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Protecting children in criminal justice: a comparative analysis of legal frameworks and best practices

Cinayət prosesində uşaqların müdafiəsi: hüquqi bazanın və qabaqcıl təcrübələrin müqayisəli təhlili

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Abstract

The article examines the evolution of criminal law protections for minors. Focusing on Central and Eastern Europe, with implications for Azerbaijan, it highlights the impact of historical trends, including the socialist era, on legal frameworks and policies for juvenile offenders and victims. Main purpose of the paper is to analyze the historical and modern mechanisms of protecting minors' rights within the criminal justice system, with an emphasis on aligning national practices with international legal standards. The object of the article is the system of criminal law protection for minors in Central and Eastern European countries, including Azerbaijan. The subject of the article is legal norms, historical trends, and practical measures influencing the protection of juvenile offenders and victims in the criminal justice system. Key findings include: 1. Historical and Ideological Influences: The Soviet era shaped a shared ideological approach to juvenile justice, emphasizing parental rights and educational methods. Political changes often necessitated stricter policies and revisions to address societal challenges. 2. International Legal Standards: Modern international norms have introduced alternative sanctions and public measures to improve juvenile justice systems, promoting alignment with best European practices. 3. Azerbaijan's Integration: As a former socialist state, Azerbaijan can benefit from examining shared historical trends while adhering to contemporary international legal standards to enhance minors' rights protections and integrate into the global legal community. The study employs comparative legal, historical legal, policy

mücrərrəd

Məqalədə yetkinlik yaşına çatmayanların cinayət hüququ müdafiəsinin təkamülü araşdırılır. Azərbaycan üçün təsirləri ilə Mərkəzi və Şərqi Avropaya diqqət yetirərək, o, sosializm dövrü də daxil olmaqla, tarixi tendensiyaların yetkinlik yaşına çatmayan cinayətkarlar və qurbanlar üçün hüquqi çərçivələrə və siyasətlərə təsirini vurğulayır. Məqalənin əsas məqsədi milli təcrübənin beynəlxalq hüquqi standartlara uyğunlaşdırılmasına diqqət yetirməklə cinayət ədliyyəsi sistemində yetkinlik yaşına çatmayanların hüquqlarının müdafiəsinin tarixi və müasir mexanizmlərini təhlil etməkdir. Məqalənin obyektə Mərkəzi və Şərqi Avropa ölkələrində, o cümlədən Azərbaycanda yetkinlik yaşına çatmayanların cinayət-hüquqi müdafiəsi sistemidir. Məqalənin mövzusu cinayət ədliyyə sistemində yetkinlik yaşına çatmayan cinayətkarların və qurbanların müdafiəsinə təsir göstərən hüquqi normalar, tarixi tendensiyalar və praktiki tədbirlərdir. Əsas nəticələrə aşağıdakılar daxildir: 1. Tarixi və İdeoloji Təsirlər: Sovet dövründə valideyn hüquqlarını və təhsil metodlarını vurğulayan yetkinlik yaşına çatmayanların ədalət mühakiməsinə ümumi ideoloji yanaşma formalaşdırıldı. Siyasi dəyişikliklər çox vaxt sosial problemlərin həlli üçün daha sərt siyasətlər və dəyişiklikləri tələb edirdi. 2. Beynəlxalq Hüquq Standartları: Müasir beynəlxalq normalar ən yaxşı Avropa təcrübələrinə uyğunlaşmanı təşviq edərək, yetkinlik yaşına çatmayanların ədalət mühakiməsi sistemlərini təkmilləşdirmək üçün alternativ sanksiyalar və ictimai tədbirlər təqdim etmişdir. 3. Azərbaycanın İnteqrasiyası: Keçmiş sosialist dövləti kimi Azərbaycan yetkinlik yaşına çatmayanların hüquqlarının müdafiəsini

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analysis, and case study methods to assess the effectiveness of legal frameworks and the practical application of juvenile rights protections.

Keywords: children's rights, legal regulation, criminal policy, juvenile justice, criminal policy instruments.

gücləndirmək və qlobal hüquqi birliyə integrasiya etmək üçün müasir beynəlxalq hüquqi standartlara riayət etməklə, ümumi tarixi tendensiyaları araşdırmaqdan faydalana bilər. Tədqiqat hüquqi bazaların effektivliyini və yetkinlik yaşına çatmayanların hüquqlarının müdafiəsinin praktiki tətbiqini qiymətləndirmək üçün müqayisəli hüquqi, tarixi hüquqi, siyasi təhlil və nümunə tədqiqat metodlarından istifadə edir.

