

Translating Rights:
Childhoods and the
Convention on the Rights of the Child
in Oaxaca City, Mexico.

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Abstract

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The starting point for this thesis is the acknowledgement of the gap between the rhetoric around children's rights and the reality of children's lives at grassroots level. The purpose of my research is to bring this gap into focus, by exploring the disparities between the multifaceted and fluid nature of children's roles and the ideals and vision encapsulated in the child rights discourse. This thesis argues that normative perceptions of childhood and children's roles, which are embedded in society, lie at the root of this disparity and maintain a clear boundary between childhood and adulthood. These understandings of childhood are at odds with the lived realities of children's lives in Oaxaca, which blur fixed boundaries and challenge normative perceptions of who, what, where and how children should be.

This divergence, between perceptions of childhood and real experiences of childhood, raises important considerations for the practical implementation of the CRC at the grassroots level, and is apparent in terms of language and pedagogical methods within institutional approaches to children's rights. Via a discussion of these embedded notions of childhood and adultist approaches to child rights teaching and advocacy, this thesis uncovers a key obstacle to the implementation of the CRC in terms of meaningful knowledge for children in Mexico.

Empirical research was carried out in Oaxaca City, Mexico, with two groups of children who were participants in CANICA, a local NGO for street-working children in the city, and with one group of displaced Zapotec children from the region of Loxicha.¹ The major focus of my research centres on this latter group; socially marginalised, displaced, and politically active, these children pose a considerable challenge to normative concepts of childhood and children's roles. Moreover, as participants in a political struggle these children

¹ Loxicha is situated in the *Sierra Madre del Sur* region in the southern part of Oaxaca State.

do not fit the kind of participation envisaged by the CRC, local NGOs and the wider advocacy around children's rights, thus raising important questions regarding the limits of 'child participation' framed by articles 12 to 15 of the CRC.

The field known as the New Sociology of Childhood (James, Jenks and Prout 1998; Qvortrup 1994), together with the international discourse and advocacy of children's rights, provide useful conceptual tools for the research. However, this thesis argues that normative, dichotomous, and largely Northern concepts of childhood are inadequate for the study of children's lives in Southern contexts such as Mexico. A key aim of the thesis is to explore the development of a Latin American sociology of childhood as a possible and more adequate framework for the study of children's lives in this region.

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CONTENTS

Page No's

Abstract	ii
Acknowledgements	iv
Table of Contents	vi
Lists of Plates, Tables, Figures and Maps	ix
Acronyms	xi
1 Introduction	1
Background	5
Questions and Aims	7
Overview of Thesis	10
Conclusion	13
2 Mexico and Oaxaca: Socio-Political Rhetoric and Realities	15
Introduction	15
Historical and Contemporary Challenges	17
The Research Context: Oaxaca	27
Field Sites and Research Groups	38
Conclusion	40
3 Defining Childhood: Theoretical and Contextual Constructions	42
Introduction	42
Chronicles of Children	45
Towards a Latin American Sociology of Childhood?	58
Conclusion	63
4 Children's Rights: From Protection to Liberation?	65
Introduction	65
The CRC: Protection, Provision and Participation	69
Conclusion	86
5 Researching Children's Lives: Methodological Concerns	87
Introduction	87
Positionality and Multiple Roles	93
Ethical Considerations: who benefits?	98
Research Tools and Activities	103
Conclusion	123

6	Lived realities of Oaxacan Childhoods: Challenging the Norm?	126
	Introduction	126
	Multifaceted Lives: Blurring the Boundaries	127
	Violence: The right not to be hit	139
	Political Childhoods	148
	Conclusion	158
7	Perceptions of Childhood: Who do we think they are?	160
	Introduction	160
	Progressing towards Adulthood	161
	Poor, Innocent, Victims	165
	Future Citizens	180
	Visions of Participation	181
	Conclusion	188
8	Teaching Children about their Rights: A Question of Language?	190
	Introduction	190
	What do Children know about their Rights?	191
	Child Friendly Methods?	196
	Children's Rights in the Classroom	200
	From an Adult's Point of View...	206
	Ticking the Box?	218
	Taking Rights Out of the CRC Box	221
	Conclusion	223
9	Conclusions	226
	Local Constructions of Childhood	227
	Seeing Children for What, Who and How they are	230
	Putting Children's Rights into Words	231
	Prospects for Childhood, Children and their Rights	233
	Appendix I:	
	Biographical details of research participants (the children) and CANICA programmes	235
	Appendix II:	
	Research Activities	243
	Appendix III:	
	Questionnaires	248
	Appendix IV:	
	Full text of United Nations Convention on the Rights of the Child	254
	References	272

List of Plates

5.1	Classroom at Casa CANICA	108
5.2	Classroom at Centro CANICA	111
5.3	Class work in the Zócalo with the Loxicha Children	113
6.1	Pamela on cleaning duty at Centro CANICA	129
6.2	Haggling with the orange seller	134
6.3	Playing on the swings	134
6.4	Cooking eggs in the Zócalo	135
6.5	On a political march	135
6.6	Looking after the baby	136
6.7	A sit-in outside the government offices	136
6.8	Life at school	137
6.9	Nuria's Description of her Father	140
6.10	Nuria's Thoughts about Adults	142
6.11	Omar's Drawing of Life in Loxicha	146
6.12	Isidro's Drawing of Life in Loxicha	146
6.13	Small political activists	151
7.1	Loxicha Families on a Protest March	168
7.2	Humberto and the Prisoners' Hunger Strike	170
7.3	Loxicha children portrayed at Christmas	172
7.4	Press photograph of 'poor children'	175
7.5	Loxicha Living Space used for Ochoa Altar on Day of the Dead	177
7.6	Eyasha's Drawing of Life in Loxicha	179
8.1	Playing the Children's Rights <i>Lotería</i> Game	198
8.2	Example of school <i>tríptico</i> on Children's Rights	203
8.3	Extract from <i>El Pequeño Ciudadano</i> Textbook	205
8.4	CANICA Children in the Offices of the CEDHO	207
8.5	President of the CEDHO addressing the Children	209
8.6	Learning about the CRC in Ayutla	212
8.7	Girl's Speech at Children's Rights Ceremony	214
8.8	Children's Rights Lesson at Kindergarten School	217

List of Tables

2.1	Main Political Parties Policies on Children's Rights	25
2.2	Population Data, Oaxaca and Mexico	30
5.1	Interviews	122

List of Figures

4.1	Hart's Ladder of Participation	82
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List of Maps

1	Map of Mexico	xii
2	Map of the State of Oaxaca	xiii

Acronyms

ACAT	Christian Action to Abolish Torture (Mexico)
CANICA	Centro de Apoyo al Niño de la Calle (Support Centre for Street Children, Oaxaca)
CNDH	Comisión Nacional de Derechos Humanos (National Commission for Human Rights)
CNAFI	Comisión Nacional de Acción en Favor de la Infancia (National Commission for Action for Children)
CEDHO	Comisión Estatal de Derechos Humanos de Oaxaca (Oaxaca State Commission for Human Rights)
COIA	Consejo Nacional para la Infancia y la Adolescencia (National Council for Childhood and Adolescence)
(UN) CRC	(United Nations) Convention on the Rights of the Child
DIF	Sistema Nacional para el Desarrollo Integral de la Familia (National System for the Integral Development of the Family)
EPR	Ejército Popular Revolucionario (Popular Revolutionary Army)
EZLN	Ejército Zapatista de Liberación Nacional (Zapatista National Liberation Army)
FAI	Fundación de Apoyo Infantil (Foundation for Support of Children, Guanajuato)
FDN	Frente Democrático Nacional (National Democratic Front)
IFE	Instituto Federal Electoral (Federal Electoral Institute)
INI	Instituto Nacional Indigenista (National Institute for the Indigenous)
LIMEDDH	Liga Mexicana de Derechos Humanos (Mexican League for Human Rights)
NAFTA	North American Free Trade Agreement
NPA	National Programme of Action (for Children)

NSC	New Sociology of Childhood
OPIZ	Organización de Pueblos Indígenas Zapotecos (Organisation of Zapotec Indigenous Peoples)
PAN	Partido de Acción Nacional (National Action Party)
PRD	Partido de la Revolución Democrática (Party of the Democratic Revolution)
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party)
PROGRESA	Programa de Educación, Salud y Alimentación (Education, Food and Health Programme)
PRONASOL	Programa Nacional de Solidaridad (National Solidarity Programme)
SEDESOL	Secretaría de Desarrollo Social (Ministry for Social Development)
SEP	Secretaría de Educación Pública (Ministry of Education)
SEPROCI	Secretaría de Protección Ciudadana (Ministry for Citizen Protection)
SNTE	Sindicato Nacional de Trabajadores de la Educación (National Union of Workers in Education)
PRI	Partido Revolucionario Institucional (Institutional Revolutionary Party)
PAFI	Programa de Acción a Favor de la Infancia (Programme of Action for Children)

1

Introduction

New ways of speaking, writing and imaging children are different from the innocent and dependent creatures that appeared to populate the first half of the twentieth century. These new representations construct children as more active, knowledgeable and socially participative than older discourses allowed. They are more difficult to manage, less biddable and hence are more troublesome and troubling (Prout 2000, cited in Prout 2005: 7).

Whether adults consider children to be ‘troublesome’ or ‘innocent’ sums up one of the major dichotomies underpinning the debates on children and childhood over the course of the twentieth century. Once relegated to the margins of society, always ‘seen and not heard’ and traditionally under the authority of adults, children and young people in the contemporary world are rights holders with a distinct position in society. Whether they sought to hold such a prominent position is a question that lingers beneath the global discourse on children’s rights and the academic concern for the world of childhood. This concern, and the resulting discussions and conceptualisations of childhood have come from adults who recognised the inadequacy of maintaining a view of children as ‘not-yet-social beings’ (Prout 2005: 1).

The last two decades have seen a rapid growth in academic interest in and concern for childhood which whilst primarily centred in sociology and anthropology, includes and spans the fields of psychology, law, geography, history, education and cultural studies. The ‘new sociology of childhood’ (NSC) emerged as an interdisciplinary field in the 1980s, and the leading paradigms for the study and research of children were established by James, Jenks and Prout (1998) and Qvortrup (1994). The central tenet of the NSC is the concept of childhood as a social construction, posited in contrast to the biological basis of developmental psychologists such as Piaget. Indeed, much of the NSC has been characterised by oppositional dichotomies, beginning with this nature/culture distinction; other familiar oppositions when talking about children include childhood/adulthood,

irrational/rational, dependent/independent, play/work and private/public (Prout 2005). The division between the worlds of childhood and adulthood is of particular interest to this thesis, which demonstrates how children's multifaceted realities in Southern socio-cultural contexts not only blur this boundary but also challenge any normative notion of childhood spaces and activities.

Discussions and theorising about childhood have developed in tandem with the discourse around children's rights that has become a key feature of all programmes, policies and work for and with children in all countries. One important outcome of the shifting perceptions of childhood together with the advocacy for children's agency and participation is evident in the way research is carried out with children – where the emphasis is on research *with* children rather than *on* children. Methodologically this has important implications for researchers, and many projects now encourage peer research amongst children, or directly involve children and young people in the process of data gathering. This shift in focus within research has come about not least as a result of the participation rights framed by the United Nations Convention on the Rights of the Child (CRC).

The advent of the CRC and the resulting global advocacy for child rights has firmly situated children within the socio-political arena as a distinct social group. The central focus of the children's rights discourse is around the issue of participation, which despite fifteen years of prominence on the agendas of governments, NGOs, international agencies and community groups, still remains a grey area in terms of its translation into practice. This thesis opens a debate and raises the question of children's participation in political activities or struggles, based on the lives of the Loxicha children as described below.

The adoption of the CRC by the UN General Assembly in 1989, and its ratification by almost all the countries in the world has transformed, certainly in legal terms, children's status in society.¹ The fact that the CRC was ratified by so many countries and in a short space of time (within two years of its adoption by the UN) has been seen as:

(...) an unprecedented degree of formal commitment on the part of governments and the task confronting children's rights advocates will be to ensure that this commitment is matched by action (Alston and Parker 1992: viii).

¹ To date a total of 192 countries have signed and ratified the CRC, with the exception of the United States and Somalia.

The process of translating the CRC into real change and practice has been a constant challenge for all countries, and regular reports to the UN monitoring committee ensure that this process is adhered to at the level of policy, legal reform and programmes for children. However, in their eagerness to comply with international discourse, many government agencies and NGOs risk tagging the CRC and children's rights onto existing programmes without consideration of their applicability in the local context. A considerable element of child rights advocacy is being carried out in the classroom, where children learn about rights within the citizenship curriculum. This is an important part of the implementation process of the CRC, which as this thesis demonstrates can easily slip through the net of the official monitoring process. Factors such as local pedagogies and classroom methods, language used and perceptions of childhood have a direct bearing on the successful translation of children's rights into meaningful knowledge amongst children and young people. Via a critical analysis of global and local conceptualisations of childhood and how these perceptions directly influence the way in which children's rights are transmitted and taught to children, this thesis brings these two areas of debate closer together and thus makes an important contribution to the advancement of contemporary studies of childhood.

Visions of Children

Holt, one of the more radical voices of the child liberationist movement of the 1970s, defended the child's right 'to do, in general, what any adult may legally do' (Holt 1974: 15). This vision included the right to 'vote and take full part in political affairs; to own, buy and sell property; to manage one's own education; and to receive from the state whatever minimum income it may guarantee to adult citizens' (*Ibid*). Such a vision causes considerable alarm amongst adults, as it is one that shakes the traditional perception of children as innocent and vulnerable beings. The ways in which children and childhood are perceived are key elements underpinning the discourse and debates around children's rights. One of the criticisms held against the CRC is that it is based on a Northern notion of childhood (see Boyden 1997). Ennew (2002: 389) describes this as 'Western, modern childhood, which has been "globalised" first through colonialism and then through the imperialism of

international aid'.² Policies and programmes for children often reflect this universal image of childhood, one that is embedded in most societies (see Edwards 1996) and which regards children as not quite adults and therefore in need of protection; this is clearly illustrated by the data explored in this thesis. Thus 'there is a mismatch between the diverse realities of children's lives and the models of childhood used by most planners and policy-makers' (Edwards 1996: 817). In Oaxaca where my research was conducted, the dominant perception of childhood – held by organisations, adults and most children – is as a preparatory stage towards adulthood (which, as they express it, is achieved at the age of eighteen). The realities of children's lives, however, reveal that they are in fact constantly negotiating and constructing different roles between the two seemingly distinct stages of childhood and adulthood. Whilst children may take on roles that are considered to 'belong' to adulthood – such as political activism for example – a key aim of this thesis is to stress that these roles should be considered as part of the experience of certain childhoods, rather than being seen as 'mini adult' roles. The ways in which children's work, children's roles as citizens or children's political participation are defined and discussed are predominantly based on an adult's vision of what 'work', 'citizenship' or 'politics' should be: consequently children who work may be pitied, or the notion of a child being a citizen or a political activist may be rejected, because these are roles perceived to belong to adulthood. To thus frame children's experiences within adult notions or concepts is essentially to undermine these experiences which are part of unique experiences of childhood. In my view, this points to the need for a new language to describe and define children's roles; new definitions must be invented and spoken by children and young people, in a language that is not 'adultist' or based on the experiences of adulthood. This is a quest underlying the themes explored in this thesis, and opens up the possibility for future research on this important issue of language and definitions in the study of childhood(s) and in children's rights advocacy and discourse.

Advocating that children should have the same human rights as adults in society – i.e. civil, political, economic, social, and cultural rights – necessarily requires a shift in perceptions of children as being dependent (on adults) to being more independent beings.

² Throughout this thesis I adopt the terms Northern and Southern to distinguish between the poverty of Africa, Asia, Latin America and the Caribbean, and the relative wealth of the industrialised, northern countries. My use of such definitions comes with the acknowledgement that poverty and social exclusion also exist in so-called rich countries.

Whilst associations such as the National Movement of Street Boys and Girls in Brazil (MNMMR), or the UK's *Article 12* are examples of initiatives by children and young people, it is worth noting that such advocacy has generally been generated by adults.³ The question of whether children's rights are more of an adult concern than one where children are protagonists is explicit throughout this thesis. Campbell (1992: 3) echoes this question, highlighting a fundamental problem within the discourse of children's rights:

It seems significant that children's rights have been analysed not primarily for their own sake, but as part of adult-centred concerns.

Campbell also points out that, despite the widespread and official recognition of the CRC and its ideals,

(...) the questions of whether children may properly be said to have rights, and if so, whether there are rights which are peculiar to children, remain matters of philosophical controversy. On some assumptions, there is doubt not only concerning the content and distinctiveness of children's rights, but also as to whether rights are the sort of thing that may properly be ascribed to children. (*Ibid.*: 1)

That rights may not be 'the sort of thing' one applies to children is a commonly held view, simply because children are generally considered to be adults in waiting. This point highlights the way that understandings of children's rights – and consequent child rights programmes - are intrinsically linked to corresponding notions of childhood. These two areas of debate inform the research questions of this thesis, which are outlined below. This introductory chapter begins with the background and rationale for the research in Oaxaca, and provides an overview of the thesis.

Background

My interest and involvement with Mexico began in 1989 during my undergraduate year abroad. Since then I have visited the country several times and maintained close observation of political and social developments. My professional experience as a secondary school

³ For a detailed discussion of the MNMMR see Ennew 2002 and Green 1998. *Article 12* is an organisation set up in Scotland by young people for young people, focusing on the right to expression as per article 12 of the CRC. See the organisation's website for details: www.article12.org.

teacher, together with an interest in the issue of human rights developed throughout my MA studies, has fed my curiosity and questioning of children's rights.

The issues explored in this thesis began as an MA research project on children's rights carried out in Puebla, Mexico, in July 2000.⁴ The children who participated in my research attended a day centre run by the NGO JUCONI (*Junto Con los Niños – Together With the Children*), and worked either in the markets or on the streets of the city.⁵ During this brief period of fieldwork, I ran workshops with the children around the issue of rights, and was able to further discuss these with the *educadores* at JUCONI. The short time frame of this project, together with the vast and complex nature of the topic, meant that my discussions and research raised more questions than answers. Embarking on a PhD was therefore a logical progression as it provided the opportunity to develop those questions in greater depth.

My PhD research began with what I considered to be a straightforward question: what do the United Nations Convention and children's rights mean to children, and in particular to socially marginalized children? The fact that Mexico is considered by UNICEF to be a leading example in Latin America of excellent attention to children and the issues of child rights, and in particular children's participation (see www.unicef.org.mx), inspired me to seek out the grassroots evidence of this good practice. The early discovery that children had little more than a knowledge based on rote learning of children's rights, unearthed a series of issues and questions which over the course of my fieldwork fed and expanded my research question. In addition, the issue of positionality and my role within the research process not only shaped the outcomes of data collection but also fed and extended my 'straightforward question' into diverse channels of enquiry. My own background as a teacher undoubtedly fuelled my interest in *how* the concept of children's rights is transmitted and taught to children via the classroom. Reality in the field demanded a degree of flexibility which caused me to question my own preconceptions of 'child friendly' teaching methods, and of childhood itself.

⁴ MA Dissertation, September 2000: 'Can the United Nations Convention on the Rights of the Child guarantee access to rights for all children? The case of street children in Puebla, Mexico', ILAS, Liverpool.

⁵ As a programme for street-working children, JUCONI shares the educational model used by CANICA in Oaxaca, where I conducted my PhD research. The two organisations have worked together in the past on a common methodology for work with street children; for a detailed discussion of this see Thomas de Benítez (2000).

The ease with which I became involved with the research groups, and the extent to which I felt at home in Oaxaca, stemmed largely from the fact that I am a fluent Spanish speaker with prior knowledge of the culture. However, being so 'comfortable' in the research setting carries the danger of losing sight of the academic process, and consequently finding one's role blurring across boundaries. My involvement in the lives of the Loxicha children and their families was particularly deep, thus raising specific personal and academic issues. Dealing with these issues throughout the course of fieldwork fed and enhanced the conceptual and methodological concerns of this thesis, and indeed shaped the outcome of the research. Whilst acknowledging that this research project is framed by conceptual and investigative questions around children's rights and childhoods, and that such enquiries are shaped by our 'personal, political and intellectual biographies as researchers' (Ribbens and Edwards 1997: 120), it is important to emphasise that it is the nature and context of the children's realities in Oaxaca that ultimately dictated the key themes and issues that make up this thesis.

Questions and Aims

The loud noise that surrounds children's rights, in terms of advocacy, academic interest, legal reform, government programmes and policies, is matched by the impressive and cross-disciplinary scholarly attention on childhood. It is not unreasonable, therefore, to question whether all this has made a difference, whether children's lives have improved and whether children are indeed playing a significant role in society as promoted and advocated. These questions have been addressed through important endeavours such as longitudinal studies of children's lives (see www.savethechildren.org.uk for example), the monitoring of country programmes and policies (see www.unicef.org/crc), and countless empirical studies with children and young people. Children and young people are frequent participants at conferences and events that focus on rights and related issues. It is not unreasonable to question, however, whether children want the participation as envisaged by adults and the CRC discourse, and how far such participation is tokenistic. Do children's rights mean more to policy makers, law makers, and concerned adults than to children themselves?

This thesis makes an important contribution to this question by approaching it from a hitherto little explored angle: by fusing embedded notions of childhood with the discourse

of children's rights to uncover key obstacles in the process of making rights a reality for children. The notion of making rights reality is understood in this thesis in terms of children's knowledge and understanding of rights in relation to their daily lives.

A key aim of this thesis is to contribute to the development of a Latin American Sociology of Childhood (LASC). This objective is centred on the belief that local perceptions and concepts of childhood in Oaxaca, Mexico tend to echo standard, normative and predominantly Northern models and paradigms of childhood; this is despite the fact that the multilayered realities of local childhoods challenge such prescriptive notions. Thus studies of local childhoods in the Latin and Central American contexts would be better served by frameworks and concepts of childhood which draw from regional realities. This proposal comes with the acknowledgement of the risk of homogenising childhood across the region, and also of establishing a North-South division in childhood studies, hence adding a further division to a field already dotted with dichotomous concepts. Nevertheless, it may be useful to recognise some common elements amongst children who are socially marginalised across the region: these include factors such as disjointed family situations, working to supplement family income, taking on responsibility for younger siblings at a very early age, violence, political strife and repression, migration and displacement. These are only some of the realities shaping children's lives in the region, and co-exist with perceived 'normal' elements of childhood such as play and school. No childhood, however, can be said to be more 'normal' than another – just as there is no 'normal' Latin American or Mexican family structure within which children grow up (see Green 1998: 11).

Drawing on empirical evidence from Oaxaca, this thesis contributes to the development of and goes some way to justifying the need for a LASC. Central to this contribution is the case of the children of Loxicha, whose realities pose a particular challenge to the existing concepts and definitions of childhood in the local context.

The Children of Loxicha

It is important at the outset to stress that whilst this study was conducted amongst three groups of children, it is the lives of the Loxicha group that raised the most questions and posed the most pertinent challenges in relation to both the dominant paradigms in

childhood studies and the discourse on children's rights. Furthermore, it is with these children and their families that I spent the most concentrated amount of time throughout my period of fieldwork. It is for these reasons that they make up the primary group of interest and focus of this thesis.

In a discussion about children's rights and the culture of childhood, John asks whether the CRC 'acknowledge[s] the power of children other than in adult-bestowed terms?' (John 1995: 106). The 'adult-bestowed' terms include the notion of children's participation which, as this thesis shows, remains a concept that is bound not only by articles 12, 13, 14 and 15 of the CRC but also by the parameters of adults' vision of child participation. Whilst there are many examples of children and young people's participation in decision making, from community projects (Hart 1992) to municipal budgets (Guerra 2002), examples and acknowledgement of children's active political participation has received less attention. This may be due to the perceived threat to society's 'norm' of political processes, or because this is simply not taken seriously. Recent notable exceptions are Peterson and Read's study of children and their portrayal in Central American wars (2002), and Corona and Pérez's (2000) study of children's political participation in Tepoztlán, Mexico. Corona and Pérez crucially point out the need for a critical review of the discourse of children's participation which, while opening valid space for children to express views and opinions, risks overlooking 'real' experiences of child participation in, for example, popular resistance movements. This thesis makes an important contribution to studies of children's participation beyond articles 12 to 15 of the CRC, through the lens of the Loxicha children's lives in Oaxaca.

Coles (1986) was one of the first researchers to argue for the recognition of children's engagement in and understanding of political processes. The fact that children do not have a vote, he argued, does not mean that they are secluded or sequestered from political life and neither are they shielded, as children, against the fall-out from political processes. The children of Loxicha, as beings under the age of eighteen in Mexico, do not have a vote; their status as indigenous, displaced and poor children adds to their marginalised position in Oaxacan society. Although politics and popular resistance are essential elements of their childhood, their participation in the political struggle of the Loxicha people has not been recognised as such: on the contrary, their presence within the adult struggle is viewed as something to be pitied. This thesis seeks to redress this situation,

by highlighting the multifaceted nature of the Loxicha children's daily lives – the combined elements of resilience, agency, happiness, freedom and flexibility which characterise their lives present a challenge to the prevailing normative notions of childhood, a challenge that requires close attention for the prospect of successful policy and programme intervention amongst such a group of children.

Overview of Thesis

The context for this study is presented in chapter two, which provides an overview of the social and political developments in Mexico, briefly charting the democratisation process undergone and the challenges facing the federal government, in particular the situation of ongoing human rights abuse in the country. This provides the backdrop to the children's rights debate in Mexico, where the state has endeavoured to sign up to international treaties promoting for example the human rights of women, indigenous people and children. The socio-cultural and political context of Oaxaca is presented here with a particular focus on the volatile political situation framing the lives of the Loxicha children. This is a microcosm of wider unrest and political violence which continue to mar democratic development in Mexico. This chapter concludes with a description of the field sites and research groups in Oaxaca.

The theoretical framework for the thesis is covered in chapters three and four, dividing the discussion and analysis into the two broad conceptual areas of childhood and children's rights respectively. The question of what constitutes the experience of childhood is essential for an understanding of the debates surrounding the CRC and its implementation. Beginning with the work of the French historian Philippe Ariès (1962), chapter three charts the development of childhood studies from a predominantly psychological interest to sociological analysis. The notion of childhood as a socially constructed phenomenon, established by James *et al* (1998) has provided the leading framework for research with children. Chapter three offers a critical analysis of this paradigm and its relevance to this study and includes recent developments in the field which throw up new challenges for the study of childhood. The dominance of Northern

conceptualisations of childhood is questioned and lays the foundations for a discussion of a Latin American Sociology of Childhood.

Chapter four discusses the global discourse on children's rights, tracing its historical development from the post-war concern for children's welfare, to the position of the liberationists in the 1960s, and leading up to the present day and the CRC. The vision of childhood encapsulated within the CRC is discussed, as a way of framing the themes of children's multifaceted lives and the teaching of children's rights. The definition of the child as a person under the age of eighteen (Article 1, CRC) perpetuates the division between childhood and adulthood, a notion that is contested by the empirical evidence in this thesis. Children's participation has been the most prominent area of debate and research to have emanated from the discourse on children's rights. This stems from the ideals established in Articles 12, 13, 14 and 15 of the CRC, which state that children have the right to express their opinions freely, and to be heard in matters that concern them. This chapter questions the dominance of participation rights within the discourse (when in fact the bulk of the CRC remains focused on the protection of and provision for children), and the limits of the participation envisaged by the CRC in relation to the Loxicha children's involvement in their community's popular resistance.

A key element within the debates around childhood and their rights has been the question of how to include children fully in any research process that concerns them. Echoing feminist research (see Alanen 1994; Edwards 1996; Olsen 1992; Parr 1998), this process has involved a shift of emphasis where research is carried out *with* children rather than *on* children (Sinclair 1996: 87). These issues provide the framework for chapter five, which explores the challenges of conducting qualitative research amongst diverse groups of children and particularly in the difficult context of the displaced children of Loxicha. This chapter offers an analysis of the research methods adopted, together with a discussion of the issues of ethics, positionality, and reflexivity. Some of the problems and obstacles encountered during the period of research are also discussed as a way of highlighting the often 'messy' (James *et al* 1998: 169) nature of doing research, which is 'as dependent on negotiation, adjustment, personal choices and serendipity as on careful and meticulous preparation' (*Ibid*). This chapter discusses how, in carrying out research with children, there cannot be one accepted method – based on the principle and reality that childhood is a fluid concept reflecting specific social and cultural contexts. In such a way the gap between the

rhetoric and reality of childhood was observed and recorded and reflected as a methodological issue.

Chapters six, seven and eight make up the three themes framing the analysis and discussion of the empirical data. Firstly, the way that children move between, adopt and negotiate different roles in their daily lives is explored in chapter six. The children's views on the issues that affect their daily lives – such as violence and family relationships – provide insights into their conceptualisation of childhood and adulthood. This chapter also includes the views of members of a local youth group, of an older age, who responded to a questionnaire designed to build on the data already gathered from the younger children. The key focus of this chapter is the political activism of the Loxicha children and the challenges this poses to normative and fixed notions of childhood. The political context which frames these children's lives is primarily a struggle for indigenous rights, and as such puts a distinct angle on their experience of childhood. As illustrated in this chapter, the Loxicha children move between their roles as participants in a political struggle, as contributors to the family income, and as playmates with each other and siblings.

In direct juxtaposition to these lived realities of childhood, chapter seven explores the way in which children are perceived in the local context and highlights how normative concepts of childhood are embedded in social thinking. Such perceptions are reflected in local programmes for children, in the way children are portrayed in the local press and viewed by adults, and also in the views of childhood held by children and young people themselves. The dominant perceptions to emerge from my research and explored here are the view of children as 'not yet adults', as innocent victims, and as future citizens.

The principal question threading through this thesis is whether the CRC and the consequent global advocacy and promotion of children's rights have made a difference to socially excluded children. In other words, how does a body of rights (enshrined in the CRC) as a concept and ideal, move from the level of rhetoric, through what is a 'language of rights', to reach and influence the realities of children's lives? The disparity between lived realities of children's lives and normative perceptions of childhood in society goes some way to explain the difficulty in meaningfully transmitting the CRC and children's rights to children. The latter process is the theme of chapter eight, which analyses how children's rights are advocated by governmental and non-governmental institutions in Mexico, by assessing the language used and the educational methods adopted. This chapter

is based primarily on my participation in the work of CANICA (Oaxaca) and the CEDHO (*Comisión Estatal de Derechos Humanos de Oaxaca* - State Commission for Human Rights of Oaxaca).

Although children in Oaxaca read about their rights, they do not learn to engage or question the very notion of having rights – learning about children’s rights is part of *civismo* (citizenship) class and as such is just part of learning subjects at school like maths, history or geography.⁶ What is such an area of political and social debate at the level of government and international agencies is simply just another set of dates and facts to be learnt by rote for many Mexican school children, as expressed by the children in this study. This chapter provides a brief discussion of pedagogical methods employed in Mexican classrooms, as a way of contextualising the teaching of children’s rights in Oaxaca. The different approaches to and understandings of children’s rights by NGOs are explored via a comparative discussion of CANICA with the work and approach of the NGO FAI in the state of Guanajuato in northern Mexico. This chapter also examines whether organisations are merely ‘ticking the box’ to comply with the global advocacy for children’s rights and the implications this has for children’s corresponding understanding of rights.

Chapter nine concludes the thesis with an overview of the main research findings as framed by the three main themes explored in chapters six, seven and eight, and considers the applicability of a Latin American sociology of childhood for future studies of children’s lives in this region. Within this framework, the political participation of children like the Loxicha group in this study is considered in terms of its implications for future advocacy and programmes on children’s rights. Whilst set within the socio-political and cultural context of Mexico, such considerations are, hopefully, relevant to children’s rights policy-making, advocacy and CRC implementation across different countries.

Conclusion

This introductory chapter has outlined the main debates that inform this thesis and provided an overview of the chapters that follow. The sociology of childhood and the

⁶ That children anywhere ‘engage’ with the issue of rights and responsibilities is an area that remains open for debate. In the UK all secondary schools now have Citizenship as a compulsory non-examined subject (introduced in autumn 2002). It remains to be seen, however, whether children and young people’s ideas about citizenship tally with this curriculum that was created by adults.

global discourse on children's rights have been introduced here as the two conceptual issues framing the thesis. The prominence of studies of children and concepts of childhood across disciplines and over two decades, together with fifteen years of global advocacy for children's rights, combine to provide the basis for the questions explored in this thesis. The children of Loxicha are the centrepiece of this thesis, as their daily realities raise important questions that challenge existing discourse and concepts of children's rights and childhood.

2

Mexico and Oaxaca: The Socio-Political Rhetoric and Realities

Introduction

Post-revolutionary Mexico (...) is a society in which the rule of law is seldom experienced in everyday life, particularly by the poor and relatively powerless (Gledhill 1997: 1).

The purpose of this chapter is to contextualise my research in relation to Mexico and Oaxaca, and begins with a brief overview of Mexico's recent socio-political history, discussing ongoing problems of poverty and human rights abuse, and highlighting the federal government's commitment to children and the CRC; secondly, the cultural and political context of Oaxaca is outlined, with particular reference to the recent history of the Loxicha region as a way of framing the field sites and research groups, which are presented in the final section of this chapter.

Until very recently, Mexican politics has been synonymous with the 71-year rule of the PRI (*Partido Revolucionario Institucional* – Institutional Revolutionary Party), a system and political machinery associated with corruption and clientelism. In 1968, the student massacre at Tlatelolco¹ marked the start of a 'political, moral and psychological crisis – a crisis of values and principles which shook up the triumphant schemes of the governing elite' (Aguilar and Meyer 1993: 199). Political repression continued during the 1970s and 1980s, two decades marked by what is called Mexico's 'dirty war' (*Guerra sucia*), during which the government used death squads and other means of violence and repression against left-wing activists and emergent guerrilla groups. Since then the Mexican regime has wavered 'somewhere between authoritarian and democratic' (Foweraker and Landman

¹ For a detailed account see Poniatowska (1971).

1997: xxiv). The legitimacy of the PRI machinery began to decline as the new economic model based on structural adjustment policies (SAPs) emerged in the 1980s, amidst financial crises such as the debt crisis in 1982 and the devaluation of the peso in 1994. In addition, on January 1st 1994, as the governments of Mexico, USA and Canada prepared to sign the North American Free Trade Agreement (NAFTA) the EZLN (Ejército Zapatista de Liberación Nacional – Zapatista National Liberation Army) staged an uprising in Chiapas calling for political democracy and economic justice for all Mexicans (see Harvey 1999; Foweraker and Craig 1990). This rebellion became a focus for the population's general discontent, which culminated in the election of the first opposition party president in July 2000, marking a turning point in Mexico's political history. It was a stand against what they called 'bad government' and one that came as an enormous blow to the government in terms of credibility and international transparency. The year 1994 thus stands as a watershed in the process of the breakdown of the regime's (PRI) credibility. The Zapatista uprising focused public attention on human rights abuses, lack of democracy, and pervasive levels of poverty. The World Bank, whilst defining Mexico as a 'middle income country', acknowledges that huge gaps remain between rich and poor, north and south, and urban and rural (from www.worldbank.org/mx).

These gaps are clearly visible when one travels from the southern states of Chiapas and Oaxaca up towards Mexico City and northern states of the country. The development of manufacturing, communications systems and other investments have flourished in the northern, central and western states of Mexico, whilst southern parts of the country still rely on agriculture and the export of raw materials (forest products for example) to keep their economy going (Aranda Bezaury 2003: 150). Compared to the rest of the country, these southern states – such as Oaxaca, Guerrero, and Chiapas - are less developed in terms of infrastructure and industry, and are also home to the greatest proportion of indigenous people.

Throughout the tumult of the country's modernisation process, the state has transformed its economic model, internationalised its markets, and reduced state intervention in economic policy; but inequalities have increased by most measures, and positive political change has not been accompanied by the same progress in terms of social justice.

Historical and Contemporary Challenges

The stark polarization of wealth and power in Mexico will always bode social explosion, guerrilla outbursts and out-of-control violence unless a radical redistribution of wealth is undertaken... (Ross 2001: 6)

The most recent figures from the World Bank estimate that 53 per cent of the total population of Mexico suffer from 'income-poverty' (defined as having a level of per capita consumption below what is needed to meet basic food and non-food needs) (World Bank 2004), and that nearly 24 per cent live in extreme poverty. According to the most recent figures from the national census (INEGI 2000), 63% of the under-18 population live in poverty, 2.1 million children aged between 5 and 14 do not attend school, and 3.3 million children work.

Between 1940 and 1980 Mexico underwent processes of urbanisation, modernisation and industrialisation that created new classes and consequently new income gaps: the group of 'middle income earners' grew, while the poorest 10 per cent became more marginalized (World Bank 2004: 59). Since the 1970s, successive Mexican administrations have attempted to address the 'poverty problem' via direct and specific programmes as opposed to traditional strategies of wage increases and employment opportunities. To combat the economic recession across Latin America sparked by the debt crisis of 1982, institutions such as the World Bank and the International Monetary Fund (IMF) imposed economic reforms across the region, as referred to earlier, under the title of SAPs. The vision behind the structural adjustment of the 1990s, for its proponents, was the creation of more jobs and thus the alleviation of poverty. In practice however, the new economic model was socially devastating, with workers and *campesinos* the hardest hit. Whilst the SAPs were successful in reducing inflation and renewing economic growth they also, as described by Green (1998: 131) 'exacerbated inequality, increased poverty and damaged already meagre health and education services'. As highlighted by Zermeño (1997: 130):

Precisely because the poor comprise the group with the least ability to defend themselves, they are hurt most by neoliberal reform and economic restructuring.

Faced with such a crisis, the Mexican government implemented social 'safety nets' via its poverty alleviation programmes. President Salinas de Gortari's attempt to counter the adverse social effects of the new economic model was the establishment of his trademark

National Solidarity Programme or PRONASOL, an umbrella organisation for government anti-poverty projects. Salinas's antipoverty strategy followed the previous models of rural investment, but this time aimed at the urban poor, and it differed from previous programmes in its main objective: to promote a stronger partnership between state and society. In such a way, the programme was to be a 'symbolic link between the president and the local community' (Fox 1994: 168). Hagopian (1998: 122) refers to PRONASOL as the 'prototype' of the new form of 'clientelistic state mediation' – via assistance programmes meant to 'cushion the most vulnerable population from structural adjustment policies'. PRONASOL was created and managed by the Office of the President, effectively 'a giant patronage operation' (*Ibid*). The social programmes created under PRONASOL, with funding from the World Bank, 'were viewed as the most effective instrument available to reduce the likelihood of mass mobilization against austerity and market reforms' (Piester 1997: 471). For its critics, PRONASOL's success in alleviating poverty,

(...) has been questioned on the grounds that [it] is designed to be as much a political tool to rally support for the PRI and its neoliberal reforms as a tool for reducing poverty (Kelly 2001: 91)

President Ernesto Zedillo (1994-2000) continued the government anti-poverty strategy with the establishment of PROGRESA (*Programa de Educación, Salud y Alimentación* – Education, Health and Food programme). Officially implemented in 1997, PROGRESA aimed to reach five million families living in 'extreme poverty' by the end of the presidential *sexenio* (Yaschine 1999: 54). The principal objectives of Zedillo's programme were to achieve 'the development of the capabilities and potential of the poor families' and to 'ensure that all Mexicans have access to a minimum welfare in terms of nutrition, basic health care and basic nutrition' (*Ibid*: 55). Under PROGRESA, beneficiaries received cash and food handouts in exchange for ensuring that their children attended health check-ups and school. The money given out included monthly allowances for families with children in primary and secondary school. Criticism of PROGRESA centred mainly on the accusation that it was a charity based programme, offering handouts rather than tackling sustainable poverty reduction. (*Ibid*: 56).

Vicente Fox has continued government programmes to reduce poverty and inequality, under the new name of *Oportunidades*. Through SEDESOL (Secretaría de Desarrollo Social - the Ministry for Social Development), the Fox administration has

created an inter-ministerial body that oversees *Contigo* (literally, 'with you') a 'job-creation strategy', and *Impulso*, which specifically focuses on the 'moderate urban poor' (World Bank 2004).

The election of Vicente Fox in July 2000 was a clear expression of Mexicans' desire for change and for an end to the 71-year rule of the PRI. These last presidential elections marked an important step in the country's process of democratisation as they were seen to be fair, and for the first time in post-revolutionary Mexico an opposition candidate was the winner (see Craske 2001). This marked, as described by Levy and Bruhn (2001: 3), Mexico's 'entry into the democratic club' and was 'an epic event'. For the majority of Mexicans, however, this change of government has not made a substantial difference to their lives, nor can it be assumed that democracy has automatically been achieved. As observed by Craske (2001: 27):

Fox's victory is an important, indeed essential, component of Mexico's slow democratization process; but it does not represent democracy in itself.

The consolidation and firm establishment of democracy in Mexico is dependent on numerous factors, not least a shift in political culture that involves uprooting old and firmly embedded practices and beliefs. Vicente Fox may possess democratic credentials and plans, but he has inherited a system that has thrived for more than seventy years on corrupt and nepotistic practices. The erosion of the corporatist model has meant that the clientelistic system of patronage no longer has a hold over Mexican society; however, the election of president Fox has not brought about social democracy, nor has it improved conditions for the estimated 47 million Mexicans living below the poverty line (Cypher 2001: 32). Not least amongst the government's pressing issues has been that of the ongoing situation of human rights abuses in the country. Within such a climate of repression it is not unreasonable to question the extent to which children's rights can be made reality in Mexico.

Human Rights

As Mexico's process of democratisation has developed, it has come under close international scrutiny in terms of transparency and government accountability and has to be seen to following international norms. Indeed, under Fox's leadership 'Mexico [has become]

more active in promoting the concept of the universality of human rights principles, a notion that was anathema to previous Mexican governments' (Human Rights Watch 2002: 1). An important process in adhering to international human rights norms, and to be seen as part of the 'democratic club', is to sign international treaties and conventions. Mexico is signatory to the UN Declaration of Human Rights, the International Covenant on Civil and Political Rights (ICCPR), the Inter-American Convention on Forced Disappearance of Persons (Dec 2001), American Convention on Human Rights, Convention to Eliminate all Forms of Discrimination Against Women (CEDAW), International Convention on Economic, Social and Cultural Rights (ICESR 1976), International Labour Organisation (ILO) Convention 169 (August 1990), and the UN Convention on the Rights of the Child (CRC 1990). Mexico's 2001-2006 National Development Plan (www.gob.mx) outlines a 'vision of Mexico in 2025' which, amongst other factors, 'will offer its citizens opportunities for integral human development and a living coexistence based on the full respect of the rule of law and of human rights' (*Ibid*). However, the Mexican justice system still, despite some reforms, suffers from inefficiency, impunity, and corruption amongst judges (World Bank 2004: 19).

Whilst adherence to human rights norms looks good on paper, events such as the Zapatista uprising focused the international media's attention on the Mexican government's heavy-handed responses in Chiapas. Whilst the political face of Mexico has seemingly changed for the better, social cleavages persist and are exacerbated by ongoing abuses of human rights. On October 19th 2000, the murder of human rights activist and lawyer Digna Ochoa was a brutal reminder of the degree of lawlessness that still reigns in the country. Ochoa had been the defence lawyer for two peasant ecologists from Guerrero, who had been arrested and imprisoned for two years with evidence based on confessions signed under torture (Cienfuegos and Carlsen 2003: 44). Ochoa's murder caused international outrage and finally led to the ecologists' release in November 2001 'for humanitarian reasons' (*Ibid*). This case threw the issue of human rights abuse and corrupt rule of law into full view of the world, and although the president called for a full investigation into Ochoa's murder the perpetrators have not yet been identified.

The ongoing human rights abuses in Mexico are magnified by an ineffective justice system that has failed to protect 'individual guarantees', and maintains a 'lax approach to

human rights abuses' (Human Rights Watch 1999: 1). A report written by the international organisation Human Rights Watch towards the end of Zedillo's presidency states that:

Mexico's pattern of negligence in ensuring that human rights protections are effective amounts to a policy of permission for those safeguards to fail. (...) The starting point for the government's strategy for promoting human rights must be recognition that Mexico's formal human rights protections are not effective because laws, practice, and legal precedent conspire against them (Human Rights Watch 1999: 16).

In an effort towards greater transparency and acknowledgement of human rights violations in the country the National Commission for Human Rights (CNDH – *Comisión Nacional de Derechos Humanos*) was established in 1992 during the presidency of Salinas de Gortari. The CNDH is an autonomous branch of government, operating at federal level and within each of the thirty-one states of Mexico. The Commission deals with any complaints of abuse committed by civil or public servants; exempt from this system are members of the judiciary.

La Comisión es un Organismo Público defensor de los Derechos Humanos que tiene como objetivo proteger los derechos de todas las personas que se encuentran dentro de nuestro Estado y que han sido víctimas de abusos por parte de autoridades o servidores públicos. También tiene como objetivo la promoción de los derechos, impartiendo pláticas, conferencias o talleres; elaborando material escrito como revistas, folletos, trípticos, cartels, que difundan el respeto por los Derechos Humanos.

The Commission is a public entity, defender of human rights whose objective is to protect the rights of all people within our State and who have been victims of abuse by the authorities or public servants. It also has the objective of promoting rights, giving talks, conferences or workshops, developing written materials such as magazines, leaflets, posters which advocate the respect of human rights (www.cndh.mx).

The Commission provides the necessary legal assistance to Mexican citizens whose rights have been abused. According to Human Rights Watch (1999: 12), the CNDH 'plays an important role in ensuring that otherwise forgotten cases receive attention'. However, calls made by the CNDH for investigations of public officials are often not followed through; in a review of torture cases from Oaxaca, Human Rights Watch found that 'most officials accused of torture never go to jail' (*Ibid*: 14).

This is the socio-political context then, within which the discourse and advocacy of children's rights in Mexico is taking place. If children's rights are human rights too, how are

they protected within a system still unable to protect the human rights and dignity of the rest of the population? As pointed out by Todres (1998: 159):

Children are particularly vulnerable to human rights abuses. In general, they are less able to draw attention to violations of their rights because they do not have the right to vote and may also lack the verbal skills necessary to make themselves heard.

This demonstrates, Todres continues, the importance of an instrument such as the CRC and its 'full implementation' (*Ibid*: 160). Despite the loud rhetoric around children's rights, however, the rights of Mexican children and young people can be said to be as elusive as those of Mexican adults. As highlighted by the Mexican NGO report to the UN '[children's rights] are in the same way as many Mexican laws: they exist on a formal level, but are far from being complied with and being implemented in concrete programs' (Comexani 1994: 4). The next section details the Mexican government's commitment to children and the CRC.

Mexico's Commitment to Children

Mexico was one of the first countries to sign the CRC, in January 1990, under the presidency of Carlos Salinas de Gortari (1988-1994). Following the World Summit for Children held at UN headquarters in 1990, Salinas created the *Comisión Nacional de Acción en Favor de la Infancia* (CNFI - National Commission for Action for Children), which led to the first National Programmes of Action (NPA) for children. NPAs, adopted by all countries as part of commitments they made at the 1990 World Summit, are regarded as 'the chief instrument for assuring that the commitments [made at the World Summit] will be kept and followed up' (Ledogar 1995: 56).

In Mexico the NPA stands as a 'centre-piece of its reinvestment in the social sector' (*Ibid*: 62) following the economic crisis in the 1980s. During the 1990s:

Social expenditure per child nearly doubled (...), the fastest-growing sector being the one called "children in especially difficult circumstances", comprising programmes for street children, working children, children with disabilities, abused and substance-abusing children, and children in conflict with the law (*Ibid*).

In 1998, President Ernesto Zedillo (1994-2000) approved the creation of a National Monitoring System (*Sistema Nacional de Seguimiento y Vigilancia*) to monitor the implementation of the CRC. The objective of this system was to

... asegurar los principios básicos de la Convención, en particular, el interés superior del niño, la no discriminación y la participación infantil en la toma de decisiones y formulación, desarrollo y aplicación de todas las políticas públicas.

... ensure the basic principles of the Convention, in particular the best interests of the child, non-discrimination and children's participation in decision making and design, development and application of all public policies (CNFI, nd).

Mexico has submitted two reports to the UN Monitoring Committee since 1990 – the first in 1994 and the second in 1999. Alternative reports are also sent to the UN by NGO networks. The last alternative report for Mexico was presented by COMEXANI (Mexican Collective in Support of Children) in January 1994.²

In July 2001, the government of President Fox created the National Council for Childhood and Adolescence (COIA *Consejo Nacional para la Infancia y la Adolescencia*) which operates from within the Ministry of Social Development. Presided over by Marta Sahagún de Fox (the wife of President Fox), the COIA is the governing body charged with overseeing public policy on children. According to observers within NGOs, it is unclear what exactly the function of the COIA has been within government since its inception in 2001. Sauri, of the *Red por los Derechos de la Infancia en México* (RDI – Network for Children's Rights in Mexico) contends that the COIA '*no ha tenido algún papel relevante en la definición de las políticas públicas...*' (has not had any relevant role in the definition of public policies) (Sauri 2003b: 3).³ The current NPA (*Programa Nacional de Acción a Favor de la Infancia - PAFI*) 2002-2010 is referred to in President Fox's third 'Informe del Gobierno' (State of the Nation address) as one of its principal achievements. UNICEF considers Mexico to be a country that 'demonstrates the most important progress in Latin America in terms of attention to children and children's participation' (www.unicef.org.mx) and as such was chosen as the site for the presentation of the UNICEF 'State of the World's Children' report for 2003. Indeed, as this thesis shows, Mexico has a consistent record of laudable initiatives around children's rights and participation, such as the children's '*Consulta*' at the time of the presidential elections, and more recently the establishment of a children's parliament, both of which are further discussed in chapter seven. As an issue, children's rights are highly visible across most states in Mexico: on publicity billboards, in TV and radio campaigns, as

² The full report can be consulted at www.crin.org/ngo.nsf.

³ The RDI is 'a coalition of 44 organisations from Mexican civil society who develop programmes for vulnerable children and who operate in eight states across the country'. Details can be consulted at www.derechosinfancia.org.mx

the focus of 'family days' organised by the DIF (*Sistema Nacional para el Desarrollo Integral de la Familia* - National System for the Integral Development of the Family), and in the myriad of colourful leaflets and books for children on the subject published by the CEDHO and by SEP (*Secretaría de Educación Pública* – Ministry for Education).

Following President Fox's government report in September 2003, Sauri – of the child rights network RDI - (2003b: 4) observed that the government's approach and vision towards children was still welfare based, rather than rights based. Sauri is critical of the fact that, within the government's report, children's rights are relegated to a section concerning social and human development, appearing in a list under the heading *Protección y Promoción del Desarrollo Pleno de Niños y Adolescentes* (Protection and Promotion of the Full Development of Children and Adolescents). His criticism is based on the claim that by focusing attention to children solely within the sphere of social development, the government is avoiding any substantial changes in policy that will ensure satisfactory implementation of the CRC. Referring to the government's NAP Sauri comments that:

(...) predomina la tendencia de sustentar las políticas públicas sobre la idea de protección de los niños y no de sus derechos.

(what predominates in the NAP) is the tendency to sustain public policies around the idea of protecting children and not their rights (Sauri 2003b: 2).

By not making sufficient reference to rights in the NAP, the government is thus seen to be missing the mark on attention to children's rights. It would seem that, in the eyes of non-governmental organisations such as the RDI, if the government is not making budgetary allocation specifically for children's rights then it is not fulfilling the requirements of the CRC. This illustrates to what extent children's rights are seen as a separate entity to be 'added' to programmes, rather than an integral part of attending to children's needs. This is often the case amongst NGOs, who in response to the call for prioritising children's rights, seek to incorporate children's rights in their programmes but remain unclear as to the best way to do so. This is discussed later in relation to the NGO CANICA in Oaxaca.

The three main political parties – PRI, PAN (*Partido de Acción Nacional* – National Action Party), and PRD (*Partido de la Revolución Democrática* – Party of the Democratic Revolution) – each make specific reference to children's rights in their respective manifestos (Table 2.1).

Table 2.1: Main Political Parties' Policies on Children's Rights

PRI	PAN	PRD
<p><i>Promover el conocimiento, respeto y cumplimiento de los derechos del niño, la creación de instituciones y diseño de políticas públicas que garanticen la protección y seguridad del menor en situación de vulnerabilidad conform a su problemática específica.</i></p>	<p><i>Todas las leyes federales deben reformarse para no contravenir lo dispuesto por la Ley para la Protección de Niñas, Niños y Adolescentes. Además, exhortaremos a las legislaturas locales a adecuar su legislación en este sentido.</i></p>	<p><i>Las niñas y los niños tendrán el derecho a la protección del Estado y de la sociedad, a la alimentación, la salud, el vestido, la educación y el esparcimiento. Las entidades federativas establecerán, por mandato de la Constitución, organismos dotados de plena autoridad que protejan los derechos de niñas, niños y adolescentes, y puedan representar a los mismos ante otras autoridades.</i></p>
<p>Promote the knowledge, respect and fulfilment of children's rights, the creation of institutions and design of public policies that guarantee the protection and security of minors in vulnerable situations.</p>	<p>All federal laws should be reformed so as not to contravene that which is laid out in the Law for the Protection of Girls, Boys and Adolescents. Furthermore, we urge local legislatures to adapt their legislation to this end.</p>	<p>Girls and boys will have the right to protection from the state and from society, and to food, health, clothing, education and recreation. Federal entities will establish, by constitutional mandate, organisms endowed with full authority to protect the rights of girls, boys and adolescents, and that can represent them before other authorities.</p>

Source: www.derechosinfancia.org.mx/legislacion/leg_pla_ele.htm

Table 2.1 demonstrates that the language being used in party manifestos in relation to children's rights adheres to the overall discourse, calling for the 'promotion', 'fulfilment' and 'protection' of children's rights. Whilst none of the political parties offer concrete examples of how such aims are to be achieved, their inclusion in the programmes of political parties does point to a certain cohesion in the vision for attention to children, and for their status in society.

