



BACKGROUND DOCUMENT ON THE TWENTY-FIRST PAN AMERICAN CHILD CONGRESS

THEMATIC FOCUS: TWENTY-FIVE YEARS AFTER THE ADOPTION OF THE CONVENTION ON THE RIGHTS OF THE CHILD: “BUILDING PEACEFUL ENVIRONMENTS”

Introduction

The adoption of the *Convention on the Rights of the Child* by the United Nations on 20 November 1989 and its wide international ratification was a milestone in the transformation of children’s legal and social status. It made the aspiration to achieve international consensus for the protection of children a reality, and identified the States as principal duty-bearers responsible for safeguarding children’s rights. Thus, a new era was launched in the history of childhood, breaking away once and for all from depictions of “minors” as objects of “compassion” or “repression”, to acknowledge children as full holders of rights.

Twenty-five years after that historic event, we should bring to mind the originators of this feat on behalf of the children of the world. The representatives of the State of Poland presented a proposal in 1978, in the expectation that it would be adopted in 1979, in time for the celebration of the International Year of the Child. The working group of the United Nations Commission on Human Rights, which was entrusted with drafting a convention on the rights of the child, worked for ten years to obtain a consensus that would give rise to an international human rights instrument specifically devoted to children.

The approval of the Convention ten years after it was proposed, as well as its overwhelming and rapid ratification, marked a turning point in the long process towards fully safeguarding the rights of children.

A brief reference to the events that formed the background to the adoption of the Convention should include:

- *The Declaration of the Rights of the Child adopted by the League of Nations on 24 September 1924.*
- *The Charter of Child Rights submitted by Dr Luis Morquio on 9 June 1928 during the foundation ceremony of the then International American Office for the Protection of Childhood, which is today the Inter-American Children’s Institute (IIN).*

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- *The Declaration of the Rights of the Child* adopted by the General Assembly of the United Nations, on 20 November 1959.

Founded 88 years ago, the history of the Inter-American Children's Institute is marked by the vagaries of the hemisphere's social and political changes. The history of the continent has been far from peaceful, calm or stable with regard to institutions, socio-economic circumstances or the value assigned to human rights.

The Institute was created in the twenties, following a conception which at the time was known as social paediatrics; that is, a basically medical approach, but leaning heavily towards comprehensiveness and the inclusion of social factors in the health-illness process, an approach which was far ahead of its time.

As from the mid-1990s and up to the present, the ways of perceiving childhood and the responsibilities enjoined upon the States began to shift from the concept marked by the welfare paradigm towards the rights-based approach arising from the ideas of the Convention on the Rights of the Child.

In recent years, the IIN's action has embraced as its central points of reference two international instruments: the Convention on the Rights of the Child and the Inter-American Democratic Charter.

Both of these instruments converge on several major points. In the Inter-American Democratic Charter, the States in the region reaffirm their commitment to democracy, perceiving it in a substantial sense that transcends forms of government and installs itself as a way to regulate social life. It is inseparable from the active participation of citizens, a full respect for human rights and the development of higher levels of equity and access to basic services such as education and health.

These instruments, together with the American Declaration and the American Convention on Human Rights, and other international instruments related to child rights, such as the United Nations Guidelines for the Alternative Care of Children, which celebrates its fifth anniversary in 2014, are part of the corpus juris on children's issues, which has seen extensive developments within the Inter-American human rights system.

Today the region is facing a number of challenges, such as overcoming poverty, fostering social inclusion and shortening the inequity gaps that characterize our continent. This is in keeping with the principles of the Convention:

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- The right to non-discrimination (Art. 2);
- The right to survival and development (Art. 6);
- The right to be heard (Art. 12);
- and the commitment to promote the best interest of the child (Art. 3).

When building paths leading to democratic strengthening and consolidation in the hemisphere, we should bear in mind that this is a continent inhabited by 232 million people under the age of 18, and that 200 million of them live in Latin American and the Caribbean, a figure which represents 40% of the population. ¹

Children's Rights in the Americas 25 Years after the Convention

A look at the situation of children in the Americas shows that there has been significant progress in the years since 20 November 1989.

Broadly, we can say that the nineties was a period devoted to assimilating the postulates of the Convention and its Optional Protocols, to developing international standards on children's issues, both within the United Nations and in the Inter-American system and to integrating the Convention to the legal systems of the Organization of American States member states. It was in this decade that most of the children's statutes or comprehensive protection laws were adopted; laws which embrace the new rights-based perspective from a protectionist point of view. These innovations in national legislations led to a phase of identifying and smoothing out incongruities, inasmuch as the new statutes coexisted with traditional regulations that reflected conceptions of childhood which preceded the Convention.

