



# 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 UNITED STATES OF AMERICA**

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# SUMMARY REPORT OF THE DISCUSSIONS

11 December 2020

12.00 – 14.00 ET

Virtual - Zoom

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The American Preparatory Meeting was organized by Terre des hommes, Baker McKenzie and Juvenile Justice Initiative, with the support of Penal Reform International (PRI), International Association of Youth and Family Judges and Magistrates (AIMJF), and Institut International des Droits de l'Enfant (IDE). This event, organized under the Global Initiative on Justice with Children and in the context of the US Children's Rights Summit, was held on 11 December 2020 in preparation for the 2021 World Congress on Justice With Children. It is part of a series of meetings that are taking place at the regional and national levels to define key challenges, trends, and advocacy priorities in Justice for Children and formulate recommendations and proposals for topics, the agenda, and activities for the 2021 World Congress on Justice With Children.

The event gathered more than 30 participants, including representatives of United Nations agencies, members of civil society organizations, policy-makers, academics, law firms, and judges. Due to the COVID-19 related restrictions, the meeting was held online via Zoom.

The Meeting aimed at:

- Gathering policy makers, academics, and civil society representatives, with relevant work and influence in Justice for Children, to identify key areas of interest;
- Fostering thematic priorities and defining trends related to Justice for Children;
- Formulating action-oriented recommendations for the next World Congress in 2021; and
- Studying and exchanging on the practices of human rights for children in the US justice system.

## Introduction

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**Cédric Foussard**, Advocacy and Global Learning Advisor at Terre des hommes Foundation, launched the meeting briefly describing the 2021 World Congress on Justice With Children that will take place online on November 2021 and will be hosted by the Federal Mexican Supreme Court of Justice, and co-organized by the Office of the United Nations Special Representative of the Secretary-General on Violence Against Children, UNICEF, PRI, and AIMJF. This Congress follows the World Congress that took place at the UNESCO headquarters in Paris, France, in May 2018, an event that gathered almost 1,000 people from 100 different countries and resulted in the Paris Declaration on Prevention of Child Involvement in Extremism. Then, Mr. Foussard explained the Global Initiative on Justice with Children that was launched in November 2019, commemorating the 30<sup>th</sup> anniversary of the UN Convention on the Rights of the Child. This initiative aims to create links and sustainability between each World Congress. One of its latest achievements was to develop an international campaign to accelerate the release of children from detention in times of COVID-19. Finally, Mr. Foussard presented about the previous preparatory meetings that took place in 2019 and 2020 at the regional level in Mexico, Argentina, and in Europe, and at the national level in Lebanon, Singapore, and South Africa. He highlighted that two main topics emerged from these meetings: ensuring equal access to justice and promoting the right to non-discrimination.

**Elizabeth Clarke**, Founder and President of the Juvenile Justice Initiative, welcomed the meeting highlighting the importance of developing international partnerships and the necessity to reflect on the intersectionality of human rights as a key element to promote children's rights globally. Ms. Clarke noted the positive impact of international collaborations on advocacy in the US to encourage the US ratification of the Convention on the Rights of the Child. She also noted the impact of two policy papers (one on restorative justice and another on deprivation of liberty as a last resort) that resulted from three North American convenings beginning in 2015 in Washington D.C., then subsequently in Toronto, Canada, and finally in Merida, Mexico. She concluded by underlining that this is a particularly timely moment for global collaboration on children's rights.

**Angela Vigil**, Partner and Executive Director of the Pro Bono Practice at Baker McKenzie, underlined that the American Preparatory Meeting is not an isolated event, but part of a broad series of meetings that included the Children's Rights Summit and a discussion among LGBTQ+ leaders focused on the foster child welfare system.

# Theme 1: Children deprived of liberty in the USA: Challenge and reform

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## Update about the Global Study on Children Deprived of Liberty

