



THE CHANGING STATUS OF CHILDREN IN LATIN AMERICA
Issues in Child Health and Children's Rights
A Rapporteur's Report

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Program for the Academic Workshop on
The Changing Status of Children in Latin America:
Issues in Child Health and Children's Rights

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Chair: *Emilio García Méndez*, UNICEF, Colombia

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Author: *Miguel Cillero*, UNICEF, Chile

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VI. Child Labor and Education

Chair: *Errol Mendes*, Human Rights Research and Education Centre,
University of Ottawa, Canada

Child Labor and Education in Latin America

Author: *María Cristina Salazar*, Defence for Children International, Colombia

Discussant: *Walter Alarcón*, International Consultant on Child Labor Issues, Peru

The Kellogg Institute hosted an academic workshop on “The Changing Status of Children in Latin America: Issues in Child Health and Children’s Rights,” 26–28 September 1997. This was the fifth annual workshop of Project Latin America 2000, supported by The Coca-Cola Company. Additional support and collaboration were provided by UNICEF, the Inter-American Institute of Human Rights, and the International Life Sciences Institute.

As the countries of Latin America attempt to realize their political and economic aspirations, the impact of social, political, and economic change falls unevenly among countries and population cohorts. This workshop addressed the status of a particular, and particularly vulnerable, population cohort—the children of Latin America. Children are dependent and lack direct means of representation. Despite widespread ratification of the Convention on the Rights of the Child (CRC), it is by no means assured that the rights and needs of children will be prioritized or that there will be equitable progress toward the establishment of reasonably humane societies in which children of all social groups enjoy the same rights. The workshop, and the public policy forum that followed, brought together practitioners and scholars from a variety of disciplines whose work addresses the status of children in Latin America today. Papers and discussion cut across several policy-related issue areas, including health and nutrition, citizenship and the law, and violence, in the hope of stimulating an interchange that would generate creative ideas contributing to the resolution of problems affecting the well-being of children in Latin America.

SESSIONS I AND II. NUTRITION AND HEALTH CONCERNS

The first two sessions of the workshop addressed themes related to nutrition and the physical health and well-being of infants and children. Session I began with an overview of malnutrition in Latin America, followed by papers that stressed the importance of micronutrients in children’s diets and evaluated programs to provide them. Session II looked at the role of breastfeeding in infant nutrition and the importance of environmental sanitation for preventing childhood diseases.

An Overview of Malnutrition: Statistics and Strategies

Paper author *Alejandro O’Donnell* (CESNI, Argentina) and discussant *Aaron Lechtig* (Regional Advisor on Health and Nutrition, UNICEF, Colombia) opened the workshop with an overview on the changing face of malnutrition in Latin America. Both speakers addressed the topic, and the summary presented here combines their concerns and remarks.

A. O'Donnell began on a positive note, pointing out that a half century of efforts by the United Nations and others to improve the nutritional and health status of less developed countries has produced results. From a global viewpoint, the Latin American region occupies a middle position, with aggregate statistics that fall behind those of the industrialized countries but compare favorably to other regions. There are significant disparities within Latin America, however. Infant mortality rates have decreased in the majority of Latin American countries, and in several, including Chile, Costa Rica, and Cuba, the rate is now similar to those of developed countries. In others, the rate remains unacceptably high; in Argentina and Uruguay the trend toward improvement has slowed in recent years and in Argentina the rate has actually increased during 1996–97, a direct result of economic structural readjustment policies. The general trend toward improvements in infant and child mortality rates has meant that many actors concerned with child welfare have begun to direct increased attention to factors that affect the quality of life, including micronutrients.

Malnutrition includes overnutrition (obesity) as well as undernutrition. According to statistics supplied by *Lechtig*, undernutrition (measured as low weight for age) has declined in Latin America, from 21% in 1970 to 6.7% in 1997. Again, however, there is significant disparity between countries: In Chile, Costa Rica, and Cuba less than 5% of the population is undernourished; in Guatemala, Honduras, Haiti, Ecuador, and Bolivia the range is from 15–33% (similar to that of several African countries). Similarly, A. O'Donnell reported that rates of acute protein-energy malnutrition (measured as low weight for height) are very low in most countries and negligible in some. In a few countries there is a relatively high rate of stunting (low heights for age), and in others stunting represents a regional problem that is more prevalent among rural populations. Stunting is recognized as an expression of chronic sublethal undernutrition, but there is disagreement on whether stunted children should be considered undernourished or as merely reflecting the existence of past nutritional deprivation. There is also an association between stunting in children and later obesity. While obesity in developed countries is often associated with opulence and the easy availability of food, in Latin America it is associated with poverty and poor nutritional quality (diets heavy in sugar, carbohydrates, and fats). All countries report a significant proportion of children who are overweight for their height. As A. O'Donnell pointed out, "malnutrition and obesity can coexist in the same region...community...family...and even in the same individual."

Latin America has experienced many transformations over the past decades, some with positive and some with negative implications for child care, health, and nutrition. Although it is common to associate undernutrition with poverty, both A. O'Donnell and *Lechtig* pointed out that this correlation is not a simple one. While undernutrition has decreased in the region, income poverty has changed very little (ranging, on average, between 41% and 46%), and there have

been steady improvements in the nutrition and health of children *despite* economic deterioration affecting large segments of the population. This does not mean that income poverty is not a contributing factor to undernutrition (almost all undernourished children are poor), but it does suggest that poverty is neither the sole nor the primary determinant of nutritional status. This suggests two important policy implications: 1) Lack of success in fighting poverty is not an excuse for failing to combat malnutrition. 2) Strategies for combating poverty are not the same as strategies for combating undernutrition; both are necessary.

In his analysis *Lechtig* asked “Why has undernutrition declined in the last three decades?” and concluded that one of the most important factors has been the empowerment of women. In 1970 less than 10% of Latin American women were in the economically active population (EAP); by 1995 37% were. Gender discrimination persists (with women earning 2/3 of what men earn doing the same job) but the primary significance of women’s income is not its effect on the quantity of household financial resources (since, in many cases, this is not enough to raise the family above the poverty line). Its primary significance is that it gives women increased control over family resources and women, in general, are “better than men at getting resources to children.” Other changes empowering women include increased access to and use of contraception (from 10% in 1970 to 56% today); increased schooling; and increased participation in the political sphere as citizens and community leaders. Given the close relationship between mother and child, these forms of empowerment have contributed to improvements in child welfare.

The other major contributing factor, accounting for perhaps 50% of the improvement in child nutritional status, has been improvements in basic health care, sanitation, and water. There is also a positive correlation with urbanization although, as *Lechtig* was quick to point out, this does not mean that the solution is urbanization! Two factors that made little difference in child nutrition and health were changes in income poverty (since poverty did not decrease) and food distribution programs; the latter were rendered ineffective primarily due to corruption.

To combat undernutrition, *Lechtig* recommends a continuing emphasis on women’s empowerment; careful definition of goals and priorities; building on prior successes (of which there are many); and beginning a movement for children and women first. The latter got a tremendous boost with the passage of the Convention on the Rights of the Child (CRC) in 1989. The CRC conceptualizes nutrition, along with related issues such as breastfeeding and adequate health care, as a right of the child. In its implementation, there has been an evolution toward programs and processes that utilize a participatory framework.

Discussion

Ronald Vogel pointed out that as the distribution of income becomes more even, the distribution of health becomes more even as well. He asked whether women's economic empowerment had contributed to a more equal income distribution, hypothesizing that this could lie behind the improved nutritional status of children. *A. O'Donnell* agreed that income distribution is important, comparing the United States (with an uneven distribution and relatively poor indicators among some minorities) to Sweden and Norway. *Lechtig* responded saying that Latin America is the region with the most unequal distribution of income and that it is not unusual to find the top 20% owning more than 60% of the wealth, a distribution that has not changed in recent years and that, therefore, does not seem to be as important as other factors.

Patricia Navarro pointed to the growing numbers of pregnant adolescents in many Latin American countries. In Costa Rica, for example, roughly half are single mothers, and *Navarro* asked about the health, nutrition, and social ramifications of this phenomenon. *Lechtig* pointed out that the biological component is the least problematic aspect of this situation for older teenagers, since physiologically 17 is the best age to have one's first baby. Younger mothers face biological difficulties, but the major problems are social, especially the young mothers' lost opportunities for education, work, and social acceptance.

Guillermo O'Donnell questioned how countries whose per capita income levels have worsened were able to improve their health records. *Lechtig* responded that the influence of GNP on health indicators all but disappears in covariation analyses that include such variables as access to services, education of women, women in the economically active population, sanitation, and total fertility rate, so much so that UNICEF is no longer using GNP as an indicator variable. The relationship between GNP and undernutrition is not a cause-and-effect relationship but a statistical artifact.

Using the analogy of the half-empty or half-full glass, *Federico Jesús Martínez Rivas* argued that some persons see the glass as too large and have been cutting social services across the board. Nutritional status may have improved but the cost of such policies include women in the labor force earning low salaries and armies of children in the streets. Street children may be well fed but they run other risks. Our analyses should tie together economic and social policies and take into account problems of backwardness, abuse, violence, drug-addiction, and teenage pregnancies. *Lechtig* agreed but also wanted to clarify that street children are not a cost of diminishing malnutrition but are the result of a particular model of development that prioritized economic growth without considering social costs. This distortion of values produced many

negative social repercussions. Even the diminution in malnutrition was not planned but came as a surprise. It was an unforeseen, though fortunate, development.

Micronutrients

Micronutrient deficiencies represent an increasingly important area of concern and research in recent years. The topic was addressed by *A. O'Donnell* in his overview of malnutrition in the region and by two of the speakers in the second panel: *Wilma Freire* of the Pan American Health Organization (PAHO) and *Tomás Walter* of the University of Chile's Institute of Nutrition and Food Technology (INTA). An overview of their reports on the status of micronutrient deficiencies, their prevalence and consequences is followed by a summary of the types of policies and programs that have been devised to respond to them. These programs, in turn, are part of a broader approach to overcoming malnutrition that was summarized and evaluated by *Nelly Zavaleta* of the Instituto de Investigación Nutricional in Peru.

According to all of the presenters in this area, dietary deficiencies of iodine, iron, and Vitamin A are widespread and constitute a serious problem both in Latin America and globally. Together they affect more than 1/3 of the world's population and produce such consequences as learning disabilities, illness, impaired work capacity, and even death. Presentations focused on iodine, vitamin A, and, especially, iron.

Iodine is essential for thyroid function. The most visible manifestation of an iodine deficiency is goiters, but there are other less obvious consequences as well. Iodine deficiency in pregnant women, especially during the first four months of pregnancy, results in increased fetal mortality, cretinism, and mental deficiency. Twenty-three percent of the population of Latin America is at risk of iodine deficiency due to iodine-poor soils, with the Andean region most strongly affected. Most countries have achieved extraordinary success in combating iodine deficiency disorders by fortifying salt with iodine, though within some countries there are still pockets of the population who remain at risk.

Vitamin A is essential for normal vision and ocular function and its lack can produce a number of negative consequences including growth retardation, increased infections, and increased mortality among children between 6 months and 6 years of age. Vitamin A deficiency is prevalent in the region and remains a major problem. Countries with an acute problem in this regard include Brazil, the Dominican Republic, El Salvador, Haiti, Mexico, Nicaragua, and Peru. Countries with moderate difficulties include Belize, Colombia, Ecuador, Guatemala, and Honduras. Chile and Costa Rica have overcome Vitamin A deficiencies, and data are unavailable for Paraguay, Jamaica, Uruguay, and Venezuela.

