

## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

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**ABSTRACT:** This paper provides a comparative analysis of juvenile justice policies and criminal responsibility in selected European countries (Germany, Sweden, France, and the Netherlands) and derives lessons for Vietnam. The study reviews developments since 2020, including new legislation and policy reforms, focusing on diversionary measures, rehabilitation, and sentencing practices. Key findings include Europe’s strong emphasis on rehabilitation and community-based alternatives, strict limits on juvenile detention, and innovative sanctions (such as the Dutch *Halt* program). France’s 2021 overhaul of its juvenile code introduced presumptions of non-responsibility for younger minors and reinforced diversion; Germany maintains a constitutionally enshrined rehabilitative approach with a “minimum intervention” principle; the Netherlands uses tailored juvenile sanctions up to age 23 focusing on education and employment; and Sweden historically imposed juvenile care rather than punishment, though recent developments signal a shift towards involving younger offenders in detention (planning to lower the criminal responsibility age to 13–14 for serious crimes). Effective practices identified include comprehensive diversion programs, specialized juvenile courts, and interagency aftercare. Policy recommendations for Vietnam include adopting greater diversion and community sanctions, strengthening family and educational supports, establishing specialized juvenile justice institutions, and aligning Vietnam’s laws with international child rights norms. These should be tailored to Vietnam’s legal framework (civil law) and socio-cultural context (collectivist and family-centered), emphasizing rehabilitation over punishment.

**KEYWORDS:** Criminal Policy; Implications; Vietnam

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### INTRODUCTION

Juvenile justice systems worldwide have increasingly shifted from punitive to rehabilitative approaches, in line with international norms such as the UN Convention on the Rights of the Child (CRC, 1989) and the Beijing Rules (UN Standard Minimum Rules for the Administration of Juvenile Justice, 1985). These standards call for treating child offenders in a manner that respects their rights and developmental needs. In Europe, various countries have undertaken reforms since 2020 to improve the handling of juvenile offenders, focusing on diversion, restorative justice, and reducing reliance on incarceration. At the same time, concerns about youth crime (e.g. gang involvement) have led some governments to reconsider aspects of their policies (e.g. lowering ages of criminal responsibility).

This paper examines the criminal policy frameworks for juvenile offenders in Germany, Sweden, France, and the Netherlands, analyzing reforms from 2020–2025. These countries are representative in legal tradition and juvenile justice philosophies: Germany and France have civil law systems with codified juvenile codes, the Netherlands has a long-standing rehabilitative youth system, and Sweden – traditionally socialized and welfare-oriented – has recently shifted toward stricter measures for serious cases. The study compares principles of criminal responsibility (minimum ages, youth vs adult jurisdiction), diversion and alternative measures, custodial vs non-custodial sentencing, and recidivism prevention. The effectiveness of legal foundations and their implementation are evaluated through official reports and recent research. The aim is to identify innovative or effective practices (e.g. specialized programs, law changes) that can inform policy reforms in Vietnam. Vietnam has also been reforming its juvenile justice, but challenges remain in aligning practice with child-rights standards and reducing incarceration rates. The paper concludes with policy recommendations for Vietnam’s context.

### LITERATURE REVIEW

**International Standards and Theoretical Frameworks.** International norms mandate child-friendly justice. CRC Article 40 and the Beijing Rules advocate diversion and alternatives to formal court proceedings for juveniles. The last decades have seen growing consensus that young offenders respond better to interventions emphasizing development and responsibility rather than harsh

## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

punishment. The *Risk-Needs-Responsivity* (RNR) model is prominent: interventions should be calibrated to youths' risk levels and address criminogenic needs (e.g. education, social skills) to reduce recidivism. Meta-analyses show that well-implemented diversion and rehabilitative programs can significantly lower recidivism compared to incarceration. Conversely, research indicates juvenile incarceration generally fails to reduce reoffending and may hinder youth development.

**Diversion and Community-Based Approaches.** Diversion (formal or informal channels allowing offenders to avoid prosecution) is a key concept. It ranges from police warnings to mediation and community service. Evidence suggests diversion programs promote youth accountability and reduce stigma. In Europe, several countries have extensive diversion: for example, the Dutch *Halt* program allows youths (12–17) who commit minor offenses to undergo education and community service instead of prosecution. Completion of *Halt* leads to dismissal of charges and no criminal record. Such programs align with CRC's child-friendly principles. Council of Europe guidelines similarly emphasize minimal intervention, child confidentiality in proceedings, and education measures over detention.

