

SPECIALIZED ORGANIZATION OF THE OAS

**STATUTE OF THE
INTER-AMERICAN CHILDREN'S INSTITUTE** ⁽¹⁾ ⁽²⁾ ⁽³⁾

¹ It was approved during the 79th Regular Meeting held 25-26 October, 2004 in Mexico City through Resolution CD/RES. 06 (79-04). It was considered without any objection (CP/doc. 3964/04) at the Regular Session of the OAS Permanent Council held on February 2nd, 2005.

² The term “children” in English and as used in the English version of this Statute is gender neutral and connotes persons classified as “adolescents” below the age of eighteen under the laws of many of the Institute’s Member States.

³ Amended by the IIN Directing Council by means of Resolution CD-RES 1-2021 (Vote by Correspondence)

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CHAPTER I NATURE, COMPETENCE, PURPOSE AND FUNCTIONS

Article 1 Nature and Competence. The Inter-American Children's Institute (the "IIN" or "the Institute"):

- a. Is the Specialized Organization of the Organization of American States responsible for promoting the study of issues relating to children and the family in the Americas, as well as for designing technical instruments that will contribute to solve the problems affecting them;
- b. Enjoys the fullest technical autonomy for planning and performing its objectives within the limits established by the Charter of the Organization, the Standards on the Implementation and Coordination of the Provisions of the Charter relating to the Inter-American Specialized Organizations, the Agreement signed by the Organization and the Institute on 14 November, 1975, this Statute and the relevant general or special provisions adopted by the General Assembly, and
- c. Shall take into consideration the recommendations made by the General Assembly and the Councils in the Organization, in keeping with the provisions of the OAS Charter.

Article 2 Purpose. The principal purpose of the Institute is to cooperate with the governments of the member states in promoting the development of technical activities and instruments that contribute to the integral protection of children and to the improvement of their and their families' quality of life.

Article 3 Functions. The functions of the Institute are:

- a. To provide technical assistance for raising an alert awareness on all issues relating to children, the family and the community, as well as a feeling of social responsibility vis-à-vis such issues by providing advice in the search for solutions;
- b. To promote actions aimed to favor the best interest of children as full right holders;
- c. To cooperate with the governments of the member states, their institutions and responsible authorities; with other agencies within the inter-American system; with other international institutions, and civil society organizations working on behalf of the rights of children in the region;

- d. To watch over the creation of spaces ensuring the free expression and participation of children on every matter of their concern, in accordance with their needs and possibilities;
- e. To promote, with the cooperation of governments, national and international institutions for children, and civil society organizations:
 - i. Research on the scope and significance of the various problems affecting children and the family in the Americas;
 - ii. The identification -and dissemination across all American states- of the most effective methods and procedures to solve them, and
 - iii. Ongoing training of technical and administrative staff related to national child systems in both the public and private sector in order to enhance the effectiveness and efficiency of their actions in favor of the integral protection of children.
- a. To assist the governments of the member states in the implementation of adequate National Protection Systems for the promotion and advocacy of the rights of children and the family by providing them advice and technical cooperation, and
- b. To produce technical assistance at the request of the General Assembly, the Permanent Council, the General Secretariat or other OAS agencies, bodies and specialized organizations.
- c. To support the inter-American cooperation programs approved by the OAS General Assembly in the Institute's area of competence.

CHAPTER II STRUCTURE, MEMBERS, PERMANENT OBSERVERS AND OTHER PARTICIPANTS

Article 4 The Organs. The Institute achieves its purposes through the following organs:

- a. The Directing Council;
- b. The Pan American Congress on Children; and
- c. The Secretariat of the Institute, directed by the Director General.

Article 5 Members. The members of the Institute are:

- a. The OAS member states; and
- b. Any other American state which satisfies the requirements for membership in the OAS pursuant to Article 21 of the Permanent Council's Statute and which has shown a special interest in cooperation for the achievement of the Institute's purposes, once its membership application has been approved by the IIN Directing Council and the OAS General Assembly.

