

# 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 MIDDLE EAST AND NORTH AFRICA (MENA)**

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# SUMMARY REPORT OF THE DISCUSSIONS

28 March 2021

14.00 – 16.00, Jordan time

Virtual – Zoom

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The **Middle East and North Africa (MENA) Preparatory Meeting** was co-organized by Terre des hommes, UNICEF, and Penal Reform International, with the collaboration of the International Association for Youth and Family Judges and Magistrates (AIMJF), the International Institute for the Rights of the Child, Baker McKenzie, and the Office of the UN Special Representative of the Secretary-General on Violence Against Children. The meeting was held on 28 March 2021 in preparation for the **2021 World Congress on Justice With Children**. This event is part of a series of meetings that are taking place at the regional and national levels to define key challenges and advocacy priorities in justice for children, 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 almost 150 participants from more than 10 different countries of the region. The meeting's **main objectives** were to:

- Establish thematic priorities and trends in child justice in the MENA region towards the next 2021 World Congress.
- Formulate regional action-oriented recommendations for the next World Congress.
- Gather policy makers, academics, and civil society representatives, with relevant work and influence in Child Justice, to identify key areas of interest.
- Explore appetite among regional participants in the virtual event to prepare a regional policy paper to be presented in the MENA region and in the multi-regional sessions in the World Congress in November 2021.

The pandemic has shed some light on the status of children in conflict with the law in the MENA region, including the need for enhancing measures that use diversion and other measures of reducing dependence on deprivation of liberty. The virtual meeting provided a unique opportunity to define key challenges, trends, and advocacy priorities in child justice.

# Introduction

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**Cédric Foussard**, *Advocacy and Global Learning Advisor from Terre des hommes Foundation*, launched the meeting by stating that this is the twelfth preparatory meeting within the framework of the World Congress on Justice With Children. The last World Congress took place at the UNESCO headquarters in Paris, France (May 2018), with the thematic focus on “*Strengthening Justice Systems for children: Challenges, including disengagement from violent extremism.*” For the 2021 World Congress, several preparatory meetings have already been held throughout the world and in most continents. He also provided general information about the upcoming World Congress, with the title **"Ensuring Access to justice for all children: towards non-discriminatory and inclusive child justice systems"**. The issues that the upcoming Congress will focus on fall under the category of non-discrimination, such as: **discrimination due to gender; discrimination due to minority background; and discrimination due to health issues, mental health, and drug consumption.**

**Jezerca Tigani**, *Head of MENA, Terre des hommes Foundation*, added that the meeting will provide incredible insights to the next World Congress that will take place in November and that the meeting will be focused on **strengthening justice for children and with children**. Indeed, children’s active participation and direct involvement is a pivotal element to increase and ensure access to justice.



# Regional Efforts in MENA towards Justice with Children

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**Dr. Najat Maalla M'jid**, *UN Special Representative of the Secretary-General on Violence Against Children*, pointed out that because of COVID-19, **child justice institutions are struggling to ensure proper access to justice for children**. COVID-19 has been having short, medium, and long-term effects on children and their rights, predominantly for the most vulnerable children who are seeking refuge and are imprisoned or away from their parents. **The pandemic highlighted the necessity to strengthen the child justice system** in order to ensure the maximum protection and well-being of children in conflict and contact with the law.

In light of the COVID-19 pandemic, it has become more arduous for NGOs to both educate people on violence against children and to recruit the right people to tackle this issue. Given these obstacles, **the MENA region has taken the initiative to work with NGOs to release children from prison**. One of the future reform plans are to create courts that are designed and configured to cater towards children who were victims of violence, in order to increase efficiency in the judicial system, as well as to initiate training programs and solidarity services.

However, **several actions shall be carried out in order to create a more child-friendly justice system**. For example, promote child-friendly court procedures, raise the minimum age of criminal responsibility, promote alternative to detention programs and projects, develop programs of aftercare and reintegration, and train social workers and actors involved.

