

Committee: Human Rights

Topic: Child Imprisonment

Chair: Niamh Little

School: Felsted Senior School

### Summary

According to UNICEF, more than 1 million children are incarcerated around the world - and that's just legal incarceration. These children are imprisoned without the care, legal aid or justice they deserve. The lack of records and the extensive nature of the institutions in which they are held means that the number of children in such settings is unknown. When Beatriz L. fled to the US from Honduras with her 11-year-old son after gangs threatened to forcibly recruit him, they were locked up together in a US detention centre for migrant families for over 10 months. Beatriz told Human Rights Watch that her son began to spend all day sleeping. He said, "Mom, I just want to sleep so that when I wake up we'll be free." Many of these children have received disproportionate and/or disproportionate sentences in violation of international law. Others are detained for acts that should not have led to their incarceration such as truancy, running away from home, consensual sex, and seeking abortion. Immigrant children are also often held in immigration detention facilities, contrary to international standards. Children with disabilities and other children may be housed in the name of protection again in violation of international standards.

### Definition of Key Terms

**Child:** a child means every human being below the age of 18 years (unless under the law applicable to the child majority is attained earlier).

**Incarceration:** The state of being deprived of liberty in prisons, including pretrial detention facilities

**Prisons:** All authorised places of detention within a criminal justice system, including those used for the purposes of pretrial detention and imprisonment upon conviction.

### Background Information

There are a number of reasons why many children around the world should not be imprisoned. The Convention on the Rights of the Child stipulates that incarcerating minors on juvenile or criminal charges should be a last choice. It's far too often the first, if not the only, resort; there may simply be no other options in law or practice.

Second, minors are charged and imprisoned much too frequently for activities that should not be considered illegal. For example, as Human Rights Watch has discovered in Cambodia and Uganda, among other countries, street children are regularly deemed guilty of misbehaviour and detained on flimsy accusations, if they are charged at all. Many countries imprison youngsters for disrespecting their parents or for other "status" reasons.

Thailand's immigration regulations allow all refugees, including Rohingya and other ethnic groups from Burma, ethnic Uighurs from China, Pakistanis, and Somalis, to be held indefinitely. Migrant children are imprisoned in filthy conditions. Children have told Human

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Rights Watch that detention camps for immigrants sometimes are so congested that they have to sleep standing up. One mother claimed that there were three bathrooms for 100 jailed refugees, which her adolescent daughter would avoid due to the lack of doors.

Thirdly, minors may be imprisoned for periods of time that are prohibited by international law. For acts committed before the age of 18, international law expressly prohibits death penalties, as well as life sentences without the possibility of parole.

Fourthly, minors from minority groups are regularly arrested and detained in disproportionate numbers. Indeed, as studies of Aboriginal children in Australia's juvenile justice system and minority children in the United States have found, the disparities between their treatment and that of children from groups that make up the majority may widen at every stage of the process, from arrest to bail determinations to sentencing to parole decisions.

Human Rights Watch and other organisations have recorded large-scale incarceration of migrant children in Indonesia, Malaysia, and Mexico, among other places. Leila Zerrougui, the UN Secretary-General's Representative for Minors and Armed Conflict, raised concern that children were jailed in 17 of the 23 scenarios reviewed in her 2014 report for alleged connection with armed organisations. Each year, Israel arrests, detains, and prosecutes 500 to 700 Palestinian minors suspected of criminal acts in the occupied territories through the military court system.

Many countries lock up disabled children, ostensibly for their protection, but in fact because of a lack of community resources and family support. In Russia, for example, children with impairments are sometimes sent to facilities immediately after birth, where they may be confined to beds, receive little or no attention or education, and be refused basic health care and nutrition. Similar abusive practises have been discovered by Human Rights Watch in Croatia, Greece, and India, to name a few recent examples. Human Rights Watch recorded the practice of shackling children as young as five years old—along with adults—in Ghana's so-called prayer camps (or spiritual healing facilities), where they were chained to a tree or wooden post, denied food, water, and shelter, and removed from their relatives.

According to the Palestine Section of Defence for Children International. Israel is the only country in the world where children are automatically prosecuted in military courts. Human Rights Watch reported in 2015 that Israeli security forces used excessive force to arrest or detain Palestinian children as young as 11 years old in East Jerusalem and the West Bank, and that children in custody were choked, beaten, threatened, and interrogated without the presence of their parents or lawyers. Some youngsters are also prosecuted in military courts in other countries. In Egypt, for example, military courts have prosecuted some of the dozens of minors imprisoned for political offences in the last two years.

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Children are also incarcerated under the guise of "therapy" or "rehabilitation" for drug addiction or as a haphazard manner of coping with disability. Elsewhere in the world, street children are frequently rounded up and detained arbitrarily, sometimes under vaguely worded criminal laws. Street children are routinely swept up and held arbitrarily in other parts of the world, sometimes under loosely worded criminal legislation.

### Relevant UN Treaties and Events

United Nations Convention on the Rights of the Child - In particular the Children's human rights.

Article 37(b) states unequivocally that "No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time".

### Possible Solutions

Community-based alternatives—housing in settings that allow asylum seekers, refugees, and other migrants to attend regular schools, work in the community, and otherwise interact regularly with others—are preferable to immigration detention in virtually every way, as the experience of supervision and case-management programmes in Australia, Canada, Indonesia, Thailand, the United Kingdom, and the United States has shown.

Children who use drugs should be properly treated and cared for. Compulsory drug detention centres are not a form of "treatment" or a "replacement for jail." According to the UN Special Rapporteur on Torture and 12 UN organisations, all drug prison centres should be closed immediately.

In February 2015, a federal judge ordered US immigration officers to start individually examining asylum-seeking families for release. After years of lobbying by Human Rights Watch and other organisations, US officials agreed in June 2015 to free the majority of imprisoned families within weeks if they could show they had a facially valid asylum case. Another federal court later that year found that children could not be confined in jail-like facilities for long periods of time without a licence to care for children. In response to information provided by Human Rights Watch, UNICEF examined Cambodia's Choam Chao detention centre, which it has financed since 2006. UNICEF asked that all children

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incarcerated in Cambodian drug prison camps be released immediately after identifying infractions in the centre. As a result, the authorities restricted admissions to the centre and eventually shut it down.

#### Bibliography

<https://www.hrw.org/world-report/2016/country-chapters/africa-americas-asia-europe/central-asia-middle-east/north#>  
<https://www.hrw.org/world-report/2016/country-chapters/africa-americas-asia-europe/central-asia-middle-east/north>  
<https://www.justforkidslaw.org/what-we-do/fighting-change/campaigning/youth-justice/end-child-imprisonment>  
<https://www.theguardian.com/society/2018/nov/08/child-imprisonment-is-wrong-lets-end-it>  
<https://hansard.parliament.uk/commons/2019-04-02/debates/7A35E4AB-14CB-472D-B8AC-0FFC4D87D856/YouthInmatesSolitaryConfinement#339WH>  
<https://childrenofprisoners.eu/1989-un-convention-on-the-rights-of-the-child/>