In May 2000 the amendment of Article 4 of the Constitution to incorporate the 'Law for the Protection of the Rights of Girls, Boys and Adolescents' (*Ley para la Protección de los Derechos de Niñas, Niños y Adolescentes*) was an initial sign of the government's commitment to bring national law in line with the CRC. The ratification of the Law came after the UN Committee's 1999 report on Mexico observed that 'it is worrying that national law does not accommodate the CRC principles' (UN CRC Monitoring Committee 1999).⁴ In real terms such a change in the law has not made a great difference, particularly since neither state nor municipal governments are under any obligation to implement a federal law (in terms of establishing specific institutions etc), leaving policies towards children disjointed and to a great extent unchecked across the country. These problems are by no means restricted to Mexico; most countries that have signed the CRC are still grappling with the requirements of implementation and provision of better services and attention for children.

In September 2003, Mexico's Supreme Court of Justice signed an agreement with UNICEF to promote children's rights. The press statement released to announce the agreement stated that:

Ambas instituciones se comprometieron a coordinar esfuerzos para promover entre jueces, magistrados, funcionarios del Poder Judicial de la Federación y la sociedad en su conjunto, una cultura de respeto y cumplimiento de los derechos humanos, particularmente de los niños, niñas y adolescentes.

Both institutions undertook to coordinate efforts to promote, amongst judges, magistrates, officials of the Federal Judiciary and society in general, a culture of respect for and fulfilment of human rights, particularly those of girls, boys and adolescents.

⁴ Full texts of reports to and from the UN Committee can be found at www.unhchr.ch

For most groups who live in poverty and marginalisation in Mexico, such a vision 'of respect for human rights' remains elusive in Mexico. For most of the inhabitants of Oaxaca, one of the poorest states of the country, this vision is particularly distant from the reality experienced there, as explored below.

The Research Context: Oaxaca

Oaxaca is a set of seeming paradoxes. Behind its attractive appearance and quaint charm the city and the valley are a crucible collecting all the forces buffeting modern Mexico, the forces of change and continuity, conflict and peace, and most important, rising and falling material standards of living and evolving socio-economic inequality. The vast majority of its inhabitants earn an inadequate wage, a small minority earn a comfortable living, and an increasing proportion lie between these two extremes. Poverty and violence have repeatedly engulfed the city as local elites have sought to isolate it from change while the masses have demanded their concerns be addressed. (Murphy and Stepick 1991: 2)

Although Murphy and Stepick's 'ethnography of social inequality' in the city of Oaxaca was undertaken at the end of the 1980s, many of their observations are still relevant today. Despite recent trends of migration to the cities, and education amongst the indigenous communities, the latter still remain a minority in terms of political representation. It is, nonetheless, Murphy and Stepick's 'masses' who have tirelessly voiced their demands in the form of political protest, hunger strikes, large demonstrations, and very often in the form of violence. This element of Oaxaca's socio-cultural history is further explored below.

One of the poorest states in the country, Oaxaca covers an area of 95,000 square kilometres, much of it consisting of remote mountainous terrain. After Chiapas, Oaxaca is considered the state with the second worst set of social indicators, with 30% of the population living in highly marginalized conditions (17% nationally) (INEGI 2000) – and home to 25% of all Mexicans living in extreme poverty (World Bank 2004). The structural adjustment programmes undertaken by the governments of the 1980s and 1990s have had their consequences in Oaxaca like anywhere else in the country, although this already marginalized state has suffered particularly. The economic crisis in 1994 led to the closure of hundreds of small and medium sized businesses, and consequently high levels of unemployment (Miguel 2002: 73), which led to the massive increase in migration out of Oaxaca.

Poverty and marginalisation have driven many families to migrate from rural areas to the urban centre, Oaxaca City, where many – including many children - work in the informal sector as street or market vendors. The increasing urbanization of the city can be seen in the continuous growth of *colonias populares* or poor neighbourhoods that spread up the hills that flank the city. Politically, Oaxaca has always been a PRI stronghold, both at state and municipal levels. The PRI's defeat at the federal elections in 2000 was mirrored in Oaxaca at its municipal elections in October 2001, where the PRI lost its Oaxaca city seat to a previously unknown candidate from the *Convergencia por la Democracia* (Convergence for Democracy) party. It appeared that Oaxaca City's residents had lost trust in the PRI representatives, and voter turnout was only 41 per cent in the capital (Villaurrutia 2001: 12).

Oaxaca State is made up of 570 municipalities that are home to sixteen major ethno-linguistic groups (out of a total of 62 groups nationally), with 60% of the total population living in rural areas. According to recent data collected by the International Youth Foundation:

'there are three main population groups: indigenous communities (which have kept alive the traditions and ways of life particular to their respective ethnic groups, such as the small-scale economy, including production for family consumption) mestizo communities (which have undergone a process of acculturation, including changing their political outlooks and identities, and which have achieved greater economic development) and the cities, urban areas whose populations are mostly mestizos, with a minority of indigenous peoples who have emigrated in search of employment and opportunities (www.iyfn.org).

Indigenous people in Oaxaca make up 18.3 per cent of Mexico's total indigenous population, though due to migration many families are scattered across different states and in the USA (Hernández Navarro 1999: 167). Migration to the larger Mexican cities and to the US has left many villages without their men, leaving women to run households and manage the family unit. Different linguistic groups of Oaxaca have been drawn to different cities and towns in the US; for example, the Mixtecs are concentrated in agricultural work areas, whereas the Zapotecs have centred in major cities like New York and Los Angeles (Clarke 2000: 250). The women and children left behind are heavily dependent on remittances and 'migration has emerged as a lifestyle to be emulated' (*Ibid*). In Jalpán, a village twenty minutes outside Oaxaca City, most of the men are in New York – many have been gone for several years, and their children talk eagerly of going to join them there as

soon as they finish school. This has far reaching implications for the traditional ways of this Zapotec village. As expressed to me by one of the village elders:

Los niños no quieren hablar zapoteco. Ya nadie se viste como indígena – todos quieren ir al norte. Se fueron los hombres, y las grandes empresas están comprando nuestras tierras... dicen que van a construir casas por aquí. Siempre cultivamos el maíz aquí...

The children do not want to learn Zapotec. Nobody dresses like indigenous people anymore – they all want to go north [to the USA]. The men have gone, and the businesses are buying our land...they say that they will build houses around here. We have always cultivated maize here...(interview with village elder, Jálpan, Oaxaca, October 2002).

Bilingualism (i.e. an indigenous language and Spanish) is the norm and widespread across the state of Oaxaca, with over a third of the population (Table 2.2) speaking an indigenous language, the most common ones being Zapotec, Mixtec and Mixe.

Table 2.2: Population Data, Oaxaca and Mexico

	OAXACA (State)	MEXICO (the Republic)
Total Population	3,438 765	97, 483 412
Population under 15 years old (%)	37.6	33.43
Population over 5 yrs old who speak an Indigenous language (5)	37.2	7.2
Literate population over 15 yrs old (5)	78.42	90.45
Population between 6-14 yrs old who attend school	89.31	91.32

Source: INEGI, XII *Censo General de Población y Vivienda* 2000

Zapotec is the most spoken indigenous language group (31 per cent) across the state, and the Zapotec people are divided, linguistically and culturally, into four main groups which can be identified by region (Map 2) – the Central Valleys, the Isthmus, the Sierra Madre del Sur (southern mountains) and the Sierra de Juárez (northern mountains). The children of Loxicha in this study belong to the Zapotec group from the Sierra Madre del Sur.

Indigenous groups in Mexico have a history of political protest and demands, as a direct result of ongoing marginalisation and repression. In the last twenty years however, this protest has grown into a firmly established social movement, a form of collective action that highlights ongoing socio-political conflict, based on cultural identities and predominantly centred around land disputes. Of the many such indigenous organisations in Oaxaca are the *Coalición de Obreros, Campesinos y Estudiantes del Istmo* (COCEI – Coalition of Workers, Peasants and Students of the Isthmus), *El Movimiento Unificado de Lucha Triqui* (MULT – United Movement of the Triqui Struggle), la *Asamblea de Autoridades Zapotecas y Chinantecas* (ASAZCHIS – Assembly of Zapotec and Chinantec Authorities) (Hernández Díaz 1998), all of whom have been very active in gaining recognition of their respective cultural identities and traditions.. Of direct relevance to this study is the *Organización de Pueblos Indígenas Zapotecos* (OPIZ – Organisation of Zapotec Indigenous Peoples), which has been responsible for not only the political activities of the Loxicha families, but also for overseeing the day to day running of life in the protest camp and shelter in Oaxaca City.

Throughout the 1990s and the ongoing process of democratisation, under pressure from the international community and in particular following the 1994 Zapatista uprising, the Mexican government opened up more spaces for the participation of indigenous groups. In 1989 the government signed and ratified of ILO Convention 169 on indigenous rights, and in 1992 a constitutional reform recognised for the first time the multicultural character of Mexico. In 1995, the Oaxacan state government, under pressure from indigenous groups, revised its electoral legislation to allow 408 of its 570 municipalities to opt to have elections through community assemblies. This process known as *usos y costumbres* (traditional usages and customs) has been, according to Clarke (2000: 168):

... a means of reducing the influence of party politics at community level. *Usos y costumbres* is an expression of an Indian, corporate, cultural and material existence, which enjoins the sharing of language, land, male assembly, *cargo*, festival, and *tequio*.⁵

However, despite legal reforms, life for the majority of indigenous people in Oaxaca continues to be one that is characterised by poverty and repression.

With few prospects of a stable economic future in Oaxaca, it is likely that migration out of the state will continue. Migration to the city of Oaxaca has not necessarily entailed a change of fortune for those who have left their rural homes. Many families (both mestizo and indigenous groups) who have migrated to the city, together with their children, make up the informal labour market – indeed, all the children in my research worked or had worked on the streets or markets of Oaxaca.

In all Mexico only Chiapas has worse education indicators than Oaxaca, where 55.3 per cent of the population has not completed primary school. Of those who do complete the primary cycle, many children drop out of school to go to work and contribute to the family income (Nuñez Miranda 1995). In an important study, Nuñez Miranda (1995) collected the life histories of fifteen women in Oaxaca City⁶, mothers of street children-working children. Each of the women's stories reveal how the cycle of poverty and poor education has been perpetuated, not least through the attitudes of their fathers who did not believe in the education of women - '*eres mujer y no estudias, ponte a trabajar*' – you're a woman and don't study, get to work (*Ibid* 94). Consequently the women want their children to just get a minimum education, to be able to read and write in order to be able to work once they leave primary school.

Entrenched poverty is exacerbated by related social problems such as domestic violence. In both Chiapas and Oaxaca, maternal mortality rates are almost double the national rates and the regional prevalence of domestic violence is estimated to affect between 30 to 40 per cent of adult women (www.endabuse.org). CANICA's data on the population groups they work with in Oaxaca City reveal that, in the majority of families there is domestic violence against the children's mothers, mostly related to alcoholism in husbands or partners (CANICA 1998). Again, mirroring the cycle of minimum education, many mothers continue the cycle of violence, inflicting it on their children '*para descargar sus*

⁵ *Cargo* – political post; *tequio* – 'an obligatory labour draft levied on adult able-bodied men' (Clarke 2000: xxv).

⁶ All of the women's children in this study were part of CANICA's programmes.

frustraciones o para corregirlos “porque no entienden” – to vent their frustrations or to correct them [their children] “because they don’t understand” (Nuñez Miranda 1995: 90).

The conditions of poverty and social exclusion experienced by the majority of the rural and indigenous population in Oaxaca are, according to the World Bank, at the core of the problem of armed conflicts and violence in the region (World Bank 2003: 3). It is to this that I now turn, as a way of contextualising the realities of the lives of the Loxicha children in my research.

Popular Unrest, Violence and Repression

El respeto al derecho ajeno es la paz

Respect for other people’s rights is peace (Benito Juárez 1867)

The words of Benito Juárez, Oaxaca’s most famous son – author of the first constitutional reforms, and president of the republic in 1867 – flank the hills to the entrance of Oaxaca City. Juárez’s vision of democratic ideals are learnt by every school child in primary school, but are very distant from the reality still experienced by the majority in Oaxaca state.

During the year that I was in Oaxaca, the Zócalo in the city centre was at various times occupied by different indigenous groups from remote villages, who came to the city to demand justice from the state government for alleged electoral fraud, social abuse and repression in their communities. Other protests by students and teachers brought the city to a standstill several times during that year, and were frequently accompanied by violence. During one protest, students ‘hijacked’ several local buses, throwing off the drivers and parking the buses across the main entrances to the city; they also managed to hijack police vehicles, spray paint them in graffiti and park them in the middle of the Zócalo. Such a level of social disorder occurred without any intervention from police or other law enforcers. One local explained that this was the policy of the governor at the time José Murat (PRI): to let them protest until they eventually gave up, and that intervention could lead to further violence which would damage the image of his state government. That this governor did not intervene to stop public disorder could also be explained by the fact that he himself took part in protest: in February 2001 he organised and participated in a sit-in

outside the federal government buildings in Mexico City, calling for greater federal aid to Oaxaca.

These anecdotes serve to illustrate the somewhat volatile social and political situation in Oaxaca, and the extent to which this is left to unfold as if in isolation from the federal government's responsibilities. This, in turn, highlights that whilst the process of decentralisation has taken place in terms of relocation of funding, political stability remains dependent on the whims of individual state governors.

The World Bank's 'Development Strategy for the Mexican Southern States' (from www.worldbank.org.mx) focuses on the states of Oaxaca, Guerrero and Chiapas, and singles out policy towards indigenous people as a priority area for improvement. It recommends an increase in and sound control of the flow of resources to indigenous peoples to ensure improved bilingual education, among other goals. Particularly crucial is the need for greater opening of political and legal space for indigenous peoples. The report states that:

Offering solutions for ending the armed conflicts in the area is outside the scope of our report. It is clear, however, that the problem exists in large measure owing to the conditions of extreme poverty and the perception of exclusion on the part of the rural and indigenous peoples.

According to Amnesty International, Oaxaca, together with Guerrero and Chiapas, has 'the most rights violations of any Mexican state'.⁷ Mexico, as a party to the International Covenant on Civil and Political Rights (ICCPR), is obliged to uphold 'the right to life, article 6.1; the right to liberty and security of the person, article 9; the right to be free from torture or cruel, inhuman or degrading punishment, article 7' (Amnesty International 2002: 4). Whilst President Fox pledged to 'end the impunity that characterised much of the previous 70-year rule of the PRI' and to 'fully uphold human rights and the rule of law' (*Ibid*: 5), disappearances and human rights violations are not yet a thing of the past in Mexico. The situation in the Loxicha region is a case in point, and goes some way to explain the distinct childhood experienced by the Loxicha children.

⁷ Observation made by Amnesty International representative Rupert Knox on a visit to Oaxaca in July 2002. Source: TheNewsMexico.com, 7 July 2002.

The Loxicha Case

The primary targets of [these] strategies of militarization are indigenous communities in Chiapas and Oaxaca. The fundamental result is (...) the self-censorship and fear that has become part of people's lives. And then there are the hard-core human rights abuses including assassinations, kidnappings, torture, rape, and illegal detentions (Stephen 2003: 391).

The region of Oaxaca that is subject to the militarization described by Stephen above is in the mountainous region between the Sierra Madre del Sur and the Pacific Coast (see Map 2), and includes the Loxicha children's rural home, the community of San Agustín Loxicha.

In the 1970s Oaxaca - together with the state of Guerrero - was in the news after the appearance of the guerrilla movement EPR (*Ejército Popular Revolucionario* – Popular Revolutionary Army) which staged a series of attacks including a bomb attack in the tourist resort of Huatúlco on Oaxaca's Pacific coast. In 1996 the EPR re-emerged in both these states, where they carried out 'a series of coordinated armed attacks against the Mexican Army and public security forces' in those states as well as in Tabasco and Mexico City (Stephen 2003: 386). Shortly after the EPR's first attack in Oaxaca 'police and military units swept through the area of Loxicha, arresting groups of men and piling them into pickup trucks' (Lawyers Committee for Human Rights 2001: 5). According to a group of Mexican NGOs and a defence lawyer handling the Oaxaca cases 'officials arbitrarily detained 127 people – torturing one hundred of them – and carried out thirty-two illegal searches and five executions' (Human Rights Watch 1999: 79). Following the EPR uprisings and the consequent arrests, on 10th July 1997 the women and children of Loxicha set up camp in front of the Municipal Government buildings in Oaxaca City where they lived, as displaced people, in the central Zócalo for four and a half years until December 2001. The women and children and other relatives of the prisoners formally joined to form the *Familiares de los Presos Políticos de Loxicha* (Relatives of the Political Prisoners of Loxicha) under the organisational name of the *Organización de Pueblos Indígenas Zapotecas* (OPIZ – Organisation of Zapotec Indigenous Peoples).

When I met the families in October 2001, the women were known as *las permanentes* (the permanent ones), as their husbands or male relatives made up the 20 remaining

prisoners still held after the federal amnesty earlier that year.⁸ The camp in the Zócalo became the focal point of the Loxicha struggle, and was also their home –

El campamento se convirtió en nuestra casa, en el lugar de llegada de toda compañera (...) a la búsqueda de su familiar: esposo, hijo, padre, hermano. Este campamento se convirtió en un espacio de trabajo colectivo, de conjunción de fuerzas civiles dedicadas a la difícil tarea de exigir justicia.

The camp became our home, and the arrival place for each *compañera* looking for a relative: husband, son, father, brother. This camp became a space for the collective effort of civil society forces committed to the difficult task of demanding justice (OPIZ spokesperson, *Noticias* newspaper, 25 December 2001).

On Christmas Eve 2001 the women and children moved out of the Zócalo and into a shelter, following an agreement with the municipal government. After four and a half years of living literally in the public eye, they finally had the chance to lead private lives. On the day of the move however, some of the children told me they were also a bit sad, *‘qué vamos a hacer allá? Aquí siempre hay muchas cosas que hacer’* (what are we going to do there? Here there is always lots to do). As Ayala Ortiz, representative from the Oaxaca branch of the LIMEDDH (Liga Mexicana para los Derechos Humanos - Mexican League for Human Rights) put it (*Noticias*, 25 December 2001)

Ciertamente hay emociones encontradas, porque esta ha sido la casa de muchos de los niños y las niñas que prácticamente aquí nacieron y crecieron y no conocen otra casa más que esta.

Certainly there are mixed emotions, because this has been home for most of these children who were practically born here and grew up here and know no other home than this one.

In the shelter, where they have beds, running water, gas stoves to cook on, and a safe yard for the children to play in, Alina (6 yrs old) remarked *‘me gusta este lugar, aquí sí tenemos donde jugar y donde dormir, aquí la gente no nos maltrata ni nos mira feo’* (I like this place, here we have a place to play and sleep, here people don’t mistreat us or look at us in a bad way). Despite all the advantages of living at the shelter, being away from the city centre has also meant that their ‘cause’ is now out of the public eye. It has also brought an income problem for

⁸ It is important to note that the Loxicha situation has been continuously changing since I left in November 2002. Through regular correspondence with people involved with the Loxicha families I have kept abreast of developments, and have updated my information as far as possible. A detailed history of socio-political developments in Loxicha can be found at www.mx.geocities.com/opiz_lox/

the families, as they no longer have permission to sell the baskets (made by men in prison) in the Zócalo.⁹

As a consequence of their displacement, they are also out of the remit of government welfare programmes such as PROGRESA. One mother described how she used to receive money from this programme in Loxicha; since they have been displaced to the city she no longer qualifies for the money, as she cannot fulfil the requirement of monthly attendance at the health clinic. Apart from the casual jobs the women and children do, the families now rely on donations and support from private individuals and non-governmental organisations in the city. The families receive support locally from the Acción de los Cristianos para Abolir la Tortura (ACAT – Christian Action to Abolish Torture), LIMEDDH, and food supplies from SEPROCI (*Secretaría de Protección Ciudadana* – Department for Citizen Protection).

The agreement behind the move to the shelter was referred to as a '*convenio de amigable composición social y buena fe*' (a friendly social agreement based on good faith - *El Imparcial* newspaper, 25 December 2001) and was signed by the OPIZ and SEPROCI. The Zócalo area where the Loxicha families lived is part of the historical centre of the city, and part of the intention behind the move to the shelter was to restore this site to its former glory. The general feeling about their presence was expressed in the editorial of a daily newspaper (*El Imparcial*, 25 December 2001):

No es justo que porque las mujeres de Loxicha exijan la liberación de sus esposos, se hayan adueñado prácticamente del centro de la ciudad, afectando una de las fuentes de ingresos mayores de la entidad, ...el turismo.

It is not fair that because the Loxicha women demand the freedom of their husbands, that they have practically taken over the city centre, affecting one of the main sources of income of the region, ...tourism.

Interestingly, the Loxicha families were rarely, if ever, referred to in press reports as 'displaced' people; more often than not the public saw them as a nuisance and blot on the historical landscape of the Zócalo, as implied in the press quote above. The consequences and effects of this situation on the daily lives of the Loxicha children will be further discussed in chapter six.

⁹ Since their move to the shelter, the women and the children do odd jobs like cleaning houses, or washing clothes for the policemen and firemen in the barracks nearby. The children continue to attend the same primary school in the city centre.

In July 2002, a large group of indigenous people from Teojomulco (another region in the *Sierra Sur*), including women and children, set up camp in exactly the same place where the Loxicha families had lived, in the Zócalo in Oaxaca City. They were demanding justice for what they claimed to be the unlawful arrest of 19 of their men, accused of the massacre of 26 indigenous people from neighbouring Xochiltepec, in an ambush near their village in May 2002.¹⁰ In a similar way to the arrests of the men in Loxicha, these 19 men in Teojomulco were arrested before any evidence was made against them. Press articles alluded to military involvement in the ambush, while others put it down to an inter-village feud over ownership of land. History seemed to be repeating itself, as the situation mirrored that of the Loxicha people several months earlier.

Incidents such as these in the Sierra Sur region of the state have created an environment of fear in the communities, and according to the Archbishop of Oaxaca:

...la region de Loxicha sigue siendo "un foco rojo", pues subsisten los grupos que han generado mucha violencia desde hace años.

The Loxicha region continues to be a "red light", since the groups that have generated violence for years still exist (*Sur Proceso* magazine, 19 January 2002)

While the international community hails the ongoing process of democratization, electoral reform and economic aperture in Mexico, the situation in Oaxaca is indicative of the progress still to be made. Oaxaca's reality of ongoing marginalisation, poverty, and political violence, makes up the broad socio-political context within which the children in this research project live.

Field Sites and Research Groups¹¹

The decision to focus my research in Oaxaca was based on prior knowledge of the CANICA programmes, stemming from my MA research in Puebla as outlined in the introductory chapter. I also felt it important to conduct a study of children in a relatively under-studied part of Mexico – away from the focus of the capital city, Mexico City.

¹⁰ Information about this incident was taken from: Michel López (2002); *Cambio* magazine 9/6/2002; *Noticias de Oaxaca* and *La Jornada* newspapers.

¹¹ See Appendices for details of CANICA's programmes and a list of all research participants.

This project was initially planned as a comparative study of the situation of children's rights in the cities of Oaxaca and San Miguel de Allende, within the organisations of CANICA and FAI (*Fundación de Apoyo Infantil* – Foundation for Childhood Support) respectively. After the first four months of work in Oaxaca however, it became apparent that, apart from the constraints of time, there were sufficient comparative elements within the three groups of children being researched there. I visited FAI twice during the year, and whilst this did not constitute sufficient data for any comparative study with CANICA, FAI's institutional approach to children's rights raised important issues that are discussed in chapter eight, and which constitute a basis for future comparative research.

I worked with three groups of children: two within the institutional setting of CANICA, and one independently of this organisation, the displaced children of Loxicha. A total of 51 children took part in my research project, consisting of girls and boys aged between five and fourteen. My work took place at four sites: CANICA's transition house (*Casa CANICA*); CANICA's day centre (*Centro CANICA*); in the city's *Zócalo* (central square) and subsequently in a shelter for the Loxicha group. The time I spent with each of the CANICA groups was negotiated with staff at the outset, whereas amongst the Loxicha children I was - once formal access was established - free to come and go as I pleased. Formal access to this group was made possible through one of CANICA's *educadores*, Pablo, who had (in October 2001) recently made contact with this group and was in the initial stages of the Operation Friendship phase of their programmes. CANICA's involvement with this group came from the fact that, at that time, these children fitted into the organisation's criteria – they were street children of a sort, i.e. they were living and working in and around a public space. While they were still living in the *Zócalo*, there were approximately 35 children there with their mothers. When they moved to the shelter over Christmas 2001, several of the families dispersed - many went to live on their own in the city and others went back to their Loxicha homes. As a result the number of children I worked with was considerably reduced: in the shelter there were approximately 15 children, together with their mothers and other female relatives. Other families came for short periods to join marches and protests, so sometimes there were 'new' children in the group.

In addition to the three groups of children, my research also included parents, NGO staff, members of a local youth group, and representatives from government and non-government agencies.

As already noted in the previous chapter, the Loxicha children are the central focus of my empirical study. Within the prevailing discourse on children's rights in Mexico, and in particular in the socio-political context of Oaxaca, these children's participation in a political struggle raises complex questions that are addressed in the chapters that follow.

Conclusion

The combination of democracy and inequality may prove a more unstable and unwieldy one than the combination of authoritarian rule and inequality (Levy and Bruhn 2001: 281).

The elation felt immediately after the election of Vicente Fox in July 2000 has gradually worn off as Mexicans realise that a non-PRI president does not necessarily entail greater democracy. Poverty alleviation and respect for human rights, as outlined above, remain major challenges for the present government and future ones alike. If Mexico is truly to be recognised as a democratic nation, the deep social divisions need to be addressed – to do this requires a transformation of political culture at the roots, not just a change of leading political party.

Since the Zapatista rebellion of 1994, little has changed for most Mexicans, and conflicts like those seen in the country's poorest states such as Guerrero, Oaxaca, and Chiapas, remain unresolved. The ideals laid out in the CRC present considerable challenges for all countries, in terms of budget allocations, socio-cultural obstacles, and the will of governments; in the context of a country like Mexico, where human rights abuse is still a reality, the challenge is even more acute. The positive initiatives around children's participation and the visible commitment to children's rights in Mexico, whilst they are to be celebrated, can too easily obscure the harsh reality that defines the lives of the country's marginalised children and their families.

This chapter has provided the historical, socio-political and cultural background for the groups and issues under study. As discussed, the tradition of autocratic politics and a history of repression against marginalised groups go some way to explain the contemporary social cleavages in Mexico, and which frame the lives of the majority of the country's children. The diverse facets of children's lives in Oaxaca, which reflect the social and

political environments in which they live, are explored in later chapters. The next two chapters provide the theoretical framework for these subsequent discussions.

3

Defining Childhood: Theoretical and Contextual Constructions

Introduction

Childhood is defined as that which lacks the capacities, skills and powers of adulthood. To be a child is to be not yet an adult (Archard 1993: 30).

What or who is a child? Is a child someone to be protected? Does childhood end when a person reaches the age of eighteen? As Lavalette and Cunningham (2002: 9) point out, 'we all have a very clear idea about what we think the concepts "child" and "childhood" are (...) after all we have all been children.' However, to question the nature of the child and the state of childhood is not as simple or straightforward an enquiry as would first appear. James and Prout (1997: 1) assert that 'this is not just a matter of semantics but a question increasingly central to academic and professional practice'. A simple discussion may place children in their own world, separate from that of adulthood, as implied in the opening quote. Such simplicity assumes homogeneity amongst children, an assumption which is now widely recognised as being flawed, as this overlooks the diversity, complexity and multifaceted nature of children and childhood across cultures, class, gender, generations and societies. In exploring definitions of childhood, Archard (above) points to a dividing line between the world of the child and that of the adult. This may appear obvious, i.e. children are not adults, but they are on their way to being so. Such a perception is challenged by my empirical data which suggest that this dividing line is not always so clear, as children do move in and out of the two worlds of childhood and adulthood. We (adults) call them children or young people, placing them in a generational group that is younger and different to our group; they, on the other hand, may call themselves political activist, soldier, factory

worker, or teenager, placing themselves in the socio-cultural or political context that is their immediate environment.

Political leaders often refer to children as 'the hope for the future' or 'the next generation', a vision that tends to overlook the present state and experience of being a child. At the opening of the UN General Assembly's Special Session on Children held in May 2002, two young delegates, Gabriela Azurduy Arrieta and Audrey Cheynut, addressed the adult audience:

(...) We are children whose voices are not being heard: it is time we are taken into account. We want a world fit for children, because a world fit for us is a world fit for everyone. We are the children of the world, and despite our different backgrounds, we share a common reality.

(...) You call us the future, but we are also the present (UNICEF 2002: 12).

The fact that children are participating in conferences that pertain to their lives and their futures is a sign that things have changed. Whether this is token participation or not, the young girls cited above are expressing the desire to be recognised as the people they are in the present: as children. Their feelings are echoed by Nikki Sanchez-Hood, a fourteen year-old delegate to the UN Special Assembly on Children (UNGASS): 'I am 14 years old. I do not have a university degree. I cannot get a job or buy a lottery ticket. But I am no less of a person than an adult'.¹ The underlying assumption here is that people tend to view anyone under the age of eighteen, as not quite full participants in society.

According to Goodwin-Gill and Cohn (1994:7) 'the age of majority is a social, religious, cultural or legal device by which societies acknowledge the transition to adulthood'. Many children and young people consider the age of eighteen as being the passport into adulthood, when they will be able, for example, to vote, own an ID card or boss younger children around (see chapters six and seven). In some countries domestic laws establish different ages for majority - the lowest limit, sixteen, is practised in Brazil, Cuba, Iran and Nicaragua (*Ibid*). According to the CRC a person is considered a child up to the age of eighteen (Article 1), but is nevertheless considered old enough to take a 'direct part in hostilities' from the age of fifteen (Article 38). How does one define a fifteen year old who participates in armed conflict: A child? A teenager? A young adult? A child in an

¹ From proceedings of the second international conference on Children's Rights Education, University of Victoria, Canada. www.uvic.ca/iired. It is interesting to note that this delegate echoes embedded notions of childhood, calling on adults to 'value the innocence and beauty of childhood'.

adult world? This is but one example that illustrates the difficulty in ‘defining’ childhood and the different roles that children take on in different environments. Such an inconsistency illustrates the grey area that is childhood, in terms of how it is perceived and understood by adults and young people alike.

How childhood is defined (and who defines it), and how it is constructed and juxtaposed with adulthood are themes that are addressed here. This chapter analyses theoretical discourses of childhood, charting the changes in perceptions and understandings of children that have occurred in recent history. In particular, it questions the dominant paradigm within childhood studies which separates childhood artificially from adulthood. A discussion of recent developments in the field of childhood studies, notably in the work of Qvortrup (2004), James and James (2004), and Prout (2005), illustrates some important reconsiderations and critiques of what is known as the New Sociology of Childhood (NSC). Of salient interest to this thesis is Prout’s suggestion of a move away from dichotomous oppositions when speaking about childhood. My data highlight the fluid nature of generational categories, thus challenging the more static child-adult division maintained in the social constructionist paradigm. The elaboration of a theoretical space around childhood has been prolific in European and North American social sciences, and global studies on children and experiences of childhood have tended to use these Northern models as standard frameworks. However, as observed by Boyden (2003: 2) ‘their applicability and utility across cultures and social contexts is highly questionable’. In line with the concern of this thesis for cross-cultural discrepancies in conceptualising childhood, this chapter questions the absence of such theoretical studies in Latin America, and proposes a framework for the study of childhood in the socio-political and cultural context of Latin American countries.

The following sections explore the ways in which understandings and theories of childhood have developed and evolved over time and across disciplines, highlighting the sociological and cultural elements that have shaped this process.

Chronicles of Children

The study of children is not a modern phenomenon; since the seventeenth century philosophers have been interested in the psychological and biological status of children, their relationships with adults, and their status within the family and wider society. In the Western world, early philosophical discussions of children ranged from the 'evil' or deviant child depicted by Hobbes, to the angelic or innocent being of Rousseau. In their seminal work 'Theorizing Childhood', James *et al* (1998) place the history of childhood within the broad category of 'the presociological child'. Whilst ideas and views about children and how they 'fit' in society have evolved and moved away from romantic notions, these early presociological discourses remain entrenched in social perceptions of children and childhood. That is to say, whilst the global discourse of children's rights has promoted the notion of children as competent participants in society, and whilst this idea is supported by sociological research and practice, in day to day life children continue to be seen as smaller people in need of protection and guidance (by adults) and who remain without any recognisable status or power until they reach the age of eighteen.

The concern for children as a distinct group in society is a relatively new focus within the social sciences, where children and their experiences of childhood previously occupied a marginal status, being subsumed in subdisciplinary themes of family, health, education, and gender. On a theoretical level childhood remained for a long time exclusively within the field of developmental psychology. Since the early 1990s however, theoretical and methodological paradigms have developed to such an extent that they constitute what is recognised as the 'new sociology of childhood' within the social sciences. Before exploring these models, the next section briefly traces the development of notions of childhood through recent history.

Historical Perspectives

Between the late seventeenth and mid-twentieth centuries there occurred a major and irreversible change in the representation of childhood, to the point where all children throughout the world were thought to be entitled to certain common elements and rights of childhood (Cunningham 1991: 7).

In the aftermath of the industrial revolution, children were 'rescued' from the workhouses and put into school where 'their childhood was preserved' (*Ibid*). Conceptually, this split discussions of childhood into the protectionist approach on one hand, and the liberationist approach on the other. Whilst this is a debate more pertinent to the discourse of children's rights, as analysed in the next chapter, it is also highly relevant to discussions of childhood. It is a binary that continues to frame understandings of children and consequent advocacy or policy making. The mid eighteenth century saw the beginnings of an attempt to close the gap between the children of the poor and the children of the rich in England (see Cunningham 1991). This came about through the recognition that the experience of childhood was important for all children – i.e. it was understood that poor children, who worked or who lived in the streets, were also entitled to this special phase. This was also the beginning of the establishment of the state as the main provider for and caretaker of children. This protectionist approach to children and their needs was later challenged by the liberationists (see Holt 1974; Farson 1974), as discussed in the next chapter in the context of children's rights.

In 1962 Philippe Ariès wrote 'Centuries of Childhood', an important historical study of childhood that had a major impact on the social sciences (James and Prout 1997: 16). The most notable effect of Ariès's work was to wrest the study of children from the realms of developmental psychology which, since the late nineteenth century, had been the dominant forum for discussions of children and childhood. Indeed, according to James *et al* it was Ariès who 'began the archaeology of childhood images with his breathtaking assertion that childhood had not always been the same thing' (1998: 4). Thus Ariès founded the notion of childhood as a social construction, and as a modern European invention born in the sixteenth and seventeenth centuries. According to Ariès, before this time although children were acknowledged, the experience of childhood was not a concept nor was it something 'deemed worthy of representation' (Phillips 1996). Ariès's analysis was based mostly on the study of European art of the Middle Ages in which, he believed, children were depicted as small adults. In contrast, in the seventeenth century, painters began to paint children 'as subjects in their own right (...) no longer merely adults in miniature' (Phillips 1996). This points perhaps to a very early form of advocacy for children to be recognised as 'being' rather than 'becoming'. Later in the seventeenth century the concept developed, instigated mainly by the moralists and churchmen of the day who saw children

as 'fragile creatures of God who needed to be both safeguarded and reformed' (Ariès 1962: 133). From this time and into the nineteenth and twentieth centuries, according to Ariès, the 'sentimentalization' of children gained ground and the idea of the 'child-centred family' was adopted (Montgomery 2003: 55). Henceforth children were considered in need of protection from the 'harsh realities of the adult world' (Ariès 1962: 412). Once children were recognised as a distinct group within society, Ariès comments that:

Henceforth it was recognized that the child was not ready for life, and that he [sic] had to be subjected to a special treatment, a sort of quarantine, before he was allowed to join the adults (*Ibid.*).

Ariès here expresses a point that continues to underpin much of the discourse on childhood and children's rights today, particularly amongst parents, teachers, guardians of children: that childhood is a learning stage towards adulthood, or as Archard puts it the 'not-yet-ness of adulthood' (1993: 36).

Despite the recognised importance of Ariès's work, his thesis of childhood has been criticised for its inconsistencies, its weakness in evidential basis, and for its technical and conceptual limitations (see Archard 1993; Lavalette and Cunningham 2002; Pollock 1983). Corsaro (1997: 49-67), whilst also acknowledging 'the major importance' of Ariès's work, adds to critiques of Ariès and other historians of childhood by pointing out that their focus is on '*adult* conceptions of childhood, their sentiments towards children, and their methods of child rearing' (Corsaro 1997: 54, author's emphasis). He rectifies this by analysing the work of historians who consider children and adolescents as influential actors in past societies (see for example Hanawalt 1993; West 1992); Corsaro calls this canon of work 'the new history of childhood', likening it to the 'new sociology of childhood' in terms of its role in presenting children 'as actively contributing to societal production and change while simultaneously creating their own child cultures' (*Ibid.*: 67).

A key debate that can be traced throughout both the historical and the recent sociological discussions of childhood is the question of whether children are recognised as 'subjects in their own rights' or as people in the process of becoming adults. One of the leading proponents of this process was the developmental psychologist Jean Piaget, whose notion that children develop in biological stages embedded itself as a key framework for childhood research in the social sciences. Rogoff (2003: 238) observes that although Piaget's work was primarily carried out in Geneva, Switzerland, 'the responses were assumed to

represent universal processes - cultural variation was not of interest'. Piaget's studies endeavoured to show that children followed a 'natural' and biological development pattern, and as such were not influenced by social factors. Thus a child moved from 'infantile, figurative thought to adult operative intelligence' (James *et al* 1998: 18). Within the Piagetian approach 'children are marginalized beings awaiting temporal passage, through the acquisition of cognitive skill, into the social world of adults' (Prout and James 1997: 11), thus prioritising the adult in terms of development, maturity and mental abilities. Such conceptualization of children placed them in a universal category, a position that was gradually eroded through the growth of 'interpretive perspectives' (*Ibid*) within the social sciences. The dominant perspective is the interpretation of childhood as a social construction.

Social Construction of Childhood

The socially constructed child is a local rather than a global phenomenon and tends to be extremely particularistic (James *et al* 1998: 214).

In their influential study of childhood, James *et al* seek to deconstruct any 'taken for granted truths' about children and the experience of childhood (*Ibid*: 9):

Childhood, as distinct from biological immaturity, is neither a natural nor universal feature of human groups but appears as a specific structural and cultural component of many societies. (...) Comparative and cross-cultural analysis reveals a variety of childhoods rather than a single and universal phenomenon (James and Prout 1997: 22).

In the early 1990s, James and Prout set out an 'emerging paradigm' for the study of childhood, which extended the debates beyond the traditional positions of earlier developmental psychologists. These debates make up the 'new sociology of childhood' (NSC), a multidisciplinary area that is dominated by sociology, but encompasses anthropology, psychology, human geography and social history. Whilst important contributions to these discussions on childhood have come from all these disciplines, the key texts are recognised as those by James and Prout (1990 and 1997) and James *et al* (1998), Jenks (1982), Qvortrup *et al* (1994), Stainton-Rogers and Stainton-Rogers (1992). The central tenet of the NSC is the perception of 'the child' as 'being' rather than

'becoming' (Qvortrup 1994: 4), and centres on the concept of childhood as a socially constructed phenomenon. James *et al* (1998: 28) identify four sociological approaches as characteristic of the new sociology of childhood, which I briefly summarise before discussing their relevance to this study.

In the first approach, the 'social structural child' is where childhood is viewed as 'a constant and recognizable component of all social structures, across space and time' (*Ibid*: 208). In this sense, childhood is a universal and 'generalizable' category. The second approach, the 'minority group child', also understands childhood to be universal 'in relation to its rights, qualities of personhood and status identity' but emphasises that it is 'differentiated' in the same way that other groups are in terms of gender or race. The 'socially constructed child', the third discourse presented by James *et al*, views childhood as a 'local rather than a global phenomenon and tends to be extremely particularistic' and 'unspecifiable' (*Ibid*: 27). Fourthly, the 'tribal child' approach identifies children's social worlds as 'real places and provinces of meaning in their own right and not as fantasies, games, poor imitations or inadequate precursors of the adult state of being' (*Ibid*: 28). This approach forms the basis of many ethnographic studies of children and childhoods (see for example Mead and Wolfenstein 1955; Opie and Opie 1969). In a more recent study, James and James (2004) place these four models within two key research perspectives: the first emphasises diversity in childhood and sees children as competent, social actors and the second looks for commonality in childhood by viewing it as a structured, social space. The authors point out that, despite the apparent opposition of these perspectives 'each approach does recognise, implicitly, the necessity of acknowledging *both* [authors' emphasis] the commonalities and diversities of childhood' (2004: 59). This recognition of less dichotomous positions in analyses and studies of childhood is a recent development and is discussed further in the next section.

Within the social constructionist approach, 'there are no essential forms or constraints' and childhood does not exist in a finite and identifiable form' (James *et al* 1998: 27). The importance of this model of childhood is the emphasis on the local and particular nature of childhood, as opposed to the universal and global model implied in the social structural model. Despite this emphasis, however, this model is to a great extent based on European and North American studies, thus imposing a Northern bias on theories of childhood. Whilst this model is undoubtedly significant as a departure point for studies of

childhoods in any context, including this thesis, it cannot be used as a hermetic framework – indeed, few theories or models in social sciences can be considered air-tight, they must be subject to interpretation. Layder argues that ‘social research is a process of developing theory in the light of data’ and calls this ‘adaptive theory’ (Layder 1998, cited in Mayall 2002: 5). Adaptive theory, which both shapes and is shaped by emerging empirical data in the research process, can thus extend and complement existing theoretical models. An ‘adaptive theory’ of childhood is a fitting definition of the arguments put forward in this thesis, which are based on my research experience in Oaxaca and the stories of the children’s lives in that socio-cultural and political context.

Notwithstanding their possible limitations, the approaches explored by James *et al* encourage thinking beyond the confines of accepted ‘norms’ in understanding childhood. As the authors point out:

To describe childhood, or indeed any phenomenon, as socially constructed is to suspend belief in or a willing reception of its taken-for-granted meanings (James *et al* 1998: 27).

In contrast to studies of childhood as a developing stage towards adulthood, or as ‘becoming’, the four theories discussed by James *et al* (1998: 207) view the child as ‘being’, as ‘a person, a status, a course of action, a set of needs, rights or differences – in sum, as a social actor’. It is now recognised (see Prout 2005 and discussed below) that childhood studies would benefit from a view that is neither one nor the other; i.e. while seen as ‘being’ in their present roles, children are simultaneously ‘becoming’, albeit subject to socio-cultural variations. However, in its emphasis on studying children as a distinct group in society or within communities, James *et al*’s paradigm overlooks those experiences of childhood that overlap, blend or blur with adulthood. As such, the social constructionist model presents a normative perspective of children and childhood, which views childhood as a separate world from adulthood. James *et al* (1998: 9) argue that it is precisely ‘(children’s) sustained otherness which is the necessary condition for understanding children, arising out of the difference comprising the adult-child relation’. Such an emphasis on children’s otherness is questionable, as it maintains a clear division between the worlds of childhood and adulthood. This division is explicit in much of the Northern studies of sociology of childhood, where the focus is on understanding childhood in relation to adulthood. Mayall (2002: 3) does point out that there is increasingly a blurred distinction between childhood

and adulthood, in the context of children and young people's easy access to 'adult cultural worlds', i.e. a notion that they are growing up too fast in this global consumer orientated society; however, this view does not include the idea of children's multiple roles in their communities or society.

Whilst this thesis supports the idea of the social construction of childhood – local, diverse and fluid – it goes one step further to show that children's movement in and out of roles often blurs the perceived boundaries of childhood. In this sense a model of childhood that is socially and culturally negotiated can be added to the 'new sociology of childhood'. Furthermore, such a model can be taken as the foundation for a Latin American sociology of childhood, as proposed in the final section of this chapter.

Negotiating the Boundaries of Childhood

Within the different sociological approaches to the study of childhood, a central and common concern is the relationship between children and adults. In this relationship, childhood is generally considered to be a transitional phase, a state of learning and becoming towards eventual adulthood. However, and as pointed out by White (2002a: 1097):

The danger is that this is seen in binary terms, with adults and children as two fixed categories, defined by their opposition to one another. What is needed instead is an appreciation of the multiplicity of relations amongst and between adults and children, and the variety of forms and terms of engagement which these comprise.

Valentine and Skelton (nd: 3) echo this position, observing that 'there is growing recognition that the passage of young people into adulthood is no longer linear in terms of the sequencing and timing of transitions', giving examples of young people having sexual relationships younger, or experiencing school to work transitions at different ages.

In a study of young people's transition from school to work in Bolivia, Punch (2002) introduces the idea of 'negotiated interdependence' as a way of understanding how young people assert some degree of agency over their choices while still fulfilling family and household needs. The use of the term 'interdependence' highlights – in this case, in the context of rural Bolivia – the importance of maintaining long-term family relationships, rather than young people moving from (family) dependence to (individual) independence.

Punch's concept is thus applicable to contexts where the boundaries between childhood, youth and adulthood are less defined. This highlights the inadequacy of viewing children's transition to youth and adulthood as linear, or from one position of dependence to another of independence. A view that takes away the limits of childhood also provides an alternative to the embedded dualist approach to children, where they have to be defined as one thing or the other – protected or liberated, innocent or evil, helpless or responsible, and so on.

In a different study, Punch (2003) explores the different ways children 'switch' between child and adult roles in the context of work, looking after siblings, school and play. In an example Punch describes how a ten year old moves easily between the roles of 'responsible adult' (ordering a younger sibling to get dressed for school) and 'carefree child' (having a play-fight with the same sibling). Such fluidity between roles is not unusual in the context of Southern societies. In contrast, a study about Norwegian children points to the atypical nature of children's negotiation of roles within the family. Solberg here (1997) uses the term negotiation to define the different ways in which children and their families interact and communicate. Solberg's research was carried out in a fishing community, where children of school-age were part of the labour force. Noting that in Norway, as in other Northern countries 'the idea of combining children and work is relatively unusual' Solberg explores the way this challenges conceptions of age in relation to children's abilities. Family negotiations in Solberg's study involve decisions about who contributes, and how much, to housework and other domestic chores; this is framed by the question of whether perceptions of children's abilities change depending on age. The children here are, according to Solberg, 'responsible, independent and "big"; to some extent they are adultlike' (1997: 142). Interestingly, Solberg concludes her study with the recognition of possible negative reaction to her portrayal of children as potentially autonomous and independent within the family structure. I use the example of Solberg's study here to emphasise the Northern concept of childhood that frames her work. The acknowledgement of the unusualness of children's work and negotiation of family roles in this context contrasts strongly with Punch's Bolivian study, where children's shifting roles and abilities is the norm. If Solberg had been writing about children working on the streets of Mexico City, one cannot help but wonder whether the approach would differ: i.e. would such children be viewed as victims rather than 'responsible and adultlike'?

Corsaro (1997) also discusses the idea that children are between two worlds ‘always participating in and part of two cultures – children’s and adults’ – and these cultures are intricately interwoven’ (1997: 26). He refers to this as children’s ‘evolving membership’ in these two cultures, and stresses the importance of studying children’s ‘collective activities with each other and with adults’. The literature cited here, however, despite emphasising the fluidity of children’s roles between childhood and adulthood, nevertheless seems to imply that adulthood in itself is a fixed stage. The assumption is that childhood definitely ends upon reaching the age of eighteen. Interestingly, such discussions do not include the notion that adulthood can also be a multidimensional phenomenon – for example when adults revert to child/adult relations as a result of illness or bereavement when they may seek the comfort of their mother or father. This is a question that lies beyond the scope of this thesis, but is one that merits further enquiry. Jones has suggested that amidst discussions and reconstructions of childhood and youth there is perhaps an equally urgent need to re-conceptualize adulthood, as a way of deconstructing the boundaries that divide and separate the different phases of life.²

The purpose of the discussion here is, firstly, to acknowledge the inadequacy of a division between childhood and adulthood in the socio-cultural contexts of Southern countries in terms of the shifting nature of children’s roles and, secondly, to consider framing these roles within the local structure of childhood rather than in relation to adultist norms. This is not to imply that childhood is lived in isolation of other elements around them - including adulthood - but is an attempt to encourage studies of children’s lives *per se*, framed by their local childhood and by their own definitions. This idea is further explored below.

While elements such as family, community, education and socio-economic status make up the realities of children’s lives, this social construction of their lives also comes from the children’s responses to their environment, which are negotiated across time, space, and cultures. As a precursor to the discussion of a Latin American sociology of childhood, the next section explores recent developments in conceptual discussions of childhood where there is a move towards a more holistic approach to children’s lives.

² From presentation at the conference ‘Childhood, Youth, Personal Relationships and the Life Course: Developing a Sociology of Young Lives’, Centre for Research on Family, Kinship and Childhood, University of Leeds, 13 April 2005.

Personifying Childhood

In a recent and ground-breaking text, Prout (2005) revisits the NSC, offering a critical reconsideration of its key positions and assumptions. Whilst recognising the magnitude of this cross-disciplinary movement, and the positive contribution it has made to studies of children's lives, Prout posits that its 'intellectual limits are increasingly apparent' (p2). At the core of his argument is the belief that 'childhood is not best studied within a framework built from and/or implicitly assuming a set of oppositional dichotomies.' He argues that the founding idea of the NSC - that of childhood as a social construction - is based on such a dichotomy, as it stands in direct opposition to 'older, biologically centred ideas of childhood'. Throughout his book, Prout sustains that such 'dualistic oppositions' are 'ultimately unhelpful and do not represent a sustainable way forward for childhood studies' (p.57). These oppositional relationships framing studies of childhood have included, as defined by Prout:

Childhood	:	Adulthood
Private	:	Public
Nature	:	Culture
Irrational	:	Rational
Dependent	:	Independent
Passive	:	Active
Incompetent	:	Competent
Play	:	Work

The 'weakening and blurring' of categorical boundaries in modern sociology is viewed by Prout as a useful starting point to move childhood studies away from oppositional dichotomies and, as he calls it, 'their apparently increasing inability to provide a framework for understanding contemporary childhood' (p.11). Prout's arguments provide a positive move forward for childhood studies, and open the way for non-dualistic and more open-ended studies of childhood, where children's experiences can be seen as a hybrid mix of previously separate or dichotomous categories.

This thesis concurs with such a move, illustrating the way that children in Oaxaca blur perceived boundaries between childhood and adulthood. This thesis takes the

additional step of emphasising the validity of studying children's experiences within the world of childhood. If the advocacy calling for 'child centred research' and recognition of children as 'social actors in their own rights' is to have real meaning, then there must be space for and recognition of children's lives strictly within childhood. Whilst approaches which situate children's experiences in generational analysis, or juxtaposed to adult spaces continue to be important and valid analyses, they may risk overlooking childhood for childhood's sake. This is to a great extent echoed in Qvortrup's plea for researchers not to lose sight of the singularity thesis of childhood (Qvortrup 2005). Whilst not in any way disregarding the importance of studies of children's diversity, Qvortrup contends that by taking the plurality thesis for granted ('childhoods' or childhood with the little 's' as coined by Qvortrup) there is a risk of jeopardising a generational perspective, or losing sight of the notion of 'the whole child' which is based on the notion of 'personhood' rather than category (Moss and Petrie 2004: 100, cited in Qvortrup 2005: 6).

Qvortrup's position is further discussed below, but for the purpose of the argument here it is useful to highlight his call for childhood to be studied as a 'unit in a generational structure'. Thus, the children in this study adopt a myriad of roles and activities in their daily lives - which in terms of what they *do* blur boundaries between 'childhood' and 'adulthood' - but these are experienced within their unit/world of childhood. The political activism of the Loxicha children, for example, blurs perceived generational divisions since adults do not normally view children as competent political activists. This thesis posits that to view children's movement in and out of roles *within* the margins of childhood is a true recognition of their agency, rather than viewing their activism through an adultist lens which risks undermining the 'whole child's' experience. In other words, by removing the childhood/adulthood dichotomy, and abandoning adultist terms to describe children's roles and activities, there is greater space for a true representation of experiences of childhood. This theme will be revisited in chapter eight in the context of children's rights teaching in Oaxaca.

