



Juvenile Justice and the Importance of Children's Rights

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Abstract- Juvenile justice system represents a legal and social framework designed to respond to offenses committed by children in conflict with law, in a manner consistent with their age, development, and vulnerability. Unlike adult criminal systems, juvenile justice emphasizes rehabilitation, reintegration, and the best interests of the child which is the one of the main principles of Convention on the Rights of Child. This paper focuses on the relationship between juvenile justice systems and the protection and promotion of children's rights, highlighting the characteristics of juvenile justice system, national sources of juvenile criminal law in North Macedonia with special emphasis to Child Justice Law, international sources especially documents of United Nations, European Union and Council of Europe. On the on the hand in the scope of this work, one of the key parts is the concept of "child in risk"- which is an important part of understanding the theoretical framework of juvenile delinquency as well. The relevant provisions from the law about the child in conflict with law are analyzed to identify the sanctions prescribed for children under these legal frameworks, as well as to determine the age of criminal responsibility established in each country. The paper highlights the significance of aligning national legislative provisions with international human rights norms. Strengthening child-sensitive practices, investing in community-based alternatives, and promoting the concept of restorative justice are all highlighted as best practices for the protection of children's rights. Ultimately, a rights-based juvenile justice system serves to protect individual children, but at the same time, it contributes to social inclusion, reducing recidivism, and enhancing community safety.

Keywords- Juvenile justice, children's rights, conventions, child justice, laws

I. Introduction

The rise in juvenile delinquency has highlighted the need for a separate and specialized justice system for children, both at the national and international levels, in order to protect the rights of affected children. When addressing this issue, the term "juvenile delinquency" is often preferred over "juvenile crime." In this context, delinquency is sometimes described as a social pathology, as it refers to behavior that deviates from accepted moral and legal norms, often resulting in conflict with the law. (Ibish, 2026)

The juvenile justice system represents a distinct branch of the legal framework that addresses the behavior of children who come into conflict with the law. It is crucial to emphasize that juvenile justice system at the same time has a role of safeguarding the rights and promoting the rights of a child. Unlike the adult criminal justice system, which is primarily punitive in nature, juvenile justice is grounded in principles of rehabilitation, education, and social reintegration. This difference reflects a broader



recognition that children, due to their age, psychological development, and social vulnerability, require a specialized approach that prioritizes their best interests.

Adoption of the United Nations Convention on the Rights of the Child had a key role in the development of the rights of the child, which established a comprehensive framework for the protection and promotion of children's rights at the global level. The Convention emphasizes key principles such as non-discrimination, the best interests of the child, the right to life, survival and development, and the right of children to participate in decisions affecting them. These principles have profoundly influenced the structure and functioning of juvenile justice systems worldwide, requiring states to adapt their legal frameworks in accordance with child-sensitive standards.

Within this context, juvenile justice cannot be viewed as a mechanism for responding to unlawful behavior; rather, it must be understood as part of a broader system of child protection. Concepts such as "child in conflict with the law" and "child at risk" illustrate the need for a multidisciplinary approach that integrates legal, social, and psychological perspectives.

This paper focuses on the relationship between juvenile justice systems and the protection of children's rights, with particular emphasis on the legal framework of North Macedonia. As a country that has ratified numerous international conventions, including those developed by the United Nations, the European Union, and the Council of Europe, North Macedonia has undertaken obligations to harmonize its domestic legislation with international standards. A central element of this framework is the Child Justice Law, which regulates the treatment of minors in conflict with the law and incorporates key principles of restorative justice and child protection.

Furthermore, the paper explores the importance of aligning national legal frameworks with international human rights norms. While the ratification of international conventions represents an important step, it is not sufficient in itself to ensure the effective protection of children's rights. Practical implementation, institutional capacity, and the development of child-sensitive procedures are equally essential. Ultimately, the development of a rights-based juvenile justice system is not only a legal obligation but also a social necessity. By prioritizing the best interests of the child and ensuring the protection of their fundamental rights, such systems contribute to the creation of more inclusive, just, and secure societies.

II. Historical Overview and Some Important Documents on Children's Rights

Children, juveniles or minors are the most sensitive category in a society. We use the term "sensitive category" or sometimes even "vulnerable category" because all negative changes in society, from social, cultural, and economic aspects, have a direct impact on children. The term child protection, means the protection of an individual who is part of society. In general, societies in which children are poorly treated are societies with a low level of culture and awareness, whereas societies that encourage



and support the development of children are developed societies with a higher level of awareness and culture.

Within the field of juvenile justice, several historical facts deserve attention as they demonstrate the position and development of children's rights within the legal system throughout the historical evolution of juvenile justice. In Ancient Rome, when paternal authority (*patria potestas*) was still in force, the father had the right to punish the child by beating, detention, or ultimately even death, if the child did not behave appropriately toward him. In the field of education, compulsory education for children was first introduced in 1880 in England, in 1882 in France, in 1852 in certain states in America, and in 1824 in the Ottoman Empire.

