

# AN ANALYSIS ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN SOUTH AMERICAN AND EUROPEAN COUNTRIES<sup>1</sup>

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## ABSTRACT

The purpose of this paper is to analyze the recognized rights' implementation made in the *Convention on the Rights of the Child* in South American and European countries. The empirical research used, as its main source, data from the *State Party Reports*, write by governments and *Alternative Reports* write by non governmental organizations, which were sent to the "Committee on the rights of the child" –an organization created to monitor the implementation of the Convention–, in these countries. The following questions were examined:

1. Have the main rights of the Convention been effectively incorporated in the South American and European countries legislation?
2. What are the administrative measures adopted by these countries to monitor the implementation of the rights recognized by the Convention?
3. What are the social policies formulated by these countries to implement the children's rights?
4. What are the roles of the non-governmental organizations on the child rights implementation process?

**Key-words:** Convention on the Rights of the Child, implementation of rights, non governmental organizations.

## INTRODUCTION

This paper aims at not only investigating the process of implementation of the *Convention on the Rights of the Child* (CRC, from now on) in South American and European

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countries, but also analyzing the role played by non-governmental organizations in this process.

The empirical research used, as its main source, data from the *States Parties Reports*, written by the governments and *Alternative Reports* produced by non-governmental organizations (NGOs). Both reports were sent by the countries to the *Committee on the rights of the child* – an organization created to monitor the implementation of the Convention. Ten reports were analyzed– five from South American countries, namely Argentina, Bolivia, Brazil, Colombia, Suriname and five from European countries: Germany, Belgium, France, Italy and the Netherlands.

The first part of this paper focuses on the main principles of CRC and its monitoring carried out by the *Committee on the Rights of the Child* and the way NGOs acted towards this monitoring. The second part is concerned with the position of both European and South American countries towards the implementation of CRC viewed through both the governmental and the non-governmental perspectives.

## 1. THE CONVENTION ON THE RIGHTS OF THE CHILD: PRINCIPLES, RATIFICATION AND THE MONITORING PROCESS

The Convention on the Rights of the Child (CRC) was approved in 1989 by the General Assembly of the United Nations, being ratified in its totality by the country members of the United Nations, with the exception of the United States of America<sup>3</sup>. This document is based on a juridical doctrine that ensures integral protection of the child, stating the recognition that the child is a subject of rights and not an object of tutorial of the State and parents<sup>4</sup>.

The writing and legal acknowledgment of *The Convention on the Rights of the Child* was a result of a wide collaboration and mobilization of social movements and non-governmental organizations. A commission within the United Nations was created with the intent to elaborate a convention on Child Rights, but the process of writing only grew significantly from 1987 on, when a group of non-governmental organizations headed by *Defense International for Child* pushed the governments and performed the necessary articulations to accelerate the works.

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3 Data related to the ratification is available in the site of the Committee on the Rights of the Child-, <http://www.ohchr.org/english/bodies/crc/index.htm>.

4 The juridical doctrine of the integral protection which considers the child as a subject of rights and absolute priority. This doctrine was firm in contradistinction to the former doctrine of irregular situation based on the absolute intervention and control by the state especially over poor children and their families, see: Frota, Maria Guiomar da C. *Associativismo civil e participação social: desafios de âmbito local e global na implementação dos direitos da criança.* (Tese de doutorado), Rio de Janeiro, IUPERJ, 2004.

The process of ratification of the convention by the member states also involved intense mobilization by the writing group, non-governmental organizations and agencies attached to the United Nations. The principal initiative in this sense occurred during the World Meeting of the Summit for the Child in 1990 which united seventy one Chiefs of state in New York City.

As a result of this intense mobilization, *The Convention on the Rights of the Child*, until November 2002, had been ratified by almost all the countries members of the United Nations (191), with the exception of the United States of America. It was considered the international normative, related to human rights, which reached the highest consensus.

The principles of the Convention that helped to support the implementation of the articles ratified are the following:

*Article 2 (about non-discrimination): States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, color, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.*

*Article 3 (about best interest): In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.*

*Article 12 (about free participation): States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.*

*Article 4 (about implementation of rights): States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation<sup>5</sup>.*

The first principle mentioned, the non-discrimination one, is fundamental because it introduces the dimension of the universality of the Convention, declaring that the states parties are to take care of all children within their jurisdiction and not only those who have a determined nationality.

