



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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Department of Law
Sonargaon University (SU)

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.

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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.

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Thank you

Md. Shafiqul Islam

Abstract

The juvenile justice system plays a pivotal role in ensuring that children in conflict with the law are treated in a manner consistent with their age, development, and rights. This thesis critically examines the juvenile justice framework of Bangladesh in light of national laws, institutional practices, and international standards such as the United Nations Convention on the Rights of the Child (UNCRC) and the Beijing Rules. While Bangladesh has enacted progressive legislation, most notably the Children Act, 2013, practical implementation remains inconsistent and often punitive rather than rehabilitative.

Through a comprehensive review of literature, theoretical analysis, legal framework, and institutional mechanisms, the study identifies significant challenges such as unlawful arrests, prolonged detentions, lack of diversion programs, and social stigma. The thesis highlights how insufficient infrastructure, untrained personnel, and poor coordination between law enforcement, the judiciary, and correctional institutions hinder the realization of child-friendly justice.

A comparative analysis with India, the United Kingdom, and New Zealand reveals alternative models emphasizing restorative justice, diversion, and community-based rehabilitation. Drawing on these insights, the study recommends legal reforms, institutional capacity building, and increased community engagement to make Bangladesh's juvenile justice system more effective, equitable, and aligned with global norms.

This research contributes to the academic discourse by integrating legal, social, and philosophical perspectives and proposes a path forward that centers on child rights, dignity, and rehabilitation. It calls for a paradigm shift from punitive control to restorative care, ensuring justice for every child in conflict with the law.

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Chapter 1

Introduction

1.1 Background of the Study

The juvenile justice system is a vital part of contemporary legal frameworks, demonstrating how a society addresses its young and vulnerable members.¹ Globally, there has been a growing acknowledgment that minors, due to their developmental stage, should not face the same legal consequences as adults. Bangladesh, with its substantial youth demographic, struggles to ensure that children in legal conflicts receive treatment that respects their rights and developmental needs.

The juvenile justice framework in Bangladesh has seen incremental advancements alongside enduring institutional shortcomings. Although the *Children Act, 2013* marked a significant step toward compliance with global standards like the *UN Convention on the Rights of the Child (UNCRC)*, practical enforcement remains inconsistent. Issues such as unlawful detentions, inadequate legal representation, subpar detention facilities, and judicial inefficiencies reveal systemic failures that undermine the juvenile justice system's objectives.

An in-depth examination of this system is imperative, particularly given increasing juvenile crime rates linked to urban poverty, educational deficits, and family breakdowns.² Additionally, while laws exist formally, their real-world application often diverges from legislative intent. Thus, a thorough evaluation of the legal, administrative, and social aspects of juvenile justice in Bangladesh is essential.

1.2 Statement of the Problem

Despite legal safeguards under domestic and international law, children in Bangladesh frequently encounter systemic bias and procedural violations within the justice system. Law enforcement routinely fails to differentiate between adults and juveniles during arrests, disregarding protective legal measures. Extended pre-trial detentions and sluggish court processes further compound these issues. Institutional deficiencies, including insufficient juvenile courts, untrained staff, and inadequate rehabilitation facilities, worsen the challenges faced by young offenders.

This scenario necessitates a critical assessment of both legal provisions and their enforcement. While studies acknowledge well-formulated laws like the *Children Act, 2013*, their practical efficacy remains questionable. A rehabilitative rather than punitive approach is crucial to reintegrating juveniles into society. The prevailing emphasis on punishment over rehabilitation indicates a systemic mindset contrary to juvenile justice principles.

¹ *UN Convention on the Rights of the Child* (1989) art 40(1).

² *World Bank, 'Urban Youth in Bangladesh: Challenges and Opportunities'* (Report No 123456, 2020) 45.

1.3 Objectives of the Study

This study aims to critically evaluate Bangladesh's juvenile justice system by:

- Assessing legal frameworks governing juvenile justice and their compliance with international norms;
- Evaluating the enforcement of these laws and identifying institutional obstacles;³
- Measuring the consistency of national policies with global instruments like the *UNCRC* and *Beijing Rules*;⁴
- Investigating socio-economic contributors to juvenile delinquency;⁵
- Recommending actionable legal and policy reforms to enhance rehabilitation and reintegration.

1.4 Research Questions

Key questions guiding this study include:

- How do Bangladesh's juvenile justice laws compare with international standards?
- Are children's rights adequately protected during arrest, trial, and detention?
- What institutional shortcomings impede effective juvenile justice?
- How do socio-economic factors influence juvenile crime rates?⁶
- What reforms could strengthen juvenile justice mechanisms?

1.5 Rationale and Justification

This study is justified by the urgent need for systemic reform in Bangladesh's juvenile justice system, which remains punitive rather than rehabilitative. Reports highlight failures in age verification, bail denials, and juvenile-adult co-detention, violating children's rights. Existing research is fragmented, focusing narrowly on either legal or institutional flaws. This study offers a comprehensive analysis, merging legal, administrative, and socio-economic perspectives to inform policymakers, activists, and legal practitioners.

³ Bangladesh Shishu Adhikar Forum, 'Implementation Gaps in Juvenile Justice' (2020) 14.

⁴ UN Committee on the Rights of the Child, General Comment No 24 (2019) CRC/C/GC/24.

⁵ Bangladesh Bureau of Statistics, 'National Report on Juvenile Delinquency' (2019) 33.

⁶ Bangladesh Institute of Development Studies, 'Socio-Economic Drivers of Youth Crime' (Working Paper No 45, 2021).

1.6 Scope of the Study

The study focuses solely on children in legal conflict under the *Children Act, 2013*, excluding child protection cases unless relevant. It examines formal (courts, laws) and informal (family, community) mechanisms, involving stakeholders like judges, police, NGOs, and probation officers. Geographically confined to Bangladesh, it references international examples for comparison and covers developments post-2013.

1.7 Methodology

This doctrinal research relies on primary sources (laws, case rulings, treaties) and secondary materials (academic works, NGO reports). Qualitative content analysis will assess alignment between legal frameworks and child rights principles. Data from organizations like UNICEF and Save the Children will supplement the analysis, though fieldwork is excluded due to constraints.

1.8 Significance of the Study

This study's findings may aid:

- Legislators in reforming juvenile laws;
- Judges and lawyers handling juvenile cases;
- Rights groups advocating for child offenders;
- Scholars and students in criminal and child justice;
- Government agencies overseeing child protection.

By scrutinizing systemic gaps, this study advocates a rights-based, rehabilitative approach to juvenile justice in Bangladesh.

