

CPNNA/RES. 1 (XXIII-24)

“INTEGRAL PROMOTION AND PROTECTION OF THE HUMAN RIGHTS OF CHILDREN ON MENTAL HEALTH, EARLY CHILDHOOD AND HUMAN MOBILITY IN THE AMERICAS”

(Approved at the Second Plenary Session of Heads of Delegation, held on October 24, 2024)^{1 2 3}

XXIII PAN-AMERICAN CONGRESS ON CHILDREN and the 4th PAN-AMERICAN CHILD FORUM,

WHEREAS:

1. The Pan American Child Congress, as a body of the Inter-American Children's Institute (IIN), aims to promote discussion and share experiences in the hemisphere on the promotion and comprehensive protection of the human rights of children and adolescents; and to put forward, consequently, recommendations in relation thereto.
2. The resolution adopted by the Directing Council of the IIN, CD/RES. 04 (85-R/10), established that a Pan American Child Forum should be implemented as part of every Pan American Child

¹The Argentine Republic recalls that the protection of children's rights in our country is primarily based on the following conventional and constitutional frameworks, which serve as parameters for the validity of international policies that Argentina can support regarding childhood, in light of the superior hierarchy of the Constitution and treaties over domestic legislation: ***

² The Paraguayan state interprets and commits to the content of the resolution in accordance with and subject to the constitutional provisions of the Republic of Paraguay pertaining to Articles 46, 47, 48, 49, 50, 53, and 54, as well as in consideration of the other applicable laws within the national legal framework and the cultural and particular practices of the Republic of Paraguay, based on the principle of international law regarding the self-determination of people.

³ The Republic of El Salvador reaffirms its strong commitment to fulfilling its obligations and commitments, both at the Inter-American and universal levels, regarding human rights. El Salvador makes a reservation to any interpretation or application of the terms contained in this Resolution that, by their nature and scope, conflict with constitutional principles and the domestic legal system. Likewise, those that, in the legal sphere, are not in line with public policies aimed at benefiting the large majority, or that tend to alter the language agreed upon in international treaties ratified by the country. El Salvador reiterates its firm commitment to the promotion and protection of children and adolescents' human rights and its willingness to continue working in an coordinated manner to achieve the full enjoyment and exercise of these rights.



Congress, as an opportunity to promote children's participation so that they may contribute to and influence the subjects that concern and affect them.

3. And the resolution adopted by the Directing Council of the IIN, CD/RES. 10 (97-R23) of 26 October 2023, reiterates the Council's commitment to holding the Pan American Congress and Forum because they are the highest-level events on issues related to children and adolescence and child participation within the Inter-American system.

RECOGNIZING:

4. The commitment of OAS Member States in relation to the promotion and protection of the human rights of all children and adolescents in the region, seeking their exercise and realization.

EMPHASIZING:

5. The fundamental role of families as the main environment for the promotion, protection, and exercise of the human rights of children and adolescents, where the best interests of the child are their basic concern, and in which conscientious parenting, sensitive and loving care can be developed.

BEARING IN MIND:

6. The recommendations made during the preparatory meetings heading to the 4th Pan American Forum in which children and adolescents from delegations from different States, networks, and organized groups of the IIN, as well as of civil society, consensus opinions expressed during the 4th Pan American Forum and the 23rd Pan American Child Congress.

REAFFIRMING:

7. The Inter-American Democratic Charter and its precepts on the development of society contained in Articles 1, 12, and 13; as well as the vital importance of citizen participation and development, as detailed in Articles 2, 6, 9, and 28 respectively.

