

Forum: Special Conference on children

Issue: The right to education in the juvenile justice systems

Student Officer: Andrikopoulou Konstantina

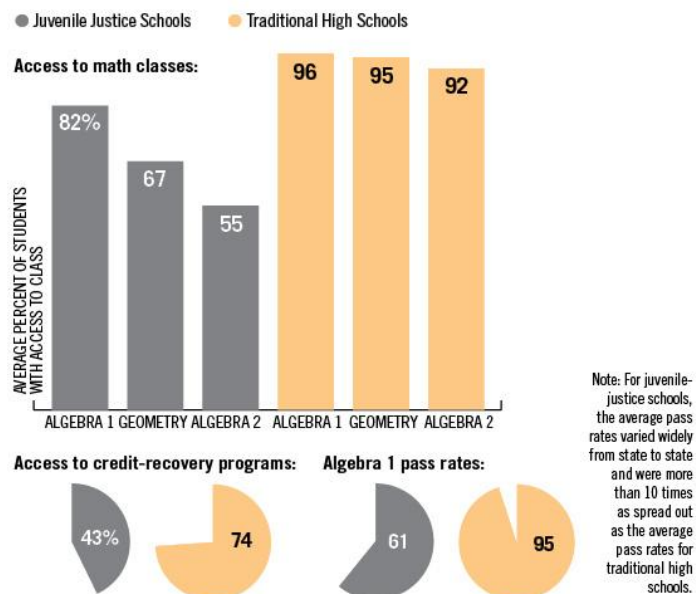
Position: President

INTRODUCTION

With an estimated number of 70% of youth, only in the United States of America (USA), who receive education within the spectrum of the justice system, the issue of the juvenile reform and rehabilitation through education emerges once again.

Taking into account the fact that juvenile incarcerated culprits fail to complete their education while in facilities, it is rather obvious that in most cases this education is substandard as it fails to be aligned with the national and international standards. To make matters worse, it has been proven that the vast majority of youth who enters the juvenile justice system suffers from substantial educational deficiencies. The situation is deteriorated as numbers reveal that 60% of the released youth do not return to school after the period of incarceration, a fact which is mainly related to the barriers schools and states usually enact to prevent youth from reenrolling in school facilities.¹

HOW DOES EDUCATION IN JUVENILE-JUSTICE SYSTEMS COMPARE?



SOURCE: Hailly T.N. Korman and Alexander Brand, "Measuring Educational Opportunity in Juvenile Justice Schools," Bellwether Education Partners (May 2018)

EDUCATION WEEK

FIGURE 1 EDUCATION IN JUVENILE JUSTICE SCHOOLS COMPARED TO EDUCATION IN TRADITIONAL HIGH SCHOOLS

¹ Hailly T. N. Korman & Lisa Pilnik. "How Does Education in the Juvenile-Justice System Measure Up? It Doesn't." Education Week, 25 Oct. 2018, www.edweek.org/ew/articles/2018/10/26/how-does-education-in-the-juvenile-justice-system.html.

All the above come to an outright contrast to the basic human right of education to which all people are entitled. Unfortunately, communities tend to forget how important the creation of a safe, -facility-wide- climate which will prioritize education is. Subsequently, the communities will be able to facilitate the rehabilitation of young delinquents and genuinely offer an olive branch to those who committed a crime at a young age and derived from underprivileged environments.

Although there is a full continuum of educational opportunities available to incarcerated juveniles with the aim of achieving high school diplomas, college preparation and technical training, still, this goal remains out of reach. This is where the responsibility of the authorities and experts lies, as they should safeguard juvenile inmates from seclusion, which restricts their ability to access education and to complete their successful transition back into the community. It is worth mentioning that the primary goal of education in the juvenile justice system should focus on improving literacy and completing high school. On the contrary, because of safety reasons, the program focuses on security, detention and confinement rather than on instruction, training and rehabilitation.

Last but not least, the ultimate responsibility of education related to the juvenile justice system is to remove the feeling of stigma from the young offenders and create a new perception of what education is, as many of them had had exceptionally negative school experiences in the past, or the standard profile of a school dropout.

