


*LATIN AMERICAN
PERSPECTIVES ON
THE UN MODEL
STRATEGIES:
CHILDREN IN
CONFLICT WITH LAW*

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Regional Context

- Pre-conventional systems of protection (CRC): so called “protective measures” as opposed to “criminal sanctions”
 - Wide processes of legal reform: 1) Children Acts (Codes) and; 2) Juvenile Justice Legislation (two exceptions: Argentina, Brazil)
 - Recognition of: 1) Principles; 2) Rights; 3) Forms of detention (pre-trial); 4) Sanctions; 5) Execution of sanctions
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Main regional challenges under the UN Model Strategies

- General prevention strategies to address violence against children as part of broader child protection and crime prevention initiatives (including data)
- Reducing the number of children in contact with the justice system
- Preventing violence associated with law enforcement and prosecution activities
- Ensuring that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time
- Preventing and responding to violence against children in places of detention

*Sources: ICHR, UNICEF, DCI, IOJJ, SRSG VAC



*General
prevention
strategies to
address violence
against children
as part of
broader child
protection and
crime prevention
initiatives (P. 5)*

- Security agenda: crime prevention (widely based on perception of safety surveys)
- Adolescents only as “offenders” (not as victims of violence)
- Absence of prevention of violence in the context of crime prevention actions, plans and programs
- Lack of integrated data on children in conflict with the Law

*Reducing
the number
of children
in contact
with the
justice
system (P.
29-31)*

- Diversion as the exception (despite of legal recognition)
- General tendency to use the criminal justice system as a subsidiary to integral protection systems (criminalization of minor offences)
- Lack of specialized criminal justice priorities for adolescents in conflict with the law

*Preventing
violence
associated
with law
enforcement
and
prosecution
activities (P.
32-34)*

- Police proceeding without specialization (protocols, standards, monitoring)
- Torture, inhumane and degrading treatments in the context of police intervention
- Massive detentions as a “crime prevention” strategies

Ensuring that deprivation of liberty is used only as a measure of last resort and for the shortest appropriate period of time (P.35)

- Deprivation of liberty as a widely used alternative
- Long periods of pre trial detention (in several cases, without being sentenced)
- Lack of precision in the law (stricter requirements, short periods for judicial review)
- Regressive legal reform tendencies for mandatory use of detention in certain crimes and higher penalties
- Low use of alternative programs (particularly restorative justice programs)

Preventing and responding to violence against children in places of detention + Strengthening accountability and oversight mechanisms (P. 37-47)

- Legal reforms without a re/design of centres of deprivation of liberty
- Lack of concern for police detention centres
- Need for consolidating independent monitoring mechanisms of places of detention (including complaint mechanisms for children)
- Low use of criminal or other public investigations into all serious reports of violence against children at any stage of the justice process

Conclusions

- From legal standards to the consolidation of specialized juvenile justice systems
 - Coordination between juvenile justice systems and integral protection systems
 - Prevention of violence against children as a structural component of crime prevention and criminal justice systems
 - Specific violence/related indicators in connection with crime prevention policies and the juvenile justice.
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