A Discussion of the Application of the Convention on the Rights of the Child to Policies toward Children and Youth on the Streets:

A Case Study of a Municipal Program in Buenos Aires, Argentina

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ABSTRACT:

The thesis analyzes street children’s rights, as articulated by the Convention on the Rights of the Child, and as applied in Buenos Aires, Argentina through a municipal program for street children, the Centro de Atención Integral de la Niñez y Adolescencia (CAINA). The thesis explores the evolution of the various attitudes and paradigms toward street children leading to the Convention on the Rights of the Child, and identifies the residual presence of those earlier paradigms among the practices of actors and institutions affecting street children’s ability to exercise their rights. The thesis explores the participatory rights guaranteed by the Convention on the Rights of the Child and suggests means to implement those rights through a theoretical analysis of citizenship and democratic participation.

The thesis recognizes CAINA has ameliorated many of the harsh conditions in which street children live; however, it has not successfully enabled children to leave the streets. Moreover, street children’s participation in CAINA often fails to promote their common interests, because participation by street children at CAINA is focused on independent, individual expression, rather than on dialogue among street children.
Nonetheless, street children’s participation at CAINA has positively affected their self-esteem and has provided important information about the children’s lives.

The thesis investigation notes violation of street children’s rights largely is a result of structural poverty in children’s neighborhoods of origin, and recommends public and private organizations should consolidate and coordinate their efforts to promote street children’s rights. Among the findings in the thesis is the recognition street children’s attendance at the municipal program is erratic; indeed, street children attend multiple assistance programs throughout the city. Moreover, public and private assistance programs for street children generally fail to communicate; hence, public institutions dedicated to street children often are fragmented or overlap. In short, coordination and cooperation among programs addressed to street children should improve their effectiveness substantially.

The thesis also recommends children should be encouraged to participate in establishing CAINA’s goals, in evaluating the program and in promoting their interests so their attendance may become more consistent and so they will feel a sense of ownership in the institution. The investigation concludes CAINA should enable children to dialogue with each other and with the public to identify and communicate their interests. In that regard, CAINA should link children with organizations that promote their social inclusion. Through dialogue and participation, CAINA can empower street children to begin to determine the direction of their own lives rather than have it dictated by the multitude of hostile influences they frequently confront.
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Table of Contents

Chapter 1     Introduction........................................................................................1
              Methodology............................................................................................4
Chapter 2     The Evolution of Perspectives and Policy toward Street Children....6
              The Entrance of the Convention..............................................................13
Chapter 3     Children’s Participation: A discussion of Children’s Rights and Democratic
              Theory........................................................................................................33
Chapter 4     Analysis of CAINA............................................................................52
              Summary........................................................................................................75
Chapter 5     Recommendations...............................................................................78
              Recommendation 1....................................................................................78
              Recommendation 2..................................................................................81
              Recommendation 3..................................................................................83
              Recommendation 4..................................................................................84
              Recommendation 5..................................................................................85
              Recommendation 6..................................................................................87
              Recommendation 7..................................................................................88
              Recommendation 8..................................................................................91
Index..........................................................................................................................94
Bibliography..............................................................................................................97
Chapter 1: Introduction

When asked how she would describe the Center for Integral Attention to Children and Adolescents (Centro de Atención Integral a la Niñez y Adolescencia – CAINA) to a street child visiting for the first time, a CAINA worker responded:

“It is a space where you can come one day and find protection, trust; where you can come to play; where you can participate in workshops of your choice; where there are people you can talk to; it is a space for coexistence with a pleasant atmosphere; but more than anything it is a place where you can come and return to your childhood.”\(^1\)

Street children are a common sight in the city of Buenos Aires. They work in the subways and on trains coming and going from the province; they enter restaurants selling trinkets and juggle in the streets. CAINA, a municipal day center for children in the streets of Buenos Aires, opens its doors to children during the mornings and afternoons, providing food, a shower, and clean clothes (in exchange for children’s dirty clothes). In exchange, CAINA requires children to stay and participate in artistic workshops, where CAINA teaches them to articulate themselves via multiple forms of expression.

CAINA’s principle objective is “that the maximum number of children and adolescents that work, live or frequent the streets of the city of Buenos Aires find an institutional space and integral attention, in which they can elaborate individual strategies

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\(^1\) This is a translation of the following: “Es un espacio donde bajar un día y donde ahí encontrar contención, confianza, donde puedes venir a jugar donde puedes venir a hacer talleres que te gustan, donde hay gente con quien charlar, un espacio de convivencia con un clima que es lindo. Sobre todo, un espacio en donde se puede jugar y volver a ser niño.”
that contribute to their gradual separation from the streets.”

While CAINA would like children to leave the streets, both their participation in CAINA and their leaving the streets is voluntary. Among CAINA’s secondary goals, CAINA aims “to promote autonomous subjects through the understanding of their rights, keeping gender in consideration.” This goal shows the influence of the Convention on the Rights of the Child (CRC or the Convention) on CAINA.

When the government inaugurated CAINA, in 1992, it specified CAINA should follow and implement the Convention on the Rights of the Child. However, national and local legislation and policy planning to implement the Convention did not emerge for another few years. Federal legislation just recently, in 2005, changed to reflect the Convention; until then, the CRC co-existed with earlier contradictory legislation. Because CAINA has traversed the fourteen years of the CRC’s implementation (in the Federal Capital and in Argentina), it is a good reflection of how effectively the implementation guarantees street children’s rights.

This thesis will explore how the arrival of the Convention on the Rights of the Child has changed policies and institutions affecting street children, and will discuss the evolution of perspectives and policies toward street children in order to identify the residual presence of earlier paradigms and practices. As Valeria Llobet says, although the rhetoric and policies may change, many times the institutions charged with carrying out those policies will retain earlier practices and perspectives. For street children, the

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2 This is a translation of the following: “que el mayor número de niños / as y adolescentes que trabajan, viven o deambulan en las calles de la Ciudad de Buenos Aires, encuentren un espacio institucional de permanencia y atención integral a partir del cual puedan ir elaborando estrategias singulares que contribuyan a su alejamiento paulatino de la calle.” http://www.chicosdelacalle.org/textos/proy2004.doc

3 This is a translation of the following phrase taken from CAINA’s webpage: “Promover sujetos autónomos a través del conocimiento y ejercicio de sus derechos ciudadanos, considerando la perspectiva de género.” http://www.chicosdelacalle.org/textos/proy2004.doc
presence of earlier paradigms is frightening, because these paradigms have been used to justify repressive treatment of them.

The fifteen-year delay to implement legislation to overthrow the law 10.903 (also known as the Patronato), which was passed in 1919 and gave judges arbitrary discretion over children considered to be in material or moral danger (this includes street children), means there is likely a residual presence of earlier paradigms toward street children. The earlier legislation gave judges the right to institutionalize children whose parents could not provide for them. The Convention on the Rights of the Child, on the other hand, declares the state is responsible for ensuring families can care for their children; the State cannot simply institutionalize a poor child in the streets because he is poor.

The thesis will analyze the ideas put forth by the Convention on the Rights of the Child. It will describe the dialogue around children’s rights between liberationists (who wish to give children the same rights as adults) and protectionists (who believe only adults can defend a child’s best interests) and how the Convention assumes a middle ground in this dialogue by granting children the right to provision, protection, and participation. Because children’s right to participation expands children’s rights to a new realm, this thesis will specifically analyze what children’s participation means, engaging advocates of children’s participation and democratic theorists.

This thesis adopts the middle ground (between liberationists and protectionists) taken by most advocates of children’s participation. It asserts children do not have the same capacities as adults and thus should not have the same responsibility as adults; rather they should be offered special protections. However, the thesis emphasizes understanding children and youth’s perspectives is integral to grasping how to best serve
their needs and interests. Children’s participation in dialogues and decisions can protect children by informing society about their needs and interests. This paper will apply the Convention on the Rights of the Child, in particular children’s right to participate, in its analysis of CAINA, seeking to identify how to improve the satisfaction of street children’s rights in Buenos Aires, Argentina.

**Methodology**

I chose to analyze CAINA because it provides an opportunity to explore how recent paradigm shifts from repressive and protective approaches to rights-based approaches affect street children. CAINA’s objective to promote autonomous subjects and its expressive workshops are two aspects of the paradigm shift to rights-based and participatory approaches to children’s policy. With fourteen years of experience, CAINA can reveal how implementation of the universal axioms expressed by the CRC has interacted with endogenous circumstances in Buenos Aires, Argentina.

The central research question is how effectively does CAINA fulfill street children’s rights, defined by the Convention on the Rights of the Child, and how can it better promote street children’s rights? The more specific questions are as follows:

How do public institutions and policy in Buenos Aires and Argentina affect CAINA’s implementation of the CRC?

How does the form of children's participation in CAINA (private/ public, individual/ group) affect the fulfillment of their rights and interests?

How does CAINA promote children’s separation from the streets?
A literature review will include a discussion of children's rights, with a special look at children’s right to participate and its implications on citizenship and democratic theory. The thesis will survey literature in connection with the evolution of policies and paradigms regarding street children and will employ this analysis to identify the persistence of old paradigms and approaches towards street children.

The fieldwork for this paper was accomplished through guided interviews with CAINA workers, and governmental workers who interact with the program. The interviewees will remain anonymous for their protection. The analysis also includes a review of samples of children's artistic work at CAINA, such as the children's radio program, newsletters with children’s artwork, stories and comments, and the annual exhibition of street children's works.

The thesis uses process tracing to analyze how children’s participation affects their relationship with society, their families, and their ability to attain their interests. Process tracing will also be employed to examine how CAINA’s methodology affects the completion of street children’s rights. This thesis believes children’s presence on the streets of Buenos Aires, Argentina is, in large part, a result of their families’ and neighborhoods’ impoverished conditions; consequently, the thesis will analyze how CAINA and the municipal government respond to this in their attention to street children. This paper intends to contribute to literature concerning children's rights programming and programming for street children by sharing the experience of one program in Buenos Aires, Argentina.

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Chapter 2: The Evolution of Perspectives and Policy toward Street Children

This chapter describes the history of policies and perceptions towards street children and the emergence of the Convention on the Rights of the Child (CRC), with a special look at how the Convention has manifested in Argentina. The chapter explores how conditions in Argentina have affected the CRC’s implementation, particularly in regards to street children’s rights, and recommends that policy planning for street children incorporate their active participation and respond to the roots of their presence on the street.\(^5\)

It is worth surveying the evolution of policies and perceptions of street children, because many of the original paradigms about street children continue to affect current perceptions, policies and practices towards them. We arrived at the term street child through an evolution of epithets, each of which reflects a changing understanding of children and adolescents working and/or living on the streets. Carlos Eroles outlines four major paradigms for understanding the street child: the child in material or moral danger, the child in irregular circumstances, the child in precarious circumstances (or in the situation of risk), and the child as a subject of rights.\(^6\) The first paradigm (the child in moral or material danger) says children on the streets are both in danger and a danger to society, because the streets put them in contact with delinquents, who will either victimize them or lead them to delinquency. The paradigm considers young children on the streets in danger and older children a danger. This paradigm justifies repressive

\(^{5}\) Although I recognize the term street child carries with it negative connotations, I will use the term because it is the most widely used term to refer to children and adolescents on the streets.

\(^{6}\) This is my translation of the quotation, "el menor en peligro material o moral, el menor en situación irregular, el menor en situación de riesgo, el menor como sujeto de derechos." Eroles, Carlos. 2002. "Paradigmas, actores sociales y políticas públicas". In Políticas Públicas de Infancia: Una Mirada desde los Derechos. Buenos Aires, Argentina: Espacio Editorial. p. 55
policies to remove the child from the streets in order to protect the child and prevent him/her from becoming a delinquent. The paradigm blames families for their child's presence on the streets, which in turn justifies separating the child from his/her family. Eroles says this ideology risks criminalizing poverty because it equates children working in the streets with delinquents.

Eroles found little change from the first paradigm to the second (the child in irregular circumstances), other than a mollification of terminology. Eroles says the paradigm still sees the child on a path toward delinquency and continues to address the street child as an object of tutelary actions rather than as a person with rights and thoughts. Rather than framing the street child in terms of social and personal danger, this framework situates the street child as a deviation from the norm. Intervention, thus, means bringing the child back into normalcy and will differ according to how policies define the normal child.

The third paradigm, the child in social risk, describes the child in terms of the context in which he or she is living. It emphasizes the need to understand all the factors affecting the child (even the fear of being "suspected" and "repressed" by authorities).7 This paradigm no longer considers the child in terms of fault or wrongdoing, but rather in terms of the myriad of factors affecting the child. Rather than arresting or institutionalizing children, this paradigm promotes addressing the child's problems and needs. Some of the terms that fall under this paradigm are, 'minors in especially difficult circumstances' (UNICEF), "minors in survival strategies" (UNICEF),

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"adolescents in conflict with the law", "mothers in conflict", "children in situation of the street"… \(^8\)

According to Eroles, the fourth paradigm, "the child as a subject of rights", marks a decided change from the earlier paradigms. The state no longer looks at the child in terms of his/ her needs, but rather in terms of his/ her rights.\(^9\) The family shares responsibility for the child's wellbeing with the state, which means the state cannot penalize the family for being unable to meet the child's needs.

The aforementioned paradigms concerning street children affect the way the Latin American welfare system conceived of and treated this population. The welfare system in Latin America emerged in the 1930's and was fully consolidated by the seventies.\(^10\) The system emerged as result of the increased visibility of poverty due to urbanization and widespread hunger.\(^11\) The childcare system, which was essentially for poor children, functioned primarily through the legal system under the guidelines of children's codes. The children's codes began in Brazil in 1927 and eventually spread throughout Latin America. These codes intended to give children specialized treatment in legal proceedings in order to protect them from the harshness of the adult system, but the system never functioned properly because there were not enough qualified judges or specialized institutions.\(^12\) The codes saw poor children in one of two ways: they were either children in danger or children who were a danger to society.\(^13\) "Children in

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\(^8\) This is a translation of the following: "menores en circunstancias especialmente difíciles (UNICEF), menores en estrategias de supervivencia" (UNICEF), "Adolescentes en conflicto con la ley", "madres en conflicto", "chicos en situación de la calle"…' Eroles, Carlos. 2002. "Paradigmas," op.cit. p. 64
\(^12\) Pilotti, Francisco J. 1999. "The Historical Development" op. cit.
danger" were children brought before courts due to parental negligence or abuse. These children were sent to group homes, orphanages, etc. Pilotti notes, this practice penalizes the child for his/her parents' failings, "which, in turn, are probably caused by society's structural constraints (poverty)." The children considered "a danger to society" were usually guilty of very minor offenses, but despite the codes' emphasis on rehabilitation, the courts generally handed out harsh punishments. Since the children's codes separated the juvenile justice system from the adult system, children did not have the right to due process or other such protections. This gave the judge arbitrary authority over the child's future. Pilotti found the children's codes to respond "symptomatically" to poor children and their families' problems, rather than combating the underlying causes these problems.

