



Organization of  
American States



## **CIVIL SOCIETY FORUM PRIOR TO THE XX PAN AMERICAN CHILD CONGRESS**

Hotel Las Naciones – Buenos Aires, Argentina  
August 25-26, 2009

The Department of International Affairs of the Organization of American States (OAS) and the Inter-American Children's Institute (IIN) facilitated a dialogue between 52 representatives from 33 civil society organizations from 11 OAS Member States in preparation for the XX Pan American Child Congress to be held in Lima, Peru in September 2009.

This Forum offered a space in which the civil society participants shared their experiences regarding the policies implemented by the Member States in relation to childhood and adolescence, and formulated and compiled their recommendations about the topics the National Delegations of the OAS Member States will discuss during the XX Pan American Child Congress. The following are the recommendations generated by the participants in this Forum for consideration by the Member States. The list of participants of the Civil Society Forum is included as Annex I in this document.

### **RECOMMENDATIONS**

The representatives of civil society organizations, meeting in the "*Civil Society Forum prior to the XX Pan American Child Congress*," convened by the OAS and the IIN on August 25-26, 2009, in Buenos Aires, Argentina, with the objective of sharing experiences about the policies implemented by different States in relation to themes of childhood and adolescence and to formulate recommendations to be presented to the States for the XX Pan American Child Congress, to be held in Lima, Peru on September 23-25, 2009, present the following recommendations:

**IN REGARDS TO THE COMMEMORATION OF THE 82ND ANNIVERSARY OF THE ESTABLISHMENT OF THE IIN, 60 YEARS AS A SPECIALIZED ORGANIZATION OF THE ORGANIZATION OF AMERICAN STATES (OAS), AND THE 20TH ANNIVERSARY OF THE CONVENTION ON THE RIGHTS OF THE CHILD, WE CONSIDER THAT:**

1. The Inter-American Children's Institute, Specialized Organ of the OAS, constitutes an important regional resource for the study of topics related to children, adolescents and their rights. The 82<sup>nd</sup> anniversary of the IIN creates a space for critical reflection and self-reflection about the Institute's experiences and contributions toward the respect, promotion and defense of the rights of children and adolescents in our region. In this analysis, it is useful to also evaluate the contributions of civil society since the participation of civil organizations, including children and adolescents, constitutes an imperative defined by the Inter-American Democratic Charter and complemented by other similar decisions taken by this Organ.

2. In the Commemoration of the 20<sup>th</sup> anniversary of the adoption of the Convention of the Rights of the Child by the United Nations General Assembly, an important aspect is the broad ratification it has received by the countries of our region. However, it should be highlighted that the United States of America is the only country of our Hemisphere that has not yet ratified the Convention. Similarly, there are countries that have not ratified the Optional Protocols of the Convention on the Rights of the Child.
3. It is observed that the efforts to comply with and guarantee the rights of children and adolescents by Member States have mainly and almost exclusively aimed at achieving formal modifications to the Convention, translated into new laws on childhood and adolescence, and into institutional reforms of the bodies in charge of child and adolescent policies in each country. These reforms are recognized as advancements; however, they are not sufficient to effectively transform the institutional policies and practices regarding childhood and adolescence.
4. The Concluding Observations to the countries' reports, carried out by the Committee on the Rights of the Child, as well as in the application of their General Observations, are contributions that guide the States in defining their policies and investments; however there is still minimal knowledge and few actions are performed to implement these norms.

**WITH RESPECT TO THE COMMEMORATION OF THE 82ND ANNIVERSARY OF THE ESTABLISHMENT OF THE IIN, 60 YEARS AS A SPECIALIZED ORGANIZATION OF THE ORGANIZATION OF AMERICAN STATES (OAS), WE RECOMMEND:**

1. States assume a greater commitment to participate in the IIN and broaden their support by proactively collaborating with our countries. The IIN must strengthen its cooperation, orienting it toward knowledge of the situation and the implementation of the rights of children and adolescents, for which it is proposed that the IIN develop indicators based on these rights that allow measurement of the advancements, considering individual countries' circumstances as well as areas of commonality in the region.
2. The IIN disseminate best practices in the effective application of the rights of children and adolescents developed in the region and strengthen the National Systems of the Rights of Children and Adolescents to fulfill their plans and programs designed in the framework of the Convention on the Rights of the Child.
3. The IIN must define and carry forward a Regional Agenda that should consider other similar initiatives in the region and other regional and subregional systems. This should all be done with the participation of civil society organizations, especially those that work in areas of children and adolescence.
4. The opportunities and spaces for participation and consultation opened by the State, the IIN or the OAS to civil society and to children, should be permanent and accompanied by feedback mechanisms for the follow-up of the recommendations and suggestions. It is important that the IIN design and implement simple, transparent and democratic mechanisms for civil society participation.

