

## INSTRUCTIONS FOR DRAFTING A DECLARATION

A declaration is an instrument used by international organizations or other type of organization when “the parties do not intend to create binding obligations but merely want to declare certain aspirations.”<sup>1</sup> The MOAS Declaration is drafted by a Working Group and follows the format used by the OAS Member States when they issue the OAS Declaration during the actual General Assembly.

### A Declaration should:

- a. Deal specifically with the topic proposed for the Declaration of the MOAS.
- b. Follow the stylistic standards of the Model OAS. (Please see sample below and the declarations of the OAS General Assembly posted on the OAS website: <http://www.oas.org/consejo/GENERAL%20ASSEMBLY/DecResGA.asp>)
- c. Be written in the third person (no use of the pronouns 'we', 'you', 'I', 'our' or any of their derivatives.)

## FORMAT OF A DRAFT DECLARATION

A draft declaration consists of the **title**, the **preamble**, and the **declarative** section. It is recommended that the draft declaration presented at the MOAS include a maximum of nine (9) clauses for the preamble and twelve (12) declarative paragraphs. The attached sample declaration is provided as an example of the appropriate format to be used for the MOAS.

### The Title

The **title** should be the same title given as the topic of the declaration; however, if necessary it could be adjusted according to the perspective(s) addressed in the document.

### The Preamble

The **preamble** provides the reasons (facts or opinions) and the background for the declaration. The clauses in the preamble illustrate why it is important to address the issue; what has been done in the past, and the extent of the problem. The information in this section may refer to prior OAS resolutions or documents; other documents from international organizations and agencies; as well as documents or resolutions from specialized and Inter-American specialized organizations, regional conferences, councils, and legal instruments, among others. The documents provided in the “List of Reading Documents” for the MOAS, are a good source for the preamble.

- The preamble begins with the name of the political body issuing the Declaration, in this case the “General Assembly,” followed by a comma.

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<sup>1</sup> United Nations (N.d.) “Definitions” in United Nations Treaty Collection. Retrieved October 30, 2015 from: [https://treaties.un.org/Pages/overview.aspx?path=overview/definition/page1\\_en.xml#declarations](https://treaties.un.org/Pages/overview.aspx?path=overview/definition/page1_en.xml#declarations)

- Must have a maximum of nine (9) paragraphs.
- Each paragraph starts with words such as: “CONSIDERING”, “TAKING INTO ACCOUNT”, “RECOGNIZING”, “BEARING IN MIND”; “ACKNOWLEDGING”; “TAKING NOTE”; “EMPHASIZING” and similar, followed by the source or reason.
- These paragraphs are not numbered and end with a semicolon, except for the last one which ends with a comma.

### The Declarative Section

The declarative section contains the aspirations and goals of the parties on the issue being discussed. The declarative clauses are generic but may eventually lead to a future document of commitment. These clauses may also inspire or begin the process of taking into consideration a new topic or issue. The declarative section:

- Begins with the word “DECLARES:” followed by a colon. Below there will be numbered paragraphs beginning with the word “That.”
- Provides ideas and suggestions about the issue. When drafting the declarative clauses the following questions must be answered: **What** could be done to solve the problem? **How** could the response to the problem be? **Which** traits and certainties could inspire action or a change of thought?
- Must not get into much detail.

**SAMPLE DECLARATION**

**AG/DEC. 76 (XLIV-O/14)  
DECLARATION ON VIOLENCE AGAINST AND EXPLOITATION OF CHILDREN**

(Adopted at the second plenary session, held on June 4, 2014)

THE MINISTERS OF FOREIGN AFFAIRS AND HEADS OF DELEGATION OF THE MEMBER STATES OF THE ORGANIZATION OF AMERICAN STATES (OAS) gathered in Asunción, Paraguay, at the forty-fourth regular session of the OAS General Assembly,

RECOGNIZING that violence against and exploitation of children occur everywhere and in every form in all countries and societies and among all social groups, and make no distinction as to class, culture, race, religion, gender, or nationality, particularly in vulnerable groups;

RECOGNIZING ALSO the significant positive impact of child welfare assistance programs on education, school retention, malnutrition reduction, and social inclusion;

