

Committee: Legal Committee GA6

Topic: Reforming the juvenile justice system

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Position: Main Chair

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## Personal Introduction

My name is Selina Karatza, I am an 11th grade student at CGS, and it is my utmost honour and pleasure to be serving as Main Chair of the Legal Committee in the upcoming session of CSMUN. For me, MUN is not just an educational simulation. Through MUN, I have been given the motivation to push myself out of my comfort zone and develop not only as a student but as an individual too. I believe that it provides us all with the valuable opportunity of becoming a part of a worldwide community, enabling us to obtain a much more global understanding of the world. That said, it constitutes a great passion of mine.

This study guide discusses the issue “Reforming the juvenile justice system”. While this study guide covers several aspects of the topic, it should not be regarded as the only source of information throughout your research. Having said that, it is strongly recommended that you do extensive research on the subject to ensure a thorough understanding. Of course, if you have any queries or require further explanations, please don't hesitate to contact me.

Yours truly,

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## Topic Introduction

From the inception of the international justice system to the present day, the legal mindset has always perceived children and adults quite differently. In the late 19th century, the creators of the juvenile court determined that it must be used to rehabilitate



rather than imprison young offenders since it was believed that juveniles lacked the mental capacity to be prosecuted for any crime. Today, this theory remains the foundation of the juvenile justice system, which is comprised of a plethora of courts and offices that combine considerably more resources than its creators could have envisaged. However, the juvenile justice system is often accused of failing vulnerable children, especially those with mental illness, children of color, and economically disadvantaged youngsters. Reentry programs following out-of-home placement, limitations on the number of offenses punishable by jail, and a greater focus on education and testing in detention institutions are other measures gaining popularity. Though reformers vary on which initiatives are most important, the majority concur that the system must be constantly rethought to build an equal framework of justice for adolescents.

In the past several years, a multitude of state, local, and tribal municipalities have made considerable strides to reorganize and reinforce their juvenile justice systems, including reducing the use of juvenile detention, focusing more on racial and ethnic disparities, seeking ways to engage affected families in the process, and raising the age at which juvenile court jurisdiction ends.<sup>1</sup> Increased awareness of the inefficacy of punitive techniques and the accumulation of information about teenage development have led to these modifications while reform momentum is also increasing. However, many more state, municipal, and tribal governments need assistance, and practitioners in juvenile justice are seeking federal guidance.

During adolescence, the brain is still immature from a scientific standpoint. Hence, teenagers are less able to control their behavior, more susceptible to external factors such as social pressure and immediate reward, and less able to make judgements and choices that require a focus on the future. Therefore, accountability

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<sup>1</sup> Contributor(s): National Research Council; Division of Behavioral and Social Sciences and Education; Committee on Law and Justice; Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform. "Implementing Juvenile Justice Reform: The Federal Role." *The Federal Role | The National Academies Press*, 29 Aug. 2014, <https://nap.nationalacademies.org/catalog/18753/implementing-juvenile-justice-reform-the-federal-role>.



methods from criminal courts, which are created for adult offenders, should not be transferred to juvenile courts.

Our prevailing juvenile justice system, which relies mainly on confinement, similar to the criminal justice system, consistently precludes youth of three conditions that are crucial to healthy adolescent development: active parental involvement, peer groups that appreciate positive socialization and academic achievement, and activities that contribute to decision-making and critical-thinking skills. In Particular, incarceration is not required to ensure that juveniles are held responsible, and should only be used in exceptional situations, such as when a juvenile presents a substantial danger of injuring others.

Instead, juvenile justice systems should place a greater focus on restorative justice, community service, and assisting juveniles in accepting responsibility and making reparations for their acts. Using organized risk and needs assessments and interventions based on understanding of adolescent development, juvenile justice systems should aid in the prevention of recidivism. If the juvenile justice system is to achieve its goals of holding adolescents responsible, avoiding recidivism, and treating them properly, modifications are required. Particularly, state and tribal governments should form task forces and commissions to evaluate their present juvenile justice systems and to integrate laws, policies, and practices with the expanding body of knowledge about adolescent development and evidence-based initiatives. These organizations should increase their efforts and eradicate any practices that target or disadvantage minorities, who are disproportionately represented at all stages of the juvenile justice system.

