Mapping of Legislation and Policies on Children and Adolescents’ Participation in Decision-Making in Latin America and the Caribbean

October 2018
CREDITS

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### GLOSSARY OF ACRONYMS AND ABBREVIATIONS

<table>
<thead>
<tr>
<th>Acronym</th>
<th>Description</th>
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<tr>
<td>CRC</td>
<td>Convention on the Rights of the Child</td>
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<tr>
<td>COIPRODENI</td>
<td>Coordinator of Private Institutions Serving Children, Adolescents and Advancing their Rights – Guatemala</td>
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<tr>
<td>CONANDA</td>
<td>Brazil’s National Council for the Rights of Children and Adolescents</td>
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<td>CONANI</td>
<td>National Council for Children and Adolescents – Dominican Republic</td>
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<td>CONNA</td>
<td>National Council for Children and Adolescents – El Salvador</td>
</tr>
<tr>
<td>CONAPINA</td>
<td>National Council for the Comprehensive Protection and Care of Children and Adolescents – Nicaragua</td>
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<tr>
<td>HR</td>
<td>Human Rights</td>
</tr>
<tr>
<td>DINAF</td>
<td>Office for Children, Adolescents and Families – Honduras</td>
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<tr>
<td>ICBF</td>
<td>Colombian Institute of Family Wellbeing</td>
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<td>IIN</td>
<td>Inter-American Children’s Institute</td>
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<tr>
<td>LPI</td>
<td>Comprehensive Child Protection Laws</td>
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<tr>
<td>LOPNNA</td>
<td>Law on Protection of Children and Adolescents – Venezuela</td>
</tr>
<tr>
<td>NNA</td>
<td>Children and Adolescents (Niñas, niños y adolescentes in Spanish)</td>
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<tr>
<td>OHCHR</td>
<td>United Nations Human Rights Office of the High Commissioner</td>
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<tr>
<td>NGO</td>
<td>Non-Governmental Organization</td>
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<tr>
<td>CSO</td>
<td>Civil Society Organization</td>
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<tr>
<td>PANI</td>
<td>National Council for Children – Costa Rica</td>
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<td>PNA</td>
<td>National Plan for Children and Adolescents – Paraguay</td>
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<tr>
<td>POLNA</td>
<td>National Child and Adolescent Policy – Paraguay</td>
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<tr>
<td>SENAME</td>
<td>National Service for Minors – Chile</td>
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<tr>
<td>ICTs</td>
<td>Information and Communications Technologies</td>
</tr>
<tr>
<td>UARIV</td>
<td>Victim Comprehensive Care and Remediation Unit – Colombia</td>
</tr>
<tr>
<td>UJC</td>
<td>Communist Youth Union – Cuba</td>
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<td>UNICEF</td>
<td>United Nations Children’s Fund</td>
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      -South America
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      -South America

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The institutionalization of children’s participation, meaning listening to input from children, so they can eventually give their opinion and exert some sort of influence over governmental or other types of institutions, entails radically modifying many structures at all levels—local and international.

Mapeo sobre Legislación y Políticas en países en América Latina y el Caribe referidas a la participación de niñas, niños y adolescentes en la toma de decisiones.
For Save the Children, the participation of children and adolescents in the civic process is one of the key elements that vitalize and boost the work of advancing and protecting children’s rights. Without the views and input from those whose rights they are, these rights are left hollow and become little more than unilateral provisions created by adults for children.

The participation of children and adolescents in civics can be multifaceted, varied, and diverse. It is a principle, a right, and, at the same time, a way to accomplish other goals. Children are entitled to be heard in their homes, their schools, and their communities, and those with decision-making authority in our countries need to hear their voices.

When drafting the 2018 plan back in 2017, we knew that many countries in the Latin American and Caribbean region have had and do have interaction practices between children/adolescents and government institutions in place; however, we also knew that most of these participation spaces lacked the support of laws or policies. Hence, the objective of this study: to collect up-to-date information on the existence of such legal provisions. The results will shed light on the way forward for some of our actions when approaching policy-makers.

October, 2018

Pedro Hurtado Vega
CRG Advisor for LAC Region

Ann Linarsson
PASC Director
Introduction

Acceptance and respect for others as human beings is at the core of the ethics of participation. This respect does not entail avoiding critical reflection about one’s values and experiences but does entail moving away from any idea of superiority or arbitrariness based on power relations.

Children and adolescents’ participation in the Americas. Twenty years after the Convention.

Inter-American Children’s Institute (IIN) May 2010
This document is a report containing the results of the Mapping of Legislation and Policies on Children and Adolescents’ Participation in Government Institutions and Decision-Making in the Latin American and Caribbean region.

One of the main findings—and, at the same time, limitations—that we ran into during the study was the limited and scattered information about the laws and policies focused on children and adolescents’ participation in government institutions and decision-making processes, particularly on how the mechanisms and formal participation spaces for children and adolescents work and how effective they are in practice at the municipal level.

Most countries have, as Emilio Garcia Mendez has put it, a sort of “legislative schizophrenia.” This is one finding evidenced by the analysis of aspects related to children and adolescents’ rights to participate. While there is an intention to conform to the concept of children as rights holders, and many claim to adhere to the guiding principles of the Convention on the Rights of the Child (hereinafter, CRC), the old ideas derived from the “irregular situation” doctrine are still present. This is made evident by the use of terms such as “minor” or provisions that subordinate children and adolescents’ ability to enjoy their rights to the rights and interests of adults.

Further evidence of this doctrine is, without a doubt, the policy setbacks that have been experienced in some countries. Some have tried to pass reforms that violate children and adolescents’ rights, such as lowering the age for criminal responsibility. Another example of the aforementioned setbacks is the lack of attention to the implementation of protection policies—which in some cases have been delegated to lower ranked entities working with other vulnerable population groups—thus violating the principle of priority and the principle of the best interest of the child.

It should be noted that despite the gaps in legal and public policies, a number of experiences have been developed where children and adolescents play the leading role. Most of these have been promoted by national NGOs with both technical and financial foreign aid. The challenge now is to learn from these experiences and turn them into an ongoing, sustainable practice.
Objective, scope and area of the mapping
Objective

Identify current legislation and policies on children and adolescents engagement in government institutions and decision-making as of March 2018 in the Latin American and Caribbean region.

Scope

1.- In the National Context:

1.- In the Municipal Context:
   a) Policies, b) Provisions or ordinances of municipal governments.

Regarding the geographic coverage, this study analyzed 20 countries from the region, which were grouped in two blocks in order to ease the reading.
Methodology
The mapping was carried out by combining a desk review with information collection from primary sources—interviews of and questionnaires for key players.

In the process of gathering and analyzing information, websites of government agencies were reviewed, as well as many from cooperation agencies on children’s issues, NGOs working with children, municipal governments, ministries, secretariats, councils and other bodies responsible for the application of the rights of children. The digital sources cited in the footnotes were downloaded in the period between July and September and verified on October 9, 2018.

Based on the information collected from each of the 20 countries analyzed, the following was reviewed:

- Child and adolescent protection laws and codes.
  - Laws, decrees, and regulations pertaining to children and adolescents’ participation, as well as other applicable regulations at the municipal and national levels.
  - The most recent recommendations (from 2010 to 2017) made by the Committee on the Rights of the Child (hereinafter, the Committee) to the countries of the region.
  - Regional or national studies and regional assessments published between 2014–2018.
  - Public policy documents regarding children and adolescents’ rights.
  - Departmental, provincial, and municipal resolutions, regulations, and ordinances on children and adolescents’ participation (*)

(*) These are included as additional information in the footnotes.
Primary source data collection was carried out using self-conducted questionnaires, which were gathered by Save the Children staff in Bolivia, Mexico, and Peru. Semi-structured interviews were conducted with three colleagues who are points of reference for participation for the project Tejiendo Redes para la Infancia\(^1\) (Weaving Networks for Childhood) in the sub regions of Mesoamerica, the Southern Cone, and Andean. In addition, a Nicaraguan youth social leader was interviewed, as he has vast experience in participation processes and spaces from pre-adolescence.

\(^{(*)}\) For the federal states of Argentina, Brazil, Mexico and Venezuela, the analysis focused on the legal framework and national/federal policies in order to identify good practices at the municipal, provincial, departmental, or state level.

