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SUB-REGIONAL WORKSHOP ON THE
IMPLEMENTATION OF THE CONCLUDING
OBSERVATIONS OF THE COMMITTEE ON
THE RIGHTS OF THE CHILD
Buenos Aires, 28-30 November 2005

**REPORT OF THE SUB-REGIONAL WORKSHOP ON THE
IMPLEMENTATION OF THE CONCLUDING OBSERVATIONS
OF THE COMMITTEE ON THE RIGHTS OF THE CHILD***

Buenos Aires, 28-30 November 2005

* For the list of participants, see HRI/ARG/INF/1.

Summary

The Sub-Regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child was held in Buenos Aires from 28 to 30 November 2005. It was attended by government representatives from Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela; representatives from national Parliaments and human rights institutions; and representatives of the United Nations Children's Fund (UNICEF), the Economic Commission for Latin America and the Caribbean, the Division for the Advancement of Women (DAW), the World Health Organization (PAHO/WHO), the Inter-American Children's Institute, NGOs, and the media.

The main objective of the Workshop was to strengthen Governments' capacity to implement the Committee's concluding observations and to build networks of cooperation to support that process.

The Workshop was held in plenary, and thematic working groups discussed violence; juvenile justice; child and adolescent health; economic and sexual exploitation; and education.

At the end of the three-day meeting, the participants adopted a series of recommendations to enhance the implementation of the Committee's concluding observations in the subregion.

The Workshop was organized by the Office of the United Nations High Commissioner for Human Rights (OHCHR), in cooperation with Plan International, UNICEF and the Government of the Argentine Republic.

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**SUB-REGIONAL WORKSHOP ON THE IMPLEMENTATION OF THE
CONCLUDING OBSERVATIONS OF THE COMMITTEE ON THE
RIGHTS OF THE CHILD**

Buenos Aires, 28-30 November 2005

I. INTRODUCTION

1. OHCHR, in cooperation with Plan International and the Argentine Government and with WHO and UNICEF support, organized a Sub-Regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child from 28 to 30 November 2005. The Workshop took place in the Palacio San Martín of the Argentine Ministry of Foreign Affairs in Buenos Aires.
2. The Workshop consisted of two parts: plenary meetings with various presentations in the morning, followed by working groups in the afternoon.
3. In the afternoons of the first and second days, the participants split into five working groups dealing with five different themes: I: Violence, facilitated by Mr. Paulo Sergio Pinheiro, Independent Expert for the study on violence against children; II: Juvenile justice, facilitated by Ms. Marilia Sardenberg, former member and Vice-Chairperson of the Committee on the Rights of the Child; III: Child and adolescent health, facilitated by Mr. Norberto Liwski, Vice-Chairperson and member of the Committee on the Rights of the Child; IV: Economic and sexual exploitation, facilitated by Ms. Rosa María Ortiz, journalist and member of the Committee on the Rights of the Child; and V: Education, facilitated by Mr. Vernor Muñoz, Special Rapporteur on the right to education.
4. Each group was facilitated by an expert and had a rapporteur elected from among the participants. The participants were provided with those of the Committee's recommendations concerning countries of the subregion that are directly related to the proposed themes. In the working groups, in-depth discussions took place on the achievements and constraints in implementing the recommendations. Comparisons were also drawn to identify why the recommendations had been partially or fully implemented in some States parties and not in others. The groups further discussed theme-specific recommendations that could enhance follow-up to and implementation of the Committee's concluding observations.
5. In the afternoon of the third day, the plenary adopted the recommendations of each of the Workshop's thematic groups, followed by the closing ceremony.
6. The Workshop was opened by Ms. Alicia Kirchner, Minister of Social Development of the Argentine Republic; the opening was also attended by Ambassador Leonardo Franco, Under-Secretary on Latin American Policy of the Ministry of Foreign Affairs of the Argentine Republic; Mr. Jakob Egbert Doek, Chairperson of the Committee on the Rights of the Child; Mr. Norberto Liwski; Mr. Paul Bode, Regional Director for Plan International in Latin America and the Caribbean; Mr. Nils Katsberg, UNICEF Regional Director for Latin America and the Caribbean; Mr. José Antonio Pagés, PAHO/WHO representative in Argentina;

Ms. Delia del Gatto, Vice-President of the Directing Council of the Inter-American Children's Institute; Mr. Roberto Garretón, OHCHR Regional Representative for Latin America and the Caribbean; and Ms. María Francisca Ize-Charrin, Chief of the OHCHR Treaties and Commission Branch.