**Rehabilitation and Aftercare.** The literature underscores that rehabilitation and social integration are primary goals of juvenile justice. Programs often include psychological counseling, vocational training, and family support. Specialized juvenile judges or multidisciplinary teams may oversee individualized plans. Studies (e.g. Netherlands' juvenile sanctions research) highlight that sanctions tailored to maintain youths' education/employment tend to stabilize their social integration. Aftercare—support following release from detention (educational support, mentoring is crucial but often under-researched. Evidence from the U.S. and Europe consistently shows that incarceration harms youths' health and prospects, whereas programs that develop pro-social bonds (education, work, therapy) improve outcomes.

**Comparative Juvenile Justice Models.** Comparative studies note wide diversity. Some countries (Germany, Netherlands) blur lines between juvenile and emerging adult sanctions, reflecting developmental science. Others maintain strict adult/juvenile separation (France, Sweden). Common elements in progressive systems include higher age thresholds for responsibility, diversion-first policies, and minimal use of custody. Reforms since 2020 have largely reinforced these trends: e.g. France's 2021 juvenile code overhaul introduced a presumption of irresponsibility for children under 13, aligning with the idea that children lack legal capacity. However, rising youth crime (like gang violence in Sweden) has pressured some governments to lower these ages for severe cases.

**Vietnam's Juvenile Justice Reforms.** Vietnamese scholarship and reports document significant recent changes. The 2015 Criminal Code and Child Law 2016 introduced juvenile-specific provisions, including Family and Juvenile Courts (established 2014) and education-oriented sanctions. Vietnam's reforms exhibit a hybrid model of welfare, justice, and restorative approaches. Diversionary elements exist: under-14 offenders face administrative (not criminal) handling, and 14–16-year-olds are punishable only for serious crimes. However, in practice, two-thirds of convicted minors still receive imprisonment, indicating room for more alternatives. Recent surveys show Vietnamese justice actors overwhelmingly support a child-centered system focused on prevention and rehabilitation. These studies (2024–2025) suggest momentum for further reform, such as drafting a specialized Juvenile Justice Law and raising the legal child age to 18.

This literature highlights key themes: the primacy of rehabilitation, the legal and practical emphasis on diversion, and the growing consensus against child incarceration. The comparative review below builds on these findings, examining how the case countries implement these principles.

### Comparative Methodology

This study uses a qualitative comparative approach. Four European countries were selected for case studies: Germany, Sweden, France, and the Netherlands. They represent diverse legal traditions (civil law systems with both code-based and mixed juvenile justice) and socio-political contexts, yet share commitments to EU and international child rights norms. Data sources include national legislation (juvenile codes, criminal codes), government reports, EU and Council of Europe documents, and peer-reviewed studies published since 2020. We also draw on policy analyses (e.g. NGO and think-tank briefs) for contemporary reform details. For Vietnam, Vietnamese legal texts (Criminal Code 2015, Child Law 2016) and recent scholarly reports are used to contextualize policy implications.

The comparative analysis is structured around common indicators: age of criminal responsibility and juvenile jurisdiction, use of diversionary programs, custodial vs non-custodial sentencing, rehabilitative focus, and recidivism prevention strategies. We assess each country's framework and major developments post-2020. Cross-case synthesis identifies shared lessons and innovations. Finally, we consider the applicability of effective practices to Vietnam's legal system (civil law with recent reforms) and socio-cultural factors (Vietnamese emphasis on family responsibility and social harmony).

### Country Case Studies

#### Germany

**Legal Framework and Responsibility:** In Germany, the Youth Courts Act (*Jugendgerichtsgesetz*, JGG) governs persons aged 14–20. The age of criminal responsibility (MACR) is 14. By law, anyone under 14 cannot be prosecuted at all, and juveniles (14–17)

## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

automatically fall under JGG. Young adults (18–20) are also tried under JGG if it is deemed beneficial given their maturity and offense context. German courts interpret these provisions broadly: if an offender under 21 is still in school, unemployed, or if the crime is “typically juvenile” (impulsive, peer-influenced), juvenile law must be applied regardless of offense severity. As a result, in 2020 about 60% of 18–20-year-old offenders were treated as juveniles. This flexible approach reflects Germany’s principle of *jugendadäquate Sanktionierung* – punishment suited to youth status.