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5 Convenção das Nações Unidas sobre os direitos da criança, 20/11/89.

The recognition of the best interest of the child is relevant in relation to the question of responsibility, since it intends to guarantee a balanced situation between the child's needs, parental authorities and the governmental institutions which have this duty. The purpose of giving the child's interest top priority is to fight against a social and educational tradition characterized by the supreme authority of the parents and by the totalitarianism present in the majority of educational, juridical and social-welfare institutions responsible for children and adolescents, besides schools and houses of correction among other similar organizations. As a result, we can say it is a revolutionary concept which attempts to adapt all the educational and juridical establishments to meet the needs and rights of the child rather than the interests and goals of parents, institutions and communities. It is important to point out, however, that the idea of balance is a constant one in all of the articles in which the respect of the rights and duties of the parents in relation to the child is mentioned.

The principle of participation complements the principle of the best interest since the former allows the child the right to be heard in any judicial or administrative proceedings she / he might be involved. This principle was given a great emphasis to counteract the absolute power of the judges in the period in which the juridical norm evolved around the doctrine of irregular situation.

The idea of having the States to undertake the obligation of implementing the Convention may be interpreted in a broad way, since the states parties committed themselves to not only respecting the rights of the child but also ensuring the application of these rights to each child within their jurisdiction, besides adopting all the administrative or legal proceedings to implement the rights recognized in the Convention. Such an obligation leads to two essential points –the maximum use of the resources available and the need of international cooperation. These two elements were seen as strategies to avoid the allegation, from the authorities, of lack of resources to justify the impossibility of undertaking the necessary actions to put into practice social, cultural and economic rights.

The *Committee of the Rights of the Child* was created to monitor the implementation of the Convention of the States. Formed by 18 specialists chosen and elected by the States members, the Committee is entitled to follow the obligations of the states parties of the Convention, through the analysis of the reports sent by the states parts (see article 43). The NGOs act together with the Committee, sending alternative reports and giving opinions about the implementation of the Convention during the evaluation process set forth by the Committee. The participation of the NGOs is encouraged by the NGO Group, which is an articulation of non-governmental organizations formed at the time when the CRC was being designed. After the approval of the final text of CRC, this group became a permanent net which is currently consisted of around 70 non governmental organizations that act out in an international context.

The *Committee* dedicates itself mainly to the monitoring and counseling of the countries, to adequate their own legislation to the principles of the international juridical normative. Attention is called to the fact that the participation of NGOs in this process

of adaptation of the legislation occurred in many countries, according to the following examples, extracted from Laura Theytaz- Bergmar<sup>6</sup>, member of NGO Group:

1. The adaptation of the legislation in Tunisia to the contrivances firmed in the Convention performed by the government, with the support of professionals of the area of rights and other specialists has resulted in a new code of Child protection;
2. The work of both non-governmental and governmental organizations for the adaptation of the legal structure in Brazil resulted in the incorporation of the norms of the Convention to the 1988 constitutions and to the Statute of the Child and Adolescent, "in just two years after the adoption of the Convention";
3. Ukraine's government invited NGOs to participate in a national program for the child, and they suggested modifications to the legislation which were incorporated to the program;
4. Attending a recommendation from the Committee of Child Rights, the government of Vietnam performed a revision of the legislation regarding the administration of juvenile justice. The NGOs summoned by the government contributed to this revision of the laws and, together with UNICEF, took part in the training of professionals of Rights to apply the Convention.

The monitoring process of the CRC implementation is, thus, carried out with the participation of both the countries members of United Nations and the non-governmental agencies affiliated to the NGO Group for CRC. We present in the following item the two perspectives: the governmental and the nongovernmental ones in relation to the implementation of the CRC in South American and European countries.

## **2. THE IMPLEMENTATION OF THE CRC IN EUROPE AND SOUTH AMERICA, THROUGH THE GOVERNMENTAL AND NON-GOVERNMENTAL PERSPECTIVES**

The position of European and Latin countries in relation to the CRC implementation must be considered in a broad sense; in doing so, we are going to analyze it from two perspectives: the governmental and the nongovernmental one. Such a counter-position is important because the Official Reports tend to present a formal and institutional view of the Convention, whereas the Alternative Reports tend to approach specific themes connected with the implementation of the CRC such as the main social problems that affect the juvenile population of each country, besides presenting evaluations

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6 Theytaz-Bergman, L. "NGO Group for the Convention on the Rights of the Child", in: Verhellen, E.. *Monitoring Children's Rights*, The Hague/Boston/London, Kluwer Law International, 1996.

of the current policies and the governmental failures in the field of the rights of the child, among other issues.