WITH PARTICULAR REGARD TO:



8. The presentations of the States in the various panels held during the 23rd Pan American Child Congress; the discussions that took place at that time the contributions of the representatives of the 4th Pan American Child Forum; as well as the contributions of the experts convened.
9. The final summary and recommendations paper prepared by the children participating in the 4th Pan American Child Forum, which contains an analysis of the thematic axis and the status of their rights, from their perspective.
- i. **Section on “Towards protective environments for the mental health of Children and Adolescents with their active participation”**

RECALLING:

10. That the Convention on the Rights of the Child, in its Article 4, stipulates that States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in that Convention. Regarding economic, social, and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.
11. The resolution of the Directing Council of the IIN, CD RES. 11 (97-R23) of 26 October 2023, which provided for the participation of Children and Adolescents in cross-generational areas (Intergenerational Technical Committees) and recognized the importance of their participation as delegates the regional networks linked to the IIN. For this and their contributions and discussions at the 97th Meeting of the Directing Council. Consequently, the General Directorate of the IIN was requested to take into consideration the opinions and agenda items shared by children and adolescents, in the design of the next Pan American Congress and Pan American Child Forum and on other relevant occasions.
12. In this sense, the theme proposed by Children and Adolescents for the 4th Forum and the 23rd Pan American Child Congress is Mental Health.
13. The 2030 Agenda for Sustainable Development and its Sustainable Development Goals, especially Goal 3 “Ensure healthy lives and promote well-being for all at all ages” and its target 3.4 “Reduce mortality from non-communicable diseases and promote mental health”.



14. In response to The United Nations Committee on the Rights of the Child, General Comment No. 25 (2021) on children's rights in relation to the digital environment, and their right to life, survival (particularly related to survival for communities with ethnic belonging), and development, that paragraph 14 establish that "Opportunities provided by the digital environment play an increasingly crucial role in children's development and may be vital for children's life and survival, especially in situations of crisis. States parties should take all appropriate measures to protect children from risks to their right to life, survival, and development. Risks relating to content, contact, conduct, and contract encompass, among other things, violent and sexual content, cyberaggression and harassment, gambling, exploitation, and abuse, including sexual exploitation and abuse, and the promotion of or incitement to suicide or life-threatening activities, including by criminals or armed groups designated as terrorist or violent extremist. States parties should identify and address the emerging risks that children face in diverse contexts, including by listening to their views on the nature of the particular risks that they face".
15. Likewise, item 15 establishes that "The use of digital devices should not be harmful or substitute for personal interactions between children or between children and their parents, caregivers" adding carers, responsible adults, and legal guardians; and continue: "States Parties should pay particular attention to the effects of technology in the early years of life, when brain plasticity is at its highest and the social environment, in particular relationships with parents and caregivers" mothers, responsible adults, and legal guardians, "...is essential for shaping children's cognitive, emotional and social development. In those early years, it may be necessary to take precautions, depending on the design, purpose, and uses of the technologies." Develop training and counselling on the safe use of digital devices should be provided to mothers, fathers, carers, adding responsible adults, and legal guardians and continue with "educators and other relevant actors, taking into account research on the effects of digital technologies on child development, especially during critical stages of neurological growth in early childhood and adolescence." Likewise, refers to paragraph 94 of the UNCRC General Comment No. 25 indicates that "States parties should ensure that children have safe, secure, and confidential access to trustworthy health information and services, including psychological counselling services. Those services should limit the processing of children's data to that which is necessary for the performance of the service and should be provided by professionals or those with appropriate training, with regulated oversight mechanisms in place. States parties should ensure that digital health products and services do not create or increase inequities in children's access to in-person health services". In addition, to use for



the performance of services, data on children should be made available to researchers and evaluators, with appropriate safeguards for protection against disclosure risk, to assess the effectiveness and equity of services to children and improve service delivery. Access to and use of children's data – particularly health data - should be done in an appropriately secure IT system, in accordance with each State's privacy and cybersecurity rules and guidelines. In the same way, refers to paragraph 96 of the UNCRC General comment No. 25, indicates that "States parties should regulate against known harms and proactively consider emerging research and evidence in the public health sector, to prevent the spread of misinformation and materials and services that may damage children's mental or physical health. Measures may also be needed to prevent unhealthy engagement in digital games or social media, such as regulating against digital design that undermines children's development and rights" and adolescence. In this sense, we understand the concept of services as care processes related to the right to health and all rights. In this sense, the States Parties should include justice processes that protect children and take action against those who promote and disseminate content containing misinformation and materials and services that may damage children's mental health, in line with the justice processes and policies of individual States.⁴

