



Resolution 5/23

Participation of children within the mandates of the IACHR

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The Inter-American Commission on Human Rights (IACHR), within the framework of its mandate and through its various mechanisms, constantly monitors the rights of children in the countries of the region, the situations of vulnerability, and the responses of the States to protect and restore the rights of this population.

Based on this mandate, during its 100th regular session, held in Washington D.C. from September 24 to October 13, 1998, the IACHR created the Rapporteurship on the Rights of the Child to strengthen respect for the human rights of children in the Americas.

As a result, through its Rapporteurship on the Rights of the Child, the Commission has deployed a series of actions aimed at the promotion and protection of the rights of children, contributing to increased engagement with children. As part of these actions, it has promoted the right to participation of this population and its guarantee by the Member States of the Organization of American States (OAS).

In this regard, the Commission recognizes that it is necessary to strengthen efforts within the institution to promote the cross-cutting, effective and long-term participation of children in the different mechanisms that make up its mandate, so that their voices are heard and taken into consideration in all types of decisions adopted by the Commission.

CONSIDERING that citizen participation in decisions regarding their own development is a fundamental human right, established in Article 34 of the Inter-American Democratic Charter, and it extends to children.

RECOGNIZING that the right to participation of children is recognized in multiple international instruments, including the Universal Declaration of Human Rights (Articles 19 and 20) and the Convention on the Rights of the Child (Articles 12, 13, 14, 15, 17 and 31), and has been reaffirmed by the jurisprudence of the Inter-American Human Rights System.

RECALLING the OAS General Assembly's Resolution AG/RES. 2905, which promotes the participation of children, fostering intergenerational dialogues¹.

REAFFIRMING that children are full rights holders, and their active participation is crucial for their integral development.

RECOGNIZING the efforts of the Executive Secretariat of the Inter-American Commission on Human Rights in promoting the participation of children within the framework of the Strategic Plan 2017-2021, as seen in the intergenerational dialogue sessions and the simulation of hearings aimed at adolescents.

TAKING INTO ACCOUNT that the participation of children is a priority in the Commission's Strategic Plan 2023-2027, which reflects an ongoing commitment to their empowerment and consideration in decision-making processes.

THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS

Resolves:

By virtue of the foregoing, in exercise of the functions conferred upon it by Article 106 of the Charter of the Organization of American States and in application of Article 41(b) of the American Convention on Human Rights ("Pact of San José, Costa Rica" or "American Convention") and Article 18(b) of its Statute, the Inter-American Commission on Human Rights resolves:

1. To promote, in a progressive manner, the participation of children in the mechanisms of the IACHR, ensuring full respect for the rights established in the American Declaration of Human Rights and the American Convention on Human

¹ OAS General Assembly. AG/RES. 2905 (XLVII-O/17) Strengthening Democracy. Adopted at the first plenary session, held on June 20, 2017.

Rights, as well as taking into consideration the pillars contained in Article 12 of the Convention on the Rights of the Child.

I. Guiding Principles

2. In all actions involving the participation of children within the scope of the IACHR, the following principles shall be observed:
 - a) Best interests of the child
 - b) Progressive autonomy
 - c) Non-discrimination
 - d) Meaningful and protagonist participation
 - e) Willfulness
 - f) Accessibility
 - g) Intergenerationality
 - h) Intersectionality
 - i) Personal safety

II. Implementation

3. The Executive Secretariat of the IACHR will be responsible for progressively adopting the necessary measures to promote the participation of children in the different mechanisms of the IACHR, in the course of the execution of the Strategic Plan 2023-2027. To this end, the Executive Secretariat shall use available resources, according to its budgetary possibilities.
4. To ensure that children have access to information regarding their rights and participation mechanisms, whenever possible, the Commission will promote the adaptation of contents and documents published by the IACHR, avoiding language and graphic designs of infantilizing nature.

5. Whenever possible, the development and dissemination of easy-to-understand, step-by-step explanations will be promoted, so that children can learn how to use the different mechanisms of the Commission.
6. In the participation spaces, children will be informed about the purpose and objectives of the corresponding mechanism, as well as the dynamics of their participation (formats, roles, possible results, among others).
7. In the consultation processes with civil society, the respective areas, with the support of the Rapporteur on Children's Rights, will promote specific, accessible and clear channels to collect contributions from girls, boys and adolescents in formats that effectively allow their participation, including through face-to-face meetings, virtual sessions or discussion groups.
8. In the promotional activities organized by the IACHR related to children, the Commission will encourage their voices to be heard, promoting their participation in panels, as well as integrating their testimonies in publications and dissemination initiatives.
9. Reasonable adjustments will be promoted and support will be provided to guarantee the participation and accessibility of children with disabilities, members of indigenous or Afro-descendant communities, those in a situation of human mobility, those with parents, guardians or caregivers deprived of liberty, those who do not have internet connection, and other groups at risk or socioeconomic vulnerability.
10. Children will be encouraged to play a significant and prominent role during IACHR sessions on issues that concern them, particularly during thematic hearings.

11. The participation of children will be carried out with due authorization of those responsible for them according to the specific circumstances, ensuring that they can express their testimonies in a manner that is safe and respectful of their privacy. Likewise, the general aspects of the participation will be subject to agreement with the respective responsible parties.
12. Within the framework of participation, the areas of the Executive Secretariat must assess the risks and consider the adoption of protective measures to mitigate any danger related to the involvement of children. This includes the guarantee of a safe environment, the safeguarding of their identity, in addition to dialogue with their representatives and the accompaniment of specialized personnel, considering their age and respecting their progressive autonomy.
13. The protection of the identity of children should not become a barrier to protagonist participation, particularly for those who act as human rights defenders in a public manner.
14. The confidentiality of personal and sensitive information of children must be preserved, and its disclosure to third parties is prohibited.
15. In the instances of participation in which children share their testimonies, the units involved should carry out a careful evaluation to determine the measures to preserve confidentiality, particularly when dealing with matters of a sensitive nature.
16. Active efforts shall be made to prevent the re-victimization of children in any process, procedure or action related to the Commission. Units will ensure that children participation takes place in a safe and respectful environment, always preserving their dignity and well-being.

III. Management and follow-up

17. At the beginning of each year, the Executive Secretariat, with the support of the different units, will plan the activities necessary to promote the participation of children in the different mechanisms of the IACHR, in accordance with budgetary capacities, ensuring their inclusion in the proposed Annual Operational Plan.
18. The Executive Secretariat will promote the development of an internal guide on the right to participation of children which shall include: i) the concepts and guiding principles of this population's participation approach; ii) the safeguard measures to ensure secure participation processes, iii) the specific tools to facilitate participation in the various mechanisms of the IACHR, and iv) the guidelines applicable to obtaining consent and applicable authorizations.
19. The Rapporteurship on the Rights of the Child will follow up on the measures adopted in compliance with this resolution, providing support to the various units of the Executive Secretariat in their implementation.
20. Awareness-raising and training activities will be promoted for the technical team of the Executive Secretariat in order to identify and eliminate barriers to the participation of children, to promote a vision that actively includes participation, and to strengthen intergenerational dialogue.

IACHR Inter-American
Commission on
Human Rights