



# 2021 World Congress on Justice With Children

*“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”*

## PREPARATORY MEETING REPORT NORTH AMERICAN REGION



# INDEX

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Summary report of the discussions.....	3
Introduction .....	4
I. The right of children in conflict with the law in Mexico.....	5
A. Human rights and children’s rights contemporary challenges.....	5
1. Human rights and children’s rights in Mexico: Challenges and solutions.....	5
2. Defending the rights of children in conflict with the law within the judicial system: institutional responses in Mexico.....	7
B. Recent trends of children in conflict with the law in Mexico .....	8
1. Children in conflict with the law in Mexico: Trends and law reform .....	8
2. Fostering access to justice and diversionary measures in North America: From “day-to-day justice” practices to community-based programmes .....	9
II. Justice for children in North America .....	10
A. Trends and evolution of justice for children in North America and around the world.....	10
B. Deprivation of liberty for children and young offenders: Ending harmful practices and condition of detention .....	12
C. Alternative measures to deprivation of liberty for vulnerable groups, including children with mental health conditions.....	14
D. Innovative justice for children: How can we improve our systems to facilitate reintegration as well as social and professional inclusion? .....	16
North American Regional Working Group Meeting.....	18
Conclusion.....	22
Annex 1: World Congress Concept Note .....	24
Annex 2: North American Preparatory Meeting Programme and List of Organisers.....	32
Organisers.....	37
Co-organisers .....	39
Special thanks to collaborators.....	39
Annex 3: Press articles .....	40
Annex 4: Photos of the event.....	44

# Summary report of the discussions

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The **North American Preparatory Meeting** was organized by Terre des hommes (Tdh) and took place from 8 to 10 May 2019 in Yucatan, Mexico. The meeting was a follow-up to the 2018 World Congress on Justice for Children. This event was the first of a series of meetings taking place at the regional and national levels to define key challenges and advocacy priorities in justice for children in North America, as well as to present recommendations and proposals of topics, the agenda, and activities for the 2021 World Congress on Justice With Children.

The event gathered participants from multidisciplinary backgrounds, including government officials, stakeholders, academics, and experts from Canada, Mexico, and the USA, who have decided to join forces to develop joint initiatives to promote fairer justice for children in North America.

The meeting's main objectives were to:

- **Establish thematic priorities and trends in justice for children.**
- Formulate **action-oriented recommendations** and identify the most relevant topics for the next World Congress on Justice With Children.
- Gather policy makers, academics, and civil society representatives at the national and regional levels with relevant work and influence in child justice to identify key areas of cooperation.
- Foster thematic priorities and a national or regional agenda on Justice for Children.
- **Exchange good practices, cooperate in scientific research,** and formulate specific **recommendations to raise awareness** on justice for and with children.
- Foster the **operational implementation of international rules and standards** concerning the rights of children and young people in conflict with the law.
- **Advance regional commitments** and make action-oriented recommendations to serve as a basis for the draft conclusions for consideration in the next World Congress in 2021.

# Introduction

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The meeting was launched by the Director of the Estate Public Defensory Institution, Lic. Ricardo de Jesús Avila Heredia, who welcomed the participants. The meeting was a follow-up to the World Congress on Justice for Children, which took place at the UNESCO House in Paris, France in May 2018. It also serves as a preparation for the next World Congress on Justice With Children, scheduled for 15 to 20 November 2021.

The World Congresses are organized by the **Global Initiative on Justice with Children**, which is a joint program led by a group of international organisations, including **Terre des hommes**, **Penal Reform International**, and the **International Association of Youth and Family Judges and Magistrates**. This initiative has a twofold purpose: (1) the establishment of a Justice With Children Global Milestone through the World Congresses on Justice for Children, and (2) the creation of a Global Community of Practitioners through the Justice With Children online platform ([justicewithchildren.org](http://justicewithchildren.org)). Both of these initiatives aim at tackling current challenges on child justice in order to protect the rights of children in contact with the law more efficiently.

This meeting presented both a global overview of recent trends and the evolutions of justice for children in North America, and it had a special focus on alternative measures to deprivation of liberty and supervision for specific groups, such as children with mental health conditions. Special attention was placed on restorative approaches in the context of diversionary measures. Finally, the meeting discussed the condition of detention for children in North America and the question of how to prevent harmful practices such as solitary confinement.



On Friday, 10 May, during a closed policy-oriented event, the working group defined priorities and the next steps for the group in a regional and global context, ahead of the 2021 World Congress on Justice With Children. Recommendations and proposals of topics, the agenda, and activities for the next World Congress were formulated by the working group. Similar preparatory regional and national meetings were organized in different parts of the globe in 2019 and 2020.

# I. The right of children in conflict with the law in Mexico

## A. Human rights and children's rights contemporary challenges

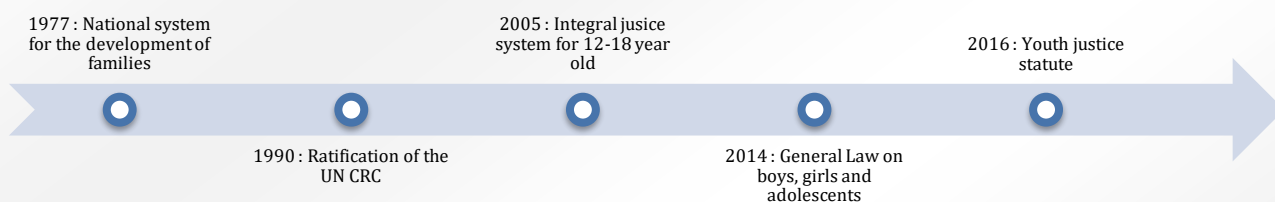
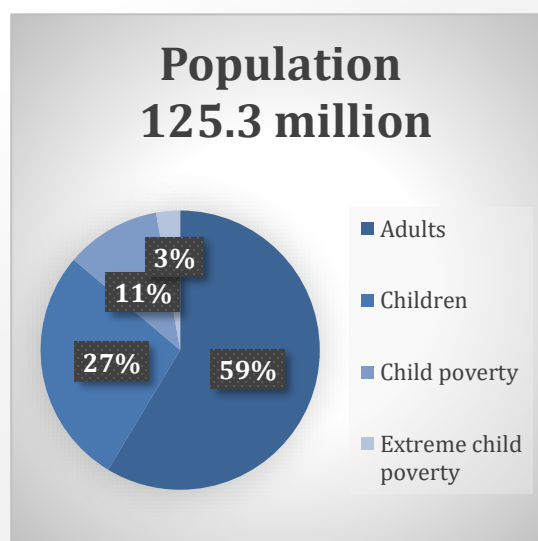
### 1. Human rights and children's rights in Mexico: Challenges and solutions

The Organisation for Economic Cooperation and Development (OECD) data about young people in Mexico provides some relevant figures:

- The country population is 125.3 million, of whom 40.2 million are children. Serious child poverty is estimated at 50%, with extreme poverty at 10%.
- 1.5 million children have chronic malnutrition, and 2 million work in jobs from which children should be excluded.
- 9% of births in 2017 were by girls aged 9 to 17, and Mexico leads the OECD in the number of child marriages.
- Homicide victimisation peaks at age 17.
- 63% of Mexican youth have experienced psychological or physical punishment at home.

Here is an overview of the development of children's rights in Mexico:

- **1977:** Establishment of the National System for the integral development of families.
- **1990:** Ratification of the UN CRC; human rights-related reforms in Article 4 of the Mexican Constitution.
- **2005:** Amendment of Article 18 of the Mexican Constitution to call for an integral justice system for 12- to 18-year-olds.
- **2014:** Enactment of the General Law on Boys, Girls, and Adolescents that outlines obligations for the family, community, society, and state, and delineates various rights



including participation of the child, the obligation for any action to allow for the integral development of children, and the right of children to receive priority in services over adults.

- **2016:** The Youth Justice Statute will harmonise the system across Mexico and is focused on the best interests of the youth that ensures the best conditions for youth's physical and psychological development even when they are accused. The new law prioritizes alternative solutions over judicial proceedings, proportional responsibility for actions, preference for disputes to be resolved by selecting the law that is most favourable to the youth, an emphasis on restorative justice, social and family reintegration, specialisation and professionalisation for those working with youth, and privacy and confidentiality provisions.

The implementation and coordination of the law is made through the National Public Safety Council, with sub-committees established in 25 states and 7 remaining. These committees adopt protocols for supervision and alternative measures for children in conflict with the law.

Under Article 4 of the General Law on the Rights of Children and Adolescents, they are rights holders, and thus the authorities must:

- Allocate sufficient resources to comply with the law.
- Ensure comprehensive, cross-cutting, and gender-based development.
- Consider cultural, ethical, and educational aspects according to their age.
- Ensure the rights to privacy, identity, to live with or to have contact with family, quality education, participation, and to live in conditions of well-being.

To ensure the implementation of the rights, Sistema Nacional de Protección de Niñas, Niños y Adolescentes (SIPINNA<sup>1</sup>), which is a decision-making body of national policy at the federal, state, and municipal levels, mentions two routes of protection: comprehensive and special. Protection measures are determined by the Attorney General's Office.

Article 18 of the Mexican Constitution stipulates the creation of a system for children in conflict with the law between the ages of 12 and 18 years, whereas those under 12 years old shall only be subjected to social assistance. The Article mandates specialised institutions and personnel for children, with the system to be based on the principles of comprehensive protection and the best interests of the child. It indicates that alternative forms of justice should be used when appropriate, stresses due process, and mandates that measures should be proportional to the misconduct in a manner that seeks the social and family reintegration and development of children. The Article stipulates that detention shall only be used as a measure of last resort for children above the age of 14 years. Appropriate protocols are yet to develop, and the problem lies with the implementation rather than the laws themselves.

### Key takeaways of the session:

- Mexico has had good progression in the development of the law in terms of youth issues encompassing rights, protection, and youth justice.
- The implementation of the law is still troubling and needs to be worked on.
- There is a need to establish sub-committees in the remaining 7 states to ensure full implementation and coordination of the laws.

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<sup>1</sup> <https://www.gob.mx/sipinna>

- It is necessary to convene the national statistics institute's work and approve a national protocol for reintegration.
- Youth justice practitioners need to be certified and accredited by CONOCER.

## 2. Defending the rights of children in conflict with the law within the judicial system: institutional responses in Mexico

Children's rights can be imagined as a triangle with human dignity at the apex, life at the centre, and the obligations of the state at the base. All adolescents in conflict with the law suffered violations of their human rights before committing a crime. Therefore, the responsibility does not only fall on young people, but also on society and the state. One of the shortcomings of this system is that children have been considered as objects of protection and not subjects of rights.

Moreover, to have a complete picture of children's rights, it is necessary to visualize another triangle in which development, non-discrimination, and participation are on each corner. The great challenge is for the state to modify the way they view young people in conflict with the law by considering both triangles in order to help him/her develop in a holistic way.

One of the problems in the juvenile justice system is that the laws are not consistently applied throughout the country due to the institutional fragility, and there is no capacity for the state to respond to all cases. In addition, the state has little capacity for disengagement for young people recruited into organized crime, as there are no state policies that are implemented throughout the national territory, as opposed to the National Vaccination Campaign<sup>2</sup>, which is a state policy that is applied punctually. Unfortunately, there is no linkage between all systems to uphold the rights of young people, leaving them unprotected. It is therefore necessary to look for different actors to foster adolescent development (within the family, community, and state).