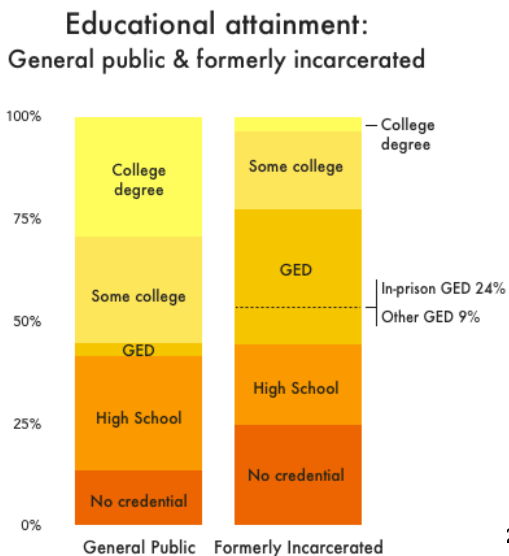


FIGURE 2 THE INEQUALITIES BETWEEN THE GENERAL PUBLIC AND FORMERLY INCARCERATED PEOPLE AT EACH LEVEL OF EDUCATION

² Prison Policy Initiative. "Getting Back on Course: Educational Exclusion and Attainment Among Formerly Incarcerated People." *Prison Policy Initiative*, www.prisonpolicy.org/reports/education.html.

DEFINITION OF KEY-TERMS

Human rights

“Human rights are rights inherent to all human beings, regardless of race, sex, nationality, ethnicity, language, religion, or any other status. Human rights include the right to life and liberty, freedom from slavery and torture, freedom of opinion and expression, the right to work and education, and many more. Everyone is entitled to these rights, without discrimination.”³

Education

The process of accepting or offering systematic instruction, mainly at a school or university. The idea of education encompasses tutoring, training, discussion, directed research and guidance. ⁴

Educational deficits

The lack or shortage of educational resources, which is usually present and detected in institutions, lacking funding.

Juvenile justice system

The procedures of the justice system when an offender under the age of 18 or relatively older has violated the law. This situation might include arrest, detainment, hearing, probation, or incarceration as well, with significant differences from the justice system for the adults. The main difference lies in the primary goals of skill development and rehabilitation into the community.

Delinquent

A young offender, who is repeatedly tending to commit trivial or minor crimes.

³ "Human Rights." *Welcome to the United Nations*, 30 Dec. 2019, www.un.org/en/sections/issues-depth/human-rights/.

⁴ "Education | Definition of Education by Oxford Dictionary on Lexico.com Also Meaning of Education." Lexico Dictionaries | English, www.lexico.com/definition/education.

Incarceration

Usually, the time an offender is confined in prison, the duration of which varies depending on the gravity of the offense.

Rehabilitation

The act of restoring someone to normal life through training and therapy after imprisonment or addiction. By this way, the person reacquires his former privileges or reputation after a period of disapproval.

BACKGROUND INFORMATION

Visions of juvenile justice

The protection model

The protection model handles and treats young law-offenders as children that are in need of protection. The main focus of this system is the proper treatment of the child, which is often achieved through the intervention of the authorities in the convicted person's life, family or privacy. The protection model supports that a number of family issues combined with an underprivileged social and financial background lead the child to illegal actions, and therefore, the delinquents are treated as victims and not as criminals. This model, however, does not allow children in juvenile facilities to make life-changing decisions and be responsible for their future.

The punitive model

Unlike the protection model, the punitive model handles the youth as society members who should be aware of their rights and responsibilities. Bearing that in mind, the young convicts are considered responsible for their actions and therefore receive more severe punishment and no special treatment due to their age. Even though the rights of the juveniles are highly respected, many claim that treating juvenile delinquents in the same way as an adult, does not ensure the legal protection of the young law-offender.

Juvenile justice model under the UN Convention on the Rights of the Child

This model aims at both the protection of the society from criminal acts and the shielding of young convicts. According to it, not only must the authorities

respect the children's fundamental rights, but also provide them with special treatment. The model should account for the age and the needs of each convict and punish them accordingly. However, the UN clarifies that in order to ensure a healthy environment inside the juvenile justice system and protect the community members, the model should be orientated to human rights and not to the interest of the juvenile delinquent.

Educational barriers for incarcerated juvenile offenders

It is statistically proven that young people, who enter juvenile facilities, most of the times lack serious, basic knowledge and it is often reported that they face severe learning disabilities. Their academic level is not higher than that of those who have only received elementary education, and 70% of them need special, expert or individualized help when it comes to the learning process. The lack of appropriate conditions, facilities and human resources hinders their chances to successfully graduate.

According to related statistics, most of the juvenile convicts do not complete their education and approximately 66% of them decide to drop out of school after they are released. For example, in countries such as Romania and Lithuania incarcerated young people have access to inadequate education.

