## Comments on Draft revised General Comment No. 10 (2007) on children’s rights in juvenile justice

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I had a pleasure of participating in the drafting of the 2007 GC 10. The GC 10, in spite of some wording that confused SPs, proved as a very useful tool in legislative reforms and introduction of measures to implement Articles 40 and 37. The current draft is very good and provides clear guidance to the SPs, so that there are no doubts (such as with the age of criminal responsibility).

However, one essential question remains and it has to do with the old and derogatory terminology of “***juvenile justice***.” In the Draft revised GC 10, paragraph 6 it is rightfully noted that:

*The Committee acknowledges and encourages the trend towards using terms such as ‘youth justice’ and ‘child justice’, which are positive developments as they aim to reinforce the dignity and worth of children in conflict with the law;*

In spite of the quoted, the Committee’s Draft still operates with the term “juvenile justice,” not only in the title but throughout the text. Why would the Committee encourage “*the trend towards using terms such as ‘youth justice’ and ‘child justice’*,” yet not use the opportunity to adopt a GC that reflects “*positive developments as they aim to reinforce the dignity and worth of children in conflict with the law*.”

The Committee has on numerous occasions encountered the States’ tendencies to define and treat children in conflict with the law differently than “other” children. In too many countries where children are defined as per Article 1 of the CRC, all of a sudden, when faced with criminal justice, they are children up to a certain age and juveniles after a certain age. Their status dramatically changes; they are not children but juveniles. Such legal solutions are old and reflect times long gone. It is well known what consequences such labelling has, including long term effects that permanently impede those children’s chances of rehabilitation and reintegration. The expert group that has drafted the Model Law on Juvenile Justice (UNODC) tried to correct the unjust labelling, but failed due to inability of the drafters to agree and introduce positive changes. So, the term Juvenile Justice remained.

I urge the Committee to use the historic opportunity, to be brave and to review its terminology so as to try and put an end to using the derogatory term of “juvenile justice.” The Committee is the highest authority in interpretation of the CRC. The CRC is now almost thirty years old, and some changes are legitimate. After all, it would be wise to consult children that are all of a sudden called “juveniles,” whether they feel safe within the system that labels them differently from their peers.

Finally, it is not sufficient to avoid the term “juvenile,” and stick to the term “juvenile justice.” **It should be simply replaced throughout the text by “*child justice*,” or “*criminal justice for children***.**”**