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The Inter-American Institute for Children and Adolescents (IIN) is the Specialized Organization of the Organization of American States in matters of children and adolescents. As such, it assists the States in the development of public policies, contributing to their design and implementation from the perspective of promoting, protecting, and respecting the rights of children and adolescents in the region. Within this framework, the IIN pays special attention to the requirements of the Member States of the Inter-American System and to the particularities of regional groups.

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Prologue

By Víctor Giorgi

Once again – as in every semester for the last seven years – I am pleased to present a new issue of the IINfancia Newsletter. In these 14 issues we have sought to maintain the continuity and identity of this institutional publication, inspired in one of the Institute’s foundational mandates. But this identity cannot allow us to disregard each issue’s singular features, acquired in relation to the regional and institutional context.

The originality of the articles and their contents, the profiles, nationalities and disciplinary fields of their authors, the ways in which the publication engages with the events taking place in the region and the institutional circumstances in which it is produced and published cause each issue to be different from all the rest.

As from 2015, and based on an analysis of the newsletter experience and the fact that it was not published continuously after the foundation of the Institute in 1927, we considered it significant for the IIN to issue a periodic publication through which, from different approaches and perspectives, light could be shed on the various aspects of the complex issue of children, adolescents and their rights in the Americas. This implied thinking about a new structure and imposing upon ourselves publication criteria and standards that would make discussion possible between different actors: academics, policy managers, technicians, operators.

The mandate expressed in the statutes adopted in the founding act of 9 June 1927 was thus taken up: “The institute shall issue an official publication entitled: Newsletter of the International American Institute for the Protection of Childhood. It will include everything related to the Child Protection movement in the countries of the Americas. Laws, regulations, statistics, progress and results of the various institutions shall be recorded. Original papers will be published on the issues concerning [...] It will announce major international meetings with their agendas [...].”

Maintaining the original spirit of the publication implied setting in motion a number of changes, adaptations and redefinitions to bring the newsletter into line with the style of academic publications at the beginning of the 21st century. It is no longer a matter of reporting facts or events that are now disseminated by multiple means, regional distribution indicated a need for digital formats, and the current diversity of access routes to academic productions imposed the originality of the articles as a requirement for the initiative to make sense. In turn, these conditions demanded efforts and active collaboration from a group of potential authors; in addition to the quality that it was necessary to demand, a certain quantity had to be added to make regularity possible.

The commitment was to publish two issues a year, coinciding with dates that are extremely significant for children: 9 June, the anniversary of the founding of the IIN, declared Americas Children and Youth Day by the OAS; and 20 November, celebrating the adoption of the Convention on the Rights of the Child by the United Nations

As with many of the goals we set ourselves in our ventures, concern that we would not be able to sustain these self-imposed standards was always present, not as an obstacle, but as a challenge that allowed us throughout these seven years to publish 14 issues as we had proposed. They include more than 120 articles, with authors from 19 countries with the most varied backgrounds and fields of practice. A wide diversity of views synchronized around the focal point of the rights-based perspective.

This twenty-fourth issue maintains these characteristics. It contains 10 articles on various topics, by authors of different profiles.

Without prejudice to any of the contributions, we should like to highlight the papers of the two regional colleagues who have been appointed members of the Committee on the Rights of the Child of the United Nations: Dr Mary Beloff (Argentina); and Dr Rosaria Correa (Panama), with both of whom the IIN will maintain a fluid and intensive working relationship over the next few years.

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To conclude, I should like to share the fact that this is the last newsletter prologue that I will be writing as Director-General. When the next is edited, scheduled for June 2023, someone else will be responsible for leading the IIN and ensuring the continuity of this publication and for producing the prologue for each issue.

To all of those who made these 14 issues possible: academics, State technicians, civil society, operators from different areas; also to the readers who gave meaning to this effort and promoted debate, dialogue, the review of texts from their respective practices; to all of them, my thanks

Working for and with children and adolescents in America, the most unequal and violent region on the planet, requires permanent theoretical feedback that helps us to think about and improve our practices, to discover new facets of that reality plagued by violations and poverty, but also with potential which is sometimes unknown.

The recovery of the IINfancia Newsletter, and its continuity, aims to be a modest contribution to this challenge.



Víctor Giorgi
Director General - IIN-OAS



Background and early stages of the Inter-American Children's Institute (1916-1948)

By Facundo Álvarez and Laura Osta

This descriptive article deals with the background and early days of the Inter-American Children's Institute. This paper is the first step in a research study that is being carried out with the aim of writing a history of the Institute, an initiative proposed by its current director, Víctor Giorgi.

Since the final days of the 19th century, Uruguay had been involved in a capitalist economic process, promoting the political and economic modernization of Uruguay. These emerging directions enabled the educational authorities to plan for compulsory, free, secular, gradual and coeducation-based schooling and literacy, mostly for the children of immigrants (Espiga, 2015). At the same time, other institutions played a similar role, such as the Foundlings and Orphans Home (1875), the Arts and Crafts School (1879), the Council for the Protection of Minors (1911), the Boys' Educational Camp (1912) (now Colonia Berro), which focused on other children: "minors" who lacked access to common education. The different perspectives of childhood gave rise to an incipient social classification: abandoned childhood, fostered minors, schoolchildren, children who work, children living on the streets, children of working-class sectors, among others.

Gradually, the State began to generate certain actions to "recruit" children and young people, with the aim of removing them from the socialization spaces of adults and the

streets. The street, as suggested by French historian Philippe Ariès, was seen by adults as a synonym of "physical insecurity, moral indiscipline and, in general terms, training in crime [...]".¹ In a modern state, the vast majority of whose inhabitants were foreigners, the aim was to educate those children, training "school children" (Escolano, 2006) according to political and hygienism-related parameters. Public schools were the means that made it possible to apprehend and implement new social practices, as well as to develop civic notions and health models: healthy child, healthy morals, health and work in connection with a specific family model.

What was to become the Children's Code began to be drafted in 1925. On the same lines, the Senate had also approved the creation of the International American Institute for the Protection of Children, a direct predecessor of what would then become the Inter-American Children's Institute (IIN) in 1927.

There was a favourable medical-hygienist context in Uruguay for the creation of what would become the IIN. In 1915, Dr Luis Morquio had founded the Uruguayan Society of Paediatrics, whose main interest, as highlighted in his inaugural speech was determined to be: "the study of childhood diseases and... the child as part of our intellectual and professional concern."² During the early stages, after the creation of the IIN, some conceptual focal points may be perceived that crosscut each of its successive periods. Among them

¹ Ariès, P. *Ensayos de la Memoria 1943-1983*. Santa Fe de Bogotá, Colombia, Editorial Norma, 1995, p. 297

² Data extracted from: Portillo, J. "Nuestra Historia". <https://www.sup.org.uy/nuestra-historia/>

may be seen changes in the IIN's identity. Initially, a clear academic interest stood out, reflected in the desire to promote the Pan American Child Congresses and in the publication of the IIN's Newsletter. Among the topics of greatest interest promoted both in the Congresses and in the journal, were those of a medical-paediatric nature linked to early childhood, especially those dealing with the prevention of infant mortality, breastfeeding, artificial feeding methods and wet nurses, prophylaxis, all imbued with the policies and actions of hygienism, a movement which influenced this generation of doctors.³

As from the 1930s, children's issues focused on social and moral aspects, which were added to the medical issues already raised from the beginning. The IIN itself witnessed with concern the influence of social factors that directly affected the development of "wholesome and healthy" children. In this regard, the reports written by its president, Roberto Berro, expressed this change by pointing out what its main interests were: "concerns regarding the social factors that affect the life of the child, perhaps surpassing any health issues".⁴ Towards the end of this first period, the vocational training of Social Service schools became more intensive.

The concept of "morally abandoned" children raised by Congressman Washington Beltrán (1910) and by Roberto Berro (1930), reflected a line of care addressing not only material aspects but also moral aspects, concerns that arose from the State and family advoca-

cy institutions, holding that if these last did not exist the State should supply them.⁵

During this same period, there was a growing interest in unity on the part of the American States, which would result in a greater benefit for child development. These interests were reflected in the numerous American or Pan American congresses that took place in the first half of the twentieth century, seeking agreement and discussions on fundamental issues such as health and the rights of children and women.

Based on this discursive historical context of Uruguayan childhood, the idea was to emerge of forming an International American Institute for the Protection of Children, a process that was reflected in the minutes and discussions of the American Child Congresses.

TOWARDS THE ESTABLISHMENT OF THE INSTITUTE: WORK IN THE FIRST FOUR PAN AMERICAN CHILD CONGRESSES

The Pan American Child Congresses (PACC) were first held in 1916 and responded to the conception of childhood in the first decades of the twentieth century: children were repositories of confidence in the evolution and progress of societies. As pliable, flexible and perfectible beings, children were the subject of different fields of knowledge that intervened in their development. Childhood was crosscut by different representations, which aimed to problematize some of the consolidated knowledge and reflect on the new possibilities of modernity. In this context, the PACCs offered a rich opportunity for reflection and discussion, but also for consolidating and directing lines of action towards the

3 On these topics, see: Duffau, N. *Historia de la locura en Uruguay (1860-1911) Alienados, médicos y representaciones sobre la enfermedad mental*, Montevideo: CSIC, 2017. Barrán, J. *Biología, medicina y eugenesia*, Spain: Consejo Superior de Investigaciones Científicas, 1999. Osta, L.; Espiga, S., "Maternidad, medicina e higienismo en los manuales médicos. Montevideo, segunda mitad del siglo XIX", in Bilros, *Historia, sociedad y cultura*, vol. 6, num. 13, pp. 102-119, 2008.

4 Report for the year 1949 submitted to the International Council by Director Dr Roberto Berro. International American Institute for the Protection of Children. Montevideo, 1950. p. 8

5 Beltrán, W., *Cuestiones sociológicas. Lucha contra la criminalidad infantil. Artículos periodísticos y discursos*, Montevideo, House of Representatives, [1ed. 1910], 1990, pp. 54-58. Berro, R., "Los niños abandonados", in MORQUIO, Luis, *Conferencias*, Volume I, Montevideo: Impresora Uruguaya, 1930, p. 233

different American states. According to Netto Nunes, the Congresses were a scientific, political, international meetings, with the objective of creating an international and regional circuit for cooperation, the circulation of ideas and the exhibition of experiences.⁶ In the words of Soledad Rojas, the PACCs made possible discussions between the different groups to materialize and, finally, the issue of children was addressed in an “autonomous and cross-cutting” manner. In addition, these opportunities emerged as the first forum that had the aim of transforming the realities of the children in the region.⁷

The First Congress was held in Buenos Aires in 1916 on the occasion of the celebration of the first centenary of the country's independence. The organizing committee was chaired by Julieta Lanteri⁸, and with Alicia Moreau⁹ as secretary and consisted of the following sections: law, hygiene, psychology, education, mother and childcare, sociology and industrial legislation. The Uruguayan delegation included Paulina Luisi as president, Luis Morquio and Ricardo Vecino as vice presidents and Atilio Narancio as general secretary, among others¹⁰. The lecturers were: Ana Bruzzone, with her paper on the deaf-mute and their connection with school; Atilio Narancio with his study on hygiene in pregnancy and early childhood; Paulina Luisi presen-

ted her paper on sex education and the need for teaching hygiene and morals. Sebastián Rodríguez, for his part, presented his study on infant competitions; and finally, the School Medical Body presented its annual report.¹¹

The Second Congress was held in Montevideo in May 1919. This event was vitally important because it was then that Luis Morquio, president of the Executive Committee, presented the first proposal for the International American Institute for the Protection of Children – which would later be called the International Office for the Protection of Children. This intergovernmental, intraregional and international institution, set up to address children's issues, is the oldest in the world still in existence.¹² In a special plenary session, Morquio said that this institution would be a centre for study, action and propaganda on all matters concerning children.¹³ Accordingly, the congress's conclusion was to instruct the government of Uruguay to request the Legislative Assembly to enact a law on the creation of the Institute.¹⁴

The congress was held over the course of a week, the sessions took place in the Atheneum Palace and other activities were also carried out such as visits to centres and institutions related to childhood and motherhood, outdoor sporting activities, etc.¹⁵ The thematic sections were medicine, hygiene and welfare, education, sociology and legislation.¹⁶

The Third Congress was held in Rio de Janeiro in 1922. The thematic sections remained unchanged and Latin American ties continued to be strengthened through a strong

6 Netto Nunes, Eduardo, “A infância como portadora do futuro: América Latina, 1916-1948”, Dissertation for the Graduate Programme in Social History of the Department of History, Faculty of Philosophy, Letters and Human Science of the University of São Paulo, for a PhD in History, São Paulo, 2011, pp. 25-28.

7 Rojas, Soledad, “La protección de la infancia en América: una problematización histórica del presente. El caso del Instituto Interamericano del Niño, la Niña y Adolescentes (1916-1989). Dissertation presented in compliance with the final requirements to obtain a degree of Doctor in Anthropology from the Faculty of Philosophy and Letters of the University of Buenos Aires. University of Buenos Aires, Faculty of Philosophy and Letters, 2017, p. 95.

8 A medical doctor; she was president of the League for the Rights of Women and Children. She also chaired the Executive Committee of the First National Child Congress.

9 A medical doctor, she was a teacher at the *Liceo Nacional de Señoritas* (National Secondary School for Young Ladies) and the *Escuela Comercial de Mujeres* (Commercial School for Women) and director of “*Humanidad nueva*”, an international socialist journal.

10 “First Pan American Child Congress”, 5th Newsletter, Buenos Aires, Escoffier Caracciolo y Cía, 1916, pp. 49, 50.

11 “First Pan American Child Congress”, op. cit., p. 71.

12 Netto Nunes, Eduardo, “A infância como portadora do futuro”, op. cit., p. 31.

13 “Second Pan American Child Congress”, volume one, Montevideo, Peña Hermanos, 1919, p. 155.

14 Second Pan American Child Congress, Washington, Pan American Union, 1950, p. 33.

15 “Second Pan American Child Congress”, op. cit., pp. 62, 63.

16 “Second Pan American Child Congress”, op. cit., pp. 223-231.

call for unity. Thus, Dr Benito Soria, the official delegate from Argentina, pointed out that “we come with our Latino souls and our hearts of brothers, as bearers of the same ideals and sharing the same feelings.”¹⁷ However, actions to establish the Institute were put on hold, although some general proposals were adopted: the establishment of an office that would now be located in Rio de Janeiro with the aim of “centralizing and classifying” data of interest to children and their defence.¹⁸ The delegate from Uruguay, Dr Escardó, was questioned, but “he was not able to give a definitive answer, but let it be known that work was on track, and that the government of Uruguay has a strong desire to establish the office.”¹⁹

16 Finally, the Fourth Congress took place in Santiago de Chile in 1925 and was important because the Office and its statutes were definitively established. This project, presented by Uruguayan delegate Luis Morquio, was approved in its entirety. It suffered only a few small modifications, such as a change of name, becoming the International American Institute for the Protection of Children. We should also note that part of the work carried out by the Rio de Janeiro Commission in 1922 was resumed and it was decreed that the Institute should be a simple organization which the different countries would join and support financially. It was suggested that it should be an agency for study and work that would gather information and put it at the service of the various countries in order to develop policies for the well-being of children.²⁰

17 Terceiro Congresso Americano da Creação, volume 1, Rio de Janeiro, Imprensa Nacional, 1924, p. 69.

18 Netto, Nunes, E., “La infancia latinoamericana y el Instituto Internacional Americano de Protección a la Infancia (1916-1940)”, in: Jackson, Elena; Sosenski, Susana (eds.). *Nuevas miradas a la historia de la infancia en América Latina: entre prácticas y representaciones*. Mexico: UNAM, 2012, p. 284.

19 International American Institute for the Protection of Children, *Antecedentes*, Montevideo, n/e, 1925, p. 10.

20 International American Institute for the Protection of Children, *Antecedentes*, op. cit., pp. 13, 14.

This project took into account the contributions generated in 1921 at the Second Congress for the Protection and Welfare of Children held in Brussels, where the creation of the International Association for the Protection of Childhood was voted, as well as the creation of a newsletter. The motion was adopted with 28 votes in favour – including Uruguay’s – and four against.

In 1923, the idea of drafting a Declaration of the Rights of the Child emerged from the *Save the Children* foundation²¹ together with the International Union for Child Welfare.²² An action that took place in 1924 in Geneva.

In 1924, the Uruguayan government, in support of the country’s 1919 commitment to create an International Children’s Institute, issued a decree-law through the Ministry of Public Education. This decree, adopted on 24 July, created an International American Bureau for Children, which would submit its regulations at the Fourth Pan American Child Congress to be held in Santiago, Chile. The creation of an International American Institute for the Protection of Children was made official at this event and it was also agreed that the headquarters would be located in Montevideo. The Institute was, therefore, formally established on that date.

In short, the Institute was born under the aus-

21 A non-governmental organization created in 1919 in London with the aim of working for the rights of children. Eglantyne Jebb, its founder, was key in the history of building an international child protection system and the International Union for Child Welfare (1920). This British pacifist and social activist drafted and promoted the Declaration of the Rights of the Child, which was then recognized and adopted by the League of Nations as the first Declaration on behalf of children: Declaration of the Rights of the Child (or the Geneva Declaration of the Rights of the Child), 24 September 1924. Data extracted from: <http://novedades.iinadmin.com/iin-felicita-a-save-the-children-por-su-100-aniversario/>.

22 The International Union for Child Welfare was founded in Geneva in 1920 by Eglantyne Jebb, a pacifist and social activist in Great Britain, founder of the Save the Children Fund (London, 1919), known internationally for promoting the first idea of drafting the Declaration of the Rights of the Child, also known as the “Geneva Declaration”. Data taken from: http://www.iin.oea.org/pdf-iin/2016/publicaciones/Protocolo_de_Actuacion_para_las_Defensorias_de_Ni%C3%BAez_y_Adolescencia.pdf.

pices of the first four child congresses, and it was finally installed in 1927 with headquarters in Montevideo²³. In this brief summary, we have attempted provide an outline of how this body was conceived, who the actors involved were, how discussions took place and what the inspirational ideas were during those first defining moments.

THE IDENTITY OF THE INSTITUTE, ITS GUIDING IDEAS

At least five periods may be observed in the formation and implementation of the Institute, which could be reflected in the following chronological lines: from 1927 to 1948, from 1949 to 1964, from 1965 to 1988, from 1989 to 2000 and the period corresponding to the twenty-first century.

A comprehensive movement for the protection of children with Latin American features made it necessary to attempt the development of common languages. Children had been the subject of various disputes and the arena of quite a few arguments. In short, these new efforts sought to translate dissimilar experiences rooted in local realities, to project them to the Latin American level, in which social, disciplinary, professional and political fronts intervened and merged. According to Soledad Rojas, there were three significant fronts that shaped the currents of interest and nourished the issues prior to the formation of the institute, to wit: the feminists of the Southern Cone, the social workers of the United States and Latin American doctors, mainly paediatricians and social hygienists.²⁴

For example, feminists advocated for the institute to address the needs arising around the

mother-child binomial. Their objectives were to expand women's rights. The movement became a key piece in the emergence of the institute. At the same time, the social workers of the United States began to defend feminist principles, although on occasion, they followed the lines of the male perspective. For their part, hygienist doctors promoted reforms related to the family with a focus on the child.²⁵

The issues brought to the table were, in general, related to childcare. At the first congresses, the conceptualization of childhood, social welfare, the development of the category of "neglected childhood", the professionalization of childcare institutions, were the issues that were the subject of discussions.²⁶ This period was fundamental, laying the foundations as it did for the institute's "pre-foundational" period. As from that time, various countries began to be incorporated and various activities were set in motion to mark the initial moments and the identity of the Institute.

With regard to the characteristics of this first period, still in line with Soledad Rojas, the period from 1927 to 1948 was characterized by its "autonomy", as regards its relationship with international organizations, it was only from 1948 that it would become part of the OAS²⁷.

The main topics of interest that the Institute pursued as from the first decade of its existence were issues related to child health. This profile was in keeping with the professional training of its first directors. In his memoirs of 1936, Dr Roberto Berro referred to the different publications that the institute had produced, with an emphasis on the guiding themes of that period:

23 Netto Nunes, Eduardo, "A infância como portadora do futuro", op. cit., p. 31.

24 Rojas, "La protección de la infancia en América", op. cit., pp. 75-78.

25 Ibid.

26 Netto Nunes, Eduardo, "A infância como portadora do futuro", op. cit., p. 66.

27 Rojas, "La protección de la infancia en América", op. cit., p. 117.

The results of the survey on rickets, initiated by Dr Morquio, were published and discussed, as were a variety of topics involving medical, medical-social, hygienist, legal, social services, educational, vocational, reform school, the architecture of establishments for minors, and other matters.²⁸

The issues addressed by the new institution were varied. It should be noted that, due to the training of the men and women who were decisive in the formation of the institute, the first concerns were related to a medical conception of childhood that permeated the other areas that were addressed from that perspective: crime, hygiene, social services.

In 1939, thematic lines continued to focus on medical-social issues. The 1939 Memoirs identified crime, hygiene, legislation, social medicine, paediatrics, child protection and social services as topics of interest.²⁹

By 1948, when the Institute was incorporated into the OAS, interests broadened towards issues related to child nutrition, among others. Reports for that year note that someone was sent to Chile to train in the area of child nutrition. "To mention one of the institute's efforts to tackle these problems, we should refer to Delia Massone's trip to Chile to attend a dietitian course, under the auspices of the Department of Health."³⁰

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FINAL WORDS

These reflections have briefly summarized the earliest days of the Inter-American Children's Institute. Tracking the origins of a century-old institution is not an easy task. Although the initiative for the formation of this body arose from Luis Morquio, the truth is that a spirit of integration had existed since at least 1919, and many of the participants at those first congresses saw the need to join efforts and generate precedents for the establishment of the institute.

28 Report for the year 1936 submitted to the International Council by Director Dr Roberto Berro. International American Institute for the Protection of Children. Montevideo 1936. P. 6.

29 Cf. Report for the year 1939 submitted to the International Council by Director Dr Roberto Berro. International American Institute for the Protection of Children. Montevideo 1939, p. 10.

30 Report for the year 1948 submitted to the International Council by Director Dr Roberto Berro. International American Institute for the Protection of Children. Montevideo, 1948, p. 13.



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Notes on early fatherhood in urban poverty in Montevideo. Caregiving and sexual ethics

By Mónica De Martino Bermúdez

SUMMARY:

These reflections are based on studies we have carried out on masculinity and paternity at an early age in Montevidean poverty, one of the lines of our academic accumulation. Becoming a father at an early age in poverty, and reproducing “hegemonic” and “patriarchal” male identities, is not a factor of protection. In such situations it is unlikely that shared caregiving between genders is considered in more democratic ways. All of which constitutes an image of vulnerability that we believe needs further analysis in theoretical terms, and to be addressed politically. This paper’s original contribution may reside in the analysis of pregnancy at an early age as an experience and not as a problematic event that fractures an evolutionary perspective of life. The brief life stories to which we shall refer will enable us to overcome the concept of teenage pregnancy by framing it as a situated experience, now emphasizing how these poor urban male adolescents position themselves in the face of fatherhood and the tasks related to reproduction and caregiving.

KEY WORDS:

Adolescence; Pregnancy; Sexual Ethics; Caregiving.

1. INTRODUCTION

Early pregnancy is considered a factor strongly associated with social exclusion, but this contention is not as consistent when talking about male fatherhood, insofar as it has not been problematized. Similarly, in areas of discussion involving professional practitioners and political-institutional actors, it appears that the issue of “teenage pregnancy” is associated only with the female adolescent’s family, and not with that of teenage fathers. However, case studies would seem to indicate that situations involving paternity at an early age and in poverty are varied: young people who, to some extent, take on the care or support of their child, paternal families that do so, or the absence of a male figure throughout the process. A varying range of attitudes towards paternity and a varying range of male identities for which fatherhood acquires meaning.

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Studies on masculinities, conducted as from the second half of the eighties, have recorded a significant issue, raised in several areas of the debate on gender, even in those that are specifically feminist: the importance of perceiving the diversity of male voices (Vale de Almeida, 1995, 1996). Connell (1987, 1997), one of the pioneers in this attempt, sought to develop a conceptual model that, in emphasizing the political nature of gender relations, would offer analytical tools to express this diversity. Discussing masculinities within the

framework of a political sociology of men in gender relations, Connell (1997) considered, as early as the early 1990s, the places and practices of men in gender relations as the object of this sociology. Reviews of studies on masculinities also show the tendency to identify masculinity with men, both in the international literature and in the vernacular, as noted globally by Piscitelli (1998). Studying masculinities or femininities associated with the correspondingly sexed bodies, leads to limiting analysis from a gender perspective. This was the strong warning issued by Yaginagisako and Collier as early as 1987. We must recognize that such a warning was not sufficiently incorporated into feminist debates and subsequent men's studies. It is here that something that we consider to be "perverse" theoretically comes into play. Aware of the risks that an emphasis on the female condition presents in terms of a relational perspective for gender analysis, some feminists consider the advancement of men's studies to be a setback (Piscitelli, 1998).