## 2.1. GOVERNMENTAL PERSPECTIVE

Most of the European countries, analyzed in this research, have altered their legislation in order to adapt to the CRC, with the exception of Germany. Germany justified its position demonstrating that German law was in conformity with the Convention:

*The Federal Government came to the conclusion that amendment of national legal provisions was not required solely on the basis of the intended ratification of the Convention. It detailed its justifications for this conclusion in the Memorandum to the Convention addressing the individual articles of the Convention. The Federal Government also underscored its view that German law was in conformity with the Convention by submitting an internationally valid declaration at the time it deposited the instrument of ratification<sup>7</sup>.*

The other countries have presented, in their reports, the administrative alterations made after the ratification of the Convention. Belgium, in its turn, has adopted the *Letter of the Child*, a Letter of Intentions which state guiding lines for the educational, health, well-fare and leisure policies and has also created an institution to ensure the rights of the child in each of the policies mentioned.

France government had already implemented measures favoring the children and the adolescents even before the adoption of the Convention. As an isolated action, we have to mention the initiative of the Netherlands, which demanded that the tv channels present more educational programs as a way to provide children more access to education through a *Media Act*.

All the South American countries analyzed made some kind of alteration in their legislation and have adopted administrative measures to implement the Convention. Brazil, for example, has written a specific legislation for children, the so called "Statute of the Child and Adolescent" (Estatuto da Criança e do Adolescente, or ECA) which has been adapted to the principles of the Convention. The following data can be compared in tables I and II.

In most countries, children are seen as subjects of rights, but in some of these countries, this view has not been included in the legislation yet, as it happens in Belgium. Only Germany, among the European group, does not see the child as a subject of rights. Even in the countries where the child is not a subject of rights stated in the legislation, there are measures that convey the interest of the country to honor this new reality, as in

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7 Germany. Nations/Committee on The Rights of the Child. *State Party Report: Informes iniciales*, Germany, 1994.

**Table I**  
Official data from the European countries

	Germany	Belgium	Italy	France	The Netherlands
Changes in the legislation		x	x	x	x
Administrative changes		x	x	x	x
Child as a subject of rights in legislation			x	x	x
Child as a subject of rights out of legislation		x			
Child not recognized as a subject of rights.					
Principles included					
a. Non discrimination	x	x	x	x	x
b. Best interest	x	x	x	x	x
c. Free participation and expression	x	x	x	x	x
d. Obligation to implement			x		
Constraints in the implementations	x		x	x	

**Table II**  
Official data from the South American countries

	Argentina	Bolivia	Brazil	Colombia	Suriname
Changes in the legislation	x	x	x	x	x
Administrative changes	x	x	x	x	x
Child as a subject of rights in the legislation			x	x	x
Child as a subject of rights out of legislation					
Child not recognized as a subject of rights.		x			
Principles included					
a. Non discrimination	x	x	x	x	x
b. Best interest	x	x	x	x	x
c. Participation and Free Expression	x	x	x	x	x
d. Obligation to complement	x		x	x	x
Constraints in the implementation	x	x	x	x	x

Belgium case, since it has adopted judicial practices to the young that infringe the law based on the principles of the CRC. In the Belgium report, these practices are guided by the principle of dejudicialization, meaning that young with problems should be treated by social and not judicial institutions, aiming at preventing and avoiding marginalization.

In the case of South America, Argentina does not refer to the child neither as a subject of rights, nor as an object of tutorial. Bolivia does not recognize the child as a subject of rights and uses the word "minor" whenever they want to refer to a child. The other countries present, in their legislation, the statement that the child is a subject of rights.

In some countries, besides legal recognition of the child as a subject of rights children and adolescents are encouraged be aware of these rights. In France, for example, in 1989, a survey was held with about 70.000 children who were questioned about these fundamental rights. That was an opportunity for children (aged from 12 to 13) to present their viewpoints about issues such as injustice, adults' rights in relation to theirs, their rights in the present and future times.

