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May 13, 2010

Ms. Navanethem Pillay
High Commissioner for Human Rights
Office of the High Commission for Human Rights
Palais des Nations, Geneva

Dear Ms. Pillay:

Pursuant to your letter of March 3, 2010, please find attached a summary of the actions taken by the Organization of American States (OAS) to protect the rights of child migrants.

Please note that we have no objection to the information provided herein being made available on the OHCHR.

I wish to reiterate our commitment to continuing to working closely with your institution.

Sincerely,

José Miguel Insulza
Secretary General



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Brief Report on Actions taken to protect the Rights of Child Migrants

Inter-American Children's Institute (IIN)

The Inter-American Children's Institute (IIN), as an OAS Specialized Organization, has contributed to strengthening promotion and protection measures taken in connection with the migratory events which are affecting the region.

The IIN adopts the principle established in the Convention on the Rights of the Child which states that all children must maintain contact with both parents and that they must not be separated from them or from their family setting, particularly when children are taken from one country to another, and especially when seeking family reunification or during migration for economic reasons. In any of such cases, the States must make special efforts to provide special protection to migrant children who are travelling unaccompanied by their parents.

In compliance with the request received by the Inter-American Children's Institute (IIN), this report provides an overview of the principal activities carried out from 2006 to the present with regard to the protection of child rights in the area of migration (child migrants). The Institute has contributed to strengthening the steps taken in connection with migratory events which affect the region. These contributions translate into the following actions and agreements carried out between 2006 and 2010:

I – Participation in International Forums and Meetings:

1) Ibero-American Conference of Ministers and Authorities Responsible for Children, "Migration and its effects on child rights", 5-7 October 2006, Montevideo. The IIN participated in different ways:



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- a. Keynote Address by Mr. John Biehl del Río, Acting Director General of the IIN, on the subject *"Migration; from solidarity to insensitivity: an overdue yet vital debate"*
- b. As part of the technical committee which organized the event during the period July-October 2006, and as part of and chairing the technical discussion groups with specialized technical staff who accompanied the ministerial delegations and which met concurrently with the Ministers' Meeting

2) III NGO Forum on the Children and Adolescents of Ibero-America, Thematic Committee on "Migrations", 3-5 October 2006, Montevideo.

The IIN took an active part in the event's technical committee (composed by NGOs and international organizations) which drafted the forum's working paper. In addition, significant and current information was provided on the focal issue, derived from the documentary database in the IIN's Information Programme.

3) Childwatch International's Third Latin American Network Conference, "Childhood and Youth: Dislocations and Changes", 17-19 July 2006, Mexico City.

The IIN has been part of the Childwatch International Research Network for several years. On this occasion the Institute participated in the event's discussion panel on "Dislocations and Changes", with a research paper produced especially for this event, entitled "Children, Rights and Migration".

4) Publication of a book on "Public Policies and Children's Human Rights – General Comments of the Committee on the Rights of the Child", jointly with the Regional Office for Latin America and the Caribbean of the United Nations High Commissioner for Human Rights. 2007.

General Comment N° 6 refers to the treatment of unaccompanied minors who are separated from their families outside their country and constitutes a highly specialized body of doctrine in the protection of the rights of unaccompanied migrant children. It should be adopted as an essential component in the design and implementation of public policy.



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Means of cooperation with Party States established by the Convention on the Rights of the Child. The IIN provides technical assistance for States which require it when drafting their regular report or for the application of the recommendations of the Committee on the Rights of the Child, with special emphasis on the **protection of the rights of migrant children**.