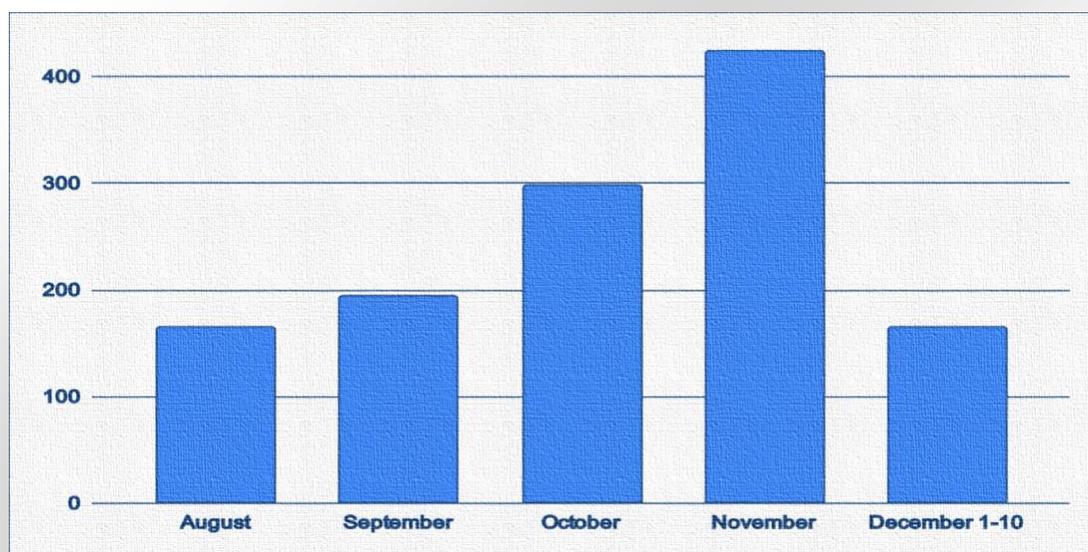
**Annette Lyth**, Chief of Office at the Special Representative of the Secretary-General on Violence Against Children (OSRSG-VAC), provided an update on the United Nations Global Study on Children Deprived of Liberty. She stressed that according to the report, there are at least 1.5 million children currently being deprived of liberty. Among them are: 670,000 in institutions; 410,000 in administrative detention; 330,000 in immigration detention centres; 35,000 detained in contexts of armed conflicts; 19,000 living with caregivers/parents in prison; and 1,500 detained for accusations on national security grounds.

Ms. Lyth underlined that the United Nations is steadily committed to ending and eliminating the detention of children. In particular, the OSRSG-VAC has been working on the follow-up to the recommendations of the Global Study on Children Deprived of Liberty. Furthermore, in light of the COVID-19 pandemic, the OSRSG-VAC is calling for the immediate release of all children in detention. She concluded by pointing out that at least 31 countries have accelerated the release of children because of COVID-19. Although in some cases, the return of children has not been properly prepared, their release shows that alternative to detention measures can be easily pursued if there is political will.

## Child Detention in the USA and the Sentencing Project

**Josh Rovner**, Senior Advocacy Associate at the Sentencing Project, illustrated the impact of COVID-19 on the juvenile justice system in the US. He highlighted that the impact is broad and includes suspended family visitations, lack of education and programming, solitary confinement, limited staffing, and emotional stress among children. Mr. Rovner also pointed out that recently, at least 2,665 detained youth tested positive for the virus, showing an increasing trend from August to November, with peaks in Texas and Florida. However, regarding data gathering and reporting, Mr. Rovner lamented a broad inconsistency and several shortcomings because of State reporting deficiencies. Finally, he pointed out that to tackle COVID-19, several facilities accelerated the release of detained children and/or reduced admissions.

