

United Nations Children's Fund (UNICEF)

MetMUNC XLVIII

Topic: Juvenile Justice

Chairpeople: Hannah Quintin, Olivia Schmidt, and Rebecca Horowitz



The United Nations Children's Fund, UNICEF, has estimated that more than 1 million children are behind bars around the world. Many are held in decrepit, abusive, and demeaning conditions, deprived of education, access to meaningful activities, and regular contact with the outside world.¹ The juvenile justice system is the structure of the criminal legal system that deals with crimes committed by minors, usually between the ages of 10 and 18 years.² Juvenile committed crimes are a worry to both developed and developing countries. Youth are not accurately depicted in statistics on crime and violence, whether as victims or as criminals. In many developed countries, violent crimes occur at younger ages than in the past. In many urban areas in developing countries, migration results in overpopulation and the formation of slums, which security forces even fear to enter. Young people wandering the streets are a normal presence in many urban areas of the developing world, especially in cities characterized by slums.

The United Nations is realizing that strategies dealing with juvenile delinquency are many times too focused on harsh penalties and law enforcement. Additionally, some states place

¹ <https://www.hrw.org/world-report/2016/children-behind-bars>

² <https://legalbeagle.com/6627173-definition-juvenile-justice-system.html>

a minimum age of criminal responsibility lower than the internationally acceptable age of 12. The international prohibition on detaining children with adults is also often violated. Putting children behind bars and separating them from their families can be damaging to both their mental and physical development. However, many countries do have disciplinary prevention programs in order to crack down on juvenile and youth offenses and gang activity by methods of police surveillance and prosecution. Juvenile justice proves to remain a problem across many countries because of unfair representation and judgment.

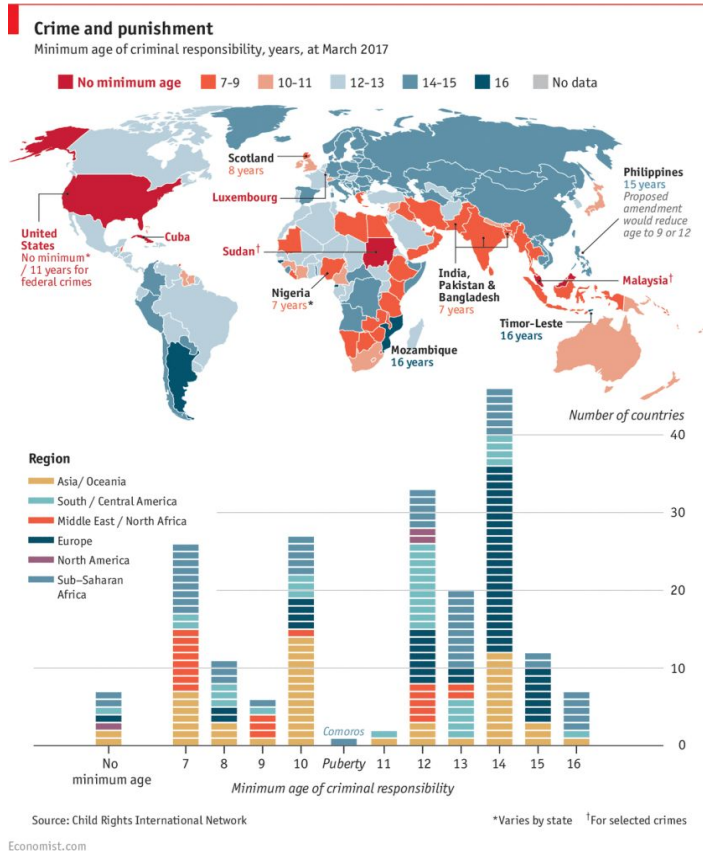


Figure 1: Minimum Age of Criminal Responsibility by Country and Region.