Because of the pandemic context, **virtual courts have been established and are attempting to train and educate judges and justice practitioners through courses regarding the child justice system**. It is crucial to build initiatives, whether it be a virtual court or not, that are appropriate, accessible, and able to support children at any point in time and place.

The socioeconomic effect of the COVID-19 pandemic has both illuminated and exacerbated current social inequities and violence against children. **It is necessary to restart and develop programs that promote diversionary measures**. Through building child-friendly institutions, children can vocalize what legal assistance and actions they require from non-profit organizations with respect to their physical safety and emotional well-being. **It is necessary to put at the centre of our actions the best interests of the child and listen to them and learn from their needs and interests**.

**Mr. Akram Al-khateeb**, *Attorney General of the State of Palestine*, highlighted that in Palestine, multiple children are at risk of violence due to the deteriorated social and economic levels of the state. It is important to protect children in Palestine against violence, particularly given the shock of the COVID-19 pandemic. **The acknowledgment of violence against children by Arab organizations and nations is the first step to enhance children's rights against violence**. That is why Palestine is working alongside governmental organizations and reform centres, which are in the best interests of the children, in order to encourage community participation, and more

chiefly to construct a protection service for juveniles under article 20(4) of the Juvenile Protection Act 2016.

**The MENA region is attempting to formulate the best solutions to tackle violence against children and cater responses towards marginalized groups.** One way to tackle this issue is to provide the countries with guidelines and/or a legal framework regarding children's rights derived from the Universal Declaration of Human Rights. Given that violence against children is a convoluted issue, involvement and cooperation from a varied array of MENA actors is essential to enhance the current system in place.

**Amina Oufroukhi**, *Judge in the Moroccan Ministry of Justice's Directorate of Criminal Affairs and Pardons, responsible for women's and children's issues*, underscored the importance of Middle Eastern and African governments working in tandem to display the atrocities that children segregated from their families face. Mrs. Oufroukhi revealed that one of these atrocities is that **children with absent family structures are more likely to commit a crime and be sent to juvenile detention centres.** Furthermore, these victims are unknowingly lured into trafficking circles and forced (if female) into underage marriage or to commit heinous crimes. **Through the creation of protection programs and assistance from organizations in pursuing legal action against these crimes, an impactful change can be made.**

Whether children fall into the categories of being victims or alleged offenders, they are considered to be fatalities of economic and social circumstances inflicted upon them. Thus, it is imperative that they are tended for. **Some suggestions to tackle the aforementioned are through investing in legal research and studies regarding the risks of early marriage in different areas in the Arab world.** For example, in Morocco, there is a law against child marriage, but this law is not enforced. Therefore, it is necessary to study this phenomenon and develop concrete actions to contrast it. Another suggestion is to work with organizations to allow young women to stay in school and get a good education to prevent high drop-out rates.

**Detention should be the last resort for children who have committed crimes.** There should be other means of protecting children in such circumstances. The dire need to adopt laws that are more child-friendly is an essential matter that should be tackled in the near future.

# Theme 1 – Child justice without bars practices: diversion and alternatives to detention, building blocks, and avenues for advancement in MENA

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The first panel was moderated by **Mr. Guillaume Landry**, *Director, International Bureau for Children's Rights*, who briefly touched on community policing/traditional systems and how they are critical to prevent further bureaucracy.

**Ms. Teona Aslanishvili**, *Child Protection Specialist, Justice for Children and Migration, UNICEF MENA Office*, provided her intervention focused on diversion and alternatives to detention as part of the overall justice sector strategy for the region.

**In the MENA region, there is a greater availability of measures in the context of judicial proceedings, while diversion is still an emerging area that remains in the early stages.** Nevertheless, nowadays, there are interesting promising practices on diversion. For example, countries such as Egypt are introducing diversion strategies.

