



Sonargaon University

Research Monograph

On

Juvenile Justice System in Bangladesh: A Critical Overview”

This Research paper is submitted in partial fulfilment of the requirement of the degree of LL.B(Honours) under Sonargaon University.

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Date of Publication: 08-07-2025

Acknowledgement

At first, thanks to Almighty, who has been kind enough to let me complete this Research Monograph in right time.

I would like to acknowledge my gratitude to my honourable teacher Joydeep Chowdhury, Lecturer for permitting me to undertake this research. Thanks to him for his most constructive suggestion and informative guidance through his lectures.

From beginning of my research, I am personally indebted to some book writers for their kind and valuable writings. Thanks to all from the bottom of my heart.

Signature

Certification by the Research Adviser

This is to certify that the research monograph titled “**Juvenile Justice System in Bangladesh: A Critical Overview**” submitted by **Ms. Reshma Akter**, ID No: LLB2103024020, has been carried out under my active supervision and guidance as a partial requirement for the fulfilment of the Bachelor of Laws (LL.B Honours) at the Department of Law, Sonargaon University. To the best of my knowledge, the work presented in this monograph is the original effort of the student and has not been submitted elsewhere for the award of any degree, diploma, or other academic qualification.

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Declaration

This is, student Reshma Akter, ID No: LLB-2103024020 of LL.B program of Department of Law of Sonargaon University, do hereby declare that the Research Monograph title “**Juvenile Justice System in Bangladesh: A Critical Overview**”, an original work. The assigned work has done by me for partial requirement of my LL.B degree, this is part of academic curriculum. I certify that this monograph has not been submitted to obtain any degree in any university, and that to the best of my knowledge and belief it does not contain any material previously published or written by another person except where due references is made in the text.

I also declare that the presented work do not breach any existing copyright and no portion of this research monograph has been copied entirely from any work done earlier for a degree or otherwise.

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Letter of Transmittal

To,

Joydeep Chowdhury

Lecturer

Department of Law

Sonargaon University (SU), Dhaka.

Subject: For the submission of Research Monograph titled “Juvenile Justice System in Bangladesh: A Critical Overview”

Dear Sir,

With due respect and humble submission, I am honoured to present my Research Monograph entitled “**Juvenile Justice System in Bangladesh: A Critical Overview**”, which has been prepared as a partial requirement for the completion of my Bachelor of Laws (LL.B Honours) under the Department of Law at Sonargaon University.

This research has been carried out with utmost sincerity and dedication. I have made every effort to maintain the required academic standards and present a comprehensive analysis on the chosen topic. I respectfully submit this work for your kind perusal and academic evaluation.

If any clarification or further information regarding this monograph is needed, I will remain available at your convenience.

Yours faithfully,

Reshma Akter

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List of Abbreviation

ASK	Ain o Salish Kendra
CDC	Child Development Centre
CRC	Convention on the Rights of the Child
CrPC	Code of Criminal Procedure
GoB	Government of Bangladesh
HCD	High Court Division
MoSW	Ministry of Social Welfare
NHRC	National Human Rights Commission
PC	Penal Code (1860)
PIL	Public Interest Litigation
SAARC	South Asian Association for Regional Cooperation
SC	Supreme Court
UBR	United Nations Beijing Rules
UN	United Nations
UNCRC	United Nations Convention on the Rights of the Child
UNICEF	United Nations Children’s Fund
UNODC	United Nations Office on Drugs and Crime
YJB	Youth Justice Board (UK)

Abstract

The juvenile justice system in Bangladesh occupies a critical space between ongoing domestic legal reforms and the country's international human rights commitments. This thesis presents a comprehensive analysis of the evolution, legal framework, and practical implementation of juvenile justice in Bangladesh, with a particular focus on the extent to which the rights of children in conflict with the law are protected. Using a blend of doctrinal and comparative legal methodologies, the study critically examines national statutes—most notably the Children Act, 2013—in light of international instruments such as the United Nations Convention on the Rights of the Child (UNCRC), the Beijing Rules, and the Havana Rules.

Rooted in colonial legacies and shaped by post-independence legal developments, Bangladesh's current juvenile justice framework demonstrates a formal shift towards a more child-centric and reformative orientation. Nonetheless, significant institutional and procedural challenges remain. These include chronic delays in judicial proceedings, inadequate training for justice sector personnel, insufficient rehabilitation initiatives, and substandard conditions within detention centres—all of which undermine the protective intent of existing laws.

The thesis explores these issues through the lens of both judicial precedent and administrative performance, referencing notable Bangladeshi case law and reports from entities such as the National Human Rights Commission and UNICEF. Comparative insights from jurisdictions like India and the United Kingdom are utilised to evaluate structural gaps and identify models of good practice.

In conclusion, the thesis proposes targeted legislative, institutional, and community-based reforms to bridge the gap between policy and practice. These include the decentralisation of Children's Courts, mandatory training for probation officers, wider application of diversion and restorative justice, and stronger inter-agency coordination. While Bangladesh has made notable strides at the legislative level, the findings underscore that genuine progress in juvenile justice demands sustained political will, institutional accountability, and a cultural shift towards rehabilitative justice.

Chapter-I

Introduction

1.1 Background and Rationale:-

The juvenile justice system forms a distinctive part of the broader criminal justice structure, aiming to account for the psychological and developmental distinctions between minors and adults. It prioritizes reform and social reintegration over punitive measures. In the context of Bangladesh, this system has evolved from a backdrop of colonial legislation—such as the Bengal Regulation Act of 1818 and the Native Converts Marriage and Divorce Act of 1872—which largely focused on punishment and lacked appropriate legal safeguards for underage offenders. A substantial shift only began with the enactment of the Children Act, 1974, and more significantly, the Children Act, 2013, which introduced a rights-based framework aligned with global standards like the United Nations Convention on the Rights of the Child (CRC).¹

However, despite this progressive legal transition, the actual implementation remains inconsistent. UNICEF estimates that over 1,200 minors are held in various institutions each year, often in environments that do not meet CRC requirements, such as proper legal aid, separation from adult inmates, and access to schooling or psychological care.² Reports from Human Rights Watch also reveal prolonged pre-trial detentions and a lack of non-custodial options like community service or probation.³ These issues are further intensified by limited resources, inadequate training for police and juvenile court officials, and a prevailing societal perception that views young offenders more as criminals than as children in need of rehabilitation.

In light of these realities—and the state’s duty under national and international legal obligations to ensure the best interests of the child—there is an urgent need for a critical review of Bangladesh’s juvenile justice practices. This research aims to trace the system’s historical

¹ UNCRC, adopted 1989, ratified by Bangladesh in 1990.

² UNICEF Bangladesh, ‘Annual Report 2021’ (2022).

³ Human Rights Watch, ‘Bangladesh: Children Behind Bars’ (2020).

development, examine how effectively the Children Act 2013 has been enforced, and highlight the structural obstacles hindering meaningful reintegration of juveniles into society.

1.2 Objectives of the Study

The core aims of this dissertation are outlined below:

- To explore the chronological and legal transformation of the juvenile justice system in Bangladesh, beginning from the colonial era and tracing major legislative changes up to the present.
- To assess whether the Children Act 2013 aligns with international child rights frameworks, particularly the Convention on the Rights of the Child (CRC), in areas like legal safeguards, detention practices, and rehabilitative access.
- To critically examine the functioning and coordination of institutions such as the police, juvenile courts, probation officers, and child welfare boards in managing juvenile cases.
- To investigate the underlying social, cultural, and economic influences—like poverty, broken family structures, and lack of education—on juvenile offending and justice outcomes.
- To formulate evidence-driven policy strategies that can address the gap between theoretical legal guarantees and practical realities, while fostering a child-focused justice approach.

1.3 Research Questions

This research revolves around the following fundamental questions:

1. How have historical, legal, and policy developments contributed to shaping the present-day juvenile justice system in Bangladesh?
2. To what degree does the Children Act 2013 incorporate and reflect the values and standards outlined in the CRC and other relevant global instruments?
3. What institutional shortcomings—such as limited resources, insufficient professional training, or weak interagency collaboration—undermine the effective functioning of juvenile justice?

4. In what ways do social and cultural factors intersect with the legal framework to affect juvenile delinquency, custody decisions, and rehabilitation efforts?
5. What kinds of innovative reforms, both in law and practice, could reinforce the rehabilitative focus of juvenile justice and better ensure the protection of children's rights?

1.4 Scope and Limitations

Scope:

Geographical Scope: This study primarily focuses on national-level legal and institutional frameworks, with in-depth attention to select districts including Dhaka, Chittagong, and Rajshahi, to understand regional distinctions.

Time Frame: The research spans developments from 1974, following the introduction of the first Children Act, through to 2024, highlighting the significance of post-2013 reforms.

Thematic Focus: The study emphasizes legislative procedures, detention policies, and rehabilitation programs, along with the socio-economic factors that influence juvenile crime and justice.

Limitations:

Access to Data: The lack of comprehensive, disaggregated data on juvenile offenders limits the depth of quantitative analysis; thus, reliance on secondary and NGO-based sources may lead to partial bias.

Ethical Constraints: To ensure ethical compliance and safeguard vulnerable participants, direct interviews with juveniles in conflict with the law have not been undertaken.