Among the European countries analyzed only Italy adopted the principle of implementation of rights (article 4). All the other principles (non-discrimination, best interest of the child, participation and free expression) have been accepted by the five European countries (see table I). Although these principles have been included in all legislations, some countries make reservations (or complementary declarations) to a few articles on CRC, as we can see in the Germany case when dealing with the young's expression faced with a judicial process in which he/she is involved.

In South America, all the four basic principles of CRC have been accepted by the five countries and incorporated to the legislation, with the exception of Bolivia which has not included the principle of implementation of rights.

The difficulties of implementing the Convention are more visible in the South American Official Reports –all of the countries presented some kind of difficulty. But among the European countries analyzed, three of them (Germany, Italy and France) also revealed their difficulties. France, for example, quote some difficulties related to right of life:

*Society was for a long time indifferent to the exercise of parental responsibilities, viewing the parent-child relationship as a private matter. Gradually, the State became active in providing support to disadvantaged families (social and medical assistance). Assistance given by the community is, however, of a subsidiary nature and necessarily limited (see below, para. 345). Furthermore, the criminal law penalizes parents for physical or moral abandonment of the home, and in particular for non-payment of maintenance<sup>8</sup>.*

Colombia presents a similar difficulty when it introduces, in its legislation, the principle of best interest of the child and principle of child's opinion:

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8 France; Nations/Committee on The Rights of the Child. *State Party Report: Informes iniciales*, 1993



*El reconocimiento constitucional y a nivel del Código del Menor de este principio ya reseñado tiene como dificultad para su efectividad la concepción cultural que sobre los niños y la niñas ha prevalecido durante largo tiempo. La afirmación de autonomía y desarrollo propio del niño, independientemente de la voluntad de sus padres, familiares, responsables y/o tutores, en amplios sectores poblacionales requiere de un trabajo de sensibilización y concientización que ya se han emprendido con las acciones de difusión aquí señaladas; pero que, al tratarse de un fenómeno cultural, representa un reto de largo plazo.*

*El respeto a la opinión del niño: Es éste uno de los aspectos que son poco reconocidos en el actual contexto cultural colombiano en razón a que en muchos casos el niño no es concebido como alguien capaz de interpretar el mundo y sus experiencias a partir de sí mismo y sus vivencias sino que ello le estaría dado por sus padres, familiares y demás adultos que lo rodean<sup>9</sup>.*

These difficulties quote by France and Colombia are seen as a cultural phenomenon which can only be solved in a long term process.

In a general sense, we can notice that the difficulties to implement the CRC effectively are present in the majority of the countries (8 out of 10 analysis) and these difficulties are rooted in each country's culture, its legal structure and the possibility of investment in the social areas that will favor child's rights.

Children at particular risk are a recurrent theme in all reports. However, that matter is dealt through different approaches depending on the problems which affect each country. Five situations affecting children were detected as the following:

1. Victims of violence or all sorts of exploitation: abandon, sexual abuse, economic exploitation, sale and trafficking for the purpose of economic exploitation, kidnapping, drug abuse.
2. Children in armed conflict, refugees, critical poverty.
3. In conflict with the law.
4. Belonging to minorities and indigenous groups.
5. Torture, cruel, inhuman or degrading punishment, ill-treatment, lack of freedom.

But the main failure of all official reports (European and South American) is that they do not inform how many children are at particular risk and what kind of public policies were developed to benefit them.

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<sup>9</sup> Colombia. Nations/Committee on The Rights of the Child. *State Party Report: Informes iniciales*, 1993.

## 2.2. NON-GOVERNMENTAL PERSPECTIVE

The alternative reports analyzed in this paper were made by the NGOs affiliated by the NGO group –some of them have an international performance while others work only in the national context, as one can observe from the following table:

**Table III**

*NGOs which made alternative reports analyzed and the status of their performance*

Country	ONGs responsible for the report	Effectiveness area
Argentina	Coalizão de ONGs	
Bolivia	Defence for Children International - Bolivia	International
Brazil	Coalition to Stop the Use of Child Soldiers	International
	ANCED - National Association of Defense Centers for the Rights of the Child and the Adolescent	National
	Foundation Terre des Hommes	International
	Save the Children – Sweden	International
Colombia	Organização Mundial Contra a Tortura - OMCT/SOS-Tortura	International
Suriname	Stichting Sanomaro Esa	National
	Foundation for Human Development (BKO)	National
Germany	Coalizão de ONGS	
Belgium	Defence for Children International - Bélgica	National
France	Defence for Children International, International Secretariat	International
	Conseil Français Des Associations Pour Les Droits De L'enfant (COFRADE)	National
Italy	Telefono Azzurro	National
The Netherlands	Terre des Hommes	International

The reports analyzed were either produced by only one NGO or were written by a team work. In the case of Brazil, more than six reports were presented by the association of three NGOs: “*Save the Children – Sweden*”, “*Fundação Terre des Hommes*” and “*ANCED – National Association of Defense Centers for the Rights of the Child and the Adolescent*”. In this group of NGOs, only ANCED is from Brazil.