We need to find methods of strengthening the application of existing options. What happened last year during the COVID-19 pandemic showed a clear example of applying existing options and laws in order to promote diversion and alternatives to detention. Indeed, data showed that at least 13 out of 20 countries in the region have used existing forms of alternatives to detention to release approximately 3,000 children. Countries that more efficiently used existing measures to implement alternative to detention measures had several elements in common: **interagency coordination bodies and mechanisms already established between justice and child protection authorities, trained social workers, and follow-up services in coordination with the NGO sector.** Because of COVID-19, a body of guidance was produced, including recommendations on how to deal with children in detention and manage hygiene and health. These guidelines should be used even in non-pandemic times.

In addition, it is important to talk about inclusion and non-discrimination of children. **The goal is to ensure that both the law and implementation measures do not exclude certain groups of children with specific social or economic characteristics.** Looking at what has been done last year in the context of the pandemic, we observed that in several countries, there were obstacles in releasing children who lacked family social support or whose families lived far from detention facilities. However, children who lacked social support from their families or primary care cannot be discriminated in terms of alternative to detention measures. Therefore, this point shows the importance of the role of social workers in order to identify alternative options for aftercare and alternatives to detention.

## Key takeaways of the session

- The lack of a supporting family structure should not affect children from being released or benefiting from alternatives, and services should be made available at the community level.
- Children detained for serious crimes (national security), migrants, and refugees did not benefit from release and alternatives.
- There is a need to invest in justice for the most vulnerable groups.

## Theme 2 - Legal pluralism and child justice law responses for children and youth.

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The second panel was moderated by **Lina Qumsiyeh**, *Regional Coordinator MENA, Defence for Children International*, who briefly touched on the integration of children in society through legal systems.

**Dr. Suhair Tobasi**, *Judge, Courts Inspector, High Judicial Council, Jordan*, discussed how to integrate children deprived of liberty within their environment in Jordan. **Given that the children of today are the foundation of a changing society, there should be consideration on how to produce substantive change.** One way to carry out substantive change is making MENA legislation more child-oriented. All countries in the region are parties to the United Nations Convention on the Rights of the Child (CRC), but most of the agreed upon clauses within the CRC are currently not present in MENA legislation.

Jordanian legislation has adopted a number of advancements derived from the CRC in relation to criminal justice reform. For instance, in 2019, Jordan raised the minimum age of criminal responsibility from 6 to 12 years old. However, legal assistance is not readily provided to all children. Thus, advancements in this field are a key matter. **Childcare should be a matter explicitly expressed in the legislation as opposed to the courts discretion.** Furthermore, children who commit crimes should be subjected to alternative measures as opposed to jail. Regarding child-friendly justice systems, it is necessary to take into account several elements, such as the necessity to listen to children and uphold their well-being, foster collaboration between judicial actors and social workers, and ensure juridical assistance and economic support.

There should be legislation that primarily focuses on crimes committed by children. **While there are organizations who carry out programs for children against violence, their number does not correspond to the size of the tasks.** Thus, this impacts their ability to assist children in a systematic way. The legal framework with regard to Jordanian child justice reform needs to work in tandem with international standards. While advancements in 2019 were made, it still remains challenging to implement these laws in practice.

### Key takeaways of the session

- There are no clear standards to implement alternative and best measures for each child.
- There are no clear procedures to settle disputes stated in the legislation that cover all practical issues.
- There is no clear mentioning of the child's right to participate in procedures taken against them in courts or outside courts.
- There is a lack of legal aid and support for all children, especially for the victims and especially at the level of the police and the prosecutor.



## Theme 3 - Gender perspectives in child justice, with a focus on child victims/survivors of GBV

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The third panel was moderated by **Ms. Hebba Zayya**, *UN WOMEN Head of Office Gaza Strip, Palestine*.

**Ms. Salam Chreim Abboud**, *Head of Juvenile Protection Unit, Ministry of Social Development Lebanon*, highlighted the importance of judicial reform for those who are child victims/survivors of gender-based violence.

Gender-based violence is prevalent in Lebanon, especially towards women. **Stigma and lack of services are a few of many reasons why victims of violence rarely formally speak out.** To tackle this issue, two key aspects need to be dealt with:

- 1) Increasing funding and awareness towards social services to aid women and children exposed to violence; and
- 2) Active involvement from men through advocacy for women's and children's rights.

