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# **“Schools of Crime” or Young Offenders Rehabilitation?**

## **The Right to Education in Juvenile Detention Centres**

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## Abstract

While IHRL and European regional instruments on the matter of the penalty of deprivation of liberty applied to minors have been widely transposed to most European national legislations, a gap between laws and practical implementation still persists. Besides predictable practical implementation problems (e.g. funding difficulties), there seems to be a widespread disenchantment in Europe towards the rights based approach to juvenile justice provided for in those instruments. In particular, penal interventions based on the right to education seem to be seen as unrealistic and ineffective in preventing and controlling juvenile delinquency.

This study's main research methodology was a "desktop" one complemented by field research in the form of a visit to an Italian juvenile detention centre.

From this research it could be concluded that right to education based interventions/measures applied to imprisoned young offenders are the most suitable penal response to offenses committed by minors for it is the approach that best fits the special nature of children and that can best tackle recidivism.

In order to seriously and effectively deal with the problem of juvenile delinquency in a way that complies with the international children's rights framework, the right to education of imprisoned children has to be fully recognised and fulfilled. States that have the resources to do so, such as the case study country of this research (Italy), have the international obligation to actually implement IHRL and regional standards.

*Aos meus pais.*

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## Acronyms

CRC – Convention on the Rights of the Child

CRCC – Committee on the Rights of the Child

ECHR – European Convention of Human Rights

EPRs – European Prison Rules

ESC – European Social Charter

EU – European Union

ICCPR – International Covenant on Civil and Political Rights

ICESCR – International Covenant on Economic, Social and Cultural Rights

IHRL – International Human Rights Law

JDLs – UN Rules for the Protection of Juveniles Deprived of their Liberty

OECD – Organisation for Economic Co-operation and Development

UDHR – Universal Declaration of Human Rights

UN – Organisation of the United Nations

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