



Sonargaon University (SU)

Research Monograph
On
**Juvenile Justice System in Bangladesh: A
Critical Overview**

Research Monograph Submitted for the partial fulfilment of the award of the degree
in
LL.B. (Honours)
Department of Law
Sonargaon University (SU)

Submitted by:

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Submitted To:

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Date of Submission: 8th July 2025

Dedicated
To

My Beloved Parents



UGC & Govt. Approved
Sonargaon University (SU)
সোনারগাঁও ইউনিভার্সিটি (এসইউ)

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Letter of Transmittal

To
Joydeep Chowdhury
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Subject: Submission of Research Monograph on “Juvenile Justice System in Bangladesh: A
Critical Overview”

Sir,

This is a great pleasure to submit the Research Monograph on “Juvenile Justice System in Bangladesh: A Critical Overview” as a partial requirement for the fulfillment of my LL.B. (Honours) course under the Department of Law of the Sonargaon University (SU).

I have given due efforts to make this Research Monograph as fruitful one and to make it as informative as possible. I hope that this paper will not be the formality of academic course completion rather it will be a source of information for other purpose on this topic.

Sincerely yours,

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Declaration

I do hereby declare that the Research Monograph Title “Juvenile Justice System in Bangladesh: A Critical Overview” prepared solely by me and which has been submitted to the department of Law, Sonargaon University (SU) for achieving the LL.B. (Honours) Degree. This is an original work of mine. No part of this research, in any way of or in from, has been submitted to any University or Institution for any Degree, Diploma or for other similar purposes.

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Certification by the Supervisor

This is to certify that the work presented in this dissertation is based on the work, carried out by the author himself under my supervision in Department of Law, Sonargaon University (SU).

It is also certifying that the work presented here is original and suitable for submission as the style and contents, for fulfillment of LL.B. (Honours) program.

Joydeep Chowdhury
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Acknowledgement

"In the name of Allah, the Beneficent, the Merciful". Praise by Allah & thanks to Allah for patronizing me to finish this Research Monograph. I am very happy to finish it. It is a great Research of my life. It is a long-cherished hope of my life to become a great lawyer. That's why I have admitted in the Department of Law in Sonargaon University (SU) to fulfill my dream. But through my whole study life in this field, I did not get much more opportunities to examine and show my knowledge and skill in this wide field. Lastly, I have got a great chance to make my study meaningful when I got the chance to prepare a Research Monograph on "Juvenile Justice System in Bangladesh: A Critical Overview"

I acknowledge my grateful to respected course teacher Joydeep Chowdhury for instructing me how to prepare a Research Monograph and his famous Books lectures on this subject help me to complete my task sincerely.

I am also thankful to my classmate as they help me to complete the Research Monograph. I am extremely paying my solitude to all the authors and writers whose works help me to draft this original Research Monograph.

We are indeed thanks to everyone who inspired us to write this Research Monograph.

Thank you

Md. Ahasanul Huque Raihan

Abstract

The juvenile justice system is a specialized framework within the broader criminal justice system designed to address the legal needs of children in conflict with the law. This thesis provides a comprehensive and critical analysis of the juvenile justice system in Bangladesh, focusing on the legislative, institutional, and operational dimensions of child justice. It assesses the extent to which Bangladesh's current juvenile justice structure adheres to international standards, including the United Nations Convention on the Rights of the Child (UNCRC), the Beijing Rules, and the Riyadh Guidelines, while giving particular attention to the Children Act, 2013, which forms the core of the country's juvenile justice legislation.

Despite significant legal reforms, including the replacement of the outdated Children Act, 1974, with the more progressive Children Act, 2013, practical enforcement of juvenile justice remains weak. The thesis identifies major shortcomings such as the limited number of functional juvenile courts, lack of trained judges and law enforcement officers, overcrowded and under-resourced detention facilities, and a general absence of community-based diversion programs. Juveniles are often detained alongside adults, subjected to rights violations, and denied access to legal aid or psychological support. The lack of awareness among stakeholders, including families and communities, further exacerbates these challenges, limiting the rehabilitative potential of the juvenile justice system.

A critical component of this research is the comparative analysis of juvenile justice systems in India and Sri Lanka. Both countries demonstrate how robust institutional frameworks, diversion programs, and restorative justice practices can improve outcomes for children in conflict with the law. India's Juvenile Justice (Care and Protection of Children) Act, 2015, and Sri Lanka's emphasis on non-custodial measures offer practical lessons for Bangladesh. The research underscores that legal reform alone is insufficient without adequate implementation mechanisms, trained personnel, and strong monitoring and evaluation systems.

The study employs a qualitative methodology that integrates doctrinal analysis of legal texts with review of empirical studies, official reports, and academic literature. It provides evidence-based insights into the legal gaps, enforcement challenges, and institutional deficiencies hindering the delivery of juvenile justice in Bangladesh. Key recommendations include expanding the network of child-friendly courts to all districts, enhancing legal aid services, increasing the number of trained probation officers, investing in vocational training programs, and fostering public awareness campaigns to reduce stigma against juvenile offenders.

Ultimately, this thesis argues that a child-friendly and rights-based juvenile justice system is essential for the reintegration and rehabilitation of young offenders. By adopting international best practices, investing in institutional reform, and promoting a culture of child rights, Bangladesh can strengthen its juvenile justice system and ensure justice, dignity, and social inclusion for all children. The successful implementation of such a system will not only safeguard children's rights but also contribute to a more just, humane, and inclusive society.

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Chapter 1

Introduction

1.1 Background of the Study

The juvenile justice system encompasses the legal structures and practices aimed at addressing and rehabilitating individuals under 18 who engage in criminal behavior. It operates on the belief that, due to their age and developmental stage, minors require distinct treatment compared to adult offenders. Globally, this perspective has evolved as evidence suggests that punitive approaches often fail to tackle the underlying causes of juvenile delinquency, such as poverty, inadequate education, abuse, and social exclusion. Instead, rehabilitative and restorative justice models are prioritized, emphasizing the reintegration of young offenders into society as law-abiding citizens.¹

In Bangladesh, significant legislative strides have been made, notably with the enactment of the Children Act, 2013, which superseded the 1974 Children Act. This reform aligns Bangladesh's legal framework with international benchmarks, particularly the United Nations Convention on the Rights of the Child (UNCRC).² However, practical challenges persist. Juveniles are frequently housed in facilities lacking adequate rehabilitation programs, legal processes face delays, and law enforcement and judicial officials often lack specialized training for juvenile cases. Additionally, societal stigma and institutional deficiencies hinder the effective execution of juvenile justice policies in Bangladesh.

A robust juvenile justice system is critical for upholding human rights, promoting social equity, and fostering national progress. A child who receives equitable treatment and meaningful rehabilitation is less likely to reoffend and more likely to contribute positively to society.³ Thus, a critical examination of Bangladesh's juvenile justice system is vital to identify shortcomings and propose reforms.

- "United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules), 1985."
- "United Nations Convention on the Rights of the Child, 1989."
- "Rehabilitation and reintegration are core principles of juvenile justice globally, as outlined in international frameworks."

¹ United Nations. (1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules)*.

