

# POSITION PAPER

## CHILD PROTECTION SYSTEM

### I. THE IIN'S PERSPECTIVE

After reviewing several definitions, we consider that when we refer to a Comprehensive Child Protection System we mean “a set of concepts (rights, principles), processes, entities (State, Society, Family, Children, Adolescents) acting in a differentiated, orderly, coordinated and complementary way in order to implement universal and targeted regulations and public policy and achieve the comprehensive promotion and protection of child rights in all areas of society” (working paper IIN-OAS, 2018).

Since the 20th Pan American Child Congress (Lima - 2009), when Resolution CPNNA/RES. 1 (XX-09) urged

(...) member States to renew their commitment to children by strengthening comprehensive protection systems for children, through close coordination among institutions and sufficient, timely resources to improve their conditions for development and social inclusion and to ensure that their rights are fully respected. (...), the IIN-OAS has been actively present in most meetings and forums that have addressed the issue (see time line).

Another of the Directing Council's decisions relating to the management report on Action Plan 2015-2019, CD RES. 08 (93-R18) states:

Action Plan 2015-2019 acted as a reference guide with which to plan and prioritize actions. However, as a result of the dynamics involving regional realities, new topics emerged, or new ways of addressing them, which – at the request of the States – were included in our agenda. Such is the case of the National Child Rights Protection Systems. The IIN took part in the 1st Inter-American Forum held in Mexico City and is part of the organizing committee for the 2nd Forum, to be held in Montevideo, in October 2018

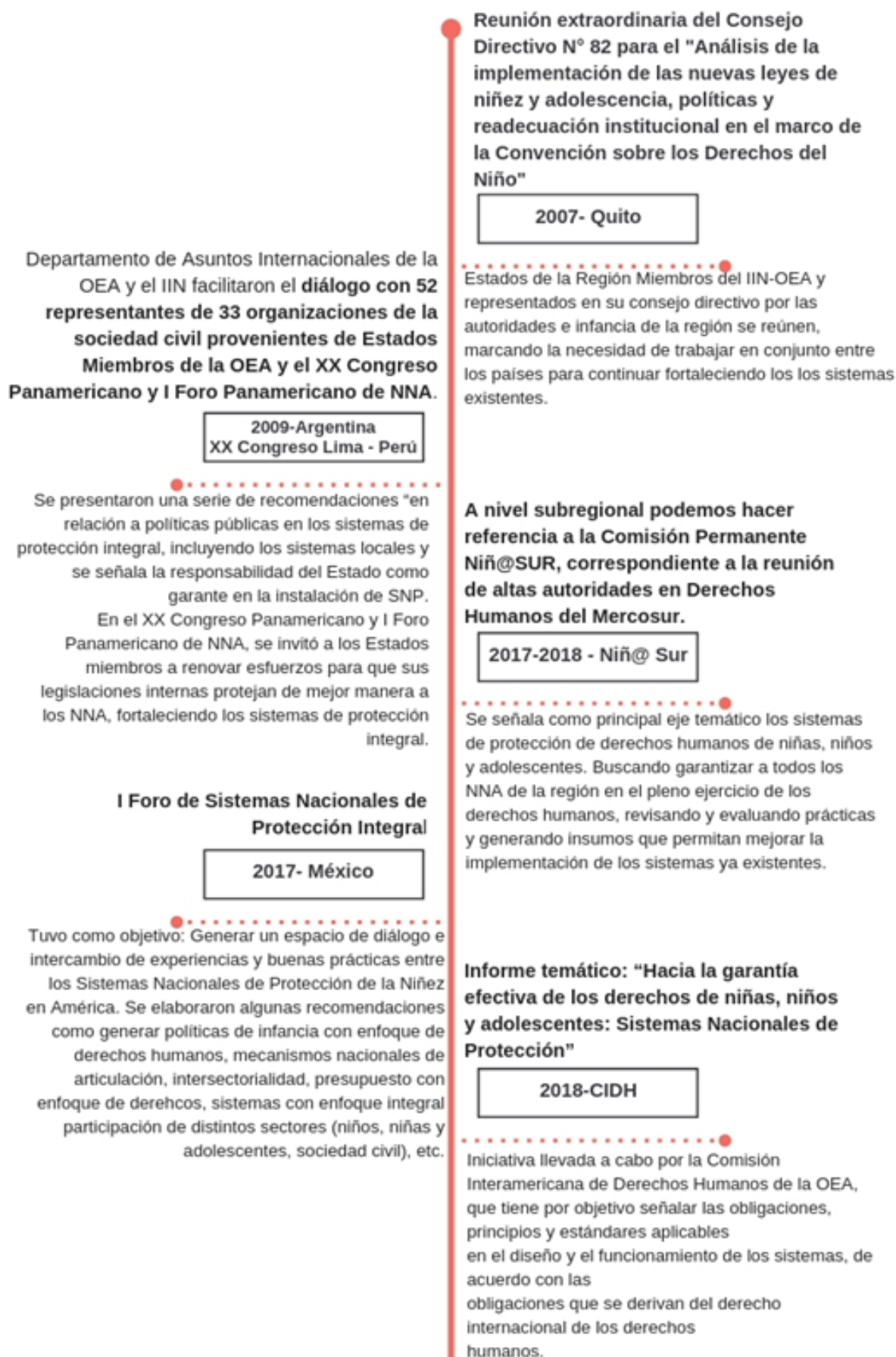
This 22nd Pan American Child Congress (Cartagena, 2019) poses the challenge of moving forward in the “Consolidation of national protection systems. Progress, challenges and lessons learned”. In order to address this, we propose working in the following panels:

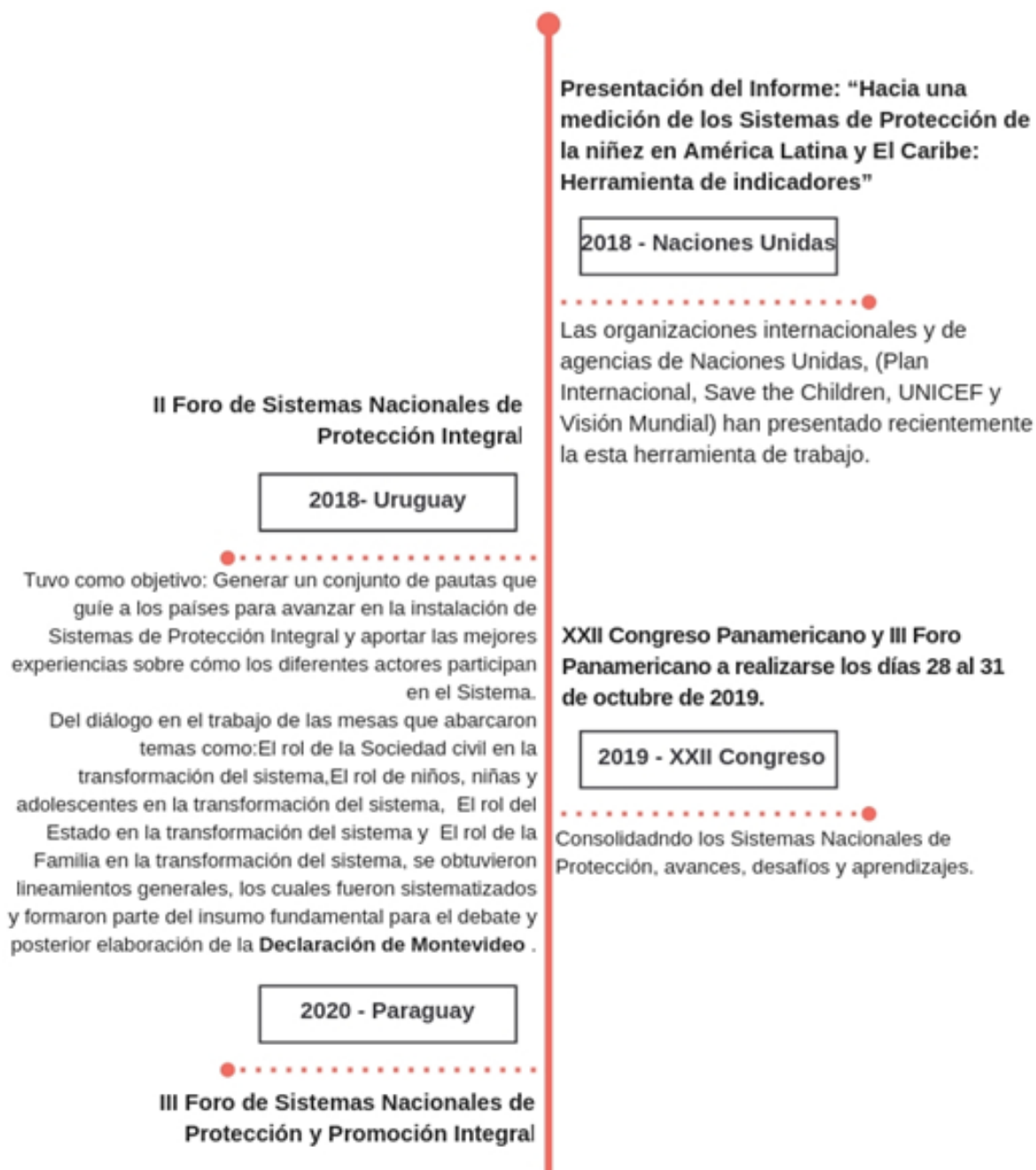
1. Progress and consolidation. Lessons drawn from experience.
2. Institutionality and legal frameworks.
3. Participation of different stakeholders.