The age of responsibility for crimes means the age in which a child is exempt from the adult system of prosecution and punishment. The importance of the minimum age of criminal responsibility is that it acknowledges that a child has achieved the emotional, mental and intellectual maturity to be held responsible for their actions. In every country an age of responsibility is set. The minimum age of criminal responsibility of different countries

ranges widely. Ages can vary from six years old to eighteen years of age. Children aged seven through twelve are supposed to receive either warnings, supervision by social services, or confinement to a rehabilitation centre.³

Setting the international age of criminal responsibility is a prevalent issue worldwide. There is debate over what should be the most appropriate age of criminal responsibility and there are no definitive standards across countries in this regard. In General Comment No. 10, the Committee on the Rights of the Child concludes that '*a minimum age of criminal responsibility below the age of 12 years is considered by the Committee not to be internationally acceptable*'. The article also emphasizes that countries should not reduce their age of criminal responsibility to twelve in a place where it has been set higher. There is nothing in place to stop countries from having eighteen as their minimum age of criminal responsibility. In fact, a number of countries have chosen to set higher ages including Brazil, Philippines, Mozambique, and lots of Sub-Saharan countries. In 2006 the Philippines introduced a new minimum age of criminal responsibility, making it one of just nineteen countries whose minimum age is fifteen or older. However, the president of the Philippines has adopted a new plan that is much more hard on crime. This plan involves lowering the age of criminal responsibility to nine. The followers of this bill say it would stop adult criminals from engaging with children under the age of criminal responsibility for drug-trafficking purposes. Human-rights advocates argue, saying that there is a

³ <https://www.penalreform.org/resource/justice-children-briefing-no4-minimum-age-criminal-responsibility/>

lack of proof that this would decrease crime rates and instead would penalize victims of exploitation rather than the wrongdoers.⁴

Lives in prisons in some countries are tough for juveniles because of the unethical and inhumane conditions and treatment. Youth are many times put into solitary confinement, often for twenty-two hours or up to the whole day. In solitary confinement, the treatment by guards is unspeakable. These abusive practices can cause physical injuries, emotional trauma, psychological harm, and disrupt healthy development. Juveniles in prison also face physical and sexual violence, compounding the trauma imposed by their isolation and separation from their families, friends and communities.⁵ In the United States, on any given day, around ten thousand juveniles are placed in adult prison facilities. When put in jail with adults, children are deprived of more than their freedom; they suffer the loss of the educational and psychological services provided by juvenile-detention facilities. These services are not offered at the adult facilities. Worse, children are at an increased risk to face sexual abuse and violence by inmates or even prison staff.⁶

In Germany, it is viewed that there are two mental stages of life for juveniles. A person fourteen to eighteen would be considered a “youth,” and someone eighteen through twenty-one years old is deemed to be a young adult. In Germany, prisons are made to replicate the outside

⁴<https://www.economist.com/graphic-detail/2017/03/15/the-minimum-age-of-criminal-responsibility-continues-to-divide-opinion>

⁵ <https://jlc.org/children-prison>

⁶<https://www.theatlantic.com/education/archive/2016/01/the-cost-of-keeping-juveniles-in-adult-prisons/423201/>

world. Officials say this lifestyle shows prisoners how to live a life without crime for when they get out. It's a system with short prison sentences, where inmates have access to knives in their kitchens and electric saws at their jobs. Also, the guards in Germany don't get batons, pepper spray or bullet-proof vests. Every prisoner holds down a paying job, even if it is minimum wage. Germany has found that about thirty percent of its juveniles and young adults come back to prison within three years, whereas in New Jersey it was found that more than 85% of its juveniles were arrested again or ended up back in court.

In recent years, countries worldwide have experienced increases in the amount of juvenile crimes committed. Many European countries, Canada, and the United States have witnessed their rates increase vastly in recent years. It is difficult to compare rates across countries because of how legal definitions of crime vary. One statistic that remains constant in all countries is that children in minority groups are frequently disproportionate to arrest and detention.

Figure 2: Juveniles in Custody Statistics (in the U.S.)

Children are too often charged and held for acts that shouldn't be criminal. Many times, homeless children are presumed as guilty and get charged, as seen in countries such as Uganda and Cambodia. Other times, children are placed in detention for the smallest of reasons, such as disobeying their parents. Girls or even adult women in certain countries, mainly in the Middle

East, may be arrested for being in an apartment by herself or walking the streets alone.