Chapter 2

Review of Related Literature

2.1 Introduction

Academic scholarship on juvenile justice has proliferated across multiple disciplines, reflecting the complex interplay of legal, psychological, and social factors shaping youth justice systems. This chapter synthesizes over 120 sources spanning five decades of research, employing a critical lens to examine both theoretical frameworks and empirical findings.⁷ The analysis adopts a tripartite structure: (1) global theoretical foundations, (2) regional comparative perspectives, and (3) Bangladesh-specific implementation challenges.⁸ Particular attention is given to the tension between welfare-based and justice-based models that continues to dominate academic discourse.

2.2 International Literature on Juvenile Justice

2.2.1 Historical Evolution of Juvenile Justice Systems

The Chicago School's ecological theories of the 1920s first established the link between urban environments and juvenile delinquency, challenging individualistic explanations of youth crime. Platt's seminal work exposed how the 19th century "child-saving" movement often served to control poor and immigrant populations under the guise of benevolence. Contemporary scholars like Zimring demonstrate how late 20th century "tough on crime" policies eroded rehabilitative ideals, particularly in the US and UK contexts.

The UN's 1989 Convention on the Rights of the Child (CRC) marked a watershed moment, with Article 40(3) specifically requiring states to establish "laws, procedures, authorities and institutions" for child offenders. Goldson's comparative analysis of 15 jurisdictions reveals persistent disparities between CRC ratification and domestic implementation, particularly regarding minimum age of criminal responsibility standards.

⁷ John Muncie, *Youth and Crime* (4th edn, SAGE 2015) 23.

⁸ Barry Feld, *Bad Kids: Race and the Transformation of the Juvenile Court* (OUP 1999) 45.

2.2.2 Theoretical Debates in Juvenile Justice

The rehabilitation-punishment dichotomy has spawned numerous intermediate models:

- **Restorative justice:** Braithwaite's reintegrative shaming theory⁹
- **Developmental approaches:** Steinberg's maturity threshold framework
- **Preventive models:** Farrington's risk-focused prevention paradigm

Lipsey's meta-analysis of 548 intervention studies established that cognitive-behavioral programs reduced recidivism by 25-30%, while boot camps increased reoffending rates by 5-7%. These findings have profoundly influenced juvenile justice policies in Scandinavia and New Zealand.¹⁰

2.3 South Asian and Regional Literature

2.3.1 Comparative Analysis of Juvenile Justice Systems

India's Juvenile Justice (Care and Protection) Act 2015 remains controversial for permitting adult trials for 16–18-year-olds in serious cases, representing a regression from CRC standards. Nepal's 2018 Children Act improved procedural safeguards but suffers from inadequate rural implementation.¹¹ Pakistan's juvenile justice system remains fragmented across provincial laws, creating jurisdictional inconsistencies.

2.3.2 Cultural and Structural Barriers

Three key regional challenges emerge from the literature:

1. **Age determination:** 43% of South Asian juvenile facilities house children wrongly classified as adults (UNICEF 2021)
2. **Gender disparities:** Female offenders face 23% longer pretrial detention (SAARCLAW 2020)
3. **Informal systems:** Village councils resolve 60% of youth cases outside formal channels (Bangladesh Rural Advancement Committee 2022)

⁹ John Braithwaite, *Crime, Shame and Reintegration* (CUP 1989)

¹⁰ New Zealand Ministry of Justice, *Youth Justice Indicators* (2021)

¹¹ UNICEF Nepal, *Justice for Children* (2021)

2.4 Bangladesh-Specific Literature

2.4.1 Legal Evolution and Implementation Gaps

The transition from the 1974 Children Act to the 2013 legislation introduced crucial reforms:

- Raised minimum age of criminal responsibility from 7 to 9 years
- Established Child Welfare Boards in each district
- Mandated separate trial procedures for juveniles

However, a 2023 Ministry of Law compliance audit found only 19% of police stations had dedicated juvenile desks, and 63% of probation officers lacked mandated training.

2.4.2 Empirical Studies on System Performance

BRAC University's longitudinal study (2018-2022) of 412 juvenile cases revealed:

- Average pretrial detention: 8.2 months (vs 3.1-month legal limit)
- Legal representation rate: 34% for rural cases vs 72% urban
- Recidivism rate: 39% within 3 years of release

Dhaka University's court observation study documented 127 procedural violations across 42 juvenile trials, including:

- 58% failure to explain charges in child-friendly language
- 32% denial of parental presence during interrogation

2.5 Emerging Themes and Research Frontiers

2.5.1 Neurocriminology and Juvenile Justice

Recent advances in developmental neuroscience challenge traditional culpability assessments, with MRI studies showing prefrontal cortex maturation continues until age 25. This has prompted calls for extending juvenile protections to young adults in several jurisdictions.¹²

2.5.2 Digitalization of Juvenile Justice

Pilot programs in India and Malaysia demonstrate virtual hearings reduce trauma for child offenders, though Bangladesh lags in technological adoption. The pandemic accelerated e-probation systems that show promise for rural areas.

¹² Elizabeth Scott, 'Young Adulthood as a Transitional Legal Category' (2016) 84 Fordham L Rev 641.

2.6 Critical Research Gaps in Bangladeshi Context

Five understudied areas require urgent attention:

1. **Mental health impacts:** Only 2 studies examine PTSD among detained juveniles¹³
2. **Indigenous communities:** No research on Chittagong Hill Tracts youth in justice system¹⁴
3. **Private actors:** Growing role of NGO-run diversion programs lacks regulation¹⁵
4. **Victim perspectives:** Restorative justice requires victim participation research
5. **Cost analyses:** No comparative studies of institutional vs community-based costs

2.7 Conceptual Framework for Present Study

This research employs an adapted version of the "Three Pillars" model developed by the International Juvenile Justice Observatory:

1. **Legal Pillar:** Compliance with CRC standards
2. **Institutional Pillar:** Capacity assessment of justice actors
3. **Social Pillar:** Community-based reintegration mechanisms

2.8 Conclusion

The literature reveals Bangladesh's juvenile justice system as a case of "progressive laws, regressive practices" - what scholars' term legislative symbolism without implementation teeth. While the 2013 Act provides a rights-based framework, structural barriers and cultural attitudes perpetuate rights violations. This study will bridge critical gaps by combining legal analysis with ground-level institutional ethnography, offering a 360-degree assessment of the system's functionality.

¹³ National Institute of Mental Health, *PTSD Among Detained Youth* (2021) 8.

¹⁴ Chittagong Hill Tracts Commission, *Access to Justice* (2020) 13.

¹⁵ Bangladesh NGO Affairs Bureau, *Mapping Juvenile Justice Programs* (2023) 9.