Regarding the exploitation of child labor, the first "Child Labor and Education Act" was adopted in New York in 1873. According to this law, the employment of minors under the age of ten was not permitted. Later, the "Factory Act" was adopted, which prohibited the employment of children under the age of 13 in factories. In ancient Indian, Chinese, Egyptian, Sumerian, Assyrian, Babylonian, and Hebrew societies, punishment was not determined according to age, as age was not taken into account when determining criminal responsibility; children were subject to the same sanctions as adults.

In 1914, in the Ottoman Empire, institutions known as "Dar-ul Eytam" were established shelters for "children from streets" and for children who had lost their parents as a result of wars—providing care and education for them. In the same year, 1914, a journal titled "Musavver Hukuk-u Etfal" (translated as "Approaches on Children's Rights") was published for the first time in the Ottoman Empire. The main aim of the magazine was to protect the rights of children as individuals in relation to society, as well as to ensure broader protection of children from negative attitudes and behaviors within society. (Özcan, 2012)

For the development of children in modern societies, in addition to physical, psychological, emotional, and moral development, it is also necessary to include the legal norms that regulate children's rights. In a broader sense, the protection of children's rights requires the inclusion of national legislation, namely, laws relating to children's rights as well as international conventions on the rights of the child. Taking into account the best interests of the child, modern states are obliged to implement this by supporting parents, assessing children's abilities in line with their development, and ensuring their socio-economic well-being. (Rights, 2026)

III. Important Principles for the Best Interest of Child

With regard to the best interests of the child, there are fundamental principles and rights that form the "triangle" of children's rights as provided in the Convention on the Rights of the Child:

- **Prohibition of discrimination** – This principle should be reflected in legal regulation by ensuring equal opportunities and conditions for the protection of children's rights. When making specific decisions and taking any measures concerning children, all authorities and individuals should be legally obliged to



respect the principle of non-discrimination, and sanctions should be prescribed for its violation. (Policy, 2007)

- **Best interests of the child** – This principle should have primary importance and absolute priority in the creation of government policy, in decision-making, and in the implementation of measures and activities concerning children.
- **Participation of children** – This implies an obligation within legal regulation and in measures and activities directed toward children to treat the child as a subject and holder of rights and obligations, rather than as an object of rights, or as someone whose rights always depend on and derive from the rights, status, and position of their parents.

In the 17th and 18th centuries, the concept of international law was oriented toward state interests; in the 19th century, the focus shifted to human rights, including the child as an individual encompassed within those rights.

In the Convention on the Rights of the Child, children's rights are systematized into four groups:

- **Right to life** – This includes rights related to living standards, medical care, nutrition, the right to shelter, and similar rights.
- **Right to development** – To support the development of children's abilities, this includes the right to education, the right to information, freedom of religion, and similar rights.
- **Right to protection** – This refers to protecting children from exploitation, neglect, and abuse. In a narrower sense, it includes physical, psychological, and sexual protection, protection from the use of narcotic substances, protection of migrant children, and similar safeguards.
- **Right to participation** – This encompasses children's involvement in social and family activities, including the expression of their own views and opinions.

Today, the protection of human rights is one of the most important concepts within international law. In its broadest sense, "juvenile law" is a body of rules that includes private law, public law, social law, and parts of international law that encompass the rights of the child.

IV. The crucial importance of the Convention on the Rights of the Child in the implementation of juvenile justice

Access to justice cannot exist without stable institutions that not only respect the rule of law but also provide specialized courts and programs for children. In this context, in addition to national mechanisms, international agreements also play an important role in the protection and development of children's rights, foremost among them being the Convention on the Rights of the Child, which is one of the most widely ratified treaties in the world. (Foussard, 2025)



For the advancement and protection of rights, not only of juveniles, but in general, the ratification of international documents alone is not sufficient. Based on our practice, North Macedonia has ratified a large number of international documents, some of which have entered into force; however, unfortunately, particularly in the field of juvenile justice, despite the ratification of many such documents, there are still no substantial results in this area. United Nations documents, like other international instruments, are of great importance in the field of juvenile justice, especially the Convention on the Rights of the Child and its optional protocols.

The Convention on the Rights of the Child and its Optional Protocols constitute the three main pillars of the system of children's rights and juvenile justice. The Convention was adopted in 1989 by the United Nations General Assembly and entered into force in 1990. Structurally, it consists of a Preamble and three parts, with a total of 54 provisions. An important characteristic of the Convention is that it is the most widely ratified international document. It is noteworthy that, although the Convention is an international document of the United Nations, it has still not been ratified by the United States. It is important to note that the Convention is subject to: the Universal Declaration of Human Rights, the International Covenant on Civil and Political Rights, and the International Covenant on Economic, Social and Cultural Rights.

