

Reflections on children's rights in Brazil and South America

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MAKING RIGHTS REAL FOR CHILDREN: LEARNING FROM SOUTH AMERICA

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The International Center for Research and Policy on Childhood at the Pontifical Catholic University of Rio de Janeiro (CIESPI at PUC-Rio), is dedicated to engaging in research studies on, and social projects for, children, young people and their families and communities. Its purpose is to support the development and implementation of policies and practices for children and young people that contribute to their full development and the promotion and defense of their rights. CIESPI is particularly concerned with children growing up in contexts of vulnerability including poverty.

Reflections on children's rights in Brazil and South America



- 1- The context: South America/Latin America and the Caribbean
- 2 - Children's rights in South America and Brazil
- 3 - An example of using the rights frameworks on behalf of children and young people in Brazil

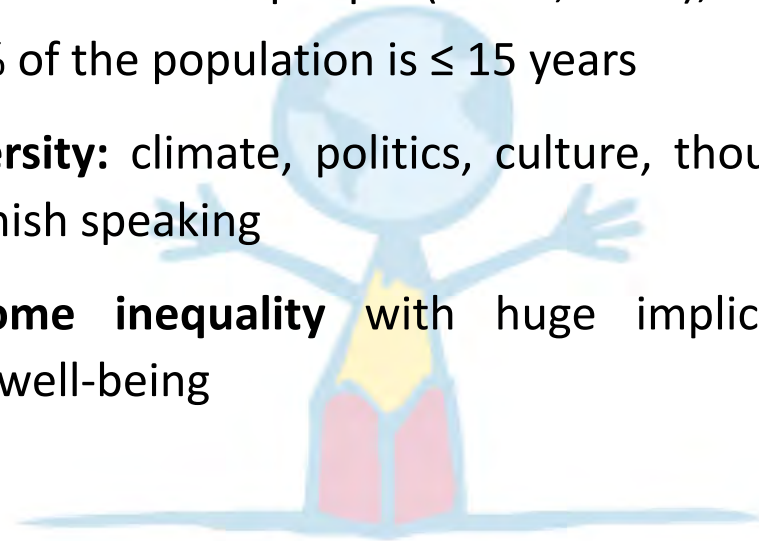


About the Latin American Region



BASIC FACTS:

- **Vast region** with 8,62% of the world's population:
 - LAC: 26 countries; SA: 12
 - Over 600 million people (UNDP, 2017);
 - 26% of the population is ≤ 15 years
- Huge **diversity**: climate, politics, culture, though all but Brazil Spanish speaking
- **High income inequality** with huge implications for children's well-being



The Latin American region

Total population, total of young people and percentage of young people (thousands) - 2017			
Location	Total	0-19	0-19 (%)
World	7.550.262,101	2.553.722,16	33,8%
Europe	742.073,853	155.041,363	20,9%
United Kingdom	66.181,585	15.408,366	23,3%
South America	424.393,617	135.952,966	32,0%
Brazil	209.288,278	62.595,623	29,9%

Source: United Nations, Department of Economic and Social Affairs, Population Division (2017). World Population Prospects: The 2017.



Childhood Studies: North and South

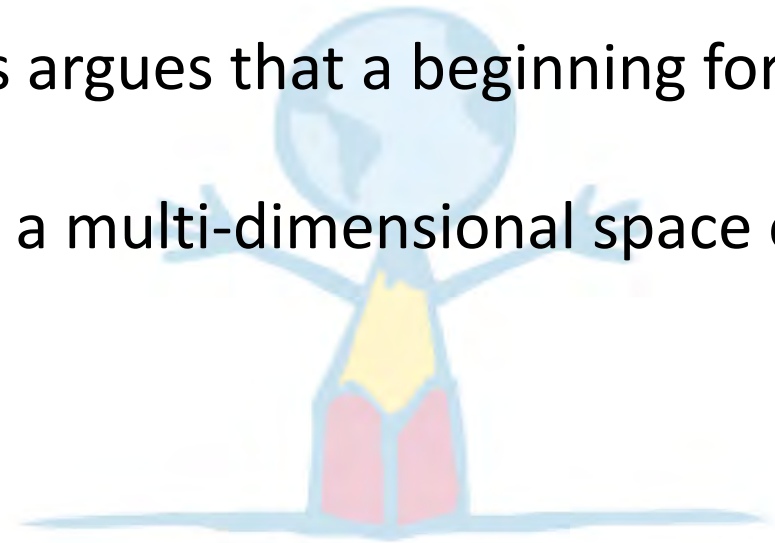
Personal trajectory: understanding differences, learning from them