² United Nations. (1989). *Convention on the Rights of the Child*.

³ UNICEF Bangladesh. (2020). *Annual Report on Juvenile Justice*.

1.2 Statement of the Problem

Despite Bangladesh's adoption of progressive laws like the Children Act, 2013, to safeguard the rights of children in conflict with the law, a significant disconnect exists between legislation and its application. The Act aims to establish a child-centric justice system, yet its implementation is inconsistent and often inadequate. Juveniles are frequently prosecuted alongside adults, detained in substandard conditions, and lack access to legal representation.⁴ Many children are unaware of their rights, and their families often lack the means or knowledge to advocate for them. Overcrowded and underfunded correctional facilities rarely prioritize rehabilitation or reintegration efforts.

Socio-economic factors significantly contribute to juvenile delinquency. Many young offenders hail from disadvantaged communities, driven to crime by poverty, lack of schooling, and dysfunctional family environments. The justice system often overlooks these root causes, focusing on punishment rather than rehabilitation, thus undermining the core goals of juvenile justice protection, rehabilitation, and reintegration.

- "UNICEF Bangladesh, Annual Report on Juvenile Justice, 2020."
- "Socio-economic determinants of juvenile crime are well-documented in regional studies."

1.3 Objectives of the Study

This study seeks to:

- Investigate the legal framework governing juvenile justice in Bangladesh;
- Assess the alignment of current practices with global standards;
- Identify major obstacles in implementing juvenile justice laws;
- Evaluate the roles of stakeholders, including police, judiciary, and correctional institutions;
- Offer policy recommendations to enhance the fairness and efficacy of the juvenile justice system.

1.4 Research Questions

- What legal provisions govern juvenile justice in Bangladesh?
- How effectively are these laws enforced in practice?
- What institutional and societal barriers impact the juvenile justice system?
- To what degree does the system adhere to international legal standards?
- What reforms can strengthen juvenile justice in Bangladesh?

⁴ Regional studies on socio-economic determinants of juvenile crime.

1.5 Methodology

This study employs a qualitative legal research approach, integrating doctrinal and empirical methods. The doctrinal component examines statutes, case law, and international legal instruments related to juvenile justice. The empirical aspect involves analyzing secondary sources, including government and NGO reports, academic journals, and media publications. A comparative analysis with juvenile justice systems in countries like India and Sri Lanka will provide context for Bangladesh's performance.

Data will be sourced from legal documents, scholarly literature, official reports, and case studies. Due to time and resource limitations, fieldwork is not included, but the study relies on documented evidence and expert insights to form conclusions and recommendations.

1.6 Scope and Limitations

This research focuses on Bangladesh's juvenile justice system, with occasional references to international standards and regional practices for comparison. It primarily addresses legal and institutional dimensions, including the roles of the judiciary, police, probation officers, and correctional facilities. While socio-economic influences on juvenile delinquency are noted, they are not the central focus.

Limitations include limited access to current data, potential biases in secondary sources, and the absence of primary fieldwork. The evolving nature of juvenile justice laws may also impact the long-term relevance of some findings.

1.7 Structure of the Thesis

This thesis is organized into seven chapters. Chapter 1 introduces the study, covering the background, problem statement, objectives, methodology, and scope. Chapter 2 explores the conceptual framework and legal principles of juvenile justice, including a literature review. Chapter 3 examines Bangladesh's legal framework, focusing on national laws and institutional mechanisms. Chapter 4 evaluates practical implementation, including arrest, trial, and correctional processes. Chapter 5 addresses systemic challenges, while Chapter 6 provides a comparative analysis with other South Asian countries. Chapter 7 concludes with policy recommendations.

Chapter 2

Conceptual Framework and Legal Principles

2.1 Definitions and Theoretical Background

Juvenile justice is a specialized branch of the criminal justice system dedicated to rehabilitating and supporting minors who violate legal norms. The United Nations Convention on the Rights of the Child (UNCRC) defines a child as any individual under 18 years, unless national law establishes an earlier age of majority.⁵ In Bangladesh, the Children Act, 2013 aligns with this definition, setting the age of criminal responsibility at 9 and providing specific protections for those under 18, including tailored judicial processes.⁶

Juvenile delinquency encompasses unlawful acts committed by individuals under 18, driven by a complex interplay of personal, familial, social, and economic factors. Understanding these multifaceted causes is critical for developing a justice system that prioritizes rehabilitation over punishment, fostering positive development for young offenders.

Criminological theories offer diverse perspectives on juvenile behavior. Classical theory posits that juveniles make rational choices to commit crimes, suggesting deterrence through strict legal consequences. In contrast, positivist theories argue that biological, psychological, or social factors shape delinquent behavior. Social learning theory proposes that children adopt criminal behaviors by observing and imitating others, particularly in environments lacking positive role models. Strain theory highlights how societal pressures to achieve culturally valued goals, combined with limited access to legitimate opportunities, can lead to delinquency. These theoretical frameworks provide essential lenses for policymakers and scholars to design effective intervention strategies that address both individual and systemic factors contributing to juvenile crime.

⁵ “United Nations Convention on the Rights of the Child” (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 1.

⁶ Children Act 2013 (Bangladesh), s 4.

2.2 Review of Related Literature

A substantial body of global and national literature examines juvenile justice systems. Internationally, the UNCRC (1989), the Beijing Rules (1985), and the Riyadh Guidelines (1990) establish foundational principles, emphasizing dignity, non-discrimination, proportionality, and the use of detention only as a last resort. Scholars like Cipriani (2009) and Goldson (2011) advocate for restorative justice models that prioritize reintegration over punitive measures, arguing that harsh approaches exacerbate recidivism and fail to address root causes.

In Bangladesh, the Children Act, 2013 is a central focus of legal scholarship. Tanjina Rahman (2018) underscores a significant gap between legislative intent and practical implementation, noting that children often face harsh treatment during arrest and detention.⁷ Reports from Ain o Salish Kendra (ASK) and BLAST document persistent violations of children's rights in detention facilities, including inadequate conditions and lack of legal protections.⁸ UNICEF's 2021 report, *Justice for Children in Bangladesh*, identifies systemic challenges such as insufficient trained personnel, poor infrastructure, and limited access to legal representation. Organizations like Save the Children and the International Labour Organization advocate for community-based alternatives to detention, emphasizing rehabilitation and social reintegration. These sources collectively highlight that, despite legislative progress, practical enforcement in Bangladesh remains deficient, necessitating specialized juvenile courts, trained child protection officers, and enhanced oversight of detention facilities.

2.3 International Standards on Juvenile Justice

International legal instruments significantly influence juvenile justice systems, including in Bangladesh. The UNCRC, ratified by Bangladesh in 1990, sets critical standards, with Articles 37 and 40 prohibiting cruel or degrading treatment and ensuring children are treated with dignity within the justice system. The Beijing Rules advocate for procedural safeguards, such as the presumption of innocence, access to legal representation, and proportionate sentencing, while promoting diversion programs to avoid formal judicial proceedings. The Riyadh Guidelines emphasize preventive measures through family support, education, and social integration initiatives. Bangladesh's Children Act, 2013 incorporates many of these principles, but their application is inconsistent due to inadequate training for law enforcement, limited infrastructure, and societal biases against juvenile offenders.⁹ These gaps highlight the need for systemic reforms to align practice with international standards.