## Definition of key terms

### Restorative Justice

Restorative justice is a procedure in which all parties involved in a specific crime come together to decide jointly how to deal with the offense's aftermath and long-term repercussions. It encompasses not just how we see crime and conflict, but also how



we view ourselves collectively as a community, how we respond to crime, and how we rebalance society after a crime.<sup>2</sup>

### Rehabilitation

Rehabilitation is the process of reintegrating an individual to an ordinary life via training and counseling following incarceration or addiction. After a time of disfavor, the individual regains his prior rights or reputation in this manner.<sup>3</sup>

### Incarceration

Typically, the length of time a criminal spends in prison which varies according to the severity of the crime.<sup>4</sup>

### Racial disparity

Racial disparity refers to the imbalances and inconsistencies in the treatment of racial groupings, including economic position, income, housing alternatives, social treatment, safety, and a multitude of other elements of life and society. Contemporary and historical prejudice in the United States and across the world have had a significant influence on today's societal disparities.<sup>5</sup>

### Reentry programs

Reentry programs and courts are intended to assist returning people in effectively "reentering" society after imprisonment, therefore decreasing recidivism, enhancing public safety, and saving money.<sup>6</sup>

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<sup>2</sup> "Home." *Restorative Justice*, 10 June 2022, <https://restorativejustice.org/>.

<sup>3</sup> "Rehabilitation." *World Health Organization*, World Health Organization, <https://www.who.int/news-room/fact-sheets/detail/rehabilitation>.

<sup>4</sup> "Incarceration Definition & Meaning." *Merriam-Webster*, Merriam-Webster, <https://www.merriam-webster.com/dictionary/incarceration>.

<sup>5</sup> "Social Justice: Racial Disparity." *HUSL Library*, <https://library.law.howard.edu/socialjustice/disparity>.

<sup>6</sup> "Reentry Program." *The United States Department of Justice*, 29 Sept. 2021, <https://www.justice.gov/usao-wdwa/reentry-program>.



## Background Information

### History of the juvenile justice system

#### Houses of Refuge

In the late 18th and early 19th centuries, courts penalised and incarcerated juveniles in prisons and jails. Due to the lack of alternatives, adolescents of all ages and genders were often housed alongside hardened adult offenders and the mentally ill in vast, overcrowded, and dilapidated prisons. Many of these youngsters were incarcerated for noncriminal conduct because there were no other alternatives. Simultaneously, American communities faced high rates of child poverty and neglect, placing pressure on municipal authorities to provide a solution to this rising societal problem.

In response, the pioneering criminal reformers Thomas Eddy and John Griscom founded the Society for the Prevention of Pauperism to protest the placement of juveniles in adult jails and prisons<sup>7</sup> and to advocate for the establishment of a new kind of institution. In 1825, their efforts resulted in the founding of the New York House of Refuge, the first institution created to house impoverished, indigent, and homeless youth who were regarded by authorities to be on the route to crime.

The New York House of Refuge was the beginning of what would eventually become the juvenile justice system. Three years after its inception, comparable institutes were established in Boston and Philadelphia. In the 1840s, around 25 more institutions were built throughout the nation. Houses of Refuge were enormous, fortress-like, congregate-style institutions placed in urban areas for abandoned, delinquent, or unreformable youngsters.<sup>8</sup> The average number of children residing in a

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<sup>7</sup> "Juvenile Justice History - Center on Juvenile and Criminal Justice." - *Center on Juvenile and Criminal Justice*, <http://www.cjci.org/education1/juvenile-justice-history.html>.