Specific analyses carried out, both nationally and internationally, according to Connell's perspective (1997); that is, thinking about relationships between hegemonic and subordinate masculinities, show gaps that do not involve only the masculinities themselves. If we carefully analyse national production (Güida, 2006; Güida et al., 2006) we could indicate that it shows evidence, at the same time, of the absence of an equivalent problematization in terms of female identities and social roles assigned and assumed. In this respect, if we consider gender no longer as something binary, associated with sexual dimorphism (Strathern, 1989) or as an analytical perspective in the study of power (Scott, 1988a), it is important to explore the complexities of both the forms of being male/s and those of being female/s. That is why we try to avoid an emphasis on one of the categories (men), which

is expressed in the methodological strategy: interviews with individuals of both sexes, to analyse with their "own" eyes (men) and those "of the Other" (women), a single process: the exercise of fatherhood associated with the forms of being male/s.

We do not only try to identify hegemonic and subordinate masculinities, in the sense provided by Connell (1997), and applied at the national level by Güida et al. (2006, 2007), but to understand the socio-cultural processes, in both their objective and subjective aspects, when we talk about what it is to be a man and what it is to be a father in contexts of poverty. As Castells (1997) rightly points out, when it comes to poverty, studies often tend to stigmatize male paternity practices (absenteeism, abuse, etc.). In contexts of poverty, the responses afforded by the State can in themselves be the source of unfavourable positions. According to this author, once the old patriarchy and the political models of the Welfare State weakened, as did the symbolic association of the father with the Modern State (Gil; Nuñez, 2002), poor males could find themselves without access to new models of paternity and relationships in domestic life and in the development of care-related tasks. Why? Because their starting point is now different when building and talking about their lives and experiences (Hobson, 2002). It is a starting point characterized by lack and need in the meaning referred to by Heller (1996).

2. AN ACCOUNT OF TEENAGE PREGNANCY

The meanings of child and fatherhood, as well as the values that are expressed in them, are not arbitrarily combined as watertight compartments. Reality, extremely complex, sometimes combines several meanings of child with some of the sexual ethics identified and which we mention below (De Martino,

2018). It should be noted that in a paper of 2018 we briefly identified certain types of sexual ethics, associated with projects for the development of the ego, according to Foucault's (1986) understanding.

In this morality of men, developed for men, the development of the self as a moral subject consists in establishing a structure of manhood in oneself: only by being a man to himself will he be able to control and dominate his activity as a man, which he exercises in the face of others, in terms of sexual practices. What must be understood in the contentious joust with oneself and in the struggle to control one's desires is the point at which the account of oneself will become isomorphic to the relationship of domination, hierarchy and authority that, as a man and a free man, it is intended to establish over those who are inferior, and in such a condition of "ethical virility" it will be possible, according to a model of "social virility", to give the measure that is appropriate to the exercise of "sexual virility". In the exercise of his male pleasures, he needs to be virile about himself, as he is in his social role. Temperance is in its fullest sense a virtue of man (Foucault, 1986: p. 81).

The variations of this ethical code that we have identified, in a first approach, combine that virility and its social expressions, which orient sexual exercise and synthesize, according to our analysis, the familiar legacies of faith and sexual repression that these adolescents received from their families, beyond the frivolous reading that associates poverty with promiscuity. With regard to the first of these legacies, we highlight the value of the nuclear and monogamous family, beyond any possibility of being able to realize it; the second type of legacy could be expressed in a clear and

outright denial of abortion, even though it is now legal in our country, and matters related to sexual repression. Technical experts have noted some points of interest: 1. sexuality is a subject that is little talked about, because it is a forbidden topic, or through prudishness; 2. the existence of certain sexual practices that could be considered conservative, such as not looking at their partners' sexual organs, on the part of female adolescents; 3. and certain deductions, based on their accounts, that often sex is not seen as something pleasurable. These legacies, which point to the scant ontological complicity between experience and social awareness, generate, along with other sociocultural aspects, various types of sexual ethics. On this occasion, some of them are accompanied by brief outlines of life stories we have collected.

When the Ethics of Virility is expressed in conjugality

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Manuel is 24 years old and his partner, Rocío, 21. He attended up to the first year of high school, without completing it, and his partner, up to the second year. Rocío took a computer course. They are the parents of María, 4 years old, and Claudio, 4 months old. They live alone in a very modest "little house" of sheet metal, about four meters by four, which is one of a whole row of similar constructions on the banks of a narrow creek. The land is subject to flooding. Inside, they have divided the area with curtains or furniture to separate the world of adults and the world of children. The hut has a dirt floor. While the interview is being conducted, María goes back and forth around the house and constantly demands her dad's attention. The girl plays with typically feminine elements: pushchairs, dolls she refers to as "my child", etc. Manuel has had several unskilled jobs and Rocío is a saleswoman in a sportswear house. She is currently on maternity leave and Manuel

is unemployed. Manuel's father is a construction worker and his mother is a domestic worker. His paternal grandfather is a retired policeman. Rocío's family is also made up of parents and grandparents, who are workers and/or employees. Manuel is easy to talk to and he is willing to do so, even if not strictly friendly. He is serious and limits himself to answering what he is asked. The search for a place of their own has always been a goal for this couple. Over a short period, they moved from a patrilineal home (the purchase of a hut from the adolescent's mother) to a matrilocal home, until they were able to achieve a home of their own, which, we must clarify, is but a modest room. Childcare tasks were conducted in a way we refer to as "tutored" (De Martino, 2017), in the understanding that the mother or mother-in-law, of either adolescent, "supervises" the father/mother, restricting the young couple in their autonomy. Cohabitants change, as does family support, and the absence of public policies aimed at this population causes domestic work, care activities and other reproduction activities to take place in whatever way possible.

Manuel is an example of virile ethics (taking care of his offspring and woman, being a man but with a manliness according to Fuller [2000]) and conjugality (living together, forming a nuclear family). Manuel indicates that fatherhood changed him. He does not speak of being an adult, but of being more of a man, but in the diminutive: more of an "hombrecito", or little man, expressing the ambivalence of pregnancy at an early age: being a teenager with a man's responsibilities. The young man shares caregiving tasks and observing him with his daughter, we see that he is a loving father, and has established a fluid and very affectionate bond with his child. Manuel always cooks, "I do everything, I take her to the CAIF¹, everything."

¹ Plan Nacional Centros de Atención a la Infancia y la Familia (National Plan for Child and Family Care Centres). It has numerous kinder-

How did this virile and conjugal ethical sense emerge in this young father and partner? The figure of his mother and grandfather come up very strongly in his account, bearing in mind the paucity of his words. Mother and grandfather with a history of stable and socially protected work. The figure of that close, loving grandfather who fulfilled the separation function, in Freudian terms, a mother who set boundaries, even though she was out at work most of the time. But the Norm or the Law in this case, was also put in place by a working mother (of ten children).

A boy dedicated to the care of his siblings and the house, while his mother worked, his working life began more formally when his brother-in-law asked him to work with him, about a year later. After leaving the combination of housework and ditch cleaning, he has worked in logistics, construction, and other odd jobs. He also sold roses on the street. At the time of the interview he was unemployed, doing odd jobs in construction. He was looking for work, which as we see, is irregular, varied and without the protection of labour laws.

This male has always taken care of his siblings and children, and is an unstable father provider, if we take into account his insertion in the labour market. He formed a nuclear family with a home of his own. For this male, who shares caregiving tasks as something natural, it would seem that sexuality and paternity/motherhood are exercised on the basis of an ethics of virility with a social expression in conjugality. This is not a value judgement, but we can assume that they feel it is necessary that their sexual experience should be governed by a certain social conception of man that implies being a father, all within a conjugal, everyday environment and, in this case, it would seem with equal share of gardens in working-class districts in order to facilitate the balancing of work and family.

respect for his partner. The constitution of his virility includes this, beyond the fact that the experience of adolescence implies that cohabitation and relationships may be “for the short term”, this teenager feels involved in an ethically conjugal relationship (De Martino, 2018).

Conjuality as a psychological expression of the Ethics of Virility. A “restorative” daughter

Braulio, 20 years old, father of a one-and-a-half-year-old girl, displays certain features that allow us to indicate that rather than paternity, it is conjuality that has brought him a feeling of belonging and male identity. Braulio lives with his partner, Mariela, 18, and his father-in-law. The domicile is matrilocal, it is a modest house, of light materials, in a peripheral neighbourhood of the city. The house has two bedrooms, bathroom and kitchen, all very deteriorated. The house and the land where it is located are, historically, the property of Mariela's maternal family. On the land there are other hut-like buildings, made from lightweight materials and blocks, where her siblings live with their families, an aunt and cousins. The men of these families make a living from collecting rubbish and, in Mariela's words, “they sell junk” at various markets. But Mariela's father has always been a construction worker, although he hasn't worked for a long time, and her mother was a textile worker all her life. At the time of the interview, the dynamics of all these family groups was curious, to say the least. The men go out to work during the day and the women remain “in the houses” and problems and arguments arise among them almost every day, evolving into seriously violent situations, especially between Mariela and her sister. In general, their arguments are about the partition of the dwellings, bearing in mind that Mariela's mother has been hospitalized for a long time and is in a very delicate state of health that makes her outlook very uncertain.

Braulio is not working but collecting unemployment insurance; through a friend he made contact with a non-governmental organization (NGO) that provides training courses and obtains work internships. He has taken a number of courses at the NGO (computer science, plaster work, etc.) and is hoping that they will get him another job. He has worked as a cleaner for Municipal Community Centres, also as a protected work experience. He goes to another NGO to do boxing. He is not enrolled in any social programmes or social service provider institutions, except the one through which he obtained his first protected “job.” He attended school up to the 3rd year of the Basic Cycle, and Mariela up to the 2nd year, both leaving school when the pregnancy occurred. The child is recognized only by the mother, who receives a Family Allowance, and two other income transfers linked to food. It should be noted that the girl has a seemingly chronic kidney disease, but medical checks are not sustained over time and, obviously, they are the “mum's business”. In the morning, Mariela does the housework (domestic and caregiving) and in the afternoon, she watches TV (soaps), “*to while away the time*”, while the child plays near her, inside the house. Braulio trains a great deal at the NGO now that he is out of work. Braulio speaks very little, it was extremely difficult to interview him, although he was willing. Mariela, on the other hand, is more cheerful and outgoing. Both have a somewhat “depressive” public presentation, which in Mariela's case became explicit when she began to cry bitterly over her problems with her sister. The interview with her was interrupted at that point and the conversation went in other directions. It should be clarified that neither the depression (later confirmed by the NGO) nor the child's health situation nor father/motherhood aspects are addressed by the technical team of this institution. We are talking about the intense loneliness of these teenagers.

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Braulio does not elaborate on his family problems, although he tells us about a father who was murdered in a settling of scores, a mother who was a prostitute in order to support her five children (four sisters and Braulio) and his relationship problems with Mariela and the baby, when they lived for a time in the family home. Faced with this, he decided to leave with his wife and daughter and insisted several times: “I won’t leave them, I won’t leave them for any reason,” remarking on his wife’s role as a counsellor and listener.

Braulio’s world is a world of women; a strong mother, jealous and conflicting sisters (according to his account) and a father who did not live long and died tragically practically in front of him. He then formed a family where the ubiquitous figure is Mariela. Braulio talks less about his daughter.

28 Braulio’s world is governed by the ethics of conjugality, in the very first place, and in second place, by fatherhood. Mariela is his support, his friend, everything. With his money he keeps his partner and daughter, as he says in his account, he respects them, he took charge of his daughter with manhood. This ethical concept was conveyed by his mother, in a family of women. Mariela is his partner and friend and with his daughter he plays and talks about a feeling of friendship, almost on an equal footing. He has not recognized her legally, because “it’s Mariela’s affair” and he does not participate much in her care, since “Mariela wants to do everything”. But neither of them shows concern about the girl’s kidney disease. Braulio plays and plays with Manu, helping her bathe is also like a game. He is not a Father who lays down the law, nor is he a Caregiving Father, he is almost an equal, whom Mariela tries to take care of, as we shall see below (Meler, 2009a, 2009b).

Mariela’s account contributes the same elements, as well as others. In some ways their lives are mirror images of each other. The next paragraph shows Mariela oscillating between a child’s world and the supposedly adult world to which motherhood brought her... although she still says that “I talk to other girls”. It is the maximum expression of the classic association between being a woman and being a mother, of motherhood understood as an institution and a female function.

It is interesting to reflect on how Manu seems to occupy a secondary place for Braulio, but is a “saviour” daughter for Mariela; a daughter who, supposedly, has enabled Mariela to remedy her internal and relationship problems. Mariela speaks of the ethics of motherhood that expresses a female condition subsumed to that of being a mother. She speaks of an ethics of sexuality associated with the couple and reproduction. And everything is abandoned for the sake of the child. Just as Braulio left high school to work, although he does not participate in any caregiving tasks and his working hours, when he had them, were not extensive, Mariela also stopped going to school and does not work in order to devote herself to tasks related to reproduction, whether domestic or caregiving. But she also fulfils a strange protective function towards her partner. Every night, when Braulio returns from karate at the NGO, she will go to meet him at the bus stop. When she was asked why she did that, her answer was “*To take care of him, because the kids (in the neighbourhood) mess with him*”. From the first it was understood that the strong Mariela was going to protect Braulio, given his timidity. Besides, it is she and her family who belong to that part of the neighbourhood. But her reasons were different: Mariela takes care of her partner so that he does not overdo it, she takes care of the neighbourhood kids, in short, her daughter, but can she take care of herself?

The rest of the interview was about the sense of loneliness that had always been with her from the age of seven, when her grandmother died, as it had been she who had looked after her while her parents worked. She has not been able to overcome that feeling of loneliness and distance; nor has she been able to resolve her very complex relationship with her sister, in relation to their father figures: *"She's my mum's; I belong to both."* The anguish caused by her fights with her 33-year-old sister that derive in physical violence overwhelms the interviewee. Mariela uses a very interesting way to link her family's intergenerational relationships. In our words, a tragic style, where death and life are strongly linked, where most especially life is previously associated with the death of a forebear. That is, her biographical memory is characterized by that tragic style, where life is marked by death. So, for example, of the grandmother who cared for her and whose absence still saddens her, she says: *My grandmother died in 2002, on the same day my nephew was born. She was the grandmother who took care of me, I never knew my grandfather because he died two days before my mother knew she was pregnant with me.* (Long pause)

Looking beyond her loquacity, this girl who intertwines death and happy experiences (life/pregnancy), maintains that tragic style of perceiving her life, she is this teenager who began talking to other girls when she became a mother. As if her childhood had been suspended with the death of her grandmother at the age of seven, and had been reconquered through pregnancy, when she began to bond again with other girls, almost in her own words. On the other hand, reading between the lines, Braulio's shyness may hide violent ways of resolving his internal issues. Meanwhile, Manu, a year and a half, witnesses the violence between her mother and her aunt or her mother and her great-aunt almost

daily and cries every time she urinates, "because it burns", says her mother, but her kidney problem is not being treated as it should be.

The truth is that the girl who came to save her mother from loneliness, to give her a respectable status within her family, who in a certain way also completes the dyad that provides security to Braulio, lays bare the aporia and imposture imputed to teenage pregnancy: teenage parents do not become adults, do not receive differential treatment; neither do motherhood nor fatherhood per se "cement" the fragile personal identity of these teenagers, who are almost children, who have lived however they can, and, therefore, provide whatever care they can, without objectifying or being aware of their caregiving shortcomings (no medical monitoring of kidney disease).

Having a daughter, has "settled" Braulio in life, has "given him a place", an affective space where he can be for himself and for those others who have great affective significance. There is a great affective investment in both the couple and the child. It is about the figure of a restorative child, but of reaching a socio-affective space that expresses its "I am", "I am here", etc. And that space would seem to be fulfilled with Mariela. More than fatherhood, building a typical family as an affective refuge in a hostile world, is the tendency of their desires and actions. Paternity, the child, is a corollary, but not a founding element of the family relationship that is established. ***The ethics that characterize this masculinity and the form of exercising paternity is that of a conjugality centred on the feminine***, from his childhood women have been the "strong" ones in his life. Perhaps we find here the reason why Braulio does not participate in caregiving tasks and has not even recognized his daughter, because they are "the mother's

business”, feminine concerns. From another perspective, it is he who needs to be cared for.

Tribute to the Mother while Being a Sidewalk Father. Virile ethics and fragmented conjugality

Julián is 17 years old and father to nine-month-old twin girls. Although he and Rosario (19 years old) lived together for a while, they separated when the girls were five months old. The girls were born after they had been a couple for about two years. Rosario lives with her mother and siblings. She has trained as a chef at a private institute. She doesn't work and takes care of the girls. We were not able to interview her because of the difficulties in their relationship. Julián lives with a paternal aunt, has a steady job as an electrician in a government office and is currently taking a course delivered through the National Institute of Employment and Vocational Training (INEFOP). Julián's father was not able to keep his children, because of his financial situation. He is a labourer. Therefore, Julián lived with a foster family answering to the Children's Institute of Uruguay (INAU) until he was seven years old. From that age until the age of sixteen, he lived in other residential institutions until he started living with Rosario. He still refers to “the lady who raised him”, and maintains a good connection with her, as well as with his father, whom he sees regularly. He also dreamt of being a football player, a dream he gave up to help take care of his daughters. He plans to return to professional football on the basis of an agreement he has already reached with a category B team. He has a difficult relationship with his former partner and his former mother-in-law, which prevents his having a more permanent relationship with his daughters, to the point that his visits take place on the pavement outside their house. He contributes money in response to what the mother of the twins asks for

or needs. The girls have been recognized by both parents. Although he is a public employee, he does not provide alimony, because “she” has not requested it. Julián transfers monthly amounts depending on what his former partner requests, in addition to buying clothes for his daughters. The couple's romance is more or less the usual; a courtship of a certain length of time and then thinking about planning for a child.

A teenager with no ties to his mother, a “son in part of the State”, he feels the need to repay his surrogate mother by allowing her to meet his daughters. The child was felt as a tribute, as a thank you to the person who fulfilled this nutritional function within the framework of the State. We should not disregard such biographical features when analysing the participation of teenagers in reproductive tasks and in the ways in which they care for their children. Technical operators and social policies must take these aspects into account. In Julián's case, the way the couple organized their lives in order to care for the twins equitably. The way in which they both shared their tasks is quite striking, Julián even considers himself to be somewhat obsessive about cleanliness, “I'm quite fussy”. Tasks involving care of the girls, cleaning and cooking were shared with Rosario. And he gave up football (which was also a source of income) to share in the care of his daughters, although they were also able to count on the financial help of his former mother-in-law.

Julián indicates that he has not had any male role models. His father is a good man, according to Julián, but they never lived together and the husband of his “adoptive mother” did not establish any significant bond with him. He also tells us that he doesn't have a role model to follow as regards living as a couple. Consistent with this, Julián tells of his desire to maintain a bond with his daughters, but

his position is ambivalent. Or at least this is what Julián can take on, and he does not ask for more. He has not applied for custody or visiting rights through the courts. He also indicates that they (grandmother, mother and daughters) are financially stable.

The interview is starting to acquire greater depth. Julián compares himself to his father; he was never able to have him as a close father, but he was always going to visit him and he tells us and thinks that he is reproducing that distance. Therefore, he does have a father figure model to follow, both in his biological father and in the husband of his “caregiver”. But this self-criticism anguishes him greatly. He tells us that it is the first time that he has thought about this.

The truth is that Julián loves his daughters, beyond their being “gifts” for his adoptive mother. This tribute is very significant and speaks of this teenager’s deeply felt gratitude to the foster mother who raised him until he was seven years old. It is important to recognize that he gave up football to take care of them, even though the couple only lived together for a few months. He was a “caretaker” father and committed to housework, obsessed with cleaning. He is present as a father, in his own way. And at the same time he is a teenager who studies, works, takes part in sports... and lives practically alone, since his bond with the paternal aunt with whom he lives has almost no background. But in addition to a recognition of his limitations as a father, which he noted with deep feeling, to the point of tears, Julián’s capacity for symbolism is very marked: associating fatherhood with very concrete, but basic and elementary actions for every child to be able stand upright and walk through life: talking (communication, expression, reason), tying shoelaces, (he talks about the feet that make it possible to walk safely), putting something on (practi-

cality, utility, skill, independence).

He has been a teenager who “was there” and is now there as far as he is allowed, and he accepts this. This speaks of greater difficulties on the part of the adult world to “enable” or “guide” than of the adolescent world. Julián seems to be clear about his situation in his answers; regarding his limitations and contradictions it is his gender as well as his status as an adolescent that must be considered. But Julián suffers. And there is no public policy or service to help him sort out his dilemmas. How can we demand or analyse the caregiving skills of those who, due to age and experience, still need to be cared for?

3. CONCLUSIONS

Finally, we ask ourselves a few questions on the basis of this biological, social and ethical conjunction of sexuality and paternity in adolescence. It would seem that the Freudian perspective becomes more present in those situations where the ethics of virility and conjugality coexist. Where paternal and maternal roles seem to be clearer. It would appear that, albeit shakily, these young people are able to assume the role of the Father as Legislator, the traditional father figure who theoretically stands between the fusion of the child and the omnipotent and narcissistic mother. We have observed play, but also the placement of boundaries when they interact with their children, in addition to the very precarious definition of “adult” and “children” areas inside their homes, which are also very precarious (Meler, 2009a: p.353-354).

Therefore, neither adolescence nor poverty per se, appear to determine the shape of these masculine identities, family compositions and paternal/maternal functions in general terms. There is a process that is profoundly

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cultural and psychological, but that makes the maintenance of a social order profoundly unjust and sexist, even within those virile and conjugal ethics. From another perspective, we can ask ourselves if in situations where the paternal authority is impaired, or the father as a close caregiver is absent, the eroticization of the mother-child bond might not be promoted (Meler, 2009a). In a way, technical operators are aware of it, intellectually they intuit it, but they cannot define it exactly: “that strange attachment”; “in which everything involves the body”; a bond where the mother is the only great giver. It would seem that various forms of fatherhood are beginning to take hold in Latin America, surpassing the archetype of the Terrible Father (Freud, 1943; Meler, 2009a). Thus, the restraining father who resolves complex Oedipal situations coexists with aspects of caring and loving fathers and also occurs in poverty. This compels us to overcome binary rationales and gives new meaning to certain Freudian constructions.

Regrettably, from the responses of social workers and the experience of all the interviewees, it would seem that neither the State nor technical knowledge are available for these young people to delve into such dilemmas. If they are not cared for, listened to, understood, how can they advance in their role as parents committed to the care of their children?

Kimmel (1997, p. 208) tells us that invisibility is a feature of masculinity. It is an invisibility with philosophical and political roots: “it is, in itself, a political issue,” says the author. Therefore, we cannot require Uruguay to be the exception to the rule. We can, however, and must begin to demand and induce the problematization and visibility of the issue in various areas. We think that these observations will allow us to contribute to this.

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Reconsidering, rethinking and rebuilding education for a more humane and happier society

By María Victoria Peralta Espinosa

...the recent pandemic has likely had a strong impact on popular conceptions of what is most important for a good life, and indeed on how society can foster collective improvements to well-being...

World Happiness Report 2022, UN

INTRODUCTION

To propose as the title of an article the need to rebuild education to promote a more humane and happier society might appear to be an idealistic aspiration, somewhat naive and apparently decontextualized from all of the difficulties and problems besetting the world and each of our countries. However, an analysis of the events that humanity has been experiencing in recent years and reflections in their regard, or their denial, which has occurred in other cases, fully justifies the idea that education must be significantly transformed in order to make our current societies better in all aspects, to which end we need to find focal points other than the traditional ones.

If there is something that human beings have always engaged in, it is the search for happiness or well-being, for *estar bien*, *bem-estar*, *bonheur*, *küme mogen* (good living in *mapudungun*), or any other concept used in other languages and cultures to express this “state of positive satisfaction” that we will analyse

conceptually below. This “seeking and practising” expressed in many ways over time, shows us its ongoing importance in human existence.

Indeed, since Aristotle (384 BC - 322 BC), if not before, in Western culture or since we evolved into *homo sapiens*, we have probably been acting and/or thinking about what happiness is and have sought it in many ways. Today, there are various fields (philosophical, psychological, neurobiological, sociocultural, educational) that provide backgrounds of all kinds to support the importance of this as an essential basis to guide the life of our societies and the education of the new generations, so that we can act accordingly. The background to the stressful existence that we encounter in environments that are inequitable and unhealthy in every respect, demands more than ever that each of us make purposeful contributions to this personal and collective construction that is happiness, in favour of a better society for all.

The importance of happiness was recognized in UN General Assembly Resolution of 2011 as a “fundamental human goal” as well as in the Sustainable Development Goals (SDGs) in relation to the quality of education and well-being.