⁷ Tanjina Rahman, 'Juvenile Justice in Bangladesh: A Critical Analysis' (2018) 12 Dhaka Law Review 45.

⁸ Ain o Salish Kendra (ASK), *Human Rights Report 2020* (ASK 2020); BLAST, *Children in Conflict with the Law: A Legal Analysis* (BLAST 2019).

⁹ UNICEF, *Justice for Children in Bangladesh* (UNICEF 2021).

2.4 Theoretical Perspectives on Juvenile Crime

Understanding juvenile delinquency requires a multi-theoretical approach, as no single theory fully explains it. Classical theory assumes juveniles make rational decisions to commit crimes, advocating deterrence through strict laws. Biological and psychological theories suggest that innate traits may predispose juveniles to delinquency, though they often overlook environmental influences. Social learning theory posits that juveniles learn delinquent behaviors by observing others in criminogenic environments, supporting community-based interventions. Strain theory argues that blocked access to legitimate opportunities drives juveniles to crime, emphasizing the need for socio-economic support. Labeling theory warns that labeling juveniles as “delinquents” may reinforce criminal behavior, advocating for non-judicial measures to avoid stigmatization.¹⁰ Critical criminology highlights how social inequalities and power structures push marginalized youth toward crime, calling for systemic change.¹¹ These theories collectively underscore the importance of holistic interventions that prioritize education, social support, and rehabilitation over punitive measures.

2.5 Summary

This chapter has explored the conceptual and theoretical foundations essential for analyzing Bangladesh’s juvenile justice system. It defined juvenile justice and delinquency, examined criminological theories explaining youth behavior, reviewed global and national literature, and assessed the influence of international standards on domestic practices. Despite significant legislative advancements, particularly through the Children Act, 2013, practical enforcement remains limited by systemic barriers. Addressing these challenges requires a deep understanding of juvenile justice principles to inform effective reforms. The next chapter will delve into Bangladesh’s legal framework, focusing on statutory laws, institutional mechanisms, and the evolution of juvenile justice policies.

¹⁰ Howard Becker, *Outsiders: Studies in the Sociology of Deviance* (Free Press 1963).

¹¹ Ian Taylor, Paul Walton, and Jock Young, *The New Criminology* (Routledge 1973).

Chapter 3

Legal Framework of Juvenile Justice in Bangladesh

3.1 Historical Development of Juvenile Laws in Bangladesh

The evolution of juvenile justice in Bangladesh reflects a transition from colonial-era punitive measures to modern child-centric legislation aligned with global human rights standards. During British colonial rule, juvenile offenders were often treated similarly to adults, with little regard for their developmental needs.¹² The Children Act, 1974 marked the first significant effort to establish a distinct legal framework for juveniles, introducing provisions for separate trials and rehabilitation-focused measures.¹³ However, its implementation was hindered by vague provisions on age determination, inadequate detention facilities, and a lack of specialized institutions.

The Children Act, 1974 remained the primary legislation for nearly four decades until its repeal and replacement by the Children Act, 2013. This new law responded to domestic advocacy and international pressure from organizations like UNICEF and the United Nations Committee on the Rights of the Child, aiming to align with the United Nations Convention on the Rights of the Child (UNCRC). The 2013 Act introduced progressive reforms, including child-friendly courts, diversion mechanisms, and legal aid provisions. Despite these advancements, colonial-era punitive attitudes persist among some law enforcement officers, judicial officials, and legal practitioners, viewing juvenile delinquency as a societal threat rather than an issue requiring rehabilitative intervention. This mindset underscores the need for ongoing education and cultural shifts to fully realize a child-centered justice system.

¹² John D Mayne, *The Criminal Law of India* (Higginbotham 1896).

¹³ Children Act 1974 (Bangladesh), s 3.

3.2 The Children Act, 2013: Key Provisions and Reforms

The Children Act, 2013 is the cornerstone of Bangladesh's juvenile justice system, defining a child as anyone under 18, consistent with the UNCRC. Key reforms include:

- **Child-Friendly Courts:** The Act mandates specialized Children's Courts led by trained judges, emphasizing privacy, non-adversarial proceedings, and the child's best interests. These courts aim to create a supportive environment for juvenile offenders.
- **Diversion and Probation:** Section 48 promotes alternatives to formal trials, such as counseling, community service, or family conferencing, particularly for minor offenses. Probation officers play a critical role in assessing diversion suitability and monitoring outcomes.
- **Legal Aid and Support Services:** The Act ensures legal representation for children unable to afford counsel, alongside psychosocial support, education, and vocational training during detention.
- **Prohibition of Harsh Penalties:** In line with international norms, the Act bans capital punishment and life imprisonment without release for juveniles.
- **Age Determination:** Clear guidelines use birth certificates, school records, or medical tests to resolve age disputes, ensuring accurate application of juvenile protections.

While the Act provides a robust framework, its success hinges on effective implementation, adequate funding, and comprehensive training for judicial and law enforcement personnel.

3.3 Other Relevant Laws and Instruments

Several legal instruments complement the Children Act, 2013:

- The Penal Code, 1860: Though primarily for adults, it recognizes reduced criminal responsibility for children. Section 82 exempts children under 9 from criminal liability, while Section 83 limits liability for those aged 9 to under 12, depending on maturity.
- The Code of Criminal Procedure, 1898 (CrPC): While lacking juvenile-specific provisions, the CrPC governs general criminal procedures, with the Children Act, 2013 taking precedence in conflicts.¹⁴ Courts apply fair trial principles to juvenile cases where applicable.
- The Probation of Offenders Ordinance, 1960: This allows probation in lieu of imprisonment, often applied in juvenile cases alongside the Children Act.¹⁵
- International Conventions: Bangladesh's commitments to the UNCRC, Beijing Rules, and Riyadh Guidelines reinforce principles of non-discrimination, child welfare, and rehabilitation over punishment. These international standards guide domestic juvenile justice reforms.

3.4 Institutional Mechanisms and Implementation

Effective implementation of juvenile justice laws relies on several institutions:

- Children's Courts: Mandated by the 2013 Act, these courts are often absent or under-resourced in many districts, limiting their effectiveness.
- Police and Law Enforcement: Police handle initial juvenile interactions, but reports of arbitrary arrests and rights violations highlight the need for specialized juvenile units.
- Probation Officers: Essential for diversion and monitoring, probation officers are often understaffed and lack adequate training.¹⁶
- Child Development Centres (CDCs): Located in Tongi, Jessore, and Konabari, these centers aim to provide education and psychosocial support but face criticism for overcrowding, poor hygiene, and inadequate counseling.
- National Child Welfare Board and District Committees: These bodies oversee child protection but are hampered by limited funding and poor coordination.

¹⁴ Code of Criminal Procedure 1898 (Bangladesh), s 4.

¹⁵ Probation of Offenders Ordinance 1960 (Bangladesh), s 5.

¹⁶ BLAST, *Children in Conflict with the Law: A Legal Analysis* (BLAST 2019).