**Limitations of the Study**

Limited and scattered information about the laws and policies on children and adolescents’ participation in government institutions and decision-making processes was one of the main limitations we ran into during the mapping process, with the exception of a study titled “Legal An exception to the lack of information is the study Marcos Legales que Respaldan la Participación adolescente, en América Latina y El Caribe (Frameworks Supporting Adolescents’ Participation in Latin America and the Caribbean), published by UNICEF in 2012 and it covers 10 out of the 20 countries analyzed in this mapping. No further references to other assessments or analyses on the matter at hand were found.

\(^{(*)}\) Lirio Leticia Obando, Diana Zamora Yusti y Marjorie Chica L. Consultoras de Redlamyc en el marco del proyecto Tejiendo Redes para la Infancia.
Mapeo sobre Legislación y Políticas en países en América Latina y el Caribe referidas a la participación de niñas, niños y adolescentes en la toma de decisiones.
Frame of reference and analysis

The Frame of Reference that mandated the search and analysis of information through this mapping is embedded in the principles of the Convention on the Rights of the Child pertaining to their right to participation as stated in Articles 12, 13, 14, 15, and 17.

The General Comment No. 12 of the UN Committee on the Rights of the Child of 2009, in its paragraph 48 reads: “The child’s right to be heard imposes the obligation on States parties to review or amend their legislation in order to introduce mechanisms providing children with access to appropriate information.”
In its conclusion, the General Comment states: “Achieving meaningful opportunities for the implementation of Article 12 will necessitate dismantling the legal, political, economic, social and cultural barriers that currently impede children’s opportunity to be heard and their access to participation in all matters affecting them. It requires a preparedness to challenge assumptions about children’s capacities, and to encourage the development of environments in which children can build and demonstrate capacities. It also requires a commitment to resources and training.”

The General Comment No. 20 emphasizes the fact that children’s views can provide useful experiences and perspectives; therefore, they should be fully recognized and taken seriously in the decision-making process, policy formulation, law and measures development, as well as in their evaluation.

During the review of legal frameworks, we tried to identify the extent to which child codes and comprehensive child protection laws incorporate the levels of participation derived from the CRC and aforementioned general comments.

The document Children’s Participation in the Americas, published in May 2010 by the Inter-American Children’s Institute (IIN), was used as a reference for the Analytical Framework in the context of the 20th anniversary of the CRC. The Convention contains the frame of reference agreed upon regionally to analyze the dimensions of children and adolescents’ participation and lays the groundwork to begin to consider participation as a process that has different “moments” or “dimensions”: access to information, developing one’s own view and the ability to express such a view, for it to be heard, and used as an input in the decision-making process.

<table>
<thead>
<tr>
<th><strong>Dimensiones de la participación</strong></th>
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<tbody>
<tr>
<td><strong>Expressing their Views</strong></td>
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<tr>
<td>Refers to the right to express their views freely in accordance with Article 12 of CRC. It implies the respect for the various forms of expression and acceptance of their language.</td>
</tr>
<tr>
<td><strong>Freedom to Seek Information</strong></td>
</tr>
<tr>
<td>Related to the freedom to seek, receive, and impart information of all kinds. This is a right that requires adults to provide information to the child taking their capacities into account, as per Article 13 CRC.</td>
</tr>
<tr>
<td><strong>Freedom of Thought</strong></td>
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<tr>
<td>Freedom of thought, conscience, and religion is linked to freedom of speech and it is shown in the respect for existing differences and the fact that it allows children and adolescents to have a dialogue among themselves and with adults.</td>
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<tr>
<td><strong>Freedom of Association and Assembly</strong></td>
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<tr>
<td>Deemed a key aspect of human development, freedom of association and assembly (Art. 15 CRC) ensures the right to socializing, communicating, and belonging; it lays the groundwork for real, effective participation, besides being the starting point or the seed of future organizational processes.</td>
</tr>
<tr>
<td><strong>Children’s participation in government institutions and decision-making processes</strong></td>
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<tr>
<td>These are the processes through which children and adolescents take part in the decision making for public policies on issues in which they are interested. They do so by means of mechanisms created for such purposes in order for their views and demands to be given due weight in the decisions made by municipal, departmental, and national government institutions.</td>
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The General Comment No. 20, issued by the Committee on the Rights of the Child in 2016 on the effectiveness of children's rights during adolescence, gathers participation in government institutions and decision-making.

States should adopt policies to increase opportunities for political participation, which is instrumental in the development of active citizenship. Adolescents can connect with peers, engage in political processes and increase their sense of agency to make informed decisions and choices, and therefore need to be supported in forming organizations through which they can participate in a variety of means, including digital media (Paragraph 24).

General Comment No. 20 emphasizes the fact that the opinions of children can provide useful perspectives and useful experiences, so they must be taken into account when decisions are taken, policies formulated, laws or measures prepared, as well as in their evaluation.

Gender perspective is included as a variable as well, as seen in paragraph 77 of the General Comment No. 12 about the call to the States to “pay special attention to the right of the girl child to be heard, to receive support, if needed, to voice her view and her view be given due weight, as gender stereotypes and patriarchal values undermine and place severe limitations on girls in the enjoyment of the right set forth in Article 12”.

The dimension of children’s right to participation that has been most studied and disseminated is, without a doubt, the right to expressing their views, as we found numerous works, among which the most recent are: 1) Accountability for children¹, a publication outlining the way the organization ensure children’s participation in public decision-making processes; 2) Boys, Girls, and Adolescents Raising their Voices, a summary of the research conducted by the Center for Children at Queen’s University Belfast and Save the Children² that consulted over 1,600 children and adolescents about their civil and political rights.
5 recomendaciones para que se mejore la participación de NNA!

1) Concientizar sobre los derechos de NNA a las autoridades municipales.

2) Involucrar a los padres de familia sobre los temas dado.

3) Pedir apoyo a las autoridades municipales que den charla sobre los temas y su importancia.

4) Que los centros de estudio nos brinden el espacio y el tiempo para dar a conocer sobre los derechos y deberes de NNA.

5) Que nos brinden ayuda sobre las necesidades de nuestros municipios; el gobierno municipal.
Legislation and policies on the participation of children in governmental instances and in decision-making processes
National-Level Regulations: Codes, Laws, Executive Decrees, and Ministerial Orders.

Mexico, Central America, and the Caribbean

Out of the ten countries comprising this group, seven have a legal instrument, or laws, in line with the spirit of the CRC. Costa Rica, Honduras, Nicaragua, and the Dominican Republic adopted the concept of child and adolescent codes, while Guatemala, El Salvador, and Mexico adopted comprehensive child protection laws.

The exceptions are Cuba, Haiti, and Panama that, as of 2018, do not have a legal framework in line with international standards with the ability to regulate children's rights consistently and coherently.

Cuba enacted the Children and Youth Code—Law 16—back in June 1978. In Cuba, the Convention on the Rights of the Child (CRC) came into force on September 20, 1991 after a declaration signed by the president of the Council of State and the Ministries of the Republic of Cuba was published on the Official Gazette, thus endorsing children and adolescents' rights. Nevertheless, the country has not enacted a specific law to implement the mandates of CRC.

Haiti does not have a law to support, as a state, the commitments of CRC. In response, the Committee on the Rights of the Child reiterated to the Haitian State the need for expediting, without further delay, the approval of the Child Protection Code and the Framework Law to Reform the Institute of Social Welfare and Research (IBESR, in French).
In **Panama**, child matters are regulated by the **Family Code** (Law No. 3 enacted in 1994). In its most recent review of Panama’s combined reports—fourth and fifth—the Committee reiterated its previous recommendation and urged the Panamanian State to expedite the approval of an overarching law on children’s rights that presents children as the rights holders and not as the object of protection. In 2014, a Youth bill was drafted, with rights to people from 12 to 29 years of age. As in June 2018, such bill had not been passed.

**Costa Rica** approved its **Child and Adolescent Code** in 1998, and eight years later, through Decree No. 33028 of 2006, it established the National Council for Children and Adolescents as the governing body. The Costa Rican code acknowledges children and adolescents’ right to express their views, in particular those views related to their daily, family, community, and school life.

Moreover, **Costa Rica** enacted the **General Law of the Youth**, thus making all persons between the ages of 12-35 rights holders, to which children and adolescents can resort. This regulation acknowledges them as social, cultural, political, and economic players who are entitled to express their views and to engage in all aspects of their life, including the political one.

In **Honduras**, its **Child and Adolescent Code** is very succinct when it comes to the right to participation. Moreover, while it does not mention the right to freedom of expression, association, assembly and public manifestation expressly, it does include content related to it.