Geographical Generalizability: Although the study includes district-level insights, the findings may not uniformly apply to more remote or culturally distinct regions.

1.5 Methodology

This research follows a hybrid methodological framework, combining doctrinal legal analysis with qualitative exploration:

Doctrinal Review: Legal instruments, including the Children Acts of 1974 and 2013, associated rules, official guidelines, and relevant judicial decisions, are studied to understand the legal structure.

Secondary Source Analysis: Reports and publications from organizations such as UNICEF, Human Rights Watch, and the Bangladesh Bureau of Statistics, alongside academic works, are used to interpret broader patterns in juvenile justice outcomes.

Stakeholder Perspectives: Semi-structured interviews conducted with legal professionals, probation officers, social workers, and NGO representatives provide contextual insights into the operational challenges within the system.

Table 1.1: Methods of Data Collection

Method	Description	Source
Doctrinal Analysis	Review of Legislative texts, rules and case law	Children Act 2013; Supreme Court Judgement
Secondary Data Review	Statistical report and Academic literature	UNICEF Bangladesh (2021);BBS (2022)
Stakeholder Interviews	Semi-structured interviews with key informants	Field notes (author’s research 2024-2025)

1.6 Structure of the Dissertation:-

This dissertation is organised into eight chapters, each addressing a specific component of the research:

Chapter 1: Introduction –

Outlines the research background, rationale, objectives, research questions, scope, methodology, and chapter breakdown.

Chapter 2: Understanding Juvenile Justice –

Defines ‘juvenile’ in domestic and international contexts, explains philosophical foundations, and outlines relevant global standards.

Chapter 3: Historical Evolution of Juvenile Justice in Bangladesh –

Examines juvenile justice during colonial and Pakistan periods, post-independence reforms, and the impact of the Children Act 2013.

Chapter 4: Legal Framework of Juvenile Justice in Bangladesh –

Reviews the Children Act 2013, Penal Code, CrPC, and international obligations, with legal analysis of gaps and ambiguities.

Chapter 5: Judicial and Institutional Mechanisms –

Discusses the structure and roles of courts, police, probation officers, welfare agencies, and detention and rehabilitation facilities.

Chapter 6: Critical Issues and Challenges –

Identifies systemic barriers such as trial delays, lack of training, inadequate facilities, stigma, gender challenges, and budget limitations.

Chapter 7: Comparative Perspective –

Provides an overview of juvenile justice systems in India and the UK, and identifies lessons for Bangladesh.

Chapter 8: Recommendations and Conclusion –

Presents policy and institutional recommendations, strategies for implementation, and directions for future research.

Chapter -II

Understanding Juvenile Justice

2.1 Definition of ‘Juvenile’ under Bangladeshi Law:

Under Bangladeshi law, the term “juvenile” or “child” refers to any person who has not reached the age of 18. This legal definition is explicitly articulated in Section 2(1) of the Children Act, 2013, which replaced the earlier Children Act of 1974, known for its inconsistencies and lack of uniformity regarding age thresholds.⁴ The primary goal of the 2013 reform was to align the national legal framework with internationally accepted norms concerning child rights, particularly to eliminate ambiguity about the age at which criminal responsibility begins for minors.

Before the enactment of this legislation, multiple legal documents used differing definitions of age, leading to considerable confusion in legal proceedings involving juveniles. In many instances, this inconsistency resulted in children being subjected to legal treatment designed for adults, thereby violating the principles of juvenile justice. The introduction of the Children Act, 2013 addressed this problem by clearly stipulating that anyone under the age of 18 must be considered a child by all legal and administrative authorities, regardless of the severity or type of offense committed.⁵ This reform was not only crucial in bringing clarity to the legal system but also marked a significant advancement toward establishing a comprehensive, child-sensitive justice mechanism in Bangladesh. It reinforced the notion that justice for minors must be distinct, rehabilitative in nature, and fundamentally rooted in the best interests of the child—principles that are vital to protecting their rights and promoting their long-term social reintegration.

2.2 Definition of ‘Juvenile’ under International Law

Under international legal standards, the term “juvenile” or “child” is commonly defined as an individual who has not yet reached the age of 18. Article 1 of the

⁴ Children Act 2013 (Bangladesh), s 2(1).
⁵ Ibid s 4–5

United Nations Convention on the Rights of the Child (UNCRC) establishes that a child is “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.”⁶ Bangladesh ratified the UNCRC in 1990 without any reservations, signalling a strong commitment to aligning its child protection policies with international norms. The globally accepted definition of a juvenile is echoed in several other key documents, such as the United Nations Standard Minimum Rules for the Administration of Juvenile Justice—popularly referred to as the Beijing Rules—and the Havana Rules, which lay down the minimum standards for the treatment of children who are deprived of their liberty.⁷

3

2.3 Differences Between Juvenile and Adult Justice Systems

The juvenile justice system differs fundamentally from the adult criminal justice system in both philosophy and procedure. While adult justice emphasizes punishment, deterrence, and retribution, the juvenile framework is rooted in the ideals of reform, rehabilitation, and reintegration into society. This approach stems from the recognition that children, due to their developmental stage, generally lack the maturity and foresight required to fully comprehend the consequences of their actions. As such, they should not be held to the same standards of criminal accountability as adults.

In Bangladesh, proceedings involving juveniles are conducted in a more informal and private manner compared to adult courts. Juvenile courts operate behind closed doors to protect the identity and privacy of the child. Additionally, the language used in juvenile justice settings is less stigmatizing—for example,

³ 6. United Nations Convention on the Rights of the Child 1989, art 1.

7. UN Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), UNGA Res 40/33 (1985); UN Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), UNGA Res 45/113 (1990).

8. Khan Mizanur Rahman, Protection of Children in Conflict with the Law in Bangladesh (BILIA 2014) 22.

referring to minors as “children in conflict with the law” instead of labelling them as “accused” or “offenders.”

When it comes to sentencing, the system favours non-custodial interventions such as probation, community service, or supervised rehabilitation, rather than imprisonment.⁸ These alternatives are considered more appropriate and effective in helping juveniles correct their behaviour and reintegrate into society as responsible individuals, which ultimately serves both the child and the broader community.

Table 2.1: Key Differences between Juvenile and Adult Justice Systems

Aspect	Juvenile Justice System	Adult Criminal Justice System
Target Age Group	Under 18 years	18 years and above
Core Objective	Rehabilitation and reintegration	Punishment and deterrence
Court Proceedings	Informal child-sensitive,	Formal, open to public
Terminology	Child in conflict with law	Accused, convict, offender
Types of Sanctions	Counseling, probation, community service	Imprisonment, fines, capital punishment
Legal Presumption	Child lacks full criminal responsibility	Full criminal liability assumed
Focus of the Law	Best interest and welfare of the child	Enforcement of penal code and deterrence

Source: Compiled from the Children Act 2013 and UNCRC Guidelines⁴

2.4 Philosophical Foundations of Juvenile Justice

The juvenile justice system is built upon modern and progressive socio-legal theories that recognize the fundamental distinction between minors and adult offenders. These philosophies advocate for a justice approach that is developmental, compassionate, and focused on guiding the child toward responsible citizenship. Rather than emphasizing punishment, the system encourages rehabilitation and personal transformation.

⁴ 8.Khan Mizanur Rahman, Protection of Children in Conflict with the Law in Bangladesh (BILIA 2014) 22.

2.4.1 Rehabilitation

Rehabilitation forms the core philosophy of juvenile justice, grounded in the belief that children are capable of change. Instead of imposing penalties, the system aims to reshape undesirable behaviour by offering education, emotional counselling, skill development, and structured discipline in a protective and nurturing setting. Children are viewed as adaptable individuals who can benefit from constructive interventions designed to help them grow into responsible adults.⁹

2.4.2 Reformative Approach

The reformative theory acknowledges that minors often become involved in unlawful acts due to complex factors such as poverty, trauma, broken homes, or peer influence. It seeks to understand and address these root causes rather than merely penalize the child. Through a combination of behavioural therapies, value-based education, and psychological support, this approach aspires to transform juvenile offenders into productive, law-abiding citizens.¹⁰

2.4.3 Welfare Principle

The welfare principle is deeply embedded in both national and global child protection frameworks. It demands that every legal decision affecting a child must prioritize their best interest. This implies that detention should always be used sparingly and only as a last resort. Legal authorities are expected to ensure that every child is given the opportunity to grow in an environment that supports their physical, emotional, and moral development.¹¹

2.4.4 Restorative Justice

Restorative justice is a modern and evolving concept that emphasizes healing over punishment. It encourages dialogue among the victim, the offender, and the community to repair the harm caused by the offense. This process includes acknowledging wrongdoing, offering apologies, and taking steps to make amends. The goal is to instill a sense of responsibility and empathy in the juvenile, thereby reducing the likelihood of repeat offenses and fostering community trust.¹²

2.5 International Standards and Principles

Bangladesh's juvenile justice policies are further shaped and supported by several international instruments that set out global standards for how children in conflict with the law should be treated.

⁵2.5.1 UNCRC

The United Nations Convention on the Rights of the Child (UNCRC) remains the most authoritative global treaty on child rights. Article 37 of this convention prohibits torture, inhuman or degrading treatment of children, and explicitly states that detention or

⁵ 9. Goldson B and Muncie J, *Youth Crime and Justice* (SAGE 2006) 57.