**WITH RESPECT TO THE 20TH ANNIVERSARY OF THE CONVENTION ON THE RIGHTS OF THE CHILD, WE RECOMMEND:**

1. The States expressly reaffirm their commitment to comply with and effectively guarantee all the rights recognized in the United Nations Convention on the Rights of the Child seeking the application of these rights for all children and adolescents, without discrimination.
2. To avoid any regression in the advancements in legislation, public policies, and implementation reached in the countries of the region, since these advancements constitute a necessary foundation for the application of the rights of children and adolescents. It is imperative that States continue advancing toward higher standards of legal protection with the implementation of measures, such as: constitutional recognition of the rights of children and adolescents, ratification of the Optional Protocols of the Convention on the Rights of the Child and the revision and modification of complementary international and national laws, among others.
3. To truly transform institutional practices, keeping in mind the recognized rights and guarantees of childhood and adolescence expressed by the State not only through changes in the discourse, but through the withdrawal of practices that collide with the condition of entitlement of the rights of children and adolescents.
4. To effectively comply with and disseminate the Concluding Observations of the Committee on the Rights of the Child and the General Observations to the countries, allowing for follow-up and permitting the participation of civil society organizations and children and adolescents in the monitoring and evaluation of the obtained results.
5. To request the active support of the States for the following initiatives: to comply with the implementation of the recommendations of the World Study of Violence against Children and Adolescents and the installation of the Office of the Special Representative on Violence against Children of the Secretary General of the United Nations; the approval in the United Nations of the Guidelines on the Appropriate Use and Conditions of Alternative Care for Children, to be discussed in the near future; and the development and approval of the Optional Protocol of the Convention on the Rights of the Child for the presentation of individual communications to the Committee on the Rights of the Child.

**IN REGARDS TO PUBLIC POLICIES IN INTEGRAL PROTECTION SYSTEMS, INCLUDING LOCAL SYSTEMS, WE CONSIDER THAT:**

1. The region identify as a principal concern, which is present in various summits and fora, the lack of implementation of public policies that fully guarantee the human rights of children and adolescents.
2. The National Integral Protection Systems have been established in our countries at uneven rates, related primarily with the processes of legislative change, noting that the institutionality developed by these Systems is weak and fragmented, leading to the implementation of policies without a focus on rights. The guiding institutions of these systems, in many cases, do not have a sufficient political hierarchy to influence other public dependencies and to define State actions, for which conflicts of competence, dispersion, incoherence and duplication of State actions arise in relation to childhood and adolescence.
3. The policies aimed at childhood and adolescence do not always take an integral perspective, and prioritize focused actions that do not permeate other public policies. In consequence, they do not sufficiently collaborate to guarantee the collective human rights of all children and adolescents.

4. Similarly, the policies of Childhood and Adolescence in National Protection Systems, do not receive sufficient investment. Generally, national childhood plans lack a budget or allocated funds are insufficient. This shows the inadequate application of article 4 of the Convention on the Rights of the Child that commits States to take all necessary measures, investing the highest amount of available resources to guarantee the rights of children and adolescents. Moreover, the concern arises that in the context of the current global economic crisis, greater cuts in the already reduced budgets allocated to childhood are justified.
5. Violence against children and adolescents, in its various forms, is spreading at an alarming rate in the region, constituting one of the principal causes of the violation of the fundamental rights of childhood and adolescence.
6. Spaces for participation of civil society organizations, for adults as well as children and adolescents, are not always permanent, and are not institutionalized, making the impact and monitoring tasks of civil society more difficult.

