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Lecture

“The Family as the Institution with Primary Responsibility
for the Protection, Upbringing and Integral Development
of Children and Adolescents”

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The consideration of children’s rights has different dimensions of analysis, conceptualization, historical perspective, policymaking and strategy definition in the Member states of the Inter-American System. In that connection, the child-family relationship reflects values, cultures, juridical constructions, and state and society responsibilities deserving a specific treatment which the Inter-American Children’s Institute has included in this Nineteenth Pan American Congress with generosity, creativeness and commitment. Within such framework it should be acknowledged that the Organizations within the Inter-American System have remained actively concerned about families and children, as stated in Declarations, Conventions, Pacts and several documents that set out a historical path on this issue.

The reflections, analysis and proposals stemming from this lecture are inspired in my current role as a Member of the United Nations Committee on the Rights of the Child. This position implies the review of the most diverse international scenarios for the application of the Convention on the Rights of the Child, but it mainly strengthens the commitment for the advocacy of children in the Americas.

In their capacity as active members of the United Nations, the countries in the Americas had a role in one of the events with the greatest contents and

relevance in that Organization through the **Proclamation of the International Year of the Family** by the General Assembly in 1994.

Thus, we are now celebrating the tenth anniversary of such proclamation. Precisely within the framework of the preparations and celebration of this Anniversary, on 23 July, 2004 the Secretary General of the United Nations submitted a general report on the activities developed at all levels for celebrating this tenth Anniversary of the International Year of the Family. This report contains additional information and an analysis on the situation of the family throughout the world, as well as the current approaches –particularly at national level– concerning the policies for families and family support, as this information was deemed to be of interest for governments and other actors in the future assessment of family-related policies and programs.

Although long before 1994 the United Nations General Assembly had declared the family to be the basic unit of society entitled to protection by both the society and the state, the proclamation of the **International Year of the Family** reflects the need for and decision of focusing specifically on the families as actors and stakeholders of social progress and sustainable development.

The principles of the International Year of the Family represented the highest contemporary level of commitment among the responsibilities of Member states, civil society entities, the academic community, the various religious beliefs and the society in general. Among such principles, the following should be recalled:

1. *“The family constitutes the basic unit of society and therefore warrants special attention. Hence, the widest possible protection and assistance should be accorded to families so that they may fully assume their responsibilities*

within the community, pursuant to the provisions of the Universal Declaration of Human Rights,”... the Convention on the Rights of the Child and other relevant international documents.

2. The International Year of the Family especially emphasizes “the diverse forms and functions of families” which require the respect for the “diversity of individual preferences and societal conditions.” Consequently, the International Year of the Family must take such differences into account in order to address “the specific needs of all families.”

3. Efforts will be made “to promote the basic human rights and fundamental freedoms... whatever the status of each individual within the family, and whatever the form and condition of that family.”

4. “Policies will aim at fostering equality between women and men within families, to bring about a fuller sharing of domestic responsibilities and employment opportunities.”

5. “Programmes should support families in the discharge of their functions, rather than provide substitutes for such functions.”

It is also very enriching to recall the objectives of the Proclamation, which remain fully valid. Among them, the following should be noted:

“...to stimulate local, national and international action as part of a sustained long-term effort to:

1. Increase awareness of family issues among Governments as well as in the private sector;

2. Strengthen national institutions to formulate, implement and monitor policies in respect of families;

3. *Stimulate efforts to respond to problems affecting, and affected by, the situation of families;*

4. *Enhance the effectiveness of local, regional and national efforts to carry out specific programmes concerning families by generating new activities and strengthening existing ones;*

5. *Improve the collaboration among national and international non-governmental organizations in support of multi-sectoral activities;*

6. *Build upon the results of international activities concerning women, children, youth, the aged, the disabled...*"

Along the same lines, mention should be made in our region to the Declaration and Lines of Action in favor of Families in Latin America and the Caribbean adopted in Cartagena de Indias, Colombia, in August 1993.*

The meeting that issued this Declaration was convened by ECLAC and the Government of Colombia and adopted by consensus a regional proposal that should serve as the basis for national action policies to be designed by governments within the framework of the International Year of the Family.