7. On the morning of the first day, a number of substantive presentations were delivered that addressed issues relating to the work of the Committee and gave a general overview of the situation of children in Latin America. The first presentation, by Ms. Marilia Sardenberg, concerned the Convention on the Rights of the Child and its Optional Protocols and the Committee's work as a monitoring body. The speaker gave a detailed historical account of the developments in child rights, emphasizing the new child rights principles enshrined in the Convention. She stressed the Committee's holistic, integrated and cross-cutting approach. She further mentioned the need to close the gap between child rights rhetoric and the practical implementation of those rights. Finally, she drew attention to the importance of the Optional Protocols in ensuring the protection of children under very particular circumstances.

8. Afterwards, several panellists provided a general overview of the situation of children in the region. Mr. Nils Katsberg, UNICEF Regional Director for Latin America and the Caribbean, referred specifically to the basis for enhancing compliance with the commitments in the area of children's rights in the region. In the last 15 years, progress has been made in the legislative field and the living conditions of children have improved. However, economic growth has produced disparities and inequalities that mainly affect children, especially indigenous children. The phenomena of gender-based violence and sexual abuse are widespread and have immediate repercussions on the situation of children. Many adolescents in the region are affected by HIV/AIDS and, while there are considerable differences between countries, sexual violence remains a common denominator. Programmes to combat crime single out adolescents and thus lead to erroneous stereotyping. Increased investment in social programmes, more efficient social spending and enhanced government responsibility and accountability are required to overcome these obstacles. Disaggregated indicators must be developed at the local level to facilitate targeted action to reduce disparities. It is also important to promote corporate social responsibility to ensure that the private sector plays its part in ensuring the well-being of children in the region.

9. Mr. Norberto Liwski, member and Vice-Chairperson of the Committee on the Rights of the Child, spoke about the Committee's concerns and measures to ensure the effective enjoyment of children's rights in Latin America. The Committee is aware of the multiple challenges facing the region, especially social inequality. Governments must find ways to redistribute income, increasing their administrative capacity and ensuring optimum coordination under the leadership of top institutional management. Decentralization can also be a very useful tool. National child rights institutions play a crucial role in monitoring and ensuring compliance; measures must therefore be taken to safeguard their existence and guarantee adequate operational funding. Organized civil society, including children's organizations, plays a key role in the Committee's work; their active participation in the reporting process (drafting of reports and follow-up to recommendations) strengthens Governments' efforts to implement the recommendations. The Committee endeavours to enhance the quality of its recommendations and thus strengthen its authority. The Committee must increase its visibility to make itself better known and establish closer links with regional child protection mechanisms. The Committee's cooperation with national human rights institutions must also be strengthened.

10. Another panel discussion, facilitated by Mr. Sergio Pinheiro, dealt with violence against children and adolescents. Violence has serious consequences for children; over 30 per cent of murder victims in the region are adolescents and there is a worrying degree of social acceptance of violence against minors. The challenges range from enhancing the visibility of violence against children, including corporal punishment and domestic violence, to raising awareness about the situation of children in conflict with the law in the context of a pervasive sense of insecurity in the region. Labour exploitation and sexual exploitation have a direct impact on key areas such as children's physical and moral integrity or education. Efficient mechanisms must be established to monitor the impact of violence on children and compile reliable statistics to increase the problem's visibility. Furthermore, States parties must formulate public health, education and security policies that promote attitudinal changes and contribute to the prevention of violence. There must be political will to ensure proper administration of juvenile justice, among others.