During the seventies and eighties, many social services were dismantled or neglected by the military authoritarian regimes prevalent in Latin America. International aid began to re-channel from the illegitimate military regimes to non-governmental organizations. The size and institutional structure of these organizations inclined them towards grass roots strategies and preventative measures, in which the NGO's co-opted local communities. Their work with communities and families led them to reject the practice of separating children from their families and emphasize working with families and communities to solve youth problems. NGO's played an important role in the writing and diffusion of the Convention on the Rights of the Child, and were

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15 Pilotti, Francisco J. 1999. "The Historical Development" op.cit
16 In Argentina, despite the ratification of the Convention on the Rights of the Child in the nineties, the existence of the Patronato, which gave judges arbitrary power over the trajectory of juveniles in the court system, meant that these practices persisted. It was not until September of 2005 that the national legislature ratified a law to overthrow the Patronato.
indispensable in promoting its eventual ratification and incorporation into national legislation throughout Latin America.

Currently, progressive, rights-based approaches coexist with approaches based on earlier ideas and practices towards street children. Sarah Thomas de Benitez systematizes the current policies toward street children into three approaches: the reactive approach, the protective approach and the rights-based approach.\(^{18}\) The reactive approach is highly reminiscent of Eroles' paradigm of the child in material or moral danger.\(^{19}\) The reactive approach sees and treats street children as criminals. It considers them individual phenomena and regards them in terms of their affect on public order.\(^{20}\) Since their presence on the streets is considered vagrancy, they are generally processed through the judicial system, where street children's lack of family (or other adult) support renders them vulnerable to rights violations.\(^{21}\)

The protective approach regards street children as individuals in need of focalized attention.\(^{22}\) This approach is similar to the paradigm of the child in social risk because it concentrates on the child's needs. This approach focuses on children's reinsertion into institutions, such as the educational and legal system.\(^{23}\) Rather than promoting street children's participation and empowerment, the approach treats street children according to previously identified needs.\(^{24}\) The emphasis is on "outcomes rather than process and on immediate causes of problems rather than their structural causes."\(^{25}\) The protective


\(^{19}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit.


\(^{21}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit.

\(^{22}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit.

\(^{23}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit.

\(^{24}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit.

\(^{25}\) Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches" op.cit. p. 8
approach intends to change the child so he/she can enter society rather than changing society so it can accommodate the child (and his/her family).

The rights-based approach sees street children as human beings whose rights have been violated.\textsuperscript{26} Policies seek to empower street children to take control of their own lives. They work to change systems and prejudices against street children and to teach street children how to use their rights.\textsuperscript{27} This approach deals with structural as well as immediate problems and enables children to participate in the creation, piloting, implementation and evaluation of programs.\textsuperscript{28} Instead of teaching children how to be part of society, rights-based programs attempt to change society to include children.\textsuperscript{29}

Common definitions and interpretations of the term street child also reflect prior practices and conceptualizations of these children. Most definitions of the term street child include two main elements: the child being "out of place" and lacking strong connections to adults, family and society.\textsuperscript{30} Francisco J. Pilotti likens the idea of children being “out of place” to an "ideological apartheid" because it implies the "proper place" for poor children, is out of sight of the wealthy members of society.\textsuperscript{31} When poor children are confined to their slums, they are considered harmless, but once they dare to enter the city they become "potentially dangerous".\textsuperscript{32} The term, street child, itself implies there is something wrong or awry with the child's presence on the street.\textsuperscript{33} According to

\begin{itemize}
  \item Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches” op.cit.
  \item Thomas de Benitez, Sarah. 2003. “Reactive, Protective and Rights-Based Approaches” op.cit.
  \item Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches” op.cit.
  \item Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches” op.cit.
  \item Thomas de Benitez, Sarah. 2003. "Reactive, Protective and Rights-Based Approaches” op.cit.
  \item Pilotti, Francisco J. 1999. "The Historical Development" op.cit. p. 420
\end{itemize}
Nancy Scheper-Hughes and Daniel Hoffman, street children are just "poor children in the wrong place." Their presence on the streets is problematic to the dominant classes because they cannot ignore poor children in the city like they can those segregated to the slums.

Judith Ennew and Jill Swart-Kruger discuss how the public nature of street children subjects them to what Foucault calls "the gaze", or the panopticon of public control. Street children are considered "out of place" and deviant from normal children. Adults protect the normal child in the private, incubated sphere of the home and family. Street children defy social norms by leaving this space. The idea that street children defy social norms is reminiscent of Eroles' paradigm of the child in irregular circumstances. Ennew and Swart-Kruger claim society should listen and understand children's constructions of their places and themselves. They say the external "gaze" controls how street children perceive themselves; it destroys their self-confidence and self-worth. Ennew and Swart-Kruger claim this objectivization of street children deprives them of power or agency because it silences them.

Catherine Panter-Brick says categorizing all children on the streets as street children does not show how children with similar street lifestyles may define themselves differently. For example, Tobias Hecht found that children living on the streets of Brazil understood the term street child as a reflection of their relationships with their mothers. Consequently, two children could spend the same time on the street doing similar

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34 Hoffman, Daniel and Scheper-Hughes, Nancy. 1998 "Brazilian Apartheid". op.cit. p. 358
activities, but could define themselves very differently. Nancy Scheper-Hughes and Daniel Hoffman found that poor children consider home an emotional realm rather than a physical place of sustenance and shelter, and will often define their relationship to the home in emotional terms.\textsuperscript{39} Thus, they will not stop pertaining to the home although they spend a great deal of time and perhaps even satisfy their material needs on the streets.

Tobias Hecht found street children in Brazil often understood their relationships to assistance programs as one in which they received goods and services for their attendance. The children saw the programs as their clients rather than as persons trying to help them. Consequently, while assistance programs intended to help children leave the streets, the children saw their relationship to assistance programs as another aspect of their life on the streets, which helped them fulfill their basic needs. Hecht's research supports the belief that it is necessary to give children a voice to understand how public policies and assistance programs affect them. Unlike the protective approach, the rights-based approach gives children a voice in planning and evaluating programs, which helps social workers and policy makers understand how children view their relationship to those policies and programs.

\textbf{The entrance of the Convention:}

The Convention on the Rights of the Child gives:" 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

\textsuperscript{38} Hecht, Tobias. 1998. \textit{At Home in the Street: Street Children of Northeast Brazil}. Cambridge, UK: Cambridge University Press.

\textsuperscript{39} Scheper-Hughes, Nancy and Hoffman, Daniel. 1998. "Brazilian Apartheid"
The Convention on the Rights of the Child was preceded by a number of international declarations about children's rights. In the 1920's in Geneva under the League of Nations, the organization, Save the Children, sparked the impetus for the first International declaration of children's rights. A few decades later, after World War II and after it transferred its work from rehabilitation in Europe, UNICEF began to promote international children's rights. In 1959, the United Nations passed the Declaration of Children's rights, emphasizing the importance of adult protection of children. Because it was a declaration, rather than a convention, the treaty did not express any commitment by the international community to implement these ideals; rather, it expressed recognition of their universal importance. In the latter half of the seventies, the International Catholic Office for Childhood proposed the declaration of the year of the child to mark the twentieth anniversary of the United Nations Declaration of Children's Rights. The International Year of the Child was celebrated with various conferences and activities for participating members. In the context of these activities, the Polish government suggested the creation of a convention for children's rights, which would raise the commitment of participating states to ensuring the completion of children's rights. A convention would not allow states simply to recognize universal principals, but would require actions toward guaranteeing their fulfillment.

The Polish government's proposal for the convention would have used the content of the Declaration of Children's Rights and simply raised the ideals to convention status. Other governments and participating non-governmental organizations, however, insisted on updating the principles in the Declaration. The creation of an enhanced set of principles was assigned to a committee under the Commission on Human Rights, which

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40 The Convention on the Rights of the Child, article twelve
met annually. The first round of debates lasted from 1979 until March of 1988, during which time state governments and non-governmental organizations debated the content of the convention. From November until December of 1988 the second round finalized what would be the final draft of the Convention. It was approved in November of 1989 by the United Nations General Assembly and became effective September 2, 1990.

Valeria Llobet blames the Cold War for the ten-year delay in the realization of the Convention. While the Soviet Union wanted to highlight social and economic rights, Western countries preferred to underline civil and political rights. The committee overcame this impasse by changing nomenclature to appease both groups. Instead of calling these rights civil, political and social, they denominated them rights to participation, provision and protection. Llobet notes the United States was responsible for the incorporation of such civil rights as freedom of expression, freedom of religion, thought and conscious, freedom of association and the right to privacy. Freedom of opinion was added by the United States, Canada, Australia and Denmark.

The Convention is a synthesis of ideas from the children's rights movement, which has included a wide range of groups from protectionists to liberationists. During the Industrial Revolution, children’s rights advocates in the United States promoted the separation of the child from adult realms, such as the labor market, the justice system, and public spaces. They promoted mandatory schooling to prevent children from working, and they established the juvenile justice and other such systems. These advocates, who assert(ed) children are incapable of protecting themselves, and consequently, need special protection by adults, have come to be known as protectionists. Joseph Hawes and Francisco Pilotti, note the separation of children from the adult justice
system has excluded children from such rights as due process, the right to a speedy trial and the right to know the charges held against them. Complaints about the juvenile justice system’s failure to combat recidivism and the school system's failure to educate children, led to a questioning of the status quo.\textsuperscript{41} In the 1960's and 70's, the civil and women's rights movements concentrated on all human rights resulting in some activists questioning the adult-child distinction. These activists, known as child liberationists, suggested the distinction between adults and children oppresses rather than protects. The "liberationists", such as Richard Farson and John Holt, argue children should have the same rights as adults. Richard Farson proposed in his book \textit{Birthrights} that children are oppressed in American society because they are excluded from participating in that society and are discriminated against by institutions. According to Farson, the civil rights movement shed light on oppressive social practices and revealed the oppressive relationship society has to its children. Farson claims the system keeps children out of sight and silent by prodigiously planning their time. To combat this oppression, Farson advocates giving children the same rights as adults, because he believes this will allow children to liberate themselves.

Howard Cohen believes the child is the best representative of his/ her own interests, because adults always will have a conflict of interest with the child they represent.\textsuperscript{42} Cohen uses liberal democratic theory to refute adult representation of children. He says if notions of modern liberal democracy declare no one can know the individual's interest better than him/ herself, how can an adult understand a child's interest better than a child? Cohen says even young children, who are not capable of

understanding the important issues and circumstances surrounding decisions, can make decisions if they are afforded an adult to inform them of the context and to explain to them the consequences of all decisions. John Holt, another of the bastions of the liberationist movement, agrees children should receive the same rights as adults and specifies eleven rights to be protected for children:

“1. The right to equal treatment at the hands of the law -- i.e., the right in any situation, to be treated no worse than an adult would be.
2. The right to vote, and take full part in political affairs.
3. The right to be legally responsible for one's life and acts.
4. The right to work, for money
5. The right to privacy.
6. The right to financial independence and responsibility -- i.e., the right to own, buy, and sell property, to borrow money, establish credit, sign contracts, etc.
7. The right to direct and manage one's own education.
8. The right to travel, to live away from home, to choose or make one's own home.
9. The right to receive from the state whatever minimum income it may guarantee to adult citizens.
10. The right to make and enter into, on a basis of mutual consent, quasi-familial relationships outside one's immediate family -- i.e., the right to seek and choose guardians other than one's own parents and to be legally dependent on them.
11. The right to do, in general, what any adult may legally do.”

Child protectionists agree with liberationists that children should have rights to guarantee their welfare, but disagree over amount of autonomy and independence children should have.\(^{44}\) Protectionists believe children do not have the capacity to exercise the rights to protect themselves. Protectionists disagree with liberationists about adults' role in child advocacy.\(^{45}\) While Farson believes adults will need to play a role in children's advocacy, he believes this role will evanesce as children become full citizens.\(^{46}\) Protectionists, on the other hand, say adults need to play an ongoing role in insuring children's welfare.\(^{47}\)

Currently, most children's rights advocates fall somewhere between liberationists and protectionists. Jeremy Roche says the children's rights issue should not be an either/or decision between liberationist ideology or protectionist ideology, but society can promote systems to protect and ensure children's welfare, while at the same time allowing them to participate in public decisions and voice their interests. Roche does not argue that children should be considered equal to adults. But he sees children as members of society with invested interests. Roche acknowledges giving children citizenship will be distinctive to including any other groups in society, because of the diversity within the category child. Adolescents and toddlers have very different capabilities.\(^{48}\) Youths are more capable of representing their interests than children. Roche acknowledges the representation of a child's interests will be an issue when deciding about children's participation in society and avers, "The very young child will perhaps only acquire an

effective voice through being represented normally by his parents." Roche says the most important thing when discussing children's participation in society is that we begin to re-think adult-child relationships and give children a voice in the public arena. Society needs to stop treating children as a population to be thought about and for and needs to start including them in the conversation. Roche justifies children's participation based on their “interconnectedness” to members and institutions of a society. Children are affected by and a part of politics and society. Often, they are caregivers in the family, providers of economic support, users of public transportation, users of the health system, etc. Adults depend on them and they are dependent on adults. He says we need to stop considering child-adult relationships in terms of a hierarchical relationship, and begin to think of them as equal members in society. He quotes Held, saying citizenship assumes membership in a community and membership assumes participation in that community. Roche says, the children's movement is not about giving children equal rights as adults, because they are not adults, but it is about recognizing them as members of society that have something to contribute, even while they are still children.

The Convention on the Rights of the Child reflects the middle ground between protectionists and liberationists. As stated earlier, the Convention certifies a change in treatment towards children from satisfying their needs to fulfilling their rights. Panter-Brick declares the term "child in need" perceives youths' problems as personal and "psychological", rather than a product of structural problems. The term "subject with

rights* removes blame from the child and the family and resituates responsibility to the state. The change in power relations is apparent in the rhetoric. Children are no longer considered social problems or irregularities in need of charity or even discipline, but rather persons who deserve to have their social rights met. Among those rights, the child has the right to stay with his/ her family. The child's right to participate is not as widely accepted as the rights to provision and protection. Rights to participation include children's right to freedom of expression, their right to associate, and their right to have a voice in all matters affecting them.

The CRC changes child advocacy from protecting children to protecting their rights. This change is expressed in the Doctrine of Integral Protection, which specifies four guiding principles: children should be free from discrimination; all decisions regarding children should promote their best interests; children have the right to life and development; and children's opinions and perspectives should be considered. The principle of the child's best interest is widely considered too vague to be helpful. Llobet says that the ambiguity of this principle could allow adults to employ "classist, racist, ethnocentric or moralist" criteria when discerning the child's best interest.

Like the ambiguity of the principle of the child’s best interests, many of the rights established are too vague to provide much helpful guidance. For example, the Convention on the Rights of the Child grants children the right to be heard in any decisions affecting them and asserts that a child's voice should be given due weight

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according to the capacity of the child to make such decisions. However, judging capacity is a nebulous endeavor.54

The first article of the Convention on the Rights of the Child defines the term “child” as “every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier.” The difficulty with this definition is that it creates an arbitrary age by which to partition society. Not all persons under the age eighteen are alike, nor are persons age eighteen very different from persons age seventeen. The grouping of all persons under the age eighteen under the term child reflects the lack of conceptualization and planning about how to deal with the period of transition between child and adult - adolescence. Stephanie Suavé and Rosemary McCarney object to the lack of public policy planning for adolescents. The authors note while childhood (the stage of development before adolescence) is conceptualized in linear models of development with easy indicators to follow, the only indicators conceptualized to deal with adolescents are negative ones. For example, planning policy for adolescents generally is predicated on whether children are using drugs, whether they are practicing sex, whether they engage in criminal activities. There are very few policies that offer positive goals for this stage of development. The paradigm of the child in material or moral danger reflects the tendency to understand adolescence in negative terms as well. In the paradigm, the only difference between children who are in danger and children who are a danger, is their age. Once children become adolescents, society is not sure

54 As Panter-Brick notes, it is difficult to ascertain to what point we should allow children responsibility and autonomy concerning his/ her life. She questions whether children should have the right to decide to live on the streets or to live with friends rather than his/ her family? Panter-Brick complains that depictions of children as helpless and vulnerable do not recognize children's capacities and their role as protagonists in their own lives.
how to treat them and is much more likely to try to prevent negative behaviors, rather than promote positive ones.