In Latin America, as in other parts of the world, iron deficiency is the most common micronutrient deficiency. As with Vitamin A, there are large variations among and within countries. In general, the more rural and poor populations are more likely to suffer. Iron deficiency produces many biological consequences, affecting immune function, physical activity, endurance, and explosive muscular activity. Most significant, perhaps, is its effect on intellectual development, performance, and mood. Anemia results when the body's deposits of iron are exhausted. Pregnant women and small children are the most affected because the need for iron is greatest during periods of rapid growth.

Walter focused much of his presentation on the effect of iron-deficiency anemia on cognitive skills and neuromaturation in infancy and childhood. Neuromaturational studies on the central nervous systems of animals have shown that brain iron is essential for normal myelination. Although obtaining evidence of similar effects on the human infant has posed many challenges, a similar process seems to be at work, with iron needed for myelination of nerves. In addition, research has shown that there is 'a window of opportunity' during the first 2–3 years of life. At this time, the brain is developing and iron (along with stimulation) is required for dendritic growth.

Many conclusions regarding iron deficiency should be viewed with skepticism since they are based on studies that were not carefully planned or executed. *Walter's* experiments showed that nonanemic iron-deficient infants were, as a whole, indistinguishable from the control group, leading him to conclude that unless iron deficiency is serious enough to produce anemia, it is unlikely to yield negative consequences for the infant's development. Among his more unhappy findings, however, is confirmation that the effects of anemia in infancy may be irreversible. Infants who suffered from anemia for three or more months had significantly delayed psychomotor development, and follow-up studies showed the persistence of cognitive deficits at 5 to 6 and 10 years of age. Motor skills and language were adversely affected and there was an average difference of 5 points in IQ (87 v. 92.4). In addition, certain iron deficiency–related behavioral problems were still present at 10 years of age.

Prevention

There are three main strategies for improving micronutrient intake: diet diversification, supplements, and fortification of food. Several countries in the region have had successful experiences combating iodine and Vitamin A deficiencies. Fortifying salt with iodine has been widely implemented and has proven highly successful even in countries like Ecuador and Bolivia where iodine deficiency was endemic. Diet diversification should be an important part of an overall strategy to further improve Vitamin A status.

Addressing iron deficiency is more complicated. Iron deficiency in the body can be due to a number of factors: insufficient intake, intake in a poorly digestible form, the presence of

absorption inhibitors in the diet, or the lack of absorption enhancers. A major cause of iron deficiency in children is intestinal parasites. Strategies that can be used to prevent iron deficiency include breastfeeding, avoiding inhibitors such as tea, mate, or coffee, and increasing intake of ascorbic acid or other absorption enhancers.

In most countries, the only response to iron deficiencies implemented so far has been iron supplements for pregnant women. These are usually prescribed with little follow-up and low compliance. There is increasing consensus, however, that the best long-term solution is fortification of staple foods. Over the past three years 17 Latin American countries have begun fortification programs and another 4 countries are in the process of doing so, motivated in part on evidence from Chile which has been fortifying wheat flour for more than three decades and has the lowest prevalence of iron deficiency of any country in the region. Though evidence of the effectiveness of iron fortification programs is overwhelming, implementation is complicated and there is no single recipe suitable for all Latin America. One must choose which foods to fortify and how by considering the diets of the population and especially the target populations. The success of a food fortification program depends on several factors: the food selected; the bioavailability of the fortification compound (complicated by the fact that the iron compounds that are most bioavailable are also those with the greatest chemical reactivity); economic sustainability; quality control and monitoring at various levels including manufacturing, processing, labeling, and distribution; and follow-up and evaluation. There is no regularity at the regional level governing the quantity of iron that is added; currently, the range is between 24 and 60 mg/Kg.

Evaluating Community Intervention Programs

Many Latin American countries signed the Declaration and Nutritional Plan that emerged from the International Conference on Nutrition held in Rome in 1992. To fulfill the obligations they thereby acquired, many countries established community-based nutritional programs. *Zavaleta* provided general guidelines for evaluating these programs.

The basic determinants of a child's nutritional status are the family and the economic, human, and organizational resources of the community. The most important factors promoting the growth and development of the infant are the care given mothers, breastfeeding, psychosocial care of the infant, proper food preparation, proper hygiene, and basic home health practices. Especially from birth to age three, the well-being of the child is inseparable from the well-being of women (the mothers). The main nutritional activities undertaken by states in the region are the promotion of breastfeeding, growth monitoring, health and nutrition education, supplementary feeding programs, and micronutrient supplementation and food fortification

programs to counter micronutrient deficiencies. Often these programs are implemented through the primary health system, the educational system, or by nongovernmental organizations.

Most if not all Latin American countries have implemented a variety of nutrition intervention programs, and *Zavaleta* provided specific examples of effective programs from Argentina, Chile, the Dominican Republic, Ecuador, Peru, and Venezuela. A number of concerns (specified in a 1990 UNU/SCN report¹) should be taken into account when formulating, implementing, and evaluating these and other nutritional programs, including:

- 1) targeting and selection of beneficiaries;
- 2) staff selection, supervision, and training;
- 3) community participation;
- 4) the use of management information systems;
- 5) sustainability and replicability; and
- 6) impact and costs.

Each of these confronts a number of difficulties and challenges. Although appropriate targeting is extremely important for reaching those at greatest risk, welfare programs may be used for political patronage, making targeting a politically volatile issue. In the region as a whole the coverage of maternal and child programs exceeded the estimated number of malnourished children, suggesting that some programs are misdirected. Staff selection can be affected by corruption, and management information systems may not be available despite their usefulness in designing programs.

Zavaleta focused on community participation and argued for the importance of community involvement in decisionmaking. The benefits of community participation include an increased sense of ownership of the project by the community, favoring sustainability; decreased resistance to project innovations; easier dissemination of nutrition education messages; greater attendance at activities; strengthening of community structures and leadership and decreased dependence on external assistance; and the selection of more appropriate interventions for that particular community. Disadvantages include increased administrative complexity and, in isolated areas with weak infrastructure, logistical constraints. Factors that encourage increased community participation include administrative support from the central government; community groups with authority to advise, supervise, and/or manage nutritional projects; selecting and training local community members as staff; encouraging contributions of community resources to the project; linkages with other existing community groups; good communication and information sharing among project staffing levels; and various forms of support to national institutions that utilize local skills in training, research, and evaluation of nutrition programs.

¹ UNU/ACC/SCN "Managing Successful Nutrition Programs," ed. J. Jennings, S. Gillespie, J. Mason, M. Lofti, and T. Scialfa; a report based on an ASC/SCN workshop at the 14th IUNS International Congress on Nutrition (Seoul, Korea).

Discussion

Alex Malaspina began the discussion by advocating a 'crusade' by the private sector and the academy to convince governments of the need for iron fortification. Inertia is great and governmental policies are not enough; four years ago the government of Ecuador passed a law to add iron to wheat flour, yet in the ensuing years no action has been taken.

Claudio Zin asked if PAHO or similar organizations had programs to keep doctors abreast of the latest developments in nutrition and micronutrient supplementation. He inquired in particular about the various ways in which folic acid and iron could be administered to pregnant and lactating women. *Walter* responded by stressing the importance of having an adequate level of iron prior to, and not just during, pregnancy. In Chile this is accomplished by fortifying flour, a staple food. The form that additional supplementation during pregnancy takes (daily or weekly supplements) is less important than arriving at pregnancy in good condition, with adequate levels of iron. *Freire* added that even though research currently being conducted seems to suggest that there is little difference in the effectiveness of daily or weekly iron supplements for pregnant women (at least in populations without striking iron deficiencies), pending final results the World Health Organization and PAHO continue to recommend daily supplements.

Fr. John Drexel first asked *Zavaleta* why she omitted Brazil from her analysis and then went on to argue that the topic of nutrition must be politicized. The human being must be perceived as a whole, and there should be an emphasis on grassroots organizing. Budgets for social programs are declining in Brazil (and elsewhere), under the 'diabolical system' of neoliberalism. A critical political consciousness toward cultural development needs to be fostered. *Zavaleta* responded that she had included all Latin American countries that had responded to her requests for information. She stated that nutritional programs should be linked to health programs and to educational efforts aimed at preventing dependency and passivity in those who receive benefits. Another problem is that assistance programs are often used for political ends, creating more problems than solutions.

When using aggregate statistics, we ignore the heterogeneity of the region and can easily overlook 'pockets' of chronic undernourishment in which the levels of malnutrition and micronutrient deficiency would be similar to the most deprived parts of Africa, said *Nancy Cardia*. A similar phenomenon occurs in other areas as well. The falling birthrate in Brazil masks the fact that the number of teenage pregnancies is rising drastically. Many of these young mothers live in the poorest areas and suffer micronutrient deficiencies. Education is said to be improving because the number of years spent in school is higher. The quality of education and actual achievement are overlooked. In Brazil there are many children who attend 10 or 11 years of school but learn

little. Could this be, in part, an expression of cognitive difficulties rooted in micronutrient deficiencies? While focusing on the larger picture, it is important not to ignore heterogeneity and pockets of chronic poverty and chronic undernourishment. *Walter* agreed with these observations and added that the way to respond to pockets of poverty is through targeted programs rather than the universal programs he had focused on in his presentation. In Brazil, he admitted, regional inequalities are huge and solutions may be difficult.

Juan Lozano returned to the issue of politics, stating that there should be a parallel discussion on democracy, citizenship rights, and equality, a discussion that might help to generate the political will to overcome the remaining nutritional problems of the continent. *Walter* disagreed, arguing that health programs should be independent of the form of government. They should be seen as rights that not even dictatorial governments can alter. This was the case in Chile, and when an official in Pinochet's government sought to modify one of the health programs that dated back to the 1940s, there was a public outcry and he was unable to do so. The population saw this program as a right, independent of the form of government. This attitude is especially important in a region like Latin America with its history of rapid and radical political change.

Walter then lamented the great variety of fortification programs and the lack of understanding and consensus regarding the best ways to fortify foods, a lack that is compounded by the paucity of studies evaluating the impact of various fortification programs. He emphasized the importance of earmarking some funds from every project for evaluation.

Dennis Warner stressed the importance of community participation in malnutrition interventions. Without a sense of community 'ownership,' programs falter once the international organization pulls out. Targeting the appropriate sector of the community based on age and gender is also important. One disadvantage is that it can take longer to get a community-based program established, but once established there is a higher probability that the program will be sustained, and sustainability is more important than meeting a compressed project schedule.

Breastfeeding

The importance of breastfeeding for infant nutrition and health is increasingly recognized. It was mentioned by most presenters during the first part of the conference focusing on health and nutrition issues. It was also the focus of the third panel with *Ana María Aguilar* from BASICS presenting a paper that was responded to by *Helen Armstrong* of UNICEF's Baby Friendly Hospital Initiative. The summary presented here focuses on the third panel but also includes relevant remarks from earlier sessions.

A great deal of research has documented the benefits of breastfeeding for child survival, maternal health, and child spacing. This seems indisputable even though, as *Walter* pointed out in his paper, there are methodological concerns with many breastfeeding studies (including operationalization of the concept and the fact that statistical techniques cannot fully separate the effects of breast milk from associated characteristics of the mother and child relationship that foster child development). Not only is human milk nutritionally complete, its nutrients are present in a highly bioavailable, or useable, form. There is very little anemia in infants who are exclusively breastfed and almost all needs for Vitamins A and C can be met by breastfeeding through the second year. In addition, a mother's milk boosts an infant's immune system, providing antibodies to diseases present in the environment. Breastfed children are less likely to develop diarrhea or acute respiratory infections. Since these are the two main causes of death in children under five years of age, it has been estimated that breastfeeding alone prevents six million deaths annually. Benefits for the mother include a decreased risk of postpartum hemorrhaging and lower risks of ovarian and breast cancer. Lactation inhibits ovulation, contributing to the spacing of children.