Açar sözlər: uşaq hüquqları, hüquqi tənzimləmə, cinayət siyasəti, yetkinlik yaşına çatmayanlara qarşı ədalət mühakiməsi, cinayət siyasətinin alətləri.

Introduction

Juvenile delinquency, a persistent social phenomenon, poses significant challenges in Azerbaijan, reflecting broader societal and systemic issues. Rooted in historical and socio-economic factors, this problem reveals the vulnerability of children and adolescents—a demographic that not only represents the nation's most at-risk group but also its most critical resource for future development. Ensuring the rights and freedoms of minors, especially those in conflict with the law, is essential for achieving social stability and sustainable progress.

Despite efforts by governmental and non-governmental organizations to address juvenile delinquency through socio-political and sociological measures, these interventions often fail to produce lasting results. Azerbaijan's experience underscores the urgent need for a comprehensive and multifaceted approach that combines legislative reform, law enforcement strategies, and socio-educational initiatives. This study argues that enhancing Azerbaijan's criminal law mechanisms to protect minors' rights is essential. Drawing on international best practices, it emphasizes adopting rehabilitative measures focused on re-socialization and alternative sanctions rather than punitive approaches.

Azerbaijan's socio-economic challenges, political transitions, and a decline in citizens' well-being have contributed to a rise in juvenile delinquency, exacerbating social tensions. Historical and systemic factors—ranging from socio-economic hardships to gaps in legal protections—have created a situation where children and adolescents face heightened risks. This research situates juvenile delinquency within Azerbaijan's broader historical and socio-legal context, exploring how these factors have shaped the country's response to protecting minors in conflict with the law.

By examining the interplay of legal, social, and educational frameworks, this study provides a comprehensive analysis of how Azerbaijan can better safeguard minors' rights. It argues that the country must strengthen its criminal law mechanisms by integrating lessons from Central and Eastern European nations while tailoring these insights to Azerbaijan's unique socio-political context.

This study aims to:

1. Examine the legal framework for protecting minors' rights at national and international levels.
2. Assess the practical application of criminal law norms concerning minors in Azerbaijan.
3. Compare Azerbaijan's juvenile justice system with those of Central and Eastern European countries to identify adaptable best practices.
4. Offer recommendations for strengthening Azerbaijan's criminal law system to enhance protections for minors.

Theoretical and conceptual framework

Juvenile justice systems have evolved significantly, particularly in Central and Eastern Europe, where historical authoritarian influences have shifted toward EU-aligned, rights-based approaches. This research reviews key international and national legal frameworks governing minors' rights, including the UN Convention on the Rights of the Child (CRC) and EU directives.

Key concepts such as re-socialization and alternative punishments form the foundation of this study. Re-socialization emphasizes reintegrating minors into society through education and therapy, while alternative punishments—like community service or family-based interventions—offer non-custodial solutions that prioritize rehabilitation over retribution.

Methodology

The article employs a multidisciplinary research approach, using comparative legal, historical legal, policy analysis, and case study methods. These tools facilitate an in-depth exploration of Azerbaijan's juvenile justice system while drawing comparisons with practices in other Central and Eastern European countries. This methodological diversity ensures a thorough exploration of Azerbaijan's juvenile justice system while providing actionable insights for reform.

Results and Discussion

This section presents the findings on the effectiveness of Azerbaijan's legal framework for protecting minors, identifying gaps and challenges in the practical application of criminal law norms. It discusses the influence of socio-political and economic factors on juvenile delinquency and evaluates alternative approaches, such as rehabilitation and community-based sanctions, through comparative analysis with European practices. The study identifies significant gaps in Azerbaijan's legal framework for protecting minors in conflict with the law. While national laws reference international standards, their practical implementation often falls short. Socio-political and economic factors, including limited resources and weak institutional capacity, exacerbate these challenges. The research highlights the importance of prioritizing re-socialization and alternative sanctions over punitive measures. Community-based approaches, including probation and family conferencing, have proven effective in reducing recidivism and supporting the reintegration of minors into society. Such measures align with Azerbaijan's broader goals of social stability and sustainable development.

Conclusions

The article concludes by summarizing the key insights and offering practical recommendations for improving Azerbaijan's juvenile justice system. It emphasizes the importance of integrating international standards, strengthening legal protections, and prioritizing rehabilitative approaches to address the issue of juvenile delinquency effectively. This study contributes to global discussions on minors' rights while offering a roadmap for reforming Azerbaijan's juvenile justice system to ensure a safer and more just society for future generations.

Definitions of Key Terms used in the research:

Minor – According to the UN Convention on the Rights of the Child, a minor is a person under the age of 18 (United Nations General Assembly, 1989).