A second phase, which could somewhat arbitrarily be located at the beginning of the new century, is characterized by the design and implementation of public policies that incorporate the principles of the Convention and demand that the States make significant budgetary, political and management efforts.

These policies are framed within the context of the comprehensive protection doctrine and have distinguishing features that set them apart from traditional approaches.

Some of these features are:

- ✓ They are comprehensive, which entails the challenge of intersectorality.
- ✓ They incorporate children's right to receive information, form their own opinions, express them and be taken into account (participation).
- ✓ They pay attention to the causes of vulnerability or rights violations, going beyond palliative policies and tending towards the full development of children as holders of rights.
- ✓ They are sustainable, both in a political dimension, implying that consensus is in place so that their permanence over time is ensured, and in financial terms, which is linked to the previous feature.

¹Organization of Ibero-American States (OIAS), (2010) *Sistema de información sobre Primera Infancia en Iberoamérica, Metas educativas 2021*, Madrid, Spain.

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✓ They promote the involvement of the entire population and their identification with an attitude of respect for and protection of child rights. This leads to rethinking human relations both in public and in private settings (families, inter-generational relations). It is no longer merely a question of providing services to children, but also of providing them with social opportunities for them to develop as persons and citizens. The construction of a culture of rights is based on the complementarity between persons, society and the State.

From this new perspective, the category of rights-holder transcends the legal plane to become a condition that permeates the daily life and relationships of individuals on every plane. It includes a concept of democracy that goes beyond the political system and penetrates human relations socially and culturally, reaching private settings in which, traditionally, the patriarchal power reigned supreme. Rights conceived thus are not merely standards, but the source of ethical values and a point of reference to regulate inter-generational coexistence. Until these cultural transformations come about, rights may enjoy legal recognition, but this will not be enough to achieve their full enjoyment in different socialization settings.

Despite the 25 years that have elapsed since the adoption of the Convention and the increasing efforts made by the States and societies, the inequity gaps and the distance that separates us from a full enjoyment of rights are still a huge challenge for the States and for society. While significant progress has been made in the development of policies to protect child rights, violence in its various manifestations appears to be linked to most of the threats to and violations of children's rights. The human, social and economic cost of violence is also a significant hindrance to the sustainable development of the Americas.

These challenges should not lead to resignation, or to lowering our aspirations. On the contrary, we should make them a working area in which to renew our commitments, invest our best material and human resources and double our efforts to make rights a tangible reality for the children in the region.

It is in this spirit and in accordance with its institutional mission that the IIN has resolved to make the right to non-violence and the challenge of building peaceful environments the central focus of the 21st Pan American Child Congress.

The objectives pursued at this event will be:

- To share a look at the reality of the Americas, paying particular attention to the need to promote a culture of non-violence as a requirement for the sustainable development of nations.
- To contextualize the hemispheric process in order to prevent and eliminate violence within the global process of adopting a new agenda for post-2015 development.
- To recognize the joint existence of progress and challenges and on their basis, design a working agenda.

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- To examine and reflect upon **governmental efforts** to prevent, prohibit, combat and punish violence against children, in order to care for and protect them, as well as to promote the reparation and restoration of the rights of affected children.
- To share experiences in the design and implementation of **public policy for children** with a rights-based approach, and the lessons learned from them.
- To promote the commitment of all social stakeholders with regard to child rights, particularly in the prevention and elimination of all forms of violence against children.

The Right to Non-Violence – Building Peaceful Environments

Despite the improvements to legal frameworks, institutions and policies that have occurred in recent decades, violence continues to be commonplace for a large number of children in the Americas, jeopardizing their human rights.

This serious violation of children's rights has given rise to a number of statements issued by different bodies.

