legal Framework

International Law



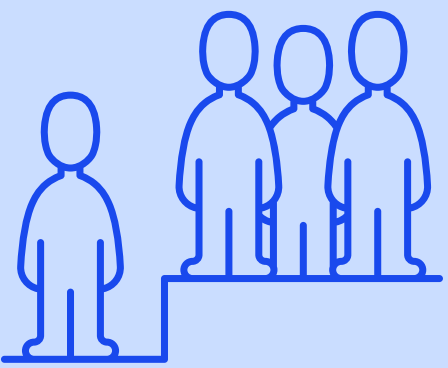
Articles 14(4) of the International Covenant on Civil and Political Rights, which states that "In the cases of juvenile persons, the procedure shall be such as will take account of their age and the desirability of promoting their rehabilitation," recognizes the need for protection of children, as does Article 24 (1). The Convention on the Rights of the Child also set out specific provisions for the treatment of children 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 child defendants. Finally, the 2016 Law on Juvenile Justice sets out specific rules for the treatment of child offenders.

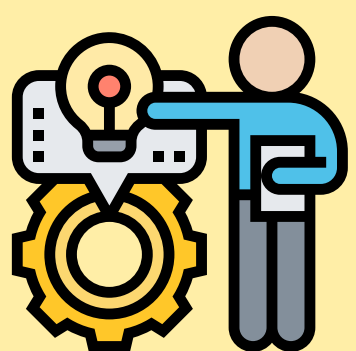


Importance



Children 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 child justice with rules and measures adequately treating accused children, taking into account their age, development, and maturity is critical. This ensures that the lives of child 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.



Child 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

Child justice should suffer no exceptions and apply to all children 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 child 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 children who committed an offense as adults to prevent discrimination against them.



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