Furthermore, **Honduras** enacted a **Framework Law for the Comprehensive Development of the Youth**, Decree No. 260-2005. In its Article 2, it recognizes persons between the ages of 2-30 as rights holders. It also defines participation as the right to express one's view, deliberate, and take part in the decision-making about municipal, local, domestic, regional, and international problems and solutions.

In **Nicaragua**, the **Child and Adolescent Code of 1998** includes the right to participate, to be informed, to express their views, and to assembly, and it emphasizes the right to participate in the social and political life of the country in accordance with the law. This country has a **Citizen Participation Law** that recognizes the rights of Nicaraguans to engage in civic action—regardless of their age, as an individual or as part of a group—with the objective and purpose of advocating and participating in the decision-making, management, and design of public policies.

The **Dominican Republic** enacted the **Children and Adolescents’ Rights Protection Code**, through the Law 136 of 2003. This code upholds their right to be heard, to express their views in accordance with their developmental stage. Moreover, it establishes their right to fully participate in their own family, community, social, school, cultural, sports, and recreational life in a free and active manner. The Dominican code includes the right to progressive incorporation into active citizenship and it also mandates that the State, the family, and the society must create and promote participation opportunities for all children, adolescents, and their associations.
El Salvador passed the Comprehensive Protection Law for Children and Adolescents in 2011. This law embraces children and adolescents’ participation as a strategy, particularly for municipal, national public policy making processes in public and community spaces in order to build their citizenship.

In addition, El Salvador has a General Youth Law whose rights holders are anyone between the ages of 15 and 29. It establishes young people’s right to be heard by the central and local government to design, implement, and follow-up on policies, programs, plans, projects, and actions targeting the youth, and to participate in political and democratic spaces. This law also establishes the commitment to promote youth’s activate participation in major decisions of the country.

In Guatemala, the Law for the Comprehensive Protection of Children and Adolescents of 1990 recognizes children and adolescents as rights holders and duty bearers, and it incorporated the principle of the best interest of the child, treating their views in accordance with their age and maturity.

Mexico is the most recent country from this group to incorporate CRC into their legal norms by approving the General Law of Children and Adolescents’ Rights in 2014. This law recognizes participation as a guiding principle and includes other CRC core principles; it expressly upholds Article 12 of the Convention, while establishing the obligation of the people, authorities, and institutions to respect this right.

The Dominican Republic has a Children’s Rights Protection Code: The Protection System and Fundamental Rights of Children and Adolescents who are recognized as full rights holders. In addition to incorporating the principle of the best interest of the child, it upholds the rights to freedom, to be heard, and to participate.

The law includes community engagement as one of the forms of participation—according to their interests. It also defines some participation mechanisms, such as clubs, child circles, and school participation spaces. It includes their participation in strategies developed by organizations working on programs and activities at the community level, leaving the door open to the possibility of creating other participation mechanisms and ways to demand their rights.
Brazil was the first country in this group to incorporate CRC into its legal framework by enacting the *Child and Adolescent Statute* in 1990, which upholds the principle of the best interest of the child by establishing that it is a priority duty to be guaranteed.

Ten years after, Peru followed Brazil’s lead, and then child codes were gradually enacted in Paraguay, Ecuador, Uruguay, and Argentina. By the end of that decade (2006-2007), Colombia and Venezuela enacted their respective comprehensive child protection laws.

Almost all the codes and laws of South American countries provide for the right of children and adolescents to form and express their own views on matters affecting them, in accordance with Article 12 of the CRC. Moreover, they incorporate two key principles from the Convention: the best interest of the child and equality/non-discrimination. The Brazilian code touches upon the top duty or guarantee of priority, while Ecuador and Colombia touch upon the principle of prevalence or preference.

In its *Comprehensive Child and Adolescent Protection Law* of 2005, the Republic of Argentina recognizes the rights of children and adolescents to express their views freely and to be heard. Such a right covers all spaces where children and adolescents interact, including the State. It also recognizes the rights to freedom of thought, cult, religion, and association. The Argentine law incorporates equality and non-gender-based discrimination.

Bolivia is the most recent country to incorporate the Convention into their legal framework by enacting the *Child and Adolescent Code* in 2015, which established participation, non-discrimination, and gender equity as guiding principles.

This code dedicates one full chapter to this topic by acknowledging the right to participation, their own view, and progressive incorporation to active citizenship through meetings or
legal organizations in accordance with their age and interests, pursuant to this legal instrument. Moreover, it forces the State, at all levels, to guarantee this right.

The Bolivian code expressly recognizes the right to participate in the development of policies, plans, programs, and projects, as well as in the decision-making for planning activities and follow-up on execution/evaluation of State’s governance at all levels.

Bolivia also included the right to petition, through which children and adolescents are given the ability to file petitions or complaints directly—whether orally or in writing—before any public or private entity without the need of representation, and they are entitled to receive a timely and proper response.

The Estatuto da Criança e do Adolescente (ECA) (Brazilian Child and Adolescent Statute[^19]), Law 8068, includes participation within the right to freedom, which also covers the rights to expression, have a view, beliefs, cult, participate in family, community, and political life without discrimination pursuant to the law. The ECA was partially reformed in 2012 and 2016, but in any of those reforms articles 15 and 16weren’t touched. Those are the ones about the right of participation.

Chile is the only country without a legal norm in place related to the protection of the rights of children and adolescents, despite having ratified the CRC in 1990. In its comments from 2002, 2007 and 2015, the CRC Committee has recommended the State of Chile the approval of a law of integral protection of the rights of children.

The draft Law on Rights and Guarantees of Girls, Boys and Adolescents (2015), which was approved by the Chamber of Deputies in May 2017 and is in the Senate for its second constitutional procedure, has detractors, both among deputies and conservative sectors, who see the law as a threat to family authority. This country has neither ratified the Ibero-American Convention on the Rights of Youth.

Colombia’s Childhood and Adolescence Code, Law 1098, of 2006[^20], expressly embraces gender perspective as a guideline to be implemented in all aspects of the lives of children and adolescents. Moreover, it recognizes children and adolescents’ rights to participate in activities held in associations or district, municipal, departmental, and state programs of their interest.

There are however some contradictions in the text. It states that the right to association and assembly will be exercised without any limitation other than those imposed by the law, good customs, and the child’s physical/mental health and well-being.

The Youth Law of Colombia, as reformed in March 2018, which covers any person in the 14-28 age range, recognizes different forms of association—formal or informal—and introduces the concept of “public youth citizenship.” This concept touches upon the exercise of their rights and duties regarding assembly and dialogue with other social players, and the right to participate in public spaces and other areas where decisions that have an impact on youth’s reality are made.
The Paraguayan code restricts the right to have a view to the judicial arena and, more specifically, to matters related to family life. This Code does not contain in its articles the freedom of association and assembly, dimension of participation which is present in the rest of the Codes and Laws of Integral Protection, with some variants regarding the permitted forms of association and age.

In Uruguay, the respect for the views of children is recognized as a duty of parents as opposed to as a right, especially in the legal context in matters related to child custody, guardians, family separation, and adoption.

As seen above, contents and scopes regarding the right to participation vary from one country to the other.

Through Article 59 of its code, Ecuador recognizes the right to freedom of expression, but also established that: ... It will be subjected to the restrictions imposed by the law, public order, public health and decency in order to protect the safety, rights, and fundamental freedoms of others.

Paraguay’s code does not account for freedom of association and assembly—participation dimension—that is already present in the other codes and comprehensive child protection laws though with some variations regarding the forms of association and ages allowed.

Peru recognizes in its Child and Adolescent Code the right to freedom of expression, but at the same time, establishes that such a right will be subject to the restrictions set forth by law. Regarding the right to freedom of cult and religion, the law reads as follows: The right of parents or guardians to guide their child or adolescent in exercising this right shall be respected.

Another instrument of law related to the subject is the Ministerial Resolution No. 355-2009-MIMDES of September 9, 2009, which constitutes the National Council for Children and Adolescents.

It should be pointed out that a bill was sent to the Peruvian congress in 2011 to reform the Child and Adolescent Code. In response, the Committee on the Rights of the Child stated the following: ... It is alarming that, in the revised version of the Child and Adolescent Code, the State’s objective is to transfer the rights of children to participate in matters affecting them to the authority of their parents.

The Organic Law for the Protection of Children and Adolescents of Venezuela of 2007 includes the dimensions of participation in its contents, but the text restricts the exercise of these rights. For instance, regarding freedom of expression, it states the following: ... Without any limits other than those set forth in the law intended to protect their rights and other persons, as well as to protect the public order (Art. 80), thus violating the principle of priority of the rights of children and adolescents.