Article 6 Permanent Observers. The following shall be Permanent Observers:

- a. States having the status of Permanent Observers to the Organization of American States, and
- b. Member states of the United Nations that are not Permanent Observers to the OAS and whose formal application has been accepted by the Directing Council of the Institute, taking into account the recommendations of the Permanent Council.

Article 7 Other Participants. The following may participate in the activities of the Institute:

- a. Those Parties that have concluded agreements with the Institute that are duly approved by the Directing Council or as otherwise permitted in accordance with the Rules of Procedure, including:
 - i. Member states of the United Nations that are neither members nor Permanent Observers to the OAS nor the Institute;
 - ii. Other agencies and entities of member states of the United Nations, except for those agencies and entities whose headquarters or principal activity is in a territory over which there exists a sovereignty dispute between an OAS member state and a state outside the American Hemisphere;
 - iii. International organizations, and
 - iv. Civil society organizations, except for those organizations whose headquarters or principal activity is in a territory over which there exists a sovereignty dispute between an OAS member state and a state outside the American Hemisphere;
- b. The Secretary General of the OAS;
- c. Representatives of other OAS organs, and
- d. Children younger than 18 years of age from all member states, through their

representatives, as provided for in the Rules of Procedure of the Institute.

CHAPTER III THE DIRECTING COUNCIL

Article 8 Membership. The Directing Council is made up of the OAS member states, each having one vote, and in accordance with the following provisions:

- a. Each member state shall accredit one principal representative from among the highest ranking officials of its government entities specialized in issues involving children and the family, or among individuals with well known related expertise in those issues;
- b. Each member state may designate as many alternate or substitute delegates as deemed necessary;
- c. Whenever the delegate, or the alternate or substitute delegates, are unable to attend one given meeting of the Directing Council, the government of the respective country may designate an Ad hoc delegate, and
- d. The designation of delegates must be notified to the Institute's Secretariat in Montevideo by the Ministry of Foreign Affairs of the corresponding country.

Article 9 Functions. The functions of the Directing Council are:

- a. To formulate the general policy of the Institute and to exercise supervision over the fulfillment of its responsibilities;
- b. To approve the Strategic Plan submitted by the Director General for each term in office;
- c. To approve the Annual Report submitted by the Director General;
- d. To approve all conventions and agreements concluded between the Institute and international, governmental or non governmental organizations, notwithstanding the capacity of the Director General to conclude such agreements and conventions ad referendum of the Directing Council;
- e. To approve the Rules of Procedure of the Institute and of the Pan American Congress on Children;
- f. To approve the Program-Budget submitted by the Director General pursuant to the applicable provisions in the Charter, the General Standards and the relevant resolutions of the General Assembly, for its further presentation by the Director General to the Secretary General -within the established deadline- and its inclusion in the draft Program-Budget of the OAS to be adopted by the General Assembly;

- g. To determine the venues and dates of the Pan American Congresses on Children; to adopt their draft agendas and rules of procedure, and to inform the Permanent Council accordingly in compliance with Article 17 in the Standards for Inter-American Conferences provided for in Resolution AG/RES. 87 (II- O/72) and Article 8 in the OAS-Institute Agreement of 14 November, 1975;
- h. To propose recommendations or to request the inclusion of matters within its competence in the agenda of the OAS General Assembly, the Permanent Council and the other specialized organizations and organs of the inter- American system;
- i. To promote the application by the governments of the resolutions and recommendations adopted by the Pan American Congress on Children, as well as the resolutions adopted by the Directing Council;
- j. To dispose of the real estate or any other assets belonging to the Institute, and
- k. To determine the venues and dates of the meetings of the Directing Council.

Article 10 Types of Meetings. The Meetings of the Directing Council may be either regular or special, and they may be held either “face-to-face” or “at-distance”, as specified below:

- a. “Face-to-face” meetings are those where the delegates are physically present in one single room. Final decisions are taken there on matters of the exclusive competence of the Directing Council such as the election of authorities and the nomination of a candidate or candidates for the position of Director General that will be later submitted to the OAS Secretary General as provided for in this Statute, and
- b. “At-distance” meetings are those where the delegates participate with the aid of communication technologies, virtual environments or other appropriate means. Except as provided for in the second paragraph of Article 11 of this Statute, At-distance meetings may only address matters of institutional concern or recommend the convening of “face-to-face” meetings. At-distance meetings have no competence to adopt final decisions without an explicit mandate issued by a “face-to-face” meeting; however, they have authority to convene a special meeting as provided for in Article 13 of this Statute, and to elect Council authorities in order to fill those positions that may have remained vacant before the end of their term, in accordance with Article 17 in this Statute. At-distance meetings may be held only when the technological conditions of the member states so permit.