In 2002, an advisory opinion issued by the Inter-American Court of Human Rights on the *Legal Status of the Human Rights of the Child* (2002) states that “the States Party to the American Convention have the duty [...] to take positive steps to ensure protection of children against mistreatment, whether in their relations with public officials, or in relations among individuals or with non-State entities”. The Court refers to the provisions of the Convention on the Rights of the Child, the conclusions of the Committee on the Rights of the Child and the judgements of the European Court of Human Rights in support of the States' duty to protect children against violence, even within the family. In conclusion, the Court states that “the State has the duty to adopt positive measures to fully ensure effective exercise of the rights of the child”.²

In May 2006, the Committee on the Rights of the Child published its General Comment N°8, in which it stresses “the obligation of all States parties to move quickly to prohibit and eliminate all corporal punishment and all other cruel or degrading forms of punishment of children and to outline the legislative and other awareness-raising and educational measures that States must take”.

At the same time, it refers to: “Addressing the widespread acceptance or tolerance of corporal punishment of children and eliminating it, in the family, schools and other settings, is not only an obligation of States parties under the Convention. It is also a key strategy for reducing and preventing all forms of violence in societies.”

² Inter-American Court of Human Rights, advisory opinion OC-17/2002 of 28 August 2002, pars. 87 and 91.

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After the second day of its general discussion on the subject of “Violence against Children, Within the Family and in Schools”, held in September 2001, the Committee referred to the recommendations it had adopted and urged States parties “as a matter of urgency, to enact or repeal their legislation as necessary in order to prohibit all forms of violence, however slight, within the family and in schools, including as a form of discipline, as required by the provisions of the Convention...”.

In 2011, in the face of a number of indicators pointing to the extent of the problem, the Committee revisited the issue in its General Comment N° 13: The right of the child to freedom from all forms of violence. In it, the Committee states: “the extent and intensity of violence exerted on children is alarming. Measures to end violence must be massively strengthened and expanded in order to effectively put an end to these practices which jeopardize children’s development and societies’ potential non-violent solutions for conflict resolution.” It warns about the direct and indirect cost to society caused by violent practices and how these jeopardize the development of society.

This concern was taken up by the General Assembly of the OAS at its forty-fourth regular session held in Asunción, Paraguay, from 3 to 5 June 2014. In a declaration entitled, “On Violence against and Exploitation of Children”³, the General Assembly recognized “that violence against and exploitation of children occur everywhere and in all their forms, in all countries and societies and among all social groups, and make no distinction of class, culture, race, religion, gender, or nationality, particularly in vulnerable groups;” and that, “such violence takes place in all environments in which children live, grow, develop, and interact, inter alia, in families, at home, in schools, and in communities and the media, within social welfare systems, and in juvenile justice systems;”

The declaration also specifically mentions the “high incidence of sexual violence against children, [...] through abuse, exploitation or trafficking; as well as bullying in schools; and corporal punishment as a form of discipline in schools, institutions and homes”. Among other aspects, it considers that: “the OAS, particularly through the Inter-American Children’s Institute, as well as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, has emphasized the importance of effectively promoting and protecting the rights of children in the Americas;”

And declares: “That responses to violence against children should be gender-sensitive, of a holistic nature and encompass prevention of violence against children, the early detection of cases of violence against children, care and rehabilitation for victims, protection action and measures to ensure children’s safety, enhance strategies to ensure that violence is prevented, and promote the establishment of community child protection networks to reduce secondary victimization, as well as restitution and reparation and the prosecution and punishment of perpetrators of violence against children.”

³ See full version in: OAS Forty-Fourth Regular Session, Asunción, Paraguay, 3-5 June 2014. Resolutions: “Violence against and Exploitation of Children”.

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According to data provided by the Pan-American Health Organization, close to 115,000 people are murdered every year in the Americas, and 55,000 commit suicide (Situation in the Americas, Basic Indicators, 1997, 1998, 1999, 2000. Washington, D.C.: PAHO). A detailed analysis of these figures shows an extensive spread by sub-region, with its epicentre in Central America. It also shows a high participation of adolescents and young people in these events, either as victims or perpetrators.⁴

However, these figures are only the tip of the iceberg. While there is some under-reporting as regards murders and suicides, depending on the States, we should bear in mind that there are other forms of violence that affect large numbers of children and are characterized by their low visibility. Among these are violence within families, discriminatory conduct and aggressive behaviour towards individuals who are different.

We are thus confronting a play of perspectives and opacity that conceals processes that generate violence, and prevents us from pinpointing the origin of behaviour that bursts into public view without an apparent explanation. An examination of these “processes that generate violence” leads us through a variety of socialization and coexistence settings in search of an answer to the question of “how and where is the violence that pervades life in our society generated?”

The Family

The belief that violent methods can be an effective part of the education process is deeply-rooted in the cultures of the continent. Authority is confused with the power to exercise violence.

