

COMMISSION GUIDE

UNODC



CCBMUNXVII

United Nations Office on Drugs and Crime

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1. President's' Letter

Dear delegates,

We are Gustavo Góngora from Colegio Colombo Británico and Elisa Brenes from Colegio Bolívar. We want to welcome you to the 17th version of CCBMUN, specially to the UNODC commission. It is both an honour and a privilege to be the presidents of this Commission this year. MUN is a magnificent experience, and we are glad you have chosen to live it with us in UNODC. Both of us have participated in several models, and what we can tell you is that it's an experience that brings you learning and helps you develop skills not only academically, but also lifelong skills.

In this Model you will be assuming the role of a nation within the UNODC Commission. You will have both the power and the responsibility to decide the future of humankind regarding drugs, organized crime and the prevention of terrorism. You will have to make important decisions and agreements regarding the specific topics of drug managing, trafficking and the treatment of juvenile delinquents.

This is our first year as presidents of CCBMUN; it's a new experience for us, but that won't stop us from doing everything in our power to make this the best possible experience for you. We want you to know that you can come to us whenever you need help, both before and during the Model; we will be happy to answer your questions and to guide you towards being the best delegate that you can be.

In return, we expect you to come prepared to the Model, having researched the point of view of your nation and prepared some arguments so that you are ready to debate as soon as we start. It's important that you give the best of yourself, using your debating skills and your knowledge. While choosing the topics, it was really important for us that most, if not all of the countries, were highly involved, which is why we expect your full participation and your full devotion towards the Commission and debate. We are looking forward to meeting you delegates soon.

Your Presidents,

Gustavo Góngora and Elisa Brenes.

2. Commission Information

i. History

UNODC was created in 1997 as a merger of two different United Nations offices: the United Nations Drug Control Programme and the Centre for International Crime Prevention. The mission of this Commission is to combat drug trafficking, cultivation and abuse, and to prevent crime and terrorism on international and local scales. The UNODC has 500 staff members working in the 20 field and liaison offices spread around the globe, helping states individually with issues such as corruption, illegal drugs, crime, money laundering and terrorism. In 2002 the General Assembly accepted the programme offered by the UNODC against terrorism, which became the main project of the UN used to combat international terrorism. The UNODC also helps states with health problems like HIV/AIDS, and with creating a stable and fair judiciary system regarding criminal justice, including reforms in police departments and prisons. It also focuses on assuring that the different criminal justice-related human rights laws are being followed. All these activities have been accomplished thanks to the collaboration and contributions of donors to the UNODC, 90% of which are governments from around the world.

ii. Structure

In the UNODC, the Office of the Executive Director (OED) is in charge of managing the three main pillars of the Commission, plus the Division for Management (DM). The first pillar is the Division of Operations (DO), which is the pillar that helps different states in need by creating field projects against drugs, crime and terrorism. This pillar divides into two branches: the Drug Prevention and Health Branch (DHB); and the Integrated Programme and Oversight Branch (IPB) which also focuses on the Justice Section.

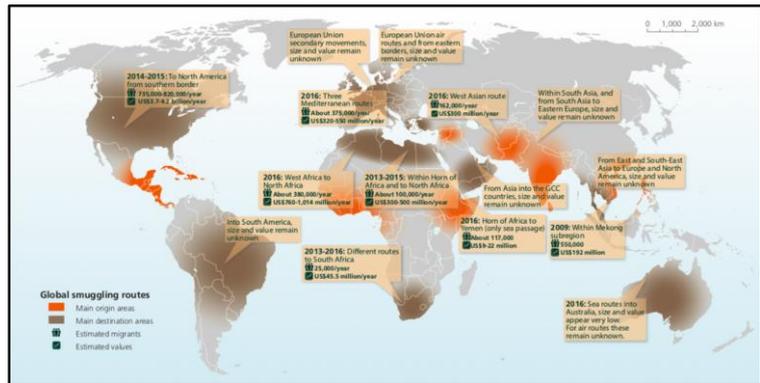
The second pillar of the UNODC is the Division for Treaty Affairs (OD), which focuses on the implementation and ratification of treaties and legislations against drugs, crime and terrorism. This pillar divides into four main branches: the Organized Crime and Illicit Trafficking Branch; the Terrorism Prevention Branch; the Corruption and Economic Crime Branch; and the Secretariat of the International Narcotics Control Board, which also includes the Criminal Justice Programme.

The last branch is the Division for Policy Analysis and Public Affairs (DPA), which focuses on analytical and research work regarding drugs and crime. The two main branches are the Public Affairs and Policy Support Branch and the Research and Trend Analysis Branch.

3. **Simulation:** *The reinforcement of migration policies in order to prevent the smuggling of migrants*

i. History/Context

Migrant smuggling is different to human trafficking since migrant smuggling is consensual, unlike human trafficking in which the people being trafficked are being submitted under their will. Migrant smuggling has been going on for many years in places such as Europe and America, most specifically originating from areas such as Central America and the Middle East.



Migrant smuggling has been going on for as early as the 1700s; Eleanore Sullivan, a circus acrobat, provided money, counterfeit passports, and logistical planning to help the French royal family escape France in 1791. Migrant smuggling was a big problem in countries such as the USA, since after the Civil War, there were many smuggling practices for decades. Furthermore, there were bans regarding certain types of immigrants established in the Chinese Exclusion Act of 1882; this act established that all Chinese immigration would be stopped for a period of ten years. This act was later renewed, but finally it was banned in 1902. This act was the first immigration restriction ever placed by the USA. This act opened a gateway for smugglers, since there were many Chinese people looking to get into the USA in search of a job.