<sup>8</sup> *Home | Office of Justice Programs*. <https://www.ojp.gov/pdffiles1/Digitization/165366NCJRS.pdf>.



house of shelter was 200, while some, such as the New York House of Refuge, hosted more than 1,000 adolescents.<sup>9</sup>

### Reform, Training or Industrial Schools

During the first part of the 19th century, the majority of imprisoned impoverished and delinquent adolescents were confined in Houses of Refuge. Unfortunately, Houses of Refuge had the same problems as jails and prisons for adults: overcrowding, worsening facilities, and staff abuse. In addition, with the emergence of the public school movement and compulsory education, social reformers advocated for a new sort of institution that greatly emphasized education. Through this effort, reform schools, also known as training and industrial schools, became a permanent feature of the juvenile justice system in the United States. Today, reform schools are often referred to as juvenile correctional facilities and continue to adhere to the basic congregate institutional paradigm, concentrating a large number of adolescents in highly controlled, prison-like institutions.

### The Juvenile Court

Prior to the late 19th century, juveniles and adults were prosecuted in criminal tribunals. The English educational reform movement of the 16th century, which saw kids as distinct from adults due to their incomplete moral and cognitive development, inspired the American juvenile justice reform movement. Midway through the 19th century, rural institutions, out-of-home placement, and parole were introduced as a result of the establishment of houses of refuges. Typically, these innovative initiatives were the product of entrepreneurial social reformers who sought new and superior methods to handle the issue of delinquent adolescents.

With the establishment of the juvenile court, this assortment of institutions and activities was brought together. The establishment of the juvenile court in Cook County, Illinois in 1899<sup>10</sup>, followed by its fast expansion throughout the nation, was the catalyst

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<sup>9</sup> *Ibid*

<sup>10</sup> 'Our Juvenile Court Has Become More like a Criminal Court': A ... - JSTOR. <https://www.jstor.org/stable/20173859>.



for the development of a juvenile justice system. The then new court assumed that the authority would intervene on behalf of adolescents regarding the need of assistance due to their living circumstances or criminal behavior. The major objective of the juvenile court was to assist adolescents with rehabilitation and protection. The court was supposed to be a location where a concerned judge would provide customized attention to the minor. The courts were informal, and judges had great discretion over how they treat each case.

In the 1950s and 1960s, public concern about the efficacy of the juvenile justice system rose due to the discrepancies in treatment resulting from juvenile court judges' unfettered discretion. Depending on the mood, temperament, or personal philosophy of particular judges, similarly situated youngsters might get dramatically different penalties.

In the 1960s, the Supreme Court issued a series of rulings that institutionalized juvenile courts and expanded due process safeguards such as the right to counsel. In cases where minors risked transfer to adult court or long-term institutional incarceration, formal hearings were necessary. The public believed that adolescent criminality was on the increase and that the system was too lenient in the late 1980s. For specific offenses, 47 states including Alabama, Arizona, Florida, Georgia, Indiana, Colorado and Connecticut have enacted severe legislation, including mandatory penalties and automatic transfer to adult court<sup>11</sup>.

This tendency of cracking down on crime increased throughout the 1990s. It is now simpler to transfer juvenile offenders into the criminal justice system due to stricter rules. The usage of institutional imprisonment for even minor infractions increased throughout the mid-1990s. Nationwide, youth incarceration institutions were overcrowded and in horrible condition.

Beginning in the late 1990s, the push to raise young imprisonment rates started to wane. Many states, led by California, started lowering the number of juveniles sent

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<sup>11</sup> E.; Meng A;Segal R;Boden. "American Juvenile Justice System: History in the Making." *International Journal of Adolescent Medicine and Health*, U.S. National Library of Medicine, <https://pubmed.ncbi.nlm.nih.gov/23843574/>.



to adolescent detention facilities. Using the insights gathered from the early 1970s dissolution of the Massachusetts training schools, the effectiveness of the congregate institution was now being questioned.