**IN REGARDS TO PUBLIC POLICIES IN INTEGRAL PROTECTION SYSTEMS, INCLUDING LOCAL SYSTEMS, WE RECOMMEND THAT:**

1. States design and execute integral policies that guarantee all civil, political, economic, social and cultural rights of all children and adolescents, considering the interdependence of these rights and the consequent integrality that must exist in the efforts aimed at their compliance.
2. It is also necessary to interconnect the application of children's and adolescents' rights in policies of the States and in those which originated in supranational instances in the region. The countries' development plans, strategies to fight poverty, regional strategies and plans, among others, must consider these rights.
3. State plans and policies directed at childhood and adolescence must be sufficiently inclusive to guarantee that all sectors of the population are taken into consideration, respecting the socio-cultural diversity and the phases of the cycle of child development: early childhood, childhood and adolescence.
4. The establishment and development of decentralized Integral Protection Systems, organized at different levels of government, including local systems, structured between institutions and across sectors are important. These systems should be initiated through laws and regulations that institutionalize their actions and differentiate the role of the guarantors, responsible parties, and recipients of the rights. There should also be guiding institutions of political hierarchy, with clear competencies, capable of carrying forward and articulating policies for childhood and adolescence.
5. The guiding institutions of childhood and adolescence must abandon practices based on irregular positions and construct new practices that respect the rights of children and adolescents, and benefit from capable human resources and adequate economic resources that guarantee quality and avoid endangering the services offered.
6. The policies of childhood and adolescence and integral protection systems must have guaranteed, sufficient public investment. The States must prioritize this investment and seek international cooperation when their own resources are insufficient. Public investment should be extended to local levels and should be transparent with its execution controlled. The swap of debt for investment in childhood is an important resource to be considered by the States.

7. For the States to create the conditions, spaces and necessary mechanisms for civil society participation, especially organizations of children and adolescents, to fully participate in the process of defining, executing, monitoring and evaluating the policies of childhood and adolescence, recognizing the impacts and demands by civil society as significant contributions for the effective compliance of the rights of children and adolescents. These spaces of participation should be permanent and should be institutionalized.
8. Integral systems that gather systematize and disseminate information about children, adolescents and their rights should exist. The States' plans regarding childhood and adolescence should be based on reliable information.
9. States take into consideration the recommendations formulated in the World Study of Violence against Children and Adolescents, adopting the necessary measures to prohibit all forms of legalized violence against children and adolescents, favoring prevention and strengthening commitments in terms of the development of national plans of action that confront violence against children and adolescents, for which it is important to incorporate the participation of multiple sectors of society in a broad-based enforcement strategy.

**IN REFERENCE TO THE PARTICIPATION OF CHILDREN AND ADOLESCENTS IN BUILDING CIVIC-MINDEDNESS AND ITS IMPACT ON PUBLIC POLICIES, WE CONSIDER THAT:**

1. The IIN has taken a great step to include child and adolescent participation in the official agenda of the XX Pan American Child Congress via resolution CD/RES. 07 (83-R/08) of the 83rd Meeting of the Directing Council of the IIN, which took place in Ottawa, Canada in October 2008, and by convening children and adolescents to consult their opinion in relation to the themes of said Congress.
2. For decades, the topic of child and adolescent participation has been systematically promoted by social organizations that collaborated in supporting children and adolescents in their organizing processes; currently, there are organizations with a national reach that have existed for more than 30 years. Moreover, organizations and networks of children and adolescents at a regional level participate periodically in national, regional and global fora on diverse topics.
3. However, the development of processes of child and adolescent participation in the countries of the region is disparate and intermittent. The States have incorporated child participation in their discourse and in some cases in their legal frameworks, but they have not advanced sufficiently in the promotion and guarantee of this principle and of the rights it encompasses.
4. It is recognized as an advancement that organizations of children and adolescents are convened and consulted, however in some circumstances, these invitations continue to be symbolic or very formal, which makes authentic participation of children and adolescents and their follow-up of their contributions more difficult.