11. Mr. Roberto Garretón, Regional Representative of OHCHR, spoke about the challenges facing the region in the matter of children and security. Currently, the plans to combat urban insecurity are based on the principles of a firm hand; zero tolerance; increased police and prison budgets; a reduction in the minimum age of criminal responsibility; tolerance of torture; and a trend towards stereotyping disadvantaged adolescents as criminals. In the subregion, children in conflict with the law are victims, rather than perpetrators. The State fails to safeguard their fundamental rights, thus stripping them of opportunities. Insecurity must be seen as a human rights problem. Although personal security is a human right enshrined in various international instruments, the principles and jurisprudence relating to this right are not sufficiently developed. In order to face the challenges in this area, preventive rather than punitive measures must be adopted, in conformity with the relevant recommendations of the Committee. To this end, States must legislate based on international norms, in particular the Convention. Judges must apply international instruments and abandon their positivist and nationalist approach of sticking to legislation preceding the Convention, especially in cases involving young offenders. States must base their public policies on civil, cultural, economic, political and social rights, taking account of the best interests of the child at all times. These policies must promote human rights education that repudiates discrimination and promotes a culture of human rights in the judiciary that serves as a basis for ethical conduct.

12. The session proceeded with a presentation by Ms. Delia del Gatto, Vice-President of the Directing Council of the Inter-American Children's Institute (IIN), on the need to assess the progress made in respect of children's rights. IIN has formulated a strategic plan that seeks, inter alia, to promote national and international monitoring of compliance with children's rights and to disseminate monitoring systems developed by the Institute. Information and monitoring systems evaluate the effectiveness of public policies and are useful tools to guarantee the full implementation of children's rights. On this basis, IIN has taken measures to monitor compliance with children's rights and the Convention. Most importantly, it provides States parties with child-related information through the Inter-American Child Information Network (RIIN) and the Institute's legal database (BADAJ), among others. The Institute had created an integrated system to facilitate the compilation of child rights-related information, which comprises, in particular, a methodology and system of support information for the monitoring of rights (SMD). The SMD is a computer system designed to facilitate ongoing monitoring of the implementation of children's rights and the Committee's recommendations in the region. The

system is intended for use by Governments, civil society and the Committee itself. The SMD is based on the principles of the Convention; it aims at providing information on the progress made with regard to children's rights and informing public policy-making.

13. On the morning of the second day, three panels were held. The first addressed the role of Governments, parliamentarians and national institutions in the implementation of the Committee's concluding observations. The panellists were Mr. Alberto Sileoni, Education Secretary of the Argentine Republic; Mr. William Vélez, member of the Colombian Chamber of Representatives; and Mr. Waldo Albarracín, Bolivian Ombudsman. The panel highlighted the fundamental role of parliaments in incorporating the Convention into domestic legislation and referred to the need to strengthen national human rights institutions, for example by increasing operational budgets.

14. Afterwards, Ms. María Jesús Conde Zabala, UNICEF Regional Adviser on Child Protection for Latin America and the Caribbean, spoke at length about the role of United Nations agencies in the implementation of the Committee's concluding observations. Since 1996, UNICEF house rules have provided that the principles and standards of the Convention on the Rights of the Child and the Convention on the Elimination of All Forms of Discrimination against Women form the basis of the organization and are the ultimate objective of its work. UNICEF has therefore developed a comprehensive strategy to assist States parties in implementing the Convention by providing support in the preparation of reports, follow-up and implementation of concluding observations.

15. The third discussion of the day addressed the role of civil society and the media in the implementation of the Committee's concluding observations. Ms. Eva Geidenmark, programme coordinator for the Regional Office for Latin America and the Caribbean of Save the Children Sweden in Peru; Mr. Jorge Freyre, general coordinator of the Latin American and Caribbean Network for Children and Young People's Rights (REDLAMYC); Ms. Rosa María Ortiz, journalist and member of the Committee on the Rights of the Child; and Mr. Ulises Lacava, Executive Coordinator of the Red ANDI Latin America, a news agency for children's rights, participated in the debate. The panellists underscored the contribution made by international NGOs and local civil society and their role in follow-up to the work of the Committee. They also highlighted the need for greater media coverage of the child-rights debate. Therefore, the Committee must develop a working relationship with the media to enhance the effect of its recommendations in different countries. United Nations bodies, UNICEF and national civil society organizations should also join forces to this end.

16. On the morning of the third day, a debate took place on birth registration and the right to an identity. Ms. Debora Cobar, Plan International regional adviser for Latin America; Mr. Alejandro Franco Vélez, Director of Plan Paraguay; and Mr. Yuri Buaiz, child protection officer of UNICEF Venezuela, highlighted the importance of this issue in the region. They described certain countries' success in increasing the accessibility of this public service by interlinking the various stakeholders.