At present, the literature on the subject is extensive and there is also a manifest interest in exploring its applicability in various areas ranging from the personal to the institutional. In the first case, for example, we may obser-

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ve in some of the Internet search engines¹, that questions on the concept of happiness are particularly high in Latin America and in other regions of Western culture, which can be analysed in many ways, but it is evident that, on the whole, people want to know more about it. In the second case, influential institutions or specialized units have been created to conduct studies in this field and there have been instances of training in attitudes that favour the positive and living well and have even generated certain indicators to try to measure happiness and make comparisons about its quality in different countries. Among them is, the OECD's "How is life? Measuring well-being" (2020)², and the world ranking devised by the United Nations following the proclamation of the "International Day of Happiness" on 28 June 2002.

36 However, happiness, which is a personal construction with different cultural influences and social understandings, has not been generally addressed in the social aims³ or public policies of countries and, therefore, in education in general.

Its near absence as an aspiration in current modern Western education, with certain exceptions, has been notorious; it has often been considered as something "not very specific" and difficult to define, implement or evaluate. In other cases it is thought – due to an inadequate conceptualization – to imply contradicting the discipline and school order that have been the bastions of traditional education and very difficult to give new meaning to. Added to this is the overestimation of cognitive and academic learning and the emphasis on its strict measurement, all of which supposedly does not allow for the incorporation

of anything else into the school curriculum. All this has led to its widespread lack of inclusion in educational programmes or in curriculum development, which would imply, among other aspects, generating more pleasant and friendly physical environments, favouring positive relationships between teachers and students, and in particular, selecting objectives, contents and learning experiences to favour attitudes and practices leading to happiness, and delivering strategies to help face complex experiences.

Today, there are a great many negative physical and mental health situations derived from, among others, the COVID 19 pandemic and the political, social, economic and environmental uncertainties in which we live, which demand that we urgently address these issues and invite society and its institutions to deal with them. Our aim should be to advance towards a better quality of life in serene environments of peace, love, possibilities and well-being for all, which would allow us to fulfil our human vocations.

There are studies, research, curricula developed and experiences in various contexts that have been opening a way in these fields and showing that a society and an education that deals with value-based references, sustainable development, the emotions, positive relationships, harmony or whatever way we wish to describe this "feeling-good" that implies happiness, can achieve a better performance for its members in all areas in which they move and are thus able to advance in all areas for their personal and social benefit. In this paper we wish to present some of these studies, justifications, criteria and practices as a way to encourage educational communities to perceive that in these times, perhaps the most important thing we can do, is to generate a more humane society and education where we all have much to contribute in ter-

¹ For example, on Google Trends

² OECD. 2020, How's Life? 2020: Measuring Well-Being, OECD Publishing, Paris, <https://doi.org/10.1787/9870c393-en>.

³ Bhutan has determined that happiness is a government priority, placing it in article 1 of its Constitution, and should therefore be singled out as a special case.

ms of these objectives. We must become an “educational society”, where we all, at home and at work, at local, regional, national and planetary levels, do “something” to improve the situations we are experiencing.

We should do it for ourselves, for the new generations and for Mother Earth that shelters us with its multiple habitats and species with increasing difficulty every day, all of which constitute the scenarios of our life and true human progress.

1. SOME BACKGROUND

The search for happiness, initially understood as a sensation, an experience, a state, a pleasant and enjoyable feeling, has various manifestations, meanings and values for people and groups, depending on the culture(s) of which they are participants. While accepting these differences, there is no human community in time where it has not been part of life because it is an essential component of existence, survival and the natural urge to overcome the difficulties that restrict our living and being. For example, in our American world, the colossal smiling heads of the Olmec culture or the smiling figures of the culture at the centre of Veracruz (Mexico) of the classical period (III AD) are well-known and are tangible manifestations of sensations or reactions that this search for happiness produces.

In Eastern cultures there are wide-ranging philosophies that address peace, serenity, happiness, which are expressed, among other symbols, in the swastikas of ancestral religions, which were a symbol of well-being⁴, or in the images of the various smiling Buddhas and, indeed, in their teachings: “There is

no path to happiness: happiness is the path” (Gautama Buddha). Today, the Dalai Lama continues to strengthen this thought by pointing out that happiness is not a gift but an art that demands will and practice, and that only in this way will we be able to turn the duty to live into the pleasure of feeling alive in a world where almost everything is possible, even happiness⁵.

In Western culture, ancient Greek philosophy is recognized as that which first regarded happiness as a subject of reflection, referring to it as “the supreme good”. Several philosophers, Plato, Epicurus (a hedonist⁶) addressed it, and most especially Aristotle, who stated in his work “Nicomachean Ethics” (349 BC), that every man conceives happiness in his own way, and that, to free himself from the subjectivism in which he can fall, it is necessary to seek the good that is inherent to Man. In this way, happiness is not achieved freely and individually; it is the fruit of a whole moral life that is linked to values, and therefore, it is accompanied by enjoyment. It is called “*eudaimonia*”, *eu* (meaning good) and *daimon* (spirit). It follows that more precise and reliable interpretations of its meaning would be: those of ethical prosperity, human flourishing or the good life, making it clear that only a virtuous man will be able to gain access to happiness in its entirety, which also includes social aspects.

In the Roman world, we find (*De vita beata*) “On the happy life”, which is a dialogue written by Lucius Annaeus Seneca around the year 58 AD for his older brother Gallio, where he argued that nature is reason (in Greek *logos*) and that a person must use the faculty of reasoning to live in harmony with nature and thus achieve happiness. He pointed out: “All men, Brother Gallio, wish to live happily, but

4 It is a Sanskrit term, whose symbol has been used in Hinduism, Buddhism and Jainism with the spiritual purpose of providing luck, well-being, prosperity, among others, so it was placed in temples and body paintings.

5 Dalai Lama. 2018. *El arte de la felicidad*. De Bolsillo, Spain.

6 Hedonists considered that happiness consisted in the immediate satisfaction of desires and in the sum of pleasant moments.

their minds are blinded to a clear vision of just what it is that makes life happy.”

In Judaeo-Christian terms, Saint Augustine (354 AD – 430 AD) in his youth wrote his version of *De vita beata* and addressed the issue by considering whether happiness is achieved through the search for truth, which is what the “Academic” does. In this regard, he had a conversation with his mother, Saint Monica, who replied: “as long as what he wants is good”, and he expressed his agreement with that thought, pointing out: “So, if it is a manifest thing, that he who does not have what he wants is not happy, what reason showed before, but no one seeks what he does not want to find, and they always seek the truth, therefore, they want to find it; they want to find it, but they do not find it. Therefore, they do not have what they want, and thus they are not happy. But no one is wise if he is not happy: therefore, the Academic is not wise”.

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At the beginning of the modern era, the philosopher and mathematician René Descartes (1596-1650) instituted a radical change with respect to the Greek conception of happiness, since he did not consider it a good, but rather the pleasure that we enjoy when we achieve the supreme good, and that philosophy can help to achieve that “sovereign happiness”. For this he considered that it was necessary to redefine what happiness is by pointing out that it is the “perfect contentment of mind and inner satisfaction”. He added that it was necessary to practise the virtue that he defined as “a firm and constant will to bring about everything we judge to be the best and to employ all the force of our intellect in judging well”⁷. Thus, for Descartes, happiness was the pleasure that naturally accompanies the exercise of virtue and that human beings seek. In this way, he contributed the modern

concept of happiness as a pleasure to be developed, but it is not the supreme good of the individual as the Greeks and Romans considered it.

In modern education as initiated by J. A. Comenius (1592-1670), there was also a transcendental change as regards harsh medieval teaching, in which rigour, inflexibility and even mistreatment were a regular part, so that well-being was very far from being included in these practices.

Comenius conceived human beings as harmonious beings, but that this did not occur on its own; teaching was required to advance in their improvement⁸ and this had to begin from birth because it is a malleable stage and because “only what the early age assimilates is solid and stable”⁹. He explicitly stated: “The earliest manifestations of human life are repose and agitation, joy and sorrow, smiles and tears. Repose, pleasure and smiles are expression of the child’s development, when they are carried out with serenity and purity. Keeping a child’s life pure and serene, to develop his being under conditions of purity and serenity, such must be the end of all the efforts in early education.”

Among the teachings that he proposed should be fostered, he pointed to, among others, “knowing things” and “enjoying everything that the Creator offers with a generous hand as a guest in his house.”¹⁰ The latter implies: “enjoy the goods that come from God, from creatures, and from ourselves.”¹¹

With these philosophical and religious foundations, Comenius unfolded his pedagogy in the various works he published. In his princi-

8 Comenius, J.A. 1998. *Didactica Magna*. Editorial Porrúa, Chapter VI. Mexico. https://www.academia.edu/10798268/Amos-comenio-j-didactica-magna_1_

9 Op. cit. Chapter VII.7

10 Op. cit. Chapter X.5.

11 Ibid. 8

7 These statements were made in response to letters he exchanged with Princess Elizabeth of Bohemia in 1645, who suffered from a “melancholy sadness” that manifested itself in a mild fever.

pal work: *Didactica Magna* (1630) he stated that the application of this education from birth covers many aspects that must be selected, and that must be specified in a school that considers among other issues that: “If you treat your pupils with love, you will easily steal their heart in such a way that they would rather be at school than at home.”¹² He added: “School itself should be a pleasant place, attractive to the eyes, inside and out. Inside, it should be a room full of light, clean and adorned with paintings everywhere” ... “Outside, the school should have, not only a large square where pupils can unwind and play (this should not sometimes be forbidden to youth, as we shall see below), but also a garden in which from time to time they can let their eyes be sated with the sight of trees, flowers and herbs. If school is arranged in this way, it is very possible that they will go to school no less content than when they go to fairs, where they always expect to see and hear something new.”¹³ He continued: “Matters themselves encourage youth if they are within reach of their age and are clearly explained, with a mix, of course, of playful or, in fact, less serious and always pleasant matters. That is, mixing the useful with the sweet.”

In short, in the modern pedagogy initiated by Comenius, love, smiles, pleasure, enjoyment, delight, play, and other aspects appear essential to his educational proposal and need to be considered from birth. These ideas would later be strengthened by other educators such as H. Pestalozzi and, in particular, by F. Froebel in the nineteenth century. He even reproduced the textual foundations of Comenius and exemplified them in practical terms, play in particular, thus establishing the bases for all early childhood pedagogy as it is generally observed in the authors who continue to develop it to this day.

However, child pedagogy has been subjected to strong pressures in our times as a result of homogenizing and success-oriented educational models that overestimate academic aspects over comprehensive training, especially social-emotional and value-related aspects. These very basic principles of human existence, and especially of life and of being a child, have been shunted to one side, and the weakening of the playfulness, well-being, happiness, enjoyment, openness and generosity of childhood – also diminished by all the circumstances we have been experiencing – has seriously affected children’s mental health, among other aspects, and that of their families and teachers.

This complex situation is what has led to the reconsideration, rethinking and rebuilding of a more humane education that emphasizes favouring the well-being and happiness of all, and proposals and institutions that are working on this have been emerging. However, to advance in its understanding and in situations that foster its implementation, it is necessary to advance further in its conceptualization and in the studies carried out by different specialists in this regard.

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2. HOW DO SCIENCE AND THE VARIOUS DISCIPLINES HELP US UNDERSTAND WHAT HAPPINESS IS AND HOW TO PROMOTE IT?

We have previously pointed out how philosophy, theology, anthropology and the emerging modern pedagogy have historically provided important foundations for understanding what happiness is or the concept with which we name this search for positive states (happiness, well-being, etc.), along with various guidelines on ways to promote it.

All these fields of science and disciplines over time have contributed new studies to this topic, which should be analysed. In ad-

¹² Op. cit. Chapter XVII. Rationale II.16

¹³ Ibid. 17

dition, to this knowledge, other research studies have also been added from the field of psychology, neurobiology and neuroscience, the latter being understood as the comprehensive study of various fields of science that seek to understand human complexity and its development and learning processes in all areas, and indeed in this one. We shall review some of their current contributions, which together show that happiness is an area of inquiry that has significant support in modern or post-modern disciplines and science and are no longer a mere intangible idealism difficult to understand and approach formatively. It is necessary to review some of these advances in axiological terms, since one of the characteristics of post-modernity is that the certainties built in modernity and that acted as reference points, including values-based frameworks, have been greatly weakened and anti- or counter-values have emerged, which implies, according to Cuéllar (2011): “a decrease in the graduality of value”,¹⁴ producing insecurities and discomforts that affect a state of happiness. At the same time, Z. Bauman (2005), points out that one of the values that was most affected by the “self-dismantling” of modernity, was ethics and how it was considered, that is, “responding to moral challenges with coercive forms in political practice, as well as the philosophical search for absolute, universal values and foundations for theory. The great ethical problems – human rights, social justice, balance between peaceful cooperation and self-affirmation – have not lost their force; it is only necessary to see and address them in new ways.”¹⁵ He adds that post-modern re-enchantment “has restored dignity to emotions; legitimacy to sympathy and inexplicable, even irrational, ‘loyalties’”¹⁶. This re-enchantment with the world “involves the possibility of unambiguously confronting

the moral capacity of the human being, as it truly is, without disguises or deformations.”¹⁷

In this way the concept of values takes place as proposed by Cuéllar (2011): “they manifest a silent existence” ... “they are there, but they do not violate decision, but are always attractive paradigms or models whose ostensive manifestation is not imperative but suggestive”.¹⁸

Therefore, reconstructing values that are more comprehensive and diversified, where the subjective and emotions also have their place, thus making them more human and likely for humans to become once again enchanted with them, without visualizing them as impositions, might be an axiological basis that helps happiness. Among these “new values”, love-virtue is mentioned, in its various expressions, for the contribution it makes to human life in all its dimensions (family, work, social, spiritual, and with nature). At the same time, the value of “knowing how to coexist” is specified much more frequently and recognition of and concern for others and the cultivation and safeguarding of human coexistence through dialogue; the practice of justice, solidarity, freedom, work and Peace are expressed as possible manifestations and are also fundamental aspects to be considered Cuéllar (2011).

In the field of psychology, authors such as Carl Rogers (Psychology of the Person) and Abraham Maslow (Humanistic Psychology), were some of the first researchers to put the emphasis on studying these social-emotional and values-led aspects in particular. Currently, positive psychology is one of the fields that has been working hard in these areas, in particular, based on the contributions of Martin Seligman (1999), among others. This author defined it as the scientific study of positive

14 Cuéllar, Hortensia. 2011. El ser y la esencia de los valores. Una axiología para el siglo XXI. Trillas, Mexico, page 54.

15 Bauman, Zygmunt. 2005. Ética posmoderna. Siglo XXI, Mexico.

16 Op. cit. Pages 41 and 42

17 Ibid.

18 Op. cit. Page 58.



1. $3x^2 + 5x - 2 = 0$

2. $2^{x^2} = \frac{1}{2}$

3. $\sqrt{64} = 8$

4. $3[4 + (4 + 0)] = 48$

5. $\frac{2^x}{2^3} = 4$

6. $3(9^2 + 1)$

experiences, positive individual traits, institutions that facilitate its development, and programmes that help enhance the quality of life of individuals, while preventing or reducing the incidence of psychopathology.¹⁹ It has also been approached as: “the scientific study of human strengths and virtues, which allow us to adopt a more open perspective regarding human potential, motivations and abilities” (Sheldon & King, 2001²⁰).

42 Among Seligman’s contributions are characterizing and organizing these positive emotions that can take place in the future, the present or the past. With regard to the future, optimism, hope, faith, and trust are identified; among those related to the present, happiness, tranquillity, enthusiasm, euphoria, pleasure and most importantly, the so-called Flow, an optimal experience and neuronal harmony²¹ that includes happiness, and that implies perceived competence and intrinsic interest in the activity carried out (Csikszentmihalyi, 1990).²² In relation to the past, positive emotions include satisfaction, complacency, self-fulfilment, pride, and serenity, and it is noted that these are not necessarily linked to one another.

Different authors agree that positive emotions have an essential objective in human evolution, since they expand people’s intellectual, physical and social resources, make them more enduring and increase the reserves that can be resorted to when threats or opportunities emerge (Fredrickson, 2001). It is added that when positive feelings are experienced, forms of thought and action are modified (Seligman, M.E.P. 1999. The president’s address. APA.1998. Annual Report. American Psychologist 54:559-562. 20 Sheldon, K.M. & King, L. (2001). Why positive psychology is necessary. American Psychologist 56:216-217 21 Goleman D. 2012. El Cerebro y la Inteligencia Emocional: nuevos descubrimientos. Grupo Z: Barcelona. 22 Csikszentmihalyi, M. (1990). Finding Flow: The psychology of optimal experience. New York, NY: Harter and Row. Other authors have defined it as a state of neuronal harmony, in which disparate areas of the brain are in harmony and collaborate with each other. This enables us to make the most of any talent we may have (Goleman, 2012, p.66).

ligman, 2005) and their patterns increase to act in certain situations by optimizing one’s personal resources at the physical, psychological and social levels (Fredrickson, 2001).²³

Another aspect regarding which there is consensus is the influence of socio-cultural factors in defining and characterizing happiness. Some studies have found that individualistic societies are happier when achieving personal goals, giving more value to life events, both positive and negative, attributing their actions to themselves, and assigning less importance, or even disregarding, unwholesome aspects of their social environment (Triandis, 2005);²⁴ other works indicate that collectivist societies show greater well-being to the extent that people feel that they belong in a group, which shares certain values or worldviews, which can lead to a safer social structure (Díaz and González, 2011).²⁵ Social aspects are highly important, as Keyes (1998) also notes, when defining “social well-being” as the assessment persons make of the extent to which the social and cultural context in which they live is perceived as a satisfactory input and to what extent they perceive themselves to be a contribution to society”²⁶.

Another input that recent psychology has provided is the link between happiness and emotional intelligence. In 1995, Daniel Goleman wrote his book “Emotional Intelligence”, and defined it as “the ability to recognize our own feelings and those of others, to motivate ourselves and to handle relationships appropriately”. His studies indicate that using emotional intelligence can be a suitable means to 23 Fredrickson, B.L. 2001. The role of positive emotions in positive psychology. American psychologist 56:218-226. 24 Triandis, H. C. 2005. Issues in individualism and collectivism research. In R.M. Sorrentino, D. Cohen, J.M. Olson, and M.P. Zanna (Eds.), Cultural and Social Behavior: The Ontario Symposium, (pp. 207-224). Mahawah, NJ: Lawrence Erlbaum Associates. Veenhoven, R. (1984). Conditions of Happiness. Dordrecht: Reidel. 25 Díaz, F. and González, M. J. 2011. Subjective and Occupational Well-Being in a Sample of Mexican Workers. Social Indicators Research, 100,273-285 26 Keyes, C. 1998. Social well-being. Social Psychology Quarterly, Pages 121-140.

achieve the happiness one desires. It involves developing the ability to understand ourselves and others, to appreciate feelings, fears and motivations as a path not only to self-knowledge, but also to self-control, self-motivation and empathy, which is very necessary in current times. Understanding and recognizing other people, even if we disagree with them, is paramount to engaging in harmonious and lasting relationships, which provides security and satisfaction. The good news that his studies give us is that emotional intelligence can be developed and he delivers a series of criteria and suggestions in this regard. For example, he notes: "Let us remember that the basic belief that leads to optimism is that setbacks and failures are due to circumstances and that we can always do something to change them."²⁷

With regard to happiness, he points out that one of the main biological changes that occurs is the "increase in the activity of a brain centre that is responsible for inhibiting negative feelings and quieting the states that generate concern, while increasing the flow of available energy" ... "this condition provides the body with rest, enthusiasm, and a willingness to face any task that it is carrying out".²⁸

C. André (2003) adds other elements to consider in terms of how happiness is developed. He states that "it is not a passive phenomenon" ... "it is an active phenomenon: looking for them, encouraging them, amplifying their impact and duration"²⁹, are some of the necessary actions to take.

On how happiness occurs at different stages of human development, André (2003) asks whether: "in childhood, happiness is in a pure state".³⁰ He states that there are many mani-

festations in children's daily life, but that those related to being with their parents are very noticeable. He believes that childhood could be considered a reservoir of happiness that helps face future adversities.

Another group of studies are related to good humour and its relationship with well-being. It is suggested that humour might be understood as: "a stable tendency of the personality as referred to a sensation (joy), to a behaviour (laughing or smiling), to the use of a form of coping (humour as a coping mechanism) to a competition (production and creation of stimuli), and finally, to an aesthetic sense (sense of humour, appreciation of humour)".³¹ In addition, "we have seen the effects of humour on the impact of negative emotions and situations through shifts in meaning. Humour works by providing a broader mental spectrum, achieving such shifts in meaning"³². It is also stated that it contributes to well-being through having a tendency to get involved in activities that promote happiness, with strength of character in correlation with it (Ruch et al., 2010)".³³

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Mendiburo (2005) states that there are different types of humour: affiliative humour, which attempts to relate to others; aggressive humour, self-deprecatory humour and self-affirmative humour. The latter is defined as the style where "the desire prevails to be surprised by life and maintain a humorous perspective in the face of things" ... "and makes it possible to distance oneself from stimuli that are stressful or generate problems (Lefcourt et al, 1995). In general, it makes it possible to reduce negative emotions and maintain positive and realistic visions in adverse situations."³⁴ In addition, this type of humour and

27 Goleman, D. 1995. La inteligencia emocional. Kayros. Barcelona. <https://bit.ly/3WzJibh>

28 Op. cit. Digital version, Chapter I.

29 André, Christophe. 2003 Vivre heureux. Psychologie du bonheur. Odile Jacob, Paris, page 27.

30 Op. cit. pages 78-79.

31 Mendiburo, Andrés. (2015) Humor, personalidad y bienestar: resultados en Chile, in: Bilbao, M.A. et al. La Felicidad de los chilenos. Volume I, USACH, Stgo, page 68.

32 Ibid., Pages 68-69

33 Cited in Mendiburo, A., page 69.

34 Ibid. Page 70

affiliative humour are related to greater well-being and positive forms in general.

44 For their part, neurobiology and neuroscience have also contributed to understanding what happiness is and how to promote it, although there are still gaps that prevent a full understanding of how the brain works to make us experience this set of positive emotions that constitutes happiness. Some of the main obstacles appear to be the subjective nature of our experience of happiness; the relationship between pleasure and beliefs about happiness and how these components relate to our brain structures. In this regard, several regions of the brain have been identified that, it is speculated, probably integrate the networks of pleasure with the networks of meaning and satisfaction with life. Another challenge is to understand how the brain networks responsible for translating sensory stimuli into pleasure (a pleasant taste, a caress, a comforting vision) relate to higher pleasures, such as music, dance, play and flow (perception of the ability to perform a challenging activity) to contribute to happiness. While it is unclear exactly how pleasure and happiness are related, it can at least be said that a lack of pleasure constitutes an obstacle to happiness.

The good news is that researchers such as Dr Stefan Klein point out that our brains have a special circuit for happiness, pleasure and euphoria; that is, that “we have a system for happiness”. He points out that just as we come into the world with the ability to speak, we are programmed to have positive feelings. All of this means that with the right exercises we can increase our capacity for happiness, bearing in mind that it depends – at least – on our environment, on our culture, as well as on our genes; therefore, he adds that just as systems in general can be trained, so can the happiness system. He reminds us that the brain can reprogramme itself and change its

structure, not only as a result of external experiences, but also by learning about its own feelings; therefore, he states: “we can learn to be happy”.³⁵ Dr Claudio Naranjo has similar thoughts and he states that: “we tend to make our happiness contingent upon our success, making it dependent on something that is outside of us, that is not part of our nature, our control, and our true personal satisfaction.”³⁶

Therefore, in short, **happiness is a state that results from the interaction of multiple neurobiological, socio-cultural and psychological components that interact with each other; among others, the genetic and neural base, the socio-cultural environment, beliefs about the meaning of life and in particular, people’s own attitude, which is expressed in their personal work of self-training in this area. All of these components combine and merge generating this positive state of satisfaction and fulfilment that includes emotions, feelings, pleasure, joy, and various internal sensations such as serenity, feelings of fulfilment and/or external expressions such as smiles or laughter, various movements, and/or various verbal manifestations.**

Its duration can vary depending on whether it is an emotion, a feeling, or an attitude, which will depend on the meaning it has for the person and their involvement in it. The important thing is that it is “educable” as various authors express it.

In this regard, the Dalai Lama states: “the first step in the pursuit of happiness is learning. First, we have to learn how negative emotions and behaviours are harmful and how positive emotions are useful. We need to realize that negative emotions are not only bad for each one of us, personally, but also for society and the future of the world” ... “On the other hand,

35 Klein, Stefan. 2006. The science of happiness. Da Capo. Life Long. USA, page XX.

36 Naranjo, Claudio. <https://psiqueviva.com/claudio-naranjo-feliz/>

we must be aware of the beneficial effects of positive emotions and behaviours; this will lead us to cultivate, develop and increase those emotions, however difficult it may be: we have a spontaneous inner force. Through this learning process, the analysis of thoughts and emotions, we gradually develop a firm determination to change, in the certainty that we hold in our hands the secret of our happiness, of our future, and that we must not waste it.”³⁷

Therefore, it is important to review some of the projects put in place in the field of education and that have been applied in different contexts and educational communities. This constitutes an invitation to generate other experiences of this type, considering the great contribution that happiness entails for the mental health of people and society and, therefore, the well-being of all.