Besides specific family-oriented strategies, this consensus also defined two major objectives:

1. To promote the integral development of families at the regional and national levels, to strengthen their bonds of solidarity, and to ensure the means for their well being through a comprehensive and responsible coordination between governments and society;

* No official English version was found.

2. To consolidate the political, socio-cultural and economic conditions required for the improvement of the situation of families in Latin America and the Caribbean by means of encouraging, maintaining and developing their strength as the basic network of social relations, and ensuring the respect for the human rights of all their members;

This Declaration allows for perceiving the concern of the Member states in the Inter-American System on the study, with the greatest possible degree of accuracy, of the complex realities and transformations experienced within families, their diverse internal realities and the relevant influential contexts. Concerning changes, mention is made among other aspects to their size reduction, the reduction and postponement of marriage, the increase in early maternity, consensual unions, marriage dissolution, mono parental and individual households, and recovered families.

In such connection, the Cartagena Declaration recalled that most economic and social policies and programs do neither provide for the integral consideration of family-related issues nor for the impact of their actions on family structure, functions and living standards.

Likewise, the considerations in the Declaration recognize a large ethnic diversity and cultural heterogeneity and report the existence of a wide range of family structures and dynamics in the region, emphasizing that women's integration to the labor market and transformations occurred in terms of gender are some of the major factors for changes in family life.

As to the constitution, structure and functions of the Latin American family, the Declaration especially emphasizes that poverty increase, unlawful alcohol and drug consumption, diseases such as HIV/AIDS, and family violence

are, among others, the factors that determine the nature of such transformations.

Within this framework, and although we will provide further details on policy and strategy formulation, it should be noted that the Declaration suggested the need for promotion in the formulation and consolidation of family-oriented integrated public policies, while respecting family's diversity and cultural identity; it also weighed the creation of a legal framework contributing to the integral protection of families and the elimination of all forms of discrimination and violation of their rights.

After analyzing these documents, and taking into account their explicit recognition to changes experienced in family structure, I deem useful to address the contemporary and historical evolution of the family and then, on such basis, to mention its new constitution and current models.

Family-related studies result from research made during the '50s, the major purpose of which was to study the nuclear family. This type of family was based on a clear distinction between sexes, considering men as economic providers due to their insertion in the labor market, while women were responsible for reproduction and household work.

The '80s and '90s represented for a significant number of countries, especially at the Southern Cone of Latin America, the recovery of the rule of law, the democratic reconstruction of institutions and the end of a sinister historical cycle marked by the methodical violation of human rights.

On the other hand, the subsequent regional policies for structural adjustment, the increasing foreign debt, the crisis on representation expressed

by explicit claiming attitudes by civil society and the rejection of corruption and impunity, led large social sectors to exclusion, unemployment and marginality.

The study prepared by Irma Arriagada, ECLAC, 2002, states the changes and inequalities in Latin American families, not only concerning their functions but also their diversity in the various social strata.

“These changes in basic living standards produced by the major processes associated to globalization (...), the raise of female employment, the new consumption patterns and the new forms of labor insertion, have a significant influence on family organization and self-perception.”*

These transformations that resulted from all the above mentioned components, invite us to reconsider or reformulate the role or responsibility of the family in order to implement children’s protection and integral development.

Considering that transformations experienced by the family result from economic, social and cultural processes that were developed with no equality and equity by the various social sectors, we should assert that their impact can be more sensible and harmful on children, thus creating mechanisms for non protection, exclusion and marginality and precluding the full exercise of economic, social and cultural rights which becomes impossible in structures where an unfair wealth distribution prevails.

Within such context, and especially in Latin America, new family structures have emerged. According to a research prepared by ECLAC that covers the 1986-1999 period and 17 countries in Latin America, homes and families are divided into the following categories:

individual – nuclear – extended – compound – unit-lacking home

The findings of this work show that in the period of reference most homes were of the nuclear type, while extended families were second in place, followed by unit-lacking and compound families.

The evolution of such structures shows a regional heterogeneity which, from children's rights perspective, implies the need for deepening in specific and particular studies for each reality.

In connection with our statement on the unequal wealth distribution and the often uncertainly effective budgetary allocations, Member states which ratified the Convention on the Rights of the Child have assumed the following commitment, as provided for in Article 4 in the Convention: *"With regard to 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."*

In turn, and due to the non compliance of the provisions that implement such rights or other rights included in the regulatory framework, societies create mechanisms for their enforcement.