**Philosophy and Interventions:** The German system explicitly centers on rehabilitation. By statutory mandate, the primary purpose of juvenile sanctions is *prevention of reoffending*, not punishment. The code embodies a “minimum intervention” principle: sanctions are imposed only if absolutely necessary. In practice, this means that for minor offenses, no formal sanction is often taken (“non-intervention”). For more serious but still non-violent offenses, courts commonly use diversionary and educational measures. These include victim-offender mediation and extra-court educational programs (e.g. counseling). Judicial sanctions typically are mild: warnings, fines, or community service (usually 10–40 hours). Custodial measures are rare: less than 1–2% of juvenile sentences involve unconditional custody, and detention is used only for very serious offenses.

Germany also emphasizes social support and aftercare. Juvenile offenders often receive social worker assistance and must complete programs on responsibility and life skills before release from any custody. Even when incarceration occurs, youth prisons are designed for education and therapy. Guards receive specialized training in youth psychology and do not routinely carry weapons. The *fair and just prosecution* report notes: “German detention facilities... are required to promote rehabilitation and self-respect, and are not permitted to be punitive environments”.

**Recent Developments (2020–2025):** There have been relatively few structural changes in Germany’s juvenile system in this period, as the existing framework is longstanding. However, attention has grown on particular issues. For example, Germany is revising its juvenile penal code (JGG) to implement an EU directive (2016/800) on minors’ procedural safeguards; these changes include giving children more say in proceedings and limiting detention durations. In 2022 the legislature passed minor updates, but no major overhaul akin to France’s. Policy discussions continue around improving reintegration programs and addressing the needs of migrant or refugee youth offenders, but the fundamental approach remains constant: focusing on rehabilitation in the community.

### Sweden

**Legal Framework and Responsibility:** Sweden’s traditional approach has been distinct. The current minimum age of criminal responsibility (MACR) is **15 years**. Children under 15 are not criminally liable; offenses by under-15s are handled by social services outside the criminal system. Those aged 15–17 are juveniles. Swedish law imposes **strict limits on juvenile detention**. In practice, courts may impose prison on 15–17-year-olds only in *very exceptional* circumstances. One source notes that persons “between 15 and 18... should be extremely rare [cases] with imprisonment... only in very, very special cases”. Indeed, Swedish penal code requires that youths under 18 face custody “only if there are extraordinary reasons”. For ages 18–20, the court is also directed to focus first on “closed juvenile care” and impose imprisonment only for severe crimes or other special reasons. Sweden also has a specialized Juvenile Justice Act (1964:167) guiding this policy: juveniles are “protected from [the] hard conditions in a prison” and instead provided care aimed at a “decent future life”. As a result, juvenile detention rates in Sweden have historically been very low. When detained, youths serve short terms (over 85% for two years or less) and under strict rehabilitative conditions.

**Philosophy and Interventions:** Sweden emphasizes social welfare and rehabilitation through its municipal social services system. The law encourages diversion: prosecutors have broad discretion to waive charges and hold a meeting with the youth and family, involving social workers. The adult penal code contains “special provisions” for youths, including “special care” under social services rather than standard imprisonment. Typical sanctions include probation-like “youth service” (e.g. supervision and community service under social workers), mandatory counseling, or placement in residential treatment (not prison). The bedrock principle is that deprivation of liberty should be a last resort and only in cases where other measures are insufficient.

**Recent Developments (2020–2025):** In recent years, Sweden faced a surge in gang-related youth violence, prompting policy shifts. In 2023, the government announced plans to allow detention of younger offenders. Under legislation passed in 2023–2025, Sweden will create youth detention sections for 13–14-year-olds (previously unprocessed juveniles) and consider lowering the criminal responsibility age for serious crimes. By summer 2026, 100–150 secure places will be established in special youth units (separate for boys and girls). Justice Minister Gunnar Strömmer argued this was necessary to “help children leave the path of crime” and protect society. However, even these changes retain care principles: the government emphasizes that the facilities must comply with Sweden’s child rights obligations (UN CRC) and focus on rehabilitation. These reforms signal a move away from Sweden’s historically very high threshold for prosecution, reflecting political pressure. Still, core values remain: Swedish law continues to forbid prosecution of children under 15 and (until these changes) refrains from locking up 15–17s except in grave cases.

