

**Background Guide**  
**General Assembly 2**  
**Topic: Rights of Incarcerated Youth**

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## **I. Introduction to the Committee**

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The United Nations General Assembly (UNGA) is one of the six principal organs of the United Nations. It is the organization's central deliberative body. Established in 1945 in the Charter of the United Nations, the General Assembly has served as the main policy-making organ of the United Nations. The General Assembly is headquartered in New York City. It is comprised of all Member States, and each member state has an equal vote.

The General Assembly also makes key decisions for the UN, including appointing the Secretary-General on the recommendation of the Security Council, electing the non-permanent members of the Security Council, and approving the UN budget. The Assembly meets regularly in sessions from September to December, and thereafter as required. They discuss specific issues through a dedicated agenda, which then leads to the adoption of resolutions. The issues brought before the Assembly range from concerns regarding sustainable development to international disputes over territory, and also global security concerns.

Every one of the 193 members of the United Nations has a seat in the General Assembly, though there are also several non-member observers including the Holy See and the State of Palestine. Seating arrangements in the General Assembly Hall change for each session. During the 77th Session (2022-2023), Belize will occupy the first seat in the Hall, including in the Main Committees (followed by all the other countries, in English alphabetical order). The Assembly's role as an advisory body allows it to recommend courses of action and to refer matters to other United Nations organizations, offices, programs, and commissions. Resolutions passed by the General Assembly are legally non-binding; however, they provide a powerful framework for global change and cooperation. The General Assembly's ability to create subsidiary organizations and delegate responsibility for the management and implementation of international agreements is the foundation of enacting positive change on an international level.

## **II. Statement of the Problem**

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The United Nations Children's Fund, (UNICEF) estimates that nearly one million youth under the age of 18 are incarcerated in juvenile jails and prisons around the world (Roth, 2016). However, the lack of record-keeping and a wide array of institutions means that the number of children held worldwide in such environments is not fully known. Incarcerating youth undermines public safety, damages young people's physical and mental health, impedes their educational and career success, and often exposes them to abuse. They are often held in demeaning conditions, and do not have regular access to the outside world. Although the number of youths confined nationwide has declined significantly over the past two decades, countries all around the world still incarcerate too many young people.

Many of these children who were convicted of crimes committed have received excessive or disproportionate sentences that violate international law (Roth, 2016). Others are held for acts that should not be crimes at all, such as skipping school, running away from home, having consensual sex (especially with the same sex), or seeking to have an abortion (Roth, 2016). Migrant children are also routinely held in immigration detention, contrary to international standards. Children with disabilities and others may be institutionalized as well. Girls may face specific restrictions on their freedom of movement, enforced by criminal law. In Saudi Arabia, for example, girls as well as adult women may be jailed, imprisoned, and flogged for the ill-defined offenses of “seclusion” and “mingling,” which one official described to the Human Rights Watch as a girl or woman “being in an apartment by herself, or with a group of others, or sitting in a place where it is not natural for her to be” (Roth, 2016). African-Americans and other young people of color disproportionately experience the harmful effects of incarceration. These are convicted and incarcerated at a higher rate than white people (AECF, 2023). There is a disproportionate representation of young people of color in the early stages of the justice system.

Incarceration causes long-term harm to youth, including reducing the likelihood of graduating high school (AECF, 2023). For example, in a 2019 report tracked the educational outcomes of youth in certain cities, and it found youth who were incarcerated, then released, were less than half as likely to graduate high school compared to those who were not incarcerated (AECF, 2023). It is often traumatic and can exacerbate the difficulties experienced by youth who have been exposed to childhood violence and other adverse experiences (AECF, 2023).

### **III. History/Past UN Action**

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Over the years, the United Nations has reaffirmed and expanded its mandate to strengthen juvenile justice through the adoption of the World Program of Action for Youth (WPAY) (United Nations, 1995) and the work of the Office of the High Commissioner for Human Rights (OHCHR), UNICEF, the Office on Drugs and Crime (UNODC), and the Interagency Panel on Juvenile Justice (IPJJ) (UN).

The 1985 United Nations Standard Minimum Rules for the Administration of Juvenile Justice (“The Beijing Rules”) and the 1990 Guidelines for the Prevention of Juvenile Delinquency (also referred to as “The Riyadh Guidelines”) established basic actions to prevent children and young people from engaging in criminal activities, as well as to protect the human rights of youth already found to have broken the law (UN). In 1989, the focus on safeguarding the human rights of children and young people was strengthened by the *Convention on the Rights of the Child* (CRC), which entered into force in 1990. In 1995, the United Nations adopted the World Program of Action for Youth (WPAY), which provides a policy framework and practical guidelines for national action and international support to improve the situation of young people (UN). Through

the WPAY, the United Nations puts forth policy actions specifically tailored for young people between 15 and 24 years of age. The World Program of Action for Youth aims at fostering “conditions and mechanisms to promote improved well-being and livelihoods among young people” (UN). As such, it requires governments to take effective action against violations of human rights and fundamental freedoms and promote non-discrimination, tolerance and respect for diversity as well as religious and ethical values (UN). The WPAY focuses on 15 priority areas, among which is juvenile delinquency (UN).