## The three models of juvenile justice

### The protection model

The protection model deals with and treats juvenile offenders as children in need of protection. The primary objective of this system is the appropriate care of the kid, which is typically done via government interference in the life, family, or privacy of the guilty individual. The protection model posits that a combination of parental troubles and a disadvantaged social and economic background contribute to a child's delinquency; hence, delinquents are regarded as victims rather than offenders. This strategy prohibits youngsters in juvenile detention from making life-altering choices and taking responsibility for their destiny.

### The punishing model

In contrast to the protection model, the punishment model treats adolescents as members of society who must be informed of their rights and duties. In light of this, teenage offenders are held accountable for their conduct and thus face the same punishments as adults do, and no special consideration owing to their age. Even though the rights of juveniles are highly regarded, many argue that handling juvenile offenders in the same manner as adults does not guarantee their legal protection as it can be argued that adolescents have different ways of thinking and perceiving things and therefore cannot be treated and punished in the same ways.

### The model of juvenile justice based on the United Nations Convention on the Rights of the Child <sup>12</sup>

This concept tries to simultaneously protect society from criminal activity and conceal juvenile offenders. In accordance with it, not only must the government uphold

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<sup>12</sup> "Reform Juvenile Justice System to Protect Offenders – CDD to Gov't." GhanaWeb, 18 Apr. 2019, <https://www.ghanaweb.com/GhanaHomePage/NewsArchive/Reform-juvenile-justice-system-to-protect-offenders-CDD-to-Gov-t-739595>.





the children's basic rights, but they must also provide them preferential treatment. The model should take each prisoner's age and requirements into consideration and punish them appropriately. To create a healthy atmosphere within the juvenile justice system and to safeguard community members, the UN underlines that the model should be based on human rights, not the interests of juvenile offenders.

### The role of education in social rehabilitation

The significance of education and associated chances provided during juvenile detention are indisputable determinants of their social rehabilitation. Since re-integration is considered to be the primary goal of the Juvenile Justice System, the education provided within the system must fully prepare children to become once again active members of society and to avoid engaging in illegal or violent behavior, which can be accomplished by encouraging them to become law-abiding citizens. In addition, the aforementioned educational system is responsible and obligated to educate young people the necessary characteristics and skills to reshape their future lives and achieve social and financial success. Additionally, adolescents should understand the law and their rights, as well as how to act as polite, responsible citizens. It is crucial to emphasize that prisoners are responsible for their conduct and choices after they are freed. Young people should learn how to behave as law-abiding citizens via their education in order to embrace the aforementioned reality. In conclusion, it is evident that education is an essential element of the juvenile justice system. Without the proper direction, knowledge, and wisdom, any endeavor to return to lawful, nonviolent activity will fail.

### The right to education

In light of the fact that the vast majority of juvenile offenders incarcerated in institutions do not finish their education or have severe educational inadequacies, it is pretty evident that in most instances this education is inadequate since it is not compatible with national and international norms. With an estimated 70 percent of



kids receiving education within the scope of the judicial system in the United States of America (USA), the topic of juvenile reform and rehabilitation via education resurfaces<sup>13</sup>. Sixty percent of released adolescents do not return to school following their term of imprisonment<sup>14</sup>, a reality that is largely attributable to the hurdles schools and governments often erect to discourage youth from re-enrolling in educational institutions.

All of the aforementioned stand in stark contrast to the fundamental human right to education to which all individuals are entitled. Unfortunately, communities tend to overlook how essential it is to create a secure, facility-wide environment that prioritizes education. Consequently, communities will be able to aid the rehabilitation of juvenile offenders and provide a true olive branch to individuals who committed a crime at a young age and were raised in disadvantaged surroundings. Although incarcerated youth have access to a complete spectrum of educational possibilities, including high school graduation programs and college preparation, this objective remains unattainable. This is the obligation of the authorities and professionals, who must protect juvenile detainees from confinement, which hinders their capacity to get an education and successfully reintegrate into the society. Notably, the major objective of education in the juvenile justice system should be to improve literacy and ensure high school graduation. Instead of teaching, training, and rehabilitation, the program emphasizes security, custody, and imprisonment due to safety concerns.