3.5 Judicial Interpretation and Case Law

Bangladeshi courts have occasionally advanced juvenile rights. In *State vs. Md. Roushan Miah* (2018), the High Court emphasized age verification, ordering the release of a child detained in an adult prison.¹⁷ In *Rafiqul Islam vs. State* (2016), the court mandated separating juvenile trials from adult proceedings, reinforcing the Children Act's provisions.¹⁸ However, lower courts often fail to apply juvenile protections consistently due to limited awareness or institutional pressures, underscoring the need for robust juvenile jurisprudence.

3.6 Challenges in Legal Framework and Enforcement

Despite a progressive legal framework, challenges persist:

- **Lack of Awareness:** Many police, lawyers, and judges lack sufficient training on the Children Act, 2013.
- **Resource Shortages:** Courts, probation offices, and CDCs face inadequate funding and staffing.
- **Inconsistent Application:** Disparities in urban and rural areas lead to uneven treatment of juveniles.
- **Corruption and Abuse:** Reports of neglect and abuse in the system undermine its credibility.
- **Weak Monitoring:** Inadequate oversight mechanisms fail to ensure compliance with juvenile justice standards.

3.7 Closing Remarks

The Children Act, 2013 represents a significant advancement toward a child-friendly juvenile justice system in Bangladesh, supported by international standards and complementary laws. However, its effectiveness is constrained by implementation gaps, resource limitations, and entrenched punitive attitudes. Addressing these requires enhanced training, increased funding, stronger institutional mechanisms, and greater judicial and societal commitment to rehabilitation. This chapter has outlined the legal and institutional framework for juvenile justice in Bangladesh. The next chapter will examine practical implementation, focusing on arrest procedures, trial practices, and conditions in correctional facilities.

¹⁷ *State vs Md Roushan Miah* [2018] HCD (unreported).

¹⁸ *Rafiqul Islam vs State* [2016] HCD (unreported).

Chapter 4

Implementation and Practice

4.1 Arrest and Detention Practices

4.1.1 Police Arrest Procedures

The Children Act, 2013 in Bangladesh establishes a child-sensitive framework for juvenile arrests, requiring police to notify parents or guardians immediately, avoid physical or psychological harm, and detain juveniles separately from adults in facilities designed to protect their dignity and well-being. However, practical implementation significantly deviates from these legal mandates, particularly in rural and semi-urban regions where police stations lack child-friendly infrastructure, such as separate holding rooms, private interrogation spaces, or recreational areas.

Human rights organizations, including Ain o Salish Kendra (ASK), report frequent violations, with juveniles subjected to coercive interrogation tactics, including verbal threats, intimidation, and, in some cases, physical abuse to extract confessions. These practices not only violate the Children Act but also cause severe trauma, leading to false confessions and long-term psychological damage that hinders rehabilitation. The absence of specialized juvenile police units outside major cities like Dhaka exacerbates these issues, as most officers lack training in juvenile rights, child psychology, or trauma-informed policing.¹⁹

Moreover, arrests conducted at night or in public settings amplify humiliation and social stigma, contravening international standards such as the United Nations Convention on the Rights of the Child (UNCRC) and the Beijing Rules, both ratified by Bangladesh.²⁰ The legal requirement for a legal representative, guardian, or child advocate during arrests and interrogations is frequently ignored, leaving juveniles vulnerable to exploitation and rights violations. To address these systemic failures, comprehensive nationwide training programs, the establishment of dedicated juvenile police units, and the development of standardized child-friendly arrest protocols are urgently needed to align practice with legal and international standards.

¹⁹ UNICEF, *Justice for Children in Bangladesh* (UNICEF 2021).

²⁰ “United Nations Convention on the Rights of the Child” (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, arts 37, 40; United Nations Standard Minimum Rules for the Administration of Juvenile Justice (‘Beijing Rules’) (adopted 29 November 1985) UNGA Res 40/33.

4.1.2 Detention Conditions

Following arrest, juveniles should be placed in observation homes or juvenile detention centers, segregated from adult offenders to ensure their physical and mental safety. However, the scarcity of such facilities across Bangladesh results in many juveniles being detained in overcrowded police lockups or adult prisons, exposing them to risks of physical violence, sexual abuse, and negative peer influences. These environments undermine rehabilitation efforts and increase the likelihood of adopting criminal behaviors, contrary to the rehabilitative goals of juvenile justice.

The Children Act, 2013 sets strict limits on pre-trial detention durations, but judicial backlogs and administrative inefficiencies frequently lead to prolonged detentions lasting months or even years. Juveniles in such conditions often lack access to adequate nutrition, education, recreational activities, or psychological counseling, contributing to mental health issues like anxiety, depression, and behavioral disorders. Reports from UNICEF and local NGOs highlight dire conditions, including poor sanitation, inadequate healthcare, and insufficient staff training, calling for urgent reforms. Expanding the number and capacity of observation homes, improving facility infrastructure with proper sanitation and medical services, and enforcing strict juvenile-adult segregation are critical steps to create rehabilitative detention environments aligned with global standards.

4.2 Trial Process and Rights of the Child

4.2.1 Juvenile Courts and Judicial Procedures

The Children Act, 2013 envisions a network of specialized juvenile courts designed to deliver age-appropriate, non-adversarial, and confidential proceedings, emphasizing restorative justice and rehabilitation over punishment. However, functional juvenile courts are limited to urban centers like Dhaka and Chittagong, while most districts rely on regular sessions courts that lack child-sensitive procedures, trained judges, or appropriate facilities. This results in intimidating and formalistic trials that violate the child's right to a speedy trial, a fundamental principle under the Children Act and international law.

Judges and prosecutors often lack specialized training in juvenile justice principles or child psychology, leading to punitive sentences rather than diversion or community-based alternatives tailored to the child's needs.²¹ Case backlogs further exacerbate delays, prolonging pre-trial detention and undermining rehabilitation prospects.²² Expanding the network of juvenile courts, implementing mandatory judicial training programs, and streamlining case management are essential to ensure fair, child-centered trials that prioritize rehabilitation and social reintegration.

²¹ Tanjina Rahman, 'Juvenile Justice in Bangladesh: A Critical Analysis' (2018) 12 Dhaka Law Review 45.

²² UNICEF, *Justice for Children in Bangladesh* (UNICEF 2021).

4.2.2 Legal Representation and Access to Justice

Legal representation is a cornerstone of fair juvenile justice, with the Children Act mandating access to competent legal counsel for juveniles, particularly those unable to afford private lawyers. However, Bangladesh's government-funded legal aid system is severely underfunded and understaffed, with many lawyers lacking expertise in juvenile justice or child rights. Social stigma and fear of family dishonor often deter families from seeking legal support, particularly in rural areas where legal aid services are scarce or nonexistent.

NGOs, such as BLAST, provide some legal assistance, but their efforts are fragmented, under-resourced, and lack national coordination. This leaves many juveniles facing trials without effective representation, increasing risks of wrongful convictions or disproportionate sentences. Strengthening legal aid programs, training lawyers in juvenile justice, raising awareness among families, and fostering partnerships with NGOs are critical to improving access to justice for juvenile offenders.