5) Mission to the United States of Mexico:

Within the context of the implementation of the IIN's Action Plan 2007-2011 and in answer to an invitation issued by the Government of Mexico, the IIN carried out a mission from 5 to 11 December 2007, in which the following activities were included:

- Participation in the **IV International Congress on Child Rights** (state of Sonora), with a paper on the ill-treatment of children with special reference to **migrant**, unaccompanied, repatriated or deported children.
- On 7 December, a public conference was given in the Federal District of Mexico on "*Child and Youth Migration in Latin America and Public Policy with a Rights-Based Approach*", organized by the National System for the Comprehensive Development of Families (SNDIF for its acronym in Spanish). Subsequently, the organization of a **sub-regional meeting** devoted to **improving the protection of migrant children's rights** in America, particularly on Mexico's northern and southern borders, was discussed with the area's national authorities. Issues focused on the situation of child migrants in Mexican territory, particularly with reference to the northern border. A diagnosis was carried out with input from official statistics. The need to strengthen the programmes indicated was highlighted, as was the need to foster regional cooperation between OAS Member States with regard to the country's northern and southern borders.
- Participation in the "1st Family Shelter Seminar: a further Option for Family Life" (state of Nuevo León), with a keynote address relating family shelter to the different vulnerabilities of migrant children.



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6) Official visit to IIN headquarters by Mexico's Minister for Foreign Affairs:

On 17 December 2007 Mexico's Minister for Foreign Affairs made an official visit to IIN headquarters, during which, amongst other matters, she was informed of the outcome of the recent mission to her country and in particular of the mutual interest in promoting a sub-regional meeting in order to strengthen and broaden the means for the comprehensive protection of the rights of migrant children, particularly when unaccompanied. On this occasion, the Director General of the IIN reaffirmed the IIN's commitment to cooperating with all Member States in dealing with this problem.

7) IIN presentation on "Child Migration with a Rights-Based Approach". 2008.

The IIN made a presentation at the Special High Level Forum on Migration Issues of the Special Committee on Migration Issues, within the framework of the OAS Permanent Council, on 17 April 2008, in Washington, D.C. The title of the paper and conference was "Child Migration with a Rights-Based Approach" and it dealt specifically with children and adolescents, in the recognition that the subject of child migration, particularly in the case of unaccompanied child migrants, is one of the most worrying aspects of these issues.

Amongst its recommendations, the paper states that it is essential to promote joint actions aimed at guaranteeing the fulfilment of migrant children's rights, particularly when they are subjected to discrimination and exploitation, encouraging the social development of children and their families through planned and protected migration, as well as active participation in the societies which receive them. With an approach based on rights, the paper also states that it is necessary to address both the causes and the consequences of migration and to find solutions to problems generated by this process, which affects children's rights in their entirety. Such solutions require joint and coordinated cooperation between States and to this end, means of international technical cooperation should be implemented and international, regional and bilateral cooperation agreements should be produced in order to develop inter-institutional and inter-sectoral programmes which will address all of



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the problems involved comprehensively. Officials and volunteers with responsibilities with regard to interacting with migrant children and their families need to be trained and made aware of human rights issues. Only in this way can the right to life, to participation, to an identity, be respected, independently of the migratory situation. And only in this way can the right to good quality basic social services with universal coverage (food, health, education and a decent dwelling) be guaranteed. The purpose of these measures is to eradicate the under-registration of births, and eliminate demonstrations of racism, xenophobia and forms of intolerance aimed at migrants.

8) A Draft Resolution was produced for consideration during the 38th Period of Regular Sessions of the OAS General Assembly, related, amongst other issues, to cooperation between Member States in the protection of the rights of adolescent and young migrants.

9) Official Visit of the First Ladies of Mexico and Uruguay, August 2009.

On Friday, 14 August 2009, the IIN was honoured to receive in its Offices the official visit of Mrs María Auxiliadora Delgado, wife of the President of Uruguay, and Lic. Margarita Zavala, wife of the President of Mexico. Also attending these activities were OAS Representative to Uruguay, Ambassador John Biehl del Río, the President of the Children's Institute of Uruguay (INAU), Prof. Nora Castro, and Mrs Ximena Mondragón, wife of the Mexican Ambassador to Uruguay.