To conclude, the state policy strategies must consider all aspects of the triangles and the triad (family - community – state) in relation to adolescents in conflict with the law, and there must be a correct linkage.

### Key takeaways of the session:

- State systems need to be appropriately linked to one another in order to uphold the rights of young people and protect them.
- The state needs to consider all aspects of the young offenders' life to help them develop in a holistic way.
- The juvenile criminal laws need to be applied in a consistent and fair manner.
- Various actors including the family, community, and the state need to be involved in fostering adolescent development.

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<sup>2</sup> <https://data.unicef.org/topic/child-health/immunization/>

## B. Recent trends of children in conflict with the law in Mexico

### 1. Children in conflict with the law in Mexico: Trends and law reform

Young people in conflict with the law are being made to take responsibility for the failures of the society and state, e.g., violence/toxicity directed at children, and they are treated as if they are property rather than rights holders. The best interests of the child must consider their individual development, participation, and non-discrimination. The family, community, and state have responsibilities to help the young person to define their social, economic, and political being. The state is currently failing to guarantee their quality of life and dignity (e.g., up to 4 children/day are disappeared and 3.2/day are killed in Mexico). The state's fragility normalizes offending and allows an alternate power structure to fill the vacuum, in the form of organized crime (e.g., only 1 in 100 crimes involving a child victim proceeds through to sentencing).

While the 2016 Act is a breakthrough and 65% of youth found guilty are given non-custodial sentences (about 90% are male), implementation is not homogenous. 80% of young offenders in Mexico City are found in 20 neighbourhoods. More collaborative and joint work must be done to increase non-custodial support. The response has included surveillance by the police, but not as much social programming. Young people are being recruited via weapons, crimes, and kidnapping. State responses must account for the context of how a young person came to offend.

The state needs to promote bonding and attachment with extended family members, so that mothers are not overloaded (39.8% of young accused lived only with their mother). Communities need to understand family issues (60% of adolescents detained by the municipal police have experienced violence or torture) and provide support to recompose families. Otherwise, young people will be drawn into crime when they are available, and they will be treated as disposable by criminal elements. There are concerns that children are getting lost in their own households. Families that most need intervention are not likely to present themselves to parenting and other programs. Children should be free to exercise their rights at home: the state is to intervene only when the family is not adequate, but the law should support families, and programs should support the law.

To increase the participation of adolescents in conflict with the law, there is a need to train professionals on children's rights, representation of children, and other issues, as well as the use of restorative justice.

Children should not be made more vulnerable by making them talk about their negative experiences in their cases. Children and their families should have the opportunity to be heard, as well as to participate in policy and programme development. Due to scarce resources, efficient and creative responses and interventions that engage young people are needed. Programs should be based on evidence and the participation of children to achieve the best results.

There is already a national cross-cutting organisation named *SIPINNA* (National System for the Protection of Girls, Children and Adolescents) that is charged with establishing a sub-committee to stand for the children's rights in each state.



### Key takeaways of the session:

- Collaborative and joint efforts must be made to increase non-custodial support.
- State responses should account for how a young person came to offend (e.g., recruitment).
- Participation of adolescents in conflict with the law should be increased.
- Professionals need to be trained regarding children's rights.
- There needs to be an increased use of restorative justice.
- Children and their families need to be involved in their own cases and in the development of policies and programmes.
- There is a need to focus on creative programs that engage youth.
- The best place for children to exercise their rights is at home, and the state should support their families to enable them to do so.

## 2. Fostering access to justice and diversionary measures in North America: From “day-to-day justice” practices to community-based programmes

The results of the National Diagnosis of Daily Justice implemented in 2012 on alternative forms of justice and non-traditional mechanisms of conflict resolution found that the socializing nature decreases the emotional wear and redefines the conflict between the parties, thus contributing to the socio-educational purpose in the symbolic reparation of the damage.

One of the important aspects to consider is decriminalisation, the reduction of the catalogue of crimes, in order to implement alternative forms of justice. Decriminalisation must be rational, and there must be restorative justice, therapeutic justice, or criminal substitution. If the conflict cannot be resolved by means of alternative justice, then a judicial process will be carried out. This must be the last resort since repressive criminal law does not help the socio-educational aspect of social reintegration.

It has been observed that the most effective diversion mechanisms are those in which the civil society and support networks are most involved. This contributes to tertiary prevention: non-recidivism is the objective of alternative forms to ordinary justice.

In alternative justice, there is a direct intervention in the community, so it is important to train program operators, to finance prevention and community programs, and to create databases that help to identify the real situation of the application of alternative justice.

To conclude, the cost of alternative measures is lower, and it would be worth looking at the programs in the Netherlands that are already being applied with good results. Models already exist in Mexico, and the great challenge is to implement them. Paradigms are being shifted by applying this new approach that gives young people a chance.

### Key takeaways of the session:

- The socialising nature of alternative justice and non-traditional conflict resolution redefines conflicts between the parties and supports the reparation.
- Reducing the catalogue of crimes is important, along with the use of restorative justice.
- The most effective diversion mechanisms involve the civil society and support networks.
- Alternatives to justice should prevent recidivism.
- The cost of alternative measures to justice is lower and can achieve good results if implemented well.

## II. Justice for children in North America

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The alternative perspective of services and programs for adolescents will address a range of issues that will make the system more inclusive for children and adolescents.

According to children and their social and emotional development, it is in the interests of the society to find the causes and measures to prevent crime. It is a priority of public policies to promote a peaceful and sustainable society, so it is important to achieve conditions for people in vulnerable situations.

### A. Trends and evolution of justice for children in North America and around the world

The *UN Committee on the Rights of Child* issued its General Comment No. 24 on child justice in September 2019. It urges State parties to set their minimum age of criminal responsibility at 14, based on ongoing research (the previous 2007 General Comment No. 10 had suggested the age 12, and the UN Convention on the Rights of the Child does not specify an exact age). The Committee also suggests setting the upper age applicable to the child justice system at 18 years old. New research suggests that the brain doesn't fully mature until the age of 25, and until then has deficits regarding emotions, planning, and impulse control, consistent with the age-crime curve's peak in offending at ages 19 to 21. There is little specific programming in the adult system for this age group. Based on the studies on brain development of the child and the age curve, criminal activity decreases drastically as the child matures. Certain states in the United States of America are discussing raising the age of juvenile court jurisdiction to 21 years, so that more young adults would be considered under the juvenile system.

General Comment No. 24 also emphasizes that young people should have the right to legal representation or other assistance at all stages, from arrest to trial and finally detention.

On migration policies, children should not be separated from their family (UN CRC Art. 9 on parental separation), and detention of child migrants has a negative effect on them.

In Canada, children up to the age of 18 are dealt with in the child justice system. For children in conflict with the law, it is often necessary to refer to child protection/welfare (either services or foster care), which despite its drawbacks may be more appropriate. Working with family conditions can improve recidivism rates. There is a Child Victims of Violence Prevention Act from 0 to 18 years old. The state provides a social worker to the child in conflict with the law and works with the family to prevent recidivism. If there are no family members or support, they are sent to a foster home while the reparations program is being carried out.

Quebec has a strong restorative justice and diversion system. Responses to youth offending begin with warnings and may involve meetings with the victim. Studies show that victim contact with the offender can change the offender's view of their own behaviour and help the victim to feel more secure. "Repeat" offenders can still benefit from restorative justice.

The Restorative Justice program, carried out by public defenders in Quebec City, has been positive in that it has struck a balance between the offence, the offender, and the victim. A dialogue is held with the victim, and it is the victim who proposes the way in which the offender can repair the damage. The social worker follows up on these actions.

It can be positive to encourage judges to be creative and flexible in order to take advantage of opportunities for resolutions involving the victim.

On migration issues, there are more people coming to Canada, and the federal government is embracing immigration. Resources remain limited, however, with long wait times for immigration processes.

In Mexico, the INEGI report<sup>3</sup> on young people who commit criminal conduct found that only 10% committed high-impact crimes. The most common offense is robbery, and the majority of crimes are not subject to detention, which allows there to be alternative measures. However, there is no specialisation in the subject, so there are no linked public policies that make the reintegration of the young person more effective.

There are other factors that hinder the reintegration of the youth. For example, if the youth's family is criminally inclined, the youth may be induced to commit crimes. This creates challenges in providing family support for the young person's reintegration.

Justice for adolescents has many challenges, as the relevant laws were enacted only three years ago. It is necessary for the corresponding authorities in all the states of the Mexican Republic to have a specialisation, with training and a suitable profile on the topic of justice for adolescents. The relevant agencies should consider multidisciplinary factors in favor of the accused, including educational, psychological, and physical aspects, among others. In addition, support networks should also be set up with the civil society to assist young people to carry out their "agreements" with flexibility.

Children's rights are deprived when they are not provided with the right conditions for their optimal development. Increasing prevention programs that promote art, sports, and healthy habits may address problems like obesity (33% of children aged 6-12 in Mexico are obese), education, and sexual abuse (4.5 million youth in Mexico are victims of sexual abuse, including by teachers, of which only 10% are reported to the police), among others. Support should be provided to parents with sufficient funding and facilities, and model approaches should be considered to provide food, nutrition, play, and culture to children, including Scouts and extended day schedules.

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<sup>3</sup> <http://en.www.inegi.org.mx/temas/poblacion/>

## Key takeaways of the session

- The UN CRC Committee recommends 14 as the minimum age of criminal responsibility and encourages the applicability of the child justice system at least up to the age of 18 years.
- Young people have the right to legal representation at all stages of the criminal justice process, including arrest, trial, and detention.
- Improving family conditions can reduce recidivism rates.
- Restorative Justice Programmes such as those in Canada, strike a balance between the offence, offender, and victim.
- There is a need to link public policies to ensure effective reintegration of young offenders.
- Personnel need to be trained and specialized with the relevant profiles to work in the juvenile justice system.

## B. Deprivation of liberty for children and young offenders: Ending harmful practices and condition of detention

The majority of child offenders are in conflict with the law because of deprivation and lack of state protection. UNICEF mentions that the rate of crimes committed by children is low, at barely 15%. Punitive approaches are counterproductive and stigmatizing.

Deprivation of liberty during childhood has psychological implications and disadvantages that exacerbate marginalisation, since in most cases, children are treated as adults and even mixed with adults in places of detention. Therefore, a crime prevention strategy must be implemented by addressing the nature or roots of the problem and focusing on children who are at risk or vulnerable.

Penal Reform International has worked with the International Panel on Juvenile Justice to produce a [10-point plan](#) for fair and effective criminal justice for children, including crime prevention by addressing root social causes and prioritizing children at risk of contact with the law, as follows:

## 10 POINT PLAN

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Develop and implement a crime prevention strategy for children.

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Collect accurate evidence and data on the administration of criminal justice for children and use this to inform policy reform.

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Increase the age of criminal responsibility.

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Set up a separate criminal justice system for children with trained staff.

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Abolish status offenses.

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Ensure that children have the right to be heard

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Invest in diverting children from the formal criminal justice system.