Chapter 3

Theoretical and Philosophical Perspectives

3.1 Introduction

Understanding the juvenile justice system requires a broader lens than just statutes and policies; it involves philosophical and theoretical foundations that explain why society treats children differently from adults in legal systems. The juvenile justice framework is built on assumptions about children's moral capacity, cognitive development, and potential for reform. These assumptions have been shaped by classical criminological theories, rehabilitative models, and contemporary restorative approaches.

In this chapter, we explore these underlying theories that influence both the development and implementation of juvenile justice, especially within the context of Bangladesh. We critically examine classical and positivist theories, the rise of rehabilitative and restorative philosophies, social control and labeling theories, and more recent critical perspectives. By grounding the discussion in theoretical literature, we can better evaluate whether the Bangladeshi juvenile justice system is built on a sound philosophical foundation or merely adopts a legalistic approach.

3.2 Classical and Positivist Criminology

The classical school of criminology, developed in the 18th century by Cesare Beccaria and Jeremy Bentham, is rooted in the idea of rational choice. It views individuals, including juveniles, as rational beings who weigh the benefits and costs before committing a crime. Therefore, punishment should be swift, certain, and proportionate to deter future crimes. Early criminal law did not distinguish between adults and children, assuming that both acted with similar reasoning capabilities.

In contrast, the positivist school, which emerged in the 19th century, offered a deterministic view of human behavior. Thinkers like Cesare Lombroso argued that criminality was influenced by biological and psychological factors beyond individual control. This perspective significantly influenced the emergence of separate legal systems for juveniles. If children were not fully responsible for their behavior, they required treatment, not punishment.

The positivist influence persists in modern juvenile justice legislation, including Bangladesh's Children Act, 2013, which acknowledges that children's conduct is shaped by external social and psychological factors. However, in practice, elements of both classical (punitive) and positivist (rehabilitative) frameworks continue to coexist in the Bangladeshi context.¹⁶

¹⁶ Shahdeen Malik, 'Juvenile Justice in Bangladesh: A Legal and Institutional Review' (2015) 9(2)

3.3 The Rehabilitative Model

The rehabilitative model became dominant in the 20th century, especially in Western juvenile systems. Its core idea is that children who commit offences can be corrected through education, therapy, and social reintegration, rather than incarceration. This model assumes that juveniles are inherently reformable and that state intervention should focus on their welfare.

International conventions such as the United Nations Convention on the Rights of the Child (UNCRC) emphasize this philosophy. Article 40 of the UNCRC urges that child justice systems prioritize rehabilitation and reintegration over retribution.¹⁷ Bangladesh, being a signatory to the UNCRC, has echoed these commitments in the Children Act, 2013, which includes provisions for probation, diversion, and correctional centers.¹⁸

However, research in Bangladesh reveals a gap between policy and practice. The focus on rehabilitation is often compromised by poor institutional capacity, lack of trained probation officers, and insufficient budget allocation. Studies show that many children are detained in overcrowded facilities without access to education or psychological support.

3.4 Restorative Justice

Restorative justice is a modern approach that focuses on healing rather than punishing. It brings together victims, offenders, and community members to collectively resolve the harm caused by an offence. The goal is to make amends, restore relationships, and reintegrate the offender into society.

This model has found traction in several countries, such as New Zealand and Canada, especially for juvenile offenders. The UN's Beijing Rules also endorse restorative justice practices, encouraging non-institutional interventions for children.

In Bangladesh, the formal juvenile justice system does not yet incorporate restorative justice mechanisms at scale. While some NGOs have piloted community mediation and victim-offender dialogues, these remain outside formal judicial processes. Legal reform is required to formally recognize and institutionalize restorative practices.

Restorative justice could be particularly effective in Bangladesh given the cultural emphasis on community and familial resolution. However, successful implementation would require procedural safeguards to prevent coercion and ensure fairness, especially in patriarchal or conservative rural settings.

¹⁷ United Nations Convention on the Rights of the Child (adopted 20 November 1989, entered into force 2 September 1990) 1577 UNTS 3 art 40.

¹⁸ The Children Act 2013 (Bangladesh), ss 33–44.

3.5 Labeling Theory

Labeling theory, developed by sociologists like Howard Becker, posits that once a person particularly a juvenile is labeled as a "delinquent" or "criminal," that label can become a self-fulfilling prophecy. The stigma associated with formal criminal processing often marginalizes juveniles, pushing them further into deviant behavior.

This theory is highly relevant in Bangladesh, where children in conflict with the law often face long-term social stigma. Even after release, they struggle to reintegrate into schools, families, and workplaces. The lack of confidentiality in juvenile proceedings and media sensationalism exacerbate this problem.

Legal provisions such as in-camera trials and the sealing of juvenile records aim to mitigate labeling effects, but these are inconsistently enforced. A stronger emphasis on diversion, counseling, and reintegration support could reduce the negative outcomes associated with labeling.

3.6 Social Control and Learning Theories

Travis Hirschi's social control theory argues that strong bonds to family, school, and community deter individuals from committing crimes. When these bonds are weak or absent, juveniles are more likely to engage in delinquent behavior. Similarly, differential association theory by Edwin Sutherland suggests that criminal behavior is learned through interaction with others, particularly peers who advocate deviance.¹⁹

These theories offer valuable insights for policy. They emphasize the role of families, schools, and peer networks in either preventing or facilitating delinquency. In the context of Bangladesh, where juvenile offenders often come from broken families, slum communities, or abusive households, strengthening social institutions could act as a preventive mechanism.

The Children Act, 2013 incorporates elements of these theories through its emphasis on rehabilitation and social reintegration. However, the lack of state-supported services such as parenting programs, school reintegration schemes, and mental health counseling limits their practical application.

¹⁹ Edwin Sutherland, *Principles of Criminology* (10th edn, Rowman & Littlefield 1974).

3.7 Critical Criminology and Structural Perspectives

Critical criminology argues that crime cannot be understood in isolation from power structures, inequality, and marginalization. Scholars from this school claim that juvenile justice systems often reflect the interests of dominant social groups and may criminalize poverty, race, or political dissent.

In Bangladesh, many juvenile offenders are street children, child laborers, or victims of trafficking groups that suffer systemic exclusion. Their criminalization is often the result of survival strategies rather than inherent deviance. Critical theory urges us to question why these children end up in the justice system in the first place, and whether structural inequalities are being addressed.

Some human rights organizations in Bangladesh have highlighted how children from elite backgrounds are more likely to receive bail or diversion, while poor children face prolonged detention. This supports the critical criminological view that justice is often unequal and class-biased.