In 2013, the urgent need to work with parents and other adult caregivers on the eradication of violence as a form of discipline motivated the IIN to work on the production of guidelines to strengthen the capacity of families to care for and raise their children from the very beginning of life. There was a particular emphasis on promoting non-violent forms of conflict resolution, transmitting tools to encourage inter-generational discussion and raising awareness regarding the need to eradicate non-violent forms of discipline from children’s surroundings.⁵⁻⁶

Violence can be expressed in different ways: physically, psychologically or verbally, and these forms often occur in combination. While existing figures are not reliable, owing to the lack of transparency that surrounds this behaviour and the cultural tendency to tolerate it, they indicate that 80% of children have suffered some form of violence (physical, psychological or verbal) and two out of ten states that they have been victims of different forms of sexual abuse within their homes.

⁴World Health Organization, WHO, (2009), *Early Childhood Development*, Fact sheet N°332, August 2009. (<http://www.who.int/mediacentre/factsheets/fs332/en/index.html>)

⁵ Guidelines for the Promotion of Family Care and Upbringing Capacity, IIN-ICBF CD/doc. 9/13.

⁶CD/ RES. 04 (88-R/13) PROMOTING FAMILIES’ CAREGIVING AND CHILD-REARING CAPACITY IN RELATION TO EARLY CHILDHOOD (Adopted at the third plenary session, held on 17 September 2013).

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We should not forget to include among the forms of violence, cases where children witness violence between adults who are close to them. Children can be affected by violence even when they themselves are not the direct victims of aggression. According to figures provided by UNICEF (2011),⁷ household surveys conducted over the period 2000-2009 reveal that, on average, over 50% of children between 15 and 19 years of age in the developing world (without including China) consider that a woman being beaten or ill-treated by her husband or partner may be warranted in certain circumstances.

Violence perpetrated by adults against children within families or institutions, as well as the experience of witnessing violence between adults, has specific consequences on children's psychological development. The perpetrators are the same individuals who should provide care and with whom children are usually in a relationship of dependency. This promotes the assimilation of violence as a natural factor in human relations, both between generations and between genders.

Scientific evidence reveals that corporal punishment or other forms of violence – far from instilling the values of discipline and coexistence – provides a model according to which conflicts are resolved by means of violence inflicted by the strong upon the weak. This leads to accepting violence as something natural, which is not foreign to various types of relationships, and to justifying and exercising it as a way to resolve conflict.

There are countries in the region which have legislated against it, prohibiting corporal punishment and attempting through this means to overcome beliefs and myths which justify such behavior.

When levels of violence or abuse become visible, mechanisms can be set in motion for the intervention of the relevant bodies. In this regard, it should be ensured that individuals who work with children are trained to detect these situations and act accordingly. In the face of evident physical punishment or abuse, adults tend to have two opposing reactions. One is denial – “it can't be true”, or, the child “must be making it up” – while the other is impulsively seeking to punish the perpetrator without regard to the damage that proceeding inappropriately may cause the child. Experience shows that court proceedings are not devised with the best interest of the child in mind and that the barriers that hinder children's access to justice are still too formidable. Alarming expressions of these problems include children's recantation, when they change their initial evidence about the aggression or abuse they have undergone, or the revictimization they often endure, caused by the lack of trained staff and appropriate means to receive their testimony with the utmost reliability and least psychological cost.

In an attempt to ease this situation, several States in the region have devised protocols for action, which are applied in these cases. These protocols contain the signs and symptoms to watch for in possible maltreatment cases, tools with which to determine the seriousness of the situation and guidelines on how to take action accordingly, including the relevant interinstitutional coordination. Unfortunately, not all of the States have this type of protocol in place, and where they do exist, they have not yet been fully incorporated by agents who work in contact with children.

⁷UNICEF (2011) The State of the World's Children - New York: UNICEF.

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Coupled with the violence experienced within the family, which an unfortunately high proportion of children undergo, is the violence transmitted through the new communications technology (ICT) which, despite the virtual nature of these relationships, has real effects on the health and well-being of children and makes it necessary to establish means of prevention and protection in keeping with the new circumstances, as well as policies to maximize the opportunities created by the ICTs. While these phenomena transcend the family environment, it is there where they resonate and the family is the ideal setting in which to protect children by empowering them and providing them with tools with which to confront these situations.