4.2.3 Rights to Privacy and Confidentiality

Protecting the privacy of juvenile offenders is essential to prevent stigmatization and facilitate reintegration. The Children Act and international standards, including the Beijing Rules, mandate closed court sessions and prohibit media from disclosing identifying details such as names or photographs. However, media outlets frequently publish such information, leading to public shaming and social exclusion.²³ Inadequate judicial oversight and lax enforcement of confidentiality provisions allow court documents to be accessed by unauthorized parties, further exposing juveniles to stigma.²⁴ These violations harm mental health, hinder rehabilitation, and limit future educational and employment opportunities. Stronger enforcement mechanisms, media sensitization campaigns, and stricter court protocols are necessary to uphold juveniles' privacy rights.

²³ Children Act 2013 (Bangladesh), s 49.

²⁴ UNICEF, *Justice for Children in Bangladesh* (UNICEF 2021).

4.3 Correctional Institutions and Rehabilitation Measures

4.3.1 Types of Juvenile Correctional Facilities

Bangladesh operates three types of juvenile facilities:

- **Observation Homes:** Temporary pre-trial custody centers intended to provide safe shelter, but often overcrowded with poor sanitation and limited recreational or educational activities.
- **Training Centers:** Focused on rehabilitation through education and vocational training, but constrained by outdated curricula and insufficient resources.
- **Borstals:** For serious offenders requiring long-term detention, combining confinement with rehabilitation but limited by underfunding and infrastructure deficits. The limited number of facilities forces many juveniles into adult prisons, violating national and international laws. Expanding facility coverage and improving infrastructure are critical to meet demand.

4.3.2 Conditions within Correctional Facilities

Juvenile correctional facilities face systemic challenges:

- **Overcrowding:** Exceeding capacity, leading to stress, violence, and disease transmission.
- **Poor Hygiene and Healthcare:** Inadequate sanitation and medical care neglect physical and mental health needs.
- **Limited Education and Training:** Sporadic programs fail to equip juveniles with employable skills.
- **Insufficient Psychological Support:** Lack of trauma counseling exacerbates mental health issues.²⁵
- **Untrained Staff:** Staff often lack training in child development, resulting in harsh discipline or neglect. These conditions undermine rehabilitation, necessitating investments in infrastructure, healthcare, and staff training.

²⁵ United Nations Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines') (adopted 14 December 1990) UNGA Res 45/112.

4.3.3 Rehabilitation Programs and Reintegration

Effective rehabilitation programs, including education, vocational training, counseling, and family engagement, are vital to reducing recidivism. NGO-led aftercare services, such as vocational training and family mediation, show promise but are limited in scope and lack national coordination. Underdeveloped probation and diversion programs further hinder reintegration efforts. Developing a national framework for rehabilitation, expanding community-based alternatives, and strengthening aftercare systems are essential to support juveniles' successful reintegration.

Overview of Juvenile Correctional Facilities in Bangladesh

Facility Type	Purpose	Average Capacity	Key Issues
Observation Homes	Temporary pre-trial custody	~500	Overcrowding, poor sanitation
Training Centers	Rehabilitation and skill development	~300	Inadequate training programs, limited resources
Borstals	Long-term custody for serious offenders	~200	Underfunded, insufficient rehabilitation

4.4 Case Studies

4.4.1 Case Study 1: Delayed Trial and Detention

Rahim, a 15-year-old from a low-income family, was arrested for suspected theft. Court delays extended his trial by nine months, during which he was detained in an adult lockup without educational or recreational facilities. Prolonged detention caused severe anxiety and social withdrawal, illustrating systemic failures in timely trials and appropriate detention conditions.

4.4.2 Case Study 2: Successful Rehabilitation

Ayesha, a 16-year-old convicted of minor drug possession, was placed in a training center where an NGO provided tailoring training and psychological counseling. Post-release, she established a small tailoring business, highlighting the impact of effective rehabilitation and community support in transforming juvenile offenders' lives.

4.5 Role of Police and Probation Officers

4.5.1 Police Training and Sensitization

Police officers require comprehensive training in juvenile rights, non-violent communication, and trauma-informed practices to ensure child-friendly procedures. Current training is limited, particularly in rural areas, leading to inconsistent and harmful practices. Nationwide, mandatory training programs are essential to build police capacity and reduce rights violations.

4.5.2 Probation Services

Probation officers play a critical role in diversion, supervision, and reintegration, but Bangladesh faces a severe shortage of trained officers, with many managing excessive caseloads.²⁶ Enhancing recruitment, training, and resource allocation can reduce institutionalization and recidivism rates, promoting community-based rehabilitation.

4.6 Summary

The Children Act, 2013 provides a progressive framework for juvenile justice in Bangladesh, but its implementation is hampered by inadequate arrest and detention practices, limited juvenile courts, under-resourced correctional facilities, and fragmented rehabilitation programs. Addressing these challenges requires significant investments in child-friendly infrastructure, comprehensive training for police, judges, and probation officers, and expanded legal aid and aftercare systems. A national framework for rehabilitation, improved interagency coordination, and greater community engagement are critical to achieving a juvenile justice system that effectively protects, rehabilitates, and reintegrates children in conflict with the law.

²⁶ BLAST, *Children in Conflict with the Law: A Legal Analysis* (BLAST 2019).

Chapter 5

Challenges in the Juvenile Justice System

5.1 Institutional and Infrastructural Limitations

5.1.1 Insufficient Juvenile Courts and Facilities

The Children Act, 2013 mandates the establishment of specialized juvenile courts to deliver age-appropriate, rehabilitative justice for children in conflict with the law. However, Bangladesh faces a critical shortage of such courts, with many districts relying on regular criminal courts that lack child-sensitive environments, trained personnel, and procedures tailored to juveniles' developmental needs. This results in delayed justice, intimidating trial experiences, and outcomes that often prioritize punishment over rehabilitation, undermining the Act's intent.

Similarly, juvenile detention and rehabilitation facilities, including observation homes, borstals, and training centers, are severely limited in number and capacity. Overcrowding is a pervasive issue, compromising the safety, privacy, and dignity of detained juveniles. Many children are housed in adult facilities or substandard conditions, exposing them to physical and psychological harm and reducing opportunities for rehabilitation. The lack of adequate infrastructure fundamentally contradicts the rehabilitative goals of juvenile justice, necessitating urgent expansion of child-specific courts and facilities across urban and rural areas.²⁷

5.1.2 Poor Physical Infrastructure

Where juvenile facilities exist, they often suffer from poor maintenance and inadequate child-friendly amenities. Overcrowded living quarters, lack of sanitation, insufficient ventilation, and absence of recreational spaces contribute to deteriorating mental and physical health among juvenile detainees.²⁸ Many facilities fail to provide access to educational resources, healthcare services, or psychological counseling, which are critical for addressing the developmental and emotional needs of vulnerable juveniles, many of whom come from backgrounds marked by poverty or trauma.

The absence of comprehensive support systems renders rehabilitation efforts superficial, limiting juveniles' ability to develop skills or address underlying issues that contribute to delinquency. Upgrading infrastructure with proper sanitation, medical care, educational programs, and recreational facilities is essential to create environments that foster healing and growth, aligning with international standards like the UNCRC.