16. General Comment No. 20 (2016) on the implementation of the rights of the child during adolescence of the Committee on the Rights of the Child, specifically the paragraphs relating to mental health, numbers 35 about "Minority and indigenous adolescents. The inadequate attention paid to, and the insufficient respect shown for the cultures, values, and world vision of adolescents from minority and indigenous groups can lead to discrimination, social exclusion, marginalization, and non-inclusion in public spaces. This increases the vulnerability of minority and indigenous adolescents to poverty, social injustice, and mental health issues, including disproportionately high suicide rates, poor educational outcomes, and high levels of detention within the criminal justice system". Paragraph 58 related to "Mental health and psychosocial problems, such as suicide, self-harm, eating disorders, and depression, are primary causes of ill health, morbidity, and mortality among adolescents, particularly among those in vulnerable groups. Such problems arise from a complex interplay of genetic, biological, personality, and environmental causes and are compounded by, for example, experiences of conflict, displacement, discrimination, bullying, and social exclusion, as well as pressures concerning body image and a culture of "perfection". The factors known to promote resilience and healthy development and to protect against mental ill health include strong relationships with and

⁴ Canada's *Criminal Code* does not include a provision on the criminalization of conduct that promotes or disseminates misinformation or material or services that may damage children's mental health.



support from key adults, positive role models, a suitable standard of living, access to quality secondary education, freedom from violence and discrimination, opportunities for influence and decision-making, mental health awareness, problem-solving, and coping skills and safe and healthy local environments. The Committee emphasizes that States should adopt an approach based on public health and psychosocial support rather than overmedicalization⁵ and institutionalization. A comprehensive multisectoral response is needed, through integrated systems of adolescent mental health care that involve parents, peers, the wider family and schools and the provision of support and assistance through trained staff”. Finally, paragraph 79 respectively on “Conflict and crisis. Situations of armed conflict and humanitarian disasters result in the breakdown of social norms and family and community support structures. They force many displaced and crisis-affected adolescents to assume adult responsibilities and expose them to risks of sexual and gender-based violence, child and forced marriage, and trafficking. Furthermore, adolescents in such situations are likely to be denied education, skills training, safe employment opportunities and access to appropriate sexual and reproductive health services and information, and to face isolation, discrimination and stigma, mental health and risk-taking behaviour”.

17. Likewise, the reports of the Inter-American Commission on Human Rights, the General Comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health, paragraph 38 and other studies and recommendations formulated in the universal sphere and that of the Inter-American System regarding and applicable to this subject.

EMPHASIZING:

18. Having mental health in childhood, for children and adolescents of the IIN Organized Thematic Group (GOTUSI 2024), means a state of emotional and psychological well-being in dynamic balance, which allows us to: feel good about ourselves and others; control our thoughts and feelings; face situations in an objective and positive way; overcome obstacles and survive difficult situations and finally establish healthy and meaningful relationships. In addition, mental

⁵ Currently, through a collaborative approach spearheaded by the Ministry of Health, Wellness and Elderly Affairs, Saint Lucia acknowledges, embraces, and engages in preventative, community-based, and holistic measures of health care and treatment with the Human Rights Approach at the forefront of the interventions. The Ministry of Health continues its sensitization of its Primary Healthcare Approach on proper dieting, exercise, and reduction of risk factors. Additionally, the use of a well-trained workforce to ensure accurate diagnosis and utilization of treatment plans remains a key activity in the Ministry's work. Nonetheless, medical approaches are utilized with optimal care, consideration, and modesty. While we acknowledge medicalization, we are also cautious about preventing 'overuse or excess use of medicalization' through a concept of healthy living through exercise and the use of less complicated interventions.



health is affected by various factors, such as genetics, life experiences, and the social environment. It is important to take care of mental health throughout life, adopting healthy habits and seeking help when we need it.

