



Juvenile sex offender

This term appears to have a generally agreed meaning and/or can be used without stigmatising and/or otherwise harming the child.

The term “juvenile sex offender” is used for persons under the age of 18 years who under their national law are considered criminally responsible for sexual offences and have been convicted.

Generally, the same criteria are used with regard to adults and juveniles in terms of what constitutes a sexual offence, and the victim of such a crime may be another child or an adult person. The challenge for the justice system in all cases that involve juvenile sex offenders lies in taking measures that account for all their rights, and the circumstances of the offence: the age, maturity, and condition of the offender, the age of the victim, and the gravity of the sexual offence committed.⁴¹⁴

Conclusion: The term “juvenile sex offender” refers to a minor above the age of criminal responsibility who has committed an offence of a sexual nature (whether against another child or against an adult). The term should not be confused with “child sex offender”, which is used to refer to a person (usually an adult) who has committed a sexual offence against a child.

Importantly, children who have not reached the age of criminal responsibility should not be seen as offenders at all.

⁴¹⁴ Article 5 of the CRC sets forth that the “States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.” The commentary on Rule 4 of the Beijing Rules on the administration of juvenile justice states that “[t]he minimum age of criminal responsibility differs widely owing to history and culture. The modern approach would be to consider whether a child can live up to the moral and psychological components of criminal responsibility: that is, whether a child, by virtue of his or her individual discernment and understanding can be held responsible for essentially anti-social behaviour. If the age [...] is fixed too low, or if there is no lower age at all, the notion of responsibility would become meaningless.” See also UNICEF Innocenti Research Centre, “The Evolving Capacities of the Child”, Innocenti Insight, Florence, 2005 <http://www.unicef-irc.org/publications/pdf/evolving-eng.pdf>