Protection of minors' rights – A set of measures aimed at ensuring the observance of minors' rights in criminal proceedings, including their right to a fair trial, legal aid, protection from abuse, the right to education, and re-socialization (United Nations General Assembly, 1989).

Alternative punishments – Measures applied instead of imprisonment, including probation, mediation, community service, and educational programs aimed at rehabilitating minors without isolating them from society.

Re-socialization – The process of returning a juvenile offender to normal social life through educational and rehabilitation measures that promote their reintegration into society after committing an offense (Council of Europe, Committee of Ministers, 1987).

Theoretical Framework or Literature Review

The literature reviewed underscores the central theme of balancing protection for minors with effective responses to juvenile delinquency, forming a basis for the argument that Azerbaijan must align its juvenile

justice system with evolving international standards. Critical analysis of the sources reveals several overarching trends and tensions that directly inform the study's focus.

Blicke (2023) underscores the complexities of defining an appropriate MACR, a cornerstone of juvenile justice reform. Her analysis situates MACR within the broader framework of international law, emphasizing child welfare and rehabilitation over punitive measures. The growing consensus among jurisdictions to raise MACR reflects a global shift toward prioritizing children's developmental needs and rights. For Azerbaijan, where punitive traditions remain entrenched, this resonates strongly with the study's argument for moving away from repressive practices. Aligning with the UN Convention on the Rights of the Child (CRC) and increasing MACR would signal a commitment to international standards while addressing systemic shortcomings in protecting vulnerable minors.

Critical to this discussion is Blicke's observation that raising MACR alone is insufficient without accompanying systemic reforms. For Azerbaijan, the practical implementation of such reforms is crucial to avoid simply deferring issues of juvenile accountability to later stages without resolving the underlying socio-economic factors contributing to delinquency.

Brown and Charles (2019) advocate for a comprehensive approach to juvenile justice, integrating principles of child development, restorative justice, and systemic interventions. Their research emphasizes that addressing the root causes of juvenile offending—such as socio-economic disadvantage, family instability, and community disintegration—is as important as legal reforms. The study highlights restorative practices and community-based solutions as effective alternatives to punitive models, offering insights directly applicable to Azerbaijan.

Azerbaijan's socio-economic challenges, including high rates of poverty and limited access to education in certain regions, align with Brown and Charles' emphasis on addressing systemic contributors to juvenile delinquency. Their critique of approaches overly reliant on age thresholds reinforces the need for Azerbaijan to adopt policies that not only reform MACR but also invest in rehabilitative and preventive measures. This underscores the necessity of shifting juvenile justice from punishment to rehabilitation, a central theme of the study.

O'Brien and Fitz-Gibbon (2017) present a critical case study on the inconsistent application of the *doli incapax* principle in Australia, revealing gaps in the protection of minors despite progressive legislative frameworks. Their findings highlight the dangers of fragmented or uneven enforcement of juvenile justice norms, a challenge also evident in Azerbaijan. While Azerbaijan has adopted legal provisions aligned with international conventions, their practical application often falters due to institutional weaknesses and a lack of trained personnel.

The authors' emphasis on ensuring uniformity in legal protections is particularly relevant for Azerbaijan. To bridge the gap between legislation and practice, systemic reforms must include capacity-building measures for law enforcement, judiciary officials, and social workers. This aligns with the study's argument for strengthening the enforcement mechanisms of Azerbaijan's juvenile justice system.

Janes (2008) explores the European shift from punitive measures to rehabilitative approaches, reflecting broader societal recognition of the socio-economic roots of juvenile crime. His research is particularly relevant for Azerbaijan, which shares historical and legal parallels with several Central and Eastern European countries transitioning from socialist regimes to EU-aligned standards. Janes argues that these rehabilitative approaches—emphasizing therapy, education, and community engagement—offer a model for integrating international conventions like the CRC into domestic policies. For Azerbaijan, Janes' findings suggest that adopting consistent European standards can address the disconnect between punitive traditions and modern child-centered justice principles. This perspective strengthens the study's argument that reforms must prioritize rehabilitation as a means to reduce recidivism and support minors' reintegration into society.

Samedova (2008, 2017, 2020) offers a nuanced analysis of Azerbaijan's juvenile justice system, connecting international trends to local challenges. Her work emphasizes the importance of humanizing the treatment of minors in conflict with the law, advocating for policies that reflect evolving global norms. Samedova's research also highlights socio-political barriers—such as limited public awareness and institutional resistance—that hinder the implementation of child-centered reforms in Azerbaijan.

Critically, Samedova draws attention to the socio-cultural context in Azerbaijan, where traditional values and economic hardship often undermine progressive legal norms. This aligns with the study's argument that reform efforts must be tailored to Azerbaijan's unique conditions, balancing international best practices with culturally sensitive strategies. Her findings also reinforce the need for robust socio-educational interventions to complement legal reforms, addressing the root causes of delinquency while fostering public support for rehabilitative approaches.