## Incarcerated Youth Testing Positive for COVID-19. Cases reported by month, Aug.-Dec. 2020.



## A Reasonable Minimum Age & Human Rights for US Children

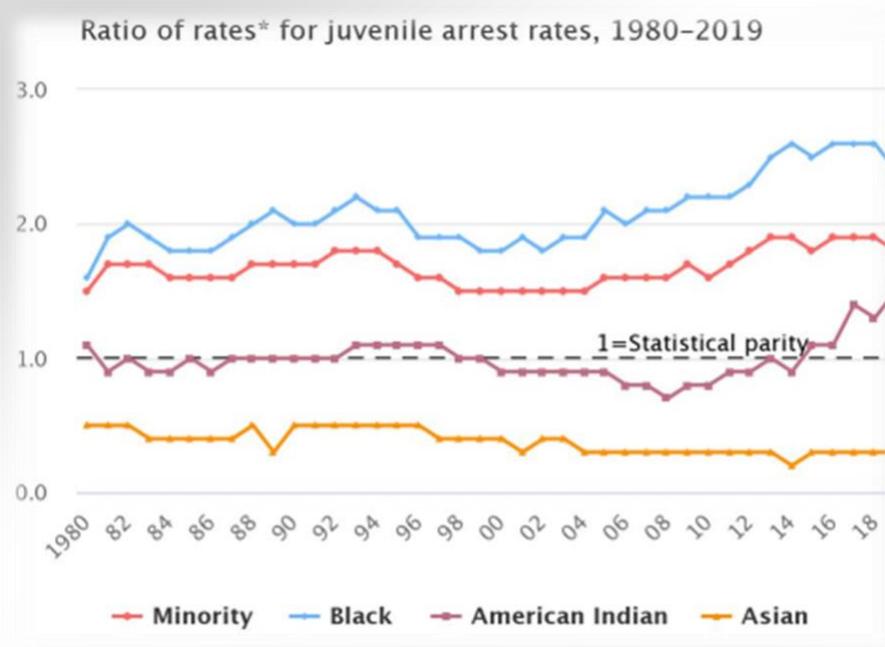
**Diane Geraghty**, Professor of Law, Director of the Civitas Childlaw and Co-director of the Center for Criminal, Justice Research, Policy and Practice at Loyola University of Chicago, provided a meaningful presentation on the minimum age of criminal responsibility (MACR) in the US. Although the General Comment No. 24 adopted by the Committee on the Rights of the Child states that the MACR should not be set lower than age 14, in the United States, almost 30,000 children under the age of 12 entered the US juvenile justice system in 2016. Moreover, only 22 States have laws defining the MACR. For example, Nebraska sets the MACR at age 11, while the states of Massachusetts and California set it at age 12. Furthermore, where a MACR is defined, it may be subject to exceptions. This is the case of California where the MACR does not apply in cases of murder and serious sexual offences. Other states such as Illinois do not stipulate the MACR in their statutes, and a child of any age may be arrested, charged, and sentenced under the Juvenile Court Act.

## Black Lives Matter – Addressing Disparities in the US Child Justice System

**Herschella Conyers**, Clinical Professor of Law at the University of Chicago Law School and Director of the Mandel Legal Aid Clinic's Criminal and Juvenile Justice Project, stressed that although African Americans constitute 13% of the US population, they have the highest juvenile arrest rates and are more than five times as likely to be detained or committed compared to white youth. She then illustrated an example of a good policy that has been implemented to deal with and dismantle disparities in the US child justice system. Mrs. Conyers pinpointed the new

directive implemented by Mr. George Gascon, the district attorney in Los Angeles. The directive recognises the necessity to end the practice of sending youth to the adult court system; promote alternative to detention measures; and invest in community-based services, schools, and health and mental health programs regardless of race and/or gender. Moving to the relationship between the Black Lives Matter movement and youth justice, Mrs. Conyers analysed disparities between white children and children of colour under a sociological and cultural perspective. She stressed that child justice has historically “adultified” brown and black children and infantilized white and privilege youth. As a result, children of colour have higher chances of facing biased and unbalanced mechanisms of justice.

### Black Lives Matter – Addressing Disparities in the US Child Justice System



### Restorative Justice – Communities Take Charge

**Joshua Brooks**, Restorative Justice Hubs Coordinator at Adler University in Chicago, described the restorative justice hubs in Chicago. Restorative justice hubs are guided by five pillars: radical hospitality, accompaniment, building relationships, relentless engagement, and learning community. Restorative justice is based on a horizontal approach to justice that includes and involves children in all the steps of the justice process. Mr. Brooks highlighted that the restorative justice processes and hubs are unique and tailored because they are community-led processes that are shaped by the community itself and that answer to the specific needs of a specific population.

## Theme 2: Equal access to justice for all children: Toward non-discriminatory justice systems for children

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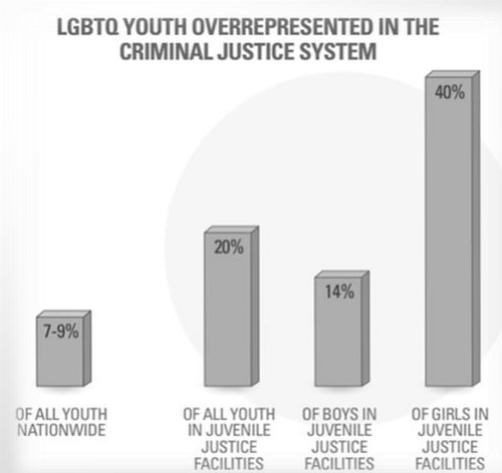
### Indigenous Justice and Restorative approach

