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 “2nd Civil 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.

11- 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.

15- 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