²⁷ "United Nations Convention on the Rights of the Child" (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3, art 40.

²⁸ Ain o Salish Kendra (ASK), *Human Rights Report 2020* (ASK 2020).

5.2 Lack of Trained Personnel and Resources

5.2.1 Inadequate Training for Police and Judiciary

Effective juvenile justice requires specialized knowledge of child rights and trauma-informed practices, yet many police officers, judges, and prosecutors in Bangladesh lack adequate training. Police often employ inappropriate arrest methods, such as coercive interrogations or public detentions, due to limited understanding of juvenile protections under the Children Act, 2013. This leads to violations of rights, prolonged detentions, and missed opportunities for diversion.

Similarly, judges and prosecutors frequently lack expertise in juvenile justice principles or child psychology, resulting in intimidating courtroom environments and punitive sentences that fail to account for juveniles' developmental stages. Regular, mandatory training programs on juvenile justice laws, child development, and restorative justice principles are critical to improving the fairness and effectiveness of judicial processes.

5.2.2 Scarcity of Probation Officers and Social Workers

Probation officers and social workers are essential for supervising juveniles in community-based programs, facilitating rehabilitation, and preventing recidivism. However, Bangladesh faces a severe shortage of these professionals, with existing officers managing overwhelming caseloads and limited resources. This restricts their ability to provide individualized support, monitor compliance, or connect juveniles to community services like education or counseling.

The field of social work in Bangladesh is still developing, with few professionals trained specifically in juvenile justice contexts. Expanding recruitment, providing specialized training, and allocating adequate resources are vital to strengthening the role of probation officers and social workers in supporting juvenile rehabilitation and reintegration.

5.2.3 Financial Constraints

Juvenile justice institutions in Bangladesh operate under significant budgetary limitations, impacting facility maintenance, resource procurement, and personnel training. Funding shortages hinder the expansion of juvenile courts and detention centers, the provision of educational and vocational materials, and the delivery of medical and psychological services. Limited financial resources also restrict the development of community-based alternatives, such as diversion programs, which are critical for reducing detention rates.²⁹ Increased government investment and international support are necessary to address these financial barriers and enhance the juvenile justice system's effectiveness.

²⁹ United Nations Guidelines for the Prevention of Juvenile Delinquency ('Riyadh Guidelines') (adopted 14 December 1990) UNGA Res 45/112.

5.3 Delays in Trial and Prosecution

5.3.1 Backlog of Cases

The juvenile justice system in Bangladesh is plagued by a significant backlog of cases, leading to prolonged trial delays. These delays result in extended pre-trial detentions, often exceeding potential sentences, disrupting juveniles' education, psychological development, and social reintegration prospects. Backlogs stem from limited juvenile courts, inefficient case management systems, and procedural complexities, disproportionately affecting children who require swift resolution to minimize harm. Streamlining judicial processes and increasing court capacity are essential to address this issue.

5.3.2 Lack of Speedy Trial Mechanisms

The Children Act, 2013 prioritizes timely handling of juvenile cases, yet practical implementation lags due to the absence of dedicated juvenile court schedules or fast-track procedures. Juveniles often face the same slow judicial processes as adults, violating their right to a speedy trial under national and international law. This delays rehabilitation efforts and increases the risk of institutionalization, undermining the system's rehabilitative goals. Establishing fast-track mechanisms and prioritizing juvenile cases can ensure timely justice and support reintegration.

5.4 Lack of Rehabilitation and Reintegration Programs

5.4.1 Limited Access to Education and Vocational Training

Education and vocational training are critical for juvenile rehabilitation, equipping offenders with skills to secure employment and avoid recidivism. However, many detention centers in Bangladesh lack structured educational programs, leaving juveniles without opportunities to continue formal schooling. Vocational training, where available, is often outdated or misaligned with local labor market demands, reducing its effectiveness. Expanding access to relevant, high-quality educational and vocational programs is essential to prepare juveniles for successful reintegration.

5.4.2 Insufficient Psychological and Social Support

Many juvenile offenders come from backgrounds of trauma, abuse, or family dysfunction, necessitating robust psychological and social support.³⁰ However, most juvenile facilities lack adequate counseling services or trained mental health professionals to address these needs. Unresolved trauma increases the likelihood of reoffending, as underlying issues remain unaddressed. Integrating comprehensive psychological care and social support into juvenile justice programs is critical to fostering emotional healing and reducing recidivism.

³⁰ UNICEF, *Justice for Children in Bangladesh* (UNICEF 2021).

5.4.3 Weak Community-Based Alternatives

Community-based alternatives, such as probation, mediation, and community service, are underutilized in Bangladesh due to limited development and resources. Most juveniles are placed in custodial settings, which can isolate them from family and community, reinforce criminal identities, and impede reintegration. Expanding diversion programs and community supervision, supported by trained probation officers, would reduce detention rates and align with international best practices like the Riyadh Guidelines.

5.5 Gender-Based and Socioeconomic Disparities

5.5.1 Gender Discrimination in the System

Female juveniles face unique challenges, including scarce facilities and programs that fail to address gender-specific needs, such as trauma recovery or reproductive health. Social stigma is particularly harsh for female offenders, often leading to family rejection and limited rehabilitation support. Developing gender-sensitive facilities and programs is crucial to ensure equitable treatment and support for girls in the justice system.

5.5.2 Impact of Poverty and Social Marginalization

Juveniles from impoverished and marginalized communities are overrepresented in the justice system, with poverty limiting access to legal aid and increasing vulnerability to exploitation. Social exclusion and lack of community support hinder rehabilitation, perpetuating cycles of delinquency. Addressing socioeconomic disparities through targeted support programs and community engagement is essential to break this cycle and promote equitable justice.

5.6 Corruption and Lack of Accountability

5.6.1 Corruption within Institutions

Corruption, including bribery and abuse of power, undermines the juvenile justice system's integrity, leading to unfair outcomes, prolonged detentions, and rights violations. Such practices erode public trust and disproportionately harm vulnerable juveniles. Strengthening anti-corruption measures and enforcement is critical to restoring system credibility.

5.6.2 Lack of Oversight Mechanisms

The absence of independent, well-resourced monitoring bodies allows abuses and neglect to persist unchecked in juvenile justice institutions. Establishing robust oversight mechanisms with authority to investigate and address violations is essential to ensure accountability and protect juvenile rights.

5.7 Public Awareness and Societal Attitudes

5.7.1 Stigma against Juvenile Offenders

Widespread social stigma labels juvenile offenders as irredeemable, leading to social isolation, reduced family support, and barriers to education and employment. This contradicts rehabilitative goals and increases recidivism risks. Public awareness campaigns are needed to challenge stereotypes and promote reintegration.

5.7.2 Lack of Awareness of Juvenile Rights

Limited public knowledge about juvenile rights and protective laws results in underutilization of diversion programs and neglect of juvenile welfare. Families and communities often fail to advocate for juveniles due to this lack of awareness. Nationwide education initiatives can empower stakeholders to support child-centered justice.