In Lebanon, with respect to family protection law, the interim judge cannot provide an order unless a female has a permit from her parent. Furthermore, studies have shown that juvenile judges are more biased towards girls rather than boys.

Due to sectarianism, it is difficult to ensure accountability when it comes to children's rights in Lebanon. **Child justice is generally handled within the frame of each sect or social groups.** Therefore, it is difficult to ensure that child standards are properly respected and upheld. Two approaches can be pursued. First, we can strengthen the role of the State to ensure compliance with children's rights and international standards. Second, we can raise awareness and inform local communities on children's rights and child-friendly justice mechanisms.

### Recommendations:

- Conduct a comparative study in the region to identify best practices on gender issues.
- Develop a better understanding of girls in conflict with the law.
- Develop programs with girl's participation.
- Review the administrative detention used to "protect" girls from violence.
- Institutionalize the rehabilitation and the reintegration of girls.
- Build the capacity of justice system actors in the fields of interviewing and investigating.
- Pursue an inclusive approach with boys on gender issues.
- Reduce procedures for family visitation and contact.
- Reduce family violence, schooling drop-out, cyber sexual crimes, and child marriage.

## Key takeaways of the session

- There is a lack of sensitive infrastructure to women in general and girls passing through legal procedures, especially at the police level (lavatories, hygiene, etc.).
- Rehabilitation and reintegration programs are weak for girls and boys.
- There are varying levels of knowledge, skills, and attitudes between justice sector stakeholders at the official and informal levels.
- There is multiplicity and conflicts of laws, with no clear stipulation as to when the juvenile law prevails.

## Theme 4 - Access to Justice for children and youth in national security contexts

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The fourth panel was moderated by **Ms. Youmna Makhlouf**, *University Professor and Researcher, Global Arab Campus, University of Saint Joseph, Lebanon.*

**Mr. Kamil Amin Hashim**, *General Director of the Juvenile Department, Ministry of Justice, Iraq*, pointed out that Iraq is a signatory of 8 international conventions, and the child protection law of 1983 is a progressive law, but the real problem is the 2003 invasion and the use of children in conflict. There is a movement in **Iraq to view these children as victims rather than perpetrators**. A new committee was established to review the law in cooperation with Tdh and UNICEF.

The minimum age of criminal responsibility is still 9 in central Iraq and 11 in Kurdistan, and there is intent to raise it to the age of 14. **However, raising the age of criminal responsibility also increases the risk of children being used in the commission of crimes**, and viewing these children as victims also opens up doors to abuse. It is important to gain the trust of the parliamentarians in this regard.

A child in Iraq exposed to terrorism is exploited by adults that take advantage of their lack of consciousness and awareness regarding the gravity of their actions. **Children detained for terrorist crimes do not benefit from alternatives, and they could be sentenced up to 15 years of imprisonment**. The constitution allows pardon for persons that completed half to two third of their sentences, but the constitution excludes terrorist crimes. Also, there is a need to review the law 13 of 2005 because it does not differentiate between children and adults.

This must change. Indeed, it is necessary to acknowledge that children involved in terrorism activities are victims themselves. Therefore, it is important to pursue alternative to detention measures and develop actions that foster disengagement and reintegration.

Up to 70% of children in Iraq are exposed to the threat of terrorism. **The children who are exposed to violence at such an age are rewired to think that this is the norm in a war zone**. Placing these children in prison for committing crimes is traumatic given that these children were indoctrinated with pro-terrorism beliefs. A more viable remedy is to put in place **rehabilitative measures** that teach children to take responsibility for their actions.

There are new draft laws that introduce the electronic bracelet and community service measures. There are also new procedures to encourage family visitation to detention facilities, and though COVID-19 was a challenge, fortunately the contagion has been zero in the juvenile centres.