Even though in most cases, education is provided to convicts, the quality of the provided educational system cannot be compared in any way with the education that public schools offer. This results in children not being able or willing to continue their academic careers after being discharged from prison. Other factors which complicate the educational process are bureaucratic barriers, as a great amount of time is required for schools inside the juvenile justice system to transfer the educational records and credits to schools in the convicts' districts. Last but not least, it is disappointing that many schools and states in general make it hard for adolescents to rehabilitate and re-enter the regular educational system, after being released.

5

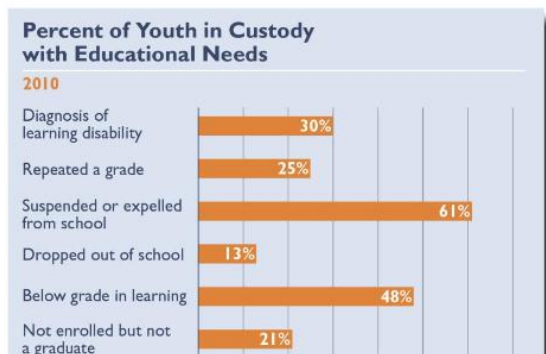


FIGURE 3 INMATES WITH EDUCATIONAL NEEDS IN THE JUVENILE JUSTICE SYSTEM

⁵ "The Juvenile Justice System." Southern Education Foundation, 21 Feb. 2019, www.southerneducation.org/publications/justlearning/.

The role of education in rehabilitation and socializing

It is beyond any doubt that the role of education and the related opportunities offered during the juvenile incarceration are determinant for their social rehabilitation. Since re-integration is considered the main purpose of the Juvenile Justice System, the education provided inside the system must fully prepare children to become once again active members of the society and avoid illegal or violent actions, something that could be achieved through motivating them to become law-abiding citizens. Moreover, the above-mentioned educational system has the responsibility and the obligation to teach young people the required traits and tools to recreate their future life and achieve social and financial success. Adolescents should also become familiar with the law and their rights as well as learn how to behave respectfully as responsible citizens. It is of great importance to underline the fact that after they are released, they are accountable for their actions and decisions. In order to accept the aforementioned fact, young people should learn through the educational process how to act as abiding citizens. To conclude, it is obvious that education is an indispensable component of the juvenile justice system. Without the appropriate guidance, knowledge and wisdom any attempt to return to a non-violent, legal behavior would definitely fail.

MAJOR COUNTRIES AND ORGANIZATIONS INVOLVED

United States of America (USA)

Since 2008 a report has been submitted by “Dignity In Schools Campaign”, regarding the right to education in US juvenile correctional institutes. The results and the outcomes of this report were rather deplorable, as the whole process revealed the lack of easy access to quality education programs. It was without precedent that the cases of youth detention facilities in Texas, New York and Louisiana had violated the rights of the juvenile inmates related to accessible education. This report was released in 2009 and examined by the United Nations Human Rights Council.

Ukraine

The situation in Ukraine is significantly different than the one in USA, as more attention and focus are placed on the social integration and rehabilitation of juveniles after they are discharged. The Ukrainian authorities also claim to provide ex-juvenile convicts with individualized programs. However, the validity of this case is doubtful.

Georgia

In Georgia no educational programs for juvenile inmates are currently active. It is important that several requirements be taken into account by the court concerning the capability of the juvenile's reform. A public apology, a warning or the placement of the juvenile under observation could consist alternative measures to tackle the issue. According to a Georgian NGO, there were cases in juvenile male prisons, where the educational system covered limited topics.

United Nations International Children's Emergency Fund (UNICEF)

Concerning the domain of criminal justice for adolescents accused of violating the law, a novel system should urgently be created. The idea has been given by the Convention on the Rights of the Child (CRC). The needs and the flaws of the education in the juvenile justice system revealed the necessity of first protecting the children who have broken the law and whose rights are in jeopardy. UNICEF has already invested time, money and effort on this project especially targeting countries in South America, such as Colombia, Mexico, Chile and Argentina which have not greatly or even at all developed the fostering of an appropriate platform for the rights of juvenile delinquents.

National Technical Assistance Center for the Education of Neglected or Delinquent Children and Youth (NDTAC)

In 2002 with the significant support of the U.S. Department of Education (ED), the NDTAC was funded. The main goal of the Center is to ensure and improve the education of children in the juvenile justice system, and simultaneously provide support and help to families, governments and communities regarding youth that is considered vulnerable or at-risk. NDTAC aims to create the appropriate environment for these children to succeed academically and accomplish their successful transition to higher educational institutions and employment.

TIMELINE OF EVENTS

DATE	DESCRIPTION OF EVENT
1989	Adoption of the Convention on the Rights of the Child.

