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(CCPCJ)

Research Report

Topic 2: Establishing a framework to restrict unjust use of juvenile punishment and preventing the abuse of juvenile inmates.



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Introduction

The unjust use of juvenile punishment and the abuse of juvenile inmates pose a significant threat to social justice, undermine public trust in the legal system, and raise concerns about human rights violations. For instance, the harsh treatment of juveniles in detention facilities and the lack of appropriate rehabilitation frameworks have been critical issues in countries like the United States and South Africa, leading to severe psychological and social consequences for young offenders. Moreover, the question of juvenile justice reform has been increasingly prioritised by states following reports of systemic abuse and international advocacy for the rights of children. Therefore, this research report will elaborate on the problem of the unjust use of juvenile punishment, provide examples of its impact, and highlight resolutions adopted to address and prevent these injustices.

Definition of Key Terms

Unjust Punishment: Punishments that are disproportionate, inhumane, or fail to consider the developmental and rehabilitative needs of juveniles.

Abuse: Any form of physical, emotional, psychological, or sexual mistreatment.

Rehabilitation: Provision of assistance, resources and guidance to address the reasons they've committed their offences.

Juvenile inmate: A child or young person who has been found guilty of some offence, act of vandalism or antisocial behaviour before a juvenile court.

Background Information

The unjust use of juvenile punishment and the abuse of juvenile inmates pose significant challenges to human rights and the effective rehabilitation of young offenders. Juvenile justice systems worldwide are intended to prioritise rehabilitation over retribution, recognising the developmental differences between juveniles and adults. However, in many cases, punitive measures are disproportionately applied, and young individuals face abuse and neglect within detention facilities. These issues undermine the goals of juvenile justice and perpetuate cycles of violence and crime.

Several countries have struggled with challenges in their juvenile justice systems. For instance, in the United States, reports have highlighted excessive sentencing for juvenile offenders, particularly in cases involving life imprisonment without parole, which disproportionately affects marginalised communities. In Brazil, overcrowded juvenile detention centres and allegations of physical abuse have raised concerns about the violation of detainees' rights and the lack of rehabilitative support. Such examples emphasise the need for comprehensive reforms to address systemic weaknesses and ensure fair treatment of juvenile offenders.

Internationally, significant efforts have been made to address these issues. The United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)¹ and the United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)² provide guidelines to promote humane treatment and rehabilitation. These frameworks emphasise the importance of alternative measures to detention, such as education, counselling, and community service.

Organisations like UNICEF and Human Rights Watch have been at the forefront of advocating for juvenile justice reforms. UNICEF has supported initiatives to reduce the use of incarceration for juveniles, promote child-friendly justice systems, and enhance the capacity of institutions to uphold international standards. Similarly, Human Rights Watch has documented abuses in detention facilities, pressuring governments to implement reforms and hold perpetrators accountable.

Despite these efforts, addressing the unjust use of juvenile punishment requires sustained cooperation between governments, international organisations, and civil society. Strengthening legal frameworks, improving detention conditions, and fostering a rehabilitative approach are essential to ensuring that juvenile justice systems contribute to the long-term well-being and reintegration of young offenders into society.

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United Nations. (1985). *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*. Retrieved from <https://www.ohchr.org>

² United Nations. (1990). *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)*. Retrieved from <https://www.ohchr.org>

Major Countries and Organisations Involved

United States: The U.S. has faced criticism for its use of life sentences without parole for juvenile offenders. Initiatives such as the Supreme Court's rulings in *Roper v. Simmons* (2005) and *Miller v. Alabama* (2012) have sought to limit harsh punishments, but disparities and challenges persist.

South Africa: South Africa has adopted a child-centred approach to juvenile justice through the Child Justice Act, which emphasises diversion programs and restorative justice.

Norway: Norway is often cited as a model for its rehabilitative approach to juvenile justice, focusing on education and skill-building rather than punitive measures.

Organisations:

UNICEF: As a leading advocate for children's rights, UNICEF works to ensure that juvenile justice systems prioritise the best interests of the child, focusing on alternatives to detention and the humane treatment of juveniles.

International Juvenile Justice Observatory (IJJO)³: The IJJO promotes international cooperation to improve juvenile justice systems, emphasising research, policy development, and training.

Human Rights Watch: This organisation has documented abuses in juvenile detention facilities globally, advocating for accountability and systemic reforms.

Penal Reform International (PRI): PRI advocates for the humane treatment of prisoners, including juveniles, and supports alternatives to detention that prioritise rehabilitation and reintegration.