3.8 Application in the Bangladeshi Context

In Bangladesh, juvenile justice is at a crossroads. While the legislative framework especially the Children Act, 2013 incorporates rehabilitative and child-friendly principles, the implementation often reflects older punitive philosophies. Police behavior, court delays, and poor conditions in Child Development Centres (CDCs) betray the rehabilitative ideals enshrined in law.

The theories discussed in this chapter are not merely academic; they offer actionable insights. For example:

- Restorative justice could be piloted in urban slums and rural areas with high juvenile crime rates.
- Labeling theory suggests the need for confidential proceedings and social reintegration programs.
- Social control theory supports investment in family services, education, and youth mentorship.
- Critical criminology highlights the importance of addressing poverty, child labor, and exclusion.

3.9 Summary and Reflections

This chapter has demonstrated that the juvenile justice system is underpinned by a wide array of theoretical and philosophical frameworks that influence both its development and practice. From the classical emphasis on deterrence to the rehabilitative and restorative approaches grounded in modern human rights discourse, these theories collectively frame how society perceives juvenile offenders and what responses are deemed appropriate.

In the context of Bangladesh, despite the progressive legal structure laid out in the Children Act 2013, the practical implementation still exhibits contradictions often leaning towards punitive traditions rather than truly rehabilitative or restorative outcomes. The tension between theoretical ideals and administrative realities remains significant.

Applying labeling theory in the Bangladeshi context reveals the deep social stigma that continues to follow juvenile offenders post-conviction, while social control and learning theories stress the importance of preventive social mechanisms such as strong familial bonds and community support. Restorative justice, though currently absent from the formal system, holds considerable promise for reducing recidivism and fostering reintegration, especially if culturally adapted.

Ultimately, these philosophical models should not be seen as mutually exclusive but rather as complementary lenses through which we can understand and improve juvenile justice. For Bangladesh to move forward, a deliberate alignment of theory and practice is essential, necessitating policy changes, judicial reform, and community-based innovations that embody both justice and compassion. From classical theories of deterrence to modern concepts like restorative justice, the treatment of juvenile offenders reflects society's values and assumptions. In Bangladesh, although progressive laws exist, their success depends on aligning practice with theory.

A justice system that focuses only on punishment risks perpetuating cycles of poverty, stigma, and reoffending. On the other hand, a system grounded in rehabilitation, community engagement, and structural reform holds the potential to transform juvenile justice into a genuinely child-centered process.

Chapter 4

Legal and Institutional Framework for Juvenile Justice in Bangladesh

4.1 Introduction

The juvenile justice system in Bangladesh operates through a dynamic interplay of statutes, judicial bodies, and administrative practices. International frameworks, such as the United Nations Convention on the Rights of the Child (UNCRC), establish guiding standards, but domestic laws primarily dictate the treatment and safeguarding of juvenile offenders.²⁰ This chapter critically assesses the core legislation, institutional structures, and their practical application, identifying challenges and deficiencies in delivering child-sensitive justice.

4.2 The Children Act, 2013: Foundation of Juvenile Justice

The Children Act, 2013 serves as the primary legal instrument governing the welfare, rights, and judicial processes for children in conflict with the law. Replacing the outdated Children Act, 1974, it modernizes the approach to juvenile issues, prioritizing rehabilitation and protection.

Key Features:

- **Definition of a Child:** The Act defines a child as any individual below 18 years of age (Section 2).
- **Specialized Courts:** It requires the creation of Family Courts and Children's Courts dedicated to juvenile cases (Sections 10–12).
- **Child-Sensitive Procedures:** Provisions ensure protection of children's rights during investigations and trials, including guardian presence, prohibition of coercive questioning, and confidentiality (Sections 15–20).
- **Diversion and Alternatives:** The Act promotes alternatives to formal judicial processes, such as mediation, probation, and community-based measures to reduce institutionalization (Sections 33–36).²¹
- **Rehabilitation and Reintegration:** It emphasizes education, vocational training, and counseling to support the reintegration of juvenile offenders (Sections 40–44).

Despite its robust framework, implementation faces hurdles due to insufficient infrastructure, untrained personnel, and limited awareness among law enforcement and judicial officers.

²⁰ United Nations Convention on the Rights of the Child, 1989, art 40.

²¹ The Children Act, 2013 (Bangladesh), ss 33–36.

4.3 Other Relevant Legislation

4.3.1 The Penal Code, 1860

While the Children Act, 2013 is the cornerstone of juvenile justice, general criminal laws like the Penal Code, 1860 also apply. The Penal Code defines offenses but does not explicitly differentiate between adult and juvenile offenders. The Children Act thus serves as a special law, superseding general provisions for juveniles.

4.3.2 The Code of Criminal Procedure (CrPC), 1898

The CrPC outlines procedural rules for arrest, detention, trial, and sentencing. Certain provisions, such as Section 97, mandate special procedures for children, complementing the Children Act. However, inconsistencies in aligning CrPC protections with juvenile-specific safeguards persist.

4.4 Institutional Mechanisms

4.4.1 Children’s Courts and Family Courts

The Children Act mandates dedicated Children’s Courts to adjudicate juvenile cases in a child-friendly manner, ensuring simplified procedures and confidentiality. Family Courts, originally established for family disputes, also handle child-related cases. However, their effectiveness is limited by insufficient court numbers and lack of specialized judicial training.

4.4.2 Child Development Centers (CDCs)

Managed by the Ministry of Social Welfare, CDCs provide shelter, education, and vocational training for juvenile offenders to aid reintegration. Overcrowding, resource constraints, and inadequate facilities, however, undermine their efficacy.²²

4.4.3 Police and Juvenile Justice

Police serve as the initial point of contact for juvenile offenders. The Children Act mandates special procedures, such as notifying guardians upon arrest and preventing harm. Nevertheless, reports highlight police misconduct and insufficient child-sensitive training.

4.5 Legal Procedures and Juvenile Rights

Juvenile offenders in Bangladesh are entitled to specific procedural protections under the Children Act, 2013, reinforced by the Constitution and international treaties to which Bangladesh is a signatory.

²² Ministry of Social Welfare, ‘Annual Report on Child Development Centers’ (2020).

4.5.1 Arrest and Detention

The Children Act stipulates that arrests of juveniles should be a last resort, with detention used sparingly. Upon arrest, police must inform guardians immediately and ensure no cruelty or intimidation occurs. Children must not be detained with adult offenders to avoid harm. However, violations occur, with children often held in police lockups alongside adults, sometimes without legal counsel or family contact.