17. The final panel addressed the issue of treaty body reform and its impact on the work of the Committee. Ms. María Francisca Ize-Charrin, Chief of the OHCHR Treaties and Commission Branch, spoke about the work carried out by OHCHR in the context of the reform and the current challenges facing the system. Mr. Jakob Egbert Doek, Chairperson of the

Committee on the Rights of the Child, presented his views on the reforms, in particular with regard to their possible impact on children's rights. To conclude, Mr. Federico Villegas Beltrán, Director of Human Rights under the Argentine Ministry of Foreign Affairs, commented on the Argentine position vis-à-vis the process initiated to strengthen the system.

II. CONCLUSIONS AND RECOMMENDATIONS

18. The representatives of the Governments of Argentina, Bolivia, Brazil, Chile, Colombia, Ecuador, Paraguay, Peru, Uruguay and Venezuela; parliamentarians; representatives of national human rights institutions, UNICEF, ECLAC, DAW, PAHO/WHO, IIN and NGOs; and the media who participated in the Sub-Regional Workshop on the Implementation of the Concluding Observations of the Committee on the Rights of the Child held in Buenos Aires from 28 to 30 November 2005:

19. **Express** their gratitude to the Government of the Argentine Republic for hosting the Sub-Regional Workshop; to the Office of the United Nations High Commissioner for Human Rights for its assistance in organizing and holding the Workshop; and to UNICEF, ECLAC, DAW, PAHO/WHO, IIN, the expert members of the Committee and the participants in the Workshop for their valuable contributions;

20. **Recognize** that compliance with the obligations flowing from the Convention on the Rights of the Child and its two Optional Protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography is crucial to the promotion and protection of child rights;

21. **Reaffirm** the important role of the Committee in monitoring States parties' implementation of the Convention;

22. **Recall** the political and legal commitments made by the international community, including the Special Session of the United Nations General Assembly on Children and the Millennium Development Goals, the Tenth Ibero-American Summit and the Summits of the Americas;

23. **Reaffirm** the importance of democracy, good governance and the Inter-American Democratic Charter;

24. **Reiterate** that, in accordance with the aforementioned commitments, States must adopt comprehensive rights-based public policies on protection consistent with the Convention on the Rights of the Child and its Optional Protocols;

25. **Reiterate** that the democratization of the justice system and public participation are crucial to strengthening the rule of law and ensuring compliance with the political and legal commitments made to children;

26. **Recall** that the consideration of initial and periodic reports of States parties by the Committee and the drafting of concluding observations have proved to be a useful mechanism for monitoring the implementation of the rights enshrined in the Convention and its Optional Protocols;

27. **Note** the important role of government authorities in requesting the drafting of reports and promoting follow-up to the Committee's recommendations, in which all State entities, institutions and services should participate;
28. **Emphasize** the importance of effective follow-up to the recommendations contained in the Committee's concluding observations on initial and periodic reports, and States parties' important responsibility in ensuring their implementation;
29. **Highlight** the relevance and responsibility of local and regional (government) authorities in ensuring compliance with the Convention and their role in implementing policies to follow up on the Committee's observations and recommendations;
30. **Consider** that the States parties must step up efforts to create and strengthen effective national institutional mechanisms facilitating follow-up to the Committee's recommendations;
31. **Reaffirm** the responsibility of Parliaments in the subregion in the promotion and protection of child rights and emphasize the crucial role they can play in dissemination of and follow-up to the Committee's recommendations;
32. **Emphasize** the crucial role and the commitment of national human rights institutions to promoting the Convention and disseminating and following up on the Committee's recommendations;
33. **Recognize** the active involvement of children's organizations in the subregion in promoting and demanding children's enjoyment of their rights;
34. **Recognize** the important role of organized civil society in the subregion in disseminating the Convention, supporting the work of the Committee and following up on its recommendations;
35. **Recognize** the strategic role of the media in promoting a culture of respect for human rights and in monitoring compliance with the Committee's recommendations;
36. **Reaffirm** further the importance of strengthening the coordination of efforts relating to children's rights at the national level between different governmental entities, national human rights institutions and civil society, while preserving their independence and their autonomy, in ensuring effective follow-up to the Committee's recommendations;
37. **Emphasize** the important role of UNICEF and other United Nations specialized agencies in the promotion of child rights and the comprehensive protection of children;
38. **Recognize** as a positive step the Committee's interest in the implementation of its recommendations at the national level and, in that connection, welcome the organization of other workshops in different regions of the world such as those held in Damascus from 17 to 19 December 2003, in Bangkok from 11 to 13 November 2004 and in Doha from 19 to 21 June 2005;