Llobet notes that the Convention surged during a period of transition, while Argentina was consolidating its democracy and simultaneously was implementing neoliberal policies to downsize the government. Llobet criticizes the CRC's ambiguity regarding implementation of what it considers social rights. She says such ambiguity allows for public policies that only partially address the fulfillment of social rights rather than creating universal programs to ensure these social goals become universal rights. Article four of the CRC only holds states responsible for guaranteeing children's rights to the best of their capacity; states like Argentina may dodge many responsibilities because much of the state's power and functions were dismantled during the process of neoliberal privatization. Llobet complains this stipulation, in the context of the privatization and contraction of the Argentine public services, relieves the government of responsibilities for guaranteeing to children the rights recognized in the CRC, in particular it relieves the government of the responsibility to implement and guarantee universal policies to protect children.

Consequently, rights, such as the one recognized in article twenty-four of the Convention on the Rights of the Child, are frequently not assured in Argentina. Article twenty-four states that:

"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

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no child is deprived of his or her right of access to such health care service.”

In Argentina, street children frequently are turned away from public hospitals if they are not accompanied by an adult. Often adult perspectives or ideas about children preclude them from being permitted to exercise their rights.

Implementation of the CRC is further thwarted by the residual presence of institutions operating under the doctrine of the “child in irregular circumstances.” The ratification of the Convention on the Rights of the Child by Argentina marked a sharp departure from practices under the dictatorship, which employed repressive tactics such as massive institutionalization of children in prison-like circumstances. In addition, institutions such as the law 10.903 coexisted with the Convention on the Rights of the Child. The law 10.903 (Patronato del Estado), established in 1919, declared “children in irregular situations” were in need of State protection. “Children in irregular situations” included children living on the streets, children in trouble with the law, children whose families could not provide for them, etc. Like the Children’s Codes discussed earlier in the chapter, the state dealt with these children by processing them through the judicial system, which frequently meant separating them from their families. Under the Patronato del Estado, children did not have the same rights as adults such as due process. The judge was considered a benevolent, paternal figure and was given arbitrary authority to reconcile the child’s problems.

Llobet says the CRC entered in a context of political battles for power. Those looking to oppose tutelary practices and the Doctrine of Children in Irregular Circumstances, adopted the CRC as a political banner. These divisions have made

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56 Convention on the Rights of the Child. Article 24
implementation of the CRC difficult. For example, not until fall of 2005 was the CRC
given the status of federal law.\(^{57}\) Although, in 1994, the government said all treaties
signed would be given constitutional status, for ten years thereafter, no federal legislation
was adopted to explain how the Convention on the Rights of the Child would be
interpreted by the State. Consequently, the law 10.903 continued as the authoritative
national legislation and a confusing contradictory set of federal guidelines prevailed.

Llobet notes that while public actors claimed to be following the principles of the
CRC, they did not actually do so. According to Llobet, while adopting the rhetoric of the
Convention, social workers fail to admit to themselves their practices are estranged from
such rhetoric. Consequently, she asks, can one really take an ideological position without
considering the contexts, actors, practices and problems they face?\(^{58}\)

Adriana Fazzio complains that often social workers use the judicial system to
access state assistance programs for their clients, when they should be able to access
these resources and institutions without judicial recourse.\(^{59}\) Fazzio notes family
assistance programs are scarce and poorly managed, with much overlapping and little
articulation between different programs at the national, provincial, and local level.
Fazzio asserts the lack of control over the distribution of resources leads to corrupt
handling of resources and clientelism. Social workers confront urgent demands from

\(^{57}\) The law 114 made the convention a part of the constitution of the city of Buenos Aires. Nevertheless,
realization of the convention was complicated whenever federal and municipal powers intersected.
\(^{58}\) This is paraphrased from her text on page 54. I would like to develop on this idea in terms of the
participatory aspect of the Convention. Barber says if science avers that experiment is the best way to
understand reality, and since experiment presupposes experience, shouldn't knowledge be based in a
concrete reality that is experienced by that community? And shouldn't resolutions for conflict respond to
real situations, rather than try to apply established truths to reality. Shouldn't truth and understanding be a
dialogical/ dialectical process? Public participation in this context is important as a counterbalance of other
processes. It roots politics into reality.
families in crises (i.e. health or economic problems), but lack the resources and network to provide for these families. Fazzio also recognizes social workers often compete for resources. No institutionalized way of accessing resources exists; therefore, each time a social worker encounters a new case he/she must run an institutional gauntlet in order to access scarce resources or to ensure the immediate institutional attention is provided for families in emergencies. Implementing the Convention on the Rights of the Child must consider (perhaps by combating or by planning creatively) these problems in the Argentine public sector.

Llobet warns against the ethnocentric nature of the Convention on the Rights of the Child, citing Pilotti’s identification of the CRC as a manifestation of the processes of globalization. While it has merit, it could be detrimental to preserving cultural heterogeneity. The CRC was created in a specific global context and with a set of global powers. Many of the ideals articulated in the Convention on the Rights of the Child reflect Western ideals about what it means to be a child. Llobet warns while these ideals promote equity along social, political and civil standards, they should not eradicate the heterogeneity intrinsic in cultural diversity. Llobet argues that to ensure universal social rights one must consider the heterogeneous circumstances among children and adolescents. Poor immigrant children have different needs than their middle class.

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counterparts; policies need to adjust for these differences. Social policies cannot be the same for wealthy children living in wealthy neighborhoods as they are for poor children, because the contexts of the two groups are very different, as are the requirements for promoting their rights. For example, getting street children to participate in public discourses will require different public policies than enlisting middle class school children to participate in these forums.

One of the strongest moral judgments made within the Convention on the Rights of the Child is the emphasis on the family. The Preamble to the CRC says:

"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".

The phrase, “necessary protection and assistance” for families lacks clarity. While it sounds nice to say all children should grow up in an "atmosphere of happiness, love and understanding", measuring these as phenomenon is next to impossible. Given the heterogeneity of family environments, the term “family” fails to convey a precise meaning. According to some groups, the term family refers to the nuclear family, but other families are constructed based on ties within the community. Moreover, frequently families living in poverty are composed of only one parent.
Depending on the family to take primary responsibility for the child ensures inequity, because families are not equally able to care and provide for their children. The State is only responsible for ensuring the family can take responsibility of its children. Should not the State take responsibility in redistributing power and knowledge? Fighting inequity means providing high quality universal programs, such as high quality childcare. Part one of article eighteen says "parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child". Part two of the same article recommends the State should "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." The problem is the lack of real clarity between the degree of responsibility assigned to the government, and assigned to the family for guaranteeing the welfare of the child. Depending on the family to ensure the social capital of their descendents constitutes the State privatizing care of persons. Children are not only members of their family; they are members of society. Not only should their voices in society be considered by society, but also society should take responsibility for ensuring their needs are met.

Street children in the capital of Buenos Aires frequently come from the shantytowns of Greater Buenos Aires area. Fulfilling street children's rights as recognized in the CRC will mean taking into account their families and neighborhoods of origin. Gabriel Scandizzo blames the presence of children in the streets of Buenos Aires on the effects rising unemployment and the dismantling of the welfare state have had on

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64 CAINA en números http://www.chicosdelacalle.org/textos/proy2004.doc
the family. Scandizzo attributes unemployment and welfare reduction to globalization, the opening of the economy, privatizations, structural adjustments, State reduction and the transformations of productive techniques. Scandizzo finds children in the streets have at least one thing in common: belonging to families confronted with extreme poverty. Scandizzo affirms the existence of public institutions, such as “health services, the school, recreation and sports centers” in children’s neighborhoods of origin can make the difference for children in risk of taking the streets, because they provide children with “material and symbolic resources” that affect their social inclusion.  

Javier Auyero describes the consequences of increased poverty in the shantytowns in the province of Buenos Aires:

"As in thousands of other Latin American shanties, favelas, poblaciones, or bariadas, this global poverty amounts to a veritable de-linkage from larger society and the confinement of shantytown dwellers to nether zones of accumulated and self-reinforcing joblessness, violence and vulnerability."  

Auyero identifies three main forms of violence connected to the poverty in these areas: the structural violence of unemployment, due to the transfer from a manufacturing economy to a service-based economy; interpersonal violence; and State violence. Auyero's informants claimed youth generally are the perpetuators of violence. They cited being charged tolls by youth who own street corners. Armed robbery is common, "During the weekend this is like the Wild West, there are a lot of gunshots… at night you

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cant sleep there are tons of drugs around.” Auyero notes the structure of the shantytown reflects the need for protection from one's neighbors. Walls separate homes to keep out intruders. Two decades ago these neighborhoods were characterized by mutual solidarity and reciprocal networks, now these neighborhoods are characterized by fear. Auyero says the youths involved in the instigation of this violence are:

"themselves victims of socio-economic exclusion...[and they] contest their vulnerability and redundancy by setting the tone of the shantytown's public life. 'The guy next door sells drugs. You can't denounce him anywhere, because he might rob you, or even worse, hurt you. Every night they smoke pot or fire guns right outside my window.'"

The retreat of welfare services due to neoliberal structural adjustment is further evidence of State negligence. Auyero highlights the feeling impotence among slum residents, due to the belief (and most likely reality) that persons of authority are either involved in the violence/ drug-trade or will not do anything if appealed to for help.

The result of these three forms of violence is isolation. Residents lamented taxi drivers, ambulances, the milk, bread and soda sellers no longer enter the area. Auyero finds economic isolation has led to the erosion networks within the shantytown:

"High and constant levels of unemployment not only cripple the reservoir of contacts that has proven to be the best way of obtaining a job, but they also exhaust the networks of reciprocal help that have traditionally ameliorated the effects of economic hardship and the organizational

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69 Auyero, Javier. 2000. "The Hyper-shantytown” op.cit.p 96
networks that in the past were decisive in the improvement of the 
habitat.”

Most homes receive their gas from pressure tanks, which has led to many fires. Poorly structured houses with metal roofs, lead to cold winters and extremely hot summers. Health conditions are abominable: wastewater and rainwater stagnate in ditches; when it rains the proximity to dumps brings offal into homes. The combination of these elements lead to an high incidence of respiratory illnesses, gastrointestinal and parasitic diseases and "epidemic skin diseases".

Children in the slum (villa) are especially vulnerable to violence and disease. According to the principal of the only school in Villa Paraíso (one of the shantytowns of Greater Buenos Aires), "malnutrition among our kids used to be an isolated phenomenon, you could have counted the cases on your fingers. Nowadays, everybody is malnourished." The principal describes her job as:

"more of a social service, but it's useful because the kids are defenseless. They are beaten by the grownups, who in turn are beaten by those living outside the shanty… our kids are very much used to being called the 'villeros', the 'negros', by people from outside the shantytown. In their homes, they are beaten, or are called 'stupid', and kids are without any protection whatsoever."
While some social programs, such as Plan Familia, distribute milk and eggs for pregnant women and mothers of young children (usually below the age of six), according to Auyero, "adolescents and youths are not 'targeted' by any major social programs." 77

Unlike the capital of Buenos Aires, where there are juegotecas and sports programs available to all children and youth, there are not universal programs (such as recreational centers) for children and youth in the province of Buenos Aires. 78 Instead, the provincial government directs focalized programs towards children and youth “in conflict with the law”, children and youth on the streets, children and youth in risk of becoming institutionalized, children with some sort of judicial intervention. 79 For example, the Proyecto Acompañamiento y Supervisión Socioeducativa provides family and child/youth therapy for children in conflict with the law, and the Programa Servicio de Asistencia Familiar provides therapy for families and youth who have some sort of judicial intervention. All of these programs react to already existing problems, rather than promote children’s social inclusion and wellbeing. It is no wonder youths are the major participants in drug-trade and violence in the villas and even less of a wonder that some children leave the villas to live on the streets. As noted above, the conditions on the streets of Buenos Aires are not worse and may be better than in the villas. Children have access to capital and thus food, and governmental and non-governmental programs are there to assist them. While they may be subject to police abuse in the city center, they are vulnerable to violence in the villas as well.

78 The city of Buenos Aires’s juegotecas are play areas open to all children, which offer games, toys, and artistic workshops. While in some parts of the province there are programs such as children’s recreational centers, according to interviews with workers from CAINA these programs do not exist in the neighborhoods of the children visiting CAINA.
The State's shirking of its duties to fulfill its citizens’ social rights has led to the increase of children who enter the capital of Buenos Aires in search of survival. According to records by the Centro de Atención Integral al Niño y Adolescente (CAINA), the numbers of street children who visit their program at least once annually rose 178% between 1997 and 2003. CAINA found that the margin of ages of street children amplified as well. Between the years 1990 and 2000, Auyero notes, Argentina lost 5508 industrial plants and suffered a twenty-two percent decrease in industrial jobs. No doubt the increase in unemployment, violence and drugs, and the cutback in state welfare provision has affected the incidence of children found on the streets of Buenos Aires. Thus, part of public policy and State action toward street children must deal with the problems in their neighborhoods and communities of origin.

Creating policy to fulfil children's rights implies active participation among all affected groups not only in raising awareness, but also in collecting information and knowledge about what are the needs of different groups. In applying concepts of children's rights and children's participation to the case study, the thesis will adopt the ideas and practices put forth by the Convention on the Rights of the Child and by Jeremy Roche. Children’s rights will be understood in terms of children's social, political, and civil rights. In this thesis it is understood that children do not have the same capabilities as adults; hence, they cannot be treated as adults are by the system. Nevertheless, this thesis asserts children and youth have an important perspective from which society can and should learn and benefit.

79 http://www.desarrollohumano.gba.gov.ar/Programas/43_minoridad/index.htm
80 CAINA was inaugurated in June of 1992, but only has records of children’s attendance from 1997 onward.
81 Auyero, Javier. 2000. "The Hyper-shantytown” op.cit. p. 100
Chapter 3:

Children's Participation: A discussion of Children's Rights and Democratic Theory

Political theorists argue democratic participation satisfies a wide range of social needs. Democratic participation is said to enlighten the populace because citizens must deliberate on how decisions will affect them and the community. Robert Dahl claims if citizens do not participate in a democratic system, they will remain in a perpetual child-like state because all their needs will be satisfied for them.\textsuperscript{82} Dahl says individuals are the best articulators of their own interests, and the only way to ensure equal treatment of citizens is to give them all a chance to participate equally in politics. Barber contends a democratic dialogue, in which all members of a community participate, foments understanding of other's needs and interests and a sense of community. This chapter explores two manifestations of democratic participation: independent, autonomous participation, in which decisions are made separately, and interdependent participation, in which decisions are made via open group dialogue. When thinking about children’s participation, the type of participation employed and the possibilities for employing it should be considered. This chapter will explore how children’s democratic participation can be employed in the exercise of children's rights and/or citizenship.