### France

**Legal Framework and Responsibility:** France’s juvenile justice was comprehensively reformed in 2021. Prior to reform, the system had no fixed minimum age of criminal responsibility; instead it used the concept of *discernment* (capacity to understand

## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

one's act). The 2021 Juvenile Criminal Justice Code introduced a rebuttable presumption: **under 13 years** children are presumed incapable of discernment, and those *over 13* are presumed capable of judgment. Thus practically, the effective MACR became 13 (for those deemed accountable). Children aged 13–18 fall under the juvenile code. For 18–21, the judge can decide case-by-case to apply juvenile law based on maturity and offense.

**Philosophy and Interventions:** France nominally upholds rehabilitation, but in practice the system is often criticized as punitive. The law specifies educational measures (apology to victim, schooling, internships) as priorities, but usage varies. Notably, pre-trial detention of juveniles has been common. The 2021 reform aims to reverse this: custodial measures should be “last resort.” Under the new code, a child (13–18) may be detained only if “absolutely necessary” and no alternative exists. Alternatives include judicial supervision, electronic monitoring, placement in social or educational centers, or referral to health/social agencies. Before trial, police prosecutors have expanded powers for mediation or diversion (though victim consent is needed). France has also mandated that juveniles be held separately from adults in detention. The reform created 20 new “rééducation centers” (special juvenile facilities) and intends to open them (some began in late 2021), emphasizing education and discipline.

**Recent Developments (2020–2025):** The new Juvenile Code took effect on 30 September 2021, the first major update since 1945. It introduced the above age presumptions and shortened procedures. It also aims to speed up cases: for example, juvenile hearings are now to be held within a month of indictment. The Macron government also pursued “community justice” reforms (December 2020 decree) to handle everyday infractions swiftly, expanding local courts and alternative measures. The 2021 “Bill for confidence in the judiciary” further limited pre-trial detention durations and prioritized diversion. French officials intended to expand juvenile justice’s social component: for instance, the creation of local “child justice judges” and stronger ties with child welfare services. Early commentary notes the reforms raise the juvenile crime age floor to 13 (with legal protections below that), and significantly emphasize diversion. However, some civil society groups argue enforcement remains uneven and the system still has high rates of detention compared to other Western countries. Recidivism data in France are scarce, but one study noted that post-release recidivism of juvenile offenders was a concern (around 40–50% return to crime within a few years) prior to reforms.

### Netherlands

**Legal Framework and Responsibility:** The Dutch system has a low MACR of **12 years** (for most crimes; 16 for some serious crimes). The juvenile jurisdiction generally covers ages 12–17 (or under 18). Uniquely, the Netherlands extends its juvenile framework to *young adults*: since reforms in 2014, juvenile sanctions can be applied to offenders up to age 22. Draft proposals have even considered extending to 24. This reflects the Netherlands’ “adolescent criminal law” principle: sanctioning should match the developmental stage. Offenders aged 18–22 are often still tried in youth courts and receive youth sanctions if they meet criteria (e.g. still in school, mild offense).

**Philosophy and Interventions:** Dutch juvenile justice is explicitly **educational and rehabilitative**. The law enshrines that sanctions for youth must be primarily educative, aiming at reintegration. Non-custodial penalties predominate: the youth probation service (Reclassering) provides supervision, mandatory training courses, and community service. A hallmark is the comprehensive *diversion program “Halt”* for ages 12–17 who commit minor offenses like vandalism or petty theft. About 9,500 youths entered Halt in 2022. In this model, the police can refer the youth to Halt instead of pressing charges. The youth completes tasks (reparation work, educational modules, apology letter) designed to enhance responsibility and social awareness. Successful completion ends the case with no criminal record. The goals of Halt include improving social skills and accountability (moral development) to reduce recidivism.

Research on the Netherlands’ “adolescent law” (juvenile sanctions for 18–22) finds it largely effective: youth who were in education/employment before sentencing were more likely to maintain that status after a juvenile sanction compared to an adult sanction. The juvenile sanctions stress maintaining education/work and stable housing, which aligns with developmental needs. Community-based sanctions (training orders, unpaid work) are common; custody is reserved for serious, repeat offenders. The Netherlands also has restorative justice initiatives and a robust welfare support system. Dutch juvenile prisons are structured as secure youth care centers focusing on therapy and schooling, not punishment.