In such connection the creation of independent national entities exclusively devoted to protect and promote children's rights acquire a special significance. These institutions play a key role at the time of enforcing rights legally provided for, as they represent an important mechanism for promoting and ensuring the application of the Convention, and the Committee on the Rights of the Child considers that the creation of such entities is part of the commitment assumed by the State Parties when they ratified the Convention,

* No English version available.

namely, to ensure its application and to promote the universal enforcement of children's rights.

In the same sense and concerning the enforcement of children's rights, General Comment No. 5 of 2003 of the Committee on the Rights of the Child, when addressing the measures for the application of the Convention, considers the possibility of filing judicial claims on such rights and explicitly states: *“For rights to have meaning, effective remedies must be available to redress violations....”*. *“...Children's special and dependent status creates real difficulties for them in pursuing remedies for breaches of their rights. So States need to give particular attention to ensuring that there are effective, child-sensitive procedures available to children and their representatives...”* *“...the Committee believes that economic, social and cultural rights, as well as civil and political rights, should be regarded as justiciable...”* This innovation requires a high level of sensitivity in society and in the integral protection system, for which training becomes an unavoidable priority.

Within such context, stating that the family should have ***“the primary responsibility for the protection, upbringing and integral development of children and adolescents”*** implies the assignment of a huge responsibility that requires providing it with the necessary tools to turn the fulfillment of such responsibility feasible. From the individual perspective, the family is the object of a great confidence that initially stems from the children's construction of identity and integral development.

It is therefore the state competence to join and strengthen the families through the design of social policies including their integral treatment instead of resort solely to assistance-oriented policies aimed to provide their members

personal and fragmented responses. But, assigning the family the responsibility for constructing more equal and solidarity-based societies on one hand, and reducing the necessary partnership and support on the other, appears to be a contradiction. Its consequence can be perceived in the difficulties for complying with this mandate.

We should bear in mind that family is the child's first social environment, and the major ambit where his/her rights are exercised and promoted. With that concept in mind, the family should be a state priority objective in the design of policies for generating and ensuring right construction, their effective implementation, and the exercise of citizenship and the insertion of all social sectors in democratic life without any form of discrimination for economic, social, religious and/or cultural reasons. If the state assigns this objective a secondary priority, the possibilities for building up a sound democratic life will decrease.

It is necessary to highlight the key role played by the Inter-American Court of Human Rights, the Inter-American Commission on Human Rights, and the Inter-American Children's Institute in its capacity as a specialized organization within the integral system for the protection of rights in the Americas. According to their different competences these organizations reflect the political will of the states in the region to include the promotion and protection of rights as a priority component in their democratic development.

Accordingly, **paragraph 2 in Article 3 in the Convention on the Rights of the Child** states: *"States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals*

legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.”

Paragraph 5 in the Preamble to the Convention assigns the family a key role: *“Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.”*

Paragraph 6 adds: *“Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.”*

As we follow the provisions of this legal instrument it is possible to see the extreme importance that it assigns to the family for the purpose of achieving the children’s best evolution and development. Article 5 provides: *“States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.”*

Beyond the particular features of a family, these are the grounds for the child’s upbringing within it.

In order to reaffirm the above mentioned approach we should recall that the economic models prevailing in the region privileged the asymmetrical reallocation of resources, which reflected in social indicators. In other words, lowest-income groups were affected by an abrupt drop in employment, wages,

access to services (*health, education*) and communication. Children represent the most vulnerable sector within such process. These social indicators bring about other unfavorable consequences for that sector, such as discrimination and high levels of social exclusion which in turn lead to the emergence not only of conventional pathologies but also of social diseases.

Within this framework, the reformulation and new design standards of social policies aimed to reverse these inequalities are required, in the understanding that economic development does not necessarily mean social development.

In such context, states assume or should assume the commitment of allocating the utmost resources available to enforce social, economic and cultural rights as provided for in paragraph 2 in Article 4 in the CRC. In that sense, every possible step should be taken to outreach the programs to those sectors in greatest need and avoid their deviation to other sectors enjoying better economic, social and cultural living standards. The various groups showing significant differences should be first identified and then specific strategies for each vulnerable group should be provided for.