Democratic participation in defense of one's needs and interests is controversial when applied to children, because while democratic theorists assert the individual is the best able to defend his/her interests, children do not have the same capacities as adults. Dahl explains the individual is the best interpreter of his/her interests and defends this claim on two accounts: on the type of knowledge necessary to determine a person's interests and on who has a better judgement of the person's interests. Dahl explains even
if a guardian is better equipped to determine a person's interests, the self has the most
incentive in pursuing his/her own interests. A patron would have to be blessed with
exceptional virtue to pursue an individual's interests as diligently as the self would. For
example, Dahl notes before women were given the right to vote, men were expected to
defend women's interests; however, women's interests clearly were not pursued as
effectively as women would have pursued them had they been given suffrage. Mill
explains before workers received the right to vote, employers were responsible for
defending their interests, but Mill recognizes no employer can understand a worker's
interests like the workers can. According to Dahl, if a person's interests are defined as
his/her preferences, no one can better ascertain a person's preferences better than he/she
can. If a person's interests are his/her wants, only he/she is capable of identifying what
he/she desires; even if a person's interests are defined as his/her needs, the self is best
able to ascertain when his/her needs have been satisfied.

Yet, while authors, such as Robert Dahl, recognize the individual is the best
articulator of his/her interests, they exclude children and persons with severe disabilities
because they claim such persons are incapable of determining their own interests. The
exclusion of children from the political sphere traditionally has been justified in terms of
incapacity. Are children capable of understanding their own interests? Are they capable
of defending their interests? Do adults defend children's interests better than children? If,
in accordance with the CRC, adults must give the child's perspective due consideration,
what institutions and which adults are responsible for listening to children? Should only

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judges listen to children? Should parents represent children? Should institutions exist to facilitate the public presence of children's voices? What are the dangers of this?

If parents remain responsible for children, their representation remains a private issue, in the realm of the family. If judges are responsible for listening to children, only children in the judicial system will have a voice. But children’s issues are broader than the family and the judicial system.

If only those members of a populace who are capable of discerning and pursuing their interests are allowed to govern, then universal inclusion is impossible. Dahl finds this understanding of citizenship dangerous because it has been used to exclude populations, such as women and minorities, from politics in the United States. Dahl recognizes many groups have been illegitimately excluded because they were believed incapable of participating politically. Nonetheless, Dahl disagrees with universal inclusion because he specifically states children are not capable of self-governance. Dahl's exclusion of children from politics eliminates any possibility for universal inclusion. Dahl resolves this inconsistency by claiming children are the only population who can be excluded from the political process because of their unique status. He understands this exclusion leads to the weaknesses, such as where to draw the line between childhood and adulthood. Dahl does not try to resolve this problem; he merely recognizes it will be a weakening factor in his perfect democracy.

Dahl says philosophers and guardians cannot define the common good of a people, because the common good is a subjective value dependent upon "social meanings". In defining the public good, Dahl claims all persons "significantly" affected by a public
decision must be included, because only they can protect their interests.\textsuperscript{85} Since children are affected by political decisions, they should be included in civic dialogue.

Perhaps excluding children is not the best solution. Valeria Llobet emphasizes thinking about children's citizenship in terms of interdependence, instead of autonomy. Children should not be responsible for their decisions, yet they do have a unique perspective to share. Participating may enable them to protect themselves and develop into active citizens. Llobet discusses how autonomy and interdependence are two different ways of seeing citizenship. Autonomous participation implies the pursuit and defense of individual interests. Interdependent participation occurs in the context of a community in which individuals are understood to be connected to and affected by each other. Thus, children's citizenship is not about giving them autonomy and leaving them alone to defend themselves (obviously children are not equally capable of defending their interests as adults are), but about including them in making decisions about the common good.

UNICEF's \textit{State of the World's Children 2003} discusses practical approaches to children's participation in society.\textsuperscript{86} It defines participation as, "the process of sharing decisions, which affect one's life and the life of the community in which one lives."\textsuperscript{87} The phrase "sharing decisions" shows that children's participation does not mean giving children complete autonomy, but rather engaging them in dialogue. The child’s inclusion in decisions that affect the community respects the child as a member of that community,

\textsuperscript{84} This is largely the situation in Buenos Aires (where few school and neighborhood programs exist to promote children's voices). Further, no one guarantees participation in this venue is anything more than a formality. Similarly, no one guarantees the judge actually listens to the children.
\textsuperscript{85} Dahl does not define how to determine who is significantly affected by a decision.
\textsuperscript{87} UNICEF. \textit{State of the World’s Children 2003}, op.cit. p. 4
who the community affects and who affects the community. Unlike the liberal
democratic tradition, where participation is an individual, anonymous act, this definition
envisions participation to be a group act.

While Dahl promotes autonomous participation in politics, Benjamin Barber
believes democratic participation should be considered in more interdependent terms.
Barber imagines more of an assembly style political forum, with political discourse
occurring as an imaginative process of coming together to discuss and resolve common
problems. Through civic discourse, community members understand themselves in
relation to their community and understand the community as a whole. Protection of
individuals and their interests occurs because decisions are made through conversation
and consensus. Persons must publicly defend their interests and attain consensus. No
one can justify political actions that are detrimental to others. Neither would persons
make negligent political decisions because everyone would have a chance to defend their
interests. Oakenshott opines participation creates a "shared consciousness", which is the
foundation of equality among citizens. Or rather, citizens are equal because they
understand each other as members of a community with something to contribute.
Oakenshott explains "civic association" is an "understood relationship of intelligent
agents." Unlike liberal democracy, which terms men as equal by their equal power to
vote, or by their equal civil and/ or social rights, equality here comes from participating.

Dahl recognizes while assembly style participation, in which every member of a
community can actively participate in decisions, provides persons more of a voice in
decisions, it is an unrealistic expectation for a democracy the size of a nation-state.

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88 Barber, Benjamin. Strong Democracy: Participatory Politics for a New Age. Berkeley, Los Angeles,
However, Dahl stops short of declaring civic discourse is impossible, and asserts, while it may not be possible to include all members of a community in all public decisions, public discourses should be facilitated. It is in the public discourse where democracies should contemplate including children. What is interesting about what Dahl’s perspective is he does not promote citizens spending time to discover other citizens’ interests. The citizen’s responsibility is to protect his/her own interests; however, this does not promote thinking about interests of those excluded. In fact, Dahl is skeptical of citizens' capability and proclivity to pursue others' interests. For example, Dahl contends persons living in foreign countries often are directly affected by national policy; nonetheless, even if a citizenry knows its policy will negatively affect another, it frequently will pursue that policy.

In contrast to Dahl, Barber claims participation enables one to learn by hearing other perspectives. Barber explains in strong a democracy, the process of choosing, educates individuals by promoting their deliberation and communication. He adopts John Stuart Mill's argument that individuals understand partial truths and only through communication are they able to grasp truth. Individuals must enter the public sphere with rational arguments, and through the process of communication and understanding, define the public good. Strong democracy is best understood not as individuals pursuing particular interests, nor as a community with a pre-arranged public will, but rather as a process that is just as important as its end. Barber underlines the transformative power of the participatory process. Citizens are brought together and their relationships are strengthened through the process. He says the political process "creates" community through the promotion of mutual understanding and cooperation. It enables individuals
to comprehend their interconnectedness and the means by which political action can resolve public problems. The political process educates individuals because it requires communication and deliberation to surround every decision. Jeremy Roche declares not only does children's participation enlighten children, but it enlightens the community as well. Children provide important insight about the community and its practices.

According to Barber, listening is an important aspect of participation because it promotes mutuality and understanding among members of a community. While individuals may promote their interests alone, understanding how one’s decisions affect others can deter decisions that are detrimental to them. Barber understands participation as an individual's means of expressing his/her needs and interests and also understanding those of his/her neighbors. The listening aspect of participation is essential to understanding the ways in which children could participate in a political system.

Benjamin Barber defines citizenship as participation "in a self-governing democratic community," and opines, “those who participate in self-governance are citizens.” Thus, all who are capable of communicating in the pursuit of public good are citizens. Barber says children may be incapable of interacting in the political arena, "but they remain potential citizens and need only await the awakening of their political senses to claim their "rights". According to this definition, anyone, who is capable of interacting with the community, can be a citizen. Barber assumes, at some point, persons will feel compelled to participate, and by practice enhance their civic capacities.

Jonathan London, Kristen Zimmerman and Nancy Erbstein criticize the tendency of specialists to separate community development from youth development, because the
processes are "inextricably linked". This connection is evident in social institutions that oppress youth. Excluding youth from participating in and evaluating public decisions can result in youth estrangement from the community and disconnectedness from politics. Because youth undergo such strong changes, they need communities to listen and understand their needs and to accompany them. Enabling children to plan, evaluate and organize projects provides a developmental opportunity, affecting children’s’ individual growth, as well as their growth as members of communities. London, Zimmerman and Erbstein note that public policy is informed by recognized sources of knowledge. They conjecture that as long as children are excluded from the production of knowledge, public policy will be misinformed. Participatory research notes that subjective, as well as objective, sources of knowledge should be taken into account when becoming informed on an issue. Children have local knowledge about the issues they face, which is important to understanding how public policy will affect them.

Community development, in turn, needs to include youths because they provide energy and information otherwise inaccessible. London, Zimmerman and Erbstein claim excluding youths from the process fragments society and foments negative stereotypes of youths because youths lack opportunities to create relationships with adults.

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in the community. Long-term community development projects need youth involvement and approval to insure survival.

UNICEF's *State of the World's Children 2003* claims once children reach adolescence, the desire to participate in public life inevitably will surge, and if youths are excluded, they will participate via subcultures as social outcasts. But, the article says:

"Through participation and engagement at early ages in issues that concern them – far from promoting anarchy or disrespect for authority, or undermining parental authority – we see a generation of young people who are more respectful and concerned about their rights and the rights of others."

The Convention on the Rights of the Child grants children the right to participate politically. According to article twelve, the State "shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child." The final part of the article differentiates among the capacities of children and thus removes the standard of equality inherent in individual rights. Children are guaranteed always to have a voice, but their voice receives more or less power depending on their capacity and development. If participation implies giving children autonomy, and consequently responsibility for their decisions, then it makes sense to differentiate among children of different capacities and levels of development. On the other hand, if participation is envisioned as an interdependent process, in which decisions are made after consulting all affected parties, children’s perspectives would be considered just as valid and illuminating as any other perspective. No need for differentiation among citizens is required because all voices are informative about how
public decisions affect them. Understanding children’s participation as part of a civic
dialogue empowers them as sources of knowledge.

Article twelve is relevant to making decisions particular to the child. In this
scenario it makes sense to listen to the child and differentiate based on the child’s
capabilities. Children must be given varying degrees of autonomy. Yet it must be
recognized that giving children autonomy is an entirely arbitrary process, as is evident in
the article. Article twelve contains two ambiguities. First, the article does not define
when a child is capable of forming his/her own views. The article does not identify any
indicators to judge capability. For example, the article could have identified a
psychological paradigm for establishing when a child can form his/her views, or the
primary characteristics of each stage of development. Without such a definition, children
always may be discounted on the assumption they have not developed sufficiently to
voice their own concerns.

The article also is ambiguous as to the weight to be given to the child's views.
Any person who judges a child’s capacity also judges how much he/she will listen to the
child's voice. The child has no real assurances that any of his/her words will be
considered. If a judge believes children are incapable of perceiving their own interests,
the child will have little effect on the judge's decisions. As Pricilla Alderson recognizes,
inclusion of children's voices is not merely a matter of allowing children to express
themselves. Society needs to learn how to listen to these children. While very young
children do not use the same language as adults, they still can express their likes and
dislikes. Society needs to be sensitive to how decisions affect children and seek their
input in evaluating programs, decisions, etc. that affect them. While the CRC’s
ambiguous definition of how much weight to give children’s voices attenuates fulfillment of this right, the heterogeneity among persons under the age of eighteen justifies differentiating the provision of autonomy depending on development.

Roche acknowledges granting children citizenship will differ from including other groups in society, because of the diversity within the category child. An adolescent resembles an adult more than a toddler. Youths are more capable of representing their interests than children. Roche acknowledges though all children should have the right to participate, "The very young child will perhaps only acquire an effective voice through being represented normally by his parents." Roche says the most important thing when discussing children's participation in society is beginning to re-think adult-child relationships and to give children a voice in the public arena. Society needs to stop treating children as a population to be thought about and cared for, and needs to start including them in the conversation.

Article thirteen cedes to children the right to "freedom of expression". This gives them the right to share their opinions, and to seek all information that does not conflict with "national security or of public order, or of public health or morals" and that abides national laws regarding respect for the "rights or reputations of others". Article thirteen is strongly related to article fifteen, which recognizes the child's rights to "freedom of association and to freedom of peaceful assembly." This article questions traditional definitions of children and their place in society. Rather than seeing children as void of information, ideas, and opinions, this right assumes children have ideas to share and must share those ideas to defend themselves and their interests.

Because of the immensity of the nation-state, participation in modern day democracies (or what Dahl calls "polyarchies") necessitates association of interests into political parties, movements, etc. If children are going to have any real voice in politics, they will need to associate in defense of their interests. Nevertheless, children, like other vulnerable populations, are susceptible to manipulation via such practices as clientelism, and demagoguery. Manifestation of the pathological forms of democratic participation (i.e. clientelism and populism) should be guarded against. Children are vulnerable to abuse, with or without participating, but it is more likely children's participation will empower them to combat adult abuse.

According to youth participatory theorists, children's participation in public matters transforms their relationship with society. Since children are frequently cloistered in the private sphere, their performance in the public sphere enables them to earn respect, to facilitate mutual understanding, and to learn to participate in a community. They are given more responsibility and power because people understand their capabilities, rather than assuming they are incapable of contributing to society.

Children's movements in India, such as the Butterflies program, and in Brazil, such as the National Movement of Street Children, have capitalized on this right. Social movements are considered by Rizzini, Klees and Dewees\(^\text{96}\) to be the most effective way of empowering oppressed groups. Roche predicts children's inclusion will precipitate changes similar to those that followed women's political inclusion. The women's movement undermined traditional distinctions between the public/private divide by

including familial issues to the political arena. The women's movement revealed retaining the family as a private matter preserved patriarchal power, both in the household and in society. Likewise, he believes including children's voices will reveal other manifestations of oppression inherent in exclusion. Roche understands the oppression of children through the lens of the women's and civil rights movement and suggests that like racism and chauvinism, "adultism" is a reality. Put another way, discrimination and oppression exist with reference to age and generation.

According to Paolo Freire, only the oppressed actually can liberate society from its ills; the top-down approaches offer “false generosity” because they fail to combat the roots of oppression. Only through dialogue between the oppressed and the oppressors may society ever achieve real liberation and development. Paolo Freire affirms oppressive societies hinder participation by the oppressed. Freire declares one should not wait until an oppressed group's senses are awakened, but rather should work to raise the group's consciousness of its own oppression so that it can speak for itself. Since oppression often leaves the oppressed feeling fatalistically powerless, ignorant, inferior, etc., involving the oppressed in their emancipation also serves to liberate them from this feeling of powerlessness. The oppressed gain confidence in their own abilities as they participate in revealing the state of oppression, and as they realize their own ability to liberate themselves.