One or Many Childhoods?

As already explored, whether we are to talk of one or many childhoods has been at the centre of debates within childhood studies since its initial development. Indeed, central to the development of childhood studies, as explained by James and James (2004: 13) in their discussion of a 'cultural politics of childhood', is 'the twin recognition that childhood is, at one and the same time, common to all children but also fragmented by the diversity of children's everyday lives'.

As already alluded to above, the field of childhood studies is moving and changing with the times. More and more studies are now questioning previously fixed notions of childhood and dichotomous positions in analyses of children's experiences (see Lee 2001, Prout 2005, Strandell 2005). Furthermore, as Strandell posits:

... not only the stability of the category of childhood has diminished, but also the stability of adulthood. The destabilization of adulthood as the standard model undermines the childhood position as opposite to adulthood, resulting in disturbance or even breakdown of the generational order.

Prout has recently asserted that the belief in the separateness of childhood from adulthood 'was both a condition of possibility for, and an effect of, constituting childhood as a special sphere of study' (2005: 35). Thus, as already discussed, the child/adult and being/becoming dichotomies have underpinned social studies of childhood since its inception. New developments have seen critiques of these positions, including the observation that the 'new' sociology of childhood has become 'rather middle-aged' (Thorne 2000, cited in Prout 2005: 67). The central tenet of Prout's vision for taking the study of childhood forward and into a 'genuinely interdisciplinary field' focuses on a move away from dualistic approaches. Of particular interest to this thesis, is his call for a 're-conceptualization of childhood's ontology', where childhood is seen as 'non-linear', and 'neither "natural" nor "cultural" but a multiplicity of "nature-cultures"'.

Moss and Petrie (2002) echo this view, hoping for childhood studies to 'open[ing] out room for the whole child, unhampered by labels and in a position to engage in relationships with children and non-children on the basis of personhood rather than category'. This reiterates my argument for studying children's experiences within the unique world of childhood and is of relevance to the theme explored in chapter eight, where my data point to the need for a revision of language and terminology for teaching children's

rights and when talking about children's activities. Qvortrup's (2005: 8) pessimistic view of the possibility of improving the conditions for the category childhood is that 'even this improved version will be designed by adults in accordance with prevailing ideas and power relations'; as I have already pointed out, if the advocacy and discourse is to be seriously followed through and truly translated into real practice, then this needn't be the case.

Any study of children's lives, then, must be framed by the local cultural context of childhood. In a study about children's participation in the war in El Salvador, Peterson and Read (2002) stress the importance of acknowledging cultural understandings of childhood. The author quotes a report by a Central American NGO which concludes that these children 'have, in effect, no childhood' (*Ibid.*: 219). In other words, because of their involvement in the particular political context that surrounds them these children have taken on 'responsibilities of adults'. It is undeniable that children living in conditions of poverty and war suffer great misery; but to state that they have lost their childhood is to frame their realities in a Northern-based notion that views children as 'innocent' and passive and in isolation (or protection) from adult's activities and abilities.

Children across diverse socio-cultural settings engage with their environment in different ways, adopting a myriad of roles, identities, and coping mechanisms. In order, therefore, for any children's programme to be effective, it must take into account children's own interpretations of their culture. This, Boyden suggests (2003: 16) that:

'(...) we adults need to temper our assumption of childhood irrationality and adult expertise with some humility. It also implies the need for new research methods and methodologies that are child-centred, and provide data that are sensitive to cultural context.

The predominance of labels and categories for children comes from the differences across these socio-cultural realities; or, to be more precise, it is these realities that shape our (adult) perceptions of 'other' childhoods. Thus, to situate or contextualise different groups of children, they are labelled rich or poor, First world or Third world, schoolchildren or street-children, and so on. This need to situate children in their socio-cultural context is a first step towards understanding different experiences of childhood. However, such categories or labels can warp perceptions, as these are generalisations that are mostly grounded in the views of adults based on their own cultural reality. This brings to the fore the importance of, firstly, learning about childhood from the children themselves – do they

label or define themselves in the same way as outside adults do? Secondly, it stresses the necessity for empirical work on children to be framed by theoretical models that have more in common with their local realities than other more global paradigms. More importantly still, it perhaps points to a need to develop new models or paradigms as they emerge from empirical studies – leading to the possibility of a move away from theoretical paradigms altogether to focus solely on lived realities as the most accurate models of childhood. Such a hypothesis is not so far fetched in view of the current emphasis on child-centred research and the importance of children’s voices within any research study on their lives.

The importance of recognising different experiences and constructions of childhood is explored in the final section of this chapter through the proposal of a Latin American Sociology of Childhood, as a way of framing the context of the lives of the Loxicha children in this study.

Towards a Latin American Sociology of Childhood?

If the history of childhood in Europe and in North America is a late developer, the history and sociology of childhood in Latin America are truly in their infancy (Hecht 2002: 5).

It is significant to point out that the histories and theories of childhood outlined earlier are predominantly European or North American in their focus, pointing to a scarcity of conceptual work on children in other parts of the world. Contemporary studies, reports or stories about children in Africa, Asia and Latin America tend to focus on specific groups of children, in particular vulnerable and poor children. Hecht (2002: 242) pertinently explains how most contemporary knowledge about these children is ‘limited to the murdered and the murderous’, and consequently these groups of children are ‘at that uneasy crossroads of pity and fear’. Hecht compares the scarcity of writing about children in Latin America to that of women forty years ago, and whilst work exists on socially marginalised groups, the gap in the literature concerns the thousands of ordinary poor children across the continent who exist out of the limelight of researchers or news documentaries.

Hecht’s edited volume *Minor Omissions: Children in Latin American History and Society* (2002) is an important contribution to a relatively new but growing area of research in that

region of the world. Contributions to this volume range from records of children's agency in colonial Latin America to accounts of the contemporary gap between rich and poor children across the continent. The latter is important in highlighting the lives of thousands of marginalised children, who in most cases do not attract the attention of researchers because they are not 'street children' or 'victims of war'. It is important to emphasise here that studies of children who are work or who are soldiers constitute an invaluable source of knowledge about the realities of these children's lives. However such studies often suggest that these children are missing out on childhood, as described above. Peterson and Read (2002) reject such positions, and claim that the 'idealized' and Western view of childhood has never accurately portrayed the lives of poor children whether in Central America, Latin America, Africa, Asia or the Middle East. The realities of many children's lives in Mexico and across Latin America reflect what Peterson and Read rightly label the 'untenable character of the effort to divide childhood and adulthood sharply from each other' (2002: 230).

My purpose in suggesting a Latin American Sociology of Childhood (LASC) is not an attempt to homogenize the experiences of children lives across the continent; rather, it is an endeavour to establish what could be called a Southern conceptualisation of childhood, which can complement and extend the present Northern paradigm of childhood studies. It is undoubtedly important to recognise heterogeneity in childhoods just as it is in relation to other groups such as women or indigenous people. Children across Central and Latin America fill up the categories of rural, urban, monolingual, indigenous, displaced, street children, child soldiers etc. Nevertheless, the study of these children's lives needs to be placed within a framework that is closer to the realities of Latin American family and community life and social norms; these include extended families, children working with parents in streets and markets, children's 'adult' roles from an early age, looking after siblings, working, contributing to family income etc. The central tenet of a LASC would therefore, in addition to the concepts of social construction of childhood, recognise the fusion of childhood and adulthood in the context of children's roles and status within their families and communities. A move towards establishing such a theoretical framework would enhance studies of children's work, play and political participation in the context of Latin American society.

Histories of Latin American Children

The foundations for a LASC have already been firmly established by the work of, amongst others, Aptekar (1988), Bartell and O'Donnell (2001), Boyden (1997), Corona and Pérez (2000), Ennew (1997, 2000, 2002), Ennew and Milne (1990), Green (1998), Hecht (1998, 2002), Paterson and Read (2002), Punch (2002a, 2002b, 2003), Rizzini, Munoz-Vargas and Galeano (1994), Rizzini, Zamora and Corona (2004). Interestingly, the majority of these studies are by academics or practitioners from Northern countries. It could be argued that the interest of these scholars in researching the lives of Latin American children, is in outlining the difference or otherness of their experiences of childhood – hence the prominence, for example, of studies about street children, as they are seen as existing 'outside' the established (and Northern) norms of safe, protected children. But what of research and studies by Latin American scholars? And why has no theoretical model of Latin American childhood been established? One explanation may be that the realities of children who live in conditions of poverty, violence or exploitation require more urgent – and practical – attention. Hecht notes that there are a small but growing number of scholars researching the lives of Latin American children, but points out how this body of work differs in emphasis from that on European or North American childhood. This difference is expressed in a study of Mexican childhood by Lavrin (1991 cited in Hecht 2002: 6), who notes:

The memory of childhood in [Latin America] has been assimilated to that of education or welfare, and the works that have dealt with children in that manner have used an institutional approach in which they [children] have remained ancillary rather than the centrepiece of the research.

Most Latin American studies of children fall into one of two main categories: firstly, historical accounts of childhood which are subsumed in accounts of the lives of families or women, for example the life of Rigoberta Menchú, or Oscar Lewis's famous Mexican study 'The children of Sanchez'. Secondly, children's lives are researched as part of NGO or government reports on health, nutrition or education. Whilst there is no obvious shortage of studies by Latin American scholars on the experiences of the children in their countries, it is significant to stress that such studies are framed by a universal concept of childhood. Thus, for example, in an analysis of working children in her country (Brazil), Campos

regrets that these children are 'unable to fully live their childhood' (Campos 1993, cited in Hecht 2002: 247). This leads Hecht (*Ibid*) to observe, in what could be seen as a call for a Latin American sociology of childhood, that:

Surprisingly few studies of childhood in contemporary Latin America consider the possibility that there may be multiple forms of childhood coexisting and competing with one another at a single moment and that the terms and limits of these socially constructed notions are partially set by children themselves.

In other words, despite the many realities of children's lives across Latin America, scholars still lament poor children's 'loss of childhood'. This reaction of pity tends to be based on the belief that these children are missing out on childhood, as they appear to be beyond the confines of a safe, happy, carefree childhood. According to such a model of childhood, children are believed to occupy a kind of 'walled garden' that protects them from 'the harshness of the world outside' (Holt 1974: 7). This view and understanding of street, or any group of poor children, has not changed over history. Cunningham (1991: 4) describes how, across the centuries poor children have been viewed with fear or sympathy, the latter only if 'the condition of the (poor) children was perceived to be a denial of what was thought of, at any point in time, as a proper childhood'. This is categorically observed in a study about shanty town children in Rio de Janeiro which suggests that 'in Brazil, childhood is a privilege of the rich and practically nonexistent for the poor' (Goldstein 1998, cited in Hecht 2002: 247). This is no different from the dominant attitude in 1800s England where street children were pitied and described as follows: 'they were all pale...they were babes tossed, their bones hardly set, into the thick of the battle of life' (Doré and Jerrold 1876, cited in Cunningham 1991: 117). Punch rightly notes that this focus on the difficult and often harsh aspects of children's lives has led to 'an obfuscation of more ordinary everyday aspects of majority world children's childhoods' (2003: 281). In particular she notes the absence of any recognition of these children's 'childhood culture' where play is as important as going to school or working.

Thus, even amongst researchers who live in Latin America and are aware of children's multiple roles and realities, there is a tendency to adopt the dominant paradigm of childhood in their studies. This, I would argue, raises the need to explore the possibility of theoretical constructions of Latin American childhood.

Multi-layered Realities – Alternative Constructions

In his research amongst children of the streets in Asunción, Paraguay, Benno Glauser (1997) explains that it was 'a confrontation with reality' that prompted him to reconsider and question existing concepts of street children. Whilst this example is specific to children who live or work in the street, a comparative minority of poor children, Glauser's study is useful for explaining the need for adequate and relevant concepts of childhood. In studying the complex realities of these children's lives, Glauser concerns himself with how definitions and concepts are formed in society and how they become dominant in a way that obscures parts of the social reality. Thus, the broad category of 'street children' was deemed inadequate by Glauser to portray the intricacies and many layers of the lives of the children he researched.

Similarly, Hecht seeks to establish adequate childhood concepts to frame his study of street children of north-east Brazil (Hecht 1998). He proposes two ways of contextualising the childhoods of these children: 'nurtured' and 'nurturing' childhoods. To summarise briefly, according to Hecht, nurtured children are rich, looked after children and are 'highly differentiated from older members of society' who are 'the ultimate consumers, unfit to offset with productive activity their own need to be fed, clothed, and pampered'. In contrast, nurturing children are poor and are 'expected from an early age to contribute to the production and income of the household'. Hecht thus contextualises rich and poor childhoods within the micro/local context of an area in north-east Brazil, through a detailed description of the physical settings which distinguish and culturally construct these opposing experiences of childhood. Hecht's study is built on the voices of the children themselves who are the ones who can most precisely define their realities, and thus offer an 'insider's' view that can challenge dominant socio-cultural paradigms of childhood.

In her study amongst children in rural Bolivia, Punch's discussion of socially negotiated childhoods and youth transitions echoes Hecht's idea of 'nurturing' childhood, where children take on adult roles from an early age. These examples of childhood research have laid important groundwork towards a Latin American sociology of childhood, and common to all of them is the emphasis on local contexts that structure childhood experiences, the reality of children's agency, and the multifaceted nature of their roles and

status within their immediate environments. These elements, which are central to this study of children's lives in Oaxaca, provide a substantial basis on which to build a Latin American sociology of childhood. Whilst such a regional framework may appear to present a further dichotomy to contend with in childhood studies – a north/south divide – I believe this to be a necessary evil: childhood experiences in Oaxaca or elsewhere across the region cannot adequately be framed by concepts that originate in Northern realities and perceptions of childhood.

Conclusion

This chapter has described how dominant concepts of childhood, whilst acknowledging children's agency and socially constructed realities, maintain a clear division between the experiences of childhood and adulthood, and has argued that such a distinction provides an inadequate paradigm for studying the lives of children whose realities blur such boundaries. The purpose of proposing a regional sociology of childhood is to promote an idea of childhood that is not so 'other' or separated from adulthood. This position is supported by recent developments within the sociology of childhood which point to more holistic approaches to the study of children's lives.

Deciding what it is that defines childhood – culture, society, families, politics, age – is in fact a quest to define the indefinable. Hence the need to categorize children in order to 'place' them in the reader's or observer's eye – thus we have street children, orphans, child soldiers, displaced children, indigenous children, Northern and Southern children, working children, school children and so on. Is there one common element to all these experiences of childhood? Beyond merely stating that they are all children, this is a difficult question to answer. But it is one that demands adequate theories and concepts within which to place these multiple realities. This chapter has explored the history and developments within the field of childhood studies, and noted the recent shifts in thinking that envisage a more fluid, less dualistic framework for studying children's lives. The possibility of a Latin American Sociology of Childhood, while by no means the perfect solution, invites studies of children across that continent to be carried out with more fluid notions of childhood, and ones that may be closer to lived realities than those perceived within a Northern theoretical framework. Rather than suggest homogeneity amongst Latin American children, a LASC

would encourage researchers and scholars to approach work with these children with a broader, and hopefully more realistic, conceptualisation of their childhoods. Furthermore, this chapter has proposed that studies of children's lives be child-centred in a most literal sense: this involves abandoning adultist language and norms to describe what children do or how they experience their childhood.

This discussion of childhood serves as an essential theoretical and conceptual precursor to the following chapter which examines the UN Convention on the Rights of the Child (CRC), highlighting the assumptions and contradictions embodied in the treaty and discussing the dominant debates within today's discourse on children's rights. As such, these two chapters combine to provide the overall theoretical framework to this study. The consideration of local realities of childhood, as discussed earlier, is key to the effective implementation of any programmes for children. Boyden (2003) argues that 'effective policy requires sound theories and sound empirical data if it is to benefit children'. If Latin American or Mexican policies for children are framed on northern models of childhood, these risk reaping inadequate and perhaps unrealistic results. It has been argued that the CRC was drafted largely on the basis of a Northern understanding of childhood. If this is the case, it obviously has important implications for effective implementation of children's rights at the grassroots level. This is explored in the following chapter.

The two conceptual areas of childhood and children's rights necessarily feed into each other: the law cannot work in isolation of social reality, i.e. the implementation of the CRC cannot be conducted without consideration of children's local experiences. The next chapter builds on the discussions of childhood and offers an analysis of the principal debates to emerge from the CRC and discourse on children's rights.

4

Children's Rights: From Protection to Liberation?

Introduction

To some, the topic of children's rights has become a matter of ridicule, conjuring up visions of children forever consulting their solicitors about rises in their pocket money or ensuring a better brand of cereal. Perhaps this is because the idea of children deciding matters regarding their upbringing challenges the manner in which society organises family life and requires reassessment of how it should respond to children's needs. Despite the jokes, and even some hostility, it seems clear that the concept that children have rights is here to stay (Fortin 1998: preface).

A Northern - and class - bias underlies this opening quote: children receiving pocket money and being able to decide which brand of cereal to have for breakfast are children who live relatively comfortably. This gives rise to a first question already explored in the previous chapter: whose childhood is being referred to? The answer to this question has a direct bearing on the corresponding understanding of children's rights and how they are implemented across cultures, advocated to society in general, and taught to children.

Fortin's comments raise a second and complex enquiry: What does it mean to say that children have rights? As discussed below, children's rights have taken centre stage in debates, policies and programmes for children, to the extent that many organisations working with and for children feel obliged to include them as part of their agenda, if not make them the central focus of their work. Rights for children and young people are an important element of citizenship curricula in schools, and in recent years have been the focus of numerous conferences and campaigns across the world. Whilst the rhetoric is loud, the reality is not always so well defined. There is clearly little novelty in the notion that rhetoric rarely translates into real change or action; however, the discourse around

children's rights has been so prominent and consistent over the past fifteen years that it is not unreasonable to expect action and changes at the grassroots level, in children and young people's daily lives. Apart from practical evidence of children 'having' rights, this is also a conceptual issue that remains wide open to debate. As pointed out by Campbell (1992: 1):

Despite official recognition of children's rights in such documents as the [CRC], the questions of whether children may properly be said to have rights, and if so, whether there are rights that are peculiar to children, remain matters of philosophical controversy.

One objective of this chapter is to explore the concepts, debates and vision that underpin the children's rights discourse, as a way of framing the empirical data from Oaxaca and understanding the issues involved in implementing children's rights in that socio-cultural context.

In the same way that concepts of childhood have a long history, discussions about children's rights have also been part of socio-political and moral debates for over a century. Furthermore, the conceptual shift from the early child saving approach to one that advocates for children's empowerment and participation is paralleled in both discourses. Building on the discussion of childhood in the previous chapter, this chapter traces the development of children's rights advocacy, examining the CRC and exploring the principal debates to have emerged in the contemporary discourse on children's rights.

Literature about children's rights is vast and - mirroring childhood studies - the bulk of it comes from a Northern perspective, based on European or North American studies, such as work by Alston *et al* (1992); Archard (1993); Franklin (2002); Freeman (2004, Vols I and II); Freeman and Veerman (1992); Fortin (1998). This canon of work encompasses philosophical, legal, economic, social and cultural approaches to children's rights. Numerous studies have also been written on children's rights in the context of development work with children and children in vulnerable situations in southern countries (see for example Boyden and Myers 1995; Ennew 2002; White 1996). The notion of rights is also at the centre of children's programmes within international agencies such as Save the Children and UNICEF (see Save the Children 1999, UNICEF 2002). In Latin America the majority of studies or reports around the issue of rights for children are based on NGO work or come from child research centres, such as that done by the child rights network *Derechos de la Infancia* in Mexico for example (see www.derechosinfancia.org.mx).

Beginning with a historical overview of how children's rights have developed and become embedded into most work with children in today's world, this chapter examines the UN Convention on the rights of the child (CRC) which has undoubtedly been the motor behind the global advocacy for children's rights. This discussion will explore the notion of childhood that is encapsulated within the CRC, and the tension between concepts of children's needs and their responsibilities. The chapter then focuses on one particular arena of debate, that of children's participation, questioning why this is such a prioritised notion within agency work, advocacy and government policies/programmes for children, given that only a minor element of the CRC refers to participation. This thesis is concerned with the limits of the kind of participation envisaged by the CRC and also by NGO agendas, bearing in mind the political participation of the Loxicha children as explored in chapter six. Finally, this chapter reviews the importance of linking the discourse of children's rights with corresponding notions of childhood.

A Brief History of Children's Rights

The issue of self-determination is at the heart of children's liberation. It is, in fact, the only issue, a definition of the concept. The acceptance of the child's right to self-determination is fundamental to all the rights which children are entitled to (Farson 1974: 27).

Since the earliest notions of children as individual subjects in society, the discourse of children's rights has not only grown as a global issue but, according to Franklin (2002: 3), has also gained certain respectability in that it is no longer rejected as 'utopian nonsense' but is an issue that informs policies of government and non-governmental organisations, legislation and welfare programmes. 'The rights of children' was the title of an article published in 1852 (cited in Freeman 1983: 18), a period which also saw the establishment of a 'league for the protection of the rights of children' in France, the beginnings of the 'child-saving movement' and the establishment of compulsory education (*Ibid*). The concept of children's rights has also developed in parallel with society's perception of childhood. Thus it has moved from the notion of children as 'pygmies among giants, ignorant amongst the knowledgeable, wordless among the articulate' (Mead and Wolfenstein 1955: 7) to children as bearers of rights and full participants in society (see for example John 2003; Lansdown

2001; Newell 2000). However, the very idea of children having rights is peppered with moral and philosophical questions, not least as to the function of such rights: Does it mean that children can enforce or demand their rights? Do they imply that children require special, and different, rights to other groups in society? These questions underlie some persistent dichotomies within the debates around children's rights, and echo the dualistic approaches that have characterised the study of childhood, as explored in chapter three. The child rights dichotomies include discussions of children's needs vis-à-vis their responsibilities and duties, children's 'otherness', and children's agency (framed in the participation debate) juxtaposed with their protection.

In the 1970s Rodham described children's rights as 'a slogan in search of a definition' (1973: 487). During this period 'there was a great deal of confusion as to what "the rights of the child" really implied' (Cantwell 1992, cited in Steiner and Alston 2000: 512). It was at this time that the child liberationists put forward their manifestos for children, advocating that children should have the same rights as adults. Works by Richard Farson (1974) and John Holt (1974) are considered to be the two key texts of the child liberationist literature. According to the liberationists - and to justify the need for children's rights to be respected - 'children were represented as one of the major oppressed groups in Western society, alongside blacks, women and the proletariat' (Archard 1993: 45). This liberationist discourse was an early call for children to be recognised as a 'minority' group with distinct needs in society. The legal consensus as to this 'distinction' is reflected in the establishment of legal tools to protect and provide for children.

In 1924, in the European post-war context, the League of Nations made a commitment to meet the basic needs of children, guaranteeing food, shelter and protection. This constituted the basis for the Declaration of the Rights of the Child, adopted by the UN General Assembly on 20 November 1959. The Declaration made added provision for children to be protected against all forms of discrimination and exploitation. Unlike today's Convention, the 1959 Declaration consisted more of a set of moral entitlements based on the notion that children and the fragile phase of childhood ought to be protected and nurtured. It was the 1959 Declaration that formed 'the springboard' (Cantwell, cited in Steiner and Alston 2000: 512) for the process towards establishing the UN Convention on the Rights of the Child (CRC). The legally binding nature of the CRC ensured that it was quickly recognised as an important advocacy tool that would 'promote children's welfare as

an issue of justice rather than one of charity' (Veerman 1992: 184), thus taking the debates away from the traditional protection and provision approach to one that also acknowledges children's agency and participation. This echoes the trend in development work where the adoption of a rights based approach (RBA) has shifted the emphasis from charity or welfare to one of rights and accountability (see CRIN 2005), and is discussed below in the context of children's programmes. The CRC was also recognised as being considerably ahead of any national formulations of rights, a factor that firmly marked it as a unique international tool not only for the promotion, respect and implementation of children's rights, but also for the legal responsibility and accountability of the state and the international community.

The CRC: Protection, Provision and Participation

No other treaty, particularly in the human rights field, has been ratified by so many states in such an extraordinarily short period of time. The Convention has thus generated an unprecedented degree of formal commitment on the part of governments and the task confronting children's rights advocates will be to ensure that this commitment is matched by action (Alston and Parker 1992: viii).

Following the International Year of the Child in 1979, Poland called for a draft of what was to become, ten years later, the CRC. Representatives from the five main regions of the world participated in the drafting process and made up the Working Group which in terms of number increased from 27 in 1981 to 57 in 1989 (Johnson 1992: 96), with seats allocated as follows: 10 seats for the West (Western Europe, US, Canada, Australia and New Zealand), 5 seats for the East (the Soviet Union and Socialist Eastern Europe), 11 seats for Africa, 9 seats for Asia, and 8 seats for Latin America (Johnson 1992: 96). These included representatives from NGOs who, according to Alston and Parker (1992: vii), 'made the greatest effort to achieve a balanced, coherent and comprehensive approach' to the drafting process. However, the fact that representatives regularly changed over the ten years meant that there was little continuity in the debates around the 'philosophy underlying the approach being adopted or the overall framework or scope of the Convention' (Ibid).

The CRC came into being at the beginning of the 1990s, what has been termed the decade for children's rights. Following the global attention on human rights and indigenous rights in the 1980s, children's rights became the new political discourse to be espoused by

governments and international agencies. Hailed as ‘the cornerstone of a new moral ethos for children’ (Himes 1995: 1), the CRC was ratified and signed by most countries within two years of its adoption by the UN – to date the United States and Somalia remain the only two countries that have not yet signed. Ratification means that signatories are legally bound to the Convention. Countries that have signed and ratified the CRC are thus required to bring existing national law in line with the CRC so that it reflects the same ideals. After an initial report to the UN Monitoring Committee (two years after ratification), countries are thereafter required to submit reports every five years on progress in terms of implementation of the CRC and modifications to national law. Whilst the monitoring committee oversees the implementation of children’s rights in signatory countries, this process is only carried through at the level of government policies and initiatives; for example the right to an education is not monitored at the level of teaching practice in classrooms. An important element of the monitoring process must be grounded in children’s realities, for it to provide any real evidence of how these rights reach children in practice, or whether they are meaningful to them as a concept. The way rights are taught and transmitted to children is of key interest to this thesis and is further explored in chapter eight.

The CRC is made up of 54 articles in total, 41 of which concern the provision for, protection and participation of children (known as the three ‘P’s). These articles establish rights for the child’s survival, development, name and identity (Articles 6, 7, 8), education (Article 28), health, social security and an adequate standard of living (Articles 24, 25, 26, 27); they assure protection for children against sexual exploitation (Article 34), child labour (Article 32), abduction, torture and deprivation of liberty (Articles 35, 36, 37), and against involvement in armed conflicts (for children under aged fifteen, Article 38); four Articles cover what are recognised as ‘participation rights’, allowing for the child’s opinion and views to be taken into account, freedom of thought and religion, and of association (Articles 12, 13, 14, 15). Article 18 establishes the responsibility of parents for raising their children. The CRC also acknowledges ‘special consideration for children living in exceptional circumstances’ (preamble) and establishes specific protection rights for refugee children (Article 22), disabled children (Article 23) and children of minorities or indigenous populations (Article 30). Unlike the African Charter (see below), the CRC does not include any statement of children’s duty or responsibility within their families or communities. This

omission to a large extent reflects the northern vision of childhood that frames the CRC, and is discussed below.

Writing in 1993, Freeman (1993: 46) referred to the CRC as ‘only a beginning’ for children’s rights, believing that there was still a need ‘to move beyond official rhetoric and towards empowerment, with a need to re-examine structures, institutions and practices to make children’s rights more meaningful’. Freeman’s observation encapsulates something of a quandary lying at the core of the children’s rights discourse, since a move away from rhetoric towards empowerment carries with it notions of autonomy not envisioned by the CRC. One of the key themes in this thesis demonstrates the need for an additional factor to ensure the ‘move beyond official rhetoric’, that of a shift in language. Chapter eight shows, in the context of Mexico, that the main obstacle lying in the way of making rights more ‘meaningful’ to children is that fact that this objective continues to be pursued through the literal, and formal use of the text of the CRC. The need to move beyond rhetoric, therefore, requires children’s rights advocacy to move away from the normative framework, and ‘adultist’ language of the CRC, to the realities of children’s lives as the starting point for the ideals envisioned in the Convention. The success of such a process is also dependent on the clarification or untangling of terms such as ‘participation’, ‘empowerment’, or ‘citizenship’ in the context of children’s rights.

Most importantly, any endeavour to move beyond the rhetoric of children’s rights involves an understanding of the corresponding nature and reality of children’s lives in any given socio-cultural context. But who is the child encapsulated within the 41 articles of the CRC? She or he is, by the CRC’s definition, a universal being under the age of eighteen. The next section explores the implications of such a definition.

The CRC’s Child

Despite all the sentimentality surrounding definitions of childhood, the category ‘child’ is a legal one. A child is a legal minor in any society. Children are powerless (Ennew and Milne 1990: 19)

One of the criticisms against the CRC is that it was ‘drafted with a particular type of childhood in mind and treats children outside this model as marginal’ (Ennew 2002: 402);

Ennew argues that this 'particular type' is a Northern model of childhood. In its final version, and in order to set a universal and legally binding benchmark for children, the CRC has adopted a generic model of childhood, which encompasses 'all human beings under the age of eighteen' (CRC, Article 1). Childhood is thus perceived as a generational stage or category that only changes (into adulthood) once this age is achieved. Age markers or boundaries are evidently necessary for policy makers, to ensure that policies and programmes respond to specific and different needs of children and young people. However, as long as the law (in most countries) maintains the age of eighteen as a legal marker, then children's participation will remain subtly confined by this generational boundary – which consequently allows for larger control (or power) to continue to be exerted by adults. This can clearly be seen in the CRC's vision of child participation, explored below.

The CRC's vision of childhood suggests a linear process of growing up, where adulthood is a point on the continuum that is recognised only at a certain age in life. Despite reality often reflecting a more fluid process, this view of childhood bounded by age markers is embedded in most societies – and is held by both children and adults alike (as explored in chapter seven). An obstacle standing in the way of practical implementation of children's rights, therefore, is the incongruity between the fixed and universal notion of childhood as reflected in the CRC (and consequent policy making), and the diversity and shifting nature of local childhoods.

In its normative approach to childhood, the CRC does not permit any blurring of boundaries between childhood and adulthood – i.e. it is very clear throughout the CRC that parents/guardians/ the state (i.e. adults) have 'the primary responsibility for the upbringing and development of the child' (Article 18) and that this shall be done with 'the best interests of the child' (Article 3) as a main concern. This is undoubtedly true of most families, communities and societies – but it does not account for the thousands of children who, for example, are responsible from a very early age for the care of younger siblings. According to the CRC, states are to guarantee 'appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities...' (Article 18 (2)): children who look after their younger siblings, feeding, dressing them, taking them to school, bathing them etc, are - being 'minors' - not considered legal guardians, thus don't receive the same assistance as

that laid out in Article 18. This example highlights some of the problems of reconciling the CRC and its ideals or vision with the reality of children's lives across socio-cultural contexts.

Seymour (1992: 101) discusses the relationship between rights and the concept of childhood, with reference to a legal case involving a teenager and her parents, and expresses the tensions therein:

If society believes that its children are special and deserve protection and guidance, it must accept that disputes in which they are involved will be handled by persons operating within a particular frame of reference. The alternative is to accept that children who display a certain level of maturity should be treated in the same way as adults. We cannot have it both ways.

This points to one of the dichotomies reflected in the CRC and its vision of empowerment for children: can we protect and provide for children (on the assumption that, because they are children, they need such protection and provision) and expect them to make decisions and participate in society at the same time? Underlying this apparent dichotomy is Article 3 of the CRC, regarded as its guiding principle, which states that: 'in all actions concerning children (...) the best interests of the child shall be a primary consideration'. However, the broad category of 'children' will involve different interests according to age, and also according to social and cultural environments. Furthermore, there is the question of who decides what those 'best interests' are; a factor that could be regarded as perpetuating the paternalistic approach to children's welfare and needs. For it is the responsibility of adults (parents, guardians, institutions) to ensure that a child's best interest is considered in decisions concerning their welfare. At the same time, however, the CRC provides children 'who [are] capable of forming his or her views the right to express those views freely in all matters concerning [him or her]' (CRC, Article 12). Perhaps there is a need to disregard any dichotomous relation between these two articles and regard them instead as compatible provisions – children can participate in society and be protected and provided for at the same time, just as is the case for other groups. The seemingly contradictory implications in Articles 3 and 12 point to the tension between welfare (needs) and autonomy (rights), which is discussed in the next section. The way in which policy makers or development NGOs deal with this tension in day-to-day work with children is influenced by corresponding notions of childhood, as discussed earlier. If the transition from childhood to adulthood is a fluid process involving multiple and negotiated roles between both worlds, then the

attention to children's rights and needs must reflect the diverse interests of children in that process.

Needs, Rights and Responsibilities

The traditional perception of children as having needs – for love, care, protection – is now challenged by a recognition that children are subjects of rights, a concept that has gradually developed during the course of the twentieth century, culminating in the adoption of the CRC in 1990. (...)

The recognition of children as subjects of rights rather than merely the recipients of adult protective care introduces a new dimension to adult relationships with children. It does not negate the fact that children have needs but argues that children therefore have rights to have those needs met (Lansdown 2001:93)

As pointed out earlier, concern for children after the First and Second World Wars centred on the basic needs of shelter, health care and food, and was framed in the UN's Declaration of 1959. The CRC has shifted attention to rights, establishing a legal and enforceable framework for work with children. Boyden (1997: 198) comments that by framing welfare in rights terms there is a 'contractual obligation to guarantee child welfare', implying that to talk about rights carries more weight than needs:

In this sense 'right' is a far more powerful concept than 'need', the term that dominated early welfare thinking, because the latter amounts to little more than a general statement about moral entitlements (*Ibid*).

White (2002: 2) echoes this position by asserting that a rights approach to development work with children is 'more punchy and political'. But the tension between rights and needs/welfare poses a dilemma for development work with children. In terms of the practical implementation of the CRC, Alston and Parker (1992: x) state that 'arguably, the success or failure of the Convention could hang on how this tension is practically resolved'. This does not, however, necessarily mean that one is more important than the other; children's needs continue to be of paramount importance, but are now being addressed through the rubric of rights. According to Frost (2005: 26), 'rights-talk stops people being perceived as "needy"...'. Scepticism towards a child-rights based approach has centred on the concern that it is merely a new form of imperialism, exporting Western notions of childhood based on stereotyped images of children's lives.

Rogers and Wrightsman (1978: 61) define the difference between needs as 'giving children what's good for them' and rights as 'giving children the right to decide what's good for themselves'. Freeman (1983: 3), in contrast, argues that nurturance (needs) and self-determination (rights) are points on a continuum rather than a dichotomy or two polar positions. He observes that:

The distinction between protecting children and protecting their rights has [thus] been drawn too broadly. Like many dualisms it is deceptive. The two strategies are integrally linked. This has to be recognised if we are to have respect for the personality of children (*Ibid.*: 60).

In a later analysis of children's rights, Freeman (1992a) maintains his rejection of this dichotomy, arguing that both nurturance and self-determination must be considered equally in children's rights advocacy and practice. As pointed out by Lansdown (2001:97):

A commitment to respecting children's rights does not mean abandoning their welfare: it means promoting their welfare by an adherence to the human rights standards defined by international law.

Lansdown echoes Freeman's position, calling for the need to move 'beyond welfare', implying that attention to children is no longer only about protecting and providing for them. Archard poses the caveat of what he calls the 'hegemony of the rights discourse' (1993: 82) in relation to children. By focusing so much attention on rights there is indeed, at the level of grassroots programmes for children, a danger of shifting the focus away from children's needs. Many local organisations and NGOs that have established successful programmes for children feel that they have to 'add' or incorporate a rights focus into their work, to comply with global child rights advocacy. Much energy is thus being put into 'doing rights' when in fact this new focus may make little difference to the work already being achieved or worse still, it may be applied wrongly in terms of the local context. A recent response to this perception of the CRC as something extra to add on to programmes has been the adoption of a rights-based approach (RBA) – taken from practice in development and relief work - which directly entails accountability and 'empowers people to demand justice as a right, and not as charity' (Cave 2005: 4). In the case of child rights based approach for programmes with children, Cave points out that this is not 'a magic solution' and whilst potentially beneficial, it may require considerable change in the way organisations work. As such, the risk of RBA becoming 'just the latest development fad'

(Theis 2005: 29) remains a continuing challenge which must be tackled to avoid more rhetoric without real practical change.

Furthermore, the debates around needs and rights must take into account cultural and social distinctions. Woodhead (1997: 80) suggests that children's 'rights', like their 'needs' remains a very western way of constructing child-adult relationships. Thus in the context of many southern countries for example, the basic and specific needs of children (such as vaccinations, hygiene, shelter, food etc) carry more urgency than a broader focus on their rights as per the CRC. However, if such a discrepancy exists at the grassroots level of children's programmes, it may be more likely due to local understandings or conceptualisations of children's rights than the value of one over the other (of needs over rights). Local perceptions of childhood may echo embedded and normative notions of childhood - as framed by the CRC - and as such create this apparent conflict of values. This is discussed in greater detail in the context of Oaxaca in chapter seven.

Amongst the issues that were debated during the drafting process of the CRC was the question of whether children should have duties (see Freeman 2000: 278). The discussion of needs and rights is further complicated by the absence of any reference to children's obligations in the text of the CRC. This omission contrasts with the African Charter on the Rights and Welfare of the Child, which states:

Every child shall have responsibilities towards his [sic] family and society (...) The child shall have the duty: (a) to work for the cohesion of the family, to respect his parents, superiors and elders... (OAU 1990, cited in Woodhead 1997: 80).

The African Charter was drawn up based on the social and cultural traditions as experienced by African children, and as such perhaps more relevant in practice than the global norms expressed in the CRC. However, as noted by Himonga (2001: 90), the diversity of cultures and legal systems across African countries means that many communities 'do not always observe the relevant legal texts for the protection of children's rights'. As such, the author continues, 'culture acts as one of the major obstacles to the enforcement of children's rights on the Continent' (*Ibid*). A lack of financial resources constitutes a further obstacle, as many countries face the problem of providing basic health and education services for children and families.

Children who work (within and out of the home), or who are the main carers of younger siblings, hold responsibilities that necessitate a redefinition of childhood in relation

to adulthood. Whilst in most Northern societies - though to varying degrees - responsibility for children 'has traditionally been vested with those adults who care for them' (Lansdown 2001: 87), in many Southern countries children care for their younger siblings and thus take on a parental role at an early age (particularly in low-income and poor communities). Such a role may be assumed for part of the day, alongside going to school, doing chores or playing. The protection model of adult-child relationships, explicit in the CRC presents, as Lansdown (*Ibid*) observes:

(...) children as the passive recipients of adult protection and good will, lacking the competence to exercise responsibility for their own lives'.

Following on from the earlier discussion of the CRC's generational boundary of childhood, this protection model implies that, until children reach the age of eighteen, they are not capable of holding responsibilities or duties within their family or wider community. By failing to recognise children and young people's responsibilities in society, the CRC perpetuates the normative view of children as a less powerful group in relation to adults, in need of protection by adults, and by implication not as competent as adults. This sits uncomfortably with the CRC's promotion of children's participation rights, which when translated into practical development work with children, focuses on their autonomy and empowerment.

The emphasis on and promotion of children's participation is a clear priority in children's programmes, both at international and national level. For those sceptical of ideas of children's autonomy, it must be recognised that an important balance needs to be maintained between children's rights and their responsibilities/duties within their families and communities. As pointed out by Freeman (1992a: 66):

In looking for a children's rights programme we must thus recognize the integrity of the child and his or her decision-making capacities but at the same time note the dangers of complete liberation.

Freeman stresses the dangers of conceptualising children's rights in dichotomous terms, regarding children's positions as 'salvation or liberation' or 'nurturance or self-determination' (*Ibid*). According to Wyness *et al* (2004: 83), the present discourse addresses children simultaneously as 'social agents and social dependents'. This dichotomy is reflected, in the way 'policy [for children] oscillates between children's interests and children's needs' (*Ibid*). Such ambiguity is directly linked to the corresponding perception of

childhood as an ‘apprenticeship’ (*Ibid*) or training ground for adulthood. Where this perception prevails, children and adults are seen as binary opposites, and consequently policy-making will reflect such a view. The CRC thus perpetuates the conflict between needs and rights, by simultaneously locating children as ‘welfare dependents and potential stakeholders’ (*Ibid*: 95), and parallels the dualistic approach to studies of childhood within the NSC as discussed in the last chapter. The next section explores the issue of children’s participation, highlighting the ambiguities that persist in the context of translating children’s rights into practice. In particular, this section questions the limits of the participation envisaged by the CRC in view of the political roles played by the Loxicha children in Oaxaca.

The Participation Debate

Participation is a multifaceted concept. It is about children’s activity and agency being recognized; about children being treated with dignity and respect; about them being entitled to express their feelings, beliefs and ideas; about being listened to and about their voices being heard. It is about children being consulted on matters that affect them, and being given adequate information to be able to form an opinion. It is also about children making choices and influencing decisions, contributing to the understanding and solution of social issues (Kirby and Woodhead 2003: 236).

Kirby and Woodhead offer an adequate description of what participation means in the context of the present discourse on children’s rights. Within this discourse, the right of children and young people to express their views and opinions is of paramount importance – indeed in recent years it has dominated the debates. These debates have moved attention from an emphasis on protection and provision (welfare), to one that focuses on children’s empowerment and individual subjectivity, and which is framed by the CRC’s participation rights, embodied in Articles 12 to 15. It must be questioned, however, why there is such an emphasis on participation when in fact only these four articles relate to it – and despite no direct use of the term participation in these articles. (In fact the only direct reference to participation in the text of the CRC is contained in Article 23 in relation to disabled children, calling for states to ‘facilitate the child’s active participation in the community’). These four aforementioned articles have provided the basis, and justification, for the recognition of the innovative aspect of the CRC. However, on close examination, these

rights are defined within very clear boundaries: Article 13 provides for ‘...the right to freedom of expression (...) in writing or in print, in the form of art, or through any other media of the child’s choice’ - children’s political participation is conspicuous by its exclusion from this right to express views or, as per Article 15, ‘...the right to freedom of association and to freedom of peaceful assembly’. Each of these ‘participation’ rights is subject of course to limitations as prescribed by the law. The participation envisaged by these Articles clearly does not accommodate children who take part in political activity like, for example, the Loxicha children in Oaxaca. If the rhetoric about children as active citizens and participants in society is to have any real meaning, it must acknowledge that this can entail children and young people playing an important part in political struggles or campaigns. The lack of recognition for such participation reflects the dominance of the paternalistic and protective attitude towards children, a universal framework that does not always fit local political realities.

Apart from these articles then, the rest of the CRC focuses on the protection of and provision for children, in view of their vulnerability. This vulnerability is expressed in the Preamble text which states: ‘the child, by reason of his [sic] physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth’. The fact that children require care and protection is certainly not in question here; my reservations are in relation to what appears to be a general assumption that children are immature and by implication not capable of holding responsible roles or taking on duties. Such an assumption of immaturity underpins the limitation of the participation envisaged by the CRC.

This discussion is by no means an attempt or desire to nitpick the CRC for omissions or faults; there is no doubt that the convention is a major achievement for children’s status in society, establishing as it does, the legal obligation of the state to provide adequate health, education, legal and social services for children and their families. The purpose here is to highlight some details that may risk been overlooked or gleaned over in the midst of the loud rhetoric around children’s participation.

At the core of advocacy for children’s participation is the emphasis on listening to children and making their voices heard. This is based on the belief that ‘the children themselves are the experts: they know what their concerns are’ (Connolly 1990: 10, cited in Ennew 2000: 41). However, and as pointed out by Woodhead and Faulkner (2000: 12) ‘we

need to acknowledge the complexities that underlie that simple appeal to “listen to the child”. McKechnie (2002: 189) claims that an emphasis on children’s voices ‘is to be welcomed since ignoring the views of children devalues them as citizens and leads to poorer policy’. According to UNICEF, the CRC

‘emphasizes the need to respect children’s “evolving capacities,” but does not give children the right to make decisions for themselves at too young an age. This is rooted in the common-sense concept that the child’s path from total dependence to adulthood is gradual’ (www.unicef.org.crc).

The conceptualisation of childhood underpinning the CRC is summed up here, where there is a clear notion of children’s linear progression to the end goal of adulthood; that this is qualified as a ‘common-sense’ notion also reflects the way in which one (and Northern) paradigm of childhood has come to dominate the discourse of children’s rights.

Advocacy for children’s participation, according to Johnson and Ivan-Smith (1998: 3) is:

[not about] token involvement of children but how to incorporate their specific needs and views into decision-making processes within the context of what is possible institutionally and culturally.

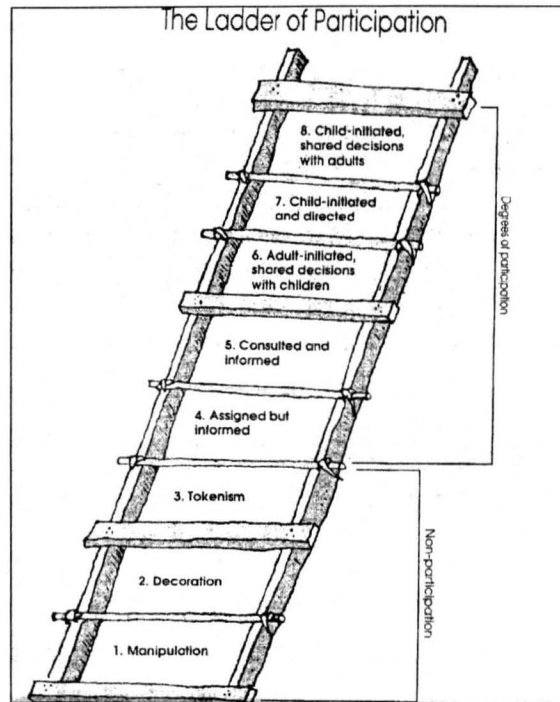
Research projects and case studies from Asia, Africa and Latin America (see Ennew 2000; Guijt *et al* 1994; Johnson and Ivan-Smith 1995; Johnson *et al* 1998) have shown the importance of children and young people’s views in contributing to the success of community development projects. These projects with children use research methods such as participatory rural appraisal (PRA), which have proved successful in development work. Thus children’s participation can contribute to eventual policy-making in areas such as social exclusion and poverty alleviation. The children’s participatory budget council (CPBC) in Brazil is an exemplary case. Established in 1998 in the city of Barra Mansa, this council is comprised of boys and girls aged between nine and fifteen, who are elected by their peers ‘to ensure that the municipal council addresses their needs and priorities’ (Guerra 2002: 71). Through the CPBC initiative, children have identified problems affecting their communities, schools and the environment, and together with city council staff and local organisations have established successful strategies to deal with issues. Several

countries are involving children in the 'Child Friendly Cities' project, a network that aims to make cities better place for children and which involves children in the process.¹

Hart (1992) proposes eight levels or degrees of participation of young people in projects, ranging from manipulation to child-initiated action (Figure 4.1).

¹ See *Environment and Urbanization* (2002) 14: 2 for examples of such participatory projects with children in South Africa, the Philippines, and New York.

Figure 4.1: Hart's Ladder of Participation



Source: Hart (1992)

Children's participation, in community projects for example, cannot happen in isolation of the participation of other members of that community. Indeed, the possibility of their participation will depend largely on the particular socio-cultural context. Hart (*Ibid*: 5) makes the following important justification for involving children in community projects, together with adults and society in general:

It is unrealistic to expect them [children] suddenly to become responsible, participating adult citizens at the age of 16, 18, or 21 without prior exposure to the skills and responsibilities involved. An understanding of democratic participation and the confidence and competence to participate can only be acquired gradually through practice: it cannot be taught as an abstraction.

In other words, Hart emphasises the need to involve children's participation alongside adults, a process that will erode perceptions of childhood as a training ground for adulthood, or as a linear progression towards adulthood. The degree to which children may or may not participate in society therefore, will to a large degree depend on the socially entrenched notions of childhood that prevail.

In addition to children's programmes in the development context, governments too have sought to promote children's participation through initiatives such as children's parliaments and children's elections; this is discussed further in chapter seven in relation to how children are viewed as 'future citizens'. Whilst such participation is important in terms of teaching democratic values to children, it is largely tokenistic and does not enable children to play any real political role in society. A core element of such child participation initiatives is citizenship education for children, which promotes the notion of children as active citizens within society. However, citizenship education, as pointed out by Wyness *et al* (2004: 92), 'is more to do with children's *future* as citizens, than any attempt to redefine children's existing *social positions* as young citizens' (emphasis in original). Similarly, in setting out children's right to an education, the CRC stipulates that a child's education should be directed to 'the preparation of the child for responsible life in a free society' (CRC, Article 29 (d)), emphasising the idea of childhood as a preparatory phase for adulthood.

Advocacy for children's participation rights is often framed by the notion of empowerment for children. Writing from a feminist perspective and in the context of development projects for women, Rowlands (1997: 13) defines empowerment as 'bringing people who are outside the decision-making process into it'. Empowerment in this context

is intrinsically linked to corresponding notions of power, which in general social terms 'is exercised by dominant social, political, economic, or cultural groups over those who are marginalised' (*Ibid*: 11). If we extend this idea to the context of children, they represent, vis-à-vis adults, the group with least power in society. Those who maintain this position may consider the idea of children's full participation in society as being unrealistic and even threatening. These notions of power in child-adult relationships are illustrative of the ambiguities that persist within the discourse and advocacy of children's rights.

To avoid such dichotomous positions, it may be time to consider new terminologies or concepts for the descriptions of how children contribute to and take part in society. The example of children's rights elections in Mexico – as discussed later in chapter seven – is a valid case to illustrate this idea. Children's participation in such an event could be considered as being largely tokenistic, as it obviously has no real political meaning. This view, however, comes from looking at the event from the viewpoint of an adult's world and an adult's understanding of political participation, in this case voting. This not only invalidates the child's experience of voting for her/his rights, but highlights the way children and their activities or roles are too often being considered in juxtaposition or in relation to adulthood. We have already seen how the field of childhood studies is in constant flux, with recent developments critically reconsidering established concepts and theories. Similarly, notions of children's rights, including the idea of children's participation, must also be reassessed and redefined to coincide with aspects such as the blurring of normative boundaries, as seen in the daily realities of the Loxicha children. There is no doubt scope for redefining children's participation, and perhaps for it to be called by a different name.

The Children's Rights Discourse and Concepts of Childhood

As a way of summing up this analysis of the CRC and children's rights, I return here to the discussion of childhood. Flekkøy (1992: 143) poses the question 'how long is a child a child?' in relation to 'children who must support themselves (like street children must), or children who themselves have children, or children who are active soldiers at the age of 12'.

She questions, in these cases, whether these children are still to be considered as children 'or are they actually adults?' (*Ibid*: 144). The question is stretched further with the proposal that perhaps childhood should be defined only by circumstances and not by age. Flekkøy reflects that:

Perhaps an individual is 'a child' as long as he or she does not have total responsibility, but has other people to protect, help, support, and teach him or her? (*Ibid*)

The author's fundamental question here is 'how can we speak of rights for children if the definition of 'a child' is uncertain?' (*Ibid*). This reiterates one of the central arguments of this thesis, that local socio-cultural realities define and shape childhoods in a myriad of ways – thus the recognition of the multifaceted nature of childhood in Mexico or Latin America will establish a local definition of childhood that can provide a realistic and more relevant basis for children's rights programmes.

Chapter three explored the way in which academics, practitioners and theorists have sought to define and conceptualise childhood. The concept of childhood encapsulated in the CRC has been termed 'ambiguous' (Lee 1999, cited in Prout 2005: 32) in the way that it emphasises the protection of and provision for children (by adults) at the same time as highlighting children as social actors and participants in society. Furthermore, the definition of a child as 'a person under the age of eighteen' leaves a considerable amount of space for local interpretations of childhood. However, despite the complexity of local childhoods, the Northern model of childhood encapsulated in the CRC has permeated ways of thinking about children across diverse socio-cultural contexts; this can be seen in the approaches to children's rights adopted in local programmes, as illustrated by the Oaxaca case discussed in this thesis.

The purpose of chapters two and three has been to show the importance of the relationship between notions of childhood and the advocacy and discourse of children's rights. The translation of children's rights into real practice, particularly in relation to concepts such as children's self-determination, autonomy and participation, continues to be debated by practitioners and academics alike. The challenge to advocates and practitioners is not only how to balance notions of children as socially dependent with those where children are regarded as social agents, but to achieve this by drawing on the realities of local childhoods as a starting point.