Following the Chinese Exclusion Act, there was an act called Immigration Act of 1885. This act banned contract labour from outside the United States; both these acts were meant to create a curb on immigration and provide more jobs for American citizens, but instead they created labour shortages across the country. Those companies that were short of workers, that were usually located in the Southwest, used to hire what they called “*enganchadores*,” who were smugglers. These smugglers brought people illegally into the US to help these labour shortages. It is estimated that these *enganchadores* smuggled thousands of people between the 1880s and 1910s.

The smuggling of migrants during these times wasn’t only in the US, many cases have been recorded all over the world. Eleanore Sullivan, a circus acrobat, provided money, counterfeit passports, and logistical planning to help the French royal family escape

France in 1791. Multiple cases like these are found worldwide, and the trend has only been increasing to this day.

Initially, these cases of migrant smuggling were also very community-based. In the early 1900s, there was a smuggling ring that belonged to Bernardo and Pasquale Greco centred in Italy. There was an economic crisis within the Greco's hometown, and they helped other families smuggle their children into France in search of work. There are speculations on the children's working conditions and their wages, since the Grecos used to be gang members, but this is another example of migrant smugglings

ii. Current Situation

The smuggling of migrants entails illegally smuggling people into a foreign country voluntarily, unlike human trafficking which is non-consensual. Migrant smuggling occurs in all parts of the world and for multiple reasons. People may see the need to be smuggled due to persecution, economic struggles, reuniting with family, not having enough resources to pay for the legal travel documents, violence and insecurity caused by drug trafficking, or just overall common crime. These smugglers provide mainly land services, since it is easier to fool border patrols by land, and these smugglers provide every service needed by the person they are smuggling; transportation, information, contacts they should meet up with, etc. According to UNODC, a minimum of 2.5 million migrants were smuggled, spending US\$5.5-7 billion dollars for these "services" in 2016. Although these might be approximate numbers, specific statistics regarding the smuggling of migrants can't really be found due to this business' clandestine nature.

The smugglers usually offer their services in low economic status areas within their country, and typically keep the people involved to the minimum, in order to ensure all privacy and discretion. Not only are these smugglings illegal, they can also be deadly. In 2017, there were more than 5,500 reported deaths during migration. This issue has also been recognized by the UNODC and 13 other countries making part of the GLO.ACT (Global Action against Trafficking in Persons and Smuggling of Migrants). The GLO.ACT is a campaign that works with multiple nations creating policies (migratory and strategic), assisting with children and families, and with the victims of human trafficking, amongst other things.¹ This action is funded mainly by the EU, and other UN commissions make part of it like the International Organization for Migration (IOM) and

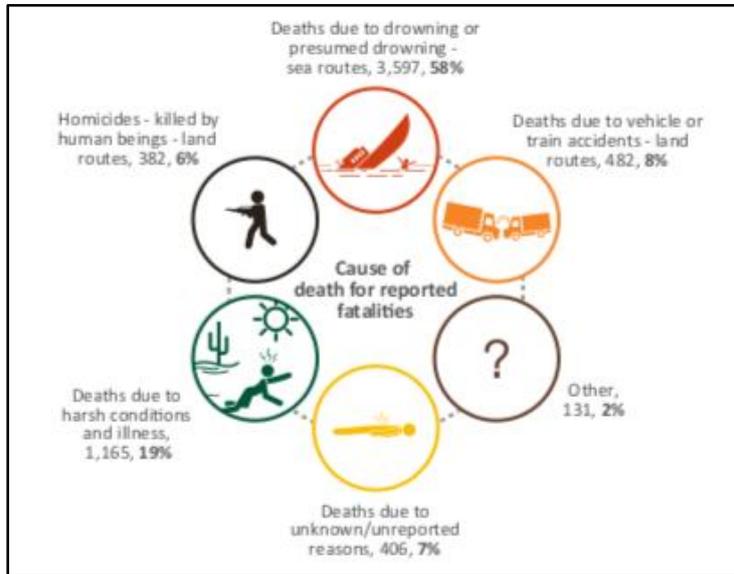
¹ Taken from: <https://www.unodc.org/unodc/en/human-trafficking/glo-act/objectives.html>



the United Nations Children's Fund (UNICEF). The 13 countries involved include countries such as Colombia, USA, Sweden, Brazil, Ukraine, and Argentina.

Multiple countries have different policies when it comes to treating illegal aliens within their nations; some more controversial than others. One of the most controversial and most

talked about approaches is the United States' approach regarding illegal migrants. Although the Department of Homeland Security does have a migrant protection protocol, which includes the returning of the alien to their home country, not all cases



are the same. Once illegal aliens are discovered they are taken to illegal migrant detention camps, where they face inhumane living conditions. The camps are usually over populated and lack the necessary resources to provide everyone with the proper care. Children as young as seven years old have to sleep on concrete floors, and cells made for as little as 35 people are keeping over 130 people in them. Families are separated and children are left unaccompanied in these overpopulated camps. One of

the camps that has created the biggest shock is one located in Clint, Texas. Many articles have been written about this camp due to the living conditions hundreds of migrants have to face living in that camp on a day to day basis.

Although the United States is probably the most infamous country for its rather controversial illegal migrant treatment, there are other countries such as Italy, Hungary, Austria, and Turkey which also have quite harsh policies. Within countries such as Turkey, illegal migration has been an increasing problem. In 2018, there were about 268,000 illegal migrants detained within the country. These illegal immigrants are sent into “repatriation centres,” also known as removal centres, within the country. In these camps, the migrants are detained whilst they are being processed and are in the process of being deported, but the living conditions in some of these camps are rather distressing. According to the European Court of Human Rights, in 2013, the sanitary conditions within these camps had been operating without adequate legal authority.