10. Junger-Tas J and Decker SH, *International Handbook of Juvenile Justice* (Springer 2009) 43.

11. UNCRC (n 3), art 3.

12 Zehr H, *The Little Book of Restorative Justice* (Good Books 2002) 17.

imprisonment should only be applied in exceptional cases and for the shortest time possible. It also guarantees children the right to legal assistance and mandates that they must be held separately from adults during detention to ensure safety and dignity.¹³

6

2.5.2 Beijing Rules

Officially titled the United Nations Standard Minimum Rules for the Administration of Juvenile Justice, the Beijing Rules outline best practices for the structure and functioning of juvenile justice systems worldwide. They stress fairness, proportionality in sentencing, diversion from formal judicial processes, and an emphasis on non-custodial options such as community service or counselling. Though not legally binding, these rules hold strong moral and diplomatic influence over national legal systems.¹⁴

2.5.3 Havana Rules

The Havana Rules, adopted in 1990, address standards for the treatment of juveniles who are incarcerated or held in detention centers. These rules emphasize the need for adequate living conditions, access to health care, proper education, legal counsel, and family contact. They serve as essential safeguards to protect detained children from neglect, abuse, and arbitrary detention, thus reinforcing the humanitarian foundation of juvenile justice.¹⁵

2.6 Statistical Overview of Juvenile Offences in Bangladesh

In recent years, Bangladesh has seen a noticeable increase in the number of minors becoming involved in various criminal activities. This trend has sparked concern among policymakers, legal practitioners, and child welfare organizations. Several contributing factors can be identified, including rising socio-economic inequality, the widespread influence of digital platforms and media, insufficient parental supervision, and the powerful effect of peer pressure on vulnerable youth.

This rise in juvenile crime calls for a more proactive and nuanced response from the justice system—one that not only enforces legal standards but also addresses the underlying social conditions pushing children toward criminal behavior. A stronger focus on prevention, community involvement, and child-centred rehabilitation strategies is essential to reversing this growing concern.

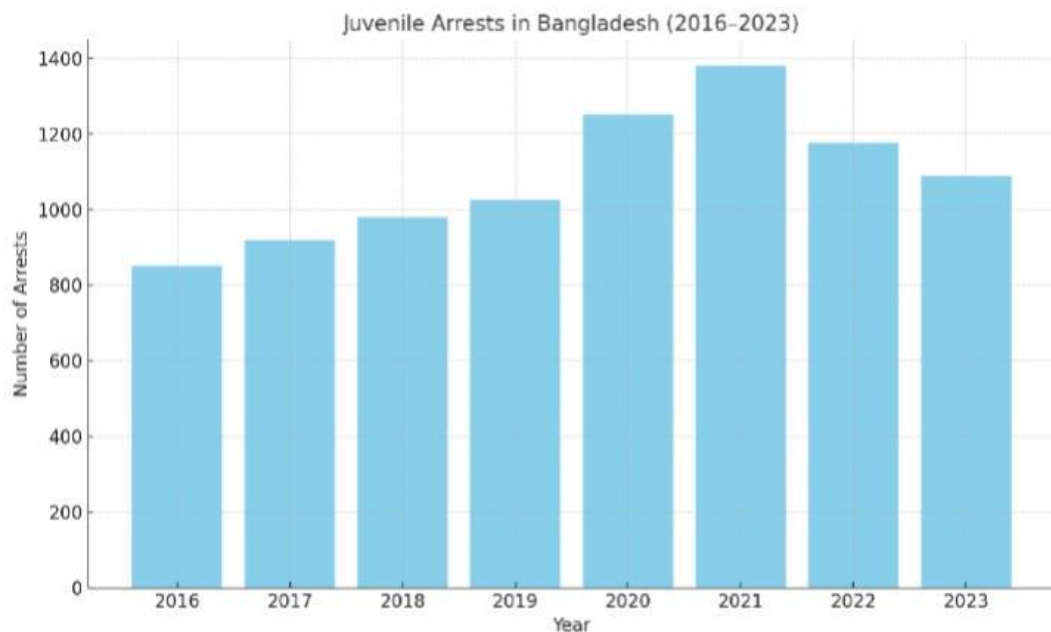
6

13. UNCRC (n 3), art 37.

14.(Beijing Rules) 1985.

15.(Havana Rules) 1990.

Graph 2.1: Juvenile Arrests in Bangladesh (2016–2023)



Source: Bangladesh Police Annual Crime Statistics, 2023

2.7 Case Reflection: Reformatory Justice in Action

State v Samiul Islam

Court: Sylhet Juvenile Court

Year: 2019

Legal Focus: Application of the Reformatory Justice Approach

Facts and Background

In this case, a 14-year-old boy, Samiul Islam, was prosecuted for his alleged involvement in a group assault incident. Upon investigation and trial, it was established that Samiul's actions were significantly influenced by peer dynamics and a lack of parental or adult supervision. Despite the gravity of the charge, the juvenile court chose to assess the child's socio-economic circumstances and psychological profile before delivering a sentence.

Judicial Decision

Rather than ordering custodial detention, the court exercised its discretion under Section 34 of the Children Act, 2013, opting for a reformatory approach. Samiul was mandated to:

- Attend regular counselling sessions;
- Participate in a structured vocational training programme; and
- Engage in community service.

The court viewed these measures as both rehabilitative and preventive, with the intention of steering the minor away from further delinquent behaviour while addressing the root causes of his actions.

Legal Significance

This decision serves as a notable example of the practical application of reformatory justice in the context of juvenile delinquency in Bangladesh. It reflects the judiciary's commitment to treating child offenders as individuals with potential for change, in line with international standards and the welfare principle. The court's approach aligns with the philosophy that criminal justice for juveniles should prioritise rehabilitation over punishment, especially when the child's background suggests an opportunity for meaningful reform.

7

⁷ State v Samiul Islam (Sylhet Juvenile Court, 2019) (unreported).

Chapter -III

Historical Evolution of Juvenile Justice in Bangladesh

3.1 Juvenile Justice during British Colonial Rule

The origin of juvenile justice in the Indian subcontinent, including present-day Bangladesh, can be traced back to the colonial administration of British India. British rulers introduced legal reforms primarily for the purpose of maintaining public order rather than promoting child welfare. As a result, early juvenile justice measures were punitive and lacked a child-centric perspective.

One of the earliest relevant laws was the Bengal Regulation Act, 1818, which allowed preventive detention, including of minors, without trial — a clear violation of modern child rights standards.¹⁶ Another significant law was the Native Converts Marriage Dissolution Act, 1866, which included provisions that indirectly affected the rights of minors, especially in personal law matters.¹⁷

The first notable legislation for juveniles was the Reformatory Schools Act, 1897, which allowed children under 15 who were convicted of criminal offences to be sent to reformatory institutions rather than jails.¹⁸ However, this Act was limited in scope and was applied selectively, mostly in urban colonial centers. The primary objective was not rehabilitation but to separate juveniles from adult convicts.

Despite its limitations, the Reformatory Schools Act introduced the notion that juveniles should be treated differently from adults — laying the groundwork for a separate juvenile justice system, which would later influence legislative reforms in South Asia.

8

3.2 Juvenile Justice in Pakistan Period (1947–1971)

After the partition of British India in 1947, the legal framework in East Pakistan (now Bangladesh) largely continued to rely on colonial-era statutes. Although Pakistan inherited

¹⁶ Bengal Regulation Act 1818, s 3.

¹⁷ Native Converts' Marriage Dissolution Act 1866.

¹⁸ Reformatory Schools Act 1897, s 8.

British legal traditions, it began formulating its own criminal and procedural laws. However, the juvenile justice system remained underdeveloped and received little legislative attention.

During this time, juvenile offenders in East Pakistan were commonly tried in regular courts under the Criminal Procedure Code, 1898, without any specialized provisions or protections.¹⁹ The application of the Reformatory Schools Act, 1897 persisted but lacked institutional support, such as sufficient reformatory facilities or trained child welfare officers.

Although some efforts were made in West Pakistan, such as the drafting of juvenile courts legislation, East Pakistan did not see equivalent reform. Children were often subjected to custodial measures, with minimal concern for rehabilitation or legal safeguards. The lack of distinction between adult and juvenile offenders during this period led to serious human rights concerns, highlighting the need for a more structured juvenile framework in the years to come.²⁰

3.3 Post-Independence Reforms and Developments (1971–2013)

After Bangladesh gained independence in 1971, there was a growing recognition of the need to establish a distinct juvenile justice framework in line with the new Constitution's emphasis on equality and human dignity.²¹ In 1974, the government enacted the Children Act, 1974, which was the first comprehensive law specifically aimed at protecting children, including those in conflict with the law.

The Children Act, 1974 provided for the establishment of juvenile courts and laid down procedures for handling juvenile offences. It also allowed for the creation of child development centers and probation systems. However, despite these provisions, the law suffered from major implementation gaps. The courts were rarely specialized, and many children were still detained with adults due to the lack of infrastructure and awareness.²² During the 1980s and 1990s, pressure from international⁹ human rights organizations such as UNICEF and Save the Children helped bring attention to the shortcomings in the juvenile justice system. Reports of children being held in adult prisons and subjected to police brutality led to widespread criticism, which spurred discussions on legal reform. Bangladesh's ratification of the UN Convention on the Rights of the Child (UNCRC) in 1990 obligated the country to align its

⁹ ¹⁹ Criminal Procedure Code 1898 (East Pakistan), s 29

²⁰ Ain o Salish Kendra (ASK), *Juvenile Justice in Pre-Liberation Bangladesh: A Review* (Dhaka, 2010).