4.5.2 Trial Process

Juvenile trials must be conducted in camera to protect the child's identity and dignity. The Act mandates simplified procedures, child-friendly language, and the presence of guardians or social workers during proceedings. Yet, court backlogs, untrained judges, and inadequate facilities hinder consistent implementation, prolonging psychological stress for juveniles.

4.5.3 Sentencing and Alternatives to Imprisonment

The Children Act promotes non-custodial measures, such as probation, community service, and mediation, reserving imprisonment as a last resort for the shortest duration. Despite this, custodial sentences are prevalent due to limited alternative programs and overcrowded rehabilitation centers, with social stigma further complicating reintegration.

4.6 Implementation Challenges

Despite a strong legal framework, several obstacles impede Bangladesh's juvenile justice system:

- **Resource Limitations:** Insufficient funding restricts the capacity of CDCs, courts, and probation services.
- **Training Deficiencies:** Many police officers, judges, and social workers lack specialized training in child psychology and juvenile justice.
- **Weak Oversight:** Inconsistent monitoring fails to ensure adherence to procedural safeguards.²³
- **Social Stigma:** Juvenile offenders face exclusion, hindering rehabilitation efforts.
- **Coordination Issues:** Lack of synergy among law enforcement, judiciary, social services, and NGOs results in fragmented services.

4.7 Role of NGOs and International Agencies

NGOs and international organizations significantly bolster juvenile justice in Bangladesh. NGOs offer legal aid, rehabilitation programs, and child rights advocacy, addressing gaps in government services. International bodies like UNICEF support capacity building, policy development, and program implementation to align with global standards.

²³ Human Rights Watch, 'Monitoring Juvenile Justice in Bangladesh' (2020).

4.8 Reforms and Future Prospects

Recent government initiatives include training programs, expansion of CDCs, and pilot projects on diversion and restorative justice. To fully leverage the Children Act, 2013, enhanced infrastructure, increased awareness, and culturally aligned restorative practices are essential.^[28]

4.9 Summary and Path Forward

Bangladesh's juvenile justice framework reflects a commitment to child protection and rehabilitation, with the Children Act, 2013 providing a progressive foundation through child-sensitive procedures, diversion, and reintegration focus.^[29] However, resource shortages, inadequate training, and inconsistent implementation pose significant challenges.

To advance the system, enhanced coordination among legal, social, and community stakeholders is crucial. Investments in capacity building, expansion of alternative programs, and institutionalization of restorative justice are vital. Addressing social stigma and raising public awareness will further support reintegration. A child-centric justice system in Bangladesh must align legislative intent with practical realities, embedding compassion, fairness, and developmental principles throughout.^[30]

Chapter 5

Realities from the Ground: Implementation Challenges

5.1 Introduction

While Bangladesh has developed a fairly comprehensive legal framework for juvenile justice, including the Children Act, 2013, and related institutional arrangements, there remains a significant gap between law and practice. This chapter delves into the realities faced by juvenile offenders in Bangladesh and critically examines the multiple challenges obstructing effective implementation of juvenile justice principles. Drawing from case studies, official reports, and independent research, the chapter highlights systemic issues within law enforcement, detention environments, legal aid availability, diversion mechanisms, and social perceptions of juvenile offenders. Understanding these ground realities is essential to formulate realistic and sustainable reforms.²⁴

5.2 Issues in Law Enforcement

Police officers often represent the first point of contact for juveniles accused of offences. Despite legal mandates requiring special treatment for children in conflict with the law, law enforcement in Bangladesh struggles to consistently implement these norms. For example, the Children Act stipulates that police must immediately notify parents or guardians upon arrest and refrain from physical or psychological coercion.²⁵ However, in practice, many juveniles are detained in adult lockups, deprived of family contact, and subjected to harsh interrogation methods.

A lack of specialized training for police personnel on child rights and juvenile justice exacerbates these problems. Studies have shown that many officers are unaware of or ignore child protection protocols. Furthermore, cases have been reported where juveniles were denied legal counsel during interrogation, increasing vulnerability to wrongful convictions. This failure to uphold legal safeguards not only violates the rights of children but also diminishes trust in the justice system.

²⁴ UNICEF Bangladesh, *Annual Report on Juvenile Justice* (2020).

²⁵ The Children Act 2013 (Bangladesh), ss 15–20.

5.3 Detention Conditions

Child Development Centers (CDCs) and other juvenile detention facilities in Bangladesh face numerous challenges related to overcrowding, inadequate infrastructure, and poor hygiene. Facilities intended to provide shelter, education, and rehabilitation often fall short due to resource constraints. Overcrowding leads to cramped living conditions, which contribute to the spread of diseases and negatively affect mental health.

Educational and recreational activities, critical for rehabilitating juveniles, are inconsistently provided or completely absent in some centers. Lack of qualified staff, including social workers and psychologists, further limits the ability to address the complex needs of detained children. The conditions in these centers can sometimes replicate the punitive environments that the juvenile justice system aims to avoid, thereby undermining rehabilitative goals.

5.4 Lack of Legal Aid and Diversion Programs

Access to timely and effective legal representation is crucial to ensure fair trials and protect juveniles from prolonged detention. Unfortunately, legal aid services for children in Bangladesh remain insufficient, especially in rural and marginalized areas. Many juveniles are unaware of their rights or unable to afford private lawyers, resulting in delayed hearings and inadequate defense.

Moreover, the concept and practice of diversion redirecting juveniles away from formal judicial proceedings toward community-based interventions are still nascent in Bangladesh. Although the Children Act endorses diversion measures such as probation and mediation, implementation remains limited due to lack of infrastructure, trained personnel, and awareness among judiciary and law enforcement. The absence of robust diversion programs leads to unnecessary incarceration and increases the risk of reoffending.

5.5 Social Stigma and Reintegration Challenges

Juvenile offenders in Bangladesh often endure significant social stigma that hampers their reintegration into society after release. Families, schools, and communities frequently reject children who have been in conflict with the law. This social exclusion deprives juveniles of educational and employment opportunities, pushing them towards delinquency once again.

The media's sensationalized reporting of juvenile crime exacerbates negative public perceptions.²⁶ Confidentiality provisions in juvenile proceedings are sometimes breached, leading to further stigmatization. Addressing these societal attitudes requires coordinated awareness campaigns and community engagement initiatives that promote acceptance and support for rehabilitated juveniles.²⁷

²⁶ Ain o Salish Kendra (n 3).

²⁷ Save the Children (n 10).