The prevalence of breastfeeding varies among and within countries. Bolivia and Guatemala, both countries with a large indigenous population, have two of the better records. Colombia is more typical, and northeast Brazil is 'disastrous.' In recent years significant improvements have been registered in Chile, Cuba, Bolivia, Costa Rica, and Peru. Factors associated with reduced breastfeeding include migration from rural to urban areas, increased maternal schooling and formal education, and increased contact with health staff. (Interestingly, these are the same factors associated with improved nutritional status in older children and adults, indicating that 'modernization' can reap negative consequences as well as positive ones and revealing the ongoing need to educate the educators about the importance of breastfeeding.)

Breastfeeding requires both knowledge and support. In 1990 the Innocenti Declaration set four targets for countries with regard to breastfeeding:

- 1) the establishment of national commissions to facilitate breastfeeding;
- 2) the establishment of 'baby-friendly' hospitals;
- 3) adherence to the International Code governing marketing of breast-milk substitutes; and
- 4) imaginative maternity legislation.

The International Code of Marketing has been applied differently in different countries. By 1994, four Latin American countries had taken steps to implement it completely and another nine to implement it partially.

In the past many hospitals promoted and sold breastmilk substitutes. Today hospitals can earn a 'baby-friendly' rating by implementing ten recommendations including training for its health care workers, keeping women informed, prohibiting the promotion of bottlefeeding, and keeping

mothers and babies together. There are over 1,000 baby-friendly hospitals in the region, over half of them in Mexico. Another important initiative has been promotion of support groups. This is especially important for young mothers in urban areas who may lack the practical information and emotional support for breastfeeding common in traditional communities with extended families. La Leche League International is currently the largest support organization with more than 3,000 groups in 48 countries.

Complementary feeding

Current research shows that breastmilk alone satisfies infant nutritional needs until about six months of age. After that food must be introduced to complement breastfeeding which, ideally, should be continued to 24 months of age or beyond. This is not the dominant pattern anywhere in the hemisphere although Bolivia and Guatemala are moving toward it.

The transition to complementary feedings is a high-risk period. Important considerations for complementary feeding include timely initiation; 'active feeding' or feeding with care and interest; what, when, and how much to feed; the presence of micronutrients; and hygiene. Caregivers who are unresponsive to children's needs are more likely to have undernourished children, and there is an overwhelming need to protect against contamination especially since many children still live under appalling sanitary conditions.

Discussion

The discussion centered on current efforts to promote breastfeeding in various countries. *Zin* opened the discussion by noting that in Argentina only ten hospitals, eight of them private, have been designated 'baby-friendly' hospitals. He questioned whether the standards are too high. *Armstrong* agreed that both the standards and the resistance to them are high throughout the region but concluded that the standards should not be relaxed. They reflect the best available knowledge of what is good for infants, were carefully designed to avoid culture-specificity, and 12,800 hospitals in 114 countries have managed to fulfill them, so they are 'doable' in a great variety of medical and socioeconomic settings. All of the program's elements can be implemented individually and many hospitals have chosen to implement some of them, though the 'baby friendly' label is reserved for those that implement the whole package.

Bethania Blanco pointed out that need to educate men on this issue since 'what the man thinks' has a significant impact. She also cautioned against throwing blame at doctors. *Aguilar* responded saying that doctors were slow to recognize the importance of breastfeeding but that today doctors, especially obstetricians and pediatricians, are often at the vanguard of promotional efforts.

One of main recommendations for expanding current policies and efforts is adapting the 'baby-friendly' concept to other arenas such as factories, work places, schools, and communities. *Maria Guerrero* reported that Cali is far ahead of the rest of Colombia in this regard and that a number of baby-friendly companies had been established. To qualify a company must implement a number of policies to facilitate breastfeeding such as education and training for both parents, eliminating the night shift for women during pregnancy and the first year of motherhood, and providing special facilities such as rooms with cribs and rocking chairs and a caretaker who notifies the mother when the infant is hungry.

Marinela Servitje pointed out that despite its relatively widespread participation in the Baby Friendly Hospital Initiative, breastfeeding in Mexico has greatly decreased. She called on the government to investigate what happened and how the hospitals were certified. Similarly, *Wilma Freire* argued that the baby-friendly initiative had been well promoted by UNICEF and others and had produced positive results but that lactation rates remains low and are perhaps falling. She advocated putting more emphasis on promoting, implementing, and regulating other aspects of the Code. More emphasis should also be placed on adequate complementary feeding practices.

The final topic, raised by two participants, was breastfeeding and HIV. The World Health Organization and UNICEF recommend breastfeeding even with mothers who are HIV positive though most Latin American countries do not accept this. *Armstrong* reported that the evidence indicates that the AIDS virus can be transmitted through breastfeeding though it is more likely to be transmitted prenatally or during the birthing process. A joint UNAIDS statement from July 1996 says, in effect, that if a woman who has tested HIV positive can be assured of uninterrupted access to nutritionally adequate alternatives and has the resources to safely prepare them, she should be encouraged to consider alternatives to breastfeeding. If available, wet nursing, especially by a relative, is often the best alternative. In countries and situations where these conditions are not met, however, more lives would be lost than saved by the failure to breastfeed. Studies are currently underway to see if the same drug therapy that prevents vertical transmission prenatally and at birth may help to prevent vertical transmission through breastmilk.

Aguilar's final comments centered on the need to extend the baby-friendly idea to communities since in some places, for example, in much of Bolivia, the majority of births do not take place in hospitals. Finally, more research is needed on lactation in special cases such as premature births.

Sanitation

A final variable exerting a strong influence on child nutrition and health was considered—environmental sanitation (defined as interventions intended to improve access to safe and sufficient water, to encourage the sanitary disposal of human excreta and household wastes, and to change human behaviors through hygiene education). A paper by *Dennis B. Warner* of the World Health Organization, was responded to by *Steven Esrey*, of UNICEF. A summary of their comments follows.

Warner began by pointing out that infant mortality rates have declined over the past 25 years but morbidity rates have not. In the case of diarrhea and other diseases related to poor sanitation, they have remained persistently high or even shown increases. Diseases resulting from poor environmental sanitation constitute a major component of the total disease burden. Diarrhea is a major cause of morbidity (as well as mortality) in children. In 1996 there were over 4 billion cases of diarrhea, approximately 90% related to poor sanitation. Other diseases related to poor sanitation include typhoid fever, cholera, and giardiasis. According to the World Bank, a total of 1.36 billion DALYs were lost to all diseases in 1990. (DALYs, or ‘disability-adjusted life years,’ are a controversial new measure for estimating the global burden of disease; it combines the total years of healthy life lost in a population through premature death plus the number of years of life lived with a disability.) This burden falls disproportionately on young children and infants. There is also a strong correlation with poverty: the poorest billion suffer seven times more disease than the richest billion.

Warner argued that the lack of attention to improved water and sanitation services can be explained by “the institutional relationships that exist within government agencies, development organizations, and research institutions.” In most countries, water supply and sewage systems are the responsibility of public works ministries, municipalities, and parastatal organizations, and decisions regarding system expansion are usually based on political, technological, and financial grounds. Health considerations may be included but rarely do they command priority. Ministries of Health have little control over public works agencies. The ‘turf’ problem is aggravated by the difficulty of interministerial cooperation in most governments. Another factor is the dominance of selective primary health care. In 1979 an influential article by Drs. Julia Walsh and Kenneth Warren² argued that community water supply and sanitation interventions were not as cost-effective in reducing mortality in less developed countries as were such low-cost primary health care interventions as immunizations, vitamin supplements, and oral rehydration. WHO, UNICEF,

² “Selective Primary Health Care: An Interim Strategy for Disease Control in Developing Countries.” *New England Journal of Medicine* 301: 967–74.

and several bilateral agencies adopted this analysis and in the 1980s formulated programs to implement it at the expense of sanitation. The problem is that the study 'compared apples and oranges.' Primary health interventions prevent deaths but do little to reduce morbidity; children (and adults) remain trapped in a cycle of illness—curative intervention—illness. A final, related, consideration is that Child Survival programs, a major vehicle for delivering selected interventions to improve the health of children, have traditionally overlooked water supply and sanitation. In the late 1980s these programs began to emphasize a broader range of interventions in accordance with the Convention on the Rights of the Child and the action plan developed by the World Summit for Children but once again, water and sanitation were overlooked.

Although health programs have failed to take on sanitation issues, the water and sanitation programs of the major development organizations are increasingly responding to health objectives and are adopting strategies to achieve them. These include hygiene education, the introduction of more participatory methods involving a broader spectrum of the community, and improved community management and communication. WHO, in collaboration with other organizations, has established PHAST, the Participatory Hygiene and Sanitation Transformation, an innovative approach that calls on community residents to identify and resolve their water and sanitation problems. It should be introduced into Latin America in the near future. In most cases, the level of services considered are relatively simple: communal water taps, household latrines, and hygiene education.

Claiming that "it's hard to disagree with someone who's right" and who cites his data, *Esrey* did not contradict but expanded upon *Warner's* presentation. The decline in mortality rates from infectious disease and the increased life expectancy in Europe and the United States that occurred during the last century were due in large part to improved environmental sanitation. Mortality rates had already fallen substantially, long before vaccinations and other medical tools were known. Sanitation also affects nutritional status and stunting can be reduced by 35–70% from improved sanitation and 20–30% from improved water. Sanitation has a greater impact than water because fluids are only one of the ways that pathogens from human excreta are transmitted (others include fingers, flies, and fields). There are many other benefits to improving access to water, however. Time and energy savings can be translated into better health and nutrition. A recent study in Guatemala showed that the time saved by bringing water closer to their homes was spent in income generation (weaving), child care, and personal care. An idea with increasing number of advocates views 'all waste as a resource' and utilizes properly treated excreta and urine for agricultural purposes (fertilizers).

A New Way of Thinking?

Esrey concluded by advocating two 'new ways of thinking' about children's rights which he termed 'upstream thinking' and 'systems thinking.' Since all problems are the result of poor thought-patterns, we must "rearrange the insides of our heads." Upstream thinking means going to the root of problem and intervening as close to its source as possible. Systems thinking asks: "What problems do children have?" and then considers all of the relevant causal variables, assuming that a change in one will change all. Systems thinking is inherently multidisciplinary.

Discussion

Claudio Zin raised the issue of cholera, commenting that it is much worse in Bolivia than across the border. *Warner* described the story of cholera as a 'saga.' Latin America was free of it for a century; its resurgence began with a deteriorated waste treatment system. Although the epidemic is now under control, between 400 and 500 Latin Americans will die of the disease this year. *Malaspina* disagreed with *Warner's* saying that cholera broke out in Peru because Peruvians stopped chlorinating their water since they thought that chlorine was carcinogenic, adding that there are practical ways of disinfecting water. *Esrey* added that cholera is not understood and it can survive for long periods.

A speaker from Brazil pointed out that sanitation 'doesn't get many votes' in his country but compensation for those who have fallen victim to its lack does.

Discussion on 'how to rearrange heads' led to two suggestions by *Esrey*: 1) adopt an interdisciplinary approach like the one being undertaken at this conference; and 2) put a child up front and center during all deliberations on issues that affect children.

SESSION III. BRIDGING ISSUES OF CHILD HEALTH AND JUVENILE RIGHTS

The two panels that made up Session III were meant to serve as a bridge linking the issues of child health already discussed and upcoming sessions related to juvenile rights. The first panel provided an overview of recent efforts in these areas carried out by international agencies and the second introduced the theme of violence as it affects children and adolescents.

Agendas and Priorities of International Agencies

The presentations by author *Michael Heisler* of the Carter Center and discussant *Bruce Corrie* of Concordia University examined the agendas and priorities of international agencies working on children's issues.