**Lise Gagnon**, Canadian judge (Court of Quebec), illustrated the Canadian Youth Protection System, focusing on the relationship between the promotion of the best interests of children and indigenous justice. She highlighted that the highest percentage of children involved in the care and protection systems is made up of children coming from indigenous communities, particularly from those communities that experience poorer housing conditions and higher rates of alcohol and substance abuse. Ms. Gagnon stressed that when State institutions deal with indigenous communities, there is a tension among different values. Therefore, in order to uphold the best interests of the child and safeguard the child's cultural heritage and customs, the Canadian child welfare system developed a model that relies on indigenous and customary justice elements and includes customary norms into state laws. This system is characterized by a community-based approach that aims to help indigenous communities to overcome critical aspects, such as poor housing and high rates of alcohol and substance abuse. However, Ms. Gagnon stressed that indigenous communities face dire economic conditions, with unavoidable repercussions on children's well-being, and the justice system is not well-equipped to deal with it.

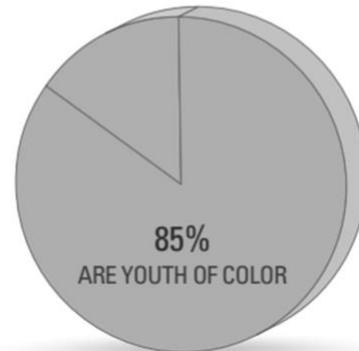
### Discrimination Due to Gender and Sexual Orientation

**Currey Cook**, Senior Counsel and Director of the Youth in Out-of-Home Care Project at Lambda Legal in New York, highlighted that high rates of youth in out-of-home care projects are LGBTQ youth because they face serious discrimination and rejection by families. Those who are not included in the out-of-home-care system become homeless. He pinpointed that 40-50% of homeless youth identify themselves as LGBTQ youth. Besides homelessness, LGBTQ youth well-being is often undermined by bullying, harassment, lack of access to facilities, and neglect. Mr. Cook states that these are serious risk factors that can lead to crime and delinquency and constitute an entry point to the justice system. Moving towards child welfare, Mr. Cook highlighted the necessity to develop LGBTQ specific policies that include families and communities. He stated that it is necessary to develop a nationwide data system on LGBTQ youth in the justice system and strengthen policies that take into account the fact that LGBTQ/Gender Non-Conforming and Transgender (GNCT) youth are three times more likely to be removed from the home and five times more likely to be placed in foster houses.

## LGBTQ Youth in the Juvenile Justice System



## OF LGBT AND GNC YOUTH IN JUVENILE JUSTICE FACILITIES



## Overcriminalisation of Youth

**Hernan Carvente Martinez**, the National Youth Partnership Strategist at the Youth First Initiative addressed the “toxic” justice system in the USA. He stated that it placed a strong focus on youth impacted by the justice system. Often youth who have previously been in contact with the justice system, are viewed negatively resulting in their increased stigmatisation and overcriminalisation. As a solution, Mr. Martinez stressed the necessity to involve children and youth in every event and/or debate on justice with children and childcare. He highlighted that including children in research and policy development processes is the best practice to reach effective and comprehensive solutions. Furthermore, he criticized the advocacy system in the US, underlining that children are not considered active participants of the process, but mere recipients of solutions identified by adults.

## Theme 3: World Congress on Justice With Children: exchange and recommendation

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**Dave Stucki**, from the International Association of Youth and Family Judges and Magistrates, underlined the necessity to develop programs, concrete policies, and actions that can be implemented in each jurisdiction. For this purpose, he described the successful example of the *RECLAIM Ohio Program*. It is a funding initiative that encourages juvenile courts to develop community-based alternative to detention measures to meet the needs of each juvenile offender or youth at risk of offending. The goal is to create incentives to keep youth out of jail by providing financial incentives to those agencies and courts that pursue alternative to detention measures and treat mental health issues and drug addiction. Thanks to this project, the number of children detained in Ohio dropped from 3,000 in the 1990s to 400 in 2020.

### Concluding remarks

**Elizabeth Clarke, Angela Vigil, and Cédric Foussard** pointed out that another meeting will be organized in Spring 2021. It will be based on the takeaways of the American Preparatory Meeting and will provide an opportunity to further discuss the elements that were highlighted and develop recommendations and guidelines to be addressed during the World Congress.