Reznik, Bondarenko, Utkina, Yanishevskaya, & Ilchenko (2022) state that it is essential and urgent to use the mediation procedure in the case of a juvenile committing a criminal offense or a felony more widely as an alternative to litigation. It is emphasized that the full implementation of this institution requires political will and broad support from civil society. Namely, his readiness to resolve disputes without a court, but only with the help of a mediator. For Azerbaijan, where traditional punitive measures often dominate juvenile justice, this perspective is particularly compelling. The study's argument aligns with Reznik et al.'s assertion that mediation fosters accountability and re-socialization, outcomes that punitive models often fail to achieve. However, a critical gap in the source is its limited exploration of how countries transitioning from authoritarian traditions—such as Azerbaijan—can overcome cultural and institutional barriers to adopt mediation. Addressing these challenges is crucial for ensuring that mediation is perceived not as leniency but as a constructive alternative that prioritizes the best interests of the child.

Volkova, Prytuliak, Yanitska, Poliuk, & Polunina (2023) analyzed the specific decisions of the ECtHR in the field of protection of children's rights, in particular those who committed crimes, summarized the main approaches, standards, and principles used by the ECtHR in solving relevant cases, as well as making their own proposals for improving the current legislation of Ukraine aimed at protecting children's rights. This analysis is particularly relevant for Azerbaijan, as ECtHR principles represent a benchmark for countries striving to align their legal systems with international human rights standards. However, Volkova et al. do not fully address the practical challenges of implementing these principles in jurisdictions with weak enforcement mechanisms and socio-political resistance to change. Azerbaijan's experience mirrors these challenges, as gaps in institutional capacity and judicial training often hinder the consistent application of child-centered legal norms. Strengthening the connection between ECtHR standards and Azerbaijan's context underscores the need for capacity-building initiatives and institutional reforms.

The reviewed literature collectively supports the thesis that Azerbaijan must reform its juvenile justice system to align with international norms and prioritize rehabilitative measures. However, the sources also reveal significant challenges. For instance, while Bliecke and Janes emphasize global trends, their reliance on soft law sources highlights the variability in international enforcement, which Azerbaijan must navigate carefully. Similarly, Brown and Charles' focus on social factors demands practical considerations of resource allocation in Azerbaijan's socio-economic context. Finally, O'Brien and Fitz-Gibbon's findings on *doli incapax* illustrate the risk of inconsistencies that could undermine reforms if not meticulously implemented.

By critically engaging with these sources, the study underscores the urgency and feasibility of transforming Azerbaijan's juvenile justice system into one that not only complies with international standards but also addresses the underlying causes of juvenile delinquency through a comprehensive, rehabilitative approach.

Methodology

The methodology employed in this study integrates four key methods – comparative legal, historical legal, policy analysis, and case study – to provide a multidimensional perspective on protecting minors' rights in criminal law. Each method contributes uniquely to understanding and addressing the issue.

1. Comparative Legal Method

The comparative legal method involves examining and contrasting legislative approaches to minors' rights protection across different jurisdictions. This method focuses on legal systems in Central and Eastern European countries influenced by socialist regimes, juxtaposed with Western European countries adhering to EU standards. The analysis identifies key legislative trends, such as the increasing adoption of less repressive approaches to juvenile justice. A trend toward harmonization with EU norms, particularly in adopting alternative sanctions like mediation and rehabilitation programs. Progressive practices in re-socialization, including education and therapy-focused sanctions, which could be tailored for

implementation in Azerbaijan. This method traces the gradual shift from punitive measures to rehabilitative and rights-based approaches across jurisdictions. For example, many CEE countries initially mirrored Azerbaijan's history of discipline-oriented juvenile systems but later embraced EU-driven reforms, such as mediation, rehabilitation, and community-based sanctions. Comparative analysis highlights the growing emphasis on non-punitive measures like mediation, counseling, and therapy programs. Western European systems, particularly those in Scandinavia, emphasize alternative sanctions over incarceration, showcasing their efficacy in reducing recidivism. The method evaluates how legal systems align with frameworks like the UN Convention on the Rights of the Child (CRC), emphasizing provisions such as proportional sentencing, procedural safeguards, and the right to education. By identifying transferable practices from other jurisdictions, the comparative legal method highlights how Azerbaijan can transition toward a rehabilitative juvenile justice system. For example, adopting EU-aligned measures such as mediation programs and education-focused sanctions can help address systemic gaps in minors' protection.

