

SOCHUM TOPIC SYNOPSIS:
Addressing Social Inequalities
from Juvenile Incarceration



I. Topic Background

The conditions in which youth are raised often serve as catalysts that shape the trajectories of their lives, whether through positive factors that help them flourish well into adulthood or negative factors that have the opposite effect. Tragically, incidents of the former have become more prevalent over the years, arising in the form of a term known as juvenile delinquency.¹ Although countries take on varying definitions for juvenile delinquency, the term encompasses an individual over the minimum age of responsibility but below the age of adulthood of criminal responsibility who commits a criminal offence.²

The severity of the consequences offenders face can vary: rehabilitation and treatment, fines, detention, or even the death penalty—though it is important to note that many countries have long since abolished the death penalty.³ As for how the instances of juvenile delinquency occur, they typically stem from children who often live in difficult situations. Specifically, situations involving family dysfunction profoundly impact a child’s development, as parents who abuse alcohol or drugs can cause a child to develop trouble expressing their emotions. Tragically, this often erupts in the form of unchecked aggression, bullying, and rebellious behavior, habits that often carry on well into adulthood. Additionally, community factors often exacerbate juvenile misconduct, especially in developing countries where many economically disadvantaged areas exist. Stable learning environments, mental health resources, and therapy, resources that often help youth gain discipline skills and combat mental health struggles, are rare or nonexistent. Due to this lack of resources and money flowing into these areas, many youth seek gangs to gain status, money, or even just a sense of belonging. These situations run rampant in countries where gangs hold an iron fist over society, such as Mexico, where the drug trafficking business is extremely lucrative and gives youth an irresistible opportunity to gain money and gain social mobility quickly.

While juveniles often commit property crime and aggravated assault, adults, on the other hand, attempt murder, armed robbery, and domestic violence.⁴ Now, debates concerning these occurrences have flourished throughout the years, debating the most effective ways minors should receive punishment. Advocates who support severe punishment argue that juvenile offenders should be subjected to the same circumstances that adults face, such as adult court, having their criminal records made public, and imprisonment. On the other hand, rehabilitation advocates support measures such as therapy, educational training, and family support, and gaining a greater understanding of the person’s environment. They believe that by identifying the underlying causes of family or social problems, the juvenile system would be better equipped to provide targeted support and corrective interventions, thus mitigating adult crime.⁷ Nevertheless, these debates often come to a standstill, leading the number of youth delinquencies to continue to rise.

Case Study 1: United States - Kalief Browder

Kalief Browder, a 16-year-old black teenager from New York, was arrested after allegedly stealing a backpack.¹³ No evidence was provided to support this claim other than one accusation, and Browder was sent to Rikers Island for 3 years awaiting trial, despite never being convicted. Rikers Island is one of the most violent detention centers in the U.S.. While incarcerated, he spent over 700 days in solitary confinement; solitary confinement that lasts over 15 days is considered torture by the UN.¹⁶ Browder was repeatedly beaten by guards and other inmates and ended up with trauma that followed him until he took his life at the age of 22. Browder's trial was delayed more than 30 times and was eventually dropped due to lack of evidence, meaning he lost 3 years of his life without ever being convicted of a crime. A wealthier family would have been able to pay the \$3000 bail and go home the same day. Browder's case highlights how wealth inequality and the inability to pay bail punish the poor.¹⁷ His race plays a factor in the broader pattern of minority youth having higher arrest rates, harsher sentencing, and more.²² The trauma he endured on Rikers Island demonstrates the dangers of punitive and harsh juvenile systems and illustrates the need for global reform.

On June 6, 2015, Browder died by suicide after a traumatic experience in the violent detention center. Several years later, on January 9, 2023, Kalief's Law, also known as the Effective and Humane Treatment of Youth Act of 2023, was introduced to the House. This bill sets requirements for youth in the U.S. criminal justice system. In order to increase the establishment of these policies across the country, existing grants incentivize the state and local levels for implementation.⁵ Since then, thousands of people have been protected by the law, preventing cases of wrongful conviction. In recent years, press conferences, legislative pressure, and rallies were organized to protect this reform law, and testimonies were provided to ensure that prosecutors disclose evidence to prevent such injustices from recurring.⁹

Case Study 2: Brazil - Lucas from the Antares Favela

Antares is home to one of Rio's biggest drug gangs, known as the Comando Vermelho, or the Red Commando. The dealers, similar to the majority of Rio's residents, are charismatic and extremely friendly. One specific member of the gang is named Lucas (pseudonym of one of the drug sellers), a 28-year-old drug dealer, whose situation mirrors many of the youth who joined from a young age. In his case, he entered the gang at the age of 12, seeking adrenaline and excitement, as well as the lucrative salary he would eventually gain after working up in the ranks. Initially, the tasks he was assigned were simplistic, such as serving as a lookout for rival gangs and police or simply running errands. After 16 years of hard work, he eventually established a drug-selling point, with shifts lasting 24 hours.