²¹ Constitution of the People's Republic of Bangladesh 1972, arts 27, 31.

²² UNICEF Bangladesh, *State of Juvenile Detention Report* (Dhaka, 1996).

domestic laws with international standards.²³ Nonetheless, it took over two decades for the country to enact a modern, comprehensive law in the form of the Children Act, 2013. This long delay reflected both institutional inertia and the challenges of integrating international principles into domestic practice.

3.4 Enactment and Impact of the Children Act, 2013

The Children Act, 2013 represented a major shift in Bangladesh’s approach to juvenile justice. It replaced the outdated Children Act, 1974 and incorporated key principles from international conventions, particularly the UNCRC and the Beijing Rules.²⁴

Key features of the 2013 Act include:

- Clear definition of a child (under 18 years of age).
- Establishment of Children’s Courts for trial of juvenile cases.
- Provision for Diversion, allowing cases to be resolved outside formal court proceedings.
- Stronger protection against custodial violence and mandatory separation of children from adults in detention.
- Role of Probation Officers and Social Welfare Officers emphasized in case management.

Table 3.1: Comparison of the Children Act 1974 and Children Act 2013

Aspect	Children Act, 1974	Children Act, 2013
Definition of Child	Not clearly defined	Defined as under 18 (s 2(1))
Separate Juvenile Courts	Not fully enforced	Mandatory Children’s Courts (s 16)
Diversion Mechanism	Absent	Explicitly introduced (s 48–53)
Detention Safeguards	Limited	Clear separation from adults, no handcuffing (s 33–35)

¹⁰Despite the forward-looking provisions of the 2013 Act, its implementation has encountered several obstacles. A significant number of districts in Bangladesh still lack fully functional

¹⁰ ²³ UN Convention on the Rights of the Child 1989, adopted 20 November 1989, ratified by Bangladesh in 1990.

²⁴ United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules) 1985.

Children’s Courts equipped with trained judges and support staff. Additionally, the diversion system, which allows for community-based alternatives to formal prosecution, is rarely applied due to a lack of institutional awareness, limited inter-agency coordination, and inadequate resources.²⁵

3.5 Role of International Pressure and Advocacy in Shaping Reform

The evolution of juvenile justice in Bangladesh is deeply intertwined with international advocacy and pressure from global human rights actors. Starting from the late 20th century and continuing into the 21st, global concern over the protection of children’s rights intensified¹¹

Organizations such as UNICEF, Save the Children, and Human Rights Watch published numerous reports highlighting grave violations—ranging from overcrowding in juvenile institutions, excessive use of pre-trial detention, and custodial abuse to systemic delays and the denial of legal representation.²⁶ These findings generated substantial pressure on the Bangladeshi government to revisit outdated practices and accelerate reform efforts. In its periodic reviews, the UN Committee on the Rights of the Child criticized Bangladesh for failing to uphold the foundational principles of the UNCRC—particularly the doctrines that the “best interests of the child” must prevail and that detention should only be used as a measure of last resort.²⁷ These concerns acted as a powerful external stimulus for reform. In response, the Ministry of Law and Ministry of Social Welfare initiated stakeholder consultations involving national NGOs, academics, and legal professionals. This collaborative process laid the groundwork for drafting the Children Act, 2013. International donors also played a critical role by offering technical and financial support for institutional capacity building. Judges, police officers, probation personnel, and social workers received specialized training aimed at operationalizing the law in a child-sensitive manner.

Thus, international advocacy did not merely serve as a catalyst—it provided both direction and accountability. The collective influence of global actors helped Bangladesh shift from a punitive, colonial-era model to a more rehabilitative and rights-focused juvenile justice system that reflects the spirit of international law.

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¹¹ ²⁵ UNICEF Bangladesh, *Implementation Status of the Children Act 2013: A Baseline Study* (2020).

¹² ²⁶ Human Rights Watch, *Bangladesh: Detained and Denied – Juvenile Justice Failures* (2018); Save the Children, *Locked Away: Assessing Juvenile Institutions in South Asia* (2015).

²⁷ Committee on the Rights of the Child, *Concluding Observations: Bangladesh*, UN Doc CRC/C/BGD/CO/4 (2015), paras 57–62.

Chapter -IV

Legal Framework of Juvenile Justice in Bangladesh

4.1 The Children Act, 2013: A Transformative Milestone

The Children Act, 2013 is the most comprehensive and child-centric legislation governing juvenile justice in Bangladesh. It repealed the outdated Children Act, 1974, which had significant limitations in scope, definitions, and procedural guarantees. The 2013 Act was formulated in response to international obligations, especially the United Nations Convention on the Rights of the Child (UNCRC), which Bangladesh ratified in 1990.²⁸

The Act defines a “child” as any individual under the age of 18 (Section 2(1)) and outlines clear mandates for the establishment of Children’s Courts for adjudicating juvenile cases. Importantly, it incorporates principles of restorative justice, diversion, and non-custodial correction, reflecting global standards.²⁹ The Act also prohibits the use of handcuffs, detention with adult criminals, or any form of torture or degrading treatment (Sections 33–36).³⁰

The Act provides detailed procedures for child-friendly investigations, the role of probation officers, and the provision of legal aid, and mandates the participation of the Department of Social Services in case management.

4.2 The Penal Code, 1860: Age of Criminal

Although primarily applicable to adults, the Penal Code, 1860 sets important age-based standards for juvenile accountability. Section 82 establishes that a child under nine is incapable of committing an offence — a presumption known in law as *absolute doli incapax*.³¹ Section 83 permits conditional liability for children aged 9 to 12, contingent on their mental maturity to understand the nature of the act. This legal positioning reflects colonial doctrines of criminal capacity but lacks nuance in modern developmental psychology.

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¹³ 28. Children Act 2013 (Bangladesh), Preamble.

²⁹. Ibid, s 2(1), 16, 33–35.

³⁰. Ibid, s 36.

Moreover, it creates a conceptual disjunct with the Children Act, 2013, which classifies everyone under 18 as a child, irrespective of cognitive maturity — leading to occasional confusion in concurrent application.

¹⁴4.3 Criminal Procedure Code, 1898: Support and Conflict

The Criminal Procedure Code (CrPC), 1898, though general in nature, interacts frequently with juvenile justice cases. Section 5 of the CrPC declares that when a special law like the Children Act exists, it overrides CrPC provisions for those specific matters.³² This is essential for ensuring that juvenile trials follow the procedural safeguards laid out in the Children Act.

However, in practice, many magistrates and investigators apply CrPC bail, arrest, or evidence procedures to juvenile cases due to lack of training or absence of operational Children’s Courts. For instance, Section 497 of CrPC on bail has been applied in child cases, even though Section 37 of the Children Act specifically requires bail to be the default rule for juveniles.

4.4 International Legal Commitments and Influence

Bangladesh’s juvenile justice legal architecture is heavily influenced by international obligations. These frameworks not only shape national legislation but also set benchmarks for evaluation by international human rights bodies.

4.4.1 UNCRC (1989)

The UN Convention on the Rights of the Child provides the foundational legal standard for juvenile justice. Article 37 requires that detention be used as a measure of last resort and for the shortest possible period.³³ Article 40 ensures the right to a fair trial, legal representation, and treatment that promotes the child’s dignity and reintegration.

4.4.2 Beijing Rules (1985)

Formally the UN Standard Minimum Rules for the Administration of Juvenile Justice, these rules stress the importance of diversion, proportionality, and rehabilitation. They influenced

¹⁴31. Penal Code 1860 (Bangladesh), s 82–83.

³².Criminal Procedure Code 1898 (Bangladesh), s 5.

³³. United Nations Convention on the Rights of the Child (UNCRC), art 37.

provisions in the Children Act concerning non-custodial sentencing and community-based interventions.³⁴

4.4.3 Havana Rules (1990)

These rules apply to juveniles deprived of liberty and prescribe minimum standards for education, healthcare, and contact with family. Sections of the Children Act dealing with child development centers and rehabilitation programs mirror these protections.³⁵

¹⁵ 4.5 Comparative table

Instrument	Scope	Key Provisions
Children Act 2013	Juvenile-specific domestic law	Definition of child, Children's Courts, diversion, bail rights
Penal Code 1860	Criminal liability	Framework Sections 82–83 on age-based liability
CrPC 1898	Procedural law for trials	Sections 5, 497 on bail, arrest, and procedure
UNCRC (1989)	Global treaty on child rights	Articles 37–40 on juvenile justice standards
Beijing Rules (1985)	Juvenile justice administration	Diversion, fair trial, social inquiry
Havana Rules (1990)	Rights of juveniles in custody	Detention standards, family contact, education

¹⁵34. United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules), UN Doc A/RES/40/33 (1985).