Another instrument applicable to the right of adolescents to participation is the Ibero-American Convention on Young People’s Rights that entered into force in 2008. By virtue of this convention, 11 out of the 20 countries subject to this study have enacted youth laws that re-
cognize adolescents are rights holders in accordance with the age range established by the law. A person is considered young in Mexico, Honduras, and Costa Rica, starting at age 12; in Guatemala and the Dominican Republic at age 13; in Colombia at age 14; in Brazil, Chile, and Paraguay at age 15; and in Bolivia at age 16. The exceptions are Ecuador, Nicaragua, and Venezuela where the law states that a person is young starting at age 18.

Some countries have other laws like the Citizen Participation Law of Nicaragua, popular participation laws of Bolivia and Venezuela, and the Citizenship Law of Argentina, all of which grant adolescents from age 16 political rights with emphasis on the right to vote.

B) National Level- Policies, Plans, and Programs

Our desk review did not find any reference to policies, plans, or programs aimed to promote participation. Most codes and comprehensive child protection laws create the respective protection systems, define governing bodies for policies, and designate implementing bodies at the provincial, departmental, and municipal level.

### Mexico, Central America, and the Caribbean

The Comprehensive Protection System of Children and Adolescents’ Rights of Costa Rica, Article 170 of the Child Code, is comprised of the National Council for Children and Adolescents—its governing body at the national level—as well as government institutions and civil society organizations. It had been defined as a space for deliberation, agreement, and coordination between the Executive Branch, the State’s decentralized institutions, and community-based organizations working on this area.\(^{21}\)
Costa Rica also has a **National Policy for Children and Adolescents** (2009-2021)\(^22\) that guides effective application of children and adolescents’ rights. This policy is grounded in the right to freedom of expression and it guarantees that children and adolescents’ views will be heard, addressed, and weighed in all matters affecting their lives.

The **Public Policy for the Youth is Panama’s** instrument to support adolescents’ participation (15-18 years old). It is intended to promote the participation of young people decision-making processes at all levels and through the entire process—design, implementation, and evaluation— and engage them in all dialogue and participation spaces in society. A positive aspect of this policy is that it promotes the active participation of young women in decision-making processes and incorporates the gender perspective in all actions to be developed.

In **El Salvador**, the **National Comprehensive Protection Policy for Children and Adolescents** (2013-2023)\(^23\) recognizes the importance of promoting the exercise of a social citizenship by promoting the right to freedom of thought, conscience, and religion, freedom of expression, information, opinion, and association. It also recognizes children and adolescents’ rights to participate in the process of making public policies at the local and national level, such as the establishment of institutional mechanisms intended to promote the exercise of the right to participate in all matters affecting them. Its lines of action provide for the incorporation of children and adolescents into citizen participation spaces at the local level.

**Guatemala** has a **Public Comprehensive Protection Policy**\(^24\) approved by Government Agreement 333-2004 from October 19, 2004 and a **National Action Plan for Children and Adolescents**\(^25\) (2004-2015), which include the participation of children and adolescents as a guiding principle and as a right for their own development. These are achieved by having them participate in formulating, monitoring, seeking solutions, decision-making, conflict resolution, organizing, leading, communicating, and evaluating such a policy that upholds the rights to association, participation, expressing their views, and to be heard for all children and adolescents.

In the document review, it was not possible to identify any document related to the monitoring and evaluation of the aforementioned Action Plan, which when the body responsible for its application was formulated, was the National Commission for Children and Adolescents, and currently all the actions related to the protection of children and adolescents fall to the Secretariat of Social Welfare.

In this regard, a study conducted by UNICEF in 2012, on the evaluation of the application of the CRC and the legislation developed in Guatemala, indicates that the PINA Law does not have a specific regulation on how the institutions responsible for the protection system should be coordinated. (MORLACHETTI- 2013).
In 2015, Honduras formulated a strategic plan for the National Directorate for Children, Adolescents, and the Family\(^{26}\) (DINAF, in Spanish). It is currently in its second phase of implementation and it aims to establish an accountability and transparency mechanism for the citizens, especially children, adolescents, and families by developing processes suitable to children and adolescents’ understanding levels, which will allow them to participate actively. These processes will also be adapted to persons with disability and indigenous peoples.

Mexico has formulated a proposal of National Policy\(^{27}\) called 25 to 25, which summarizes the national objectives for children and adolescents’ rights to be applied at the national, federal state and municipal level. One of the objectives of the policy is aimed at: Guarantee effective and systematic participation mechanisms for children and adolescents in all aspects in order to exercise their rights to freedom of speech, association, and assembly. This will ensure that their views and perspectives are weighed in in decisions that affect their well-being, and in the design and implementation of public policies.

<table>
<thead>
<tr>
<th>National Context</th>
<th>Child and adolescent codes</th>
<th>Comprehensive laws</th>
<th>Other applicable laws</th>
<th>National policies</th>
<th>Plans and programs</th>
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<tbody>
<tr>
<td>Costa Rica</td>
<td>✓</td>
<td></td>
<td>Youth Law</td>
<td>Children and adolescents</td>
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<td>Dominican Rep.</td>
<td></td>
<td>✓</td>
<td>Youth Law</td>
<td></td>
<td>Youth Law</td>
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<tr>
<td>Panamá</td>
<td>n/a</td>
<td></td>
<td></td>
<td>Youth Law</td>
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</table>

In Nicaragua, the Special Protection Policy for Children and Adolescents\(^{28}\) of 2006 aims to contribute, at the highest level, to the well-being and development of children and adolescents’ rights, as well as the exercise of their human rights. It also establishes the recognition of children and adolescents’ civil and political rights, including freedom of speech, being heard, and having their views weighed in, thus promoting their participation at the local and national level. This policy forces authorities with decision-making power, families, and other institutions to hear and take children and adolescents’ views into account, in accordance with their age and maturity.
The National Council for Care and Protection of Children and Adolescents (CONAPINA, in Spanish) of Nicaragua, institution in charge of enforcing the policy was abolished by means of the Presidential Agreement 157 of March 2007, thus reassigning CONAPINA’s functions to the Ministry of the Family, Adolescence, and Childhood (MIFAM, in Spanish). The latter is mainly in charge of implementing assistance and protection policies focusing vulnerable groups.

In January 2018, the Cabinet Council of Panama issued a Resolution approving the creation of the System of Guarantees and Comprehensive Protection of Children and Adolescents. While this may be considered an important step forward, the fact that it is not supported by a law makes it vulnerable to changes in political will.

Likewise, regarding matters of the youth, a Public Youth Policy was formulated but no law has been enacted. This policy is aiming persons between the ages of 15-24, and it literally states that it “promotes the participation of young men and women in the decision-making process at all levels, from the design to the implementation and evaluation of the actions targeting them. It also promotes their engagement in all dialogue and participation spaces in society.”

In the Dominican Republic, the National Council for Children and Adolescents (CONANI) is the governing body of the National System. It is a decentralized institution of the Dominican State, with legal personality and its own assets.

All countries from the region created protection systems and entities in charge of enforcing child policies, and they did so through their codes and laws.

The Republic of Argentina created a Comprehensive Protection System that works at three levels: municipal, provincial, and national. The country does not have a Comprehensive Plan for Children and Adolescents, but it does have sectoral plans, such as the National Plan for Early Childhood and the Plan to Eradicate Child Labor.
In Brazil, the National Council for the Rights of Children and Adolescents (CONANDA, in Spanish) established through Resolution No. 191 of June 2017 regulations and criteria intended to guide children and adolescents’ participation in their capacity as consultants in the activities of the Council. These regulations and criteria will be adopted by the municipal and state councils for the rights of children and adolescents. The resolution establishes that participation can occur within the councils or online.

CONANDA’s resolution is grounded in the idea that not only should children and adolescents be heard but they should also participate in the formulation, implementation, monitoring, and evaluation of public policies affecting them in an active manner.

The Plurinational State of Bolivia has an Economic and Social Development Plan (2016–2020) that may be deemed a classic example of the disconnect between legislation and public policies that often happens in our countries. While Bolivia has a quite advanced Child and Adolescent Code, its Development Plan lacks a focus on children’s rights. Children are only mentioned due to a condition of vulnerability. The only references to children are through expressions such as children who are “living on the streets” or “malnourished.”

