PERMANENT COUNCIL OF THE ORGANIZATION OF AMERICAN STATES

GENERAL COMMITTEE

OEA/Ser.G CP/CG/INF.12/14 27 August 2014 Original: Spanish

RECOMMENDATIONS ARISING OUT OF THE SECOND CIVIL SOCIETY FORUM PRIOR TO THE XXI PAN-AMERICAN CHILD AND ADOLESCENT CONGRESS

Held in San Salvador, El Salvador on August 12 and 13, 2014









2nd CIVIL SOCIETY FORUM PRIOR TO THE XXI PAN-AMERICAN CHILD AND ADOLESCENT CONGRESS

San Salvador, El Salvador – August 12-13, 2014

In preparation for the XXI Pan-American Child and Adolescent Congress, the Department of International Affairs of the Organization of American States (OAS) and the Inter-American Children's Institute (IIN) provided a space for dialogue with representatives from a number of civil society organizations from OAS Member States to share experiences and opinions on the policies implemented by OAS countries in fulfillment of the Convention on the Rights of the Child and focusing on the following three topics approved by the IIN Directing Council:

- 1) Violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child
- 2) The sexual exploitation of children and adolescents (SECA)
- 3) Adolescents in conflict with the law and Adolescent criminal liability systems

We the representatives of civil society organizations present at the "2ndCivil Society Forum prior to the XXI Pan-American Child and Adolescent Congress" - convened by the IIN on August 12-13, 2014 in San Salvador, El Salvador, in coordination with the Government of El Salvador, and with the support of the Department of International Affairs /Secretariat for External Relations (SER) of the OAS, the Global Movement for Children of Latin America and the Caribbean, and the Government of Brazil in its capacity as host country of the XXI Pan-American Child and Adolescent Congress – hereby present this document that includes the recommendations deemed important to be taken into account in the framework of the XXI Pan-American Child and Adolescent Congress.

Considering that:

In spite of the progress registered in Latin American and Caribbean countries regarding compliance with the Convention on the Rights of the Child, structural and economic conditions still persist that generate social exclusion of and discrimination against children and adolescents, thereby perpetuating a situation that facilitates violence against them.

We observe that the use of violence against children and adolescents persists and it is necessary to strengthen the implementation of public policies with an emphasis on human rights, and guarantee that said policies focus on children and adolescents.

General Recommendations

1- Demand that OAS Member States ratify international and regional instruments and harmonize their laws in order to implement national systems for the promotion and protection of children's and adolescents' rights.

- 2- Ensure the formulation and implementation of plans for protection against violence directed at children and adolescents with a gender perspective, through the establishment of a roadmap or national strategy delineating clear institutional roles, responsibilities and resources for implementation.
- 3- Implement and strengthen programs against domestic violence, which constitutes the principal factor perpetuating the cycle of violence in society.
- 4- Guarantee greater investments for the implementation of public policies, national plans of prevention and response for protection against all forms of violence, in accordance with Article 4 of the Convention on the Rights of the Child.
- 5- Ensure the existence of an inter-governmental body responsible for the planning, coordination and proper follow-up of all actions against violence against children and adolescents.
- 6- Implement a system of data collection and knowledge creation with methodologies and protocols allowing for the gathering of sex-disaggregated, quality information on a systematic and periodic basis, regarding violence affecting children and adolescents, in order to identify new situations and forms of intervention.
- 7- Ensure measures for the media to comply with existing national and international norms and standards regarding the rights of children and adolescents.
- 8- Guarantee spaces for the participation and involvement of children and adolescents so that their opinions are taken into account in the design of policies for protection and attention against violence and ensure accountability for children and adolescents.