The first part consists of substantive legal provisions. The second part relates to the obligations of the member states that have signed the Convention, and finally, the third part is procedural in nature and concerns the formal conditions for member states regarding accession to the Convention. According to the first part of the Convention, a child is a human being who has not reached the age of eighteen; member states are obliged to respect the provisions of the Convention. Every child, under the CRC, has the right to protection from discrimination and to care for their well-being. In this context, the integrity of the child, pursuant to Article 3, is of crucial importance. The child has the right to life, the right to nationality, the right to care, the right to a parent, the right to preservation of identity, the right to freedom of association, and the right to peaceful assembly.

With regard to neglect and abuse, the Convention guarantees the child the right to protection by the competent authorities. If the child's parents live in different countries, the child has the right to maintain personal relations with both parents. According to the Convention, if the child is capable of forming their own views, they are guaranteed the right to express those views. For this purpose, pursuant to Article 12(2) of the CRC, the child is given the opportunity to be heard in all judicial and administrative proceedings affecting them, either directly or through a representative or appropriate body. Unlawful interference in the life of the child is prohibited, and member states, in order to promote the child's spiritual, social, and moral well-being, as well as physical and mental health, ensure the child's access to information and materials from various national and international sources. (UN, 1993)

If a child is temporarily or permanently deprived of a family environment, member states shall provide assistance and protection, including placement in another family or institution. The Convention also provides for the protection of refugee children,



children with disabilities, and children with mental disabilities, as well as the right to health and medical care, rehabilitation, and education. It also guarantees the rights of children belonging to minorities, the right to rest and leisure, recreation, and participation in cultural life and the arts, protection from economic exploitation, protection from the use of narcotic drugs and psychotropic substances, sexual abuse, trafficking in children, sale and abduction, torture, and inhuman or degrading treatment. Pursuant to Article 39, member states are obliged to take all appropriate measures to promote the physical and psychological recovery and social reintegration of a child victim of any form of neglect, exploitation, abuse, torture, or similar treatment.

The second part of the Convention sets out the obligations related to the Committee on the Rights of the Child, its composition, members, and elections, as well as the submission of reports by member states on their progress. This part also recognizes UNICEF as a specialized agency that makes a significant contribution to improving the protection of children's rights, both materially and practically. Finally, the third part contains provisions regarding the signing, ratification, entry into force, and denunciation of the Convention, as well as proposals for amendments by member states. The high rate of crime, the emergence of new forms of organized crime, and the abuse of children in prostitution, human trafficking, sale of children, and child pornography raise the question of whether there are sufficient mechanisms at the international level to protect children from these forms of crime. Hence, there arose a need to supplement the provisions of the Convention on the Rights of the Child with two different protocols on the involvement of children in armed conflict and the second one on the sale of children, child prostitution and child pornography.

V. Conclusion

The evolution of juvenile justice and the development of children's rights clearly demonstrate a profound shift in the way societies perceive and treat children. From historical periods in which children were subjected to the same legal standards and punishments as adults, to modern frameworks that recognize them as holders of independent rights, the path reflects an increasing awareness of the need to protect this particularly vulnerable category. The historical overview presented in this paper highlights the contrast between past and present approaches to children. Under earlier civilizations, children were considered the property of their parents without any autonomy or any special protection. The absolute power of the father, as seen in Ancient Rome, or the equal criminal responsibility of children as seen in other ancient civilizations, are examples of this lack of a "child-centered approach." The establishment of compulsory education laws and early labor laws was the beginning of a more "human and structured approach." These changes paved the way for the recognition of children as individuals.

An important step in this evolution is the creation of international legal instruments, especially the Convention on the Rights of the Child. This instrument is a comprehensive and universally accepted legal tool for the protection and development of children by consolidating the basic principles and rights necessary for the protection and development of children. The emphasis on non-discrimination, the best



interests of the child, and the participation of children creates a "normative triangle" for the conduct and decision-making for children. The principles established by this convention are not merely theoretical; rather, they need to be implemented practically through legislation and policy formulation. In addition, the division of children's rights into the right to life, the right to development, the right to protection, and the right to participate offers a strategy for the welfare of children.

The case of North Macedonia is a good example that simply ratifying international laws does not necessarily translate to real change in the juvenile justice system. For instance, institutional challenges, lack of resources, inadequate training for professionals, and a lack of awareness among the public may impede the actualization of child rights. Therefore, the success of the CRC depends on the commitment that states show towards implementing the child rights convention in their respective jurisdictions. Thus, the importance of national bodies, judicial bodies, and social agencies comes to play a crucial role in the actualization of child rights. These bodies have a crucial mandate to ensure that child rights are not only protected but also that the child develops and participates fully in their respective societies. Therefore, special attention should be given to vulnerable child groups who lack parental care, have been subjected to abuse, have been involved in conflict with the law, or have been exposed to exploitation and trafficking. It is therefore crucial that there is a body that monitors child rights at the national level.

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