

Committee: Human Rights Council

Issue: The right to education in the juvenile and criminal justice systems

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INTRODUCTION

During the past decades, the juvenile justice system was considered to be an effective way to protect the society through systems that responded only to children of a certain age. It is known that there is a difference between crimes committed by children and crimes committed by adults due to the fact that children have less responsibility of their actions since they can be influenced by others. Moreover they can change through a well organized program which will provide them with the necessary qualities they need to have in order to be accepted from the society. Unfortunately, if a well-organized educational system does not exist, the youths cannot become a proper part of the society.

In the past 25 years, there are certain changes noted in the juvenile systems particularly in the former socialist countries of central and Eastern Europe. The same situation occurs in South Africa as well as Latin America. According to those changes the minors have the right to be educated even if they have committed a crime. However, the level and the quality of education are really low and thus the juveniles cannot keep up with the children that have access to regular education. In addition to that, a certain amount of juveniles in justice systems face problems such as anger problems or learning disabilities. This fact makes their education even more difficult and challenging. We reach the conclusion that these children need a specific form of education and treatment that is not implemented in many juvenile justice systems. Youth in the juvenile justice system face many barriers to completing their education, which may be why the majority of youth, 66%, do not return to school after release from secure custody.

Consequently the right of education in juvenile and criminal justice systems is a crucial issue that should be discussed, debated and finally solved via efficient both long-term and short-term measures.

DEFINITION OF KEY TERMS

Criminal justice system

In such systems the society judges those that are accused of having committed a crime and decides their punishment.

Juvenile justice system

The juvenile justice system is a structure of the criminal justice system whose aim is to deal with crimes committed by children, usually among the age of 10 and 18.

Right of education

Every human being deserves to be qualified with the necessary knowledge. Thus, education is worldwide recognized as a human right and it is protected by several articles such as Article 26 of the Universal Declaration of Human Rights and Articles 13 & 14 of the International Covenant on Economic Social and Cultural Rights.

BACKGROUND INFORMATION

Models of juvenile justice systems

There are four models that inspire administration of juvenile justice:

A. The Welfare Model

The 'welfare model' supports that a wrong action that offends the society, such as a crime, committed by a juvenile is a result of the combination of other factors that have influenced the youth such as social or environmental factors. It emphasizes on the rehabilitation needs of the offender and focuses on its treatment, education and attitude as well as on measures in order to achieve its quicker and softer rehabilitation. This is quite ironic considering that most youths that exit juvenile justice systems did not gain the necessary education. Thus, their rehabilitation was not effective at all. This model, has been adopted by nations such as Belgium and France. The welfare model is associated with higher age of criminal responsibility, even though the age of criminal responsibility is decided by the state.

B. The Justice Model or Control Model

As far as the 'justice model' is concerned, it approaches the issue from a different point of view than the welfare Model. The justice model supports that even juveniles have the ability to think and take their own decisions. They have the right of free will which means that in a way they are responsible for their actions. Its primary focus is on the 'deeds' of the child rather than their welfare 'needs'. This model is adopted by the United States.

As we may understand this model does not focus at all on the education of the youth. It makes sure that their acts won't be repeated but it does not take care about their integration in the society.

C. The Restorative Model

The 'restorative justice model' focuses on the concept of a crime itself. The relationship between offenders, victims, citizens and the state is also one of its first priorities. Finally it debates the response that the society must have to this crime. It is obvious that this model as well as the previous one does not focus on the right of education of the youths.

D. The 'Minimum Intervention Model'

This model supports that all official ways of processing young offenders cannot help them engage in lawful activities and are therefore ineffective. It condemns the youths as criminals and consequently there is no effort made to make them educated citizens.

Difference between Juvenile and Adult Justice Systems

There are several similarities and differences between the two criminal justice systems:

As far as the similarities are concerned, in both courts those accused as criminals have the right to have a lawyer, which means legal representation in the court, who can examine witnesses. Moreover, in both cases there is a protection from self-incrimination towards the defendant adult.