To be able to actually identify the various social sectors implies the development of diverse policies reaching those groups to which **ECLAC** assigns a priority in the design of social policies, such as: **1. the indigenous population; 2. the poor urban population in non metropolitan areas; 3. the poor urban population in metropolitan areas, affected by long-standing marginality, and 4. families headed by women.**

In general, social programs often work on assumptions that are not responsive to such diversity and consequently give place to serious deviation of

allocated resources. Taking into account that social problems have a global nature, we should also be aware that solutions must be oriented to local realities, thus reasserting the need for identifying the problem, respecting diversity and applying targeted strategies according to each priority.

This diversity of models and realities should be necessarily considered by the state at the time of designing public policies aimed to improve the living standards of all citizens. It is a non deferrable challenge that confirms the state's capacity for ensuring right enforcement and it is also a social debt which, once paid, will contribute to the construction of more fair societies with a greater solidarity.

The idea is to upgrade social policies consistently with economic policies.

The above mentioned inequalities bring about further problems at the time of implementing social programs, related to such issue as the raise of early maternity, the increase of family violence, child abuse, and all forms of maltreatment mainly focused on women and children that go beyond institutional violence and reach social violence.

It should be noted that in 1997 all these forms of violence as a whole were considered by **WHO** as a public health issue, *“because ultimately, whether they are children or adults, the life quality of persons is involved.”*

The awareness of these new realities and new approaches cannot be alien to neither the most intrinsic state structures nor the actors involved whose practices cannot remain unchanged. It is absolutely necessary to recognize reality as it is, and to provide accordingly for the most complete solutions for children and families.

We consider as **value** everything that contributes to the spiritual enhancement or planning of a concrete being within a concrete community, in a specific space and time. On the contrary, we understand that a **non-value** is anything that directly or indirectly undermines the level of personal growth or development achieved by an individual. That is, anything that may be detrimental or opposed to good and dignity. The non recognition of the basic rights of people infringes such dignity, violates integrity and undermines their freedom, thus reducing people's growth and continuity possibilities.

In such context, there are large sectors in Latin America that experience this type of right breaching, particularly children, and family in its capacity as the basic unit suffers such violence with greater intensiveness and impotence as the result of a globalization that is unable to overcome the unequal and unprotected structures of the most vulnerable sectors.

This is the major stress that currently affects a large percentage of Latin American families. The family should not only be the provider of material resources but also of identity, as well as the ambit where children's rights are recognized; it should therefore have access to all those elements that empower its dignity in terms of access to labor, to decent housing, health, leisure, community participation and inclusion in public life.

This leads us to wonder on the role of the state, the community and the organizations, and on their way of relating to each other and coordinating mechanisms that contribute to the effectiveness of these basic rights and their exercise. We should wonder and critically review institutional practices. Is the Inter-American System able to deepen its commitment to the families in the region and consequently to start a new historical cycle of upgrading and

strengthening of its organizations, particularly of the Inter-American Children's Institute?

This regional agenda has been unanimously accepted by the Committee on the Rights of the Child.

On the other hand, we cannot ignore that, due to the various above mentioned factors, some child sectors do not find in their families a proper protection and, even more serious, their rights are violated precisely in that ambit.

A recent survey conducted by the Inter-American Children's Institute through the Internet, even as relative as it may be, shows findings of great concern and a marked trend to the non protection of the rights of the youngest members of the family.

Children's views:

Article 12. Convention on the Rights of the Child

Leaving temporarily aside the views or considerations of scholars and experts, it is interesting to bear in mind what children think about the family.

In such sense, **Defense of Children International – Bolivia Section**, taking into account that 1994 was proclaimed as the International Year of the Family, deemed it suitable to investigate on the current family reality from the perspective of children.

DNI-Bolivia considered that children, who are the leading characters within the family scenario and whose vulnerability –related to their development stage– should be recognized "*are the first to enjoy the qualities and values*

represented by the family institution, or to suffer the consequences of its malfunctioning or disintegration.”

On this occasion, and convinced that the different social, political and, above all, economic models that impede families to fully perform their key role, Defense of Children International – Bolivia Section intended to “**give the floor to the young components of the family, the children**” for the purpose of verifying to what extent adults are able to identify their perception on family reality.