Last but not least, the sole responsibility of education related to the juvenile justice system is to eradicate the stigma from the young offenders and build a new perspective of what education is, as the majority has had exceedingly negative school experiences in the past or fit the typical profile of a school dropout.

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<sup>13</sup> "Model Programs Guide: Home." *Office of Juvenile Justice and Delinquency Prevention*, <https://ojjdp.ojp.gov/model-programs-guide/home>.

<sup>14</sup>.Ibid



## Major barriers for incarcerated young offenders

It is scientifically shown that young people, who join juvenile institutions, most of the time lack significant, fundamental knowledge and it is regularly claimed that they suffer major learning impairments. Their intellectual level is not greater than that of people who have just gotten into elementary school, and 70 percent<sup>15</sup> of them require special, professional or tailored aid when it comes to the learning process. The absence of proper circumstances, infrastructure and human resources hampers their prospects to effectively graduate.

According to related data, most of the juvenile criminals do not finish their schooling and roughly 66 percent of them opt to drop out of school<sup>16</sup> when they are freed. For example, in countries such as Romania and Lithuania, jailed young people have access to poor education.

Even if in most situations, education is offered to prisoners, the quality of the supplied educational system cannot be compared in any manner with the education that public schools provide. This leads to youngsters not being able or motivated to continue their academic pursuits after being dismissed from jail. Other elements which hinder the educational process include bureaucratic impediments, as a large amount of time is necessary for schools within the juvenile justice system to transfer the educational records and credits to schools in the convicts' districts. Last but not least, it is regrettable that many schools and states in general make it impossible for teenagers to rehabilitate and re-join the normal educational system, after being released.

## Reducing racial and ethnic disparities in the juvenile justice system

Reducing racial inequities and disproportionate representation is an essential aspect of juvenile justice overhaul. Regardless of their underlying reasons, persistent

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<sup>15</sup> Equity and Quality in Education - OECD. <https://www.oecd.org/education/school/50293148.pdf>.

<sup>16</sup> Rud, Iryna, et al. "What Drives the Relationship between Early Criminal Involvement and School Dropout? - Journal of Quantitative Criminology." *SpringerLink*, Springer US, 12 Oct. 2016, <https://link.springer.com/article/10.1007/s10940-016-9326-5>.



inequities cast doubt on the fairness of the juvenile justice system and encourage social disaffection and disdain for the law among minority juveniles at a time when they are most susceptible to the perception of discrimination and unfairness. According to the National Research Council (NRC) report "Reforming Juvenile Justice: A Developmental Approach"<sup>17</sup> published in 2013, poverty, social discrimination, community disorganization, restricted opportunities, and other societal inequalities that are highly correlated with race and ethnicity contribute to both differential offending and differential selection, particularly at the core of juvenile justice decision making, where bias also plays a role. Although the juvenile justice system cannot utterly eradicate the fundamental structural drivers of racial and ethnic inequalities in juvenile justice, many customary practices in enforcement and administration exacerbate these structural causes, and justice system policymakers retain control over these components.

## Major countries and organizations involved

### Ukraine

In contrast to the United States, the situation in Ukraine places a greater emphasis on the social integration and rehabilitation of adolescents upon their release. Additionally, the Ukrainian government asserts that former juvenile offenders have access to tailored programs. Children are entitled to particular attention and assistance in Ukraine since they represent the nation's future. In general, all fundamental rights of the child are enforced. A child is defined as a person under the age of 18, or the age of majority, in Ukrainian law. Specific statutes have several regulations governing the legal relationships between two people, one of whom is a minor. As required by article

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<sup>17</sup> Contributor(s): National Research Council; Division of Behavioral and Social Sciences and Education; Committee on Law and Justice; Committee on a Prioritized Plan to Implement a Developmental Approach in Juvenile Justice Reform. "Implementing Juvenile Justice Reform: The Federal Role." *The Federal Role* | *The National Academies Press*, 29 Aug. 2014, <https://nap.nationalacademies.org/catalog/18753/implementing-juvenile-justice-reform-the-federal-role>.