Just as notions of childhood have necessarily shifted with time, and across cultural/social contexts, so too the idea of children's rights has grown and changed since their inception. The CRC, whilst a legally binding document, has also had to adapt to some of the harsh realities of our modern world – thus in 2002 two optional protocols on the involvement of children in armed conflict and on the sale of children, child prostitution and child pornography, were adopted to strengthen the provisions of the Convention in these areas (see www.unicef.org/crc).

Conclusion

This chapter has outlined the principal debates within the discourse of children's rights that have taken centre stage since the advent of the CRC in 1989. It has explored some of the contradictions and inconsistencies within the discourse, and linked these to embedded notions of childhood as a way of framing the later discussions of the implementation of the CRC at grassroots level.

Mirroring the dominant paradigm of childhood where childhood and adulthood are clearly separate phases (and social groups), so too does the CRC and the discourse on children's rights maintain a distinct boundary between the two. Whilst promoting the idea of children as social actors, participants and citizens, the CRC clearly restricts any real practice of such ideals by bounding childhood by age, and by adult protection and supervision. This is particularly relevant for the discussion of the political participation of the Loxicha children in this study.

The gap between rhetoric and reality in the discourse of children's rights, and between perceptions of children and actual lived realities of children's lives, is to a great extent reflected in the methodological issues which arose during my fieldwork. These are the focus of the next chapter.

5

Researching Children's Lives: Methodological Concerns

Introduction

Just as there can be no universally successful “children’s researcher role”, there is no one research tool best suited to gaining children’s opinions (Davis 1998: 330).

The social constructionist paradigm of childhood, as discussed in Chapter Two, provides a useful framework for the qualitative methodology adopted in this research. As defined by Harden *et al* (2000: 2) this approach suggests that ‘rather than viewing children as future adults in the making we should focus upon children’s lives and perceptions and activities’. Morss (2002: 44) defines the social-constructionist paradigm as being ‘a fairly loose umbrella term for an anti-universalist, interpretive-phenomenological orientation or metatheory’. In other words, it is a concept that rejects the positivist aim of ‘collecting facts’ from interviewees (Harden *et al* 2000: 12), and encourages a multiple approach to research with children. Whilst the constructionist paradigm emphasizes child-centred research (see Alderson 1995; Christensen and James 2000a and 2000b; James *et al* 1998), this nevertheless comes with the caveat that ‘children’s lives are largely bounded by adult surveillance’ (Harden *et al* 2000: 2). This means that in many cases the researcher’s access to children is often negotiated with the children’s carers, parents or guardians. In the case of two of my research groups, my access was negotiated via the NGO CANICA, and is discussed below in relation to how this shaped the research process amongst these children. Somewhat less ‘adult surveillance’ was involved amongst the Loxicha children, although the political context framing their lives called for negotiation of a different sort. These issues are discussed in this chapter in relation to positionality, ethics and reflexivity.

Should research with children be any different to research carried out with other social groups? Whilst much of the debate around this question points to an affirmative answer, based on the general recognition of children as a distinct group in society, it remains an arguable point in practice. The emphasis on children's competence, as advocated within the NSC, would seem to conflict with the necessity for 'child-friendly' research – the latter could suggest, as pointed out by Punch (2002c: 321), that such methods are needed because children may not be competent enough to respond to 'adult' methods. Whilst this is a valid question, it is nevertheless true that children, in general, do respond more favourably to engaging activities such as games and drawings, rather than, for example, wordy questionnaires. The key issue underlying these methodological dilemmas of course is the question of how childhood is perceived or understood. As described by Mandell (1991):

Our epistemological assumptions about childhood – whether we view it as different or the same as adulthood – determine the role that we as researchers take in ethnographic work with children.

The perceptions or beliefs held by the researcher, embedded notions of childhood in the researched society, and theoretical positions on childhood are all factors that influence the research process. In addition, the particular socio-cultural context framing the researched children's lives will set the scene for data collection, where factors such as physical space or institutional agendas can challenge any researcher's plan. This chapter is interested in the part that the combination of all these issues and elements play in determining which methods are adopted, tried and perhaps even abandoned. Via a discussion of the different approaches and methods that I used during fieldwork, this chapter examines how the overall process of gathering data informed, shaped and indeed challenged not only my research questions but also my preconceptions and expectations.

Rhetoric versus Research in Practice

Referring to developments in child research, Newell (2000) considers that it is now time to 'take children seriously' (see also Freeman 1992a). Alderson believes that the CRC offers 'fresh ways of thinking about research with children' (1995: 70), referring specifically to Articles 12 to 15 (see Appendix IV for full text) which give weight to the shift that has

occurred in childhood research. This has opened up the necessity for researchers to listen to children, to give them space to share their views and opinions, and to give them more control over the research process, i.e. on their terms as opposed to adults' terms. Giving children the power of their own voices is advocated by many organisations working with and for children. This is a position held by several children's researchers (see for example Alderson 1995, Kirby 1999), but the notion of handing over control of a research project to children, although a worthy ideal, is difficult to put into practice. This is true of any participatory research.

The shifting status and perception of children in society has led to the need for research with this social group to be child-centred. Reflecting the shift in emphasis from needs to rights, from silence to voice, Burgess (1998: xv) observes that:

No longer can researchers assume that those social science methods that are used to study adults can be used in the same way to study children. Instead researchers need to give some thought to ways in which innovatory methods of social investigation can be developed and used with children so as to gain access to children's perspectives of the worlds in which they live and work.

'Gaining access to children's perspectives' necessarily involves giving children the space to speak and to listen to what they have to say. This is both a positive and reasonable objective in research with children. However, one cannot assume that all children will be accustomed to sharing views, whether with adults or their peers. Different social, cultural and educational contexts will demand that the researcher adopt a flexible approach to her/his investigation. Indeed, reality in the field may even lead to a reformulation or rethinking of one's research questions, as my experience reveals. Coming up against obstacles in data gathering – such as, for example, the difficulty of getting children to talk about rights – generated an important process of reflexivity throughout my fieldwork. Observing and dealing with such obstacles like the above example were recorded in my fieldwork diary, and as such provided a record of the gap between the children's rights rhetoric and the realities of childhood.

Christensen and James (2000a: 2) observe that there cannot be one set of guidelines for carrying out research with children, as in practice there are complex epistemological and methodological questions that need constant attention. They contend that:

(...) although some research techniques might sometimes be thought to be more appropriate for use with children, (...) there is nothing particular or indeed peculiar to children that makes the use of any technique imperative.

Indeed, it is not the fact that one's research subjects are children that will necessarily entail 'different' or 'special' research methods, but rather the socio-political, cultural and economic environment that frames their lives.

Echoing feminist research methodology, there has been something of a 'democratisation process' (Kirby 1999) in research with children, where emphasis has shifted from studies *on* children to studies *with* children (Sinclair 1996: 87). The representation of children's voices in research is comparable to issues raised in feminist approaches to research (see Alldred 1998; Edwards and Ribbens 1998), and stems from the concern 'that children's voices have traditionally been "muted" within the social sciences' (Hardman 1973 cited in Christensen and James 2000a: 1). This shift echoes many of the arguments used in feminist research where researchers seek to represent women in their own voices and as 'subjects in their own right' (Stanley 1990: 8). As such, feminist research methodology provides a useful point of reference for carrying out research with children (see for example Roberts 1990; Stanley 1990; Edwards 1996). Feminists have sought to make women's voices heard in the social and political arena, and in a similar way research with children seeks to put an end to their marginalisation in social science research. The issues arising in research with children can be closely paralleled to those experienced by feminists when trying to define a 'feminist methodology' (DeVault 1999: 21) – in the new sociology of childhood researchers have also sought to create a children's methodology, leading perhaps to an eventual 'childist' methodology.

No matter how much space is provided for children to express themselves, via methods that they respond to and enjoy, the end result will nevertheless be influenced and to some extent tainted by the (adult) researcher's interpretation and analysis. As observed by Harden *et al* (2000: 6) 'it is at the analysis stage in the research process that the power differentials between children and adults are most clearly manifested'. This power imbalance is true of any social research, where the researcher is the 'interpreter' (Edwards and Ribbens 1998: 3) of the lives she or he has studied. At the analysis stage 'we are confronted with ourselves, and with our own central role in shaping the outcome' (Mauthner and Doucet 1998: 122).

The 'analysis stage' is in fact an ongoing process, and an important element of this process during fieldwork was the observation of the many realities of the children's lives - as recorded in my fieldwork diary – and how these challenged the rhetoric surrounding

children's rights advocacy in Oaxaca and Mexico. The evident gap between children's rights rhetoric and reality is a key problem that frames the research themes in this thesis, and it is explored in this chapter as a methodological issue.

From Area Studies to Social Anthropology?

As a way of understanding the challenges and obstacles that marked my period of fieldwork, it is important here to describe the process of change that my research underwent during the course of the twelve months spent in Oaxaca. In addition to the issues discussed below, my experience in the field was an academic journey that not only moulded the final outcome of my research, but also laid important foundations for my future as a researcher on children's lives. As explained in the introductory chapter, what began as a seemingly straightforward research project became a very different one in practice. On arriving in Oaxaca, I was intent on gathering children's views and finding out what they thought of children's rights, as a way of exploring the gap between the CRC rhetoric and the grassroots reality. Accordingly, I went to Mexico armed with certain ideas about methodology and how to 'do research' with children. Four months later I wrote in my fieldwork diary (25 January 2002):

Methodology crisis! All that I planned about how I was going to interview the children, record their voices, gather their opinions – reality has thrown my plans out of the window. Questionnaires do not work, the tape recorder shuts them up, and giving opinions is not something most of these children are used to anyway. So I have been spending time with the kids, patching together an idea of their lives, getting to know them and their mums. Drawing is the one thing they love to do, and sums....

This diary entry illustrates how methodology is not a neat concept when translated into day-to-day realities in the field. In hindsight, my diary entry was not so much about a 'crisis' but rather a reflection about the multi-faceted nature of research and the necessity for adaptability throughout the research process. Stanley and Wise (1993:150) stress that

[these] personal idiosyncrasies, "confusions" and "mistakes" are ... at the heart of the research process. In effect, they *aren't* confusions or mistakes, but an inevitable aspect of research (emphasis in original).

Once I was in Oaxaca and spending time with the different groups of children, my original research questions appeared abstract, and even irrelevant in some cases. As my project began to take on a life of its own in the field, the direction of my research also began to shift; in doing so, it moved closer into the discipline of social anthropology. Early on in my fieldwork, I met numerous visiting academics who frequently asked me: ‘so...are you an anthropologist or a sociologist?’ Invariably I was unable to provide a clear answer. Coming from the broad area of ‘Latin American Studies’ I had not fully engaged with literature from anthropology or the sociology of childhood prior to going into the field; I consequently felt myself to be in something of a no-man’s land as far as any methodology framework was concerned. Prior to fieldwork I had followed a social sciences research methods course, which provided a general overview of standard qualitative and quantitative research methods.

In the field, the more my strategies such as direct questioning came up against obstacles, the more my research moved – unwittingly - into the realms of ethnography. Thus, I focused less on determined activities and more on participating in and observing the children’s lives. Participant observation therefore became not only primary basis for data collection, but also the most fruitful and enjoyable. In a sense then, I lost some of the urgency to adopt what Jones has called ‘neat, linear methods’¹, and realised that simply spending time with the children put me in the privileged position of being able to learn more about their lives.

In hindsight, my background in area studies had not prepared me for this; and perhaps, in this particular case, being unprepared reaped its benefits. For without a clear discipline-based methodology, I was free to adapt and change my methods. Rodgers (2000: 1) aptly describes the often messy reality of fieldwork:

‘...it is a generally accepted tenet of anthropological endeavour that pre-fieldwork projects will often undergo significant changes as a result of ethnographic experience. Adapting to reality, discarding inappropriate pre-conceptions, and taking on board new research questions are not only frequent occurrences, but in fact “standard procedure” during fieldwork’.

These changes, the shedding of preconceptions and the ‘taking on board’ of different research issues, defined and marked my period of fieldwork. Fieldwork is obviously the

¹ Gareth Jones, from conference discussion ‘Youth and Violence in Latin America’, London School of Economics, May 2005.

most important part of one's research project, but it needs to be recognised as something more than a time spent gathering data. It is a process, both academic and personal, that sets the tone and lays the foundations for one's research project as a whole. Apart from the issues of positionality, reflexivity and ethics that this experience involves – as discussed in the next section – it is also a process that continues once fieldwork is over. For when the process of analysis begins, it is only then that 'fieldwork' starts to make sense and be really understood.

Positionality and Multiple Roles

Positionality profoundly affects all aspects of research which involve interaction with other people, especially when researching the lives of people of a different class, race and culture from the researcher – what is referred to as researching the "other" (Howard 1997:20).

All social research involves intrusion of some sort by an outsider into a community or amongst a certain social group, and research with children has the added element of age difference between researcher and informant. Mandell (1991 cited in James *et al* 1998: 183) advocates adopting a 'least-adult' role, joining children on swings and in the sandpit thus making, according to the author, her adult self less obvious to the children. However, it would be naïve to assume that our adult status goes unnoticed by any group of children. I am not sure one can ever hide one's adult identity from children, nor should it be necessary. Children have their own way of 'sussing out' adults and of including you in their world. As observed by Fine and Sandstrom (1988: 13):

Like the white researcher in black society, the male researcher studying women, or the ethnologist observing a distant tribal culture, the adult participant observer who attempts to understand a children's culture cannot pass unnoticed as a member of that group.

James *et al* (1998: 183) suggest that the researcher adopt 'the more middle ground of semi-participant or friend', thus:

(...) if we admit the inevitability of the differences between children and ourselves as researchers, acknowledging that, however friendly we are or however small, we can only ever have a semi-participatory role in children's lives, then we might develop tools and techniques specifically for work with children on those occasions when our adulthood prohibits our full participation.

In a discussion of the 'multiple roles' taken on by researchers, Robson (1997: 58) talks about being 'an insider and an outsider, a friend and a stranger, a teacher and a learner, a giver and a taker' and being perceived as a 'rich patron'. The necessity of moving in and out of these real and perceived roles invariably engenders mixed feelings and emotions in the researcher which, in turn, contribute towards understanding the research process as a whole.

The Loxicha children and their families knew and addressed me as 'Ana'. One day this was pointed out to me by a representative from a local human rights organisation who worked with the families: 'how come they call you Ana, and I am still addressed as "Licenciada Angélica" having known them for six years?' One possible explanation for this could be that my perceived role was perhaps less defined: I was neither part of the human rights group that worked with the Loxicha families, nor was I a *gringa* passing through to buy baskets. This was also, however, a culturally specific factor: in Mexico titles such as 'Licenciada' or 'Doctora' tend to be favoured and commonly used to identify people who have been through higher education. Whilst I was identified as a teacher and loosely attached to CANICA, I did not come – as CANICA's *educadores* did – with a notebook or clipboard to register how many children there were etc. I believe that this slight ambiguity as to my role enhanced my work amongst the Loxicha children. As my role of researcher blended into one of friend and companion, I felt that this made the process of data collection harder. However, my involvement with the Loxicha children set the tone for the rest of my fieldwork, and what I perceived to be 'difficulties' in data collection were in fact findings in themselves: they defined and highlighted the children's realities, which challenged not only my research objectives but also the wider discourse of children's rights in Oaxaca.

A final observation in relation to my perceived role relates to being a white foreigner in a specific cultural context. No matter how fluent my Spanish was or how hard I tried to blend in, take part or hang out, I was always going to be seen as an outsider and a foreigner, no matter how friendly. With this came some kind of expectation, that I – coming from a richer country – could provide help or some kind of financial assistance. On several occasions at the beginning of my fieldwork, two Loxicha men, who had recently been released from jail following an amnesty, approached me for financial help believing I

had 'contacts' with international organisations. These were situations that required both sensitivity and awareness of the problems being experienced by the people I was researching, and also a degree of tactfulness and diplomacy in explaining my position and status amongst them. Such situations relate to the issue of emotion and reflexivity in the field, which are discussed below.

The Role of Emotion and Reflexivity

...all research is a practical activity requiring the exercise of judgement in context; it is not a matter of simply following methodological rules (Hammersley and Atkinson 1995: 23).

The aim of this section is to acknowledge the importance of emotions in research as part and parcel of the academic process of data collection. Serious consideration of emotions experienced in the field is an essential contribution to the broader academic analysis. Hubbard *et al* (2001: 120) highlight that the 'role of emotion in the research process is still not accorded the recognition it deserves'. Feelings experienced by the researcher throughout the fieldwork period need to be acknowledged as 'resources for understanding the phenomenon under study' (Kleinman 1991: 184). They are also important in the sense that they can reveal a great deal about the researcher's preconceptions and expectations, as the following anecdote illustrates.

Halfway through my fieldwork I had to return to England for a medical check-up. On returning to Oaxaca after a month's absence, I went to visit the Loxicha children at the shelter, feeling happy and excited at the prospect of catching up with them all again. My fieldwork notes record the moment I arrived at the shelter:

Most of the children were sprawled out around Doña Julieta's television, their eyes glued to the screen. Without taking their eyes off the cartoons, some of them barely managed a limp wave hello – the others totally ignored me, until Doña Josefina urged them to say hello. Apart from the fact that they were just like any other child involved in the important business of watching Bugs Bunny, this also reminds me that I am a transient part of their lives: here today, gone tomorrow (Fieldwork Notes, Oaxaca, May 8th 2002).

'Ethnography is highly particular and hauntingly personal', as Van Maanen puts it (1988: preface), and can contain quite a self-centred element to it as the above anecdote reveals!

With reference to her research amongst children in rural Bolivia, Punch (2002a: 167) observes that:

A reflexive approach is especially important in research with children: as an adult researcher I needed to confront my own attitudes towards children as well as my role as an adult in a research process with child subjects.

One's own preconceptions are an inevitable obstacle to overcome in fieldwork, and the process of reflexivity in this sense is essential. Many of my presumptions were influenced by my experience as a classroom teacher in England – I went into the field with certain expectations as expressed in my diary entry for August 29th 2002:

I came with some great expectations of succeeding to 'get' inside knowledge of these children's lives. By tapping into something all children have, imagination and creativity, I would be able to gain an interesting insight into the lives, hopes and dreams. In reality however, imagination and creativity are not things that these children have been encouraged to use. And in many ways they are like lots of other children elsewhere: they like to doodle flowers and trees and animals and they want to eat sweets as much as they can.

I had believed that the methods and types of activities used with other children elsewhere would elicit similar responses from these children; such an assumption was based on a notion of childhood as a time of imagination, play and creativity. The multifaceted experiences of the children in my research challenged this position, and called for greater flexibility and adaptability of research methods.

Age, Power and the Child-Adult Gap

Relationships between adults and children tend to be one of unequal power. While this unequal power relation can be ascribed to many research contexts, for example a well-off, middle-class researcher amongst informants in a low-income neighbourhood, the 'structural relation between children and adults is characterized by the dependence of the former on the latter' (Goldson 1997: 17). Mayall (2000: 121) stresses the importance of acknowledging the power relations that can exist between children and adults, stating that 'the adult researcher who wishes to research with children must confront generational issues'. Pollard (1987, cited in France *et al* 2000: 152) stresses the importance of 'bridging the gap' between the adult researcher and the children participating in the research. He suggests that to be

seen as 'not a proper adult' and someone who is fun to be around can aid the process and is crucial to gaining the trust and involvement of children.

My involvement in games and play certainly put me in the position of 'non-official adult', both in the eyes of the children and the adults around them. In a discussion about her research with children in Bolivia, Punch (2002a: 165) describes how:

I could join in their games and ask them to teach me how to play, but I was a "different" player, who was given special attention by the children, since adults do not usually play with them.

Indeed, such an 'outside' role can often enhance the research process with children, as pointed out by Corsaro and Molinari (2000: 180) who emphasise 'the importance of sometimes developing a participant status as an atypical, less powerful adult in research with young children'. Describing ethnographic research carried out amongst Italian primary school children, the authors (*Ibid*) observe that '[Corsaro's] foreignness was central to his participant status'. The children regarded him as 'an incompetent adult who they would take under their wings to show the ropes'. In this way children can feel they have a certain amount of power over the incompetent adult in question. These methodological issues to a great extent reflect the division between childhood and adulthood that exists in theoretical discussions of childhood and children's rights as explored in chapters three and four. The issues discussed in this chapter raise interesting parallels: the fluid and multilayered realities of children's lives pose as much of a challenge to the parameters of child-friendly research methods as they do to normative concepts and perceptions of childhood and children's rights.

With the Loxicha children I often took part in their games of marbles in the yard at the shelter. These were serious competitions, involving two teams and very clear rules and regulations. In these games the children had complete power over me, organising and explaining the rules to me, becoming impatient when I could not flick the marbles properly thus holding up what was otherwise a fast paced and exciting game. Similarly when we played hide-and-seek they ordered me around, telling me when I was to be 'it' or when I was to hide; no doubt the novelty of having an adult join in their games gave them a sense of power. The children's games were 'independent of the adult world' (James *et al* 1998: 84), as none of the adults around them ever took part. Thus my presence (as the non-official adult), although they allowed it and sometimes enjoyed it, was an intrusion into their

play space. Moreover, in these instances of play, there were no clear parameters of discipline or order as there always was for example at the Casa CANICA (with the presence of staff and *educadores*).

Interestingly, whenever I was running around with the children at the Loxicha shelter, the mums would look on in amused disbelief – they never ran around with their children, nor did they join them on the swings. The obvious age barrier between adults and children means that it is ‘unexpected for an adult to “hang out” with children’s groups’ since ‘legitimate adult-child interaction depends on adult authority’ (Fine and Sandstrom 1988: 13). Indeed, although my participation in the children’s games was unexpected – and contrary to the usual behaviour of the adults in their lives - it seemed that it was acceptable for me to do so. Amongst the children, I was an adult outsider; for their mothers there was the added and curious element that I was the same age as them, or older, and was not married nor did I have children of my own. This was a frequent topic of conversation between the women and myself, and they were keen to understand why ‘women of my age in my country were not married’. Robson (1997: 54) observes that:

The factors of gender and age, and perhaps to a lesser extent, marital status (...) are important aspects of the identity of the researcher which affect the roles open to him/her, but also affect relationships with the researched and ultimately influence the type and quality of data collected.

Such issues of cultural difference inevitably influenced the research process, and perhaps the fact that I was regarded as not such a ‘normal’ 30-something woman (by the mothers), meant that it was acceptable for me to run around and play hide-and-seek with their children. The difficulties of reconciling these multiple roles in research raise important ethical concerns that are examined in the next section.

Ethical Considerations: Who Benefits?

This is the substance of the searching questions of the peoples of the third world and others: namely, what has been the effect of your work among us? Have you contributed to the solution of the problems you have witnessed? Have you even mentioned those problems? If not, then you are part of those problems and hence must be changed, excluded, or eradicated (Berreman 1969: 90, cited in Davies 1999: 12).

In questioning the purpose of anthropology as a discipline, Berreman, if a little harsh, sums up one of the most persistent dilemmas of doing research with other human beings: what good will it do, and for whom? From the very beginning of my fieldwork I was acutely aware of being considered – by the NGO workers and the children – as someone who was just passing through. As a result I was determined that apart from doing meaningful research, I would ‘give something back’, I would do something for these children, I would have a role beyond that of academic researcher. Like many before me, I suppose that I was suffering from the ‘save the world’ syndrome. Nevertheless, the feeling was strong and stayed with me throughout the year, coming up against days of frustration and feelings of failure and ‘uselessness’, but also days where I felt I was serving some purpose, however small and insignificant in the big picture.

Consent is considered to be the most important issues when carrying out research with children. Harden *et al* (2000: 7) observe that:

Informed consent is problematic not primarily because of children’s lack of understanding of research, but because their participation in any research project is dependant on adult gatekeepers.

The adult gatekeepers to the children in my research were CANICA. Before meeting the children at CANICA my research was discussed and approved by the director of the organisation in correspondence prior to fieldwork. When the staff at the Casa and the Centro introduced me to the groups of children they explained that I was going to do some work with them about rights. I was initially introduced to the Loxicha children as part of the *educadores* team, i.e. as a teacher. Once CANICA stopped working with this group, there was less ‘surveillance’ of my involvement with the Loxicha children. Together with Angelica Ayala (LIMEDDH) I explained my project to the children and their mothers. I believe, however, that as time went on my project or research was largely forgotten as I became more and more involved in their daily lives.

Prior to going out into the field, and throughout the research process, I constantly questioned how this work would benefit the children, how I could make what was essentially an academic endeavour something of practical use, and how I could maintain my role as a researcher. This last question became more and more difficult as my relationship with the children deepened – my academic role seemed to blur into one of friend,

accomplice, teacher, and helper. A recurring theme in my fieldwork diary was the issue of my role and the ethics of doing research. On February 22nd 2002 I wrote:

Ethics – how ethical is it for me to come here and develop what is much more than just a working relationship with children and their families, and then just leave after a year? (...) So I get a PhD, and their lives go on the same. We are two worlds apart. But we sit and chat, we eat together, I play with the children, and I care for them and want to do more for them. But I am here to do academic work – how can I reconcile the two?

It is fairly obvious to state that all social research involving spending time with people over a long period of time must lead to such dilemmas. However, as this is one aspect of my fieldwork that I found particularly difficult to come to terms with, I think it is important to highlight and explore since it is an issue that permeated many of my research activities with the children.

In their concluding remarks about ethical issues within ethnographic research, Hammersley and Atkinson (1995: 286) observe that:

There can be exceptional occasions when a researcher should stop being a researcher and engage in action that is not directed towards a goal of producing knowledge. (...) By its very nature, ethnography forces one into relationships with the people being studied, and one may do things because of those relationships, over and above any connection they have with the research.

This observation is particularly relevant to my relationship with the children of Loxicha, where my status blurred between that of researcher and friend or supporter, posing certain difficulties in relation to my research objectives. However, this relationship also meant a much deeper involvement with the children and their families, thus enabling greater insight into their lives and problems. Was this then dishonest? Did I use my friendship to gain better research data? I think not. Time and distance sheds a degree of objectivity on the research, something that was hard to achieve whilst in the field. These ethical considerations extend beyond the period of fieldwork, as now I am concerned with maintaining contact with the children and ensuring that my research has at least some benefit for them.

For the duration of my fieldwork, I helped the Loxicha families to sell their baskets, making them available to friends and tourists that I met and keeping an accounts book of the sales made for the mothers. Hammersley and Atkinson (1995: 286-287) warn against this blurring of roles in research. Although the authors acknowledge that this can happen,

they do not in any way consider it to be favourable. They point out that, in cases where researchers get involved in advocacy on behalf of those they are studying, any help they can give is usually very limited. Referring to Hastrup and Elsass (1990) Hammersley and Atkinson (*Ibid*) conclude that:

Frequently associated with the commitment to advocacy (...) is an underestimation of the difficulties involved, an overestimation of the likelihood of success, and a neglect of the danger of making the situation worse.

Selling the baskets for the Loxicha families was not exactly advocacy, but it was a demonstration of my support for them. This support was further accepted and consolidated when, once a solid relationship of trust had been established, the children invited me to go and visit their fathers in the prison. Being able to interview and chat informally with both prisoners and ex-prisoners gave me a privileged insight into the grim political backdrop to these children's lives. However, it also deepened my involvement with the political struggle of the Loxicha people – both in terms of how they regarded me and as far as my feelings were concerned. The political situation was always palpable, and I was aware of being perceived as an intrusive foreigner by the authorities, a feeling that was soon confirmed. Whenever I was in the Zócalo on a visit it soon became apparent that I was being observed by plainclothes policemen – they would sit and watch me, and walk past several times. Towards the end of my fieldwork, I again went to the prison with a representative from the LIMEDDH to visit the men who were beginning another hunger strike. This time I was denied access, and was picked up by two immigration officials and held for 'questioning' for six hours. Although the officials attempted to make it into an immigration issue, it was evident that they did not appreciate what they considered to be my meddling in what was still a thorny and unsolved political situation. I was given twenty days to leave the country – luckily this occurred just a few weeks before I was due to leave Oaxaca, so it did not interrupt my fieldwork in any drastic way. However, I was advised by LIMEDDH staff not to visit the Loxicha shelter, as it was likely that my movements were being observed. Following this incident, therefore, I only returned to the shelter on my last day in Oaxaca. This incident highlights the difficult and sometimes dangerous implications of becoming involved in the lives of one's research subjects. Nevertheless, despite being an unpleasant experience for me personally, it served as a valuable and indirect way of gaining some real insight into the political situation framing the lives of the Loxicha children. Thankfully this

occurred at the end of my fieldwork, but it was a situation that highlighted the risks involved when one steps perhaps a little too far out of one's role as researcher. A pertinent question to raise here, however, is whether such crossing of boundaries in research is ever really avoidable. Some research contexts are inherently problematic due to their political context for example; thus researchers must also expect to come across difficult situations such as the one I encountered as a result of my visit to the Loxicha prisoners.

A final ethical consideration concerns the process of 'giving back', relating to the earlier question of who benefits from the research. The perception of the researcher as 'rich patron' as discussed by Robson (1997: 59), was an 'unavoidable part of being European' in Oaxaca. With reference to her research in Nigeria, Robson describes how 'having a camera and taking photographs as part of my research also became a problematic aspect of being in the role of rich patron' (*Ibid*). Likewise, whenever I had my camera with me, the children always wanted me to take their picture, and wanted copies. This involved considerable cost, as everyone wanted their own copy. However, apart from providing a valuable record, the photographs were also an important way of giving something back.

As part of this giving back process at the end of my research period, I held feedback meetings with the teams of each programme within CANICA. At the director's request, I wrote a summary report of my year's fieldwork and research activities with the children, and provided each team with a copy. These meetings were an important opportunity to discuss their work and comment on the issues I had observed throughout my research period.

The question of 'who benefits?' posed at the beginning of this section necessarily underlies any research process that involves investigating other people's lives. It is important for the researcher to be aware of this, while acknowledging that he or she cannot promise to solve any problems experienced by the research group. The researcher can, however, find ways of giving something back to the research group, or participating in a positive way in their lives for the duration of the fieldwork period. In the context of my study, and as explored above, these were issues I encountered throughout my fieldwork and which constitute important elements of methodology in social research.

The next section describes the specific methods used and how these informed and enhanced my research findings.

Research Tools and Activities²

The elements that made up my research methods and tools fit into what can be called a ‘multiple strategy approach’ (Robson 1997: 52), and included teaching and classroom assistance, drawings, games, participant observation, questionnaires, informal discussion, and in the case of the Loxicha children, the use of newspaper articles and photographs. James *et al* (1998: 190) argue that:

Engaging children in what might be called “task-centred activities” which exploit children’s particular talents and interests might provide a better way of allowing children to express their ideas and opinions than the use of more “talk-centred” methods such as interviews and questionnaires.

Whilst I agree in principle with James *et al*, it is important to note that not all children readily express ideas or opinions. The difficulty of using ‘talk-centred’ methods was evident amongst the children in my study, for whom the notion of group discussions or sharing opinions was alien, partly due to the rigid pedagogical methods adopted in their schools (discussed further in Chapter Five). Punch (2002c: 325) observes that ‘the challenge is how best to enable children to express their views to an adult researcher’. I overcame this challenge by adopting and moving between different methods, approaches and activities which are discussed below.

Hanging Out and Observation

Participant observation seeks to uncover, make accessible, and reveal the meanings (realities) people use to make sense of their daily lives (Jorgensen 1989: 15).

It has been suggested that, for adult researchers investigating children’s lives, a ‘semi-participant observer role’ is more appropriate since ‘it enables the researcher to participate in children’s activities to a certain extent whilst recognizing that there are limits to such participation’ (Punch 2002a: 165). The degree to which one can participate - or semi-participate - in children’s activities and day to day lives will obviously vary depending on the research setting, the cultural context, gatekeepers and the disposition of the researcher her/himself. Apart from the research tasks that I carried out with the children, as described below, I was also present during most of their daily activities such as cleaning, getting ready

² All activities detailed in Appendix II.

for school, eating meals, doing homework, looking after siblings, playing, cooking, or walking to and from school. Two important aspects of this participation are firstly what anthropologists call 'hanging out' (see for example Whyte 1955), and secondly the recording of this process in a fieldwork diary.

I was able to 'hang out' almost everyday with the Loxicha children, particularly during the first three months of fieldwork when they were still camped out in the Zócalo. Even if I was due to visit the Casa or Centro, this still involved walking through the Zócalo and city centre to catch a bus. Thus 'hanging out' with the Loxicha children meant sometimes passing through while they were having breakfast, or stopping to chat to them while they were out with collection tins, or just sitting with them while they did homework or prepared to go to school. In this way I was able to gradually develop a relationship of trust and friendship with the children and their mothers. At the same time, as my visits were so frequent, the leaders and representatives from OPIZ (Organisation of Zapotec Indigenous Peoples) became more open to talking to me about the political situation of the Loxicha people. This placed me in a very privileged position as far as gaining inside information about the struggle: some of the OPIZ representatives were ex-prisoners, and as our friendship grew they shared with me stories of their arrests, imprisonment and in some cases torture. These personal histories gave me the kind of insight into the Loxicha struggle that I would never have been able to glean from newspaper articles or reports from human rights groups.

Amongst the CANICA groups the time I spent 'hanging out' with them was during my period as helper/teacher at the Casa and Centro. My involvement in their routines such as getting ready for school or having lunch meant that I was able to develop a rapport with the children over a period of time and also outside of my 'role' of teacher. At the Casa I would join the children on their walk to school, chatting along the way, or take part in games in the garden. At the Centro I often sat with the children as they waited for their parent or relative to pick them up at the end of the day. Also, on some days I would meet them while wandering through the market; these were good opportunities to chat to them together with their families at their stalls.

I recorded events, observations or simply feelings and reactions to things by typing them directly into my laptop in the evenings, or on days when I stayed at home. I also always carried a notebook in my bag to scribble things down during the day. I tended not to

write notes while I was with the children, unless for example I was sitting at the back of a class while they listened to a teacher. Whilst my fieldwork notes consisted of a regular overview of daily activities and more general reflections about my research, my 'PhD diary' was more personal. I have kept a personal diary since I was ten years old, so this came very naturally to me, and I began writing it in my first year before going out into the field and continued long after I returned. As described by Agar (1980: 113), diaries focus on the ethnographer's 'reactions to the field setting and informants, the general sense of how the research is going, feelings of detachment and involvement...' and this material brings the ethnographer's role 'more explicitly into the research process'. Agar adds that 'personal diaries would profit from more careful development as an ethnographic method in their own right'. Indeed, it was only in the final stages of writing up my thesis that I discovered how important my personal diary was in providing deeper insights into the overall research process. The following extract from my diary, made after nearly two months in Oaxaca, goes some way to illustrate this:

I have been spending more time with the children of Loxicha. I need to remember however, that this is not my struggle, these are not my issues, and that I will never be able to resolve their problems. I have come to know Y and her sister P, E and O and their baby brother E. As yet though, I have not gathered any data, and have few ideas as to how to go about it. I am supposed to do some special activities about rights with them, then pass on the material to CANICA afterwards (Diary entry, Oaxaca, December 8th 2001).

A seemingly unimportant record of despondency vis-à-vis my fieldwork, this extract in fact contains important insights into three key issues regarding my research. Firstly, it reveals that I am obviously already a 'participant observer' and have had the privilege of easy access to the Loxicha children, thus forming a relationship with them early on in my fieldwork. As already discussed, this relationship facilitated my understanding of the political struggle framing their lives, even if my feelings here point to a degree of frustration at not being able to 'help' them in any concrete way. Secondly, my feeling of not having any data reflect the messiness of fieldwork – and, with the benefit of hindsight, show how methodology and data collection often come about in a haphazard and seemingly unconscious/unplanned way. The final sentence in this entry highlights a third, and key, issue: it reveals how I was still doggedly attached to my objective of 'finding out about children's rights', and how

CANICA also focused on this issue, illustrating their interest in the abstract notion of rights as per the CRC.

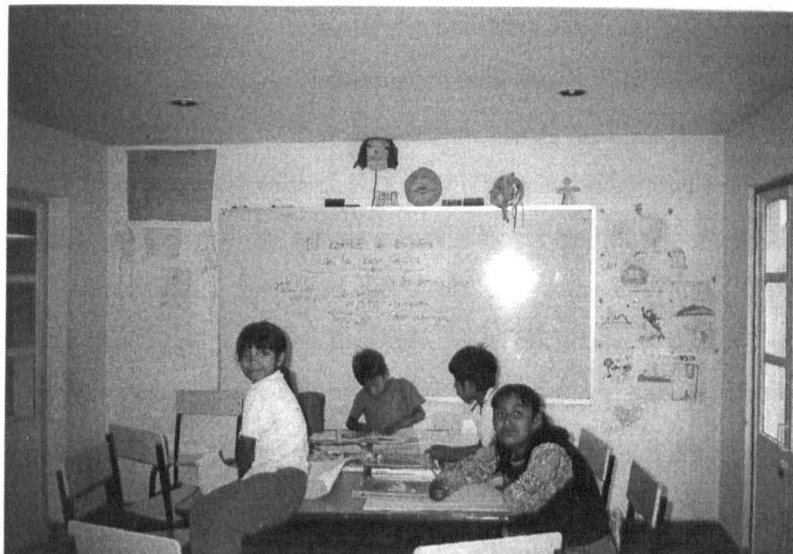
Writing fieldwork notes became a sort of haven for reflection, and was a vital part of my year's work. With reference to ethnographical research, Jackson (1995: 46) observes that 'many anthropologists used field notes, especially a diary, for what we can call the "garbage-can function" – a private place to vent spleen, to have control ...'. Or, as Malinowski (1967) puts it, a diary is a place to record one's 'subjective reaction'. Thus, when activities did not work out, or the children had simply been busy doing other things that day, I would feel rather despondent about what I perceived to be another day without data. However, when I offloaded these emotions into my fieldwork diary I would, on most occasions, find that several issues had come up that day just while I was hanging out with the children or playing on the swings. Using a personal diary as way of recording observations and also of channelling emotions experienced in the field, was thus an important methodological tool and a key element of my fieldwork.

Teaching

Alongside hanging out, playing or chatting with the children, my role as a teacher was undoubtedly a valuable method for observation and data collection amongst all three groups of children. The first time I went to visit the children at the Casa, as I walked into the courtyard Pepe (seven yrs old) ran up to me pleading '*Maestra! Maestra! Dile que me regresa mis canicas!*' ('Teacher! Teacher! Tell him to give me back my marbles!') thus firmly establishing my role from the children's perspective. Since most activities both at the Casa and the Centro took place within a classroom setting, anyone coming to help automatically slotted into the teacher role. Having worked as a teacher for five years prior to my postgraduate studies, I also fell back into that role with ease. At the Casa and the Centro I participated as a classroom teacher/helper once or twice a week, for the first five months, before formally carrying out my task-based activities with the children. This initial period allowed me to observe the interaction among the children, how they related to the teachers, and also their daily routines. For several weeks during my visits I helped out and generally assisted with lessons and activities and got to know the children (Plate 5.1). Following this

introductory period, I subsequently went to the Casa and the Centro once a week (for a further four months) to carry out my research activities in addition to my now established routine.

Plate 5.1: Classroom at Casa CANICA



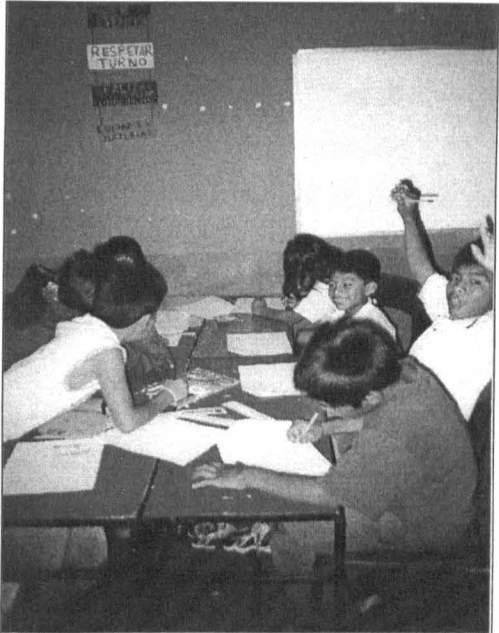
Apart from the need to establish trust amongst the children, it was equally important to be accepted by the staff and *educadores* at CANICA. Therefore during these initial months I fitted into their schedule and planned my subsequent research activities around their requests. As gatekeepers to these groups of children, the organisation certainly maintained some control over my research, in terms of the activities I carried out and when I could do so. Whilst the Casa had a classroom where we could work, the house was also where the children lived. This often meant that ‘classroom time’ was only one element of our morning; time was also taken up with chores, and if some children had not showered in the morning they would have to do so before lunch. Chores included getting the dining room ready for lunch, sweeping the floor and laying the tables for everyone. Playtime was also scheduled into the mornings activities (but not every day), which sometimes cut our class time short. At other times my visits coincided with that of the psychologist; so some children would come to our class time after a therapy session, which often had obvious consequences for the way activities worked out. Whilst these factors could be disruptive, they also proved invaluable as they allowed me to observe the children’s lives and routines at the Casa – even if I was programmed to come and do one or two hour activities, I tended to stay for most of the day.

At the Centro I initially planned the activities and workshops with all the children, but it was soon apparent that they were not suitable for the pre-school children; as a topic it was not feasible with such young ages, apart from the fact that most had not yet learnt to read or write. This difficulty in doing rights based activities with the younger children highlighted the need on my part to adapt my activities to different age groups and abilities. After discussion with the teachers, and in view of my research objectives, it was agreed that I would only work with the older children (aged between seven and 13).

The children’s attendance at the Centro was sporadic, which meant that there was not always a full class; however, there was a steady ‘core’ group that always attended, about ten children in the morning session and six or eight in the afternoon. I soon took on the role of classroom teacher, working alongside the other teachers – because of the more formal classroom environment at the Centro, it was easier to blend in as another teacher here, although I quite obviously was a ‘new’ one. The children quickly accepted me, and I

was able to develop a good relationship with them as their teacher helping them with maths, geography or Spanish (See Plate 5.2).

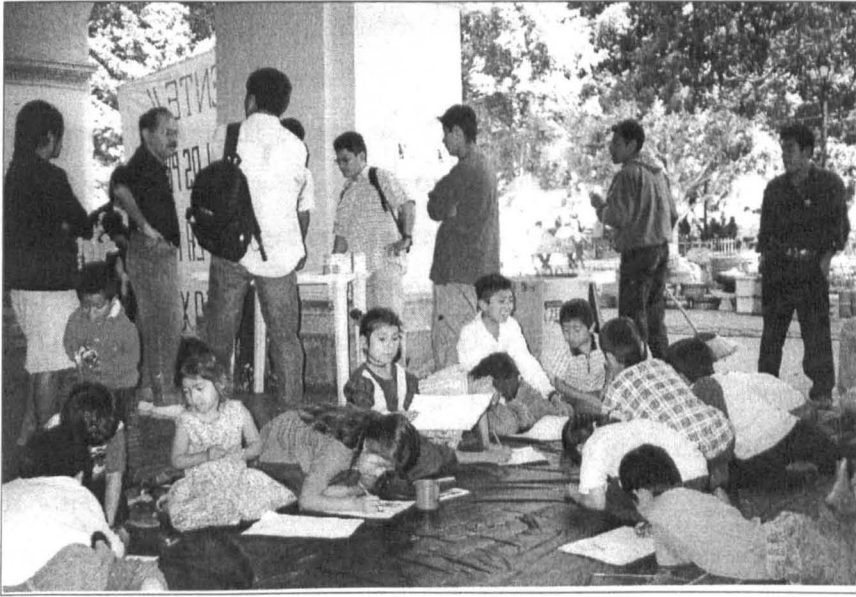
Plate 5.2: Classroom at Centro CANICA



Working as a classroom teacher, whilst not centred specifically on research activities, was a methodological tool in itself, and was an ideal way to gain an insight into the day-to-day lives of these working children. It also proved to be a valuable way of observing teaching methods at the Centro, and by helping children with schoolwork I was able to learn about what and how they learnt at school. Apart from pedagogical activities, I also ate with the children and teachers, and assisted with the monitoring of cleaning duties and chores – this included washing up, sweeping and mopping floors, and also the children lining up to brush their teeth after meals. There was also time for informal discussions with the teachers after class hours – these were invaluable in terms of exchanging ideas about teaching methods, and also provided me with privileged background information on the children, their families, and also of the teacher’s own lives.

Entering the living space of the Loxicha children with a research agenda came up against more obstacles than with the other groups. Firstly, the fact that they initially lived within a public space meant having to sit on crates or on the ground to work with them (Plate 5.3). In the absence of chairs, tables or a formal classroom setting, getting the children organised with paint, brushes, and beakers of water was a messy affair. Their attention span for this kind of activity was usually a maximum of 20 minutes, after which they would begin to wander off, making it difficult to complete or round off activities and hard to follow up at the next visit. This called for a large amount of flexibility and adaptability in terms of research techniques, a process that proved to be an interesting and educational challenge for my skills as a researcher.

Plate 5.3: Class work in the Zócalo, with the Loxicha Children



Secondly, the children's involvement in the political struggle meant that they needed time to go around handing out leaflets, collecting money, and selling baskets. The girls also had cooking and cleaning duties. This political aspect of their lives also meant that they had had their fair share of 'concerned foreigners' visiting them, asking for interviews, taking pictures, bringing blankets and presents. So initially I was greeted wearily as yet another *gringa*³ and had to establish a relationship of trust and friendship before I could begin any kind of research amongst them. Finally, this lifestyle meant that the children had little patience for anything that involved routine or order.

This stands in contrast to the situation of the CANICA groups who both had classroom space which on the whole was more conducive to 'quiet time' work, and gave a certain formality to activities. Furthermore, research with the CANICA children took place within an institutional context, where they were required to follow certain rules and schedules in their day-to-day activities. My schedule for activities had to fit in and around holidays, festivals and staff training days which altogether took out a considerable amount of available time. In contrast, the Loxicha children had a great deal of freedom and to a great extent were less constrained by such rules or schedules. In their case it was the political backdrop to their lives that determined my research methods and thus dictated the outcomes. The research setting for the Loxicha children also challenged my Northern assumptions and notions of what constitutes an environment that is conducive to learning.

By the time the Loxicha families had settled in the shelter I had developed a good and friendly relationship with the children, their mothers and official representatives of the group. In March 2002 the mothers requested that in addition to my regular visits to the shelter I should come once a week to teach the children and help them with schoolwork. I attended a formal meeting with the children and their mothers, and Angélica Ayala from LIMEDDH with whom I shared regular updates and discussions about the Loxicha families and their situation. All of the children attending school did so in the afternoons, so it was agreed that I would be their 'teacher' on Monday mornings, and we established a rough time for 'lessons'. I recorded our first lesson in my fieldwork diary (May 12, 2002):

³ *Gringo* or *gringa* is the term used by Mexicans to describe most white foreigners, and carries the assumption that you are American.

With the promise of a notebook and a pen for each child, they jumped around and were excited, asking if we could do maths. They love doing maths, so I wrote some sums on our newly acquired white board (propped up on a cardboard box and leaning between two branches). The chickens squawked around us, and the younger children doodled and did drawings while the others concentrated on maths. Eyasha wasn't there today; she had gone to help her mum washing clothes at the house of a 'señora'. She appeared halfway through our maths lesson. Usually fairly aloof, she came and put her arm around me and asked 'what's that in your book? Let me see'. This caught everyone's attention, maths was abandoned and we all had to look at the word puzzles in my book and have a go at them. Erika worked them all out in two minutes flat while the others still pondered. 'Well I have to go back to work now, bye' she straightened up and ran off laughing. I called after her 'aren't you going to school this afternoon?'. 'No!' she shouted back. Then she stopped at the gate and laughed at me 'Ha! Ha! Yes I am going, just joking!' and disappeared down the road.

The element of 'messiness' apparent in the lesson here was a constant factor during our arranged lesson times. Only some of the older children were confident with the Spanish language, whilst the very young ones could only doodle and play, and in between was a mixture of abilities and interests. Reconciling this in order to have a productive 'lesson' was a challenge, and quite often only a handful of the children benefited from these sessions. Like Eyasha, the children were often off working or just not there; on many occasions some of them would still be asleep when I arrived at 10.30 to work. Since it had been the mothers who had requested the lessons with the Loxicha children, I was eager to do a good job. This eagerness, however, was perhaps tainted with my expectations of what a 'good' lesson should entail – i.e. a clear beginning and end to the lesson, clear objectives and learning outcomes etc. The reality of daily life at the Loxicha shelter, however, meant that 'lesson' was a loose term for time spent with the children. This in no way lessens the validity of this time, and highlights the importance of flexibility and adaptability during fieldwork.

Questionnaires⁴

The use of questionnaires is standard in most social science research and I decided they would be a way of obtaining more specific information from the children in the latter part of my fieldwork. I tried using these with some of the older Loxicha children, but it was quickly evident that this would not be successful. Apart from the language problem, even

⁴ All questionnaires used are detailed in Appendix III.

when I read the questions out and offered to write their answers they could not respond – nor were they remotely interested in doing so. This was undoubtedly due to the language barrier above all, but perhaps also to the ‘formality’ attached to the ‘question and answer’ format. The children at the Casa and Centro were also not forthcoming in their responses to the questionnaires. I sat with them and asked them the questions, omitting some of the more challenging ones if the children were quite young, and tried as far as possible to make the process into more of a conversation than a ‘question-answer’ session. This ‘trial’ of questionnaires with the children raised two important points: firstly it revealed the obvious fact that children do not ‘talk’ about rights in any way that is directly relevant to their lives; secondly, this reflects the impact of the rhetoric – children are exposed to rights rhetoric in their school textbooks or from what teachers tell them, but not in a way that is relevant to their lives. I also think that the questionnaires were largely unsuccessful amongst all three groups of children simply because they are not used to being asked such questions as ‘Why are rights important to you?’ or ‘What does participate mean to you?’. The use of the activity booklets (described below) proved to be more successful with most of the children.

As patterns of response began to emerge from the activities carried out with the children, in particular regarding their perceptions of age and the transition to adulthood, I decided to extend the questionnaires to members of a youth centre in the city, Casa Jóven Oaxaca, with which I had made informal contact. The centre was partly a youth club, organising activities etc, and an educational centre providing holiday and evening classes. Due to time constraints and commitments to my already established research participants, I was unable to spend time discussing my research questions with this group. Therefore, I explained my project to the group leader and passed on the questionnaires. In total 35 questionnaires were completed and the ages of respondents ranged between 17 and 25. Within the notion of a linear progression in the growing up process from child to adult - so prominent in the ideas expressed by the younger children in my research - this age group would logically fit the next stage along from the children in my other groups. The views and opinions of these ‘young adults’ provided important insight in particular into their perceptions of children, young people and adults as clearly separate groups in terms of beliefs and abilities. Their contribution built on the data already acquired, and consolidated (confirmed) key research findings such as the perception of the age of eighteen as being the formal entry into adulthood.

Towards the end of my fieldwork, by which time a solid enough relationship had been established with most of the teachers, *educadores* and helpers in the organisation, they agreed to complete a questionnaire for me. However, only five people did so. I think many considered it an onerous and time-consuming academic task that really was not very useful for them. However, whether they completed the questionnaire or not, all the staff were happy to chat with me about their work and the different issues they had to deal with every day. Apart from many informal conversations with staff and volunteers within CANICA, I also attended team review meetings, and regularly met with the director to discuss progress and general issues. Initially, many of the *educadores* and classroom teachers were wary of my presence, later confiding that they had thought I was a ‘foreign expert’ who was going to tell them how to do their work. Indeed, at the outset the director of CANICA expressed enthusiasm for the fact that I was going to help the organisation ‘do children’s rights’ as she too assumed my expertise in the subject. These initial assumptions and misunderstandings were gradually resolved, and were openly discussed in the closing meetings held with each of the teams.

Activities

This section discusses the different games or activities that were part of my data collection, and how they informed the research questions and issues. I carried out the same activities with all the children, but not necessarily in the same order, nor with the same results. As a way of introducing the idea of children’s rights and as an ‘opener’ to my activities, I invited the CEDHO to perform their puppet show about rights (as described in chapter eight). The puppet show was performed at the two CANICA sites but the CEDHO were unable to arrange for a show at the Loxicha shelter.

Introducing Children’s Rights

After discussing my research with the CANICA staff team leader, it was agreed that my initial activities would be directly linked to the CRC and rights (this reflected my initial aim of ‘finding out about rights’ amongst the children). I devised the three ‘lessons’ around different rights (as detailed in Appendix II): *‘Quién Soy Yo’* (who I am) aimed at generating

discussion around identity; thus linking with Article 8 of the CRC (nationality and identity), and *Los Derechos* was a brief introduction to the CRC and the different rights therein. The third lesson was based on a request made by the *educadores* at the Casa and the Centro to include work and discussion on health issues, as this was a theme they were covering that semester. I therefore devised a lesson around health issues, linking it to Article 24 of the CRC.