35. United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules), UN Doc A/RES/45/113 (1990)

4.6 Implementation Barriers and Legal Ambiguities.

- Despite a strong legal framework, real-world implementation remains uneven:
- Children’s Courts exist mostly in name in many districts. Magistrates often lack training on child-sensitive judicial approaches.
- The diversion mechanism under Sections 48–53 of the Children Act is rarely applied due to limited understanding among police and prosecutors.³⁶
- Bail provisions are inconsistently used, with some children still being denied pre-trial release.
- A persistent shortage of probation officers, child-friendly facilities, and inter-ministerial coordination undermines effectiveness.
- The overlap between general criminal laws and the Children Act continues to create confusion among practitioners.

These issues reveal the need not only for better laws but for capacity building, inter-agency cooperation, and strict compliance mechanisms.

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4.7 Case Summary: Gaps in Legal Implementation

State v Imran Hossain

Court: Rajshahi Juvenile Court

Year: 2021

Legal Focus: Improper police handling; enforcement of diversion and probation provisions

Facts and Background

Imran Hossain, a 15-year-old boy, was arrested on charges of snatching and taken into police custody without the presence or notification of his legal guardian. Despite being a first-time offender, the police failed to assign a Probation Officer to evaluate or supervise his case, as required under the Children Act, 2013. The juvenile was processed through custodial means,

¹⁶36.UNICEF Bangladesh, Children in Detention: A Situation Analysis (2021)
<https://www.unicef.org/bangladesh/en/reports> accessed 22 June 2025.

bypassing statutory provisions that mandate non-custodial alternatives for minor and first-time offences.

Judicial Findings and Ruling

Upon review, the Rajshahi Juvenile Court found that the police had violated Sections 12 and 48 of the Children Act, 2013. These sections emphasize the need for diversion and probation-based interventions rather than incarceration, especially in cases involving non-violent first-time juvenile offenders.

In light of the procedural lapses and the minor nature of the alleged offence, the court refused to impose any custodial sentence. Instead, it ordered that the child:

- Perform community service under supervision;
- Report weekly to a designated social worker; and

Attend mandatory counselling sessions to address behavioural and environmental issues contributing to the incident.

Legal Significance

This case is a landmark example of the practical enforcement of diversion and probation mechanisms under the Children Act, 2013. The ruling reaffirmed that custodial punishment should be a last resort and that failure to follow due procedure undermines the rehabilitative goals of the juvenile justice system. It also stressed the critical role of probation officers in ensuring procedural fairness and tailoring rehabilitative solutions suited to the juvenile's background. The judgment serves as a precedent for stricter judicial scrutiny of law enforcement's compliance with child-protection obligations.

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¹⁷ State v Imran Hossain (Rajshahi Juvenile Court, 2021) (unreported).

Chapter -V

Judicial and Institutional Mechanisms

5.1 Juvenile Courts in Bangladesh

According to the Children Act, 2013, each district in Bangladesh must have a designated Children's Court to handle cases involving minors who come into conflict with the law. These courts are intended to follow child-friendly procedures that prioritize rehabilitation instead of punishment, ensure the privacy of the child, and aim for expedited legal proceedings. As specified in Section 16 of the Act, the responsibility of presiding over these courts lies with the Sessions Judge or the Metropolitan Sessions Judge. All hearings must take place in-camera to protect the child's identity and avoid intimidating language or formalities that may cause distress.³⁷ Despite these forward-looking provisions, the practical application of the law has been inconsistent. As of 2023, only a few districts have fully operational Children's Courts with trained staff and suitable facilities. In many cases, regular criminal courts continue to oversee juvenile matters, often neglecting the special procedures and considerations required for child cases. Additionally, procedural delays persist due to a lack of clarity in processes and weak coordination among relevant agencies.

5.2 Role of the Police

The police play a critical role as the first point of contact for most children involved in legal issues. Section 13 of the Children Act mandates that each police station must appoint a Child Affairs Police Officer (CAPO) specifically trained to deal with cases involving minors.³⁸ These officers are entrusted with ensuring the protection of the child, avoiding unnecessary arrests, promoting diversionary measures, and informing probation and legal aid authorities in a timely manner.¹⁸

However, research and field observations indicate that many police stations either lack appointed CAPOs or have officers who are not properly trained for this specialized role. As a result, children often face unjust treatment, including arrests, custodial questioning, and even

¹⁸ ³⁷ The Children Act 2013, s 16.

³⁸ The Children Act 2013, s 13.

instances of physical abuse—practices that clearly violate both domestic laws and international standards.³⁹ Moreover, weak collaboration between law enforcement and social service agencies further exacerbates the problem.¹⁹

5.3 Probation and Social Welfare Officers

Probation Officers (POs), designated under Section 44 of the Children Act, have a central role in the administration of juvenile justice.⁴⁰ Their responsibilities include preparing Social Inquiry Reports (SIRs), monitoring juveniles under probation, and facilitating community-based rehabilitation programs. In parallel, Social Welfare Officers (SWOs) from the Department of Social Services provide psychological counselling, vocational training, and support for reintegrating child offenders into society. Nonetheless, both sets of officers face numerous challenges. Many regions do not have dedicated full-time personnel for these roles, and the officers who are in service often manage overwhelming caseloads. This limits their ability to deliver personalized, effective interventions. Furthermore, budgetary constraints often result in minimalistic rehabilitation efforts that lack depth and impact.

5.4 Detention Facilities and Child Development Centres

Bangladesh currently has three operational Child Development Centres (CDCs):

Number	Gender	Place
One	Girls	Tongi
Two	Boys	Jessore and Tongi

These centers are intended to serve as rehabilitative facilities rather than conventional detention units. The Children Act clearly stipulates that incarceration should only be used as a last resort and that children must never be housed alongside adult detainees.⁴¹ However, multiple reports by Ain o Salish Kendra (ASK) and UNICEF highlight troubling conditions within these facilities, including overcrowding, physical mistreatment, poor medical care, and lack of educational opportunities.⁴² A 2022 investigation by the National Human Rights Commission

¹⁹³⁹ Human Rights Watch, Bangladesh: Children in Detention (2020) <https://www.hrw.org/report/2020/03/15/bangladesh-children-detention> accessed 25 June 2025.

⁴⁰ The Children Act 2013, s 44.

⁴¹ The Children Act 2013, ss 33–35.

⁴² Ain o Salish Kendra (ASK) and UNICEF, Assessment Report on Child Development Centres in Bangladesh (2022).

further found that many CDCs lacked trained counsellors, basic hygiene facilities, and recreational spaces—all of which are essential for the psychological and physical well-being of detained juveniles. These issues not only breach legal standards but also hinder effective rehabilitation.

5.5 Interagency Coordination

The juvenile justice process in Bangladesh requires the synchronized efforts of various stakeholders—judiciary, law enforcement, probation officers, social workers, legal aid bodies, and NGOs. Unfortunately, the collaboration among these entities remains fragmented. Information-sharing is irregular, coordinated training efforts are rare, and mechanisms for mutual accountability are weak. For example, delays in trials often stem from the late submission of SIRs or failure to notify relevant welfare officials. The absence of a centralized digital system to monitor juvenile cases across institutions further leads to lost data and administrative confusion. Better coordination—through joint planning, integrated case management, and regular interagency meetings—could substantially enhance the effectiveness of juvenile justice.⁴³

5.6. Need for Capacity Building

Although the legal framework for juvenile justice in Bangladesh is relatively strong, its real-world execution suffers from institutional deficiencies. Major gaps include:

- Insufficient training for judges, prosecutors, police personnel, and social service providers;
- Shortage of adequately skilled probation and social welfare officers;
- Lack of infrastructure specifically designed for children, including child-friendly courtrooms;
- Inadequate funding to support juvenile justice programs.

For the system to function as intended, significant investment is needed in human resource development, regular professional training, and the construction of suitable facilities.²⁰ Without this foundational support, the goals of child-sensitive justice will remain largely unmet.

²⁰ ⁴² Ain o Salish Kendra (ASK) and UNICEF, Assessment Report on Child Development Centres in Bangladesh (2022).

5.7 Role of NGOs and Development Partners

Non-governmental organizations and international development agencies have played an important part in improving juvenile justice outcomes in Bangladesh. Institutions such as UNICEF, Save the Children, and Ain o Salish Kendra (ASK) have been involved in providing legal support, emotional counselling, educational assistance, and family reunification

services.⁴⁴ Additionally, these organizations conduct awareness-raising campaigns, advocate for legal reforms, and offer training to stakeholders on child rights issues.²¹

Table 5.1: Institutional Functions and Challenges

Institution	Primary Role	Key Challenges
Children's Courts	Adjudicate juvenile cases	Lack of child-sensitive infrastructure, delays
Police (CAPO)	Arrest, diversion, child protection	Limited training, procedural violations
Probation Officers	Social Inquiry Reports, rehabilitation	Staff shortage, excessive caseloads
Social Welfare Officers	Reintegration and emotional support	Inadequate funding and staff
CDCs	Custodial rehabilitation centres	Overcrowding, abuse, poor facilities
NGOs/Dev. Partners	Legal aid, training, psychosocial services	Urban concentration, reliance on donor funding

5.8 Case Insight: Probation in Practice (Re. Rabiul Islam)

Court: Juvenile Court, Khulna

Year: 2018

²¹ ⁴³ UNICEF Bangladesh, Juvenile Justice Systems in Practice: Institutional Assessment Report (2021) https://www.unicef.org/bangladesh/media/8946/file/JuvenileJustice_UNICEF2021.pdf accessed 25 June 2025.