These panels will take into account the perspective of States, civil society and experts from the region who are working on the issue.

Below, we shall briefly outline the background that national systems have been generating in the region.

## II. A TIME LINE OF RECENT EVENTS IN THE SYSTEMS OF THE REGION





### III. STATUS REPORT

After reviewing several definitions, we consider that when we refer to a Comprehensive Child Protection System we mean a set of concepts (rights, principles), processes, entities (State, Society, Family, Children, Adolescents) acting in a differentiated, orderly, coordinated and complementary way in order to implement universal and targeted regulations and public policy and achieve the comprehensive promotion and protection of child rights in all areas of society (working paper IIN-OAS, 2018).

Likewise, the organization of modern States still reflects the positivist conception of knowledge that dominated the culture of the nineteenth and early twentieth centuries. It is, therefore, a highly fragmentary type of organization based on specialization by areas of

problems. Organization by sectors (health, education, protection) results in the subject of childhood mainstreaming the structure, making it necessary to engage in synchronization, which comes into conflict with the reassuring and orderly frontiers of jurisdiction.

Conceptions and practices still rooted in the doctrine of the irregular situation, which guided and defined childhood policies in Latin America for nearly a century, continue to flourish within institutions involved in childcare (health, education, protection).

The adoption of the Convention on the Rights of the Child (hereinafter, CRC) brought about significant changes in how we view children and adolescents, underscoring the need for a paradigm shift for children and adolescents, as rights holders, as well as for adults, who must abandon adult-centred models and work towards new organizational structures, adapted to the responsibilities arising from the CRC, based on better mechanisms for collaboration and synchronization.

For its part, the CRC mentions that State, society and family are duty bearers with responsibility in relation to these rights, thus establishing the need for these three actors to operate in a synchronized manner to promote and protect more highly coordinated child rights.

Thirty years after the adoption of the CRC, the idea of protection as control, arising from the poverty-neglect-danger equation, still informs some of the normal routines of institutions, as well as the attitudes and behaviours of technicians and officials.