Relevant UN Resolutions⁴

1. Calls upon Member States:

- (a) To ensure that the detention of juveniles is used only as a measure of last resort and for the shortest possible period, in line with international standards such as the Havana Rules.
- (b) To implement alternatives to detention, such as diversion programs, community service, and rehabilitation initiatives, aimed at reintegrating juveniles into society.
- (c) To provide education, vocational training, psychological support, and healthcare to juveniles deprived of their liberty to promote their development and well-being.

³ **International Juvenile Justice Observatory (IJJO). (2021).** *International Standards and Juvenile Justice: Promoting Juvenile Justice Reforms*. Retrieved from <https://www.ojjj.org>

⁴ **Economic and Social Council. (1997).** *Resolution 1997/30 on the Administration of Juvenile Justice*.

Retrieved from

<https://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>

(d) To take necessary legislative and administrative measures to prevent the abuse of juveniles in detention facilities and ensure independent mechanisms for monitoring and accountability.

2. *Strongly condemns* all forms of mistreatment and abuse of juvenile inmates, including physical, psychological, and sexual abuse, recognising their long-term harm and impact on social reintegration.

3. *Stresses* that “juvenile justice” must be rehabilitative and restorative, focusing on repairing harm, preventing recidivism, and addressing the root causes of juvenile offending through a rights-based approach.

4. *Urges States:*

- i. To adopt and implement international standards such as the Beijing Rules and the Havana Rules, ensuring that juvenile justice systems prioritise the protection of children’s rights and dignity.
- ii. To provide training for law enforcement, judiciary, and detention staff on child rights, humane treatment, and restorative justice principles.

Previous Attempts to Solve the Issue

United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”)⁵:

- Adopted in 1985, the Beijing Rules emphasise the need for specialised juvenile justice systems that focus on rehabilitation rather than punishment.
- The rules outline principles for fair and humane treatment, including the use of diversion programs and alternatives to detention.

United Nations Rules for the Protection of Juveniles Deprived of Their Liberty (“The Havana Rules”)⁶:

- Established in 1990, the Havana Rules provide international standards for the treatment of juveniles in detention.

⁵ **United Nations. (1985).** *United Nations Standard Minimum Rules for the Administration of Juvenile Justice (Beijing Rules)*. Retrieved from <https://www.ohchr.org>

⁶ **United Nations. (1990).** *United Nations Rules for the Protection of Juveniles Deprived of their Liberty (Havana Rules)*. Retrieved from <https://www.ohchr.org>

- These rules highlight the need for independent monitoring mechanisms, access to education, healthcare, and protection from abuse for detained juveniles.

Country-Specific Initiatives:

- The UN has supported reforms in various countries to strengthen juvenile justice systems, such as implementing restorative justice programs and alternatives to incarceration.
- Field missions and partnerships with local governments and civil society organisations have facilitated the development of community-based interventions for juvenile offenders.

Possible Solutions

The UN and national or international organisations could:

Strengthen Legal Frameworks:

- Support the development and implementation of robust legal and regulatory frameworks that prohibit the unjust use of juvenile punishment and ensure alternatives to detention are prioritised.
- Promote the ratification and effective implementation of international conventions, such as the Convention on the Rights of the Child (CRC)⁷ and the Beijing Rules, to enhance international cooperation and legal standards for juvenile justice.

Enhance Juvenile Justice Systems:

- Establish specialised juvenile courts and procedures to ensure fair treatment of minors and promote rehabilitation-focused approaches.
- Develop community-based alternatives to detention, such as restorative justice programs, mentorship initiatives, and skills development opportunities for juvenile offenders.

Promote Professionalism and Training⁸:

⁷ **United Nations General Assembly.** (1989). *Convention on the Rights of the Child (CRC)*. Retrieved from <https://www.unicef.org/child-rights-convention>

⁸ **Save the Children.** (n.d.). *Juvenile Justice Advocacy and Support Programs*. Retrieved from <https://www.savethechildren.net/what-we-do/protection>

- Provide comprehensive training programs for law enforcement, judiciary, and correctional staff on child rights, humane treatment, and restorative justice principles.
- Foster a culture of accountability and respect for the dignity of juveniles through leadership training, ethical guidelines, and organisational reforms within justice systems.

Empower Civil Society and Monitor Conditions:

- Strengthen partnerships with civil society organisations, human rights groups, and media to monitor juvenile detention facilities, raise awareness, and advocate for reforms to prevent abuse of juveniles.
- Support initiatives that promote transparency, citizen engagement, and independent monitoring mechanisms to ensure the rights and well-being of juveniles in detention are safeguarded.

Improve Rehabilitation and Reintegration Efforts:

- Provide education, healthcare, psychological support, and vocational training programs for juveniles in detention to facilitate their reintegration into society.
- Implement restorative practices that repair harm, rebuild relationships, and reduce recidivism among young offenders.

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