1899	Establishment of the juvenile court system in the United States, Illinois.
2012	Establishment of Center for Educational Excellence in Alternative Settings (CEEAS).
2015	The Every Student Succeeds Act (ESSA) was signed by Obama.
1975	The Juvenile Law Center was founded.
1948	Education was recognized as a human right.

RELEVANT UN RESOLUTIONS, TREATIES AND EVENTS

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

The UN Convention on the Rights of the Child came into force in 1992 in the United Kingdom (UK) and consists of 54 articles that are related to all aspects of a child's life and promote their rights, which are severely violated in many cases. The UNCRC is the most widely quoted human rights international treaty and it is also adopted by non-state entities. It calls upon governments, NGO's and other related bodies, to ensure their influence on the protection of those rights, and to create the appropriate conditions for children to develop their personalities and become well rounded persons. The above-mentioned Convention is highly related to the right of young law- violators to education, aiming at their welfare.

RES 179611/03/2011

In March 2011, a resolution related to the topic of "Young offenders: social measures, education and Rehabilitation" was adopted by the Parliamentary Assembly of the Council of Europe (PACE). The resolution recognizes that governments and authorities should firstly treat juvenile convicts as children and then as law offenders. It underlines that even though the community's safety should be considered a priority,

emphasis should also be given on how young people in juvenile justice systems are going to improve as individuals. This is a great step towards the development of these children, which ensures their entitlement to adequate education and their constant support throughout the whole process.

World Program of Action for Youth (WRAY)

In 1995 the General Assembly adopted the World Program of Action for Youth (WRAY), a program which prioritizes the amelioration of the living conditions of youth worldwide. This framework focuses on fifteen main aspects of young people's lives with two of them being "education" and "juvenile justice". Its ultimate goal is to set objectives and propose doable and feasible solutions and ideas in order to achieve them. In this way, the program ensures that they are entitled to their fundamental human rights, and they are effectively protected against violence.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

In 1989, a both aspiring and promising initiative was offered by the CPT (European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment), which was founded under the auspices of the Council of Europe. The unquestionable value of the convention was proven by the fact that it has been ratified by all the 47 Member States of the Council of Europe. Its main contribution to their cause was the support of article 3 of the European Convention on Human Rights, where it is clearly stated that no one should be subjected to torture or to degrading treatment. What is innovative about CPT, is the provision of a non-judicial preventive mechanism by placing under its wings incarcerated persons, who potentially might be ill-treated, such as being excluded from the standard educational system in prison. The structure of the CPT seems to be ideal as its members are impartial, knowledgeable individuals deriving from various backgrounds, such as law experts, doctors or specialists.

As for the Greek authorities, a solemn attempt was made in 2019 aiming at the prevention of torture and ill-treatment by bringing into the surface Greek laws with international standards.

The role of the UN is worth mentioning as it has significantly supported all its relevant bodies, such as UNICEF, and has placed considerable pressure on the Member States. Through the launching of numerous related resolutions, like the "Guidelines for Action on Children in the Criminal Justice System" (July 1997), the UN has managed to raise awareness concerning the legislation in juvenile justice and education. The implementation of such resolutions is of utmost importance, as they

create a safer environment for the currently incarcerated juveniles with the aim of their further rehabilitation and integration in the community after their sentences are completed.

POSSIBLE SOLUTIONS

All factors considered, significant focus must be placed on aligning the correctional, educational programs with the state standards for public schools. This will only be accomplished by eliminating prejudice, stereotypes and toxic narratives where juvenile inmates are described as underachievers, awry individuals or lost causes. On the contrary, the change of the public's mentality will pave the way for further steps regarding the efficiency of education in juvenile facilities.

By ensuring that correctional education encompasses competent faculty, a standard syllabus and a pleasant nurturing environment, the rehabilitation of these young inmates will be feasible. Consequently, inmates' ultimate goal of not returning back to prison will not result in unfortunate relapses.

Additionally, a more holistic approach should be promoted related to the needs of the juvenile inmates. Special projects, sports events and further activities should be organized and funded in order to cover all kinds of needs. At the same time, funds should be given on the employment of psychologists, social workers and college experts in order to facilitate pathways for this special category of inmates to achieve high school diplomas and technical training.

Furthermore, emphasis on the abolishment of discrimination should be given. Such prejudice may include: gender, ethnicity, race, religion, social, political and financial background and age of the juvenile inmates. Moreover, matters such as disabilities, learning disorders and social incapacities should not be overlooked. Instead, infrastructure, underfunding and lack of experts should be solved or better prevented as soon as possible.