- **Summary of Key Implementation Challenges in Juvenile Justice in Bangladesh**

Challenge Area	Description	Impact on Juvenile Justice	Proposed Solutions
Law Enforcement Practices	Inadequate child-sensitive training; reports of abuse	Rights violations; trauma; wrongful detention	Specialized training; strict monitoring; child-friendly SOPs
Detention Conditions	Overcrowding; poor sanitation; lack of education and healthcare	Physical and mental health issues; poor rehabilitation	Facility upgrades; increased capacity; educational programs
Legal Aid Availability	Limited access to free legal services for juveniles	Denial of fair trial; prolonged detention	Expand legal aid; legal literacy campaigns
Diversion Programs	Scarcity of mediation, probation, service options	Overreliance on imprisonment; high recidivism	Institutionalize and expand diversion mechanisms
Social Stigma	Negative public perception; discrimination	Reintegration difficulties; social exclusion	Awareness programs; community engagement initiatives

5.6 Conclusion

The juvenile justice system in Bangladesh faces a complex set of implementation challenges that significantly dilute the efficacy of its legal and institutional frameworks. Systematic deficiencies in law enforcement practices, detention conditions, legal aid availability, and diversion programs contribute to suboptimal outcomes for juvenile offenders. Additionally, social stigma presents a formidable barrier to successful reintegration.

Addressing these issues requires a multi-pronged approach:

- Comprehensive training and sensitization for police, judiciary, and social workers;
- Investment in infrastructure and human resources for detention and rehabilitation centers;
- Expansion of accessible legal aid and community-based diversion programs;
- Public awareness and community mobilization to reduce stigma and promote reintegration.

Only through coordinated efforts by government agencies, civil society organizations, and international partners can Bangladesh move closer to a juvenile justice system that is genuinely restorative, rehabilitative, and child-centered.²⁸

²⁸ UNICEF Bangladesh (n 1).

Chapter 6

Comparative Analysis of Juvenile Justice Systems: Bangladesh and Selected Countries

6.1 Introduction

Comparing juvenile justice systems globally provides valuable insights into Bangladesh's framework, highlighting best practices that can be adapted to its socio-cultural and legal context. This chapter examines the juvenile justice systems of Bangladesh, India, the United Kingdom (UK), and New Zealand, chosen for their shared common law heritage, regional proximity (India), and distinct approaches, including the UK's advanced, welfare-oriented system and New Zealand's culturally sensitive restorative model.²⁹ The analysis evaluates legislative frameworks, judicial processes, diversion and rehabilitation strategies, confidentiality protections, community involvement, and oversight mechanisms, identifying strengths, weaknesses, and reform opportunities for Bangladesh.

6.2 Juvenile Justice in Bangladesh: An Overview

Bangladesh's juvenile justice system, primarily governed by the Children Act, 2013, aligns with the UNCRC's emphasis on rehabilitation, diversion, and child rights protection.³⁰ The Act establishes specialized juvenile courts, legal safeguards, and provisions for probation and correctional services. Despite these progressive measures, implementation is hampered by limited resources, untrained personnel, inadequate infrastructure, and pervasive social stigma against juvenile offenders. The lack of specialized training for police and judicial officer's results in procedural lapses, creating a significant gap between policy intent and practical outcomes.

6.2.1 Legislative Framework

The Children Act, 2013, defines a child as anyone under 18 and mandates child-friendly procedures, including guardian presence during trials, prohibition of coercive interrogation, and confidentiality protections (Sections 2, 15–20). It promotes alternatives to detention, such as probation and community-based sanctions, to reduce institutionalization. However, resource constraints and limited awareness among stakeholders hinder effective application of these provisions.

²⁹ United Nations Convention on the Rights of the Child, 1989, art 40.

³⁰ Ibid, art 3.

6.2.2 Institutional Challenges

Child Development Centers (CDCs), managed by the Ministry of Social Welfare, provide shelter, education, and vocational training for juvenile offenders but face challenges like overcrowding, underfunding, and outdated facilities. Police, as the first point of contact, are required to follow child-sensitive procedures, such as notifying guardians upon arrest, but reports of misconduct and insufficient training persist.

6.2.3 Social and Cultural Barriers

Social stigma significantly impedes reintegration, with juvenile offenders often facing exclusion from communities and families. Cultural perceptions of crime and punishment, combined with limited public awareness of child rights, exacerbate these challenges, undermining the rehabilitative goals of the Children Act.

6.3 Juvenile Justice in India

India's Juvenile Justice (Care and Protection of Children) Act, 2015, establishes a comprehensive framework for juveniles in conflict with the law, creating Juvenile Justice Boards (JJBs) for adjudication and Child Welfare Committees (CWCs) for care and protection. The Act promotes diversion through probation, foster care, and community-based programs, alongside child-friendly procedures like confidentiality and expedited trials. Challenges include overcrowded juvenile homes, limited rehabilitation programs, and judicial delays. A contentious provision allowing juveniles aged 16–18 to be tried as adults for heinous offenses has sparked debates over balancing accountability with rehabilitation.

6.3.1 Specialized Bodies

JJBs, comprising magistrates and social workers, ensure child-sensitive adjudication, while CWCs focus on rehabilitation through foster care and counseling.³¹ These bodies aim to minimize institutionalization, but their effectiveness is limited by resource shortages and inconsistent implementation across states.

6.3.2 Policy vs. Practice

While the 2015 Act emphasizes rehabilitation and diversion, practical challenges like insufficient funding, lack of trained staff, and overcrowded facilities hinder progress. Delays in judicial processes and varying state-level implementation further complicate the system's efficacy.

³¹ Save the Children, 'Social Stigma and Juvenile Offenders' (2019).

6.3.3 Regional Variations

India's federal structure leads to disparities in juvenile justice implementation, with urban areas often better equipped than rural regions. This inconsistency highlights the need for standardized training and resource allocation to ensure equitable access to justice.

6.4 Juvenile Justice in the United Kingdom

The UK's juvenile justice system, governed by the Children and Young Persons Act, prioritizes welfare, rehabilitation, and community engagement. Youth courts handle cases with child-sensitive approaches, supported by robust diversion mechanisms like youth offender panels, community sentences, and restorative justice programs. Youth Offending Teams (YOTs) coordinate multi-agency support, focusing on education, mental health, and reintegration, with strict confidentiality measures to protect juveniles' identities. Challenges include regional disparities in service provision and concerns over youth incarceration rates.

6.4.1 Diversion Mechanisms

Diversion programs, such as referral orders and community resolutions, address underlying issues like education and family support, reducing reliance on custodial sentences.³² YOTs play a critical role in tailoring interventions to individual needs, enhancing rehabilitation outcomes.

6.4.2 Confidentiality and Welfare

The UK enforces strict confidentiality in youth court proceedings to safeguard juveniles' identities and future prospects. Welfare-oriented policies integrate mental health support and social services, though regional variations in funding and access to services remain a concern.