Although illegal immigration is frowned upon internationally, there are other countries that are more friendly regarding illegal immigrants. Countries such as the UK have a much more humane treatment towards the detainees. The number of people detained per year has gone down drastically from past years; in 2009, 1,100 children were detained, whilst in 2018 only 63 were detained. About two thirds of all detainees are held for under 28 days in the detention camps. All cases must be reviewed at least once a month and they try to keep people in there for the shortest time possible. More humane treatment is being provided and families can only be held for up to 72 hours, any longer time requires a ministerial declaration in order to extend it to seven days maximum. Two polar opposite cases can be seen, like those of the USA and UK, when it comes to similar situations. The debate itself is not centred on the issues themselves, its main focus is the reinforcement of migration policies and protocols when it comes to handling cases of smuggling of migrants and drug trafficking.

iii. Key points of the debate

- Migrants being smuggled into the US and various nations
- Humane and proper treatment of illegal migrants
- Migrant smuggling as a consequence of drug trafficking and drug war
- Policies of action regarding illegal migrants
- Conditions within migrant detention camps
- Reinforcing or altering current policies regarding the topic

iv. Participating Organisms

- Global Action against Trafficking in Persons and Smuggling of Migrants (GLO.ACT)

- United Nations Children’s Fund (UNICEF)
- International Organization for Migration (IOM)
- Central Asian Regional Information and Coordination Centre (CARICC)
- Collective Security Treaty Organization (CSTO)
- Commonwealth of Independent States (CIS)
- Council of Europe (CE)
- Economic Cooperation Organization (ECO)
- European Police Office (EUROPOL)
- European Union (EU)
- Interpol (INTERPOL)
- North Atlantic Treaty Organization (NATO)
- United Nations Office on Drugs and Crime (UNODC)
- The World Health Organization (WHO)

v. Guiding Questions

1. What is your nation’s situation regarding illegal migrants?
2. Does your nation have special procedures regarding the deportation of illegal immigrants? What are they?
3. Does your nation plan to reinforce its migration policies in order to prevent migrant smuggling?
4. What current protocols are being done within your country regarding border patrol?
5. How many known cases were there of migrant smuggling within your country in the past year?

vi. Bibliography

- UNODC. (2017, January 13). Organizational structure of UNODC. Retrieved May 23, 2019, from <https://www.unodc.org/unodc/en/evaluation/organizational-structure-of-unodc.html>
- UNODC. (n.d.). About UNODC. Retrieved May 23, 2019, from <https://www.unodc.org/unodc/en/about-unodc/index.html>
- UNODC. (n.d.-b). The United Nations Office on Drugs and Crime. Retrieved May 23, 2019, from <https://www.unov.org/unov/en/unodc.html>
- Panteha.pishevvar. (n.d.). United Nations Office on Drugs and Crime. Retrieved from: <https://www.unodc.org/islamicrepublicofiran/drug-trafficking-and-border-control.html>

- Aleksander.pieczyk. (n.d.). United Nations Office on Drugs and Crime. Retrieved from <https://www.unodc.org/unodc/en/human-trafficking/glo-act/countries.html>
- Kevin.town. (n.d.). Transnational Organized Crime:Let's put them out of business. Retrieved from <https://www.unodc.org/toc/en/crimes/migrant-smuggling.html>
- A Brief History of Smuggling. (2015, November 30). Retrieved from <https://www.law.ox.ac.uk/research-subject-groups/centre-criminology/centreborder-criminologies/blog/2015/11/brief-history>
- UNODC, *Global Study on Smuggling of Migrants 2018*(United Nations publication, Sales No. E.18.IV.9). Retrieved from: https://www.unodc.org/documents/data-and-analysis/glosom/GLOSOM_2018_web_small.pdf
- *World Drug Report 2018* (United Nations publication, Sales No. E.18.XI.9). Retrieved from: [https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_3_DRUG MARKETS.pdf](https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_3_DRUG_MARKETS.pdf)
- “Getting ‘Hooked’ - 19th Century Human Smuggling on the Mexican Border.” Tenement Museum (blog), April 15, 2014. <https://www.tenement.org/blog/getting-hooked-19th-century-human-smuggling-on-the-mexican-border/>.
- “Immigration Detention in the UK.” Migration Observatory. Accessed September 5, 2019. <https://migrationobservatory.ox.ac.uk/resources/briefings/immigration-detention-in-the-uk/>.
- “Migrant Protection Protocols.” Department of Homeland Security, January 24, 2019. <https://www.dhs.gov/news/2019/01/24/migrant-protection-protocols>.
- Serwer, Adam. “A Crime by Any Name.” The Atlantic, July 3, 2019. <https://www.theatlantic.com/ideas/archive/2019/07/border-facilities/593239/>.
- Staff, History.com. “Chinese Exclusion Act.” HISTORY. Accessed September 5, 2019. <https://www.history.com/topics/immigration/chinese-exclusion-act-1882>.
- Triandafyllidou, Anna. “Migrant Smuggling: Novel Insights and Implications for Migration Control Policies.” The ANNALS of the American Academy of Political and Social Science 676, no. 1 (March 2018): 212–21. <https://doi.org/10.1177/0002716217752330>.
- “Countries.” Global Detention Project | Mapping Immigration Detention around the World (blog). Accessed September 12, 2019. <https://www.globaldetentionproject.org/countries>.