Apart from the similarities mentioned before there are some significant differences between the two courts/systems. To begin with, an adult commits a crime and a juvenile commits a delinquent act. As for the punishments are concerned, adults are punished through imprisonment or community service whereas a juvenile is being sent to rehab in order to reduce the possibilities of him/her committing a crime during his/her adult life. Another difference are the consequences. The consequences a juvenile faces are less than those of an adult since a minor can be influenced by someone else or be blackmailed whereas an adult is fully aware of the actions he/she commits as well as their consequences. Finally In juvenile justice systems minors are taught to be aware and take responsibility of their actions. Moreover in such cases parents are considered responsible for the immaturity and their way of living and reacting.

The box below shows in detail the difference between the two criminal justice systems:



Juvenile v. Adult Justice Systems

	Juvenile System	Adult System
Basis	Civil (no due process)	Criminal (due process)
Goal(s)	Rehabilitation	Punishment
Style	Non-Adversarial	Adversarial
Terminology	Medical Model	Legal/Constitutional
Role of Family	Very Significant	Little to No Significance
Functioning	Private, confidential	Open
Process	Adjudication/Delinquent	Trial/Guilty or Innocent
Sentencing	Indeterminate-Broad	Determinate-Focused

The juvenile justice system is responsible for the education of the youths so that in their adult life they won't commit any other worse crimes. In general it is obvious that the adult justice systems do not focus on the education. As this box presents the goal of the juvenile system is rehabilitation. This may be achieved through a constructive educational system where youths will have the opportunity to rethink and judge their actions. However, since such a system does not exist youths grow up with no sense of responsibility and they cannot cope with the requirements of the society. As we can understand the education in the juvenile systems should definitely be improved.

Situation in juvenile criminal justice systems

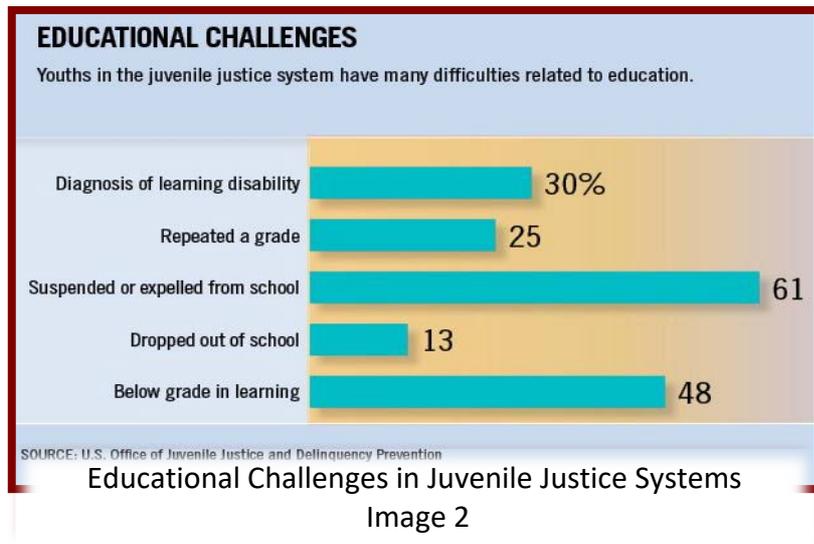
A major problem that the system faces is that the most minors in the juvenile justice systems are males. Consequently female juveniles face stereotypes and racist attitudes as well as violent actions that might be the reason leading to depression or negative/aggressive behavior. Such a phenomenon needs to be tackled through lessons against stereotypes. However since the educational system is not working properly in the juvenile criminal justice systems such things cannot be dealt with.

As far as education is concerned, it is noted that the education included in those systems worldwide is of low quality. To be more specific:

- a. There are no high expectations for the juveniles
- b. There is no sufficient support for children who face mental or physical difficulties
- c. There is no technological support and the instructions are considered to be ineffective

In addition to that, certain minors face anger problem or learning disabilities. Unfortunately, the majority of the children that face such problems and are part of the juvenile criminal justice system cannot deal with such problems. It is acknowledged that the significant majority of the youth in the justice systems, namely 70%, have learning disabilities. Lastly, there are many children that have been abused either sexually or mentally as well. Such problems show that these youths need specific treatment in order to be taken care of.