⁴⁴ Save the Children Bangladesh, Annual Report on Child Protection and Legal Aid Services (2023).

Legal Focus: Police misconduct; procedural violations during arrest and custody of a child

Facts and Background

In 2018, Rabiul Islam, a 13-year-old boy, was arrested in Khulna on suspicion of theft. Following his arrest, he was detained in a regular police lock-up alongside adult detainees for 11 consecutive days. No effort was made to verify his age before placing him in custody, and his family was not notified of his detention. Moreover, the police failed to inform or engage any Probation Officer, as required under the Children Act, 2013.

Judicial Intervention and Ruling

Upon learning of the situation, the Khulna Juvenile Court intervened and immediately transferred Rabiul to a Child Development Centre (CDC). The court held that the local police had violated several critical provisions of the Children Act, 2013, including:

- **Section 13**, which mandates the assignment of a Child Affairs Police Officer (CAPO) for any child in conflict with the law;
- **Section 33**, which requires that children not be detained with adult offenders; and
- **Section 34**, which emphasizes diversion and non-custodial measures for juveniles.

The presiding judge issued a strong rebuke against the police for gross procedural misconduct and disregard for the law's child protection mandates.

Legal Significance

The judgment in this case served as a judicial acknowledgment of the systemic gaps in law enforcement's understanding and implementation of juvenile justice procedures. By ordering mandatory training for police personnel in Khulna, the court took a significant step toward institutional reform through judicial directive. This case underscores the persistent disconnect between statutory safeguards and on-ground practices, and highlights the necessity of continuous training, monitoring, and accountability mechanisms for law enforcement dealing with juveniles.

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²² Rabiul Islam (Juvenile Court, Khulna, 2018) (unreported).

Chapter -VI

Critical Issues and Challenges

6.1 Delay in Judicial Proceedings

One of the most chronic challenges within Bangladesh’s juvenile justice system is the prolonged delay in resolving cases involving minors. Although the Children Act 2013 stipulates that trials should be completed within 360 days from the date a complaint is lodged,⁴⁵ this statutory timeline is rarely maintained in practice. Various factors, including frequent adjournments due to absent witnesses, limited numbers of judges trained in child-sensitive procedures, and lengthy pre-trial detention, contribute to this delay. Consequently, many children remain incarcerated beyond permissible time limits, violating their rights under both domestic and international law.

Additional causes of delay include bureaucratic inefficiencies, inadequate legal support, and poor court management systems. For affected children, justice delayed often equates to justice denied, eroding faith in the legal process and exposing them to further psychological and environmental harm—contradicting the rehabilitative goal of juvenile justice.

6.2 Inadequate Implementation of Diversion and Probation

²³ Diversion and probation are core alternatives to formal judicial proceedings and imprisonment in modern juvenile systems. The Children Act 2013 introduced these options, offering flexibility based on the child’s age, the nature of the offence, and their socio-economic background.⁴⁶ Unfortunately, these alternatives remain underutilized in the current system. Many police officers and legal professionals are unfamiliar with the diversion mechanism and lack adequate training on its application. Implementation requires a cooperative effort involving police, probation officers, and NGOs, but poor coordination and a lack of resources hinder this collaboration.⁴⁷ Probation services also suffer due to a nationwide

²³ ⁴⁵ The Children Act 2013, s 33.

⁴⁶ The Children Act 2013, ss 48–53.

⁴⁷ Ain o Salish Kendra (ASK), Annual Report on Juvenile Justice Implementation (2022)

shortage of trained officers. In numerous districts, a single probation officer manages hundreds of cases, making meaningful supervision unattainable. The lack of monitoring tools and the absence of proper rehabilitation initiatives have rendered probation largely ineffective.

6.3 Absence of Child-Friendly Infrastructure

Despite the legal commitment to child-sensitive justice, the physical infrastructure supporting juvenile proceedings in Bangladesh remains largely unsuitable for minors. Police stations and court premises frequently lack separate entrances, waiting areas, or interview rooms designed with children’s comfort in mind. In many locations, children are required to wait in congested or unsafe environments, sometimes in close proximity to adult suspects or offenders.⁴⁸

Such settings not only intimidate children but can also traumatize those who have already experienced abuse or violence.

There is also limited provision for differently-abled children or those requiring special care. For example, children with autism, speech impairment, or psychological trauma are often left without any tailored support, making it difficult for them to engage meaningfully in the justice process. The absence of female officers or child psychologists in many rural courts raises further questions about safety, confidentiality, and gender sensitivity—especially for female juvenile victims and offenders.

Without a significant investment in infrastructure—both physical and procedural—the juvenile justice system in Bangladesh will continue to fall short of international standards and may do more harm than good to the children it intends to protect.

²⁴6.4 Poor Conditions in Detention and Development Centres

The three Child Development Centres (CDCs) operating in Bangladesh have been widely criticized for substandard conditions. Reports indicate issues such as overcrowding, insufficient food, poor hygiene, and a lack of healthcare and vocational training.⁵⁰ Investigations have revealed disturbing cases of abuse within these facilities, including neglect, physical punishment, and even deaths resulting from violence or inadequate care.⁵¹

²⁴ ⁴⁸ UNICEF Bangladesh, *Assessment of Child-Friendly Justice Infrastructure in Police Stations and Courts* (2021).

⁴⁹ UN Convention on the Rights of the Child 1989, arts 3, 37(c).

⁵⁰ ASK and UNICEF, *Monitoring Report on CDCs* (2022).

⁵¹ National Human Rights Commission (NHRC), *Inspection Report on CDCs* (2022).

Moreover, psychological support services are largely absent, leaving children with untreated trauma and mental health issues. The focus in these centres tends to be on control and discipline rather than care and reintegration—an approach contrary to both the Children Act 2013 and international standards such as the Havana Rules.⁵²

6.5 Lack of Trained Human Resources

An evident weakness in the juvenile justice framework lies in the scarcity of trained human resources. Effective juvenile justice demands that judges, police officers, prosecutors, probation personnel, and social workers possess a thorough understanding of child psychology, trauma-informed care, and restorative justice practices.⁵³ However, most professionals receive minimal or no specialized training in these areas. The training programs that do exist are often sporadic, optional, and mostly conducted in urban centres, leaving rural areas significantly underserved.⁵⁴ There is also a disconnect between various training institutes and justice-sector agencies, contributing to inconsistent service quality and poor handling of juvenile cases.

6.6 Weak Legal Aid and Representation

Access to competent legal assistance is essential for children to exercise their rights within the justice system. Although the Legal Aid Services Act 2000 provides for free legal representation, its execution in juvenile cases remains weak.⁵⁵ Children from disadvantaged backgrounds often face the justice system without a lawyer.

²⁵Even when legal aid is available, many lawyers lack training in child-specific laws, leading to poor advocacy, wrongful convictions, and missed opportunities for non-custodial resolutions. NGOs and legal aid clinics do step in to fill this gap in some areas, but their reach is too limited to address the national need. Strengthening the public legal aid infrastructure is essential to ensure fair trials and protection of children’s rights.

⁵² United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (Havana Rules), adopted 1990.

⁵³ Save the Children, Capacity Assessment of Juvenile Justice Stakeholders in Bangladesh (2023).

⁵⁴ Ministry of Social Welfare, Training Manual for Juvenile Justice Stakeholders (2021).

⁵⁵ Legal Aid Services Act 2000 (Bangladesh), s 7.

6.7 Inconsistent Data and Monitoring Mechanisms

Data plays a vital role in diagnosing system failures and designing evidence-based policy reforms. In Bangladesh, however, juvenile justice data remains sparse, uncoordinated, and inconsistent.⁵⁶ Various actors—including the police, judiciary, Department of Social Services, and NGOs—collect data independently, often using different formats and classification methods. As a result, it becomes nearly impossible to compare figures or build a national picture of trends such as recidivism rates, length of detention, or success rates of rehabilitation programs

Furthermore, there is no consistent mechanism for tracking the long-term outcomes of children post-release—whether they return to school, reunite with families, or reoffend. The absence of outcome tracking impedes meaningful assessment of rehabilitation effectiveness.

A national juvenile justice data portal—managed jointly by the Ministry of Law, Ministry of Social Welfare, and the judiciary—could centralize information, enable real-time case monitoring, and enhance transparency. It would also support more informed decision-making by allowing agencies to evaluate policy interventions and adjust programming in response to changing realities. Such a digital transformation is long overdue and should be seen as a priority in Bangladesh’s child protection roadmap.

6.8 Socio-Cultural Stigma and Community Reintegration

Reintegrating children into their communities after contact with the justice system is one of the most critical and complex aspects of juvenile justice. Unfortunately, deep-rooted social stigma acts as a major obstacle to successful reintegration in Bangladesh.⁵⁷

²⁶ Children who have been through judicial proceedings are frequently branded as “criminals” or “delinquents,” regardless of the nature of their offence or the legal outcome. This labelling is especially damaging in rural and conservative communities, where traditional norms dominate and forgiveness is rare.