### Key takeaways of the meeting

- Racialisation of child justice: addressing striking overrepresentation of minority children in the justice system
- Gender perspectives and discrimination due to gender and sexual identity: ensuring access to the justice system
- Recognizing the voice of the child in informal and formal justice systems
- Maintaining the resilience of the justice system in times of the pandemic
- Violent child justice systems: how to promote child-friendly justice systems for victims and offenders

### Key recommendations from the American Preparatory Meeting

- Prioritize non-custodial solutions and accelerate the release of detained children
- Address the root causes for children entering the justice system and support families
- Improve data collection
- Tackle discrimination and disparities due to racism and gender
- Promote community-led restorative justice approaches
- Ensure effective involvement of children in the development of advocacy campaigns, policy briefs, and research
- Safeguard indigenous cultural heritage and appeal to customary justice norms in order to promote children's well-being
- Develop LGBTQ specific policies and involve families and communities
- Set a minimum age of criminal responsibility at age 14 or above across all States and do not include statutory exceptions

# 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.

Contact:

*Cedric Foussard, – Global Initiative and World Congresses Coordinator [cedric.foussard@tdh.ch](mailto:cedric.foussard@tdh.ch)*

Internet: [www.justicewithchildren.com](http://www.justicewithchildren.com)

Twitter: @with\_initiative

## Annex 2: United States of America Preparatory Meeting Concept Note and Agenda

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### Context:

In 2019 and 2020, several Preparatory meetings have been planned 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, including in Merida-Mexico for North America and in Buenos Aires-Argentina for Latin-America. Due to the COVID-19 pandemic, two of these meetings have been arranged virtually in Central America, with the support of the UN Latin American Institute on Crimes and Drugs, and in Europe with European Institutions. At the national level, round tables have been organized in Lebanon, Singapore, and South Africa.

### The Preparatory Meeting for the USA aims at:

- Gathering policy makers, academics, and civil society representatives, with relevant work and influence in Justice for Children, to identify key areas of interest,
- **Fostering thematic priorities** and defining trends related to Justice for Children,
- Formulating **action-oriented recommendations** for the next World Congress in 2021, and
- Studying and exchanging on the practices of **human rights for children in the US justice system**.

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 the participants of this Preparatory Meeting. In addition to defining key priorities, the meeting will also help identify potential axes of cooperation among national stakeholders.

Among the themes regarding human rights for children in the US justice system, the following ones will be addressed:

**Theme 1:** United Nations Global Study on Children Deprived of Liberty

**Theme 2:** A reasonable Minimum Age & Human Rights for US children

**Theme 3:** Black Lives Matter – Addressing Disparities in the US Child Justice System

**Theme 4:** Restorative Justice approaches within the community

**Theme 5:** Indigenous Justice and Restorative approaches

**Theme 6:** Overcriminalization of youth

**Theme 7:** Discrimination due to gender and sexual orientation

**Theme 8:** Access to quality counsel

# AGENDA – 11 December 2020

12.00 to 14.00 Eastern Time

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## 12.00 – 12.10 Welcoming addresses

- **Cedric Foussard**, Terre des hommes
  - **Angela Vigil**, Baker McKenzie
  - **Betsy Clarke**, Juvenile Justice Initiative
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## 12.10 – 13.00 Children deprived of liberty in the USA: Challenge and reform

**Moderator: Aleksandra Chauhan**, Juvenile Defender Advocate, South Carolina Commission on Indigent Defense

### Panellists:

- **Update about the Global Study on Children Deprived of Liberty** (10 minutes):  
**Annette Lyth**, Chief, Office of the United Nations Special Representative of the Secretary-General on Violence Against Children
  - **Child detention in the USA and the Sentencing Project** (5 minutes):  
**Josh Rovner**, Senior Advocacy Associate, The Sentencing Project
  - **A reasonable Minimum Age & Human Rights for US children** (10 minutes):  
**Diane Geraghty**, Professor of Law and Director, Civitas Childlaw, Co-director of the Center for Criminal, Justice Research, Policy and Practice, Loyola University Chicago
  - **Black Lives Matter – Addressing Disparities in the US Child Justice System** (10 minutes):  
**Herschella Conyers**, Clinical Professor of Law and the Director of the Mandel Legal Aid Clinic's Criminal and Juvenile Justice Project, Mandel Legal Clinic, University of Chicago Law School
  - **Restorative Justice – communities take charge** (10 minutes):  
**Joshua Brooks**, Restorative Justice Hubs Coordinator, Adler University, Chicago
  - Exchange with the room (5 minutes)
- 