As part of the rights activity, I divided the children into two groups and gave each group a pack of cards depicting different rights. They were to pick out three or four that they felt were the most important and then we would discuss their choices and reasons. Not surprisingly it proved very difficult to talk about rights in concrete terms – they could all quite easily ‘quote’ which rights they had, as they had been taught about them at school. From a pedagogical perspective, this activity was also difficult as the children were simply not used to this ‘open’ form of learning, via group work and discussion - most of the work they did at school involved copying or learning by rote. From a methodological standpoint, this activity served to highlight some of the difficulties in relating formal notions of children’s rights with the context of children’s daily lives. To a large extent it also revealed my expectations as a researcher, and how these were based on the Northern model of teaching and learning that I was used to.

This was my first ‘way in’ or opener to the topic of children’s rights, and the process of trying to get children to talk about rights as in this activity could be seen as an exercise in trying out the rhetoric. In other words, I soon discovered that these activities reflected the same objectives as those evident in the children’s rights workshops and teaching done by agencies such as the CEDHO. These coincided also with the perceptions or understandings of children’s rights held by CANICA – i.e. where children’s rights were seen as an abstract concept, transmitted to children as something that belonged to a discourse – the CRC – rather than as something relevant to children’s lives. Whilst I tried to make these activities ‘relevant’ by discussing the children’s identities and health issues in their immediate environment, this initial activity was aimed at getting the children to ‘talk’ about rights. The experience of running this research activity with the children was in itself an observation of the gap between the rhetoric and children’s realities, and highlighted some of the difficulties involved in making rights real for children. In this way then, and in this case, it was an

analysis of the methodology adopted that generated important data – rather than the intended or expected process of analysing data gathered from the children.

Drawing

Painting and drawing were a favourite with all the children, whether as part of a themed activity or just to fill in time at the end of lessons or other activities. Whilst they were still in the Zócalo this became a regular activity with the Loxicha children. I would bring paper, paint, colours, brushes and a plastic sheet that we would tape to the ground for working on. This was often just a ‘free’ drawing activity, without any guidelines (or research objectives) from me – the children rarely, if ever, had the opportunity to sit and doodle, paint or draw while living in the hectic space in the Zócalo.

With reference to her research with children in Bolivia, Punch (date) describes drawings as ‘rich visual illustrations which directly show how children see their world’. The Loxicha children’s immediate reality and ‘home’ at the time of these initial drawing activities was the Zócalo – sleeping on sheets of cardboard, washing under a tap in the public gardens, exposed to the public eye twenty-four hours a day. They preferred, however, to depict their rural home, now a distant memory for most of them. Often, the younger girls would copy the older girls’ drawings, while this was not so obvious amongst the boys. The Loxicha children’s drawings gave me some insight into the memories they had of their rural home; the importance of these findings is further discussed in chapter six. Amongst the other children in my research, drawings were often ‘stylized’ (Punch 2002c: 332) – school buildings with the Mexican flag flying from the rooftop (as depicted in school textbooks), flowers, the sun in the sky etc – or as described by Hart (1997: 162, cited in Punch 2002c: 332) ‘stereotyped images that relate to what they have learnt to draw, which in turn is often an expression of a limited range of objects emphasized by the particular culture’.

Participation Workshop

This workshop was in fact a series of two or three sessions, and following on from the ‘introduction to rights’, the objective here was to focus on participation rights and get the children to think about ways in which they did or could participate in their communities/schools/families.

This activity reaped very different results from group to group, ranging from the enthusiasm of the Centro children to the indifference of the Casa group. With the Loxicha children I did not do this activity, as I found it difficult to run 'organised' activities with them. Whilst their participation in the Loxicha political struggle was something that became evident to me over a period of several months, it was not something I felt confident discussing with the children. Naturally with the benefit of hindsight I would now go about research with the Loxicha children in a different and more focused way. At the time however, and as revealed in my diary extracts referred to above, the degree of despondency I felt led to abandoning organised activities in favour of 'hanging out'.

Overall, the participation activities contributed to my findings that this is an issue 'targeted' by local agencies as the cornerstone of children's rights advocacy. In practice however, and as my activities revealed, it remains a grey area and somewhat abstract to children beyond their definitions of 'participating in what the teacher says'.

Qué Deseas?: Boardgame

This game was a great success with all groups of children and elicited interesting, funny and insightful answers. I made the board as bright as possible, with lots of lively colours, and instead of dice the children threw sweets which they then could eat after answering a question. The questions were designed for eliciting children's wishes and hopes, such as 'if you had a magic wand, what would you make appear?'. In terms of gaining insight into these children's thoughts and visions, this game was an extremely effective methodology tool.

Activities Booklet

This was the last guided activity I did with all the children. At the Casa and Centro the children especially responded to the fact that this was not a whole class activity, in the sense that they could sit alone and do this 'privately'. Many of the children wrote about or drew images depicting the violence in their homes; they were perhaps more forthcoming about such an issue as it was not discussed in front of everyone else.

Once again, this was an activity that revealed a lot about the way the children perceived their worlds. The Loxicha children were not as enthusiastic about this activity, and seemed at a loss as to what or how to draw. Because of difficulties with language, none

of them wrote anything. Interestingly, the pictures they drew of their families included their fathers, despite the fact that they had been absent from the children's lives for the past five years.

Newspaper Articles

Throughout my fieldwork period, I cut out and saved any newspaper reports – both local and national – that had anything to do with the Loxicha families, the prisoners, and the ongoing political situation framing their lives. From the very beginning, when I met the children and their families in the Zócalo, it was clear to me that my attachment to this group was particularly strong and so I wished to find out as much as possible about their situation.

I include these as part of my list of research tools, as they provided important information about the Loxicha struggle. More importantly however, they also revealed a great deal about the way the public and the media perceived the Loxicha children and their families. In many examples of press stories, I was able to contrast the journalist's portrayal with the reality I knew based on my relationship with and time spent amongst the Loxicha families.

Interviews

Whilst this research project was primarily interested in the views and visions of children and young people, these cannot be discussed in isolation of existing social and political contexts. An important element of my research is an examination of the institutional framework of children's rights in Mexico and in the state of Oaxaca. To this end, in addition to the research activities and questionnaires with children, I also conducted formal and semi-formal interviews in Oaxaca, Guanajuato and Mexico City (Table 5.1).

Table 5.1: Interviews

1.	Dr Sergio Segreste Ríos, president of the CEDHO, Oaxaca Commission for Human Rights
2.	Blanca Castañon, director of CANICA
3.	Sylvia Van Dijk, director of FAI in Guanajuato
4.	Fernando Viveros, director of <i>Niño a Niño</i> (Child to Child, NGO, Oaxaca)
5.	Lic. Heriberto Antonio Garcia, president of Oaxaca's <i>Procuraduría de Justicia del Estado</i> (State Attorney's Office)
6.	Lic. Rosa Villalobos, director of <i>Oportunidades</i> (formerly <i>Progresá</i>) government social development programme, Oaxaca office
7.	Lic. Angélica Ayala, Oaxaca representative of the <i>Liga Mexicana para los Derechos Humanos</i> (LIMEDDHH - Mexican League for Human Rights)
8.	Nelia Bojorquez, UNICEF children's and women's rights representative in Mexico City

The interviews consisted of open-ended questions, but the main objective of each was to gain an insight into the different perspectives and positions on the issue of children's rights held by the different organisations and individuals. These interviews produced very different results which seemed to be dependent on firstly, whether I had already established a good working relationship or friendship with that person, and secondly, what hierarchical position that person held in his or her work. Thus, gender and power were key elements in dictating the course of individual interviews. For example, Dr Rios at CEDHO was very much the 'President' figure, and it was not possible to 'probe' or 'prompt' (Fielding and Thomas 2001: 128) during the interview. He gave me minimum information, and was particularly guarded in his answers about the Loxicha situation. My position was quite clearly that of female outsider, and Dr Rios was, although cordial and diplomatic, very much in control of the interview.

In contrast, my interview with the director of CANICA was very open – because of the good working relationship established with her, I was comfortable asking her to expand or be more specific with her answers. Also, although she was in a position of authority at the NGO and over me as a visiting researcher, there was much more of an equal power dynamic between us. The working environment at CANICA was also much less bureaucratic than that at CEDHO or other government offices, thus providing a more relaxed working atmosphere.

These interviews were important in revealing the vision of children's rights that existed within governmental and non-governmental organisations. The language used by agency officials and representatives for the most part echoed that used in national advocacy campaigns or literature around children's rights in Mexico. In this way, apart from providing useful information about the missions and objectives of organisations, these interviews were a further measure of the gap between official rhetoric and grassroots reality.

Conclusion

The main objective of this chapter has been to show the importance of fieldwork and methodology in shaping the research process as a whole. The diversity that defines childhood and the different socio-cultural realities that shape children's lives have obvious

implications for research with children. For the researcher these call for flexibility and adaptability in terms of methods adopted, together with a willingness to reconsider research objectives.

Fieldwork must obviously be planned, but this can only be to a certain extent. Reality in the field not only necessitates a revision of these plans, but it also brings a multitude of real factors into play that the most meticulous of plans could never envisage. Factors such as the tension between CANICA's agenda and my autonomy as researcher, their formal notions of rights and my planned activities, the distinct realities of each child within each group, the complex political situation of the Loxicha children, are all factors that fed the constant and necessary process of reflexivity throughout my fieldwork. This reflexivity in turn enhanced the very substance of my research project.

The social and cultural realities of these children's lives dictated the way in which I could carry out my research with them, which in turn constructs the knowledge I have of their lives and their visions, opinions and dreams. However, and as questioned by Alldred (1998: 147), 'what claims to represent children's voices can adult researchers legitimately make?' This is a common preoccupation amongst those carrying out research with children (see Alanen 1988; Kitzinger 1997; Solberg 1996; Thorne 1987), and reinforces the importance of reflexivity in the research process. As demonstrated by this chapter, our identity and the multiple roles we adopt in research play a significant part in the construction of knowledge. In discussion about feminist research, Stanley and Wise (1983: 160) aptly observe that:

(...) all research is grounded in consciousness, because it isn't possible to do research (or life) in such a way that we can separate ourselves from experiencing what we experience as people (and researchers) involved in a situation.

Thus – and echoing feminist theories - epistemologies of childhood are based on cultural specificity, flexible methodologies and the acknowledgement that 'emotion is vital to systematic knowledge about the social world' (*Ibid*: 193).

The general methodological problem of gathering children's views about rights, and the more specific difficulty I encountered in running 'imaginative' activities or group discussions point to a wider conceptual issue that of this thesis: the gap between the rhetoric of children's rights and the reality of children's lives.

The next chapter illustrates the multifaceted nature of children's daily experiences in Oaxaca, and constitutes the first of three themes that frame the empirical data.

6

Lived Realities of Oaxacan Childhoods: Challenging the Norm?

Introduction

There is nothing natural or inevitable about childhood. Childhood is culturally defined and created... (Nandy 1992, cited in Hecht 1998: 70)

This chapter exemplifies how the multifaceted nature of children's lives in Oaxaca challenges dominant perceptions and concepts of childhood, thus contributing to the idea of a Latin American Sociology of Childhood (LASC), as proposed in this thesis. The earlier theoretical discussions of childhood highlighted the way in which the prevailing, and Northern, paradigm of childhood has maintained a boundary between childhood and adulthood; the lived realities of the children in my study raise questions not only about such a division, but also about the applicability of Northern models or frameworks across diverse socio-cultural contexts. The move towards a non-dichotomous framework for the study of children, as outlined in chapter three, is essential if we are to recognise the fluid nature of children's roles in their daily lives. The purpose of this chapter, therefore, is to develop the case for local constructions of childhood, by showing how the experiences of the children in my study depart from the normative concepts that are entrenched in local society and also in the wider discourses around children's rights and childhood. The experiences of the Loxicha children, which are central to this thesis, are woven through the three empirical themes discussed here and in chapters seven and eight. This chapter, constituting the first of these three themes, supports the idea of more socio-culturally defined concepts of childhood as established in the earlier theoretical discussions; chapter seven explores local representations and understandings of childhood, which to a great extent explain some of the difficulties in locally implementing the CRC, which is the focus of chapter eight.

The daily lives of the children of Loxicha contrast sharply with those of the other children in this study: the absence of any clear routine or rules together with the

political context framing their lives gives the Loxicha children an element of freedom which, amongst the other groups is restricted by the institutional rules and structures of CANICA. The irony of this situation is obvious: the fathers of the Loxicha children are in prison and their lives are bounded by a political situation of repression and abuse, whilst the aim of the CANICA programmes is to reintegrate the children into society, guide and help them, and ‘provide a safe and comfortable atmosphere for them to grow socially and recapture parts of their childhood’.¹ By exploring their day to day realities, this chapter shows how the difficult circumstances of the CANICA children are being eased by the organisation, but at the same time the programmes, to a large extent, ensure that they are ‘kept as children’ according to the perception of children as needy of protection and help. The reality of the Loxicha children’s lives, in contrast, presents a considerable challenge to such perceptions – which goes some way to explain why CANICA decided to withdraw support of this group (as discussed below). Interestingly, it is the Loxicha children, who are outside any institutional framework in terms of child programmes or activities such as those provided by CANICA, who live a freer, more fluid existence – and one which is the most worrying to adults or other observers. In particular because of their political participation, they blur perceived boundaries and thus disrupt established and ‘safe’ notions of childhood.

The children’s experiences are explored here through what I perceive to be the three most prominent issues framing their daily lives: firstly, the way in which the children negotiate and move between child and adult roles illustrates how the boundaries between spaces of childhood and adulthood are blurred; secondly, violence, which is a prominent feature of all the children’s lives, is discussed according to how it affects their lives in different ways, and how they relate to the issue very differently; finally, through the lens of the Loxicha children’s day-to-day lives and the repercussions of the political situation of their community, this chapter considers their role as political activists, an issue that is of key interest to this thesis. Photographs are also used in this chapter as a way of telling the visual story of the children’s multifaceted day to day lives.

Multifaceted Lives: Blurring the Boundaries

Q: What don’t you like about being a child? (*¿Qué es lo que no te gusta de ser niña?*)

A: Having to look after the baby (*Cuidar al bebé*)

(Girl at Centro CANICA, 4 years old)

¹ Taken from CANICA’s mission statement, which can be read in full at www.canicadeoaxaca.com

How are we to react to this four year old girl's reflection on her childhood? If we adhere to the 'traditional' view of what a child should be (i.e. innocent, protected, a time for play etc), then we should be filled with horror and pity for this girl who is missing out on 'childhood' and instead has to worry about looking after her baby brother. On the other hand, if we recognise that for many children, responsibilities such as these are a normal aspect of their multifaceted childhood then we may not be so shocked. This apparent dichotomy sums up the difficulty of defining the childhood(s) experienced by the children in this study. However, as explored in the earlier theoretical discussions, this remains a dichotomy or a problem only if we seek to delineate the experience of childhood from that of adulthood within a normative framework, and if we assume that children can only be one thing or the other. As already established, this thesis emphasises that the movement between 'child' and 'adult' roles occurs within the space of childhood, rather than assert that the children are mini adults because of the different roles and responsibilities they adopt.

In their day to day roles, the children move between the spheres of work, play, and study, and from positions of responsibility to ones of 'protected childhood'; this fluidity of activities and roles highlights how these are experienced in a concurrent, rather than linear process. This process contrasts not only with the dominant discourse, but also with the views held by the children themselves as explored in the following chapter. Furthermore, it stands in direct opposition to the perceptions and approach held by the adults around them, be it their parents or the staff at the NGO CANICA. Whilst the children are within the safe walls of CANICA's day centre or transition house, they are bounded by rules and routines that are aimed at preparing them for 'life' in society – keeping to timed activities, taking turns to clean, sweep, or dish out meals, staying neat and clean etc (Plate 6.1).

Plate 6.1: Pamela on cleaning duty at Centro CANICA



Once back in the market or in their family environment, they inevitably revert back to their more fluid existence between roles. Pamela is a nine year old girl who attends CANICA's day centre, and the following observation aptly illustrates the way she moves between roles in the course of a day:

Pamela is a small, wiry nine year old girl, and is busy fulfilling her cleaning and sweeping task. But it is only when you she picks up a table and hoists it onto her back, showing the muscles on her spindly arms, that you recognise the other part of her life: the working life. She is strong and tough, the only girl amongst four brothers she can defend herself with skill against their shoves, pushes and brotherly taunts. After school she will join the rest of the family at the stall in the market; here she retrieves her street wise persona. Amidst the bustle and chaos of the huge market, she hoists crates and boxes, helps keep the account book for her parents, prepares food for herself and her brothers, and gets her homework done somewhere in between work and chores (Field work diary entry, 6 June 2002).

Whilst all the children in my study show similar movement between roles, there is a clear and pertinent difference between the experiences of the CANICA groups and the Loxicha group; a tentative explanation for this difference is the institutional context framing the CANICA children's daily lives, as opposed to the Loxicha children who are outside the institutional framework, and perceived to be, as Ennew calls it, 'outside childhood' (2002). The way their day to day realities are moulded – or not – by the adults and environment around them is an interesting contrast that stands out between these groups of children. Within CANICA's programmes, the children are to a great extent mollycoddled by the staff and by the organisation's overall mission, and bound by the routines as described above.² In contrast, the Loxicha children have no such impositions – in the Zócalo as well as in the shelter there were no obvious structures or routines.

While living in the protest camp in the Zócalo the children were free to roam around the central square, watch the clowns, wander off to find a public toilet, or play in the public gardens. There were roles of responsibility too, such as taking the collection tin around the square, to gather extra funds for the struggle; most of the older girls,

² It is of course important to note that, amongst the CANICA children it was their relationships with the staff of the organisation that I observed more than with their parents. Amongst the market working children who attended the day centre, I did observe how parents/guardians showed obvious care and affection whilst at the same time maintaining a strict discipline. The children at the Casa were from violent homes and I did not meet their parents. There is obviously, more so in their case, a great need for love, affection and 'normal' routines which they are fortunate to receive at the Casa. These children did return home on frequent visits, where sometimes they were made to go back to work on the streets for a few days and in some cases suffered more violence. The staff at CANICA worked with families over a long period of time in an attempt to change such situations.

together with their mothers, were also responsible for keeping account books of their basket sales in the *Zócalo*. There was a loose cooking rota, and each family was responsible for keeping their sleeping areas tidy; but the older girls would fry an egg on the *comal* (cooking griddle) or prepare a tortilla whenever they felt like it. Furthermore, amongst the Loxicha families whilst bonds between parents and children, and amongst siblings, were obviously strong, the type of pampering of children apparent amongst the other groups was noticeably absent here. The mothers of the Loxicha children, who in effect were single mothers for as long as their husbands were in jail, had a practical approach towards their children's welfare – an approach no doubt borne of necessity. This contrast in the kind of attention paid to the children is possibly rooted not only in culturally differences – Zapotec³ on the one hand, and mestizo on the other – but also simply due to the harsh realities of the Zapotec mothers in this study. Following the violence against and arrests of their husbands and other male relatives, it was the women of Loxicha who started and made up the strongest core of the political protest. They have had to suffer threats (against them and their children), violence, displacement; their day to day lives now are a matter of survival, and they expect their children to do the same (see Ayala nd).

At the Casa as well as the Centro, there are clear daily routines for the children, with rotas for duties such as sweeping, cleaning, laying the tables for meals and washing floors. Here, the older children are responsible for making sure the younger ones are up and dressed in the morning, then the morning is organised around school work time, activity time, play time until its time to get ready for lunch and then prepared to go to school in the afternoon. Even play time was organised in terms of time allocation, and was also supervised by a member of staff – some of whom often participated in the games of rounders or ball. At the Centro children line up to wash hands before their breakfast, then to brush their teeth; after lesson and activity time once again there are the meal duties, cleaning and tidying duties before they can go home. At the Loxicha shelter, in contrast, there was never any time to get up (some children would still be sleeping when I arrived at 10 or 10.30 to do our activities) and the children were free to do their own thing until it was time to get ready for school. Boys and the very young children had complete freedom from any chores, whilst the older girls had responsibility

³ Whilst there is a substantial literature on the traditions and politics of the Valley and Isthmus Zapotecs, I was unable to find any that discussed the Zapotecs of the *Sierra Madre del Sur*, to which the Loxicha families belonged.

for the baby, or preparing food together with their mothers, or killing and plucking a chicken for the day's meal. Making the most of the new luxury of showers at the shelter, the girls made bath time last a very long time, laughing and joking while they washed their hair, then spent more time combing out and plaiting each others hair (a contrast with the children at Casa CANICA who had to be in and out of showers in allocated time). As noted in chapter five, the mothers and other adults did not take part in children's games – giving the children a degree of freedom and control over their games that the CANICA children did not have. Without any imposed 'order' they were more likely than the other groups to tell me what games they wanted to play and when, and they also had the confidence to tell me when they had had enough of any activity we were doing (despite the fact that we had a loosely agreed 'time-table' for school/work activities together). This element of their day to day realities raised interesting challenges in terms of research methodology, as already explored.

Amongst the Loxicha families, I developed a particularly close relationship with that of Doña Imelda and her five children (see Appendix I). I was therefore privileged to observe the daily activities of these children over the course of the year, both in the Zócalo and at the shelter. As a way of illustrating the way these children moved in and out of different roles I will describe some of the typical daily routines of Olivia and Eyasha, the two eldest daughters of Doña Imelda.

When their mother was out at work (sometimes all day) Olivia would feed, wash, clothe and watch over their baby brother, Gerardo. The two sisters also prepared food for their younger siblings. None of the children had fixed jobs, but the girls did odd jobs washing clothes in local households. Some days, while Olivia looked after the baby, Eyasha would take herself off to work, then return in time for food and to get ready for school in the afternoon. On other days she – together with other children – would miss school in order to join a political march or sit-in organised by the OPIZ (whilst the children were strongly encouraged to join these marches, they were under no obligation to do so and usually went out of choice).

Eyasha was the only one of Doña Imelda's children who continued to visit her father; every other Sunday she would go with another family to *Ixcotel* jail⁴ to see him. One Sunday she invited me to go with her, where I observed Eyasha in a very different role to the ones I saw in her usual day to day life. Before we reached her father's cell, there was a considerable walk through the jail, during which Eyasha took great pleasure

⁴ Most of the men from Loxicha were at the *Ixcotel* jail, a twenty minute bus-ride from the city centre in Oaxaca.

in observing my discomfort at the leery comments of some prisoners; she took hold of my hand, laughing and saying “Don’t worry, they can’t get out of there. Come on..!” (*No te preocupes, no pueden salir de allí! Ven...*). She was alert, street-wise and in that moment appeared much more grown up than me. My perception, however, of her so-called ‘adulthood’ stems directly from a normative view of childhood: her confidence and ease with the harsh environment of a prison are elements of her ten year-old ‘personhood’, to use Moss and Petrie’s term. This again reiterates the importance, as raised in this thesis, of stepping away from adult visions and terms, and finding ways to understand childhood within its own world. She changed again upon meeting her father: here she was the subdued and dutiful daughter, filling her father in with all the latest news while she trimmed his hair and beard in a corner of the patio outside his cell. They both observed me from where they sat, appearing to be locked in a father-daughter conspiracy. During the whole visit Eyasha distanced herself from me completely, a stark difference to her usual friendliness. Nor did she speak to me on the bus ride home, until we reached the shelter where she changed into a dirty t-shirt and shorts and dragged me off to play marbles in the yard. Interestingly, back at the shelter neither her mother nor her siblings asked how the visit went; it seemed that after so long nobody was really that interested any more, and life just continued as normal. Indeed, it was this element of ‘normality’ that belied or camouflaged the extent to which these children moved, seamlessly, between child and adult worlds, adopting and negotiating roles as and when they needed to.

Plates 6.2 to 6.8 serve as short photo story, illustrating the different roles that the Loxicha children move between in the course of a normal day.

Plate 6.2: Haggling with the orange seller



Plate 6.3: Playing on the swings



Plate 6.4: Cooking eggs in the Zócalo



Plate 6.5: On a political march



Plate 6.6: Looking after the baby

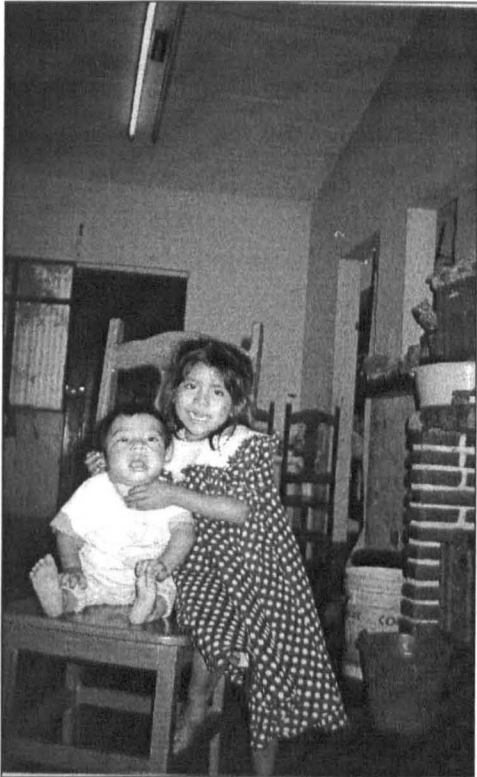


Plate 6.7: A sit-in outside the government offices

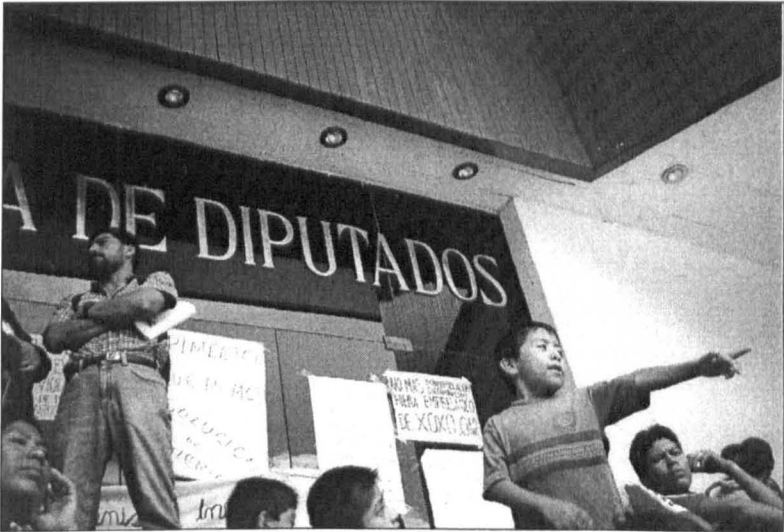


Plate 6.8: Life at school



These examples clearly demonstrate how children can inhabit the conventional sphere of childhood ('happy, carefree, a time of play') while simultaneously holding family responsibilities, going to work or participating in political activism (described in more detail below) – the latter elements being simply different aspects of their childhood rather than strands of 'adulthood' that they have adopted. Throughout the course of a normal day in the lives of Eyasha (ten yrs old) or her sister Lupe (five yrs old), they will go to work, take part in a march or a sit-in outside the government buildings, go to school, barter for a good price with the orange seller, play on the swings, do homework, and look after their baby brother. This is the multifaceted, fluid reality that defies definition: perhaps pointing to a need to abandon the quest for a classification or 'boxing' of these experiences of childhood. An outsider, whether a middle-class Oaxacan or a visitor from Europe, may observe that these children are missing out on 'real' childhood. Such a day as described above, however, is their real childhood, which cannot be analysed within a normative framework.

The childhood socialisation of the Loxicha and CANICA children is a process that is shaped not only by their environment and socio-cultural context, but also by the adults around them; this section has illustrated how the adults (staff) in CANICA maintain this process within the parameters and rules of the institution, which in turn defines the boundaries of the children's movements and activities. The boundaries crossed by the Loxicha children, whilst obviously shaped by the political context framing their lives, are looser and to a large extent less 'guarded' by the adults around them.

Amongst all three groups of children the issue of violence played a significant part in their day to day realities. Whilst for the Loxicha children violence was a palpable political issue that framed their status as displaced children in the city, amongst the CANICA groups it was part of their family/home environments; as such it emerged as a dominant theme in the children's comments and descriptions about their families and lives. The next section explores this aspect of their lives.

Violence: The Right Not To Be Hit

All of the children in this study came from poor families, where there was a history of violence or with problems such as alcoholism. In the different activities many of the children's comments reflected their common experience of violence or bullying -

La gente nos pega.
People hit us.

No podemos defendernos contra los que son más grandes.
We can't defend ourselves from those who are bigger.

Que nos manda los otros niños malos.
That other bad children order us around.

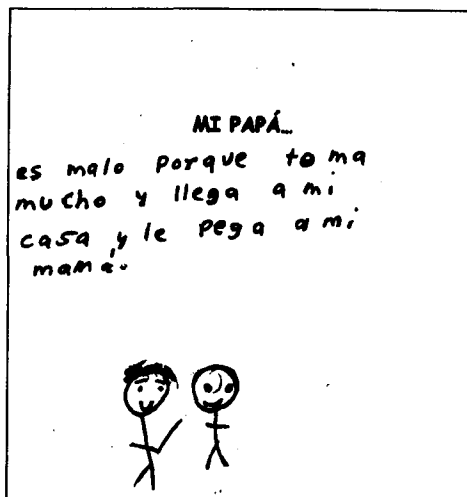
When the children at the Casa and the Centro drew posters as part of an activity to make adults aware of children's rights, most of them wrote 'don't hit children'. In discussions and games about rights, it was always the right not to be treated badly or abused that had the most resonance with the CANICA children

Nuria was thirteen and had been living at the Casa for nearly two years when I met her. In the booklet activity (see Appendix II), under the heading 'my family' she wrote:

A mi me gusta mi familia porque me dan amor y se portan muy bien con migo
I like my family because they give me love and behave well with me

The reason that Nuria lived in the Casa was because she had been beaten up at home. She had also been a victim of sexual abuse by a relative. Whilst Nuria wrote fondly of her family, Plate 6.9 shows how she felt about her father:

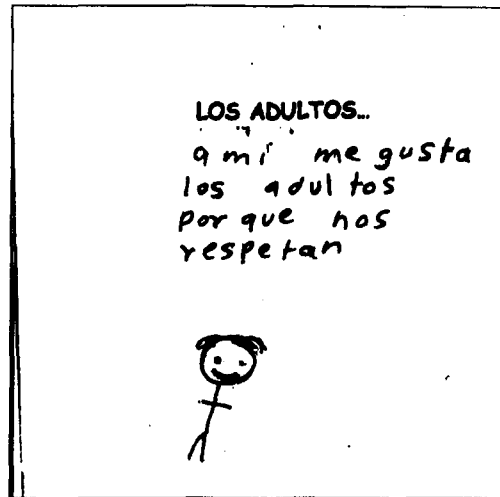
Plate 6.9: Nuria's Description of her Father



(My dad is bad because he drinks a lot and comes home and hits my mum).

Nuria's right to protection against violence and abuse (CRC Article 19) has been assured, temporarily at least, by her residence at the Casa. The way the children say different things about their family, their fathers or about adults points to a tendency to compartmentalise different aspects of their lives – as seen by Nuria's different comments about her father compared to the general comment about her family. Of adults she says (Plate 6.10):

Plate 6.10: Nuria's Thoughts about Adults



(I like adults because they respect us)

This comment reveals to some extent that she is able to separate her father (who is violent) from adults in general. It also reflects her immediate reality: whilst living in the Casa, the adults around her are indeed people who respect her and take care of her – in contrast to the situation she experienced at home. Similarly, Miguel, one of the boys at the Casa whose father had tried to sell him and his younger brother says of his family: *‘es muy buena con migo’* (they are good to me). Despite the violence and abuse that framed their family life, the children still speak of them with love, highlighting perhaps the degree to which domestic violence has come to be accepted as a routine element of home life even by those who suffer from it.⁵ These examples also draw attention to the ambiguities that exist even within seemingly obvious social and cultural realities, which in turn pose further challenges to effective teaching, advocacy and implementation of children’s rights. Children’s right teaching cannot, therefore, be delivered in isolation from the context of children’s lives, which as in the case of Miguel or Nuria, demand sensitivity to the issues that affect their lives – this is discussed further in chapter eight.

In the same discussion about rights and the issue of violence at home, Manuel explains why parents hit their children:

Yo pienso que los niños hablan mal de sus padres porque los pegan pero sus padres los pegan porque se portan mal.

I think that children speak badly about their parents because they hit them, but their parents hit them because they behave badly (Manuel, 10 yrs old, Centro).

Manuel is apparently defending the right of parents to hit their children if they behave badly – a reflection of his own socio-cultural reality. Hitting one’s children is considered to be a parent’s right within this cultural reality (and in many other parts of the world), and is used when a child fails to act ‘responsibly’. Manuel’s comment seems to justify this use of violence i.e. a child believes that if he or she behaves badly then being hit is to be expected.

Violence in the home is a daily reality for most of the children within the CANICA programmes, whether directed at them or their mothers or siblings – many of the children talked about their fathers hitting their mothers when they came home drunk. A situation observed amongst the pre-school group of children at CANICA’s day centre serves to further illustrate the significance of socio-cultural realities. Prior to the usual morning activities in the classroom, one child started telling us how his uncle had hit his cousin with a belt. The other children joined in to tell of equally disturbing

⁵ On this see Hume 2003.

cases of themselves or siblings being hit – they were almost bragging to see who could tell the worst story, with implements ranging from a bicycle chain to an electric cable. As an observer, what I found more disturbing than the children’s stories was the teacher’s reaction: she kept telling them to wait their turn to tell their story, or would interject with questions such as ‘and then what happened?’ all the while giving me a look as if to say ‘well, what can you do?’ - rather than using this as an opportunity to discuss the issue and perhaps ask what the children thought of all this violence. This was an observation in cultural context: I was shocked, but the teachers are part of the same Mexican culture as the children where it is common to be hit in the home. Yet all around the Centre there are posters advocating non-violence in the home and respect for children’s rights. This discrepancy between the rhetoric and the reality illustrates one of the major challenges at the micro level of implementing the CRC in diverse socio-cultural contexts.

In a ‘wish’ section of one activity, all the children without exception within both CANICA programmes asked for adults to stop hitting children, or stop drinking, as the following examples illustrate:

*Que no tomen mucho y no se droguen y que no maltraten a los que no les ase nada.*⁶

That they don’t drink a lot and don’t take drugs and don’t mistreat those who don’t do anything to them (Rafael, 10 yrs old, Centro).

Que no maltraten a los niños y no pegarles a sus esposas y dejar de fumar para toda la vida.

That they don’t mistreat children and don’t hit their wives and stop smoking for life (Bico, 14 yrs old, Casa).

Que no le pegen a los niños porque asen daño.

That they don’t hit children because they cause damage (Linda, 9 yrs old, Casa).

Que no les pegen a los niños.

That they don’t hit children (Miguel, 12 yrs old, Casa).

There is no clearer illustration of contextualised childhood, in the sense that these children’s messages are a sharp and direct reflection of their daily realities. It is from these daily realities that any rights teaching or advocacy programmes must begin, rather than from the ideals enshrined in the CRC.

Whilst violence is a real issue framing the political context within which the Loxicha children live, it is not present in their day to day lives in Oaxaca City. In their

⁶ In all quotes taken from the children’s work, I have retained their spelling.

drawings of 'home' (Loxicha) the majority of children drew picture of the fields, their houses and animals. Only two of the older boys drew pictures that hinted at the violent scenes they witnessed at the time of their fathers arrests. In their drawings the boys, Omar (10) and Isidro (10), included images of members of the army dressed in green, jumping off the back of an army truck before invading a house, and a helicopter flying overhead.

Plate 6.11: Omar's Drawing of Life in Loxicha

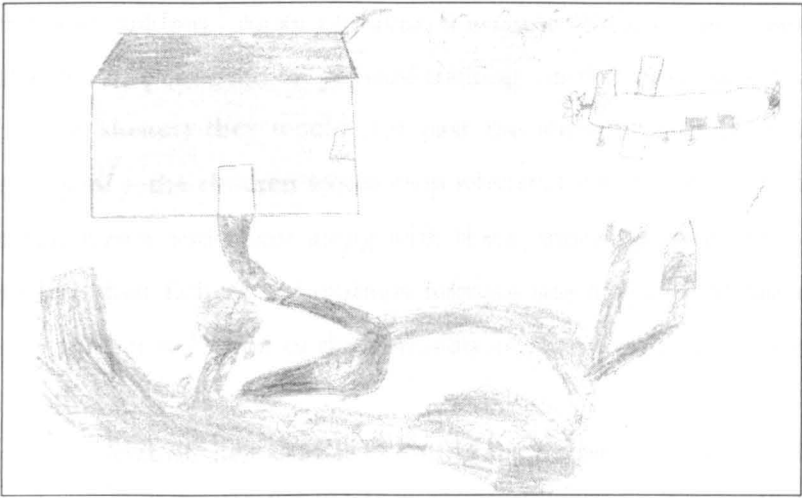
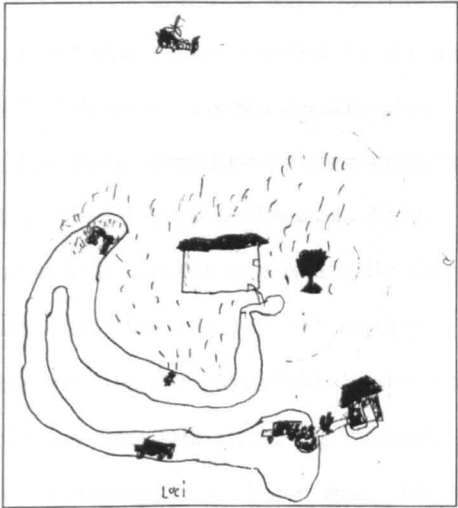


Plate 6.12: Isidro's Drawing of Life in Loxicha



Neither of the boys, however, would talk about their drawings beyond saying '*es mi pueblo*' (this is my village). I felt that it was not my place to question them further – nor indeed did I, as a social science researcher, have the skills to delve into such difficult territory with these children.⁷ As an observer, it seemed ironic to see how the children were fascinated by the police out on physical training: on their way back to the barracks (next door to the shelter) they would trot past the shelter chanting military-training songs as they jogged – the children would stop whatever we or they were doing, to run to the gates and watch and chant along with them, imitating their jogging and their songs. What made their fathers and mothers nervous was a source of fun and antics to the children – a further reflection of the normality of their lives in the midst of political tension and conflict.

My observations of their daily lives and of their relationships with their mothers (and fathers when present) revealed no degree of violence – mothers did shout at their children, but did not hit them. When I asked the children what it was they least liked about being a child, they said things like '*las tareas*' (homework) or as one boy answered '*me gusta todo*' (I like everything). The fact they did not mention violence at all is significant, as most of the Loxicha children were present in their homes when their fathers were arrested. Many of them were witness to the acts of violence committed against their fathers, and all of them are knowledgeable about the situation that brought them to the city. Silence has been identified as characteristic of situations of political violence (see Hume 2003; Moser and McIlwaine 2003). Interestingly, Moser and McIlwaine (2003) note that in such situations it is usually the young people who tend to talk more about the violence as they are not yet equipped with the same defensive mechanisms as adults. However, the Loxicha children appeared to embrace the culture of silence as they did not at any time talk about the violence they had witnessed. Apart from the obvious element of trauma, this silence may also reflect a cultural aspect of their lives where it was not common to discuss emotions.

This is in strong contrast with the CANICA children who openly talked about they violence in their homes, perhaps reflecting the way that domestic violence has come to be 'routinised' (Hume 2003) in the Mexican socio-cultural context. In addition, the children at the Casa CANICA received psychological support, and had thus become more used to talking about the violence affecting their lives. The Loxicha children have

⁷ Since there were no NGO projects dealing with the traumas experienced by the children, I did not feel I was adequately equipped to delve into this area with the children.

had no such support and have perhaps learnt to internalise their fear and memories of violence, illustrated for example by the boy who only draws in green, described below. Unlike the CANICA children, the Loxicha children – being outside any institutional care – had no ‘therapy space’ where they could learn to talk about any memories or fears.⁸ It is only speculation to say that they have internalised everything they saw, as I did not feel in a position to explore the psychological effects of their situation with them. However, the fact that they did not talk about it may also simply reflect the degree to which the political context had become their ‘normality’ and so there was no need to discuss it. The next section discusses the political aspect of the lives of the Loxicha children, and how this adds a particularly significant element to the roles and activities that make up their childhoods.

Political Childhoods

For many the very essence of childhood, at least in contemporary western terms, prohibits political participation such that the ‘political child’ is seen as the ‘unchild’, a counter-stereotypical image of children that does not fit with the way we commonly view childhood (Stainton-Rogers and Stainton-Rogers 1992: 32-33, cited in Wyness *et al* 2004: 82).

The notion of unnaturalness in the ‘political child’ conforms to the assumptions that ‘children and young people do not ordinarily inhabit the civic or political spheres’ (Wyness *et al* 2004: 81) and that their views ‘do not count as legitimate knowledge of the world’ (*Ibid*). These are assumptions based on the traditional perception of childhood as a time of innocence and play, a notion explored in chapter three. A child’s participation, for example, in war or guerrilla activity is seen as a destruction of childhood and an affront to such innocence. The possibility of children’s political agency is affirmed by guerrilla leaders who claim that children participate of their own accord, by government officials who defend attacks on children who are ‘dangerous opponents’ and by young people themselves. But such agency is not – or very rarely – affirmed by NGOs or academics, as observed by Peterson and Read in a study of children’s participation in war in Central America:

⁸ Both the men in jail and those that had been released were part of therapy programmes/support groups run by a local branch of the NGO ACAT (Christian Action to Abolish Torture), but no similar psychological or emotional support was offered to the children and mothers.

Most NGOs and scholars issue unqualified condemnations of children's participation in political movements. Their critiques are based – explicitly or implicitly – on an assumption that children can only be victims, never victimizers; only acted upon, never actors (2002: 226).

This assumption is also directly linked to the notion that children can only become 'truly' active in a political sense when they reach the age of eighteen; this idea underwrites the CRC's definition of a child, according to which 'universally, therefore, a child is not a citizen and has no political power' (Ennew 1994: 8). At a conceptual level this reflects the chronological and linear progression from child, to young person and finally to adult where 'each stage brings with it a progressively more developed sense of rights, duties and obligations' (Wyness *et al* 2004: 81). But beyond the arena of voting and participating in social and political debate, what of children whose childhoods are political due to the circumstances into which they were born, such as the children of Loxicha? This question applies to thousands of children across the world, born into situations of conflict such as those in Bosnia, Afghanistan, Iraq, or Rwanda. These children surely challenge the assumption that children 'cannot tell us anything interesting about the political world' (*Ibid*). Whilst the Loxicha children are certainly not politically active in the same way as child combatants or guerrillas, they are nonetheless active participants in a political struggle. When, in January 2002, CANICA pulled out of support work with the Loxicha children, they claimed that it was due to the 'unstable and errant' nature of their lives – i.e. the coming and going of family members to the protest camp made it difficult for the *educadores* to log family details and needs. I believe that the volatile political backdrop to these children's lives together with a reluctance to recognise them as agents and participants in the Loxicha struggle was at the core of this withdrawal of support.⁹ Therefore, whilst CANICA advocated for the practice of children's rights in their organisation, and promoted children's agency and participation, the latter was one that was controlled and managed by the adults in the organisation, and one that complied with the limited vision of participation framed by the CRC. Whilst the organisation's advocacy and programme objectives were laudable, the Loxicha children were evidently participants of a sort that did not fit the NGO agenda.

⁹ In a closing meeting with CANICA at the end of my fieldwork, I proposed that the team resume support work with these children. Although favourable to the proposal, this was still an issue of debate and discussion amongst the team at the time of my departure from Oaxaca (November 2002). To date CANICA have made no further contact with the Loxicha children (personal correspondence with LIMEDDHH staff in Oaxaca).

Small Political Activists?

Todos, grandes y chiquitos, forman parte de la lucha
Everyone, big and small, form part of the struggle

This observation was made to me by the vice-president of the OPIZ in casual conversation, and was later made to the press (*Noticias*, 27 December 2001) in relation to the time spent living in the Zócalo: '*las familias, mujeres, niños y niñas no dejaban la lucha porque dejarla significaba dejar solos a sus presos*' (the families, women, boys and girls did not leave the struggle because to give it up meant leaving the prisoners on their own). The children thus took part in protest marches organised in Oaxaca City, and even marched to Mexico City alongside the adults and joined a seven-day hunger strike - children as young as nine and ten were on this hunger strike. Apart from the obvious health dangers, this also took the children out of school for some time causing considerable disruption to their progress. The children of Loxicha have spent a great part of their young years walking alongside the adults in protest marches, carrying banners and shouting for the freedom of the prisoners (Plate 6.13).

Plate 6.13: 'Small political activist'



When I first saw the children marching, I was struck at their ease in this role of what I initially termed 'small political activists'. Such a definition, however, defines them directly in relation to adult (i.e. 'big') political activists; is this the only way we – adults – can make sense of the view of a child marching in protest against injustice and political violence? Surely if we are to take children seriously, as advocated in the children's rights discourse, then the roles played by the Loxicha children must be acknowledged. They are players in a political struggle that by all appearances is an adult one, but one that is obviously the children's too. The image of small children, marching with adults in political protest, naturally confuses and disturbs the adult onlooker who adheres to clear generational boundaries between what children should or should not be doing. The Loxicha children seemed to accept it all as part of their lives rather than any kind of hindrance or hardship, and as such their activism blurs all perceived boundaries.

One morning, while the children were busy doing some pictures under the tree in the yard, one of the boys started softly chanting

*El pueblo unido, jamás sera vencido...*¹⁰

The people united shall never be defeated

Nobody looked up except me, and a few of the other children joined in, until all of them – still concentrating on their colouring tasks – were singing this old revolutionary chant as if it were a nursery rhyme. This sense of ease in what I perceived as a political childhood permeated their day-to-day existence, and being participants in a political struggle came naturally to these children. That evening I recorded this incident in my fieldwork diary as follows (12 May 2002):

If these children could have things their own way, they would still be in the green, walking two hours to school through the mountains. They would still be tending their goats and cows. They would still be living in the ignorant bliss of the city. They would have no idea where the governor of their state lives. And if they had it their way, these children would be humming a nursery rhyme while they draw, and not a political freedom song.

But would they? In hindsight, my assumption that they would otherwise be singing 'normal' children's songs is one that is based on a Northern construct of childhood – and a certain nostalgia for 'lost childhood' (Prout 2005: 15). The political element of their childhood cannot be ignored, nor can it be lamented as something that is taking away their childhood. Nor should it necessarily be perceived as being entirely novel or

¹⁰ This has been the chant of anti-authoritarian protests across Latin America, since the late 1960s.

shocking: it is simply part of their reality. The political context does not completely define who they are as children – they also spend a great deal of time playing marbles and hide and seek, doing homework and household chores. This multi-faceted aspect of the Loxicha children’s experience of childhood is aptly illustrated in the following anecdote.

While living in the Zócalo, the children had developed a friendly relationship with the guards at the municipal offices. One day I was playing ball with Alma and Alina, two of the Loxicha children, when Alma stopped playing for a minute, and poked her head through the bars of the locked gate and shouted at the guard sitting on the other side:

Libertad! Libertad! Libertad para los presos de Loxicha

Freedom! Freedom! Freedom for the prisoners of Loxicha!

She then grinned at me like any seven year-old and carried on playing ball. This scene reflected the double-sided nature of this girl’s childhood: political activist one minute, sweet faced seven year-old the next. To me, the outsider, it was extraordinary to observe these two seemingly opposed facets of childhood: this, again, was more to do with my Northern notions of childhood, and reflects society’s tendency to view childhood in dichotomous terms, defining children as one thing or the other. For Alma, both play and political activity are intricate elements of her childhood, between which she moves seamlessly. To the girl’s mother it was a normal part of the day, watching her daughter play ball and shout ‘freedom!’ to a police guard. The police guard laughed and just waved at Alma; he and the other guards had become used to the presence of the Loxicha families, and did not consider the girl’s behaviour to be threatening in any way. Whether this was because she was a seven year-old child or because the guard was so used to this kind of thing is an interesting question. Had an adult shouted these words at the guard, it is doubtful that they would have been laughed off as easily.

A significant element of the political situation framing these children’s lives was the way it had changed and continually shifted family dynamics and roles – a factor that goes some way to explain the why the children moved in and out of roles.

Transformation of Family Roles

The disruption of the Loxicha families' lives as a result of their displacement has been considerable, not least in terms of family roles and dynamics. For the children, growing up without the daily presence of a father has altered the family dynamics, in some cases more drastically than others.¹¹ For example, one woman told me of the deep psychological scars borne by her youngest son, who everyday asks when his father is coming home:

Mi hijo es el mas pequeño de los dos, y tenia solo cinco años cuando llevaron a su papá. Recuerda su papá en las milpas, en la sierra donde todo es verde. Ahora cuando pinta, solo pinta en color verde. Y siempre hay un hombre en sus dibujos. Lo torturaron primero, luego lo mataron - mi marido. Era bueno. Usted tiene justicia en su país? Aquí dicen que es una democracia y alla con sus presidentes hablan de respeto a los derechos humanos. Es una situación que existe desde hace mas de 500 años, y la gente indigena como nosotros, pues no somos nada.

My son is the younger of the two children, and he was only five when the men took his dad away. He remembers his dad in the fields, in the mountains where it is green. Now he only draws in green. And there is always a man in his pictures. They tortured him first, and then they killed him - my husband. He was a good man. Do you have justice in your country? They say this is a democracy and they boast to your presidents that we have full respect of human rights in Mexico. The situation is more than 500 years old, and indigenous people like us still don't count (Interview with Esmeralda, 10 January 2002, Oaxaca City).

Five months after this interview, Esmeralda borrowed \$US 2000 to pay a *coyote*¹² and made her way north to Los Angeles to find work. She left her son and daughter with her mother, saying she would most likely be away for two or three years. Having lost their father to a political situation beyond their understanding, these two children will now be without their mother who, because of financial necessity, is joining thousands of other migrants who risk their lives to cross the border into the United States, in search of a better future.

The children whose fathers were still in jail rarely spoke of them, unless referring to their wish for their release, or jokingly as the following example illustrates. One day I asked Olivia if she was going to see her father in jail that day. She laughed and replied '*ay no! Ya tiene otra mujer. ¿Verdad mama?*' (Oh no! He's already got another woman. Isn't

¹¹ In the context of the Loxicha situation, it is the circumstance of the father's absence – either killed or in prison – that is the issue, rather than the absence *per se* which could be characteristic of many children's lives.

¹² Coyote is the name given to those who, for a fee, guide migrants across the border from Mexico into the United States.

that right mum?). Her mother also laughed it off, but later told me in private that this was true, and that he had also disowned Gerardo her baby. He seemed to exist almost as a mythical figure to her children, except Eyasha (11 years old) who was the only daughter who continued visiting him in prison. The way that Olivia and her mother joked about what was in fact a difficult situation seemed to reflect the way they have learnt to cope with things. The women and children often laughed things off rather than discuss them, reflecting perhaps a tendency within their culture to hide real emotions, to outsiders at least.

Gender, like childhood, is socially constructed (Stainton Rogers 2003:198), and the gendered experiences of childhood amongst the Loxicha group are worth noting. In a newspaper story (*Noticias* 1 May 2002 – reviewed below) Isidro told the reporter ‘*voy a ser soldado, así nadie va a lastimar mi papa otra vez, voy a ser fuerte y a cuidar a mi mama y mis hermanos*’ (I’m going to be a soldier so that nobody will hurt my father again, I will be strong and look after my mum and my brothers and sisters).¹³ Isidro is reflecting a desire to fulfil a role as the strong male of the family – whereas for the past four years his mother has been the head of the household, and he has been too young to take on the role he envisions above. Displacement, however, has not altered the roles taken on by his sisters – his elder sister, Olivia, looks after the baby when their mother is at work, feeding him and rocking him to sleep. The situation that got them to the city is reflected in Samuel’s (13 yrs old) comments about what he wanted to do when he was older: ‘*quiero ser policia para hacer justicia*’ (I want to be a policeman to ‘make justice’). Samuel’s ambition links to the notion of power that the children associate with adulthood, explored in more detail in the next chapter. For the adults in the Loxicha families, the roles of both the women and the men have been transformed and redefined by the political struggle, frequently altering gender roles. In reference to the *desplazados* (displaced) of Peru in the 1980s, Hume (1997: 19) observes that:

Displacement had produced an entirely new definition of their world, a factor which had undeniably altered their identity and sense of selves within the new space. This redefinition of identities and inhabited spaces [had] particular gendered ramifications.

¹³ In relation to the way the media represents these children, as discussed in chapter seven, it is interesting to note that this particular article published this boy’s photograph and quoted his full name, thus easily identifying him with his father who is one of the prisoners accused of belonging to the EPR. Given the political situation, this failure to protect the child’s identity is a significant oversight by the reporter and newspaper. To maintain confidentiality, when quoting press articles I have substituted real names with the pseudonyms used throughout this thesis.

While living in the Zócalo and now in the shelter, it is the women who have been responsible for keeping records of basket sales, monitoring food distribution, maintaining rotas for cleaning chores etc. Ayala Ortiz (nd: 3) lists some of the progress of the Loxicha women:

Desarrollar habilidades de comunicación al interior de su grupo y hacia la sociedad, la movilización bajo una perspectiva organizada, la capacidad de autogestión para el sostenimiento de las familias como jefas, el seguimiento a los casos de sus familiares, son algunos de los avances que han logrado estas mujeres.

