



# NOVICE 43

## HUNTINGTON BEACH HIGH SCHOOL



**UNICEF**  
**Juvenile Justice**

Jordyn Kao  
Emily Fennell  
Nelly Arreaga

## Welcome Letter

Dear Delegates,

On behalf of the Huntington Beach High School Model United Nations Program, we would like to welcome you to our Novice 43 conference!

Our annual Novice conference upholds the principles and intended purpose of the United Nations. Delegates can expect to partake in a professional, well-run debate that simulates the very issues that those at the United Nations discuss every day. Both novel and traditional ideas will be shared, challenged, and improved.

It is our hope that all delegates will receive the opportunity to enhance their research, public speaking, and communication skills as they explore the intricacies of global concerns through various perspectives, some of which may be very different from their own. We hope their experiences here give them new insight and values that they can apply outside of the realm of Model UN for the betterment of the world community.

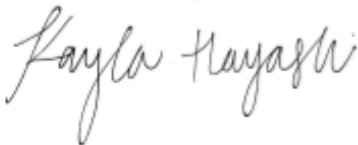
Although we will be entertaining a new style of a virtual conference, we hope all delegates will experience a fruitful and enhancing debate. Please do not hesitate to approach our Secretariat or Staff Members with any questions or concerns that you may have throughout the day. We wish the best to all our participants and hope that they may share a fulfilling experience with us! Enjoy the conference.

Sincerely,



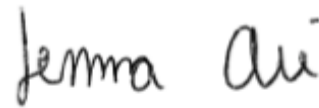
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Summer Balentine  
*Secretary-General*



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Kayla Hayashi  
*Secretary-General*



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Jenna Ali  
*Secretary-General*



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Hailey Holcomb  
*Secretary-General*

## Meet the Dias

### Jordyn Kao

Hey delegates! My name is Jordyn Kao and I am pleased to welcome you to HBHS Novice 43! I am currently a junior and have been in the MUN program for all three years. Currently, I am on the Link Crew Executive Board, National Honor Society, and the Secretary of the Red Cross Club. Outside of school, I enjoy hanging out with friends and cooking and taking pictures of food for Instagram. Being in the MUN program has allowed me to meet so many new people, both in person and online, and learn so much about the world. I hope that this conference will give you the opportunity to showcase your knowledge and provide you with a fun and engaging experience. If you have any questions, please do not hesitate to email us. See all of you in committee!

### Emily Fennell

Hi delegates! My name is Emily Fennell and I am so excited to be your chair for UNICEF Novice 43! I am a Junior at Huntington Beach High School and I have been in Model United Nations all three years of high school! Outside of MUN, I am in my school's Academy for the Performing Arts Costume Design program. With that, I am the Costume Representative on our APA council board. Additionally, I am the president of the Democrats for Change Club, vice-president of the Human Rights' Club, and the secretary for the OC Earth Alliance Club at my school! Outside of school I love attending concerts, going surfing, and hanging out with my friends! UNICEF is my favorite committee and I am so excited to hear all of your innovative solutions. Remember Position Papers are due April 18th! Good luck and I look forward to seeing you all in committee!

### Nelly Arreaga

Hi delegates! My name is Nelly Arreaga and I cannot wait to be your chair for Novice 43! I am currently a junior and have been a part of the MUN program at HBHS for three years. Apart from MUN, I am on the HBHS swim team, in the National Honor Society, in Link Crew, and part of the executive board of the Make-A-Wish club! Outside of school I enjoy spending time with friends and making crafts! I have had amazing experiences in UNICEF and hope you will too! I am so excited to meet you all and hear you debate! See you soon!

