

The Youngest Citizens: Children's Rights in Latin America

Amy Risley (2020)

New York & Abingdon, Oxon, U.K.: Routledge, 138 pages

\$160.00 USD (hardcover), \$46.95 USD (softcover), ISBN 9781138745438

In this excellent book, Amy Risley provides a comprehensive analysis of the state of children's rights in Latin America. In nine well-referenced chapters, the author casts a contrasting spotlight on the strategies employed by child rights activists to augment the safety, protection, and empowerment of children and the array of ongoing ideological and structural barriers that remain to be overcome. In the first chapter she offers a synopsis of significant advances in children's rights that have occurred throughout Latin America, largely the result of the combined impact of an influential global regime on childhood and the advent of strong domestic child rights movements and alliances. This has led to a "tectonic shift" in discourse away from the idea of children as passive "minors" wholly dependent on family or other forms of institutional authority to that of children as "young citizens" capable of articulating their own interests and exercising agency both independently and collectively. The author admits to "cautious optimism," however, by acknowledging that changes in discourse, and the policy reforms and enactment of progressive legislation that have ensued, are nonetheless confronted with deep-seated structural constraints. In so doing she lays out the book's central argument concerning the integral connection between the struggle for children's rights and the challenges that must be overcome for the long-term wellbeing and stability of societies as a whole.

The author begins the second chapter by examining the historiography of childhood and the incremental manner in which theories of *human rights* gradually vanquished the unfounded assumptions concerning childhood as a natural state of unformed development necessitating close adult oversight and direction. In the wake of the Industrial Revolution in Europe and North America, advocacy for children as rights holders slowly emerged and progressed through three "waves," beginning in the 19th century with an emphasis on saving children from abuse and exploitation, followed throughout much of the 20th century by concerns for child protection, and into the contemporary era with heightened attention directed towards children's empowerment. This latter wave has been stimulated by a flurry of studies that came to be known as the "new sociology of childhood" and by wide-ranging advocacy and negotiations by governmental and nongovernmental actors alike that culminated in the adoption and near-universal ratification of the UN Convention on the Rights of the Child (CRC). As Risley points out as she concludes the chapter, the CRC represented a "giant step forward" that has been particularly influential in the promotion of children's rights throughout Latin America.

In the third and fourth chapters, Risley offers a detailed analysis of successful strategies of child rights advocacy, focusing specifically on the examples of NGO-led mobilization in Argentina and Uruguay. In both countries advocacy included the promotion of international child rights principles as encapsulated in the CRC, but in

ways that resonated with the specific historical, economic, and socio-cultural realities of each country. Rather than accentuating international trends that might suggest that foreign ideas and norms were being foisted on Latin American countries by external forces, NGO campaigns have commonly "framed" children's rights as being aligned with national priorities and values. In Argentina, for example, emulating the strategies of previous Argentinian social movements that addressed serious human rights violations of the past, child rights organizations have formed alliances with other national social advocacy groups, and with Argentinian researchers, journalists, and supportive legislators. Accordingly, they have been able to bring high-profile attention to the gaps that exist between internationally accepted principles of children's wellbeing and the realities of Argentina's unmet social obligations for destitute children. This dual approach of framing children's rights as an Argentinian cause around which national alliances can be developed has helped to reduce misguided perceptions concerning poor children as a social menace living in "irregular situations," and has thereby generated landmark reforms designed to strengthen children's rights.

In other countries as well, notably Brazil, alliances connecting the private sector, labor unions, NGOs, universities, mass media, and government departments have proven to be effective in adopting a shared "master frame" for the advancement of children's rights. Nevertheless, as Risley observes, alliance building is often painstaking and fraught with the need for compromises that may result in less than optimum outcomes. In Uruguay, with its longer history of liberal democracy and social welfare policies, NGOs were able to advocate for policy reforms and collaborate with the central government in promulgating a new Code of Childhood and Adolescence in 2004. Yet the new Code was less rigorous in its stipulated reforms than had originally been proposed by leading child rights advocates. In addition, while discursive framing and alliance building can be highly effective in augmenting shared understanding of children's rights and in stimulating the formulation of corresponding policy reforms, the focus on framing and alliances tends to be much less effective in redressing the structural underpinnings of socio-economic inequality and injustice that effectively impede the advancement of children's rights.