In April 2017, the Plurinational Committee of Girls, Boys and Adolescents was formed. One of its attributions is to support the functioning and strengthening of the Departmental and Municipal Committees of the Girl, Boy and Adolescent. There is no information about its functioning in the 339 municipalities.

Colombia is currently implementing its National Plan for Children and Adolescents (2009–2019) where 12 general objectives were defined to guide long-term policies. The purpose of the plan is for Colombia to guarantee that children and adolescents have the appropriate living, development, and participation conditions by 2019.

At the beginning of 2018, Colombia was formulating its National Policy for Children and Adolescents. According to a press release by the Colombian Institute of Family Wellbeing (ICBF, in Spanish), to develop this policy, 128 dialogue and socialization meetings were held in 32 Departments across the country where a total participation of 924 children and 1,030 adolescents.

In addition, this country has designed a variety of guidelines on participation, among which we can find: “From Zero to Forever,” citizen participation guidelines for early childhood; it also has guidelines for children and adolescents’ participation in the healthcare context. Another important progress Colombia has made is the incorporation of children and adolescents’ participation in judicial and non-judicial mechanisms to seek the truth. These are part of the action plan Seeking a Promising Future for our Children, Adolescents, and their Families, developed jointly by ICBF and the Victim Comprehensive Care and Remediaion Unit (UA-RIV, in Spanish).

Chile’s situation is the opposite of Bolivia’s. While the country does not have a special law for the children’s rights, it has formulated a National Policy for Children and Adolescents...
(2015–2025) with a focus on human rights and gender. Moreover, it favors participation, as not only as a guiding principle, but also as a strategic area. The National Plan of Action for Children and Adolescents 2018-2025 was derived from this Policy, which includes as one of its commitments *generate the mechanisms that ensure the participation of children and adolescents in the process of drafting bills and in the design, implementation, monitoring and evaluation of policies, plans and programs at the national, regional and local levels.*

**Paraguay** approved, through Resolution No. 01/2015, its National Child and Adolescent Policy (POLNA, in Spanish) for 2014–2024 and the National Plan for Children and Adolescents (PNA, in Spanish) for 2014–2018. Among the specific objectives of the policy are: To generate the mechanisms that ensure the participation of children and adolescents in the process of drafting bills and in the design, implementation, monitoring and evaluation of policies, plans and programs at the national, regional and local levels.

**Peru** has the National Plan of Action for Children and Adolescents, PNAIA (2012-2021) defined by Law N° 30362, in which its Outcome 18 indicates that “children and adolescents participate in the cycle of public policies”. The Ministry of Women and Vulnerable Populations promotes the creation of Advisory Councils in the provincial and district municipalities throughout the country. Technical assistance is focused on promoting the creation of these spaces.

In addition, the ministry has its advisory council that meets every year. Although this is a space to collect their voices and train them, proposals from adolescents, represented by a teenager (boy or girl) in the meetings of the Multisectoral Commission of the PNAIA, are not implemented.

**Uruguay** formulated a National Strategy for Children and Adolescents for 2010–2030, defined as a starting point for the creation of National Plans for Children and Adolescents. This National Strategy highlights, among its main guidelines: the promotion of democratic participation and the strengthening of the protection system. Its implementation is in charge of the National Council for Social Policies and the Committee for Strategic Coordination of Children and Adolescents, comprised of the ministries of the social sectors and the Children’s Institute of Uruguay. Participation of civil society organizations is not mentioned.

In the case of **Venezuela**, no information regarding policies, plans, and programs with focus on children and adolescents dealing with the theme of participation was found. Most plans and policies are focused on the right to healthcare and early childhood care.
Mapeo sobre Legislación y Políticas en países en América Latina y el Caribe referidas a la participación de niñas, niños y adolescentes en la toma de decisiones.

C) Municipal, Provincial, and Departmental Systems (laws, resolutions, ordinances)

The National Comprehensive Protection Systems were created by the enactment of the child codes and policies in the region with some exceptions, such as Haiti and Cuba. These systems are generally coordinated by government institutions in charge of child and adolescent matters.

A study by Morlachetti (2012) on the national comprehensive protection systems of the region found that the Child Codes and Comprehensive Protection Laws of Bolivia, Brazil, Colombia, Costa Rica, Ecuador, El Salvador, Guatemala, Nicaragua, Paraguay, Dominican Republic, and Venezuela establish different levels of responsibility and decentralization in order to achieve municipal, departmental, and regional institutionalism. It also sheds light on the diversity of functions, structure, hierarchical independence, and the competences of the local systems.

The collected information provides evidence about the fragility of the protection systems. In many countries, the mandate and structure of these systems have been modified, as well as their hierarchical dependency, thus reflecting many changes to the overall institutionalism, like in the case of Bolivia, Ecuador, Guatemala, Honduras, Nicaragua, Peru, and Venezuela.

Regarding the role the systems play in the promotion of children and adolescents’ participation, it was observed that while there are some experiences related to local policies, and ordinances, they are still incipient. At a large extent they are contingent upon the political will of a specific official or a party in a given time.
In **Costa Rica**, the National Council for Children (PANI, in Spanish) has local officials and Child and Adolescent Protection Committees in place with coverage nationwide in 41 local offices, affiliated to the ten regions, thus covering all 81 cantons. Policies and programs have been designed in various cantons. An example of this is the **Local Policy for Children and Adolescents of the Parrita Puntarenas Canton** and the **Municipal Policy for Children and Adolescents of the Belen Canton** of 2016, both of which are instruments to guarantee the comprehensive development of children and adolescents in those municipalities, supported by the national policy.

The Cantons Friends of Children are spaces promoted in various locations within the partnership framework between NGOs, civil society, UN agencies, and public institutions to work for the rights of children. This strategy is being implemented in Talamanca, Coto Brus, Turrialba, Los Chiles, Corredores, Limon, Puntarenas, Aguirre, and the district of Pavas in San Jose.

In **Cuba**, the structure of state institutions aims to promote and support youth organization initiatives intended to increase students’ participation in scientific-technical activities that help solve specific problems in the country, while contributing to children and youth’s comprehensive education. No information was found about mechanisms or spaces for participation at the municipal level.

In **Honduras**, in the context of the **Municipal Covenant for Children- 14 Commitments for Children and Adolescents**, some Mayor’s offices are supporting the involvement of children and adolescents in the design and implementation of public policies. It is also a way...
for them to establish accountability mechanisms and monitoring of municipal indicators on children´s rights.

In 2015, with participation of children, the municipality of **Masaguara** enacted its Policy for Children and Adolescents. In the present 2018 the municipality of **San Pedro Sula** approved its Municipal Policy for Children for 2018–2022. This policy has as its objective: “to promote organized participation of children and adolescents to guarantee that government institutions and civil society organizations shall implement this policy by listening and taking to their views into account.”

**El Salvador** created the Salvadoran Institute for the Comprehensive Development of Children and Adolescents, the Local Committees for Children and Adolescents´ Rights, the Councils for the Protection of Children and Adolescents, and the Associations of Promotion and Assistance as agencies of the **National Council for Children and Adolescents** (CONNA, in Spanish). These are coordinating and articulating mechanisms of the National and Local Comprehensive Protection System for Children and Adolescents. According to the CONNA website, until August 2018, Local Committees for Children and Adolescents had been installed in 125 of the country’s municipalities (42%). Adolescents participate in these spaces.

In **Guatemala**, the **Comprehensive Protection Law for Children and Adolescents** created the National Commission for Children and Adolescents, which is the institution in charge of formulating comprehensive protection policies for children and adolescents. The Municipal Commissions for Children and Adolescents were also created and their role is to formulate and implement comprehensive protection policies for children and adolescents at municipal level.

This public policy of Guatemala emphasizes that: Children and adolescents are active members of their family, school, and community environment, hence they are entitled to contribute by providing ideas and energies toward the development of their environment and their own. Adults shall respect, promote, listen to, and take their views of children and adolescents into account. However, we do not have evidence on the assessment of the effectiveness of the implementation of the National Policy or the Action Plan for Children and Adolescents.