Article 11 Regular Meetings. Each year, the Directing Council will hold one Regular Face-to-face Meeting. The agenda of each Regular Meeting should be prepared in accordance with the Regulations.

The Director General, in agreement with the President and Vice-President of the Directing Council, and, if applicable, with the Principal Representative of the member state selected as venue for the celebration of the Regular on-site Meeting, for reasons that are duly justified, may

decide to change the Regular Meeting from a face-to-face meeting to a remote meeting. In such a case, the agenda restrictions provided for in Article 10 (b) above shall not apply and the Directing Council may adopt final decisions in accordance with Article 10 (a) of these Statutes. All other provisions of the Statutes and the Rules of Procedure governing Regular Meetings shall apply to Regular Meetings held At-distance.

Article 12 Venue of Regular Face-to-face Meetings. Regular Face-to-face Meetings will normally alternate between a member state and the headquarters of the Institute's Secretariat in Montevideo. Nonetheless, on the occasion of holding the Pan American Congress on Children, the Directing Council will make efforts to hold its Regular Face-to-face Meeting in the host city of the Congress.

Article 13 Special Meetings. The Directing Council may hold Special Meetings on specific issues whenever such meetings are convened by the President of the Directing Council, the Director General, or one or more member states, and subject to the approval of the majority of the member states as provided for in the Rules of Procedure. The special meetings of the Directing Council may be face-to-face or at-distance. The agenda shall be prepared in accordance with the Regulations.

Article 14 Quorum. The presence of one third of the member states of the Institute shall be considered a quorum to open the sessions of the Directing Council. The presence of a majority of the member states of the Directing Council shall be considered a quorum for decision-making.

However, if a quorum has been reached to hold a session, but there is no quorum for the adopting of decisions, in exceptional cases, the member states present may adopt decisions subject to the agreement of the member states not present; provided that the votes received reach the quorum required for decision-making. The votes of the member states not present shall be forwarded to the Director-General of the Institute within 30 calendar days of notification of the ad referendum decision. Member states casting their votes within the time frame established in this paragraph shall be deemed to be member states present at the meeting for the purposes of applying Article 15 of this Statute.

Article 15 Adopting Decisions. The Directing Council will adopt all its decisions by consensus or by vote, in accordance with the following provisions:

- a. Those decisions approving, affecting or amending the adopted Strategic Plan, Program-Budget, this Statute and the Rules of Procedure of the Institute, shall require vote of a majority of the member states;
- b. Decisions on procedural matters, on the adjournment or suspension of the session, on the approval or amendment of the agenda once adopted, on a new consideration of issues already decided upon in the meeting, on closing the debate, and on raising a point of order, will be taken by the number of votes specified in the Rules of Procedure;

- c. Any other decision -including the election of the President and Vice President of the Directing Council and the nomination of the three candidates for the position of Director General- shall require the vote of a majority of the member states present at the time of voting, provided the quorum requirements is satisfied.

Article 16 Decisions by Correspondence. In order to resolve on extremely urgent matters, the Directing Council may adopt decisions by correspondence, as provided for in the Rules of Procedure. For the purpose of this Article, correspondence is understood as safe and reliable messages, either in writing or transmitted through the Internet.

Article 17 President and Vice President of the Council. The Directing Council will elect its President and Vice President for a “two-year” term each in accordance with the following provisions and as provided for in the Rules of Procedure:

- a. The President and Vice President shall also be the principal representatives of their respective member states;
- b. No member state can be candidate to more than one elected position during the same term;
- c. In the election of its authorities the Directing Council will give preference to the principles of rotation and equitable geographic representation;
- d. The President and Vice President may be re-elected for only one consecutive term;
- e. The “two-year” term will start as from the moment of electing the President or Vice President -as the case may be- and will end immediately after the election of his/her successor during the regular face-to-face meeting held on the second year after his/her election, and
- f. In the case of a temporary or permanent vacancy of the positions of President and Vice President, the pertinent procedures established in the Rules of Procedure will apply.