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Use detention as a last resort.

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Develop and implement reintegration and rehabilitation programs.

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Prohibit and prevent all forms of violence against children in conflict with the law.

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*Juvenile Justice Mexico (JJM)* has developed tools for risk evaluation. More than 1 million children globally are held in pre-trial custody, which means there is a need to process cases more quickly and have effective supervisory programs. JJM has developed various stages of interventions. They include an assessment that yields recommendations that are implemented by an inter-institutional team, and then monitored and evaluated.

Some youth custodial facilities employ officers from adult prisons, which can create problems. The Mexican federal government and the United Nations Office on Drugs and Crime in Mexico have developed standards on adult prisons, but not youth. Some facilities have good practices that they have not codified. In response, the JJM has created a set of standards for juvenile justice that can be used to evaluate facilities, covering topics such as entrance, exit, access to the community, programming, physical and mental health, training and supervision, environment, control measures, and measures for security. Proper monitoring helps identify and improve staff capacity and readiness. JJM conducted a pilot run at the CERSAI I centre in Chihuahua. Directors of this centre saw the value of the evaluation. A re-evaluation will be conducted in 2020, and the results will be presented at the next World Congress.

Pre-trial detention in Mexico is only for those over 14 years old and for serious enumerated offences. There are wide variations between states in the use of pre-trial detention (85% of youth are detained pre-trial in Zapatecas, while there are none in San Luis Potosi). Women represent 10% of the youth in custody in Mexico and must be held separate from men, and therefore barely receive specialized services. However, women are more likely to receive a sentence of

incarceration than men and more likely to be detained pre-trial (23% of women in custody are mothers). There is a need to understand the female adolescents' context.

Strategies for the judicial processes include:

- Do not resort to the criminal justice system, but if it is applied, focus on how to rehabilitate young people in conflict with the law.
- Decrease the time from initial detention to case resolution.
- Apply objective risk assessment tools to ensure that detention is the last resort.
- Provide community-based options in lieu of detention and monitor detention facilities based on the diagnosis and recommendations of the inter-agency team.
- Focus the sanctions on reparation and reintegration of young people into society.
- Ensure the cooperation of public and private entities to supervise measures.

The community is the key in the process of social reintegration, and it should be in the public interest to know what is happening in the detention facilities.

### Key takeaways of the session

- Crime prevention strategies should focus on at-risk/vulnerable children and address the root causes of criminal behaviour.
- Quick processing of cases is necessary to reduce the duration in which children are kept in pre-trial detention.
- The community needs to be better informed on the conditions of the detention centres, as this is in the public interest.

## C. Alternatives measures to deprivation of liberty for vulnerable groups, including children with mental health conditions

### Street children and situations of extreme vulnerability

Migration rates are high in the states of Chiapas, Quintana Roo, and Tabasco in Mexico, where the incidents of theft, rape of women and children, and kidnapping are also high, in addition to trafficking and labour and sexual exploitation. The Law on Migration stipulates actions that should be applied for unaccompanied migrant children, but the law is not always complied with because of the lack of capacity of the shelters assigned for the protection of children's rights in these conditions.

Regarding migrant children in Mexico, the several immigration routes have entry points in the south, mostly via Tapachula. From the border, trains go from Arriaga to Ixtepec to Mexico City through several transfers. After Mexico City, the route splits into several sub-routes north. Smugglers (*coyotes*) charge an initial fee of 40 pesos to cross the border, but the total for transit to the US amounts to 6,000 pesos. Some *coyotes* cooperate with the Zetas (one of the most prominent drug cartels) or with local police (e.g., federal police in Chiapas), and about 1,000

people per year are kidnapped and extorted. In transit, 80% are robbed or mugged, and 60% of the girls and women are raped.

Ex-president Felipe Calderon's plan (2006 – 2012) was to detain people at the southern border, mostly at an immigration facility in the city of Chiapas. During his mandate years, overcrowding and poor conditions were noted. Almost 138,000 irregular immigrants were detained, almost 1,000 of which were unaccompanied minors. These unaccompanied minors are supposed to be channelled to the children's ministry and their consulate needs to be informed so that an "assisted return" can be processed. The Mexican authorities are required to respect the rights of children and should notify the human rights authority so that the Human Rights Commission can be present during interviews, and children are supposed to be informed of their rights and provided with services, including consular services to be made available except in asylum claim cases. In practice, families often get separated, and the Human Rights Commission is not always present at interviews or properly trained, but some civil society organisations attend as well.

Minors migrating from Honduras, Guatemala, and El Salvador are often fleeing the *maras*, gangs with significant control over territory (their control has spread to Chiapas, Tabasco, and Quintana Roo).

### Mental health programs for children in conflict with the law

It is important to consider the neurological development at different stages of life. For instance, adolescents are neither young children nor are they adults. The specific characteristics of adolescence require the use of adequate programs that emphasize specialisation on their unique developmental stage.

Grey matter is still evolving up to age 22. The change between adolescence and adulthood is a dramatic one. Although the working memory (e.g., Corsi blocks and other tasks) improves significantly as a child becomes an adolescent, showing more efficient access to information, this change is not necessarily accompanied by better judgment. Adolescents in conflict with the law have a high prevalence of psychiatric disorders.

In the Yucatan School of Neurosciences of Behaviour, it is proposed to use transcranial magnetic stimulation techniques to treat some psychiatric conditions in young people in conflict with the law. This technique activates a region of the brain to reduce the proactive reaction in the commission of the crime. However, this protocol is not yet established. These alternatives open a range of possibilities for the treatment of aggression. It is also important to encourage character formation. Since 2011, the character school has been working with peers and is proposing an integrative model in which all the parties involved are in the same place. It proposes workshops, research, psychological treatment, counselling, biomagnetic stimulation, and self-evaluation groups, among others, to guarantee children's rights. He mentions that Iceland is already working with a program of "unique space" for adolescents in which they can work on the redress of the offense.

EEG imaging showed that frontal lesions caused by accidents in early life, among two young people with otherwise normal intellectual scores and appearances, have been associated with repeat offending. These issues should be screened and considered.

### Examples of programming options

Character education and life skills training for emotional issues and overall functioning are important to assist young people coming out of the system to reintegrate into society more permanently. There are also biopsychosocial character formation techniques (e.g., Lickona technique), which requires multidisciplinary and integrated treatment, but can be more efficient (e.g., not repeating the same interview multiple times). It can be beneficial to develop a facility for further voluntary treatment for those released from the juvenile detention centres, which would integrate restorative justice processes.

### Key takeaways of the session

- Unaccompanied migrant children who are detained by immigration authorities should be informed of their rights and services, including consular services.
- The neurological development of adolescents needs to be considered when dealing with those in conflict with the law.
- Neurological treatments should be considered to treat psychiatric conditions that cause aggression likely to result in criminal behaviour by adolescents.
- Character education can be used to help reintegrate adolescents released from detention.

## D. Innovative justice for children: How can we improve our systems to facilitate reintegration as well as social and professional inclusion?

What is missing to guarantee children's rights lies in the application of both federal and state laws and their harmonisation. It is necessary to sensitise and train public servants to provide comprehensive care to children, their families, and their communities. There should be a greater investment in programs for children and adolescents and the implementation of therapeutic justice. It is also necessary to promote and strengthen primary (family), secondary, and institutional social networks. It is necessary to strengthen and guide children and youth in their life project, to be vigilant of the obligation of the state in the fulfilment of rights, and above all, to listen to their voice towards justice.

The data on the new legislation in Canada has brought good results in the decrease in crime rates. It applies from 12 to 17 years of age, which pursues justice through the interaction of young people with the community. Young people are treated with compassion and given the opportunity to express themselves, and out-of-court sanctions are community-based, so that the young person in conflict with the law has a chance to reintegrate into society. In order to achieve this, the following actions are carried out:



- The principles of sentencing are set to be fair and based on the young person's acceptance of the offense with its respective consequences.
- Regarding custody and supervision, a social worker is assigned to monitor compliance with the measures.

A law reform process is being carried out to analyse extrajudicial and judicial measures to carry out alternative procedures and reforms to sentencing conditions, creating a more direct correlation between the infraction and the state's response.

The AVE Collective Network works on the following:

- Rehabilitation for physical, emotional, and psychological elements.
- Restoration of social interaction to break the circle of violence to which the children are exposed.
- Restoration of rights to identity, to feel part of a family, and to participation to lead their own lives.
- Transversality of rights and wills.

The “Casa Crisal” is a project that offers shelter and physical, psychological, and legal support for young victims of violence.

The justice system should be more child-friendly, in which public defenders are involved in a better way. It is necessary to understand the characteristics of young people in conflict with the law and to use alternative justice according to the needs of the children and youth. There is a need to acknowledge and reflect on what is needed to practically solve the crisis in the child justice systems.

### Key takeaways of the session:

- Public servants need to be sensitized and trained to provide comprehensive care to children, their families, and the community.
- There is a need to invest in more children's programs, implement therapeutic justice, and strengthen social networks.
- Alternative justice should be based on the needs of the children and youth.

# North American Regional Working Group Meeting

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The North American Working Group held a working group convening on Friday, 10 May 2019 at the conclusion of a regional summit entitled *Towards a Fairer System of Justice for Children in North America*. The meeting was conducted with the aim of developing subjects and recommendations for the next World Congress on Justice With Children, as well as developing future joint projects and initiatives.

There have been three prior North American convenings, one in Washington D.C. in 2014, the second in Toronto in 2015, and the third following the World Congress in Paris in 2018. The North American collaboration has resulted in:

- Policy Paper on Deprivation of Liberty as a Last Resort
- Policy Paper on Restorative Justice in North America
- Draft Policy Paper on Solitary Confinement
- Organisation of and testimony before a North American Consultation for the U.N. Global Study on Children Deprived of Liberty

In preparation for the next World Congress, the gathering broke into four small groups to discuss priorities and activities for both the World Congress and future North American collaborations. The summary of these discussions for each of the North American countries are as follows:

## Mexico

There is a need to recognize each sector in juvenile justice and their scope of work. There is a need to focus on the human resource and professionalisation of juvenile justice and youth development by training professionals.

Prevention is an element of Mexican national law. The promotion of the rights of children and adolescents dissuades procedures from becoming punitive. In Mexican national law, a wide range of offences for children are subject only to warning measures. The government has given instructions to change the model, to focus on children and adolescents starting from the home, providing them with life skills. The UN's Agenda 2030 also takes this into account.



All these challenges give rise to budgetary concerns. However, two out of three countries provide significant funding, including the United States Embassy. Mexico is benefiting from an increased strategy for funding juvenile justice. Especially in Mexico, separating political support, budgetary support, best practices, and direct engagement with young people could lead to better results. In addition, coordination between the different actors should include specialized juvenile justice components. Coordination between justice and state departments is not always good. This is also true for Canada.

Another important topic was the reintegration program, detention models, and prison services, such as reintegration programs that avoid incarceration of young people. There is a lack of resources and professionals to deal with children. There is a need for effective community supervision to ensure public support for the law and social reintegration, in addition to observation of government systems to ensure that resources are sustainable.