In **Mexico**, the General Law of Children and Adolescents´ Rights mandates it is the duty of local protection systems to generate mechanisms necessary to guarantee children and adolescents’ direct and effective participation in program development and policy-making processes to ensure the comprehensive protection of their rights. Therefore, the state of **Baja California Sur** enacted its **Law on Children and Adolescents´ Rights** in 2015, and reformed it in 2018. This law emphasizes children and adolescents’ right to participate in the family, social, school, scientific, cultural, sports, and recreational life, freely and actively, in accordance with their age, developmental/cognitive stage, and maturity. In addition, it mandates municipal and state authorities to enforce children and adolescents’ right to participate in municipal, state, national, and international forums, and to create participation spaces.
In **Nicaragua**, from 2008 to 2014, 43 out of 153 municipalities nationwide enacted their Municipal Children’s Policy, most of them drafted with child participation. Right now no more than ten municipalities have its policy in place same as spaces for child participation, which used to be in 61 municipalities.

In the **Dominican Republic**, the **Law 136-03 defines the National Protection System** as the set of institutions, organizations, and entities, governmental and non-governmental, in charge of formulating, coordinating, integrating, overseeing, implementing, and evaluating public policies, programs, and actions at the municipal, regional, and national level to protect the rights of children and adolescents.

In the Alternative report to the Committee, Dominican CSOs reported that seven years after the creation of the National Council for Children, the Advisory Councils of Children and Adolescents had neither been implemented effectively nor there was inter-institutional coordination in place to ensure its implementation, even though there are the right conditions in the country for this to happen\(^5\).

<table>
<thead>
<tr>
<th>Local level</th>
<th>Decrees/ Ordinances</th>
<th>Mechanisms/ participation spaces</th>
<th>Municipal Policies</th>
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<td>Costa Rica</td>
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<td>Panamá</td>
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In the case of Brazil, an evaluation was carried out in 2015 within the framework of the 25th anniversary of the Child and Adolescent Statute, which remarks that after 25 years of implementing Child Protection Councils, there are recurring problems due to distortions in the attributions of the councils and society itself.

In 2015 there were 5,906 Councils with different levels of development. One of them, the Municipal Council for the Rights of Children and Adolescents of the municipality of Londrina, belonging to the State of Paraná, has a Ten-Year Plan for the period 2017-2026, which despite being of recent creation, maintains a focus centered on the vision of the boy and the girl as an object of protection and does not contemplate the participation of children and adolescents.

Chile created the National Service for Minors (SENAME, in Spanish) through Decree Law No. 2465 of January 10, 1979. The Regional Councils for Children were created under the SENAME by the end of 2014 in order to link children and adolescents’ participation at the local and national level.

A recent study from 2017 reported that regional councils would had been officially created in the regions of Tarapacá, Atacama, Coquimbo, Valparaíso, O’Higgins, Maule, Biobío, La Araucanía, Los Lagos, Aysén, Magallanes, Los Ríos, Arica–Parinacota, and Metropolitan area, thus leaving the Antofagasta region pending.
In Colombia, the Colombian Institute of Family Wellbeing (ICBF, in Spanish) has presence in all departmental capital cities. On this matter, the Committee expressed its concern about the fact that municipalities and departments have not made enough progress in protecting the rights of children, and also the fact that the effective and/or full-time presence of ICBF or child protection entities has not been guaranteed in remote areas.

In order to implement the policies for children, Ecuador has the structure of the Cantonal Councils for Children and Adolescents. In its accountability report of 2011, the Ecuadorian State reported that there were 164 Cantonal Councils across the nations, representing 74 percent of all cantons. Taking the Cantonal Council of the municipality of Lago Agrio, this council’s structure does not have the participation of children and adolescents, as they are only represented by government and civil society institutions.

In Paraguay, the Departmental Council for Children and Adolescents and the Departmental Strategic Plan of Paraguari were structured through Resolution No. 839 of 2014; this plan includes, among its three strategic objectives: Promoting the exercise of the rights of children, adolescents, and women with emphasis on health, education, recreation, and leading participation. 17 District Councils for Children and Adolescents have been formed, of which girls, boys and adolescents are part, representing their peers grouped in child and youth organizations.

In Peru, as of 2018 there were 499 Advisory Councils for Children and Adolescents which were created through municipal ordinances. However, the results from the 2017 Young Voice Peru survey showed that, despite the fact that three-quarters of respondents think it is important that authorities hear their views, only 8.3 percent claimed to have had a real opportunity to share their opinion in a municipal space.

In Peru, from the regional, municipal and district governments, in accordance with the Participatory Budget Framework Law (Law 28056) of 2003, the participation of children and adolescents in the Participatory Budget strategy is promoted, with demonstrable results in the regions of Cusco, San Martín, Junín (Huancayo), Metropolitan Lima and the district of Jesús María.

In Uruguay, an important progress achieved is the creation of the Advisory-Consulting Council of INAU, which is made up of adolescents ranging the ages of 13-17 from the departments across the country; they apply to then be elected by their peers in accordance with the regulations—the council is elected every two years. The counselors are also part of a departmental team responsible for promoting participation.

In Venezuela, the reform to the Law on Protection of Children and Adolescents (LOPNNA, in Spanish) of December 10, 2007, removed the State Councils for Rights and established the Autonomous Institute/National Council for the Rights of Children and Adolescents (IDENNA, in Spanish) as the governing body on matters related to children and adolescents’ protection; this is an institution reporting to the Ministry of the Peoples’ Power of the Office of the President and Government Management Follow-up.
IDENNA created 24 state offices in the spirit of “centralizing the protection policy for children and adolescents.” Through the desk review, we were unable to find information about the mechanisms and spaces for children and adolescents to participate in decision-making at the local level.

<table>
<thead>
<tr>
<th>Local level</th>
<th>Decrees/Ordinances</th>
<th>Mechanisms/participation spaces</th>
<th>Municipal Policies</th>
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<td>Argentina</td>
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<td>Uruguay</td>
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</table>
Some experiences participation of children and adolescents
Mujer calladita no se ves más
Bonita, tienes voz.
#MujeresPorLaPaz
<table>
<thead>
<tr>
<th>COUNTRY</th>
<th>TITLE</th>
<th>DESCRIPTION</th>
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<tbody>
<tr>
<td>BOLIVIA</td>
<td>Advocacy for the approval of the Law against bullying).</td>
<td>Departmental Committee of children and adolescents of Cochabamba participated in the formulation of a draft bill against bullying or bullying, as a subject that they consider highly important for their development. The draft bill was presented on December 12, 2017 before the president of the Departmental Legislative Assembly of Cochabamba and its promulgation is pending, a commitment assumed by the president of the departmental government. <a href="http://www.lostiempos.com/actualidad/cochabamba/20171212/presentan-anteproyecto-ley-contra-bullying-cochabamba">http://www.lostiempos.com/actualidad/cochabamba/20171212/presentan-anteproyecto-ley-contra-bullying-cochabamba</a></td>
</tr>
<tr>
<td>(Cochabamba)</td>
<td>It is an initiative of the Departmental Committee of Girls, Boys and Adolescents, had technical support from Save the Children, Unicef and the director of Equality of Opportunities.</td>
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<tr>
<td>BRASIL</td>
<td>Advocay for the Citizen's Budget</td>
<td>Since 2003 CEDECA-Ceará promotes the participation of adolescents in the process of monitoring public policies through the public budget training project. The Budget and Active Participation Network was formed. Each year, based on budget training and analysis of the same, proposals for amendments were made to the Annual Budgetary Law Project of the Municipality and / or State (PLOA) for the expansion of public resources for children and youth. It was a successful experience that lasted ten years, in a pioneering action in the country, CEDECA Ceará also replicated the experience of monitoring the public budget developed in Fortaleza in two other municipalities of Ceará, Ibicuitinga and Sobral.</td>
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<tr>
<td>(City of Fortaleza, State of Ceará)</td>
<td>Experience promoted by the NGO Center for the Defense of Children (CEDECA-Ceará).</td>
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Mapeo sobre Legislación y Políticas en países en América Latina y el Caribe referidas a la participación de niñas, niños y adolescentes en la toma de decisiones.

