POSITION PAPER
"End abuse, exploitation, trafficking and all forms of violence…" (SDG, Target 16.2)

Pan-American Child and Adolescent Congress

iin Inter-American Children's Institute

OAS | More rights for more people
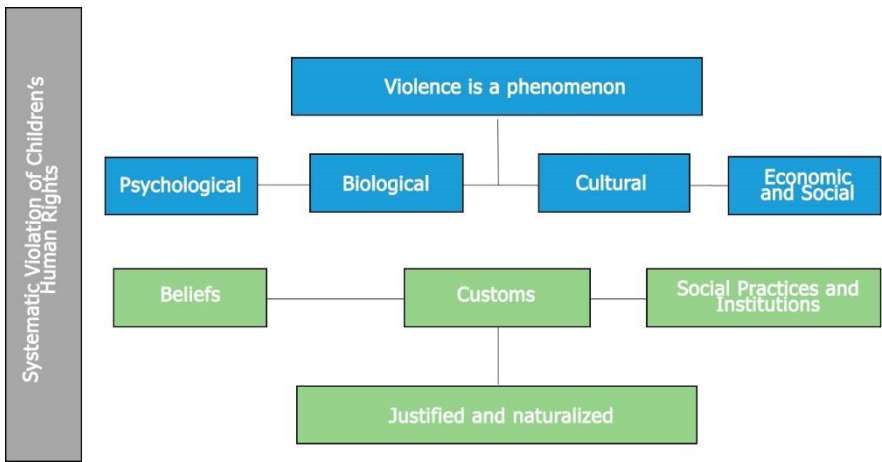
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I. BY WAY OF AN INTRODUCTION

To speak of Violence is to speak of Human Rights and a multidimensional and complex phenomenon, which includes cultural, psychological, biological, economic and social dimensions.

Beyond the diverse forms in which it is expressed, violence is, in every case, a way of exercising power, which implies the existence of real or symbolic inequality.

Violence is closely linked to individual and family-related factors, but also to environmental or situational factors linked to settings and social aspects and, most regrettably, continues to be justified and naturalized. A great many adults are unable to perceive it as a problem entailing the systematic violation of human rights.

> *"Worldwide, around 1.1 billion caregivers, or slightly more than 1 in 4, admit to believing in the necessity of physical punishment as a form of discipline." (UNICEF; 2017: p. 8)*

Violence against children can be defined or characterized on the basis of a World Health Organization concept and the provisions of the Convention on the Rights of the Child, as:

Any behaviour (action or omission), be it physical, verbal, psychological or an exercise of power, committed against oneself, or by another person or group, which threatens or results in any form of injury, or physical, mental/emotional or patrimonial abuse, deprivation or any form of exploitation.

Violence may be classified into different types according to its characteristics and forms of expression, such as the injury inflicted, the setting in which it occurs and the victim-perpetrator relationship (World Health Organization, 2002). In general terms, we can classify violence against children and adolescents as follows:

By its form and the injury inflicted:

- Emotional or psychological
- Sexual
- Physical

- Neglect or negligent treatment
- Economic or patrimonial
- Symbolic

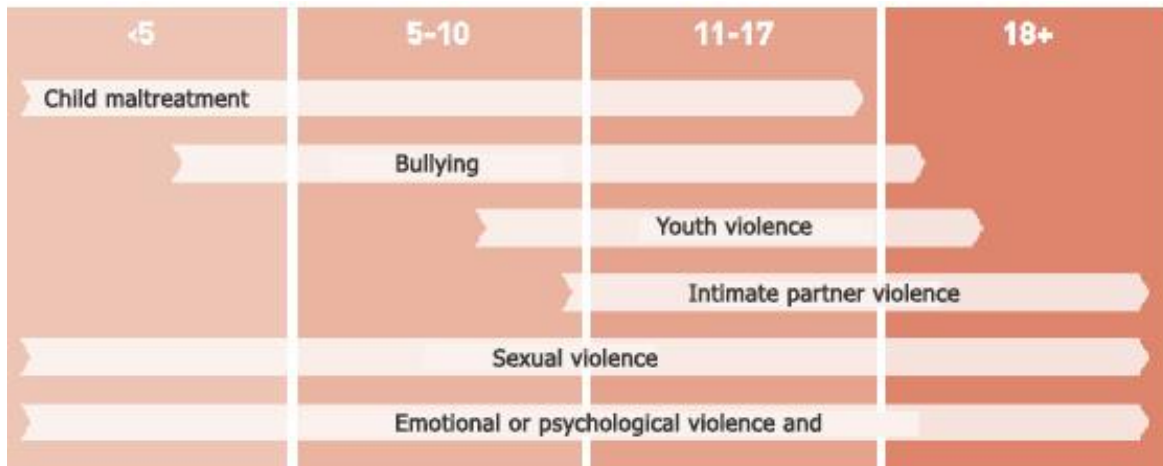By the setting or area in which it occurs:

- Intra-family
- Couples
- Community
- Institutional (schools and other educational settings, institutions for protection and to safeguard rights, etc.)
- Digital environments

By perpetrator:

- Self-inflicted
- Interpersonal (between peers, adult-child)

Violence may be present in one or more of its types and settings, as well as at one or several stages of development or ages during childhood and adolescence.

Beyond this apparent diversity, violence against children displays a basic unity: a disregard of others in their dignity as persons, the discretionary exercise of power, and the denial of the capacity for dialogue, understanding and comprehension (discussion) among human beings, regardless of gender, ethnicity, age or any other difference that may apply.

Any child or adolescent can be a victim of violence and of any of the types that are inflicted on children or adolescents, regardless of setting or circumstances, with devastating effects for the sufferer.

There are data that show evidence that the problem is worldwide: close to 3 in 4 children aged 2 to 4 experience some sort of violent discipline by their caregivers on a regular basis. In Latin America, corporal punishment stands at 40% and harsh punishment, at 4%, while psychological aggression amounts to 53%. An adolescent dies every 7 minutes as a result of a violent action; close to 15 million adolescent women as from the age of 15 have been victims of forced sex at some point of their lives; just over 1 in 3 children aged 13 to 15 experience bullying at school and 732 million live in countries where corporal punishment in school is not completely prohibited. (UNICEF, 2017).

> "Free from the threat of violence, children can develop their full talents and abilities and build their own future."
> Ban Ki-moon, Secretary General of the United Nations (October 2013).

The issue of violence against children is historically associated with the submission of children and adolescents to adults. Violence has always been regarded as a tool with which to socialize and subject the new generations to the mandates of their predecessors.

II. REGIONAL AND INTERNATIONAL REGULATIONS

In the Inter-American system and the United Nations System, these issues have been addressed by a number of international instruments and tools of varying content and legal effect. Among them:

INTER-AMERICAN SYSTEM	UNIVERSAL SYSTEM
The American Convention on Human Rights **Articles 5, 6, 17, 19.** Additional Protocol or Protocol of San Salvador **Article 16.** Inter-American Democratic Charter **Article 7.**	Convention on the Rights of the Child **Articles 2, 19, 27, 32, 34, 36, 37.**
General Assembly of the OAS -AG/DEC. 76 (XLIV-O/14), Declaration on **Violence and Exploitation of Children**	Optional Protocol on the Involvement of Children in Armed Conflict.
Pan American Child Congress -CPNNA/RES. 1 (XXI-14), **Childhood and Adolescence: Building Peaceful Environments**	Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography.
2nd Pan American Child Forum (2014). -Recommendations.	**Committee on the Rights of the Child** - -General Comment No. 8: "The Right of the Child to Protection from Corporal Punishment and Other Cruel or Degrading Forms of Punishment".
Inter-American Children's Institute · CD/RES. 14 (93-R/18) **"End abuse, exploitation, trafficking and all forms of violence against and torture of children".** ·	- -General Comment No. 13: "The right of the child to freedom from all forms of violence".
· CD/RES 03 (87-R/12), CD/RES. 07 (90-R/15), CD/RES. 10 (90-R/15), CD/RES. 11 (91-R/16), CD/RES. 12 (91-R/16), CD/RES. 08 (92-R/17). On issues related to **violence, gender, juvenile justice systems, sexual exploitation, smuggling of and trafficking in children and adolescents, migrant children and adolescents.**	Agenda 2030 for Sustainable Development. Goal 16, PEACE AND JUSTICE, Target **16.2 "End abuse, exploitation, trafficking and all forms of violence against and torture of children".**
The following examples of tools and intervention models have been developed for the application of these resolutions: · Model Law on the Prohibition of Corporal Punishment. · Technical Guidelines to end Violence in Juvenile Justice Systems. · Protecting child rights from sexual violence. · Inter-American Cooperation Programme for the Prevention and Eradication of Sexual Exploitation, and Smuggling of and Trafficking in Children. Courses on: Violence and child rights, "Building Peaceful Environments" **Inter-American Commission for Human Rights.**	-Report by the independent expert for the **United Nations study on violence against children** (2006). -Joint United Nations report on the **Prevention of and responses to violence against children within the juvenile justice system** (2012). -The United Nations Model Strategies and Practical Measures on the **Elimination of Violence against Children in the Field of Crime Prevention and Criminal Justice** (2014).
Some thematic reports: · Fulfilment of Children's Rights (2017) · Violence, Children and Organized Crime (2016) · Human Mobility; Inter-American Standards (2016) · Violence against LGBTI Persons (2015) · Report on Justice for Women Victims of Sexual Violence: Education and Health (2011) Juvenile Justice and Human Rights in the Americas (2011)	

III. REGIONAL CHALLENGES

The work that the IIN-OAS has undertaken in the region enables us to perceive the improvements and positive experiences of the States and the positioning of ending violence against children in the hemisphere's political and social agendas. For example, the regulatory progress made by ten countries that totally prohibit corporal punishment against children, the development of programmes to promote positive parenting methods and ongoing efforts to fight sexual exploitation. A wealth of experience in this field has been generated in the hemisphere; however, a more focused approach to the issue needs to be reinforced and challenges need to be identified. Among them:

➢ The persistence of violence against children and adolescents is part of the dominant culture in the region. As a result, this violence lies within the social context, where different expressions of violence are mutually reinforced and empowered.

➢ Whereas criminal violence convulses public opinion and gives rise to political debate and action by the States, violence against children is trivialized and viewed as something that has always existed and, therefore, has no need to change.

➢ The weakness of institutional frameworks, the lack of disaggregated statistics by gender/type/number or other factors or parameters are common in indicators for types of violence in the hemisphere, which reveal the naturalization or lack of importance assigned to violence against children and adolescents.

➢ Some of the recommendations most frequently made by the Committee on the Rights of the Child for the region are:

> "Violence has increased considerably in our region and appears in a variety of forms: verbal, physical, sexual, psychological, based on the Internet, forced labour, armed conflict and others. These forms of violence that have taken shape undermine the lives of many children and adolescents, varying according to the socio-economic context in which they live..." (Network of Child and Youth Correspondents,[1] 2019).

- Explicitly prohibit all forms of corporal punishment.
- Develop and implement systematic programmes to prevent, monitor and combat all forms of violence in all institutions.
- Provide and give access to services to any children and youth who have been victims of sexual abuse or other forms of abuse, maltreatment, exploitation, neglect and violence.
- Implement mechanisms to record cases and numbers, which should include disaggregated data on cases of violence against children and adolescents.
- Establish effective means of gaining access to justice.
- Address the gender dimension and handle it effectively in violence against children.

➢ There are settings where violence occurs, such as digital environments, which are less visible than others and therefore require greater vigilance on the part of the States in the design of legislation and public policies.

➢ Certain regressive attitudes have recently been gaining strength in the region with regard to rights. The rhetoric surrounding safety, which attempts to justify curtailing the rights of some in order to protect others is joined by religious discourse, which seeks to restore an alleged divine order based on the concentration of power in the adult male,[1] condemning all non-binary expressions of sexuality, and viewing children's rights as the undermining of adult authority. This is having an increasing influence on politics and the media.