The development of communication skills within the group and towards society, organised mobilization, auto-managerial skills as heads of families, and the follow-up of their relatives' cases are some of the advances that these women have achieved.

In relation to displacement in Colombia, Meertens (2001: 134) observes that 'one of the most striking gender contrasts is that women, unlike men, seem to gain some autonomy and visualize new horizons for their life projects in the urban environment'. Similarly, since living in the shelter, the Loxicha women have found ways of supporting their children by doing different jobs as described earlier. The women have not only had to adapt to urban living, including language difficulties for those who are monolingual Zapotec speakers, but also have taken on the role of head of household while the men have been in prison.

For the men who have been released from prison, freedom has not necessarily meant an end to their problems. As some ex-prisoners described to me, once on the outside they still faced long-term psychological and emotional damage, particularly those who were tortured in custody. The whole family has to deal with new domestic issues after being split up for so long, as one prisoner, released in August 2002, put it:

Tengo que aprender a ser marido y padre de nuevo. Mi esposa ha dormido sola durante cuatro años. Mis dos hijos tienen que acostumbrarse a tener su padre en casa, que ya no es su mamá quien manda todo. La libertad es alegría, pero también nos presenta con otros problemas. También tengo miedo para salir a la calle.

I have to learn to be a husband and a father again. My wife has slept alone for four years. My two sons have to get used to having their dad at home, and that it is not their mum who runs things anymore. Freedom is happiness, but it also brings us other problems. I'm also afraid to go out in the street. (Interview with Mario, ex-prisoner from Loxicha, August 2002, Oaxaca.)¹⁴

¹⁴ Mario had been arrested in 1997, disappeared for five months, and severely tortured. Shortly after this interview, he decided to take his wife and children away from the shelter in Oaxaca, as he felt threatened by the police presence nearby in the barracks. He took his family to Mexico City where he continued to be part of the *lucha* (struggle). In May 2003 we heard that he had been picked up and disappeared again; nobody knew where he was or indeed whether he was still alive. His wife and two sons returned to the

Mario's comment reflects the way the traditional gender roles in his family have been turned on their head because of his absence and the family's displacement. Mario also commented to me that he thought his two sons were behaving in an aloof manner towards him, and he did not know how to re-establish a relationship with them. Whilst their fathers had been in prison, the children too had had to adapt to the changes brought by displacement. After an absence of four years, now it was the family reunion that posed new challenges. Mario, as the traditional head of the family, expected the family dynamics to return to normal, ignoring the fact that while he has been in prison it is his wife who has 'replaced' him as the head of household. The children, Enrique and Omar (8 and 10 yrs old respectively), had also adapted to an upbringing by a single parent; whilst happy that their father had been released they were visibly uncertain as to how to act in his company.

Whilst the situation of the CANICA children was very different, their lives too have demanded a certain transformation of roles within the family. For example, at the Casa the children are encouraged to develop skills that will enable them to get work once they leave the confines of the Casa, and that will give them independence. Bico was fourteen when I met him at Casa CANICA, and was training to be a carpenter. Having come from a family background of abuse and violence, this newly acquired skill was going to guarantee that he could make it alone once he left the house. Part of CANICA's mission is to work over a long period of time with the families in an attempt to put an end to the cycles of violence that exist in many of them. This is an ongoing challenge, particularly in a socio-cultural context where men/fathers believe they have a right to discipline their children (and, in many cases, their wives) by using force. Family dynamics amongst the CANICA groups necessarily go through some change – and disruption – as a result of awareness and education workshops around the issues of domestic violence and the need for mutual respect in the family home.

shelter in Oaxaca, and spent their days sitting in front of their old 'home' - the municipal buildings in the *Zócalo* - demanding justice and an investigation into his disappearance. This case illustrates to what extent the struggle of the Loxicha people is ongoing, and that they continue to live in the shadow of fear of further repression and violence.

Conclusion

As already discussed, the dominant paradigm within the field of childhood studies, whilst recognising diversity of children's lives, their agency and status as 'beings' rather than 'becomings', nevertheless interprets children's culture and socialisation in relation to and separate from adulthood. Furthermore, there is - both within the discourse surrounding the CRC and that of childhood studies - an explicit understanding that once a child reaches a certain age (18), he or she leaves childhood behind to officially enter adulthood. Age has marked the structural boundaries between children and adults, thus defining and separating the worlds (and concepts) of childhood and adulthood. By exemplifying the multifaceted nature of children's day to day experiences in Oaxaca, this chapter has illustrated the way children can move between both these worlds whilst all the time remaining 'children' firmly within a specific experience of 'childhood' (as per Qvortrup's singularity thesis of childhood, addressed in chapter three). The latter point emphasises that the children are not in any way 'mini adults' simply because they participate in what is seen to be an adult world, such as political protest; they are part of and move between the perceived, marked out 'territories' of childhood and adulthood.

Prout (2005) has discussed the perceived 'loss of childhood' that has occurred in modern times, blamed on elements such as cultural change, destabilization of family life and developments in technology, and leading to a nostalgia for lost childhood in view of the apparent blurring of the child-adult boundaries. An explanation based on historical and cultural progress does not, however, account for the children like those in this study whose daily realities - in terms of the different roles they play - have blurred the boundaries out of necessity borne of their social, political and economic reality. This chapter has seen how elements such as violence, work and politics are enmeshed in the children's realities and how they shape the roles and activities that make up their daily lives in Oaxaca. This local construction of childhood demands that dominant theoretical paradigms be reconsidered and modified, and thus goes some way towards the development of a Latin American Sociology of Childhood. The call for childhood studies to be a 'genuinely interdisciplinary field' (Prout 2005: 143) then, must include something of an opening out of concepts that feed from local experiences that are common (while diverse) across specific regions. A crucial focus of this chapter has been the political participation of the Loxicha children, which challenges any normative notions of what childhood is about, and reaffirms the importance of conceptualising their childhood in terms of their local realities. Whilst the 'politics of childhood'

(Stephens 1994; James and James 2004) encompasses notions of children's agency, with governments placing children as a distinct social group in the context of policies and programmes, there is no established discussion of the role children can play in political struggles, campaigns or protests. The case of the Loxicha children in particular challenges the position that views such participation in terms of victimhood, as perceived by the local press and explored in the next chapter. Rather than be perceived as 'childhood gone wrong' or as a threat to established boundaries, this must instead be accepted as one of the features of these children's daily lives, and as a local construction of childhood. As established in earlier theoretical discussions, such local constructions would benefit from new language or terminology that is rooted in these unique experiences of childhood.

The theme of the next chapter focuses on local representations and perceptions of children and childhood, including children and young people's own views of being a child and being an adult. These views differ fundamentally from the reality of children's lives as explored above. This cleavage between actual experiences of childhood and perceptions of it goes some way to explaining the difficulties in locally implementing the CRC, as explored in chapter eight's theme.

7

Perceptions of Childhood: Who Do We think They Are?

Introduction

I want to be 18 to be an adult once and for all. (Isidro, ten yrs old).
(Quiero tener 18 para ser adulto ya de una vez)

Isidro's wish sums up a normative notion of childhood that persists and is embedded in society, even where children's realities demonstrate a more fluid process, as explored in the previous chapter. His words also reflect the clear division between childhood and adulthood, as envisioned by the CRC and, as shown in this chapter, held by both children and adults alike. Isidro's urgency to be an adult 'once and for all' indicates that he looks forward to what he perceives the greater freedom offered by entering the world of adulthood.

This chapter demonstrates the different ways in which children and childhood are perceived in society, by adults, children, young people and organisations including the media, and are framed by three dominant issues. Firstly, even though children's day to day lives and roles blur the child-adult boundaries, the attitudes and visions expressed here show that there clearly exists a perception of division between these two worlds. This is particularly evident in the way children are regarded as on their way to becoming adults. Secondly, despite the advocacy around notions of child participation, agency and empowerment that has emanated from the CRC, there continues to be a tendency to equate difficult circumstances of childhood (i.e. poverty and social marginalisation) with victimhood that demands pity from observers. The local press in Oaxaca show an apparent need to categorise children, so that the appropriate 'image' can fit the label e.g.: street child, poor child, worker etc. This tendency to label poor or socially excluded children and box them into a 'type of childhood' coincides with the perception of these children as victims, an overall view that too easily overlooks the happy and 'normal'

elements of their lives. Finally, examples of children's participation are explored as a way of further illustrating children's status as 'becomings'; in the context of this discourse this status is widely reflected in references to children as future citizens. This brings into question the type of participation practised by the Loxicha children, as described in chapter six.

An important element to emerge from my research with the Loxicha children was the way they were represented in the local media in Oaxaca, and how Oaxaca City residents perceived them. The frequent marches by supporters, hunger strikes by the prisoners, and the ongoing strife in the Loxicha region were covered in the local (and often national) press and always with reference to the women and children living in Oaxaca City. Echoing a similar tendency in reporting and research that homogenizes street children into a single category (on this see Ennew 2000; Glauser 1997; Hecht 1998), local press stories often wrote about the Loxicha children under the umbrella definitions of 'poor children' or 'street children' and solely from the perspective of them as victims of the political situation. This representation differs significantly from the attitudes and demeanour of the children, as described in the previous chapter.

Progressing towards Adulthood

Un niño apenas aprende, un joven esta aprendiendo, y el adulto ya aprendió sobre la vida
A child is only just learning, a young person is learning, and an adult has learnt about life (Hermilo, 16 yrs old).

Hermilo's view of growing up reveals clear boundaries between the different stages of life, echoing the positions of developmental psychologists as outlined earlier in the thesis. In a similar way, and as illustrated below, the children in my research groups voiced the idea that reaching the age of eighteen would mark a definite entrance into adulthood, and consequently (in their view) access to greater power. Hermilo's comment also reflects how notions of what it is to be a child and an adult are embedded in society, even if realities within that society reflect a more diverse and less definable experience. Many social programmes for children are helping them to 'prepare' for life as an adult, or to make the transition from child to adult smoother. This perception, echoed in the views of the children and young people in this study, confirm the assumptions that have dominated conceptualisations of childhood in recent times which posit that:

The particular nature of children is separate; it clearly and distinctly sets them apart from adults (Archard 1993: 29)

It would appear that this notion has become so embedded in social thinking that it has gone unquestioned. Even in the more recent developments in childhood studies – as explored in chapter three – this division still underlies the debates; thus Qvortrup (2005: 6) states that ‘one thing which in any case unites children: they are not adults’, and defines this as the *raison d’être* of childhood studies. This generational perspective, whilst a valuable conceptual tool in the analysis of childhood (see Alanen 2001), does not leave room for the two spaces to merge in terms of *roles* such as those taken on by the Loxicha children. The realities of children’s lives, like those in Oaxaca, pose an urgent need to reconsider such assumptions and perceptions of childhood and children’s competencies. The CRC, whilst promoting the idea of child participation and empowerment has not succeeded in shifting the way children are perceived in society, particularly in terms of the roles they adopt, negotiate and borrow from what may have traditionally been seen as adult spheres (such as political participation or work). Punch (2002b: 124) observes that in the developing world context,

The notion of ‘youth transition’ from dependent child to independent adult is problematic since young people negotiate and renegotiate their interdependence with their parents and siblings throughout the life-course.

The children in my research did have a relationship of interdependence within their families, working and sharing the money with their parents/guardians or being responsible for the care of younger siblings, thus taking on ‘adult’ roles from a young age. Nevertheless, in their own views, until they officially become adults they did not consider themselves to possess either independence or power. As expressed by Raúl (seven yrs old, day centre) the most important ‘right’ for him was to be older (*‘ser grande’*).

The wish to reach the age of eighteen was associated with a time when they would be in control of their lives and when no one could harm them anymore. This ambition was particularly present amongst the children in the CANICA programmes, and to a great extent was a direct reflection of the history of violence in their home lives:

Quiero tener 18 para que nadie me puede mandar
I want to be 18 so that nobody can order me around
(Pamela, nine yrs old, Centro).

Cuando soy grande, voy a ser abogado. Voy a arreglar todo.

When I'm big, I'm going to be a lawyer. I'm going to sort everything out
(Jorge, twelve yrs old, Casa)

Their belief that reaching the age of eighteen will solve most of their problems largely echoes the rhetoric surrounding children's rights which speaks of preparing children for full citizenship, defined by the voting age of eighteen. One obviously attractive feature of reaching the age of eighteen was the notion of power that this would give them, like being big enough to hit the older children who bullied them because they were little. This was explained to me by one of the boys at the day centre, who said there was a gang of older boys who roamed the market causing trouble, and they bossed the little ones around and often hit them –

Así que quiero ser grande , como dieciocho, para pegarles a esos grandes

So I want to be big, like eighteen, to hit those big boys (Rafael, ten yrs old, Centro)

Rafael's comment implies that it is acceptable for children to hit other children in self-defence, but not if the children are smaller than you. It also points to his understanding of growing up as a linear, sequential process through which he will gain more power and abilities – you get bigger, you can hit the bullies, and you can finally call yourself an adult. It is interesting to note that while advocacy for children's rights lays emphasis on recognition of the distinct status of the child, many children simply cannot wait to be adults, as expressed by Isidro earlier.

Many of the respondents from the youth group expressed a vision of growing up where people's abilities were clearly graded or divided according to their age, again reflecting a linear vision of growing up that has become entrenched in social thinking.

Los niños piensan infantilmente y los jóvenes y adultos no.

Children think in a childish way and young people and adults don't (Manolo, 16 yrs old).

Un niño es el que piensa en jugar, un joven piensa en conocer personas, un adulto piensa en trabajar.

A child thinks about playing, a young person thinks about meeting people, and an adult thinks about working (Benito, 18 yrs old).

Los niños todavía no razonan muy bien como un joven, y el joven no piensa como un adulto.

Children do not yet think as clearly as a young person, and a young person does not think like an adult (Mayra, 17 yrs old).

Benito, who has reached the legal watershed age of eighteen, offers a neat and compartmentalised view of life where children are firmly placed in the world of childhood, a time for play, and separated from the adult's world of work. Mayra's view of people's thinking ability echoes this notion of a straight progression from one stage to the next. These views to a great extent remind us of the embedded dichotomy in childhood sociology, where children have been regarded either as 'beings' or 'becomings', and where adulthood is seen as the end of the line in that process. In his revision of this dichotomy in particular, Prout (2005: 67) suggests that 'children and adults should be seen through a multiplicity of becomings in which all are incomplete and dependent'. This position is more akin to the fluidity of children's roles and daily lives, and would potentially transform the results of NGO programmes and policies if it were adopted as a conceptual starting point.

The views expressed by the young people appear to be shrouded in a degree of 'adultist' speak, perhaps reflecting a greater exposure to the general discourse on children's rights and childhood. This is only speculative, on the basis that the responses from the younger children appear to be more straightforward, although they too clearly saw a division between themselves and adults:

La gente grande es muy rara.

Older people are very strange (Ilior, 6 yrs old, Centro).

Los adultos son mas grandes y cuando decimos algo nos pegan.

Adults are bigger and when we say something they hit us (Pamela, 8 yrs old, Centro).

Ellos son grandes y nosotros chicos.

They are big and we are small (Manuel, 10 yrs old, Centro).

Los adultos son mayores y pronto se van a morir.

Adults are older and soon they will die (Miguel, 9 yrs old, Casa).

Son diferentes en los zapatos y en el cuerpo.

They are different in their shoes and the body (Jorge, 12 yrs old, Casa).

Uno todavía es joven, el otro es más alta.

One is still young, the other is taller (Leonora, 11 yrs old, Casa).

The children seemed to regard this as a 'fun' question, a chance to say what they thought of adults. Their initial reaction was quizzical, as this seemed a strange and obvious question to them, for whom adults were obviously different in every way.

In view of the advocacy that focuses on children and young people's competencies and agency in society, it is interesting here to note that several views expressed the understanding that children need and want the protection and care of adults. This was particularly articulated in the call for adults to show a good example to their children and 'not let them go down the wrong path' (*no los dejen ir por el mal camino*). Raul (17) wanted adults to 'help us be better' (*ayudarnos a ser mejores*), while Rosa (13) wished for adults to give children more protection (*que nos den más protección*). While this aspect was not explored in further detail with the different research groups, it clearly raises the question of whether children and young people want the kind of participation advocated in the official discourse. This question is given more attention in chapter eight.

These embedded notions of what it is to be a child in juxtaposition with the 'achievement' of adulthood make up the conceptual foundations for the local representations and portrayals of the Loxicha children in Oaxaca City. The young people's views that childhood is a time for play are mirrored in the way that local press articles portray the Loxicha children as victims and beings to be pitied, as explored in the next section.

Poor, Innocent, Victims

During the four and a half years that the Loxicha children and their mothers lived in the Zócalo, sleeping on the ground, washing behind flimsy plastic curtains, cooking on wood fires, and hanging their washing out to dry on the bushes in the public gardens, they grew accustomed to curious onlookers, mainly tourists – the locals have become indifferent to what they consider to be yet another protest by indigenous people.

Whilst I was struck at the general sense of well-being and happiness which prevailed – the children seemed free, running in and out of the arches, hanging around, eating, doing their homework on top of empty fruit crates - for the onlooker, tourist or local resident, these were 'children of the streets' and as such roused pity and concern. In the area where they slept, the women and children showed me piles of old sweaters, blankets, socks and other clothing items that had been donated to them by local charities and by visitors from the United States and Europe. From time to time, university students from Mexico City would come with food, and sleep with the families

for a few days as a show of solidarity with the cause.¹ To these outsiders, the children were seen to have lost the innocence of a 'normal' and protected childhood.

Children who live in exceptionally difficult circumstances, to a large extent live 'outside childhood and outside society', to once again use Ennew's definition. They also exist beyond the ideals and childhood parameters set by the CRC. Particularly while they were living in the Zócalo, the Loxicha children seemed to live a distinct childhood, and one that did not fit into any neat social category – distinct from the childhood that they would have been living in the mountains of Loxicha, and distinct from any 'global' or Northern concept of childhood (Boyden 1997: 190). But it is only 'distinct' if it is placed in juxtaposition to other more 'normal' childhoods (if there is such a thing). Their daily lives, as explored in the previous chapter, make up *their* normal childhood. They have moved from a rural existence of tending animals and fields alongside school and chores, to one of begging, selling chewing gum and participating in political marches.

One of the reasons given to justify CANICA's decision to withdraw their support of this group (as discussed in chapter six) was that since their move to the shelter, the children no longer exactly fitted the label of 'street children' in need of attention. The programme coordinator concluded, rather disturbingly, that 'these children will probably end up working in the street, and so we'll be able to pick them up then'.² During their short period of support of the Loxicha children, the *educadores* kept a record of which children were attending school, how they were progressing – and providing educational support for all the children. They had also been monitoring any health problems amongst the women and children and babies, and providing free access to health visitors when needed. This decision to withdraw support reflects the wider 'agenda issue' of NGOs and the necessity of specific definitions or labels such as 'street child' to qualify for the inclusion of certain groups in their programmes. In a similar way, local press articles tended to categorise the Loxicha children as street or poor children, reflecting perhaps the journalist's agenda of appealing to readers' compassion.

With reference to semiotic theory, Lidchi (1999: 87) discusses the way Northern NGOs have used images of 'malnourished young children' to appeal to donors. In a recent article published in the *Observer Magazine* (18 April 2004: 35) about the lives of

¹ In July 2001, two young American students stayed with the families for several days. They were arrested and deported.

² Interview with TRACA programme coordinator, 21 May 2001.

children affected by war, and portrayed in a photographic exhibition sponsored by Save the Children UK, the author concludes:

(...) their faces haunt me still, anxious, preoccupied, unsettled faces that spoke of innocence destroyed, imagination diminished, childhood lost. Children whose idea of a treat was to do their duty, to be responsible beyond their young years, to be, in effect, adult.

The interpretation here of a 'childhood lost' is based on its existence within a harsh political context, thus beyond the 'normal' boundaries of protected childhood. Whilst not wishing to deny the harsh realities of children exposed to war and violence, the observation above is an example of how journalists can focus only on one aspect of children's lives, thus ignoring the myriad of elements that make up their experience of childhood.

Plate 7.1: Loxicha Families on a Protest March



From *Noticias de Oaxaca*, 9 October 2002

In Plate 7.1 the Loxicha children are pictured walking alongside the adults in a protest march, to which an acquaintance of mine commented:

Mira – esos chiquitos van perdiendo su niñez en marchas y plantones. Pobrecitos.

Look – these little ones are losing their childhood [by going on] marches and sit-ins. Poor things. (Informal conversation, 9 October 2002, Oaxaca City)

There is little surprising about this observation, it conforms to society's dominant view that children live in a world of play, shielded from the harshness of politics, war or hard labour. If one was to explain that political marches were part of these children's lives, no doubt the response would have been 'but what kind of childhood is that?' These perceptions not only point to unchanging notions of childhood, but also to a need perhaps to change the language we use when talking about children – just as classifying experiences of childhood is becoming less and less appropriate to cover the multitude of realities that make up children's lives (as discussed in the previous chapter). For example, on meeting a particularly articulate or 'switched on' six year old we may be prone to comment 'she's so grown up for her age', rather than accept that many six year olds - because of the particular socio-cultural elements that structure her or his environment – have taken on roles, responsibilities and demeanours that cannot be (frustratingly for the adult observer!) neatly 'boxed' into a generational category or stage. The image of small children walking alongside adults in a political protest march is thus striking only in that it is not an everyday image of what children 'normally' do.

Humberto is five years old and cannot read or write Spanish yet. When the men in jail began what was a fourth hunger strike in December 2001, Humberto and his mother and sisters were taken to visit their dad, and his photo was used in the press (Plate 7.2), showing him holding up a banner which reads:

Exijo al presidente Vicente Fox la libertad de mi padre y de mas paisanos presos injustamente.

I demand from president Vicente Fox the release of my father and other prisoners, unjustly imprisoned.

Plate 7.2: Humberto at the Prisoners Hunger Strike

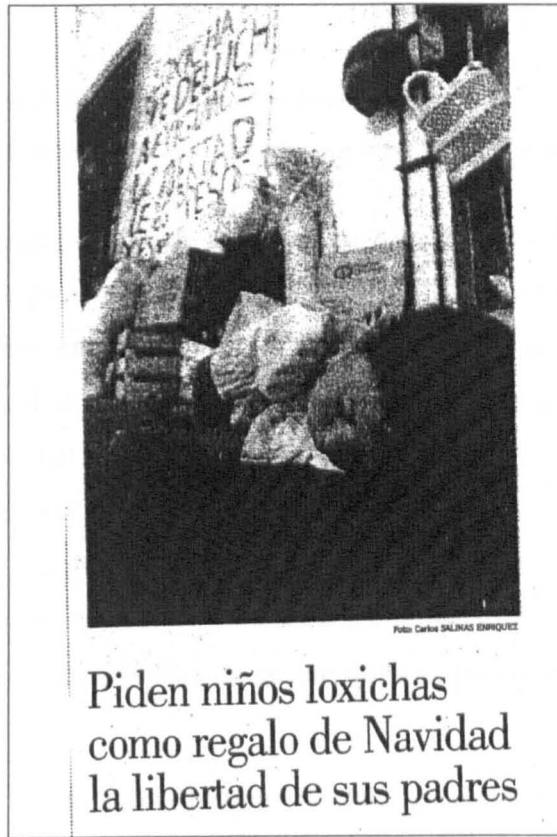


From *Noticias de Oaxaca*, December 2001.

The banner Humberto is holding up was written by an adult, and he was obviously asked to 'pose' for this picture, a small boy asking for his father's freedom. This was good press, and the use of an image of a vulnerable looking five year-old child to elicit sympathy for a cause mirrors similar devices used by development agencies in appeal campaigns..

This emphasis on the helplessness and victimization of children is obvious in an article published in a local Oaxaca newspaper around Christmas (Plate 7.3), and ideal time for tugging at the public's heartstrings.

Plate 7.3: Loxicha Children at Christmas



From *Noticias de Oaxaca*, 24 December 2001

The article, which included a photograph of one of the younger Loxicha children asleep on the ground, was entitled ‘The Loxicha children ask for the release of their fathers as a Christmas present’. This article talks about one of the children, Alma, in the following terms:

...[Alma], *quien no tiene voz ni sueños ni tendrá Navidad..*

...[Alma], who has neither a voice nor any dreams and will not have a Christmas
(*Ibid*)

This description contrasts drastically to the Alma I knew, the same vivacious girl who shouted at municipal guards as described in the earlier anecdote, and who joined political protest marches with vigour. As for not having a Christmas, the children in fact enjoyed two parties held especially for them over the holiday season that year. From my privileged position of having almost daily contact with the Loxicha children and families, I was able to see the extent to which this particular newspaper article was misrepresenting these children, in simplistic and superficial terms that – given the festive season – would appeal to readers. This media constructed analysis of Alma’s childhood creates an unrealistic portrayal of the person she really is, presenting only an image of an unhappy child.

In a study of British media pictures of children, Patricia Holland observes that ‘without the image of the unhappy child, our contemporary concept of childhood would be incomplete’ (Holland 1992: 148 cited in Hecht 1998: 71). Thus, the notion of childhood as a time lived within the safety of home and family – a Northern concept – is one that is also implied by the journalists in Oaxaca and observers as cited above. These journalists, and middle class residents of Oaxaca City also regard the children of Loxicha as poor wretched beings. From this perspective then, Humberto and the girl pictured sleeping on the pavement represent images of childhood gone askew.

Another example of this journalistic appeal to readers’ sympathy for the Loxicha children is in an article published to mark the *Día del Niño* (Children’s Day), which is celebrated in Mexico every year on the 30th April. The article (*El Universal*, 1 May 2002) describes how Isidro, eight years old, is not interested in any of the toys or games given to the children that day but how he would rather have his father back:

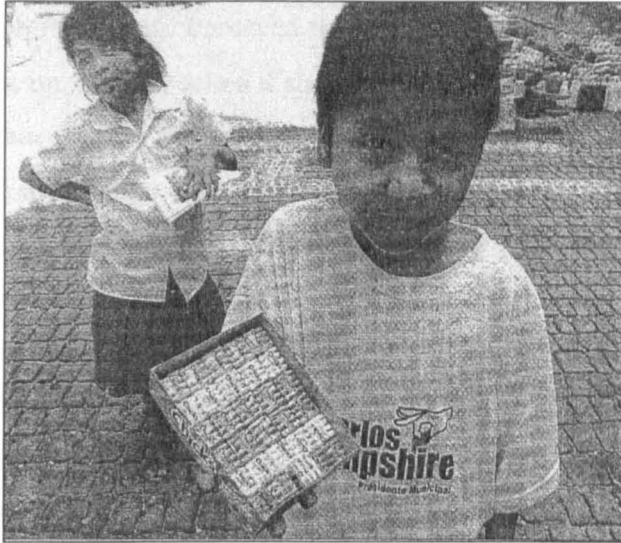
Quiero una mochila o una bicicleta (...) pero mejor que no me den nada, con tal que ya lo saquen de ahí.

I want a rucksack or a bicycle (...) but it would be better not to give me anything as long as they get my dad out of there [prison].

In an interesting flair of journalistic licence, the article talks about [Doña Imelda], Isidro's mother who 'today, like every day, prays for her husband' (*hoy, como todos los días, reza por su marido*) who is one of the men in jail. From many conversations with Doña Imelda and her children, I knew that her husband had disowned her and she barely spoke of him anymore, did not visit him in jail and certainly did not pray for him.

For the Loxicha children in general, photographs were a constant source of fun, curiosity and discussion. If I had my camera with me, they clamoured to pose for pictures. Doña Imelda's eldest daughters, Olivia and Eyasha, had several photo albums which in effect were records of their lives since they first came to the city in 1997. Olivia would often ask me to sit and look at her photos, and provide me with a running commentary on whom and what the pictures were of. Inadvertently she had put together a personal life history. The pictures revealed how much of their young lives had been spent living in the Zócalo, such as the pictures showing Olivia's youngest sister, Lupe, as a baby who was born in the Zócalo. This was the only life she had ever known. I one day came across a local press article about child poverty in Oaxaca, with an overview of NGOs working with marginalized children in Oaxaca; the photo used for the article, however, was of Eyasha and her brother Isidro, taken in the Zócalo (Plate 7.4).

Plate 7.4: Press photograph of 'poor children'



From *Las Noticias*, 17 March 2002

There is no reference in the article as to who these children shown in the photo are. No doubt because they were wandering around the Zócalo selling chewing gum and collecting money for the Loxicha cause, they presented the right image of 'poor children' to fit the story. Their identity is not acknowledged in this article, neither by the author nor by the photographer. I showed the picture to Eyasha, who is shown holding a Loxicha collection tin, and she asked if she could keep it for her album. She expressed no concern that her picture (together with her brother) had been printed in the newspaper, nor did she enquire what the article was about. This example highlights how being in the public eye, particularly while living in the Zócalo, had become normal for these children. It is also a succinct illustration of the disparity between my perceptions, as adult and outsider, and Eyasha's view of her reality – what I perceived to be a breach of her privacy and identity, she regarded as a day-to-day and regular occurrence. The caption underneath the photograph read 'for those who have less – at least 20 civil organisations working for them [these children]' (*por los que menos tienen – trabajan por muchos de ellos, por lo menos 20 organismos civiles*), which in effect – by the author's prerogative – placed Eyasha and Isidro in childhood 'box' that entirely disregards the complex and multilayered aspects of their lives. Furthermore it implied that the children in the picture were included in the care of these 20 NGOs referred to in the article, a fact evidently not corroborated by this journalist.

The families' living space and general status as political protesters was also used by other organisations, particularly human rights groups, to publicise other causes or struggles. For example, on *Día de los Muertos* (Day of the Dead) in November 2001, their space was used for altars to the memory of Digna Ochoa, the human rights lawyer murdered in Mexico City in October that year (Plate 7.5).

Plate 7.5: Loxicha Living Space used for Ochoa Altar on Day of the Dead



Flyers printed in English and Spanish were pasted all around the altar, quoting figures and facts about issues such as levels of malnutrition, female deaths from abortion, illegal arrests and unjust treatment of indigenous communities in Oaxaca. This brought significant attention from the media but also from the large numbers of tourists gathered in the city for the festivities. In this instance, the Loxicha protest site was acquired and used to publicise the general problem of human rights abuse in Mexico, and provided a good photo opportunity for the press. To the children, it was a day like any other, and they had fun lighting the candles on the altar and eating the sweets given to them.

The reality that has been imposed on the adults in the Loxicha context has to a great degree undermined the ‘innocence’ of their children, nor have these adults been able to protect them from the harsh consequences of that reality. On the other hand, the idea that their childhood would otherwise be a ‘carefree and happy’ time is an imported idea of childhood. Had these children never been involved in this political struggle, they would nevertheless have had the difficult childhood of poor, rural, marginalized, and indigenous children. However, when the children spoke of their home life in Loxicha, they talked of such things as the abundance of fruit on the trees, of their animals, and of their loving grandparents rather than poverty and exclusion.

En mi pueblo tengo vacas. Tenemos milpas. Allí está mi abuelito, ahora solito.

In my village I have cows. We have cornfields. My grandfather is there, now alone (Eyasha, 11 yrs old)

The children’s idyllic memory of their Loxicha home contrasted drastically with those expressed by their parents, in particular the fathers with whom I spoke – they did not want to return to Loxicha, as they were fearful of the ongoing repression and violence in the region. In an activity based around the notion of identity (see Appendix II), I asked the children to draw ‘Me and what makes me happy’ – a self-portrait with all the things, places, and people that make them happy. Most of them drew pictures of the ‘Loxicha idyll’ (Plate 7.6). In general children did not talk about their dads or the situation that got them to the city, but they all liked to draw pictures of Loxicha. In their memory, the region was a bucolic idyll – all the pictures they drew showed abundance of corn, coffee, animals, green hills, schools and houses.

Plate 7.6: Eyasha's Drawing of Life in Loxicha



Showing me her drawing Eyasha described the road to her aunt and grandparents houses who lived nearby, how far it was to walk to the *milpa* (corn field) and where the animals were kept. While she expressed a wish to return there, her older sister disagreed saying '*aquí es mejor, el mercado esta cerca y no hay que caminar dos horas para ir a la escuela*' (here [the Zócalo] is better, the market is near and you don't have to walk two hours to get to school). However both sisters were in agreement about how the abundance of fruit on the trees in Loxicha meant you did not have to buy them at the market.

Despite the disruption and the change to their lives, it is the children who have integrated the most into city life, perhaps because they have the routine of school. The children received good support at school, and after several years of attendance a caring relationship between them and their teachers was evident. Thus the children have learnt to move between worlds: theirs is a fluid existence between their Zapotec identity and language, and the urban and Spanish speaking world of school,³ and between the political world of the Loxicha struggle and the 'normal' day to day childhood world of games, homework and chores. Whilst the political context was the adult's principal preoccupation, it was only one – albeit important – aspect of the children's lives. The way they were represented in the local press however, did not do justice to these diverse elements of the children's lives, reflecting a need amongst adults to hold on to what Buckingham terms 'a kind of sentimentality' about children that 'fails to acknowledge the diversity of the lived experience of childhood' (2000, cited in Prout 2005: 15).

The gap between perceptions and realities is significantly apparent in the rhetoric around children's participation. The next section explores the ways in which this discourse lays emphasis on children's eventual citizenship – i.e. children as 'becomings' – where they will, one day as adults, be able to vote and fully participate in society. Building on the discussion of children's participation in chapter four, this section examines the perception and vision of child participation held by the Mexican government, NGOs in Oaxaca and by the children and young people in my research.

Future Citizens

Participar es hacer lo que dice la maestra.

Participating is doing what the teacher says (Pamela, 9 yrs old, day centre).

³ The older children often translated for their mothers during our conversations and when other visitors came to the shelter.

[Participation] is the means by which a democracy is built and it is a standard against which democracies should be measured. Participation is the fundamental right of citizenship (Hart 1992: 5).

Children's participation in development programmes is high on NGO agendas and yet seems to remain a grey area in terms of practical realization. The call for children's participation is inextricably bound to the idea of children as citizens, or at least developing citizens. As such, childhood is regarded as a preparatory stage for adulthood, when they will become full citizens with voting rights. Thus UNICEF (2002: 16) advocates for meaningful forums for children's participation as a way of preparing them for citizenship, stating that '18-year-olds without the experience of participation will be poorly equipped to deal with the responsibilities of democratic citizenship'. Yet, what is the real 'experience of participation' – and meaning of this term - for a person under the age of eighteen? The ideal degree of participation proposed by Hart in his ladder of participation, as outlined in chapter four, is when a project or activity is 'child-initiated, shared decisions with adults'. Pamela's view on participation (above), in contrast, is based in a straightforward fashion on her reality where she has to do what the teacher says. In the day to day context of school life, it would never occur to this girl to initiate an activity without prior instructions or consent from her teacher, as that is simply the way things are done. This example points to the discrepancy that can exist between formal ideals, cultural realities and children's individual perspectives.

Visions of Participation

In April 2003 the government inaugurated the first Children's Parliament (*Parlamento de las Niñas y los Niños de México*) in the Chamber of Deputies. According to legislators:

Es necesario que las niñas y los niños tomen conciencia de sus obligaciones, sus derechos y los derechos de los demás, para que el respeto hacia el otro sea siempre parte integral de la toma de decisiones de una sociedad.

It is necessary for girls and boys to become aware of their duties, their rights and the rights of others, so that respect towards others may always be an integral part of decision-making within a society. (*La Jornada* newspaper, 3 March 2003)

The 300 children participating in this Parliament are fifth graders from primary schools across the country who, in order to be chosen to take part, had to present an essay about a particular problem in their community and how they would solve it. NGOs

have voiced concern that many children have missed out on the opportunity to participate, particularly those who live in isolated rural areas and do not attend school.

The children taking part in the Parliament are called 'legislators', or 'pretend legislators' (*de mentiritas*) as Gerardo Sauri calls them (Sauri 2003a). A key observation made by Sauri is that the construction of this Children's Parliament has been based on an adult notion of representation and citizenship. He also notes that the right to express an opinion and to be heard is only half met through this process: the Parliament provides a platform for the children to express their views, but does not guarantee in any way that they will be heard and, more importantly, acted upon. As with the language it uses in the diffusion of children's rights, the government has also adopted adult models of political participation such as the Children's Parliament to comply with the CRC. The information about the children's Parliament on the government website states that

El Parlamento busca la construcción y el fortalecimiento de una cultura democrática que propicie el desarrollo de una ciudadanía más participativa, capaz de poner en práctica los valores de la democracia, el respeto y la tolerancia para incidir en el mejoramiento de la calidad de vida de las personas y de sus comunidades. Consideramos que un espíritu democrático debe constuirse desde la niñez y, a partir de esta etapa formativa, tomen conciencia de sus libertades, derechos y obligaciones sobre los cuales se sustenta un régimen democrático.

The Parliament seeks to build and strengthen a culture of democracy that favours the development of a more participatory citizenship, who are capable of putting democratic values into practice, such as respect and tolerance. This will lead to a better quality of life for people and their communities. We consider that a democratic spirit should grow from childhood and, as from that formative stage, they become aware of their freedoms, rights and responsibilities, all of which sustain a democratic regime.

The format for children's participation thus follows what Sauri (2003a: 3) calls '*formas adultizadas*' (adult-orientated formats). Children themselves were not involved in the planning of the Parliament, and one can only speculate what form such a meeting would have been were it planned and organised by young people and children. Whilst government desire to teach children and young people democratic values is important and commendable, it is based on the vision of children's greater political participation when they become adults (i.e. in terms of voting). Thus 'children's participation' is still to a great extent underpinned by an adultist vision, a factor that undoubtedly contributes to the difficulties encountered by NGOs and other organisations in putting the ideal into practice.

Another important government initiative has been the *Consulta Infantil y Juvenil* (National Children and Adolescents Survey), held at the same time as the federal elections in July 2000, where children voted for the rights they considered to be most important. Organised by the Federal Electoral Institute (*Instituto Federal Electoral*, IFE), and with support from UNICEF, this national survey or children's elections is considered a crucial element in civic education and in the formation of future citizens. A total of 3,709,704 children between the ages of six and twelve voted for their rights, and a total of 9,000 ballot boxes were set up across the country. Depending on their age group, children were given a booklet listing certain rights and they could tick the ones they thought were most important. The results were published nationally in the press, on the internet, and made available in schools, and were as follows: in first place (837,173 votes) the right to live to an education; in second place (527,336 votes) the right to live in a clean environment; and in third place (501,682 votes) the right to protection against physical and emotional abuse (see www.ife.org.mx/consulta for full details of the children's elections).

La noción de precidadanía si bien reconoce como justificada la exclusión de los niños en relación con el ejercicio de los derechos políticos dado su grado de desarrollo psicológico y moral, sostiene la necesidad de incorporarlos progresivamente en la lógica y en las prácticas de la democracia. De este modo, niñas, niños y jóvenes aprenden para su futuro ejercicio ciudadano. La Consulta busca ofrecerles herramientas para ese futuro ejercicio.

The notion of pre-citizenship, while it justly recognises the exclusion of children in relation to the exercise of political rights due to their level of psychological and moral development, sustains the necessity of progressively incorporating them into the logic and practices of democracy. In this way, children and young people learn for their future exercise of citizenship. The survey seeks to offer them the tools for this future exercise (IFE 2003: 4).

The idea of 'progressively' including children into the 'practices of democracy' reflect the theme explored in chapter seven, where childhood is regarded as a stage in the linear development towards adulthood. However, the constantly shifting nature of generational boundaries, rooted in age-based determinism (see Strandell 2005), demands that this idea of a gradual progression be reconsidered. Just as, in theoretical terms, the sociology of childhood needs to question the rooted belief in the separateness of childhood from adulthood, so too must the discourse around the child's right to participation re-evaluate the vision or ideal behind this concept.

All the children at both the Casa and Centro are considered to be 'participants', as they voluntarily take part in the NGO's programmes. I asked the *educadores* within the

organisation to define what participation meant within the day-to-day context of their work. Interestingly, they did not make any specific reference to the children in relation to the concept of participation:

Participación: el que una persona pueda elegir y manifestar sus opiniones y desacuerdos.

Participation: where a person can choose and express his/her opinions and disagreements.

Darle su lugar a cada persona y permitir que emita su opinion, asi como promover que exprese sus ideas y pensamientos ya sea en la familia con los amigos, en la escuela etc.

Give each person the space and allow them to express their opinion, and encourage them to express their ideas and thoughts whether in the family, with friends, at school etc.

Participación: va desde una opinion hasta la integración en algun juego, dinámica, trabajo etc.

Participation: goes from an opinion to the involvement in a game, activity, work etc.

The children and young people expressed an understanding of participation that reflected an embedded idea of a linear progression from childhood into adulthood. This progression reflects or parallels the degrees of participation as marked out on Hart's ladder of participation (Hart 1992: 8). At the bottom of the rung, the lowest form of participation (or non-participation) is 'manipulation' - this understanding is expressed by the younger children (doing what the teacher says or taking part in 'assigned tasks'); and at the top of the rung 'shared decisions with adults' as voiced by the older respondents. This linear progression of ideas and vision also parallels the way young children do perceive adulthood as a key phase which will give them more power and greater rights, as explored in the previous section.

For the younger children, being asked the meaning of participation appeared to be an ambiguous question, and they either could not answer it or related it directly to playing:

No sé.

I don't know (Tina, 8 yrs old).

Que tenemos que participar todos en los juegos.

That we have to participate in all games (Edgar, 13 yrs old, Centro).

Que participemos a jugar.

That we participate in playing (Linda, 8 yrs old, Casa).

Cuando uno participe en juegos y dice su opinion.

When you participate in games and say your opinion (Gelos, 10 yrs old, Centro).

Reflecting the blurring of boundaries between rights and duties, as discussed earlier, some children related participation to activities that were asked of them, indicating obligation rather than voluntary participation:

Concurrar en algun trabajo o alguna cosa que te pidieron.

Take part in a job or in something that they have asked you to do (Alfredo, 10 yrs old, Centro).

Cuando uno participa donde trabaja, en un lugar donde lo necesiten.

When one participates where you work, in a place where it is needed (Leonora, 11 yrs old, Casa).

The same question was asked to the members of the youth group whose answers were quite different to those given by the younger children; the majority related participation directly with being listened to and having their opinions taken into account -

Cuando se puede expresar en algo.

When one can express oneself about something (Hermilo, 16 yrs old).

Es poder dar tu opinion acerca de un tema.

It is being able to give your opinion about a subject (Andrés, 17 yrs old).

Opinar en todos los acontecimientos que sucedan.

Give an opinion about everything that happens (Rodrigo, 15 yrs old).

Que tomen en cuenta nuestras opiniones y puntos de vista respecto como pensamos y actuamos.

That our opinions and points of view be taken into account with regard to how we think and behave (Mayra, 17 yrs old).

Dar nuestra opinion de lo que pensamos y expresar lo que sentimos.

Give our opinion about what we think and express what we feel (Veronica, 16 yrs old).

Es tomar sus propias decisiones, que tambien ellos [los jóvenes] cuentan como sociedad, ya que muchos a veces los rechazan.

It is taking your own decisions, that they [young people] also count in society, as many sometimes reject them (Miriam, 19 yrs old).

Others regarded participation as collaborating in activities, with or without personal benefit:

Decidir en algunas cosas a tu beneficio.

Decide about things for your benefit (Luis, 17 yrs old).

Apoyar o ayudar a alguien sin recibir nada a cambio.

Support or help someone without receiving anything in return (Mariley, 16 yrs old).

Colaborar en la casa haciendo el quehacer en la casa, o hacer el mandado.
Help around the house doing chores or errands (Benito, 18 yrs old).

Participar es ayudar o colaborar en una actividad que se esta realizando.
Participating is helping or collaborating in an activity that is happening (Enrique, 15 yrs old).

Formar parte de alguna manera dentro de un grupo para elaborar algo.
Be a part in some way in a group to develop something (Maria, 15 yrs old).

Poder ser contribuidor con las actividades que se nos asignan.
Be able to contribute in activities that are assigned to us (Salomón, 18 yrs old).

The notion that one benefits from participating in an activity, as expressed by some of these young people, is notably absent from the younger children's views that centre more on the idea of duty and obligation.

From the examples given, there appears to be a linear progression, as children get older, in the understanding of the concept of participation. The younger children associate it with school (what the teacher says) or games (importance of play); the young adults (15-19) are concerned about expressing their opinions and being taken into account; the older ones (20+) associate the word with a wider perception of their role in society, for example:

[Participación es] tomar en cuenta nuestras opiniones para lograr una sociedad mejor, es decir justo, honesta y transparente.

[Participation is] taking into account our opinions to achieve a better society, one that is just, honest and transparent (Esteban, 25 yrs old, Youth Group).

Participar en las decisiones de su familia y comunidad, así como de decidir sus propias soluciones a sus problemas o de su familia y comunidad.

Participate in the decisions of one's family and community, such as how to decide one's own solutions to one's problems of those of one's family or community (Edumundo, 23 yrs old, Youth Group).

Contribuir con las ideas y planes para un bien comun.

Contribute with ideas and plans for the good of all (Eric, 21 yrs old).

More importantly perhaps in the views of the children and young people, is the evidence that the term participation often has more practical implications in relation to their daily lives (helping around the house, for example) than those envisaged by the broader and less defined meanings implied in the dominant discourse.

Amongst the children at both CANICA programmes, I carried out a series of activities with a specific focus on participation, in addition to the other activities already mentioned. The children formed a 'Children's Committee' and discussed the problems they saw around them in the market (Centro) or in the village (Casa). They listed problems such as drunkenness, theft, rubbish being left around, and drugs. I asked them, as a committee, to discuss and implement solutions to these problems. They made posters of their 'public announcements' and some of the Centro children stuck these up at their stalls in the market. When I asked them what it felt like to be solving problems, to be participating and saying how they would solve things they said

Me siento bien que me piden mi opinion – como esos actores famosos en el cine.

I feel good that [you] ask my opinion – like those famous actors in the films (Rafael, 10 yrs old, Centro).

One girl however, in the Casa, said

No sé porque nos pides hacer eso – de todas formas nadie en el pueblo nos va a escuchar, aun menos los borrachos.

I don't know why you ask us to do this [activity] – in any case nobody in the village will listen to us, even less so the drunks (Nuria, 12 yrs old, Casa).

These activities carried out with the children around participation were of course of symbolic value only in terms of the children taking decisions and having their voices heard in issues concerning their community. As children who work, or have worked, the children in the CANICA programmes and the Loxicha children participate in the income contribution for their families. Interestingly, however, none of the children spoke of work when talking about participation; from my observations and their comments, work to them was a normal part of their lives. Reflecting one of the many ambiguities within the children's rights discourse, the notion of child participation does not exist within definable parameters. Ennew contends that:

Participation (...) does not mean the token involvement of children, but how to incorporate their specific needs and views into decision-making processes within the context of what is possible institutionally and culturally (preface in Johnson *et al* 1998).

Thus, in order to avoid 'tokenistic' or symbolic involvement of children, the core vision of child participation may need to move away from any adult notion of what this means or entails, again reiterating a need for a change in language and terminology, as raised earlier. In the case of the Loxicha children, we have seen how they are active participants in their community's struggle for respect and human rights; however, there

exists no acknowledgement by local NGOs or other observers of this participation. This can be explained by a conceptual chain-reaction: this lack of recognition stems directly from a reluctance to celebrate the political participation of this particular group of children; this reluctance, in turn, reflects deeply embedded notions of how childhood should be, and within this rooted vision there is no space for children in what is considered to be adult territory.

Conclusion

This chapter has illustrated how childhood and children are perceived via a discussion of three dominant themes. Firstly it has shown how, despite reality presenting a very different picture, childhood is seen as a separate phase in life from adulthood, in terms of abilities and roles. Secondly, a discussion of media representations of the Loxicha children in Oaxaca has exemplified the way in which childhood continues to be perceived as a time of innocence and play; children who do not visibly fit that image are quickly labelled as 'poor victims' in need of special protection and care. There is no doubt that the children of Loxicha live in particularly difficult circumstances, and deserve the correct care and attention that should be available to all children. However, to only regard them as helpless victims of a situation is to disregard the many facets of their lives and the many challenges they overcome on a daily basis. Thirdly, a discussion of the notion of child participation has served to further illustrate how children are perceived as 'becomings', particularly evident in the way that government discourse emphasises children's roles as future citizens. The disparity between this (adult) vision and what children and young people themselves regard as participation goes some way to explain the difficulties in making the ideal of child participation a reality.

The combined purpose of chapters six and seven has been to illustrate the cleavage that exists between the lived realities of children's lives on one hand, and the perceptions of childhood held by both children and adults on the other hand. The latter are a sharp reflection of the way that 'traditional' or normative notions of childhood have come to be entrenched in society and people's thinking about children. This thesis argues that it is this discrepancy between reality and concepts of childhood that represent the most obvious obstacle to effective and relevant implementation of the CRC at the local level. The latter makes up the third key theme of this thesis, and is

explored in the next chapter through a discussion of local approaches and methods of teaching and advocating rights to children in Oaxaca.

8

Teaching Children about their Rights: A Question of Language?

Introduction

The teacher's task is to 'fill' the students with the contents of his [sic] narration – contents which are detached from reality, disconnected from the totality that engendered them and could give them significance. Words are emptied of their concreteness and become a hollow, alienated and alienating verbosity (Freire 1972: 45)

The previous two chapters have demonstrated how perceptions of childhood do not correspond to the lived realities of children's lives in Oaxaca. This incongruity goes some way to explaining the difficulties in implementing the CRC at the local level. This chapter is centred on the conviction that we cannot discuss the local implementation of the CRC without consideration and understanding of the realities of childhood in that local context. Whilst this is an obvious point, it is one that can all too easily be overlooked by local organisations, agencies or NGOs in their eagerness to incorporate rights into their programmes and agendas. Furthermore, it appears to be an issue that rests beyond the official monitoring process in place at the level of government policies, legal compliance and national advocacy around the CRC. Boyden has suggested that 'someone somewhere should be monitoring the monitoring' (1997: 224); this opens a Pandora's box for the implementation process of the CRC as it points to the necessity of some form of 'efficiency-testing' of how the CRC is mapping out through school curricula, classroom teaching, NGO programmes and workshops, and amongst all grassroots organisations where there is a sense of urgency to "do rights" in local programmes for children. This chapter suggests that there is a need for a different kind of monitoring process, one that lies beyond the officialdom of policies and legal adjustments, one that examines how the words in the glossy leaflets are transmitted to children and young people. In other words it is a process that monitors children's

understanding of rights. The call for children to 'know and demand' their rights is a prominent feature of child rights discourse in Mexico as advocated by the CEDHO:

Acude a la Comisión Estatal de Derechos Humanos para conocer más tus derechos y tener la fuerza de hacerlos respetar

Come to the State Commission for Human Rights to know more about your rights and have the strength to demand respect for them (CEDHO information leaflet)

However, as this chapter demonstrates, the knowledge of rights that children acquire in Oaxaca is limited and hemmed in by institutional and formal language. It is not unreasonable to query whether children actually need to know about rights for them to be effective in terms of policy and practice. Nevertheless, in view of the emphasis on children's participation, on their status as citizens with rights and the focus on child-centred practice it then becomes essential that children understand what rights mean in the context of their lives (and beyond the wording of CRC articles).

This chapter argues that, in Oaxaca, children's rights are seen as a package to add on to programmes, and that they are transmitted within an adultist and normative framework; this is illustrated via a discussion of the approach and methodology used within local agencies and also in school curricula. A significant element of child rights teaching is being attempted via the classroom, where the success of this delivery is to a great extent hindered by non-participative pedagogic methods. Whilst this study did not focus on education *per se*, a brief description of Mexican schooling and pedagogy is given here to contextualise the discussion of child rights teaching in the classroom.

The final section of this chapter describes an example of children's rights programmes observed in the NGO FAI in Guanajuato (northern Mexico). Whilst lack of time meant that a thorough study of this case was not possible, the FAI example demonstrates that child rights teaching is significantly different in Guanajuato and points to a need for greater collaboration or sharing of experiences between NGOs in Mexico.

What do Children know about their Rights?

Un niño no tiene tantos derechos como un adulto o un joven

A child does not have as many rights as an adult or a young person
(Nestor, 16 years old).

Nestor's opinion expresses the understanding that access to rights is dependent on age. As children move into adolescence, and then into adulthood, their perceptions of rights to a certain extent mirror the corresponding understanding of childhood that may prevail in their day-to-day environment, as explored in the previous chapter. As a general topic, rights seemed to be understood by the children in a similar way to a school subject, i.e. something to be learnt by rote like sums or tables. Thus when asked about rights the children could cite parrot fashion that '*tengo el derecho a la alimentación*' (I have a right to food) or '*los adultos deben de respetarnos*' (adults should respect us), echoing the language used in their school textbooks.