3. SO WHAT HAS BEEN DONE IN EDUCATION, PEDAGOGY AND THE CURRICULUM FIELD TO PROMOTE HAPPINESS?

As we have noted, from the beginning of modern pedagogy it was clear that the educational environment and the interactions that take place in it should be areas of great respect for the characteristics and interests of children; therefore, happiness, play, pleasure, and enjoyment, among others, must be part of the essence of education and of the methodology used, most especially in early childhood. However, this has not been easy; many reports show that educational institutions have not always been places where children feel happy, which is due to a number of different factors. Among them is the training of educators in this area.

Generating environments to promote the hap-

37 Dalai Lama. 2022. *El arte de la felicidad*. Debolsillo, Spain, page 44.

piness of others has to start by promoting this openness in the educators themselves and this requires individual work involving change, as expressed by the Dalai Lama and all the trainers who work in this field. Pháp Luu, of the Wake Up Schools programme,³⁸ states that it is necessary to start by “caring for educators” and addressing their well-being. He notes that during their training, most of them expect to receive a set of techniques and strategies with which to teach, but that what should be promoted is “a path of self-transformation, we teach them to generate happiness in their own lives. That’s more powerful than any technique or curriculum.”³⁹

This statement that maintains that the priority in developing education for happiness is to begin by the self-transformation of educators themselves, has historically been raised by many thinkers, such as Helen Keller,⁴⁰ Emmanuel Mounier, and Carl Rogers, to name a few; however, there are few educational projects that begin with this type of training.

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In view of this, the Kindness Curriculum, or the Kindness Curriculum for children between three and five years of age, of the Centre for Healthy Minds at the University of Wisconsin-Madison, USA, is particularly interesting. It offers an entire training plan for teachers based on managing emotions, practising gratitude and peace, conscious movement and, of course, kindness, among other aspects, which are then used in working with children.

The specialized literature points out certain basic general criteria to be kept in mind by any adult person who wishes to advance on the path to happiness, and for formative work with children, young people and anyone who

38 Nhat Hanh, Thich. 2019. *Los educadores felices cambian el mundo*. Editorial Kairós, Barcelona, page 236

39 Nhat Hanh, Thich. 2019. *Los educadores felices cambian el mundo*. Editorial Kairós, Barcelona, page 236

40 Despite all of her physical limitations, Helen Keller wrote an essay entitled “Optimism: An Essay” (1903).



wishes to advance towards and contribute to a better society.

- **Focus on the process and what it offers.** If we pay attention only to the final results, it is very possible for us to enjoy happy moments along the way, but fail to perceive them as such and, therefore, we do not feel happy in our daily life. Therefore, we must be open to all of the little moments of happiness that we experience every day, enjoy them and be grateful for them. From the moment we wake up every day, being able to live, do, share, enjoy the little things that life offers us, leads us to foster the positive emotions that feed our soul, mind and body.
- **Expand our expectations by genuinely working on them.** If we always expect the same thing, we will probably feel tired or discouraged. At the same time, if we wait too long, we may be constantly disappointed. Therefore, it is important to adjust our expectations to the reality that we experience, which changes over time.
- **Expand and strengthen our social relations.** Human beings are social by nature and we need people for our personal growth, to love and be loved, and to do and enjoy with others. They provide us with company, shared experiences, mutual help or, importantly, help us “have a good time”. Developing healthy family and friend ties will allow us to feel increased well-being and happiness; therefore, we must work to overcome those quarrels or negative attitudes that have often caused us to separate from those we love or from people we fail to meet because of possible prejudices.

Other aspects that have contributed to classrooms not always being a pleasant environment where learning is a joy, are the type of

objectives set for education, which are made operational in the curriculum. Dr Claudio Naranjo refers to this as follows: “Naturally, interference in child development through the inhibition of play, premature schooling of a disciplinary nature and the onslaught of television leads to silencing the divine inner child”; he continues saying that this is because: “our civilization is sorely constrained, over controlled, excessively subject to our limited ideals and our corresponding sense of how things ‘should be’”.⁴¹

Taking into account these substantial foundations: training for educators consistent with what is intended, the personal work of the entire educational community in order to improve their path to well-being, and the explicitness and intentionality of the curriculum with respect to happiness, it is possible to get to know or create practices and strategies to use with children that foster better actions in this area.

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Experiences along these lines are already numerous worldwide; the work of Dr Patch Adams, decades ago, in the health sector, led various institutions to propose its replication in education. This is how “The Optimist Curriculum” emerged in the USA, as did other projects of this kind in various other countries. In the case of Chile, as part of the relevant learning programme that it was intending to promote, the National Board of Kindergartens developed the project “Good Humour Pedagogy” in 2000, which was initially implemented at the Sunflower Kindergarten in the commune of Ñuñoa of the Metropolitan Region, and it continues to this day. It began with a Workshop for educators on optimism and happiness conducted by a group of teacher-clowns. The subject’s philosophical, anthropological and biological foundations were also reviewed, with all their possible im-

⁴¹ Naranjo, Claudio. Op. cit., page 162.

plications for the educational field. Then the participants began to create their proposals to put these approaches to work in kindergarten. Among the criteria considered, there was an emphasis on achieving a pleasant atmosphere throughout the establishment. Among other strategies, they considered that infants and their educators should have the freedom to dress up every day in whatever costumes they wished to use. They also created humour corners or panels where drawings or jokes created by the children themselves were placed, and they also implemented some resilience strategies to help infants overcome negative states. Currently, various kindergartens and schools answering to different agencies have included Good Humour Pedagogy in their educational projects, as their “seal”.

48 Among the most recent experiences, it is worth mentioning “The Happiness Curriculum”⁴², devised by more than 40 teachers and volunteers, implemented since 2018 in Delhi, India, under the guidance of the Dalai Lama and with the support of UNESCO. The objectives of this programme, which began with 8,000 children from kindergarten to eighth grade, include developing self-awareness and mindfulness in students; instilling critical thinking; improving communication skills; fostering greater empathy with others; helping students learn how to deal with stress; and developing a greater sense of social awareness and human values. The “Happiness Curriculum” involves periods of meditation, yoga, mindfulness, games, conversations, discussion groups, and training in universal human values.⁴³

When reviewing the current extensive literature on the subject, it is possible to find other experiences in the world that seek a more

humane education leading to the happiness and well-being of all. Among them is “A Curriculum of Hope”, written by Debra Kidd⁴⁴. This explores how good curriculum design can empower schools to build bridges between their students’ learning and the world around them. It is based on the premise that a strong curriculum rests on the five key pillars of practical consistency, credibility, creativity, compassion and community. It provides a set of examples that show how schools, parents, students and the local community at large can learn together to build their hope proposal.

4. IN CONCLUSION

It was not the purpose of this paper to record all of the bibliography, foundations, guidelines and methodologies that exist with regard to this issue of happiness and its offshoots, because they are now a great many. Rather, the intention was to review some of them and show the support that this entire educational proposal is gaining among researchers, international agencies and countries at national and local levels.

We believe that the difficult times we have been experiencing recently due to conflicts of different types at global, national and local levels, together with everything that we experienced as a result of the COVID-19 pandemic, constitute the greatest argument we can use to justify the fact that education must be transformed into its basic pillars as related to the essence of the human being, to try to avoid many of the value- and social-related problems that are causing these situations.

That is this article's final call: we hope it will encourage new communities to embark on this educational path with hope, joy, work, trust, love, union and creativity, because that

44 Kidd, Debra. 2020. A Curriculum of Hope. Independent Thinking Press. USA.

42 http://www.edudel.nic.in/welcome_folder/happiness/Happiness-CurriculumFramework_2019.pdf

43 <https://bangkok.unesco.org/content/happy-schools-framework-learner-well-being-asia-pacific>

is what the new generations deserve; a more wholesome humanity. This also implies fostering a close relationship with the care of our planet, which we have significantly affected; all the objectives regarding sustainable development must also be incorporated into any curriculum project we may develop. Let us not forget that we have no other Earth to live on.

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Financing Mechanisms and Accountability Tools. Municipal Public Policy on Children and Youth.

By Irasema Dilián Magaña Muñoz

SUMMARY

The fulfillment and promotion of the rights of children and adolescents in Guatemala is the State's responsibility within the framework of the Convention on the Rights of the Child.

The objective of the research was to establish a proposal on financing mechanisms that would increase public investment in children and adolescents, and the essential tools for accountability at the municipal level, specifically in the Municipal Policies, since these represent a scaffolding that contributes in a substantive way through concrete actions executed by the guarantors.

The methodology consisted of a mixed approach, since the information related to the rights approach is qualitative with a descriptive-interpretative design, and the data collected on the design of the budget and the consultation with children and adolescents yielded statistical data for their respective analysis.

Reference was made to documentation related to legal and technical mechanisms for financing municipal policies.

The results indicate that financing mechanisms can be implemented through articulating national and territorial planning and managing the System of Development Councils established in the country, concluding that

the participation of children and adolescents must be guaranteed throughout the public budget cycle.

Key Words: Public policies, children and adolescents, financing mechanisms, accountability, and participation.

ABSTRACT

The fulfillment and promotion of the rights of children and adolescents in Guatemala is the responsibility of the State within the framework of the Convention on the Rights of the Child. The objective of the research was to establish a proposal on the financing mechanisms that would increase public investment in children and adolescents, and the basic tools of accountability at the municipal level, specifically in the Municipal Policies, because these represent a scaffolding that contributes substantively through concrete actions carried out by the guarantors.

The methodology consisted of a mixed approach, because the information related to the rights approach is qualitative with a descriptive-interpretative design. The data collected on the design of the budget and the consultation of children and adolescents yielded statistical data for their respective analysis. Reference was made to the documentation related to the legal and technical mechanisms for financing municipal policies. The results indicate that financing mechanisms can be implemented through the articulation of national and territorial planning and the

management of the System of Development Councils established in the country, concluding that for this the participation of children and adolescents in the entire cycle of public budgets.

Key Words: Public policies, childhood and adolescence, financing mechanisms, accountability and participation.

INTRODUCTION

52 The structures responsible for promoting the formulation of municipal policy in favor of children and adolescents at the territorial level are the Municipal Commissions for Children and Adolescents, made up of government representatives, municipal authorities, civil society organizations, community representatives and groups of children and adolescents of the municipality, as established by the Law for the Integral Protection of Children and Adolescents (2003).

The discussion on the financing of social policy, considering both collection and distribution is broad, and we need to consider financing as an expression of a political negotiation process among the different welfare agents involved (families, communities, the State and the private sector). It is increasing the resources allocated to social spending, with higher taxes, improving its distributive impact, and improving the coverage and efficiency of policies aimed at children and adolescents.

The research analyzed the theoretical foundations of the approach to children's and adolescents' rights and the concepts related to public budgets. Regarding the regulations, it is sufficiently robust for the State to guarantee the full enjoyment of rights, as well as the obligation to invest the maximum of available

resources, which should not be regressive; that is, they should not be reduced under any circumstances, as determined by the Convention on the Rights of the Child (1989).

The research aims to develop a proposal on the financing mechanisms that would increase public investment in children and adolescents and the basic tools for accountability at the municipal level. The study raises the fact that most public policies lack the necessary financial resources for their implementation, therefore it is crucial to identify the legal and technical mechanisms and the sources of financing when allocating a certain budget to the plans, programs, projects and activities that are included in the implementation plan of the policy at the municipal level.

Central American countries have developed numerous experiences to promote the direct involvement of children and adolescents in processes that address municipal investment for the protection of their rights according to the Central American Learning Circle on Children's Rights and Local Development, (2017). Guatemala has implemented these actions through various civil society organizations that work with children and youth, such as Save the Children and the Program for Attention, Mobilization and Advocacy for Children and Adolescents -PAMI- that promote the formulation of Municipal Public Policies in favor of children and adolescents.

The Central American Institute for Fiscal Studies -ICEFI- <https://icefi.org/ipna/> (2022) in 2019, established the Observatory of Public Investment in Children and Adolescents, as well as the publication of several research articles related to investment in children and adolescents in Guatemala. It is possible to obtain reliable data and analyze the budget allocated and executed by government institutions.

The analysis of the importance of accountability of the municipal policy allows improving the administration of public resources in favor of children and adolescents, as well as making the institutions responsible for the transparency, efficiency and effectiveness of their operations.

The methodology used was a mixed approach, with a descriptive-interpretative design, because the information related to the rights approach is qualitative and the information on public budgets and the consultation with children and adolescents provided statistical information that informed the development of the proposal.

Research findings guided the proposal of financing mechanisms for municipal public policy in favor of the rights of children and adolescents; therefore, it is an academic contribution that goes beyond a mere social study. The proposal should be used by students, teachers and guarantors as a substantive contribution to improve the living conditions and integral development of Guatemalan children and adolescents, especially by guaranteeing their participation in the entire public policy cycle. *Círculo Centroamericano de Aprendizaje sobre Derechos de la Niñez y Desarrollo Local*, (2017).

The research began in August 2021 and concluded in March 2022. In term of the technical information, budget data from 2015 to 2022 of different government programs aimed at children and adolescents was used as a reference, thus determining the structure of the current public budget.

The consultation with children and adolescents was carried out with nine (9) children and youth organizations from Chimaltenango, Chiquimula, Suchitepéquez and Quiché. In these groups they receive training, as well

as spaces for participation and political advocacy for the promotion and enforceability of their rights. Semi-structured interviews were also conducted with officials and experts on public budgets and the rights of children and adolescents.

In order to carry out the consultation, an invitation was sent to 9 organizations that work with groups of children and adolescents in the departments of Chimaltenango, Chiquimula, Suchitepéquez and Quiché. Participation was random because not all participants have electronic devices for the consultation. Emphasis was made on the inclusion of children and adolescents with disabilities and members of Mayan, Garifuna and Xinca peoples, resulting in the participation of 4 girls between 10 and 12 years, 32 female adolescents between 14 and 17 years and 12 male adolescents between 14 and 17 years. They participate in training and advocacy groups that promote that participated in the consultation.

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FUNDING MECHANISMS AND ACCOUNTABILITY TOOLS. MUNICIPAL PUBLIC POLICY ON CHILDREN AND YOUTH.

The relevance of children and adolescents in the framework of social policies goes beyond a technical tool, this relationship has been closely interconnected through history, they have gone from being considered an object to a subject of rights, which, despite a significant evolution in the legal, psychological and social concepts, we still need children and youth to be valued in the academic, legal and social settings.

In addition, the visibility of the expression children and adolescents to refer to the target population of the Convention on the Rights of the Child (1989), hereinafter, the

Convention, and a number of standards that have emerged in Mexico after its ratification, with the objective of “highlighting it with relevance and life cycle, and this is the most widely used alternative at present, both in the legislation derived from this international instrument, and in some academic sectors, government and civil society organizations.” In particular, it is important to stress that the part of the population that is faced with more violence, discrimination and less investment are girls and adolescent women.

It should be noted that Guatemala has not yet generalized the visibility of children and youth in legislation, but it has in reports, especially in which civil society organizations working for children’s rights present to international organizations.

54 General Comment No. 19 (2016) on public budgeting for the realization of children’s rights, which expands on Article 4 of the Convention, stresses “the allocation of budgets with the objective of strengthening the realization of children’s rights and fostering real change in the way such budgets are planned, approved, implemented and monitored, to advance the implementation of the Convention and its Optional Protocols.”

General Comment No. 19 (2016), paragraph 21, describes the administrative, legislative and other measures to ensure the right of children and adolescents in the public budget, which includes that laws and policies are in place to support resource mobilization, budget allocation and spending to realize children’s rights; collect, generate and disseminate the necessary data and information on children to support the formulation and implementation of appropriate legislation, policies, programs and budgets to promote children’s rights.

It also refers that sufficient public resources should be mobilized, allocated and effectively employed for the full implementation of approved legislation, policies, programs and budgets, and that budgets should be systematically planned, approved, implemented and justified at the national and municipal levels of the State, in order to ensure the effectiveness of children’s rights.

In an interview with Luis Pedernera, member of the Committee on the Rights of the Child, he expressed his deep concern that the State of Guatemala “has naturalized violence against children as a habitual act, as a normal act.” She also stated that children are victims of homicides and femicides, but also of silent deaths caused by malnutrition and preventable diseases, which reveals that Guatemala is one of the countries with the worst conditions for children.

In relation to the issue of investment in development, the Committee emphasizes that States Parties have the obligation to show the measures associated with the public budgets, and they decide to adopt and how they contribute to improving children’s rights, as well as to demonstrate the effect they have on the quality of life of children and adolescents. General Comment No. 19 (2016), in its paragraph 27 indicates that, in budgetary matters, “giving effect to the rights of the child” means that States Parties have the obligation to mobilize, allocate and spend public resources in accordance with their implementation obligations.

The Addis Ababa agenda (2015), “recognizes that investing in children and youth is critical in order to achieve inclusive, equitable and sustainable development for present and future generations,” acknowledging the need to support countries facing particular difficul-

ties in making the necessary investments in this area.

In that sense, it categorically confirms the promotion and protection of the rights of all children and ensuring that no child is left behind, through the provision of social protection and essential public services for all, in order to end poverty in all its forms and everywhere and conclude the unfinished work of the Millennium Development Goals, the commitment of 17 of the partnerships to achieve the goals and assume a new social pact.

In the national legal framework, the Constitution of the Republic of Guatemala (1985), establishes that it is the duty of the State to promote and adopt the necessary measures to “protect the family, legally and socially, as well as to guarantee parents and guardians the conditions for the fulfillment of their obligations regarding life, freedom, security, peace, personal integrity, health, food, education, culture, sports, recreation and family coexistence.”

The legislative advance in 2001 was crucial for Guatemala, in order to promote the development of the country through public policies, the Congress of the Republic of Guatemala approved the Social Development Law Decree No. 42-2001, which aims to create a legal framework to implement legal procedures and public policies to “carry out the promotion, planning, coordination, implementation, monitoring and evaluation of governmental and State actions, aimed at the development of the human person in the social, family, human aspects and their environment, with emphasis on groups of special attention”.

After the Convention on the Rights of the Child and the Children’s Code, the efforts of civil society organizations working for the ri-

ghts of children and adolescents led to the approval of the Law for the Comprehensive Protection of Children and Adolescents -LE-PINA- Decree No. 27-2003 (2003), being one of the first laws that addresses Guatemala’s international commitments by incorporating international human rights standards into national legislation.

The National Commission for Children and Adolescents -CNNA-, is part of the same framework established by the Law for the Comprehensive Protection of Children and Adolescents (2003), and it was created for “the formulation of policies for the comprehensive protection of children and adolescents; the transfer of these policies to the system of urban and rural development councils, as well as to the ministries and dependencies of the State; and to supervise the fulfillment of these policies to achieve the protection of children and adolescents.”

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OUTCOMES

According to ICEFI (2021), to advance the SDG agenda, in general terms, the Guatemalan State increased Public Investment in Children and Adolescents (IPNA), from 3.2% of the gross domestic product (GDP) in 2015 to only 3.5% of GDP in 2020.

In other words, the Government went from investing Q 6.30 per day for each child and adolescent in 2015, to Q 11.21 per day in 2022, without considering the effect of inflation, with which the amounts would be even lower.

As Jonathan Menkos, from ICEFI (2021) states in the interview, the inequality gap grows on this lack of investment and of a more leading role of public power, in a society that will

not have the foundations for development, democracy, and the construction of a culture based on peace and respect.

In relation to investment in Economic, Social and Cultural Rights, the States Parties undertake to adopt measures to the maximum of their available resources and, when necessary, within the framework of international cooperation, to achieve progressively the full exercise of these rights, without prejudice to the obligations provided for in the Convention on the Rights of the Child (1989), which are immediately applicable by virtue of international law.

Consultations on effective child and youth participation

56 A more encouraging view is that of children and adolescents who participate in civil society groups or organizations, in which they are trained and strengthened in their rights, as well as creating spaces for legitimate participation in the fulfillment of the Convention on the Rights of the Child. A consultation was carried out with children and adolescents in several municipalities of the country, to know the current situation in terms of their participation in the planning of the municipal budget and municipal policies in favor of their rights.

The civil society organizations to which these children belong promote the rights of children and adolescents, and 87% of them receive some type of training. Also, 67% have participated in meetings, seminars or panels at the municipal, departmental or national level, showing the degree of participation of children and adolescents in discussion forums.

It is essential that children and adolescents know their rights, as well as the instruments for their fulfillment such as the National Policy for the Comprehensive Protection of Children

and Adolescents 2017-2032, the consultation revealed that 67% of the members of these groups have knowledge about it, but in terms of participation in municipal plans, budget or projects only 42% have managed to be in these spaces. Although it is a significant number of the sample, they are still not visible at the municipal or national level, this is because 75% of children and adolescents are unaware of General Comment No. 19 of the Committee on the Rights of the Child, which states the right to participate effectively in budget processes, plans and policies in favor of their rights.

According to Otto Rivera, Executive Secretary of the Interinstitutional Coordinating Committee for the Promotion of Children's Rights -CIPRODENI-, in order to finance municipal policies, priority should be given to the national public budget from the decentralized executing units; secondly, the municipal public budget considering their own income and that assigned by the central government; and another source of financing is through the Development Councils System.

In this way, available resources can be channeled to strengthen the work with Guatemalan children and adolescents.

Forty-eight children and adolescents between the ages of 10 and 17 were consulted; 73% of them were female. The geographic area in which the consultation took place belongs to the municipalities of Chajul, San Juan Cotzal and Santa María Nebaj in the department of Quiché. Chimaltenango, San Andrés Itzapa and Parramos in the department of Chimaltenango. Chiquimula, Olopa and San Juan Ermita of the department of Chiquimula. As well as Samayac and San Pablo Jocopilas in the department of Suchitepéquez.

Although it is a significant number of the sample, they are still not visible at the municipal or national level, this is because 75% of children and adolescents are unaware of General Comment No. 19 of the Committee on the Rights of the Child, which states the right to participate effectively in budget processes, plans and policies in favor of their rights. The National Commission for Children and Adolescents should promote awareness of the Convention, as well as of its recommendations to institutions responsible for safeguarding rights, civil society organizations, local governments and children and adolescents' groups to work on this fundamental aspect for the fulfillment of their rights.

In relation to accountability of municipal authorities, 69% indicated that in their municipalities no accounts are rendered on programs aimed at children, and this is also due to the fact that there is no established structure to promote these actions. 94% of those interviewed expressed the need for the participation of children and adolescents in demanding accountability from officials regarding public resources and investment in programs or projects that make their rights effective and the interest of children and adolescents in participating in decision-making spaces. This is proof of how their organizations have helped empower them.

Proposal for financing the Municipal Policy

The discourse of rights from the perspective of children and adolescents is a milestone to allow them to express their interests through a rights-based approach. As adults and municipal authorities, we should facilitate spaces for participation and incorporate the effective fulfillment of the rights of children and adolescents into prospective planning.

Budgeting options for the central government institutions

State institutions present at the municipality level are responsible for implementing programs and projects according to their institutional competencies. Therefore, these actions should align with the lines of action of the Municipal Public Policy, stressing the results expected to make the rights of children and adolescents effective.

Therefore, the first option is to finance it through governmental institutions according to their institutional competencies, in line with the Public Policy for Children and Adolescents, reflecting their programs, actions and budgets according to their Annual Operational Plans.

Options for financing of the municipal budget.

The Childhood and Adolescence Commission governs the allocation of resources to implement the Public Policy, this first option should be the primary source of resources for the municipality.

Options for managing the System of Development Councils.

When planning and budgeting the Public Policy, the Municipal Commission for Children and Adolescents can classify the programs and projects that cannot be budgeted with the municipality's own resources and must be managed by other bodies, such as the System of Development Councils. The projects managed in this modality must follow the procedure established in the Urban and Rural Development Councils Law (2002).

This includes prioritization at the community, municipal and departmental levels, and the time frame established by the State for allocating resources and their execution.

Options for resources management through National and International Cooperation and private initiative.

When carrying out the Municipal Policy Action Plan, the public, municipal and civil society organizations' budgets with presence in the municipality will be aligned. However, there will be projects and programs proposed by the Municipal Commission for Children and Adolescents that are not financed through the central or municipal government; these will have to be managed through national or international cooperation.

As Rubelci Alvarado, Save the Children, indicated in the interview, municipal funds have been used, making the municipality the main source of financing for municipal policy, as well as government institutions with a presence in the municipality. Mayors can use the public policy tool to seek funding of government institutions, private initiative, national and international cooperation.

Options for monitoring and accountability of public policy

The proposal to implement accountability elements in the policy cycle has great advantages for the institutions responsible, municipalities and civil society organizations. It makes it possible to know the process of formulation, financing, implementation, monitoring and evaluation of the municipal public policy in detail, making it possible to suggest adjustments to inform it and make sure that it complies with the goals and results outlined. The accountability tools contained in the research proposal linked to the public policy cycle are related to the Thematic Classifier No. 6 and policy monitoring based on planning and established indicators.