Heisler began his presentation on an optimistic note, recognizing that over the past 50 years there have been remarkable improvements in the quality of life for children around the globe with significant improvements in child mortality rates, life expectancy, immunization and literacy rates—so much so that today it seems reasonable to think of the health, education, safety, and economic security of every child as a practical objective. These improvements have been particularly pronounced in Latin America and Southeast Asia. Nevertheless, there are many children who have not benefited. These are the victims of the growing disparity between the haves and have-nots in every region of the world. Remaining challenges globally include deaths from measles, an infant mortality rate that is seven times higher in developing countries, the AIDS virus, the existence of 110 million land mines which often kill or maim children, and 110 million 6–11-year-olds who do not attend school.

How can these remaining problems be overcome? Recommendations formulated by the United Nations World Summits, UNICEF, the World Bank, WHO, and other development organizations show a remarkable degree of consensus in answering this question with nine recommendations that appear again and again:

- 1) encourage policies that strengthen economies, open markets, and increase employment;
- 2) emphasize basic health services and public health packages rather than expensive, hospital-based, curative services;
- 3) provide resources to achieve the Year 2000 goals outlined at the World Summit for Children;
- 4) establish national policies to **ensure** that all children, especially girls, receive primary and secondary education;

- 5) implement the Convention on the Rights of the Child as national policy;
- 6) implement the recommendations from the Women's Summit held in Beijing;
- 7) include families and communities as full participants in planning and implementing development strategies;
- 8) actively seek expanded public/private partnerships in every region and sector; and
- 9) establish mechanisms to coordinate the activities of UN agencies at the country level.

Despite this apparent consensus, however, these recommendations will not be easily or automatically implemented. Just because an issue is just, doesn't mean it will just happen! Child advocates must be as adept as every other interest group when competing for limited resources. They must focus on public relations, political action, and the legislative process. In doing so they should emphasize the following points:

- 1) investment in the health, education, and welfare of children results in measurable returns on the investment; and
- 2) good policy is based on good science, and the neurobiological research of the past ten years has shown that a child's ability to learn, to function, to reach his or her potential, and to contribute to society in later years is based on stimuli and inputs made in the first five years of life.

Discussant's Remarks

Corrie began his remarks by asserting that although there can be no universal theory of child survival and development, if anything even approaching a generalizable law exists, it is the law of maternal care. Three environments critically affect child survival and development: the material; the physiological (including the quality of food, shelter, sanitation, and water); and the social (intrafamily characteristics, political, economic, and social structures, and external agents of change). The complexity of this framework leads to several important implications: the importance of culture-specific programs, the importance of multidisciplinary approaches, and recognition that "the real experts are at the local level." His work has shown that conscientization, a social process, can have an impact on child survival and development, though it needs to be complemented with economic development. When people are aware of their rights, they make increased use of resources.

According to *Corrie*, many of *Heisler's* recommendations are generic and generic policy statements have limited usefulness. Instead of making overly broad statements, we should form integrated policies that focus on the three environments of the child and that are specific to a

particular culture or locality. Science can help develop effective policy but its insights must be communicated to the public. For that to happen, professionals need to use less jargon.

Discussion

Veronica Barca opened the discussion, stressing the importance of an interdisciplinary approach. *Corrie* agreed, adding that there needs to be a partnership between development actors of various sorts and journalists. *Heisler* claimed that we no longer require more scientific advances to save lives but the political will to implement what we already know. He questioned the participants: "How many of you really know the political process in your countries?" We need to recognize that politicians think differently from academicians. Politicians open with their conclusions and want to know how they or their constituency will benefit from a proposed program.

Fr. Drexel concurred with the importance of entering the political process which he expanded to include engaging the media and encouraging mobilization. A speaker from UNICEF said that we need to sharpen our economic arguments, emphasizing the 'returns' on investments in welfare and 'opportunity costs' associated with children working instead of attending school.

A speaker from Costa Rica commented that the call for the 'participation of civil society' is made more in discourse than in reality. Civil society is invited to listen, not to contribute. She pointed out the difference between countries and communities where the goal is development and those where it is survival.

Heisler advocated that all UNICEF, WHO, and other UN agencies convene coordinating working groups of all the actors involved with child development survival at the country level to map out the ten most important issues in that country and to devise a political strategy for achieving them that includes a coordinated action plan and training in the methods of political action and managing change.

Lechtig argued that conditions have changed a lot since 1990 and that many of the recommendations that were forward-thinking at the turn of the decade no longer apply. Today we need a goals approach that is linked to the Convention on the Rights of the Child and the Convention for the Elimination of Discrimination against Women. An important aspect that cannot be overlooked is poverty.

The change in conceptualization from 'needs' to 'rights' represents an important advance, claimed *Corrie*. Children do not vote but adults do, and increasingly they are saying that 'We want change; these rights should be included.' Child tribunals should be authorized to pursue child survival and development with the same tenacity that the Central Bank now pursues low inflation.

And they should have the authority to question representatives to UNICEF, WHO, and the IMF, forcing them to justify their decisions.

Patricia Navarro opened the topic of the role of journalists and the media which was to become a recurring theme of the conference. In Costa Rica the University for Peace has organized a number of educational seminars in which journalists and other participants spend time living and sleeping in poor communities. This increases their ability to speak with knowledge based on experience. It also counters the widespread idea that journalists should be 'objective' and remain detached from problems when in fact we all need to involve ourselves more in confronting the needs of children.

Juan Carlo Bossio Rotondo, a representative from the International Labor Organization (ILO), emphasized the important role played by labor unions in the region and pointed out that the ILO has promoted a number of treaties and documents pertaining directly or indirectly to the themes raised in this conference including child labor, maternity protection, minimum wage, and health and occupational security. He questioned the presenters on the role of labor unions in general and the ILO in particular.

After *Esrey* spoke to stress the importance of improved communication between scientists and journalists and emphasizing patience in our efforts to work together better, another speaker took a more urgent tack saying that if we do not act quickly, 'children will begin to vote'—that is, they will take to the street in mass mobilizations and protest. This is an indirect vote but one that will make its voice heard. When speaking of social programs we should stop using the language of costs and benefits since politicians inevitably go for the most immediate returns. We must begin to speak in terms of *investment* and benefits, recognizing that investments reflect medium and long-range planning. Sanitation and related programs should be seen as investments in human capital.

Warner agreed with *Heisler's* critique of the lack of coordination among various agencies in the field, adding that many seem to believe that coordination happens naturally and, of course, it does not. Under current structures, there are few rewards for the individual who works hard to bring about coordination and the penalties of trying and failing are greater than the rewards of success.

Responding to the various comments, *Heisler* made a series of points. He agreed with *Bossio* that unions are important actors; both they and business leaders understand politics very well. They know what drives change and UN agencies ought to work closely with them. He challenged conference participants to devise and implement strategies for advancing the issues they care most about at the local level and not to be deterred by a lack of training; one learns through trial and error. The need to increase interagency coordination is urgent. If academics and scientists are as serious about children as they say they are, they need to consider the worlds of

Martin Luther King that “human progress is neither automatic or inevitable.” They need to roll up their sleeves and become as tireless and passionate as are other vested interests.

Corrie’s final remarks settled on the need for dialog and integrative strategies that allow a variety of actors, including political parties, unions, and business leaders, to work together. The appropriate mentality is not ‘us versus them’ but long-term, comprehensive planning.

The Epidemic of Violence

The second transitional panel focused on violence in the region. *Rodrigo Guerrero*, a representative from PAHO and a former mayor of Cali, Colombia, presented. The discussant was *Mary Ana Beloff* of the Faculty of Penal Law at the University of Buenos Aires, Argentina.

Guerrero began by emphasizing that the problem of violence is widespread and complex. No longer can it be considered within the exclusive domain of the police and criminal justice systems. In recent reports by the Inter-American Development Bank and the World Bank, violence was treated as a major obstacle to development and in 1993 the Ministers of Health of the Americas declared prevention of violence to be a public health issue. Building on these findings, *Guerrero* advocates an epidemiological approach that defines the problem, describes the risk factors, plans appropriate interventions, evaluates the results, and then reformulates interventions based on these evaluations.

For public health purposes, violence can be broadly defined as the threat or the use of physical force with the intent to cause harm to oneself or to another. Injuries and deaths are included but psychological, sexual, and other forms of abuse that may, in fact, be even more common, are not. One indicator of violence is the homicide rate. Use of this indicator reveals that the Americas are a particularly violent region and that the number of homicides are increasing. Guatemala, El Salvador, and Colombia had the highest homicide rates in the late 1980s and early 1990s. The lowest were in Uruguay, Paraguay, and Chile. Official statistics can be inaccurate, however. In El Salvador the official rate was 40 per 100,000; another reputable study put the rate at 150 for the same time period. In Bogotá, police statistics show homicides to be on the rise while statistics from other ministries show them falling.

Violence perpetrated by youth is of particular concern to many. Thirty percent of homicides in Latin America are attributed to youth under 19 years of age. In half of the 21 countries with a population of more than 1 million, homicide is the second cause of death in the 15–24 year age group. In Colombia, it is the first. Many of these homicides are gang related. Statistics can be misleading, however, since there is no consensus on the definition of a gang or gang-related incident. In Los Angeles, which employs a broad definition of ‘gang related,’ 30% of

homicides are attributed to gang activity, while Chicago and Cali, with a more restricted definition, report about 10% and 5% respectively. The risk factors for youth violence include family disintegration and abuse, the availability of firearms, consumption of drugs and alcohol, educational and cultural factors, levels of absolute and relative poverty, and the prevalence of violence in the media.

Preventing or curtailing violence is complex and requires a comprehensive approach. Many efforts have been made but very few have been adequately evaluated. Some generalizations can be made, however. Successful programs involve a combination of prevention, intervention, and repression. Interventions early in childhood can reduce aggressive and antisocial behavior. Intervention strategies require intensive personal interaction with youth, the equivalent of a 'reparenting' experience, and can be enhanced with income-generating activities and special schooling opportunities. Peer involvement can be especially helpful. When 'repression' is required to punish youth who transgress the law, special efforts should be made to rehabilitate. Probation and surveillance should be attempted in conjunction with or instead of incarceration.

Discussant's Remarks

There is far from universal agreement on the concept of violence. The concept is charged with meanings, some of which serve to legitimize violence, some of which condemn it, but which, in either case, interfere with its understanding and explanation. In its commonsense usage, violence is confused with aggression, a concept from the natural sciences. Hence it is important to clarify that when we speak of violence, we are speaking of social relations.

According to *Beloff*, we are immersed in a process of violence whenever the effective development of a person in physical or spiritual terms is inferior to its potential. Violence is the cause of this breach between potential and reality. Using this definition, a second observation can be made: If methods exist to relieve a problem or to cure a disease and they are not utilized, we are in a situation of violence. Violence between individuals is much more visible than structural violence but even though one can exist without the other, personal violence is often correlated with structural violence.

This broad understanding of violence is rarely utilized or appreciated, however, since violence does not exist as an ontological abstraction but is socially constructed. From the infinite number of possible interactions in the social universe, only some are constructed as violent acts. For every action that is defined as violent, it is possible to encounter many others that are similar in form and are not constructed as violent or 'criminal.' Penal institutions act as filters defining the social significance and the consequences of various acts. An example from Argentina reveals how 'law and order' campaigns against youth who commit crimes prepared the way for legislators

to pass laws incorporating youth into the adult penal system. This happened even though in Argentina (in contrast to Colombia, El Salvador, and the United States) there is no problem with youth gangs.

It is practically impossible to measure 'juvenile delinquency' if by that we mean the numbers of youth who commit crimes. In no Latin American country are youth given legal rights, and only with a functioning legal system is it possible to determine if a person committed a crime or not. Most reports use statistics related to children who are institutionalized. This does not really tell us much about violence, however, due to the doctrine of the 'irregular situation.' In this system, a youth is brought to a judge who decides if he or she is in a position of risk. If so, she/he is institutionalized. Street children are deprived of their liberty in the same way as those who have committed criminal acts. Under the law children are 'imputable,' that is incapable of penal responsibility. Instead of being responsible for their acts, they are seen as sick. In the 1990–95 period cases against youth for 'damages' (usually a petty offense) increased 92%. During the same period the suicide rate in youth homes increased 254%.