Regarding violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child, we recommend:

- 9- Assuming an active role in the search for channels and actions to ensure the protection of children against all forms of violence as part of the Objectives of the Sustainable Development Agenda beyond 2015.
- 10- Ensuring that children's voices are taken into account in all instances related to the protection of their rights, at all levels of discussion and decision-making.
- Guaranteeing that states are aware of, institutionalize and implement general observation number 13 (2011) on the right of children and adolescent to not be subjected to any form of violence.
- 12- Promoting legal reforms banning any form of violence against children and adolescents, particularly sexual abuse and physical and humiliating punishment that constitute important factors causing and perpetuating violence.
- 13- Establishing national roadmaps to eradicate violence, on the basis of roadmaps elaborated by countries at sub-regional events.
- 14- Promoting an advocacy against impunity in acts of violence against children by strengthening the capacity of justice operators and police investigation to provide timely and friendly responses preventing a revictimization.
- Guaranteeing that programs for the eradication of violence against children and adolescents have an inclusive and non-discriminatory perspective, encompassing all children, particularly highly vulnerable populations: early childhood, people with disability, working children, homeless children, indigenous people, LGBTI, children of incarcerated fathers and/or mothers, migrant children and adolescents without parental care.

16- Establishing policies and programs to address other forms of violence affecting children and adolescents, such as weapons-based violence and organized crime.

Regarding the sexual exploitation of children and adolescents, we recommend:

- 17- Creating and/or strengthening specialized police investigation and allegations units, as well as specialized agents for the litigation of the crime of commercial sexual exploitation of children and adolescents (SCECA); taking into account emerging trends of the problem in the context of information and communications technologies.
- 18- Creating and/or strengthening national, inter-institutional coordination programs allowing for integral care throughout the investigation, judicial prosecution and social reinsertion processes of children and adolescent survivors of SCECA crimes.
- 19- Ensuring transnational coordination mechanisms responding to the problem by optimizing cooperation mechanisms of prevention, assistance and reparations for victims and effective litigation in the framework of the transnational jurisdiction of SCECA.
- 20- Creating mechanisms for the detection of SCECA cases including friendly reporting and strengthening the capacities of relevant authorities to carry out official investigations without the need for a complaint.
- 21- Creating initiatives geared at eradicating demand for SCECA, including the prosecution of perpetrators and separate programs for the specialized treatment of teenage perpetrators.
- 22- Demanding States to criminalize domestic sexual abuse.
- 23- Promoting coordination in the academic framework and in other institutions to generate specialized knowledge about SCECA allowing for the classification of the problem and for the steering of interventions in the countries and at the regional level.
- 24- Guaranteeing mechanisms for the restitution of rights and reintegration of child and adolescent victims, and strengthening the domestic, educational and community frameworks through integral care programs to avoid repeat victimization.
- 25- Implementing programs protecting migrant children and adolescents, taking into account the dynamics of migration within and between countries. It is necessary to increase actions of protection and prevention in border areas.

Regarding Adolescent Criminal Liability Systems, we recommend:

- 23. Promoting and implementing an integral reinsertion-based management model guaranteeing the protection of fundamental rights for incarcerated adolescents as well as a minimum use of criminal law.
- 24. Prioritizing the establishment of independent mechanisms for the receipt and prosecution of complaints of human rights violations in detention centers, and taking proper actions when necessary.
- 25. Strengthening the technical and training capacities of agents of the judicial system and of specialized centers on criminal responsibility of adolescents, based on the principles and directives of international law in the field.
- 26. Promoting the use of Restorative Justice, socio-educational and/or supervision-based measures and guidance as alternatives to incarceration.
- 27. Ensuring that States progressively increase the minimum age of criminal responsibility to 18 years. Once the minimum age is established by law, ensuring the enforcement of the

- principle of no return. In any case, adolescents should not be included in the formal criminal liability system.
- 28. In order to eliminate institutionalized violence, a judicial system and juvenile centers with personnel that respects the rights of children and adolescents are necessary, considering that the latter are under the protection of the State while incarcerated.

Thanks

In conclusion, we thank the IIN and the OAS Department of International Affairs for the opportunity granted in this Forum and we ask that the Forum become a permanent space of civil society consultation prior to, during and between Pan American Child and Adolescent Congresses, thereby enabling the follow-up of recommendations issued in said events. We call on the States to implement mechanisms to monitor and evaluate the Pan American Child Congress resolutions.

In addition, we applaud the OAS General Assembly's decision to elevate the XXI Pan American Child and Adolescent Congress to the level of Specialized Conference, and we hope for the active participation of national delegations as well as children and adolescents who will meet on that occasion.