6.4.3 Oversight and Accountability

The Youth Justice Board oversees the system, ensuring consistency and monitoring outcomes. Regular inspections and data-driven evaluations help identify gaps, though disparities in service quality across regions persist.

³² Juvenile Justice (Care and Protection of Children) Act, 2015 (India), s 15.

6.5 Juvenile Justice in New Zealand

New Zealand's juvenile justice system, under the Children, Young Persons, and Their Families Act, 1989, is globally recognized for its restorative justice approach and emphasis on family and community involvement. Family Group Conferences (FGCs) bring together juveniles, families, victims, and social workers to devise collective solutions, respecting Maori cultural values and prioritizing harm repair over punishment. Diversion and community-based rehabilitation reduce recidivism and foster social cohesion, though balancing indigenous practices with national legal standards remains challenging.

6.5.1 Restorative Justice Model

FGCs empower communities to address juvenile offending collaboratively, incorporating Maori principles like whanaungatanga (kinship) to promote accountability and healing. This model has significantly reduced recidivism rates and strengthened community ties.

6.5.2 Cultural Integration

The system's integration of Maori cultural practices ensures cultural sensitivity, but challenges arise in standardizing these practices across diverse legal and social contexts, particularly in non-indigenous communities.

6.5.3 Community-Driven Rehabilitation

New Zealand's emphasis on community-based rehabilitation, including mentoring and vocational programs, supports long-term reintegration. Partnerships with local organizations enhance the system's reach and effectiveness.

6.5.4 Comparative Table

Aspect	Bangladesh	India	United Kingdom	New Zealand
Legal Framework	Children Act, 2013	Juvenile (Care Protection) 2015 ³³	Justice and Children Young Persons Act, (1933, updated)	Children, Young Persons, and Their Families Act, 1989
Specialized Courts	Juvenile Courts under Children Act	Juvenile Boards (JJBs)	Justice Youth Courts	Family Group Conferences (FGCs)
Diversion and Alternatives	Limited implementation	Moderate use of probation, care	Well-developed foster with multiple diversion programs	Highly developed, restorative justice focus
Rehabilitation Focus	Policy strong; practice limited	Emphasis on rehabilitation resource-limited	Strong, on but community-based	Very strong; culturally integrated
Confidentiality	Inconsistent enforcement	Protected by law	Strict confidentiality	Strict confidentiality
Community Involvement	Minimal	Increasing	Significant	Integral, especially indigenous communities
Challenges	Resource constraints, stigma, training gaps	Overcrowding, judicial delays, of trial concerns	Service disparities, age youth incarceration and concerns	Balancing cultural legal frameworks ³⁴

³³ Youth Justice Board, 'Diversion Mechanisms in the UK' (2021).

³⁴ Children, Young Persons, and Their Families Act, 1989 (New Zealand), s 5.

6.6 Lessons for Bangladesh

The comparative analysis offers actionable insights for Bangladesh:

- **Strengthening Institutions:** Adopting India's JJBs and the UK's YOTs, Bangladesh could establish multi-disciplinary teams to manage juvenile cases holistically, improving coordination and efficiency.
- **Expanding Diversion Programs:** The UK and New Zealand's focus on diversion suggests Bangladesh should institutionalize probation, mediation, and community service to reduce detention and promote rehabilitation.
- **Community and Family Engagement:** New Zealand's FGC model demonstrates the value of involving families and communities in decision-making. Bangladesh can adapt culturally sensitive restorative practices to enhance reintegration.
- **Confidentiality and Child-Friendly Procedures:** Emulating the UK's strict confidentiality enforcement would help reduce stigma and protect juveniles' futures.
- **Training and Capacity Building:** Continuous training for police, judiciary, and social workers is critical to bridge the gap between policy and practice.

6.6.1 Institutional Reforms

Creating specialized bodies like JJBs, with trained magistrates and social workers, can streamline adjudication and improve coordination between judicial and social services, addressing current fragmentation in Bangladesh's system.

6.6.2 Community-Based Solutions

Incorporating community-led initiatives, inspired by New Zealand's FGCs, can leverage local support networks and cultural values to enhance reintegration, reducing reliance on institutional care.

6.6.3 Public Awareness Campaigns

Addressing social stigma through public awareness campaigns, inspired by successful UK initiatives, can foster community acceptance and support for juvenile offenders, aligning with the Children Act's rehabilitative goals.

6.7 Conclusion

Bangladesh's juvenile justice system, anchored by the Children Act, 2013, provides a progressive legal foundation but faces challenges in implementation, infrastructure, and social acceptance. Insights from India, the UK, and New Zealand highlight opportunities to enhance rehabilitation, community engagement, and institutional efficiency. By adapting these practices to its socio-cultural context, Bangladesh can develop a child-centered justice system that effectively balances protection, rehabilitation, and accountability.³⁵

³⁵ Ministry of Justice, 'Restorative Justice in New Zealand: Challenges' (2021).

Chapter 7

Conclusion and Policy Recommendations

7.1 Summary of Major Findings

This thesis has critically examined the juvenile justice system of Bangladesh, highlighting its legislative framework, institutional practices, and socio-cultural realities. The Children Act, 2013, represents a significant step forward by incorporating child-friendly principles consistent with international norms such as the United Nations Convention on the Rights of the Child (UNCRC). It establishes juvenile courts, mandates special procedures for children, and promotes diversion and rehabilitation as primary goals.

Despite this progressive legal structure, a clear divide exists between legislative ideals and practical implementation. This disconnect arises largely from institutional constraints including a scarcity of trained personnel in juvenile justice, inadequate juvenile courts, and poor infrastructure in detention centers. Consequently, many juvenile offenders face prolonged detention in adult facilities, inadequate legal representation, and minimal access to rehabilitation programs. The underdevelopment of diversionary programs leads to unnecessary institutionalization, which contradicts the rehabilitative ethos of the law.

Social stigma attached to children in conflict with the law exacerbates challenges in their reintegration. Confidentiality protections enshrined in law are often ignored, leading to media exposure and community rejection, which in turn increase the likelihood of recidivism. These social barriers highlight the need for comprehensive community engagement alongside legal reforms.

From a theoretical standpoint, Bangladesh's juvenile justice system reflects a tension between classical punitive philosophies and modern rehabilitative approaches. The law leans towards rehabilitation and child rights, yet administrative realities frequently reflect outdated punitive attitudes and systemic inefficiencies. Comparative insights from countries like India, the United Kingdom, and New Zealand demonstrate the benefits of specialized juvenile institutions, robust diversionary mechanisms, restorative justice practices, and cultural sensitivity.³⁶ Bangladesh's future reforms must integrate these lessons tailored to its socio-cultural context.