5.8 Summary

The juvenile justice system in Bangladesh faces multifaceted challenges, including institutional limitations, resource shortages, trial delays, inadequate rehabilitation programs, socioeconomic disparities, corruption, and societal stigma. Addressing these requires a coordinated approach involving infrastructure expansion, comprehensive training for personnel, increased funding, and robust community-based alternatives. Raising public awareness and fostering societal acceptance of rehabilitation over punishment are equally critical. Through sustained commitment, legal reforms, and multi-sectoral collaboration, Bangladesh can build a juvenile justice system that truly protects and rehabilitates children, aligning with international standards and contributing to a just society.

Chapter 6

Comparative Perspective

6.1 Juvenile Justice System in India

6.1.1 Legal Framework

India's juvenile justice system is primarily governed by the Juvenile Justice (Care and Protection of Children) Act, 2015, which replaced the 2000 legislation to address evolving challenges faced by children in conflict with the law.³¹ The Act aligns with international standards, including the United Nations Convention on the Rights of the Child (UNCRC) and the Beijing Rules, emphasizing rehabilitation, protection, and child-centric judicial processes. A controversial provision allows juveniles aged 16–18 to be tried as adults for heinous crimes, introduced in response to public outcry over high-profile cases. This amendment seeks to balance accountability with protection but has drawn criticism from child rights advocates for undermining rehabilitative principles by exposing juveniles to harsher adult penalties.³² The tension between public demands for justice and the need for child-focused rehabilitation remains a significant point of debate.

6.1.2 Institutional Mechanisms

India has established a robust institutional framework, including Juvenile Justice Boards (JJBs) and Child Welfare Committees (CWCs) across all states and union territories. JJBs serve as quasi-judicial bodies, ensuring child-friendly, non-adversarial trials for juveniles in conflict with the law, while CWCs address the needs of children requiring care and protection, such as victims of abuse or neglect.

The country operates a network of observation homes for temporary custody, special homes for rehabilitation, and places of safety for at-risk children. These institutions aim to provide age-appropriate care, education, vocational training, and psychological support to facilitate reintegration. Despite this framework, disparities in resource allocation and implementation across states create uneven access to quality services.³³

³¹ Juvenile Justice (Care and Protection of Children) Act 2015 (India), s 3.

³² UNICEF India, *Child Protection Report 2020* (UNICEF 2020).

³³ Human Rights Watch, *Children Behind Bars: The State of Juvenile Justice in India* (HRW 2019).

6.1.3 Implementation and Challenges

India's juvenile justice system faces significant implementation challenges despite its strong legal and institutional foundation. Overcrowding in juvenile homes, inadequate infrastructure, and a shortage of trained personnel proficient in child psychology and rehabilitative approaches hinder effective service delivery. The provision allowing 16–18-year-olds to be tried as adults has sparked concerns about increased punitive measures, potentially undermining rehabilitation and increasing recidivism. Regional disparities further complicate implementation, with some states excelling in diversion programs and aftercare services, while others struggle with systemic inefficiencies, limited funding, and inadequate monitoring. Addressing these challenges requires enhanced resources, uniform standards, and comprehensive training to ensure equitable justice nationwide.

6.2 Juvenile Justice System in Sri Lanka

6.2.1 Legal and Policy Framework

Sri Lanka's juvenile justice system is governed by the Juvenile Justice (Amendment) Act No. 16 of 2006 and the Children and Young Persons Ordinance, emphasizing restorative justice and prioritizing non-custodial measures like diversion over detention.³⁴ The legal framework integrates international standards, including the UNCRC and Riyadh Guidelines, focusing on child protection, rehabilitation, and societal safety. Policies encourage community- and family-based rehabilitation, aiming to reintegrate juveniles while addressing the root causes of delinquency, such as poverty and family dysfunction.

6.2.2 Institutional Structures

Sri Lanka's system includes dedicated Children's Courts designed to provide child-friendly judicial processes, ensuring minimal trauma during trials. The National Child Protection Authority (NCPA) coordinates policies, monitors implementation, and enforces child rights across institutions. The country operates children's homes, special schools, and vocational training centers, complemented by community-based programs offering probation, counseling, and reintegration support. These structures aim to reduce custodial sentences and promote holistic rehabilitation, aligning with global best practices.

6.2.3 Strengths and Weaknesses

Sri Lanka's emphasis on diversion and restorative justice is a key strength, minimizing detention and fostering reintegration through community engagement. However, resource constraints, particularly in rural areas, limit service delivery, while coordination challenges among agencies hinder policy implementation. Despite these issues, Sri Lanka's focus on non-custodial alternatives offers valuable lessons for countries seeking to reform juvenile justice systems.

³⁴ Juvenile Justice (Amendment) Act No. 16 of 2006 (Sri Lanka), s 4.

6.3 Lessons for Bangladesh

6.3.1 Strengthening Institutional Frameworks

India and Sri Lanka highlight the importance of robust institutional frameworks, including specialized courts, child welfare committees, and rehabilitation centers.³⁵ Bangladesh's limited juvenile courts and welfare bodies hinder effective justice delivery.³⁶ Expanding these institutions, particularly in rural areas, is critical to provide child-centric legal protection and rehabilitation, aligning with international standards.³⁷

6.3.2 Promoting Diversion and Alternative Sentencing

Sri Lanka's well-developed diversion programs, such as mediation and community service, reduce detention rates and maintain juveniles' community ties. Bangladesh's limited diversion options result in over-reliance on custodial measures. Adopting and scaling up non-custodial alternatives can align Bangladesh's system with the principle of the best interests of the child, reducing overcrowding and supporting reintegration.

6.3.3 Training and Capacity Building

India and Sri Lanka invest in specialized training for police, judicial personnel, probation officers, and social workers, covering child rights, trauma-informed care, and restorative justice. Bangladesh's lack of systematic training leads to inconsistent practices and rights violations. Implementing comprehensive capacity-building programs is essential to equip stakeholders with the skills needed for sensitive and effective juvenile case management.

6.3.4 Addressing Socioeconomic Factors

India's holistic approach integrates social welfare measures to address poverty, family dysfunction, and educational deficits as drivers of delinquency. Bangladesh should adopt similar programs, incorporating social services within its juvenile justice framework to tackle underlying causes and support rehabilitation.

6.3.5 Balancing Rehabilitation and Accountability

India's provision to try certain juveniles as adults reflects tensions between rehabilitation and public demands for accountability. Bangladesh must carefully balance these interests, ensuring reforms prioritize rehabilitation without compromising justice for serious offenses.

³⁵ UNICEF, *Annual Report on Juvenile Justice in South Asia (2020)* <https://www.unicef.org>.

³⁶ Bangladesh Legal Aid and Services Trust (BLAST), *Juvenile Justice in Bangladesh: Gaps and Challenges (2019)*.

³⁷ United Nations, *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UNCRC).

6.4 Comparative Analysis of Juvenile Justice Systems

A comparative analysis of the juvenile justice systems in Bangladesh, India, and Sri Lanka is presented in the table below. This comparison highlights critical similarities and differences, identifying areas where Bangladesh can learn from its regional neighbors to strengthen its own system.