The case of children who, for a variety of reasons, have been deprived of parental care deserves special mention. Despite the reiterated recommendations of the Committee and the evidence of evaluations and studies, institutionalization continues to be the most frequent response to situations where children have been separated from their parents. These institutions tend to be the scene of multiple forms of violence. However, beyond violence in the form of punishment and between peers, institutional life tends to be pervaded by the “small daily acts of violence” that violate rights and jeopardize the development of children.

In this respect, this report: “The Right of Boys and Girls to a Family. Alternative Care. Ending Institutionalization in the Americas”, produced by the IACHR provides a detailed analysis of the issue and promotes different alternatives to institutionalization and the effective protection of the right to a family.⁸

Educational Institutions

In some cases, educational institutions constitute scenarios in which the use of violence by adults is an extension of a dynamic that prevails in families.

A study conducted by World Vision in ten countries in Latin America and the Caribbean (2011-12)⁹ shows that a significant number of the children interviewed claimed that they had been exposed to violence and bullying in school, either by their peers or by the teachers themselves. Although children identified school as one of the safe venues they could resort to when their rights were threatened or infringed, they also stated that they were victims of violence in school at multiple levels.

In the first place, children reported that they had been victims of violence and verbal abuse by their teachers. In many countries, there is a serious shortfall of trained teachers and, therefore, corporal punishment is more prevalent. Expressions such as “spare the rod, spoil the child” are used to justify punishing students for their poor performance at school. Some of the punishments in schools include threats with blunt objects, forcing children to stand for long periods, and subjecting them to the mockery of their peers.

⁸ See: <http://WWW.CIDH.org> Doc. 54/13

⁹ World Vision. Child Protection Systems in Latin America and the Caribbean. A National and Community Level Study across 10 Countries. January, 2014.

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A second type of violence reported by children was bullying by their peers. The children who took part in the study stated that they were often afraid to go to school, as they were victims of bullying, mockery and violence inflicted by their peers. The bullying phenomenon is often linked to discrimination and the more or less open complicity of adults and institutional environments.

Individuals who are or have been victims of bullying can react violently against their surroundings and give rise to episodes that are hard to explain and often attributed to psychological disturbances, without bearing in mind their background factors. The shift from victim to perpetrator is often concealed, as the irruption of certain forms of violence acts with a blinding effect that prevents us from examining prior circumstances or surroundings that might give meaning to what is apparently inexplicable.

The third type of violence in schools is suffered by adolescents. In many countries in the region, sex and sexual and reproductive health are taboo subjects. These issues are not discussed at school nor at home and sex-related discussions are avoided. If a teenager becomes pregnant, she will lack education and access to resources with which to face her pregnancy at home or at school. Prevailing taboos force her to hide her pregnancy as long as possible. Profoundly alone, she cannot share her experience with her adult caregivers and often not even with her peers, for fear of social rejection. This implies that as soon as her pregnancy begins to show, she will stop going to school and will tend to isolate herself or bond only with those who accept her condition. This not only jeopardizes her right to education, but also exposes her to far greater social vulnerability.

A report by the Special Representative of the United Nations Secretary General entitled “Tackling Violence in Schools: A global perspective. Bridging the gap between standards and practice”¹⁰ analyses these issues and makes a number of recommendations. These can be grouped into various overall focal points: promote inclusion of and respect for ethnic and cultural diversity in educational settings, pay attention to how conflict is resolved among different stakeholders, promoting non-violent forms and means of reconciliation, pay particular attention to the gender perspective, train teaching staff to use tools that promote the rights of children, address the school’s relations with families and communities. The key to this proposal lies in considering coexistence within the educational centre as an essential part of education and aiming to turn school experiences into positive models for the benefit of the community.

In Communities

As children develop and gain autonomy, their exposure to violence in communities and public areas also increases. This kind of aggression usually originates among their peers or in older teenagers.

¹⁰ See: <http://srsg.violenceagainstchildren.org/sites/default/files/publications/Tackling%20Violence%20in%20Schools%20final.pdf>

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According to UNICEF (The State of the World's Children, 2011): "Acts of physical violence reach a peak during the second decade of life, with some adolescents using it to gain the respect of their peers or to assert their own independence"¹¹

Committing acts of physical violence or being a victim of them is more frequent during adolescence than in adulthood. Some teenagers are more vulnerable to this kind of violence; for example, children with some kind of disability, homeless children, refugees and displaced children. When children are confronted with violence it predisposes them to use it against others and this is more likely if they live in settings where violence and exclusion are part of everyday relationships.

