

2019

Spotlight on: The Inter-American Children's Institute

Adriana Domingo

Follow this and additional works at: <https://lawcommons.luc.edu/clrj>



Part of the [Family Law Commons](#), and the [Juvenile Law Commons](#)

Recommended Citation

Adriana Domingo, *Spotlight on: The Inter-American Children's Institute*, 39 CHILD. LEGAL RTS. J. 178 (2020).

Available at: <https://lawcommons.luc.edu/clrj/vol39/iss2/8>

This Article is brought to you for free and open access by LAW eCommons. It has been accepted for inclusion in Children's Legal Rights Journal by an authorized editor of LAW eCommons. For more information, please contact law-library@luc.edu.

Spotlight on:
The Inter-American Children's Institute

By: Adriana Domingo

In the American continents, there are approximately 272 million children, and thirty-five governments are responsible for their welfare. The Organization of American States (OAS) contains an intergovernmental branch known as the Inter-American Children's Institute (IIN (initials in Spanish)), which was created to organize the governments who are part of the OAS, and to harmonize their policies regarding children's rights, issues, and welfare.

I. HISTORY, STRUCTURE, AND PURPOSE

The OAS is the oldest regional organization and international institutional system and, as of today, thirty-five countries from the American continents are members. It was formally created in 1948 with the signing of the Charter of the OAS, the treaty through which the country members became part of the organization.

The Children's Institute is incorporated through Article 130 of the Charter of the Organization of American States. The IIN is one of the six permanent, specialized branches of the OAS. The creation of IIN was suggested at the second American Congress on Children's Issues, held in Montevideo in 1919. Five years later, the Institute was created under the name of International American Institute for the Protection of Children. In 1927, for the first time, ten countries joined the Institute by signing the Charter. However, it wasn't until 1949 that IIN became a part of the OAS.

All OAS member States are part of IIN. The structure of IIN is a three-tier organization composed of a Directing Council, the Pan-American Children and Youth Congress, and a Secretariat. The Directing Council consists of a representative from each OAS Member State and is charged with approving all matters related to the IIN administration. Further, the Council is tasked with approving the annual plan, final report, and all other agreements entered into by IIN with other organizations. The Pan-American Children and Youth Congress is an Inter-American conference consisting of ministers or other governmental authorities with similar powers. Its purpose is to exchange experiences and make recommendations regarding current children's issues. Finally, the Secretariat is the administrative office and gives support to all IIN and the Directing Council activities.

Even though IIN has existed for more than 80 years, its statute and rules of procedure were not approved until 2004. These form the by-laws of IIN and define its nature, competence, objectives, functions, structure and sessions' development. IIN's vision is to serve as legal and political advisors at a regional level in children's matters. Its mission is to "contribute to the development of public policies" in regard to the protection of children's rights among OAS member States.

Along with the OAS Charter and its statutes, the IIN follows two international documents, the Inter-American Democratic Charter and the Convention on the Rights of the Child. IIN's

purpose within these instruments is to “harmonize criteria and elicit governments’ commitment, acting as a coordinating nexus within the Inter-American System and a *highly respected adviser* in child-related matters throughout the region” (emphasis added).

Despite being an inter-governmental institution, the IIN’s statute allows other non-governmental agencies to attend its sessions. Two types of participants are set within IIN’s statute: a) permanent observers and b) other participants. The first category includes OAS’s permanent observers, as well as the other United Nations (UN) member States who request admission as such. The observers can assist in the public sessions and can state opinions during them. The second category includes other non-permanent observers, which can be UN member States, UN organizations, international organizations, or civil society organizations. Lastly, child participation is allowed in these sessions.

II. FUNCTIONS

The IIN serves as the expert adviser on children’s issues within the OAS. Its functions include creating awareness of children’s issues and to propose solutions to those issues. Additionally, the IIN offers advice on any other action it may deem appropriate to protect a child’s best interest. The IIN also serves as the mediator among the member states. This responsibility includes promoting cooperation among governments and civil society, and to assist them in developing national systems of protection. Lastly, the IIN is responsible for maintaining the level of expertise among its personnel, providing continuous training in current developments and occurrences in child welfare throughout the American continents.

To achieve its goals, the IIN follows an annual action plan previously approved by the Directing Council. Throughout the year, the Council holds ordinary and extraordinary meetings. At the ordinary meetings, topics on the annual plan are discussed and followed up on. The extraordinary sessions are used to discuss any specific topic not on the agenda already approved by the Directing Council. At the end of each session, a resolution is voted on and adopted if voted for by a majority of the States.