During the meeting, Ms Dolores Aguilar, Director General of the IIN, described the activities which the IIN carries out for the benefit of children in the region, in addition to sharing with the distinguished guests, general matters in connection with the Twentieth Pan American Child Congress.

Lic. Margarita Zavala, on her part, spoke of the importance of raising the awareness of civil society and humanizing the problem of unaccompanied migrant children through inter-institutional work and the establishment of networks amongst specialized organizations concerned with children and migration issues, as is being done in some of the state bureaus within the System for the Comprehensive Development of Families, in Mexico.



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II – The International abduction of Minors:

- “Inter-American Programme of Cooperation to Prevent and Remedy Cases of International Abduction of Minors by One of Their Parents”, 2007.

Due to its social, family-related and legal features, this programme frequently falls within the purview of issues related to migratory processes which, consequently, require casuistic and structural attention with regard to prevention and reparation policies. This programme is based on Resolutions AG/RES. 1835 (XXXI – 0/01), AG/RES. 1891 (XXXII – 0/02) and AG/RES.1598 (XXXIV – 0/03) of the OAS General Assembly, and Resolutions CD/RES. 14 (78-R/03), CD/RES. 03 (E/03) and CD/RES.18 (79-04) of the Directing Council of the IIN.

The programme includes, amongst other aspects:

- a. Permanent coordination with The Hague Conference representatives
- b. The celebration of the first Meeting of Government Experts with the participation of the Central Authorities of Member States of the Organization of American States.
- c. The production of a preliminary draft for a Model Regulation to Prevent and Remedy Cases of International Abduction of Minors by One of Their Parents

III – The Commercial Sexual Exploitation of Children (CSEC):

- Signature of the “Agreement of Cooperation between Save the Children Sweden and the Inter-American Children’s Institute”, 2006

In the context of this Agreement and as one of its most notable projects, is the “Comprehensive Study of Laws and Public Policies Against the Commercial Sexual Exploitation of Children in Latin America”. This study aims to produce a meticulous body of research focused on two main points: policies on the subject developed by the countries within the Inter-American System, embodied in their National Action Plans, and the



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exhaustive survey of national legislation devoted to commercial sexual exploitation, as well as closely linked regulations such as migratory policies in Latin America. This study is available on the Institute's web site.

IV – Online Courses and Informative Newsletters:

1) Distance Course on an Update on Children's Rights:

Within the framework of the IIN's Inter-American programme for online training in 2009, and amongst several other courses, an online course was implemented which in its lesson 5 presented a module on the migration of children unprotected by rights, given by Marco Moysen, an IIN specialist. This module is also available on the IIN's web site, www.iin.oea.org.

These courses are part of the IIN's 2007-2011 Action Plan.

2) Distance Course on the International Abduction of Minors:

Within the context of the IIN's Inter-American programme for online training in 2009, and amongst several other courses, a distance course was given for Central Authority lawyers and officials involved in the issue of the international abduction of minors. This course was designed to promote a model for professional training and updating of staff, linked to the fulfilment of The Hague Convention on the Civil Aspects of International Child Abduction (The Hague Conference on Private International Law) and the Inter-American Convention on International Restitution of Minors. Attorney Jorge Valladares was the academic coordinator of this course, which is also available on the IIN's web site, www.iin.oea.org.

These courses are part of the IIN's 2007-2011 Action Plan.

3) Information Newsletter Nº 4 on unaccompanied migrant children in the Americas:

This newsletter was produced in December 2009 and was published on the IIN's web site, www.iin.oea.org.



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V – Cooperation Projects:

- Project for the Promotion and Protection of Unaccompanied Migrant Children.

This project is being implemented within the framework of the Programme for the Promotion and Defence of Human Rights of Children in the Americas, which originated in the agreement between the Organization of American States (OAS) and the Spanish Agency for International Cooperation for Development (AECID) in 2006. This two-year project is at present undergoing a process of revision and final reformulation after the OAS Department of Planning, Control and Evaluation made certain comments and suggestions with regard to the project, in March 2010.