Annexes: Program of the 2nd Civil Society Forum

List of Participants of the Second Civil Society Forum

Annex 1

2nd CIVIL SOCIETY FORUM PRIOR TO THE XXI PAN AMERICAN CHILD AND ADOLESCENT CONGRESS

San Salvador, El Salvador - August 12-13, 2014

PROGRAM

INTRODUCTION

Civil society organizations play an important part in the definition and achievement of hemispheric objectives of the Organization of American States (OAS) with regards to democracy, multidimensional security, integral development and the promotion and protection of human rights in the region. The contributions of civil society actors in the framework of the OAS and its Specialized Organizations are key to define and guarantee the attainment of these objectives as well as of mandates and commitments at the international, national and local levels.

In this context, the Inter-American Children's Institute, with the support of the Department of International Affairs / Secretariat for External Relations (DIA/SER) of the OAS, the Global Movement for Children of Latin America and the Caribbean, and the Government of Brazil in its capacity as host country of the XXI Pan American Congress, will carry out the 2nd Civil Society Forum prior to the XXI Pan American Child and Adolescent Congress in order to offer civil society organizations that monitor the implementation of OAS initiatives – particularly in the area of violence against children and adolescents – the possibility to dialogue and exchange ideas and experiences on this topic. In addition, participants will be able, with the support of DIA/SER and IIN, to formulate and compile recommendations that will be presented for the consideration of National Delegations. The recommendations will be submitted as conclusions in the plenary session of the XXI Pan American Child and Adolescent Congress that will take place in Brasilia, Brazil on December 10-12, 2014.

This document presents the objectives, expected results, methodology and format of the sessions, as well as the agenda for the 2^{nd} Civil Society Forum prior to the XXI Pan American Child and Adolescent Congress.

OBJECTIVE

In preparation for the XXI Pan American Child and Adolescent Congress, the Department of International Affairs, the Inter-American Children's Institute and the Global Movement for Children of Latin America and the Caribbean will host the 2nd Civil Society Forum on August 12 and 13, 2014 in San Salvador, El Salvador for the purpose of generating a dialogue and grant civil society actors the opportunity to exchange ideas and elaborate proposals and recommendations on the central theme of the XXI Congress – violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child (CRC).

EXPECTED RESULTS

The expected results of the 2nd Civil Society Forum prior to the Pan American Child Congress include:

- 1. Generating a dialogue and recommendations on the theme of the XXI Pan American Child and Adolescent Congress for the consideration of Member State Delegations;
- 2. Reviewing and evaluating the advances and challenges in the implementation of the Convention on the Rights of the Child 25 years after its adoption; and
- 3. Promoting the participation and engagement of civil society organizations, including organizations of children and adolescents, in the monitoring and promotion of issues pertaining to children and adolescents within the Inter-American Agenda.

METHODOLOGY AND FORMAT

The 2nd Civil Society Forum will have a duration of a day and a half and will take place in San Salvador, El Salvador on August 12 and 13 of 2014. The event will focus on questions related to the central theme of the XXI Pan American Child and Adolescent Congress, "violence against children and adolescents", with a special emphasis on 1) violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child (CRC), 2) adolescents in conflict with the law and criminal liability systems; and 3) the sexual exploitation of children and adolescents.

The morning of the first day will consist in an inaugural session; an introduction to the XXI Pan American Child Congress by the IIN; a presentation by DIA/SER about the background and a brief explanation of the methodology of the Forum; and the First Plenary Session First Plenary Session on the topic of violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child (CRC). During that session, the Global Movement for Children of Latin America and the Caribbean will make a presentation on its actions in the framework of the regional agenda of children in the implementation of the recommendations of the United Nations Study on Violence against Children, among other presentations.

The Second Plenary Session will take place in the afternoon of the first day and will focus on the sexual exploitation of children and adolescents.

The Third Plenary Session will take place on the morning of the second day, on the question of adolescents in conflict with the law and criminal liability systems.

Presentations will be given in each plenary session, followed by a dialogue with the participants. The 2nd Civil Society Forum will conclude with a closing session.