## 13.00 – 13.40 Equal access to justice for all children: Toward non-discriminatory justice systems for children

**Moderator: Hernan Carvente Martinez**, National Youth Partnership Strategist, Youth First Initiative

### Panellist:

- **Indigenous Justice and Restorative approach** (10 minutes):  
**Lise Gagnon**, Judge, Canada
  - **Overcriminalization of youth** (10 minutes):  
**Hernan Carvente Martinez**, National Youth Partnership Strategist, Youth First Initiative
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- **Discrimination due to gender and sexual orientation** (10 minutes):  
**Currey Cook**, Senior Counsel and Youth In Out-of-Home Care Project Director, Lambda Legal, New York  
**Angela Vigil**, Partner and Executive Director of Pro Bono, Baker & McKenzie, Miami
- Exchange with the room (10 minutes)

### 13.40 – 13.50 World congress on justice with children: exchange and recommendation

**Moderator: Dave Stucki**, AIMJF

**Exchange with the room (5 minutes)**

### 13.50 – 16.00 Conclusion

- **Cedric Foussard**, Terre des hommes
- **Angela Vigil**, Baker Mckenzie
- **Betsy Clarke**, Juvenile Justice Initiative

### Date & Time

Friday, 11 December 2020 / 12.00 – 14.00 (Eastern Time)

### Location

The meeting will take place online via Zoom. Please register to get the link:  
<https://bakerxchange.com/rv/ff006ebc7671d743bfc1327cb2469360aa0fd2c3>

### Organizers

Cédric Foussard, Advocacy and Global Learning Advisor, Terre des hommes Foundation  
 Elizabeth Clarke, Founder and President of the Juvenile Justice Initiative (JJI), Chicago  
 Angela vigil, Partner and Executive Director of Pro Bono, Baker & McKenzie

With the support of:



## Annex 3: List of Participants

Name	Title / Function	Organization
<b>Brooks Joshua</b>	Restorative Justice Hubs Coordinator	Adler University in Chicago
<b>Calder Avril</b>	Immediate Past President	International Association of Youth and Family Judges and Magistrates
	Advisory Council	Penal Reform International
<b>Carvente Martinez Hernan</b>	National Youth Partnership Strategist	Youth First Initiative
<b>Chauhan Aleksandra</b>	Juvenile Defender Advocate	South Carolina Commission on Indigent Defense
<b>Clarke Elizabeth</b>	Founder and President	Juvenile Justice Initiative
<b>Coburn Anna</b>	Senior Advisor, Children & Youth in Conflict	USAID
<b>Colliou Yann</b>	Access to Justice Programme Manager at	Terre des hommes Foundation
	Co-director	Child Rights Institute in Switzerland
<b>Cook Currey</b>	Senior Counsel and Director of the Youth In Out-of-Home Care Project	Lambda Legal
<b>Combes Jerome</b>	Operational Support Manager	Terre des hommes Foundation
<b>Conyers Herschella</b>	Clinical Professor of Law and Director of the Mandel Legal Aid Clinic's Criminal and Juvenile Justice Project	University of Chicago Law School
<b>Elliott Jay</b>	Attorney	Law Office of John D. Elliot
<b>Foussard Cedric</b>	Advocacy and Global Learning Advisor at Terre des hommes Foundation	Terre des hommes Foundation
<b>Frazier Carolyn</b>	Professor	Northwestern University School of Law's Center for International Human Rights
<b>Fuentes Adrianna</b>	Executive and Administrative Assistant - Pro Bono Practice	Baker McKenzie
<b>Gagnon Lise</b>	Deputy Secretary General for International Association of Youth and Family Judges and Magistrate	Court of Québec