The diagram shows that a big amount of minors in juvenile justice systems face serious difficulties concerning their school life. This means that their educational needs are



higher. Even though they are kept in these systems not only do they have the right to receive the necessary education but there is also a specific treatment needed.

Education in juvenile criminal justice systems

Unfortunately there are several countries where children that are included in the juvenile criminal justice system do not have access to education at all. The level of education differs from Western Europe to the countries in Latin America, Eastern Europe, Middle East as well as African regions. To be more specific, here is a list of some examples:

Albania	Children in pretrial-detention do not have access to education at all. In some prisons though only boys have access to primary education. However they do not receive secondary or university education.
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Argentina	Although there have been some efforts to ensure access to education to all children, the lack of teachers and necessary material is an obstacle to their education.
France	Low quality of education.
Italy	There is an educational well-developed system which gives the young offenders the opportunity to participate in activities and communicate with each other. However there are problems concerning the overpopulated cells.
Netherlands	According to the Penal Code for Juvenile Custodial Institutions, children are being provided with the necessary education.
Chile, Niger and Palestine	In these countries minors do not even have basic facilities such as separated toilets and showers as well as a personal cell.
Uganda, Ghana	The overcrowded cells and the lack of space make the low education quality a less important issue.

As we can see the conditions in the juvenile justice systems are unpleasant and the level of education is really low. Therefore a big number of students in the juvenile justice systems or even the majority of them, face some serious problems which affect their skills during the educational process. This is a proof that the educational system in the juvenile justice systems must be ameliorated and apply to the special needs of the children. The right of education applies to all minors and generally to all human beings. Everyone must be educated and informed about what is happening around him/her.

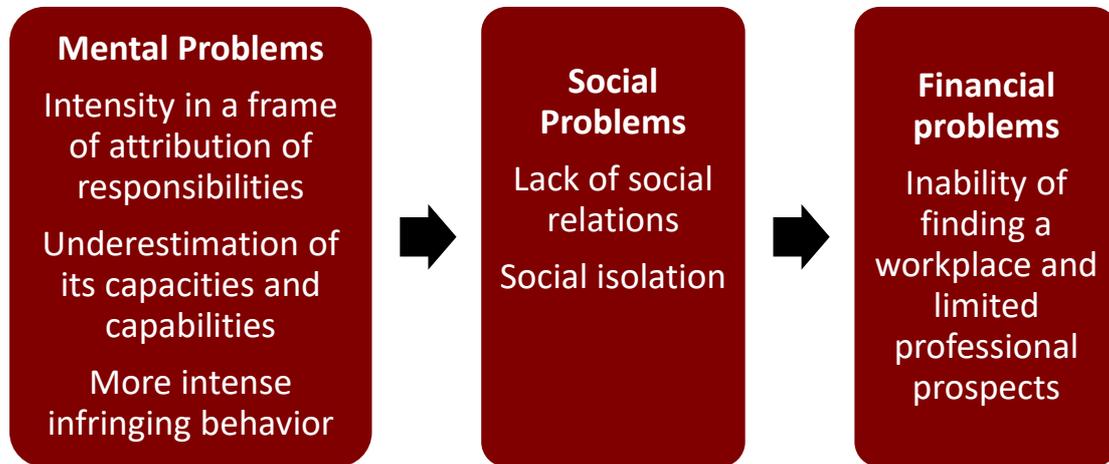
Consequences

The fact that the minors in the juvenile criminal justice systems do not have access to education causes some problems in their life. There are three categories of problems:

- ✓ Social Problems

- ✓ Financial Problems
- ✓ Mental/ Behavioral/Psychological Problems

These problems are related to each other and some of them might be presented earlier than others.



Social problems might be caused mainly due to racist attitudes towards the youth who have recently exited the juvenile justice system. It is proven that students with learning disabilities or students that are not sociable enough face racist behaviors. Concerning the underestimation of their personal capacities, the minors might be ashamed of their lack of education or of the fact that they have recently exited a rehabilitation center. Finally, it is obvious enough that the lack of education does not guarantee a financially stable future.