CANICA's mission statement includes as one of its principal objectives 'that the child should know about and demand respect for his/her rights (*Que el niño conoce y hace valer sus derechos*). During my visit, CANICA's director several times mentioned that as an organisation they were eager to 'do children's rights' as part of their programmes. Similarly the *educadores* expressed enthusiasm for my initial plans to involve the children in activities around the topic of rights. Such comments indicated that children's rights were to a great extent perceived as a package to peg on to the existing programmes – regarded as a new topic to teach, rather than an integral part of CANICA's well-tailored educational programme. Boyden (1997: 221) makes the observation that many of the efforts to enforce the CRC 'focus on whether countries are complying or meeting their obligations rather than whether or not children are better off as a result of intervention'. In a similar way, by focusing on the seeming necessity to 'do children's rights' in their programmes, the staff and director at CANICA seemed, in my opinion, to be overlooking the fact that what they already do is working well. In other words, they have devised an education programme for this specific population of children, according to their needs and social situation. To change their programme, simply so that they could say 'our programmes include a child rights element' would surely detract, in many ways, from the main objectives of their organisation. This is a case in point in relation to the global debates that question the Northern basis of the CRC and its applicability in developing countries, as Ennew (1996: 850) observes:

Insufficient attention is given to local interpretations of those articles [of CRC] that are derived from Northern conceptual structures of childhood and child welfare and many Southern governments are now struggling to report on and implement Articles that are at best barely comprehensible and at worst irrelevant in the local context.

When I asked the TRACA¹ team at CANICA what they thought of children's rights, both as a concept and in relation to their day-to-day work, one answer was

Son palabras técnicas que muchos niños le toman poca importancia debido a lo enredado de sus palabras.

They [children's rights] are technical words that children pay little attention to, because of its complicated words.

The reference to children's rights as 'complicated words' is an indication of the way that formal language (as per the CRC) is not untangled when transmitted to children, consequently offering children little more than adult rhetoric.

A salient feature of the advocacy in Oaxaca around children's rights was the call for children to 'know and demand' their rights, as expressed by one member of the TRACA team:

Si, yo creo que vale la pena enseñárselos, pues una vez que los conozcan podran exigirlos.

Yes, I think it's worth teaching them about rights, because once they know them they can demand them.

It is interesting that the street educators use the same language as the official rhetoric, since they have an in-depth knowledge of the reality of the street-working children's lives where there is little prospect of them 'demanding' their rights. Given the socio-political reality in Oaxaca, the idea that children can 'demand' their rights is as superficial as the notion of most adults 'demanding' theirs. Despite the resources and time allocated to teaching children about their rights, as explored below, in practice children can rarely go beyond merely reciting articles of the CRC.

Amongst the Loxicha children, the abuse of the rights of their families and community was so prominent that children's rights in this context seemed, to me, superfluous, as the following extract from my fieldwork diary (8 December 2001) expresses:

The more time I spend with Yolanda and co. down in the Zócalo, the more irrelevant it appears to talk with them about their rights, as so far in their lives most of the rights as per the CRC have been denied to them – as have the rights of their mothers and fathers, of their community, of their people, the Zapotecs of Loxicha. How can I ask them to speak to me of their rights?

During casual conversation, or while the children were sitting selling the baskets, I attempted to broach the subject of rights with some of them. This began with chats about their lives in the Zócalo, their dads being in prison, how often they visited them

¹ TRACA: Trabajadores de la calle – street educators for children working on the streets.

and the protest marches they went on. Most of the older children understood the term 'rights' in relation to their fathers being prisoners, and in the context of the banners they carried on marches. When I talked with one of the older girls about her father being in jail, she recognised that his rights had been taken away from him because he was not free anymore:

Mi papa es preso. No tiene derechos. Yo quiero que sale mi papa, pa'que puede estar con nosotros y con mi mama.

My dad is a prisoner. He doesn't have rights. I want my dad to come out [of prison] so that he can be with us and with my mum (Eyasha, 11 years old).

Making a connection, however, between the abuse of her father's rights and her rights as a child was not apparent. So when I asked 'and what about your rights?' she counted on her fingers and recited from her school textbook:

Si, tengo derecho a la alimentación, a la educación, a una familia, a una casa

Yes, I have the right to food, to education, to a family, to a house

The question of whether her rights, as cited by Eyasha, are being met is a matter of semantics: she lives with some of her family, while her father is in prison and family dynamics have been transformed; her home is the public square in the centre of the city; she goes to school where she has to cope with being taught only in Spanish (unlike her Loxicha home where they had a bilingual teacher; she has food, bought through the sales of the baskets made by her father in jail, and through donations from supporters. Her reality does not correspond to the ideals as laid out in the CRC, yet being taught that she has the rights she lists above has not led her to question the whys and wherefores of children's rights in the context of her life. Eyasha's use of the formal word '*alimentación*' for food, rather than the everyday word (and one that is more akin to her daily vocabulary) '*comida*' is indicative of the formalised teaching of rights in the classroom.

In conversation about the Loxicha children, a representative from the CEDHO remarked that there was an urgent need for their team to visit the shelter to do a workshop on children's rights, saying '*estos niños necesitan saber de sus derechos*' (these children need to know about their rights). This remark reflects the institutional perception of children's rights as a separate issue, but it also reflects a disregard for the way that these children were involved, on a daily basis, in a struggle that was contributing to their knowledge of social issues such as rights, justice, and participation. The volatile political situation of this community was undoubtedly a factor the lack of

intervention from programmes such as CANICA or the CEDHO; this highlights the way that, despite the conceptual notions of agency and participation in the discourse, these children are seen to be subsumed in the adult's struggle where their role(s) as children are disregarded.

One of the rights-based activities I carried out with the children at CANICA was called *¿Quién Soy Yo?* (Who am I?), where the aim was to encourage the children to think about the importance of having a name and an identity/nationality. The children described their families and where they were from, and we discussed the fact that we are all different, with different identities but the same rights. The children were interested in the fact that I was not Mexican and whether this meant I had the same rights as they did while I was in their country. The *educadores*, on the other hand, were interested to see that I had linked this activity to Article 8 of the CRC.² Whilst my activity was loosely linked to Article 8, the objective was more about initiating some discussion with the children about their rights in general. The focus of the interest shown by the CANICA staff largely reflects the institutional approach to rights teaching, which can often reveal an organisation's need to fulfil a requirement or tick a box rather than a pedagogical aim.

Within the CANICA programmes, children's rights are considered to play an important part, but the obstacles in applying the CRC ideals to the reality of local families is acknowledged by this member of the TRACA team:

Si forman parte integral del programa, pero su promoción y aplicación se dificulta ante la dinámica familiar – la violencia es un factor que impide que este aspecto se desarrolle

Yes they form an integral part of the programme, but the promotion and application [of children's rights] is difficult within the family situation – violence is a factor that prevents the development of this aspect.

This comment is indicative of the difficulties involved in applying one set of ideals in a particular cultural context. However, it also illustrates the prevailing approach to children's rights: to be taught almost by rote, as per the wording of the articles of the CRC rather than adapted to the relevant social or family situation. During the time that children stay in CANICA's transition house, they receive – together with member of their close family - counselling/therapy with a view to overcoming the problems of violence. This is, in my view, a direct way of working towards the recognition of the right to live without violence – but it often seemed that unless they were talking literally

² Article 8: 'States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without lawful interference'.

about rights and the CRC then the organisation felt that children's rights was not explicit enough in their programmes. This is further explored in the final section of this chapter.

Child Friendly Methods?

Tenemos los derechos a una familia y una casa

We have the right to a family and a house (Alfredo, 7 years old)

Alfredo had only just moved into CANICA's transition house, and was answering the question 'what rights do you have?' asked by the children's rights team from the CEDHO who were visiting the house to run a workshop on rights with the children. The fact that Alfredo had neither a family that cared for him nor a home made his comment all the more poignant.³ The fact that the CEDHO instructor did not engage with this issue could be seen as an insensitive approach. However, it must be recognised that such an engagement was not part of the CEDHO's remit, as they were there to run a workshop on children's rights and not to delve into the complexities of the children's lives. That Alfredo knew he 'had' these rights, and was able to quote them as a list seemed to be sufficient. This reflects a certain ambiguity in such children's rights teaching or advocacy, highlighting the need to go beyond simply a discussion of the CRC and different rights. This may involve, for example, more extensive training for those involved in child rights education, where rights are explored in relation to children's different socio-cultural realities. Teaching these children, most of whom had been victims of violence or abuse, about their rights entails enormous sensitivity – telling them for example that they have a legal right not to be hit may be received with anger or disbelief. The fact that rights teaching can be unhelpful for some children is illustrated in research carried out by White amongst street children in Bangladesh. Referring to a child rights training programme run by a local NGO with these children, she notes that:

³ Alfredo had an aunt who sometimes gave him food and looked out for him, but he had mostly been fending for himself in and around the big market near CANICA's day centre - walking around barefoot, selling chewing gum or begging. The *educadores* told him about the day centre and he started to attend, albeit erratically, until he was encouraged (with the agreement of the aunt) to go and live at the house in Tlalixtac. Within a month of living at the Casa the transformation in Alfredo was remarkable – he attended school everyday, and thrived on the daily routine of washing, working, mealtimes, and took enormous pride in his appearance.

The gap between the rights they have in CRC theory and the realities of their practical experience was simply too great for the children. Instead of being “empowering” the training made them either angry and destructive or frustrated and depressed. (White 2002b: 7)

The CEDHO workshop was for a few hours on one visit, without any prior knowledge of the CANICA children; this obviously contributed to the difficulty in engaging in any depth with the group, and with Alfredo for example. During this workshop none of the children asked what seemed to be a glaring question: ‘if the law says we have these rights, how come we got hit and had to come and live here?’ As an observer, this question was foremost in my mind, but the children did not make the connection, nor did the CEDHO teachers explore this matter. In this instance, therefore, the rights teaching remains at a somewhat superficial level, and remains external to the children’s lives in terms of making any difference

During this workshop, the children were told about the UN Declaration and Convention, and the different Articles in the CRC. They also played a lottery game about rights similar to bingo (Plate 8.1).

Plate 8.1: Playing the Children's Rights *Lotería* Game



Alfredo and the other children were praised for the knowledge of the rights they had. However, it was interesting to note the methodology used by the CEDHO team, who translated the children's words into 'adult speak'. For example, when one boy responded to a question about rights by saying '*tenemos derecho a comer palomitas*' (we have a right to eat popcorn), the team leader said '*Si, eso quiere decir que tienes derecho a la alimentación*' (Yes, that means you have a right to food) relating it back to Article 27 of the CRC rather than asking the children to expand the point in their own words - effectively overlooking the boy's words by converting them into formal, CRC language. Whilst this does not necessarily invalidate the CEDHO's work with the children, it highlights the way in which formality is adhered to in children's rights teaching activities such as these.

During the lottery game, as each card was called the team leader asked the children what they meant. When the card depicting '*el derecho al buen trato*' (the right to be treated well) came up, the team leader explained that this meant that nobody 'not even our parents' could treat us badly. Miguel (9 yrs old) explained this in his terms: '*pues, que no nos agarran asi*' (that people don't grab us like this - imitating being lifted off the floor by the hair) and '*que no nos hace asi*' (and that they don't do this - imitating being shaken about). In this example it seemed that, in terms of knowledge, the roles were reversed: Miguel was telling the team leader exactly what being treated badly meant, according to his lived experience. Another card referred to '*el derecho a una educación sin castigos crueles*' (the right to an education without cruel punishments) and showed a picture of an unhappy child wearing donkey's ears.⁴ Translating the language of rights so as to make them meaningful to children is the greatest challenge of child rights advocacy. For rights to be meaningful to children, they need to be adapted both in terms of language and concept. As White (2002: 7) observes:

The direct, abstract and confrontational language of rights may form the motivation behind a programme, but it may need to be translated into very different terms if it is to achieve tangible results.

The lottery card depicting a child with donkey's ears is one example of formal text that has been translated into more accessible wording for children; it also reflects a particular aspect of school life, where it is not uncommon for teachers to humiliate and punish

⁴ Interestingly this is a slight modification of the actual wording of the corresponding CRC article, which says that 'States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity ...' (Article 28, paragraph 2, CRC).

pupils.⁵ In a different class activity, when describing her school, Dalía (11 yrs old) wrote '*mi maestra es muy enojona y siempre nos regaña y nos jala las mechas*' (my teacher is grumpy and always tells us off and pulls our hair). When Dalía demonstrated this to me, the *educadora* explained that this was the case with many teachers, and that simply '*asi es*' (that's the way it is). Classroom discipline in Mexico ranges from being stood in front of the class, or ridiculed, to detentions; physical punishment takes the form of pulling hair, as described by Dalía, or 'the occasional ear-twisting or head tapping' (Martin 1994: 59). These 'ground rules', together with traditional teaching methods, make up the traditional classroom setting in Mexico where the teacher remains an authoritarian figure and the value of respect is considered to be the justification for any punishments of pupils. These are aspects of teacher-pupil relations that are embedded in the educational panorama, and therefore provide a difficult setting within which to transmit some of the ideals set out in the CRC.

The following section explores rights teaching in the context of the school classroom and goes some way to explaining why children's knowledge of their rights is limited to language rather than relevant meaning in their lives.

Children's Rights in the Classroom

Making students aware of their rights through the school curriculum is a fairly recent development in Mexico (Blasco 2002). In 1999 Civic Education (*Formación Cívica* or *Civismo*) was introduced in 1999 and devotes a section in its textbooks to children's rights, including the right to basic education. Schooling in Mexico is commonly regarded as essential in order to '*defenderse en la vida*' (hold one's own in the world) (Martin 1993: 157). Education is also considered to nurture *el respeto* (respect) amongst children, and:

(...) ennobles the individual and improves society...[it] is a social duty whose reward is individual and collective progress, and the only sanction for not attending school is the person's more limited development (SEP 1993, cited in Blasco 2002: 4)

⁵ In an interview with the President of the CEDHO he explained that it was hard to suspend such teachers as they were protected by the national teachers union (SNTE), one of the most powerful unions in the country. He said that if any complaint was made against such teachers it was most likely that they would simply be transferred to a different school (Interview with Dr Segreste Rios, 18 December 2001, Oaxaca City).

Part of the process of nurturing this respect amongst children can be seen in both the pedagogic methods and the forms of discipline used in the classroom.

Mexico's teachers, under the country's biggest teaching union, SNTE, have a history of protest and strikes which have principally focused around issues of poor salaries and conditions of service (see Martin 1994). Martin (*Ibid*) highlights that a key feature of Mexican teachers is 'the extent to which their attention is turned outwards from the classroom towards their employers, their colleagues and their union'. The pressures of teaching in Mexico can go some way to explain the type of strategies adopted by teachers in the classroom; two of the most commonly applied ones are 'spoon-feeding' and 'padding' (*Ibid*: 76). According to Martin's study (based in Guadalajara), these strategies were adopted to be able to cover the curriculum in the time given to do so. Spoon-feeding in this context is when pupils are primed with stock answers in the run up to tests, and given reams of information to learn by rote. This was a common feature of the school work shown to me by the children in Oaxaca, where learning was all about remembering facts. Martin describes 'padding' whereby teachers spin out material 'for no immediate pedagogical purpose', the most common of which is drawing. All of the children I worked with in Oaxaca attended primary school, and by helping them with schoolwork I was able to gain some insight into the teaching system and methodologies adopted in schools. On one occasion at the Loxicha shelter I watched Isidro do his homework: a painstaking task of copying the word '*ratón*' and drawing its picture. He had been asked to fill three pages of his exercise book with this repetitive task.

The notion of role-plays or creative games as a way of learning was not familiar to the children with whom I worked, since in school most of their teachers used a 'chalk and talk' method and learning was by rote. According to Martin⁶ whilst most schools in Mexico still follow such conventional methods, there have been some recent changes via teacher training reforms, which draw on active learning approaches that have their roots in Freire's pedagogy. However, issues such as discipline problems and particular socio-cultural contexts have meant that teachers revert to simply dealing with realities in the classroom, rather than attempting to implement new approaches. Furthermore, most new pedagogical initiatives are the endeavours of small groups, universities or NGOs and as such are not embedded as formal policy initiatives.

⁶ From personal telephone conversation, August 2005.

Often, when the children started a new topic in history or geography they were sent to the stationery shop (*papelaría*) to buy a leaflet (*tríptico*) on the subject (Plate 8.2) is an example of a *tríptico* about children's rights – one girl in the Loxicha shelter had to buy it, then cut out the pictures and stick them in her exercise book. The work was then marked for neatness.

Plate 8.2: Example of school *tríptico* on Children's Rights



The girl described the class work about children's rights – they read the pages in the textbook that told them about the UN human rights treaties and how children's rights were part of the Mexican constitution. The work had been more of a lesson in reading and writing, and learning dates, than an education in rights. Thus, as will be seen in the following empirical chapters, the children were able to tell me parrot fashion about the rights they had, using expressions such as '*tengo el derecho a la alimentación*' to say they had a right to food – when *alimentación* is not a word they would use in everyday language. Children are being made aware of laws and rights in their country, but are not taught how these relate to their daily lives, and nor is the language used in this teaching akin to their day to day vocabulary.


Children in Mexican primary schools learn about the Constitution, citizenship and rights from an early age. Textbooks such as *El Pequeño Ciudadano* (The Young Citizen) and *Conoce nuestra Constitución* (Know our Constitution) teach children about their duties as Mexican citizens and their rights as children (Plate 8.3) – they are presented with facts and figures about Mexican laws, the constitution, and government administration.

Plate 8.3: Extract from *El Pequeño Ciudadano* Textbook

CONVENCIÓN DE LOS DERECHOS DEL NIÑO


Los niños y el Estado

De acuerdo con lo establecido en la Convención, el niño tiene derecho desde su nacimiento a nombre y nacionalidad, el Estado del cual depende debe darle atención especial y los medios y servicios para que se desarrolle integralmente, protegiéndolo de la discriminación; educándolo por lo menos en las etapas elementales, en un espíritu de fraternidad internacional. Se le debe otorgar seguridad social con derecho a salud, recreo, juego, alimentación, vestido y vivienda digna. Debe ser el primero en recibir socorro. En caso de deficiencias físicas o mentales será atendido en forma adecuada. Se le debe brindar seguridad, amor y protección, preferentemente de sus padres.




Une con una línea el dibujo con el número del artículo que representa, no cruces las líneas.


Artículo 14. Los niños tienen derecho a la libertad de religión y pensamiento.




Artículo 11. El menor tiene derecho a permanecer en su país.




Artículo 31. El menor tiene derecho al juego, descanso y diversión.



Artículo 3. El niño tiene derecho a ser cuidado por sus padres.



Artículo 27. El menor tiene derecho a recibir una alimentación completa.



¿Qué opinas de tus derechos? _____

¿Los ejerces debidamente? _____

¿Por qué? _____

¿Conoces algún niño al que no le respeten sus derechos? _____

¿Cómo podemos ayudarlo? ¿Qué le podemos aconsejar? _____

It is in these textbooks that they learn, for example, of their right to basic education according to the Universal Declaration of Human Rights and Article 3 of the Mexican Constitution. They also learn that, under Constitutional law, it is the duty of parents to ensure and respect their children's rights.

The pedagogical methods in place in Mexican schools, as described above, are precisely what Freire notoriously rejected: the vertical method of formal education, where knowledge is deposited into the mind of another – what he called the 'banking concept of education' (Freire 1972: 45). In his analysis of the teacher-student relationship Freire refers to its 'narrative' character, in the sense that the teacher 'talks about reality as if it were motionless, static, compartmentalized', leading the students to mechanically memorize the narrated content, effectively turning them into what he calls 'containers or receptacles to be filled by the teacher' (*Ibid*). Freire's analysis is grounded in his famous theory and practice of *conscientização* or critical consciousness, which in relation to acquiring literacy meant 'to understand what one reads and to write what one understands'. Whilst a thorough discussion of Freire's pedagogy is beyond the scope of this thesis, it is significant to note that despite years of educational reform and the certain influence of Freire's thinking across Latin American educational systems, this vertical form of teaching is still prevalent in Mexican classrooms. Freire's educational concept of 'banking' aptly describes the way children's rights are being transmitted to children in Oaxaca.

From an Adult's Point of View ...

During my fieldwork, the children from Casa CANICA were invited to visit the offices of the CEDHO, to learn about their work in human rights within the state and in particular about their work around children's rights. The children were taken from office to office, where a member of staff – invariably a man in a suit – stood before them and explained the work of the respective departments. In each office somebody gave the children an official talk about their work, full of formal terms which bored the children and clarified very little. In one office the man in a suit provided a lengthy and intricate description of his department's work (Plate 8.4).

Plate 8.4: CANICA children in the Offices of the CEDHO



The children listened attentively. At the end he asked them if anyone had any questions. One girl put her hand up and asked '*y qué hacen ustedes aquí?*' (and what do you do here?) neatly illustrating the way that the man's speech had been shrouded in 'adult speak', with the use of technical terms which meant nothing to the children. In another office they were told about violence and how they could come to or telephone these offices to denounce any violence against them. These children who were living in CANICA's transition house were particularly interested in what this man had to say; however, the format showed little sensitivity to these children's realities, a group of children who have all suffered various forms of violence in their homes.

In the office of the president of the CEDHO, the children were left sitting around a large conference table for twenty-five minutes, waiting for the arrival of the President. When he arrived, escorted by two assistants, he stood at the head of the table and formally addressed them by giving a little speech and gave them each a picture book about rights (Plate 8.5).

Plate 8.5: President of the CEDHO addressing the Children



The entire official and adultist discourse on children's rights is summed up in this picture: the president, dressed formally, is looking down at the children and telling them about their rights. It also reflects Mexican culture more generally, where formality is the norm in any public event or ceremony. The CEDHO president's approach, however, contradicts the rhetoric of respecting children as full participants in society. The distance between children's realities and the adult world is visibly accentuated through the interactions between the children and adults in this visit. Whilst the objectives behind such a visit were valid in terms of awareness raising and education, the vertical adult-child format of the transmission of information and knowledge meant that the opportunity for the children to gain some meaningful knowledge was missed. This format is a direct result of the embedded perceptions of childhood in society, as explored in the previous chapter.

At the end of this visit, the children were shown a puppet show which the CEDHO has produced as part of its programmes for children. The show itself is very entertaining, and the story is about a *malvado* (bad guy) who goes around stealing rights from children – for example he steals a girl's sandwich, thus taking away her right to food. When he has a sack full of stolen rights he is happy. Along comes the *defensor* (defender) who is protected by his Rights Shield (bearing the logo of the CEDHO) to retrieve all the children's lost rights. It turns out that the *malvado* was unhappy because he thought he did not have any rights, so he stole them. But the moral of the story was that all children have rights. After the puppet show the members of the team asked the children if they liked it, and which bits they remembered best. The children were also told how important it was that they recognise their 'obligations' as well, by doing their homework, obeying their parents and 'behaving well so that you don't get told off'. The emphasis on children's duties was echoed by some parents of the market-working children who commented to me:

Oh! You people always talk about rights, only rights – and what about responsibilities? (Mother, Abastos Market, Oaxaca City, May 2002).

Similarly, following a presentation I gave to an audience of students and academics in Oaxaca, one respondent commented that in Mexico, as in other Latin American countries 'there are certain ways and traditions in families that are very different to yours [i.e. Northern] and where hitting your child can be a normal thing. So all this rights talk

is a bit of an imposition on our norms really'.⁷ Such local socio-cultural notions – amongst adults – are further obstacles in the implementation process of the CRC.

The CEDHO have a remit to 'teach children about their rights', which they do through their visits to kindergarten schools (see below) and the puppet show; however, this seems to place the issue of children's rights as a separate subject to be taught, and there is little discussion or follow-up activities with the children in a way that would relate the issues to their daily lives. So although using a child-friendly method, the approach is inadequate via initiatives such as the puppet show which appears to fulfil an institutional (and adult) requirement rather than benefit the targeted audience.

An important element of the work of the CEDHO is training and workshops with children. A recently developed programme is the training of children to be *Promotor Infantil de Derechos Humanos* (Child Promoter of Human Rights). In December 2001 I accompanied the CEDHO children's rights team on a three-day training workshop with children in the Mixteca mountain region. Approximately 100 children from different *albergues* in the region attended, in the village of Ayutla (approximately three hours drive north-east of Oaxaca city).⁸ For three days the children learnt about the work of the CEDHO, international declarations and the UNCRC, and studied certain articles and discussed them, and they played games (plate 8.6).

⁷ From presentation and discussion at the Instituto Tecnológico de Oaxaca, 20 February 2002.

⁸ These *albergues* (shelters) are set up in rural areas by the Instituto Nacional Indigenista (INI – National Institute for the Indigenous) for children who live too far from schools to be able to attend daily. They usually live at the shelter during the week and go home at weekends or holidays. Many children in these mountain regions live in isolated areas that are up to five hours walking distance from the nearest school.

Plate 8.6: Learning about the CRC in Ayutla, Oaxaca.



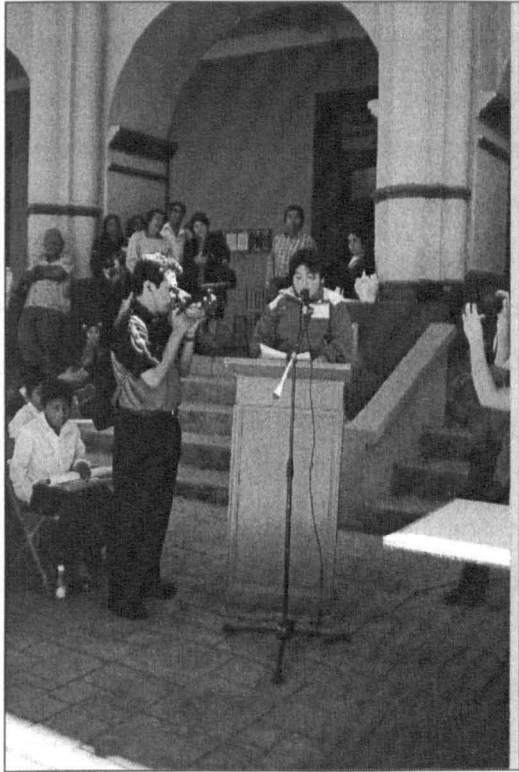
On the final day a formal ceremony was held in the town square – parents and teachers were invited to attend. Officials from the CEDHO and the INI sat at a head table where they awarded the children with their *Promotor Infantil* ID. Other groups of children were invited who performed traditional dances and songs.

I participated in the same workshops carried out in the town of Noxichtlán, just over an hour out of Oaxaca City. The closing ceremony, like the one in Ayutla, was formal and included a group of children marching to salute the national flag while everyone sang the national anthem. A young girl, Eliana Hernández Morales (Plate 8.7), made a speech in which she declared that:

Vamos a cumplir en nuestras tareas como niñas y niños; en nuestra casa, en nuestra escuela y comunidad, y si llegamos a equivocarnos esperamos que las personas mayores nos comprendan y nos hagan recomendaciones para mejorar en todos los aspectos. Como niña no logro entender bien sobre los derechos humanos porque en la radio y la televisión escuchamos que hay niños de la calle que no tienen quién los proteja, que hay mucha violencia, que las personas de los pueblos y países se pelean o se matan y no solo a los niños sino también a las personas mayores. Por eso digo que no entiendo bien, pero sí estoy de acuerdo en que nos debemos de respetar, tartar bien entre nosotros chicos y grandes.

We are going to fulfil our tasks as children; in our home, our school and community, and if we come to make mistakes we hope that the adults will understand us and give us advice to improve in all aspects. As a girl I don't understand all about human rights because on the radio and the television we hear that there are street children who don't have anyone to protect them, that there is a lot of violence, that people from villages and countries fight or kill not only children but also older people. That's why I say that I don't understand very well, but yes I agree that we should respect each other, and treat each other well, big and small. (*Noticias* newspaper, 9 November 2001)

Plate 8.7: Girl's Speech at Children's Rights Ceremony



Although the girl's speech was very eloquent, she had little to say about the issues covered in her speech when I chatted to her afterwards. She told me that her teacher had written the speech for her. These events are indicative of the adult approach used by the CEDHO/CNDH in its diffusion and teaching of children's rights. The event is publicised and hailed as one where children are full participants, and who go on to become – as *Promotores Infantiles* – champions of children's rights in their schools and communities. Although the vision is a noble one, the cultural reality in which most of these children lived – isolated and rural communities – was not likely to accommodate the children's role in promoting human rights nor, I suspect, to take it seriously. A great deal of time, resources and effort is put into the CEDHO workshops, but it is questionable to what extent the children are able to 'promote' children's rights in their communities. Nor is it entirely clear what form this 'promotion' should take. As pointed out by Johnson and Ivan-Smith, 'visibility does not equal participation or empowerment' (1998: 6). The idea of children's participation thus remains at a symbolic level, or tokenistic as described by Hart below.

The formality of the closing ceremony mirrors the same procedures taken in formal political events amongst adults – as pointed out above, this formality is a characteristic of Mexican public events. The speech made by the young girl in Noxichtlán is perhaps an example of what Hart (1992) describes as decoration and tokenism on the ladder of participation, as discussed in chapter two. Token participation of children is defined by Hart (1992: 10) as a situation where,

Children are apparently given a voice, but in fact have little or no choice about the subject or the style of communicating it, and little or no opportunity to formulate their own opinions.

The example of this girl's speech leads us to the following question: if we were to follow Hart's ladder of participation, and facilitated a 'child-initiated and directed' degree of participation, would this girl necessarily have had much to say? Firstly, would she be interested in the occasion? Secondly, would she have had a speech to make based on her own views? This is hard to answer because neither she nor the other children who took part in this day were consulted as to how they wanted the occasion to be organised, what they wanted to say. It was an event organised by adults – adults who have a clear idea of how they think children's rights should be taught and advocated. But should we so readily dismiss this as tokenism? Perhaps we should view this 'token participation' as a first and positive step towards greater inclusion of children. One of the inevitable constraints to children's participation is the role played by the adult facilitator or the

teacher as in the example above. However, in the traditional social context of this mountain village, the event in Noxichtlán was a rare occasion where children took centre stage. If such events continue to be promoted, they could lead to child-led clubs or activities as those taking place in communities in Zambia, Nepal and India (see Kirby and Woodhead 2003).

Thus, despite its adult format these children's rights events had the desired effect of raising awareness, via plenty of publicity and press. The whole event was an excellent effort at publicising the issue of children's rights, and making the children the focus of the day, and having parents there too was an important element.

The CEDHO's children's rights team also do kindergarten visits across the city including in the poor neighbourhoods that spread up the hills on the outskirts of Oaxaca centre. I accompanied the CEDHO team on one such visit (Oaxaca City, 5 November 2001), where colourful posters depicting the different rights as per the CRC were shown to the children and each discussed in turn (Plate 8.8).

Plate 8.8: Children's Rights lesson at Kindergarten School



The children sat and listened attentively. But it was not until ‘the right not to be hit’ was shown that the group’s collective interest ignited and all at the once the children put up their hands to say they knew what this picture was:

Es un niño que le pega su papá porque el niño se portó mal

This is a boy being hit by his dad (with a belt) because he has been naughty.

During this visit we noticed that one boy had not been participating at all; one of the teachers explained that he lived in a violent household, hence his tendency to sit quietly and with his head lowered during class. Following this explanation, one of the CEDHO facilitators approached the boy and said:

The next time your dad hits you, just tell him that you have a right not to be hit and that he needs to respect you. Or tell your mum to tell him what you have learnt today (recorded in fieldwork diary 5 November 2001).

There is not doubt that the intention behind this remark was valid; however in this case and in this way it totally missed the mark, and indeed may have caused more harm than good. This six year old lives in a poor neighbourhood on the outskirts of the city, where his father often comes home drunk and hits his mother. Furthermore he lives within a culture where the prominence of *machismo* dictates that if you give a boy a good slap it will teach him to be *más hombre* (more of a man) (see Gutmann 1990). Given the social and cultural environment of this child, it is not far-fetched to imagine that should he follow this adult’s advice, he may be hit even harder. Apart from these social implications, this drop-in method of ‘teaching’ rights to children in one morning – and considering the very young age of the children - without any follow-up or consolidation work, seems to be more of an institutional formality rather than a valuable teaching method.

Ticking the Box?

Children’s rights are part of the agendas of most NGOs in Mexico that work with or for children. Even if rights are not a central focus of their work, it is included in mission statements as it is considered to be a necessary part of work with children. International organisations such as UNICEF and Save the Children Fund (SCF) have a strong presence in Mexico and have undoubtedly influenced and contributed to the advocacy of children’s rights at government level and amongst local organisations. This section will consider the different approaches adopted by CANICA in Oaxaca and FAI in the city of San Miguel de Allende (Guanajuato state).

Within CANICA the CRC itself was regarded by most of the *educadores* as a distant legal document that held little relevance in their day-to-day work. As explained by Rosalba, the team leader at the transition house, this was the case until a situation arose with one of the boys in the house. Gerardo's mother appeared one day at the Casa, to take him home for a visit. It transpired that as soon as they reached home, she took him out on the streets working very long hours; she refused to send him back to the house, which meant that he was missing school. Also during this time back home his step-father resumed his daily beatings. Rosalba sought advice from the rights coordinator at the CEDHO, who informed her that Gerardo's mother was in breach of the law as per the CRC, and they would put this in writing to her: that she was committing a legal offence, taking her son out of school, overworking him in the risky environment of busy crossroads, and exposing him to further violence in the home. Rosa's report of this incident was 'it had never occurred to me that I could use the CRC like this to protect one of our children [in CANICA]'. This incident was recounted at my closing meeting with all the team leaders of CANICA, where I reported back on my year's work with the children in the Casa and the Centro. The report of this incident, together with our discussions about rights teaching as I had observed during my fieldwork, led the teams to reconsider the work they were doing and, as they expressed it, 'consider children's rights from a different angle'.

Similarly, the concept of children's participation rights seemed to be regarded as a necessary and 'extra' element to their objectives. When I asked the director about participation she commented that:

Yo creo que CANICA está muy debil en esa parte del derecho a participar...todavía esta en la cancha de los educadores, y falta esta transición al niño de que realmente es su derecho y de que realmente tiene que estar tomando una postura respeto a todo eso.

I think that CANICA is very weak with regard to the right to participate...(the ball) is still in the educator's court, and what's missing is this transition to the child that really it's his/her right and that really he/she has to be taking a position with regard to all of this (Blanca Castañon, interview 22 March 2002, Oaxaca City).

Castañon's use of the term 'the right to participate' is limited in the sense that it is expressed as per the CRC rather than in relation to specific examples of children's participation. Such an emphasis seems to reflect an understanding of children's rights as a separate 'subject' to be taught, rather than an implicit and integral part of day to work with the children. In reality, if CANICA's programmes were to be officially monitored

by a children's rights committee they would find that they are in line with the CRC's participatory ideals. This is illustrated in the following example.

In the Casa, the children and the staff get together for an informal chat every fortnight, which gives the children the opportunity to air any problems or concerns. One week, the *educadores* were discussing language, and how important it was to respect other people when you talked to them, not to use humiliating or bad language. One of the children said 'well why should we if adults don't use respectful language when they talk to us?' After further discussion, it emerged that one of the weekend staff had been using bad language when addressing the children, and calling them names. The staff at the meeting told the children that if this were found to be true, the person in question would have to leave. The staff member was questioned and admitted to using such language and bad names, and was dismissed from his job.⁹ The children were thus full participants in a decision that directly affected them; it could be argued, therefore, that via this activity the organisation was implementing the children's right to participate as per Articles 12 and 13 of the CRC. Interestingly however, it was not until I discussed this incident with the *educadores* and the team leader that they acknowledged how this fortnightly discussion group could be regarded as an implementation of the CRC. They had regarded it more as part of the ongoing psychological and emotional support of the children in the house. As one of the *educadores* within CANICA commented to me, sometimes they are so engrossed in the daily tasks or work with the children that they forget how important their work actually is, or lose sight of their objectives. In my feedback session with all the *educadores* at the end of my fieldwork (as described in chapter three), they found that my initial research findings and comments helped them reflect on the practical implications of the CRC, and rights in general, for their day-to-day work with the children.

Thus, because it had not been formally identified as 'the right to participate as per Articles 12 and 13' it was not regarded as such – an illustration of how the rights discourse exists as an external, formal and often unreachable concept to those working with children. This reflects the requirement for the discourse to be made accessible not only to people such as the *educadores* within CANICA but to children themselves. For this to happen, concepts such as 'the right to participate' need to be taken out of the terminology of Articles 12 and 13 and adapted to local agendas and projects such as the CANICA programme. I call this process 'taking rights out of the CRC box', as a graphic

⁹ This incident was reported to me in conversation with Rosalba, team leader at the Casa.

representation of disentangling children's right from formal discourse. The work carried out by FAI goes some way to illustrate this process.

Taking Rights out of the CRC Box

FAI is a member of the International Save the Children Alliance, and apart from its national office in Mexico City, has programmes operating in the states of Sonora, Guanajuato and Chiapas. Each of the organisation's four programmes is different according to the cultural reality of the communities it works with. In Guanajuato (state to the north of Mexico City), the organisation covers a total of 100 communities and neighbourhoods across 14 municipalities – these include both urban and rural areas around the city of San Miguel de Allende. The organisation's mission is expressed as follows:

Generar y promover un movimiento amplio de transformación cultural a favor y con la participación de la niñez mexicana.

Generate and promote a wide movement of cultural transformation which favours and participates with the children of Mexico (FAI 2002).

Children's rights are the underlying building blocks of FAI's programmes; in Guanajuato, the CRC has been adapted, article by article, to the needs and realities of the different communities FAI works with. As explained by Sylvia van Dijk, FAI's director in Guanajuato,

Buscamos en la Convención los temas que pensamos son importante en el contexto social (...) – no nos gusta manejar la Convención como algo que tienes que aprender de memoria y recitar. A partir de la realidad de los niños, respaldamos las cosas que queremos hacer con la Convención.

In the CRC we look for the themes that we think are important in the social context (...) – we do not like to use the CRC as something that has to be learnt by heart and recited. Using the children's reality as a starting point, we endorse the relevant parts of the Convention (Interview, San Miguel de Allende, Guanajuato, 6 March 2002).

Van Dijk stressed the fact that the work of the organisation is based on a long-term vision and in particular that it is one which focuses on cultural change. This comment was made in relation to the fact that, when implementing the CRC within different local realities, there is often a clash with peoples' beliefs and traditions. FAI's point of contact with communities is via schools, working with the theme of children's rights. It has taken them approximately twelve years to establish their presence and gain an acceptance for their work and advocacy of children's rights. She recounted how, when

the *educadores* initially visited schools with posters about children's rights, the teachers burned them in front of the pupils, declaring that:

Esas son ideas extranjerizantes- no tienen nada que ver con nuestra cultura.

These are imported ideas – they have nothing to do with our culture.

This consideration of children's rights as being foreign to the local culture is an important point relating to the theme of universality in rights and Northern perceptions of childhood, as explored in Chapter Two. In this instance the teacher understood children's rights to equate with autonomy of the children, and therefore a threat to the teacher's authority. This understanding also reflects how children's rights had not hitherto been promoted as part of a general culture of human rights. The challenge posed to FAI was to take these 'foreign ideas' (indeed they were promoted by the UK based organisation, SCF) and somehow make them relevant to the social and cultural context within which these children in Guanajuato lived.

FAI contributes to the overall development of children and young people via workshops and community projects that aim to strengthen:

1. The diffusion and practice of (their) rights
2. Their self esteem and identity
3. Their capacity for participation and creativity
4. The identification of their personal and community values
5. The prevention of abuse
6. Environmental education
7. Education for health

(FAI 2002)

The methodology adopted for the workshops and projects is participatory, and directly relevant to the problems or issues faced by the community in question. For example, in one community on the outskirts of San Miguel de Allende, the majority of the men have migrated to the United States to work, and as a result the land has been abandoned. Projects with children in these communities aim to teach them how to take care of their environment and make the most of the land they have. Health education helps the children think about how to avoid illness and germs, by drinking clean water, and eating healthily.

FAI projects also include a regional training centre where young people and adults can take courses in IT, conservation, traditional medicine and health; in one community the priority for the year 2000, for example, was a programme about basic food supplies for families. Young people are also trained by FAI to promote children's rights within their own communities and schools. I was able to observe one of the

workshops run by FAI in a rural school outside San Miguel de Allende. The basis for this particular programme was a child's right to health as per Article 24 of the CRC. The delivery of the programme in the classroom however, made no reference to the CRC nor to rights, nor did it make use of the official discourse or documentation on this topic. Instead, the *educador* worked with the children on themes that were relevant in their community such as the problem of clean drinking water, where to get fruit and how to eat it, cleanliness in the home etc. It is at the end of a series of sessions with the children that the reference to rights is made. In such a way, the CRC provides a framework, but the discourse is transcended so as to make it accessible and relevant for this particular population of children. More importantly, the work begins from what the children know, i.e. their immediate reality and environment. By beginning from the level of children's reality, FAI's programmes have to a considerable extent succeeded in closing the rhetoric-reality gap by essentially turning it on its head and taking a bottom up approach. They have taken the ideals and concepts out of the CRC box and found a way to link them to the needs of the local children, in a way that benefits them and their community as a whole and in a way that makes sense to the children concerned. There is no doubt that other NGOs such as CANICA would benefit from some cooperation in terms of practice and ideas with FAI. Unfortunately such cooperation and sharing of ideas between NGOs in Mexico is scarce, a fact that was raised by NGOs in their report to the CRC Monitoring Committee (Comexani 1994). This has significant implications for the practical implementation of the CRC at grassroots level, as many organisations that are grappling with the notion of children's rights and how to include them meaningfully into their programmes would benefit from greater inter-organisational cooperation.

In comparison with the approach adopted by the CEDHO in one-off visits to communities or kindergarten schools, the *educadores* at FAI were able to establish a closer working relationship with the children over a much longer time period. Thus with a more thorough knowledge of the realities of the children, their families and their community, were able to deliver a more effective children's rights programme.

Conclusion

Rights remain dormant if those who have them do not assert them. If children's rights are to be more than a political slogan, then children must demand them and must be encouraged and educated to do so. (Freeman 1983: 281)

Over a decade ago the CRC was regarded as only a beginning, where there was still a need to ‘move beyond official rhetoric and towards empowerment, with a need to re-examine structures, institutions and practices to make children’s rights more meaningful’ (Freeman 1993: 46). In 2005 how far can we say we have gone beyond official rhetoric? The global advocacy for children’s participation and empowerment in society will only truly happen when children themselves grasp the meaning behind the rhetoric. If children are merely reciting adult speak, attending conferences and saying how ‘now I have a right to participate’ then ‘implementation’ has missed the mark at the level of children’s lives, and missed the opportunity to offer children the tools, space, and knowledge to take what they need from the discourse and make it theirs. If children are to really ‘claim’ their rights as is advocated, then the way in which these rights are conveyed – school lessons, agency workshops, advocacy leaflets – needs to be tailored to the local socio-cultural realities that frame children’s lives.

This chapter has juxtaposed children’s knowledge of their rights with the content and methodology adopted by those delivering programmes for children. It has found that traditional pedagogical methods together with the adultist language and format of child rights teaching combine to create an obstacle for the transmission of any meaningful knowledge. The extent of perceived ‘child friendly methods’ is often limited to cartoon images or colourful leaflets, or activities such as the CEDHO’s puppet show, which whilst undoubtedly appealing to children do not achieve the ultimate objective of helping children to ‘know’ their rights in a way that is relevant to their daily realities. It is perhaps in the realm of the classroom that the gap between children’s rights rhetoric and reality can begin to close. For this to happen in the context of the Mexican education system, this would require resources for re-training of teachers in schools and educators in children’s organisations. Education in schools is thus a potentially key area for future monitoring of the CRC, looking beyond government performance, policies and programmes, and one that would open the way for direct consultation and discussion with children and young people throughout their learning process. The teaching of children’s rights and related issues (such as the new Citizenship curriculum in the UK), remains a challenge for NGOs, schools, and teachers/educators who endeavour to make these issues relevant and meaningful to children and young people. The challenge can be overcome by stepping away from the rhetoric, breaking away from the adultist and formal discourse of children’s rights, and from preconceived and normative views of childhood. It means taking ‘child-centred’ literally: focusing on the

real and ever-changing issues that concern children and young people across cultures and societies. In relation to the discourse on children's participation, Allan (forthcoming) has called for the need to 'subvert, subtract and invent': this is a refreshing approach that can be applied equally to the children's rights discourse where it is perhaps time to let go of conventional structures, concepts and language. It is not too far fetched to draw an analogy between Freire's *conscientização* method and what is required in Oaxaca for rights teaching to be made meaningful. In Freire's method and practice the educator's role was 'fundamentally to enter into dialogue with the illiterate about concrete situations and simply to offer him the instruments with which he can teach himself to read and write' (1972: 48). In a similar way, if children's rights are to mean something to children – in the sense that they relate to their daily realities and if they are to 'know and demand' them – then teachers or advocates delivering rights programmes must interact with the children's 'concrete situations', i.e. using the real context of their lives as a starting point. Translating the CRC into meaningful knowledge for children involves more than monitoring: it means being bold and challenging conventional wisdom and practice.

9

Conclusions

To question children's rights has been described as a modern-day heresy (...). The common assumption is that the institutionalisation of children's rights at the international level can only result in the improvement of the lives of children around the world (Steiner and Alston 2000: 517).

Mexico has evidently gone a long way to implement the CRC and disseminate children's rights across the country; this is visible in most states, on billboards, on radio and TV campaigns, in a myriad of colourful publications and information leaflets, as the focus of events and conferences, in the school curricula and on the agendas of both government and non-governmental agencies and programmes. This thesis does not question the value of such efforts to raise awareness of children's rights, nor of the considerable progress made to establish strong legal frameworks for the protection and provision of children. The key concern of this thesis has been the question of how the CRC and its ideals can be translated into meaningful practice at the grassroots level, in particular in terms of children's knowledge. As a way of pursuing this enquiry, my research has brought together two important areas of discourse, childhood studies and children's rights. The proliferation of studies on childhood and the high profile of children's rights justifies the objectives of this thesis, as it is not unreasonable to assume that the combination of these two areas of debate have made a significant difference to children's lives. Common to both discourses is the emphasis on the child as a person in his or her own right, as a being in the present rather than a future becoming, and as an active and empowered agent within society. Whilst these notions of self-determination and participation are prominent elements of the conceptual framework of children's rights in Mexico, the pedagogic methods adopted to disseminate the CRC and its ideals are non-participative and rooted in normative visions and understandings of childhood.

The ever-shifting nature of children's experiences will continue to pose a problem for any endeavours to conceptualise, define and categorise childhood. We have seen how perpetual change and movement in childhood has prompted reconsideration

and critique of long established notions of childhood. Similarly, the discourse on children's rights, whilst rooted in the articles of the CRC, cannot be set in stone and must move beyond the rhetoric so that it can translate into real meaning for children. The combination of changing views of childhood and the advocacy for children's rights has had important methodological implications for research projects with children, as explored in chapter five.

Three principal themes run through the empirical data collected in Oaxaca, and are revisited here as a way of framing the major conclusions and proposals for future research established in this thesis. The central focus of these themes is the case of the Loxicha children, whose multifaceted experiences of childhood raise important questions which bring into sharp focus the assumptions about childhood and the inconsistencies and contradictions within the discourse around children's rights.

Local Constructions of Childhood

In their most recent study, James and James establish analytical distinctions between the concepts of 'childhood', 'children' and 'the child'. To summarise briefly, 'childhood' is the structural feature of all societies, a space which is occupied by 'children' in all their diversity, within which, in turn, any individual 'child' plays her or his unique role (2004: 14-15). Within the NSC, the social construction of the child has been the leading paradigm, and emphasises the local and particular nature of the child (James *et al* 1998). This conceptualisation has nevertheless been bounded by a division between the worlds of childhood and adulthood which, despite the emergence of critiques and challenges to this position (see Prout 2005), remains firmly embedded in perceptions of children's lives, and of where, how and what they should be. The artificial separation of childhood and adulthood evident in conceptualisations of childhood is mirrored in the CRC's vision of a child as a person under age of eighteen. Such a view is reflected in local perceptions of childhood in Oaxaca – within agencies such as the CEDHO, the NGO CANICA and the local press - where children are viewed as future citizens or adults in waiting.

Empirical evidence from Oaxaca shows how children adopt a myriad of roles in the course of their day to day lives, the first theme explored in chapter six. This multifaceted aspect of their lives challenges the dualistic or dichotomous positions not only in the literature but also within local society, organisations and agencies. We have

seen how children's daily roles range from looking after younger siblings, working and playing to doing homework and participating in political marches. An important finding of this research is that the mismatch between children's lived realities in Oaxaca and the persistence of normative notions of childhood within programmes and adults' perceptions stands in the way of an effective translation of the children's rights discourse. This implies a need for education and awareness-raising amongst adults (teachers, NGO workers, civil servants) which will encourage a more holistic view of the children in their communities, schools, markets and streets. This process, however, demands a considerable shift in perceptions which many will see as an imposition on if not a threat to 'traditional' concepts and also to the status quo. Despite the advocacy and rhetoric around notions of children's agency, self-determination and participation, it may be useful to ask how many adults truly support such prospects. The persistence of normative notions of childhood is inextricably linked to the upholding of a division between the worlds of childhood and adulthood.

This thesis finds that the fluidity of children's roles between perceived 'child' and 'adult' roles can be better understood if those boundaries are removed. However, as seen in chapter seven, children themselves consider that they will only enter 'adulthood' when they reach the age of eighteen. The fact that they work and contribute to the family income, or are responsible for feeding and looking after younger siblings, are not at any point identified by the children as exceptional elements of their lives. Nor do they recognise that such roles illustrate a movement between established worlds of childhood and adulthood. This may be simply due to the fact that children do not question the ins and outs of their childhood to the extent that adults do. Another explanation is that these are only 'exceptional' if they are viewed from a normative, fixed and adultist standpoint. Therein also lies a crucial issue at the core of the debates: it is adults who lead discussions about 'who' children are or 'what' childhood is. The excellent examples of peer research amongst children may be the start of process whereby children and young people will set the parameters and definitions for studying their lives (see Alderson 2000). Children are, of course, undeniably 'not yet adults'. This fact, however, has permeated all visions and notions of what childhood is, leaving little room for the recognition of some children's movement between 'child' and 'adult' roles.

The experience of the Loxicha children presents a vision of childhood that is perhaps understudied because of its ambiguity. The Loxicha children do not fit a neat research category such as 'street child' or 'working child'. They move between worlds –

they are indigenous children (in terms of origin, but now move in a bilingual and urban environment), they are displaced as the result of a situation of political violence, they are involved in a day to day struggle for the recognition of the rights of their Zapotec community, they go to school, they look after siblings, and they sometimes work. They do not fit into most local NGOs criteria for inclusion in their programmes (such as CANICA for example). The development of a Latin American Sociology of Childhood (LASC) has the potential of enhancing the studies of children's lives, like those in Oaxaca, and also of unravelling and translating the ideals of the CRC into local contexts. New critiques and revisions of childhood studies by UK scholars (Prout 2005, etc) provide hope for more holistic conceptualisations of childhood; this thesis has emphasised the need to harness such developments, and extend them to the context of childhood studies in the Latin American context. The idea of 'regionalising' concepts of childhood is echoed in the adoption of an African Charter on the Rights of the Child (as observed in chapter four) which attempts to place frame children's rights within the socio-cultural norms of African countries, highlighting issues that are absent from the CRC such as notions of the child's duty within an African family. In a similar way, a LASC has the potential of shifting conceptualisations of childhood away from the established Northern framework. Whilst all children belong the universal category of 'childhood', local realities dictate the many different and varied roles and responsibilities that children will adopt.

This thesis argues that new terms may be needed to define what children do, and these must be framed by grassroots realities of children's lives rather than by constructions developed by adults. New terms would involve abandoning the child-adult dualistic approach to studying children's lives, in favour of considering children's roles purely in relation to the relevant/local realities of childhood. This is a potentially controversial proposal, as it implies a disregard for established conceptual frameworks for the study of childhood. However, it is a proposal that is prompted by the zealous advocacy for child centred research, for recognition of the child as a being in his or her right, and for children's participation in all matters that concern them. This advocacy demands more input from children themselves, not just within research projects or at international conferences, but also in defining who they are and what they do. The chasm between idealized concepts of childhood (a time of protected innocence, play and learning) and the realities of many children's lives – in Southern countries as well as within the multicultural environments of urban centres across Europe and the United

States (see Peterson and Read 2002) – can begin to close if children provide greater input to the debates about their lives and state of being.

Seeing Children for What, Who and How They Are

The second theme explored in this thesis is the way children and childhood is perceived by local organisations, including the press, and adults around them. In Oaxaca many children and young people are eager to reach the age of eighteen, because this means that they will be adults and will have the freedom to do more things, and as they see it, have greater power. Their views reflect the dominant perception in society around them, where children are seen to be in the process of becoming adults and citizens, but have not yet crossed the official and legal line into adulthood. These views persist, despite local realities of children's lives presenting a less fixed notion of childhood, as described in chapter six.