39. **Note** that, although efforts have been made at the national level to carry out the Committee's recommendations, their implementation is hampered by multiple constraints, including the general nature of the recommendations and administrative, economic, political and cultural obstacles;

40. **Reaffirm** the importance of information exchanges among States parties on best practices to implement the Committee's recommendations.

41. In the light of the above, the participants in the Sub-Regional Workshop made the following recommendations:

III. GENERAL RECOMMENDATIONS

A. To the Committee on the Rights of the Child

42. Improve the drafting of the concluding observations in such a way as to enhance precision and clarity to facilitate their use as an effective instrument for the promotion and dissemination of the rights of children and adolescents;

43. Reduce the time elapsing between the consideration of the State party report and the publication of the concluding observations, so as to ensure their relevance;

44. Consider the possibility of country visits by members of the Committee after the consideration of a report to promote compliance with the concluding observations;

45. Create a communication strategy that gives the Committee greater visibility worldwide and enhances contact with children and adolescents;

46. Hold "days of general discussion" or draft "general comments" to establish a process of analysing the impact of international financial institutions' economic and trade policies and trade agreements on the rights of children and adolescents;

47. Always consider the principles of non-discrimination and participation of children;

48. Strive for greater precision and definition in its recommendations by, inter alia, developing and including indicators to measure the progress made in the implementation of children's rights;

49. Strengthen partnerships with civil society organizations in the subregion to enhance implementation of and follow-up to the Committee's recommendations;

50. Improve information, coordination and communication strategies with national children's authorities in States parties to assist them in the implementation of the Committee's recommendations;

B. To States, international organizations and civil society

51. Adopt well-resourced public policies that guarantee child rights. It is further necessary to create mechanisms to monitor the effective implementation of these policies at the national level and to allow for independent scrutiny of those policies;
52. Strengthen and/or create national partnerships to draft and disseminate the report and ensure effective follow-up to concluding observations, promoting the participation of the Government, NGOs, United Nations agencies, the media and multilateral and bilateral cooperation;
53. Ensure consideration of and follow-up to the Committee's recommendations by the National Congress (Parliament);
54. Ensure that national and local executive, legislative and judicial organs participate in the implementation of the Convention, the drafting and presentation of the report and follow-up to concluding observations;
55. Ensure an accurate and effective system of birth registration that covers all children, with special emphasis on particularly vulnerable groups, since the failure to register children in civil registries is one of the factors that increase children's vulnerability to all forms of discrimination, abuse and exploitation;
56. Create effective and accessible mechanisms to enable children to claim their rights. To this end, among other measures, national human rights institutions must be guaranteed adequate resources and trained staff enabling them to engage in the promotion, defence and monitoring of child rights;
57. Create mechanisms to facilitate children's participation in decision-making on policies that concern them directly and in the implementation of the Convention;
58. Create a regional alliance for the rights of children and adolescents composed of United Nations agencies, bodies belonging to the inter-American and Ibero-American system, non-governmental coalitions that include children's and adolescents' organizations, professional and academic institutions, media coalitions and the private sector;
59. Create and/or strengthen mechanisms to monitor and evaluate policies and programmes pertaining to children;
60. Organize training seminars on the Convention, the concluding observations and the Committee's general comments for national and local executive, legislative and judicial bodies, especially those working with children;
61. Make a binding commitment to the Committee's recommendations, which are strictly based on the text of the Convention, resulting from the ratification of the instrument so as to promote its nationwide implementation, particularly within the judiciary;
62. Promote the incorporation of a rights perspective into the work of international financial and cooperation institutions, using the Committee's recommendations as a basis;

63. Promote training for communicators, journalists and mass media executives to ensure that they assume their respective social responsibility towards children and adolescents from a rights-based perspective;

C. To UNICEF

64. Promote coordination among United Nations agencies with a view to supporting the implementation of concluding observations;

65. Follow the internal guidelines for the drafting of reports and follow-up to the Committee's concluding observations;

66. The participants in the Sub-Regional Workshop formulated a number of recommendations in each of the five thematic working groups.