MAJOR COUNTRIES AND ORGANISATIONS INVOLVED

United States

The first juvenile justice system was established in 1889 in Chicago. During the 19th century the treatments and punishments of the youth that were accused of committing a crime were too strict and similar to the behavior and attitude towards adults. In the United States the death penalty was used on adults as well as minors. Fortunately, by 2005 the U.S. Supreme Court made the decision not to apply such a punishment to citizens under the age of eighteen. The U.S. have adopted even stricter measures aiming at limiting criminal actions by juveniles. However, at the end of the 20th century researches have proven that such a method did not ameliorate the situation. The treatment became less strict and friendlier towards the young offenders. The United States Department of Education and Department of Justice have published an article, namely Guiding Principles for Providing High-Quality Education in Juvenile Justice Secure Care Settings, whose summary is presented in the box below:

Guiding Principle	I. A safe, healthy, facility-wide climate that prioritizes education, provides the conditions for learning, and encourages the necessary behavioral and social support services that address the individual needs of all youths, including those with disabilities and English learners.	II. Necessary funding to support educational opportunities for all youths within long-term secure care facilities, including those with disabilities and English learners, comparable to opportunities for peers who are not system-involved.	III. Recruitment, employment, and retention of qualified education staff with skills relevant to juvenile justice settings who can positively impact long-term student outcomes through demonstrated abilities to create and sustain effective teaching and learning environments.	IV. Rigorous and relevant curricula aligned with state academic and career and technical education standards that utilize instructional methods, tools, materials and practices that promote college- and career- readiness.	V. Formal processes and procedures—through statute, memoranda of understanding, and practice—that ensure successful navigation across child-serving systems and smooth reentry into communities.
Core Activities	<ul style="list-style-type: none"> Establish a school- and facility-wide climate with a focus on family engagement in which youths are free from threats of or actual physical or emotional harm. Create and/or revise policies, procedures, and progress measures that prioritize education and student educational achievement. Develop a continuum of academic and behavioral supports and services to promote long-term educational outcomes for youths who are system-involved, potentially through a tiered framework. Ensure fairness and equity in the provision of educational services and the promotion of a facility-wide climate that supports learning consistent with federal law. 	<ul style="list-style-type: none"> Plan and develop dedicated and appropriate education budgets at the agency and facility levels. Establish processes to ensure that secure care facilities receive adequate state and local funds and effectively leverage available federal education dollars to supplement core education programs. 	<ul style="list-style-type: none"> Require that education staff, including special education, LEP, and related service providers, hold valid education credentials consistent with federal requirements and state law. Provide or otherwise facilitate access to professional development opportunities for education staff so they can develop the skills to address the unique needs of students in juvenile justice settings more effectively. Use a teacher evaluation process that continuously assesses teacher performance based on accepted state standards for highly effective instruction. 	<ul style="list-style-type: none"> Employ current instructional methods and materials appropriate to each student's age, grade placement, development, and culture. Promote student engagement through high educational expectations for all students in the juvenile justice system. Require that students in juvenile justice residential facilities participate in the same curriculum and state accountability systems as students in traditional schools, and provide instruction and assessments with appropriate services and accommodations for students with disabilities and English learners. Collect and use data to monitor student academic progress, make data-informed decisions, and continuously evaluate and improve the education program. Provide access to postsecondary programming, including college and career and technical education that prepares students for successful transitions to adulthood. 	<ul style="list-style-type: none"> Immediately upon entry of a youth into a juvenile justice residential facility, create individualized prerelease plans in partnership with the youth and his or her family that identify action steps and support services to ensure reenrollment in a community school and reduce the likelihood of rearrest or reoffending. Prior to release, offer additional formal learning opportunities for the youth that are grounded in evidence- and practice-based service models and focused on social, emotional, and behavioral skill development, especially for youths with mental health conditions. Establish policies and procedures that promote school assignments best suited for students' educational success and the timely transfer of their accurate education and related records.