Article 18 Other Council Authorities. The Council may elect other authorities for performing specific functions according to its needs and shall establish their functions and the duration of their terms in office.

CHAPTER IV THE PAN AMERICAN CONGRESS ON CHILDREN

Article 19 Nature. The Pan American Congress on Children (the Congress) is an inter-American ministerial meeting that has the purpose of promoting the exchange of experience and knowledge among the peoples in the Americas on the issues within the competence of the Institute and of proposing the relevant recommendations.

Article 20 Members. All member states are entitled to be represented at the Congress. Each member state has the right to one vote. The delegates of each state should be Ministers, Secretaries of State or other senior government officials with competence on the relevant subject-matter in their respective states.

Article 21 Frequency and Convening. The Congress shall meet every five years as convened by the Directing Council in accordance with the procedure set forth in Article 9 (g) in this Statute and the pertinent provisions of the Rules of Procedure, for the purpose of establishing guidelines for IIN activities until the next Congress.

Article 22 The Congresses as Inter-American Specialized Conferences. The Congresses may act as Inter-American Specialized Conferences whenever they are held pursuant to a resolution adopted by the General Assembly or by the OAS Meeting of Consultation of Ministers of Foreign Affairs.

Article 23 Quorum and Voting. The provisions on quorum and voting provided for in Articles 14 and 15 also apply to the Pan American Congresses, unless the Rules of Procedure of the Congress provides otherwise.

CHAPTER V THE DIRECTOR GENERAL

Article 24 Nature. The Director General is the official of the Institute responsible to the Directing Council for the implementation of the Council's decisions in accordance with this Statute and other applicable provisions. The Director General is also the legal representative of the Institute.

Article 25 Appointment. The Director General is a staff member of the OAS General Secretariat (GS/OAS) and is appointed by the OAS Secretary General, in accordance with the following provisions:

- a. The first term in office of the Director General will be four years and he/she may be re-appointed for subsequent terms of up to four-years each;
- b. No person may serve in the position of Director General for more than a total of two years as Acting Director General or more than two complete four year terms. The number of years that a person may serve in the position of Director

General and Acting Director General altogether may not exceed a total of ten;

c. The OAS Secretary General shall appoint the Director General from a three candidate list (“the terna”) proposed by the Directing Council at a face to face meeting. To make the list, each candidate must receive at least a majority of the votes of the member states present in accordance with Article 15 in this Statute and the Institute’s Rules of Procedure. If there are more than three candidates that receive the minimum majority of votes required, the three candidates that receive the most votes will constitute the terna;

d. In selecting the terna, the Directing Council shall give due consideration to the principles of rotation and equitable geographic representation;

e. Notwithstanding the requirement of the terna established in section c above, the Directing Council may initially propose less than three candidates for the Secretary General’s consideration if it is not successful in constituting a terna in the face to face meeting convened for that purpose. In that case, the candidate or candidates proposed must receive at least a vote of a majority of the member states present. The Secretary General may accept the proposal and proceed to appoint the Director General from the candidate or candidates proposed, or he/she may reject the proposal and request that the Directing Council select the terna for consideration in accordance with Section c above as soon as possible. Until such time as the Directing Council proposes the terna and the Secretary General appoints the Director General from the proposed candidates, the Secretary General may appoint an Acting Director General to perform the functions of the Director General.