40 of the Convention on the Rights of the Child, the Ukrainian Criminal Code grants children the right to a public and impartial trial<sup>18</sup>.

## Georgia

Under the broader reform of the criminal justice sector, the reform of the juvenile justice system indicates the determination of the Georgian government to align the juvenile justice system with international norms, particularly European child rights principles. Since 2010, the nation has had a working diversion program for young offenders committing their first offense. More than 200 youths were diverted from criminal trials. The number of incarcerated juveniles has decreased by more than 50 percent, from 180 to roughly 70<sup>19</sup>. Along with the assistance of social workers and psychologists, an individualized approach to sentencing planning has been implemented in the probation and prison systems.

## Global Youth Justice

Global Youth Justice reduces the incidence and prevents the escalation of juvenile crime and incarceration rates around the world by advancing the global expansion of quality youth justice and juvenile justice diversion programs commonly referred to as youth court, teen court, peer court, student court and peer jury. This is the mission and fundamental purpose of Global Youth Justice. Global Youth Justice is the lead organization around the Globe advancing the quality expansion of these rapidly expanding youth-led and volunteer driven juvenile justice and youth justice diversion programs, which now total 1,800+ on 5-continents — with hundreds more in various stages of development around the globe<sup>20</sup>.

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<sup>18</sup> “Article 40 - I Have the Right to Get Legal Help and to Be Treated Fairly If I Have Been Accused of Breaking the Law.” *The Children and Young People’s Commissioner Scotland*, 1 Mar. 2021, <https://www.cypcs.org.uk/rights/uncrc/articles/article-40/>.

<sup>19</sup> Author(s) D L Parry. “Juvenile Justice and Delinquency Prevention Act 1988 Compliance Monitoring Report.” *Juvenile Justice and Delinquency Prevention Act 1988 Compliance Monitoring Report | Office of Justice Programs*, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/juvenile-justice-and-delinquency-prevention-act-1988-compliance>.

<sup>20</sup> “Mission and Vision.” *Global Youth Justice*, 26 Apr. 2021, <https://www.globalyouthjustice.org/about/mission-and-vision/>.



## European Union

The EU has acknowledged that well-functioning and responsive legal institutions promote growth, encourage governments to defend human rights, and enable individuals to assert them. In addition to playing a significant influence in the advancement of juvenile justice reforms and the promotion of access to justice for children, the prospects for EU membership or closer association have also played a significant role. The EU has been a crucial participant in assisting governments with reforming the juvenile justice system by providing expertise and technical help. Along with UNICEF's collaboration they have assisted governments in implementing challenging changes via both monetary assistance and cooperative policy advocacy. This was reflected in the EU Annual Reports for Accession and Neighbourhood countries<sup>21</sup>, as well as in sector budget assistance conditions tied to justice reforms for children. Changes in societal norms and access to resources, such as the availability of qualified juvenile justice practitioners, notably judges, prosecutors, and police, were correlated with a decrease in the rate and duration of juvenile imprisonment, for instance. The growth of diversion proved to be especially reliant on the implementation of first experimental diversion programs and the presence of knowledgeable and qualified juvenile justice practitioners, especially social workers, police, and prosecutors.

## Timeline of events

1791	In the US, Article 5 of the Bill of Rights guarantees people the right to a trial by jury and the privilege against self-incrimination.
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<sup>21</sup> "Annual Activity Report 2020 - Neighborhood and Enlargement Negotiations." European Commission - European Commission, 9 June 2021, [https://ec.europa.eu/info/publications/annual-activity-report-2020-neighbourhood-and-enlargement-negotiations\\_en](https://ec.europa.eu/info/publications/annual-activity-report-2020-neighbourhood-and-enlargement-negotiations_en).