Freire's words make sense in the context of children's rights activists' claims that children are currently oppressed in many societies, due to their exclusion from participation in the public realm. One cannot simply assume effective participation will

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occur simply by giving children a space through which to voice their interests. Dahl claims, although each person is the best judge of his/her own interests, individuals have the potential to become even better judges of their interests. He argues one of the jobs of every democracy should be to enlighten its populace. According to Dahl, in a democracy, "each citizen ought to have adequate and equal opportunities for discovering and validating (within the time permitted by the need for a decision) the choice on the matter to be decided that would best serve the citizen's interest." Dahl believes a democratic government is a necessary element to citizen enlightenment, but it is not necessarily sufficient to guarantee citizen enlightenment. Dahl contends enlightenment may require supplementary institutions, such as formal education or other auxiliary formation procedures.

Article twenty-nine of the Convention on the Rights of the Child discusses children’s education. The article does not discuss teaching children to participate in a democratic society or promoting children’s critical reflection on public policy and decisions. Part 1-d of the article is the closest approximation to this. Part 1-d says:

"States Parties agree that the education of the child shall be directed to 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"

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While these goals are laudable, they are very vague and lack a real practical approach to attainment. For example, what is responsible life in a free society and how do you promote it? How does one promote friendship among all peoples?

A myriad of factors affect children's participation: society needs to learn how to listen to them; children need to learn how to reflect critically on their situations; etc. Children are used to having all decisions made for them; therefore, they often look to others to make decisions for them. They may make decisions to please adults. Further, children must understand their options and the consequences of their choices. For communication actually to occur, strong intervening factors, such as fear of the other, prejudices, etc, need to be addressed. As Gail Lewis says, exercising citizenship does not occur in a vacuum, but in the context of a person's individual experience and that person's interaction with other persons in society. Thus, the individual's perceptions of the world and others interact with other persons’ perceptions. Sometimes individuals' fears and prejudices interfere with actual communication or with the realization of a person's rights. To ensure children are heard, perceptions need to change, especially perceptions about the population of street kids who have long been perceived to be dangerous.

Gail Lewis argues normalized practices of every day life affect the exercise of citizenship. Lewis discusses citizenship not only in terms of the types of rights it guarantees, but also in the realization of those rights in society. She emphasizes rights cannot be considered as abstract standards for equality; rather, they must be considered in

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terms of the processes needed to realize those rights. Lewis suggests various relationships affect the means by which persons attain their political, economic and social rights. A citizen's rights will be affected by the perceptions of welfare practitioners, by the person's perceptions of the way they will be treated by such persons and organizations and by the social policy creating a normative discussion about the meaning of belonging to a specific community and their normal practices of life. For example, homosexual couples have fewer rights than heterosexual couples; therefore, they do not have equal status in the community or even before the law. Street children suffer similar prejudice because they are widely seen as abnormal, their rights are violated in terms of access to social services (such as the health system), treatment by government officials (such as law enforcement officers), etc. Social policy, such as the doctrine of irregular situation, creates norms about childhood and its place in society. The doctrine states children in public are a danger or are in danger; consequently, they must be removed – often by law enforcement officers.

Changing the practices within public institutions and among practitioners and citizens requires raising awareness of the Convention on the Rights of the Child. Article forty-two of the CRC, declares the State must ensure, "the principles and provisions of the Convention [are] widely known, by appropriate and active means, to adults and children alike." This article holds the State responsible for engendering awareness of children's rights, which is particularly important to street children, because they must interact with many persons and institutions without the company of an adult to defend their interests.
Roche says if youth are to actively participate in public decisions, adults must learn to listen to children, which entails becoming accustomed to consulting them, learning to provide them adequate, unbiased information, sufficient time to consider decisions, etc. Roche argues, including children's voices in the public sphere will mean changing which issues are considered public and modifying institutions to facilitate inclusion of children's voices. Currently, youths who desire to protest illegitimate or unfair conditions must do so in "adult–led" environments.¹⁰² Youths have few places to call their own and few channels through which they may voice their opinions. London, Zimmerman and Erbstein suggest youth development projects should attempt not only to develop children's capacity to participate, but also should incorporate the community's and adults' capacities to participate.¹⁰³

Barber suggests community dialogue may help to combat stigmas against groups by promoting mutual understanding. Barber notes men become citizens through their imagination. This idea recalls Benedict Anderson's *Imagined Communities*, in which people understand their membership in a nation through an imagined idea of what that community is. This idea can be applied to the process of participation outlined by Barber. Because all members of a population have the opportunity to join a discussion, they influence the idea of what the community is. Barber says a prerequisite to being a citizen is the ability to understand and empathize with one's neighbors and to engage them in creating public solutions. Inherent in citizenship, then, is the art of communication. Barber understands a number of factors intervene in sustaining the equality of all individuals interacting in the system, one of which is some actors are more eloquent.

articulate communicators than others. The same could be said for children. Children have different capacities to articulate and participate in community discussions. Nevertheless, they all have an important perspective to share.

This thesis promotes the generation of spaces for public discourse and its accessibility for children and youth. When considering children's citizenship, children should not be held responsible for their decisions. Since children lack the same capacities as adults, they should not be given the same political power or obligations (for example the power to vote, or the obligation to serve on a jury), nor should they be responsible for their decisions the way adults are. Children’s participation does not mean children’s autonomy, because not all children are capable of making their own decisions. Autonomy should depend on individual development. Children can participate in discourses by sharing their perspectives and opinions on decisions affecting them to help society understand their needs and interests. If development is affected by experience and practice, it would be in society's and the child's interests to engage the child in democratic participation. This interaction would enable the child to understand how to cooperate in decisions with others and begin to think about his/ her relationship to society.

The ability of children and adults to participate publicly will develop based on their experience and capacities; however, these capacities can be enhanced in a variety of ways: by enabling citizens to reflect critically on society, by enabling them to identify all options available and create new options, and by making information about public decisions available and comprehensible. Children’s participation probably will require raised awareness about children’s rights, yet as most youth participatory theorists believe,

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much of this awareness will come via children’s accomplishments. Children’s participation will change the general understanding of society and the relationships within it, just as the inclusion of other excluded groups has. States should be aware of the possible dangers involved in empowering children (i.e. the danger that they will be manipulated for political gain), but if they are protected against these dangers, including children in public discourses could help them develop into active citizens, enhance their relationships with other members of society, and improve institutions that affect them.
Chapter 4: Analysis of CAINA

The Birth of the Centro de Atención Integral a la Niñez y Adolescencia (CAINA)

The antecedents to CAINA began in 1991 when government personnel started interacting with children working and living in the streets. The government workers focused their efforts along two main streets (Corrientes and Lavalle) where large concentrations of children worked. As these workers became familiar with the children and their situations, they began to demand that the government provide them a place, away from the streets to work with the children. In 1992, CAINA officially was inaugurated. CAINA agreed to work in accordance with the Convention on the Rights of the Child (CRC); however, at that time no clear public policy had implemented the CRC.

CAINA emerged during the transition from the tutelary practices towards children (established by the law 10.903) to the Convention on the Rights of the Child. In 1990, the Argentine government signed the Convention on the Rights of the Child, and in 1994, the National Constitution of Argentina declared all ratified international treaties are to have the force of Constitutional law; however, very little institutional change occurred. Further, federal law remained unclear. Although the CRC was given constitutional force, it co-existed with the law 10.903, also known as the Patronato, which contradicted the CRC.

CAINA emerged before the CRC received constitutional status and well before federal and local legislation reflected ratification of the treaty. According to one informant, institutions operating under the same ideology and practices had not been integrated, nor had any clear been plan adopted to ensure the completion of children's
rights. Law 114 passed in 1998 in the city of Buenos Aires, adopting the CRC as part of municipal law and creating the Council on the Rights of the Child and Adolescent (Consejo de los Derechos de Niña, Niño y Adolescente), to monitor implementation of the CRC within the City. Not until September of 2005 did the national government enact a law to implement the CRC and officially to overthrow the Patronato.104

Perhaps because CAINA began as a result of social workers’ demands, instead of an integrated public policy to implement the CRC, CAINA workers characterize its relationship to the State as one of isolation, abandonment, and autonomy. Historically, CAINA has suffered resource shortages – both human and material.105 Many CAINA workers labor informally, and in general, CAINA workers lack job stability in terms of income, health care, pension, etc. Workers must search for resources for each child who returns home. No clear structure determines where and how to obtain the resources for the family; rather, resources must be sought on a case-by-case basis. CAINA lacks the resources to accompany the children after they return to their homes or enter a group home, and CAINA workers do not know what children do when outside of CAINA. An informant worried about the lack of institutions in the children’s neighborhoods of origin to support their return to the home.

CAINA workers complain the culture and structure of the system complicate their work. For example, even if CAINA teaches children about their right to be served by public hospitals, health workers often refuse to serve the children unaccompanied by an

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104 The law is 26.061 and is known as the law of Integral Protection of Children and Adolescents (Protección Integral de Niñas, Niños y Adolescentes). It remains unclear what will be the result of this new law, but it is clear implementation of the CRC in institutional practices will require long-term planning and modification of all institutions pertinent children and youth
105 Although CAINA is supposed to allow children to bathe themselves in the premises, in CAINA’s radio program, children complained of a lack of hot water and soap for bathing. This is just one example of a resource shortage, noted by the children.
Many of the workers feel CAINA's isolation renders it powerless to promote change, either structural or cultural, outside its own institutional practices. CAINA workers feel impotent to stop police abuse and structural abuse in the children’s neighborhoods of origin.

According to CAINA workers, the large number and turnover of street children who visit the program inhibit their ability to promote long-term strategies. Approximately fifty children attend CAINA daily, but approximately 1500 different children attend CAINA at least once a year. Forty percent of the children who visit CAINA only visit once. CAINA workers do not know why children come inconsistently and what they do outside of CAINA. Even if CAINA could convince children to attend the program more consistently, CAINA lacks the institutional capacity to deal with the amplitude of the problem. CAINA cannot serve 1500 children a day. The sheer volume of children’s immediate needs inhibits CAINA workers from reflecting on and publishing their experiences and prevents them from fulfilling their goals for future projects. One informant explained ideas might take two to three years to implement due to a lack of planning time.

CAINA has adapted to this isolation by forming a network of support. CAINA’s longevity is due to a cooperative created to raise funds for the program. According to one worker, CAINA went through periods where the cooperative was the program's only source of funding. The cooperative has enabled CAINA to buy items that would not be a

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106 Article twenty-four of the Convention on the Rights of the Child says: "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 service."


priority to the State, but that have been positive for the children in the program. For example, CAINA bought radio production equipment, which has provided the kids an outlet to discuss issues important to them. CAINA has established a network of organizations to respond to its resource constraints. Foundations like Fundación Huesped and Fundación Leer provide reading materials and sex education. Puentes Escolares provides children informal education and Unidad Móvil advises street children about CAINA.

CAINA's access to its own funding, and the lack of supervision by governmental organizations has granted CAINA a great deal of flexibility and autonomy. This autonomy has allowed CAINA to adapt rather easily to changes in the population of street children. For example, when children did not want to leave the streets, or when the government could not provide housing for these children, CAINA changed its focus to education. CAINA has been able to make important decisions about methodology, its interpretation of the CRC, hiring personnel, etc. Due to this autonomy/isolation, CAINA operates more like a non-governmental institution than a governmental institution. Although CAINA still is affected by political decisions, it is much more immune to political changes than most branches of the government. For example, while most governmental positions in Argentina change when a new administration is elected, almost all of CAINA’s original directors still work for CAINA.

CAINA’s isolation is one aspect of the lack of articulation and organization between governmental organizations serving children. Two separate institutions plan, implement, and analyze programs for children in the city of Buenos Aires. One is the Direction of Childhood (Dirección de Niñez), which depends on the Secretary of Social
Development (Secretaría de Desarrollo Social) and eventually on the city’s mayor. The other is the Council on the Rights of the Child and Adolescent (Consejo de los derechos de Niñas, Niños y Adolescentes). Generally, the two organizations work separately, except for the occasional referral of specific questions or cases to each other. No database lists which children are in which programs. One interviewee admitted no database reflects the number of children awaiting space in a group home. The only institutional link is a monthly meeting run by the Council on the Rights of the Child and Adolescent, in which all governmental and non-governmental organizations working with children meet to discuss issues affecting children. A synopsis of the meeting is sent to the mayor, as a sort of guide for policy making. Nevertheless, the mayor has complete discretion to use the information (or not) as he/she likes.

The fragmentation of bureaucracies dedicated to children has led to overlapping programs. For example, both the Direction of Childhood and the Council on the Rights of the Child and Adolescent sponsor outreach programs approaching and creating links with street children to promote their social inclusion.\(^{109}\) Even within the Direction of Childhood, two branches work with street children: the Adjunct Directory (Dirección General Adjunta)\(^{110}\), which is in charge of Unidad Móvil, Paradores and Lugares de

\(^{109}\) The Council on the Rights of the Child and Adolescent has the Programa para el Fortalecimiento del Circuito de Protección Integral contra toda forma de Explotación visible o remunerada o no, de niños y niñas menores de 15 años. The Direction of Childhood has the Unidad Movil.

\(^{110}\) The Dirección General Adjunta began March 29, 2005 as an initiative by the city’s mayor, Aníbal Ibarra, and the director of Social Development, Jorge Telerman, to provide integral attention to children and adolescents in the streets of Buenos Aires. According to some informants, this plan was simply a political strategy to advance the political profile of Jorge Telerman by showing that he was promoting social development. Unfortunately, the plan was not thought through coherently, so while the program increased the number of government workers talking to children in the streets, it did not have a plan of what to do with the children once they contacted them. Street children flooded programs beyond their capacity to assist. Now the institutions remain separate and it is not clear what will happen in the future, especially since the City’s mayor left office in March 7, 2006.
Tránsito\textsuperscript{111}; and the Department of Integral Attention to Children in Situation of the Streets (Departamento de Atención Integral de Chicos en Situación de la Calle), which contains CAINA, Lazos, and NGOs\textsuperscript{112}.

The lack of inter-organizational articulation is not unique to the government. As of the year 2005, fifty-five NGOs working with street children had registered with the government of Buenos Aires.\textsuperscript{113} Collaborating with these organizations could help CAINA deal with its resource issues. As stated above, CAINA workers complain about a lack of time and institutional capacity to deal with the large quantity of street children. However, CAINA has not networked with other organizations working in the same thematic. CAINA keeps a close record of the children who attend its program, and is not in the practice of sharing this information with other organizations.

One informant reported seeing the same street children in as many as five different organizations for street children. This implies children are not really attaching to any one organization. Tobias Hecht found street children's perceptions of their relationship to organizations that serve them were much different from the organizations’ perceptions.\textsuperscript{114} Often, the street children understood their relationship to assistance programs as a sort of patron-client relationship.\textsuperscript{115} They believed the organizations earn money due to their participation in the programs, and as such the exchange of benefits

\textsuperscript{111} The Unidad Movil is an automobile that frequents areas where street children live and/ or work and tries to provide services and links to other organizations. Paradores and lugares de transito are temporary shelters.

\textsuperscript{112} Lazos is a program that finds work for older children living in group homes. Lazos attempts to link these children to recovered factories, which are cooperatives of workers, not only to provide them work, but also to connect them to a community. ONGs refer to the non-governmental group homes that are linked to the State.


\textsuperscript{114} Hecht, Tobias. 1998, \textit{At Home in the Street}. op.cit.