WHEREAS:

19. The World Health Organization (WHO) has underlined the unavoidable work and duty of the States to keep the mental health of the global population. Per its World Report on Mental Health, in 2022, after the COVID-19 pandemic, almost one thousand million persons in the world suffered some kind of mental illness or disorder, seeing a rise of 25% in depression and anxiety cases. In a similar sense, the Pan American Health Organization (PAHO) has emphasized that COVID-19 still has a substantial weight on the mental health systems of many countries and should face the challenge of satisfying the essential mental health services and psychosocial support (SMAPS) caused by the direct and indirect consequences of it. (The Impact of COVID-19 on Mental, Neurological and Substance Use Services in the Americas: Results of a Rapid Assessment, June 2021).
20. The Pan American Health Organization, in its New Agenda for Mental Health in the Americas (2023), urges States to approve laws that, along with the promotion and protection of mental health through the life of persons, integrate mental health in the design, elaboration, and implementation of all the public policies and improve the services and the attention of mental health in the community level. In the same sense, the WHO and the Offices of the High Commissioner for Human Rights of the United Nations, in its publication Mental Health, Human Rights and Legislation: Practice and Orientation (2023), recommends the States update their legislation in matters of equality, independent life, social inclusion and participation in the community of the affected persons with mental health issues.
21. The Inter-American Commission on Human Rights (IACHR) and its Office of the Special Rapporteur on Economic, Social, Cultural and Environmental Rights (REDESCA) made 2020 a special call to States to guarantee mental health care and treatment when adopting health policies "(...) Health is a fundamental and essential human right recognized in the inter-American legal framework, where it is understood as a comprehensive state of physical, mental, and social wellbeing linked to a lifestyle that enables individuals to attain integral balance". The foregoing, since the human right to the enjoyment highest attainable standard of physical and mental health recognized in the inter-American legal framework, is understood



as a state of full physical, mental, and social well-being, derived from a lifestyle that enables persons to achieve a comprehensive balance. Likewise, ensuring universal access to mental health services is decisive for societies to function properly and for people to develop fully in their life plans and projects, bearing in mind that psychological and emotional well-being makes it easier for people to use their skills and contribute effectively to their well-being, to the construction of their environments and communities.

22. In this context, the IACHR recalls that, in its Resolutions [1/20](#) and [4/20](#), it urged the States to take specific and urgent measures to effectively guarantee the right to the enjoyment of the highest attainable standard of physical and mental health, taking into account that the contexts of the pandemic and its containment measures gave rise to serious impacts that affected it. Thus, a focus on mental health is expressly included and the States are urged not to ignore their relevant obligations complying without discrimination with the provision of mental health services and assets, bearing in mind the features of availability, accessibility, acceptability, and quality. It should be underscored that the enjoyment of the highest attainable standard of physical and mental health demands timely and quality care, but also the assurance of a healthy life and the progressive realization of all rights, to ensure full and healthy development.
23. In this context, States should focus on the need to address the mental health of children and Adolescents, through the strengthening of community interventions in social determinants and intersectoral work to guarantee rights and thus promote the full development of children, paying particular attention to the impact of digital environments on their lives.