Aspect	Bangladesh	India	Sri Lanka
Legal Framework	Children Act, 2013; limited juvenile courts	Juvenile Justice Act, 2015; Juvenile Justice Boards (JJBs) & Child Welfare Committees (CWCs) nationwide	Juvenile Justice Act (2006); dedicated Children's Courts
Trial Age Threshold	Under 18, no provisions for adult trial	Under 18, with provision to try 16-18 years old as adults for heinous crimes	Under 18, emphasis on restorative justice and diversion
Juvenile Courts	Limited and not available in all districts	Widely established juvenile courts (JJBs)	Dedicated Children's Courts throughout the country
Detention Facilities	Observation homes, borstals, training centers; limited capacity	Observation homes, special homes, places of safety	Children's homes, special schools, vocational training centers
Diversion Programs	Limited availability	Increasingly implemented, but uneven across states	Strong emphasis, well-established and widely used
Training for Personnel	Limited	Expanding with formal training programs	Moderate, with focus on restorative justice and child rights
Probation and Aftercare Services	Scarce and underdeveloped	Functional but varies by state	Well-established, community-based programs
Key Challenges	Overcrowding, lack of resources, trial delays, social stigma	Overcrowding, uneven resource distribution, controversial adult trial provision	Resource constraints, geographic dispersion, coordination issues

6.5 Summary

The comparative analysis of juvenile justice systems in Bangladesh, India, and Sri Lanka reveals shared challenges and distinct approaches. Bangladesh's system lags in infrastructure, institutional capacity, and program implementation, with limited juvenile courts, overcrowded facilities, and underdeveloped diversion programs.

India and Sri Lanka demonstrate that effective juvenile justice requires robust legal frameworks, specialized courts, diversified rehabilitation programs, and comprehensive training.³⁸ Their experiences underscore the need to balance rehabilitation with accountability and integrate social welfare to address delinquency's root causes.³⁹

For Bangladesh, key reforms include expanding juvenile courts and facilities, scaling up diversion and community-based alternatives, and investing in training for police, judges, and probation officers.⁴⁰ Strengthening interagency coordination and securing adequate funding are critical to implementation. Collaboration with civil society and international partners can drive sustainable change.

Ultimately, building a child-friendly juvenile justice system in Bangladesh will protect young offenders, reduce recidivism, and contribute to societal stability. This requires political will, increased resources, and a commitment to upholding the best interests of the child, aligning with global standards like the UNCRC.

³⁸ Save the Children (n 4); Ministry of Women and Child Development (n 7).

³⁹ National Commission for Protection of Child Rights (n 10); UNODC (n 6).

⁴⁰ International Legal Foundation (n 5); UNDP (n 9).

Chapter 7

Recommendations and Conclusion

7.1 Recommendations

7.1.1 Strengthening Legal and Institutional Frameworks

- Nationwide Juvenile Courts: Expand specialized juvenile courts to all districts, ensuring child-friendly judicial processes with judges trained in juvenile justice principles under the Children Act, 2013.⁴¹
- Child Protection Committees: Establish district-level statutory committees, modeled after successful regional examples, to oversee care, protection, and rehabilitation of juvenile offenders.⁴²
- Age Threshold Protection: Uphold the under-18 age limit for juvenile cases, preventing adult trials to ensure rehabilitation remains a priority in line with global child rights norms.⁴³

7.1.2 Enhancing Diversion and Non-Custodial Measures

- Community-Based Programs: Introduce diversion initiatives like mediation, community service, and family conferencing to reduce reliance on detention and aid reintegration.
- Probation Services Expansion: Recruit and train more probation officers to provide tailored supervision and counseling, lowering repeat offenses.
- Restorative Justice Adoption: Implement reconciliation-focused practices that emphasize accountability and healing over punishment.

⁴¹ Ministry of Law, Justice and Parliamentary Affairs (Bangladesh), *Implementation Review of the Children Act 2013* (2022).

⁴² Save the Children, *Regional Best Practices in Juvenile Justice Reform* (2021).

⁴³ United Nations, *Convention on the Rights of the Child* (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 (UNCRC).

7.1.3 Capacity Building and Professional Development

- **Mandatory Training:** Require ongoing education for justice personnel (police, judges, social workers) on child rights, trauma-informed care, and juvenile justice best practices.
- **Specialized Training Institutes:** Create dedicated centers to teach juvenile justice, child psychology, and restorative approaches.
- **Stakeholder Collaboration:** Foster inter-agency coordination through joint training programs for streamlined case management.

7.1.4 Improving Infrastructure and Resource Allocation

- **Facility Upgrades:** Modernize observation homes and rehabilitation centers to meet international standards, ensuring proper sanitation, healthcare, and recreation.
- **Increased Funding:** Secure government and international support for infrastructure, programs, and services.⁴⁴
- **Vocational Training:** Integrate skill-based education in facilities to prepare juveniles for reintegration.⁴⁵

7.1.5 Promoting Public Awareness and Advocacy

- **National Campaigns:** Educate the public on juvenile rights and rehabilitation through media and community outreach.
- **Stigma Reduction:** Share success stories and host public discussions to shift negative perceptions.
- **Community Engagement:** Involve local leaders and families in advocacy to build supportive environments.

⁴⁴ UNICEF, *Strategic Budgeting for Child Justice Systems in South Asia* (2022).

⁴⁵ ILO and UNICEF, *Vocational Skills and Rehabilitation for Juvenile Offenders* (2020).

7.1.6 Enhancing Monitoring and Accountability

- Independent Oversight: Establish monitoring bodies to ensure compliance with legal standards and prevent abuse.⁴⁶
- Data Systems: Develop frameworks to track outcomes and evaluate program effectiveness.⁴⁷
- Transparency Measures: Implement reporting and complaint mechanisms to address rights violations.⁴⁸

7.2 Conclusion

Bangladesh's juvenile justice system faces pivotal challenges in legal implementation, institutional capacity, and societal attitudes. Despite the progressive Children Act, 2013 aligned with the UNCRC systemic gaps hinder rehabilitation.

Key issues include insufficient juvenile courts, forcing children into punitive adult systems, and overcrowded facilities lacking proper care. Marginalized juveniles endure trauma rather than recovery, while untrained personnel exacerbate harm through inconsistent handling. Delayed trials disrupt education and development, and scarce diversion programs lead to excessive detention.

Regional models offer solutions: India's Juvenile Justice Boards and Sri Lanka's restorative programs⁴⁸ demonstrate effective alternatives. Bangladesh must adopt similar reforms expanding courts, diversion initiatives, and training while upgrading facilities and combating stigma.

Public awareness and oversight are vital. Independent monitoring and partnerships (e.g., with UNICEF) can ensure accountability. By prioritizing rehabilitation, Bangladesh can align with global standards, transforming juveniles into productive citizens and strengthening societal justice.

⁴⁶ UN Committee on the Rights of the Child, *General Comment No 10: Children's Rights in Juvenile Justice* (2007) UN Doc CRC/C/GC/10.

⁴⁷ UNODC, *Data Collection Tools for Juvenile Justice Systems* (2020).

⁴⁸ Transparency International Bangladesh (TIB), *Juvenile Justice and Rights Violation Reporting in Bangladesh* (2021).

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