Recommendations from the groups of each session will be compiled and consolidated in a document which will be presented to the Member States in the framework of the OAS Permanent Council as well as to the participants of the XXI Pan American Child and Adolescent Congress.

Panelists will include adults expert in the topics jointly defined prior to the forum as well as delegates from organized groups of children and adolescents of the region.

Participants will work in plenary sessions as well as working groups on the different themes.

BACKGROUND DOCUMENTS

For the purpose of enhancing the discussion on each thematic area, participants are encouraged to become familiarized with the following documents:

- Draft Agenda: XXI Pan American Child Congress
- Resolution CD/RES 05 (88-R/13): XXI PAN AMERICAN CHILD CONGRESS

LANGUAGES

The plenary sessions and working groups of the 2nd Civil Society Forum will be in Spanish.

LOGISTICS

The participants will be responsible for covering their own transportation costs from their country of origin to El Salvador.

In addition, all civil society representatives will be responsible for reserving and paying for their accommodations. Participants are recommended to reserve their hotel rooms in advance. The following is the contact information of the Sheraton Presidente Hotel where the 2nd Civil Society Forum will take place.

Hotel Sheraton Presidente Final Avenida la Revolución Colonia San Benito San Salvador, El Salvador Tel: (503) 2283-4000

Fax: (503) 2283-4040

Email: sansalvador.presidente@sheratonpresidente.com.sv

Website: <u>Sheraton Presidente San Salvador</u> Rate: Habitación sencilla o doble: US\$ 159 + IVA

The OAS will not be held responsible for transportation, accommodations, meals or other costs incurred by the participants during their stay in San Salvador, El Salvador.

AGENDA

August 12, 2014

2nd Civil Society Forum prior to the XXI Pan American Child and Adolescent Congress

Time: 9:00am – 4:30pm

<u>Place</u>: Hotel Sheraton Presidente

Room Presidente 4 San Salvador, El Salvador

8:30am Registration

9:30am Inaugural Session

- Ronalth Iván Ochaeta, Representative of the General Secretariat of the Organization of American States in El Salvador
- Beat Rohr, Regional Director of Save the Children International, Secretariat of the Global Movement for Children of Latin America and the Caribbean
- Hayleen Vásquez, adolescent from the Network of Children and Adolescents of El Salvador (RENAES) / Latin American Network of Children and Adolescents (REDNNyAs)
- Josué Díaz, adolescent of the Regional Network of Children and Adolescents
 Latin America and the Caribbean
- Zaira Navas, Vice President of the *Directing Council of the IIN* and Executive Director of the *National Council on Children and Adolescents (CONNA)*

10:00am Introduction to the XXI Pan American Child and Adolescent Congress

Dolores Aguilar, Director General of the IIN

10:20am Background and Methodology of the 2nd Civil Society Forum

- Eric Ambrose, Department of International Affairs, OAS
- Dialogue

10:45am Break

11:00am First Plenary Session: violence against children and adolescents 25 years after the adoption of the Convention on the Rights of the Child (CRC)

- Report on the advances and challenges in follow-up to the UN Study on Violence against Children (UNVAC)
 - Rocío Valencia, Secretary of the Global Movement for Children of Latin America and the Caribbean

- 2. Lessons learned in the framework of the approval of the law against physical punishment and humiliation in Brazil
 - Marcia Oliveira, Coordinator of the National Campaign Não Bata, Eduque
- **11:20am** Dialogue facilitated by Amanda Rives of *World Vision*
- 12:20pm Compilation of civil society recommendations
- 1:00pm Lunch
- 2:30pm Second Plenary Session: the sexual exploitation of children and adolescents
 - 1. Regional Panorama of CSECA: challenges and opportunities in the short-and medium-term
 - Lesly Zambrano, Representative for Latin America to the International Board of Trustees, End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes (ECPAT)
 - 2. Threats and challenges to the protection of rights
 - Lyda Guarin, Regional Advisor on Child Protection, *Plan International*
 - 3. Access to justice for victims of sexual exploitation of children and adolescents
 - Ludin de Chávez, Director of Program Operations and Emergencies Focal Point, Save the Children International
- **3:00pm** Dialogue facilitated by Fabio Gonzalez of *ECPAT International*
- 4:00pm Compilation of civil society recommendations
- 4:30pm Closing