III. WORK AREAS

When the IIN was initially created, a “Decalogue” existed; this was the main focus of work. It was a list of ten “rights of the child” that later became the first official regional document on that topic. Those rights included the right to life, education and specialized education, the right to maintain and develop personality, the right to nourishment, full economic assistance, land, social consideration, and joy, and one dedicated to expanding the “all-embracing right to life.”

Now, the IIN works according to the goals set in each Action Plan, which are assessed every four years. Past thematic lines have included policies for early childhood, juvenile criminal justice, and children attention in disasters and emergencies. Although some topics remain constant, some others may be added if considered relevant in the actual context. In 2015-2019, the priority issues are: violence and the rights of children in different areas and life circles, early childhood, sexual violence and sexual exploitation, juvenile justice systems, and child participation. Migrant children and international child abductions are also being taken into consideration as issues related

to other mandates or prioritized by sub-region. The objectives and achievements to the thematic lines to date are described as follows:

A. Violence and the rights of children in different areas and life circles

The IIN has three main objectives regarding children and violence: to eradicate violence in everyday settings, accompaniment of the legislative process, and the awareness and production of knowledge and tools for a better understanding of the child's rights. When assessing these objectives, the different types of violence involving children are considered.

To achieve these goals, the IIN conducts trainings to reduce violence. This is done by drawing general technical guidelines and drafting bills to avoid corporal punishment. Further, it promotes nonviolent forms of discipline, and exchanges between States. These activities are done with the presence of civil society and academia to reinforce the understandings of the different forms of involvement of adolescents in criminal violence.

Achievements thus far include the elaboration of reports and papers related to youth and gang participation, and juvenile criminal justice. IIN has also launched the course "Violence and Children's Rights Building Peaceful Environments" in alliance with SOS Kinderdorf International, an international organization that helps kids who have lost parental care or are at risk of losing it. This course is meant to train professionals working with children on how to react and protect them in contexts of violence.

B. Early childhood

Early childhood is one of the themes that continues to exist due to the need to strengthen the implementation of public policies in every country. The commitment to the topic of early childhood within the Action Plan is to strengthen institutional capacity to coordinate intersectional strategies. Specific objectives include training on parenting skills for childcare and child-rearing. The general goal is to eradicate violence in everyday settings and focus on the right to a family (to avoid institutionalization). Through the 2015-2019 period, the IIN has attained the development of the virtual course, "Early Childhood," and the communicational campaign on deinstitutionalization, "The Right of the Child to the Family," based on the document of the same name of the Inter-American Commission of Human Rights. The virtual course advances awareness of the importance of prioritizing early childhood in public policies related to children. The campaign promotes the child's right to belong to a family and promotes actions to avoid child institutionalization.

C. Sexual violence and sexual exploitation

In 2007, the IIN Directing Council adopted a resolution creating a program for the prevention, and eradication of sexual exploitation, smuggling, and trafficking in children. The Institute continues to weigh its efforts through the compilation, systematization, and updating of related information, research, and creation of tools. This helps States to address the sexual exploitation of children, and legally assist and train the member States. The continuance of the program has led to the IIN becoming an observer member of the Regional Action Group of the

Americas (GARA). This group works toward the prevention of sexual exploitation of children and adolescents in travel and tourism. Additionally, the Institute has a joint presentation by the Office of the Special Representative of the United Nations Secretary General on Violence Against Children and the United Nations International Children's Emergency Fund (UNICEF) to promote the ratification of the Optional Protocol regarding the Sale of Children, Child Prostitution and the Use of Child Pornography.

D. Juvenile justice systems

One of the Institute's main functions is to promote the implementation of the Convention on the Rights of the Child (CRC). Articles 37 and 40 of the CRC aim to make juvenile justice a priority. The current Action Plan focuses on the implementation of those articles by promoting the cooperation of the various institutions in charge of the juvenile justice system within each Member State. Other efforts focus on generating guidelines for public policy, action plans, protocols on alternative measures, and the application for non-custodial penalties.

Some of the main accomplishments since the creation of the program have been a draft report on the application of penalties in juvenile justice systems and the partnership with UNICEF to promote the use of non-custodial measures against adolescents who commit violations of the criminal law.

