**Intersessional Seminar on Youth and Human Rights**

**Session 2 | Challenges and discrimination faced by young people in the realization of their rights**

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**Oral Statement**

**FAIR ACCESS TO JUSTICE FOR YOUTH**

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Ladies and Gentlemen,

This statement aims at calling your attention on the realisation of fair access to justice for young adults. Indeed, specific Safeguards for Children in contact with the justice systems should be extended to young adults (18-21) and beyond (21-25).

Transition from childhood to adulthood is progressive: No child automatically switches into a full-grown adult a day after their 18th birthday.

Yet, most countries set a strict age limit for the child justice system at 18: this often results in an abrupt transfer of young people directly into the adult system without clear continuity of reintegration or educational programmes.

This premature shift of young adults into the more punitive adult criminal system disrupts the progress that reintegration and educational programmes have in steering young adults from criminal behaviour.

Significantly, neuroscience studies on developmental psychology and brain maturation show that full maturity is reached at around the age of 25 and not before.[[1]](#footnote-1) This could be even longer according to the individual maturity. Similarly, criminological evidence on the age-crime curve demonstrates that episodic juvenile crime disappears during the mid-twenties.

Countries such as Germany, Austria and the Netherlands have special approaches for young adults in their justice systems. A 1953 law reform in Germany led to the transfer of young adults up to the age of 21 to the jurisdiction of juvenile courts. In Austria young adults are transferred to the jurisdiction of special youth courts. In Sweden, sentences are mitigated for young adults while in the Netherlands the Act on Adolescent Criminal Law allows the application of juvenile sentences to young adults up to the age of 23 based on their personality and circumstances of the offence.

International and regional rules such as the UN Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")[[2]](#footnote-2) and The Council of Europe Recommendations (2008) 11[[3]](#footnote-3) recommend that young adult offenders are dealt with in the same manner as juvenile offenders.

In line with these provisions, we hereby recommend that countries adopt:[[4]](#footnote-4)

1. Special regulations for young adults within child justice law
2. Special regulations in general criminal justice law for young offenders above 18yo

In conclusion, fair access to justice for the youth can only be achieved when special approaches are considered to better accommodate them in criminal justice systems.

We would like to explore this topic further during the World Congress on Justice with Children , scheduled for November 2021 and hereby invite the Human Rights Council to consider organizing a specific session on fair access to justice for young people.

1. Frieder Dünkel, University of Greisfswald, Germany [↑](#footnote-ref-1)
2. Rule 3.3. of the Beijing Rules. [↑](#footnote-ref-2)
3. Rule 17. [↑](#footnote-ref-3)
4. See statement by Dr Ineke Pruin, University of Greifswald, Germany at the T2A National Conference. [↑](#footnote-ref-4)