The judicial system does not see youth as persons with responsibility or rights. There is a curious coincidence between the creation of institutions to 'protect' and socialize a new category of youth and the growing social alarm with regard to juvenile delinquency. Before these institutions were created, many of the same problems existed—abandoned kids, thieves, vagabonds. As political institutions have been created to confront the problem, social alarm has increased. Though ironic, it should not be surprising: youth institutions fabricate juvenile delinquents. Interestingly, and worryingly, there was a similar feeling of social alarm a century ago that gave rise to the current institutions which we now seek to change.

The Covenant on the Rights of the Child transforms the relationship between law and youth. The CRC stresses a progressive program of prevention and the decriminalization of youth who do not harm others. The need to deprive them of liberty should be seen as an exception and should be for as brief a period as possible.

Discussion

Ramón Alemán shared the conclusion that he has reached from working with violent youth that the fundamental factor behind the violence is a sense of hopelessness.

Juan Lozano argued that we need to prioritize efforts to prevent domestic and child abuse. Children who are socialized in violent environments learn to become violent as adults. In addition, it is remarkable that we think of youth only as potential delinquents. We should form social policies that conceive of youth as persons with opportunity and potential and should focus on developing these opportunities and not merely reprimanding bad conduct.

Antonio Izquierdo agreed on the importance of generating accurate records of acts of violence. Ministerial departments generally register administrative acts and not persons so that, for example, a woman who is abused seven times will be recorded as seven incidents. In addition, the police often have an incentive to exaggerate the numbers to increase their budgets. Therefore it is important to improve our record keeping so that it will be accurate and create neither unnecessary alarm nor underestimates.

In addressing the comments, *Guerrero* emphasized that he did not mean to suggest that genetics or any form of biological determinism was responsible for violence. The aggressive instinct is found in everyone and whether or not this becomes manifest in acts of violence depends on many factors, most of which are mediated by culture. A child who is given affection is much less likely to become violent. The domestic situation is very important and it is becoming increasingly clear that this is the front on which we need to work if we want to prevent violence. Regarding statistics—sometimes the police exaggerate, and sometimes they underestimate. In Rio de Janeiro, 6% of homicides are committed by police but these do not appear in the records as homicides but as ‘legal use of force.’ Accurate information is very important because without it we are very limited in what we can do to confront the problem.

In her concluding remarks *Beloff* expressed her concern about the negative effects of law and order campaigns. A few years back El Salvador passed one of the best laws so far for addressing the problem of juvenile delinquency, a law that was very respectful of individual rights. But immediately afterwards, in the midst of a law and order campaign, the parliament passed an emergency act and all of the guarantees of rights were suspended. To a jurist, this is troubling.

SESSIONS IV AND V. THE POLITICAL AND LEGAL SYSTEMS AND YOUTH

Sessions IV and V built on the preceding session to address various aspects of the political and legal systems as they interact with youth. Session IV examined the intersection of childhood, citizenship, and democracy and included two panels. The first examined the “Child as Citizen and the Concept of Democracy.” *Alessandro Baratta* of the University of Saarland (Germany) presented a paper and *Guillermo O’Donnell* of the University of Notre Dame responded. The second panel focused on the “Integral Protection of Minors as Citizens.” *Emilio García Méndez* of UNICEF presented and *Juan Méndez* of the Inter-American Institute for Human Rights responded. “Children and Adolescents in Conflict with Penal Law” was examined in the first panel of Session V with a presentation by *Miguel Cillero* of UNICEF and a response by *Alessandro Baratta*. The final panel of this session looked at “Mortality due to Violent Crimes: External Causes of Juvenile Death.” The paper by *João Yunes* of Bireme-PAHO was responded to by *Nancy Cardia* of the Center for the Study of Violence at the University of São Paulo.

The Child as Citizen and the Concept of Democracy

Barratta's presentation focused on three theses:

- 1) a dynamic interpretation of the Convention on the Rights of the Child (CRC) leads to the insight that the child, in any given phase of his or her development, enjoys full citizenship;
- 2) this citizenship is entirely compatible with the due consideration of his or her difference from adults, that is, his or her identity as a child; and
- 3) the differences in the way that democratic power is exercised between the child and the adult should be compensated for in favor of the child.

This prioritization of the child is the means for achieving 'inclusive democracy.'

A systematic analysis of the CRC shows that the child is entitled to all of the negative rights (basic freedoms and rights of protection against the state), positive rights (economic, social and cultural rights), and a good part of the participatory rights due adults. A child's citizenship, his or her active participation in social and political democracy, is different from but no less important than that of adults. The fundamental innovative principle introduced by the convention is found in Article 12: A child who is capable of forming his or her own views has the right to express those views freely, to have these views given due weight, and the right to be heard. These rights are not 'definitive' rights (rights that can be defended in court) but weak rights, characterized by a lack of symmetry between the duties of the state and the expectations of the entitled persons. There are also other limits in the convention that counterbalance this article; even so, the autonomy and subjectivity of the child has never before been recognized in such an explicit manner.

The child's right to be heard imposes a symmetrical duty on adults to listen and learn from children. They must enter into their perspective and be open to changing themselves. In this way Article 12 is the nucleus of the CRC and directs the way of future relations between children and adults. This is the road to the future of democracy.

Adults and authorities who make decisions based on carrying out their duty to learn from children are engaged in a form of representation without mandate but with a communicative duty. Communication refers not only to verbal expressions and points of view but to every sign of the child's intellectual and emotional experiences. For example, a premature baby who needs the specialist to check him or her has 'the right to be heard.' And the right to be heard means the right to be respected, which starts at the basic physical level and continues into the intellectual and moral spheres.

Discussant's Remarks

G. O'Donnell began by saying that he would restrict his comments to those related to democracy and citizenship: *Baratta's* observation that "those who write about children's rights also talk about democracy, whereas those who write about democracy do not mention children's rights" has many important implications. While sharing many of *Baratta's* values and views, *G. O'Donnell* disagreed with the assertion that children are 'full citizens' and argued that children's rights should be given paramount priority precisely because children are *not* full citizens. Similarly, listening to children is important for both the child and the adult but it does not necessarily follow that the adult and the child are equal *qua* citizens. To round out his argument, *Baratta* would have to tackle the issue of paternalism. This is a thorny issue for democratic theory; in *G. O'Donnell's* view paternalism is justifiable only when practiced with the intention and result of becoming unnecessary. Children are not yet full citizens but it is the duty of a democratic society to prepare all children as future democratic citizens. Instead of 'representation without mandate' (*Baratta's* concept) a more proper concept is that of trusteeship. In the trustee relationship, authority figures represent what they consider to be the best interests of the represented, taking into serious consideration whatever opinions the latter are able to express.

Discussion

María Teresa Herrán opened the discussion by stating that the child's right to be heard has ramifications for the mass media. A series of workshops carried out in 10 cities in Colombia allowed journalists and others to analyze the treatment that youth-related themes were given in the media. They found extensive use of stereotypes, a lack of communication between journalists and nongovernmental organizations, and a failure to consider the child as a source of information. Some of the participants—youth who work in media communications and who had their own radio programs—insisted that they should be allowed to speak for themselves.

Xochitl Becerra shared that in the most recent Mexican elections, held 6 July 1997, children over the age of six participated in a special election. Asked what they wanted, the top of the list was an end to child abuse and other forms of violence against children. Next was the right to an education. Children cannot vote for representatives or run for office but they have a voice that should be listened to. The exercise was a powerful experience for the children and an important learning process. *Becerra* also stated that instead of seeing children in terms of a strong dichotomy—as citizens or noncitizens—we might think of them as citizens-in-progress, or potential citizens.

Fr. Drexel reported from his experience working with about 150 street children in Brazil. The adult workers thought that they wanted to create a shelter for the children but instead of just going ahead, they met with the children and asked for input. The children agreed and when the shelter was built, the children decided what the rules would be. “We asked, ‘Should there be weapons?’ The children voted no. ‘Could there be drugs?’ Again, no. They created the rules and so they created the duty at the same time. The older children became monitors, did surveillance. We hear a lot about this sort of participatory interaction in theory but we need to put it into practice more.”

G. O’Donnell’s critique of *Baratta’s* paper was welcome and reassuring because it showed that we are on a good path and can proceed, according to *García Méndez*. The discussion remains open and we can now begin to dialog. At this point the discussion should focus on the limits from both above and below. The lower limit should be “the right of a child to be a child” which implies important limitations in terms of child labor, for example. The upper end is the right to participation and the most appropriate place for that to take place is in the school. The CRC makes the right to be a child or adolescent into a juridical concept as well as a commonsense one. Finally, we need to distinguish between children and adolescents, a distinction that contributes to the idea of the progressive [rather than potential] construction of citizenship.

Errol Mendes expressed the disillusionment he felt when he realized that in the vast majority of the world children have duties but no rights. He found the biggest obstacle to be cultural and argued that to be relevant we must concern ourselves with how culture integrates itself into the rights of children and how children can become citizens despite an oppressive culture. *G. O’Donnell* disagreed, saying that the problem has much more to do with power than with culture.

Baratta responded and wrapped up the panel by drawing on Bobbio who recognized two dimensions to democracy, one social, operating in all of the spheres of civil society, and one political, operating in the sphere of the political community. Democracy is a challenge, a goal. When we compare adults with children, what do we see? We see that adults, though supposedly more mature and wiser, have a lot to learn from children. Adults are very aggressive among themselves and with children, and children, when they are respected in their capacity, are more mature than adults! The struggle for equality has always included a struggle for difference. Children have a different perspective that corresponds to their age and stage of development. Children’s differences from adults are always seen as a fault, as something they lack. There is a grave risk in seeing difference as negative. At each age something is gained and something is lost, so we would do well to take children’s insights into account. And learning to listen to children is also to take another step along the road to democracy.

From 'Minors' to 'Citizens'

In *Emilio García Méndez's* analysis, the Convention on the Rights of the Child (CRC) is a document with revolutionary potential. It has generated more political-legal and social consensus than any other human rights agreement in history. Whether or not it lives up to its potential depends on the capacity to transform its precepts into policies. We can begin with the recognition that words are not innocent; they create realities. The sociopolitical use of the word 'minor' is an example: 'I have two minors in my house' does not mean two children but two juvenile delinquents! Hence, they are stigmatized. For more than 70 years laws for minors were based on the 'irregular situation' doctrine. The CRC breaks with this model. The CRC transforms needs into rights and brings the problem of liability for rights to the forefront in both a legal and sociopolitical sense.

Children's new legality develops automatically as democratic legality. One aspect of this is innovative social and legal institutions. The new legality faces problems, however. One is cultural resistance, even in progressive sectors. The second is the contradiction between these inclusive developments and the economic crisis marked by more exclusion and inequality.

Social policies affecting children occur at four levels. The broadest is that of Basic Social Policies, the most universal policies. The next level includes Public Welfare Policies. Above that are Special Protection Policies (SPP) and Policies on Constitutional Rights (PCR). SPP are designed to handle emergency situations involving children and adolescents who are at risk. PCR refer to youth in trouble with the law. Under the static view provided by the doctrine of the 'irregular situation,' these top two categories are permeable. Under the dynamic view promoted by the CRC, a definite boundary between the two exists, separating youth in danger from youth in trouble with the law. Unfortunately, in many countries much needed SPP are finding it difficult to advance beyond the program stage in large part because of the antistate bias of many nongovernmental organizations. Hence, projects have been forced to continue forever as 'pilot projects' or NGOs have been forced to undertake the complex and difficult process of critical articulation with the governmental sector.