Some of the issues related to the project are:

- The Project's Purpose and Objectives:

In the area of the promotion and protection of the rights of unaccompanied migrant children, this project seeks to strengthen the capabilities of the work teams of the States of Mexico and Guatemala; specifically, of the actors and institutions responsible for the care of unaccompanied migrant children (authorities and officials of the various institutions concerned with care of unaccompanied migrant children on the northern and southern borders of Mexico and the northern border of Guatemala).

Actors in state institutions connected to migratory issues in the States involved in this project, will therefore be able to generate practices which will allow them to improve the care provided to unaccompanied migrant children. This will thus benefit national governing bodies for children, government migration institutions in both countries and care centres and shelters for repatriated children.

An attempt will be made to generate new practices in the selected States, by including key steps focused on the care of unaccompanied migrant children. This strengthening of the capabilities of technical teams will lead to several actions, amongst which are the training of minors' legal defence

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departments and other training for care-givers or operators in the different transit shelters. Such training will seek to improve abilities and enable the acquisition of certain specific skills.

Proposals have been made with regard to making progress in specific settings for the care of unaccompanied migrant children, by promoting the inclusion of measures which will strengthen the capabilities of the various actors, in order to improve the protection and promotion of human rights.

Office of Education and Culture Executive Secretariat for Integral Development, DHDEC

Regarding the access to social services by migrant children, the Office of Education and Culture (OEC) is working on a project entitled “Education of Migrant Children and Youth”. The project has developed an analytical report to document the size and nature of the educational situation of migrant children and youth in the member states; and to document and analyze existing national education policies and programs pertaining to migrant children and youth. The report is based on a policy survey that was conducted throughout the Hemisphere between May and July 2009 and that was responded by 22 member states. The study will soon be available online. In October 2009 a presentation on “Children and Youth Migration” was made to the OAS Special Committee on Migrant Issues. In 2010, the project will develop four case studies in the region. The objective is to study experiences, needs and challenges of immigrant communities in the Americas regarding the education of migrant children and youth.

The Office of Education and Culture (OEC), as Technical Secretariat to the Meetings of Ministers of Education and the Inter-American Committee on Education, has taken a range of actions linked to implementation of the Hemispheric Commitment to Early Childhood Education, approved by Ministers of Education in 2007. Among these actions, OEC has promoted among policy makers, educators and other experts in the member states, the analysis and dissemination of the General Comments of the Convention on the Rights of the Child, including General Comment #7 on early childhood; #11 on the rights of indigenous children; #12 on providing



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a voice to children; and Art. 169 of the International Labour Organization (ILO), on the rights of the child and the protection of its mother. Furthermore, in a range of technical and political forums, the OEC has emphasized that promoting the social well-being, protection and integral development of children has been shown by research to yield major positive benefits not only for the children and their families but for society as a whole.

The Office of Education and Culture has supported member-state governments, with additional technical and financial support from UNICEF, the Bernard Van Leer Foundation, member-state donors, and other international and civil society organizations, in their implementation of the Hemispheric Commitment to Early Childhood Education approved by the V Inter-American Meeting of Ministers of Education and ratified in 2009 by the VI Meeting of Ministers. Among notable initiatives are two major Inter-American symposia on early childhood development; execution of a research and social communications project on the status of policies and programs for young children in rural, indigenous and border communities in eight member-states; publication of three books in two languages about early childhood transitions; organization of multiple workshops for journalists on how to cover early childhood topics from a rights perspective; organization of subregional workshops for policy makers and practitioners of the evaluation of early childhood education in each of the five OAS subregions; facilitation of horizontal cooperation between Chile and the member states of the English-speaking Caribbean; development of a distance learning course for professionals working with children under the age of three; and organization of a Joint Special Session of the Permanent Council and the CEPCIDI on the importance of investing in early childhood in February 2010.