VIOLENCE

67. The participants in the working group on violence made the following recommendations:

A. To the Committee on the Rights of the Child

68. Recommend that States should follow up on the recommendations of the regional consultation for Latin America on the United Nations Secretary-General's Study on Violence against Children and the Buenos Aires declaration on violence against children;

69. Integrate a gender, ethnic origin, life cycle and intergenerational perspective in the concluding observations relating to violence;

70. Specify urgent measures and identify those in charge of implementing the latter to eliminate cases of grave violations of children's right to life;

71. Promote the formulation of plans to eradicate violence against and among children, with objectives and deadlines within the framework of national plans of action that involve all relevant stakeholders;

B. To States parties

72. Encourage children to participate in cultural movements advocating the protection of their rights;

73. Ensure follow-up to the recommendations of the regional consultation for Latin America on the United Nations Secretary-General's Study on Violence against Children and the Buenos Aires declaration;

74. Propose the drafting of an annual report on media coverage of violence against children;

75. Share good practices on the eradication of violence among countries in the region;

76. Devise subregional strategies to disseminate the Committee's concluding observations on violence;
77. Provide financial resources for national human rights institutions, thus enabling them to develop activities to promote, defend and monitor children's rights within their field of competence;
78. Request the cooperation of international organizations in activities aimed at strengthening the capacity of national human rights institutions;
79. Promote coordination between national institutions working to combat domestic violence, including women's rights institutions, and institutions working with children;
80. Create a monitoring and information system on compliance with the United Nations Millennium Declaration and its development objectives;
81. Promote a culture of non-violence and conflict resolution to eradicate corporal punishment in the home, schools, the community and institutions;
82. Promote intercountry cooperation to defend the rights of child victims of violence, including internally displaced and refugee children;

C. To the United Nations

83. Establish coordination mechanisms in the preparation and drafting of the study on violence against children and the study on violence against women;

JUVENILE JUSTICE

84. The participants in the working group on juvenile justice made the following recommendations:

A. Articles 37, 39 and 40 of the Convention and general principles enshrined in articles 2, 3, 6 and 12

85. Continue and further develop institutional reforms and changes to practices by bringing domestic legislation in line with the Convention;

B. Beijing Rules for the administration of juvenile justice, United Nations Guidelines for the Prevention of Juvenile Delinquency (the Riyadh Guidelines), United Nations Rules for the Protection of Juveniles Deprived of their Liberty

86. Ensure the dissemination, monitoring and implementation of these norms, with the participation of all interested stakeholders, including non-State entities;

C. Opinion makers, interest groups and the role of the media

87. Raise the awareness of interest groups and the media about the content of the Convention and its impact on the well-being of children;

88. Build bridges for dialogue to enhance understanding and partnership with the above-mentioned sectors in the implementation of the Convention;

D. Coordination in juvenile justice

89. Promote and guarantee greater institutional coordination between different State bodies, especially in States with federal systems;

90. Implement specific measures to ensure the collection of current data on young offenders, in particular information on the number of adolescents in detention, their identity, place of detention, reason for detention and period of detention, to facilitate public policy monitoring and management;

E. Criminal responsibility

91. Ensure that the criminal justice system treats no person under the age of 18 as an adult;

F. Juvenile justice system

92. Adopt and implement juvenile justice legislation (special jurisdiction, specialized judges, alternative sanctions). The implementation of these laws must not stigmatize, single out or discriminate against any sector of the young population;

G. Exceptional character of deprivation of liberty

93. Establish control and monitoring mechanisms to ensure that deprivation of liberty is used as an exceptional measure and a last resort, and only in relation to the most serious offences/crimes, in conformity with the Convention. Also, States should take measures to bring their legislation into line with article 37, paragraph (a), of the Convention, thus abolishing life imprisonment;

H. Promotion of alternative sanctions to imprisonment

94. Encourage and strengthen effectively the use of alternative sanctions to imprisonment. Raise the awareness of the population, Governments and interested parties of the importance of such alternatives. The effective implementation of these measures is as much of a deterrent as imprisonment. It is suggested to give priority to restorative justice programmes (mediation processes) and involve civil society in the implementation of alternative sentences to imprisonment;