- “Germany, France, Greece and Spain Host 68% of Illegal Migrants in EU.” euronews, July 12, 2019. <https://www.euronews.com/2019/07/12/germany-france-greece-and-spain-host-68-of-illegal-migrants-in-eu-eurostat-report-finds>.
- “Place of Detention - Turkey | Asylum Information Database.” Accessed September 12, 2019. <https://www.asylumineurope.org/reports/country/turkey/place-detention>.
- “Turkey’s New Action Plans Only for Illegal Migration: Minister - Turkey News.” Hürriyet Daily News. Accessed September 12, 2019. <http://www.hurriyetdailynews.com/turkeys-new-action-plans-only-for-illegal-migration-minister-145331>.
- “Unregistered Syrians, Illegal Migrants Sent from Istanbul - Turkey News.” Hürriyet Daily News. Accessed September 12, 2019. <http://www.hurriyetdailynews.com/unregistered-syrians-illegal-migrants-sent-from-istanbul-145440>.

4. **Topic 1:** *The Legalization and Regulation of Medical and Recreational Marijuana*

i. **History/Context**

Marijuana (also known as cannabis, hemp plant, pot, and weed) has been used throughout history, but its first known uses were for medical purposes². Its first uses can be traced back to Asia during the 500 B.C. Though the main use of this plant was medicinal in order to treat inflammation, nausea, used as an anaesthetic, etc. there is evidence that implies that some cultures used the psychoactive component (THC³) as a part of some rituals. The use of cannabis first originated in Asia, but then it expanded into Europe, Africa, and later on, into America. Marijuana was brought into America by the Spanish missions and other European expeditions. Though the use of cannabis was mainly medical, the hemp fibres were also used to make textiles, paper, rope, etc.

The main use of cannabis recorded in ancient times is mainly for medical purposes, but there has been evidence found that prove that some ancient cultures used cannabis for recreational purposes. The use of *hashish* (a more potent and compressed form of cannabis) has been widely used in Central and Southern Asia since the year 800 A.D. This sudden rise was mainly due to the spread of Islam, since the Quran prohibits alcohol but does not specifically prohibit the use of cannabis.



THC GUIDELINE: UNDERSTANDING POTENCY



THC CONTENT	ANTICIPATED POTENCY
0—1.99%	Little to minimal
2—6.99%	Very Mild
7—11.99%	Mild
12—16.99%	Medium
17—20%	Strong
> 20%	Very Strong

THC is only one indicator of potency. Dosage, CBD content, method of consumption and individual factors will also affect the level of psycho-activity experienced.

hashish (a more potent and compressed form of cannabis) has been widely used in Central and Southern Asia since the year 800 A.D. This sudden rise was mainly due to the spread of Islam, since the Quran prohibits alcohol but does not specifically prohibit the use of cannabis.

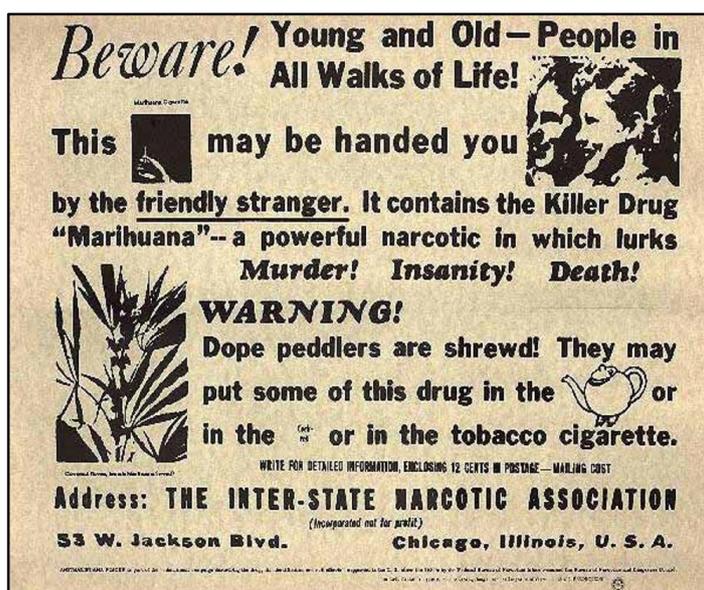
Marijuana has made its way across borders and oceans, and to this day is still a big part of current culture. The propagation of the plant spread quickly. During the 1600s, it was required by law

² The medically used component of marijuana is CBD (Cannabidiol).

³ THC stands for Tetrahydrocannabinol.

to grow hemp in all farms within Virginia, USA. The farming of cannabis was so big that marijuana was used on a day to day basis. The rapid spread of cannabis amongst the United States and its neighbouring countries allowed more room for discovery of all of its purposes, both medical and recreational. The level of THC in the marijuana being grown in these areas wasn't high, neither did it provide a long lasting rush, but due to its propagation, new variations were found in which the THC levels were much higher in order to provide a longer-lasting effect.

These new variations, along with the recreational use of marijuana, were brought to the US by the Mexican migrants fleeing from the Mexican Revolution. Once this new recreational drug was introduced, it made many government and law enforcement officials concerned. Law enforcement was quick to act, and the total use of cannabis was proclaimed illegal in many



states; by 1936, all states had some form of legal regulation on the use of cannabis. In 1937 the Marijuana Tax Act⁴ was passed and in 1942, all medical uses of marijuana were stopped, whilst doctors began to discredit the medical efficacy of cannabis.