Some of the NGOs which presented reports have national status while others have international performance and these were responsible for the design of several countries belonging to the NGO group. Illustrating NGOs with broad participation in the international setting we have:

- *Save the Children* – from Sweden. This NGO aims at influencing the public opinion and supporting projects for children at particular risk, not only in Sweden but in the whole world. It was founded in 1919 and has approximately 90.000 members.
- The *Foundation Terre des Hommes – International* NGOs which deals with the child's rights all over the world: Africa, Asia, Latin America, Europe and also in emergency occasions like wars and armed conflicts.
- *World Organization against Torture* (WOT): created in 1986, it is today an international coalition of NGOs which fight against torture, executions and other types of cruel, degrading and inhuman treatments. It consists of 282 organizations affiliated to a net- *SOS-Tortura*, with correspondents in each country. WOT is one of the most important nets of non governmental organizations working to protect and promote human rights in the world.
- *Defence for Children International*: It was responsible for the three reports analyzed in this paper: Belgium, Bolivia and France. It is a 20 – year old international movement for the children's rights.

The alternative reports are made through coalitions of NGOs or by a sole nongovernmental organization. These reports present the main problems affected by children in that country, the kind of violence children and adolescents suffer, the violations of the children's rights, the failures or omissions from the governmental field in implementing the rights stated in the CRC for the infancy and suggestions of issues and themes for discussion to the Committee of the Rights of the Child during their plenary sessions to evaluate the reports.

Most of the reports analyzed, no matter if they are European or South American, do not include statistical data and accurate information to characterize the situation of the infancy in the country. The problems faced by the children and young are illustrated by cases which were notified to the NGOS or by isolated data.

The predominant themes in the alternative reports of the European countries are:

- Problems that affect children who are foreigners or refugees;
- International cooperation policy for the developing countries.

The European NGOs denounce situations of discrimination and violence against foreigner children, the lack of policies and institutions to take care of them and the vague and insufficient way the theme is dealt with in the official reports. In the alternative report of Germany, there are cases denouncing the non-human treatment given to refugee children, illustrated by the following:

*On September 25th, 1994, at the Frankfurt Airport, a matter, S.N., from Afghanistan, who had qualified for asylum, was waiting for the arrival of her sons, A., age 14, and H.,*

age 16. The boys, however, were not allowed to join their mother. Because of a decree by the German Home Office, they were kept under guard for a night in a room without windows at the Frankfurt airport. The "hearing" on the reasons why they had fled their country was held the next day, without their mother being present, nor the lawyer, who was not informed of the proceedings until it was too late. As the Federal Border Police doubted the ages they had been given by the boys, they were subjected to X-rays of their wrists at the airport clinic. The doctor who examined them came to the conclusion, based on the X-rays, that the true age of the boys was 16 and 13.

As a result of the pressure applied by the lawyer, they were eventually granted permission to enter the country. However, although the Afghan Embassy had in the meantime provided birth certificates for the two boys who confirmed their ages to be as claimed by both the boys and their mother, the Federal Border Police claimed that the boys were old enough to be subjected to a hearing (the minimum legal age in this case is 16). They were sent to refugee accommodations, but their mother managed to intercept them<sup>10</sup>.

The alternative report from Belgium says that there is not a specific legislation nor appropriate treatment for the child foreigner that arrives into the country without his/her parents, as it can be seen from the following:

*Belgium law does not provide a co-legislation involving foreigner children without their parents and refugee children. The administrative staff in charge of children in this condition does not take any specific training related to child's rights and they are not usually prepared to hear them (...) Children who need asylum or refugees are taken to centers together with adults. Limits of staying period are not determined. The Centers are overpopulated and the living conditions are far from being satisfactory<sup>11</sup>.*

Accusations of prostitution by young refugees are appointed in the alternative report from The Netherlands. In the alternative report from France, the NGOs consider the prohibition of wearing veil by Muslim students in public schools a discriminatory practice. The Italian report points out that the country lacks infrastructure and social services to meet the demands of the immigrant population.

