

SAIMUN 2017 Research Report

Committee: Human Rights Council

Issue: The question of human rights and the administration of juvenile justice

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1. Description of Issue

Ironically, despite efforts to improve youth welfare and increase in overall rates of counselling worldwide, crimes committed by youths (typically 0~18 worldwide) have not decreased since the 1990s. This is partially due to countries not abiding by the Convention on the Rights of the Child (CRC), incarcerating juveniles for trancies or misbehaviors which are not considered as crimes punishable by incarceration according to the CRC. This is partly due to countries ratifying the convention, with exceptions. For example, Islamic countries such as Saudi Arabia signing the convention “with respect to all such articles as are in conflict with the provisions of Islamic law” allowed them to disregard many significant clauses (i.e article 13) of the convention. -> [Convention on the Rights of the Child](#)

Many countries including the United States treat older adolescents, who are accused of serious crimes (murder, assault & battery, dealing with narcotics) no different from adults by sentencing them to death or life without possibility of parole. This is a serious infringement of CRC, which requires nations to provide rehabilitation rather than sentencing to multiple years in adult prisons where they are likely to be exposed to more violence and thus, become less likely to adjust back to society.

Another big problem is that despite the CRC defining legal adult age at 18 years old, countries have their respective legal adult ages, causing discrepancies and confusion. Since the CRC is not a law countries must abide by, there is debate on when the “age of criminal responsibility” is, leading to countries having different age restrictions on until what age children can exercise “defense of infancy”. This has led to children aged as low as 13 being

executed in Yemen and execution of minors aged 15 is still a common practice in many Middle Eastern countries such as Saudi Arabia and Islamic Republic of Iran (I.R.I).

2. Definition of Key Terms

Juvenile justice:

The area of criminal law applicable to persons not old enough to be held responsible for criminal acts. In most states, the age for criminal culpability is set at 18 years. (*Cornell Law*)

Convention on the Rights of the Child (CRC):

A human rights treaty which sets out the civil, political, economic, social, health and cultural rights of children. The Convention defines a child as any human being under the age of eighteen, unless the age of majority is attained earlier under national legislation. (United Nations)

Miranda Rights:

Rights to silence warning given by police in the United States and other countries to criminal suspects in police custody (or in a custodial interrogation) before they are interrogated to preserve the admissibility of their statements against them in criminal proceedings. (Government of the United Kingdom)

Defence of Infancy:

The defence of infancy is a form of defence known as a justification so that defendants falling within the definition of an "infant" are excluded from criminal liability for their actions, if at the relevant time; they had not reached an age of criminal responsibility. (*Cornell Law*)

3. Timeline of Key Events

Event	Description
Declaration of the Rights of the Child, 1924.	Also known as the Geneva Declaration of the Rights of the Child, this is the first-ever international document regarding human rights that was approved by an inter-governmental organization. It was endorsed by the League of Nations and was ordered to be publically displayed in all schools throughout France. This declaration is comprised of 6 clauses that outline the basic rights all children are entitled to.
United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"), 1985.	This was adopted by the United Nations General Assembly resolution 40/33 on the 29 th of November 1985 to improve the treatment of juvenile offenders in member nations. The idea to come up with minimum rules was first proposed by Dahn Batchelor, who advocated for the need to have a separate bill or rights for juvenile offenders. Initially, it was called “Bill of Rights for Young Offenders”. Further Reading: United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")
United Nations Rules for the Protection of Juveniles Deprived of their Liberty, December 1990.	This set of rules is a follow-up to the CRC drafted in 1989, serving to ensure that juvenile criminals are given fair treatment as stated in the CRC and be given consideration for their young age, thus, not being able to make reasoned and sound decisions.
Juvenile Justice (Care and Protection of Children) Act 2015, 12 August 2014.	This is a rather controversial law that was passed by the Parliament of India. Initially, Indian juveniles were subject to Juvenile Justice Act 2010, which focused more on treating and rehabilitating juveniles instead of sentencing them to prisons. However, in the wake of the infamous 2012 Delhi Gang Rape,

	many criticized this legislation as one of the main culprits was only given 3 years of rehabilitation, with no criminal record enlisted. Therefore, Act 2015 reduced the age where juveniles can be trialed as adults to 16, which is 2 years less than what the CRC recommends.
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4. Positions of Key Member Nations and Other Bodies on the Issue

United States:

The United States incarcerates more youths than any other country. According to Amnesty USA, over 53,000 teenagers were detained at different juvenile detention centres nationwide (not including those that were sent to adult prisons). Currently, there are at least 2,500 people in the United States serving life sentences without the possibility of parole (JLWOP) for crimes committed when they were less than 18 years of age. It is the only MEDC that still sentences children under the age of 18 to life sentences. In 2012, the Supreme Court ruled that all judges must take into consideration of the unique circumstances that the child faced during the time crime was committed and banned life sentences for juveniles (with the exception of homicides and breach of national security laws). More states in the United States are making efforts in trying to pass legislations to JLWOP, instead turn to counselling and rehabilitation so they can adjust back into society.

Human Rights Watch:

The HRW strongly believes that the successful integration of the Universal Declaration of Human Rights (UDHR) into respective country's' judicial system is the most viable method in guaranteeing human rights for not only juveniles, but for people of all ages, religion and nationality. HRW works with other NGOs such as UNICEF and Children's Rights Alliance

for England (CRAE) to look into suspected cases of children being stripped of their rights according to CRC at any stages of respective member nations' juvenile justice system.

United Nations Children's Fund (UNICEF):

As by far the single-largest non-governmental organization (NGO) that focuses on the well-being of children worldwide, their goal remains unchanged. UNICEF strongly believes that regardless of what crimes a child has committed, reintegration back into society should be the ultimate objective of any juvenile justice system. They strongly advocate that "status offences" such as truancy and curfew violations shouldn't be punishable by sentencing them to prisons, as many of these children, whom are already on the edge of society, do this simply to survive and get through every day.

5. Suggested Solutions

Initially, by preventing juveniles from ending up in custody, this issue won't exist at all. Thus, educating children on their rights and implications of being brought to justice will serve as a hindrance to committing crimes and allow them to be more familiar with coping methods when held under custody. Government budgets can be allocated to public schools to provide regular counselling and classes, also providing information to parents so they can discuss the issue with their children.

Education should also be provided for guards and law enforcement officials to prevent the mistreatment of juveniles. Statistics from UN shows that guards with lack of experience and education tend to abuse their power and infringe juveniles' rights. Therefore, the responsible department that hires juvenile detention officers must conduct extensive and thorough background checks on the candidates and provide thorough training sessions prior to granting their post. Even after getting a job, regular interviews and monitoring of their actions must take place to ensure they are psychologically fit for the job and they are not abusing their

power. This way, it will help to ensure that the rights of juveniles are guaranteed during all stages of juvenile justice.

Lastly, in many MEDCs, governments have already set up “Juvenile Justice Committees” to separate juveniles from being trialed with the normal judicial system. This will divert juveniles from the rather destructive and cynical criminal courts adult criminals are subject to, but rather focus on rehabilitation and preventing future crimes. Many countries that have these committees, such as the United States and South Korea, regard these juvenile criminals as people in “need of assistance” rather than viewing them as criminals. Judges also refrain from keeping on a record of their crime unless it is serious felony, giving them a second chance to adjust back to society.

Further Reading: [The Juvenile Justice System](#)

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