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<thead>
<tr>
<th>COUNTRY</th>
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<tr>
<td>COLOMBIA</td>
<td>K-Pop Bogota</td>
<td>K-Pop Bogota is an independent initiative lead by adolescents and youth who communicate and summon each other through social media because of the interest they have in common: the Korean rock genre “K-Pop.” They started getting together in squares and parks to dance to this music genre. Subsequently, they reached out to the Korean Embassy to request support for their initiative, which was gaining followers. In response, the Embassy of the Republic of Korea in Colombia provided support to organize KSTART, a massive event in the city dedicated exclusively to this music genre. The event included dance competitions where Colombian groups participated by performing choreographies based on K-Pop music; the turnout was so great, they filled the theater Jorge Eliecer Gaitan. The Colombian fan club of BTS—a Korean rock band—has a Facebook page with over 171,423 followers. Out of these, 10,400 followers have participated in their regular meetings and they also have coordinating leaders in 23 cities. During these meetings, they work to spread the South Korean culture in Colombia. <a href="https://www.facebook.com/K-POP-Colombia-Oficial-144038829097641/?tnt-str=k*F">https://www.facebook.com/K-POP-Colombia-Oficial-144038829097641/?tnt-str=k*F</a></td>
</tr>
<tr>
<td>CUBA</td>
<td>The Reference Center for Adolescents of Old Havana</td>
<td>It is a space for the integral development and creative participation, learning and experimentation of adolescents from Havana. This is a groundbreaking project that promotes significant participation, the rights, and social integration of adolescents. This center offers creative workshops, new technologies, dissemination means, science laboratory, radio and television studies, visual arts, workshops, performing arts, and dances. Besides having a space to share information and documentation, it provides counseling services for adolescents and their families, as well as projection rooms to enjoy presentations, shows, and concerts, among other activities. <a href="https://www.excelenciascuba.com/noticia/abren-centro-para-adolescentes-en-la-habana-vieja">https://www.excelenciascuba.com/noticia/abren-centro-para-adolescentes-en-la-habana-vieja</a></td>
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**CUBA**<br>(Educational/cultural)<br>**Talking about youth Experience promoted by the Ministry of Justice.**<br>Emerged as a direct response to the agreement of the X Communist Youth Union Congress that seeks to promote permanent meeting, reflection, and exchange spaces. It is an open space for leaning, training, and exchanging experiences between youth and adolescents.<br>Since then, the on the second Tuesday of every month at 2 p.m., the Center opens its doors to those who want to think out loud, share ideas and suggestions, and even debate.<br><br>http://lademajagua.cu/en-dialogando-sobre-jovenes-cuba-y-los-derechos-de-los-ninos/<br><br><br>**CHILE**<br>(Experience of training and participation)<br>**Citizen Education and Advocacy**<br>Girls and adolescents committed to contribute to the development and well-being of their community, practicing an active citizenship.<br>The experience has a previous phase of citizen education in which children and adolescents learn argumentation tools and integrate notions about democracy and the functioning of public institutions.<br>The Advisory Councils are a good example of how it is possible to connect the problems and proposals of citizens at the local level, with a national body that systematizes them and translates them into inputs for public policy. The participation structure of the Advisory Councils, which includes communal, regional and national levels, represents a unique exercise in decentralized participation, where the neighborhood is directly connected to the country’s perspective.<br><br>http://observatorioninez.consejoinfancia.gob.cl/wp-content/uploads/2017/08/estudio-de-levantamiento-de-experiencia-de-consejos-de-nna-exitosos-final.pdf
### GUATEMALA
(Advocacy for legislative change)

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<td>GUATEMALA</td>
<td>Advocacy for legislative change</td>
<td>CIPRODENI together with Save the Children and other partners, invited teenagers from different communities to discuss and demand an end to the exceptions in the child marriage law. In August 2017, Congress declared marriage illegal before age 18, without exception. <a href="https://www.prensalibre.com/guatemala/politica/congreso-prohibe-matrimonio-entre-menores-de-edad-sin-excepciones">https://www.prensalibre.com/guatemala/politica/congreso-prohibe-matrimonio-entre-menores-de-edad-sin-excepciones</a></td>
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### HONDURAS
Municipality of Masaguara
(Advocacy for the formulation of a public policy)

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<td>HONDURAS</td>
<td>Initiative of Adolescents and Youth</td>
<td>In 2015, children and youth of the Municipal Youth Commission and the Juvenile Press Network demanded that the Mayor build a policy that would respond to the fulfillment of the rights of children and youth in the municipality. A commission was formed with representatives of different municipal sectors, including young people. They were defined together, that the axes of public policy would be: Education, Culture, Recreation, Health, Economic, Gender and Child Participation. Subsequently, a drafting commission was organized with six young people and four adults. At the end, the content was socialized with other young people, including their opinions and suggestions. Source: document. Experiences of Governance in the Rights of Children in Latin America and the Caribbean. Save the Children. Managua- 2017. Page 28</td>
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<td>NICARAGUA</td>
<td>Municipality of San José de los Remates (Advocacy for the formulation of a public policy)</td>
<td><strong>Municipal Policy for Children</strong>&lt;br&gt;Experience developed by the Mayor’s Office and supported by Save the Children. This experience started with a consultation process that culminated in the participatory formulation of the Municipal Policy. Based on the demands of girls, boys and adolescents, 10 specific objectives related to the rights to survival, protection, guarantees of rights and participation were defined. The election and recognition of the Municipal Children’s Council, consisting of 10 girls and boys, in equal representation of gender, is approved and ratified. The Elections of the Municipal Children’s Council are held every two years and children and adolescents between 10 and 16 years old participate, including children and adolescents with disabilities. Source: Friendly version Municipal Policy on Children and Adolescents of San José de los Remates. Save the Children. Managua Nicaragua. June 2018</td>
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<td>PARAGUAY</td>
<td>Advocacy at national level</td>
<td><strong>“Rendición de Cuentas”</strong>&lt;br&gt;Within the framework of the strategy of 20 commitments for children, this is a government initiative promoted by the Secretariat for Children and Adolescents. This experience consists of a national event, in which the authorities, chaired by the chief executive, present their annual management report to children and adolescents. The preparation of the event by the Secretariat. It involves a process of extensive consultation with children and adolescents in a model called Aty-Guazú (which in Guaraní means “large meeting”). It is an inclusive process that has incorporated children and adolescents from remote areas, such as El Chacó, as well as groups belonging to indigenous peoples. The final accountability event takes place on August 16 of each year, as part of the celebration of the national day of the girl and the boy. <a href="https://www.ip.gov.py/ip/gobierno-presento-informe-de-las-acciones-realizadas-en-materia-de-ni%C3%B1ez-y-adolescencia/">https://www.ip.gov.py/ip/gobierno-presento-informe-de-las-acciones-realizadas-en-materia-de-niñez-y-adolescencia/</a></td>
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| **PERU**  
(Advocacy for improvements in infrastructure in the municipality of Miraflores) | Advocacy for improvements in infrastructure in Miraflores  
*Experience implemented in 2018 with support from Save the Children.* | Municipality of Miraflores. A Council of children from 8 to 11 years of age, randomly chosen, participated in a 200-block tour of the city, identifying the good and the bad.  
From the observed, they raised a proposal that the Municipality could make to improve the city. These proposals were presented to the Mayor and other authorities.  
The council meets every fortnight and has managed to take into account 33 proposals of children in the framework of the Urban Plan of Miraflores (2017-2021).  

Source: Rosa Vallejos Lizárraga. Program Coordinator. Save the Children in Peru. |
| **URUGUAY**  
Advocacy for improvements of public spaces | PROPIA  
*It is a State program of promotion of participation.* | PROPIA develops participatory processes in which adolescents from their organizations or participation spaces make proposals to improve public spaces.  
Girls, boys and adolescents meet and collectively analyze the needs of the environment, then present their initiative to improve the spaces, which are presented to the contest to be financed.  
In 2016, 71 initiatives were approved in 20 departments. The initiative is accompanied by a communication strategy executed by adolescents.  
[https://youtu.be/VAWOOyYJ2UU](https://youtu.be/VAWOOyYJ2UU) |
Main findings
Information availability

- The documentation on the participation of children and adolescents, in front of authorities and in decision-making processes is scarce and dispersed. Only one mapping study was found on legislation on child participation in general. The information published is about children’s participation in general. There are no studies or diagnoses that include participation before authorities and in decision-making, the emphasis is on the right to express opinions, and participation in events such as workshops, meetings, consultations.

Legislation

- Almost 30 years after the CDN entered into force, in Latin America the Comprehensive Protection Codes and Laws do not comprehensively incorporate the dimensions of the participation of children and adolescents, such as opinion, freedom of thought, information, association and meeting. There are cases in which the texts of the laws contradict the principles of the CRC, and in some still prevails the language and precepts derived from the conceptions of the Irregular Situation Doctrine. Colombia, Bolivia, and Mexico are the only countries in which participation vis-à-vis the authorities and in decision-making spaces is made explicit in their Codes and Laws of Comprehensive Protection.

- Proposals for reforms to the laws on children have been developed in several countries, reflecting a tendency to regress on issues such as the reduction of the age of accountability and changes in the institutional framework of protection systems. Ecuador, Guatemala, Nicaragua and Venezuela are examples.