August 13, 2014

2nd Civil Society Forum prior to the XXI Pan American Child and Adolescent Congress

Time: 8:30am – 1:00pm

<u>Place</u>: Sheraton Presidente Hotel San Salvador, El Salvador

8:30am Third Plenary Session: adolescents in conflict with the law and criminal liability systems

- 1. Adolescents' perspective on youth justice and the human rights of children in the Americas
 - Hamilton Steven Sandoval Portillo and Rocío Abigaíl Linares Palacios; adolescents of the Network of Children and Adolescents of El Salvador (RENAES) and members of the Latin American and Caribbean Network of Children and Adolescents (REDNNyAs)
 - Georgina Villalta, General Manager of the Network for Children of El Salvador (RIA), Member of the Coordinating Council of the Latin American and Caribbean Network for the Defense of the Rights of Children and Adolescents (REDLAMYC)
- 2. Report "Creating Non-violent Juvenile Justice Systems"
 - Milena Grillo, International Council of NGOs on Violence against Children and Adolescents, Representative for Latin America of REDLAMYC
- 3. Threats and challenges in the Latin America and Caribbean region
 - Juan Fumeiro, Regional Vice President of Defense for Children International (DCI) America

9:00am Dialogue facilitated by Jorge Valladares of *World Vision Honduras*

10:00am Compilation of civil society recommendations

10:30am Coffee

10:45am Exchange of best practices and lessons learned in strengthening follow-up mechanisms to the declarations of civil society forums

11:00am Presentation and editing of civil society recommendations

12:00pm Closing

 Matthew Carlson, Interim Regional Director of Plan International, Representative of the Global Movement for Children of Latin America and the Caribbean

- Yeismarglis Pargas Rodríguez, adolescent of the Latin American and Caribbean Movement of Working Children and Adolescents (MOLACNATS)
- Alex Lopez, adolescent of the Network of Children and Adolescents, Municipality San Rafael Cedros
- Dolores Aguilar, Director *General* of the *IIN*

2nd CIVIL SOCIETY FORUM PRIOR TO THE XXI PAN-AMERICAN CHILD AND ADOLESCENT CONGRESS

San Salvador, El Salvador – August 12-13, 2014

List of Participants

CIVIL SOCIETY ORGANIZATIONS

BRAZIL

Aldeas Infantiles SOS Fábio José Garcia Paes

<u>Fundação Abrinq pelos Direitos da Criança e do Adolescente</u> Maitê Fernandez Gauto Katerina Volcov

Rede Nao Bata, Eduque Marcia Oliveira

Serviço Social da Indústria (SESI) Fernando Luz Carvalho

<u>Uniao Marista do Brasil</u> Leila Paiva Regina de Souza

CHILE

<u>Fundación Mi casa</u> Delia Del Gatto Susana Pizarro

COSTA RICA

<u>Defensa de Niñas y Niños Internacional (DNI)</u> Virginia Murillo

Consejo Internacional de ONG sobre Violencia contra los Niños, Niñas y Adolescentes / Red Latinoamericana y Caribeña por la Defensa de los Derechos de los Niños, Niñas y Adolescentes (REDLAMYC)
Milena Grillo

WorldVision International

Teresa Ferrari

Patricia del Pilar Horna Castro

DOMINICAN REPUBLIC

Coalición ONGs por la Infancia

Peter de Wannamaeker

EL SALVADOR

Aldeas Infantiles SOS

Karla Geraldine Guerrero

Nathaly Novoa de Romero

CEMUJER

José Luis Calderón Castro

Coalición Regional contra el Tráfico de Mujeres y Niñas en América Latina y el Caribe – El

Salvador

Ima Roció Guirola

Fundación de Apoyo Familiar (FUNDAFAM) / Red de Educación Inicial y Parvularia de El Salvador

(REINSAL)

Blanca Flor Bonilla

Fundación de Estudios para la Aplicación del Derechos (FESPAD)

Ismelda Villacorta

Fundación Marista para la Solidaridad Internacional

Yanett Franco

Fundación Privada Intervida

José Antonio Calero

Fundación Salvador del Mundo (FUSALMO)