Civil rights derived from general principles of law have never applied, even nominally, to children under 18. Legislation for 'minors,' based on the 'irregular situation' doctrine, explicitly provided for the denial of constitutional rights. As a result, the police became a means of entry and coercive support for public welfare policies. Laws that ostensibly existed to protect minors but actually sought to control sectors considered dangerous helped lead to the criminalization of poverty. Two centuries of unresolved tension, originating in the French Revolution, between the rights of man and the rights of citizens probably contain the key to a better democracy. Citizenship is a necessary condition for the effective exercise of the rights (not only political) to

which all humans are entitled. If the CRC can be an instrument for closing the gap between human rights and citizenship rights, we will be confirming our willingness to take all rights seriously.

Discussant's Remarks

Méndez began by agreeing with *García Méndez* that the CRC is a truly remarkable achievement. Not only was it drafted and adopted in record time, in only a few years it had been signed and ratified by virtually every state in the international community (except for Somalia and the United States). Given this impressive record and the resistance of states to accept constraints on their behavior, it might be assumed that the convention is bland or undemanding, but it is not. In fact, it goes further than other instruments in formulating affirmative and negative obligations on states and in specifying the criteria for determining whether or not states are meeting their obligations. It takes big steps forward in the social/cultural arena and tackles controversial and pressing issues like child labor and international adoption.

According to *Méndez*, if *García Méndez* is correct in his assertion that the covenant's "comprehensive protection doctrine" represents a dramatic overhaul of preexisting attitudes, then this is significant because it means that the CRC represents a determined effort to use international law to guide and drive public policy rather than asking signatories to go only slightly beyond where they were or to measure up to what other countries have already accomplished. Even more astonishing, it seems to be working.

There may be some weak points in this promising picture, however.

- 1) *Méndez* took issue with *García Méndez's* characterization of the CRC as a 'legal maximum.' All multilateral treaties that protect rights are meant to embody obligations that become each state party's minimum legal and ethical obligation.
- 2) *Méndez* faults the CRC in the area of freedom of expression. Article 13 allows for prepublication restrictions, a loophole that may well prevent children from exercising their free expression.
- 3) The CRC is deficient in its implementation mechanisms. It contemplates the creation of a Committee on the Rights of the Child which will receive periodic reports. This has been used for other conventions and has been a failure. It is unfortunate that it didn't adopt more stringent methods like the optional protocol of the ICCPR that allows a committee to hear individual complaints alleging violations.
- 4) The most important determinant of the CRC's success will be the degree to which its substantive norms are incorporated into domestic law in each country.

The next step is implementation through national legislation. But the legislation needed includes jurisdictional norms that empower courts to enforce these rights. This is especially true for the health, education, and social security provisions. To be effective they must be justiciable, either as collective or as individual rights. In general, our democracies will be much stronger and more meaningful if we obtain powerful, independent, and impartial judiciaries who defend the rights of the underprivileged with sound, lasting legal precedents. Children's rights may perhaps be the best place to start.

García Méndez's thesis that the CRC forces policymakers to stop treating children as 'minors' and recognize them as 'citizens' was surprising to *Méndez*, since the usual approach is to recognize that human rights reside in humans and to view citizenship rights as a more restricted category. *García Méndez* uses the word 'citizen' to indicate a degree of inclusion or integration into the community, a view that the women's movement has also been pushing and that forces us to consider interests as rights. This may be a useful way to describe the fundamental requirements of a true democracy and to point out the limitations of our real-life ones.

Several doubts remain. First, what are the limits of political participation? Surely political communities will continue to establish ages under which persons will not be allowed to vote, and these are inevitably arbitrary. Second, what is the proper balance between children's rights and parental authority? The covenant contains various references to the 'rights of families' and the 'rights of parents.' What do these mean and what happens if these conflict with children's rights? And, finally, how can we ensure public understanding of and support for recognition of the rights of youth in the juvenile justice system?

Discussion

Nancy Cardia began the discussion by asking *Méndez*, who has followed the work of the Center for the Study of Violence for many years, how he would respond to the pressures the Center faces whenever they speak of juvenile rights. In Brazil to use the term 'human rights' is fatal in terms of public opinion. And people want to know why youth cannot be punished at adults when they are 16 since they can legally vote at that age. In what sense *do* adolescents need protection?

Julia López spoke about the situation in Spain. The Spanish constitution recognizes the equality of all citizens before the law and obliges public powers to remove any obstacles to equality. In fact, not all children are equal. Not all adolescents are equal. In addition, in the Basque region of Spain, there are terrorist groups. The only response that has occurred to the government has been to lower the age of criminal responsibility to 14, 13, or 12 years. Penal codes are codes of repression and hence cannot be used to establish equality.

Mary Ana Beloff emphasized that the 'irregular situation' doctrine leads to impunity.

Marta Maurás pointed out that in the Americas some countries use the Napoleonic juridical tradition and some use the English system. She wanted to know if one tradition was advancing more rapidly with regard to children's rights than the other.

The region is in a period of deregulation which will make it difficult to apply the CRC, claimed *Luís Anderson*. There is a great battle underway and the neoliberal model being pursued falls hard on children. He asked *Méndez* to speak on the current status of the San Salvador Protocol which his union, CIOSL-ORIT, tried for many years to promote.

Méndez was the first to reply. The San Salvador Protocol has been ratified by 4 countries and 11 would be needed for it to go into effect. Unfortunately, the protection mechanism it would establish would only cover four of the rights that it enumerates. With regard to the CRC, many countries have widely incorporated its provisions into their constitutions. Overcoming the distinction between the legal and the constitutional has been an important step, but the major problem is that Latin American governments are quick to sign documents and to give these norms high status but are not serious enough about applying them in concrete cases.

Méndez agreed with *Cardia* that the situation facing human rights workers in Brazil is frustrating. "Before they accused us of defending terrorists; now they accuse us of defending delinquents." Human rights workers have not been very successful in convincing 'public opinion' of the merits of human rights. But there have been advances. Democracy provides an advantage that did not exist before since arguments defending human rights can be publicly expressed. It is important to continue to refer publicly to human rights. Downplaying human rights discourse feeds into the hands of their opponents. And the theme of children's rights is probably the best place to begin since there is comparatively less resistance in this area. With children's rights there is a comparative advantage and that is the term that human rights advocates should use: 'children's rights.'

García Méndez's final remarks emphasized the importance of progressive legislation even if practice does not always match the lofty rhetoric. The struggle that children's rights advocates are engaged in is a politico-cultural struggle, not just a juridical or political one, and it is an uphill struggle since the concept of childhood traditionally has been constructed in terms of 'lack' and incapacity. Given this history, it should come as no surprise that many of the worst abuses against children are perpetrated in the name of love and compassion, not repression. The law is not magic, but it is necessary. In many other human rights areas progressive legislation is on the books but is not put into practice. When it comes to youth, however, the legislation has been horrible, and it has been implemented. This needs to be changed and it is being changed.

The CRC is duly respectful of the parental role. The word 'family' appears 33 times in the document. Some adults are upset, however, because full implementation of this covenant would

undermine the concept that they have the discretion to act entirely as they please. Touching this nerve has generated some opposition. The legislation is important however. When a country has poor legislation and poor practices, nothing happens. But when a society has good legislation and poor practices, a divide is created: some people begin to want to change the law, and others want to change the reality. This division, and the debates it generates, are important. This is where the politico-cultural struggle takes place.

Children and Adolescents in Conflict with Penal Law

In most modern justice systems, *Miguel Cillero* explained, the legal penalties for criminal offenses are differentiated according to whether the offenders are juveniles or adults. The traditional rationale for this has been that 'minors' lack legal capacity. The theory of legal incapacity is manifest in a view of children as nonliable or inculpable. Ironically, this renders them passive subjects with virtually no guarantees that their civil rights will be respected. The tutelage-based system that operated throughout Latin America produced two types of reactions to youth in trouble, tutelage and punishment, which often overlapped. Apparently contradictory, they are, in fact, complementary. Punitive measures could be applied for correctional purposes. A system was developed that justified the same legal treatment to all kids whether they had committed criminal acts or were socially at-risk (and even those whose rights had been violated).

In 1967 the US Supreme Court handed down a decision in which it objected to the lack of due process guarantees and the lack of legal defense for youth. This marked the beginning of a new era in the protection of young persons' rights, an approach that has been further encouraged by the CRC. A key element in this is the incorporation of the idea of responsibility. This gives the courts the right to censure criminal acts even though minors cannot be held criminally responsible in the same way adults are.

At the present time, juvenile delinquency commands a great deal of attention in Latin America. The old system has brought a feeling of insecurity and impunity as well as repudiation of its irrationality and lack of safeguards. Often, however, this has taken the form of a call for police action and correctional mechanisms. In contradistinction to the model of 'law and order,' the CRC points to a different type of solution in which the issue of 'public safety' is redefined as a matter of rebuilding a pattern of harmonious coexistence. The resulting system may be strict but it is founded upon human dignity and legitimate judicial methods for settling conflict.

Cillero proposes the name "model of legal responsibility" for the model proposed by the CRC and other international instruments. If the child is to exercise his or her rights with a degree of autonomy that increases with the child's evolving capacities, then the child's degree of responsibility must also be progressive. It is no longer possible to maintain that an equal degree

of nonimputability exists between birth and age 18, when the child is suddenly an adult. In Latin America a tendency has emerged to differentiate between children (usually up to age 12 or 14) and adolescents (between that age and 18). This model has a number of elements:

- 1) the idea that children have rights, and the distinction between child and adolescent;
- 2) the importance of assigning or attributing specified consequences to particular acts;
- 3) a strict definition of infringements of penal law as the only admissible grounds for the imposition of legal consequences (a clear separation of the spheres of law and social welfare);
- 4) the State's prosecution of violations is to be governed by the principle of opportunity rather than by the principle of legality. This makes prosecution discretionary, not mandatory, though care must be taken that this does not give rise to arbitrary practices or heightened selectivity in the juvenile penal system; and
- 5) the intensive application of penal and procedural safeguards.

The purposes of legal consequences according to Article 40 of the CRC are to foster the adolescent's sense of dignity and self-worth, strengthen his or her respect for the rules of social coexistence, and promote integration into society. Society's response to juvenile offenders should be profoundly and intrinsically educational in nature. Hence, even when a juvenile is deprived of liberty, he or she is not to be deprived of education, recreation, or ability to learn a vocation. The measures to be used should be classified according to the degree of restriction they entail, with the major division between those that involve deprivation of liberty and those that do not. Responsibility for acts committed, safeguarding the right to personal development, and avoiding exclusion from society are the basic guidelines for the measures to be taken.

Discussant's Remarks

Baratta responded by sharing eight observations, none of which contradicted Cillero's points but some of which went beyond them.

- 1) Natural positivism was the basis of the tutelar model in Latin America, and it was also the basis for repressing other groups excluded from modernity's social pact—women, indigenous persons, and the dispossessed. Today, three centuries later, it continues to do so.
- 2) Through the model of integral protection promoted by the United Nations and the CRC, Brazil, Peru, Ecuador, Bolivia, El Salvador, Costa Rica, and Guatemala have rejected the doctrine of the 'irregular situation,' but only one part of the new legislation is organic, concerning itself with the rights of all—children, parents, and authorities. The cases of Brazil, Guatemala, Peru

and Bolivia show that organic legislation is compatible with the separation of the administrative and judicial spheres. But there is resistance to an organic approach.