**All Papers are due on April 18th, 2021 by 11:59pm to**  
**[unicef.novice@gmail.com](mailto:unicef.novice@gmail.com)**



## Juvenile Justice

### BACKGROUND

According to the United Nations, a juvenile is a person between the ages of 15 and 24 and should be treated as a youth under the law. The juvenile justice system itself focuses on how those under the age of 18 are processed when accused of a criminal act as the adolescent brain doesn't fully form until the age of 25. Similar to the adult justice system, the process still would include actions such as detainment, hearings, petitions, placement, probation, and arrest, but, they are tried differently because they are fundamentally different from adults in terms of responsibility and potential for rehabilitation. The goal of the system is to allow for skill development, habilitation, and rehabilitation, while still maintaining safety and treatment needs, however, this is often not the case. Those who are detained may be at risk of overcrowding, trauma, suicide, death, and physical and sexual violence. Those involved with the system often also have mental health or substance abuse problems that ultimately affect their academic performance, relationships, and behavior with around 65-70% of youth having a diagnosable mental health disorder, 30% of which are severe. They likely also have a history of trauma, emotional, and behavioral problems with substance use disorders making up 46.5% and mood disorders such as depression and anxiety making up 34.4% of prior issues. The youth who come in contact with the juvenile justice system are mostly those who have experienced academic failure, school disciplinary issues, or disengagement from school as nearly half of all the students who have entered have academic achievement levels that are below standard. Even worse, most of the imprisoned youth are hardly literate and have a history of truancy or academic failure. In a study done with 400 imprisoned 9th graders, it was shown in the year prior to their imprisonment that the students had attended school barely half the time and were failing most of their classes. Youth can also come into the system by means of underage drinking, truancy, or running away from home but those cases are not always formally processed through the courts. Additionally, many juveniles come into the system due to their gang associations. Once only prevalent in the United States, now gangs can be found on five continents, and they are constantly expanding. With the involvement of the youth gang relations and involvement growing as well- it is causing many to end up in the juvenile justice system. In a report conducted in 1998 researchers found that 51% of minor assaults, 54% of felony assaults, and 62% of drug-trafficking assaults were committed by a juvenile. Within Colorado in the United States, youth gang members are 3 times more likely to commit a crime than non-gang youth members. Another considerable factor is the fact that youth in the minority are often treated differently in the system in comparison to their white peers with 70% of incarcerated youth being youth of color. African-American youth have the highest rates of involvement compared to other racial groups, making up 16% of all youth in the general population, but 30% of the juvenile court referrals, 38% of youth in residential placement, and 58% of youth admitted to state adult prisons. Whilst in the system, juveniles may be subjected to events that can impact the rest of their life negatively if they were to be tried in an adult court process. Research has shown that policies that are tough on crime for juveniles have had reversed effects and may lead to youth committing more crimes in their future. When looking at 10,000 children locked up in a state or youth prison, even after serving 3 years, 73.8% of them were rearrested. Additionally, 40% of them were between the age of 8 and 14 and 64%

of them had a mental disorder. For this reason, juvenile justice programs should instead focus on the reason behind the crime and assisting the youth in breaking the cycle of crime and violence, rather than solely serving time. Adverse Childhood Experiences is a test that takes a diagnostic approach to provide officials with a better understanding of the reasons juveniles commit crimes. Once the juveniles' stressor is known, assessments can be appropriately made. Knowing stressors are especially important as a stressor is a significant, emotional, and or traumatic event in one's life that leads them to commit the crime. Throughout the juvenile justice system, 90% of youth have specific stressors that cause them to commit a crime. For example, in the United States, this test has shown that 85% of youth in the criminal justice system have low literacy rates. As they struggled in school, they resorted to crime, with their stressor being the lack of an adequate education. Similar to the adult prison system, juveniles are still tried, detained, arrested, and prosecuted. Therefore, one should be mindful of risk factors, or factors that would increase the likelihood of juvenile delinquency, and instead encourage protective factors which would decrease that effect. In terms of the individual, risk factors would include early antisocial behavior, poor cognitive development, and hyperactivity while protective factors would include positive social skills, willingness to please adults, and religious and club affiliations. In terms of family, risk factors would include, inappropriate upbringing, abuse, divorce, family violence, or low positive parental involvement while protective factors would include shared activities between youth and family, available economic resources to expose them to experiences, and a positive adult ally to act as a mentor. With peers, risk factors would include spending time with others who engage in risky behaviors, gang involvement, and exposure to bullying and rejection while protective factors might be engagement in safe activities such as clubs, or sports. And, when it comes to school and community, risk factors would include poor academic performance, unsafe enrollment in schools, and living in an impoverished neighborhood, while protective factors would include enrollment in schools that address their social and emotional needs, a safe environment, and a community that promotes safe and healthy activities. One alternative to the formal processing of youth in juvenile detention is diversion programs which typically provide for those who have committed minor offenses. These alternatives are in place oftentimes because the formal processing of the youth through the systems does more harm than good by labeling and exposing them to circumstances that might actually increase delinquency. Therefore, effective programs might include classroom and behavior management programs, conflict resolution and violence prevention curriculum, bullying prevention programs, after-school recreation programs, mentoring programs, and comprehensive community interventions. Additionally, youth employment can also be beneficial as it teaches responsibility, organization, and time management which also establishes good work habits and financial stability. In countries across Eastern Europe juvenile crime rates have risen by 30% overall since 1995. Furthermore, with the current systems in place globally, the juvenile recidivism rate is up to 76% within three years after their release and after five years that number shoots up to 86%. Proving that the systems currently in place that focus on harsh punishments or lack of properly addressing psychological, physical, and environmental factors is leading to many reoffending. Lastly, the national average cost to incarcerate or detain a youth for a year is \$158,000 in the United States with taxpayers paying \$247,000 per year. Considering the fact that 4 years at a university costs less than that, it goes to show it shows the necessary shift in focus that needs to be made to the system.