RESOLVE:

1. To affirm their commitment to generating healthy environments in relation to the mental health of children and adolescents through the strengthening of community spaces and their active participation in the Americas.
2. To encourage States to work on comprehensive proposals that take into account all of its facets and encompass the normative, programmatic, budgetary, and cultural dimensions, added to efficient regulatory frameworks and public policies for the adequate promotion and protection of the mental health of children.
3. To invite States to develop gender-responsive programmes and actions that aim to strengthen the capabilities of children and adolescents to guarantee and exercise all of



the rights recognized by the Convention on the Rights of the Child, in particular, to identify, report and be aware of their exercise all of the rights recognized by the Convention on the Rights of the Child, in particular a right to be protected from all forms of physical or mental violence, injury abuse, or neglect or negligent treatment, maltreatment, or exploitation, including sexual abuse (...)" and to promote cross-generational dialogue and listening.

4. Highlight the active co-responsibility of the family, society, and the State in the comprehensive protection of the rights of children and adolescents, recognizing the right to the enjoyment of the highest attainable standard of physical and mental health is addressed from the perspective of collective health. This implies an understanding of mental health that integrates the bio-psycho-social and spiritual dimensions, as well as the interrelations with the community and natural environment. It is essential to guarantee the active participation of children and adolescents in the formulation of policies and other actions that are encouraging to promote safe and responsible use of the Internet in environments of collective support.
5. To call upon States to strengthen all actions and mechanisms, both national and regional, that engage in good practices related to the mental health care of children and adolescents, in view of the impact of digital environments on their lives.
6. To encourage States to adopt an approach based on public health, psychosocial support, and strengthening resilience capacity, rather than on excessive recourse to medication and hospitalization. In addition, to provide a multi-sectoral and comprehensive response through integrated adolescent mental health care systems involving parents, peers, extended family, and schools, as well as provide help and assistance through trained personnel.

ii. Section on “The challenges of the promotion and protection of the rights of children in early childhood, recognizing their importance in the sustainable development of society”.

RECALLING:

24. The Declaration of the Permanent Council of the OAS “Promoting Early Childhood in the Americas”; CP 49943s03, of 4 June 2024.



25. The resolutions of the Directing Council of the IIN: CD RES. 12 (97-R23) “Early Childhood”; CD/RES. 07 (96-R22) “Early Childhood Education and Care”; CD/RES. 13 (93-R/18) “Policies for the Promotion and Protection of Rights in Early Childhood”, and CD/RES. 04 (88-R/13) “Promoting Families’ Attention Giving and Child-Rearing Capacity in relation to Early Childhood”.
26. Early Childhood is a crucial stage in human development that lays the foundation for children’s well-being throughout life. In their transit through this life cycle. Children are entitled to special protection and care, which play a significant role in achieving their comprehensive development.
27. The comprehensive protection approach, in line with the United Nations Convention on the Rights of the Child, recognizes the role of the family, society, and the State in promoting the enjoyment of the rights of children and adolescents.

BEARING IN MIND:

28. General Comment No. 7 of the United Nations Committee on the Rights of the Child, stresses the importance of making specific efforts to ensure that the rights of children in early childhood are respected and protected and other observations of the committee whose approach includes early childhood.
29. The 2030 Agenda for Sustainable Development, which addresses a wide range of global challenges, and several of its Sustainable Development Goals (SDGs) and targets, which relate directly or indirectly to aspects relevant to early childhood, such as health, education, the eradication of violence and the reduction of inequalities including gender inequality and poverty.

EMPHASIZING:

30. The persistence of inequality in the region, levels of poverty with their resulting insecurity, and prolonged stress prevent the access of children in early childhood to safe and healthy environments, which affects their development.