<u>1899</u>	The juvenile court system was designed to modify U.S. regulations concerning juvenile offenders in Illinois.
<u>1967</u>	The Supreme Court upheld the importance of requiring juvenile courts to respect the rights of juveniles to due process of law throughout their hearings.
<u>1968</u>	Congress enacted the Juvenile Delinquency Prevention and Control Act with the intent of encouraging states to implement deterrent policies and programs on a local level.
<u>1974</u>	The Juvenile Justice and Delinquency Prevention Act superseded the Juvenile Delinquency Prevention and Control Act.
<u>1975</u>	The juvenile Law Center was founded.
<u>1988</u>	Congress modified the Juvenile Justice and Delinquency Prevention Act to oblige states receiving federal formula funds to assess the disparity in their systems, noting for the first time racial inequities in the juvenile justice system.
<u>1989</u>	Adoption of the Convention on the Rights of the Child
<u>1992</u>	The United Nations Convention on the Rights of the Child entered into effect in the United Kingdom



<u>1995</u>	The General Assembly established the Globe Program of Action for Youth (WRAY).
<u>2002</u>	Establishment of the criteria to assess disproportionality as a fundamental safeguard for the JJDPFA Formula Funds Program

## Previous attempts to solve the issue

### UNICEF: Juvenile Justice Reforms in Europe and Asia

Since 2000, UNICEF has assisted governments and civil society organisations in Europe and Central Asia in establishing specialised juvenile justice systems that allow children in conflict with the law to profit from policies and initiatives that use detainment as a final resort and exceptional severity. Between 2006 and 2012, the overall number of minors in custody, pre- and post-trial, declined by about 60 percent in eleven nations and territories in Europe and Central Asia<sup>22</sup>. This activity, which contributes directly to the improvement of the rule of law and human rights, is often conducted in collaboration with the European Union (EU). It primarily entails bringing national laws and practices into accordance with international and European norms, with an emphasis on the use of incarceration as a last option. Piloting and scaling up alternatives to court procedures and alternatives to incarceration, while enhancing the ability of institutions and professionals dealing with children in confrontation with the law, such as social workers, police, judges, and prosecutors, improving independent monitoring of child rights violations by strengthening the capacity of National Human Rights Institutions, increasing awareness and demand for legal aid services, and

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<sup>22</sup> Author(s) D L Parry. "Juvenile Justice and Delinquency Prevention Act 1988 Compliance Monitoring Report." *Juvenile Justice and Delinquency Prevention Act 1988 Compliance Monitoring Report | Office of Justice Programs*, <https://www.ojp.gov/ncjrs/virtual-library/abstracts/juvenile-justice-and-delinquency-prevention-act-1988-compliance>.





strengthening governments' capacities to provide free legal aid for children and families, as well as bolstering data collection and management at the national level to ensure evidence-based policy making and Raising the public's and policymakers' knowledge of the advantages of alternatives to custody that respect the rights of children, are more conducive to public safety, and are less costly than incarceration.

### Office of Juvenile Justice and Delinquency Prevention (OJJDP)

Considering that there are hundreds of distinct juvenile justice systems in the states and territories of the United States, it is essential that juvenile justice has a devoted focus and "home" inside the federal government. The Office of Juvenile Justice and Delinquency Prevention (OJJDP) is an initiative of the Juvenile Justice and Delinquency Prevention Act (JJDPA), which grants the U.S. Department of Justice responsibility for juvenile justice. This agency would be responsible for creating national policies, goals, priorities, and strategies, as well as providing advice, assistance, and supervision to states and territories implementing the JJDPA. The OJJDP accomplishes its goals via research, policy, and funding to states and local governments. These awards aid in the creation of more effective teaching, training, research, prevention, diversion, treatment, and rehabilitation programs in the fields of juvenile delinquency prevention and system enhancements. Similarly, it is crucial that the states maintain frequent and collaborative communication with the federal government to build policies that work for the states, address local requirements, and result in the best and most productive practices for children, youth, and communities throughout the country. Individually and collectively, the SAGs accomplish this function by embodying paradigms for collaborative systems transformation, providing real-world guidance and counsel to their individual Governors and state legislatures, as well as the President and the U.S. Congress, the members of the Council of State Governments serve as an advisory body. As accelerators for cost-effective solutions that provide optimum results for delinquency prevention.