**Ms. Hanan Munther Nusief**, *General Manager of the Legal Department and Head of the Juvenile Legal Reform Committee, Ministry of Justice, Iraq*, highlighted that **many children were used as pawns, brainwashed, and indoctrinated by terrorist organizations seeking to carry out heinous crimes**. However, after the war in 2003, new laws tackling violence against children

arose, including the rise in the minimum age of criminal responsibility. The age increase should be welcomed given that the law is steering towards a more child-oriented approach. However, there still remains apprehension in the Parliament. Iraq requires support mechanisms and efforts from the international community and the UN to help achieve justice for children.

Nowadays, Iraq is struggling to handle the situation of the foreigner wives of ISIL fighters. These women and their children, in many cases, are not Iraqis. Nevertheless, their countries of origin do not take up any responsibilities regarding them. However, it is important to stress that Iraq is also not responsible for foreigners. Consequently, what is happening is that these children are simply detained with their mothers in Iraqi facilities, waiting actions from their countries of origin. They are detained in non-adequate facilities for children. These children are victims and should return to the countries where they belong. Some of them are very young and grew up in detention, but they need to be protected physically and from the effects of armed conflicts.

It is necessary to strengthen child-friendly justice institutions and ensure that caregivers are accountable and prosecuted if they do not follow up or monitor children who were/are in contact or in conflict with the law.

### Key takeaways of the session

- Children detained for terrorist crimes do not benefit from alternatives.
- It is necessary to increase the fines and penalties on the legal guardians that neglect their responsibilities towards children.
- Raising the minimum age of criminal responsibility has led to an increased risk of minors participating in criminal activities due to the absence of sanctions.



## Comments and input from the audience

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Through the meeting chat, the other participants had the opportunity to express their opinions and interest regarding various topics addressed in the meeting. In this sense, the issue of stateless children was put on the table. UNHCR reports 10 million people worldwide who are stateless. Of those, one third are children who, as a result of statelessness, suffer much discrimination. So, it is important to take this subject into account in the World Congress on Justice With children since non-discrimination is one of its pillars.

Other participants stressed the relevance of taking into account the children's disabilities caused by traumatic brain injury from conflicts, assaults, falls, etc. This is often missed or misdiagnosed, and behaviours are misinterpreted by judicial actors, which leads to incarceration. That is why identifying the consequences of brain trauma (poor memory, language, impulse control, etc.) could help efforts to enable children to stay in the society.

In addition, participants showed their interest in knowing if there are any plans to support countries by financing them to increase specialized employment, for example, or any coordination meetings with decision makers to solve the shortage of workers trained to work with children. They also asked about the legal solutions to reintegrate children exploited in terrorist crimes and which measures governments are adopting in order to provide psychological assistance and facilitate reintegration of children involved in terrorism activities. They were interested in the Iraqi Juvenile Care Law and whether children involved in terrorism are actually being dealt with in accordance with this law.

Participants expressed that it is considered a defect and deficiency in legislation when children who participate in terrorist acts are excluded from benefiting from laws or articles that contribute to mitigating penalties for children by considering the best interests of the child. Regardless of how serious the crime is in the eyes of the law, children must be viewed as victims. The child is considered a victim of the war that struck Iraq and a victim of the exploitation by adults who have thrust them into the war and terrorist acts, taking advantage of their lack of awareness and distinction for their actions.

Finally, another subject considered important was how to determine the maturity/capacity of children and young people to determine their responsibility for their actions, and how they may have been additionally traumatized and not have control over their behaviour.

## Closing remarks

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**Ms. Angela Vigil**, *Pro Bono Partner and Executive Director of Pro Bono Practice, Baker McKenzie*, stated that as a member of the business and private community, stakeholders can pursue partnerships to achieve the goals focused on child protection. She recognized that leaders and champions that support children's rights are motivated, and that the advancement of children's rights advances the rule of law, and vice versa.