There is also a need for a specific program for new adults and to support training through technology, so that all models are technologically sound. In Mexico, there are social programs that are being implemented, but there is not enough technological development to access the services to know where the programs exist, what they are, how to access them, and if there are openings. It was mentioned that there should be a focus on mental health and that special attention should be paid to detention to avoid readmission.

## Canada

The key issues are prevention, strengthening of the civil society, and cooperation between the civil society, government, and community. It is also necessary to create protocols with the support of international examples to prevent crime, especially with first-time offenders. There is a need for coordination and institutional commitment to promote this work and to share best practices.

Canada is also interested in dialogues on culturally appropriate responses for youth in conflict with the law. Canada is a multicultural country, and different youth populations may have different needs. An important example is that Indigenous youth can benefit from the provision of justice services that consider Indigenous cultures' approach to justice and include Indigenous worldviews and reconnection with Indigenous culture. There are many community-based programs to provide these services. However, Indigenous youth continue to be over-represented in the justice system compared to the general population.

New Adults: Solutions are needed to address the needs of youth involved in the justice system during their transition to adulthood, including youth who are in custody when they reach the age of majority. It may be useful to learn from the experience of different countries and organisations in this type of work for older youth.

Radicalisation/Extremism: Issues related to radicalisation and extremism arise in only a small proportion of youth cases in Canada. However, preventing youth extremism is a challenge that Canada is committed to addressing.

Another context regarding radicalisation: There has been an increase in reported hate crimes in Canada: there has been a 47% increase in police-reported hate crime incidents in 2017 compared to 2016, and from 2010 to 2017, 25% of those accused of hate crimes were youth aged 12 to 17. The recent report does not specify how many of these crimes were related to the radicalisation processes.

## United States

It is important to take a broader view and to reflect on the cooperation that takes place with regard to those who fund the work of juvenile justice. There is a need to address US funding in Mexico and more strategic collaborations around government funding for the region (US/Canada for projects in Mexico). Another important element is that the US has not ratified the Convention on the Rights of the Child and that some sectors of the US government are in favor of punishment. Therefore, more strategic investments are needed to achieve better results. Both Canada and Mexico have clear national policies on juvenile justice, and it is essential to ensure that the US is also involved.

Some of the concerns raised by the non-governmental representatives from the US are:

- UN Convention on the Rights of the Child: need to ratify
- Prosecution of children in adult courts
- Abiding by upper and lower age limits of the juvenile court
- Funding of and use of mass incarceration – penal and immigration detention
- Plea bargaining and the “disappearance of the trial”
- Resources and training for prosecutors

## Key takeaways of the session:

- There is a need to teach and train juvenile justice professionals on aspects of juvenile justice and youth development.
- There is a need to shift the focus to a preventive rather than punitive model by focusing on children at home and developing their life skills.
- There is a need to focus on culturally appropriate responses for youth from indigenous communities that come into conflict with the law.
- There is a need for more strategic funding and collaborations on juvenile justice for the three countries in the region.



# Conclusion

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This preparatory meeting, by bringing together several actors from the public and private sectors, made it possible to reflect on possible advances for North America in the field of Justice for Children. Some key recommendations include:

Effective participation for children should be a focus of justice systems and the World Congress, including through the following methods:

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<b>PARTICIPATION FOR CHILDREN</b>	Events to provide spaces of expression for youth (e.g., decriminalisation of graffiti).
	Role playing, such as applying national laws to a fact situation to see the differences.
	Video clips created by youth.
	Artistic activities or songs carrying a message.
	Including information or experiences from situations where children's rights have been violated.
	Hard data and information, including an information kit that can be distributed before the World Congress so that all may familiarize themselves in advance.
	Ability to select a thread or theme before the World Congress to be selected by the participants through the registration process.
	Articles or sessions that focus on specific themes.
	Vetting the agenda with a group of children.
	Model UN approach.
	Having child delegate activities prior to the World Congress (like children's rights camp).
	Breakout groups to encourage interaction between the government, donors, and the civil society.

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The concepts of justice should be redefined to ensure a child-friendly and non-discriminatory approach, including through the following methods:

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<b>CONCEPT OF JUSTICE</b>	Refer to the children’s voices, views, and understanding of deprivation of liberty as outlined in the UN Global Study on Children Deprived of Liberty.
<b>DEFINITION OF CRIME</b>	Improve multi-disciplinary approaches.
	Conduct a workshop or training on the clarity of judicial and legal communication centred on the parents and children.
	Utilize the “Walk a mile in their shoes” simulation that Baker Mackenzie has put together in the form of role-playing a young person through all of their frustrating institutional interactions (education, social services, etc.) and being set up to fail.
	Develop guidelines regarding the best interests of the child and special spaces for children in court.
	Reinforce the involvement of national governments in the protection of human rights and commitment to international human rights.
	Strengthen the focus on diversion and its use and use of other non-custodial alternatives.
	Release a joint statement on the 30 <sup>th</sup> anniversary of the UN CRC (Nov) by the three governments.

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A preventive model should be adopted, including through the following methods:

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<b>PREVENTIVE APPROACH</b>	Focus on prevention in a coordinated fashion, including children and the civil society.
	Strengthen the family to be able to support adolescents and youth.
	Focus on youth development programs in the community and at home to steer youth away from crime and develop their life skills.
	Focus on at-risk/vulnerable children and youth, and address root causes of criminal behavior.
	Provide specialized attention to mental health for at-risk and vulnerable youth, as well as formerly institutionalized children and youth.
	Apply a community-based approach to ensure effective reintegration, including family education, programming, and skills training for emerging adults.
	Utilise technological support for realtime data, follow-ups, and inter-institutional coordination to prevent recidivism.

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# Annex 1: World Congress Concept Note

## WORLD CONGRESS ON JUSTICE WITH CHILDREN

A one-week online event on child justice

15 to 20 November 2021

“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”

### ABOUT THE WORLD CONGRESSES ON JUSTICE WITH CHILDREN

World Congresses on Justice With Children provide dedicated and **interactive spaces for children and youth, policy makers and justice system stakeholders, academics, civil society and UN representatives**, and other experts and practitioners. They are designed to:

- **Promote fair and appropriate justice systems** for and with children worldwide.
- Provide space for professionals to **exchange best practices, foster scientific cooperation, formulate policy recommendations, and raise awareness of justice** for children.
- **Support the operational implementation of international instruments and standards** related to the rights of children and young people in conflict with the law.



The **last World Congress** took place at the UNESCO headquarters, in Paris-France (May 2018), with the theme “**Strengthening Justice Systems for children: Challenges, including disengagement from violent extremism**”.



Over 3 days, nearly 1,000 people from 100 different countries participated in 28 workshops and more than 10 plenary sessions. A key output was the Paris Declaration on the prevention of child involvement in violent extremism. See: <https://justicewithchildren.org/world-congress/>. Previous Congresses were held in Geneva (2015), co-organised by the Swiss Federal Ministry of Justice, and in Lima (2009), focusing on restorative justice for children.

The World Congresses are organised by the **Global Initiative on Justice With Children** to address the most current issues related to **children in contact and/or conflict with the law**. The **Global Initiative is led by** a consortium of international organisations, including **Terre des hommes**,



**Penal Reform International, International Association of Youth and Family Judges and Magistrates** and **International Institute for the Rights of the Child (IDE)**. The Global Initiative is articulated through a double-pronged approach:

- a Justice With Children Global Milestone through the **World Congresses on Justice With Children**
- a global community of practitioners mobilised through the [Justice With Children online platform](#)

**The next World Congress** will take place online from the 15<sup>th</sup> to 20<sup>th</sup> of **November 2021** and is hosted by the federal Mexican Supreme Court of Justice, with technical support from UNICEF, the Office of the Special Representative of the Secretary-General on Violence Against Children (OSRSG-VAC), The Office of the High Commissioner for Human Rights (OHCHR); and the United Nations Office on Drugs and Crime (UNODC). The Congress receives Pro-bono support from Baker Mackenzie and is held under the auspices of the Council of Europe. Its theme is **“Ensuring access to justice for all children: towards non-discriminatory and inclusive child justice systems”**

*“State Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child’s or his or her parent’s or legal guardian’s race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.”*

- Article 2, United Nations Convention on the Rights of the Child

### Context:

Children in contact with justice systems – as victims, witnesses, or offenders – need special care and protection. These children are amongst those who are the most vulnerable to having their rights violated. They may face deprivation of liberty that harms their physical and psychological well-being; be denied the right to legal representation and fair judicial proceedings; be separated from their parents, family, or guardians; and experience stigma from the communities that prevent their reintegration and healing. In addition, they may experience **discrimination from the justice system itself**.

Many children across the globe, in diverse contexts and settings, face multiple and intersecting forms of discrimination due to a range of factors, including ethnic and/or religious origins; disability; socio-economic status; gender, gender identity, and/or sexual orientation; migrant status; or their status as survivors of human trafficking. Discrimination typically results in social exclusion and the lack of access to services and resources.

Both the Universal Declaration of Human Rights (UDHR) and United Nations Convention on the Rights of the Child (UNCRC) identify equality and non-discrimination as fundamental principles for respecting, fulfilling, and protecting the rights of children. Non-discrimination is a common principle and foundation for almost all legal instruments, in both national and international law. However, structural discrimination, inequalities, and power dynamics act to constrain or restrain

equitable access to rights for all children. This is a daily reality for many children, who – not only excluded from basic services – are significantly more likely to be caught up in justice systems with weaker procedural safeguards, undermining the principles of equality and exposing them to a vicious cycle of social exclusion.

Discrimination also profoundly impacts children's rights to have their voices heard and their opinions listened to, particularly in matters that affect them. There is very little information about **children's perspectives or voices** in justice systems, on how they see or cope with discrimination and address it, and to what extent such discrimination impacts their ability to be treated equally with dignity and respect. Interviews with children undertaken to inform the UN Global Study on Children Deprived of Liberty revealed that children are acutely aware of discriminatory practices, with many reporting that they had faced harassment, stigmatisation, low self-esteem, and exclusion, all of which have negative consequences for the child's holistic development.

### 2021 World Congress Preparatory Meetings:

A total of 13 Preparatory meetings were held between 2019 and 2021, in person and virtually, both at the Regional level (including in North America, the Middle East and North Africa, Europe) and at the National level (including in Cambodia, China, India, Lebanon, Pakistan, Singapore, Thailand and the United States of America) to discuss and define the main topics and priorities for the 2021 World Congress. Participants demonstrated a particular interest in **the implementation of Article 2 of the UNCRC**, which focuses on the child's right to non-discrimination and equality. This will be the focus of the 2021 World Congress, which will explore the situation of children in contact with the law in the most vulnerable situations, such as children from religious and ethnic minorities, LGBTQIA+ children, girls, migrant children, children with disabilities, and all those who experience discrimination in the administration of justice.

### 2021 World Congress Main Objective:

To address this complex issue, the 2021 World Congress will focus on **exchanging practice-oriented strategies to:**

- Reduce discrimination that undermines access to – and the quality of – justice systems; and
- Ensure that all children are guaranteed equal treatment in the eyes of the law.

It will share **promising practices** from diverse contexts and settings that tackle discrimination, prevent situations that lead children and youth to commit offences, and reduce child and youth contact with the justice system. It will showcase examples of effective responses to prevent recidivism through programmes focused on restorative justice, rehabilitation, and reintegration.

