

## **THE AGE OF CRIMINAL RESPONSIBILITY IN MEXICO**

The Convention on the Rights of the Child (later CDN or Convention) was born in 1989. This international document lays the groundwork for recognition of the rights of children. Making it clear that children are subject to rights (CDN, 1989). Taking into account the above, the argument of the Doctrine of the Irregular Situation, where the child was regarded as objects of protection, was first banished (González Contró, 2008, 25). It then begins with the entry into force of the CDN an (re) evolution of the understanding of children, that is, always taking into account their needs and particularities. The CDN is integrated by four important principles, these being: the principle of the best interests of the child, the principle of non-discrimination, the principle of participation and the principle of survival and life. These principles are important to understand the protection and guarantee of the rights of children in the world orb (Herrera Zamora, 2011).

Once the CNC is born into legal life, the nations that ratified this international instrument must bring it to implementation in their domestic domestic law. For the specific case of Mexico, the above was reflected on October 21, 1990 with the entry into force of this international document in our country. Years later, the Mexican constitution in 2000 reformed its article 4th (Confront in: Political Constitution of the United Mexican States, reform to article 4th reform of the year 2000), in which the principle of the best interests of children was incorporated for the first time, ordering all the authorities to enforce it within the application of each of its powers and functions in all orders of the public administration in Mexico.

For the case before us, it was in 2005 that article 18 of Magna Carta was reformed, placing within its extremes that the minimum age of juvenile criminal responsibility in our country, would be the 12 years old. This has been the subject of legal discussion and a true interpretation of the CDN text. Since we should not overlook, that before the reform to article 18 of the Mexican constitution, there was no approved age of criminal responsibility in Mexico, so in each of the federal entities the age of juvenile criminal responsibility was different from one federal entity to another. This would result in a state of uncertainty for juvenile criminal justice.

One of the peculiarities that creates controversy within domestic law is to define in a timely manner that should be understood as a child. The CDN, the highest international instrument in this area, defines within Article 1, which means a child: "Every human being under the age of 18..." (CDN, 1989). Therefore, with the above definition - to the present - there is no longer any

doubt that we should understand legally by boy and/or girl. It is to be said that most of the nations that have ratified the CON have taken it as a reference. It should also be expressed that within what is set out in the CDN in its numeral number 37 and 40, it has been established that the countries signatory to the CON, must create a specialized justice system to care for all those children and adolescents (NnyA) who are presumed to violate criminal laws.

The various international instruments recognizing children's rights, on the subject of criminal justice applied to them, lay down lines that seek to lead States parties, in the action to be directed for children in conflict with criminal law, so that the provisions laid down in international instruments can be fully realized within the States that have thus ratified the various international documents.

At first instance, it was relevant to return as a basis instrument to the Convention itself. One of the most important parameters that are rescued from the text of the CDN is not only the full recognition that the child is the subject of rights, but also that the principle of the best interests of the child stands, as a badge that States must follow in order to fulfil their obligations; therefore, it is the principle of the best interests of the child that, within the topic of children in conflict with justice, is of forced application.

However, for the issue of children in conflict with criminal law, within the text of the Convention, there are two numerals which to date consolidate not only guidelines for the annotated topic, but are a true parameter of implementation, just as States parties must necessarily consider.

The numerals that fall within the topic of children in conflict with criminal law are Articles 37 and 40 of the CNC, which consolidate the standard of application for children in conflict with criminal law, and harmonize with content that is regulated in other international instruments.

For the Mexican case, it is important to point out why Mexico, as a reference to the age of 12 years old as the minimum age of criminal liability and why to date, that is, fourteen years after the entry into force of the reform to article 18 of the Magna Carta, continues with that position.

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## **TELEMEDICINE AS A DIRECTION FOR THE DEVELOPMENT OF MEDICAL SERVICES IN THE PANDEMIC - BENEFITS AND RISKS**

The development of the Internet, widespread access to mobile devices and new communication channels create unprecedented opportunities for the