⁵During all of this legal confusion regarding marijuana, another major problem was occurring - the Great Depression. The Great Depression was the biggest economic depression the United States had ever had. It all started with the stock market crash in October of 1929, and the following years were filled with unemployment and failure. The lowest point of the Great Depression had over 15 million Americans unemployed. This large wave of unemployment, as well as crime amongst the large numbers of incoming Mexican migrants, caused many questions to be raised about the true purpose of marijuana. Marijuana began to be portrayed as a drug that caused violence and crime. It was also portrayed as something that was only consumed by low-income people; this

⁴ The Marijuana Tax Act was an act passed by anti-weed activist Harry Aslinger. This act stated multiple taxes to be paid and sanctions to those who do not abide by the act. The actual act can be found in the following link: <http://www.druglibrary.org/schaffer/hemp/taxact/mjtaxact.htm>

⁵ The image to the right is an ad that was featured in a newspaper.

led people to blame all of the crime happening on marijuana and the low-income people, more specifically Mexicans.

ii. Current Situation

There has been an ongoing political debate regarding the use of marijuana in all of its aspects. Medical marijuana has been used for centuries, but since the introduction of recreational marijuana this topic has been very polemic. But regardless of the controversy around the topic, within the past couple of decades this has been a topic that is widely talked about. The demand for the legalization of marijuana has risen, and there has been more open political debate regarding said topic. Many countries are now open to both recreational and medical marijuana, with some regulations of course.

In countries such as the United States of America, the partial legalization of medical marijuana and/or recreational marijuana has been taking place in many of its states, such as California, Colorado, Alaska, and Nevada.⁶ Medical cannabis is legal in 33 states, whilst the recreational use of cannabis is only legal in 11 of those states. Medical marijuana can be obtained through a doctor’s prescription or through authorized selling points within the state; and though recreational marijuana is legalized, the law comes along with restrictions. For example, in the state of Colorado, you must be over 21 years old in order to legally buy recreational cannabis, and you must only do so from legally authorized selling points. In California, you must be 21 years of age or over to legally own up to 25.8 grams of weed and 12 live plants; if you’re between 18 and 20, you can legally own up to 8 grams of weed and six live plants, but only for medical purposes that have to be legally approved.

⁷The higher demand for marijuana to be legalized has led to higher consumption once it is legalized. Some of the highest cannabis-consuming⁸ countries (where it’s legal) are Canada , USA, New Zealand, Uruguay, and Australia.



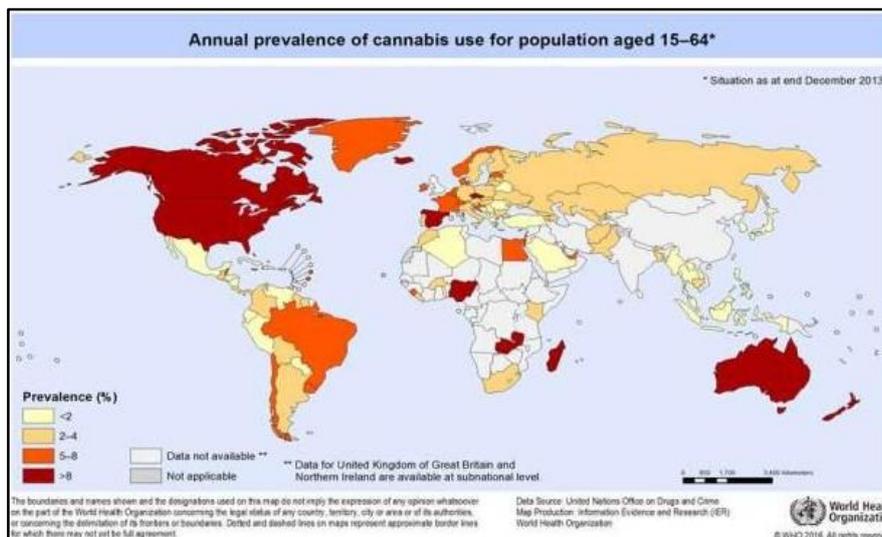
⁶ Chart is from *Business Insider*.

⁷ Map retrieved from:

https://www.who.int/substance_abuse/publications/cannabis_report/en/index5.html

⁸ Measured by percentage of the population that consume cannabis.

However, high demand doesn't always lead to the legalization of cannabis; take Iceland as an example. In Iceland, it is illegal to consume, grow/produce, and sell marijuana, yet 18.3% of the population still does it; that is one of the highest percentages of consumption worldwide. In countries such as Uruguay that have had a long battle with drugs, the complete legalization of marijuana was a leap of faith that resulted beneficial for the country since two-thirds of the public disagrees.



The recreational use of cannabis is not highly recommended since it can lead to addiction, but in some countries that is not a concern. In countries such as Canada, students can enrol in marijuana studying classes for college credits. The legalization of cannabis only benefits the legal producer, not the illegal producer, as the purpose of these cannabis classes is to “build an empire of plant scientists, regulatory experts and security personnel in a nascent industry with exploding demand⁹” Canada has been very progressive regarding the legalization of marijuana, hence its consumption rates have been on the rise.