When it comes to the international cooperation, the predominant view in the alternative reports is the idea that governments omit data about the work done by several organizations and about the amount of resources allocated for international cooperation. Some NGOs also propose the increase or alteration in the way financial resources are applied for the international cooperation programs for the developing countries. In Germany, the NGOs consider that the extensive work of cooperation done in the country is not recognized in the official reports and that budget allocations for the

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10 Germany. Nations/Committee on The Rights of the Child. *Alternative Report*, 1995.

11 Belgium; Nations/Committee on The Rights of the Child. *Alternative Report*, 1995.

programs are not sufficient. The alternative report from France considers that part of the financial resources that benefit the children, in the international cooperation programs, are too small: they account for only 10% from the total and the non- inclusion of education as a priority has been also criticized.

Another recurrent theme is the omission of information in the official reports of problems that affect children and the governmental policies aimed at the implementation of the rights endorsed in the CRC.

Among the recommendations suggested by the European NGOs, we have to point out the following:

- the need to produce effective domestic legislation and the creation of adequate institutions to ensure the rights of foreigner children in the country;
- the need to provide information and statistical facts about the living conditions of the children and the policies aimed to help them;
- the creation of official organizations with enough independence and autonomy to monitor the rights of the children in the country, such as Ombudsman, Centers of Protection for Children's rights.

In South American reports, the most recurrent themes selected by the NGOS are:

- Violence and ill- treatment committed by state agents or police agents against poor young in conflict with the law or involved with armed conflicts;
- Extreme poverty situations, precarious living conditions of children and lack of public policies to ensure the children's rights.

Some of the accusations of violence committed against the young are the following:

- In Argentina, allegations of disappearance and executions of young in poor neighborhoods.
- In Bolivia, allegations of child detention together with adults;
- In Suriname, physical violence, extreme discipline measures and lack of complying the rights of the children in conflict with the law or in detention<sup>12</sup>;
- In Brazil, the increase of the death rate of the young caused by firearms (from 35,1% in 1998 to 41,9% in 2000).

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12 Suriname. Nations/Committee on The Rights of the Child. *State Party Report: Informes iniciales*, 1998.

All the reports from the South American NGOs mention the precarious living conditions of children associated to a permanent poverty condition and in some countries contrastive regional differences are given more emphasis. In Brazil, for example, the death rate of children in 2000 was 44 to 1000 in the Northeast. This means more than the double compared to the Southeast region (20 to 1000).

In Brazil and Bolivia reports, there are recommendations to implement the CRC. For Bolivia, it is recommended the insertion of defense clauses to protect child labor and for Brazil; there are recommendations to improve the implementation in several areas such as education, healthcare, child protection, adolescents in conflict with the law and children's murder.

### 3. CONCLUDING REMARKS

A common point found in the alternative reports in all countries analyzed is the recognition that although governments have advanced in the legislative field a great deal, they have not succeeded in adopting measures that guarantee the integral implementation of the CRC yet. Both the European and South American non-governmental organizations criticize governments for not making public the official reports and for not presenting a broad diagnosis of the situation of children in their countries anchored by statistical data that could contribute to help the formulation of effective public policies.

Based on the analysis of the alternative reports, we can also come to the conclusion that the violation of the rights of the child occurs in both South American and European countries but they affect distinct segments. In South American countries, discrimination and violation affect especially the poor children and adolescents, whereas in Europe, it affects mainly the children as foreigners, immigrants or refugees. Such violations indicate the non-complying of the basic principles set forth in the CRC, namely the principle of non-discrimination and the principle related to the obligation to implement.

The most general conclusion that can be made is that the contraposition between the two distinct perspectives –the governmental and the non-governmental ones, has enriched the monitoring process of the CRC. Nevertheless, both sectors can improve the reports made.

On the one hand, governmental reports should present more accurate information on the living conditions of the children of each country, the numbers of children at particular risk as well as the policies that have already been implemented to improve their living conditions and mainly, the exact allocation of financial resources and the way they have been applied to help these children. On the other hand, non-governmental reports should point out the social practices and the successful projects that have been carried out in their countries, the failures and main problems on the implementation of the rights, and to what extent these policies have been achieved.

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