Last but not least, the role and the influence of governments, state committees, political parties and authorities should not be underestimated, as the responsibility and the obligation to perpetuate their support towards these underprivileged and stigmatized juveniles lies in their hands. In this way, young delinquents will be able to come to terms with the world outside prison.

BIBLIOGRAPHY

- "About the CPT." www.coe.int/en/web/cpt/about-the-cpt.

- Child Protection Hub for South East Europe,
http://childhub.org/sites/default/files/library/attachments/347_410_EN_original_1.pdf
- "Children's Rights: Russian Federation | Law Library of Congress." *Library of Congress*, 3 May 2012, www.loc.gov/law/help/child-rights/russia.php#Juvenile%20Justice.
- Hailly T. N. Korman & Lisa Pilnik. "How Does Education in the Juvenile-Justice System Measure Up? It Doesn't." *Education Week*, 25 Oct. 2018, www.edweek.org/ew/articles/2018/10/26/how-does-education-in-the-juvenile-justice-system.html.
- "Improving Educational Opportunities for Youth in the Juvenile Justice System: Snapshot*." *National Juvenile Justice Network | NJJN*, www.njjn.org/our-work/improving-education-for-youth-in-juvenile-justice-snapshot.
- "Mission." *CJJ | The Coalition for Juvenile Justice*, www.juvjustice.org/about-us/mission.
- "OHCHR | Guidelines for Action on Children in the Criminal Justice System." www.ohchr.org/EN/ProfessionalInterest/Pages/CriminalJusticeSystem.aspx.
- "PACE - Resolution 2010 (2014) - Child-friendly Juvenile Justice: from Rhetoric to Reality." *Parliamentary Assembly of the Council of Europe*, www.assembly.coe
- "The Right to Education in the Juvenile and Criminal Justice Systems in the United States." *American Civil Liberties Union*, www.aclu.org/other/right-education-juvenile-and-criminal-justice-systems-united-states.

- "Tackling Ill-treatment by Police in Greece." *Department for the Execution of Judgments of the European Court of Human Rights*, 9 Jan. 2019, www.coe.int/en/web/execution/-/tackling-ill-treatment-by-police-in-greece.
- UNICEF, www.unicef.org/tdad/montenegrociclrigh07.pdf.
- UNICEF, www.unicef.org/tdad/uniceflatinamericagoodjjpractices.pdf.
- UNICEF, www.unicef.org/tdad/montenegrociclrigh07.pdf.
- "Parliamentary Assembly." *No Hate Speech Youth Campaign*, www.coe.int/en/web/no-hate-campaign/parliamentary-assembly1.
- *Refworld | The Leader in Refugee Decision Support*, www.refworld.org/pdfid/4d70e52c2.pdf.
- "UN Convention on the Rights of the Child (UNCRC)." *Unicef UK*, 18 May 2010, www.unicef.org.uk/what-we-do/un-convention-child-rights/.
- "About Us." *NDTAC: Technical Assistance Center for the Education of Youth Who Are Neglected, Delinquent, or At-Risk*, 29 Feb. 2020, www.neglected-delinquent.org/about-us/.
- "History of the Juvenile Justice System." *Findlaw*, 24 Jan. 2019, www.criminal.findlaw.com
- "Juvenile Justice | United Nations For Youth." *United Nations Youth*, www.un.org/development/desa/youth/world-programme-of-action-for-youth/juvenile-justice.html.
- *Juvenile Law Center*, www.jlc.org/.
- *Mysite*, www.ceeas.org/.

- "Parliamentary Assembly." *No Hate Speech Youth Campaign*,
www.coe.int/en/web/no-hate-campaign/parliamentary-assembly1.
- *UNICEF*,
www.unicef.org/publications/files/A_Human_Rights_Based_Approach_to_Education_for_All.pdf.
- "Delinquent Definition and Meaning | Collins English Dictionary." *Collins Online Dictionary | Definitions, Thesaurus and Translations*,
www.collinsdictionary.com/dictionary/english/delinquent.
- "Juvenile Justice." www.youth.gov/youth-topics/juvenile-justice.
- "Education Noun - Definition, Pictures, Pronunciation and Usage Notes | Oxford Advanced American Dictionary at OxfordLearnersDictionaries.com." Oxford Learner's Dictionaries | Find Definitions, Translations, and Grammar Explanations at Oxford Learner's Dictionaries,
www.oxfordlearnersdictionaries.com/definition/american_english/education.
- "REHABILITATION | Meaning in the Cambridge English Dictionary." Cambridge Dictionary | English Dictionary, Translations & Thesaurus,
www.dictionary.cambridge.org/dictionary/english/rehabilitation.