The expectations that nations of the world have put around sustainability, specifically the Sustainable Development Goals, are also linked with the development of children's rights. She provided the example of the Convention on the Rights of the Child and the Rule of Law Index of the World Justice Project. Goal 16.3 promotes the rule of law at the national and international levels and ensures equal access to justice for all, which not only refers to adults, but also to children.

Partners should invite other public and private companies to join in on the efforts on children's rights, as when advances are made on the rights of the children, advances are also made on the entire system of the rule of law for children and society as a whole.

**Ms. Marta Gil**, *MENA Access to Justice Regional Programme Coordinator, Terre des hommes Foundation*, thanked everyone for their participation. She announced that the World Congress will take place in November, with further details to be provided at a later date.

## Contacts for further information

For any further information, please contact:

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### With the support of:



**For more information on The World Congress on Justice With Children:**

<http://www.justicewithchildren.org>

# 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”

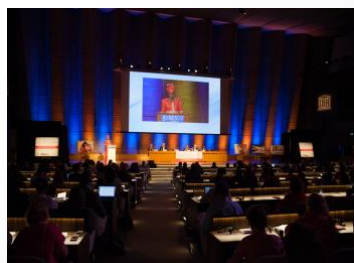
### ABOUT THE WORLD CONGRESSES ON JUSTICE WITH CHILDREN

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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# Annex 2: MENA Preparatory Meeting Concept Note and Agenda

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## WORLD CONGRESS PREPARATORY MEETING

Middle East & North Africa (MENA)

Virtual

28 March 2021 - 14.00 – 16.00, Jordan time

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### Context

In 2019 and 2020, several Preparatory Meetings have been organized to promote the Global Initiative on Justice with Children at the regional and national levels, and to identify the most relevant topics for the **2021 World Congress on Justice With Children**.

Four Regional Preparatory Meetings have already been organized, in Merida-Mexico for North America, in Buenos Aires-Argentina for Latin-America, and for Europe and Central America in a virtual format. Due to the COVID-19 pandemic, several other national meetings are currently being arranged virtually.

### The Preparatory Meeting for MENA aims to:

- ✦ Establish thematic priorities and trends in child justice in the MENA region towards the next 2021 World Congress
- ✦ Formulate regional action-oriented recommendations for the next World Congress
- ✦ Gather policy makers, academics, and civil society representatives, with relevant work and influence in Child Justice, to identify key areas of interest
- ✦ Explore appetite among regional participants in the virtual event to prepare a regional policy paper to be presented in the MENA region and in the multi-regional sessions in the World Congress in November 2021.

This virtual meeting will constitute a unique opportunity to define key challenges, trends, and advocacy priorities in justice for children. Recommendations and proposals of topics, the agenda, and activities for the 2021 World Congress on Justice With Children will be formulated by participants of the MENA Preparatory Meeting.

Among the **themes** that will be addressed are:

- **Theme 1:** Child justice without bars practices: diversion and alternatives to detention, building blocks, and avenues for advancement.
- **Theme 2:** Legal pluralism and child justice law responses for children and youth.
- **Theme 3:** Gender perspectives in child justice, with a focus on child victims/survivors of GBV.
- **Theme 4:** Access to Justice for children and youth in national security contexts.

A complete **agenda** will follow, including the names of the panellists and topics they will address to foster the debate and the discussion with the invitees. The agenda will include an **invitation** with the details to join online and in streaming.

**Language:** the virtual MENA preparatory event will be held in English; Arabic translation will be provided in simultaneous mode.

## AGENDA – 28 March 2021

**Jordan time zone**

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### 14.00 – 14.05 – Welcoming Participants

- **Ms. Marta Gil**, MENA Access to Justice Regional Programme Coordinator, Terre des hommes Foundation.

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### 14.06 – 14.10: Introduction

- **Mr. Cédric Foussard**, Advocacy and Global Learning Advisor, Terre des hommes Foundation.
- **Ms. Jezerca Tigani**, Head of MENA, Terre des hommes Foundation.

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### 14.10 – 14.20: Regional efforts in MENA towards Justice with Children.