In 1997, the United Nations adopted UNGA Resolution 1997/30 on the administration of juvenile justice, which requests the Secretary-General to consider the creation of a “coordination panel on technical advice and assistance in juvenile justice” (UN).

#### **IV. Latest Developments**

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In recent years, there have been some positive developments in the treatment of children who otherwise would have been detained. The number of children in juvenile detention centers in the US fell consistently and dramatically from 1996 to 2011 (Roth, 2016). In California, legislation enacted in 2014 offered the possibility of earlier parole for several thousand offenders who were under 18 at the time of a crime but who were tried as an adult and sentenced to an adult prison term, and a 2015 law extended eligibility for parole to those who were 22 or under at the time of the crime (Roth, 2016).

Several countries have agreed to end or sharply reduce detention of migrant children. Finland, Malta, and the UK have publicly committed to ending the practice, while policies in France and Israel limit the detention of migrant children to “exceptional circumstances” (Roth, 2016). Panama, Japan, Turkey, and Taiwan have enacted legislation prohibiting detention of migrant children, and South Africa’s High Court ruled in a series of decisions beginning in 2004 that migrant children may only be detained as a last resort (Roth, 2016).

In February 2015, a federal court required that United States immigration officials begin individually evaluating asylum-seeking families for release. In June 2015, after sustained advocacy from Human Rights Watch and other organizations, US government officials committed to releasing a majority of detained families within weeks if they could make a facially legitimate asylum claim (Roth, 2016).

The Youth Advocate Program (YAP) annually offers support to and advocacy for 20,000 young people with justice system involvement (AECF, 2023). Several policy reforms can help reduce incarceration while improving youth outcomes and enhancing public safety. Additionally, YouthBuild, an employment-focused program, engages young people in a combination of high school completion, construction skills training, and personal development activities (Mendel, 2023).

The United Nations has multiple programs that focus upon juvenile rights and protection. Multiple resolutions have been passed as well. For example, General Assembly Resolution 45/113 *Rules for the Protection of Juveniles Deprived of their Liberties*, was adopted in 1990 (UN). Another UNGA resolution passed is the *United Nations Standard Minimum Rules for the Administration of Juvenile Justice*. As of mid-2020, the Security Council adopted two YPS (Youth, Peace, and Security) resolutions—2250 and 2419 (UNRCCA).

## V. Problems a Position Paper and Resolution Should Address

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A resolution should ensure that deprivation of liberty regarding juveniles is really used as a last resort (as international law states), and governments should establish and employ true alternatives to detention. There should be healthier, more cost-effective ways to help young people, such as considering the that juveniles who use drugs should receive treatment. Problems regarding due process within the justice system in addition to discriminatory practices based upon race, gender, ethnicity, religion, or other factors.

### Guiding Questions

1. How many minors under the age of 18 are currently incarcerated?
2. In what countries/regions of the world do we see the most people under the age of 18 incarcerated?
3. Are they often kept in the same facilities as adults?
4. How does gender identity/sexual orientation sometimes impact this issue?
5. What rights, if any, do youth have while they are incarcerated?
6. Which countries execute minors under the age of 18 for capital crimes?

## VI. Helpful Sources

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Human Rights Council on the issue: <https://www.hrw.org/world-report/2016/country-chapters/africa-americas-asia-europe/central-asia-middle-east/north>

United Nations Fact Sheets on Youth:

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

Youth, Peace, and Security:

[https://unrcca.unmissions.org/sites/default/files/unrcca\\_handout\\_yps\\_20201.pdf](https://unrcca.unmissions.org/sites/default/files/unrcca_handout_yps_20201.pdf)



## References

- The Annie E. Casey Foundation. (2023, January 18). *How youth incarceration undermines public safety*. The Annie E. Casey Foundation. <https://www.aecf.org/blog/reviewing-the-evidence-how-youth-incarceration-undermines-public-safety>
- Mendel, R. (2023, March 27). *Why youth incarceration fails: An updated review of the evidence*. The Sentencing Project. <https://www.sentencingproject.org/reports/why-youth-incarceration-fails-an-updated-review-of-the-evidence/>
- Roth, K. (2016, April 13). *World Report 2016: Rights trends in children behind bars*. Human Rights Watch. <https://www.hrw.org/world-report/2016/country-chapters/africa-americas-asia-europe/central-asia-middle-east/north>
- UN75. (2020). *Youth, peace and security - UNRCCA*. UNRCCA. [https://unrcca.unmissions.org/sites/default/files/unrcca\\_handout\\_yps\\_20201.pdf](https://unrcca.unmissions.org/sites/default/files/unrcca_handout_yps_20201.pdf)
- United Nations Human Rights. (2023). *United Nations rules for the protection of juveniles deprived of their liberty*. OHCHR. <https://www.ohchr.org/en/instruments-mechanisms/instruments/united-nations-rules-protection-juveniles-deprived-their-liberty>
- United Nations. (2005). *Fact Sheet on Juvenile Justice*. United Nations Fact Sheet on Youth. <https://www.un.org/esa/socdev/unyin/documents/wyr11/FactSheetonYouthandJuvenileJustice.pdf>
- United Nations. (2023). *Juvenile justice for youth*. United Nations. <https://www.un.org/development/desa/youth/world-programme-of-action-for-youth/juvenile-justice.html>