The 2021 World Congress will offer a dedicated space for **policy makers and justice system stakeholders, academics, civil society and UN representatives, children and youth** and other experts and practitioners to explore these challenging issues and to enhance our knowledge of – and commitment to the creation of – fair and appropriate child justice systems globally. It will provide technical expertise to support the operational implementation of international laws and standards related to the rights of children and youth in conflict with the law.

## 2021 World Congress Agenda:

Co-organised by the federal Mexican Supreme Court of Justice, the 2021 World Congress expects thousands of experts and child delegates to participate from all across the world. Over five days, academics, policy makers, judges and magistrates, and civil society representatives will participate in and contribute to global and regional plenary sessions and action-oriented workshops consisting of panel discussions, certified trainings, and policy-oriented working group meetings.

Based on the results of the different Preparatory Meetings, the 2021 World Congress will focus mainly, but not exclusively, on the following sub-themes:

- Systemic racism and the disproportionate criminalisation of children from indigenous, ethnic, and other minority groups;
- Discrimination due to gender, sexual orientation, and gender identity: fostering a gender justice approach;
- Discrimination experienced by children and young people affected by migration, including refugees, unaccompanied foreign children, and children of foreign parents;
- Discrimination due to disability and health conditions;
- Discrimination due to substance use and abuse;
- Criminalisation of children's online behaviour;
- Age limits and status offences;
- Ensuring that the voice of the child is heard in child justice systems;
- Fulfilling children's rights in the contexts of legal pluralism;
- Building resilient child justice systems in times of crises and pandemics; and
- Tackling violence within child justice systems and ensuring child-friendly approaches for child victims, offenders, and witnesses.

Specific topics of the sessions will be defined in collaboration with the Scientific Committee and the Child and Youth Advisory Group of the World Congress. The call for abstracts was launched in the summer of 2021.

## How to Participate

For the first time, access to the Congress will be possible online, which will provide greater access to the programme for professionals who cannot travel and will facilitate greater participation of children. We hope to reach a wider audience and to allow greater participation and involvement via digital tools. A recording will also be made available.

## Partners

### Terre des hommes Foundation – Helping children worldwide



Terre des hommes Foundation (Lausanne) is the largest Swiss organisation for child relief. With delegations in over 30 countries and its expertise in the domains of health and

child protection, Terre des hommes offers practical solutions and a better future for over one million children and their mothers each year. This engagement is financed by individual and institutional support, of which more than 85% flows directly into the programs. Terre des hommes was founded in Lausanne in 1960.

### Penal Reform International



Penal Reform International (PRI) is an independent nongovernmental organisation that develops and promotes fair, effective and proportionate responses to criminal justice problems worldwide. It promotes the rights of detainees to fair and humane treatment, and campaigns for the prevention of torture and the abolition of the death penalty and works to ensure both just and appropriate responses for children and women who come into contact with the law.

### International Association of Family and Youth Judges and Magistrates



IAYFJM is a worldwide organisation, dating to before the first World War and formally established in Belgium in 1928. It is dedicated to the study and exchange of information on issues concerning children and young people in need of care and protection and/or in conflict with the law, and their families. It aims to identify, publicise and promote best practice in these fields. The languages of the Association are French, English and Spanish.

### International Institute for the Rights of the Child



The International Institute for the Rights of the Child (IDE) was created in 1995. It is a recognized training centre in children's rights for all professionals working for and with children in Switzerland and abroad. The IDE is active in numerous awareness-raising activities to promote children's rights and to enforce the Convention on the Rights of the Child. As a scientific centre, it is solicited by numerous networks of experts and institutions working for the respect of children's rights.

With technical support from:



The Special Representative of the Secretary-General on Violence Against Children is an independent global advocate in favour of the prevention and elimination of all forms of violence against children, mobilizing action and political support to achieve progress across the world. The mandate of the SRSG is anchored in the Convention on the Rights of the Child and other international human rights instruments and framed by the UN Study.



UNICEF is mandated by the United Nations General Assembly to advocate for the protection of children's rights, to help meet their basic needs and to expand their opportunities to reach their full potential. UNICEF is guided by the Convention on the Rights of the Child and strives to establish children's rights as enduring ethical principles and international standards of behaviour towards children.

UNICEF works in the world's toughest places to reach the most disadvantaged children and adolescents – and to protect the rights of every child, everywhere. Across more than more than 190 countries and territories, we do whatever it takes to help children survive, thrive and fulfil their potential, from early childhood through adolescence.

Before, during and after humanitarian emergencies, UNICEF is on the ground, bringing lifesaving help and hope to children and families. Non-political and impartial, we are never neutral when it comes to defending children's rights and safeguarding their lives and futures.

And we never give up.

unicef | for every child



The Office of the High Commissioner for Human Rights (UN Human Rights) is the **leading UN entity on human rights**. The OHCHR represents the world's commitment to the promotion and protection of the full range of human rights and freedoms set out in the [Universal Declaration of Human Rights](#).

The mission of the OHCHR is to work for the protection of all human rights for all people; to help empower people to realise their rights; and to assist those responsible for upholding such rights in ensuring that they are implemented.



The United Nations Office on Drugs and Crime (UNODC) is a global leader in the fight against illicit drugs, transnational organised crime, terrorism and corruption, and is the guardian of most of the related conventions. UNODC has the mandate to support Member States in preventing and responding to crime and violence and strengthening their justice systems, including the specific mandate to support Member States in ensuring that children are better served and

protected by justice systems. Under the framework of the Global Programme to End Violence Against Children, UNODC provides technical assistance to Member States at global, regional and country levels in the areas of crime prevention, child victims and witnesses, juvenile justice as well as children recruited and exploited by terrorist and violent extremist groups.



The Organisation for Economic Co-operation and Development (OECD) is an international organisation that works to build better policies for better lives. Its goal is to shape policies that foster prosperity, equality, opportunity and well-being for all.

Together with governments, policy makers and citizens, the OECD works on establishing evidence-based international standards and finding solutions to a range of social, economic and environmental challenges.



The Pathfinders are a group of 39 UN member states, international organizations, global partnerships, civil society and the private sector. Their work is to accelerate action to implement the SDG targets for peace, justice and inclusion (SDG16+). The Sub-group "Justice for Children, Justice for All" offers a new starting point to place children at the heart of an emerging global movement for justice.

Hosted by:



The Supreme Court of the Nation of Mexico is one of the depositary bodies of the Judicial Power of the Federation, in terms of the provisions of Article 94 of the Political Constitution of the United Mexican States and the Organic Law of the Judicial Power of the Federation.

It is the highest Constitutional Court of the country and heads the Judicial Power of the Federation. One of its responsibilities is to defend the order established by the Political Constitution of the United Mexican States; to maintain the balance between the different branches and spheres of government, through the judicial resolutions it issues; in addition to resolving, in a definitive manner, matters of importance to society.

Under the Auspices of:



The Council of Europe is the continent's leading human rights organisation. It works with its 47 member states to strengthen human rights, democracy and the rule of law throughout the continent and beyond.

It has successfully developed a rights protection system, the best-known mechanism of which is the European Court of Human Rights. The Court was established under the European Convention on Human Rights which has been ratified by all the member states of the Council of Europe.

With pro-bono support from:

**Baker  
McKenzie.**

Baker McKenzie is an international law firm present in 47 countries. Its pro-bono department aims to deliver first-class legal services to the underserved and disadvantaged by fostering an environment that encourages and promotes service and promotes and sponsors activities that provide opportunities for all Firm personnel, independently, and in partnership with clients, in order to contribute to the well-being of the communities in which they practice and live.

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Twitter: @with\_initiative

# Annex 2: North American Preparatory Meeting Programme and List of Organisers

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AGENDA Day I: Wednesday, 8 May 2019

## Pre-event for Mexican participants

*“Human rights and children’s rights in Mexico: Current trends and challenges”*

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08:00 – 09:30 **Registration of participants and welcome of authorities**

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### Welcoming words

09:30 – 10:15

- Abog. Ricardo de Jesus Avila Heredia - *President of the Supreme Court of Justice and the Judiciary Council of the Judicial Court*
  - Cédric Foussard – *Terre des hommes*
  - Lise Gagnon – *IAYMJ (Canada)*
  - Joaquín Torres – *Red Colectivo AVE (MEX)*
  - María Dolores Fritz Sierra - *General Secretary of the State of Yucatan*
- 

10:15 – 10:20 **Group photography**

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### Plenary Session: Human rights and children’s rights in Mexico: challenges and solutions

10:30 – 11:30

- Dr. Ricardo Bucio Mújica – *Executive Secretary of the Sistema Nacional de Protección de los Niños, Niñas y Adolescentes en México (SIPINNA)*
- 

11:30 – 12:00 **Coffee break**

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### Plenary Session: Defending the rights of children in conflict with the law within the judiciary system: institutional responses in Mexico

12:00 – 13:00

- Lic. Juan Martin Pérez García – *Executive Secretary of the Defense of the rights of children in Mexico Network (REDIM) and Executive Secretary of the Latin American and Caribbean Network to Defend the Rights of Children. (REDLAMYC)*
- 

13:00 – 14:00 **Lunch**

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### Plenary session: Children in conflict with the law in Mexico: trends and law reform

14:00 – 15:30

- Dr. Rubén Vasconcelos Méndez – *General Prosecutor of the State of Oaxaca*
- 

15:30 – 16:15 **Coffee break**

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**Expert debate: Fostering access to justice and diversionary measures in North America: From “day-to-day justice” practices to community-based programs**

- 16:15 – 17:30
- Moderator: MD. Santiago Altamirano Escalante – *(TSJYUC)*
  - Dr. Sofía Cobo Tellez - *Researcher in the INACIPE*
  - Dr. Rodrigo Ignacio Ortíz Eljure – *General Prosecutor of the State of Yucatan*
  - MTF Joaquín Torres – *Colectivo AVE Representative*

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**Concluding remarks**

- 17:30 – 18:00
- Cedric Foussard - *Terre Des hommes*
  - MTF Joaquín Torres - *Colectivo AVE Representative*

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**AGENDA Day II: Thursday, 9 May 2019**

*“Towards a fairer justice for children in North America”*

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08:00 – 09:00 **Registration of participants and welcome of the authorities**

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09:00 – 09:20 **Flag salute**

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**Welcoming words**

- 09:20 – 09:50
- Abog. Ricardo de Jesus Avila Heredia - *President of the Supreme Court of Justice and the Judiciary Council of the Judicial Court*
  - Cedric Foussard – *Terre des hommes*
  - Lic. Renán A. Barrera Concha - *Municipal President of Merida*

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**Inauguration**

- 09:50 – 10:00
- Lic. Mauricio Vila Dosal - *Constitutional Governor of the State of Yucatan*

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10:00 – 10:15 **Group photography and farewell of the authorities**

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**Expert Debate: Trends and evolution of justice for children in North America and around the world**