- **Dr. Najat Maalla M'jid**, UN Special Representative of the Secretary-General on Violence Against Children
- **Mr. Akram Hassan Al-Khateeb**, Attorney General of the State of Palestine
- **Ms. Amina Oufroukhi**, Head of the Specialized and Judiciary cooperation, Public Prosecution Office, Morocco

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### 14.20 – 14.30: Theme 1 - Child justice without bars practices: diversion and alternatives to detention, building blocks and avenues for advancement in MENA.

**Moderator:** **Mr. Guillaume Landry**, Director, International Bureau for Children's Rights.

**Panellist:** **Ms. Teona Aslanishvili**, Child Protection Specialist, Justice for Children and Migration, UNICEF MENA Office.



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14.30 – 14.40: Discussion Theme 1

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14.40 – 14.50: Theme 2 - Legal pluralism & child justice law responses for children and youth.

**Moderator: Ms. Lina Qumsiyeh**, Regional Coordinator MENA, Defence for Children International.

**Panellist: Dr. Suhair Tobasi**, Judge, Courts Inspector, High Judicial Council, Jordan.

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14.50 – 15.00: Discussion Theme 2

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15.00 – 15.10: Theme 3 - Gender perspectives in child justice, with a focus on child victims/survivors of GBV.

**Moderator: Ms. Hebba Zayya**, UN WOMEN Head of Office Gaza Strip, Palestine.

**Panellist: Ms. Salam Chreim Abboud**, Head of Juvenile Protection Unit, Ministry of Social Affairs, Lebanon.

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15.10 – 15.20: Discussion Theme 3

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15.20 – 15.30: Theme 4 - Access to Justice for children and youth in national security contexts.

**Moderator:**

**Ms. Youmna Makhoulf**, University Professor and Researcher, Global Arab Campus, University of Saint Joseph, Lebanon.

**Panellist:**

- **Mr. Kamil Amin Hashim**, General Director of the Juvenile Department, Ministry of Justice, Iraq.
- **Ms. Hanan Munther Nusief**, General Manager of the Legal Department and Head of the Juvenile Legal Reform Committee, Ministry of Justice, Iraq.

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15.30 – 15.40: Discussion Theme 4

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15.40 – 15.45: Child Justice & Rule of Law.

**Ms. Angela Vigil**, Pro Bono Partner and Executive Director of Pro Bono Practice, Baker McKenzie.

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15.54 – 15.55: Recap of main points & Closing Remarks.

**Ms. Taghreed Jaber**, MENA Director, Penal Reform International.

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15.55 – 16.00: Vote of Thanks & Next Steps.