The new paradigm must permeate the various institutional and social strata, face up to inertia and penetrate the heads of collective groups in order to make the process of change real and sustainable. The job of making children's rights become a reality implies, therefore, bringing about a profound transformation of the "adult world" and its organizations.

Developing a comprehensive child protection system makes it necessary to think about a new kind of institutional framework that acknowledges both the diversity of rights and their interdependence. This new institutional framework implies generating inter-agency coordination mechanisms that can cut across the various levels of decision-making and materialize at the operational level, doing away with bureaucratic barriers and the inertia of fragmentation.

In this regard, in the last ten years, the States, civil society and children themselves have made significant recommendations and proposals in relation to building National Protection Systems and their respective dimensions: regulatory, programmatic and institutional. This has given rise to precedents that are worth checking out and implementing.

On this score, so far, several States have amended their legislations to consider creating or adapting and strengthening their National Protection Systems, in recognition of the need to have an operational and synchronized model for structures providing comprehensive protection of child rights.

In addition, they have acknowledged the need to work in synchronization and cross-sectorally between institutions, in order to ensure efficient coordination between government sectors and civil society, by means of a strategic plan, designed as part of public policy, that will promote and safeguard the rights of children and adolescents.

Similarly, they are also recognizing the need for specific and progressive cross-cutting budgets, as well as experience in the management and coordination of regular budgets that can ensure the development of National Protection Systems<sup>1</sup>. All of this without neglecting the importance of further promoting and enabling participatory structures for children and adolescents, and civil society, with the aim of expanding representativity and reflecting the diversity of situations and violations affecting childhood and adolescence today.

As noted in the IACHR's recent report "(...) what are known as national systems for the protection of children's rights, make up the fundamental framework and operational structure required for effective respect, protection and defence of the rights of children and

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<sup>1</sup> As established in Concluding Observation 19 of the United Nations Committee on the Rights of the Child.

adolescents, in the absence of which the legal frameworks providing for these rights are rendered unenforceable and ineffectual in practice and the rights themselves, impossible to realize”<sup>1</sup>. The holistic and comprehensive approach required by the CRC in relation to the rights of children and their realities, and with regard to the conditions that are necessary for them to enjoy their rights effectively, demands setting up a systemic model that connects and binds all of the sectors involved in issues relating to children, and at all territorial levels, in every State.

In short, the authorities are interested in continuing to share experience, good practices and challenges in the implementation, operations and strengthening of their National Protection Systems. To this end, we shall continue to promote regional events such as the First Inter-American Forum on National Comprehensive Child Protection Systems, held in April 2017 in Mexico, and the Second Inter-American Forum on National Comprehensive Child Protection Systems, held in October 2018 in Uruguay, which show progress in the collaboration carried out on these issues, which increasing numbers of countries, civil society organizations and children are joining.

#### IV. CHALLENGES

In view of the above, while we welcome and support the States’ initiatives, we consider it relevant to shed light on some of the principal critical issues we have encountered in this matter.

Firstly, it is essential for States to identify a policy that establishes clearly the position that children occupy in their project for society, and the responsibilities that the various stakeholders must shoulder in relation to that position. This constitutes the starting point for system-wide coherence.

Secondly, there must be coordination between levels of government and dialogue between central and territorial levels; that is, real synchronization must be achieved between subsystems and levels of specialization (universal, targeted, restoration of rights).

Thirdly, it is necessary to promote the organization of civil society and community participation, as well as of children, throughout the public policy cycle, providing opportunities for participation in line with the various levels of development. Also bearing in mind the importance of communication strategies, in order to promote the new social position of children and adolescents and the responsibility of communities and other stakeholders (businesses, unions, social organizations).