2. Historical Legal Method

The historical legal method examines the evolution of legal norms regarding juvenile offenders, offering context on how socio-political changes shape criminal law. The historical legal method examines the evolution of legal norms concerning juvenile offenders, offering a chronological understanding of how socio-political transformations shape criminal law. This approach contextualizes Azerbaijan's current juvenile justice challenges by tracing the legacy of its socialist past and post-independence reforms. During the socialist era, juvenile justice emphasized collective discipline, state control, and mandatory education as mechanisms for controlling delinquency. Punitive measures, including incarceration, were frequently used, reflecting the state-centric governance of the time. With the collapse of socialist regimes, many CEE countries experienced fragmented reforms due to socio-economic instability. These reforms often struggled to fully align with international standards, resulting in inconsistent protections for minors. Azerbaijan shares this transitional trajectory, where legal reforms exist but are undermined by weak enforcement and institutional inertia. Key agreements, such as the CRC, catalyzed a shift from control-based models to rights-focused systems emphasizing rehabilitation. By mapping the adoption of CRC principles across CEE countries, this method identifies milestones and barriers in juvenile justice reform. Understanding the historical progression of juvenile justice systems in comparable countries allows Azerbaijan to learn from their successes and challenges. For instance, countries like Poland and Hungary successfully transitioned to community-based rehabilitation, demonstrating the feasibility of similar reforms in Azerbaijan. The method identifies gaps in Azerbaijan's juvenile justice framework, such as limited access to rehabilitation programs and weak inter-agency coordination. Recommendations include developing comprehensive strategies that integrate social services and education into juvenile justice policies. This method traces changes in juvenile justice from the socialist era, characterized by collective control and state education, to the post-socialist period emphasizing international standards. It also evaluates the influence of key international agreements, such as the UN Convention on the Rights of the Child, on national legislative reforms. Socialist states prioritized discipline and control, while post-socialist reforms shifted toward rehabilitation and rights-based approaches. The transition period often resulted in fragmented reforms, reflecting broader socio-economic instability. Understanding this historical progression contextualizes Azerbaijan's challenges and opportunities in harmonizing its juvenile justice policies with modern international standards.

3. Policy Analysis Method

The policy analysis method examines the design and implementation of state policies on minors' rights in criminal law. This method scrutinizes Azerbaijan's legislative acts, government programs, and policy initiatives aimed at addressing juvenile delinquency. It assesses whether these measures prioritize re-socialization and rehabilitation over punitive approaches. Effective juvenile justice policies often involve collaboration among social services, education, and healthcare sectors. For example, Scandinavian countries successfully integrate these sectors to provide holistic support for juvenile offenders. The method evaluates national strategies, legislative acts, and programs aimed at juvenile offenders' re-socialization and rehabilitation. It also assesses international programs and their influence on national practices, particularly alternative sanctions. Cross-sectoral approaches involving social services, education, and health care are most effective in addressing juvenile delinquency. Comprehensive policies that prioritize re-socialization and rehabilitation over punitive measures have shown to reduce recidivism rates. This method identifies gaps in Azerbaijan's current juvenile policies and provides evidence-based recommendations for cross-sectoral collaboration to strengthen minors' rights protection.

4. Case Study Method

The case study method offers an in-depth analysis of individual criminal cases involving minors, providing practical insights into the application of legal norms. By analyzing detailed records of cases involving juvenile offenders, this method highlights procedural inconsistencies and systemic failures in protecting minors' rights. For example, common issues include inadequate access to legal aid and insufficient consideration of minors' psychological needs. Successful case studies often demonstrate the positive impact of restorative justice programs, such as mediation and community-based sanctions, in reducing recidivism and supporting re-socialization. Case studies reveal critical areas for improvement, such as the need for procedural safeguards during interrogations or trials. They also highlight the disparity between legal frameworks and their practical implementation. Detailed examination of case records highlights procedural inconsistencies and areas where minors' rights are not adequately protected. It evaluates the effectiveness of restorative justice practices and alternative sanctions in specific instances. Common issues include limited access to legal aid and inadequate protection of minors during legal proceedings. Successful cases demonstrated the positive impact of restorative justice and mediation in facilitating re-socialization. The insights gained from this method underscore the need for procedural safeguards and expanded access to restorative justice programs.

By combining these methods, the study achieves a comprehensive analysis of minors' rights protection in criminal law. The comparative and historical legal methods provide contextual and normative insights, while policy analysis and case studies ensure practical applicability. This integrative approach not only identifies gaps in Azerbaijan's juvenile justice system but also offers actionable recommendations for legislative and procedural improvements.

