

Glenys DSouza

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Education behind bars: Juvenile Justice and the Convention on the rights of the child

Background

The convention on the Rights of the Child was adopted by the General Assembly on 20 November 1959. Contained in this treaty is a profound idea: that children are not just objects who belong to their parents and for whom decisions are made, or adults in training. Rather, they are human beings and individuals with their own rights. The Convention says childhood is separate from adulthood, and lasts until 18; it is a special, protected time, in which children must be allowed to grow, learn, play, develop and flourish with dignity. The Convention went on to become the most widely ratified human rights treaty in history and has helped transform children's lives.

Since the end of the 19th century and the beginning of the 20th century, the world began to realize that children had to be protected. In the past, children, who formed part of the fabric of rural working society, joined the workforce of the industrial revolution occupying positions in the mining, steel and textile industry. In 1948, after the Declaration of Human Rights, the UN began to work on the protection of children. In 1959 the organization published **the ten points of the Universal Declaration of the Rights of the Child**, recognizing that children are a fundamental part of society and that the future of humanity depends on their care. The 54 articles of the Convention reflect the economic, social, cultural, civil and political rights of all children and, at the same time, define the responsibilities of parents, teachers, doctors, etc.

The focus on Juvenile Justice

One of the most ignored aspects of the convention on the rights of the child is Juvenile Justice. The problems plaguing our criminal justice system are many: over- incarceration, harsh and disproportional sentencing, a lack of rehabilitative programming behind bars, and untold obstacles that frustrate the efforts of returning citizens who want to contribute to their communities. As men and women revolve in out of prisons, countless families and neighborhoods suffer on the outside. My topic is focused on Juvenile Justice and the need to reform the current prison lifestyles is because of the neglect the area has faced over the years. Thousands of youth have ended up spending more than half their lives in prison due to the lack of supervision and case vigilance.

The two case examples explained in this paper are: Delhi Rape Case 2012 and the Bard Prison initiative in New York.

Delhi Rape Case 2012

On December 18, a 23-year old student in Delhi was gang raped in a moving bus. Among five accused, one was minor aged 17 years. The crime woke the people from their slumber to the glaring reality of the juvenile justice legislation in India. Being a minor, he got away with just 3 years imprisonment for crime of such a brutal nature. A bill was introduced in the Parliament in 2014 by Maneka Gandhi, for allowing 16 year olds to be tried as adults. After getting clearance from the Cabinet, the bill was introduced in both the houses and finally came into force from 15th January 2016. According to the 2015 Act for a crime committed by a child, who is of sixteen years, the Juvenile Justice Board shall conduct a preliminary assessment with regard to his mental and physical capacity to commit such offence, ability to understand the consequences of the offence and the circumstances in which he allegedly committed the offence. Along with this provision, the Act has also been criticized for its opaque age determination system and poor draft.

Bard Prison Initiative

The Bard Prison Initiative (BPI) provides higher-education to the prisoners of New York. College-in-prison programs have been shown to cut re-incarceration rates from 60% to less than 15% and are one of the most cost-effective forms of public correctional spending. BPI offers college coursework within prisons, enrolling inmates' fulltime in liberal arts curriculum offering associate and bachelor's degrees. Professors volunteer their time to teach courses and Bard College student volunteers facilitate GED mentoring courses and workshops. These student volunteers also enroll in classes related to the study of America's social and civic institutions. The Bard Prison Initiative has expanded to offer college inside three long-term, maximum-security prisons and two transitional medium-security prisons. The curriculum is equivalent to that provided to on-campus students and the application process is as competitive as top-level universities. Nearly 250 women and men are currently enrolled full time working toward associate and bachelor degrees, and roughly 25 campus students per week volunteer at 5 regional prisons. BPI's recidivism rate is approximately 4% and our graduates go on to achieve success in graduate school, non-profits, the arts, and private businesses.

Implementation

The examples emphasize on the need for quality education to improve the values and lives of young adults who have fallen to crime. The need for awareness among citizens, the change from punishing to reforming the juveniles in conflict with law, imparting of sex education in schools. Studies conducted over the last two decades almost unanimously indicate that higher education

in prison programs reduces recidivism and translates into reductions in crime, savings to taxpayers, and long-term contributions to the safety and well-being of the communities to which formerly incarcerated people return.

Works Cited

1. Convention on the Rights of the Child-
<https://www.ohchr.org/documents/professionalinterest/crc.pdf>
2. Pro Futuro
<https://profuturo.education/en/2017/11/23/the-history-of-the-convention-of-the-rights-of-the-child/>
3. A study on Juvenile Justice system in India before and after Nirbhaya Case- International journal of pure and applied Mathematics
<https://acadpubl.eu/hub/2018-119-17/2/106.pdf>
4. https://en.wikipedia.org/wiki/2012_Delhi_gang_rape
5. Healthe CNY
<http://www.healthecny.org/promiseppractice/index/view?pid=3215>
6. Prison Study Project
<http://prisonstudiesproject.org/why-prison-education-programs/>
7. Outrageous Justice- Prison Fellowship
8. Lumina Foundation
<https://www.luminafoundation.org/news-and-views/prison-education-is-about-more-than-keeping-offenders-from-returning>