Lucas's situation is a prominent example of how adolescents fall into gang culture early on. This is a result of many factors, most notably the extreme income inequality that stems from political structures that concentrate wealth at the top and unequal access to essential services,

such as education, infrastructure, and healthcare. These Adverse Childhood Experiences (ACEs) drive youth to join gangs as their only option to attain survival, status, and a means of financial stability. However, in a *favela* (a Brazilian shantytown or slum) in Rio de Janeiro, named Julio Otoni, efforts were made to alleviate this issue of juvenile delinquency.¹⁴ Rather than imprisoning these juveniles for their mistakes, the Julio Otoni Community Development Plan provided recreational programs such as literary groups, after-school initiatives, and even holiday clubs that provide children and teens a place to celebrate cultural holidays. By putting in place these easily accessible projects, the benefits are two-fold, with children gaining both a safe environment to develop new social skills and educational support that is often scarce elsewhere in Brazil. Expenses for each amenity only cost about \$30,000 USD a year, proving it to be not only an effective solution, but an affordable one as well. Some concrete results that support this are 400 adolescents who have benefited from and participated in the Holiday Club, 300 children participating in the after-school programs, and 70 young adults gaining reading expertise in the literacy programs, thereby providing effective alternatives to engaging in criminal activities such as gang involvement and drug trafficking.

II. Past UN Involvement

- The Beijing Rules (1985) establish that incarceration should be used as a last resort that is meant to rehabilitate and not punish.⁶
 - The background that the juvenile is living in and the conditions leading up to the offense should be investigated for proper adjudication.
 - Parents or guardians are to be immediately notified upon the apprehension of a juvenile. The Beijing Rules emphasize the importance of juvenile consent before diversion to community support services—community service without consent contradicts the Abolition of Forced Labor Convention.⁸
 - Detention before trial should only be used as a last resort and for as short of a time as possible.¹⁸
- The Riyadh guidelines (1990) focused on the prevention of juvenile delinquency, placing high priority on maintaining strong family integrity and the education of children.¹⁹
 - The family, according to the Riyadh guidelines, is the central unit of socialization for children, and governmental efforts to preserve the family should ideally be the focus.
 - When a family is not able to provide stability, community efforts to assist the family have failed, and the extended family can not take care of the child, then choices such as foster care and adoption should be considered.

- During this process, it is important not to cause the child to remain in “foster drift”, which is when children remain in the foster care system for an extended period of time without a permanent residence.
- The Havana Rules (1990) define a juvenile as every person under the age of 18 and assert the preservation of their civil, economic, and social rights, such as their right to education, religion, and vocational training.
 - Juveniles under detention should be presumed innocent and should have the right to free legal aid wherever such aid is available.
 - Juveniles should be allowed to work for pay and continue their education, but should not be forced to work or to extend their detention due to work.
- As for recent actions, the CCPCJ has adopted the Economic and Social Council on July 22, 2021.¹¹
 - Calling for the integration of sports into youth crime prevention as a unique alternative to divert youth away from delinquent activities.
- ECOSCO adopted a resolution in 2021 that involves initiatives to instate rehabilitation programs to prevent relapses into reoffending.¹²
 - Taking actions such as educational/technical training programmes to effectively support the youth.²¹
 - Taking part in inter-agency partnerships to streamline effective solutions to further assist with the reintegration of these offenders, among other subsequent steps.

III. Bloc Positions

North American Bloc

Countries in the North American Bloc have well-funded judicial systems and established legal frameworks addressing juvenile justice. Ratified by most of these states, the Convention on the Rights of the Child establishes a global standard for child welfare and development, recognizing that it is essential to prioritize child rehabilitation over punishment.¹⁰ However, there is a concern of racial inequality within child social systems, especially in the United States, where racial minority children are more likely to be arrested, charged, and reprimanded (ex: the Kalief Browder case).²⁰ These social issues maintain a division among the North American Bloc in determining the line between punitive systems aimed at deterrence and advancing reform-oriented policies. Community-based alternatives have been enforced throughout the years, as there is a shift away from reliance on youth incarceration in these countries.