- Based on the information available, it can be seen that except in few countries (Colombia, Bolivia, Honduras, Mexico), in the Codes and protection laws, the issue of the equality of girls and adolescents with their male counterparts is absent in the legislations of the region.

- The existence of Youth Laws, of which, in half of the countries, adolescents are holders, is a window of opportunity to promote meetings and develop novel methodologies, which allow the exercise of an active, attractive and appropriate to the context.

Policies, Plans, and Programs

- In almost the majority of countries, policies have been enacted on the rights of children and adolescents, which in some cases have been expressed in plans (biannual, quinquennial, decennial). In most cases, these policies and plans emphasize the issues of survival and protection. In no case was it possible to verify the existence of a specific policy, plan or program on the participation of children and adolescents. The policies, plans and programs conclude their life cycle, but the evaluation of the results achieved is not disclosed.
To the legislative and policy gaps, there is added the fragility of the Protection Systems and in particular of the mechanisms and instances in charge of operationalizing the laws and policies at the local level, regarding which information is scarce.

Even more limited is the information and documentation on the structuring and functioning of formal instances of participation of girls, boys and adolescents (Advisory Councils, Commissions).

From the information gathered and opinions of the people consulted, there is a tendency towards a lack of sustainability of participation in local and national spaces, partly because their promotion depends to a large extent on the political will of the authorities presiding over the instances of decision, such as ministers, holders of state, provincial, mayors and mayors. In the same way, sustainability is linked to the fact that many of these participation initiatives have been supported by resources coming from international cooperation.

The general tendency is that policies are aimed at children and adolescents, and not at their rights, which often means that they focus on age groups and the most vulnerable, thus reproducing certain welfare models, which by their very nature they do not favor the participation of the majority of children and adolescents.

**Concrete participation experiences**

- The desktop review and the input collected from interviewees demonstrate that, despite the legal/policy gaps and institutional barriers, a good number of the countries of the region are generating experiences of children and adolescents’ participation.

- These participation experiences are mainly promoted from civil society organizations and development agencies. Save the Children is supporting many of these leading participation initiatives at national and local levels.

- Although the experiences developed have contributed to generate a culture favorable to the participation of children and adolescents within the social movement and also in a limited number of public institutions, many of them are characterized by conjunctural situations, spaces and concrete moments, which does not contribute to its sustainability and replicability.

- Two innovative experiences recently developed in Colombia -K-Pop Bogota and Zero to Forever- show the need to overcome the idea that political participation has to be necessarily related to the circles of national or local power or needs large-scale forums and national-level or international consultations.

- It is important to recognize that all forms of participation lead to the exercise of citizenship and the continuous participation in natural spaces and environments for children and adolescents—i.e., the family, school, community, and the municipality—but from the perspective of children’s interests and motivations. The more time children and adoles-
cents spend learning to participate, the better the benefits and learnings for their life.

**Barriers to Participation in Decision-Making**

- Both reviewed literature and information collected from informants demonstrate that participation is permeated by the social representation of children and adolescents as subjects of protection, as opposed to social players. This is the reason why participation—in many cases—continues to be promoted from the interests of adults (State institutions, local governments, development aid agencies, NGOs).
- Institutional fragility, added to the existence of individual wills of public officials, rather than in policies or norms, means that valuable experiences of participation are abandoned at the end of the term of the civil servant or official who supported them.
- In many of our countries, State institutions directly related to Child Rights have very limited resources. To this, we must add the financing limitations faced by national and local NGOs, which are the ones that invest the most in promoting the participation of girls and boys in decision-making bodies.
- According to the adults interviewed, there is still a majority tendency in adults to promote the participation of children and adolescents in decision-making spaces according to their experiences and forms of organization, with the consequent risk that the participation is exclusive and not respectful of the diversity of opinions, interests and characteristics of children and adolescents.
- It is common to see that in initiatives and participation events, strategies and methodologies designed from the adult world are used and not adjusted to the characteristics, language and interests of girls, boys and adolescents. Examples include the holding of forums and meetings that last several hours and where the children are sitting, most of the time listening to the debate of the adults.
- There is a tendency for many participation structures (councils, committees) to be a replica of the composition and functions of the adult structures.

**Gender and Sexual Diversity**

- In both laws and policies, the issue of gender equity is addressed in very few cases (Mexico, Colombia, Honduras and Bolivia). This lack of gender focus is complemented in the absence of data on child and adolescent participation disaggregated by sex.
- A missing issue in the legislation as in public policies is the recognition of the participation and inclusion of the children and adolescent population belonging to the LGTBI community.
Recommendations
• In the face of gaps and legislative inconsistencies on the issue, an alternative would be to strengthen advocacy within the framework of the Inter-American Children’s Institute (IIN) based on the formulation of a common commitment to support the effective implementation of the right to participation.

• Territorial experiences have greater fluidity, dynamism and effectiveness than national experiences, so it is necessary to prioritize the investment of resources in the municipal, departmental and provincial spheres in terms of strengthening participation spaces.

• From civil society, together with State institutions and international cooperation, it is essential to continue the work of citizen education in order to contribute to the full recognition of children and adolescents as legitimate social actors with the right and ability to participate and do proposals.

• Linked to the above, it is suggested to reinforce the actions of debate, reflection and training of the adults who work in the promotion of the participation of children and adolescents, especially those who facilitate or support the formal spaces of interaction with decision makers.

• It is required the implementation of strategies aimed at making participation an effective tool for strengthening the autonomy of girls, boys and adolescents, their development and the daily exercise of citizenship.

• It is essential to design in a participative way new democratic forms of representation of children, considering the ethnographic, territorial, gender, multicultural and sexual diversity variables.

• The interaction of children and adolescents with decision-making bodies can be directed to the design, implementation and evaluation of laws, policies, strategies, plans, projects, decisions and budgets.

• Take advantage of information and communication technologies, and social networks, to obtain information on the interests and proposals of children and adolescents and channel it to the decision-making instances.

• In the observatories on children rights that exist in countries of the region or in those related to human rights in general, incorporate the information referred to the proposals children have made to decision-making instances, and monitor its compliance.

• Ensure that the right to participate is exercised in safe and democratic environments and spaces without any type of handling, discrimination or coercion. The protection of their integrity and dignity is a daily task.
Endnotes
Mapeo sobre Legislación y Políticas en países en América Latina y el Caribe referidas a la participación de niñas, niños y adolescentes en la toma de decisiones.

1 Lapa M. *We the Children and Adolescents Need to Be Heard and Our Views Must Be Put in Practice*. Save the Children International, April 2018. [https://nicaragua.savethechildren.net](https://nicaragua.savethechildren.net)

2 Center for Children at Queen’s University Belfast and Save the Children. *Boys, Girls, and Adolescents Raising their Voices*. Published by the Child Rights Governance Global Theme. Save the Children 2016. [https://resourcecentre.savethechildren.net](https://resourcecentre.savethechildren.net)


16 04/12/2014 Decree that granted the approval of the General Law of Children and Adolescents’ Rights and reformed several provisions of the General Law of Service Delivery for Comprehensive Child Care, Attention, and Development. [https://www.unicef.org/mexico/spanish/LeyGeneral_NNA.pdf](https://www.unicef.org/mexico/spanish/LeyGeneral_NNA.pdf)


24 Secretaría de Bienestar Social de la Presidencia de la República de Guatemala/ Movimiento Social por los Derechos de la Niñez y la Juventud. Política Nacional de Protección Integral a la Niñez y Adolescencia. [www.segeplan.gob.gt/downloads/clearinghouse/politicas_publicas/Grupos%20Vulnerables/Poli%C3%A9tica%20Ni%C3%B1ez%20y%20Adolescencia.pdf]


26 Dirección Nacional de Niñez, Adolescencia y Familia (DINAF), Honduras. Plan Estratégico [https://portalunico.iapn.gob.hn/portal/ver_documento.php?uid=MTIxMTQ3ODkzNDc2MzQ4NzEyNDYxOTg3MjM0Mg]


38 Fuente: Cuestionario autocompletado por Rosa Amelia Vallejos Lizárraga- Save the Children -Perú

39 Ibid. 21.

40 [http://www.pani.go.cr/]


51 Municipalidad de Lago Agrio, Ecuador. Available at http://www.lagoagrio.gob.ec/alcaldia/preguntasccpdp


52 Colectivo Institucional de presupuesto participativo. Experiencias Exitosas de