This societal rejection often leads to alienation, low self-esteem, and reluctance to re-join school or community activities. Some children are bullied or ostracized by peers, which further increases their vulnerability. In extreme cases, families themselves—either out of fear, shame,

²⁶ ⁵⁶ Bangladesh Bureau of Statistics and UNICEF, Child Protection Statistical Report (2022).

⁵⁷ Human Rights Watch, *Stolen Futures: Juvenile Justice and Stigma in South Asia* (2020).

or financial constraint—refuse to accept the child back into the household. The psychological impact of such rejection can be severe, increasing the risk of depression, substance abuse, and even suicidal tendencies.

NGOs and government agencies must also ensure that reintegrated children have access to education, vocational training, and psychosocial support to rebuild their lives. Without strong community support systems, the juvenile justice system’s rehabilitative purpose will remain incomplete.

6.9 Regional Disparities in Justice Delivery

Justice should be equally accessible to every child, regardless of geography. However, there exists a significant urban-rural divide in the availability and quality of juvenile justice services in Bangladesh.⁵⁸ While cities like Dhaka and Chattogram benefit from dedicated juvenile courts, probation officers, NGO legal aid, and better detention facilities, rural districts often struggle to provide even the minimum required services. In some upazilas, a juvenile case may have to be transferred to a distant district due to the unavailability of judges or infrastructure, which causes further delay and hardship. Children from low-income families in rural areas are particularly disadvantaged, as they often lack the means for travel, communication, or even basic legal awareness.²⁷ Many do not have guardians who can accompany them to court, resulting in no-shows and consequent arrest warrants. Language barriers, absence legal support, and non-functional legal aid desks further alienate them from the legal system.

To address this imbalance, national strategies must include targeted resource allocation, mobile juvenile courts, and community-based legal clinics in underprivileged regions. District-level child protection committees should be activated and funded to coordinate services, monitor abuse, and support reintegration. Justice cannot be said to exist when it is only accessible to some and out of reach for many.

6.10. Lack of Child Participation in Legal Processes

One of the often-overlooked challenges in the juvenile justice system of Bangladesh is the inadequate inclusion of children’s voices in legal and administrative procedures that affect

²⁷ ⁵⁸ UNICEF and BLAST, Mapping Regional Disparities in Juvenile Justice Services (2023).

⁵⁹ UNCRC, art 12; The Children Act 2013, s 4(2).

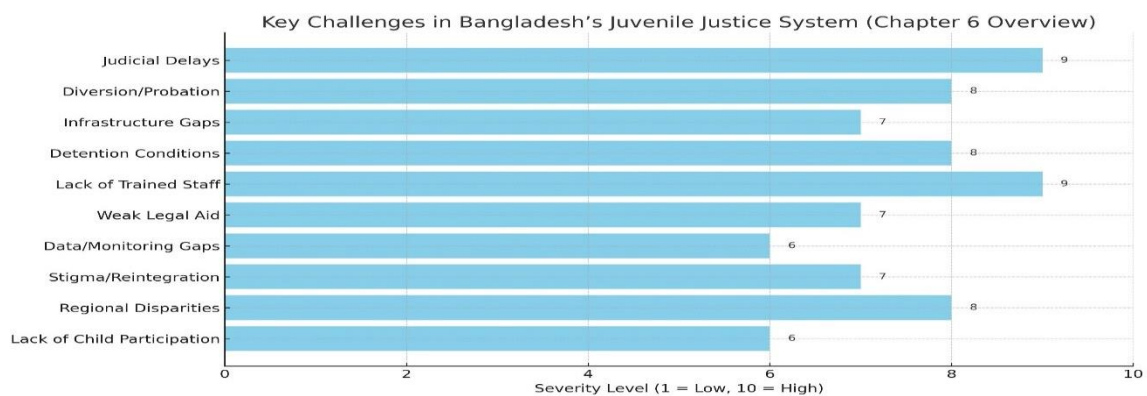
them. While the Children Act 2013 and the UN Convention on the Rights of the Child (UNCRC) emphasize the child’s right to be heard,⁵⁹ the practical application of this principle remains minimal in most parts of the country

Children involved in the justice system—whether as victims, witnesses, or accused—are rarely provided with platforms to express their perspectives, feelings, or preferences during investigations or court proceedings.

Ensuring meaningful child participation requires systemic changes, including:

- Developing child-friendly interview guidelines and courtroom communication protocols;
- Training judges, magistrates, and lawyers in child-sensitive procedures;
- Introducing legal aid volunteers or child advocates who can act as intermediaries between the child and the legal system;
- Creating child-friendly information materials (e.g., cartoons, leaflets, videos) to explain legal processes in simple language.

Graph 6.1 “Core Obstacles to Effective Juvenile Justice: A Thematic Breakdown of Chapter 6”



Source: Author’s own compilation based on analysis of Chapter 6 issue

Case Law Example: Violation of Detention Standards

State v Md Hasibul Hasan

Court: Juvenile Court, Dhaka

Year: 2016

Legal Focus: Prolonged pre-trial detention; denial of access to speedy justice

Facts and Background

In this case, Md Hasibul Hasan, a 14-year-old boy, was apprehended in connection with a theft allegation and subsequently placed in custody at a Child Development Centre (CDC). Disturbingly, he remained in detention for more than two years without formal trial proceedings being initiated. The primary reasons for this delay included:

- The absence of a functioning Children’s Court in the concerned jurisdiction;
- Lack of access to state-provided legal aid; and
- General procedural backlogs within the juvenile justice system.

During the entire period, the child had minimal contact with legal counsel, and no steps were taken to expedite the case.

Judicial Observation and Outcome

Upon eventual judicial review, the Juvenile Court in Dhaka found that the extended detention constituted a clear violation of Section 33 of the Children Act, 2013, which mandates timely disposal of juvenile cases. The court also cited:

Article 35(3) of the Constitution of Bangladesh, which guarantees the right to a speedy trial; and

Article 40 of the United Nations Convention on the Rights of the Child (UNCRC), which provides international protection for juveniles in conflict with the law.

Legal Significance

This case exemplifies how systemic gaps in judicial infrastructure—such as the non-establishment of specialised juvenile courts and failure to provide timely legal representation—can directly infringe on a child’s fundamental rights. It reinforces the critical need for operational Children’s Courts in every district and the deployment of trained legal aid providers to prevent similar miscarriages of justice. The ruling also reaffirms the court’s responsibility to uphold domestic constitutional guarantees and international human rights obligations in matters involving children.

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²⁸ State v Md Hasibul Hasan (Juvenile Court, Dhaka, 2016) (unreported).

Chapter -VII

Comparative Perspectives

7.1 Introduction

Conducting a comparative review of juvenile justice systems across different countries offers valuable insights into global best practices. It also provides a lens through which the strengths and weaknesses of Bangladesh's existing system can be evaluated. While socio-economic realities, legal traditions, and administrative capacities may differ, universally recognized principles—such as child sensitivity, emphasis on rehabilitation, and restorative justice—remain central to effective juvenile justice. This chapter presents a comparative analysis of juvenile justice systems in India and the United Kingdom, and distils key lessons for policy reform in Bangladesh. These comparative models not only highlight what works but also show how innovative structures can overcome traditional barriers in juvenile justice administration.

7.2 Legal and Institutional Framework in India

India's juvenile justice system is currently governed by the Juvenile Justice (Care and Protection of Children) Act, 2015.⁶⁰ This comprehensive law aims to create a child-friendly justice mechanism that serves the best interests of minors involved in legal conflicts. Key institutional features of the Indian system include:

- The formation of Juvenile Justice Boards (JJBs) in every district to adjudicate cases involving children in conflict with the law;
- Establishment of Child Welfare Committees (CWCs) to support and protect children who are abandoned, orphaned, or victims of abuse;
- Structured diversion mechanisms to handle minor offences outside the formal judicial system;
- A three-tier institutional care system comprising observation homes, special homes, and after-care organizations.²⁹

²⁹ ⁶⁰ Juvenile Justice (Care and Protection of Children) Act 2015 (India), No 2 of 2016.

These provisions ensure that children are treated as individuals in need of protection and reform rather than as offenders. The framework also integrates child welfare services with justice procedures, creating a more holistic approach.

However, India still faces notable challenges, such as judicial delays, under-resourced facilities, and a shortage of trained personnel—particularly in rural areas.

7.3 Legal and Institutional Framework in the United Kingdom

The United Kingdom follows a highly evolved and welfare-based juvenile justice system, which emphasizes early intervention and restorative justice over punitive approaches. Its key features include:

- Youth Courts, presided over by specially trained magistrates who are sensitized to adolescent psychology and child rights;
- Youth Offending Teams (YOTs), which are interdisciplinary bodies composed of police, probation officers, social workers, and mental health professionals.⁶¹ These teams are tasked with supervising youth offenders and supporting their rehabilitation;
- Widely used diversion programs that redirect children away from custodial measures towards community-based services;
- Strong focus on family support, education continuity, and psychological care during and after legal proceedings.

The UK model is notable for its collaborative structure, where stakeholders from various sectors—justice, health, education, and social services—work in unison.