**Recent Developments (2020–2025):** The Netherlands has not made drastic changes since 2020 but continues to refine its programs. An RCT launched in 2024 is evaluating the effectiveness of Halt, reflecting an evidence-based approach. Juvenile curfew and gun possession limits for youth have been tightened due to concerns over youth crime, but core rehabilitative policies remain. The Netherlands often participates in EU child rights initiatives (e.g. child-friendly justice training) and incorporates international research. Notably, in 2023 the Dutch Parliament considered extending juvenile sanctions to age 24, reflecting ongoing recognition of emerging adults’ needs. Overall, the Dutch case illustrates a comprehensive, child-centered justice model with strong diversion, educational sanctions, and societal reintegration as pillars.

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## ANALYSIS

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## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

A cross-country comparison reveals several common themes in modern European juvenile justice:

**Age of Criminal Responsibility:** All case countries set relatively high MACRs by global standards. Germany and Sweden set it at 14 and 15 respectively; Netherlands at 12; France effectively at 13 with its new code. These thresholds reflect recognition that younger children lack capacity for criminal intent. Importantly, France and Sweden have introduced or upheld presumptions of non-responsibility for the youngest minors (France: under 13; Sweden: under 15). Notably, Sweden's recent policy debate is reversing tradition by proposing to involve 13–14-year-olds in the system, indicating sensitivity to local crime trends. Germany and the Netherlands apply juvenile law beyond 17, showing flexibility. In Vietnam, the MACR is 14 for limited crimes, similar to some European ages.

**Diversion and Alternatives:** A pronounced emphasis on diversion emerged in all four. Netherlands' *Halt* (police-level diversion) is the most explicit example. Germany and Sweden routinely waive or defer prosecution for minor youth offenses. France's reforms mandate that detention is only for "absolutely necessary" cases, pushing for mediation and community measures. Each country provides multiple alternatives: community service, probation, counseling, victim mediation, or family intervention. The evidence-based focus is that diversion respects children's rights and tends to reduce recidivism. Across cases, diversion is also institutionalized: Dutch youth court judges and prosecutors routinely offer *Halt* and training orders; French law explicitly includes police mediation programs; German prosecutors have statutory authority to delay cases. Crucially, alternatives are linked to children's development needs – educational or vocational training, family support, and psychological counseling are common components.

**Custodial vs Non-Custodial Sentences:** In line with human rights norms, Europe limits juvenile incarceration. In Germany, only about 1–2% of youth sanctions are custody. In Sweden, imprisonment under 18 is "extremely rare". The Netherlands also confines very few (most detained youth are serious, violent offenders). France, before 2021, had a higher rate of juvenile detention than the others, which the reform aims to reduce drastically. When custodial sentences are imposed, European systems cap duration: e.g. Germany's juvenile prison terms max at 10 years, and Sweden rarely exceeds a few years. Importantly, juvenile detention facilities are structured around treatment. Training programs and "re-education" centers are used (France is adding 20 such centers). Each country prohibits mixing children with adults and restricts use of force (e.g. Swedish prison guards no weapons, German facilities ban strip-search and solitary). Overall, Europe demonstrates that keeping youth out of cells – through legal rule and practice – is a shared value.

**Rehabilitation and Support:** All systems emphasize rehabilitation as the core goal. Germany explicitly calls it the primary purpose; Vietnam's juvenile code also stresses "resocialization" (reintegration). Programs incorporate educational curricula, vocational training, and therapy. For example, Dutch youth offenders engage in schooling or job training as part of their sanction. After-care is institutionalized: courts order social services to follow up with released juveniles (France's code provides for post-detention aftercare). Multi-agency teams (judiciary, probation, social welfare) coordinate in Germany and the Netherlands. Community ties are maintained – e.g. Swedish policy requires informing social services immediately when a juvenile is processed. The evidence from Europe shows lower recidivism for youth who stay in education/employment post-sanction.

**Recidivism Prevention:** While cross-national recidivism data are sparse, Europe's youth systems are grounded in research on preventing reoffending. The approaches align with findings that diversion and short stays reduce reoffending. Notably, recidivism rates in Germany and the Netherlands are reported as relatively low (e.g. ~30% in Germany over 3 years, compared to ~75% in U.S.). The Netherlands' emphasis on maintaining youths in structured environments (school/work) is a deliberate risk-needs strategy. Some pilot programs, such as Germany's intensified probation support, explicitly aim to keep high-risk juveniles out of prison. By contrast, strict punitive measures (not adopted widely in Europe) tend to have worse outcomes.