- 3) The core of the doctrine of the irregular situation is the positivist vision of intervention based on the personality and situation of the actor and not on the judicial quality of the act. The new legislation is based on limiting the penal responsibility of the adolescent to acts enumerated as offenses under the law, and then only after passing through all the legal guarantees and procedures provided for adults.
- 4) Much of the current social alarm is due to a selective and restricted vision of what constitutes security. Social alarm is only partially correlated to increases in visible infractions committed by youth; a large part of the alarm can be traced to anxiety and frustration that has its roots in the quality of life and the lack of communication and perspective, not in criminal behavior.
- 5) The suggestion that we must see the adolescent offender as *either* a culpable actor requiring punishment *or* as a victim who needs to be protected is false. He or she can be both. While it is correct to separate the administrative sphere of protection from the judicial sphere of responsibility and sanctions, the state and locality may nevertheless need to intervene in both areas. Attributing penal responsibility to youth does not take away their rights, but the principle of opportunity does permit the application of protection measures in place of sanctions. Mechanisms such as mediation, reconciliation, and diversion can all be important measures to ensure that youth develop in all of their potential.
- 6) To achieve a normalization and reduction in punitive measures, it is necessary to move to an integral vision, to reorganize our thinking not only in theory but in practice, to make the justice system for minors (as well as the penal law for adults) part of an integral policy that values all of the fundamental rights of citizens. We need to fight the growing tendency to replace basic social policies with punitive policies and to transform the concept of citizen security into one of 'law and order.' The latter is an ambiguous and dangerous development that could lead us to return to repressive, authoritarian measures with both discriminatory and stigmatizing effects.
- 7) In the United States, Canada, Europe, and parts of Latin America, a new emphasis is being placed on developing policies to prevent juvenile criminality using nonpenal instruments. While this movement has been promising in some ways, there is the danger that social and criminal policy will once again be superimposed and social policy criminalized, to the detriment of the separation of these spheres that has been achieved.
- 8) The juridical status of adolescents needs to respect general principles that apply to the penal law of adults as well. Not a single protection or guarantee afforded adults should be denied youth. Youthfulness should always be an advantage, never a disadvantage.

In conclusion, it is important to use the scientific, social, and political imagination to create a vision that seeks alternatives to sanctions. An interdisciplinary approach is required.

Discussion

The discussion was opened by a Chilean who emphasized that the system of guarantees for youth needs to be directed at all youth and not only at youthful offenders. In addition it is important to be careful with the use of labels that can easily taint all youth or all troubled youth, many of whom have not committed any crimes.

Marinela Servitje shared the work of REINTEGRA, an NGO that is reviewing case by case the situation of 2–3,000 youth who are in detention centers in Mexico and is pushing for new legislation.

Milena Grillo spoke of the need to overcome social conflicts that are more apparent than real, for example, the perceived conflict between the rights of the child and the exercise of parental authority. In fact, the CRC strengthens legitimate authority and only undermines authoritarianism in family relationships. Nevertheless, when she spoke to legislators in Costa Rica, the first question they asked was “How will this law affect parental authority?” Another conflict arises from society’s perception that guarantees for youthful offenders lead to impunity, and in this the media and press have a role to play, eradicating uninformed social perceptions. An example from yesterday’s presentation: A typical journalist from Costa Rica attending *Guerrero’s* talk would have run a headline, “30% of Homicides Committed by Youth!”

Ramón Alemán lamented the fact that the clarity that exists in the documents and at this conference is not reflected in the reality of the Latin American countries at either the base or elite levels. It is fundamentally important to educate judges in what the CRC and the law require, because they do not know. Recently in Panama a juvenile judge ordered police to arrest youths with tattoos! UNICEF should make a strong effort to educate judges and those who administer justice. Parents worry that the new law will deprive them of their responsibility, and sometimes children’s rights advocates do go too far. When we argue that youth should be able to decide whether or not their parents can attend a hearing, we are telling adults not to support the law.

A speaker from Colombia spoke about the relationship between juvenile delinquency and drug trafficking in his country. It is an anguished moment when a 14-year-old hired by druglords assassinates a presidential candidate or a minister of justice. This problem needs to be incorporated into our discussions because it requires sociological and judicial analysis, and also because a single incident like this can destroy all of the headway we have made.

Putting the conflicts in a wider perspective yet, *Mary Ana Beloff* underscored the political and democratic content of the discussion. There is a dangerous fallacy in Latin America that states can bring order to society by depriving citizens of individual guarantees. We must continue

to insist that this division between security and liberty is false and that the citizenry has the greatest safety when the state is respectful of all.

Eugenio Zaffaroni argued for the importance of accurate, precise, quantitative information. In newspaper headlines one never reads, “an alarming increase in inflation.” Instead they will say “Inflation hits 10.8%.” No one has this sort of data for juvenile crimes, however. We have precise economic data because economics has become a political priority. We need to prioritize and approach the issues of crime and security with the same seriousness with which we approach inflation and unemployment.

Ariel Dulitzky pointed out that the CRC does not provide a special protection mechanism for receiving individual denunciations. Therefore, human rights lawyers have had to use mechanisms established through the human rights commissions of the United Nations and the Inter-American system. Various cases involving minors are before the Inter-American Commission, including the case of hundreds of youth detained with adults in Honduras, a situation that the commission asked Honduras to rectify. The Inter-American Court has been asked to interpret Article 19 of the Inter-American Convention which gives protection to children. There needs to be more collaboration with children’s rights specialists in these regards, however.

A danger we all face, according to *Veronica Barca*, is getting overly engrossed in facts. We need to think beyond the facts to what lies behind them. Calling attention to criminal acts perpetrated by children or adolescents stirs up feelings of impotence. Instead we should recognize that children’s deeds reflect and demonstrate their reality. Their deeds reveal what they are thinking. We need to examine this subjectivity and how it is created in children. Then we will have the understanding to produce new ways to confront this reality.

In his final remarks, *Baratta* focused on the mass media. Although the media are important, they do not create public opinion. That is, there is no direct causal link between the two. Often the media reflect public opinion but can also serve to change something fragmentary and transitory into something more unified. The press often focuses on the symbolic and the spectacular, and politicians exchange illusions about security in order to obtain votes. Instead the media should focus more on political communication coming from the base. Public opinion is not an element of democracy but of technocracy.

Cillero wrapped up by agreeing with *Baratta* that the child should be ensured more protection by the state, not less. But how can these new ideas be ‘sold’? One way is to utilize the national courts, bringing more cases to court. In Chile this has had the effect of raising public opinion and generating mobilization around children’s rights.

Violent Juvenile Deaths

In the last few decades, violence has reached epidemic proportions, becoming one of the most serious public health problems facing the Americas, *João Yunes* began. In Latin America and the Caribbean in 1993 there was an average of 1,250 deaths/day attributable to violence. The situation is particularly alarming among adolescents (10–19 years of age) and young people (15–24 years). Young males are the principle victims and perpetrators of homicidal violence. In preparing this report, information was taken from the 16 countries for which the best data were available, covering 90% of the population of the hemisphere: the United States, Canada, Mexico, Costa Rica, El Salvador, Panama, Colombia, Ecuador, Venezuela, Uruguay, Brazil, Chile, Argentina, and, in the Caribbean, Cuba, Puerto Rico, and Trinidad & Tobago.

In most countries, deaths by homicide increased during the period under study (1980–94). The only country with a decreasing homicide rate among adolescents was Costa Rica. The region with the highest rate is the Andes, mostly because of the inclusion of Colombia. The countries with the highest homicide rates in the total population, in decreasing order, are Colombia, El Salvador, Puerto Rico, Brazil, and Venezuela. Colombia's rate is three times that of El Salvador and 50 times that of Canada, the country with the lowest rate.

Deaths by homicide are greater in males than females and generally increase with age within the 10–24-year age group, although the most alarming increase has been among males 15–19, especially in the United States and Brazil. Seventy-three percent of deaths in Colombia of males between 20–24 are from homicides. In Brazil it is 34%, though both of these could be underestimated since many 'unknown' deaths could be homicides. The disparity between the sexes is most pronounced in several of the countries with the highest homicide rates including El Salvador, Colombia, and Puerto Rico.

Yunes used the cases of Colombia and Brazil to analyze several of the risk factors mentioned in previous presentations. Alcohol consumption has increased in Brazil in the last decade. In many neighborhoods the population do not trust the police and feel the need to 'take justice into their own hands.' In Cali approximately 25% of those surveyed called the police 'bad' or 'very bad.' In São Paulo, Brazil, there is a positive correlation between increased GNP/capita and increased homicides, the opposite of the trend in the United States. One reason may be the continued maldistribution of income: the richest 10% have approximately 50% of the wealth. There is a correlation between increasing population density and increasing homicides.

Ironically, the economic impact of these disturbing trends has not been wholly negative. In the private sector, a whole business industry associated with violence has sprung up focused

on defense and security expenditures, and \$10 billion has been spent on health care. In general, more and better data are needed to evaluate the economic impact of violence.

Discussant's Remarks

Nancy Cardia asked, "Why are homicides increasing and what is being done to stop them?" In most of the countries studied, there was a drop in mortality due to traffic accidents and an increase in homicide. The numbers are science fiction, however. There were 14,000 deaths due to unknown causes in São Paulo last year. Surely, homicides are undercounted. The data is not reliable and that is symbolic. It shows that violence is not a priority. We don't want to know about it.

Who is dying? Mostly those who are 'not so white' and poor. Homicides are not evenly distributed across a society but vary with locality, skin color, gender, and socioeconomic status. The risk is greatest for black working-class males living in poor communities. This is so in the United States and for Latin America as a whole. The increase in homicides is still not prioritized by most powerful groups. Why not? Part of the answer is in the characteristics of the victims and perpetrators and part in the fact that it is hard to talk about solutions without speaking about social safety nets, which are not currently a popular political topic.

The Center for the Study of Violence made a map of the violence in São Paulo. In certain areas, it is 2 cases per 100,000 population (comparable to the rate in Japan); in other areas, it is 300. Where is it highest? In the most deprived areas where the population is growing very fast, income and educational levels are low, housing conditions are poor and overcrowded, there are no parks or playing fields. Areas that have high rates of homicide are areas that are low in quality of life across the board. The teenagers who live there are 'lovely and monsters both at the same time.' They are stigmatized as violent, and a teacher or a doctor sent there will be transferred as soon as possible, so there are no intermediaries to the wider society. The schools are really horrible and there is no link between the school and the labor market. Doctors without Borders, an NGO, found that the kids are more traumatized in these slums than in Bosnia. A recent survey in Rio de Janeiro showed that 42% of the students had witnessed someone killed with a gun or knife, 10.2% had had a relative seriously injured, and 8.4% had a relative who had been murdered. Fifteen percent had been mistreated by the police and 12% had suffered extortion from the police. Exposure to violence can affect school performance and increases the likelihood of victimization or of becoming a perpetrator.

One difference between the United States and Latin America is that in Latin America the police are often involved not only in extortion and assaults but in kidnapping and killings. In the United States the police are not directly involved. In Brazil the police are the perpetrators though not in their capacity as state authorities. They are corrupt and kidnap and kill as part of the death

squads. One consequence of this is that the community does not trust the police and will not cooperate with their investigations if they do try to act as law enforcement officials.

Where do we get support for the individuals and families victimized by these realities? In the United States and Brazil much of the support comes from the churches. In the past in Brazil, before the current pope, it came from the grassroots communities. No one in America deals with prevention and we don't try to cure either! In Europe they have lots of problems but mass murder is not one of them. This is related to their social security net and to support programs, but to implement such solutions there must be political will.

Discussion

Fr. Drexel opened the discussion by referring to his work in two violent communities in Brazil. In these communities it is normal to see dead bodies in the morning and there are nicknames for the police. Yet there is also the idea that whatever befell the victim, he must have 'deserved it.' "If you ask people, 'What should be done about juvenile delinquents?' 'What should be done about street kids?' they will say, 'Exterminate them, kill them!'" Someone once told him that 99.6% of the street kids could not be **rehabilitated**. And we see similar opinions throughout Latin America. What shapes public opinion? How can it be changed? Unfortunately, it doesn't help to say that you work in human rights.