- 10:15 – 11:15
- Moderator: MD. Santiago Altamirano Escalante – *TSJYUC*
  - Global Expert: “Global Trends in Juvenile Justice and Their Impact on Child Rights?” - Diane Geraghty – *Loyola University of Chicago, USA*
- Discussants:
- Dr. Rubén Vasconcelos Méndez – *General Prosecutor of the State of Oaxaca*
  - Lise Gagnon – *Children’s Judge, AIMJF, Canada*
  - Dr. Alejandro Ramón Fuentes – *Children’s Court of Durango, Mexico*
  - Lic. Juan Martin Pérez García – *Executive Secretary of the Defense of the rights of children in Mexico Network (REDIM) and Executive Secretary of the Latin American and Caribbean Network to Defend the Rights of Children (REDLAMYC)*

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11:15 – 11:45 **Coffee break**

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### **Deprivation of liberty for children and young offenders: ending harmful practices and condition of detention**

- Moderator: Cedric Foussard – *Terre des hommes*

#### Experts:

11:45 – 13:00

- “Deprivation of liberty for children as last resort measure”: Haitham Shibli – *Deputy director – Penal Reform International – Jordan*
- “Global report on pretrial detention”: Sarahi García Martínez – *National Director – Juvenile Justice International – Mexico*
- “Pretrial detention for children: which alternatives for Mexico?”: Pamela Velázquez Zambrano – *Lead Investigator – Observatory – Instituto de Justicia Procesal Penal - Mexico*

Exchange with the room

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13:00 – 14:30

### **Lunch**

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### **Expert debate: Alternatives measures to deprivation of liberty for vulnerable groups, including children with mental health issues**

- Moderator: MTF Joaquín Torres – *Red Colectivo AVE*

#### Experts:

14:30 – 15:30

- “Street children and situation of extreme vulnerability”: Daniel Urdiain – *Lawyer – Baker & McKenzie*
- “Mental health programs for children in contact with the law”: Dr. Jorge Carlos Hevia Orozco – *Neurosciences of conduct. Escuela de Carácter AC*

#### Discussants:

- Elizabeth Clarke – *Juvenile Justice Initiative (USA)*
  - Zayuri Valle – *Sinergia Yucatan*
- 

15:30 – 16:00

### **Coffee break**

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### **Innovative justice for children: How can we improve our systems to facilitate reintegration as well as social and professional inclusion?**

- Moderator: MTF Joaquín Torres – *Red Colectivo AVE*

#### Experts:

16:00 – 17:00

- “Child-friendly justice: promote reforms and improve systems”: Tom Geraghty – *Law Teacher – North Western University – Chicago – USA*
- “Addressing Issues in Canadian Youth Justice”: Jessica McClay - *Youth Justice and Strategic Initiatives Section - Justice Canada*
- “Social and working reintegration of children in conflict with the law”: Mtro. Víctor Roa Muñoz - *Colectivo AVE*
- Dr. Jorge Carlos Hevia Orozco – *Neurosciences of conduct. Escuela de Carácter AC*

#### Discussants:

- Mtra. María Jesús Ocaña Dorantes – *Red Colectivo AVE*
  - MD. Santiago Altamirano Escalante – *(TSJYUC)*
- 

17:00 – 17:30

### **Closing Ceremony**

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- Cedric Foussard – *Terre des hommes*
  - Lise Gagnon – *Children judge, AIMJF, Canada*
  - Haitham Shibli – *Penal Reform International, Jordan*
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## AGENDA Day III: Friday, 10 May 2019

### North American Working Group on Justice for Children

Preparatory regional meeting for the World Congress on Justice With Children

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#### Welcome Addresses and objectives of the day

- 09:00 – 09:15
- Cedric Foussard – *Terre des hommes*
  - Elizabeth Clarke – *Juvenile Justice Initiative (USA)*
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#### Defining North American Working Group on Justice for Children development and presenting history of activities

- 09:15 – 09:45
- Purpose, past and future convenings, Policy Papers (Last Resort; Restorative Justice; and Solitary Confinement)
- Cedric Foussard – *Terre des hommes*
  - Elizabeth Clarke – *Juvenile Justice Initiative (USA)*
- 

#### Tour de table: participants' priorities and activities

- 09:45 – 11:00
- Moderator: Diane Geraghty – *Loyola University of Chicago, USA*
- Group work 20mn and then each country present during 15mn.
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#### 11:00 – 11:30 Coffee break

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#### Defining North American working group joint actions in the context of global events - the preparation for the next World Congress

- 11:30 – 12:30
- Overview of World Congress: Cedric Foussard
  - Anticipated release of the UN Global Study on Children Deprived of Liberty: Betsy Clarke
  - 30th Anniversary of the UN CRC on 20 Nov. 2019: Diane Geraghty
- Exchange with the Room
- 

#### 12:30 – 13:30 Lunch

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#### Exchange with room on regional priorities and activities

- 13:30 – 15:00
- Moderators: Cedric Foussard - Diane Geraghty – Angela Vigil
  - Focus of North American Working Group
  - Preparation for next World Congress
  - Joint research & policy papers
  - Joint convenings
  - Joint activities of advocacy
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#### 15:00 – 15:30 Coffee break

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#### 15:30 – 16:30 Conclusions (Each nation presents)

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## Organisers

### Fundación Terre des hommes – Ayuda a la infancia (TDH)



**Terre des hommes**  
Helping children worldwide.

Terre des hommes Foundation (Tdh) is the largest Swiss organisation for child relief. With delegations in over 30 countries and its expertise in the domains of health and child protection, Tdh offers practical solutions and a better future for over one million children and their mothers each year. This engagement is financed by individual and institutional support, of which more than 85% flows directly into the programs. Tdh was founded in Lausanne in 1960.

#### Main contact

- Cedric Foussard, Advocacy and Global Learning Advisor

### COLECTIVO AVE (Adolescentes con Vulnerabilidad Extrema)



Collective of Organized Civil Society in favor of Adolescents in Extreme Vulnerability. Children in Mexico suffer a vast range of situations where their rights are not safeguarded, consequently they are facing difficulties within their personal, family, and social development. Many of these children are suffering extreme vulnerabilities and need to be heard as well as supported in search of their personal well-being. La Red Colectivo Ave aims from December 2015 when the initiative presented itself:

- Promote and defend Children Rights,
- Advocate for child friendly Public Policies,
- Develop programs for the prevention of addictive and violent behavior, as well as conflict with the law.
- Lead programs of Treatment, Social-Cultural-Professional Reintegration, and Restorative approaches.

#### Main contact

- MTF Joaquín M. Torres Aburto. (Escuela de Carácter AC)
- Mtra. María Jesús Ocaña Dorantes. (Casa Crisal AC Project)
- Mtro. Víctor R. Roa Muñoz (Youth Integration Centers AC)

### Juvenile Justice Initiative, USA



The Juvenile Justice Initiative was launched in 2000 as a collaborative of the Woods Fund of Chicago along with the John D. and Catherine T. MacArthur Foundation, during the tenure of President Barack Obama on the Woods Fund Board.

JJI is a non-profit, non-partisan, inclusive statewide advocacy organisation that establishes broad-based collaborations to achieve concrete improvements and lasting changes for youth in the justice system, consistent with the JJI mission statement – to transform the juvenile justice system in Illinois by reducing reliance on confinement, enhancing fairness for all youth, and developing a comprehensive continuum of community-based resources throughout the state. JJI’s statewide approach to systemic reform for youth in the justice system begins with research and analysis, following a circular path linking policy development, policy education, network and coalition building, policy advocacy and policy evaluation and implementation assistance.

### Main contact

- Elizabeth Clarke, President, Juvenile Justice Initiative

### Penal Reform International



Penal Reform International (PRI) is an independent non-governmental organisation that develops and promotes fair, effective, and proportionate responses to criminal justice problems worldwide. It promotes the rights of detainees to fair and humane treatment, and campaigns for the prevention of torture and the abolition of the death penalty and works to ensure both just and appropriate responses for children and women who come into contact with the law.

### International Association of Family and Youth Judges and Magistrates



IAYFJM is a worldwide organisation, dating to before the first World War and formally established in Belgium in 1928. It is dedicated to the study and exchange of information on issues concerning children and young people in need of care and protection and/or in conflict with the law, and their families. It aims to identify, publicize and promote best practice in these fields. The languages of the Association are French, English and Spanish.

## Co-organisers



## Special thanks to collaborators

- Marie Dupret
- Dr. Jorge Carlos Hevia Orozco
- Romain Schnitzler

# Annex 3: Press articles

18 La Ciudad POR ESTO! Mérida, Yucatán, miércoles 8 de mayo del 2019

## Mañana inicia Congreso Mundial sobre Justicia para Niños, Niñas y Adolescentes



Representantes de organizaciones internacionales y nacionales que participarán en la Reunión Regional Preparatoria para el Congreso Mundial sobre la Justicia para Niños, Niñas y Adolescentes, titulada "Hacia un sistema de justicia para la niñez más justo en América del Norte", se reunieron ayer con el presidente del Tribunal Superior de Justicia de Yucatán, Magistrado Ricardo Avila Heredia, para afinar detalles en torno a este importante evento internacional, que inicia el día de mañana.

Participaron los representantes de la organización Terre des hommes, Cedric Fussard, y de la Red Colectivo AVE (MEX), Joaquín Torres, las cuales junto con Juvenil Justice Initiative (Iniciativa de Justicia Juvenil), forman el Grupo de Trabajo sobre Justicia para los Niños de América del Norte, organizador de esta iniciativa, con el apoyo de otras asociaciones como Penal Reform International y la Asociación Internacional de Jueces y Magistrados, de la Juventud y la Familia. En la reunión también estuvo presente el magistrado presidente de la sala unitaria especializada en justicia para adolescentes, Santiago Altamirano Escalante.

El Congreso, que se realizará los días 8 y 9 de mayo del presente en la sede del Tribunal Superior de Justicia del Estado, es una continuación del Congreso Mundial 2018 y reúne a expertos de Canadá, México y Estados Unidos.

De acuerdo con Cedric Fussard, el evento "traerá una visión regional de las tendencias y evoluciones recientes en la justicia para niños, niñas y adolescentes en América del Norte, así como un enfoque especial sobre las medidas alternativas a la privación de libertad para grupos específicos como los niños, niñas y adolescentes con discapacidades, así como la supervisión de las mismas".

Asimismo, dijo, la conferencia estudiará las condiciones de detención de los niños, niñas y adolescentes en América del Norte y cómo prevenir las prácticas nocivas como el confinamiento solitario. Por último, se abordará el tema de servicios y programas disponibles para los adolescentes después del cumplimiento de sus medidas.

El día de mañana miércoles 8 de mayo, las actividades inician a las 10:00 horas y concluyen a las 18:00 horas, y se desarrollarán en el auditorio "Victor Manuel Cervera Pacheco" de la sede del Tribunal Superior de Justicia del Estado de Yucatán, ubicado en avenida Jacinto Canek s/n por calle 90 de la colonia Inalámbrica de esta ciudad de Mérida, mientras el jueves 9 inician a las 9:00 horas con la declaratoria inaugural y concluyen a las 17:00 horas con la ceremonia de clausura. Este día, en la declaratoria inaugural se prevé la presencia del Gobernador del Estado Mauricio Villeda.

El magistrado Ricardo Avila Heredia, presidente del TSJY, junto a los representantes de organizaciones internacionales y nacionales, con quienes afinó detalles para el Congreso Mundial sobre Justicia para Niños.