This research was conducted in most sections of Defense of Children International in the Latin American region for the purpose having a more accurate approach of such perception not restricted to the country of origin of the survey but encompassing the whole region. The countries that participated in this survey were: *Bolivia, Chile, Guatemala, Uruguay and Venezuela.*

The major conclusions which we consider to be most significant were:

- A general trend to replicate the nuclear family integration, independently from social class, age and type of family of the respondents.
- Prevalence of the extended nuclear family.
- Children’s trend to accept their families as they are, notwithstanding problems and unstable meeting of both their material and spiritual needs.
- Notion of the family as an environment that provides safety and stability.
- Increased appraisal of the family as a supportive and protective environment throughout children’s growth, up to the moment when

they must face emerging conflicts and insecurities. In this stage children gradually acquire their own personality, thus feeling a greater need for guidance and support.

- The major concerns expressed by respondents relate to alcoholism, marital quarrels and physical maltreatment.
- The strongest element in all kinds of family experience is the presence or absence of feelings, affection and emotions, which provide a meaning to human coexistence.

According to the responses, the conclusion was that the daily approach of those who specifically work with children should focus with greater emphasis on the family unit or on the group playing such role in the life of the child. This is a state responsibility that cannot be postponed and the need for its compliance arises from the responses of children themselves. The importance and position that they assign to the family is evident, as well as the ongoing need to be the object of its support, company and care. These needs oblige policymakers to avoid considering remedial or assistance-oriented solutions. Such solutions should aim to solve basic problems by deepening into the concrete causes that lead to disintegration, loss of values and family disorganization and malfunction.

We should have it very clear that, in order to do it, this commitment should not only be assumed by the state but by all of us in our respective roles as citizens of one society.

As provided for in the *Convention on the Rights of the Child*, children ***“...shall have the right from birth to a name...and be cared for by his or her parents.”*** Family is always present in the life of the child. It is a part of his/her identity. Families are children’s adult benchmark and, by respecting their

rights, provide for the containment and instruments that will enable them to become the actors and leaders of their future development.

. The ratification of the Convention certainly involves a remarkable progress towards the recognition of rights focused on children as main targets of the advocacy of human rights. But we should include an additional element which deserves our deepest reflection: the CRC is not the final or ultimate step for such recognition, but merely the beginning of a path that should be carefully gone along back and forward for children to optimize the full exercise of their rights as provided for in the Convention, while deepening as possible the compliance with and enforcement of all the principles and provisions contained in its 54 articles.

We are aware that law is not enough to make it happen. The legal framework gathers us, organizes us as a nation, and links us to worldwide trends that have evolved from the tutelary approach to the right-based approach; but, beyond this legal framework, we should be able to determine the ethical framework and its implications in civil society and its institutions.

This means that we have the unavoidable obligation of moving back and forward along that path, not only as a state, as governments, but also and mainly as a society. We must be able to assume a responsibility that cannot be postponed and match our obligations. Are we really able to do so at the time of putting these commitments into practice?

In the first place, it seems that there is in us a part which has not been able yet to remove the old paradigms, and consequently we often maintain particular professional and institutional practices according to certain working

methodologies, as well as specific patterns to replace them by other concepts and approaches.

In order to organize the new legal and ethical framework provided for by the law we should take into account three basic concepts stated in the CRC:

1. The state should ensure the enforcement and exercise of each right provided for in the law.
2. The child should be considered as the active subject of rights.
3. Rights related to participation and freedom should be recognized.

As from the adoption of the Convention on the Rights of the Child by the United Nations, we should wonder as a society if we have been able to conceive childhood as a stage with an identity and needs of its own that requires a different treatment by the state and the society as a whole.

It would be interesting to consider a few elements that might appear as exclusively related to a semantic issue but, when deepening into the planning and design processes of child policies, acquire a deep meaning and, unavoidably, undesired consequences.

The Convention on the Rights of the Child covers the age range up to 18 years of age, and consequently adolescents are fully included therein, although some outstanding weaknesses in the promotion and protection of their rights can be observed.

Only as a first approach, we intend to highlight adolescence as a matter of great concern and high priority in the Americas.

In most cases, child policies only include children and do not specifically extend significant investment levels and the adequate design of programs and services to the promotion and protection of adolescent citizens.