➢ In addition to these violent situations, there are different varieties of exploitation, among which is the Sexual Exploitation of Children and Adolescents in its various forms, and the so-called "worst forms of child labour".

➢ The vulnerabilities that children experience not only make them victims of violence, but at the same time, hinder access to justice.

➢ A particular challenge in the Caribbean is that three of the States in the sub-region have not yet adopted the Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography.

IV. IN BRIEF

In this context, further to the Directing Council's resolution CD/RES. 14(93-R/18), contributing to the fulfilment of target 16.2: "End abuse, exploitation, trafficking and all forms of violence against and torture of children", proposed for the 2030 Agenda for Sustainable Development, the IIN has identified the need to organize its draft Action Plan 2019-2023 in three overarching sub-lines: Violence, Sexual exploitation, trafficking and smuggling, and Juvenile Justice Systems.

As noted during the technical meetings of the IIN-OAS, the persistence of violence in the Member States and its increase, may jeopardize the achievement of all of the other Sustainable Development Goals.

In these circumstances, the work carried out to end all forms of violence against children and adolescents requires the political will to strengthen and coordinate the hemisphere's existing child protection systems, as opportunities for the promotion and protection of rights, generating a shield against violence of any kind.

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[1] The Network of Child and Youth Correspondents (CORIA Network) of the Americas and the Caribbean, is composed of children and adolescents from: Argentina, Brazil, Canada Chile, Colombia, Costa Rica, Dominican Republic, Ecuador, El Salvador, Guatemala, Mexico, Panama, Paraguay, Peru and Uruguay.

> **"Violence is violence, wherever it comes from"**
>
> **"... it is necessary for duty bearers, the State, families and society, to promote action for preventing, eliminating and overcoming this issue."**
> (Network of Child and Youth Correspondents, 2019).

In this respect, the actions to be undertaken must:

➢ Become a priority for the permanent analysis of the most critical factors causing this violence.

➢ Tackle the issue comprehensively, considering its many facets.

➢ Endeavour to ensure that the whole region has legislation that explicitly, without ambiguities or loopholes, prohibits violence in its different forms and settings (including corporal punishment), and that it includes or provides links to existing means of protection that indicate the seriousness and illegality of physical or corporal punishment, as well as care and restoration of rights.

➢ Promote the participation of all parties and stakeholders: teachers, fathers, mothers, children, adolescents, civil society organizations, State organizations, community leaders, etc.

➢ Strengthen the capacity of children and adolescents to face violence and abuse, setting limits to the absolute power of adults over them and promoting dialogue and listening.

➢ Have a strategy in place for the dissemination of information in order to identify successful models, best practices, lessons learned, etc.

➢ Strengthen the ongoing training and capacity-building of persons involved in the promotion and protection of the rights of children.

➢ Promote in different areas of member State governments in the region, the drafting of laws, public policies, resolutions, declarations and key papers relating to putting an end to violence, as part of promoting and protecting the rights of children and adolescents.

➢ Foster information sharing between member States and the various regions of the hemisphere and the world, through which data become available on successful experiences and knowledge, with a view to finding solutions to the various causes of violence.

V. SOME QUESTIONS

What is the level of implementation and enforcement of the laws addressing various forms of violence?

What public policies, programmes or services are being developed in the country for prevention, care and restitution of rights of child victims of the different forms of violence (forms of management – public, private, mixed; care models – ambulatory, residential; intervention procedures planned – stages, types of activity, time frames; actors involved)?

To what extent has progress been made towards synchronized inter-institutional and cross-sectoral institutionality at the different levels of government, with the aim of ending violence against children?

What actions are carried out in order to ensure that child and adolescent victims of the various forms of violence have adequate access to justice?

What opportunities and challenges face the implementation of regulatory frameworks and public policies on this matter?

> "Children are not mini human beings with mini human rights. But as long as adults continue to regard them as such, violence against children will persist."
>
> Maud de Boer-Buquicchio, Deputy Secretary General of the Council of Europe, Strasbourg, August 2006.

Are the opinions of children and youth adequately
taken into account in the design of regulations and public policy on this issue?

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