I. Purpose of the juvenile justice system

95. The main objective is to guarantee the full enjoyment of young persons' rights, while holding them responsible for their criminal conduct;

J. Professional training for judges and juvenile justice personnel at different levels

96. Take concrete measures to ensure the ongoing training of judges and juvenile justice personnel in the principles and provisions of the Convention;

K. Judicial guarantees

97. Ensure full compliance with the requirements of the Convention in terms of judicial guarantees, in particular young offenders' right to legal counsel and a defence, and release those who have been detained arbitrarily. Take measures to promote the application in practice of the general principles of the Convention in all proceedings involving children accused of having committed a crime;

L. Conditions of detention

98. Create effective mechanisms to ensure strict compliance with the prohibition of torture and ill-treatment, corporal punishment and solitary confinement. Perpetrators of torture or ill-treatment must be punished;

99. Ensure that young prisoners are not detained alongside adults (separate facilities, separate administration of those facilities, specially trained staff, special care for adolescent drug users, psychiatric care where required, etc);

100. Guarantee the rights of children in conflict with the law and deprived of their liberty;

101. Recommend independent inspections of prison facilities by entities from outside the prison system;

HEALTH

102. The participants in the Workshop consider that special emphasis must be placed on social inequality. Furthermore, it must be borne in mind that, despite improvements in certain health indicators, inequality is on the increase and specific problems arise, including structural violence; teenage pregnancies; the persistence of social and cultural factors promoting racial and gender-based discrimination; gaping social inequalities in the region; and the lack of programmes and prospects for adolescents. Also, national health programmes and policies are not comprehensive and exclude, in particular, issues relating to sexual and reproductive health.

103. The participants in the working group on child and adolescent health have made the following recommendations to promote the implementation of the Committee's recommendations:

A. At the local and national level

104. Strengthen mechanisms at all levels of society to ensure the effective participation of children in the formulation of public health policies that affect them;

105. Promote a direct link between the Convention and health standards, which requires:
- (a) Development of national plans for children and adolescents and well-resourced, human rights-based, interdisciplinary sectoral health programmes;
 - (b) Development of well-resourced, human rights-based health legislation pertaining to children and adolescents;
 - (c) Restructuring and development of indicators and monitoring systems that take into account, inter alia, social and gender-based inequalities and discriminatory attitudes;
106. Review and, if necessary, amend health legislation pertaining to children and adolescents to bring them into line with the Convention;
107. Promote specific child protection legislation relating to sexual and reproductive health;
108. Take further measures to develop intersectoral public policies that:
- (a) Provide for special treatment of adolescents, and
 - (b) Are universally accessible and take an integrated, gender-based approach to all those rights;
109. Promote community and local health services that take an intercultural and gender-based approach to the promotion and protection of children's rights, especially for those belonging to poor and extremely poor sectors;
110. Further develop the process of modernizing rights-based health-care systems that include specialized health services for adolescents and ongoing human rights training for health-care professionals;
111. Ensure that national child rights organizations, within the framework of existing legislation, engage in monitoring and overseeing the implementation of the Committee's recommendations, in particular those pertaining to health;
112. Promote systemic and interdisciplinary research and analysis, from a gender perspective and offering a helpline for adolescents, on the situation of adolescents' enjoyment of their rights;

B. At the regional and international level

113. Recommend that, in the preparation of regional free trade agreements, particular attention should be placed on their impact on universal access to medicines and other aspects affecting children's health;

C. To the Committee on the Rights of the Child

114. Make specific and realistic recommendations based on evidence and legal and technical analysis in the areas of sexual, reproductive and mental health, among others, ensuring that it is feasible to implement them within a reasonable timeframe;

115. Request United Nations agencies, entities of the inter-American human rights system and other partners to provide the necessary technical assistance to draft recommendations with the aforementioned characteristics and ensure adequate resource allocation;

116. Advocate a new health model where health is understood as a right and not merely as a service.

ECONOMIC AND SEXUAL EXPLOITATION

117. The participants in the working group on economic and sexual exploitation made the following recommendations:

A. Common to economic and sexual exploitation

118. Conclude cross-border and international cooperation agreements for the prevention and punishment of child pornography on the Internet and elsewhere, as well as the sale and trafficking of children for the purpose of exploitation; in this context, the issues of investigation and judicial cooperation should also be addressed;