Guidelines for reporting information to the Thematic Classifier No. 6

In accordance with the provisions of Article 17 Quarter of Decree Number 101-97 of the Congress of the Republic of Guatemala, Organic Budget Law, thematic budget classifiers are regulated and represent transparency and accountability mechanisms according to their definitions. This makes it possible to show citizens in general, the actions that the State carries out to contribute to public policies aimed at children and adolescents as part of the protection and service to the person, the community and its environment, with cultural relevance, and an equity and gender approach. In the case of Children and Adolescents, the Thematic Classifier is No. 6, which is available at the Ministry of Public Finance portal at the link <https://www.minfin.gob.gt/clasificadores-tematicos>

Municipal Public Policy Monitoring Matrix.

The Office of the Inspector General of Accounts, as the State control body, has public information on the financial resources of the municipalities, where the information can be verified <https://appweb.contraloria.gob.gt/GobiernoAbierto/ng/Home#>. This makes it possible to identify progress towards achieving objectives and goals, the timeframe, and who is responsible for the actions of the PMPINA. Monitoring should be carried out through a participatory approach, joining the efforts of the technical and political staff of the governing body, in this case, the Municipal Council and those jointly responsible for policy implementation.

TO CONCLUDE

Current Municipal Policies in favor of the rights of children and adolescents contribute to local management to improve and increase investment in children and to guarantee the participation of organizations led by children and adolescents or individually in planning, budgeting and management processes. However, they also require follow-up, monitoring, evaluation and transparency, accountability and social auditing actions.

Children and adolescents have made significant progress in identifying the problems that affect them, as well as in analyzing the fulfillment of their rights.

They have also strengthened their advocacy capacities, including children's proposals in municipal plans and budgets.

The Municipal Offices or Coordinating Bodies for Children and Adolescents are a fundamental part of institutionalizing the focus on children's rights, which require that they be formed on a permanent basis and be provided with human, physical and financial resources for their operation, so that they can promote and guarantee the rights of children and adolescents in their municipality.

The Municipal Commissions for Children and Adolescents do not have an established route to carry out actions to promote transparency and accountability of the Municipal Policy, which should be implemented in a timely manner and according to the gaps faced by children and adolescents, establishing a strategy to follow up and monitor the actions prioritized in the Policy, as well as the efficient execution of resources and the level of impact they have had in meeting the proposed goals and results.

The institutional weakness in reporting to the existing Childhood Thematic Classifier does not allow all sectors involved to effectively report to the Classifier.

RECOMMENDATIONS

To implement Municipal Public Policies that guarantee the rights of children and adolescents, the Municipal Government, governmental institutions and civil society organizations must systematically take on the implementation of these policies, using the municipal and institutional budget to meet the priorities of children and adolescents, reflecting the rights approach in plans, programs and projects and allocating municipal budgets.

The Municipal Commissions for Children and Adolescents should contribute by strengthening the capacities of municipal officials and governmental and non-governmental institutions to implement the child rights approach in their planning, advocacy actions, and budget.

The Municipal Commissions for Children and Adolescents should use the financing, transparency and accountability mechanisms established by the national legal framework, follow the recommendations of the Committee on the Rights of the Child and demand that the State and Municipal Governments comply with the Convention on the Rights of the Child, improving the living conditions of children and youth.

Civil society organizations working with children and adolescents should continue strengthening their potential to have a say in the fulfilment of children's rights, and legitimize their participation in decision-making at the

community, municipal, departmental and national levels.

Promote that the Ministry of Public Finances -MINFIN-, the Secretariat for Planning and Programming of the Presidency -SEGEPLAN- and the Municipal Governments use transparency and accountability mechanisms to inform the population, including children and adolescents, about the amounts and targets of investment.

Identify the leadership of children and adolescents in municipalities, thus guaranteeing their participation in Child Municipal Organizations, allowing their voices to be heard to promote and demand the fulfillment of their rights, leading to an increase of municipal investment.

The Schools of Social Work of the different universities across the country, through the professional practice courses, should analyze the situation of children to promote the formulation of municipal public policies in favor of children and youth. They should also use this research to promote the financing of such policies with their respective transparency and accountability elements.

We must consider strengthening the administrative role of the executing units and instead of individual planning these should carry out a coordinated planning process. In addition, each executing unit should have administrative teams with the appropriate profiles for each position. We should also build up the system that monitors and assesses the implementation of programs to significantly improve the quality of the investments and efficiently reflect results.





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Children's rights as a state's duty to deliver

By Mary Beloff¹

I. The international standards (universal and regional) for the protection of the rights of children and youth² - which the IACHR Court refers to as a broad corpus juris³ -, were interpreted in Latin America with a specific approach, which I have in the past referred to as "the Latin American translation of the corpus juris."⁴

When we compare how this regulatory system was interpreted in the region, with respect to how it is understood at the universal level, we can clearly see that the narrative that was developed in Latin America on the subject is unique and is not present in other regions of the world.

Therefore, as a starting point, I argue that we have made our own translation, we built a story that posed difficulties when it came to guaranteeing the rights of Latin American children. In other words, it caused a disconnect when it came to bringing theory and practice closer together.

II. Another issue I would like to raise relates to the images and concept of children. I specifically want to address the problematic bias I find in the interpretation of the corpus juris I mentioned. The specialized literature on childhood sociology argues that since the issue of children was "discovered" (in the words of Philippe Ariès⁵) or the issue of children started to be addressed in the social sciences in the 1980s, representations of childhood have been organized around two opposing concepts: that of the "Dionysian child" and that of the "Apollonian child"⁶. On the one hand, the Apollonian approach refers to kindness, purity, beauty, tenderness, innocence; on the other hand, the Dionysian approach alludes to the wild, the primitive, the unrepressed, the uncontrolled, where the "criminal child" appears.

The assumption that a child (not "childhood" as a set of representations that a society has at a given moment about its children) is a socially constructed category meant that we lost sight of the essential vulnerability of their condition - a phenomenological fact present in all human cultures throughout history - and is their distinctive feature and differentiates them from adults. This is why it is very important that the Convention on the Rights of the Child indicates that "a child is every human being under the age of eighteen" (cf. art. 1°);

5 Ariès, Philippe, *L'enfant et la vie familiale sous l'ancien régime*, Paris, Éditions du Seuil, 1973, Chapt. II. [El niño y la vida familiar en el antiguo régimen, translated by Naty García Guadilla, Madrid, Taurus, 1987].

6 Cfr. Beloff, Mary, Juvenile criminal system: *Guarantees without special protection?* The Latin American interpretation, in "Nova Criminis journal. Criminological Visions of Criminal Justice," Center for Criminological Research on Criminal Justice, School of Legal and Social Sciences, Universidad Central de Chile, no. 6, December 2013, pp. 63/118.

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2 In the interest of simplifying the wording, I will from now use the term "children" to refer to "boys, girls and adolescents". According to the IACHR: "(...)the term 'child' refers to any person who has not reached the age of 18 (...) The term child clearly includes boys, girls and adolescents." (Advisory Opinion on Juridical Condition and Human Rights of the Child, Judgment of August 28, 2002, Series A No. 17, para. 42 and footnote 45). Cf. Convention on the Rights of the Child (herein CRC) Art. 1.

3 I/A Court H.R. The case of the "Street Children" (Villagrán Morales et al.) v. Guatemala, Merits, Judgment of November 19, 1999, Series C No. 63, para. 194.

4 Cfr. Beloff, Mary, *Children's Rights. Special protection under the Inter-American System*, Buenos Aires, Hammurabi, 2nd ed. Chapter II.

this definition bears no social construction but rather an agreement through which the phenomenological condition of children is recognized. This condition imposes on the families, society and the State strong performance duties and obligations.

The fact that this has been overlooked in the narratives meant that children are placed at the same level as adults, with a special impact on juvenile justice. In general, minors are not addressed by the Law, but when they are, they are portrayed from a Dionysian point of view: the youth offender as the central concern of juvenile public policy.

However, this time, I will refer to the Apollonian child, the child of the corpus juris. International law focuses on the apollonian child: the child who plays, who expresses him/herself and is heard, one who goes to school, who does not work (because their rights protect them against exploitation), who grows up under the protection of their family that loves and cares for him or her. In other words, a child with respect to whom the State has strong positive obligations - the corollary of the child's right to special protection (defined in art. 19 of the American Convention on Human Rights, as the right to "measures of protection"⁷).

7 In the evolution of international law and, subsequently, in national law, this right has been regulated in different ways. In general, there is a reference to the "right to special protection" or to the right to "special measures of protection" or to "measures of protection" alone. Among others, arts. 10.3 of the International Covenant on Economic, Social and Cultural Rights: "Special measures of protection and assistance should be taken on behalf of all children and young persons (...)", and art. 24 of the International Covenant on Civil and Political Rights: "1. Every child shall have, without any discrimination as to race, colour, sex, language, religion, national or social origin, property or birth, the right to such measures of protection as are required by his status as a minor, on the part of his family, society and the State." At the national level, among many others, the Statute of the Child and Adolescent of Brazil (Law No. 8069), Title II, "On Measures of Protection"; and the Childhood and Youth Code of Nicaragua (Law No. 287) Preamble, "(...) That girls, boys and adolescents should enjoy special protection under national legislation, as established by the Constitution and International Conventions (...)" and Chapter III, "On Special Measures of Protection" (arts. 80/89).

We cannot deny that international human rights law also contains regulations that are based on a Dionysian approach, but there are few; the ideal notion of children in the corpus juris is mainly Apollonian.

III. The number of conventional and non-conventional, regional and universal, general and specific standards confirms that the right of children to special protection, which has been regulated in international law since the beginning⁸, is the regulatory expression of the essential vulnerability of children⁹, which justifies the existence of the State's performance duties and obligations towards children aimed at compensating them with special measures of protection, when those responsible for providing them in the first place (the family or the community) are unable to do so.

8 For this reason, it is incorrect to say that children are subjects of international law only since the Convention on the Rights of the Child, even though this is the most comprehensive expression of the right of children to special protection. This right has been recognized both universally and regionally. Among others, we can mention the following: A) Universal scope: i) International Labor Organization: Convention that sets forth the minimum age for admission of children to industrial work, Convention concerning Night Work of Young Persons (Industry), Minimum Age (Maritime Labor) Convention, Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor, among others. ii) United Nations Organization: a) Declarations: Declarations of the Rights of the Child (1924 and 1959), Universal Declaration of Human Rights (art. 25.2), Declaration on the Protection of Women and Children in Emergency and Armed Conflict, Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with particular reference to Adoption and Foster Placement, at the national and international levels; b) Conventions and Covenants: Geneva Convention on the Protection of Civilian Persons in Time of War (Convention IV, arts. 14, 17, 23, 24, 38, 50, 89, 94 and 132), International Covenant on Economic, Social and Cultural Rights (art. 10.3 and 12.2.a), International Covenant on Civil and Political Rights (arts. 6.5., 10, 14.4, and 24), Convention on the Elimination of All Forms of Discrimination against Women (CEDAW, arts. 5, 9, 11, 12 and 16), Convention on the Rights of the Child and its Optional Protocols, Hague Convention on Protection of Children and Cooperation in Respect of Adoption; among others. B) Organization of American States: a) Declarations: American Declaration of the Rights and Duties of Man. VII and XXX; b) Conventions: The American Convention on Human Rights (arts. 4.5., 5.5., 13.4, 17, and 27), Inter-American Convention on Conflict of Laws Concerning the Adoption of Minors, Additional Protocol to the American Convention on Human Rights in the Area of Economic, Social and Cultural Rights (Protocol of San Salvador, art. 16), Inter-American Convention on the Prevention, Punishment and Eradication of Violence against Women (Convention of Belém do Pará, art. 9); among others. On the subject, Beloff, Mary, Children's Rights. Their special protection under the inter-American system, ob. cit.

9 Garzón Valdés has called this essential vulnerability as absolute or radical (Cfr. Garzón Valdés, Ernesto, *Desde la modesta propuesta de "Swift" hasta las casas de engorde. Algunas consideraciones respecto de los derechos del niño*, in "Doxa" journal, Alicante, n° 15/16, 1994, pp. 731/743).

When I refer to a regional narrative, what I want to point out is that in Latin America the corpus juris - and in particular the Convention on the Rights of the Child - was interpreted as a requirement for the re-foundation (from the ground up) of the legal systems for the protection of children in place at the time of its adoption in the different countries, not as a reconstruction or reformulation of the mechanisms for the promotion and guarantee of children's rights. In this sense, the corpus juris was seen as a structural substitute for the classic "classic tutelary"¹⁰. The content, scope and impact of the new laws and institutional framework around childhood were not conceived considering present times and looking towards the future, but as a replacement mirroring the instruments that previously dealt with a very specific segment of children: those that forced the State to intervene because they had committed crimes, because they lacked a family or because theirs was considered unfit for their upbringing.

This "Latin American translation" of the corpus juris implied, on the one hand, that the Convention on the Rights of the Child would be compared against any previous law, consideration or experience regarding the protection of children, an issue that I summarize as the "fallacy of rupture"¹¹. On the other hand, it also implied that the discussion on the implementation of all international human rights law (especially the CRC) was reduced to a question of legal reforms, which led to overlooking aspects referring to institutional, economic, social and other transformations necessary to duly implement international commitments and thus achieve the expected changes (an aspect I call "legal reductionism"), while all discussions focused on the rights of the child in juvenile justice. The

¹⁰ Donzelot, Jacques, *La police des familles*, Paris, Les Éditions de Minuit, 1977, Valencia, Pre-Textos, 1979, pg. 99, translated by José Vázquez and Umbelina Larraceleta].

¹¹ Cfr. Beloff, Mary, Children's Rights. Their Special Protection under the Inter-American System, ob. cit.

latter also reproduced a certain logic associated with criminal approaches that tend to portray legal changes as magical solutions to serious social problems (an issue that I have once called "criminal reductionism")¹².

In short, the introduction of human rights standards for children, interpreted - as I mentioned above - in confrontation with the classic tutelary systems, but not on the basis of an enhanced reformulation or transformation of the existing relationship at the time between children and the State with its policies and laws, was a strictly Latin American phenomenon. In no other region of the world was the introduction of the Convention on the Rights of the Child presented as a break with the past or as a predominantly legal-criminal issue.

IV. Herein forward, I want to connect the idea of the Latin American translation with that of images and concepts around childhood.

67

These notions - Apollonian and Dionysian - are associated with the different mechanisms of social control, which are organized and operate differently because they take on different concepts of the individuals.

It is worth noting that the Latin American translation, due to a certain "quarrel of schools"¹³, with a rather "Manichean" approach and, as such, simplified approach, understood the child of the corpus juris as a Dionysian child and focused on the juvenile criminal aspects (on the rights of defence, as limits to unjustified paternalism). As a consequence, we lost sight of the positive state obligations -the opposite of the rights to special provision and protection of all children (including offenders).

¹² Cfr. Beloff, Mary, Children's Rights. Their Special Protection under the Inter-American System, ob. cit.

¹³ I/A Court H.R., Advisory Opinion No. 17 "Juridical Condition and Human Rights of the Child", Judgment of August 28, 2002, Series A No. 17, reasoned concurring opinion of Judge García Ramírez.

It is precisely here that the second misinterpretation of the Latin American translation appears (criminal reductionism). It focuses on the State's response to crimes committed by minors, which, as I have indicated, inevitably takes over any discussion of human rights and social problems.

In short, in Latin America has focused on the juvenile criminal issue -on the first generation rights (freedoms and guarantees of due process). This meant that the rights of special provision and protection to which all children are entitled were not prioritized (rights to life, health, education, and the economic, social, cultural and environmental rights).

68 V. Moreover, for many years the focus was put on juvenile justice, but the alleged transformation of the mechanisms of social control that would have led to legal changes even across the Latin American narrative (i.e., the repeal of the classic tutelary mechanisms), actually led to a closer tie between the specialized justice and general criminal justice, together with the aforementioned weakening of the rights of protection (loss of the principle of specialization¹⁴ ¹⁵).

Prior to the irruption of the Convention on the Rights of the Child, there was no discussion that the protection rights recognized for children by international standards, such as the right to family, housing, education or health, were absolute, as part of an "preserved domain"¹⁶ or set of rights. This was out of the question; in any case, there were other ideas about what "protection" meant (for example,

14 For an analysis of the principle of specialization, see: Terragni, Martiniano, *El principio de especialidad en la justicia de menores a través de la jurisprudencia*, Buenos Aires, Ad-Hoc, 2015.

15 An example is the almost universal use of the abridged procedure with minors, analyzed in Beloff, Mary; Freedman, Diego; Kierszenbaum, Mariano; and Terragni, Martiniano, *La justicia juvenil y el juicio abreviado*, in *Nuevos problemas de la justicia juvenil*, Mary Beloff (Dir.), Buenos Aires Ad-Hoc, 2017, pp. 139/185.

16 Cfr. Garzón Valdés, Ernesto, *Desde la modesta propuesta de "Swift" hasta las casas de engorde. Algunas consideraciones respecto de los derechos del niño*, ob. cit.; and *Algo más cerca del Coto vedado*, in *Revista "Doxa"*, Alicante, no. 6, 1989, pp. 209/213.

about what "family" meant, or what type of family arrangement was the most appropriate for a given child, or about how go about the proper fulfilment of the duties derived from parental authority, or about what the content of parental rights was, or what was the content of the education or characteristics of the household), but the main obligation to protect them was not questioned (especially if those naturally called to do so could not or would not) and that the fulfillment of this duty was related to the guarantee of what are modernly known as the economic, social and cultural rights of children.

Considering the corpus juris as a point of arrival and not as a point of departure (expression of the minimum baseline that each country must ensure to all its children), the main hurdle to the incorporation of children's human rights standards in Latin America in the past three decades has been that the first right of children - their right to special protection - seems considerably weakened, to be replaced by an approach that is centered on guarantees and rights of freedom or defense¹⁷.

In short, the recognition of the first generation rights (negative freedoms and due process guarantees) of children made them invisible and made them pay a high cost: the weakening of their economic, social and cultural rights¹⁸.

17 An example of this is that the discussion on the State response to the crime of minors dominated and took over the overall children's human rights agenda, as shown by the study of the first ten years of IACHR Court jurisprudence on children's rights (Cfr. Beloff, Mary, *Children's Rights*. Their special protection under the inter-American system, ob. cit.)

18 It is important, however, to recognize that for years there has been clarity and a remarkable consensus on some issues related to children's rights and children's policies (beyond the translation difficulties I have raised). There are some issues that are great victories for democracy. In this sense, some children's rights are not "a lie": for example, the fact that children cannot be deprived of their freedom except for exceptional circumstances is out of the question, or that those children who do not have a family that takes care and love them must have one that does, so that they can be cared for and loved, so that they can be happy. Just to mention a couple; in this country these are deeply rooted in society, the institutions and their operators.



VI. Another point is related to the structure of children's rights. In dogmatic (positivist) terms, we can affirm that in the international law of children's human rights the structure is opposite to the regulatory structure of adult human rights.

This is a core aspect of the analysis I am proposing. I mean that human rights emerged and developed as defence rights to guarantee the (negative) freedoms, dignity and autonomy of individuals. They are basically considered as defence against the State, these negative freedoms defined the rights-based model that had been in place for centuries. Once these freedoms and defences were legally, politically and culturally consolidated, a gradual recognition of other (positive) State obligations began.

70 In particular, a study of the jurisprudence of the IACHR Court shows that the recognition of these rights and their enforceability is generally aimed at groups that find themselves in vulnerable situations as a result of socio-historical constructions. The Court considers the members of these groups as recipients of special protection by the State, which implies an intensification of the levels of care necessary for them to enjoy their rights, freedoms and autonomy¹⁹.

But when it comes to the corpus juris of protection of children's rights, the approach is different. The IACHR understands and applies the treaties literally, not on the basis of what, if I may say so, we "forced them to say" in Latin America²⁰.

According to this analysis -which is the broadest, most comprehensive and most sophisticated at the international level, perhaps

¹⁹ I am referring, among others, to indigenous peoples, women, persons under the custody of the State, among others.

²⁰ For an comprehensive analysis of the judgments of the IACHR Court, see: Beloff, Mary, Children's Rights. Their Special Protection in the Inter-American System, op. cit. Chapters IV, V and VI.

because it deals with a more complex subject as a result of their innate vulnerability²¹ - at the base of the regulatory structure are the Children's rights to special provision and protection by the State.

Because of the characteristics of the subject²², if these positive obligations (the hard core of rights) are not complied with, especially in the first stages of life, it is highly likely that the child will be extinguished as a subject. This is so to the point that, as I pointed out, many of the fundamental rights of special protection included in the treaties are not limited, as are other rights of freedom, by age, maturity or other aspects that may affect the child or his or her interests (best interests)²³.

²¹ "(...) the members of a particularly vulnerable human group, which often lack the personal skills to adequately face certain problems, due to inexperience, immaturity, weakness, lack of information or training; or do not meet the conditions that the law provides to freely manage their interests and exercise their rights with autonomy (...)", IACHR Court, Advisory Opinion No. 17, "Juridical Condition and Human Rights of the Child", Judgment of August 28, 2002, Series A No. 17, para. 8 of the reasoned concurring opinion of Judge García Ramírez.

²² The assumption that the child is a socially constructed category has made us lose sight of the fact that children are children, regardless of the fact that we can have different perspectives and adopt ways of treating them. That is why it is important that the Convention on the Rights of the Child in its article 1 states that "a child is every person under the age of 18". It is a decision made by the entire world regarding the recognition of the basic (phenomenological) lack of capacity of children, who therefore require a strong protection of the State. The Latin American translation post-modern interpretation lost sight of this fundamental aspect and, in doing so, lost sight of the fact that children are children and began to conceive and treat them as adults, similar to what happened in the United States in the 1960s when these debates took place.

²³ An example of this is Article 12 of the CRC: "1. 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. The IACHR Court held that children exercise their rights "progressively as they develop a greater level of personal autonomy", so that those who enforce the law, whether in the administrative or judicial environments, must take into consideration the specific conditions of the child and his or her best interests to agree to his or her participation in the determination of his or her rights. In doing so, we will allow children, to the greatest extent possible, to assess of his or her own case" (case of "Ramírez Escobar et al. vs. Guatemala", Merits, Reparations and Costs, Judgment of March 9, 2018, Series C no. 351, par. 172; in a similar sense, I/A Court H.R., Advisory Opinion no. 17, cit.par. 102; "Atala Ríffo and girls vs. Chile", Merits, Reparations and Costs, Judgment of 24 February 2012, Series C no. 239, para. 199; "Furlan and relatives vs. Argentina", Preliminary Objections, Merits, Reparations and Costs, Judgment of August 31, 2012, Series C no. 246, para. 230; among others). In the case of "Ramírez Escobar et al. vs. Guatemala" the Court held that: "(...) Although J.R. was between one and two years old, the Court recalls that children exercise their rights on their own in a progressive manner according to their age and maturity, so States must take the relevant provisions to consider non-verbal forms of communication, such as play, body and facial expression and

These are the rights that Ernesto Garzón Valdés includes within the aforementioned idea of a “preserved domain”, which explain the justified paternalistic profile of the corpus juris around childhood. These are rights that cannot be traded for negative freedoms, in the exercise of the full autonomy of a subject who is considered to have full moral agency. A different conclusion would render a regulatory system specially designed for persons other than adults meaningless precisely because of the question their competence²⁴.

A regulatory system aimed at children, but with a traditional structure, would put them at the same level as adults and thus, I insist, its existence would be meaningless²⁵.

drawing and painting, through which infants demonstrate the capacity to understand, choose and have preferences (...)” (para. 182). According to the Committee on the Rights of the Child: “Infants and very young children have the same rights as other children to have their best interests protected, even if they cannot express their views or represent themselves in the same way as older children. In assessing their best interests, States must ensure appropriate mechanisms, including representation, where appropriate. The same applies to children who are unable or unwilling to express their views.” General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration (2013), para. 44.

24 “(...) in the case of children, the exercise of their autonomy is conditioned by a situation of complete vulnerability. Those who find themselves in such a situation are not in a position to negotiate for themselves equitable relations marked by reciprocity of rights and obligations (...) In a situation of complete vulnerability, it is not enough to eliminate oppression, but the adoption of protection measures is also required. This is why paternalism is justified in those cases where there is absolute vulnerability. Children are absolutely vulnerable and this makes them incompetent in the strict sense of the word: not only are they unable to measure the scope of many of their actions, but they are also unable to satisfy their basic needs by themselves (...)”, GARZÓN VALDÉS, Ernesto, “Desde la modesta propuesta” de J. Swift a las casas de engorde. Algunas consideraciones acerca de los derechos de los niños, cit., pgs. 737 and 738. This limitation to the autonomy of the child depends on his age and maturity; that is to say, there must be a proportional relationship: the greater the age and maturity, the greater the participation and role the child can play in the direct exercise of his or her rights. It will also depend on the type of right that is at stake, since a certain degree of maturity allows the exercise of certain rights, but this physical and intellectual development does not necessarily enable the exercise of other rights that involve a greater capacity for understanding and autonomy, since they imply more burdensome (and in many cases irreversible) consequences with a direct impact on the future of the child’s life.

25 John Stuart Mill regarded children as basically incompetents, to whom the principle of liberty does not apply. This does not mean that he belittled or viewed children as disabled, but simply that the principle of freedom could not be applied to them because of their level of maturity. One way to reconcile Garzón Valdés with Mill is that for children to be able to exercise their autonomy and the principle of freedom, it is first necessary to fulfil the rights that make up the “preserved domain”. For this reason, the protection of these core rights cannot be subordinated to the exercise of the rights of freedom.