## Relevant UN Resolutions, Events, Treaties and Legislation

### United Nations Convention on the Rights of the Child (UNCRC)

The United Nations Convention on the Rights of the Child entered into effect in the United Kingdom (UK) in 1992. It consists of 54 articles pertaining to all elements of a child's life and promoting their rights, which are often infringed <sup>23</sup>. The UNCRC is the most often cited international human rights convention, and non-state groups have also accepted it. It urges governments, non-governmental organizations, and other relevant organizations to assure their impact on the preservation of these rights and to provide the circumstances for children to develop their identities and become well-rounded individuals. The above-mentioned Convention has a strong connection to the right of juvenile lawbreakers to education, which is intended for their wellbeing.

### World Program of Action for Youth (WRAY)

The General Assembly established the Globe Program of Action for Youth (WRAY) in 1995, a program that emphasizes the improvement of living circumstances for youth across the world. This framework focuses on fifteen key components in the life of young people, two of which are "education" and "juvenile justice." Its ultimate purpose is to establish goals and give attainable and practical methods and ideas for achieving them. In this manner, the program guarantees that people have access to their basic human rights and are adequately safeguarded from harm.

## Possible solutions

Regarding the needs of juvenile offenders, a more holistic approach should be emphasized. Special initiatives, sporting events, and other activities should be planned and sponsored to meet all types of demands. In addition, funds drawn from several states should be allocated for the hiring of psychologists, social workers, and college

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<sup>23</sup> "UN Convention on the Rights of the Child." *Unicef UK*, 14 Apr. 2022, <https://www.unicef.org.uk/what-we-do/un-convention-child-rights/>.



specialists to aid the attainment of high school degrees and technical training by this special category of convicts.

Furthermore, attention should be placed on the elimination of prejudice, by enacting specific legislation. Such bias may encompass the juvenile detainees' gender, ethnicity, color, religion, social, political, and socioeconomic background, as well as their age. In addition, issues such as disabilities, learning difficulties, and social impairments should not be ignored. Instead, infrastructure, underfunding, and a lack of specialists should be resolved or, preferably, avoided as soon as feasible.

Furthermore, the potential rise in juveniles tried as adults must be handled and mitigated. Consequently, the drafting and ratification of legislation to expand local juvenile court jurisdiction from 21 to 25 years of age, the existing age limit for DJJ, might be an appropriate response. This would enable juvenile court judges to impose lengthier commitment periods for more severe crimes, potentially reducing the need for adult court. Additionally, the legislature might create an incentive scheme to reward counties that effectively avoid an increase in the number of minors committed to state prison. Such a model may award successful counties with a portion of the state's savings.

Last but not least, the importance and effect of governments, state committees, political parties, and authorities should not be underestimated, as it is their job and duty to continue their assistance for these disadvantaged and stigmatised children. In this manner, juvenile offenders will be able to adjust to the outside world. Governments should establish new approaches for identifying racial and ethnic disparities across the juvenile justice system, promulgate new guidelines for reducing and eliminating racial and ethnic disparities, <sup>24</sup>build the internal capacity and/or establish partnerships for assisting states with these new requirements, and strengthen the role of State Advisory

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<sup>24</sup> "Read 'Implementing Juvenile Justice Reform: The Federal Role' at Nap.edu." Summary | Implementing Juvenile Justice Reform: The Federal Role |The National Academies Press, <https://nap.nationalacademies.org/read/18753/chapter/2>.



Groups (SAGs) in monitoring the new guidelines by providing them with training and technical assistance.

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