Lisette Orellana

Lilia Ivett Padilla

Plan Internacional

Sara Beatriz Berrios

Rodrigo Bustos

Alejandro López

Alma Salmerón

Yesenia Segovia

Carlos Tejada Adolfo Vidal

Red Nacional Coincidir

Gricela López

Red Nacional de Niños Niñas y Adolescentes de El Salvador (RENAES)

Leslie Blanco Rocío Abigaíl Linares Palacios Fernando Martínez Manuel Alejandro Rodríguez Hamilton Steven Sandoval Portillo Hayleen Vásquez

Red para la Infancia de El Salvador (RIA)

Ana Myriam Ayala Vanessa Carolina Henríquez Georgina Villalta

Red Viva de El Salvador

Elisa Rodríguez Samuel Rodríguez

SavetheChildren El Salvador

Ludin de Chávez Angelica Montes Rosa Quintanilla Sonia Silva

Universidad Centroamericana (UCA)

Ana Orellana

Viva Juntos por la Niñez

Ada Milca García de Ayala

WorldVision International

Haydee Cartagena
Laura Colmenares
Claudia Cruz
Josué Díaz
Eugenia Erazo
Marla González
Jorge Hernández
Laura Mata
Juan Carlos Pacas Hernández

GUATEMALA

Asociación Grupo Ceiba Guatemala

Marco Castillo Erick Chew Rómulo Adolfo Dávila Carlos de León

ChildFund Guatemala

Guillermo Leverman

Child Hope

Alberto Vásquez

Plan Internacional

July Fuentes

HONDURAS

<u>Coordinadora de Instituciones Privadas pro las niñas, niños, adolescentes, Jóvenes y sus Derechos (COIPRODEN)</u>

Wilmer Vásquez

Visión Mundial Honduras

Jorge Valladares

MEXICO

Red Hemisférica de Parlamentarios y Exparlamentarios por la Primera Infancia (RHPEPI)

Alma Cruz

Omar Cuellar

Red por los Derechos de la Infancia en México

Juan Martín Pérez García

NETHERLANDS / ARUBA

ChildHelpline International

Altagracia Chapman

NICARAGUA

<u>Federación Coordinadora Nicaragüense de ONG que trabajan con la Niñez y la Adolescencia (CODENI)</u>

Georgina Yamileth Mendoza

Marvin José Moreira

PANAMA

<u>End Child Prostitution, Child Pornography and Trafficking of Children for Sexual Purposes</u> (ECPAT) International

Fabio González Lesly Zambrano

Plan Internacional

Matthew Carlson

Shira de Leon

Lyda Guarin

Ruth Sansebastan

Maytee Zachrisson

Save the Children - Panamá

Beat Rohr

World Vision International

Amanda Rives

PERU

Save the Children-Perú SofíaGarcía Rubi Geraldine Salazar María del Rocío Valencia

UNITED STATES

World Organization for Early Childhood Education and Care (OMEP) Gaby Fujimoto

URUGUAY

Defensa de los Niños Internacional (DNI) América

Juan Pedro Fumeiro

Movimiento Mundial por la Infancia de Latinoamérica y el Caribe (MMI-LAC) / Red Latinoamericana y Caribeña por la Defensa de los Derechos de los Niños, Niñas y Adolescentes (REDLAMYC)

Jorge Freyre

VENEZUELA

Save the Children-Venezuela YeismarglisPargas Rodríguez Jesús Alfredo Parra

MEMBER STATES

EL SALVADOR

Katherine Valencia Consejo Nacional de la Niñez y Adolescencia (CONNA)

ORGANIZATION OF AMERICAN STATES (OAS)

Ronalth Ivan Ochaeta Representative of the General Secretariat in El Salvador

Eric Ambrose
Department of International Affairs

INTER-AMERICAN CHILDREN'S INSTITUTE (IIN)

ZairaNavas Vice President of the IIN Directing Council

Dolores Aguilar Director General

Marco Moysen Specialist

UNITED NATIONS CHILDREN'S FUND (UNICEF)

María Teresa de Mejía UNICEF, El Salvador