Las acciones conjuntas que promuevan una justicia más justa para la niñez de la región, a través del fomento a la cooperación entre los profesionales de las tres naciones

llar acciones coordinadas, intercambiar buenas prácticas, cooperar con la investigación científica, formular recomendaciones específicas y sensibilizar sobre la

blación.

Junto con las asociaciones ya mencionadas, también colaboran Defense for Children International y Child Right International

8 JUEVES 9 DE MAYO DE 2019 Diario de Yucatán LOCAL

## SUCESOS DE POLICÍA

# Discuten sobre niños y jóvenes



Se celebra reunión de reeducación por delitos del sector

Respeto a los derechos humanos y principios de protección de la niñez, educación positiva y participación de la sociedad y la familia, por un lado, y reeducación a niños y jóvenes que cometen delitos, por otro, son algunos de los temas que se pusieron de relevancia en la Reunión Regional Preparatoria de América del Norte que se desarrolla desde el miércoles 8 de mayo en la sede del Poder Judicial del Estado de Yucatán y que forma parte de una serie de congresos en diversas regiones del mundo que se encaminan al Congreso Mundial sobre Justicia

para niños, niñas y adolescentes a realizarse en 2021.

En la inauguración de este evento, autoridades locales y representantes de organismos nacionales e internacionales reafirmaron el compromiso de alcanzar los objetivos que el mundo y el país se han propuesto para dar un viraje en la reeducación de jóvenes que se ven involucrados en el crimen, acorde con el sistema garantista que se enfoca en medidas para que estos niños y jóvenes tengan alternativas para volver a la sociedad, en contraposición a los paradigmas anteriores que sólo buscaban su internamiento.

En la ceremonia que dio inicio a este evento, el presidente del Tribunal Superior de Justicia y del Consejo de la Judicatura, Ricardo Avila Heredia, dio la bienvenida a los congresistas y expuso que el foro no sólo constituye un repaso a la problemática nacional, sino que nos brinda la oportunidad de ampliar la capacitación del personal operativo del sistema de justicia para adolescentes y una oportunidad más para reconocer a las organizaciones privadas y entidades públicas que lo promueven.

En su oportunidad, al dictar la conferencia magistral "Derechos Humanos y de la Niñez en México: desafíos y soluciones", la coordinadora de investigación y estudios del Secretariado Ejecutivo del Sistema Nacional de Protección Integral de Niños, Niñas y Adolescentes en México (Sipinna) Patricia Colchero Aragón, se refirió a la ley nacional del sistema del sistema integral de justicia penal para adolescentes publicada por el Estado Mexicano en 2016.

Señaló que en 1990 México ratificó la Convención de los Derechos del Niño y 10 años después se creó la ley para la protección de niñas, niños y adolescentes y en 2014 la ley general que es la vigente actualmente, de acuerdo con un comunicado.

Patricia Colchero detalló los principios que rigen las políticas públicas relativas a los niños, niñas y adolescentes como son el derecho a participación, la corresponsabilidad de los miembros de la familia y las autoridades en cualquier cuestión que les concierne para proteger y garantizar sus derechos.

Repasó algunos de los derechos de este grupo de la población, entre ellos los de prioridad, a ser atendidos antes de cualquier adulto, derecho a la identidad, a vivir en familia, a vivir en condiciones de bienestar y salud, desarrollo integral, acceso a educación integral de calidad, a ser orientados y guiados en el ejercicio de sus derechos, los cuales deben ser garantizados por todas las autoridades de los tres órdenes de gobierno y de los tres poderes.

Los sujetos obligados al respeto de los niños y su protección incluyen a la familia, la comunidad y las autoridades.

Encabezado por el presidente del Tribunal Superior de Justicia, Ricardo Avila Heredia, los participantes de la Reunión Regional Preparatoria de América del Norte en la sede del Poder Judicial del Estado de Yucatán



POR UN SISTEMA MÁS JUSTO

## Garantizar los derechos infantiles, gran desafío

En la Reunión Regional Preparatoria de América del Norte, experta señala que hay 40 millones de niños, niñas y jóvenes en México y que más de la mitad vive en pobreza extrema

Texto: Manuel Pool Moguel  
Fotos: Agencia

UN GRAN desafío representa garantizar los derechos de los 40 millones de niños, niñas y adolescentes que viven en México, ya que de acuerdo a datos del Consejo Nacional de Evaluación de la Política de Desarrollo Social (Coneval), de entrada, más de la mitad de la población que se encuentra en esta etapa vive en la pobreza extrema, lo que implica que se incrementa el abandono escolar y el trabajo temprano.

Más de 700 mil niños con edades de entre los 5 a los 17 años trabajan en el campo, y dos millones se ocupan en ocupaciones no permitidas por la edad o por el riesgo de la actividad —dijo la representante del Sistema Integral de Protección para Niños, Niñas y Adolescentes (Sipinna), Patricia Colchero Aragonés, quien participa en una reunión preparatoria con vistas a la celebración de un Congreso Mundial que busca poner las bases para un sistema de justicia más justo para la niñez en América del Norte.

Se espera que, al finalizar esta reunión, se cuente con una visión regional de las tendencias y evoluciones recientes en la justicia para niños, niñas y adolescentes en América del Norte, así como un enfoque especial sobre las medidas alternativas a la privación de libertad para grupos específicos como los niños, niñas y adolescentes con discapacidades, así como la supervisión de las mismas.

En su intervención ayer en las instalaciones del Tribunal Superior de Justicia, Colchero Aragonés, detalló que el abandono escolar aumentó en 9 décimas porcentuales en los últimos tres ciclos escolares, mientras que en materia de embarazo adolescente la situación es muy compleja, ya que del total de los nacimien-

tos que se registran en el país, en el nueve por ciento de los casos, la madre cuenta con una edad que fluctúa entre los 9 y 17 años de edad, lo que da como resultado un alto porcentaje de muertes maternas e infantiles.

—De acuerdo a datos de la OCDE, México es el primer país en matrimonio infantil, entre los países miembros de esta organización —subrayó.

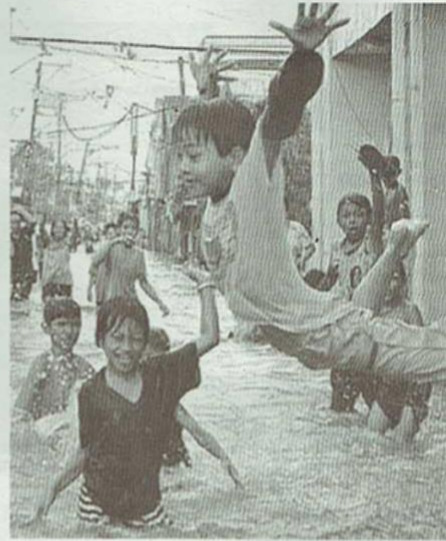
En materia de salud, la ponente, destacó que, con base en cifras del 2012, en el país 24 mil niños murieron en el primer año de vida, además de que un millón y medio de niños menores a los cinco años presentaron desnutrición crónica. En este contexto dijo que 24 millones de niños, niñas y adolescentes no cuentan con seguridad social.

Recordó que la legislación en la materia fija el principio de garantizar el respeto de los derechos de los niños, niñas y adolescentes, lo que debe guiar el diseño, seguimiento y evaluación de las políticas públicas, que siempre deben buscar el interés superior de la niñez, dijo Colchero Aragonés, quien explicó que hay que tener presente que en nuestro país, el 63 por ciento de los niños y niñas fueron sometidos a alguna forma de castigo psicológico o físico por algún miembro adulto del hogar.

El Congreso, que concluye hoy en la sede del Tribunal Superior de Justicia del Estado, es una continuación del Congreso Mundial 2018 y reúne a expertos de Canadá, México y Estados Unidos para desarrollar iniciativas conjuntas que promuevan una justicia para la niñez de la región, a través del fomento a la cooperación entre los profesionales de las tres naciones de América del Norte y “desarrollar acciones coordinadas, intercambiar buenas prácticas, cooperar

PARA ENTENDER MÁS

SE ESPERA QUE, AL FINALIZAR ESTA REUNIÓN, SE CUENTE CON UNA VISIÓN REGIONAL DE LAS TENDENCIAS Y EVOLUCIONES RECIENTES EN LA JUSTICIA PARA NIÑOS Y NIÑAS



con la investigación científica, formular recomendaciones específicas y sensibilizar sobre la justicia” para este grupo de la población.

Participan los representantes de la organización Terre des hommes, Cédric Fussard y de la Red Colectivo AVE (MEX), Joaquín Torres, las cuales junto con Juvenil Justice Initiative (Iniciativa de Justicia Juvenil) forman

el Grupo de Trabajo sobre Justicia para los Niños de América del Norte, organizador de esta iniciativa, con el apoyo de otras asociaciones como Penal Reform International y la Asociación Internacional de Jueces y Magistrados de la Juventud y la Familia. También colaboran Defense for Children International y Child Right International Network.



EL CONGRESO, que concluye hoy en la sede del Tribunal Superior de Justicia del Estado, es una continuación del Congreso Mundial 2018 y reúne a expertos de Canadá, México y Estados Unidos para desarrollar iniciativas conjuntas que promuevan justicia para la niñez.

# Polici a

OPERATIVOS

**Decomiso en dos firmas de paqueter a**

Luis Fuente/M rida

En dos operativos, elementos de la Polici a Federal decomisaron cargamentos en empresas de mensajer a en el aeropuerto de M rida, que permiti o el aseguramiento de m s de 40 kilos en polvo, 45 mil tabletas y cerca de nueve mil c psulas de suplementos alimenticios de dudosa procedencia, ya que carecien de los de los permisos de Cofepris.

Sobre las intervenciones, que se efectuaron en empresas de paqueter a en el aeropuerto de M rida, la Polici a Federal inform  que en la primera revisi n, en el  rea de carga y descarga de paqueter a aseguraron seis cajas de cart n con m s de 40 kilogramos de polvo, tres mil 400 tabletas y ocho mil 424 c psulas de suplemento alimenticio sin la documentaci n que acreditara su legal procedencia o permiso ante la Cofepris.

En la segunda acci n, al realizar inspecci n en los hangares de paqueter a del Aeropuerto de M rida, la Divisi n de Seguridad Regional de la PF asegur  cinco cajas de cart n que contenian m s de 44 mil tabletas y mil 200 c psulas de medicamento controlado seg n la Ley General de Salud, el cual no contaba

IMPULSO A LA LEGISLACI N Y LA INVESTIGACI N CIENT FICA

## Enfrenta nuevos retos la justicia para adolescentes

*Especialistas apuestan por un cambio en la reeducaci n de los j venes para que encuentren opciones de vuelta a la sociedad*

Daniel Sandoval



Especialista en justicia para adolescentes, durante la reuni n regional preparatoria para el congreso.

Luis Fuente/M rida

"El combate a la delincuencia juvenil es un tema global, de modo que este tipo de reuniones regionales aportan ideas que se pueden convertir en propuestas y reformas para la reinserci n del adolescente a la sociedad, en lugar de dejarlo en prisi n y al salir sea un delincuente m s", se al  Cedric Fussard, representante de la organizaci n Terre des Hommes y uno

evento de trabajo internacional sobre justicia para adolescentes, que inici  ayer en el Poder Judicial del Estado. Funcionarios y expertos de Estados Unidos, Canad  y M xico comenzaron ayer el an lisis de las ponencias, cuyo objetivo es llegar a un mejor sistema de justicia para la ni ez en Am rica del Norte, que ser n presentadas en el Congreso Mundial sobre el tema, que se realizar  en 2022.