31. Investment in early childhood translates into investment in the sustainable development of society, and the need for further progress in comprehensive public policies, coverage, and quality of services aimed especially at this population.
32. The role of families as the primary area for the conscious parenting, lovely and sensitive care and development of children in early childhood, emphasizing the importance of supporting families' conscious care and fostering good treatment in diverse families, positive parenting, conscious parenting, and skills to promote comprehensive and healthy development.
33. It is important to recognize that families are influenced by community and systemic factors; and that the quality of care that they can ensure for children will depend on the levels of protection that families can be guaranteed.
34. Public policies that emanate from systems for the promotion and comprehensive protection of children at different levels of government are essential for effective early childhood care and development systems. This involves integrating nationally designed strategies and programmes with other levels of regional and local government, recognizing the unique and specific needs and roles of each jurisdiction or community. This decentralized and complementary approach strengthens the efficiency of policies, aligning the efforts of various agencies and sectors to avoid duplication and maximize the positive impact on the lives of children and adolescents in their local contexts.
35. The need to strengthen coordination between State institutions, civil society, and families, in order to ensure the effective promotion and protection of early childhood, childhood, and adolescence.
36. The importance of the voice and active participation of children and adolescents in the development of policies and actions that concern them.

RESOLVE:

1. To reaffirm the commitment of Member States to the prevention, promotion, and protection of the rights of children in early childhood, recognizing their importance in the sustainable development of society.



2. To invite States to continue their efforts to develop comprehensive strategies and public policies for the comprehensive development of early childhood care, which include differential approaches based on human rights, the creation of community care environments, universal coverage in territories with the highest risk of vulnerability and equitable and barrier-free access to health services, nutrition, quality education, and qualified and affectionate care; promoting investment in programmes that support the effective implementation of such policies, in order to ensure the comprehensiveness, coverage, and quality of benefits, as well as the reduction of inequalities from the first years of life; and encourage them to periodically evaluate progress in the promotion and protection of early childhood, with the active participation of children and adolescents.
3. To invite States and civil society to promote the sharing of good practices and the training of and strengthening the capacities of children and adolescents, families, communities, and local administrations, in relation to the care and protection of early childhood and children and adolescents in general, for work with families and family environments.

iii. Section on “Observing from a Human Rights Perspective the Human Mobility of Children and Adolescents in the context of international migration”.

RECALLING:

37. The provisions contained in the Convention on the Rights of the Child in Article 9 “[...]. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child” and/or the best interests of the child. As outlined in Article 3(1), the best interests of the child must be the primary consideration in all actions concerning children. In the same sense, article 4 provides “States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned”. Besides the Article 10 establishes “In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request



shall entail no adverse consequences for the applicants and for the members of their family.

2. A child whose parents reside in different States shall have the right to maintain on a regular basis, unless in exceptional circumstances, personal relations, and direct contact with both parents. Towards that end and in accordance with the obligation of States Parties under Article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention”.

38. The Joint General Comment No. 3 (2017), of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 22 (2017), of the Committee on the Rights of the Child, on the general principles regarding the human rights of children in the context of international migration.
39. Joint General Comment No. 4 (2017), of the Committee on the Protection of the Rights of All Migrant Workers and Members of Their Families, and No. 23 (2017), of the Committee on the Rights of the Child, on States’ obligations regarding the human rights of children in the context of international migration in countries of origin, transit, destination, and return.
40. The Declaration of the Permanent Council of the OAS on Central American Unaccompanied Child Migrants, of 23 July 2014.
41. The Resolution of the Directing Council of the IIN, CD/RES. 07 (90-R/15), Unaccompanied Migrant Children.
42. OAS General Assembly Resolution AG/RES. 2908 (XLVII-O/17), “Promotion and Protection of Human Rights,” particularly regarding the commitment to strengthening comprehensive systems for promoting and protecting the rights of children and adolescents in the region.
43. IACHR Resolution No. 04/19 contains the Inter-American Principles on the Human Rights of all Migrants, Refugees, Stateless Persons, and Victims of Human Trafficking.
44. Global Compact on Refugees, the Global Compact for Safe, Orderly and Regular Migration, and the Los Angeles Declaration on Migration and Protection.