Rodrigo Guerrero recounted his experiences as the former mayor of Cali, Colombia. During his campaign, persons from all classes cited violence as the principal problem of Cali and he made it a campaign priority (against the advice of his advisors). When, as mayor, he began to present hard data, the headlines read, "Cali: The 'Capital of Violence' in Colombia!" "This happened because we were the only ones with information! So we got data from other cities that revealed that violence is a generalized problem, worse in Medellín and Bogotá than in Cali. But many of the political effects of this have been negative. Tourism is affected and there are other implications. Yet in every country we've looked at, the homicide rate has been very high. The data are truly worrisome. The 'good news,' however, is that the epidemic seems to be leveling out. Rates have begun to fall since 1994 and 1994 though nobody knows why. *Emilio García Méndez's* suggestion that we develop quantitative indicators is a good one. Using a loan from the Interamerican Development Bank, we are working to create a measure consisting of the rates of the six or seven most important crimes, a 'Delinquency Basket' analogous to the Consumer Price Index. The purpose is to turn violence into a political issue and to make governments responsible. The results will be published monthly."

Juan Restrepo asked the panelists if they have information on efforts to disarm the population in Brazil or elsewhere. This is an effort that is being seriously studied in several cities in Colombia.

Returning again to the role of the media and of journalists, *Patricia Navarro* stated that journalist students are told that 'violence sells.' As a university professor she has tried to change this mentality but it is very difficult. More and more 'red papers' are appearing which go out of their way to highlight acts of violence. Why? Because it sells. The media is legitimizing the violence; it is coresponsible. In a recent case in Costa Rica, reports on one child's suicide sparked several other suicides. We are analyzing the media and seeing what kind of language they use in situations like this. And consumers, too, should demand more positive news.

Susan Gosine questioned the figures that *Yunes* presented for her country, Trinidad & Tobago. They would seem to imply that youth are being killed off when in fact the general population is under attack by gangs. Homicide is not increasing in Trinidad & Tobago though suicides and accidents may be. Lumping these together may have created a false picture.

A woman from Colombia advocated the need to put more emphasis on prevention than cure when it comes to youth violence. There are programs that work with gangs and we need better studies to assess their accomplishments and weaknesses.

Looking at *Yunes's* data, *Alessandro Baratta* was more convinced than ever that violence is not tied to absolute levels of poverty or wealth but that the relevant datum is inequality. And, since the poor are the primary victims, this violence may be needed to maintain the structural violence of inequality. He then questioned *Cardia* about a comment she had made. "It's true that there is a physiological change in persons between the ages of 14 and 16. If the resulting changes tend to become criminalized in poor neighborhoods, what happens among youth who are better off? Is the difference one of ontology, definition, or parental or social response?"

Cardia wrapped up by addressing some of the comments. It is true that the media does not generate experiences but it does crystallize and direct it. Violence sells but, unfortunately, the violence that occurs actually exceeds that which is reported. In some neighborhoods the police leave the bodies for all to see. It may be to frighten people, it may be to see if relatives will come to get them. The elite have their opinion of the poor. The middle class is in a panic, and the poor's experience is one of the total lack of human rights. When human rights workers enter poor neighborhoods, the residents ask them "How can we be defended? We who work hard have no defenders while those who commit crimes do." They feel morally excluded. Regarding the physiological changes of youth—for the youth of the elite and the middle class, there are support systems. And if something goes wrong, there is treatment, counseling. None of these resources exist for poor teenagers.

Yunes's final comment focused on a different role of the media, not as news reporters but as entertainment. In any given week there are approximately 3,000 violent scenes on the television. This helps to create an acceptance of violence.

A final comment on the role of the media was provided by *Wyvolyn Gager* who spoke during the subsequent discussion section on child labor (as time ran out during this session). The responsibility of the media is to provide citizens with accurate information so that they can make informed choices. The media is not a public relations agency. In Jamaica violence is very high. "Jamaica is also a tourist-dependent country and many people would like us not to report on violence, but we feel it is our responsibility to do so. How we cover it remains an issue. Do we look behind the violence? In Jamaica something like 80% of the killings are committed **with** a gun, but Jamaica does not manufacture guns. Should we be looking at the source of this pipeline and trying to do something about that?"

SESSION VI. CHILD LABOR AND EDUCATION

The final session of the conference examined the issues of child labor and education in Latin America. A paper by *María Cristina Salazar* of Defense for Children International in Colombia was responded to by *Walter Alarcón*, an international consultant on child labor issues based in Peru.

Child Labor and Education in Latin America

Salazar's study and presentation examined the relationship between child labor and education in five countries: Brazil, Colombia, Ecuador, Guatemala, and Peru. The region's economies are generally very skewed and in recent years the middle classes have suffered heavy losses. The informal sector has expanded and four out of every five new jobs generated from 1990 to 1992 were in this sector, which is also where many working children are concentrated. Yet today there is a new awareness of what this labor means, and more people are willing to confront it, thanks in part to the CRC.

ILO figures indicate that there are approximately 17 million child workers between the ages of six and 18, about 20% of all children in the region. About half of them work full-time. The most visible are the street children who work as vendors. The majority of child workers work in agriculture and domestic services. Many child workers are invisible to society, government, and the labor unions. The work of the smaller children (the under-twelves) is also widespread.

Why do children work? The overwhelming answer is poverty. But there has been a change in the meaning of child work during the past twenty or thirty years, especially in rural areas.

What had been essentially a highly valued socializing activity (as children help their parents in the home and field) has become a way to earn income for the family. Cultural factors are important to consider here. In rural areas there is no discrimination between productive and reproductive work; both are part of the child's **socialization** and responsibilities. In peasant families work is an important vehicle for conveying knowledge about the natural world and society. Parents defend child labor as instructive, teaching skills and responsibility. They may see schooling as irrelevant or as a place where children will learn to rebel or develop bad habits.

There are important differences between children who work for their families and those who work for others. In rare cases, the family exploits the children. This is not usual, however, and some studies have been overly simplistic in asserting this. There is very little information on what children think about working. For many it is part of their role, not an option but a duty. Or they may see it as an alternative to school, or as a way to develop independence and autonomy. In the most positive scenarios it may serve to strengthen their sense of identity and self-esteem.

With urbanization and development, child labor increasingly conflicts with the opportunity to get an education. Some parents may think that work is better than school, especially if the schools are of poor quality. Yet many children attempt to do both. They may work 30 or more hours a week and attend school. Not surprisingly, their schoolwork suffers in this situation. Some children work in order to pay private school tuition. And in many countries structural adjustment policies have resulted in rising education costs such that the children of poor families are forced to work to cover the cost of even a public education.

Much more emphasis has to be placed on education and on ensuring each child's access to education. The child's place is in school, not work. More schools need to be established, with curriculums that are suited to local and regional needs and cultural diversity. School must become a magnet for children and a place of community education. All children under 12 must go to school. In addition, working children must be protected from exploitation on the job and should not be permitted to participate in hazardous work until they are 18.

Discussant's Remarks

Walter Alarcón began his remarks by asking, "What is child labor?" Article 32 of the CRC refers to economic exploitation, dangerous labor, or labor that impedes development or education. It does not call for a total rejection of all jobs but asks the question, "Can this work impede long- or short-term development?" Formative jobs are not a problem. However, the evidence shows that formative jobs are not the norm. Except for hazardous work, most child labor does not risk the present but it does risk the future.

How many children work in Latin America and the Caribbean? *María Salazar* said 17 million but Alarcón claimed that it is probable that the figure is too low. National statistics

usually only take into account those 15 or under, while the CRC says under 18. The real figure could be 25–30 million. For the region as a whole, only 25% of urban youth and 15% of rural youth between the ages of 13–17 are in school and of those nearly all those who work are behind in their schooling.

Work reproduces poverty. Child workers will earn less over their lifetime. It is ‘premature work.’ Accelerated economic globalization is imposing new needs and demands, including an educated workforce. The law and norm should be: under age 12, no work; age 13–18, vocational training; 15–20, work/study. This approach is necessary in order to combat poverty; the argument that we must first eliminate structural poverty is an excuse.

Finally, there is a debate about intolerable work. The most intolerable work is prostitution and participation in the drug trade. If we use this standard, other types of hazardous work might be seen as ‘tolerable.’ NGOs should not focus solely on the atrocious—that would be a regressive step. They should insist on no work for children under 12.

Discussion

Errol Mendes began the discussion by emphasizing that many of the statistics that deal with child labor severely underrepresent domestic work by female children. Furthermore, there is an increasing trend in many countries toward the feminization of labor, a topic we should factor into the discussion.

Juan Carlo Bossio of the ILO agreed with *Alarcón* that the term ‘intolerable work’ in the new covenant represents a risk of retrogression. He went on to raise two other points. Public primary education in Latin America today is something like 120 days per year, 4 hours or less per day. It seems that this leaves time to go to school and work. The quality of education is also a problem. It needs to be transformed in terms of content, orientation, and method. And public schools are not free and mandatory no matter what the law says. The cost for poor families can be high indeed. Finally, there are two types of domestic work. All children in poor households do some form of domestic work. But some go to school and some don’t. In some cases children stay at home so that parents can work. Even in a country like Costa Rica which has not totally dismantled its welfare system, about 10% of children between 12 and 14 work. And in other countries the percentage has almost doubled from 12.5% to around 21.5%.

Milena Grillo lamented the fact that some illegal activities are dignified by the label ‘work.’ Prostitution, for example, should not be called ‘work’ even if the word is modified by the adjective ‘intolerable.’ Instead it should be classified as abuse—sexual abuse.

A speaker from Colombia reiterated the importance of incorporating gender into these discussions and argued that the educational infrastructure is insufficient to widen its coverage

when the schools already reduce the time that children stay in school in order to fit two and three groups into each day. If it is not already being done, perhaps complementary activities could be developed to maintain ties to the educational process outside of these limited school hours.

Patricia Navarro reported that Costa Rica recently approved legislation to make youth over age 15 subjects of the national labor code. She was not optimistic about the long-term implications of this but asked if anyone had had any positive experiences along these lines since the number of child workers in Costa Rica and elsewhere is increasing.

Norián Muñoz reported that Venezuela has just begun a census designed to locate children who are outside the educational system with the goal of incorporating them and educating 100% of youth. His question was what could be done to make sure that these children, once incorporated, would find school worthwhile and remain in it?

Neve Gordon wanted to hear about strategies for fighting the global market and its abusive child labor practices, not just strategies for incorporating people into it more efficiently via education. What can be done about the fact that child labor can give comparative advantage in the global market to companies and countries that employ children?

Salazar began her final remarks with the last comment, saying she would speak of strategies for eliminating child labor in Brazil. The first thing that must be done is to strengthen the family economically and socially, so that the parents have the resources needed to keep their children in school. Some programs for doing this in Brazil are linked to the business sector with one foundation working with businesses to provide subsidies equal to approximately one minimum wage so that children will stay in school. Furthermore parents must be encouraged to change their evaluation of school and child labor. Improvements in school are also needed, as is better training for teachers. A major problem is the breach between public and private education and the difference in the number of hours that children from different social classes go to school. Suggestions to change this have been received very negatively by teachers, however, because they fear they will lose income.

Legislation has been generally ineffective for eliminating child labor, in part because legislation refers to the formal sector of the economy and 80–90% of working children work in the informal sector. In addition, there is little enforcement. All labor by those under 14 is illegal in Colombia, for example, yet it still occurs. And in Colombia there is the additional problem of children producing COCa. One study says that in one department in Colombia there are 11,000 children under 16 working in coca production.

Alarcón summarized the discussion by saying that the principle problem that needs to be confronted before the child labor situation will be significantly improved is the lack of political will. Childhood should not be treated as a social concern for first ladies but as a political problem. We

must work more with parliaments and congresses, and more with the media. The first step is to convince governments that radical measures must be adopted.