**Ms. Marta Gil**, MENA Access to Justice Regional Programme Coordinator, Terre des hommes Foundation.

## Annex 3: List of Interesting Resources and Publications Exchanged at the MENA Preparatory Meeting Chatlog

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- ✦ **Neurodevelopmental Maturity and Crime: The Need to Account for Adversity and Brain Injury in the Criminal Justice System**  
[http://psychology.exeter.ac.uk/documents/INFOGRAPHIC\\_WILLIAMS\\_Brain\\_Injury\\_CRIME.pdf](http://psychology.exeter.ac.uk/documents/INFOGRAPHIC_WILLIAMS_Brain_Injury_CRIME.pdf)
- ✦ **Campaign on: Accelerate the release of children from detention, protect children from covid-19**  
<https://justicewithchildren.org/covid-19-advocacy/>
- ✦ **Release of Children Deprived of Liberty in Iraq in Response to COVID-19: Increasing the use of alternatives to detention**  
<https://www.unicef.org/documents/release-children-deprived-liberty-iraq-response-covid-19>
- ✦ **Release of Children Deprived of Liberty in the State of Palestine in Response to COVID-19: Pivoting existing coordination mechanisms and services**  
<https://www.unicef.org/documents/case-study-release-and-reintegration-children-deprived-liberty-state-palestine-response>
- ✦ **Release of Children Deprived of Liberty in Morocco in Response to COVID-19: Harnessing the leadership of the Executive Branch and the Judiciary**  
<https://www.unicef.org/documents/case-study-release-children-deprived-liberty-morocco-response-covid-19>
- ✦ **Justice with Children Policy and Practice brief as well as several operational guidelines for Children deprived of liberty in time of Pandemic. Available in Arabic as well**  
<https://justicewithchildren.org/translated-documentation/>
- ✦ **UN Treaty Body Database**  
[https://tbinternet.ohchr.org/\\_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en](https://tbinternet.ohchr.org/_layouts/15/treatybodyexternal/Download.aspx?symbolno=CRC/C/GC/24&Lang=en)
- ✦ **The impact of traumatic brain injuries: A global perspective**  
<https://content.iospress.com/download/neurorehabilitation/nre00374?id=neurorehabilitation%2Fne00374>
- ✦ **Traumatic brain injury among refugees and asylum seekers**  
[https://www.researchgate.net/publication/322120554\\_Traumatic\\_brain\\_injury\\_among\\_refugees\\_and\\_asylum\\_seekers](https://www.researchgate.net/publication/322120554_Traumatic_brain_injury_among_refugees_and_asylum_seekers)
- ✦ **Bibliothèque - Global Study on Children Deprived of Liberty**  
<https://omnibook.com/Global-Study-2019>

## Annex 4: Policy and Practice Brief: Accelerate Release of Children from Detention; Protect Children from Covid-19

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During the COVID-19 pandemic, Terre des hommes has called on States to release all children from immigration detention and accelerate the release of children deprived of liberty in criminal justice or protection facilities. Urgent attention should be given to the implementation of non-custodial measures to ensure children's safe reintegration into families and communities.

To see the statement produced by Terre des hommes:

<https://www.tdh.ch/en/statements/release-children-detention-covid-19>

In addition, a joint product of Terre des hommes and pro bono volunteers from the law firm of Baker McKenzie, was a Policy and Practice Brief that summarizes the global legal precedents to be considered when evaluating the legality of children in detention under circumstances such as the COVID-19 crisis. In this brief, we summarized international legal instruments and regional mechanisms that are relevant to evaluating the circumstances of children in these settings and present a set of policy recommendations, illustrated by practical examples of rapid response actions to realize children fundamental human rights. To assist the professionals handling the cases of children in conflict with the law during the COVID-19 crisis, we partnered with various organisations to compile three sets of clear, short and practical operational guidelines for professionals.

To read the Policy and Practice Brief:

<https://justicewithchildren.org/wp-content/uploads/2020/06/Policy-Practice-Covid-19.pdf>

To assist the professionals handling the cases of children in conflict with the law during the COVID-19 crisis, a group of organizations and experts have partnered to compile three sets of clear, short and practical operational guidelines. Those operational guidelines for professionals are divided into three chapters addressing the following three broad categories of professionals who interact with children in conflict with the law: Social Workforce, Security Forces and Legal Professionals.

✦ **Social Workforce – operational guidelines**

[https://justicewithchildren.org/wp-content/uploads/2020/06/Operational\\_Guidelines\\_for\\_Social\\_Workforce\\_Covid19\\_Global-Initiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Social_Workforce_Covid19_Global-Initiative-on-Justice-with-Children.pdf)

✦ **Operational Guidelines for Security Forces – operational guidelines**

[https://justicewithchildren.org/wp-content/uploads/2020/06/Operational\\_Guidelines\\_for\\_Security\\_Forces\\_Covid19\\_Global-Initiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Security_Forces_Covid19_Global-Initiative-on-Justice-with-Children.pdf)

✦ **Legal professionals – operational guidelines**

[https://justicewithchildren.org/wp-content/uploads/2020/06/Operational\\_Guidelines\\_for\\_Legal\\_Professionals\\_Covid19\\_Global-Initiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wp-content/uploads/2020/06/Operational_Guidelines_for_Legal_Professionals_Covid19_Global-Initiative-on-Justice-with-Children.pdf)