Fourthly, one of the main challenges is the allocation of resources to be executed according to the operation of the system, which should not imply assigning resources, but solving the issue of execution, since the systems as such are not “execution units”. This latter point is closely related to the urgent need to provide training and specialization for human resources, in order to have access to a critical mass of persons able to implement agreements and progress made in the field.

In this respect, we should consider that systems are dynamic and changing, and that modifications may be introduced in their structure and operations, so that they can better adapt to the protection needs of children. At the Inter-American Children’s Institute we have incorporated a line of work on “National Comprehensive Promotion and Protection Systems for Child Rights” in our Action Plan 2020-2023, with the firm intention of continuing to provide technical assistance in the strategic actions that the States in the region may consider appropriate.

Finally, thirty years after the adoption of the Convention on the Rights of the Child (CRC), much progress has been made in legal frameworks and policy implementation. Despite this, the specific living conditions of children and adolescents in the Americas appear to be

<sup>1</sup> IACHR, Towards the Effective Fulfilment of Children’s Rights: National Protection Systems, 30 November 2017. IACHR, The Right of Boys and Girls to a Family. Alternative Care. Ending Institutionalization in the Americas. OAS/Ser.L/V/II. Doc. 54/13, 17 October 2013.

more closely related to economic cycles and the alternation of social models implemented by the States than with any implementation process related to the Convention (Giorgi, 2019).

## V. IN BRIEF

The challenges posed by the establishment and operation of National Systems are multiple; we should like to mention two that seem relevant here.

On the one hand, we must address the need for a **triple paradigm shift**, with its levels of complexity, and different and complementary difficulties, which will enable the progressive mainstreaming at social, institutional and family levels of: the paradigm of children as holders of rights; the paradigm of adult duty bearers; and the new institutional paradigm that seeks to promote relationships involving coexistence and the enjoyment of rights, confronting the old paradigm of control and protection. On the other, we must work on the joint responsibility of duty bearers (State, Society and Family), in order to achieve genuine synchronization and inter-agency work.

It should be noted that during the 2nd Forum on National Comprehensive Protection Systems, held in Montevideo, Uruguay, participating adolescents raised the need to change the name given to these Systems, a change complementing a further proposal arising at the same meeting. Therefore, the new name is to be **National Comprehensive Promotion and Protection Systems for Child Rights** (a name that the IIN-OAS has already adopted in its action plan 2020 - 2023).

Finally, the third Inter-American Forum on National Comprehensive Promotion and Protection Systems for Child Rights, to be held in Paraguay in 2020, is working on a possible proposal that is based on the importance of promoting, ensuring and respecting child rights, not only on the basis of a comprehensive National Public Policy, underpinned by a serious and thorough analysis of the conditions in each country, but also on "(...) the need for an Inter-American regional plan for the development of SIPPINNA, on the basis of regional cooperation and coordination of national public policies, and the development of an integrated strategy for the comprehensive protection of child rights, by means of a participatory process, supported by the establishment of specific goals and mechanisms for monitoring and follow-up" (Declaration of Montevideo, 2018). It is, therefore, with a view to 2020 and in clear awareness of the current state of affairs, that we pose some questions to aid reflection.

## VI. SOME QUESTIONS

- What strengths, weaknesses, obstacles and threats do current National Systems encounter to their consolidation?
- How do existing legal frameworks operate when executing coordinated actions or funds?
- How can we promote a better and greater participation of children, adolescents and civil society in relation to the Systems?

## VII. REFERENCES

- 20th Pan American Child Congress (Lima - 2009), resolution CPNNA/RES. 1 (XX-09).
- CD RES. 08 (93-R 18), on the management report on action plan 2015-2019.
- Working Paper IIN-OAS, 2018.
- Giorgi, Victor, (2019), 30 años: Entre movimientos instituyentes y fantasmas de restauración, Montevideo ["30 Years: Between Institutionalizing Movements and Restoration Phantoms"], Montevideo.
- Declaration of Montevideo, 2018.