Adolescence is a period characterized by fast physical, cognitive and social changes, including sexual and reproductive maturity, and the gradual acquisition of the capacity to assume adult behaviors and functions involving new obligations and requiring new theoretical and practical know-how. In general, this period of dynamic transition is also a period of positive changes inspired on the significant capacity of adolescents to learn quickly, to experience new and diverse situations, to develop and apply critical thinking and to become acquainted with freedom, to be creative and to socialize.

This individual process, which nevertheless has collective implications, represents within the family the introduction of new areas of relation and coexistence. Consequently, adolescents need the members of their families to recognize their involvement in the above mentioned process but also their entitlement to rights and their capacity to become responsible citizens with full legal capacity if provided the adequate guidance and orientation.

As opposed to such realities, the collective social approach often leads to a deep outranking of adolescents and their identification as the cause and effect of citizens' unsafe conditions, stigmatizing and discriminating them on the grounds of the diversity and cultural practices prevailing throughout the adolescent world. These adult perceptions often lead the family ambit to loose its initiative towards its adolescent members; the community gives up its active commitment, and the state moves back and restricts itself to intervention models created on the basis of non-value behaviors that frequently lead adolescents to a conflict with criminal law.

The quantity and quality of the services provided for adolescent institutionalization, or legislative response to paradigms which, far from being

based on the guiding principles of integral protection operate on the basis of the paradigm of citizen safety, contributes to increase confusion and disorientation about the responsibility of the state and the society vis-à-vis adolescence.

In this connection, Article 37 in the CRC should be borne in mind: *“No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time.”*

This issue has not been included in the political agenda, and the Committee on the Rights of the Child, by means of its Comments and Recommendations, asks for such actions as essentially necessary within state policies.

One further issue to be highlighted refers to all forms of family, institutional and social violence. General Comment No. 4 of the Committee on the Rights of the Child (2003) refers to adolescent health and development within the CRC context as follows: *“acts of violence and other forms of abuse taken place within the framework of both natural and foster families, and are perpetrated by persons who perform specific roles with children and/or adolescents (teachers, institution personnel, institutions for the treatment of mental diseases and other disabilities).”* In this connection, Article 19 in the CRC includes quite clear and precise provisions when referring to the obligation of State Parties to protect children from all forms of violence and maltreatment, either at home, the school or in the community itself, and explicitly states in paragraph 1: *“States Parties shall take all appropriate legislative, administrative,*

social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.”

The extension and diversity of violence involving children and adolescents is a matter of great concern. They are particularly subject to the increasing and perverse influence of the agents of national and trans-national organized crime who chain our younger generations in destructive circuits of child trafficking and disappearance, drug and weapon trade, including economic and sexual exploitation and the forceful involvement in armed conflicts, in an open violation of the provisions in the Convention and its optional protocols.

The United Nations General Assembly recently approved the preparation of a study on violence against children which is now underway. This study should encourage the in-depth examination of violence against children in the largest possible number of countries. Doing so will imply, among other issues, the approach of prevalence, violence, juridical frameworks, child protection systems, statistical records, institutional violence and successful efforts to protect children and avoid them to become victims of violence.

In our Americas it is essential to explain the nature, scope, causes and consequences of the various forms of violence against children, taking into account the different environments where they occur. This is therefore an initiative that may allow the Member states of the Inter-American System to establish an agenda, under their own institutional mechanisms, which should not limit to the qualitative and quantitative analysis of this problem but which should move ahead in the design of strategies for the prevention and

elimination of violent practices. The participation of adolescents will imply a relevant data in building up this study and its conclusions, thus reaffirming the contents of Article 12 in the Convention on the Rights of the Child: *“States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.”*

After an integral analysis of the family on the grounds of various aspects related to its integration, function, evolution and transformation, we are able to conclude that, although the family institution is considered as the basic unit of society and the first ambit for conveying values, culture, respect and child promotion, it is not always the direct beneficiary of the policies that the state should implement in order to ensure such functions.

At this point I deem it necessary to stop and wonder from the perspective of the states, the inter-governmental organizations and civil society itself: To what extent the legislative provisions, institutional reforms or budgetary allocations have been adjusted or updated in order to match the challenge reflected by this complex scenario?

But beyond the need of considering the family as a unit we cannot but reflect on how and under what paradigms the rights of children, as the major members with its structure, become truly effective.