**Innovative Practices and Legal Foundations:** Effective innovations include France's presumption scheme (clarifying responsibility thresholds), Netherlands' expanded youth sanctions (up to 23 years), and Sweden's specialized youth detention units (designing facilities to child rights). Germany's model of treating most 18–20-year-olds as juveniles is also instructive. All these rest on solid legal bases: juvenile codes (Germany's JGG, France's JCJC, Dutch Criminal Code amendments, Swedish 1964 Juvenile Act) anchored these policies. Implementation success often depends on specialist training: all countries invest in educating prosecutors, judges, and social workers on child rights. For instance, UNICEF notes that many Vietnamese judges lack child justice training, whereas European counterparts have such programs.

In sum, the comparative analysis highlights a consensus on core principles: high age thresholds, minimal detention, diversion-first policies, and rehabilitation-oriented sanctions. Variations arise from local contexts (e.g. Sweden's recent security-driven changes). The next section draws lessons for Vietnam, which shares some elements (e.g. high MACR, new juvenile courts) but can learn from Europe's implementation.

## Policy Implications for Vietnam

## Criminal Policy Lessons for Juvenile Offenders in Europe and Implications for Vietnam

Vietnam has been reforming juvenile justice but still faces challenges: the lack of a consolidated juvenile justice law, incomplete specialization, and high incarceration rates among children. The European examples suggest several policy directions:

**Formalize Diversion and Alternatives:** Vietnamese law currently includes forms of diversion (e.g. warnings, managing juveniles administratively), but practice is uneven. Vietnam should establish clear diversion programs analogous to *Halt* or community rehabilitation initiatives. For instance, local prosecutors (Viện kiểm sát) and police could refer eligible youths (minor offenses, first-time offenders) to mandatory educational or community service programs instead of court. Such programs should integrate family and community involvement, reflecting Vietnam's communitarian culture. A national framework (possibly in the draft Juvenile Justice Law) should mandate diversion at police and prosecutor stages, as well as offer pre-trial mediation. This aligns with professionals' expressed support for community measures. Data collection on diversion outcomes (as France does) would enable evaluation.

**Strengthen Rehabilitation and Aftercare:** Vietnam's socio-cultural emphasis on family and social harmony suggests leveraging kin and community networks. After any sanction, systematic aftercare is needed: education catch-up, vocational training, counseling, and parental support. Specialized probation services (currently underdeveloped) should be bolstered. The Vietnam Association of Children's NGOs and the Ho Chi Minh Communist Youth Union could play roles in youth mentorship, similar to Germany's social workers. Facilities like "education camps" (colleges for social training) should incorporate psychological and skill-building programs. The successful Dutch model of linking schooling/employment status to juvenile sanction could be emulated: courts could require continued education or job placement as part of sentences, as Vietnam's Penal Code already allows for educational orders. This matches Vietnamese traditions valuing education as reform (e.g. history of Kim Dong schools).

**Restrict Use of Custody:** UNICEF reports that ~40% of provinces still lack Family and Juvenile Courts, and 2/3 of convicted youths get prison time. Vietnam should tighten legal standards so that *detention is truly a last resort*. Amending laws to require explicit findings of necessity before incarcerating a minor (as France's code now does) would help. Alternative sanctions (community service, fines, schooling in juvenile centers) should be expanded. The idea of "education instead of punishment" (which underpinned Vietnam's 2015 Code amendments) should be operationalized: for example, extend community service to more youth offenders and reinvest savings from reduced incarceration into social programs. As UNICEF suggests, raising the child age to 18 would align with juvenile justice principles and reduce child imprisonment, given many crimes by 16–17-year-olds could be dealt with non-custodially.

**Develop Specialized Juvenile Justice Institutions:** All European models rely on specialization. Vietnam's establishment of Family and Juvenile Tribunals is a step, but coverage is incomplete (40% of provinces lack them). By 2026, UNICEF aims for nationwide such courts. Specialized training of judges, prosecutors, and police is also needed: Europe's systems often have dedicated juvenile court judges or child protection officers. Vietnam should require that only specially trained personnel handle child cases, as surveys show broad support among actors for a distinct juvenile system. Embedding social workers within courts (as in Sweden) could ensure early involvement of child welfare. Legal aid for minors (free counsel) should be guaranteed in all cases.

