

TOWARDS A PROGRESSIVE JUVENILE JUSTICE SYSTEM¹

	MOVING FROM	TOWARDS
Focus on Rights or Welfare	Child Welfare and Protectionism approach, treating children as objects and minors Parental rights, and adult perceptions takes precedence over Child Rights	Child Rights approach, respecting the autonomy of children as persons and treating them as legal subjects. Child Participation with due regard to age and maturity
Jurisprudence	Legislation based on adult criminal jurisprudence.	Legislation based on juvenile jurisprudence, drawing from child and adolescent psychology & development as well as other relevant disciplines.
Objective	Deterrence	Restoration
Philosophy	Retributive justice with a focus on offence	Restorative justice with a focus on relationships, social integration, the development of citizenship, reparation with the victim and the reinforcement of the child's respect for human rights
Administration	Criminalized and custodial administration of juvenile justice	Progressive administration of justice, founded on a rights perspective and incorporating the UN Convention on the Rights of the Child, all relevant UN Minimum Standards and Guidelines (for Administration of Juvenile Justice, for Prevention of Juvenile Delinquency, for Juveniles Deprived of their Liberty, etc.) and insights from local best practice.

¹ Resource material for Orientation cum Consultation on JJA 2000 for Magistrates and Social Workers appointed to the Juvenile Justice Boards in Karnataka, January 2005, Arlene Manoharan, CCL, NLSIU, adapted from Resource material for Orientation on Juvenile Justice, CCL, NLSIU, 2003 and Table taken from Mukonda, R. Juvenile Justice Project in Namibia, Legal Assistance Centre, Namibia, paper presented at a seminar on Juvenile Justice held in Lilongwe, Malawi, 23-25 November 1999

Institutionalization	Institutionalization, isolation and invisibilization of children Children dealt with and housed together with adults	Institutionalization and Detention as a measure of last resort. Homes not institutions. Children dealt with and housed separately. Social integration, maximizing the role and participation of the community, civil society organizations, the family, the victim and the child wherever possible and appropriate.
Procedures	Arbitrary action Rigid formalities based on tradition and dogmatic imitation of adult criminal justice system	
System	Fragmented justice system Non-specialized interventions	Integrated Justice system Specialized and Individualized intervention
Gate keeping	All cases dealt with through formal Court procedures	Diversion, without resorting to judicial proceedings where appropriate.
Role of civil society	Authoritarian approaches where civil society is excluded from administration and monitoring.	Democratic approach, with civil society partnerships based on acknowledgement of state responsibility for children through Joint Management and Social Audit
Victim's position	Secondary	Central
Child offender's reaction	Anger	Responsibility