What is curious is that the Latin American translation interpreted otherwise. In practice, this tension between protection rights and liberty rights is present at all times and makes the resolution of cases more complicated which, in addition, because they involve children, must be resolved immediately. This tension places operators in a situation where it is not clear what to do to resolve such cases. For example, we can all remember the systematic recourse contrary to the best interests of the child to decide that the solution would be the opposite of what the child expresses, when what lies behind it is a difficulty in interpreting what the child is talking about, what his or her needs are and what is the best way to satisfy those needs.

VII. It is impossible to define a public policy if there is no prior agreement on the dimensions and characteristics of the reality we are trying to change. If everything that is solid vanishes into thin air, if social reality depends on the perspective and perception of each individual, the possibility of defining and implementing social, collective and political action across that reality disappears.

To uphold the rights set forth in the treaties through effective policies, it is essential to reach theoretical but also political and cultural agreements on what it means to be a child, on what “violence” means, on what we mean when we talk about “childhood”, “autonomy” or “capacity”. In building such agreements, the role of jurisprudence (especially international jurisprudence) is critical, in addition to the contribution of the social sciences.

The science approach prevails, however, in defining the best solution to a problem involving children’s rights, or when deciding what is the best intervention for a given case. It is a different problem, but one that requires that the above-mentioned has been solved in ad-

vance. It is important, especially when working on the implementation of human rights principles and rules, to keep in mind that relative approaches often frustrate the realization of those human rights, especially in terms of enforceability of the implementation of public policies (by definition, *ab initio*, universal).

In short, I believe that this tension between protection and freedom rights is probably one of the key explanations for the problems around children's rights in the region.

VIII. With regards to the current context, as participants in the process of awarding rights, it is up to us to engage in some debates and discussions around care, protection, development, autonomy and freedom, which often place children in very difficult positions, such as making the decision of whether they will be protected and cared for -for example, in the middle of a pandemic- from an infection with consequences that can be very serious for them and/or for the family and/or the community, instead of making it clear that the responsibility for making these decisions lies with the people (adults) who are experts in the matter.

The justice system goes into crisis in terms of ensuring the rights of children when the operators who have to make a decision and find themselves in a situation where they have to ensure the protection rights of a child with the utmost empathy and takes into account his or her baseline vulnerability (and this is not apparent but real solidarity, since it is his or her duty) and is suddenly challenged by a sort of peculiar interpretation that states they are not in a position to make the decisions of real but rather apparent solidarity.

I would focus on the following question: at what point was it determined that state, judicial or administrative operators could transfer

the power and responsibility to decide to the child? This is a serious problem²⁶.

There is no doubt that children have rights and that it is the duty of the State to guarantee them. What cannot be ignored from the point of view of criminal policy is that a society that upholds and guarantees better and broader economic, social and cultural rights for children, is a society where there is less violence towards children and from children towards society. It is an added value. So the focus should be here.

Italian professor and philosopher Eligio Resta²⁷ reminds us that cases concerning children are always tragic cases. Resta points out that they are always tragic cases because every time a child is in front of an authority it is because something tragic happened in his or her life (a war, a natural catastrophe, poverty, their parent's neglect, or a pandemic, and all of it is resolved in a violent way). Let's not only consider cases of high socio-economic vulnerability. Family law practice presents countless examples of well-off children (e.g., child athletes in high competition, or children working in television programs) that are also tragic cases. Resta argues that if there is no tragedy, a child does not need to appear before the authority.

26 For example, Argentinean Law No. 26.061 on the Comprehensive Protection of the Rights of Children and Youth devotes five articles to the right of the child to be heard (arts. 2º, 3º, 24, 27, and 66) why should the right of the child to be heard be stated so many times? I find no reason to repeat so many times a right already contemplated in the CRC (cfr. art. 12); in any case, the national law should have clarified the difficulties presented by this right, its guarantee and its realization as set forth in the CRC. They failed to do this. Instead, the same text was repeated five times. Once again, with our best intentions, this time in a more progressive tone, we shifted the responsibility for the decisions to the children instead of resolving them ourselves, with all that this implies.

27 Resta, Eligio, *La infancia herida*, Buenos Aires, Ad Hoc, 2008. This author was almost censored because his was not one of the books translated during the time when we were carrying out legal reforms, since his point of view was clearly not in line with the consolidated discourse, which I call "Latin American translation" and its double legal, criminal and disruptive reductionism, which are the pillars of Latin American translation. Disruption and reductionism, merely changing laws and criminal laws: this is the formula of the Latin American translation. We finally managed to publish it with the help of Dr. Lora who translated it.

Children's cases are always tragic cases, but, in addition, the situation of those who have to solve them is also tragic because there is no way of knowing (I would add, not even with the corpus juris nor with all the best will) if the decision taken is the correct or adequate one. At the same time, the children's problems are urgent, but it takes time to solve them. In addition, we don't know if they will be solved correctly. All these tensions add tragic character to children's cases.

It seems to me that we need to take this characteristic into account when it comes to cases involving children and try to produce a more robust theory of their rights, otherwise we will repeat mistakes that so far do not allow us to achieve the decent²⁸ living conditions that international law demands so much.

From a less legal and more analytical perspective, I dare to say that the Latin American punitive approach of the CRC may have to do in some sense with the denial of the tragic nature of children's cases and with the difficulties of adequately weighing what is at stake every time a decision affecting children has to be made in order to truly and actually benefit them.

28 Cf. I/A Court H.R. Case of the "Street Children" (Villagrán Morales et al.) v. Guatemala. Guatemala", cit. para. 144.



Nature Embracing Cultures: A proposal for early education towards sustainable development

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SUMMARY

Below we provide an outline of the project “Nature Embracing Cultures”. This project, still in its design phase, attempts to connect geographically distant preschool communities virtually, so that they may share their cultures and early education initiatives for sustainable development. The ultimate goal is to develop planetary values of love of and care for nature. The article is divided into two parts. The first offers an introduction to global warming and early education for sustainable development, and the second provides a synopsis of the project, the conceptualization of which was enhanced by educators from different countries (see Appendix 1). We hope that the ideas presented here will enrich the subject.

PART 1

Global warming and sustainable development: Where are we?

We begin this article written in Toronto, Canada, with a Recognition of the Land or Territory we tread on. Our gratitude to the indigenous peoples who have historically inhabited or currently live on this land; and our commitment to care for the nature we share.

A fundamental question related to the well-being of children is what kind of world are we leaving them? The WHO / Lancet Commission notes that “We live in an era like no other. Our children face a future of great opportunity, but they stand on the precipice of a climate crisis”. This statement echoes the deteriorating condition of the environment. In May 2020, global and ocean temperatures were the highest recorded in the last 141² years, and atmospheric dioxide levels were the highest ever recorded for the same month. Other warning signs include the decline in pollinating insects, which has been reported in recent decades^{4,5,6} and the fact that we are using approximately 35% of the unfrozen land area for agriculture⁷. We are also witnessing the devastation of tropical forests, the loss of biodiversity, epidemiological changes, increased natural disasters, and predictions of water scarcity⁸.

Climate change is not new to Earth; the last glacial period ended only 11,650 years ago. With the retreat of the glaciers began the period known as the Holocene⁹. What is new

¹ The “Nature Embracing Cultures” project is endorsed by Casa Grande University (UCG) of Guayaquil and the Child Development Centres (CENDI, for their acronym in Spanish) of Nuevo León, Mexico. Mexico’s CENDIs have received 45 international awards for quality early education. The authors are grateful to Dr Marcia Gibert de Babra (UCG) and Dr María Guadalupe Rodríguez de Anaya (CENDI) for their support.

about climate change is that “humans have become a global geological force”¹⁰ with the capacity to transform the planet. With these human-induced changes, the conditions of the Holocene Earth system are coming to an end, initiating what we call informally, the Anthropocene. The term Anthropocene refers to human-induced ecological alterations that affect the biosphere, oceans, land, and climate⁸.

The changes in the Earth’s system that we experience today originated in the Industrial Revolution of 1750, the exponential increase in population and use of energy, water, and natural resources all over the world since 1950⁸, and the “Green Revolution” of 1960, associated with the expansion of farmland, the use of synthetic fertilizers, irrigation, mechanization, and the development of high-yielding hybrid seed varieties¹¹.

- 76 The Earth is reaching its planetary boundaries; the environmental parameters within which humanity can live safely¹². Two key planetary boundaries are climate change and the integrity of the biosphere¹². A study of carbon emissions in 28 industrialized countries suggests that by 2050, global warming will likely exceed by 2°C the temperature before the industrial revolution¹³. The goal of not exceeding 2°C was set in the Paris Agreement on Climate Change, signed in 2015. It is difficult to pinpoint the exact global warming planetary boundaries, but with a change of 2°C it is likely that we are only decades away from reaching them¹⁴. Crossing planetary boundaries could lock the Earth system into a continuous path of rapid change and difficult-to-reverse warming conditions¹⁴. These changes would bring multiple health problems, including increased respiratory and heart disease, skin cancer, diseases transmitted by birds, insects, and mammalian vectors, endocrine dysfunction, cancer, heat-associated stress, and malnutrition¹⁵.

Values of care and respect for nature

Our lack of action in the face of the climate crisis may have a variety of explanations. One of them is related to our anthropocentric vision of the world¹⁶. Anthropocentrism makes us see ourselves as exceptional beings, at the top of the ecosystem pyramid, separate from other beings and the environment, and entitled to exploit all other beings for our benefit¹⁷. The expression ‘survival of the fittest’ reflects our anthropocentric thinking and justifies the unlimited exploitation of resources¹⁸.

This anthropocentric vision of the world is rooted in Greek philosophy, the Renaissance and the Enlightenment. These belief systems established such dualisms as human/non-human^{17,19,20}. The conceptualization of nature as that which is “untouched by the hand of man” makes us perceive ourselves as distant from it, especially for those who live in cities²⁰. These ways of seeing the world have permeated educational systems, many of which approach nature as a consumer good¹⁸. This is where education for sustainable development should focus: on changing our world view, social values, attitudes and beliefs that cause harm to the environment¹⁷.

The worldview of indigenous peoples and from other countries such as India²⁴ offers a benchmark for changing anthropocentric-oriented Western cultural values²¹. One of these references is in the indigenous vision of the Andean world in which “...everything that exists in nature comes from the Pachamama or ‘Mother Earth’, the universal source of life. Plants, animals, mountains, water, rivers, stones, even the moon, sun and stars, like people, are considered living beings. In this context... Andean children grow up as children of the earth and brothers and sisters of plants and animals.”²²

Indigenous peoples understand nature as a unique, sacred, interconnected and interdependent living system, whose natural laws operate according to principles of sustainability²³. They see themselves as being spiritually and culturally dependent on the land, and inseparable from the natural world²⁵. To perceive nature as “sacred” leads them to live according to principles of harmony with the environment²¹; and to “give back as much as they take, while seeking their social and spiritual development”²³.

Albert Marshal, a wise elder of the indigenous Mi'kmaw nation of Canada, stresses that to move towards sustainable development it is necessary to develop. Two-Eyed-Seeing, in which our knowledge and forms of knowledge are integrated with those of others, including that of nature (for example, what she feels when forests are cut down). This “Two-Eyed Seeing” is inherent to indigenous peoples’ way of thinking, seeing themselves, and responding to who they are and what they are here for. In order to make this vision grow, it is necessary to develop a spirit of learning together, relating to each other, and cooperating with others^{26,27}. This concept is applicable to early education.

Early education for sustainability

There is evidence that contact with green spaces is beneficial for the immune system, self-discipline, self-regulation, concentration, academic performance, the regulation of cortisol levels, and body mass reduction²⁸. Unfortunately, 21st century children are growing up disconnected from nature, with adverse consequences for their physical and mental health.²⁹

Early education for sustainability seeks to change the way of thinking, teaching and

learning to cohabit the Earth in harmony with other species^{30,31}. There is no single right way to carry out this type of education^{32,33}; it must, however, adapt to the concrete realities in which children³⁴ live, and involve families, teachers and communities³³.

The pedagogy of early education for sustainability must fundamentally focus on the development of the values of democracy and empathy³⁴ (compassion²), which honour our relationship with the earth³⁵; putting nature at the centre of what we do³⁶. To this end, it is important to understand that humans and more-than-humans (e.g., animal, mineral, and plant worlds) live in this world³⁷. And to reposition education towards a flat ontology different from the anthropocentric vision (that is, without ontological hierarchies, in the sense that nature and all beings are respected and valued)¹⁶. The notions of *inter-species integration*, *common worlds*, and *two-eyed vision* that have been proposed by educators are useful for overcoming certain dualisms inherent in our language and reflecting on new ways of relating to nature. Below, we present these notions, along with some generative questions that can be used by teachers to work on the tensions typical of encounters between humans and more-than-humans (for example, when caterpillars and birds feed on a plant we are taking care of).

- *Inter-species integration*: Human interaction with non-humans is a two-way connection. How can we create meaningful connections with our non-human, animated, and inanimate environment?³⁸
- *Common worlds*: We are part of nature and share this world with other beings³⁹. How to be responsible with the common

2 Note: The version in Spanish refers to the meaning of “compassion” in English as a feeling of sympathy towards a suffering person, while in Spanish “compasión” refers to a feeling of sorrow. The paper in Spanish uses “empatía” as a translation of “compassion”.

How to negotiate common interests? How to live together and with more-than-human?³⁷

- *Two-Eyed-Seeing*: In order to relate to all beings, including humans, we must learn to look with two eyes, ours and the eyes of others²⁶. How does a tree feel when a branch falls off?⁴⁰ What does it mean to live in a reciprocal relationship with others, including plants, animals, water, landscapes?⁴¹ How to integrate the views of Western and indigenous peoples towards an integrated sustainable development model?²⁶

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Early education for sustainable development can be implemented with contact with nature methodologies that use art, outdoor learning, and learning based on projects and problems⁴²; and more broadly, with *pedagogies focused on the land or territory*. Land or territory is understood to be the fabric of relationships with animate and inanimate beings that occur in a natural space (e.g., rocks, water, air, sun, fauna)⁴³. Pedagogy centred on the land or territory recognizes the specificity of history, culture and ecology associated with a geographical space⁴⁴; and the focus of its study is on the relationship of the child with spaces and beings that inhabit it. Here the quality of learning is given by the depth and reciprocity in these relationships. Three questions that guide this pedagogical approach are: What animate and inanimate beings currently inhabit this area, what humans and more than-humans once inhabited this earth and why are they no longer here³, and how can I relate to these beings?

Pedagogy centred on the land or territory attempts to make learning emerge from the action of nature that has a will of its own⁴⁵. This

3 As an example of this, in Canada, classes, workshops and meetings in educational centres, NGOs and public bodies begin with a Recognition of the Land or Territory. This practice is also common in Australia and New Zealand.

pedagogy must be seen as complementary and not opposed to pedagogy focused on the child⁴ or teacher. Its application requires fostering child-nature encounters in places where the will of the latter is frequently expressed, giving these encounters sufficient time to be processed; ensuring that the control of the one guiding the relationship alternates between the child, the teacher, and nature.⁴⁵

An example of the application of this pedagogy is to be seen in The Willows programme⁵ in Toronto, Canada. The activities in “The Willows” are carried out “slowly”, and children return again and again to the same natural space, to establish reciprocal relationships with the places and their inhabitants. They visit a tree, a blue beetle that lives in a mint leaf, a snail, a frog, a twig in the woods. In these encounters it has been possible to observe children relating to nature, for example: singing to the Earth; touching the bark of an old willow tree and being intrigued by the way its branches rock in the wind; and collecting a branch from the ground to offer it to the tree as nourishment⁴⁰. The role of teachers is to create these contacts, giving children the time to create connections, and facilitate activities leading to experiential research and learning based on land and play.⁴⁶

Another land-based initiative that recovers the values of the Andean indigenous worldview is the Tierra en Mis Manos (“Land in My Hands”) (TiNi) programme. Through TiNi, children receive about half a square metre of land from adults. The objective is to cultivate life and biodiversity, to strengthen the connection with Mother Earth⁴⁷. TiNi adopts the worldview of “caring for”, which is un-

4 In this approach, learning experiences are structured around the needs and interests of children. Children enjoy some freedom from adult authority to explore their ideas independently and give a new meaning to the world around them.

5 Led by Humber College, in a forest in the city of Toronto. The following video shows the methodology: <https://www.youtube.com/watch?v=W5s5bZqPSPA&t=2s>

derstood as a reciprocal act: “when you take care of a plant, the plant also takes care of you; when you raise an animal, the animal also raises you; when you raise a child, the child also raises you.”⁴⁸ This programme, initiated in Peru, has spread to other countries in the world.

Ecological-cultural wisdom and the narratives of indigenous elders can be a reference on how to cohabit the natural world⁴⁴. For example, in a study conducted in New Zealand, a Mori sage was invited to share with pre-schoolers his worldview of the creation of the world in which humans, flora and fauna belong to the same extended family. In the same study, the teachers used ancestral Mori knowledge to teach children traditional sustainable development practices associated with the lunar calendar (fishing, sowing, and harvesting medicinal roots). The study found that these practices generated in children the values of empathy and a sense of collective responsibility to protect nature.⁴⁹

Mindfulness meditation to connect with nature

Mindfulness is understood to mean the action of “paying attention in a particular way: intentionally, in the now, and without judgement”⁵⁰; and as a “kind of internalization that allows things to be seen more clearly.”⁵¹ *Mindfulness meditation* is a practice that combines meditation (concentration) with mindfulness, to calm the mind and body, get rid of negativity, and live the “now.”

Mindfulness meditation can help preschool children become more aware of their emotions, regulate themselves emotionally, and increase their self-compassion and ability to adopt other perspectives⁵². The use of this practice by development agencies and faith-based and secular organizations

has increased as a means of coping with climate change⁵³. UNESCO, for example, recommends its use through simple techniques in which: “Children close their eyes and listen to the voices of nature. As they do this, they pay attention to their breathing and perform simple meditation procedures.”³⁴

Examples of such meditations are those followed in the world by Sathya Sai schools practising Light Meditation⁶. This technique is a guided meditation in which light is visualized in one’s own body, in other human beings, and in nature. In educational centres, this meditation is practised in the mornings, accompanied by chants about values, and readings of short stories that cultivate positive thoughts. All of these activities are part of a comprehensive programme of education in values^{54,55}. In Ecuador, the Sathya Sai Fiscomissional Educational Unit of Bahía de Caráquez uses this technique.⁵⁶

Another similar practice is the White Flower Meditation For Peace, promoted by the spiritual and humanitarian leader, Amma⁷. In this technique a shower of white flowers is visualized, falling on oneself, other human beings, and the whole of nature, while repeating “May all beings in the world be happy and peaceful”⁸. This technique has been used in the educational field to train teachers.⁵⁷

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⁶ See a description of these schools and meditation practice in Toronto, Canada: <https://www.sathyasaischool.ca/character-development>

⁷ Mt Amritnandamay Dev, also known as the “Saint of Hugs”.

⁸ This technique may be seen in the following video: <https://www.youtube.com/watch?v=4-aaSqWJPok>



PART 2 - OVERVIEW OF THE “NATURE EMBRACING CULTURES” PROPOSAL

Summary

The name of the project, “Nature Embracing Cultures” tries to convey the message that humans are not above or separated from the ecological world. We are a part of nature. And nature has the ability to embrace us all, including cultures⁹. This proposal, still in its design phase, attempts to connect geographically distant preschool communities through the web, so that they may share their cultures and early education initiatives for sustainable development. The goal is to develop the values of love of and care for nature. Among the most salient points of the methodology are: 1) consulting local and indigenous elders on sustainable development values and practices and their myths and legends, which explain their worldview and relationship with nature; 2) the use of a pedagogy focusing both on the land or territory (nature) and on the child; 3) the practice of mindfulness meditation as a strategy to connect with nature; 4) the participation of children in experiences and projects focusing on nature, in which families and communities participate; and 5) the creation of demonstration pedagogical centres that will virtually support the implementation of the project. This proposal has been enhanced by the participation of 28 professional practitioners from different countries, listed in Appendix 1. The authors thank these specialists for their support.

Project description

What contact do African American children in Latin America and the Caribbean have today with children in Africa? What contact do Canada’s indigenous children have with those in Central and South America? How much do we teachers know about the oral tradition and sustainable development practices of these and other peoples? How can we develop a sense of global citizenship and nature? This project will seek to answer these questions by connecting geographically distant communities so that they may share their cultural wealth and love of nature practices. One goal of this initiative is for children in Africa, Asia, and Latin America to connect virtually and sing songs of love of and care for water, land, air, and trees.

This project is conceived as an open methodology that must be adapted to local reality. 81 The initial step will be to consult local elders and indigenous peoples (and later teachers, families and children) about myths and legends that express the values and practices of sustainable development. Actions will also be coordinated with local organizations working on environmental issues. In the methodology adopted, preschool teachers from geographically distant communities will participate (through the web) in a semi-structured programme of between 10 to 20 sessions. These meetings will be facilitated by a duly trained *demonstration centre*. All of the sessions, except the last, will be aimed exclusively at the teachers with whom the values of connection and nature protection will be developed; together with quality practices in early education for sustainable development. Teachers are expected to put this knowledge into practice together with children, families and the community. The final session will virtually connect children from different centres,

⁹ For indigenous peoples, culture and nature are intimately linked. The name nature embracing cultures is in line with this vision.

in order to share songs about the love of nature and perform a joint mindfulness meditation.

Development of love of and care for nature

This project will include elements of child-centred pedagogy with land- or territory-based pedagogy. As explained above, in this approach children and nature alternate in leading their relationship. As soon as possible, outdoor activities in contact with nature will be promoted; as well as pedagogical work within the children's centres, with planting, butterfly care, and other activities.

The project's lines of action aim at conserving water, taking care of the soil, and protecting the air and the trees. The activities carried out by the children and their oral manifestations will be digitally recorded by their teachers, to be shared with other preschool communities. These lines of action are described below:

- Activities in contact with nature. For example: participating in activities involving outdoor play and exploring, art and projects related to nature; discovering insects; connecting to *common worlds*, letting nature express itself; burying a piece of plastic and some fruit peel to research biodegradability; raise a caterpillar in order to study its life cycles; investigate water-land-air connections.
- Promote values of connection with nature. For example: learning from indigenous and local elders their myths and legends, which explain their worldview and relationship with nature.
- Return to nature: For example: creating green environments inside and outside the classroom; planting a tree; planting a vegetable garden; protecting pollinators

such as bees and butterflies; collecting plastic objects from gardens, parks, neighbourhoods.

- Reduce our environmental footprint (impact). For example, recycle, reduce, reject, reuse.
- Embrace nature and other cultures. For example, participating in sustainable development initiatives as part of global citizenship and nature; visualizing how the rainfall of mindfulness meditation falls upon other preschool communities and the entire world; singing songs and telling legends that express the love of water, air and land; sharing digital photographic records and songs with other preschool communities.

Mindfulness meditation¹⁰

In the sessions facilitated by *demonstration centres*, teachers engage in this activity (or a similar one), which they will then share with their students. The following is a brief sample of this technique.

At the beginning of the meditation, teachers read to their students from a large storybook with illustrations of children interacting with nature (5 to 10 minutes). The illustrations depict natural landscapes and cultures from around the world. The captions under the illustrations read:

"Thank you, Mother Nature," (or similar)

The meditation continues. This time the children do a breathing exercise and, with their eyes closed, preferably, they visualize nature covered in a shower of white petals (2 to 3 minutes); children are asked to visualize landscapes similar to those in the book, while repeating:

"Thank you, Mother Nature," (or similar)

¹⁰ African educators consulted suggested avoiding the practice of mindfulness meditation as they consider this technique to be incompatible with their faith. Educators from other countries regard this technique positively.

In the last session, which will connect distant preschool centres, the children will visualize a white shower falling on the nature of other children while repeating “Thank you, Mother Nature”.

APPENDIX 1

EXPERTS CONSULTED BY THE PROJECT

- Canada: Dr Carl Corter; Dr Nancy Cohen; Andrew Reesor-McDowell; Rochelle Fine.
- Ecuador/Canada: María del Carmen Ordóñez, M.A.
- India: Usha Ramakrishnan; Dr Vayu Naidu.
- Mexico: Bernardo Aguilar; Dr Magdalena Cazarez; Rosalía León, M.A.; Diana León.
- Spain: Dr Alba Alonso.
- Colombia: Dr Jairo Zuluaga.
- Argentina: Dr Marcelo Caruso.
- Venezuela: Dr Alí Fernández (indigenous sage).
- Ecuador: Dr Patricia Ordóñez; educators Esthela Escobar Cabeza, Marissa Martinetti, Betty Rivas, Ximena Saquinula, María Fernanda Vega.
- Panama: Dr Gloria Bejarano.
- Costa Rica: Professor Eulín Chacón.
- Uganda: Robinah N. Ssebuggwaawo.
- Myanmar: Dr Su Ei Mon.
- Rwanda: Reuben Muvunyi, Florence Niyonambaza.