\textsuperscript{115} Hecht, Tobias. 1998, \textit{At Home in the Street}. op.cit.
(food or services for attendance) simply reflected the service the children were providing the programs.\textsuperscript{116}

An informant indicated part of the lack of articulation between assistance programs in Buenos Aires is due to competition between programs for the children. Perhaps, children’s presence in multiple institutions reflects an awareness of this competition. Since the different programs provide assistance, food, clothes, etc., it would make sense that the children would want to maintain a broad base of assistance. Yet, while the street children may see assistance programs as means of survival while on the street, these programs generally intend to remove children from the streets. Even if the children’s attendance in multiple programs is not a survival strategy, the fact that multiple organizations are serving the same children reflects an overlapping of services and expenditure of resources. If children attend CAINA because it provides for their basic needs rather than because they agree with its principle objective, CAINA simply is mollifying their situation on the streets, not promoting changes necessary for their social inclusion. While fulfilling these children’s immediate needs is of primary importance, advancing their rights, aiding their long-term inclusion, and combating the roots of oppression which lead to their presence on the streets is critical.

CAINA’s principle objective is “that the maximum number of children and adolescents that work live or frequent the streets of the city of Buenos Aires find an institutional space and integral attention in which they can elaborate individual strategies that contribute to their gradual distancing from the streets.”\textsuperscript{117} One of the program

\textsuperscript{116} Hecht, Tobias. 1998, \textit{At Home in the Street}. op.cit.
\textsuperscript{117} This is a translation of the following: “que el mayor número de niños / as y adolescentes que trabajan, viven o deambulan en las calles de la Ciudad de Buenos Aires, encuentren un espacio institucional de
directors declared CAINA's goal to get children off the streets has been unsuccessful when the children do not want to leave the streets. When this happens, CAINA places more emphasis on the expressive workshops.

According to one of the coordinators, certain children, who attend consistently, have come in and out of group homes (and other institutions) and have not been able to sustain attempts to return to their families and communities. The coordinator fretted, "we see it as something we could not achieve." In response to the suggestion that perhaps the children's consistent attendance indicates CAINA has a positive effect on them, the coordinator responded although the children's relationship with CAINA is better than no relationship at all, the children are still deteriorating on the street due to issues such as violence, and drugs.

Often, returning children to their homes does not provide much if any, improvement. As stated in the first chapter, in the slums of the province, children suffer from malnourishment, abuse from grownups, and frequent illnesses due to contaminated water and proximity to garbage dumps. Violence and drugs are ubiquitous in the slums. Accordingly, while homes are overcrowded, children are not safe to wander through the neighborhoods alone. One of the coordinators admitted many children eat better on the streets than they do in their homes.

When asked to describe a success case, one of CAINA's workers responded it is not that easy to designate clear successes, because returning children to their homes is

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118 This is a translation of the following quotation: "Lo vimos como algo que no pudimos, con lo cual no pudimos."
never a certain success. The children deal with issues of violence and deprivation at home, and frequently, return to the streets.

What happens when the children are not more safe and healthy at home? At home, children have not left poverty and violence, but the alternative is to send them to private group homes. The government has very little control over these homes' methodology, and according to one informant, around thirty children are waiting to enter the homes. (The informant was not certain about the number, because the government has no official database or waiting list for homes.) Further, according to one informant, frequently the group homes turn down older children. It is unfair to institutionalize children simply because their families and neighborhoods are too poor to protect them. Even if CAINA can obtain a government subsidy for the family, the situation of the family and the child is virtually the same. The child still faces situations of violence inherent in their neighborhoods of origin and the results of poverty. The State's responsibility is to solve these structural problems.

CAINA independently established its principle objective, to distance children from the streets. Because CAINA began as a result of social workers’ demands, rather than a governmental policy to implement the Convention on the Rights of the Child, social workers’ interests are reflected in CAINA’s primary objective. Nevertheless, the City government established CAINA’s responsibility for following and promoting the CRC at its inauguration, and the laws 114 (municipal law) and 26.061 (national law) hold CAINA responsible for following and promoting the CRC. Yet if sending children back to their homes places them in a situation of poverty, violence, frequent drug use etc., then this solution does not promote the CRC, nor does it solve the roots of children’s existence
on the streets. This is evident in the frequency with which these children return to the streets. Unless CAINA can answer the roots of the problems these children face, it will not be able to sustain their departure from the streets.

Of CAINA’s specific objectives, the most pertinent to youth participatory theorists is CAINA’s objective “to promote autonomous subjects through the understanding of their rights, keeping gender in consideration.”

According to interviews, this objective is neither clearly understood by workers, nor specifically pursued. One CAINA worker commented that promoting an autonomous subject:

"Is something that we are not clear about. We have it written, but I am not clear about what we mean. We are not sure about what happens when the children [pause] because here there is one age – we work with a margin of ages – and when the children turn eighteen supposedly CAINA stops being a place for them. I believe that this is still pending."

At age 18, young people lose their support group (CAINA) and cannot count on their families and communities to help them find a job or satisfy other needs. Because 18-year-olds still lack the ability to exercise autonomy (due to stigmas against street persons, and economic, political and social exclusion), they still wish to depend on CAINA, although they no longer are permitted to do so. These youths confront the same challenges they faced before they were 18; however, they have more responsibility, due to their age.

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119 Promover sujetos autónomos a través del conocimiento y ejercicio de sus derechos ciudadanos, considerando la perspectiva de género.

120 This is a translation of the following quotation: "es algo que no tenemos claro. Lo tenemos escrito pero no, yo no lo tengo claro. No tenemos claro, lo que nos pasa cuando los chicos [pausa] porque acá hay una edad, trabajamos con un margen de edades y cuando los chicos tienen 18 años supuestamente CAINA deja de ser un lugar para ellos. Muchas veces los chicos siguen enfrentando situaciones complicadas. Yo creo que es algo que tenemos pendiente."
Another worker said,

"I believe that the construction of autonomy is something that we attempt, but do not achieve. And even if we work and envision it, it is a constant conflict, because there are two opposing forces: the force to teach the children to attain their rights by demanding, requesting, running the institutional gamut, learning, capacitating themselves, changing things, etc; and the other force, which is that we cannot expect that this child alone can be responsible for all the issues he/ she has."^121

The identification of children's inability confront the system by themselves reveals the problem with conceiving of children's participation as an autonomous act. Because CAINA workers recognize the child's inability to demand his/her rights alone, they address the problem by demanding these rights for the child. This does nothing, however, to help the child after he/she reaches 18 years of age and meets the same institutional violence he/she found at age 17. Due to CAINA's inability to assure children's autonomy, CAINA resorts to paternalism to fulfill the child's basic needs. Once a child no longer may depend on CAINA, he/she is as helpless as before.

One informant declared, while CAINA may not always teach the children to demand their rights, they do teach them to care for themselves. The sort of autonomy CAINA has chosen responds to teaching children how to care for their bodies, educating them how to express themselves, training them to listen to others, and assisting them to

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^121 This is the translation of the following quotation: "yo creo que toda esta construcción de autonomía es algo que nosotros pretendemos pero que no logramos. Y que inclusive si bien lo trabajamos y vemos, es un constante conflicto porque sean dos fuerzas: la fuerza que pretende que los chicos aprendan y puedan lograr acceder, ya sea exigiendo, pidiendo, dándole una vuelta, aprendiendo, capacitándose, cambiando en algo; y la otra fuerza que es nosotros no podemos exigirles tanto a este chico porque no puede solo encima hacerse cargo de todo lo que tiene."
choose between options for the future. In short, CAINA teaches children the basic skills they need to be a part of society. These skills are necessary in terms of autonomy and interdependence and they cannot be under-appreciated.

CAINA conducts art workshops to impart these basic skills. In these workshops, CAINA attempts to teach children to voice their interests through self-expression. Juxtaposing participation in these workshops against the participatory approaches to working with children reveals the workshops resemble these participatory approaches in many ways, but they differ in a few important ways. CAINA views children's participation as individuals telling individual stories, instead of as a dialectical process among members of a community attempting to understand each other and the common good. This distinction is evident in CAINA’s primary objective, which attempts to promote street children distancing from the streets by giving them “a space to promote individual strategies”. Participation in CAINA can be likened to Robert Dahl’s vision of democratic participation, rather than Benjamin Barber’s. Dahl envisions participation as individuals pursuing their particular interests, while Barber understands participation as a dialogue among members of a community to understand everyone's perspective and needs, and to make decisions based on that understanding.

One coordinator described the intent of the workshops as enabling the child to:

“Better delineate his/ her present situation in order to be able to make choices; and most importantly (what challenges us most with coexistence), to find other standards apart from those of the street,
which have more to do with the word, with the situation, with being able to live with others.”

This expression deals with the individual’s life. The expression is not about changing society; rather, it is about changing the child. As stated earlier, Jonathan London, Kristen Zimmerman and Nancy Erbstein would say child development cannot be conceived apart from community development. Conceiving of children’s participation in CAINA as separate and autonomous ignores the links these children have with their communities of origin, their families, their peers on the street, etc. Children’s participation should engage those persons the child interacts with in society.

The coordinator said the programs that he/she generates are designed to,

“facilitate channels of expression, in which those children can say and become aware of many internal processes. It makes them conscious of what is happening to them in a space that can contain them.” This reflection is reminiscent of Thomas de Benitez's distinction between the Protective Approach and the Rights-Based Approach. The Protective Approach intends to change the child so he/she can be inserted into society, rather than changing society so that it can include the child. While this quotation demonstrates the importance CAINA places on the child's reflecting on important issues, the coordinator indicated CAINA does not try to encourage group discussions about serious issues, because the coordinator believed these discussions were distasteful to the children. Nor did the coordinator encourage each child's reflection on the important

122 This is a translation of the following quotation: "poder delinear un poco más la trama de su vida presente a poder elegir; a también, y sobre todo, que es lo que nos atraviesa mucho con convivencia, a encontrar otros códigos que no sean los de la calle y tienen más que ver con la palabra, con la situación, con lo que es convivir con otros."

123 This is a translation of the following quotation: "posibilitar canales de expresión dónde los chicos pueden decir, poner consciente un montón de procesos que están internos… los ponen, los hacen más conscientes de lo que les está pasando y generando un espacio que pueda contener lo que pase ahí. ¿No?"
issues in their life. The workshops simply are an opportunity available to children if they so choose to use them.

One of the coordinators described a game they play with the children in which the children are asked to describe the point of view of different people in a picture. When asked if they used pictures that would enable the children to talk about problems within their own lives, the coordinator responded:

“What I want to tell you is that we do not always put so much emphasis on the content [of the pictures]. Rather, these activities are often planned so that they come, so that they work, so that they sit down, so that they can write, so that [pause]… or well, simply that. To us they sustain a very corporal language, in general. It is very difficult for them to put things in words. We try to enable them to put things in words. It is not that we disagree with Freire, but that is very complicated and we are in the steps before all of that. This is a place whose final objective is that the children can leave their situation of being in the street. Consequently, this place functions so that the children do not come back here. We work separately with each child so that he/she can move away from the street.”

These quotations reveal a perception of children's participation and expression as an individual act affecting the individual's life. The coordinators see participation as a

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124 This is a translation of the following quoation: "Lo que te quería decir es que no siempre hacemos tanto hincapié en los contenidos, digamos, sino siempre realmente es muchas veces estas actividades están pensadas para que ellos vengan, para que trabajen, para que se sienten, para que se puedan escribir, para que [pausa], o sea, simplemente esto. Para nosotros, sostienen un lenguaje muy corporal, en general. O sea es muy difícil [para ellos] poner las cosas en palabras. Para que ellos puedan poner en palabras las cosas que les afectan. No es que no estamos de acuerdo con Freire sino que es muy complejo eso y estamos en los pasos anteriores que eso. Es un lugar que como objetivo último es que los chicos pasen de su situación de calle. Por lo cual el lugar siempre funcione para que los chicos no vengan más acá. Trabajar separado con cada chico para que puedan alejarse de la calle."
means of promoting socialization. The first quotation reveals the goal of children’s participation was to help them “…find other standards apart from those of the street, which have more to do with the word, with the situation, with being able to live with others.” The third quotation indicates the artistic workshops seek to teach children to communicate in society. The objective is to remove children from the streets and to move them into normalized lives where they can interact in society. This is reminiscent of Eroles’ paradigm of the “child in irregular circumstances.” Unlike the paradigm of the child in material or moral danger, this paradigm does not exercise repression to get children off the streets, but it does attempt to change the child in order to enable him/her to enter society. While socialization is important for street children because it facilitates their social inclusion, CAINA should also combat the social injustices street children suffer.

Although CAINA hopes children will use artistic workshops to express issues affecting them, CAINA does not promote children’s reflection on the larger processes affecting their communities or affecting street children as a group. In the first quotation, the coordinator hoped the children would use artistic expression to explore personal issues, but as will be discussed below, the very same coordinator avoided encouraging the discussion of serious issues in children's lives. The second informant claimed street children need to learn the basics of expressing themselves before they start to focus on issues such as social justice and oppression. However, popular education, which is prevalent throughout Latin America, has taught persons living in extreme poverty to express themselves while at the same time encouraging their critical reflection of society.
Generally, CAINA uses the workshops as an opportunity for the coordinators to get to know the children better. Accordingly, CAINA workers use the experiences or stories from a workshop to talk one on one with the children. CAINA works to fortify relationships between the children and the adults, as was reflected in the earlier statement about CAINA’s promotion of children’s autonomy, “we cannot expect that this child alone can be responsible for all the issues he/ she has”. CAINA does not attempt, however, to bolster bonds among the children, because they believe bolstering relationships among the children simply strengthens their ties to the street. According to one informant, CAINA insists on working individually with each child, even when children are on the streets with siblings and refuse to leave the street without them. One worker explains CAINA emphasizes working individually with the kids, because it believes working in groups sustains, rather than weakens, the children's links to the street. However, many children are more likely to listen to their peers than to an adult. As one of the coordinators said, the children almost always come to CAINA with their groups from the streets. Obviously, these groups are important and influential to the children. One coordinator noted children almost never visit CAINA alone; they almost always come with their groups from the street. If these groups are so influential for these children, it makes sense to work with these children within the group, not only to provide support within the children’s communities for their participation at CAINA, but also to access information that might not be available if CAINA workers only interact individually with each child.

One CAINA worker recognized CAINA lacks information about the population it serves; he explained the demographics and behavior of street children constantly changes
and CAINA cannot account for these changes. For example, sometimes the number of females or younger children rises abruptly. The level of violence among children and from children to workers at CAINA surges in some year, and in other years, it does not. The worker said CAINA does not know why these changes occur; yet it may not take in depth investigations to uncover the changes in the populations. According to London, Zimmerman and Erbstein, children will discuss issues with other children more openly than they will with adults, and while children may say things to please adults, the conversation will change when they are conversing among their friends.125

One informant claimed CAINA does work in groups, “we work in groups while the children are here, but the objective is that the children leave the streets. They do not all come from the same neighborhoods. It is difficult to think about this in group activities.” The coordinator emphasized children work in groups when they are participating in art workshops (i.e. when they are playing music or learning a craft), but the process of getting to know the children, the reasons why they are on the streets, their personal problems, etc. are all discussed individually with each child. CAINA believes in resolving children’s problems individually. The coordinator clearly does not envision group work as part of helping children confront their problems. Interestingly, the coordinator highlights the children come from different neighborhoods, an acknowledgement the children exist in a realm other than their circumstances on the streets; however, the acknowledgement ignores the many things these children share in common and their links to their peers on the street.