In our societies, there is a tendency to hold adolescents from the more vulnerable sectors accountable for criminal acts, without bearing in mind the effect on their behaviour of the conditions they have experienced during the previous stages of their development.

This "state of opinion" triggers discriminatory behaviour, "preventive violence" towards those who are viewed as "potential offenders", with the effect of radicalizing social differences and imbuing daily life with increasing expressions of violence. This violence usually takes place within the community, where children are beginning to interact with other persons and broaden their network of connections, experiencing varying degrees of acceptance and rejection depending on their social status, race or family origin.

There is a widespread tendency in the region to relate criminal violence to adolescence and youth. While figures show a negative correlation between the average ages of the population and levels of violence and delinquency in society, this does not justify attributing the causes of violence to youth. We cannot disregard the fact that in these societies, youth coexists with a high level of fragmentation, inequity, poverty and low rates of human development.

However irrational it may appear to us, the violent behaviour of teenagers and young people always conveys a message. These violent expressions display different characteristics, depending on the sub-region. Socio-cultural media, ethnic groups of origin, gangs; all of these represent specific ways of achieving a place in the world, of feeling the power, which counteracts impotence, of being part of something, as an answer to a sense of exclusion.

In deeply fragmented societies where most children and young people suffer exclusion, discrimination and rejection by the rest of society; where the routes to becoming part of socially accepted areas are banned to them, criminal organizations and groups that connect with their environment by means of the systematic exercise of violence become strong.

These collectives, which are characterized by their strong internal cohesion, offer a sense of belonging, a place, leadership possibilities and a share in the protagonism and power that these young people are denied in socially accepted settings.

This is in keeping with the Inter-American Democratic Charter when it states that the fight against organized crime implies reverting exclusion and building more equitable environments.

¹¹ UNICEF (2011). The State of the World's Children. New York.



Towards Protecting Children from Violence Efforts made by the States

Children’s right to be protected from violence, abuse and neglect is recognized by several of the CRC’s articles, such as 19, 28 (par. 2) and 37. Article 19 establishes the obligation “to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child”. Article 39 recognizes that children have the right to recovery after having been the victims of any form of neglect, exploitation or abuse.¹²

This legal duty is also stipulated within the framework of the Inter-American system, as several instruments show, as well as advisory opinion OC-17/2002 of the Inter-American Court of Human Rights, in which the highest court on human rights issues in the region states that “the States Party to the American Convention are under the obligation, pursuant to Articles 19 (Rights of the Child) and 17 (Rights of the Family), in combination with Article 1(1) of this Convention, to adopt all positive measures required to ensure protection of children against mistreatment, whether in their relations with public authorities, or in relations among individuals or with non-governmental entities.”

The United Nations Secretary-General’s Study on Violence against Children produced by Paulo Sérgio Pinheiro and submitted in 2006¹³ provides a comprehensive overview of the nature, extent and causes of violence against children and proposes a number of strategic recommendations to prevent and respond to this phenomenon. The key message of the study is clear: no form of violence against children is justifiable and all forms of violence are preventable. It underlines the fact that this is neither a new nor an unknown problem. It is an issue which is addressed in an inconstant and fragmentary manner.

While some extreme forms of violence awaken indignation and social condemnation, there are numerous forms of daily violence that tend to be tolerated and even justified by adults. The cultural assumption that violence can be used as an educational tool is still current in many areas of society, despite evidence that these practices encourage violent forms of conflict resolution and make physical punishment of the weak by the strong a natural occurrence.

The study also constitutes an undeniable step forward in showing the direction in which progress should be made globally in order to eradicate violence and fulfil the right of children to be protected from all forms of violence in homes, schools, work, communities, training institutions and courts of law.

As a result of the study, it was recommended that the General Assembly should appoint a Special Representative of the Secretary-General of the United Nations on Violence against Children. In May 2009, the Secretary General announced the appointment of Ms Marta Santos

¹² United Nations Convention on the Rights of the Child, 1989

¹³ Paulo Sérgio Pinheiro. Independent Expert for the United Nations Secretary General’s study on Violence against Children. In: http://www.crin.org/docs/UNVAC_World_Report_on_Violence_against_Children.pdf

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Pais as his Special Representative on Violence against Children. She took up this position in September 2009.