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Reflections on the right of children and adolescents to effective judicial protection in the Republic of Panama

By Rosaria Correa Pulice

1. BACKGROUND

The Convention on the Rights of the Child, adopted by the United Nations General Assembly in its Resolution No. 44/25 of November 20, 1989, was ratified by the Panamanian State through Law No. 15 of November 6, 1990.

Panama, as a signatory of the Convention and other international instruments that make up the international Corpus Juris for the protection of the human rights of minors, immediately started a process to adapt its national legislation. Many laws were passed during the 1990s and the following decades in different areas related to the rights of children and adolescents, such as, for example, the General Adoption Act, Law No. 14 of 2009, which created the National Secretariat for Children, Adolescents and Family, the Law for the Protection of Pregnant Adolescents, the General Food Act, Law No. 171 of October 15, 2020, “On the Comprehensive Protection of Early Childhood and Early Childhood Development,” published in the Official Gazette of the Republic of Costa Rica No. 29135-C, of Thursday, October 15, 2020; among others. However, Law No. 285 of February 15, 2022, was only approved this year. This Law “creates a System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents and sets forth other provisions.”

It is fair to state that this law resulted from several decades of debates inside and outside the national commissions that were established to create the draft bill. Over time, the discussions and studies evolved along the scientific studies undertaken in the region and the experiences of other countries that helped design a system of guarantees and comprehensive protection of the rights of children and adolescents, tailored to the characteristics of the public administration but following international standards and developing effective mechanisms for the application of international standards of the Corpus Juris of children's rights.

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Throughout this process, several regional experts on Child and Adolescent Law visited our country; among them, Edson Seda (Brazil), Emilio García Méndez (Argentina), Carlos Tiffer (Costa Rica), Alejandro Morlachetti (Argentina), Miguel Cillero (Chile), and Clara Martínez (Spain). They shared their views, and together with national experts, they developed ideas, concepts, and mechanisms for accountability, which were finally reflected in a modern and concerted bill.

In short, Law No. 285 of February 15, 2022, marks a before and after for Panama in terms of its legislation on children's human rights and forces the State to review the entire corresponding legal framework, especially with regard to the jurisdictional protection of the rights of minors.

The Law clearly sets forth provisions on rules for the interpretation and implementation of the law (Preliminary Title), (Title I) Fundamentals of the Protection System and principles of human rights (Chapter 1), the conceptualization of the principle of the Best Interest of the Child (Title I, Chapter 2), guarantees (Chapter III), Rights and duties of children and adolescents, rights of survivorship, to development, protection, participation, protection of rights in online environments, protection of minors with disabilities, rights of adolescents at work, protection in the media (Chapter IV), special protection (Chapter V), Title II (System of Guarantees and Comprehensive Protection of the Rights of Children and Adolescents), general provisions (Chapter I), Structural Principles of the System (Chapter II), Organization and Operation of the System. Stewardship Consultation, Articulation, Execution (Chapter III), Subsystem at the Local Level (Chapter IV), the scope of application of administrative protection (Chapter V), Subsystem of Specialized Protection, administrative measures, administrative protection procedure (Chapter VI), Subsidiary Institutions for the Defense of the Human Rights of Children and Adolescents (Chapter VII), Citizen Participation and the Role of Non-Governmental Organizations in Child Protection Policies (Chapter VIII), Sanctions (Title III), Financing, Accountability, Assessment and Monitoring of the Comprehensive Protection System (Title IV), Additional Provisions (Title V), Final Provisions (Title VI).

Now, in addition to the Law that creates the System of Safeguards and Comprehensive Protection of the rights of Children and Adolescents, there is the Family Code. In Panama, the forensic practice has mistakenly added “and Children” when referring to the Code. This is because there was a section devoted to them, Book II “On Minors,” which despite recognizing the rights of children, did not con-

tain the concept of comprehensive protection of the human rights of minors, but instead inconsistently addressed doctrine, which translates into a lack of organization across State institutions for the effective protection of rights and safeguards and the foundation of an inquisitorial judicial system. Thus, Article 237 of the new Law repeals Book II, Chapters III and IV of Title I; Sections I and II of Chapter I and Chapter III of Title III and Chapter II of Title IV of Book III of the Family Code. Book IV of the Family Code, “On Jurisdiction,” still remains in force. However, it must be reformed to allow for a modern procedural legislation that guarantees the human rights of minors.

It is clear that considering the current development of the Panamanian State, the new legislation sets the foundations for the adoption of a new system for the jurisdictional protection of the human rights of children and adolescents that guarantees their right to effective judicial protection. Therefore, in general terms, this paper focuses on this human right of a procedural nature.

2. CONCEPTUALIZATION OF THE RIGHT TO EFFECTIVE JUDICIAL PROTECTION

The core components that govern the system of guarantees and protection of the rights of minors for its effective functioning are the respect and guarantee of the right to effective judicial protection. This right is an important part of the Corpus Juris and is contained in articles 10 and 11 of the Universal Declaration of Human Rights, in article 28 of the American Declaration on the Rights and Duties of Man, in articles 8 and 9 of the American Convention on Human Rights, in article 14 of the International Covenant on Economic, Social and Cultural Rights, and there is a special reference in article 40 of the Convention on the Rights of the Child.

Now, modern procedural doctrine has widely conceptualized the right to effective judicial protection, and in the words of the Spanish jurist Víctor Moreno Catena (1996), it is a fundamental right that is safeguarded by obtaining a favorable or unfavorable judicial resolution for the individual, which will have to be decided on the merits if the procedural requirements are met, for its effective fulfilment. The author stresses that this right cannot be obtained if there is a lack of a proper defense and this is a right that must, of course, merit a timely safeguard before any court and in any jurisdiction (pp. 256-257).

In the same sense, the Supreme Court of Justice of the Republic of Panama (2021), explains that the right to effective judicial protection is a fundamental right of every citizen and that this right comprises, in general terms, the Right of Access to the Courts of Justice, the Guarantee of Due Process and the Right to the Execution or Effectiveness of the Judgment. (Full Contentious-Administrative Jurisdiction Lawsuit, filed by the Law Firm Vega & Álvarez on behalf of the company Mapisa, S.A., it was declared null as it was considered unlawful, Resolution No. 006-Jd-21 of January 28, 2021, issued by the Board of Directors of the International Airport of Tocumen, S.A., its Confirmatory Act, and for other declarations to be made.

Speaker: Carlos Alberto Vásquez Reyes. Panama, December Fourteen Two Thousand and Twenty-One).

In other words, effective legal protection is materialized through other rights and guarantees such as the right of access to Justice, the right to a process with ALL its safeguards, the right to a substantive sentence, as well as the right to execution.

Now, as for the right of minors to effective judicial protection in Panama, it is imperative to adapt the judicial and procedural system to achieve effectiveness in the fulfilment of the best interests of the child. The recent Law No. 285 establishes in Article 122 that legal protection “is the type of protection that takes place when universal, social and specialized protection have not been effective or in circumstances that, due to their significance, fall within the competencies of the legal authorities specialized in the rights of children and adolescents.

Therefore, in a comprehensive protection system, legal protection should display a minimum number of interventions.” In other words, this new regulation promotes out-of-court arrangements for social conflicts as conceived by the doctrine of the irregular situation and its main purpose is for the administration of justice to deal with the legal conflicts that a minor, as a rights holder, might face in life as part of a family, member of the community and the State. 89

It is therefore essential to note that the Panamanian procedural system that governs the current legal system is inquisitorial. The transition to a guarantee-based procedural system that is structured in such a way that the legal and jurisdictional operators are able to provide legally secure answers to the legal conflicts faced by society and especially by minors who demand and have the right to urgent answers, to see their right to protection in the event of defenselessness upheld, so that they can have access to the jurisdiction and see the reparation of the rights that have been violated.

3. THE RIGHT TO EFFECTIVE JUDICIAL PROTECTION AND ITS RELATION TO THE PRINCIPLE OF THE BEST INTEREST OF THE CHILD.

Miguel Cillero (1999) states that: “it is safe to say that the best interests of the child are nothing more, but nothing less, than the comprehensive satisfaction of his or her rights.

Based on the formulation of the principle in Article 3 of the Convention we can identify the following characteristics: it is a guarantee, since any decision concerning the child, must primarily consider his or her rights; it is far-reaching since it not only compels the legislator but also all authorities and public and private institutions and parents; it is also a rule for interpretation and/or resolution of legal conflicts; and finally, it is guideline for the formulation of public policies that address children’s issues, making it possible to implement public actions that promote the harmonious development of the rights of all persons, children and adults, contributing, without doubt, to the improvement of democratic life.”

In Panama, the best interest of children and adolescents is defined and conceptualized in articles 7, 8, 9 and 10 of Law N. 285 of 2022. It is defined as a right, as a legal principle for interpretation and as a procedural rule. Similarly, Article 7 of Law N. 285 states that: “it is a guarantee for the fulfillment of the application, effectiveness and enforceability of the fundamental human rights of children and adolescents enshrined in the Political Constitution of the Republic of Panama and the treaties and conventions ratified by the Republic of Panama, thanks to the responsibilities that, through prevention, promotion and all protection measures, in the family, legal, educational, social, community, public and private, administrative and judicial environments, are provided to all children and youth. It means that the

respect and full realization of their rights and safeguards are the key aspects that will inform the adoption of decisions and measures that affect their lives, be they administrative, legislative, judicial or of any other nature. The fulfilment of this right implies the participation of the child or youth in the mechanisms and/or procedures for the adoption of measures, and that they are heard and their opinions are taken into account when assessing decisions and measures.”

This law states that among the considerations for determining the best interests of the child and adolescent is the fact that their opinion must be considered according to the child’s age and maturity, as set forth in Article 12 of the Convention on the Rights of the Child. Therefore, as the Committee on the Rights of the Child has pointed out in relation to this article, this principle is one of the four general principles of the Convention, along with the right to non-discrimination, the right to life and development, and the best interests of the child, which means that this article not only establishes a right in itself, but must also be taken into account when interpreting and enforcing all other rights. (COMMITTEE ON THE RIGHTS OF THE CHILD 51st session Geneva, May 25 - June 12 2009. General Comment N° 12 (2009): The right of the child to be heard.)

Following the opinion of Cilleros, the best interest of the child is a standard for the resolution of legal conflicts, therefore, the violations of rights that fall under the jurisdiction of juvenile courts, or other courts such as family courts, must uphold and respect the right to effective legal protection. This not only entails the right to be heard but also the right to have their opinion considered in the proceedings.

Article 10 of Law No. 285 of 2022, under study, establishes that “the best interest of the child is an objective parameter to be applied by

all actors across the Guarantees and Comprehensive Protection System, both in its administrative and judicial environments. The best interest guarantees that the protection, fulfilment and restitution of rights shall be considered a priority. **For this the jurisdictional authorities will exercise effective legal protection, if necessary.**

In both the administrative and judicial environments, all measures or interventions that follow the best interests of the child must be adopted respecting due guarantees:

- The rights to be informed, heard and to participate in the process in accordance with the regulations in force and duly legitimized to act.
- The intervention of qualified professionals or experts in the process.
- The participation of parents, guardians or legal representatives of the child or adolescent, and of defense counsel in the judicial or administrative process, in defense of their interests.
- Due substantiation and description of motivation explaining the criteria used; the elements considered when weighing the criteria among and other present and future interests, and the procedural guarantees respected.
- The possibility to have a second instance that allows for a review of the decision adopted, if the best interests of the child was not a primary consideration, or when the development of such resources or significant changes in the circumstances that motivated the decision make it necessary to review it.

A review of the standards cited in the Panamanian legislation shows the effective legal

protection is viewed as a right of minors. This comprises the right of access to justice, due legal process and all its safeguards, the right to the enforcement and effectiveness of the sentence, but also **the right to a defense. This implies a greater development of both material and technical defense in a new procedural legislation.**

4. CHALLENGES FOR THE STATE OF PANAMA TO ENFORCE THE RIGHT TO EFFECTIVE LEGAL PROTECTION OF MINORS

The implementation of a System of Guarantees and Comprehensive Protection in Panama forces the State to align the Convention on the Rights of the Child, other international instruments and standards with national legislation through a procedural reform to develop a system of legal protection of the rights of minors.

This reform is mainly based on the judicial guarantees established in Article 12 of Law No. 285 of February 15, 2022, which are minimum procedural guarantees:

Right to speedy and immediate access to justice on their own, in accordance with his age and maturity, with his or her father, mother, guardian or caregiver, if any.

Right to defense, across all stages of the legal process, making sure he or she is duly represented.

- The right to form his or her own opinion, to express it freely and to be heard across all stages of the legal process, preferably directly and, if this is not possible or would be contrary to his or her rights, through an appropriate legal representative.
- The right to express oneself and to be heard in one's own language.

- The right to receive from the judge and other participants in the process clear and precise information, in their own language, about the meaning of each of the proceedings that take place in their presence, as well as the content and reasons for each decision.
- The right to confidentiality of the judicial proceedings and to have their privacy respected across all stages of the process.
- The right to the assistance of his or her father, mother, guardian or caregiver during judicial proceedings, unless it is contrary to his or her rights and best interest.
- The right not to be victimized or revictimized at any stage of the process.
- The right to a short process, due diligence and without delay.
- The right to prove his or her allegations and challenge the charges of the opposing party.
- The right not to be separated from his or her parents against their will, except when, subject to judicial review, it is necessary in the best interest of the child or adolescent.
- The right to precautionary and protective measures that have a limited duration.
- The right to challenge judicial decisions in accordance with the provisions of the legal system.”

After analyzing the provision, it is clear that it does not expressly address the right to effective legal protection, however, this right is guaranteed in article 10 of Law No. 285. It is important to keep this in mind because, as mentioned in previous sections, the right to effective legal protection is a combination of

several rights and is not limited to the right of access to justice¹.

After reflecting on a right such as that of effective legal protection, we believe that the challenge facing procedural reform involves the debate over the fulfilment of this procedural right by minors themselves. This is a crucial debate that must be carried out by clearly identifying what procedural participation in the judicial system entails, and thus, the right to be heard and to have decisions explained in an accessible language, and the concept of procedural capacity, given that, in the civil sphere, minors do not have the capacity to act.

Similarly, as the Inter-American Court of Human Rights has pointed out in the ADVISORY OPINION OC-17/2002 OF AUGUST 28, 2002, REQUESTED BY THE INTER-AMERICAN COMMISSION ON HUMAN RIGHTS: “a child participates in proceedings under different conditions from those of an adult. Therefore, it is indispensable to recognize and respect differences in treatment which correspond to different situations among those participating in proceedings.”

And it considers that “Finally, while procedural rights and their corollary guarantees apply to all persons, in the case of children exercise of those rights requires, due to the special conditions of minors, that certain specific measures be adopted for them to effectively enjoy those rights and guarantees”.

In conclusion, it is necessary to undertake an in-depth study, shaking the bases of the theory of Law and of the Person, especially

¹ The Panamanian Judiciary, through Plenary Agreement No. 806 of 2008, created the Access to Justice and Gender Unit. This is an administrative unit devoted to the design and implementation of institutional policies that help those who live in vulnerable conditions to have access to judicial services and agencies. It also adopted by agreement the 100 Brasilia Regulations Regarding Access to Justice for Vulnerable People and International Human Rights Treaties.

with regard to the capacity of minors to act on their own and in respect to the right to self-determination in the exercise of his/her rights, it is necessary to find a balance between the exercise of a right such as effective legal protection in terms of how it should be exercised by children and adolescents as subjects of rights and with progressive autonomy and the protection of their rights in terms of their condition as a vulnerable social group.

This challenge in Panama should start with the debate and analysis based on the principles of Human Rights recognized by Law No. 285 of 2022, in Article 6, in particular, the principle of progressive exercise of powers, which states that: "The rights and guarantees recognized to children and adolescents will be exercised by them in a progressive manner, taking into consideration the evolutionary development of their capacities ...".

By overcoming this debate, it will be possible to carry out an effective judicial protection that is neither abstract nor a dead letter, lacking in efficacy and efficiency.

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Migrant children and adolescents traveling alone. Mexico as guarantor of their rights as subjects of international protection

By Chantal Lucero-Vargas

INTRODUCTION

Currently, all children are subjects of rights; however, this was not always the case. For a long time, they were not considered as such because it was thought that they lacked capacity and agency and that decisions regarding their lives were inherently the responsibility of their parents or guardians. However, in the nineteenth century, everything changed when the first child laws were passed. Although this marked a big step in relation to children's rights, these laws were intended to limit the work they performed in factories during the industrial revolution and not their recognition as rights holders (González, 2015). It took a whole century to begin to look at children as subjects of human rights.

The first recognition came in 1924 with the Geneva Declaration. This text recognizes and states, for the first time, the existence of children's rights and the responsibility of adults towards them. The Declaration of Geneva gave way, in 1959, to the presentation of the Declaration of the Rights of the Child before the United Nations (UN). This was the predecessor of what we know today as the Convention on the Rights of the Child (CRC), which was approved in 1989-just 33 years ago. This is the legal instrument that governs children's rights and the obligations of both the State and society before them (Jaimes and Izquier-

do, 2014). Among these rights are the right to life, to identity, to health, to education, to not be discriminated against, as well as to rest and recreation.

An important point to mention are the principles that govern this Convention, such as: a). Principle of equality and non-discrimination; Principle of the best interest of the child; c) The right to life and; d. The right to express their opinions freely, and to be heard; Based on these principles, States must protect all children under their jurisdiction from any abuse, exploitation, negligent treatment, as well as guarantee their full development, both physically and intellectually (Lucero-Vargas, 2018), guaranteeing all the rights recognized in the CRC, regardless of their migratory status.

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Migrant children and adolescents as subjects of rights and international protection.

Various reasons impact the decision of children and adolescents to leave their countries of origin, thus becoming children in the context of mobility. Many times they do so following their parents and in their parents' company; however, other times they decide to go entirely on their own. The reasons for migration are diverse and include the search for better opportunities (economic or educational), family reunification, contexts of violence (organized crime, family abuse), natural disasters or extreme poverty, among other

circumstances (IACHR, 2014). Under this scenario, migrant children and adolescents are exposed to numerous dangers during their journey, to which must be added that their rights such as health and education are interrupted when they leave their homes and their regular life behind, leading to a triple vulnerability, first because of their status as minors, second because of their migrant status and, third, because of their irregular status due to the lack of papers that prove their legal stay in the country where they are. These situations make them more vulnerable and this vulnerability that is reinforced when they leave their countries of origin in this asymmetry of power that Bustamante (2018) points out when stating that the vulnerability presented by migrants should be understood as a condition of lack of power that is imposed on the migrant, either by the State, from the distinction made by most constitutions between the national and the foreigner/immigrant, granting privileges to the former and excluding the latter.

Regardless of why migrant children and adolescents decide to leave their countries of origin, they have rights and the States have the obligation not only to respect them but also to guarantee their correct application regardless of their nationality or statelessness and immigration status (IACHR, 2014).

In this scenario, where the priority is to safeguard migrant children and adolescents in the context of mobility, special attention is given to those facing their unaccompanied migration process, who, due to their situation of vulnerability, are subjects of international protection, understood as the protection offered by the State to a foreign person because their human rights are threatened or violated in their country of nationality or regular residence, and where they cannot obtain due protection because it is not accessible, available or

effective (IACHR, 2014). This stresses the importance of States guaranteeing the respect and protection of their human rights, prioritizing their care and welfare in accordance with the principle of the child's best interests¹.

Therefore, when a child enters a territory of which they are not a national and does not have the necessary permits, the States must implement a number of mechanisms to guarantee all of his or her rights. In this regard, the Inter-American Court of Human Rights (IACHR) in its Advisory Opinion 21/2014: "Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection," has pointed out that in the case of migrant children and youth in the context of mobility, States have the obligation to follow certain basic guidelines², one of them is to collect information on the reasons for leaving their country of origin or any other element that proves or denies their need for some type of international protection. In this regard, and in view of the special protection needs of migrant children and adolescents, the States have an obligation to determine whether children and youth are, precisely, subjects of international protection and, if not, to start the necessary migration procedures in accordance with their legislation. However, these procedures must comply with certain minimum guarantees in relation to due process, such as: the right to be notified of any proceedings against them; the right to an effective judicial remedy by a specialized official or judge within a reasonable time; the right to con-

1 It is enshrined in article 3.1 of the CRC, which states that: "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."

2 The IACHR through its OC 21/2014, has pointed out these minimum guidelines: a) treatment in keeping with the child's condition as such and; b) determination of whether the child is unaccompanied or separated; c) determination of the nationality of the child or, where appropriate, of her or his statelessness; d) obtaining information on the reasons for the child's departure from the country of origin, and any other element that reveals or refutes the need for some type of international protection, and e) adoption of special measures of protection, if necessary and pertinent in view of the best interest of the child.

sular assistance; the right to be heard and to participate in the different procedural stages; the right to a translator or interpreter; the right to have free legal representation, as well as to have a guardian throughout the proceedings; the right to have the decision taken during the proceedings in accordance with the best interests of the child and that it is duly grounded and, finally, the right to a second instance if the ruling is not in their favor (IACHR, 2014). Additionally, regarding the right of children and adolescents to seek and receive asylum, the IACHR (2014), in terms of the procedure to be followed, has indicated that they should be allowed to contact a representative of UNHCR or the entity fulfilling that role. Likewise, it has pointed out that an essential aspect in relation to migrant children and adolescents as potential asylum seekers or refugees is the interview where they have to explain their case, so that their right to be heard is guaranteed and where the principle of participation is complied with; it should be conducted in a place that is appropriate to the needs and safety of the interviewed child, in a place that does not represent a threat and by an expert who is trained to work with of this specific population.

At the same time, whether dealing with children and adolescents as potential asylum seekers or as refugees or as part of a migration regularization procedure, the principle of non-refoulement³ must be respected, so that, in the case of migrant children and adolescents, their return to their country of origin shall not be considered if there is a reasonable risk of violations of their fundamental human rights (CRC, 2005).

3 This principle is enshrined in Article 33 of the 1951 Convention Relating to the Status of Refugees, which states that no contracting State shall expel or return a refugee in any manner whatsoever to the frontiers of territories where his life or freedom would be threatened on account of his or her race, religion, nationality, membership of a particular social group or political opinion.

Mexico in relation to migration procedures for migrant children and youth as subjects of international protection

On November 11, 2020, several articles of the Migration Law (LM) and the Law on Refugees, Complementary Protection and Political Asylum (LRPCAP) were amended by decree. The purpose was to harmonize the laws regarding migrant children. It established significant changes such as the express prohibition of housing children and youth in the context of mobility in immigration stations or shelters, whether accompanied, separated or unaccompanied, as well as prioritizing the application of the principle of the best interest of the child as a key element in all procedures in which they are part in order to ensure the full enjoyment of their rights.

As a result of these legislative changes, when a child is rescued by immigration authorities and placed at the disposal of the National Immigration Institute (INM), they are no longer housed in immigration shelters, but, in accordance with the principle of non-detention, are immediately placed under the guardianship of the Office of the Attorney General for the Protection of Children and Adolescents (PPNNA) and are cared for in special houses.

As a precautionary measure, the child will be granted the status of Visitor for Humanitarian Reasons.

At the same time, the PPNNA has the obligation to issue a Rights Restitution Plan⁴, for which the PPNNA must go to the place where the child in question is being housed, with a group of multidisciplinary experts in the areas of psychology, social work, medicine and law, The purpose is to conduct an

4 The rights restitution plan is the document that contains in detail the way in which the restitution of the violated rights of children and adolescents should be carried out, as well as the proposal of public and private institutions involved in this restitution. (SNDIF, 2016).

assessment interview, which will serve as a basis for the INM to determine and resolve the corresponding administrative procedure, whether the child is recognized as a potential refugee or an administrative procedure is initiated in relation to an assisted return to his or her country of origin.

This harmonization of laws on migrant children meant, for all scholars involved in this topic, an improvement in administrative migration procedures in accordance with what was pointed out by the IACHR in its Advisory Opinion 21/2014.

However, in practice, there are still flaws in the implementation of these regulations.

Where this disconnect between rhetoric and practice has been most clearly visualized has been in the assessment interviews conducted by the PPNNA.

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Although the regulations state that all children should be subject to these interviews, especially to look for signs of international protection, the reality is that in most cases these interviews are not carried out and, when they are, they are conducted by staff who are not trained to do so, so there is a risk that these children will be returned to their countries of origin where their life and integrity could be at risk.

We must remember that children and adolescents, especially children who have suffered different vulnerabilities as is the case of migrant children and adolescents, may be reluctant to collaborate in interviews due to fear, distrust and lack of knowledge of the environment. Thus, it is important that the institutions that serve this migrant population have properly trained staff to carry out these interviews and create an atmosphere of trust and empathy where the interviewed children feel safe

to talk about any topic, especially what they have experienced within their migratory processes. The problem lies in the fact that, most of the time, these interviews are not carried out and, in the few cases in which they are, it is by PPNNA personnel, who are not trained and conduct these interviews in a very general manner without delving into whether these unaccompanied migrant children and youth are actually subjects of international protection, which results in these unaccompanied migrant children and youth being returned to their countries of origin.