<b>Geraghty Diane</b>	Professor of Law	Loyola University of Chicago
	Director	Civitas Childlaw
	Co-director	Center for Criminal, Justice Research, Policy and Practice
<b>Helms Annie</b>	Director & Counsel	US Pro Bono Programs, DLA Piper
<b>Jacobs Lisa</b>	Program Manager	Loyola University Chicago's Center for Criminal Justice
<b>Khanna Sanjay</b>	former Futurist of Whitespace Legal Collab	Baker McKenzie
<b>Klein Luis</b>	Director of Policy and Strategic Partnerships	Juvenile Justice Initiative
<b>Levick Marsha</b>	Chief Legal Officer	Juvenile Law Center
<b>Long Yolanda</b>	Gault Fellow	National Juvenile Defender Center
<b>Lyth Annette</b>	Chief	Office of the United Nations Special Representative of the Secretary-General on Violence Against Children
<b>Machaidze Tea</b>	National Expert on Child's Rights and Legal Issues	UNICEF
<b>Marrus Ellen</b>	Royce Till Professor of Law and Director	Center for Children, Law & Policy
<b>Mistrett Marcy</b>	CEO	Campaign for Youth Justice
<b>Pampel Jaclyn</b>	Adjunct Professor	School of Law, University of San Diego
<b>Rao Roberta</b>	Pedagogical Project Officer	Ministry of Justice, Italy
<b>Rovner Josh</b>	Senior Advocacy Associate	Sentencing Project
<b>Schwartz Robert</b>	Professor	Temple University Law School
<b>Siliunas Lija</b>	Staff Attorney	Legal Aid Chicago
<b>Stucki David</b>	Deputy-President	International Association of Youth and Family Judges and Magistrates
<b>Walters Wansley</b>	former Secretary	Florida Department of Juvenile Justice
	former Director	Juvenile Services Department in Miami
<b>Vigil Angela</b>	Partner and Executive Director of the Pro Bono Practice	Baker McKenzie

## Annex 4: List of Interesting Resources and Publications Exchanged at the American Preparatory Meeting Chatlog

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- ✦ **For more information about the Global Initiative on Justice with Children:**
  - <https://justicewithchildren.org/about-the-initiative/>
- ✦ **For more information about the next world Congress on Justice with Children:**
  - <https://justicewithchildren.org/mexico-2021/>
- ✦ **For more information about the campaign Accelerate Release of Children Deprived of Liberty in time of Pandemic**
  - <https://justicewithchildren.org/covid-19-advocacy/>
- ✦ **2020 State Ratings Report. Human Rights Protections for Children in the US Justice System**
  - [https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report\\_2020.pdf](https://humanrightsforkids.org/wp-content/uploads/State-Ratings-Report_2020.pdf)
- ✦ **Safe Havens. Closing the Gap Between Recommended Practice and Reality for Transgender and Gender-Expansive Youth in Out-of-Home Care**
  - [https://www.lambdalegal.org/sites/default/files/publications/downloads/tgnc-policy-report\\_2017\\_final-web\\_05-02-17.pdf](https://www.lambdalegal.org/sites/default/files/publications/downloads/tgnc-policy-report_2017_final-web_05-02-17.pdf)
- ✦ **Federal Advisory Committee on Juvenile Justice: Recommendations of the LGBT Subcommittee - Advancing the Reform Process for LGBTQ/GNCT Youth in the Juvenile Justice System**
  - <https://www.ojp.gov/library/publications/federal-advisory-committee-juvenile-justice-recommendations-lgbt-subcommittee>

## Annex 5: Policy and Practice Brief: Accelerate Release of Children from Detention; Protection 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>

Terre des hommes and pro bono volunteers from the law firm of Baker McKenzie produced 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. This brief illustrates international legal instruments and regional mechanisms that are relevant to evaluate the circumstances of children in these settings and presents a set of policy recommendations. Finally, it provides practical examples of rapid response actions to strengthen children fundamental human rights.

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 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/wpcontent/uploads/2020/06/Operational\\_Guidelines\\_for\\_Social\\_Workforce\\_Covid19\\_GlobalInitiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wpcontent/uploads/2020/06/Operational_Guidelines_for_Social_Workforce_Covid19_GlobalInitiative-on-Justice-with-Children.pdf)

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

[https://justicewithchildren.org/wpcontent/uploads/2020/06/Operational\\_Guidelines\\_for\\_Security\\_Forces\\_Covid19\\_GlobalInitiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wpcontent/uploads/2020/06/Operational_Guidelines_for_Security_Forces_Covid19_GlobalInitiative-on-Justice-with-Children.pdf)

✦ **Legal professionals – operational guidelines**

[https://justicewithchildren.org/wpcontent/uploads/2020/06/Operational\\_Guidelines\\_for\\_Legal\\_Professionals\\_Covid19\\_GlobalInitiative-on-Justice-with-Children.pdf](https://justicewithchildren.org/wpcontent/uploads/2020/06/Operational_Guidelines_for_Legal_Professionals_Covid19_GlobalInitiative-on-Justice-with-Children.pdf)