The Special Representative of the Secretary-General of the United Nations underscores the existence of significant initiatives that open the way to strengthening collaboration with the governments of the region and help mobilize support for the adoption of a legal prohibition of all forms of violence against children, the development of a comprehensive national strategy and the consolidation of research and data-gathering in the field.¹⁴

She points out that significant steps were taken after the 20th Pan American Child Congress, in order to consolidate regional partnerships with the Organization of American States (OAS) and the Ibero-American Summit. Within the OAS, strategic collaboration was established with the Inter-American Children's Institute and the Rapporteur on the Rights of Children of the Inter-American Commission on Human Rights.

The Twelfth Ibero-American Conference of Ministers and Senior Officials on Child Affairs, held in June 2010 in Buenos Aires, provided a major platform from which to enhance the protection of children from violence. The Buenos Aires Declaration recommended drafting laws and effective policies in order to combat violence against children, in accordance with the recommendations of the United Nations study. Violence against children was also identified as a priority concern for future ministerial meetings.

The roadmap agreed by member States at the regional meetings held in Asunción, Santo Domingo and Kingston, contains a follow-up to the recommendations contained in the World Report on Violence against Children.

In this regard, a consultancy was established whose first output was a study which documented the situation in each country in relation to progress in the implementation of the recommendations of the UNVAC study.¹⁵ A measuring scale was included to weigh progress achieved by countries in recent years against the progress variables described in the three priority recommendations:

- a) Recommendation 1: The creation of national means of coordination for non-violence towards children, and public policies, strategies and comprehensive plans in this area.
- b) Recommendation 2: Legislation reform in order to ensure the protection of children from all forms of violence.
- c) Recommendation 11: The creation of information and data systems in support of public policies, strategies and comprehensive plans in this area.

¹⁴ See: <http://srsg.violenceagainstchildren.org/srsg/biography>

¹⁵ Global Movement for Children (2013) - Implementation of the UN Study on Violence against Children <http://srsg.violenceagainstchildren.org/category/regions/americas>

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The study came to the following conclusions:

In the southern region, progress in the development of plans and programmes against violence is acceptable. In legal terms, after the recent enactment of Brazil's law prohibiting violence against children, three of the five countries with legislation prohibiting VAC are in South America, which can be considered significant progress, despite the fact that this kind of legislation is still far from extending to all of the States. Progress in the implementation of data systems to enable monitoring is definitely limited.

There are signs in Central America of some dynamic efforts with regard to regulatory frameworks for the prohibition of violence. There are attempts to design plans and programmes, but very little progress in the implementation of registration and monitoring systems.

The study has thus shed light on obvious difficulties with regard to registration and monitoring systems, with some attempt to follow the other two recommendations.

A more detailed analysis of the figures appearing in the study shows that while there is significant progress regarding means of intersectoral coordination and synchronization, this is not often reflected operationally or in the field. There is a clear difference between urban and rural areas as regards the existence of services and the availability of qualified human resources for intervention.

The political organization of some of the countries provides for high levels of autonomy in departments, states or municipalities. As a result, the guidelines promoted at a national level are not equally followed throughout the territory. A further weakness that was pointed out is that interinstitutional bodies do not handle their own budgets; they depend on allocations contributed from the funds of the institutions that compose them, and these do not always prioritize issues in the same way.

One step forward which has been possible thanks to increased coordination is the existence of helplines, often designed in a user-friendly way, making access easier for children. In this regard, we should commend the efforts made to ensure that these helplines can handle the indigenous languages. The challenge in this regard is twofold. In the first place, to raise awareness so that the population and those who are in touch with these situations can perceive them as "not being normal" and, therefore, be moved to report them. Secondly, these complaints should set efficient means of response in motion, which is not always possible when resources are limited or areas are far-flung and without access to services.

Legislation prohibiting the corporal punishment of children has advanced, but is still far from being generalized in the region. In some countries, it has encountered major parliamentary setbacks. The first country in the region to adopt a law that specifically prohibits the corporal punishment of children in any circumstances was Uruguay, in November 2007; the most recent was Brazil, in June 2014. Brazil's promulgation of this law increases the percentage of children worldwide who are protected by a legal prohibition from all forms of violence, from 5% to 8%, and

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there are now 39 countries that have included full prohibition in their legislation. (Santos Pais, M. 2014).¹⁶

However, some countries have recently enacted laws that promote actions against violence, but are still tolerant of “moderate punishment with educational aims”, which reflects the continuing presence of a “cultural heritage” that justifies punishment by the authorities and parents.