Article 26 Functions. In accordance with the General Standards to Govern the Operations of the General Secretariat of the OAS (“General Standards”), the decisions adopted by the OAS General Assembly, the rules of procedure and regulations applicable to the General Secretariat and its personnel, this Statute and other relevant decisions adopted by the Directing Council, the Director General shall:

a. Provide technical and administrative services to the Pan American Congress and the Directing Council and assist in the implementation of their resolutions;

b. Implement the Strategic Plan and Program of the Institute as described in the OAS Program-Budget;

c. Present Annual Reports to the Directing Council and forward them to the OAS General Secretariat for their consideration by the General Assembly;

d. Present for adoption by the Directing Council a Strategic Plan corresponding to his/her term in office;

e. Prepare the preliminary draft Program-Budget for the following fiscal period, and, following its approval by the Directing Council, present it to the OAS Secretary General as provided for in Article 9 (f) of this Statute;

- f. Prepare the Calendar of Meetings of the Directing Council in consultation with its President;
- g. Assist the government of the host country in organizing the Pan American Congress on Children;
- h. Request from each member state through its principal representative an annual report on measures taken and programs implemented by and in that state for improving the various aspects of child and family wellbeing;
- i. Propose the OAS Secretary General the appointment of other staff members of the Institute's Secretariat;
- j. Resolve –ad referendum of the Directing Council– any matter that does not merit the holding of an Special Meeting or vote by correspondence, and include that matter on the agenda for the following meeting of the Directing Council;
- k. Perform the role of Secretary of the Directing Council and the Pan American Congress on Children; timely forward the relevant documents to the member states in accordance with the Rules of Procedure; carry out all other necessary preparations; perform any other function assigned to his/her position in the relevant rules and regulations, and participate in both meetings with the right to speak but not to vote;
- l. Contract the supply of services and goods from independent individuals or institutions in accordance with the relevant GS/OAS standards, and
- m. Perform any other function assigned by the Directing Council or the OAS Secretary General pursuant to their respective authority.

Article 27 Absence or Incapacity of the Director General. The following provisions apply in case of absence or incapacity of the Director General:

- a. When the Director General is on annual leave, medical leave, or any other leave as provided for in the Staff Rules of the OAS General Secretariat or is absent from the headquarters of the Institute on an official mission, he/she may appoint one of the professionals in the Institute to perform temporarily the Director General's function, and
- b. When the Director General is incapacitated, or on leave for more than six week during any twelve month period, or for any other reason is physically or mentally unable to perform his/her functions, the OAS Secretary General will designate a professional staff member of the Institute or any other staff member of the General Secretariat to take his/her place until the Director General is able to resume them. Nonetheless, if such incapacity or impediment to perform the functions of Director General is deemed to be permanent, his/her assignment will be terminated and a new Director General will be appointed in accordance with Article 25 in this Statute.

CHAPTER VI THE SECRETARIAT OF THE INSTITUTE

Article 28 Nature and Functions. The Secretariat of the Institute is the permanent administrative organ of the Institute that provides support for all the Institute's activities. The Secretariat provides all necessary services to assist the Director General in performing the functions specified in Article 26 of this Statute.

Article 29 Staff Members and their Appointment. The staff members of the Institute's Secretariat are members of the personnel of the OAS General Secretariat. Except for the appointment of the Director General, which is subject to special procedures, the Secretary General shall appoint the staff of the Institute's Secretariat upon the proposal of the Director General, in accordance with the General Standards, the budgetary provisions set forth by the OAS General Assembly, the Rules of Staff, and other personnel-related regulatory provisions of the OAS General Secretariat.

Article 30 Independent Contractors. According to Article 17(b) in the General Standards, the Institute's Secretariat may retain the services of independent contractors, as provided for in the Rules on Performance Contracts of the OAS General Secretariat, to support the IIN Secretariat in the fulfillment of its functions. As provided in Articles 12 and 17(b) of the General Standards, independent contractors may be natural or legal persons. They shall be hired by means of a performance contract (CPR) and are neither staff members nor employees of the General Secretariat or the Institute.

CHAPTER VII RESOURCES

Article 31 Financial Resources. The financial resources of the Institute include:

- a. The OAS Regular Fund, which includes the appropriations authorized by the OAS General Assembly for the Institute in the OAS Annual Program- Budget;
- b. Specific Funds, as established in accordance with the pertinent provisions in the General Standards and the Budgetary and Financial Rules of the OAS General Secretariat. Specific Funds include the Patrimonial Fund of the Institute which shall be administered and used in accordance with the standards adopted by the Directing Council, and
- c. Trust Funds as established in the relevant provisions in the General Standards and the Budgetary and Financial Rules of the OAS General Secretariat.