Summary of Guiding Principles and Core Activities for Providing High-Quality Education in Juvenile Justice Secure Care Settings

Image 3

China

The majority of nations are influenced by the U.S. juvenile system model and established their own system based on it and the local traditions and practices. Similarly, China has established a juvenile justice system based on the local communist influence. The rise of the Chinese juvenile population demanded a well-organized and properly working system. Nowadays China has one of the youngest juvenile justice systems, while the first juvenile justice system was established in Shanghai in 1984.

European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT)

The CPT was set up under the Council of Europe's "European Convention for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment", which came into force in 1989. The European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) is a specialized independent monitoring body of the Council of Europe. Its members visit detention centers (for adults and minors) and observe the way people kept there are being treated. After each meeting it publishes a report in order to clear its recommendations and comments. Its goal is to establish well-balanced systems all around the Europe and ameliorate the conditions in juvenile criminal justice systems. Moreover, they have made efforts to reassure that all youths are treated properly and equally. Due to their reports and visits in several countries the conditions in such systems tend to become better. Their annual reports also influence states to deal with the various issues existing in the systems. Generally, they play a crucial role in the development and amelioration of the juvenile criminal justice systems and in some nations their primary goals have been achieved.

Coalition for Juvenile Justice (CJJ)

The Coalition for Juvenile Justice (CJJ) is a nationwide coalition of State Advisory Groups (SAGs), organizations, individuals, youth, and allies. Its main purpose is to prevent children from taking part in the courts and focuses on the treatment of the children that enter the justice systems. CJJ envisions a nation where fewer children are at risk of delinquency and where if not all then the majority of children have access to live safe, healthy and fulfilling lives.

Citizens for Juvenile Justice (CfJJ)

The CfJJ is an organization whose aim is to ameliorate the conditions in the juvenile justice system in Massachusetts. It provides raise of public awareness concerning the conditions in the juvenile justice systems and the significance of such systems. The CfJJ is responsible for the organization of forums, conferences and other events whose aim is education. They are open to the public and give people the opportunity to be aware of the situation in the juvenile justice systems all around the world. Finally it is essential to be mentioned that it is the only independent, non-profit, statewide organization that focuses on this issue in Massachusetts. Apart from these, this organization provides advocates that fight it order to create a system where children will have access to all their rights including education. Their goal is the creation of a system that will focus primarily on the rehabilitation of the youths and will promote their healthy development.

TIMELINE OF EVENTS

Date	Description of Event
1899	The first juvenile court was established in Chicago
29 th November 1985	United Nations Standard Minimum Rules for the Administration of Juvenile Justice (the Beijing Rules)
20 th November 1989	Convention on the rights of child
14 th December 1990	<ul style="list-style-type: none"> • United Nations Rules for the Protection of Juveniles Deprived of their Liberty • United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines)
2008	The European Juvenile Justice Observatory (EJJO) was created by IJJO
June 2011	A new law concerning the reforming of the juvenile justice system was voted by the French Parliament. Its purpose is to create a criminal court where young offenders aged 16 to 18 will be judged.
25 th June 2012	The U.S. Supreme Court decides that the mandatory sentence of life should be applied to crimes committed by juveniles as well.
January 2013	In China, Record sealing is required from young offenders who have been sentenced to less than five years imprisonment.

<p>10th to 23rd May 2017</p>	<p>The CPT visits Turkey</p>
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UN INVOLVEMENT: RELEVANT RESOLUTIONS, TREATIES AND EVENTS

Generally the United Nations have created several manuals and resolutions concerning the structure of the juvenile justice systems, the rights of minors in such systems as well as their needs and how they should be treated. More specifically here are some relevant resolutions and manuals created by the U.N.:

- Resolution 45/113 of 14 December 1990, adopted by General Assembly: United Nations Rules for the Protection of Juveniles Deprived of their Liberty
- 14th of November 2007 the UN report states that the juvenile justice systems need improvement (in Liberia)
- In New York, 2006 the United Nations created a Manual for the measurement of juvenile justice indicators
- Resolution 45/112 of 14 December 1990, whose aim was to prevent juvenile delinquency, adopted and proclaimed by General Assembly.
- The International Juvenile Justice Observatory, was established in 2002 in order to encourage a global juvenile justice without borders. This means that in all nations, juveniles in justice systems will be treated in the exact same way.
- Resolution 40/33 of 29 November 1985, adopted by General Assembly: United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")
- Interagency Panel on Juvenile Justice (formerly known as the Inter-Agency Coordination Panel on Juvenile Justice) was created by the ECOSOC resolution 1997/30 and aims at coordinating international technical advice and assistance in juvenile justice provided by UN agencies and non-governmental organizations under the guidance of the UN Committee on the Rights of the Child(21 July 1997).
- In 1995 the World Program of Action for Youth (WRAY) was adopted by the UN with the aim of supporting the minors in the juvenile justice systems
- The United Nations Office on Drugs and Crime (UNODC) and the United Nations Interregional Crime and Justice Research Institute (UNICRI) cooperate in order to eliminate the drug problem, concerning the minors.
- The United Nations Interagency Panel on Juvenile Justice (IPJJ), works to facilitate and enhance the coordination of technical assistance in juvenile justice reforms.

PREVIOUS ATTEMPTS TO SOLVE THE ISSUE

UNICEF has made several efforts in order to protect children in the juvenile justice systems. Based on the Convention on the rights of child (CRC), UNICEF tried to ameliorate the conditions in those systems. Unfortunately, most of the countries do not have some basic facilities and thus it is much more important to focus on them before focusing on the access to education. Although there were some actions concerning the right to education in the systems the conditions are still unimproved.

As far as the United Nations are concerned there are several resolutions about the amelioration of the conditions in the juvenile criminal justice systems. However there is nothing specific about access to education. It is recommended to be given to the minors however the lack of reception of education is not tackled by any resolution.

All in all, we notice that although certain organizations have made some efforts concerning the situation in the juvenile criminal justice systems there is nothing more specific about education. This fact makes the issue we are discussing about much more crucial and its solution much more important.

As we may have noticed there are not many previous attempts to solve the issue which means that the situation is crucial,

POSSIBLE SOLUTIONS BIBLIOGRAPHY

As we have already understood, the situation in juvenile criminal justice systems is not stable. Youths are not attending proper classes and thus in comparison to other regular schools the level of education is low and not enriched enough so as to ensure a safe and successful future. We reach the conclusion that it is essential to reorganize the educational system in juvenile criminal justice systems. However, before we proceed with some details concerning a model educational system we should ensure that the minors actually have access to education.

First and foremost each government should select qualified teachers that will teach the students. Each year the ministry of education must be certain that all systems have teachers. The number of the teachers should be in accordance with the number of youths.

To be more specific there should be specialists such as physiologists who can take care of the students with learning disabilities. Statistics show that a significant majority of students in such systems have anger problems or learning disabilities. Consequently it is really important to adopt certain methods with the aim of supporting these students mentally and physically.

As far as the educational system is concerned the teachers should have the opportunity to get to know the students personally discuss with them and get informed about the fears or difficulties they face during the lesson. This way the relationship between teachers and students will be stable and powerful in order for the juveniles to feel comfortable during the learning procedure. The educational system should always treat minors equally so that they can face their problems and be added smoothly to the rest of the society.

The place where the lessons will take place is of vital importance as well. The atmosphere should be friendly enough so that the children will be able to effectively learn what they are being taught.

In addition to that, the lesson must be accompanied with interactive activities such as group projects. The presence of technological devices will make the learning procedure much more interesting and the students must have access to online resources so that they will advance their studying abilities, this will be achieved through the adoption of innovative methods.

During the lesson the students should learn the importance of values such as: Communication and collaboration, Socialization, Family, Participation in social events etc. Being part of the society and its institutions is something that each and every citizen must do. The educational system in the juvenile justice systems should encourage juveniles to participate in institutions such as elections as well.

Finally, teachers should be trained properly in order to deal with these students which usually possess certain psychological problems. Patience and insistence are the two basic qualities teachers must own.

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