In Oaxaca the Loxicha children, as discussed in chapter seven, are regarded with pity by local residents and portrayed as victims in local press articles. There is no question that their lives have been marked by hardship, violence, poverty and the effects of displacement and political repression. However, to disregard the whole picture of their childhood is to ignore the realities of their daily lives. What, however, is the alternative to these locally held perceptions of the Loxicha children? A recognition, and celebration of their agency and political participation in their community's struggle, of their freedom of movement between roles, of their responsibilities within the family and community structures, would undoubtedly disturb the status quo and normative views of childhood vulnerability. Furthermore, and perhaps more significantly, this would entail an acknowledgement of the children's role in and awareness of the volatile nature of the Loxicha struggle, where there exists evidence of human rights abuses against many of the children's fathers. This scenario is speculative, but nevertheless presents a possibly threatening option for adults, as it is one that opens a potential and real political space for children.

The loudest feature of the children's rights discourse has been that of children's participation rights. As discussed in chapter four, these are enshrined in only four articles of the CRC and pertain to the child's right to express his or her views, freedom of expression, association, thought and peaceful assembly (CRC, Articles 12 to 15). The lives of the Loxicha children in Oaxaca present an aspect of children's participation not

envisaged by the CRC and its ideals. An acknowledgment of the roles children can play in political activity has not been forthcoming in the advocacy for children's rights, in particular within debates around their participation rights. Their voices are being listened to and their views incorporated into many areas of decision making, facts that would have been inconceivable at the beginning of the century. It is perhaps time, however, for notions of children's participation to move beyond the present vision which, whilst having opened hitherto unexplored territory for many children and young people, remains nonetheless carefully contained by clear (and adult imposed) parameters. Moving beyond these limits to recognise the part children can play in political struggles has the potential not only to broaden the space for children's real participation but may also prompt the disintegration of embedded and normative notions of childhood that persist in many sectors of society.

In the context of political participation children have generally been portrayed as victims. The victimization of children in situations of political violence is widespread, but, as argued by Peterson and Read (2002) it is also utilized to support the causes of opposing factions – by drawing on notions of children's innocence and need for protection, such portraits of victimization can be used as evidence of a government or regime's 'inhumanity' (*Ibid.*: 221). Nordstrom (1998) reflects that while children are often seen as being acted upon, 'they should instead be seen as moral and political actors whose commitments may be no less serious than those of their elders (cited in Peterson and Read 2002: 224).

The children of Loxicha, whilst their participation in their community's political struggle is of a very different nature to that of child soldiers as discussed in the studies cited above, their portrayal as victims rather than agents follows a similar pattern. It is these experiences of childhood which demand a shake up of perceptions in society, which are necessary for any real translation of children's rights rhetoric.

Putting Children's Rights into Words

The third theme framing this thesis illustrated, in chapter eight, the way that children's rights in Oaxaca tend to be seen as an additional element to add on to existing programmes, or simply as a necessary set of facts to transmit to children. The assumption is that children's programmes and children's lives will be improved through knowledge of, and consequent claim to, their rights. If children's rights are to mean

something to children, then the way in which the CRC is transmitted to them needs revision and change. In the context of Oaxaca, this relates to the way children's rights are taught in schools and within programmes such as those run by the CEDHO. Within the prevailing discourse on children's rights, there is a need to question whether children are truly benefiting from the teaching and advocacy of notions such as citizenship and rights for children – or is this simply satisfying global (and adult) rhetoric? The inclusion of civic education in the curriculum in Mexico, like that of citizenship in the UK curriculum, may have more to do with government attempts to conform to international trends than with a need to educate children and young people in such matters. In the Mexican context, there is as yet little evidence to show that *civismo* has had an impact on children and young people's in terms of understanding and relevance of issues such as democracy and rights in relation to their daily lives, and is an important area for future research.

While the monitoring of government programmes and performance is vital, empirical evidence from Oaxaca suggests that implementation of children's rights should also be assessed through the performance of education and teaching in this field. This thesis proposes a move away from adultist and formal language in the transmission of rights to children and supports Allan's call to 'subtract, subvert and invent' in an effort to move on from the rhetoric.

Language thus emerges from this research as an important and determining factor not only in the process of children's understanding of rights in their lives, but also in the way that children are portrayed and perceived. Moving on from the rhetoric requires more input from children and young people in defining what it is they do, according to their experience of childhood and youth. Whilst the present picture of children's rights is endowed with notions of child participation, empowerment and agency, what they do remains framed in adultist terms, mirroring the adult world and perpetuating a view of children as 'mini adults' in many contexts. The children's clubs of Nepal, by way of illustration, are excellent examples of children's organisation and activity in their communities; they are entirely run by children. However, their structure is a carbon copy of adult groups, with an 'executive board', a 'chairperson', 'treasurer' and other official positions (Rajbhandari *et al* 1999). The same adult structures are found in the numerous children's parliaments that are flourishing in many countries. In the context of the children's parliament in Mexico, Sauri called the children 'pretend legislators' (as discussed in chapter seven), highlighting the mini-adult aspect of such an

initiative. Whilst such initiatives are excellent ways for children and young people to be actively involved in their community, and to raise their awareness of political and social issues that affect them, the format is nevertheless borrowed from the adult world. The emphasis on child-centred research within studies of childhood, and the call by child rights advocates to take children seriously has produced a plethora of empirical studies that provide important insight into children's lives and how they view the world. It is now perhaps time to take this advocacy a step further: to ask children to frame studies of their lives in their terms, using their language and definitions. Indeed, adults may want to question whether children want the research that is carried out with them. In a similar way children must be consulted about whether they want the participation as envisaged by adults.

Prospects for Childhood, Children, and their Rights

In our ever changing and transforming global community, notions of children's status in society, who they are and what part they play have moved on from traditional views which kept them on the sidelines of society. We now have several decades' worth of studies and conceptualisations to help us move children's position beyond the realms of rhetoric. Many of these studies have adopted qualitative methods which emphasise research 'with' children as opposed to research 'on' children, an approach directly related to the discourse around children's participation and agency within society. Research amongst the different groups of children in Oaxaca raised important methodological issues which echo the rhetoric-reality gap as explored throughout this thesis. As discussed in chapter five, ideas about 'child-centred' research were challenged by the context framing the children's lives and called for flexibility, adaptation and even abandonment of 'neat methodologies' in some instances. These methodological challenges to a great extent reflect the broader task of reconciling the ideals within the child rights discourse with the realities of children's lives.

A key finding of this thesis has been the need for children's rights to be made accessible to children in terms of meaning and language. This has important implications for the official monitoring process of the CRC, as it requires a further layer to be added to the already well established process. An additional element of evaluating effective translation of the CRC into real meaning requires evidence of children's understanding of rights in relation to their lived realities – if they are to 'claim and

demand' their rights as advocated in the discourse. This prompts a hypothetical consequence that may not be so welcome: if such a process were to be followed through, then children would gain a thorough, relevant and meaningful knowledge of rights which may lead to the kind of participation and agency that most adults perhaps are not ready to concede. This would indeed take us back to Holt's vision of children to do, in general, 'what any adult may legally do' (Holt 1974: 15), and is fundamentally an issue of power. Chapter four outlined the CRC's 'three P's of protection, provision and participation; John (2003) adds power as a fourth 'P', the consideration of which, she contends, 'is central to an understanding not only of the three traditional 'P's' but also of the position of global children in this new century' (*Ibid.*: 45). In view of the discussions that have emerged from this research, it is not unlikely that notions of children's power in society will be the next important issue to dominate debates around childhood and children's rights over the next few decades.

If we are to truly view children as beings in their own right, then juxtaposing everything they do in relation to what adults do, or framing their activities or roles in relation to adult roles is no longer adequate. Whilst specifically in relation to the discourse on children's participation Allan's call for 'subversion, subtraction and invention' is a valuable basis from which to move forward, and is matched by the proposal in this thesis to renew language and terminology to define what children do. Thus notions of 'children's participation' or 'children as citizens' may benefit from being called something else, or have various names, and be defined by children themselves. Descriptions of children as 'children who work' or 'children who are political activists' are to a large degree associated with adultist meaning, and within the parameters of a child-adult dualistic framework. Epistemologies of childhood may only do justice to children's realities if they are based primarily on children's own expressions and perceptions of what they do, how they live, and how they understand and interpret the world around them.

Appendix I: The Children

1: Children attending Centro CANICA

(Grouped by siblings) All the children attend school, in their home communities – most live on the outskirts of the city. Details of the family situations were shared with me by some of the children in casual conversation, and some details were provided by the classroom teachers. All the parents participate in cooking and cleaning chores at the Centro, on a rota system.

NAME	AGE	FAMILY SITUATION
Rafael Pamela Chepe Raúl	10 9 6 11	Parents have stall in the market. All siblings spoke of dad's drunkenness and violence.
Oscar Nicolás	11 12	Parents have stall in the market.
Gelos	10	Mum is ambulant trader in market. No dad.
Tina	8	Mum has stall in the market. Also a teenage son, no dad.
Alma	7	Has learning and behavioural difficulties; mum is ambulant trader in market and illiterate. They live with Gelos and her mum. No dads around.
Rafael	8	Parents have stall in the market.
Ilior Edgar	6 13	Parents have stall in the market.
Dalía	11	Parents have stall in the market
Mina	9	Parents have stall in the market

NAME	AGE	FAMILY SITUATION
Manuel	10	Parents have stall in the market
Javier	10	Parents have stall in the market
Beto	11	
Saúl	10	Parents have stall in the market
Frederico	7	Parents have stall in the market

2: Children living at Casa CANICA

All of these children had been working on the streets, and had all suffered some form of abuse at home. For reasons of confidentiality I did not have access to details of their family situations. All the children attended the primary school in the village of Tlalixtac.

NAME	AGE
Linda	8
Jorge	12
Miguel Pepe	9 7
Bico	14
Leonora	11
Nuria	12
Alfredo	7
Ana	8
Gerardo	10
* Gertrudis	9

NAME	AGE
Alma	8
Sarita	10
Rita	11
Saul	10
Nicolas	10
Herberto	11
David	8

* The last group of children moved into the Casa in July 2002, and were only involved in the final research activities.

3: Children and Families of Loxicha

All the children attend a primary school in the centre of Oaxaca City. Those marked with an asterisk do not go to school.

NAME	AGE	FAMILY SITUATION
Children of Doña Leonora		Husband in jail – release unlikely; Leonora works; maintains good relationship with her husband; the two eldest children work to help family income.
Dalia	12	
Valentina	8	
Enrique	10	
Humberto*	6	
Children of Doña Imelda		Husband in jail – release unlikely; has disowned the baby Gerardo, and has new woman met in jail; Imelda has irregular jobs. Three eldest also work in between school hours. Doña Imelda had another baby in July 2004 by another man, who has subsequently left her.
Olivia	13	
Eyasha	11	

NAME	AGE	FAMILY SITUATION
Isidro	10	
Lupe	5	Just picking up Spanish – started primary school in September 2003
Gerardo*	3	Very sick baby, needs costly medication
Children of Doña Julieta		
		Husband released August 2002, family moved out of Loxicha shelter in December 2002.
Miguel	15	
Sarita	8	
Manuel	5 months	
Samuel		
	14	Mother died when Samuel was 7; father released from jail summer 2001, left him and took his older brother to live with him in Loxicha village. Samuel fend for himself, and eats with whichever family will share their food.
Children of Doña Celia		
		Husband released early 2002; Celia is monolingual Zapotec speaker.
Julio	15	
Amaro	13	
Eliana	10	
Simón	8	Speaks very little Spanish
Xiomara*	6	No Spanish
Alejandro*	3	No Spanish
(baby)	4 months	

NAME	AGE	FAMILY SITUATION
Children of Doña Valentina		Husband released from jail in August 2002; family subsequently moved out of shelter in September 2002. Husband picked up and 'disappeared' in May 2003.
Enrique	8	
Omar	10	
Children of Doña Sarita		Husband released from jail August 2001; family moved back to village in Loxicha in January 2002.
Alina	8	
Alma	7	
Children of Doña Esmeralda		Husband disappeared and murdered; Esmeralda and her children left the shelter in February 2002. Esmeralda subsequently left the children with her mother and went to find work in the United States.
Marcelo	8	
Vanesa	12	

CANICA: Organisational Outline

CANICA was established in 1992 as a non-profit Mexican Civil Association (*Asociación Civi*), to address the growing concern about the number of children working and living in the streets of Oaxaca City. The fundamental aim of the organisation is to ‘transform the negative factors affecting youngsters in street situations into learning opportunities’ (CANICA 1998). To achieve this, the organisation uses an educational model developed by the META group,¹ for working with street children. The programmes offered by CANICA are based on both ‘assistance and education’ (*Ibid*), and includes the children, their families and the communities in which they live. The organisation works with approximately five hundred children a year and operates in three phases, summarised in Table A below.

CANICA’s Mission Statement:

“We work to promote the integral development of Oaxaca’s street children, and its victims of domestic violence through a professional program of educational and social services that help them and their families actively and positively transform their personal, living, and social conditions.

Within CANICA’s three programs, we work directly with girls, boys, and youth who work in the streets: washing windshields, shining shoes, and selling various products; with those who work all hours alongside their families in the daily market; and those who have been the youngest victims of a domestically violent home-life.

With each child, CANICA reinforces and promotes intellectual, social, and personal development. We reintegrate the children in a formal school setting, we emphasize the importance of health, nutrition, and personal care, and we provide a safe and comfortable atmosphere for them to grow socially and recapture parts of their childhood.

Our children’s families are an essential part of CANICA’s success. Working with mothers and fathers provides a comprehensive program that fortifies the path of prosperity for each child. CANICA serves mothers and fathers, providing parental education, promoting responsible family roles, positive self-images, financial responsibility, and general life skills that will benefit the entire family.”

¹ META: Modelo Educativo Tomando Acción – Taking Action Educational Model. This was an educational model tested in an inter-organizational project between four NGOs in Mexico (including CANICA and JUCONI) and Ecuador, between 1997 and 2000 (see Thomas de Benítez 2000).

Table A: CANICA Programmes

<p>Operacion Amistad Operation Friendship</p>	<p>Programa Intensiva Intensive programme</p>	<p>Seguimiento Follow-up</p>
<p>This is the first contact with children on the streets, at busy intersections, in the markets, and also amongst families in the city's <i>colonias populares</i> (poor neighbourhoods). This phase lasts from three to eight months, and is led by CANICA's TRACA team (<i>Trabajadores de la Calle</i> – Street Workers). The children, in agreement with their parents or guardians, decide whether or not they want to join CANICA's programme.</p>	<p>This is the longer process of personal development, educational and family support, either in Casa CANICA in the village of Tlalixtac, or in Centro CANICA which is adjacent to the central market in Oaxaca City.</p> <p>Children who have been victims of abuse and violence are oriented to the Casa where, alongside educational support, they also receive counselling and psychological therapy. Families also receive support.</p> <p>At the Centro parents are involved in cooking and cleaning duties.</p>	<p>For up to two years after the children leave the CANICA programme, <i>educadores</i> from CANICA continue to monitor progress and offer support to the children and their families.</p>

CANICA employs approximately thirty permanent members of staff, including the management committee and director, administration, the TRACA team, staff at the transition house and at the day centre.

Casa CANICA

The Casa is situated in the village of Tlalixtac, about 25 minutes by bus from Oaxaca city centre, and since the year 2000 has been operating as a transition house for street-working children who have suffered sexual, emotional or physical abuse in their homes. The children stay for up to two years at the house, during which time they receive educational as well as psychological support – at the same time CANICA staff work with families/parents/guardians, so that progress is made in tandem with the children's development and 'rehabilitation'. The children also attend school in the village. At the

beginning of my fieldwork in Oaxaca there were nine children living there, six boys and three girls aged between 7 and 14 years old.² In July 2002 eleven new children moved in to the house, having been channelled from the other programmes of CANICA, thus increasing the household to twenty children.

Centro CANICA

This is CANICA's day centre and is situated next to the big *Mercado de Abastos* (main market) in the centre of Oaxaca City. It is open to children whose parents or family have stalls or are ambulant traders in the market; the children work in the stalls or sell things in and around the market space. There is no cost for sending their children to the centre, but parents have to take part in cooking and cleaning duties on a rota system. There are two sections at the centre, one for pre-school children (aged 4-6) and the other for primary school children (aged 7-13). In total approximately sixty children attend the day centre where they receive educational support (help with homework and reading and writing skills), creative activities, and also learn about basic hygiene and health.

² The Casa had formerly operated (between 1996 and 1998) as a temporary shelter for children living on the streets. However, it was decided to close the house due to problems of drug use and attempts of sexual abuse. Since its re-opening in 2000, the children I worked with were the first residents at the house. These nine children were thus the first cohort to leave, in July 2003, to return to live with their families.

Appendix II: Research Activities

1. ¿Qué Deseas? Board Game

Using dice, the children took it in turns to move around the board, and answering the questions, or saying what they wished for.

The questions were:

- If you had a magic wand, what would you make appear?
- If you had an eraser that could even rub out mountains, what would you rub out?
- If you could be any age, what age would you like to be?
- What do you want to do when you are older?
- If you were the President, what would you do for children?
- What do you like best about being a child?
- What do you not like about being a child?
- What do you think of adults?

2. Activities Booklet

In this booklet, the children could write or draw, or both, about their families, school, food, their siblings. I told them they could express whatever they wanted, there were no rules, and it was private work not to be shared with the rest of the group.

Questions were:

Tell me about, or draw:

- Your family
- Your brothers and sisters
- Your mum
- Your dad
- The president of Mexico
- School
- Food

- And write a message that you would like to give to all adults everywhere.

3. Participation Workshop

This was a series of classes/sessions to get the children to think about the concept of participation and what it meant in their daily lives. The children formed a ‘committee’ and discussed the problems they saw around them. They then decided what had to be done to solve these problems, and made posters and announcements for adults to read. In a follow-up exercise the children spoke about how it felt to ‘participate’ and whether they thought it was important or not. This activity was presented to CANICA teachers in the format below – I have added the English translation:

TALLERES: PARTICIPACIÓN DE LOS NIÑOS (Workshops: children’s participation)

Objetivos (Objectives)

- *Escuchar a los niños* (listen to the children)
- *Dar espacio a los niños para expresar sus ideas y opiniones* (give them space to express their ideas and opinions)
- *Entender como los niños entienden la palabra ‘participación’* (understand how children understand the term ‘participation’)
- *Saber como los niños solucionarían problemas en sus comunidades/barríos/escuelas* (see how children would solve problems in their communities)

Tiempo/horario (Time-table):

- *En total son tres actividades – se propone una hora por semana. Se espera que cada actividad llevará a mas discusión de los temas tocados.* (Three activities in total, about an hour per week. It is hoped that each activity will lead to further discussion.)

Material (Resources):

- *Pizarrón* (blackboard or flipchart)
- *Plumas/lapices de color* (coloured pens and pencils)
- *Papel* (paper – and poster size paper)

I. Introducción (Introduction)

Actividad de introducción – “quien soy?” (Ice breaking activity – ‘who am I?’)

10 minutos: cada niño descubre 3 cosas sobre su compañero/a – ej: comida que no le gusta, su color favorito, su cancion favorita etc.

Y luego compartir lo que sabe de su compañero/a con todos. (que participen las maestras tambien!) (Ten minutes: each child finds out three things about someone else in the group, example: favourite food, music etc. Then share this information with the group.)

Introducir la palabra ‘participación’: ¿qué significa? Ideas y comentarios de los niños. (Introduce the term ‘participation’ – what does it mean?)

Juego con dado – “la opinión propia” – dos grupos. Ese juego es un espacio para que los niños den sus opiniones, o expresan sus deseos y miedos. (board game ‘my opinion’. This game gives the children space to express their ideas, wishes, fears.)

II. *Cómo solucionar problemas?* (How do we solve problems?)

Escribir en el pizarrón cuales son los problemas que los niños ven en su comunidad/entorno.

(Discussion amongst the children of things the children consider to be problems in their community/environment.)

Cómo solucionar esos problemas? Organizar los niños en grupos de dos o tres – papel grande – apuntan sus soluciones. Compartir soluciones con todos. Discusión de esa forma de participar por parte de los niños – necesitan ayuda de los adultos?

(How to solve these problems? In groups the children write out their solutions. Share with the group – discussion about children solving problems, do they need adults help? Can they participate in their own communities like this? Etc)

III. *Campaña “Escúchenme!”* (Campaign: ‘Listen to me!’)

(nb el derecho de decir lo que piensan, y a que los escuchen – Artículos 12,13,14,15 de la Convención)

(Reference to Articles 12, 13, 14, 15 of CRC – right to be heard and to express opinions.)

Para abrir la discusión: ¿ como ven su relación con los adultos? Piensan que los adultos los hacen caso? Etc (Open the discussion with questions – how do they perceive their relationship with adults? Do they think adults listen to them? Why? Why not? Etc)

¿Cuál sera su mensaje para los adultos? ¿Que quieren decir a los adultos – al presidente – a sus padres – a sus tios – a sus maestros etc? (What would be their message for adults – what would they really like to say to adults, to the president, to their parents, to their relatives, their teachers etc.)

Papel grande – hacer un anuncio para una campaña. (Make a poster for the campaign)

4. Introduction and discussion to rights

CANICA requested that these activities be planned according to their classroom format, as below. The ‘evaluation’ section was discussed together with the classroom teachers who helped out during these activities. The latter was more of a pedagogical discussion, for the benefit of the teachers, who were keen to explore varied teaching methods.

ACTIVIDAD (Activity)	RECURSOS (Resources)	OBJETIVOS (Objectives)	EVALUACIÓN (Evaluation)
<p>1. <u>Quien Soy Yo</u> (Who I am)</p> <p>Draw or glue a picture of yourself in centre of page. All around the picture draw the things you like, don't like (food, weather, people, music, places, sports etc)</p> <p>Present yourself with your drawing, to the group.</p> <p>Group discussion: our identity, who we are.</p>	<p>Paper, colours, scissors, glue</p>	<p>Recognise the importance of having a name and individual identity</p> <p>Recognise that we are all different, but we all have the same rights (Article 8 CRC – name and nationality)</p>	
<p>2. <u>Los Derechos – introducción</u> (introduction to Rights)</p> <p>Brief introduction to CRC and discussion</p> <p>In two groups – each group has a deck of CRC cards. Each group choose 'top 5' rights. Discussion of choices with both groups.</p> <p>Draw a poster (<i>un anuncio</i>) to bring the issue of children's rights to the public.</p>	<p>Cards with different articles of CRC.</p> <p>Poster: health awareness campaign for small children</p>		
<p>3. <u>Derecho a la Salud</u> (right to health)</p>	<p>White board, poster paper</p> <p>Health fact sheets</p>	<p>Develop children's abilities to express opinions and discuss around an issue that</p>	

ACTIVIDAD (Activity)	RECURSOS (Resources)	OBJETIVOS (Objectives)	EVALUACIÓN (Evaluation)
<p>Introduce theme.</p> <p>Discussion – who is responsible for providing this? What about our own responsibilities? (hygiene, food etc)</p>		<p>directly affects them.</p>	
<p>4. <u>Derecho a la Participación</u> (Participation rights)</p> <p>See workshop (“el taller”) above</p>		<p>Discussion and deeper understanding of a particular individual right.</p> <p>Develop further awareness of this right.</p>	

Appendix III:

Questionnaires

1. Questionnaire for staff at CANICA (Translations below)

Te agradeceré mucho unos minutos de tu tiempo! Compartiendo tus ideas y opiniones me ayudas a entender mejor el trabajo que haces en CANICA.

¡GRACIAS!

Nombre: _____

Edad: _____

1. ¿Qué es tu trabajo dentro de CANICA?

2. De una forma mas personal ¿cómo definirías lo que haces?

3. En el contexto del trabajo que haces ¿cómo definirías la meta de CANICA?

4. ¿Cuáles han sido los resultados que has visto con los niños que apoyas?

5. ¿Qué piensas de los derechos de los niños como concepto?

6. ¿Los derechos forman parte integral de tu programa?

7. En tu opinion ¿la Convención Internacional de los derechos de la niñez ha influido de alguna manera el trabajo de CANICA?

8. ¿Piensas que vale la pena enseñar los derechos a los niños de la calle/niños trabajadores en Oaxaca?

9. Según la Convención, los niños tienen derecho a participar. En el contexto de tu trabajo ¿cómo entiendes esa palabra 'participación'?

10. ¿Piensas que los derechos de los niños – como concepto – tiene importancia en las vidas de los niños en tu programa?

11. En tu opinion ¿qué es el papel del gobierno en cuanto a los niños y los jóvenes?

¡Cualquier otro comentario que quieras hacer acerca de tu trabajo será bienvenido!

¡MUCHÍSIMAS GRACIAS!

2. Questionnaires for the Children and members of the Youth Group

Te agradeceré mucho unos minutos de tu tiempo! Con tus respuestas me ayudas a saber lo que piensan los niños y los jóvenes sobre las cosas que les afectan! GRACIAS!

Nombre: _____

Edad: _____

Escolaridad: _____

¿Dónde vives? _____

¿Con quién vives? _____

¿Cuántas personas hay en tu familia? _____

¿Haces algún trabajo donde te pagan? _____

¿Si contestaste "sí", en qué trabajas? _____

Dicen que los niños y los jóvenes tienen el derecho de participar. Para ti ¿qué quiere decir "participar"? _____

¿Participes en algunas actividades en tu comunidad? _____

¿En qué por ejemplo? _____

¿En tu casa participes en la toma de decisiones? (por ejemplo, la comida, las compras, salidas, etc)

¿Qué te importa tener derechos? _____

¿Cuáles derechos son importantes para ti? _____

Para ti ¿cuál es la mas grande diferencia entre un niño o un joven, y un adulto? _____

Tienes derecho a decir lo que piensas, eso dice la ley. ¿Tu crees que las personas grandes te hacen caso cuando dices lo que piensas? ¿Porqué?

¿Qué quieres hacer cuando seas mas grande? _____

¿Qué piensas que debe hacer el gobierno para los niños y los jóvenes?

¿Piensas que el gobierno hace caso a lo que dices y sientes? _____

Si contestaste “no”, dime porqué: _____

Para terminar ¿qué mensaje te gustaría dar a todos los adultos?

¡MUCHÍSIMAS GRACIAS POR TU PARTICIPACIÓN!

3. Translation of Questionnaire for CANICA staff

I would be grateful for a few minutes of your time! By sharing your ideas and opinions you will be helping me to better understand the work you do in CANICA. Thank-you.

Name:

Age:

1. What is your job within CANICA?
2. In a more personal way, how would you define what you do?
3. In the context of the work that you do, how would you define CANICA's objective?
4. Amongst the children you support, what results have you seen?
5. As a concept, what do you think of children's rights?
6. Are rights an integral part of your day to day work?
7. In your opinion, has the CRC in any way impacted or influenced CANICA's work?
8. Do you think that teaching street children/working children about their rights is worthwhile?

9. According to the CRC, children have the right to participate. In the context of your work how do you understand the term 'participation'?
10. Do you think that children's rights, as a concept, have any importance in the lives of the children within your programmes?
11. In your opinion, what is the government's role towards children and young people?

I would welcome any other comment you may wish to make about your work.

Thank you very much!

4. Translation of Questionnaire for the children and members of the Youth Group.

I would be grateful for a few minutes of your time! With your answers you will help me understand what children and young people think about things that affect them. Thank You!

Name:

Age:

Education:

Where do you live?

Who do you live with?

How many people are there in your family?

Do you do any paid work?

If yes, what work do you do?

Children and young people have the right to 'participate'. For you, what does 'participate' mean?

Do you participate in any activities in your community?

In what for example?

At home do you participate in any decisions that need to be made? (for example, food, shopping, trips etc).

How do rights matter to you?

Which rights are important for you?

For you, what is the greatest difference between a child or a young person, and an adult?

You have the right to say what you think, that's what the law says. Do you think that older people (adults) listen to you when you say what you think? Why?

What do you want to do when you are older?

What do you think the government should do for children and young people?

Do you think the government takes any notice of what you say or feel?
If you answered no, say why.

To finish, what message would you like to give to all adults?

Thank you very much for your participation!

Appendix IV:

United Nations Convention on the Rights of the Child

Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children, '

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth",

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules) ; and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

PART I

Article 1

For the purposes of the present Convention, a child means every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.

Article 2

1. States Parties shall respect and ensure the rights set forth in the present Convention to each child within their jurisdiction without discrimination of any kind, irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, language, religion, political or other opinion, national, ethnic or social origin, property, disability, birth or other status.
2. States Parties shall take all appropriate measures to ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child's parents, legal guardians, or family members.

Article 3

1. In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.
2. States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her, and, to this end, shall take all appropriate legislative and administrative measures.

3. States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children shall conform with the standards established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Article 4

States Parties shall undertake all appropriate legislative, administrative, and other measures for the implementation of the rights recognized in the present Convention. With regard to economic, social and cultural rights, States Parties shall undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international co-operation.

Article 5

States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention.

Article 6

1. States Parties recognize that every child has the inherent right to life.
2. States Parties shall ensure to the maximum extent possible the survival and development of the child.

Article 7

1. The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality and, as far as possible, the right to know and be cared for by his or her parents.
2. States Parties shall ensure the implementation of these rights in accordance with their national law and their obligations under the relevant international instruments in this field, in particular where the child would otherwise be stateless.

Article 8

1. States Parties undertake to respect the right of the child to preserve his or her identity, including nationality, name and family relations as recognized by law without unlawful interference.
2. Where a child is illegally deprived of some or all of the elements of his or her identity, States Parties shall provide appropriate assistance and protection, with a view to re-establishing speedily his or her identity.

Article 9

1. States Parties shall ensure that a child shall not be separated from his or her parents against their will, except when competent authorities subject to judicial review determine, in accordance with applicable law and procedures, that such separation is necessary for the best interests of the child. Such determination may be necessary in a particular case such as one involving abuse or neglect of the child by the parents, or one where the parents are living separately and a decision must be made as to the child's place of residence.
2. In any proceedings pursuant to paragraph 1 of the present article, all interested parties shall be given an opportunity to participate in the proceedings and make their views known.
3. States Parties shall respect the right of the child who is separated from one or both parents to maintain personal relations and direct contact with both parents on a regular basis, except if it is contrary to the child's best interests. 4. Where such separation results from any action initiated by a State Party, such as the detention, imprisonment, exile, deportation or death (including death arising from any cause while the person is in the custody of the State) of one or both parents or of the child, that State Party shall, upon request, provide the parents, the child or, if appropriate, another member of the family with the essential information concerning the whereabouts of the absent member(s) of the family unless the provision of the information would be detrimental to the well-being of the child. States Parties shall further ensure that the submission of such a request shall of itself entail no adverse consequences for the person(s) concerned.

Article 10

1. In accordance with the obligation of States Parties under article 9, paragraph 1, applications by a child or his or her parents to enter or leave a State Party for the purpose of family reunification shall be dealt with by States Parties in a positive, humane and expeditious manner. States Parties shall further ensure that the submission of such a request shall entail no adverse consequences for the applicants and for the members of their family.
2. A child whose parents reside in different States shall have the right to maintain on a regular basis, save in exceptional circumstances personal relations and direct contacts with both parents. Towards that end and in accordance with the obligation of States Parties under article 9, paragraph 1, States Parties shall respect the right of the child and his or her parents to leave any country, including their own, and to enter their own country. The right to leave any country shall be subject only to such restrictions as are prescribed by law and which are necessary to protect the national security, public order (*ordre public*), public health or morals or the rights and freedoms of others and are consistent with the other rights recognized in the present Convention.

Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.
2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.

Article 12

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

Article 13

1. The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
2. The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - (a) For respect of the rights or reputations of others; or
 - (b) For the protection of national security or of public order (ordre public), or of public health or morals.

Article 14

1. States Parties shall respect the right of the child to freedom of thought, conscience and religion.
2. States Parties shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.

Article 15

1. States Parties recognize the rights of the child to freedom of association and to freedom of peaceful assembly.
2. No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security or public safety, public order (ordre public), the protection of public health or morals or the protection of the rights and freedoms of others.

Article 16

1. No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.
2. The child has the right to the protection of the law against such interference or attacks.

Article 17

States Parties recognize the important function performed by the mass media and shall ensure that the child has access to information and material from a diversity of national and international sources, especially those aimed at the promotion of his or her social, spiritual and moral well-being and physical and mental health. To this end, States Parties shall:

- (a) Encourage the mass media to disseminate information and material of social and cultural benefit to the child and in accordance with the spirit of article 29;
- (b) Encourage international co-operation in the production, exchange and dissemination of such information and material from a diversity of cultural, national and international sources;
- (c) Encourage the production and dissemination of children's books;
- (d) Encourage the mass media to have particular regard to the linguistic needs of the child who belongs to a minority group or who is indigenous;
- (e) Encourage the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being, bearing in mind the provisions of articles 13 and 18.

Article 18

1. States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in the present Convention, States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children.
3. States Parties shall take all appropriate measures to ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.

Article 19

1. States Parties shall take all appropriate legislative, administrative, social and educational measures to protect the child from all forms of physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation, including sexual abuse, while in the care of parent(s), legal guardian(s) or any other person who has the care of the child.

2. Such protective measures should, as appropriate, include effective procedures for the establishment of social programmes to provide necessary support for the child and for those who have the care of the child, as well as for other forms of prevention and for identification, reporting, referral, investigation, treatment and follow-up of instances of child maltreatment described heretofore, and, as appropriate, for judicial involvement.

Article 20

1. A child temporarily or permanently deprived of his or her family environment, or in whose own best interests cannot be allowed to remain in that environment, shall be entitled to special protection and assistance provided by the State.

2. States Parties shall in accordance with their national laws ensure alternative care for such a child.

3. Such care could include, *inter alia*, foster placement, kafalah of Islamic law, adoption or if necessary placement in suitable institutions for the care of children. When considering solutions, due regard shall be paid to the desirability of continuity in a child's upbringing and to the child's ethnic, religious, cultural and linguistic background.

Article 21

States Parties that recognize and/or permit the system of adoption shall ensure that the best interests of the child shall be the paramount consideration and they shall:

(a) Ensure that the adoption of a child is authorized only by competent authorities who determine, in accordance with applicable law and procedures and on the basis of all pertinent and reliable information, that the adoption is permissible in view of the child's status concerning parents, relatives and legal guardians and that, if required, the persons concerned have given their informed consent to the adoption on the basis of such counselling as may be necessary;

(b) Recognize that inter-country adoption may be considered as an alternative means of child's care, if the child cannot be placed in a foster or an adoptive family or cannot in any suitable manner be cared for in the child's country of origin; (c) Ensure that the child concerned by inter-country adoption enjoys safeguards and standards equivalent to those existing in the case of national adoption;

(d) Take all appropriate measures to ensure that, in inter-country adoption, the placement does not result in improper financial gain for those involved in it;

(e) Promote, where appropriate, the objectives of the present article by concluding bilateral or multilateral arrangements or agreements, and endeavour, within this framework, to ensure that the placement of the child in another country is carried out by competent authorities or organs.

Article 22

1. States Parties shall take appropriate measures to ensure that a child who is seeking refugee status or who is considered a refugee in accordance with applicable international or domestic law and procedures shall, whether unaccompanied or accompanied by his or her parents or by any other person, receive appropriate protection and humanitarian assistance in the enjoyment of applicable

rights set forth in the present Convention and in other international human rights or humanitarian instruments to which the said States are Parties.

2. For this purpose, States Parties shall provide, as they consider appropriate, co-operation in any efforts by the United Nations and other competent intergovernmental organizations or non-governmental organizations co-operating with the United Nations to protect and assist such a child and to trace the parents or other members of the family of any refugee child in order to obtain information necessary for reunification with his or her family. In cases where no parents or other members of the family can be found, the child shall be accorded the same protection as any other child permanently or temporarily deprived of his or her family environment for any reason, as set forth in the present Convention.

Article 23

1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child's active participation in the community.

2. States Parties recognize the right of the disabled child to special care and shall encourage and ensure the extension, subject to available resources, to the eligible child and those responsible for his or her care, of assistance for which application is made and which is appropriate to the child's condition and to the circumstances of the parents or others caring for the child. 3. Recognizing the special needs of a disabled child, assistance extended in accordance with paragraph 2 of the present article shall be provided free of charge, whenever possible, taking into account the financial resources of the parents or others caring for the child, and shall be designed to ensure that the disabled child has effective access to and receives education, training, health care services, rehabilitation services, preparation for employment and recreation opportunities in a manner conducive to the child's achieving the fullest possible social integration and individual development, including his or her cultural and spiritual development

4. States Parties shall promote, in the spirit of international cooperation, the exchange of appropriate information in the field of preventive health care and of medical, psychological and functional treatment of disabled children, including dissemination of and access to information concerning methods of rehabilitation, education and vocational services, with the aim of enabling States Parties to improve their capabilities and skills and to widen their experience in these areas. In this regard, particular account shall be taken of the needs of developing countries.

Article 24

1. States Parties recognize the right of the child to the enjoyment of the highest attainable standard of health and to facilities for the treatment of illness and rehabilitation of health. States Parties shall strive to ensure that no child is deprived of his or her right of access to such health care services.

2. States Parties shall pursue full implementation of this right and, in particular, shall take appropriate measures:

(a) To diminish infant and child mortality;

(b) To ensure the provision of necessary medical assistance and health care to all children with emphasis on the development of primary health care;

(c) To combat disease and malnutrition, including within the framework of primary health care, through, inter alia, the application of readily available technology and through the provision of adequate nutritious foods and clean drinking-water, taking into consideration the dangers and risks of environmental pollution;

(d) To ensure appropriate pre-natal and post-natal health care for mothers;

(e) To ensure that all segments of society, in particular parents and children, are informed, have access to education and are supported in the use of basic knowledge of child health and nutrition, the advantages of breastfeeding, hygiene and environmental sanitation and the prevention of accidents;

(f) To develop preventive health care, guidance for parents and family planning education and services.

3. States Parties shall take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children.

4. States Parties undertake to promote and encourage international co-operation with a view to achieving progressively the full realization of the right recognized in the present article. In this regard, particular account shall be taken of the needs of developing countries.

Article 25

States Parties recognize the right of a child who has been placed by the competent authorities for the purposes of care, protection or treatment of his or her physical or mental health, to a periodic review of the treatment provided to the child and all other circumstances relevant to his or her placement.

Article 26

1. States Parties shall recognize for every child the right to benefit from social security, including social insurance, and shall take the necessary measures to achieve the full realization of this right in accordance with their national law.

2. The benefits should, where appropriate, be granted, taking into account the resources and the circumstances of the child and persons having responsibility for the maintenance of the child, as well as any other consideration relevant to an application for benefits made by or on behalf of the child.

Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child's physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child's development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right

and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.

Article 28

1. States Parties recognize the right of the child to education, and with a view to achieving this right progressively and on the basis of equal opportunity, they shall, in particular:

- (a) Make primary education compulsory and available free to all;
- (b) Encourage the development of different forms of secondary education, including general and vocational education, make them available and accessible to every child, and take appropriate measures such as the introduction of free education and offering financial assistance in case of need;
- (c) Make higher education accessible to all on the basis of capacity by every appropriate means;
- (d) Make educational and vocational information and guidance available and accessible to all children;
- (e) Take measures to encourage regular attendance at schools and the reduction of drop-out rates.

2. States Parties shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with the present Convention.

3. States Parties shall promote and encourage international cooperation in matters relating to education, in particular with a view to contributing to the elimination of ignorance and illiteracy throughout the world and facilitating access to scientific and technical knowledge and modern teaching methods. In this regard, particular account shall be taken of the needs of developing countries.

Article 29

1. States Parties agree that the education of the child shall be directed to:

- (a) The development of the child's personality, talents and mental and physical abilities to their fullest potential;
- (b) The development of respect for human rights and fundamental freedoms, and for the principles enshrined in the Charter of the United Nations;

(c) The development of respect for the child's parents, his or her own cultural identity, language and values, for the national values of the country in which the child is living, the country from which he or she may originate, and for civilizations different from his or her own;

(d) The preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups and persons of indigenous origin;

(e) The development of respect for the natural environment.

2. No part of the present article or article 28 shall be construed so as to interfere with the liberty of individuals and bodies to establish and direct educational institutions, subject always to the observance of the principle set forth in paragraph 1 of the present article and to the requirements that the education given in such institutions shall conform to such minimum standards as may be laid down by the State.

Article 30

In those States in which ethnic, religious or linguistic minorities or persons of indigenous origin exist, a child belonging to such a minority or who is indigenous shall not be denied the right, in community with other members of his or her group, to enjoy his or her own culture, to profess and practise his or her own religion, or to use his or her own language.

Article 31

1. States Parties recognize the right of the child to rest and leisure, to engage in play and recreational activities appropriate to the age of the child and to participate freely in cultural life and the arts.

2. States Parties shall respect and promote the right of the child to participate fully in cultural and artistic life and shall encourage the provision of appropriate and equal opportunities for cultural, artistic, recreational and leisure activity.

Article 32

1. States Parties recognize the right of the child to be protected from economic exploitation and from performing any work that is likely to be hazardous or to interfere with the child's education, or to be harmful to the child's health or physical, mental, spiritual, moral or social development.

2. States Parties shall take legislative, administrative, social and educational measures to ensure the implementation of the present article. To this end, and having regard to the relevant provisions of other international instruments, States Parties shall in particular: (a) Provide for a minimum age or minimum ages for admission to employment;

(b) Provide for appropriate regulation of the hours and conditions of employment;

(c) Provide for appropriate penalties or other sanctions to ensure the effective enforcement of the present article.

Article 33

States Parties shall take all appropriate measures, including legislative, administrative, social and educational measures, to protect children from the illicit use of narcotic drugs and psychotropic substances as defined in the relevant international treaties, and to prevent the use of children in the illicit production and trafficking of such substances.

Article 34

States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse. For these purposes, States Parties shall in particular take all appropriate national, bilateral and multilateral measures to prevent:

- (a) The inducement or coercion of a child to engage in any unlawful sexual activity;
- (b) The exploitative use of children in prostitution or other unlawful sexual practices;
- (c) The exploitative use of children in pornographic performances and materials.

Article 35

States Parties shall take all appropriate national, bilateral and multilateral measures to prevent the abduction of, the sale of or traffic in children for any purpose or in any form.

Article 36

States Parties shall protect the child against all other forms of exploitation prejudicial to any aspects of the child's welfare.

Article 37

States Parties shall ensure that:

- (a) No child shall be subjected to torture or other cruel, inhuman or degrading treatment or punishment. Neither capital punishment nor life imprisonment without possibility of release shall be imposed for offences committed by persons below eighteen years of age;
- (b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;
- (c) Every child deprived of liberty shall be treated with humanity and respect for the inherent dignity of the human person, and in a manner which takes into account the needs of persons of his or her age. In particular, every child deprived of liberty shall be separated from adults unless it is considered in the child's best interest not to do so and shall have the right to maintain contact with his or her family through correspondence and visits, save in exceptional circumstances;
- (d) Every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance, as well as the right to challenge the legality of the deprivation of his or her

liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.

Article 38

1. States Parties undertake to respect and to ensure respect for rules of international humanitarian law applicable to them in armed conflicts which are relevant to the child.

2. States Parties shall take all feasible measures to ensure that persons who have not attained the age of fifteen years do not take a direct part in hostilities.

3. States Parties shall refrain from recruiting any person who has not attained the age of fifteen years into their armed forces. In recruiting among those persons who have attained the age of fifteen years but who have not attained the age of eighteen years, States Parties shall endeavour to give priority to those who are oldest.

4. In accordance with their obligations under international humanitarian law to protect the civilian population in armed conflicts, States Parties shall take all feasible measures to ensure protection and care of children who are affected by an armed conflict.

Article 39

States Parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse; torture or any other form of cruel, inhuman or degrading treatment or punishment; or armed conflicts. Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child.

Article 40

1. States Parties recognize the right of every child alleged as, accused of, or recognized as having infringed the penal law to be treated in a manner consistent with the promotion of the child's sense of dignity and worth, which reinforces the child's respect for the human rights and fundamental freedoms of others and which takes into account the child's age and the desirability of promoting the child's reintegration and the child's assuming a constructive role in society.

2. To this end, and having regard to the relevant provisions of international instruments, States Parties shall, in particular, ensure that:

(a) No child shall be alleged as, be accused of, or recognized as having infringed the penal law by reason of acts or omissions that were not prohibited by national or international law at the time they were committed;

(b) Every child alleged as or accused of having infringed the penal law has at least the following guarantees:

(i) To be presumed innocent until proven guilty according to law;

(ii) To be informed promptly and directly of the charges against him or her, and, if appropriate, through his or her parents or legal guardians, and to have legal or other appropriate assistance in the preparation and presentation of his or her defence;

(iii) To have the matter determined without delay by a competent, independent and impartial authority or judicial body in a fair hearing according to law, in the presence of legal or other appropriate assistance and, unless it is considered not to be in the best interest of the child, in particular, taking into account his or her age or situation, his or her parents or legal guardians;

(iv) Not to be compelled to give testimony or to confess guilt; to examine or have examined adverse witnesses and to obtain the participation and examination of witnesses on his or her behalf under conditions of equality;

(v) If considered to have infringed the penal law, to have this decision and any measures imposed in consequence thereof reviewed by a higher competent, independent and impartial authority or judicial body according to law;

(vi) To have the free assistance of an interpreter if the child cannot understand or speak the language used;

(vii) To have his or her privacy fully respected at all stages of the proceedings. 3. States Parties shall seek to promote the establishment of laws, procedures, authorities and institutions specifically applicable to children alleged as, accused of, or recognized as having infringed the penal law, and, in particular:

(a) The establishment of a minimum age below which children shall be presumed not to have the capacity to infringe the penal law;

(b) Whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully respected.

4. A variety of dispositions, such as care, guidance and supervision orders; counselling; probation; foster care; education and vocational training programmes and other alternatives to institutional care shall be available to ensure that children are dealt with in a manner appropriate to their well-being and proportionate both to their circumstances and the offence.

Article 41

Nothing in the present Convention shall affect any provisions which are more conducive to the realization of the rights of the child and which may be contained in:

(a) The law of a State party; or

(b) International law in force for that State.

PART II

Article 42

States Parties undertake to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike.

Article 43

1. For the purpose of examining the progress made by States Parties in achieving the realization of the obligations undertaken in the present Convention, there shall be established a Committee on the Rights of the Child, which shall carry out the functions hereinafter provided.
2. The Committee shall consist of ten experts of high moral standing and recognized competence in the field covered by this Convention. The members of the Committee shall be elected by States Parties from among their nationals and shall serve in their personal capacity, consideration being given to equitable geographical distribution, as well as to the principal legal systems. (amendment)
3. The members of the Committee shall be elected by secret ballot from a list of persons nominated by States Parties. Each State Party may nominate one person from among its own nationals.
4. The initial election to the Committee shall be held no later than six months after the date of the entry into force of the present Convention and thereafter every second year. At least four months before the date of each election, the Secretary-General of the United Nations shall address a letter to States Parties inviting them to submit their nominations within two months. The Secretary-General shall subsequently prepare a list in alphabetical order of all persons thus nominated, indicating States Parties which have nominated them, and shall submit it to the States Parties to the present Convention.
5. The elections shall be held at meetings of States Parties convened by the Secretary-General at United Nations Headquarters. At those meetings, for which two thirds of States Parties shall constitute a quorum, the persons elected to the Committee shall be those who obtain the largest number of votes and an absolute majority of the votes of the representatives of States Parties present and voting.
6. The members of the Committee shall be elected for a term of four years. They shall be eligible for re-election if renominated. The term of five of the members elected at the first election shall expire at the end of two years; immediately after the first election, the names of these five members shall be chosen by lot by the Chairman of the meeting.
7. If a member of the Committee dies or resigns or declares that for any other cause he or she can no longer perform the duties of the Committee, the State Party which nominated the member shall appoint another expert from among its nationals to serve for the remainder of the term, subject to the approval of the Committee.
8. The Committee shall establish its own rules of procedure.
9. The Committee shall elect its officers for a period of two years.

10. The meetings of the Committee shall normally be held at United Nations Headquarters or at any other convenient place as determined by the Committee. The Committee shall normally meet annually. The duration of the meetings of the Committee shall be determined, and reviewed, if necessary, by a meeting of the States Parties to the present Convention, subject to the approval of the General Assembly.

11. The Secretary-General of the United Nations shall provide the necessary staff and facilities for the effective performance of the functions of the Committee under the present Convention.

12. With the approval of the General Assembly, the members of the Committee established under the present Convention shall receive emoluments from United Nations resources on such terms and conditions as the Assembly may decide.

Article 44

1. States Parties undertake to submit to the Committee, through the Secretary-General of the United Nations, reports on the measures they have adopted which give effect to the rights recognized herein and on the progress made on the enjoyment of those rights:

(a) Within two years of the entry into force of the Convention for the State Party concerned;

(b) Thereafter every five years.

2. Reports made under the present article shall indicate factors and difficulties, if any, affecting the degree of fulfilment of the obligations under the present Convention. Reports shall also contain sufficient information to provide the Committee with a comprehensive understanding of the implementation of the Convention in the country concerned.

3. A State Party which has submitted a comprehensive initial report to the Committee need not, in its subsequent reports submitted in accordance with paragraph 1 (b) of the present article, repeat basic information previously provided.

4. The Committee may request from States Parties further information relevant to the implementation of the Convention.

5. The Committee shall submit to the General Assembly, through the Economic and Social Council, every two years, reports on its activities.

6. States Parties shall make their reports widely available to the public in their own countries.

Article 45

In order to foster the effective implementation of the Convention and to encourage international co-operation in the field covered by the Convention:

(a) The specialized agencies, the United Nations Children's Fund, and other United Nations organs shall be entitled to be represented at the consideration of the implementation of such provisions of the present Convention as fall within the scope of their mandate. The Committee may invite the specialized agencies, the United Nations Children's Fund and other competent bodies as it may consider appropriate to provide expert advice on the implementation of the Convention in areas

falling within the scope of their respective mandates. The Committee may invite the specialized agencies, the United Nations Children's Fund, and other United Nations organs to submit reports on the implementation of the Convention in areas falling within the scope of their activities;

(b) The Committee shall transmit, as it may consider appropriate, to the specialized agencies, the United Nations Children's Fund and other competent bodies, any reports from States Parties that contain a request, or indicate a need, for technical advice or assistance, along with the Committee's observations and suggestions, if any, on these requests or indications;

(c) The Committee may recommend to the General Assembly to request the Secretary-General to undertake on its behalf studies on specific issues relating to the rights of the child;

(d) The Committee may make suggestions and general recommendations based on information received pursuant to articles 44 and 45 of the present Convention. Such suggestions and general recommendations shall be transmitted to any State Party concerned and reported to the General Assembly, together with comments, if any, from States Parties.

PART III

Article 46

The present Convention shall be open for signature by all States.

Article 47

The present Convention is subject to ratification. Instruments of ratification shall be deposited with the Secretary-General of the United Nations.

Article 48

The present Convention shall remain open for accession by any State. The instruments of accession shall be deposited with the Secretary-General of the United Nations.

Article 49

1. The present Convention shall enter into force on the thirtieth day following the date of deposit with the Secretary-General of the United Nations of the twentieth instrument of ratification or accession.

2. For each State ratifying or acceding to the Convention after the deposit of the twentieth instrument of ratification or accession, the Convention shall enter into force on the thirtieth day after the deposit by such State of its instrument of ratification or accession.

Article 50

1. Any State Party may propose an amendment and file it with the Secretary-General of the United Nations. The Secretary-General shall thereupon communicate the proposed amendment to States Parties, with a request that they indicate whether they favour a conference of States Parties for the purpose of considering and voting upon the proposals. In the event that, within four months from the date of such communication, at least one third of the States Parties favour such a conference,

the Secretary-General shall convene the conference under the auspices of the United Nations. Any amendment adopted by a majority of States Parties present and voting at the conference shall be submitted to the General Assembly for approval.

2. An amendment adopted in accordance with paragraph 1 of the present article shall enter into force when it has been approved by the General Assembly of the United Nations and accepted by a two-thirds majority of States Parties.

3. When an amendment enters into force, it shall be binding on those States Parties which have accepted it, other States Parties still being bound by the provisions of the present Convention and any earlier amendments which they have accepted.

Article 51

1. The Secretary-General of the United Nations shall receive and circulate to all States the text of reservations made by States at the time of ratification or accession.

2. A reservation incompatible with the object and purpose of the present Convention shall not be permitted.

3. Reservations may be withdrawn at any time by notification to that effect addressed to the Secretary-General of the United Nations, who shall then inform all States. Such notification shall take effect on the date on which it is received by the Secretary-General

Article 52

A State Party may denounce the present Convention by written notification to the Secretary-General of the United Nations. Denunciation becomes effective one year after the date of receipt of the notification by the Secretary-General.

Article 53

The Secretary-General of the United Nations is designated as the depositary of the present Convention.

Article 54

The original of the present Convention, of which the Arabic, Chinese, English, French, Russian and Spanish texts are equally authentic, shall be deposited with the Secretary-General of the United Nations.

IN WITNESS THEREOF the undersigned plenipotentiaries, being duly authorized thereto by their respective governments, have signed the present Convention.

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| Human Rights Watch: | www.hrw.org |

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Government of Mexico:	www.gob.mx
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