³⁶ John Braithwaite, *Restorative Justice and Responsive Regulation* (OUP 2002).

7.2 Policy Suggestions for Reform

Given the findings, this thesis proposes several policy recommendations aimed at bridging the gap between law and practice and creating a more effective juvenile justice system.

7.2.1 Strengthening Legal and Regulatory Frameworks

While the Children Act, 2013, provides a solid legal foundation, amendments are necessary to clarify and enforce diversionary mandates. The law should explicitly require diversion as the default approach wherever feasible and provide detailed procedural guidelines for diversion implementation.

Moreover, the incorporation of restorative justice mechanisms into formal legal processes is essential. Restorative justice, which focuses on repairing harm through victim-offender dialogue and community involvement, has been successfully integrated in jurisdictions such as New Zealand and parts of the UK.³⁷ Formal recognition and regulation of restorative practices can provide culturally appropriate and effective alternatives to detention.

Confidentiality protections require stricter enforcement. Current laws on in-camera trials and record sealing must be backed by penalties for violations and public education for media personnel on ethical juvenile reporting. This would help prevent social stigma and protect the identity and dignity of juvenile offenders.³⁸

7.2.2 Improving Institutional Capacities

Expansion and specialization of juvenile courts are critical. Additional courts staffed by magistrates trained in child psychology, juvenile justice principles, and child rights would reduce case backlogs and promote child-friendly procedures.

Simultaneously, probation and social work services must be scaled up. Sufficient numbers of trained probation officers are essential to supervise juveniles in the community, provide counseling, and facilitate rehabilitation. Capacity building for law enforcement officers, including mandatory training on child-sensitive arrest and interrogation, is also necessary to ensure respect for juvenile rights from the point of contact with the criminal justice system.

Physical conditions in Child Development Centers (CDCs) and other juvenile detention facilities require urgent improvement. Access to education, mental health services, and recreational activities should be standard, creating an environment conducive to rehabilitation rather than punishment.

³⁷ New Zealand Ministry of Justice, *Family Group Conferences and Reintegration* (2021).

³⁸ Youth Justice Board for England and Wales, *Confidentiality Guidelines* (2018).

7.2.3 Enhancing Diversion and Rehabilitation Programs

Developing standardized protocols for diversion programs nationwide is necessary to ensure consistent application. These protocols should cover eligibility criteria, monitoring processes, and integration with social services.

Courts should be encouraged to use non-custodial sentences extensively, particularly for first-time and minor offenders. Institutionalization should be a measure of last resort due to its adverse psychological and social effects on juveniles.

Educational and vocational training within detention centers must be expanded, equipping juveniles with skills that enhance their employability and social reintegration prospects.³⁹ Community-based support systems, including mentorship and family counseling, are essential to assist juveniles after release and reduce recidivism.

7.2.4 Addressing Social Stigma and Community Involvement

Public awareness campaigns are vital to change societal attitudes towards juveniles in conflict with the law. Such campaigns should emphasize rehabilitation and the potential for change, combating stereotypes and reducing discrimination.

Engagement with religious and community leaders can help foster acceptance and provide support networks for juveniles reintegrating into society. Civil society organizations and NGOs should be empowered and funded to support community-based rehabilitation and advocacy programs.

7.2.5 Strengthening Monitoring and Data Collection

The establishment of an independent juvenile justice monitoring body would enhance accountability and transparency. This body should have the authority to investigate violations, monitor detention conditions, and publish regular reports.

A centralized data system tracking juvenile cases, detention durations, diversion outcomes, and recidivism rates is essential. Evidence-based policymaking relies on accurate data to assess program effectiveness and identify areas for reform.

³⁹ BRAC (n 6).

7.3 Recommendations for Institutional Strengthening

7.3.1 Judiciary and Legal Professionals

Judges, magistrates, prosecutors, and defense lawyers require ongoing training in child rights, developmental psychology, and child-friendly court procedures. This education will help ensure decisions align with the best interests of the child.

Legal aid services must be expanded and strengthened to provide free, quality representation for all juveniles, regardless of socio-economic background or geographic location. Access to justice is fundamental to protecting juvenile rights.

7.3.2 Law Enforcement Agencies

Creating specialized child rights units within police departments would focus expertise on juvenile cases and enhance adherence to child protection standards. Clear accountability mechanisms must be established to address any misconduct.

Training on non-coercive interrogation techniques and alternatives to arrest will reduce rights violations and foster a more humane approach to juvenile justice.

7.3.3 Correctional and Rehabilitation Services

Employing multidisciplinary teams of social workers, psychologists, educators, and medical professionals in detention facilities is essential for holistic care. Standard Operating Procedures (SOPs) should guide the treatment and rehabilitation of juveniles.

Regular independent audits of detention facilities will ensure compliance with legal and human rights standards and improve service delivery.

7.3.4 Community-Based Organizations

Civil society organizations play a vital role in diversion and rehabilitation. Capacity building through funding, training, and coordination platforms will enable NGOs to expand their impact and collaborate effectively with government bodies.

7.4 Conclusions and Future Research Directions

7.4.1 Conclusions

The juvenile justice system in Bangladesh stands at a critical juncture. The Children Act, 2013, lays a progressive foundation aligned with international child rights standards. However, systemic weaknesses in institutional capacity, enforcement, and social acceptance have limited the realization of its rehabilitative goals.

Bridging the gap between legislation and practice demands comprehensive reforms encompassing legal amendments, institutional strengthening, community engagement, and enhanced monitoring. Comparative lessons underscore the value of diversion, restorative justice, cultural sensitivity, and confidentiality.

Ultimately, an effective juvenile justice system in Bangladesh requires political will, resource investment, and societal commitment to uphold the rights, dignity, and potential of every child in conflict with the law.

7.4.2 Future Research Directions

- **Impact Assessments:** Evaluations of diversion, rehabilitation, and restorative justice programs to identify best practices and inform policy adjustments.
- **Socio-Cultural Dynamics:** Studies on the influence of family, community attitudes, and stigma on juvenile offending and rehabilitation outcomes.
- **Gender-Specific Needs:** Research focused on the experiences of girls and young women in juvenile justice, ensuring gender-responsive policies.
- **Mental Health:** Exploration of psychological needs and the effectiveness of mental health interventions for juvenile offenders.
- **Access to Justice:** Investigations into barriers to legal aid and effective representation for juveniles.
- **Technology in Juvenile Justice:** Assessment of digital tools for case management, data collection, and support services.

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