European and Central Asian Bloc

Among the European and Central Asian Bloc, rehabilitation is generally emphasized over incarceration. There is strong adherence to international child-rights standards. Consistency of implementation does vary between different states, with non-uniform legal frameworks. These countries are trying to legally consolidate as juvenile incarceration becomes more of an issue.

Sub-Saharan African Bloc

The Global South Bloc, being more challenged with poverty and limited access to social services, faces more juvenile incarceration issues due to a lack of formal judicial structure. Much of the Sub-Saharan Bloc advocates for preventative and community-based approaches. They call for international support and funding to implement their endeavors, addressing the root cause of juvenile delinquency. Global South countries are more susceptible to juvenile abuse and mistreatment, but efforts to strengthen family support systems and youth development initiatives are growing.

Eastern and South-Eastern Asian Bloc

There are varying approaches towards juvenile justice in the Eastern and Southeast Asian Bloc. Some rely heavily on disciplinary and punitive measures, while others are more focused on diversion programs and educational interventions. However, efforts towards rehabilitation remain strong, with their effectiveness depending on political stability and legal transparency.¹⁵

IV. Possible Solutions

The committee of SOCHUM recommends a multifaceted approach, first and foremost, the implementation of preventive solutions. These are far more effective and humane, as opposed to intervening after cases of detention occur. An example of this is instituting childhood educational support programs aimed at providing stable learning environments during the early stages of a child's development. By putting in place this measure through regional blocs, nations should be able to teach social skills and routines to children and identify possible familial or developmental issues, thus mitigating any possible ill effects later into delinquency. Additionally, therapeutic initiatives such as home visiting programs and family therapy support groups can help not only the juveniles, but the parents as well, by helping foster healthy communication skills between child and adult, and reducing incidents of child abuse and neglect.

In addition to establishing preventative solutions, delegates should also seek out long-term resolutions that alleviate the crisis of juvenile delinquency further. For instance, establishing economically focused policies such as worker protections and minimum incomes can guarantee marginalized communities an equitable way to earn sufficient income. Thus, parents can utilize their resources to best provide effective parenting and stable housing, and

minimize the risk of youth conducting illicit activities to gain assets. Criminalizing every single offense rather than seeking out reformatory measures also remains an extremely prevalent issue, making it imperative to find remedies that prevent adolescents from slipping back into the paradigm of crime. Having a criminal record from such a young age also creates lifelong barriers to amenities such as employment and housing, pushing them to the conclusion that finding legitimate success is an impossible task. One feasible avenue to take is to abolish youth incarceration and to only jail minors for the most serious offenses, and instead seek community-based interventions to prevent them from slipping back into the same cycle of crime.

Delegates need to note that, despite the wide array of possible resolutions to combat adolescent criminal behavior, but to consider the logistics and resources needed to guarantee their success. In addition, the committee of SOCHUM encourages all delegates to create solutions not only applicable to their own countries, but to other countries and blocs that might be in similar predicaments but are unable to properly implement effective solutions. Finally, the dais encourages representatives to craft realistic proposals that align with their country's economic resources and existing challenges.

V. Questions to Consider

1. How can countries effectively rehabilitate juvenile offenders without the use of cruel or inhumane punishments?
2. What major socioeconomic factors lead to the development of juvenile delinquents?
3. What forms of aid would be most effective in countries that have a widespread problem of juvenile delinquency?
4. How do race and discrimination affect the juvenile delinquency system, and what can be done to mitigate the effects?
5. In what way do family dynamics shape the likelihood of a child's participation in juvenile delinquency?
6. What role does education play in the reduction of juvenile delinquent behavior?
7. What would be the ramifications should imprisonment of juvenile delinquents be entirely abolished except for the most serious offenses?
8. What does the Kalief Browder case reveal about the juvenile delinquency system, even in more developed countries?
9. What do the Julio Otoni development plans do to try to mitigate juvenile delinquency, and what is the impact of these plans?
10. What have nations done in the past to try to combat juvenile delinquency?

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