A CAINA worker explained it is difficult to talk to the children about serious issues because they come to CAINA to be children again. The worker said if CAINA employees talk to the kids about castles in China, the kids get excited, but if they talk about HIV or drugs, the kids get quiet. An informant described a group discussion CAINA attempted to encourage after a street kid, who was high from sniffing glue, got into a train accident and lost his leg. According to the informant, the discussions were largely unsuccessful because none of the kids felt comfortable talking about the issue. In the end, only the adults talked. It takes time for children to feel comfortable discussing personal or emotional issues. According to the interviewee, the failure of the group discussion revealed the lack of practice and time expended on this type of work with the children.

The children’s silence during the group discussion may have reflected their desire not to talk about personal or upsetting issues; however, on radio CAINA, one of the workshops, children ask each other more personal and pointed questions than the adults do. The radio programs’ content varies. Sometimes, participants read short stories or radio theatre they have written. Some days they interview other children attending the program or simulate interviews with famous people, such as Diego Maradona. Sometimes coordinators participate in the programs and discuss survival strategies on the street.

While the children feel comfortable asking each other personal questions, such as why they are on the streets, or whether police have abused them, adults ask more impersonal questions, like how long they have been on the streets and why they chose a specific place to stay. The children's ability to ask each other these questions supports
the argument that youth involvement in their own advocacy can facilitate access to unique and useful information about their circumstances. Since children can commiserate about many of their experiences, it may be easier for them to ask each other emotional or personal questions than it is for the adults working at CAINA. The children bring up serious issues with each other on the radio program, the assertion that children avoid discussing serious topics is not quite accurate. While the children may not feel comfortable discussing these issues with adults, they do discuss them on their own. CAINA should allow children to feel comfortable and supported in talking about these issues there.

The radio program often has a light-hearted, playful tone, but when the children discuss experiences they find unjust, they often express frustration and look for validation of their feelings. For example, when a child describes parental or police abuse, another child will say that is bad and look to another to confirm his statement. Even CAINA’s lack of soap or hot water for all children to bathe becomes a topic of frustration. The children seem aware they are unfairly excluded from such basic rights even in those places dedicated to serving them. Often, however, these issues are closed without much discussion. The children recognize the injustice, but fail to demand change.

Like the radio program, CAINA’s newsletter provides an outlet for children to express opinions. The children respond to questions such as what do you dream about. What do you want for the future? Do you hallucinate when you snort glue? What do you think about the electoral system? What TV programs do you watch? The children’s responses are diverse, and even when the responses seem similar, they are reflected upon

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126 One CAINA worker discussed CAINA’s uncertainty regarding what causes the periodic changes in street children’s demographics and behaviors. Encouraging and enabling children to discuss these issues
and answered separately. No attempt is made to encourage children to think critically about their situation as a class. Nor does their participation promote ways to change the system. Their statements are not based in a practical reality, but an imagined world. When asked what they want, many children responded they want a million dollars or a nice car and a house. Many expressed interest in being with their families again, and a few even expressed frustration with the system, but children's participation was not considered as a means of attaining their interests, or changing the system. While facilitating imagination in children is healthy, and important, children also should be encouraged to see their participation as a tool to pursue their interests and protect themselves.

Like CAINA’s newsletter, children’s voices are disparate in CAINA’s end of the year exhibition. The children share songs and stories they have written, they perform circus acts and a few children create short acts to show the public, but no consolidated commentary is presented about the children's relationship to society and their interests as a group confronting similar circumstances. Because the event was held in the middle of the day on a workday, with little to no real advertising, public participation at the event was sparse. CAINA's web page had not updated the time and place of the exhibition for two years. Almost all of the persons attending the event were employees of the Direction of Childhood (Dirección de Niñez).

CAINA focuses on the heterogeneity among the street children, instead of their common interests. While it is good to understand each child in terms of his/ her specific needs, they also have many of the same needs, and the same unfulfilled rights. If rights are considered universal, then it should be possible to discuss them even among diverse
could shed light on these mysteries.
groups. Further, although CAINA emphasizes the heterogeneity among the children, it only offers two solutions to their situation (returning children to their homes, or sending them to group homes). Children are not encouraged to reflect on their circumstances and their common needs in a group dialogue; rather, they are encouraged to develop “individual strategies” to deal with their circumstances alone. This is true even though CAINA has acknowledged children cannot resolve their circumstances alone; they are affected by a system that excludes them. Thus, CAINA has a responsibility to help change the system and how it interacts with these children.

Unlike the three previous examples of children’s participation, CAINA’s workshop for pregnant girls living on the streets (Taller de Madres) promotes group discussions and mutual support among the girls. Coordinators encourage group discussions about issues involved with pregnancy and child raising. The workers encouraged the girls to take control of the program. Although CAINA workers attend the meetings, the girls run the workshop and its programs, such as the clothes exchange where girls exchange baby clothes. One of the coordinators of the program remarked, it is more useful for the girls to talk to each other about their experiences because the ability to share what they have in common builds strong bonds and the advice is considered more legitimate when it is given by someone who has been in the same situation. A workshop coordinator indicated many of the girls who started with the workshop two years ago continue to attend and help new teenage mothers who are entering the workshop. This reveals the workshop has built a sense of community and solidarity among the girls and underscores the merits of allowing young people to discuss issues
affecting them with their peers, as well as the positive support that can comes from fortifying bonds between children.

The radio program, the newsletter and the annual exhibition are unique aspects of CAINA because they have enabled children’s voices to reach the public. CAINA also has a web page in which children’s stories, illustrations, etc, are exhibited. Now CAINA is trying to promote contact between the children and the public. Recently, children participated in selling books with their stories in the Buenos Aires book fair. The children's radio program is played in the building so other children can hear what their peers are doing. The program has aired three of the radio programs on the public radio as well. During the lunch hour, one member of the staff recounts the day’s activities and the news for the week/ day. This communication is meant to discuss different children’s achievements and inform the children about CAINA's plans for the future. Children's artwork is displayed on the walls of CAINA to recognize them as a part of the community. While it is too early to measure the impacts of these interactions, CAINA workers agree public recognition of the children's work was very positive for the children. One worker said interaction between the public and the children creates a unique opportunity for the children to build a new sort of relationship in society; where they are not begging or being treated as street children, but rather being respected for what they created or what they are saying. The worker declared many people have offered to volunteer for CAINA and many academics are interested in investigating their work. They attribute this interest to the publicity of their work, such as the web page.

Nonetheless, one informant noted CAINA still is unknown to those who do not work with the issue. Persons who know about CAINA, learned about it by searching for
it. While CAINA has a web page, it only can be found by searching for information about street children in Buenos Aires; little to no publicity about the program is available to the public at large.\textsuperscript{127} CAINA’s newsletter is only available to persons visiting government offices of the Direction of Childhood, or to persons who made special requests for copies and at CAINA’s end of the year exhibition in 2005, there was little to no public presence.

In none of children’s interactions with the public have they expressed their needs and interests as a group. Even when some children discussed issues they found frustrating and unjust, they were unable to achieve a concerted voice or to conduct in depth discussions about the issues, their roots or needed changes. Lack of an institutional capacity to respond to their voices contributes to this phenomenon. Not only is CAINA unable to promote institutional change, no institution is in place to listen to these children’s needs and interests and respond. Children are not encouraged to see participation as a means of pursuing their interests. In short, CAINA accompanies and listens to street children, and fulfills their basic needs, but it does nothing to change the system that victimizes them. As one coordinator said, once the children turn eighteen, they confront the same exclusions, but they must do so without help from CAINA. The program assists children, but it does not empower them. While CAINA provides children an outlet through which to express themselves, there is no real response to their problems. The children should participate in discussing the issues, and in evaluating programs, raising social awareness in the community, and making objectives for their future. CAINA and the government have yet to create channels to listen and respond to children.

\textsuperscript{127} The publicity that is widely distributed come from newspaper articles about the program, the three radio programs that aired, and the book sale.
As Fazzio says, one of the main problems with social work in Argentina is the lack of institutionalized channels through which to deal with residual problems. One of the issues is CAINA really does not have the money or the resources to respond to these issues. Yet, if CAINA is to implement the Convention on the Rights of the Child, it must be responsible for promoting children's authentic participation. The State has signed the CRC and has passed laws to implement it, but it has not dedicated the funding or the long-term planning to realize it.

CAINA’s emphasis on working with children individually is not necessarily a problem, but it carries with it remnants of the Eroles’ paradigm of the “child in social risk” and Thomas de Benitez’s Protective Approach. CAINA’s approach does little to combat the structural causes and processes that bring children to the streets; rather, it attempts to deal with the "immediate causes". Having children work in groups enables them to see their problems not just their own personal issues, but as problems linked to structures of power, institutions that exclude them, and the beliefs and practices of certain actors. As Ennew and Swart-Kruger argue, much of the repressive behavior towards street children can be linked to an attempt to normalize these children to try to return them to childhood as society understands it.

**Summary**

CAINA has improved the conditions for children on the streets of Buenos Aires and has empowered street children with important information such as how to take care of their bodies and how to express themselves. CAINA has facilitated street children’s inclusion through socializing them in its art workshops. CAINA’s creation of a cooperative has enabled it to adapt to periodic changes (such as the lack of space in group
homes), and to provide children with amenities, such as the radio workshop, that would not be a priority expenditure for the government. CAINA links children with adults who can listen to their needs and interests and CAINA enables children’s positive interaction with the public in its annual exhibition, the radio show, the magazine, etc. There is no doubt that this work has benefited these children in terms of their self-esteem and their ability to express themselves and interact with others. CAINA’s workshop for teenage mothers has shown that enabling youth to participate in group dialogues can promote their mutual solidarity.

Yet, informants note CAINA suffers multiple problems. CAINA lacks resources to deal with the overwhelming number of children who visit the program, to provide job stability to its workers, and lacks time to make long-term plans. The investigation notes that institutions serving street children are fragmented and overlapping and do not communicate amongst each other. Informants note there is a large turn over in children who visit CAINA and one informant revealed seeing the same children in multiple assistance programs. Informants lament often children are unable to sustain returning home; one informant admitted CAINA does not have any real success case amongst the children who do return home or enter a government home because the children remain highly vulnerable. Although CAINA aims to promote children’s autonomy, it has been unable to fulfill this goal, because children are not capable of confronting the institutional oppression alone.

Because CAINA only interacts with children individually, it loses important information about children’s reality on the street and overlooks important bonds such as children’s sibling and street groups. CAINA’s emphasis on children’s individual
expression inhibits their identification common interests; consequently, when children interact with the public, their voices are scattered.
Chapter 5: Recommendations:

In this chapter, I will recommend means by which CAINA and the municipal government of Buenos Aires can improve their advocacy for and the satisfaction of street children’s rights. CAINA and the municipal government of Buenos Aires should improve coordination among institutions working with street children. CAINA should encourage street children to participate in creating program objectives, evaluating the program and promoting their rights. CAINA should address the root causes of children’s presence on the streets, as well as the immediate causes. CAINA should provide more options for children’s social inclusion, and should promote children’s participation in associations that serve their interests and can provide long-term support. Street children should participate in civic dialogue with their local communities and society. CAINA should enable children’s participation in group dialogues; then, it should act in response to the needs and interests children identify.

Recommendation 1: CAINA and the municipal government of Buenos Aires should promote collaboration among institutions working with street children.

Collaborating with other institutions can enable CAINA to confront recurring problems, such as resource shortages, job instability, and overwhelming numbers of street children visiting the program. Because one informant reported seeing children in as many as five different assistance programs, these organizations probably are reproducing each other’s work. By working together, each organization can better invest its time and resources.
Fazzio recommends social workers should assemble to discuss recurring needs to establish transparent channels for accessing resources based on those needs. CAINA reported each time a child wants to return home or to enter a government home, staff must search an institutional labyrinth for resources. Transparent, official channels should be created to assist programs to obtain resources. The most efficient method to accomplish this goal is to institutionalize channels through which programs can acquire commonly needed resources.

At CAINA, job instability inhibits workers from remaining in their job more than a few years. Children should be served by experienced workers. Unfortunately, poor working conditions exhaust workers’ energy before they can incorporate lessons they have learned into their work with children. Through better coordination of governmental resources, such as fusing similar programs, the government could enjoy efficiencies of scale and could invest surplus resources more effectively into workers and programs. Further, collaboration also could help programs share resources.

CAINA should establish channels of communication with non-governmental and governmental organizations working with street children and it should create a space for regular communication among organizations. Currently, the Council on the Rights of the Child and Adolescent meets once a month with all governmental and non-governmental organizations that work with children. This sort of meeting should be arranged for organizations working with street children to discuss their experiences and create long-term strategies and goals. ¹²⁸ Coordinating with other institutions can free up time for CAINA to reflect on its experiences, and create and implement new ideas. Further,

¹²⁸ Street children should participate in these meetings; they could present program evaluations and assist in establishing goals for the programs.
communicating with other organizations can enlighten CAINA about successful and unsuccessful practices and experiences.

Engendering inter-institutional collaboration will necessitate unifying the multiple municipal programs for street children under one directory. The Direction of Childhood should fuse its two divisions serving street children. The Direction of Childhood and the Council on the Rights of the Child should have a common workspace to facilitate communication and articulation. These two directories exist in two different offices in different parts of the City. This separation impedes communication and resource sharing. Each branch has its own resources to distribute, which leads to their functioning independently of each other. The Council on the Rights of the Child should have access to its own funds, because it is responsible for monitoring the implementation of the Convention on the Rights of the Child. The Council must be financially independent if it is to hold other sectors of the government accountable. Nevertheless, uniting the Council on the Rights of the Child with the Direction of Childhood in one building would facilitate their cooperation.

To facilitate organizational collaboration institutions should systemize information regarding the children attending the various institutions. Of course, safe guards must be in place to assure information could not be used against the children. Children have rights to privacy; therefore, potentially harmful information should not be included in these databases. The database should resemble a registry of welfare recipients and the programs they receive. Although not all organizations have access to computers, the Council on the Rights of the Child and Adolescent has these resources and has a list of non-governmental and governmental organizations working with children;
hence, it could facilitate communications. CAINA already has begun to systemize data about the children visiting the organization, their age, their origins, etc. While CAINA makes non-identifiable information about children available on its website, CAINA should share with other organizations which children are visiting the program.

To avoid children attending multiple organizations sporadically, children should be encouraged to choose a single organization to attend. This way the 55 non-governmental organizations and multiple governmental sectors could apply their resources, both human and material, more effectively and efficiently, and each organization could work on a more consistent long-term basis with each child. Of course, children should be free to switch organizations or stop attending any organization. The database should not become a bureaucratic impediment to providing children assistance; rather, it should contain information about the programs children attend to enable organizations to communicate and track the children.

**Recommendation 2: CAINA should include children in creating objectives, evaluating the program and promoting their rights.**

Children’s attendance in multiple assistance programs could be due to children’s viewing these organizations as a means of survival on the streets. Tobias Hecht found street children in Brazil saw their relationship to assistance programs as a patron-client relationship, in which children received material assistance in exchange for their attendance in the program. They believed the programs profited from their attendance. It is possible that street children misunderstand CAINA’s objectives (as Hecht found in
Brazil) and consequently perceive their relationship with CAINA as an exchange of favors – their attendance for material assistance. If street children perceive assistance programs are a means of survival, rather than a way off the street and into a more stable environment, then these programs merely are ameliorating the harsh conditions in which children live on the streets, but are not necessarily promoting their inclusion in society or their empowerment.