WHEREAS:

45. The IACHR has highlighted in its report “Human mobility and protection obligations - Towards a subregional perspective” of 2023, paragraph 19 that the “American Declaration, as a modern human rights instrument, must be interpreted and applied in such a way as to protect the basic rights of human beings, regardless of their nationality, both against the State of their nationality and against other States for which the instrument constitutes a source of international obligations. In particular, it has pointed out that “American States are obliged to guarantee the basic protection of the human rights established in the human rights treaties to all persons subject to their authority” and control, “and [this] does not depend [...] for its application on factors such as citizenship, nationality or any other aspect of the person, including his migratory status”.⁶
46. Human mobility, in the context of Migration especially of children, represents complex dynamics that require priority and coordinated attention in the Americas. Throughout history, migration has been driven by factors such as conflict, persecution, violence, and lack of opportunities, as well as the effects of climate change. UNICEF has observed in 2022 in the Latin American and Caribbean region an increase in the number of children and adolescents in a situation of human mobility, constituting 25% of the population on the move.
47. Despite regional efforts, challenges remain with regard to protecting children and adolescents’ rights in countries of origin, transit, and destination. While in transit, while on the move, during international transit children and adolescents face a number of risks that involve serious violations of their rights, including sexual abuse, forced labour, human trafficking and arbitrary detention, among others. In addition, in the countries of destination, access to health and education are crucial aspects that must be guaranteed for inclusion in the host society; it is also necessary to ensure the right to family^{7 8} life for unaccompanied children and adolescents, facilitating family reunification.

⁶ “The United States has consistently maintained that the American Declaration is a nonbinding instrument and does not create legal rights or impose legal duties on member states of the Organization of American States. The United States also stresses that generally human rights obligations do not apply extraterritorially”.

^{7 3} The United States notes that the “right to a family life” is not recognized as a right as such under international human rights law. The United States understands references to the “right to a family life” in the IIN’s Draft Action Plan consistent with its understanding of international human rights law, including those human rights and fundamental freedoms that may relate to family life.

⁸ Canada does not formally recognize a right to “family life” in international law or domestic law. However, Canada acknowledges the importance of the family as the fundamental group of society and recognizes the related rights of the United Nations Convention on the Rights of the Child.



BEARING IN MIND:

48. That the protection of the human rights of migrants derives from the general obligations to respect and guarantee human rights, which must apply to any persons who are outside the State of which they are nationals, regardless of their migratory status, intention or the time involved.
49. Both the Inter-American Commission and the Inter-American Court of Human Rights have developed the principle of non-discrimination and the concept of the intersectional approach in the protection of human rights. In general terms, the Commission has established that the principle of non-discrimination is one of the pillars of any democratic system and, at the same time, one of the fundamental bases underpinning the human rights protection system established by the Organization of American States (OAS). In addition, it has pointed out that both the American Declaration and the Convention were inspired by the idea that all human beings are born free and equal in dignity and rights.

EMPHASIZING:

50. The initiatives that the States Parties have been handling in the field of human mobility have on the whole, been positive; however, given the existence of increasing migratory flows and the negative impacts on the enjoyment of Human Rights of children and adolescents, there is a need for a detailed approach to the issue.

RESOLVE:

1. To propose the adoption of public policies with a focus on respect for human rights and solid regional co-operation. It is only through concerted action among States that it will be possible to guarantee minimum conditions of protection for children and adolescents at all stages of their mobility in the region.
2. At the same time, to encourage the States to strengthen their actions to protect the rights of migrant children and adolescents, with a special focus on those who are unaccompanied or have been separated, or who, due to the particular features of their migration process, are more highly vulnerable.