**IN REFERENCE TO THE PARTICIPATION OF CHILDREN AND ADOLESCENTS IN BUILDING CIVIC-MINDEDNESS AND ITS IMPACT ON PUBLIC POLICIES, IT IS RECOMMENDED:**

1. To promote the participation of children and adolescents as a right and disseminate it as such for the knowledge of the citizenry and especially the children and adolescents for whom the information should be guaranteed.
2. To recognize the importance of exercising participation as a way to learn about democracy, build civic-mindedness and a culture of peace.
3. To promote and guarantee participation as a permanent practice for intergenerational relations between adults and children, especially within family and school, through actions that create democratic relationships in families, and the learning of new forms of raising children. Education policies should include the preparation of docents to promote and sustain participatory practices in schools and informal settings.
4. To include the participation of children and adolescents in States' proposed plans and policies regarding childhood and adolescence, incorporating those children and adolescents in the formulation, implementation, monitoring and evaluation of public policies. The States should promote and support as well as identify and recognize the spaces of participation generated.
5. To guarantee the enjoyment and exercise of the rights that encompass the principle of participation for all children and adolescents without discrimination whatsoever, creating opportunities for the groups of children and adolescents historically excluded from processes of participation, such as native populations, ethnic minorities, children with disabilities, afrodescendants, institutionalized children, children in trouble with the law, children living with HIV – AIDS, among others, for which various experiences of participation and forms of expression of children and adolescents should be recognized and valued.
6. To design strategies, methodologies, and teaching methods to guarantee the participation of children and adolescents in all cycles of development: early childhood, childhood and adolescence. These strategies should understand that the exercise of rights that encompass the principle of participation involves diversity of expressions and representations of children and adolescents as well as a respect for the forms of ancestral participation and the cultural diversity of our communities.
7. To develop human resources that favor, accompany, and strengthen the processes of child participation. It is fundamental to resort to the collective experiences of civil society in the follow up of these processes.
8. To take note of General Observation No. 12 of the Committee on the Rights of the Child and article 12 of the Convention on the Rights of the Child, regarding the right to opinions, in order to stimulate this aspect of participation at the individual and collective levels of children and adolescents.

**IN RELATION TO THE DEVELOPMENT OF INTERNATIONAL, REGIONAL, AND BILATERAL COOPERATION IN PUBLIC POLICIES ON CHILDREN, WE CONSIDER THAT:**

1. International cooperation has collaborated on the inclusion of numerous topics in the public agenda regarding the rights of children and adolescents that are currently of importance as well as in the development of National Plans of Childhood and Adolescence by the States of the region.

2. The call for international cooperation expressed in the Convention on the Rights of the Child entails an orientation of cooperation toward compliance with these rights.
3. The need to build more horizontal, cooperative relationships, based on the needs identified by the countries and oriented toward the empowerment of civil society, including children and adolescents and of local governments.
4. International cooperation should not be maintained only by macroeconomic indicators of the region focusing on priorities of intervention, given that these do not reflect the levels of social exclusion, poverty and inequality that affect the great majority of the population in the Hemisphere.

**IN REGARDS TO THE DEVELOPMENT OF INTERNATIONAL, REGIONAL, AND BILATERAL COOPERATION IN PUBLIC POLICIES ON CHILDREN, WE RECOMMEND:**

1. To orient cooperation in the direction of compliance with the Convention, its guiding principles of higher interest of the child, non-discrimination, survival and development, participation and of the recommendations of the Committee on the Rights of the Child to the countries of the region, as well as the implementation of the resolutions emanated from the IIN and the regional summits, based on the requirements identified by each country and from shared reflections by the State and civil society.
2. To favor the definition, coordination and complementing of cooperation in order to achieve a greater impact and make rational use of the obtained resources, which should serve to complement the investment of the State in terms of childhood and adolescence.
3. To invest cooperation resources in sustainable actions and State policies that go beyond governments.
4. To diversify international cooperation investment, including civil society, and its incidence, enforceability and technical support, strengthening such cooperation to participate actively in public policies.
5. To promote strategies of horizontal cooperation and technical cooperation that generate spaces for regional and sub-regional integration, making possible work in networks, the exchange of successful experiences and best practices regarding childhood and adolescence, strengthening and complementing information systems, and construction of indicators with a rights perspective.
6. To channel the use of cooperation for the establishment and strengthening of information systems and the construction of indicators with a rights perspective.

Finally, we thank the IIN and the Department of International Affairs of the OAS for the opportunity offered in this Forum and we request that it constitute a permanent space for consultation of civil society prior to the Pan American Child Congresses, facilitating the follow-up of the recommendations submitted in this context.

Moreover, we congratulate the decision of the OAS General Assembly to raise the status of the XX Pan American Child Congress to that of a “Specialized Conference” and we hope for an active participation of the national delegations and of children and adolescents that will meet on such an occasion.

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