**Align Laws with International Norms:** European experiences underscore the importance of child-rights frameworks. Vietnam has ratified CRC, but domestic law lags: the child age in the Civil Code is 16, not 18, creating inconsistencies. Reformers propose raising the child age to 18 (as UNICEF advocates). Enacting a Juvenile Justice Law, as currently drafted, should codify CRC principles (best interest, hearing rights, confidentiality). Vietnam's Penal Code already sets high MACR (14) and limits on punishments (no capital for juveniles), but the rationale should be made explicit in law. For example, the "principle of education and non-penalization" could be written as in Germany's constitution: Article 6 of the Basic Law states juvenile measures aim at education, not retribution. Such constitutional anchoring in Vietnam (perhaps via higher judiciary principles) would ensure longevity of reforms.

**Cultural and Systemic Considerations:** Any import of European practices must account for Vietnam's context. The Vietnamese system is more centralized; local authorities (People's Committees) and the Communist Party have strong roles. This could be leveraged: community leaders and Youth Unions can help enforce diversionary programs as part of social policy. Traditional values emphasize *restorative approaches*: Confucian and socialist ideals prioritize reforming individuals within the community. Thus, incorporating restorative justice elements (victim-offender conferences) resonates culturally. However, Vietnam's lack of non-governmental oversight (e.g. no independent child advocates) may slow change. Capacity-building is critical: legal reforms must be matched by funding for probation services and training. Finally, gradual implementation with pilot programs (in major cities) could demonstrate benefits before nationwide scaling, as was done in France and Sweden with youth court models.

In conclusion, Europe's juvenile justice lessons for Vietnam include: elevate diversion and rehabilitation in law and practice; reduce reliance on prisons; create specialized juvenile procedures; and ensure compliance with child rights standards. By adapting these to Vietnam's legal structure (civil law codes, socialist justice model) and cultural emphasis on family/community, policymakers can advance the progressive goal of helping juvenile offenders reform and reintegrate.

### CONCLUSION

Comparative analysis of Germany, Sweden, France, and the Netherlands shows that effective juvenile justice systems share a focus on rehabilitation, community integration, and strict limits on detention. Recent reforms in these countries (e.g. France's new juvenile code, Sweden's expansion of youth detention) highlight how policy can shift in response to social trends while keeping youth development as the guide. Innovative practices – from the Dutch *Halt* diversion to Germany's extensive probation support – underline the value of evidence-based, child-centered responses. For Vietnam, which is actively reforming its youth justice, these lessons are timely. Incorporating robust diversion programs, specialized courts, and enhanced rehabilitation services – within Vietnam's legal and cultural framework – promises to improve outcomes for young offenders and society. Crucially, Vietnam's reforms should be grounded in international standards and local context, ensuring that justice for minors is both effective and child-friendly.

### REFERENCES

- 1) Fair and Just Prosecution. (2022). *Germany: A model of rehabilitation in juvenile justice*. (FJP Germany Youth Justice Brief).
- 2) Gerechter Strafvollzug (2023). *Resocialization and self-respect in youth detention*.
- 3) Institut Montaigne. (2022). *Zooming in on French Justice*. (Reform of the juvenile criminal code).
- 4) Prop, L. J. C., van der Laan, A. M., Beerthuisen, M. G. C. J., et al. (2025). *Juvenile sanctions for young adult offenders in the Netherlands: an opportunity for rehabilitation?* Child and Adolescent Psychiatry and Mental Health, 19(33).
- 5) Van Delft, B. J., Zeijlmans, K., et al. (2025). *The effectiveness of the Dutch juvenile diversion program Halt: Study protocol*. BMC Psychology, 13, 819.
- 6) Tai, N. D. (2024). *Rehabilitative approaches in juvenile justice: an international perspective with focus on Vietnam*. Vietnam Law & Legal Forum.
- 7) UNICEF Viet Nam. (2023). *Justice for every child: Strengthening access to a child-friendly justice system*.
- 8) Vietnam Supreme People's Court. (2020). *Vietnam's juvenile justice as compared to common juvenile justice models around the world*. Vietnam Law Magazine.



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