**"El infractor debe entender el alcance de sus acciones y debe recomponer el camino"**

el avance en la erradicaci n de la delincuencia no es la misma en todos los pa ses, de modo que este tipo de eventos permite tomar lo mejor de lo que ha hecho

objetivo. "Se puede mejorar legislaci n, la investigaci n cient fica", abund .

Otro de los organizadores y representante del colectivo AVE, Joaqu n Torres, coincidi  en que la c rcel no es remedio para el combate a delincuencia juvenil, y privilegi  campa as y programas para lograr la reinserci n del adolescente en conflicto con la ley.

"Hay que hacer entender al infractor el alcance de sus acciones y que debe recomponer el camino, al ofendido convencerlo que la mejor opci n es justicia restaurativa y no punitiva", asegur .

En la inauguraci n de este evento, autoridades locales y representantes de organismos nacionales e internacionales refrendaron compromiso de alcanzar los objetivos que el mundo y pa s se han propuesto para dar un viraje en la reeducaci n de j venes que se ven involucrados en el crimen acorde con el sistema garantista, que se enfoca en medidas para que estos ni os j venes tengan alternativas para volver a la sociedad, en contraposici n con los paradigmas anteriores, que se

Jueves 9 de Mayo de 2019

**De Peso**

Alerta Roja | 13

## En busca de una mejor justicia juvenil

**"E**l combate a la delincuencia juvenil es tema global, de modo que este tipo de reuniones regionales aportan ideas que se pueden convertir en propuestas y reformas para la reinserci n del adolescente a la sociedad, en lugar de dejarlo en prisi n y al salir se convierta en un delincuente m s", expres  el representante de la asociaci n Terre des Hommes, Cedric Fussard, y uno de los organizadores de este evento de trabajo internacional sobre justicia para adolescentes que inici  ayer en Poder Judicial del Estado.

Funcionarios y expertos de Estados Unidos, Canad  y M xico iniciaron ayer el an lisis de las ponencias que tienen por objetivo llegar a un sistema de justicia para la ni ez m s justa en Am rica del Norte, que ser n presentadas en el Congreso Mundial sobre el tema que se realizar  en 2022.

Cedric Fussard se al  que el avance en la erradicaci n de la delincuencia no es el mismo tiempo en todos los pa ses, de modo que este tipo de eventos permiten tomar lo mejor de lo que ha hecho cada uno para llegar a su objetivo. "Se puede mejorar la legislaci n, la investigaci n cient fica", abund .

Otro de los organizadores y representante del colectivo AVE, Joaqu n Torres, coincidi  en que la c rcel no es el remedio para el combate



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y programas para lograr la reinserci n del adolescente en conflicto con la ley.

"Hay que hacer entender al infractor el alcance de sus acciones y que debe recomponer el camino, y al ofendido convencerlo de que la mejor opci n es la justicia restaurativa y no la punitiva. En la inauguraci n de este evento, autoridades locales y representantes de organismos nacionales e internacionales refrendaron el compromiso de alcanzar los objetivos que el mundo y el pa s se han propuesto para dar un viraje en la reeducaci n de j venes que se ven involucrados en el crimen, acorde con el sistema

estos ni os y j venes tengan alternativas para volver a la sociedad, en contraposici n a los paradigmas anteriores que s lo buscaban su internamiento.

El presidente del Tribunal Superior de Justicia, Ricardo Avila Heredia, di  la bienvenida a los congresistas y expuso que el foro no s lo constituye un repaso a la problem tica nacional, sino que nos brinda la oportunidad de ampliar la capacitaci n del personal operativo del sistema de justicia para adolescentes y una oportunidad m s para reconocer a las organizaciones privadas y entidades p blicas que lo

En su oportunidad, al dictar la conferencia magistral "Derechos Humanos y de la Ni ez en M xico: desaf os y soluciones", la coordinadora de Investigaci n y Estudios del Secretariado Ejecutivo del Sistema Nacional de Protecci n Integral de Ni os, Ni as y Adolescentes en M xico (SIPINNA), Patricia Colchero Aragon s, se refiri  a la ley nacional del sistema del sistema integral de justicia penal para adolescentes publicada por el Estado Mexicano en 2016.

Se al  que en 1990 M xico ratific  la Convenci n de los Derechos del Ni o y diez a os despu s se cre  la ley para la protecci n de ni as, ni os y adolescentes, y en 2014 la ley general que es la vigente actualmente.

Detall  los principios que rigen las pol ticas p blicas relativas a los ni os, ni as y adolescentes como son el derecho de participaci n, la corresponsabilidad de los miembros de la familia y las autoridades en cualquier cuesti n que les concierna para proteger y garantizar sus derechos. Repas  algunos de los derechos de este grupo de la poblaci n, entre ellos los de prioridad, a ser atendidos antes de cualquier adulto, derecho a la identidad, derecho a vivir en familia, a vivir en condiciones de bienestar y salud, desarrollo integral, acceso a educaci n integral de calidad, a ser orientados y guiados en el ejercicio de sus derechos, los cuales deben ser garantizados por todas autoridades de los

# Demandan mayor justicia para la niñez del continente

María Dolores Fritz Sierra, Secretaria General de Gobierno, dijo ayer que sin duda fomentará la cooperación entre Canadá, Estados Unidos y México, tendrá como resultado una mayor justicia para la niñez en América del Norte.

Luego de dar a la bienvenida a nombre del Gobernador del Estado y el suyo propio a los asistentes nacionales y extranjeros a la Reunión Regional Preparatoria para el Congreso Mundial sobre la Justicia para Niños, Niñas y Adolescentes, agregó:

«Desde el origen de la humanidad los niños y las niñas han sido y son la esperanza de la especie. La niñez se identifica con la inocencia, con la alegría y con el aprendizaje del arte de vivir, para lo que se requiere de la atención y los cuidados necesarios a fin de que sus cualidades maduren en un ambiente de paz y respeto, y cuando esto ocurre, los retos que el ejercicio de la libertad supone durante la adolescencia, son más fácilmente afrontados y superados con éxito.

Sin embargo, es una triste pero innegable realidad la vivencia cotidiana de casos en los que los niños y niñas, lejos de vivir en condiciones de protección de sus derechos, sufren de violencia y abandono extremos, sin respeto alguno a su dignidad, a grado tal que se dificulta o impide su sano desarrollo personal, su sano desarrollo familiar, y su sano desarrollo social.

Estas deplorables situaciones, en particular tratándose de niños, niñas y adolescentes, no pocas veces les impulsan a adoptar conductas que entran en conflictos con las leyes y los enfrentan a la justicia.

¿Entonces qué hacer? Porque la comunidad se ve doblemente lastimada, primero por la agresión y el rompimiento de la paz social, que conlleva a los ilícitos cometidos, y después por el dolor que implica la situación del propio infante, que debiendo ser esperanza puede malograrse para



La Secretaria General del Gobierno, María Dolores Fritz Sierra, manifestó que la protección de los derechos de la infancia es una prioridad, en el marco del Congreso mundial sobre justicia para niños y niñas y adolescentes. (Oscar Suaste)

perjuicio no sólo de él mismo, sino de toda la sociedad.

Por esa razón es interés de la sociedad en su conjunto encontrar formas de rescatar y reencarzar el enorme valor que esa persona tiene y lo que puede aportar para el bien común, lo que no se logra simplemente con acciones punitivas. Sin embargo, aún siendo detectables las causas del problema que nos ocupa, la aplicación de las medidas de prevención muchas veces es lenta, es más lenta que la dinámica de las consecuencias, lo que obliga a poner especial interés en las prácticas más recomendadas para restaurar daños y restaurar vidas, buscando guardar el equilibrio entre el interés individual de los involucrados, y el interés colectivo.

## Prioridad

La Secretaria General de Gobierno manifestó también a todas las personas reunidas en el auditorio del TSJ que en la presente administración que encabeza Mauricio Vila Dosal, la protección de los derechos de la infancia es una prioridad, y así trabajan en las políticas públicas con los objetivos de desarrollo sostenible de la agenda 2030 de la Organización de las Naciones Unidas, con el propósito de promover una sociedad pacífica, sostenible e inclusiva.

También señaló: «Es un gran reto, sin duda, pero también es muy alentador el hecho de que se reúnan organismos no gubernamentales con

instituciones del Estado, sobre todo los órganos encargados de la impartición de la justicia, con diversas visiones pero con unidad de propósitos. ¿Y para qué? Para lograr condiciones para nuestros niños, niñas y adolescentes, en especial, muy en especial, para los más vulnerables entre ellos. Son ustedes, este grupo, así como otros grupos que en diferentes latitudes trabajan para los mismos fines, un ejemplo vivo y encomiable de responsabilidad social y trabajo comunitario.

## La paz reside en la buena voluntad

Finalmente, María Fritz Sierra les dijo:

«Permitanme por ello compar-tirles una frase de San Agustín

que dice: La paz reside en la buena voluntad, y sin lugar a duda, la buena voluntad que todos ustedes demuestran, tendrá como resultado que sus trabajos abonarán en gran medida al mejoramiento en la justicia, en la seguridad y en la paz para los niños y jóvenes de todo el mundo. Enhorabuena y muchísimas gracias.

## Benepíacito del TSJ

Por su parte, al dar la bienvenida al recinto del Poder Judicial del Estado a los asistentes a este evento, el abogado Ricardo de Jesús Ávila Heredia, presidente del Tribunal Superior de Justicia y del Consejo de la Judicatura, expuso lo siguiente:

«Quiero recalcar que los plenos del TSJ y del Consejo de la Judicatura que son los máximos órganos de gobierno del Poder Judicial, por mi conducto expresan a todos ustedes nuestro benepíacito por la celebración de este congreso denominado "Hacia un sistema de justicia para niños, niñas y adolescentes más justo en América del Norte".

Yucatán hoy orgullosamente les recibe y les da la bienvenida a nuestros visitantes extranjeros y a los nacionales. Nuestro estado se enorgullece de recibir este congreso gracias al trabajo de organizaciones públicas y privadas, pues traerá una visión regional de las tendencias y evoluciones recientes de la justicia para niños, niñas y adolescentes en América del Norte.

De igual forma nos presentará una perspectiva especial sobre las medidas alternativas a la privación de libertad para grupos específicos como niñas, niños y adolescentes con discapacidades, así como la supervisión de estas. Y también será tratado el tema de servicios y programas para adolescentes después del cumplimiento de sus respectivas medidas. Queda visible que durante este día se abordará un abanico de temas sumamente interesantes



El abogado Ricardo de Jesús Ávila Heredia, presidente del TJS y del Consejo de la Judicatura, recalzó: Yucatán hoy orgullosamente les recibe y les da la bienvenida a nuestros visitantes extranjeros y a los nacionales a este congreso denominado "Hacia un sistema de justicia para niños, niñas y adolescentes más justo en América del Norte".

## Annex 4: Photos of the event