Overall, the question still remains, should marijuana be legalized? The ongoing political debate has given no solid answers since the position of every government varies, despite the fact that the medical efficiency of CBD¹⁰ has been proven in previous studies. The use of CBD has been proven most efficient in severe childhood epileptic cases since these patients usually don't respond to mainstream epilepsy medicine, according to Harvard Medical School. CBD is often presented in the form of oil or an oil capsule. This

⁹ According to *The Washington Post*
https://www.washingtonpost.com/business/2018/12/05/canadians-launch-weed-schools-amid-pot-labor-shortage/?utm_term=.02c184941b4f

¹⁰ The non-psychoactive component in cannabis.

also works as an anaesthetic and as a means to calm anxiety. The efficiency of this chemical component has been proven, yet some people still claim that medical marijuana is just a hoax.



iii. Key points of the debate

- Efficient ways to regulate recreational marijuana
- Policies regarding medical marijuana
- The pros and cons of legalizing medical and/or recreational marijuana
- The legal acquirement of cannabis
- The impact medical marijuana has on the public health service
- How the legalization of cannabis can help combat drug trafficking

iv. Participating Organisms

- World Health Organization (WHO)
- European Monitoring Centre for Drugs and Drug Addiction (EMCDDA)
- GLO-K01

v. Guiding Questions

1. Does your country implement medical marijuana?
2. What current policies does your country currently have regarding medical marijuana, if there are any?
3. Does your country allow recreational marijuana?
4. What regulation policies does your country have regarding the use of recreational marijuana?
5. If your country doesn't implement recreational or medical marijuana, what political view does your country have regarding marijuana?

6. What negative and positive effects has the legalization of medical or recreational marijuana had on your country's health system, if any?
7. How has the legalization of medical or recreational marijuana helped combat drug trafficking within your nation, if applicable?

vi. Bibliography

- Editors, H. (2017, May 31). Marijuana. Retrieved from: <https://www.history.com/topics/crime/history-of-marijuana>
- Sraders, A. (2018, September 24). History of Marijuana: Origins, Legality and What's Happening in 2018. Retrieved from: <https://www.thestreet.com/markets/history-of-marijuana-14718715>
- History of Cannabis, Part 1. (n.d.). Retrieved from: <https://teens.drugabuse.gov/blog/post/history-of-cannabis-part-1>
- Hashish: Effects, Hazards & Methods of Abuse. (n.d.). Retrieved from <https://www.drugs.com/illicit/hashish.html>
- McNearney, A. (2018, April 20). The Complicated History of Cannabis in the US. Retrieved from: <https://www.history.com/news/marijuana-criminalization-reefer-madness-history-flashback>
- History of Marijuana. (2018, December 08). Retrieved from: <https://www.recovery.org/marijuana/history/>
- THE MARIHUANA TAX ACT OF 1937. (n.d.). Retrieved from: <http://www.druglibrary.org/schaffer/hemp/taxact/mjtaxact.htm>
- Editors, H. (2009, October 29). Great Depression History. Retrieved from: <https://www.history.com/topics/great-depression/great-depression-history>
- Medrano, K. (2019, March 11). The Best Countries Around the World to Smoke Weed. Retrieved from: <https://www.thrillist.com/vice/30-places-where-weed-is-legal-cities-and-countries-with-decriminalized-marijuana>
- Berke, J. (2019, June 05). Illinois is poised to become the first state to legalize marijuana sales through the legislature - here are all the states where marijuana is legal. Retrieved from: <https://www.businessinsider.com/legal-marijuana-states-2018-1>
- Maclver, B. (2017, June 29). Cannabis Legalization World Map. Retrieved from: <https://www.cannabisbusinesstimes.com/article/cannabis-legalization-world-map/>
- Taufen, A. (n.d.). Marijuana & Cannabis Laws in Colorado. Retrieved from: <https://www.westword.com/marijuana/laws>



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- Legal weed in California: A consumer's guide. (2018, April 20). Retrieved from: <https://www.latimes.com/politics/la-pol-ca-cannabis-consumer-guide-20180420-htmlstory.html>
- Haines, G. (2016, December 01). Mapped: The countries that smoke the most cannabis. Retrieved from: <https://www.telegraph.co.uk/travel/maps-and-graphics/mapped-the-countries-that-smoke-the-most-cannabis/>
- Marijuana legalisation in Uruguay. (n.d.). Retrieved from: <https://www.centreforpublicimpact.org/case-study/marijuana-legalisation-in-uruguay/>
- Cannabis. (2010, December 07). Retrieved from: https://www.who.int/substance_abuse/facts/cannabis/en/
- The health and social effects of nonmedical cannabis use. (2016, March 02). Retrieved from: https://www.who.int/substance_abuse/publications/cannabis_report/en/index5.html
- *World Drug Report 2018* (United Nations publication, Sales No. E.18.XI.9). Retrieved from: https://www.unodc.org/wdr2018/prelaunch/WDR18_Booklet_3_DRUG_MARKETS.pdf
- Paquette, D. (2018, December 05). In Canada, you can study marijuana production for college credit. Retrieved from: https://www.washingtonpost.com/business/2018/12/05/canadians-launch-weed-schools-amid-pot-labor-shortage/?utm_term=.02c184941b4f

5. Topic 2: Treatment of Juvenile Delinquents

i. History/Context

Throughout history, juvenile delinquents have been badly treated in various nations of the world. Before the 19th century, juvenile delinquents were treated as adults in adult courts, under adult laws and received the same punishment that the adults did. Consequently, adults and juveniles shared the same confinement areas, a situation that raised several issues for these young people. Young men and women were often treated badly, lived under inhuman conditions and were deprived of some of their fundamental human rights.



It was because of these harsh conditions that people began to realize that there was a need to reform the system to separate children from adults in matters that involve justice. It was also imperative to try to give them fairer conditions and penalties for their offences. The treatment of juvenile delinquents has evolved differently on a nation's point of view regarding this matter. For instance, in the United States it was only in 1825 that two American citizens

involved in criminal justice created the New York House of Refuge, designed to house these delinquents and to give them fairer punishments than the adult punishment they would have received through regular criminal courts and regular jails. This idea later expanded to the whole of the US; in this way, juvenile justice started in the nation.