3. To urge Member States to create opportunities for cooperation and coordination between States, to promote the development of regional action protocols, and to train those responsible for migration management in the protection of the rights of children and adolescents.
4. To promote awareness-raising among the population of the Member States with regard to the human rights of persons in situations of human mobility, and in particular of children and adolescents, by addressing xenophobic and discriminatory behaviours.
5. To invite Member States to synchronize their national systems and subsystems for promotion, protection, and the prevention of violations of the human rights of children and adolescents, noting their importance as protective agents during the different stages of human mobility processes in the region.
6. To invite States to build differential mechanisms that contribute to the effective importance of family unity in the best interest of the child. To this end, they will consider making the mechanisms for the entry or exit of children and adolescents from their territory more flexible when this is preceded by a determination by a competent authority and responds to the principle of best interests.
7. Invite States to redouble their efforts to strengthen consular protection mechanisms in countries with a differential impact due to current migration, so that their assistance results in the protection and effective enjoyment of the rights of children and adolescents. The above is without prejudice to the guarantees extended by international protection mechanisms.

i

i *** a) The Argentine Republic is obligated, from conception until the age of majority (in accordance with the interpretative declaration of Article 1 of the Convention on the Rights of the Child - CRC), which aligns with the protection afforded by Article 75, Section 23 of the National Constitution and Article 4 of the American Convention on Human Rights. Thus, whenever referring to childhood, particularly in the Pan-American context, it is understood that children must be protected from conception. Any restrictive view is incompatible with the Argentine system.

b) The State's protection and guarantee of all elements of a child's identity (the so-called "Argentine clause" of Article 8 of the CRC) implies that identity must be protected in a biological sense, as well as in all other respects, regardless of the type of filiation involved.



c) "The family, as the fundamental group of society and the natural environment for the growth and well-being of all its members, particularly children, must receive the necessary protection and assistance to fully assume its responsibilities within the community," (Preamble of the CRC).

d) The importance of the child growing up within the family, in an environment of happiness, love, and understanding, for the full and harmonious development of their personality (Preamble of the CRC). Therefore, strengthening childhood must necessarily be accompanied by policies that strengthen families, understanding that the education of children primarily falls to the parents (Article 5 of the CRC).

e) The reservation regarding international adoption of children, considering that children have the right to grow under the protection and care of their culture of origin and to maintain relationships with their birth families (according to Article 21 of the CRC). Consequently, this entails combating all forms of child trafficking, including through adoption or surrogate motherhood.

f) In all matters related to family planning, parents have an inalienable responsibility according to ethical and moral principles. It is interpreted that it is the obligation of States, within the framework of this article, to adopt appropriate measures for guidance to parents and education for responsible parenthood (Interpretative Declaration, Article 24, f, CRC).

g) The desire of the Argentine Republic to prohibit all forms of the use of children in armed conflicts (Interpretative Declaration to Article 38 of the CRC).

h) Taking into due account the importance of the traditions and cultural values of each people for the protection and harmonious development of the child (Preamble of the CRC), it is affirmed that this broader framework of protection enjoyed by childhood in the Argentine Republic, in accordance with the principle of non-regression, cannot revert to lower standards of protection, such as those that would restrict their right to family, to life from conception, or other rights already guaranteed.

On the other hand, with respect to the references made in the document to the 2030 Agenda, the Argentine Republic recalls that this Agenda consists of legally non-binding aspirations that each State, in the exercise of its sovereignty, has the right to interpret and pursue freely.

Argentina is committed to strengthening the concept of state sovereignty, as it believes that this bolsters the democratic and republican institutions of States, and consequently strengthens the universal human rights system.

Regarding the references in the document to intersectionality, Argentina understands that human rights are universal, and that intersectionality fragments anti-discrimination categories, risking pigeonholing individuals within them and perpetuating discriminatory stereotypes. Therefore, Argentina prefers to use the perspective of vulnerability, which is flexible and does not provoke social stigmatization.

In terms of the gender perspective, the commitment of the Argentine Republic to women's rights is sustained over time and is reflected in its legislation and internal practices that go beyond international standards. However, it warns that applying a sectoral perspective to understand human rights generates inequities contrary to the intended objective of non-discrimination.

Finally, concerning climate change, the Argentine Republic considers that all matters related to this issue should align with scientific advances based on evidence, without any form of dogmatism.