Article 32 Other Resources. Other resources of the Institute include:

- a. Real estate (headquarters building), and
- b. Equipment, furniture and other fixed assets.

CHAPTER VIII MISCELLANEOUS PROVISIONS

Article 33 Privileges and Immunities. The legal status as well as the privileges and immunities granted to the Institute and its staff members shall be determined by the agreements and other arrangements on privileges and immunities concluded between the OAS and the member states, and by the agreements and other arrangements concluded between the Institute and the member states, including the Agreement with the Government of the Republic of Uruguay dated 25 September, 1968.

Article 34 Headquarters. The headquarters of the Institute and its Secretariat are located in Montevideo, Uruguay.

Article 35 Hierarchy of Norms. The rules of the Institute have the following legal hierarchy, in descending order:

- a. The Charter of the OAS;
- b. The Resolutions of the General Assembly including, among others, the General Standards to Govern the Operations of the GS/OAS established in Resolution AG/RES. 123 (III-O/73), the Standards for the Implementation and Coordination of the Provisions of the Charter relating to the Inter-American Specialized Organizations provided for in Resolution AG/RES. 87 (II-O/72), and the Standards for Inter-American Specialized Conferences adopted in Resolution AG/RES. 85 (II-O/72) and their respective amendments;
- c. The Resolutions of the OAS Permanent Council adopted in accordance with Article 91(b) of the Charter and other relevant competences according to the Charter or to an express delegation of authority by the General Assembly;
- d. The Agreement between the OAS and the Institute dated 14 November, 1975 and its subsequent amendments;
- e. The administrative (including human resources) and financial rules adopted by the Secretary General or high officials in the Organization duly authorized for such purpose. These rules include, among others, Executive Orders, Resolutions, Directives and Administrative Memoranda from the Office of the Secretary General;
- f. The provisions in this Statute;
- g. The Rules of Procedure and those resolutions and decisions of the Directing Council requiring the majority vote of member states for their adoption;
- h. The resolutions and other decisions of the Directing Council requiring the majority vote of member states present, and
- i. The provisions adopted by the Director General.

Article 36 Modifications. This Statute may be modified in accordance with the following provisions:

- a. The modification process may be initiated:
 - i. By a resolution of the Directing Council;
 - ii. At the request of the President of the Directing Council or the Director General, endorsed by at least four delegates, or
 - iii. At the request of seven delegates.

- a. If the modification does not involve any changes in the structure, role or financial basis of the Institute, the Directing Council may adopt it by the majority vote of the member states, as provided for in Article 15(a) of this Statute;
- b. Any modification to the Statute involving changes in the structure, role or financial basis of the Institute shall proceed as follows:
 - i. First, the Directing Council shall tentatively approve the modification by the majority vote of member states according to Article 15(a) of this Statute. The amendment shall conditionally enter into force, subject to consultation with the OAS Permanent Council, as provided for in Article 4 of the 1975 OAS-Institute Agreement;
 - ii. Next, the Council, through the Director General, shall notify the Permanent Council of the modification so that the Permanent Council may make the observations it deems pertinent;
 - iii. If the Permanent Council has no observations, the modified text will be deemed finally adopted by the Directing Council without requiring any further action;
 - iv. If the Permanent Council makes only observations as to the style of the modification document or other observations which would not require a change in the substance of the modification, then the modification will be deemed finally adopted and the Director General may introduce the stylistic observations into the text and inform the Directing Council thereafter;
 - v. If the Permanent Council makes observations which recommend a change in the substance of the modification, the Directing Council shall promptly take a final decision on whether to approve the modification with the substantive changes recommended by the Permanent Council, confirm the modification as originally adopted by the Directing Council, or take such other action it considers appropriate. Unless the Directing Council otherwise determines, the modification shall nevertheless remain in force pending its final decision;
 - vi. The Directing Council, through the Director General, shall notify the Permanent Council of whatever action it takes with regard to those substantive observations.