In this respect, and beyond any legislative advances, we need to promote a cultural transformation to foster respect for children as individuals and eradicate violent ways of resolving conflicts. On the whole, the laws enacted on this subject recommend that awareness-raising activities should be carried out. Many States in the region have implemented campaigns and actions to foster attitudinal shifts in adults.

With regard to Recommendation 11, an analysis of information gathered in the States shows that there are different information and monitoring systems that do not take the issue of violence into account as a specific problem. We have encountered “child-to-child” information systems that register and follow up on the population catered to within certain programmes, registration systems using quality of life indicators based on access to goods and services that do not include violence, particularly when it occurs in everyday settings. Others attempt to evaluate the fulfilment of rights among the population, with a breakdown by population groups. These systems are the closest to a rights monitoring system, but usually lack indicators that reflect the type of violence we are concerned with against children.¹⁷

The difficulties encountered in attempting to make progress on registration and monitoring may be linked to various factors:

- The relative invisibility of the problem; reports actually made reflect only a minority of situations.
- The tendency to focus on certain kinds of violence while disregarding others. For example, armed violence, the violent acts of criminal groups, without considering the violence that takes place in families or educational institutions.
- Difficulties in coordinating the various institutional stakeholders involved in these issues: education, health, security, protection. This hinders the production and processing of information with compatible criteria, with a view to generating useful information in real time.

Some Recommendations

The analysis of the situation and the progress achieved in relation to the protection of children from all forms of violence compels us to reaffirm the urgent need to move forward in the implementation of the recommendations made by the World Study. As the worldwide survey on violence against children published in 2013 by Special Representative Marta Santos Pais also highlights, noting the importance of the cultural dimension in the exercise of violence makes it necessary to stress the importance of working on recommendation 4, together with the three recommendations that were previously prioritized: “Promote non-violent values and awareness-raising. [...] transform attitudes that condone or normalise violence against children, including

¹⁶ In: <http://srsg.violenceagainstchildren.org/srsg/biography>

¹⁷IIN-OAS (2012) - Child Rights Monitoring Systems: the situation in the region, indicators menu and implementation proposal.

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stereotypical gender roles and discrimination, acceptance of corporal punishment, and other harmful traditional practices.”¹⁸

“States should ensure that children’s rights are disseminated and understood, including by children. Public information campaigns should be used to sensitize the public about the harmful effects that violence has on children. States should encourage the media to promote non-violent values and implement guidelines to ensure full respect for the rights of the child in all media coverage.”

In this respect, it is imperative to design programmes to boost parenting capabilities for the protection and upbringing of children, promoting non-violent methods for conflict resolution. This kind of training should also include teachers and other educators and all adults who work with children.

The active participation of children should be encouraged in these processes, in order to strengthen their capacity for discussion and interlocution with adults and peers.

At the same time, the experience gathered in the implementation of the three priority recommendations makes it possible to fine-tune certain aspects, particularly with regard to Recommendation 1: The creation of national means of coordination for non-violence towards children, and public policies, strategies and comprehensive plans in this area. An examination of experiences shows that it is not only important for means of coordination to reflect the willingness to act in coordination at the highest political level, but that these interinstitutional organizational formats should also be reflected within the specific territories inhabited by children and their families. Coordination mechanisms should be regulated by duly agreed operational protocols based on a conception of children as full holders of rights, preventing revictimization and attempting to carry out interventions that promote the best interest of the child.

This should go hand-in-hand with ongoing training for both the technical staff who perform specific interventions and any other personnel who come into contact with children and who should be capable of identifying violence and acting accordingly.

Similarly, we emphasize the need for synchronized action on the part of the various agencies that make up the Inter-American and United Nations systems, in order to optimize the impact of their actions and support the States in achieving their specific targets in the eradication of all forms of violence against children.

Twenty-five years after the adoption of the CRC, building peaceful environments implies cultural and attitudinal shifts that will make it possible to break away from the intergenerational transmission of violence, promoting alternative forms of conflict resolution from the earliest ages. Children’s policies should include among their goals the transformation of traditions that oppose the rights of children, promoting respect for them as persons and their active participation within their families, institutions and communities.

¹⁸ Paulo Sérgio Pinheiro. Independent Expert for the United Nations Secretary General’s study on Violence against Children. In: http://www.crin.org/docs/UNVAC_World_Report_on_Violence_against_Children.pdf

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