119. Promote physical and psychological recovery and social reintegration of child victims of economic and sexual exploitation; to this end, guarantee the implementation of policies and programmes to eradicate poverty, generate income and ensure greater equity in its distribution. Finally, create participation and consultation mechanisms for programmes targeting child victims of exploitation, ensuring that they are considered and treated as victims, and never viewed as perpetrators of a crime and/or punished;

120. Formulate and implement a coordinated legal framework at the regional level (and at the federal level in federal States) that prohibits and provides for punishment of those crimes, to which the principles of extraterritoriality and imprescriptibility should also apply;

121. Propose and request parliaments to make the consideration of draft legislation on economic and sexual exploitation a priority;

B. On economic exploitation

122. Ensure that the minimum age for employment in each State is in accordance with international conventions to which it is a party;

123. Strengthen legal, social and labour protection of families to prevent child labour and undertake periodic evaluations of the consequences of fiscal policies and free trade agreements and their impact on child labour;

C. On sexual exploitation

124. Ensure that criminal legislation is effective and comprehensive and provides for the punishment of sexual exploitation and related offences; provide technical assistance and exchange good practices in combating and punishing the clients/users and aggressors; and, in particular, provide care for the victims, with emphasis on the participation and responsibility of all parties, especially the families;

125. Promote sustainable policies and programmes to eliminate cultural patterns that encourage violence and sexual abuse of children; prevent and combat the effects of HIV/AIDS as an associated factor;

126. Promote the adoption of codes of ethics and regulations for different economic sectors to prevent and eradicate commercial sexual exploitation through the adoption of socially and legally responsible standards;

127. Take necessary and appropriate measures to combat the negative effects of new technologies, especially child pornography on the Internet and other modern technologies, and use the mass media both to disseminate information and discuss these problems;

D. To the Committee on the Rights of the Child

128. Recommend to States where there is demand for sexual exploitation, in particular sex tourism, to review their legal framework and responsibilities with regard to the prevention and punishment of those crimes and compensation to the victims;

EDUCATION

129. The participants in the working group on education made the following recommendations:

A. General

130. Initiate a participatory process of formulating and launching national human rights education curricula at all levels and all branches of the education system, in accordance with the World Programme for Human Rights Education;

B. Early childhood education

131. Ensure specific resource allocation for early childhood education;

132. Develop and provide early childhood education (0 to 6 years) free of charge, the objective being universal access and integrated child development, including issues such as gender awareness, social equality and the prevention of all forms of violence;

133. Improve the training of teachers to cater to the specific needs of this sector of the population, always bearing in mind the right to play and involving research and action to develop their skills;

C. Budget

134. Initiate political debate and public participation in budget planning;

135. Allocate adequate resources to ensure free, quality, equitable education for all, with special attention to the most vulnerable groups and individuals;

D. Quality of education

136. Given the complexity of the issue of quality education, States must promote debate in civil society and other sectors on the constituent elements of such education and the education requirements of each State;
137. Ensure better-quality education, with special attention to the most vulnerable sectors such as indigenous, poor and rural populations;
138. Buttress bilingual intercultural education, supporting the preparation of educational materials and the training of teachers in the special aptitudes and skills required for this type of education;
139. Improve teacher training, taking account of curricular, human and methodological aspects (rights-based teaching);
140. Extend the school day to facilitate the acquisition of all relevant skills, including the right to play, to ensure that each child is given the opportunity to achieve his or her maximum potential;
141. Promote the participation of the family and the community in the educational process and at all levels of the education system;

E. Access

142. Ensure that all sectors of the population, especially displaced persons, indigenous peoples and other vulnerable and discriminated groups, have equal access to and equal opportunities to remain in education;
143. Improve educational infrastructure to ensure universal, equitable access to quality education.

IV. FINAL RECOMMENDATIONS

144. The participants in the Sub-Regional Workshop adopted the following final recommendations:
145. All participants should cooperate in disseminating the conclusions and suggestions of this Sub-Regional Workshop;
146. OHCHR should circulate the present conclusions and recommendations to the other United Nations human rights treaty bodies and to international financial institutions for reference.

Adopted in Buenos Aires, 30 November 2005
