



## Health and Human Rights in Juvenile Justice

There is a health and human rights crisis erupting within the walls of our juvenile detention centers, with devastating consequences on the most powerless within our society. The juvenile justice system has become a dumping ground for marginalized youth, particularly youth of color and those with backgrounds of poverty, trauma, and mental illness. Despite the rehabilitative foundations of juvenile justice, harsh policies, poor conditions and inadequate treatment violate the human rights of children and often criminalize mental illness or marginalized socio-economic status. The victims of these abuses not only suffer physical and emotional harm, but have a diminished opportunity to reintegrate into society.

### HEALTH RISKS OF YOUTH IN THE JUSTICE SYSTEM

#### *Poor Physical Health Conditions*

Youth from high risk environments are often disenfranchised from traditional health care services, even before entering the juvenile justice system. They enter institutions with extremely high rates of basic health problems, including asthma, orthopedic problems, ear, nose, and throat conditions, poor dental hygiene, vision problems, hypertension, and diabetes. Healthcare problems, such as contagious diseases, somatic complaints, menstrual disorders, and skin problems, often increase upon confinement.

#### *Unaddressed Mental Health Needs*

Nearly two thirds of males in the juvenile justice system and nearly three quarters of females have diagnosable mental disorders. These children often come from chaotic environments that expose them to violence, trauma and abuse. Research on incarcerated youth revealed that 67% were exposed to violence within families and communities and knew peers who were shot; 16% had been shot or stabbed in the past year; 35% were physically abused, and 18% were sexually abused. Despite the significant rates of diagnosable mental illness, only 4% of adolescents in the justice system receive a mental health placement (community-based or institutional mental health intervention).

#### *Substance Abuse Issues*

Four of every five children in the juvenile justice system are under the influence of alcohol or drugs while committing their crimes; test positive for drugs; are arrested for committing an alcohol or drug offense, and/or admit having substance abuse problems. Adolescents with substance abuse and behavioral disorders engage in higher rates of crime and are at higher risk for out-of-home placement.

#### *Co-Occurring Disorders*

Nearly two-thirds of incarcerated kids with substance use disorders have at least one other mental health disorder. These co-occurring disorders require careful diagnosis and specialized treatment that is often unavailable in the justice system.

*The detention of juveniles should only take place under conditions that take full account of their...mental and physical health and which ensure their protection from harmful influences and risk situations.*

United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Article C.28

*Juveniles deprived of their liberty have the right to facilities and services that meet all the requirements of health and human dignity.*

United Nations Rules for the Protection of Juveniles Deprived of their Liberty, Article D.31

# Health and Human Rights in Juvenile Justice

## Incarceration Violates Human Rights

### *Confinement Not Always Warranted*

Each year, hundreds of thousands of children are locked away in secure facilities, despite human rights guidelines to use *custodial sentences as a last resort, for the shortest possible time and limited to exceptional cases*. Separating children from their families and communities can cause lasting trauma. One study indicates that in 30% of cases, depression began *after* incarceration. Fragile physical, mental and emotional health, combined with poor conditions of confinement, increases risks for acting out and self-harm.

### *Dangerous Conditions*

Children face serious risks to health and safety while confined. Staff may use dangerous behavioral interventions such as the overuse of restraints, psychotropic medications and isolation. Physical and sexual abuse is rampant, whether perpetrated by other youth or by staff. These risks increase exponentially in adult facilities where children face greater risk for physical and sexual abuse, violence and suicide.

*All disciplinary measures constituting cruel, inhuman or degrading punishment shall be strictly prohibited, including corporal punishment, placement in a dark cell, closed or solitary confinement, or any other punishment that may compromise the physical or mental health of the juvenile.*

UN Rules for Protection of Juveniles Deprived of their Liberty, Art. 1.67

## Health Professionals, YOU Can Make a Difference!

Health professionals can speak with authority on the physical, mental and emotional health of children and can advocate effectively for developmentally-appropriate services that meet youths' needs. **Take action** to support the health and human rights of youth in the justice system:

- Sign up to receive action alerts from PHR
- Arrange Grand Rounds on health issues of incarcerated youth
- Call legislators to support scientific and humane reform
- Write letters to the Editor and Op-Eds that highlight these issues
- Contact your local juvenile court or advocacy group to volunteer
- Monitor local detention facilities to learn first-hand about conditions
- Join PHR and support the Health and Justice for Youth Campaign

## Physicians for Human Rights

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*\*Complete references available on website*

*Non-secure facilities and alternatives to institutions should be established to avoid institutionalizing children; a variety of dispositions shall be available.*

United Nations Convention on the Rights of the Child, Article 40.4

## Alternatives Embrace Human Rights

Innovative evidence-based practices continue to emerge as positive alternatives to detention and incarceration. These rehabilitative models are often community-based, family-focused, and culturally competent, acknowledging that youth develop and grow in the context of their environments.

Alternative programs are also likely to incorporate services that address developmental health needs.

## Health Professionals Can Help Protect Children

Health professionals are often in primary positions to recognize situations in which children are exposed to risk, violence, or trauma. They can respond to the urgent needs of these young people and play an active role in advising, screening, diagnosing, and treating the serious physical, mental and behavioral health concerns associated with delinquency.

From direct service providers to researchers, health professionals recognize the ethical responsibility to address the broader social framework affecting marginalized children and take action to ensure the right to the highest attainable standard of health.

### Health & Justice for Youth Fact Sheets

- Health & Human Rights
- Youth in the Adult Criminal System
- Adolescent Brain Development
- Mental Health Needs of Youth
- Youth of Color in the Justice System
- Girls in the Justice System



## Health and Human Rights in Juvenile

*This fact sheet was developed using the following list of sources:*

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