RECOGNIZING FURTHER that such violence takes place in all environments in which children live, grow, develop, and interact, *inter alia*, in families, at home, in schools, and in communities and the media, within social welfare systems, and in juvenile justice systems;

CONCERNED at the higher rates of violent deaths that occur among adolescents, especially adolescent boys in traditionally excluded and/or vulnerable groups;

CONCERNED ALSO about the high incidence of sexual violence against children, particularly girls, through abuse, exploitation or trafficking; as well as bullying in schools; and corporal punishment as a form of discipline in schools, institutions, and homes;

CONSIDERING that the human rights of children are recognized in the main human rights instruments of both the inter-American system and the United Nations, as established in the United Nations Convention on the Rights of the Child;

CONSIDERING ALSO that the OAS, particularly through the Inter-American Children's Institute, as well as the Inter-American Commission on Human Rights and the Inter-American Court of Human Rights, has emphasized the importance of effectively promoting and protecting the rights of children in the Americas;

CONSIDERING FURTHER that the countries of the Americas actively participated in the process of preparation of the United Nations Secretary-General "World Report on Violence against Children" and remain committed to promoting initiatives that help to end violence against children;

MINDFUL that countries with high rates of child labor tend to have low rates of school attendance; that children who study in a violent environment perform poorly academically; that children who are victims of abuse and exploitation are harmed emotionally, mentally, and physically, impairing their ability to learn and socialize;

CONSIDERING that preventing and responding to violence and exploitation is essential to ensuring children's rights to survival, development, and well-being, and that violence against children not only threatens their personal integrity, but endangers their lives and adversely affects the realization of other rights, such as the rights to development, education, and health, as well as to recreation;<sup>1</sup>

MINDFUL that it is essential to strengthen national systems for promotion and protection of children's rights, particularly at the local level, through programs on prevention of and response to violence against children, as well as through families, schools, and the community;

MINDFUL ALSO of the progress that member states have made in preventing and responding to violence against children, as well as the significant contributions of the inter-American human rights system, in particular of the Office of the Rapporteur on the Rights of the Child of the Inter-American Commission on Human Rights; and

MINDFUL FURTHER that, in order to continue promoting the positive impacts achieved through the Millennium Development Goals, any new post-2015 global development agenda must deal with violence against and exploitation of children,

DECLARE:

1. That responses to violence against children should be gender-sensitive and of a holistic nature, encompassing prevention of violence against children, early detection of cases of violence against children, care and rehabilitation for victims, protective action and measures to ensure children's safety; enhancing strategies to ensure that violence is prevented, and promoting the creation of community-based child protection networks to reduce secondary victimization; restitution and reparation; and prosecution and punishment of perpetrators of violence against children.

2. That it is vital that the Post-2015 Development Agenda address the issue of violence and exploitation perpetrated against children.<sup>2</sup>

3. That implementation and follow-up of public policies aimed at eradicating violence, begging, and the worst forms of child labor must be strengthened, taking into account gender, multiculturalism, and disability.

4. That it is essential that states not only continue deepening changes and improvements made for children in the areas of child survival, education, gender equality, and HIV/AIDS, but also address with the same commitment and vigor the issue of violence against and exploitation of children, unaccompanied or separated migrant children, and those living on the streets or caught up in organized crime.

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<sup>1</sup> The United States recognizes the role governments play in ensuring a child's survival and development. While this concept is contained in the UN Convention on the Rights of the Child, ...

<sup>2</sup> Ecuador is of the view that effectively tackling the issue of violence against and exploitation of children as part of the Post-2015 Development Agenda calls for a diagnosis of the reality ...

5. That they urge governments to ensure that the issue of violence and exploitation perpetrated against children has clear and measurable sex-disaggregated targets and indicators to guarantee that children are free from violence and exploitation.

6. That sex-disaggregated indicators could include statistics on the number of children involved in the worst forms of child labor; on the number of children subjected to any form of sexual violence in schools; on the number of children subjected to the most serious forms of violence in the home or community, defined as those that are banned by national laws; on the number of children who lack adequate care or are at risk of inadequate care; and on the number of children removed or rescued from illegal armed groups involved in armed conflict.

7. That they encourage governments, where appropriate, to harmonize their laws with the United Nations Convention on the Rights of the Child, and to design and consider introducing protocols on prevention, protection, and assistance against violence against children, in all its forms.