7.4 Comparative Evaluation: India, UK, and Bangladesh

A side-by-side comparison of the juvenile justice systems in India, the UK, and Bangladesh reveals both similarities and gaps:³⁰

Feature	India	United Kingdom	Bangladesh
Governing Law	JJ Act, 2015	Youth Justice System under UK Acts	Children Act, 2013

⁶¹ UK Government, Youth Offending Teams: Guidance (Ministry of Justice, 2018) <https://www.gov.uk/youth-offending-teams> accessed 26 June 2025. ⁶² Ministry of Justice (UK), Restorative Justice Action Plan 2022 <https://assets.publishing.service.gov.uk/government/restorative-justice> accessed 26 June 2025.

Special Courts	Juvenile Justice Boards	Youth Courts	Children's Courts (partially functional)
Diversion Mechanism	Available but underutilize	Widely used	Poorly implemented
Institutional Care	Tiered homes, after-care	Community-based alternatives	CDCs, overcrowded and underfunded
Multidisciplinary Teams	CWCs with limited scope	Fully integrated YOTs	Minimal coordination
Restorative Justice	Minimal implementation	Core component	Rarely applied
Data Management	Improving but fragmented	Centralised, real-time systems	Manual, inconsistent, paper-based

This comparative assessment demonstrates that while Bangladesh has introduced progressive legislation, it lags behind both India and the UK in implementation. India, though still developing, has taken decentralization seriously through JJBs and CWCs. The UK, in contrast, excels in early intervention, digital case tracking, and restorative methods, offering an integrated and mature model from which Bangladesh can draw inspiration.

7.5 Lessons and Policy Insights for Bangladesh

Based on the comparative analysis, the following key lessons emerge for strengthening the juvenile justice system in Bangladesh:

1. Institutional Restructuring:

Bangladesh could benefit from establishing multidisciplinary local teams, similar to India's CWCs and the UK's YOTs. These teams should include legal professionals, psychologists, probation officers, and social workers who can work collaboratively at the district level.

2. Promotion of Diversion:

Diversion remains underused in Bangladesh. Drawing from India's legislative provision and the UK's operational success, Bangladesh should create formal diversion guidelines and

invest in awareness training for police and judicial officers. This can help prevent over-reliance on institutionalization for minor or first-time offences.

3. Restorative Justice Practices:

The UK's experience shows that restorative justice reduces recidivism and facilitates reintegration. Bangladesh should pilot victim-offender mediation programs and integrate restorative sessions in Children's Courts to build empathy and community accountability.

4. Capacity Building and Training:

Regular, compulsory training for all stakeholders—judges, prosecutors, police, and social workers—must be introduced. International support can be sought to design training curricula that focus on child rights, trauma-informed care, and UNCRC compliance.

5. Data and Monitoring Systems:

Bangladesh's juvenile data remains fragmented. The government should establish a centralized digital case management system linking courts, police, and social services. This will improve case tracking, analysis, and transparency.

6. Early Intervention and Community Engagement:

The UK emphasizes intervening before offences occur—through school programs, family counselling, and mental health support. Bangladesh must invest in preventive models, especially in vulnerable urban slums and rural areas, to address risk factors such as poverty, abuse, and educational dropout.

Chapter -VIII

Recommendations and Conclusion

8.1 Introduction

Although Bangladesh has adopted progressive legislation such as the Children Act, 2013 and ratified significant international instruments like the UNCRC, substantial gaps remain in translating policy into effective practice. These shortcomings are evident across legal, institutional, and social domains. This chapter outlines concrete, evidence-based recommendations aimed at overcoming the structural and operational barriers to juvenile justice in Bangladesh. The chapter concludes with a synthesis of the overall findings and reflects on the future direction of reform.

8.2 Policy and Legislative Recommendations

1. Amendments to the Children Act, 2013

Although the Act outlines a progressive vision, its execution is hindered by vague terminologies and undefined procedural standards. Provisions related to diversion, time-bound case disposal, and probation officer roles must be revised with explicit procedural rules. For instance, specifying the exact number of days allowed for investigation or diversion consideration could reduce delays and arbitrary decision-making. Parliamentary scrutiny and stakeholder consultation are essential before proposing such amendments.

2. Harmonization with Other Laws

Many provisions of the Penal Code, Criminal Procedure Code (CrPC), and Evidence Act conflict with or fail to accommodate the spirit of the Children Act. For example, standard evidence-taking procedures often disregard the need for child-sensitive questioning. Aligning these statutes would ensure children are not inadvertently subjected to harsh procedures meant for adults, thereby strengthening the protective intent of the juvenile justice framework.

3. Integration of Restorative Justice Principles

Restorative justice offers victims an opportunity for closure and offenders a chance for accountability without harsh punishment. While restorative measures are not currently institutionalized in Bangladesh, pilot integration into the Children Act could introduce mechanisms like victim-offender mediation, community conferencing, and reparative agreements for selected offences. Formal legal recognition of these alternatives would diversify Bangladesh's justice options while reducing caseload pressure.

8.3 Institutional and Administrative Reforms

1. Expansion of Children's Courts

To ensure nationwide access to juvenile-specific adjudication, Children's Courts must be established in all 64 districts. These courts should operate independently of regular courts, with judges trained in juvenile jurisprudence and equipped with child-friendly facilities like one-way mirrors, remote testimony systems, and private waiting areas. Without these, children continue to face the trauma of navigating a system designed for adults.

2. Strengthening Diversion and Probation

A functional diversion system requires not just legal permission but detailed national guidelines, with risk-assessment tools and community resource mapping. Probation services, likewise, remain overburdened, with one officer handling up to 100+ cases in some districts. Without increasing manpower and providing field-level monitoring tools, the reformative promise of probation will remain ineffective.

3. Capacity Building for Stakeholders

Child justice actors must undergo regular and standardized training on topics like child psychology, international norms, gender sensitivity, and non-violent communication. Such training should be accredited and mandatory for career progression.

4. Multi-Agency Coordination

Children's cases often span several domains—law, health, education, and social work. Establishing Juvenile Justice Coordination Committees (JJCCs) in each district, chaired by a senior judge or magistrate, can bridge these silos. Monthly meetings and a shared digital case-tracking system could resolve delays caused by inter-agency communication failures.

8.4 Social and Community-Based Interventions

1. Public Awareness Campaigns

Juveniles in conflict with the law often carry long-term stigma even after legal resolution. Public education campaigns—featuring real stories of reform, messages from community leaders, and visual media in local dialects—can reshape attitudes. Awareness must also extend to schools, religious institutions, and local councils to build community-level acceptance.

2. Rehabilitation and After-Care Services

Without meaningful rehabilitation, children may relapse into crime. Rehabilitation must go beyond basic education and include life skills, apprenticeships, and mental health care. After-care homes and halfway houses could support reintegration during transition back to family or society.

3. Victim and Witness Support

Children who are victims or witnesses often suffer secondary trauma through legal proceedings. Dedicated child protection desks should be installed in police stations and courts, staffed with trained counsellors and legal support. orders for high-risk children.

8.5 Data Management and Monitoring

1. Creation of a National Juvenile Justice Database

Fragmented paper-based records delay justice and lead to the loss of critical information. A real-time, cloud-based data system should be developed in collaboration with the ICT Division, which records every child's progress from arrest to reintegration. This system should allow role-based access for police, judges, probation officers, and NGOs.

2. Independent Research and Monitoring

Bangladesh lacks a structured mechanism to evaluate its juvenile justice performance. Independent institutions such as universities, BAR associations, and rights NGOs should be funded to conduct quarterly field studies, facility inspections, and case audits. These reports must be made public to ensure accountability.

3. Publication of Annual Justice Reports

A publicly accessible Annual Juvenile Justice Report, published by the Ministry of Law or Social Welfare, could provide transparency, track trends, and benchmark progress. Sections

should include recidivism rates, diversion uptake, CDC conditions, and training activities—enabling civil society and donors to hold the system accountable.

8.6 International Collaboration and Best Practices

1. Engaging with Global Platforms

Bangladesh should increase participation in regional and global working groups like SAIEVAC, UNICEF’s Global Justice for Children Initiative, and UNODC’s Child Justice Program. Learning from countries with successful models will allow Bangladesh to localize reforms in culturally appropriate ways.

2. Implementation of Pilot Projects

Before scaling, pilot programs based on successful foreign models (e.g., Youth Offending Teams in the UK, Juvenile Justice Boards in India) should be introduced in at least 5 districts. Evaluation metrics should be set in advance, covering outcomes like recidivism, cost-effectiveness, and child satisfaction.

8.7 Conclusion

This dissertation critically explored Bangladesh’s juvenile justice system from historical, legal, institutional, and comparative lenses. The Children Act, 2013, though progressive in form and aligned with global conventions, suffers from implementation failures rooted in inadequate coordination, insufficient capacity, and outdated administrative systems. Institutional inertia and social stigma further erode the promise of a child-sensitive justice system.

The comparative analysis of India and the United Kingdom demonstrates that success depends on multi-disciplinary collaboration, early intervention, and a shift from punitive to restorative justice. Bangladesh can no longer afford to treat juvenile justice as a marginal legal issue—it must be recognized as a core component of national child protection policy.

To fulfil its constitutional and international commitments, Bangladesh must urgently bridge the gap between law and reality, between intention and action. Ensuring that every child is treated with dignity, fairness, and compassion is not merely a statutory duty—it is a moral and ethical imperative for any society that seeks justice.

“A justice system that fails its children ultimately fails itself.”

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