Results and Discussion

The rights of juveniles in the criminal justice system are a pressing concern globally. Legal frameworks aim to balance the protection of minors, accountability for offenses, and prevention of juvenile delinquency, emphasizing the importance of a rehabilitative and child-friendly approach. This section refines and expands the analysis and interpretation of international and national legal frameworks concerning juvenile rights.

Key Findings from International Legal Frameworks

1. Focus on Rehabilitation and Child-Friendly Justice

International instruments, such as the United Nations Convention on the Rights of the Child (United Nations General Assembly, 1989) and the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (United Nations General Assembly, 1985), prioritize rehabilitation and reintegration over punishment. They emphasize alternatives to imprisonment, such as education and community service, as essential for juvenile offenders.

These standards provide a blueprint for member states but require consistent application. For instance, while the principles encourage minimizing imprisonment, many countries fail to implement robust alternatives, limiting their practical impact.

2. Procedural Safeguards and Child Participation

Documents like the Guidelines of the Committee of Ministers on Child-Friendly Justice (Council of Europe, 2011) highlight the importance of procedural safeguards, such as the right to be informed and heard. These ensure that children actively participate in judicial processes.

While procedural safeguards are widely acknowledged, disparities in their enforcement remain. Countries with limited resources or insufficiently trained personnel often fall short in creating genuinely child-friendly environments.

3. Protection from Exploitation and Abuse

Instruments like the Geneva Declaration of the Rights of the Child (League of Nations, 1924) and the EU Strategy on the Rights of the Child (European Commission, 2021) focus on shielding minors from exploitation, particularly in situations involving crimes such as trafficking, abuse, or neglect.

These frameworks stress the need for specialized protections, but implementation varies. For example, while countries like Germany integrate stringent safeguards, others lack the institutional capacity to detect and address abuse effectively.

4. Early Interventions and Preventative Approaches

Recommendations such as Rec(2000)20 (Council of Europe, Committee of Ministers, 2000), on Early Psychosocial Intervention underline the need for societal involvement in preventing delinquency through early support mechanisms, including education, family counseling, and social programs.

Early interventions are proven to reduce recidivism but require significant investment in infrastructure and cross-sector collaboration. Resource-constrained nations often struggle to adopt these preventative measures.

Comparative Insights from National Practices

1. Azerbaijan's Juvenile Legal Framework

The Soviet-era Criminal Codes of the Azerbaijan Republic (1922, 1927, 1960) contained only a few provisions related to crimes against minors. For example, the 1922 Criminal Code stipulated penalties for teaching religious doctrines to minors (Art. 121), the sale or purchase of young children (Art. 159, Part 2), kidnapping or substitution of another's child (Art. 162), and for non-payment of alimony or abandonment of minors (Art. 165). Similar provisions were included in the 1927 Criminal Code. In the 1960 Criminal Code, crimes against minors were not distinguished as a separate category but were listed among crimes against individuals or public safety (Samedova, 2008).

The current Criminal Code of Azerbaijan, adopted on December 30, 1999, and effective since September 1, 2000, for the first time designated crimes against minors and family relations in a separate chapter—Chapter 22. While the list of crimes in this chapter remained almost unchanged, the new Criminal Code introduces increased criminal responsibility for certain offenses against minors, which are also codified in other sections of the code. Crimes against minors constitute about 2% of the country's overall crime structure (Samedova, 2020).

In modern Azerbaijani legislation, kidnapping (Art. 144.3), hostage-taking (Art. 215.2), or rape of a minor (Art. 149.2, 149.3) are considered circumstances that aggravate criminal responsibility. However, the murder of a minor is not similarly differentiated, which may give the impression that the sexual inviolability and freedom of minors are better protected than their lives (Samedova, 2017).

Statistical analysis shows the stability of the number of minors brought to criminal responsibility in recent years: 485 individuals in 2007, 479 in 2014, 323 in 2020, and 364 in 2023. However, there is concern over the high level of serious and particularly serious crimes among minors, most of which are of a profit-motivated and violent nature (Republic of Azerbaijan, 2024).

The 1999 Criminal Code of Azerbaijan marked progress by creating a separate chapter on crimes against minors, highlighting enhanced accountability for offenses like kidnapping, rape, and exploitation. However, gaps remain in aligning these provisions with international standards.

Statistical trends indicate fluctuations in juvenile offenses, with violent and profit-motivated crimes among the most prevalent. These trends underscore the need for robust preventative and rehabilitative programs tailored to address underlying socio-economic factors.

While Azerbaijan's modern legislation represents progress, gaps persist in aligning with international standards. Limited focus on rehabilitation, insufficient differentiation in penalties, and underdeveloped alternative sanctions highlight the need for systemic reforms.