However, despite these good efforts, the houses of refuge lacked education and started having inhuman conditions; this is the reason why reform schools were created, which were very similar to the houses of refuge, but had education and improvement in some conditions.



Juvenile court was the next step in improving the treatment towards juvenile delinquents, with the purpose of rehabilitating the delinquents. This was created in Illinois in 1899. This methodology

consisted of making the state act as the parent of the delinquent, making the judges have the responsibility of deciding what was both fair and good for the future of the juvenile, and thinking about rehabilitation.

The methodology was intended to protect the juvenile delinquents' welfare, but from 1950 to the 1990's there were concerns regarding the system, as delinquents were often badly treated, they didn't have constitutional rights, in many cases they were passed to adult courts, and they were even condemned to the death penalty in some cases. In general, the system was very inefficient.

This giant scandal that took place in the US caused reforms to be made between the 1990's and the 2000's. With this reform, juvenile delinquents got constitutional rights and the age to be considered juvenile increased. Despite that, the juvenile justice system wasn't totally effective as it lacks a proper education facility and delinquents often make repeat offences. This causes the public to consider that the US has made many mistakes, causing the system to be ineffective.

As previously said, each nation has its own legal and juvenile justice system, making the treatment of young delinquents vary depending on the nation. For example, European nations based their system in the concept of the US juvenile system, separating adults from juveniles, but each country has its own unique traits. France dedicated a lot of resources to education and was more comprehensive with the young delinquents. Germany also separated adults from juveniles and even went further by separating children from juveniles and from adolescents, which makes it a much more complete system.

There were other nations with a radically different approach regarding the treatment of juvenile delinquents. India didn't imprison juvenile delinquents; at first they sent them to apprenticeship programs, which consisted of putting the delinquents under the supervision of a guardian, who would teach them about their profession. The idea was that the delinquents would be able to get a job in that profession after the apprenticeship program ended. It was a system that really focused on rehabilitation. This system failed after years of practice and provoked the creation of the Whipping Act, which consisted of physical punishment for juvenile delinquents, but was later changed to imprisonment. In the 2000's, India's system of juvenile justice wasn't successful, but years later it would return to apprenticeship programs, which are used today.

Regardless of the fact that there are many nations which try to give appropriate and fair sentences to juvenile delinquents, there are many other nations that have violated their rights throughout history. Also, international law establishes that imprisonment should be used as a last resort, but an exaggerated amount of nations in the world have

incarcerated juvenile delinquents without considering other options. In other words, during the last decade, many nations have violated international law by imprisoning juvenile delinquents as a first resort without looking for alternatives. This has happened throughout history, and it is still happening in many nations of the world. In nations such as Zambia there isn't a recognized juvenile justice system, which complicates and worsens the treatment of juvenile delinquents. In other nations, mainly of the Middle East, such as Saudi Arabia, Iran and Pakistan, there have been death sentences through the last decades and in countries such as the United States there have been death penalties, mainly in the 80's.

ii. Current Situation

The United Nations rules for the protection of juveniles¹¹ deprived of their freedom were established in 1990. The guidance encourages all nations to follow specific rules regarding the imprisonment of juveniles. First of all, imprisonment should be used as a last resort. There is also the specification that the rules should protect the juvenile from any violation of his or her human rights and should promote protection for the children in both physical and mental aspects. It also demands equality for juveniles of different race, religion and ideologies, and it establishes a juvenile to be a person under the age of 18.

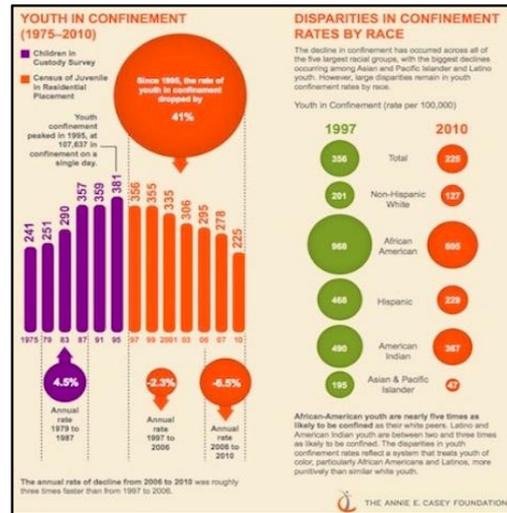
The guidance promotes the reintegration of juvenile delinquents to society, along with other policies that will help the juvenile delinquent return to society in a healthy way. It also encourages the detention centres to make a record of the treatment that the juveniles receive in the penitentiary. Furthermore, it also demands education, sanitation and that the juveniles be separated from adults, unless there is a special circumstance in which it is beneficial for the juvenile to be imprisoned with adults. It promotes respect towards religious practices and provides vocational training with a view to aiding juvenile delinquents their reintegration into society. There is also the Child's Rights Convention (CRC), which demands all children under the age of 18 to be treated fairly in the justice system, and states that no child should be harmed. This was ratified by 193 nations, meaning it is a law they must follow, however, nations such as the US haven't followed these guidelines completely.

Despite the existence of guidance from the UN, there are many nations that decide to

¹¹ The whole document can be found in the following link:
https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf

ignore it and consequently, create inhuman treatment of juvenile delinquents.