The reaffirmation of the historical and permanent functions of the family vis-à-vis its members in a stage of development requires a deep review of the origin, definition and operational nature of related public policies.

The critical review and attempt to update methodological instruments and policymaking strategies leads us to the need of exceeding the traditional approach and adjusting to the new approaches in order to assume successful the challenges imposed by the complex present reality.

The right-based approach is the synthesis that allows for merging in one model of public policies the principles contained in the CRC; that is, the best interests of the child, non discrimination, the right to be heard, and the right to subsistence and development, which should be supplemented by the right to enforceable, universal and unconditional terms.

The right-based approach does not ignore the underlying needs in the daily life of families and particularly of children. On the contrary, it might be said that “rights can be attained departing from needs.”

International organizations, either of intergovernmental nature such as UNICEF and the Inter-American Children’s Institute or non governmental ones, develop a significant contribution in the Americas for the purpose of achieving a wide dissemination and implementation of the right-based approach in public policy programming.

On the basis of a right-based approach, the State Parties will increase their possibilities to comply with the CRC and ensure its enforcement as possible. Questioning is made on the social practice solely consisting of meeting needs without any further perspective than providing assistance, in the understanding that this action implies focusing the problem on concrete and immediate terms. Special emphasis should be placed on the fact that both approaches should coordinate with each other in order to create and redesign different social practices with different approaches, built up according to

different paradigms as well: *“It implies a long-term approach providing for the well being of children and adolescents.”*

When we highlight the difference between the traditional approach and the proposal governed by the right-based approach we should recall that the latter provides for moral and legal obligations besides the responsibilities inherent to the state. Likewise, the right-based approach urges and empowers right holders to demand the enforcement of such rights and established an active role in programs and actions aimed to ensure their operational nature.

In an effort to summarize the basic distinction between the need-based and the right-based approaches, we might mention that, while the first deals with the symptoms of a problem, the second approaches it taking into account its roots and causes. The consideration of needs leads exclusively to service supply while the right-based approach intends to make actors a part of the active process of decision-making (parents, children, and adolescents).

Special emphasis was placed during this presentation on the development of Integral Public Policies related to the family environment.

The implementation of the rights provided for in the CRC necessarily implies to work with a right-based approach, a practice that immediately takes us to an upper and integral level, thus acquiring a universal and participatory nature.

After analyzing the factors that contribute to changes in the operation of the family system, either of social, cultural or economic nature, a few reflections would be left on the improvement and greater effectiveness of the fundamental roles concerning children and adolescents, based on the different appraisals resulting from such analysis.

- To strengthen the design of state policies providing for family problems concerning their younger members from a perspective of integration and universality.
- To deepen the efforts of legislative reforms in order to make them consistent with the principles and provisions in the Convention on the Rights of the Child.
- To intensify policies addressed to adolescents by privileging their community participation and insertion in the democratic life of their respective societies. In such sense, the work on the following issues appears to be of special interest:

1. To increase the allocation of budgetary resources in order to promote social and educational programs and efforts.

2. A greater investment in professional training programs for those who were excluded from the formal system.

3. To design national strategies addressing the prevention and elimination of the various forms of violence that affect children's lives.

4. To facilitate the creation of and access to health services, particularly mental health, and the attention of HIV/AIDS.

- To promote the creation of disarmament-oriented legislative reforms throughout society, thus cutting off children's links to this potential risk.
- To encourage in the community and the family the need for the enforceability of basic rights that are provided for in the Universal Doctrine on Human Rights, to preserve the state as the major

safeguard of such enforced rights and accountable for them in cases of non compliance and non application.

- The states should intensify the allocation of adequate budgetary items for the improvement for the living standards of sectors in the community, without any discrimination whatsoever, and thus contribute for the purpose of respecting the principles of equity, solidarity and social justice. I.

Working on these parameters by promoting and strengthening the oldest and most deeply rooted institution as family is, will not only be for its benefit and for the benefit of all its members, but will also imply a greater reinforcement of the spaces required for the better development of peoples, their social insertion and participation in democratic life, reasserting cultural identities and fully enforcing the exercise of human rights, thus becoming true leading characters in the international scene and complying with our responsibilities as citizens and those arising from the states in the Americas.

Dr. Norberto Ignacio Liwski.

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