2. Central and Eastern European Approaches

Countries like Malta adopt the principle of *doli incapax* for children under 14, with an emphasis on parental supervision and alternatives to punitive measures. Similarly, Austria and Bulgaria use standardized age verification processes to ensure that minors are treated appropriately. These countries provide valuable lessons in structuring age-appropriate responses to juvenile offenders, demonstrating the effectiveness of early intervention and restorative justice.

3. Zimbabwe's Expanding Protections

Zimbabwe's Criminal Law Amendment Bill (ZimLII, 2024), addresses significant gaps by extending protections against sexual exploitation to minors aged 16–18. This reform aligns national laws with constitutional definitions of children and international standards.

Zimbabwe's approach illustrates the potential for legislative reforms to close protection gaps, particularly in contexts with previously limited safeguards for vulnerable adolescents.

Discussion: Interpretation and Deeper Analysis

1. Gaps in Harmonization and Implementation

The lack of uniformity in defining the minimum age of criminal responsibility (MAoCR) across countries reveals a critical challenge. While the UN Convention on the Rights of the Child urges member states to establish an MAoCR, its flexibility leaves room for disparity. For example, in Azerbaijan, specific offenses against minors are treated more stringently, yet the absence of equivalent differentiation for crimes like murder raises questions about the coherence of protections.

For instance, Azerbaijan enforces stringent penalties for offenses against minors such as rape or kidnapping, yet lacks differentiated treatment for crimes like murder when minors are the victims. This inconsistency raises concerns about the coherence of the protective framework. In some systems, the absence of standardized thresholds has led to excessive criminalization of young offenders or insufficient safeguards for vulnerable victims.

Moreover, many countries lack comprehensive mechanisms for implementing alternative sanctions, leaving minors in environments that perpetuate rather than rehabilitate criminal behavior. Addressing these gaps requires not just legislative reform but also cultural and institutional shifts to prioritize child welfare over punitive measures.

2. Socio-Cultural Influences on Juvenile Justice

National systems are heavily influenced by cultural and historical contexts. For instance, Azerbaijan's Soviet-era criminal codes emphasized collective values, whereas modern legislation integrates individual rights, reflecting broader societal changes. Similarly, Zimbabwe's evolving laws showcase the interplay between constitutional mandates and socio-political dynamics.

In the post-Soviet era, Azerbaijan has gradually adopted a more rights-based approach, reflecting international standards and societal shifts toward valuing individual rights. Similarly, Zimbabwe's evolving legislation demonstrates the interplay between constitutional mandates and socio-political pressures, particularly in extending protections to older minors.

These transitions highlight the tension between historical practices and modern reforms. While socio-cultural factors often dictate the pace and scope of legislative changes, they also present opportunities to tailor global principles to local realities. For example, integrating restorative justice practices rooted in community values can help bridge this gap.

3. Role of Preventative and Rehabilitative Measures

Best practices from nations like Malta and Germany demonstrate the effectiveness of early psychosocial interventions in reducing recidivism. Rehabilitation-focused measures, such as educational programs and non-custodial sentences, are vital for reintegration, particularly for first-time offenders.

Malta's application of restorative justice practices, such as victim-offender mediation, demonstrates the value of non-custodial measures in fostering accountability and empathy among juvenile offenders. Similarly, Germany's focus on therapy-driven sanctions highlights the effectiveness of addressing underlying behavioral issues rather than resorting to punitive responses.

In contrast, Azerbaijan faces challenges in institutionalizing such practices. Limited resources, insufficient training for professionals, and a focus on punitive measures restrict the implementation of effective rehabilitation programs. Expanding access to these measures is crucial to achieving the rehabilitative goals outlined in international frameworks.

4. Training and Capacity Building

The disparity in professional training among law enforcement, legal practitioners, and judiciary members significantly affects outcomes for minors. Specialized training on juvenile rights and developmentally appropriate communication is critical to bridging this gap.

Specialized training is essential to equip stakeholders with the skills to uphold juvenile rights effectively. For instance, training programs focusing on child psychology, trauma-informed care, and restorative justice practices can help bridge this gap. Countries like Norway and New Zealand, which have implemented comprehensive training for juvenile justice personnel, serve as valuable models for enhancing professional capacity.

Recommendations for Reform

To enhance the criminal justice system's responsiveness to juvenile needs, the following steps are recommended:

Standardized MAoCR: establish a globally aligned minimum age of criminal responsibility with clear thresholds for non-liability below 14 years.

Enhanced Procedural Safeguards: strengthen mechanisms to inform children of their rights, provide legal counsel, and ensure child-friendly judicial environments.

Expanded Protections: align national laws with international standards to address gaps in protection, particularly for vulnerable groups. Priority should be given to comprehensive legal definitions and protections for vulnerable groups, including minors in conflict zones.