E. Child participation

Participation is essential for giving children a voice and letting them decide what is in their best interest. IIN promotes this as a human right and a democratic value. In an attempt to continue promoting this right, the Action Plan added two lines: 1. to increase opportunities for children to opine on public policies, programs and projects that affect them; and 2. continue the reflection of tools and methodology to achieve a quality of participation.

Since this is a continuing theme, several results have been achieved over the years. Some of those include the creation of the network of Correspondents for Children and Adolescents (CORIA), consisting of groups of children and adolescents who exchange experiences on the current situation of their rights. Further, they receive advice from the IIN on how to write news from a rights approach. Another achievement is the development of the online course called "Promotion of Child Participation," which is a training on the best practices for children and youth social incidence.

F. Migrant children

Child immigration is an increasing concern in the region. Separated and unaccompanied children are the principal concern. To address the issues regarding this matter, the IIN has focused on promoting technical guidance to States seeking to protect migrant children and developing protocols regarding the care of unaccompanied children.

Although the topic is still developing, the IIN has made substantial efforts to address its goals. Results have been attached to the "Declaration of Montevideo to follow up and support

advisory opinion OC/21, for its effective implementation” and the virtual course on the rights of children and adolescents in situations of human mobility.

Lastly, to help all member States achieve their goals, the institute offers a training program on the thematic lines and children's rights. This program aims to strengthen the capacity of the States, as well as the organized civil society on the thematic areas.

IV. CONCLUSION

In conclusion, the IIN is one of the main organizations in the American Continents in charge of protecting child welfare. Its political role has helped States build uniform actions to promote children's rights based on their best interest. Many countries consider the IIN to be the leader, basing their actions on the Institute's standards. Many of the achievements across the continents are due to the progressive actions the IIN has proposed and the reliance States have on it. Although the development and implementation of children's welfare throughout the region are slow, the efforts by the IIN have helped progress children's welfare in the right direction.

SOURCES

About us, INTER-AM. CHILD. INST., <http://iin.oea.org/en/quienes-somos.html> (last visited Oct. 11, 2018).

Achievements based on Thematic Lines, IIN, <http://iin.oea.org/en/index.html> (last visited Oct. 13).

Action plan 2015-2019, INTER-AM. CHILD. INST. (2015), <http://www.iin.oea.org/pdf-iin/en/ActionPlan-2015-2019.pdf>.

Children in Latin America and the Caribbean, UNICEF, <https://www.unicef.org/lac/en/children-latin-america-and-caribbean> (last visited Oct. 11, 2018).

The creation of Institute, INTER-AM. CHILD. INST., <http://iin.oea.org/en/historia.html> (last visited Oct. 12, 2018).

Inter-American Children's Institute OAS Specialized Organization, INTER-AM. CHILD. INST. (2012), http://www.iinadmin.com/uploads/files/EN_Presentacion_Institucional_2012.pdf.

Organizations, INT'L JUV. JUST. OBSERVATORY, <https://www.oijj.org/en/organizations/general/sos-kinderdorf-international-office-for-western-europe> (last visited Nov. 21, 2018).

Programa Interamericano de capacitación IIN-OEA [Inter-American Program IIN-OAS], INTER-AM. CHILD. INST., <http://iin.oea.org/en/programa-interamericano.html> (last visited Oct. 13, 2018).

Reglamento del Instituto Interamericano del Niño, la Niña y adolescentes, *translated in* INTERNAL RULES OF THE INTER-AMERICAN CHILDREN INSTITUTE, INTER-AM. CHILD. INST., (Oct. 24 and 25, 2004).

Section2: Population by age and sex, STAT. CAN., <https://www150.statcan.gc.ca/n1/pub/91-215-x/2012000/partie2-eng.htm> (last modified Nov. 27, 2015).

Standards for the implementation and coordination of the provisions of the Charter Relating to the Inter-American Specialized Organizations, ORG. OF AM. ST. (Apr. 21, 1972).

Statutes of the Inter-American Children's Institute, ORG. OF AM. ST., (May 25 and 26, 2004).

Thomas Buergenthal, *The Advisory Practice of the Inter-American Human Rights Court*, THE AM. J. OF INT'L L. 1, 79 (1985).

Who we are, ORG. OF AM. ST., http://www.oas.org/en/about/who_we_are.asp (last visited Nov. 7, 2018).

William O'Hare, *The Changing Child Population of the United States: Analysis of Data from the 2010 Census*, THE ANNIE E. CASEY FOUND. 1, 2 (2011), <https://www.aecf.org/resources/the-changing-child-population-of-the-united-states/>.