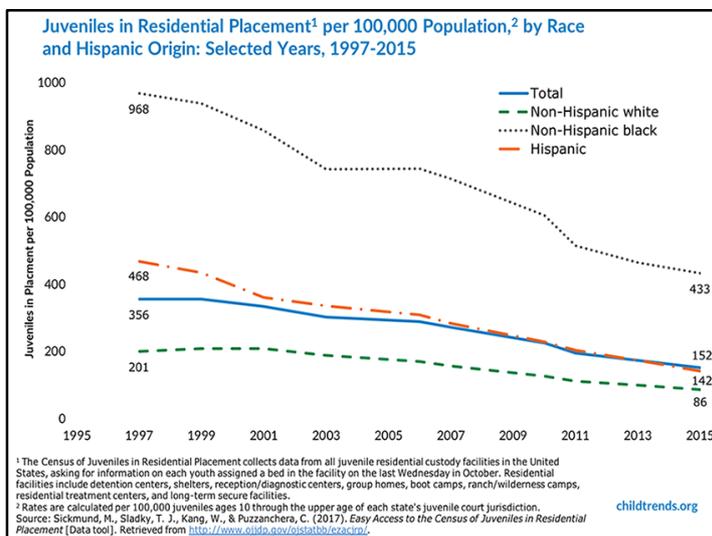
Many nations are breaking this international law, along with many of the other children’s human rights treaties, like the CRC, in several ways. Some nations, such as Australia, violated the guidelines created by the UN by detaining juvenile immigrants in an indefinite way in the Naaru prison, according to the Human Rights Watch (a report that is listed as the fifth source in the bibliography). In this confinement, juveniles were inhumanely treated, as there wasn’t always water and the place was unsanitary, which caused many diseases for the captive juveniles. This could be seen in Australia, but other nations have also shown a similar treatment of immigrant juvenile delinquents, for example, Thailand and Mexico.



In many nations of the world, juvenile delinquents suffer torture and isolation for weeks; they are often beaten up by other prisoners and even sometimes by prison guards. Their human rights are being violated as they often do not have available water, education, privacy or even a room with proper sanitation. They are often sexually assaulted, both male and female inmates. In nations such as Egypt, Nigeria, Saudi Arabia and Pakistan juveniles have been sentenced to death.

UN reports show that 1 million children were imprisoned in 2011. One of the main issues is that these juveniles are being imprisoned in adult penitentiaries, only in the US 95,000

children were imprisoned with adults in 2011. However, the United States has changed part of its methodology regarding treatment to juvenile delinquents. For example, in recent years the state of California released many of the juvenile delinquents that were imprisoned with adults and released many juveniles who were detained because of illegal immigration, but the



country is still a long way off from an ideal juvenile justice system. Rehabilitation is apparently the priority in many nations, but currently most nations do not show a true interest in this, as they do not provide education centres where the delinquents can get advice or apprenticeship programs.

iii. Key points of the debate

- The inhuman treatment of juvenile delinquents (violation of human rights)
- The treatment of juvenile delinquents as adults and its effects
- The effectiveness and pertinence of the UN guides, CRC and international law regarding the issue
- The age range for a person to be considered juvenile
- The different methods of treatment towards juvenile delinquents (punishment, apprenticeship etc)

iv. Participating Organisms

- The World Health Organization (WHO)
- Human Rights Watch (HRW)
- United Nations Office on Drugs and Crime (UNODC)
- United Nations Children’s Fund (UNICEF)
- Human Rights Council (HRC)

v. Guiding Questions

1. Does your nation treat juvenile delinquents like adult criminals? Should they be treated as adults?
2. Has your country committed human rights violations towards juvenile delinquents?
3. Should there be more laws or an enforcement of the current juvenile justice laws in order to protect juvenile delinquents? What new laws, protocols and/or restrictions should be made to ensure their safety?
4. Does your nation imprison juvenile delinquents as a last resort measurement or as a first resort measurement?
5. Should juvenile delinquents be punished and imprisoned, or should they be rehabilitated through other methods?

6. Does your country follow the guidelines and standards established by the UN for the treatment of juvenile delinquents?

vi. Bibliography

- Center of Juvenile and Criminal Justice. (n.d.). Juvenile Justice History. Retrieved June 23, 2019, from: <http://www.cjcj.org/education1/juvenile-justice-history.html>
- Schlenker, M. (n.d.). SOCHUM II: Juvenile Delinquency Around the World. Retrieved June 23, 2019, from: <https://social.shorthand.com/ymuntaiwan/3yJT67aWhT/sochum-ii-juvenile-delinquency-around-the-world>
- UNODC. (1990, December 14). United Nations Rules for the Protection of Juveniles Deprived of their Liberty. Retrieved from: [https://www.unodc.org/pdf/criminal_justice/United Nations Rules for the P
rotection of Juveniles Deprived of their Liberty.pdf](https://www.unodc.org/pdf/criminal_justice/United_Nations_Rules_for_the_Protection_of_Juveniles_Deprived_of_their_Liberty.pdf)
- Shoemaker, D., & Jensen, G. (n.d.). Juvenile justice. Retrieved June 23, 2019, from: <https://www.britannica.com/topic/juvenile-justice>
- Bochenek, M. (2016, April 13). World Report 2016: Rights Trends in Children Behind Bars. Retrieved June 23, 2019, from: <https://www.hrw.org/world-report/2016/children-behind-bars>
- Bochenek, M. (2016a, January 27). Juvenile Justice. Retrieved June 23, 2019, from <https://www.hrw.org/topic/childrens-rights/juvenile-justice>
- Juvenile Incarceration. (n.d.). Retrieved January 23, 2019, from: <https://www.childtrends.org/indicators/juvenile-detention>
- UN. (1989, November 20). UN Convention on the Rights of the Child. Retrieved from <https://static.unicef.org/rightsite/files/uncrcchildfriendlylanguage.pdf>