This cautionary note serves as a segue to the fifth and sixth chapters, which focus, respectively, on child labor and poverty, and on the pernicious phenomena of child soldiery and sexploitation. These are malignant issues that are rooted in pervasive socio-economic inequality and skewed power structures that have been sustained by neoliberal policies and the globalization of capital markets. For these very reasons they are also issues that are complex and require multiple strategies if they are to be overcome. In contexts of endemic poverty, a distinction frequently has to be made between exploitative child labor and income-generating work that is done by children through their own volition, often as a means to support their impoverished households. For child rights advocates and child workers themselves the goal is often not to eliminate child labor altogether, but rather to ensure that conditions be in place that guarantee the right to work in safety and for fair wages, to unionize and lobby for fair working practices, and to have access to education and health services. In Bolivia, such stipulations led to reforms in the country's

Code of Childhood and Adolescence, notably in assuring provisions for minimum wages, yet the reforms fell short of clarifying the distinction between exploitative work and legitimate labor. This underscores two points of contention that often arise. While accepting the virtue of children's rights and paying lip service to international agreements, governments too often pass legislation that lacks clear terminology, or incorporates ambiguous statements that are open to different interpretations, thereby weakening prospects of implementation and enforcement. Consequently, while child rights advocacy is critical, NGOs must also continually monitor state actions and hold governments officials and the services they administer to account.

In contrast to child labor, there is no ambiguity about the exploitative severity of sex trafficking and the recruitment of children as armed combatants for political insurgencies and gang-related turf wars. As Risley argues, while international attention is commonly centered on the victims of systemic child-centered violence, governments and the public at large often pay less attention to underlying structural factors such as acute poverty, gender inequity, domestic violence, and government corruption that constitute fertile ground for these forms of child exploitation. For many young children and youth growing up in hazardous and impoverished conditions, these highly organized forms of child abuse may initially appear to be less dangerous and potentially more beneficial than languishing in impoverished and abusive homes and communities. This underscores the urgency for states to undertake significant steps towards reducing the stark socio-economic disparities that are commonplace throughout Latin America.

In the seventh chapter, Risley shifts the focus away from Latin America onto a critical assessment of U.S. immigration policy which, she argues, has exacerbated the plight of Latin American children who flee north to escape toxic environments in their home countries. Rather than providing young people with necessary refuge, U.S. law and immigration policy has too often treated them as illegal aliens, either exiling those identified as erstwhile gang members back to their countries of origin or turning away children, some unaccompanied by family members, at the border. These actions serve to reinforce the longstanding detrimental impact that U.S. policies have had in fostering instability and insecurity in the Northern Triangle states of Central America. To a very real extent, impoverished children are hapless victims of the geopolitical machinations of the U.S. and its southern neighbors.

In her closing chapter, Risley states that although the global regime on childhood has helped to spur alliances and strategies that have led to the passage of rights-based policies and legislation in Latin America, these must be regarded as "works in progress." In too many countries the rule of law is tenuous, perceptions of poor children as potentially disruptive remain ingrained, and inequalities and injustices that are embedded in society are too often exacerbated by the global economic system. The gap between what Risley refers to as "parchment" rights and the actual protection of rights and empowerment of children is still wide. Nevertheless, ending on what this reviewer regards as perhaps an overly optimistic view of children's resilience and capacity to mobilize as "young citizens," Risley concludes that the struggle for child rights in Latin America has made significant gains in

terms of heightened collective awareness and movement on policy and legislative fronts. What remains essential, however, are continually widening alliances, close NGO and international monitoring of successful or promising initiatives to ensure their sustainability, and strong political leadership to undertake major structural changes that directly address the blights of poverty, corruption, and underinvestment in social services for children and youth. In pointing out these directions, this highly readable and informative book is a valuable addition to the literature on children's rights in Latin America.

Review by Richard Maclure
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