Children’s perception of assistance organizations as a part of their survival strategies could explain the large turn over in children who attend the program. Children who do not attend consistently may see CAINA as a grocery store, one among multiple options for assistance. According to CAINA workers, the sizeable turn over in the children attending the program inhibits consistent work to address the particular needs of each child. Ultimately, CAINA should include the children in the creation of the program’s objectives and evaluation, and the promotion of their rights. If children participate in running the program, they can better identify with the organization and understand its objectives. They will be invested in the organization and feel they are part of CAINA because they help define it. Further, CAINA can better understand the children and their interests by encouraging them to express their opinions. The only way to ever know how children perceive their relationship to the program is to enable free and open communication among the children and workers.
**Recommendation 3:** CAINA should address the roots of children’s presence on the streets.

CAINA needs to investigate the reasons children are on the streets to confront not only the immediate causes but also the foundational causes of their presence on the streets. According to CAINA workers, most of the street children maintain contact with their families. This implies these children are not on the streets out of rebellion. While CAINA addresses each child’s situation individually, the consistent cause of children’s presence on the street is linked to the poverty in their neighborhoods of origin.

According to one informant, some children regularly attend CAINA but have not been able to sustain returning home or living in group homes. As one CAINA worker said, there are no real success cases, because children returning home have to confront multiple levels of violence – parental abuse, structural violence, violence by local youths. Sending children to their homes does not necessarily deal with the root of children’s problems. Many of these children come from impoverished neighborhoods with a level of violence more intense than that of the City of Buenos Aires. Group homes are a good alternative, but they cannot provide the long-term support families can, and there is little to no control over their methodology. Sending children to group homes penalizes children and their families for being poor and it does not solve the roots of the problem.

Political coordination between the Province and the City must be established to promote community development in children’s neighborhoods of origin. Most programs directed toward street children are based in City of Buenos Aires, but the roots of their presence in the street are outside of the City. According to CAINA’s records, 90 percent
of the children who visit CAINA come from the province of Buenos Aires. One interviewee noted very few programs exist for children and youth in their communities of origin. CAINA gives children the choice to return to their communities, or go to a group home in the City, yet neither of these alternatives responds to the problems in their neighborhoods of origin. As London, Zimmerman and Erbstein say, it is a mistake to imagine youth development and community development as independent processes. Youth should be consulted about the needs of their communities and should participate in programs to promote local development. Llobet would argue that responding to the root of the problem means investing in universal programs to redistribute power and knowledge. The only way to respond completely to the issue of children on the streets of Buenos Aires is to respond to the roots of the issue – poverty.

**Recommendation 4: CAINA should provide more options for children’s social inclusion.**

CAINA should provide other options for inclusion into society for those children who do not wish to return to their homes or to enter a group home. CAINA workers should ascertain the reasons these children do not wish to leave the streets. A child originating in satisfactory living conditions, free from violence and deprivation, probably would not choose to live on the streets, because conditions on the street are noxious. CAINA should engage children, both in groups and individually, in discussing available options and in attempting to create new options. For example, a possible option is the community employment program operated by the Council on the Rights of the Child and
Adolescent; it grants children scholarships of 150 pesos per month to study a profession. Another option to be discussed and considered might be linking children with groups like the Center for Argentine Workers (Centro de Trabajadores Argentinos), which already has a health and literacy program for street children. Similarly, referrals to the Educational Workers’ Union (Unión de Trabajadores Educativas - UTE), which helps incorporate street children into secondary schools, could assist particular children.

Another alternative might be the program, Lazos, which is operated by the Direction of Childhood; it connects youths living in group homes with recovered factories (factories run by a co-operative of workers) to provide job opportunities. Groups, such as worker's unions, can help provide the children with a long-term network and a space within which they can participate and receive support. These groups provide membership in a community with which they can begin to participate politically, socially and economically. While children will need to establish a stable living situation, perhaps linking them with organizations could help them locate adequate living circumstances as well.

**Recommendation 5:** CAINA should promote children’s participation in associations that serve their interests and can provide long-term support.

Children’s empowerment and participation in society necessitates fortifying their relationships and their membership in society via inclusion in organizations that can support their participation. Since not all children have the capacity to be fully autonomous, and since children, like other individuals in society, cannot achieve their
interests alone, children should participate in groups with which they identify and which are able to support them. Effective participation on a large scale (any more than a few hundred people) requires linking the child’s interests to the particular group that can represent him/her. The Convention on the Rights of the Child grants children the right to associate. CAINA should capitalize on this as a tool to promote the development of street children as members of the political community and facilitate the communication of their needs and interests.

Support networks facilitate political, as well as economic, participation and are valuable for job searches, crisis support, political promotion, etc. Specifically, most persons find jobs via connections, and support networks can become survival networks during times of crises. Children’s organizations can provide support not available in children’s families and communities of origin, because of poverty, or in group homes for "abandoned" children, due to their need to support a large number of children. As Javier Auyero illustrates, the shantytowns of Buenos Aires, where most of these children originate, are becoming increasingly isolated from the cities. Persons from outside the villa, or shantytown, will not enter. Since unemployment has so extensively and profoundly affected the areas, residents of these neighborhoods can neither depend on their neighbors for support, nor can they use them to find jobs. Like CAINA, the group homes cannot provide the long-term support families, communities and organizations can. If the youth finds him/herself unemployed a couple years after leaving the group home, the home lacks the capacity to assist.

CAINA could also encourage the children to create their own organizations, which could be similar to the National Movement of Street Boys and Street Girls, in Brazil. The National Movement of Street Boys and Street Girls participated in the writing the Constitution at the end of the Military Dictatorship and it participated in discussions that led to the Statute of the Child and Adolescent in 1990. Most recently, the street children’s movement actively participated in denouncing extermination squads killing street children in Brazil.

**Recommendation 6: Children should participate in civic dialogue with their local communities and society.**

CAINA needs to plan for these children’s long-term growth and development in the context of their communities and society. CAINA should promote children’s participation at the local level to build community awareness of their needs. Street Kids International believes the most important work is at the local level, because street children are directly affected by local police, school systems, and health workers. Although most advocacy groups work at the national and international level, changes in policy at the macro scale take much longer and have less of an effect on micro scale issues. Civic dialogue at the local level enables mutual understanding among persons who interact on a daily basis. For example, health professionals and police officers directly affect street children. Workshops at which children and health professionals discuss service delivery to street children, or the lack thereof, and the reasons and causes

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131 See Index for a description.
therefore are worthwhile. Dialogues among children and professionals could build children’s self-esteem, develop their capacity for self-expression and could help overcome social prejudices about children (in particular street children).

As Gail Lewis says, the perceptions and prejudices of society and government officials, such as welfare providers, circumscribe one’s ability to exercise his/her rights. For example, homosexuals may not be hired for certain jobs, or persons of certain races might not receive equal treatment from social workers. Similarly, street children may be abused, ignored, etc. due to stigmas against them. The State is responsible for protecting these children from discrimination, and one part of promoting these children’s rights means combating prejudices, stigmas, etc. Youth participatory theorists believe this can occur via children’s interactions with members of the community. Thus, workshops inform persons of street children’s rights and needs, and facilitate mutual understanding, which is indispensable to promoting children’s rights.

**Recommendation 7: CAINA should enable children’s participation in group dialogues.**

CAINA envisions participation as an individual, autonomous act. While this is an important form of participation and should be encouraged, it should be complimented by group dialogues. Participation in assembly-style dialogues can enable children to identify common interests and can provide a means to promote those interests. It would be much easier for the public to understand and respond to street children if they were to

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communicate their common interests and complaints, rather than stating their needs and interests individually.

Group participation can teach children to listen to others and can enable them to understand their situation is not due simply to their particular circumstances, but also due to structures of oppression. CAINA teaches children to articulate themselves through various artistic forms, but it does not teach or encourage them to reflect critically on their situation. In CAINA’s radio show, children comment about the social injustices they endure, but they do not reflect on the roots of the problem and means to change it. Freire would encourage a more in depth look at oppression and development of concrete plans to combat it. Children should be able to see their participation as a means of denouncing this violence and as a way of creating change. As London, Zimmerman and Erbstein contend, many efforts to include children's participation among oppressed groups will fail unless this participation is incorporated through the lens of social justice. If street children are to think about their lives and society’s affect on them, they should discuss these issues through the lens of social justice.

Because children’s street groups influence them, children should be encouraged to support each other’s participation at CAINA, and CAINA should encourage children to work with their peers towards common goals by mutually supporting their advocacy and the fulfillment of their needs. CAINA's workshop for mothers is evidence group participation can fortify solidarity.

Group participation can facilitate conversations children may be less likely to share with an adult. CAINA acknowledges it lacks information about the children it
serves, such as what they do when they are not in CAINA, why demographics change, why they are more violent in some epochs than others, etc. Some students of the issue, such as the youth evaluation of the San Francisco Juvenile Justice system (discussed in the index) have discovered, children interviewing their peers provide access to information not be available to adults.

CAINA’s difficulty generating a group discussion about a train accident involving a street child who was high from sniffing glue demonstrates the difficulty in engendering an atmosphere where children feel comfortable discussing serious issues. Development of such an atmosphere requires time and patience. Children must learn to feel comfortable expressing themselves in public and need to learn to critically reflect on their surroundings. Since children are used to traditional relationships of authority, it takes time for them to find their own voice. They need to feel comfortable contributing information and they must be assured their experiences and perceptions are valuable. CAINA already has invested considerably in encouraging children’s self-expression and emphasizing the value of their voices. CAINA should expand this work to foment children’s ability to discuss and reflect on issues as a group.

Until children feel comfortable expressing themselves freely, discussions will be limited to impersonal issues, as CAINA now experiences. Street Kids International (SKI) has learned children more easily talk about experiences and issues on the street if they talk about them in the context of a fictional story. SKI developed videos that highlight some of the issues children confront on the streets. Talking about the characters and the

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plots in the videos has allowed the children to openly contemplate daily decisions in a non-judgmental atmosphere and to consider all options. Given the variety of ages, CAINA might want to separate children by age and perhaps by gender order to enable all persons to talk rather than just the oldest, or the leaders of the group.\textsuperscript{135}

**Recommendation 8: CAINA should act in response to the needs and interests children identify.**

For children’s participation to be authentic, some actions in response must occur. CAINA currently lacks any means to respond to the issues children identify. If children talk about police abuse, CAINA should consider working with other governmental and non-governmental organizations to promote talks and educational campaigns between children and police officers. If children discuss poverty in the province, then the municipal government should work with the provincial government to create after school programs for children and youth, or other focused programs.

Inclusion of street children requires giving them a voice in the public arena. The Council on the Rights of the Child and Adolescent instituted a pilot project in the Boca neighborhood where children, who are elected from their neighborhoods, discuss neighborhood problems and offer suggestions. CAINA could sponsor a similar project for street children. CAINA promotes street children’s voices through the annual exhibitions, the radio show, the magazine, photography books, etc.; however, according


\textsuperscript{135} Hart, Roger A. and Jasmine Rajbhandary. “Using Participatory Methods to Further the Democratic Goals of Children’s Organizations” in *Youth Participatory Evaluation: A Field in the Making.*
to one informant, CAINA is still unknown to those not working in the field. With the exception of the radio show, which has only aired three times, persons learn about CAINA only if they search for it. It is very difficult for persons to attend CAINA’s annual exhibition, because the event is held during work hours, and the date and time for the show has not been updated on the website for two years. CAINA should publicize children’s work and their voices. Further, children’s participation should be extended after the children have reflected on their circumstances. Their voices should be represented in meetings, like the monthly meeting the Council on the Rights of the Child holds with all organizations working with children.

The analysis of the Centro de Asistencia Integral a la Niñez y Adolescencia, has enabled this thesis to identify multiple processes affecting the promotion of street children’s rights in Buenos Aires, Argentina, and to suggest means and methods for the fulfillment and enhancement of street children’s rights. Including street children’s voices in society can expand the understanding of the ways in which we affect them and the means to promote their needs and interests. CAINA should create spaces for children’s voices in public; then it must be able to respond to children’s needs and suggestions. Otherwise, children’s participation has no meaning. Although children should practice self-expression, they also should engage in group dialogues to identify common interests and establish how to promote them in society. Children’s participation in society should manifest itself in terms of interdependence, rather than autonomy. CAINA should work to promote children’s inclusion in associations that can provide long-term support and advocate their interests. In addressing street children’s presence on the streets, CAINA should deal both with the immediate and root causes; this will mean collaborating with
the province (90% of children attending CAINA come from the province) to create
programs to support youth. Institutions working with street children must share
information and resources and must collaborate to establish communication channels
through which to access regularly needed resources. For programs, planning and policy
to be more effective and efficient, government must link the myriad organizations
working with street children.
Index: Experiences of Children and Youth Participation

South Africa:136

In South Africa the South African Law Commission started re-working child legislation in the 90's. The Commission held workshops around the country where children attended and shared their perspectives. Their comments were taken into account when the Commission consolidated its recommendations for the new child legislation in 2001.

Nigeria:137

In Afugiri, Abia (Nigeria) a children's rights club of 10 to 16 year old kids mobilized to address the lack of immunizations in the area. They organized community discussions about immunization, HIV/ AIDS, oral re-hydration therapy, exclusive breast feeding and children’s rights issues and encouraged mothers to bring children to get immunized and tracked the immunization of newborns.

Iran:138

In Iran UNICEF organized a conference run by handicapped children, which enabled them to express their opinions and perspectives about creating strategies to service their needs.

Brazil:139

In Brazil the National Movement of Street Boys and Girls (MNMMR) provides a space for children living on the streets of Brazil to become aware of their rights, to recognize their own perspective and to fight for their rights. The program began in 1985

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as the result of a national conference of street educators – attended by delegations of adolescents. In 1986 600 street children and educators met to define four objectives for the organization: "to change laws that punish poor children for being poor"; "to combat violence"; "to support and expand the Movement to permit more boys and girls to participate" and "to train educators and activists to develop the necessary competencies and appropriate approach to working with these children."\(^{140}\)

The National Movement of Street Boys and Girls participated in the writing of the Constitution at the end of the Military Dictatorship and it participated in discussions that led to the Statute of the Child and Adolescent in 1990. The MNMMR actively participated in denouncing extermination groups.

**United States:**\(^{141}\)

London, Zimmerman and Erbstein describe youth led research about a new juvenile justice plan to reform the justice system in San Francisco. Twenty youth researchers, who had experience with the juvenile justice system, evaluated a new program for the juvenile justice system. They identified the needs of youth in target neighborhoods and developed indicators to measure the plan's success. The youth worked with adult evaluators and policymakers; the results of the investigation were used to inform city planning and planning for the juvenile justice system. The youth were able to access information from their peers that the adult researchers would have had difficulty acquiring and they came up with indicators that the adults had not thought about. For example, the youths' identification of "respect" ("that is describing a humanistic and dignified treatment within the system") as an important indicator of the plan's success

was avoided by adults because it is difficult to define. The children's inclusion of the term changed the way policymakers and project designers thought about the issue.

After the conclusion of research, the youth who participated in the program continued to exercise leadership positions in their communities. The project promoted a dialogue throughout the city, it developed "lasting relationships" between youth and adults that promoted the city's "social capital" and it enabled a marginalized group to empower itself via being a part of the construction of knowledge and public dialogue.

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Bibliography