## UNITED NATIONS ACTION

The United Nations Standard Minimum Rules for the Administration of Juvenile Justice or also known as the Beijing Rules was adopted by the General Assembly on November 29, 1985 which provides basic guidelines for proper treatment of children who have been involved with criminal activities. The primary objective of these guidelines are to ensure that in taking responsibility for their actions, their emotional, mental, and physical state does not go overlooked and their basic human rights are not being infringed upon. Some of the basic rights elaborated upon in Rule 7, for example, include the right to remain silent, the presumption of innocence, and the right to appeal to a higher authority, amongst others. Additionally, the UN established the Guidelines for the Prevention of Juvenile Delinquency which was also referred to as the Riyadh Guidelines on December 14, 1990. Delinquency is defined as an act or crime committed by a young person oftentimes due to unstable family relationships, an abusive childhood, or an unsafe environment. The objectives of these guidelines are to encourage the establishment of preventive measures for juvenile delinquency, protective interventions, as well as the collective effort of educational institutions, social organizations, and communities. And, in 1995, the UN adopted the World Programme of Action for Youth (WPAY) which implemented a policy framework as well as general guidelines for national action and international support with efforts specifically aimed at preventing juvenile delinquency as well as rehabilitating youth that have been involved with criminal activities. Since then, the UN has also addressed these issues in the Convention on the Rights of the Child, The UN Rules for the Protection of Juveniles Deprived of their Liberty, The UN Guidelines for Action on Children in the Criminal Justice System, and The UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime. Other UN organizations such as the UN Office on Drugs and Crime (UNODC), UN Interregional Crime and Justice Institute (UNICRI), and the UN Interagency Panel on Juvenile Justice (IPJJ) also contribute in reforming the juvenile justice system. For example, the UNICRI has assisted governments in Angola and Mozambique in establishing juvenile courts and justice departments while also doing analysis through a database in which focuses on conflicts within the law. The UNODC also provided support to countries such as Afghanistan, Ecuador, Egypt, Haiti, and Libya with policy advice and technical assistance. Moreover, they concentrated on youth crime prevention, diversion from the system, protection of rights, improvement of conditions within detention centers, and the social reintegration of children. The 2003 World Youth Report by the UNDESA also has a chapter dedicated to addressing juvenile delinquency covering issues such as peer influence, exclusion, and the media influencing delinquent behavior. Within the chapter, they also stress the influence of economic, social, and cultural factors and the ways in which these influence criminal activity. More recently, the UN passed A/RES/75/185 on December 16, 2020 acknowledging the issues related to juvenile justice in operatives 8,24,27, and 28. In operative 24 specifically, they emphasize that children should be treated in a manner that is consistent with their rights and calls upon states to abide strictly by the Convention on the Rights of the Child in addition to the Optional Protocols to the Convention. Furthermore, NGOs such as the Children's Defense Fund are working towards youth justice starting with ensuring federal resources, community-based solutions, and ending solitary confinement. Funded primarily by grants and donations, they also prioritize issues with child poverty, child welfare, and racial justice.

## CASE STUDY: *Miller v. Alabama*

In 2012, the United States Supreme Court issued a ruling for the *Miller v. Alabama* case that changed the way minors were and would be sentenced in the future. Along with its companion case, *Jackson v. Hobbs*, the ruling held that mandatory life-without-parole sentences are unconstitutional for anyone younger than 17 years old convicted of homicide. The exact ruling that was held was that the eighth amendment does not allow for life in prison to be mandated if there is no possibility of parole for juvenile homicide offenders. During July of 2003, Evan Miller and Colby Smith beat Cole Cannon with a baseball bat and burned Cannon's trailer while he was inside. Resulting in Cannon's death, Miller went from the Lawrence County Juvenile Court to the Lawrence County Circuit Court. Although he was fourteen years old at the time, Miller was tried as an adult. In 2006, Miller received a verdict of guilty and was sentenced to life imprisonment; with no parole. With the argument that the sentence was cruel for not providing the possibility of parole, which is a violation of the eighth amendment in the United States constitution, Miller filed a post-trial motion for a new trial. The motion was first denied, then Miller appealed it and it was denied again. Later, the Supreme Court reversed the sentences and denies to the Miller's appeals on the basis that children cannot be sentenced in the same way as adults. Similarly, Kuntrell Jackson and other minors robbed a movie store in Arkansas. At the time, all three boys were fourteen years old. One of the minors, Derrick Shields, shot the store clerk with a shotgun. In July of 2003, Jackson went to trial and was convicted of murder and aggravated robbery. Same as Miller's case, the trial court did not give Jackson the possibility of parole; although they were both sentenced to life imprisonment. In 2008, Jackson petitioned to appeal his sentence. He argued that the sentence given to him was a violation of the eighth and fourteenth amendments. After the circuit court dismissed the petition, Jackson appealed it and the Supreme Court affirmed in Jackson's favor. Both of the rulings for these cases were monumental for juvenile justice cases and how minors would be sentenced.

## QUESTIONS

1. In what ways should laws be different for juveniles and adults in the court system?
2. What is your country personally doing to overcome the struggles of the juvenile justice system and improving it?
3. How can countries help to prevent delinquencies from occurring and therefore help children avoid the system as a whole?
4. What are the best ways to increase protective factors while decreasing risk factors?
5. How should juveniles be tried in a court that prevents them from committing crimes in their future and properly tries them under the laws of your country's court system?
6. What policies does your country have such as in education to prevent juveniles from committing crimes, and what solutions do you have to expand this globally?
7. With the high numbers of recidivism globally, how will your country prevent juveniles from reoffending in their future?

## ENDNOTES

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