Early Interventions: Develop community-based programs focusing on family support, education, and mental health interventions to prevent delinquency. Successful models, such as Germany's therapy-driven sanctions, can be adapted to local contexts.

Rehabilitation over Punishment: prioritize non-custodial sentences and establish robust rehabilitation frameworks to facilitate reintegration into society.

Capacity Building: implement comprehensive training programs for all stakeholders involved in juvenile justice, emphasizing child psychology, communication, and restorative practices. Training should emphasize child psychology, communication techniques, and restorative practices to ensure minors' rights are protected throughout the process.

The comparative analysis of international and national legal frameworks highlights the critical importance of harmonizing laws to protect juvenile rights in the criminal process. While progress has been made in many jurisdictions, significant challenges remain in implementation and practice. A multifaceted approach

incorporating legal reform, preventative strategies, and professional training is essential to create a justice system that upholds the best interests of children at every stage.

Conclusions

1. International and National Legal Frameworks

International standards, such as the UN Convention on the Rights of the Child, emphasize recognizing children as rights-bearing individuals with unique needs, ensuring their safety, well-being, and development. National laws often mirror international norms but require local adjustments to fit socio-cultural contexts. While many countries attempt to align their laws with international norms, effective implementation requires customization to fit socio-cultural contexts. For example, Azerbaijan's efforts to raise the minimum age of criminal responsibility (MAoCR) and develop juvenile rehabilitation programs demonstrate progress, but further reforms are necessary to close existing gaps. Some nations, particularly in under-resourced regions, lag in adopting critical reforms like increasing the MAoCR or implementing restorative justice practices, underscoring the need for global advocacy and support.

2. Provision of Legal Assistance in Criminal Processes

Case studies reveal systemic deficiencies in providing minors with adequate legal representation, leading to frequent violations of their rights during criminal proceedings. It is vital to develop specialized legal assistance mechanisms. Minors often face violations of their rights during criminal proceedings due to insufficient legal representation. This systemic gap exacerbates their vulnerability, particularly during complex or high-stakes cases. Establishing dedicated organizations and specialized legal aid programs is vital to ensuring minors' access to justice. For instance, a Child Justice Center with trained lawyers and social workers can ensure effective representation and advocacy for minors in the legal system. The lack of training for justice professionals leads to gaps in understanding child development and communication. Tailored programs focusing on child psychology, trauma, and ethical considerations are essential to equip practitioners with the skills needed to safeguard minors' rights.

3. Comparative Analysis of Juvenile Justice Systems

While many Central and Eastern European nations and Azerbaijan align with international juvenile justice principles, implementation differs significantly. The UK, Germany, and Malta have robust rehabilitation programs. But Azerbaijan and Zimbabwe are in the initial stages of forming such mechanisms. Their progress highlights the importance of learning from best practices globally while tailoring reforms to local socio-economic contexts. Thus, enhanced experience-sharing is essential to refine juvenile justice frameworks globally. Comparative analysis reveals that experience-sharing and international collaboration can accelerate progress, particularly in nations with nascent frameworks. Joint projects, such as cross-border training programs and expert exchanges, can provide practical insights for system refinement.

4. Recommendations for Criminal Law Reform

- 1) **Align Criminal Responsibility Standards:** Raise the minimum age of criminal responsibility in compliance with international standards.
- 2) **Implement Rehabilitation Programs:** Design and implement specialized rehabilitation programs addressing minors' psychological and social needs.
- 3) **Expand Legal Assistance Programs:** Develop accessible legal aid initiatives and provide training for professionals assisting minors in criminal cases.
- 4) **Train Justice Professionals:** Provide specialized training on ethical, psychological, and legal aspects of working with children.

Aligning national laws with international norms like the CRC is foundational to creating equitable and effective juvenile justice systems. Rehabilitation and preventative approaches, such as early psychosocial interventions and non-custodial sentences, have proven successful in reducing recidivism and supporting minors' reintegration into society. Addressing systemic gaps in legal representation and enhancing professional capacity through targeted training are essential to protecting minors' rights. International partnerships can provide the technical expertise and resources necessary to improve juvenile justice systems, particularly in emerging frameworks.

5. Future Research Directions

Integration of International Standards: Investigate strategies to incorporate international frameworks like the UN Convention on the Rights of the Child into domestic legal systems.

Youth Crime Prevention: Focus on developing new approaches to prevent juvenile delinquency and promote children's overall development and rights protection.

This comprehensive analysis underscores the importance of adapting criminal law and support systems to uphold minors' rights and well-being while fostering international collaboration for systemic improvements.

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