Sometimes, girls may face criminal charges or arrest when attempting to get an abortion. This takes place in countries such as Chile, El Salvador, Ecuador, Peru, and the Philippines. Besides acts that juveniles are convicted of that some may argue over the degree of criminality, many of the actual crimes juveniles are convicted of are nonviolent crimes. These offenses include larceny, vandalism, and a wide array of minor drug offenses, such as marijuana possession.⁷

The death penalty as a method of punishment for crimes committed by juveniles is illegal under international law, yet it is still in practice in some countries. For example, according to the Human Rights Watch World Report, 160 juveniles faced the death penalty in Iran after being convicted of crimes they committed at an age lower than 18. All around the globe in countries such as Egypt, Pakistan, Saudi Arabia, and Yemen, international law is defied and juveniles still face death row.⁸ Those on death row sometimes do not even have their case fairly tried. One 17-year old girl in Iran was reportedly beaten into making a false confession concerning the murder of her abusive husband. She was one of at least five juveniles executed in Iran in 2018, with many others sitting on death row. In addition to suffering the fate of the death penalty, she was not allowed to speak to a lawyer until the very end of her trial, meaning she lacked proper representation in court. The UN has called for this disregard of international standards to end, but there is work to be done to ensure juveniles are not denied their rights.⁹

⁷ <https://www.globalyouthjustice.org/resources/top-25-crimes/>

⁸ <https://www.hrw.org/world-report/2016/children-behind-bars>

⁹ <https://news.un.org/en/story/2018/10/1022372>

In previous years, various ways to protect children’s rights in criminal justice systems have been established. The most basic rights children must have is that they have protection, a right to be heard, and that there is no discrimination considered when coming upon a decision. In 1989 the Convention on the Rights of the Child (CRC), came up with certain rules for countries to follow when it comes to children’s rights. Article 37 and 40 specifically relate to the juvenile

justice system. Article 37 contains guarantees for children deprived of their liberty, and article 40 contains specific provisions concerning juvenile justice. Article 40 lists several possible alternative measures and emphasizes that “a variety of arrangements (...) shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate

Country	Published Papers	Percentage Of total	Weighted Degree	Rank
United States	1016	74%	76	1
Canada	167	12%	29	2
South Korea	37	3%	18	3
United Kingdom	30	2%	10	4
China	26	2%	20	5
Australia	24	2%	9	6
Hong Kong	24	2%	7	7
India	17	1%	4	8
Egypt	16	1%	7	9
Iran	16	1%	1	10

Figure 3: Top 10 Countries Involvement in the CRC

both to their circumstances and the offence.”¹⁰ Also, in 2007, the CRC created the GC10 on “children’s rights in juvenile justice," which is an extension to Articles 37 and 40. It gives countries guidance and information about creating an efficient juvenile justice system that complies with the criteria in articles 37 and 40, although not every country has created one.

Stopping juvenile injustice involves stopping it at the root, and reaching out to children and helping them before they have already started down an illegal path. UNICEF has already

¹⁰https://defenceforchildren.org/wp-content/uploads/2010/04/ResearchMCR_alternativesToDetention.pdf

produced a paper, the Riyadh Guidelines, which outlines what a proper juvenile delinquency prevention program should include. It is suggested that prevention programs should be centered around connecting children with their society and maintaining the health and wellness of the child. UNICEF states that family is the core method of socialization for children, and that the first step in helping prevent juvenile delinquency is supporting families. Providing services throughout the community such as daycare to help maintain the wellbeing of children is important to prevention efforts. In addition to these services, things like mediation should be available for families to produce a stable and safe environment for children. If this safe, stable environment cannot be achieved UNICEF suggests looking at other options, including living with extended family members and adoption. Educating youth also plays a large role in preventing delinquency. Education should be utilized to allow children to reach their full potential, whether that be through fostering a talent or establishing values and morals, as well as provide a school with the resources to help children who are struggling. ¹¹ In this committee you will be discussing and creating various short-term and long-term solutions to prevalent topics such as inhumane conditions, crime prevention, imprisonment without proper warrants, capital punishment, programs for juveniles post jail time, and representation in juvenile courts.

¹¹ <https://www.unicef.org/tdad/riyadhguidelines.doc>

Questions to Consider:

- What are the most common crimes juveniles in your country are tried for?
- What is the legal age of criminal responsibility in your country?
- To what extent do juveniles in your country receive effective counsel and representation in court?
- What systems/programs are set in place to lower the return rate of juvenile delinquents and prevent juvenile delinquency overall?
- Has it been found that in your country minorities are disproportionately arrested and tried for crimes?
- Have people in your country recently been executed for crimes they committed as juveniles or are there juveniles on death row?

Helpful Links:

- <https://www.childtrends.org/indicators/juvenile-detention>
- <https://www.economist.com/graphic-detail/2017/03/15/the-minimum-age-of-criminal-responsibility-continues-to-divide-opinion>
- <https://www.hrw.org/world-report/2016/children-behind-bar>