Another practice related to migrant children and youth is the assisted return procedures. This takes place when the child or adolescent him/herself requests it. Many times these children use the services of human traffickers, known as “coyotes” or “polleros,” and it is their parents or relatives who pay for their services. The caveat for these “services” is that they give the person up to three attempts to cross. These “services” are a very common practice -especially in the case of women and girls- to travel accompanied by other people and avoid greater dangers during their journey. In this scenario, when a child is rescued by the migration authorities, in order not to lose this money, they request to be returned to their countries of origin and, once there, to try to cross again.

This situation is important as, clearly, these practices turn migrant children and youth into victims of human trafficking networks in the country, where migrant children and adolescents who opt for these services may even fall into human trafficking networks, either for sexual or labor exploitation.

Final thoughts

Currently, most of the OAS States have ratified the CRC⁵. This means that they must respect the Convention, as well as the rights enshrined in the American Convention on Human Rights (ACHR).

In this sense, the main challenge for the Mexican government in relation to migrant children and adolescents is to improve the care provided by the PPNNA. However, as has been recently observed, most part of the effective implementation of protection mechanisms is affected by the lack of staff in the Attorney General's Office itself, in addition to the fact that these staff are not trained in working with migrant children and adolescents and, therefore, do not have the necessary skills to conduct effective interviews that guarantee the best interests of the child, nor are they trained to detect international protection needs.

We should not forget that, when speaking of migrant children and youth, we are referring to a group that, at an early age, has had to go through migratory processes in which their right to live a life in which their full development is guaranteed is violated. This is why the States must ensure the correct application of their protocols for the protection of this specific group, as well as the full protection of their rights in accordance with the best interests of the child.

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⁵ Currently, the only country in the world that has not ratified the CRC is the United States of America.



NOT
4
SALE

The complex dynamics of the Sexual Exploitation of Children and Adolescents and embedded challenges for joint action

By M. Belen Ortega-Senet

INTRODUCTION

Latin American countries have signed various international and national agreements, under which they undertake to protect children and adolescents from violence and violations of all kinds.

The Stockholm Declaration was signed in 1996: this was the first meeting of nations with a common commitment to work towards the protection of rights against the violence of sexual exploitation of children and adolescents, understood as “commercial sexual exploitation of children” (CSEC). At this Congress, CSE was understood to be: “sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons” (Stockholm Declaration, 1996). It thus makes it clear that, in sexual exploitation, the child is treated as a sexual object and as a commercial object, designating it as a contemporary form of slavery.

Among the commitments of the Declaration is the need for an agenda for action with adequate priorities and resources. In this agenda, great importance is assigned to the role of families in protection, and to solid cooperation between States and social sectors, both in prevention and in the safeguard, guarantee and restitution of rights. These commitments laid the foundations not only for developing

legislation, but for implementing it and creating policies and programmes accordingly, which implies a network of cooperation between authorities responsible for carrying out this protection and restitution, the prosecution of crime and sentencing.

In 2000, the Palermo Protocol was added, constituting a commitment especially aimed at the prevention of trafficking in children and women. Without going into greater detail on some points that need to be overcome in the bias of the Palermo Protocol, the important thing is that the text addresses trafficking for the purpose of sexual exploitation of children and adolescents, referring not only to international trafficking but also domestic trafficking, and stipulates that it is a crime that involves children, whether or not exploitation has been consummated.

However, when it comes to protection and identification, despite the existence of specific legislation, forms of domestic child trafficking for the purpose of exploitation evade us; especially that which studies conducted by the NGO Raíces have been focusing on for more than a decade, and which has been called “self-managed domestic trafficking” (Consejo Nacional de la Infancia, 2017; Ortega-Senet & Caria, 2021). Self-managed domestic trafficking occurs when children and adolescents self-finance their transfer to exploiters, whether through facilitators, intermediaries or direct exploiters linked to exploitation networks, or through a “romanticized”

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exploitation relationship, all of which are not mutually exclusive.

International frameworks and agreements, as well as the guiding principles that help determine legislation, should establish paths for action, but they should not be static; rather, they should be revised, contextualized and designed to avoid blind spots in relation to a form of violence that is constantly invented and reinvented in both physical and virtual spaces.

Local diagnoses show complex dynamics of exploitation experienced by individuals in the first person, which are represented merely as references, without the capacity to determine actions and act upon the problem. While aware of the restrictions imposed by this paper, we propose a brief approach to some of the forms that are less visible within the larger frameworks, but are sadly recurrent in everyday life, and recognized by practitioners working directly in the field. We aim at a slightly more refined understanding, which we deem necessary in order to undertake collaborative strategies that include people linked in their different positions within the scenario of violence posed by commercial and non-commercial sexual exploitation of children and adolescents.

The complexity of sexual exploitation of children: understanding in order to act

As we noted earlier, the ability to identify possible forms of violence determines many aspects of what will happen to it, to its victims and survivors. We do not intend to provide a classification or definition of the forms of sexual exploitation recognized in international treaties at this point, since they are dealt with in the local and global frameworks of each country of the region. Readers may refer to

the terminology guide provided by the IIN-OAS (Inter-American Children's Institute, Organization of American States, 2021), available on its website. This is perhaps one of the most updated Latin American documents, as it is in line with the suggestions made in the ECPAT International guide (Greijer & Doek, 2016). We shall, however, dwell a little on distinctive physical forms (although it is not possible, on this occasion, to review all forms of online sexual violence, which would imply further complexities), which are being ignored in favour of general characterizations, which tend to understand exploitation as being based mainly on networks of crime. These depictions fail to show that exploitation is a series of events caught up in a tangle of violence that is arranged in a very complex way, and that rescuing girls and boys from the network does not necessarily imply the cessation of violence.

As an input to the discussion we have raised here, we use the results of an investigation conducted by Chile's National Agency for Research and Development, which combined life trajectories and interventions in 15 accounts by survivors, from the reconstructions carried out by them, as well as by practitioners and family members.

Based on the fact that sexual exploitation is characterized by including a transaction that is both material (be it money, technology, clothes or lodging...) and immaterial (such as affection, status or protection or belonging to and identifying with a group...), we begin by focusing on the adjective "commercial". Beyond any discussion as to whether the term helps or hinders an understanding of the nature of the sexual exploitation of children, "commercial" implies an intermediary who is also characterized as an indirect exploiter, who obtains a profit.

As we were saying, this way of perceiving commercial sexual exploitation evokes in the imaginary a common ground shared with a criminal network where the victim can be seen as an active or passive victim of violence; but we also find a number of very frequent forms of exploitation, called non-commercial exploitation (Inter-American Children's Institute, Organization of American States, 2021), without intermediaries, or with unclear intermediation.

Although the emphasis is on the intermediary, there are, for example, forms of exploitation that also include commercial transactions, identifiable to a greater or lesser extent, which do not involve an intermediary third party, and can occur in a “self-managed” way, with the child as an active victim. In these modalities, children are exploited directly, without the need for a third party to play the role of facilitator. In these cases, children encounter exploiters on the networks, through devices, in public or private areas.

In other cases, facilitators do not obtain immediate gains, but take on their role as part of the socio-cultural rationale of their system of coexistence, according to which their actions are “good” for the victim; facilitators see themselves in a supportive role, engaging in acts of “solidarity”. This intermediary person may even be a relative or another victim who is part of their peer circle.

When the accent is placed on the perpetrator, we find the exploiter conceived as a “romantic” figure. This type takes different shapes, such as:

- those called “padrotes” by some Mexican authors, who may have had a prior relationship with the victims, before the “commercialization” of their bodies (Montiel, 2009);
- a figure closer to that of the godparent, according to the godfather as patron rationale which is so typical of Ibero-America, where perpetrators are considered as benefactors of the family (National Children's Council, 2017);
- the so-called “old pololos” (boyfriends) (Melrose, 2013), where children are not only visualized as active and agents, but also the exploiters may not understand that relationship as entailing sexual violence. This type of exploitation is perceived more in the interest of gaining affective-emotional benefits, protection, socio-family identity and their own or their family's survival in social cultures that consider sexual affective relationships between adults and children as acceptable in cases with certain socioeconomic characteristics. In these relationships, the parties may be “domestic partners” or “lovers”.
- Finally, it is important to bear in mind that, at times, there is no great age difference between the exploiter and the victim (5 to 7 years), it being common for children or adolescents to consider their relationship as a relationship between peers.

It is important to note that it is also possible to encounter sexual exploitation, commercial or not, where the persons involved may be minors, and both victims and exploiters at the same time (the latter may be facilitators or direct perpetrators). It is important to note that their role as victimizers does not prejudice their rights as victims (McAlinden, 2018).

One of the great challenges that we all face is to understand that sexual violence by exploitation that goes beyond the common imaginary is also exploitation, even if the child is 16

or 17 years old. This is emphasized, because normally this external victimization does not occur, even in the judicial system, let alone in the police; even in our studies we have also found discourses and actions accepting these relationships among duty bearers in the protection system. This acceptance normalizes exploitative relationships with abusive adults as a “lesser evil” or as a “way out” for certain children. It is precisely this child population that accumulates victimizations by institutions, people in their community and by the social and judicial services that should safeguard their rights.

In the previous modalities, victim blaming by the exploiters themselves also takes place (sometimes depicted as “the seducer”, such as the character in Vladimir Nabokov’s novel; others claiming that the objective was to “help”), which poses additional difficulties in the victimization of the girls themselves, who feel that they are in control.

Thus we see how inequality in access to the satisfaction of their needs builds a route of vulnerabilities and violations that is intricately connected in SEC situations.

The study by Vásquez Paniagua, Ramírez Serna, & Palacios Calle (2018), among others (Araya & Beltrán, 2015; Melrose & Pearce, 2013; Ortega-Senet, Gómez, & Tierney, 2020; Bernal-Camargo et al., 2013), suggests that cultural and social predisposing factors such as poverty, teenage pregnancy, inequality, exclusion, marginality, the sexual culture, the patriarchy, individualism and normalizing the erroneous understanding of the victim’s “consent”, play very relevant roles in these issues. In view of all of this, allocating resources to the prosecution of crime and the identification of criminal networks of exploitation are appealing to the media, but do not address the problem in its magnitude, not only because

of the diversity of SEC; but also because rescuing children, as noted above, does not end the trajectory of violence.

Violence is connected to the lives of child victims/survivors. It includes institutional violence, exercised with impunity as part of the legitimate authority to exercise violence: by the police, discriminating and mistreating, by schools in the form of mistreatment, exclusion or segregation; mistreatment in the health system and obstetric violence, when these girls become pregnant; or in the processes of institutionalization in residential shelters.

In relation to the latter, girls and boys are taken to residential systems where they are violated and abused, as evidenced by a great diversity of international studies (for example: Hogar de Cristo, 2021; Johnson et al., 2006; Panlilio et al., 2019; Shuker & Pearce, 2019, Investigative Police (PDI), 2018), and/or do not meet the appropriate characteristics required for adolescents with behaviours linked to complex trauma and related harm.

Certainly, adding Sexual Abuse to economic exploitation to express SEC does not reflect the complexity of this violence. An ever-increasing focus on the forms of harm is required, to broaden the imaginary and also to understand how behaviours are intertwined with other forms of violence that involve dissociation, self-comprehension and the sense of self-value and self-esteem in connection to the violence suffered (Guerra et al., 2017; Pinto-Cortez et al., 2017).

Political and social cultures complete this fabric, since they are built on patriarchal, adult-centred, hedonistic, mercantile, consumer-based and individualistic foundations (Araya & Beltrán, 2015; Araya & Retuerto, 2012; Franchino-Olsen, 2021; Giorgi, 2012), where private spheres are understood to be

a legitimate field of play with their own rules; and this includes both families and businesses, the latter also becoming areas of exploitation (although, unfortunately, mostly unnoticed and with even less intervention). This complex view of the problem opens our eyes to structural factors.

This helps not only in the identification of violence and its possible victims/survivors, but also in its prosecution, since it implies adding penalties to the crime and developing a legal system in line with the real features of the violations. Taking responsibility for working on prevention and awareness-raising means going beyond the eradication of SEC, to address the prevention of interpersonal, structural and institutional victimization, the breeding ground for scenarios of protection failures and violence.

The alliance of all, moving beyond coordination between institutions

Resources and structures aimed at the operationalization of frameworks agreed and signed, have not always met their objectives. Not only has SEC not been eradicated, but the problem has also even diversified, with a particular increase in the online violence pandemic. In this context, some local protection networks, have, in many cases, managed to fulfil their role thanks to the individual efforts of the agents and practitioners who work within these networks (Ortega-Senet et al., 2020; Reisel, 2017). This is a starting point.

We can achieve the realization of treaties and agreements and respond to the development of models for action against SEC on the basis of a systemic perspective, enacted (Escobar, 1999) by all. That is, an alliance between people at local levels, with the scope of operational networks, including: individuals res-

ponsible for protection; people who have experienced violence, people who have been at risk of violence; people who observe from close at hand, protecting, acting and responding from their positions as individuals and practitioners in some of these aspects. This basic approach, also called multi-agency (Morris, 2008; Ministry of Education, United Kingdom, 2018), links inter-sectors with individuals according to a coordinated, cooperative, territorial, positioned rationale, between real and committed people, which adds the actors themselves to those on whom violence has an impact: children, survivors, families and communities.

This requires interdisciplinary, intersectoral work with a genuinely participatory rationale and committed to strategic plans designed, co-constructed and evaluated internally and externally, with collaborative rigour, understanding that restructuring and repositioning phases follow, in an endless cycle.

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We took the Stockholm agreements on board in 1996, but it has been 14 years since we held a thematic international congress in the region to assess where we are and where we are going (the last was in Rio de Janeiro in 2008). SEC has moved beyond our ability to react, not to mention prevent – without even addressing its exponential increase during the COVID pandemic period in online contexts, with a dizzying reinvention of forms of violence and violation through devices, networks and applications.

There is, therefore, an urgent need to review locally and territorially (as regards locations and inhabitants), but also transnationally, resources to transform living conditions, scenarios and direct work, with a comprehensive view of protection and restoration of rights; thinking about how these develop, jointly and complementarily, with action plans that coordinate health, education, social services,

communications, civil society, employment, academia and the justice and protection system (Ortega-Senet, Gómez, & Tierney, 2020). Where specific SEC prevention goals and actions will vary according to local ecological contexts. These alternatives involve a spectrum of victim/survivor and non-victim actors, with strength in prevention and with indicators that serve to evaluate quality and scope, from the subjective perspective of the people affected.

If we understand SEC as the vast historical account of violations that it is, where all of us have a role to play, each of us, from each of our positions, faces challenges involving prevention, protection and responses in any of their dimensions, working in whatever our position may be and with whatever contacts with children we may have. We must all find a point of action in this network and not alone, always with others, in collaboration, to achieve an impact at some point.

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Considerations around adolescence and participation in the discourse of adult educational actors

By Noelia Bonaudi Fojo

INTRODUCTION

The following article outlines the main findings of the master's thesis, which addresses a research study that investigates the considerations of adolescence and participation in the discourses of adult educational actors through a qualitative methodology. To this end, the opinions of adult academic actors in a typical high school in Montevideo-Uruguay were studied to analyse the underlying considerations on adolescence and participation in their discourse.

In 1989, the Convention on the Rights of the Child (CRC) was adopted¹; it is a legal document based on human rights that embraces a new paradigm for the comprehensive protection of children and adolescents². The CRC challenges our societies, recognizing children and adolescents (NNA) as rights holders, calling for signatory States to adapt their regulatory frameworks to guarantee their inherent rights.

Despite the commitment of the States to comply with the provisions of the CRC, we recognize that our societies are undergoing a clear paradigm shift in how they subjectify childhood and adolescence.

This article and the research process undertaken invite us to reflect on how we see others as social beings, recognizing children and adolescents as rights holders in a world with a clear adult-centered posture.

THE RIGHT OF ADOLESCENTS TO PARTICIPATION

Our societies are going through a paradigm shift regarding how we see children and adolescents. This entails a shift from an adult-centric approach that considers them as incomplete subjects subordinated to adults' decisions to an approach that views them as rights holders (Echeverría, 2016). 111

In Uruguay, as in other countries in the region, although there is a clear growing interest in ensuring compliance with children's and adolescents' rights, there is a gap between what is established in laws and public policies and the actual results in practice (Bonaudi, 2014). Besides the provisions of the CRC (1989), which recognizes adolescents as rights holders, and with the understanding that we are experiencing a paradigm shift, we consider that to achieve the participation of children and adolescents and uphold their rights; it is necessary to overcome social, institutional and symbolic notions and logics that are based on adult-centric positions (UNICEF, 2013). As a result, power relations between children and adolescents and adults remain asymmetrical, where adults are held at a level of superiority, dismissing and not recognizing

¹ Herein after CRC.

² Hereinafter children and adolescents.

the opinions and capacities of our children and adolescents to participate.

Asymmetrical power relations and adult-centric positions slow down the development of policies aimed at promoting adolescent participation, whereas legal innovations only remain as mere declarations. Although there is an apparent attempt to “comply with a positive discourse on democracy and the rights of children and adolescents” (Expósito, 2014, p. 68), legal structures and enforcement continue to restrict student participation.

Educational institutions prioritize citizenship education and are a space for reflection and discussion of ethical and moral issues and, therefore, the strengthening of democracy. Democracy is closely linked to the participation of individuals. Thus participation becomes a vital feature for the democratic education of citizens (Sansevero & Lúquez, 2008).

112 In the understanding that individuals learn to participate in the exercise of participation, there is an imperative need to foster and reinforce a participatory culture, a democratic culture. In this learning process, adult educational actors are not merely transmitters of knowledge but strong socializing actors, capable of transmitting values, which directly or indirectly will leave their mark on the development of adolescents.

Taking the above into account, the research problem of the master's thesis focused on the following question: ***what are the views on adolescence and adolescent participation in the discourses of adult educational actors across the high school-level educational sector in Montevideo.***

METHODOLOGY

The study was based on qualitative research methods.

The research design was based on the instrumental or exemplifying single-case study model (Stake, 1999). A priori, it was established that the study population was adult educational actors of a typical high school in Montevideo - Uruguay.

The techniques used were semi-directed individual interviews (Guber, 2004), field observations (Marradi, Archenti & Piovani, 2007), ethnographic records (Guber, 2004), and desk research.

Twelve individuals (8 female and 4 male) aged between 36 and 65 years were interviewed. The analysis of the data produced was based on a qualitative content analysis strategy (Marradi, Archenti & Piovani, 2007). The information surveyed on the ground was then coded, for greater sophistication, to be able to generate a theory based on the data collected (Strauss & Corbin, 2002).

ANALYTICAL CATEGORIES

The categories and subcategories are meant to structure the information and can serve as explanatory resources. Data production and quality resulted from the saturation of specific ideas, considerations, inquiries, and reflections present in the discourse of adult educational actors, as well as in ethnographic records and desk research.

Category 1- Considerations around adolescence present in the discourse of adult educational actors. There were three subcategories: Adolescence as transition to adulthood, Adolescence today compared

to that of yesterday, and Negative adolescence - a contemporary problem?

Category 2- Participation in the discourse of adult educational actors. There were three subcategories: Participation as a right, Yesterday participation, and Real, targeted or restricted participation?

Category 3: Institutional culture and adolescent participation. There were three subcategories: Enabling institutional conditions for participatory processes, opinions of adult educational actors regarding the General Education Law N°18,437 and the creation of Participation Councils as instruments for participation, and the role of adult educational actors as rights-promoting agents in educational institutions.

Category 4: Family and Educational Institution. There were two subcategories: Family and Educational Institution from the perspective of adult educational actors and considerations of adult academic actors around the role of the family.

Category 5: Adultcentrism. It consisted of two subcategories: Difficulties in listening to adolescents and power asymmetries in the relationships between adolescents and adult educational actors.

ANALYSIS OF RESULTS

As mentioned above, qualitative data analysis methods were used. Data was coded to increasing complexity, making it possible to generate theory from the data (Strauss & Corbin, 2002).

As the analysis gained depth, a recurrent consideration identified was that of adolescence

as a transitional stage, without identifying any specific characteristics of this developmental stage. Biological changes are considered a leading factor in this stage; it is seen as problematic, dealing with crisis, grief, and lack of limits. There is a clear trend to view adolescence from a negative perspective, where there is suffering, both adolescents and adults who share this “transition stage” with them. It was surprising to see that uplifting views on adolescence and this stage’s potential to impact adolescents positively were not as common.

Moreover, a recurrent consideration across all adult educational actors was that of idealizing past times, both when it came to thinking about participation and the teens of today compared to those of yesterday. The present is seen as fast-paced, vertiginous, with socio-cultural changes that are considered negative and significantly impact adolescents and how they participate.

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Regarding the role of the educational institution as a facilitator of adolescent participation, in the discourses analysed, adult educational actors consider that the institution provides opportunities for adolescent participation within traditional mechanisms. However, suppose we believe that *“living together democratically in the educational institution requires making explicit the areas of participation, opinion and deliberation of each of the actors, based on the roles and functions they perform in the educational community”* (Sansevero and Luquez, 2008, pg.11). In that case, it becomes difficult for the discourses to faithfully reflect that all the opportunities for participation, opinion or deliberation contemplated in the laws and public policies aimed at guaranteeing the rights of children and adolescents are presented to this sector of the educational community according to their degree of maturity and development.

Although we are changing the considerations around adolescence influenced by the paradigm of comprehensive protection and rights, it is indisputable that classic concerns around youth still exist, which do not consider the changes promoted since the CRC (1989). When adult educational actors referred to adolescence and participation, there was a clear tendency to use adjectives to conceptualize them and other concepts as synonyms.

Juan Carlos De Brasi (2007) proposed a thorough analysis of the concept of subjectivity, understanding that individuals associate “subjectivity” with other ideas such as: individual, person, way of thinking, of existing. Speaking about subjectivity requires focusing on reflections and processes different from the concepts addressed in this thesis; but De Brasi’s (2007) take on subjectivity allows us to reflect on what seems to be replicated when analysing the emerging concepts in the discourses of adult educational actors around the concept of adolescence and/or participation.

In the vast majority of cases, the concept of “participation” was next to an adjective (real, active, targeted, restricted, adequate). This term seemed to facilitate the final conceptualization of the concept and made it look like they shared the same perspectives.

During the analysis, some meaningful lines emerged which were not contemplated in the research objectives. Due to their relevance, it was considered necessary to create analytical categories that contemplate them.

Faced with the apparent need to find the cause of the changes in modern adolescence and participation compared to past times, almost all adult educational actors indicated in their discourse the need to focus on the

changes in family roles, considering that it has been undermined. These changes, seen as unfavourable, result in adolescents without support, unmotivated, lack of limits, without the possibility of being heard, and sometimes with their rights violated. According to these discourses, the violation of rights results from families placing expectations on their children that do not adjust to the reality in which they live.

Adult educational actors express that work with families within the educational institution is exhausting and distressing. We should therefore consider whether the nature of the relationship between the families and the institution could have a negative impact on promoting and enabling participatory mechanisms within the institution.

Thus, the relevance of the role of adults is undeniable, making it necessary to rethink the traditional relationship between adults and children. By this we mean promoting attentive and respectful listening that aims to provide a thorough response to the voices of children and adolescents, providing information that is clear and easy to understand when requested. This implies relinquishing part of the power that results from traditional ideologies. Active listening would foster an enabling environment where children and adolescents learn to participate in the exercise of their rights.

Any action that wishes to promote participation must promote a change in the traditional interpretations of childhood and adolescence. These interpretations stem from ideologies with an adult-centric approach, where children and adolescents are not recognized as rights holders, with their own voice. There is a clear difficulty in taking into account the opinion of children and adolescents, or including them in decision-making. This seems to

stem from the fear, perhaps unacknowledged, of losing a position of power, either temporarily or permanently; fear of being disempowered, losing authority, losing recognition of being superior as adults or being invested with a teaching or parental role, among others. (UNICEF, 2013)

Being able to reflect on these difficulties allows us to see the social and political position in which adolescents have been systematically placed; and undoubtedly invites us to think critically about how ideologies based on adultcentrism spread across our societies. As long as our societies continue to present adulthood as an ideal stage to be reached, and adolescence as a transitional stage, we will not be able to value adolescence as a developmental stage with its own characteristics, with specific and dynamic psychosocial changes (Amorín, 2014).

Undoubtedly, one of the problems posed by modern times is how to be an adult in the context of the new paradigm of comprehensive protection, how to transition from an adult-centric ideology to one that recognizes and guarantees the rights of children and adolescents, how to get rid of the adult tutelary role and embrace the idea of an adult who protects and promotes rights, what changes should our educational system undergo to continue promoting the protection of children's and adolescents' rights, and what changes should our educational system undergo to continue guaranteeing the rights of children and adolescents?

The debate remains open on the importance of emphasizing education and support, recognizing that to a greater or lesser extent we continue to build and reproduce an asymmetrical relationship between children and adolescents in relation to adults.

We must become adults capable of enabling the exercise of the rights of children and adolescents and thus contribute to their progressive autonomy, supporting their development and watching over their rights... which is of course a great challenge.

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