Edgar Morin: “We must respect the diversity of each country”

Epistemologies of the South

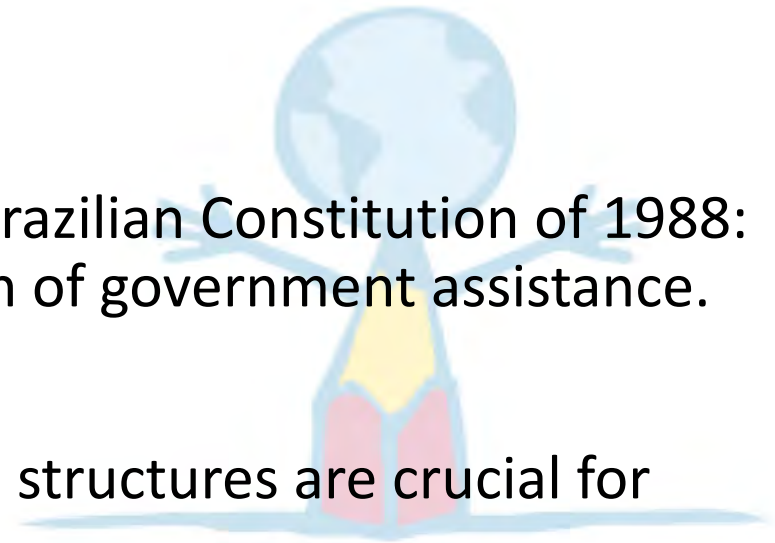
The Portuguese sociologist Boaventura Santos argues that a beginning for understanding the South is that

“...Beyond being a region of victimization, it is a multi-dimensional space of resistance and the art of survival”.



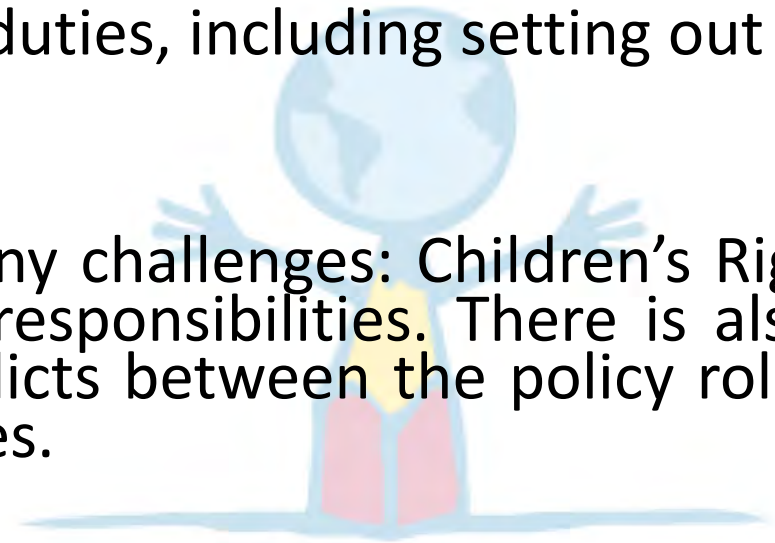
Children's rights in South America and Brazil

- The basis for children's rights is the UN Convention on the Rights of the Child ratified in 1989. The preliminary discussions to the Convention greatly influenced the Brazilian Statute on the Child and the Adolescent and all the region during the 1990s.
- Children's rights included in Article 227 of the Brazilian Constitution of 1988: children are to have precedence in the provision of government assistance.
- Legal rights outstrip rights in practice, but those structures are crucial for advancing rights on the ground.



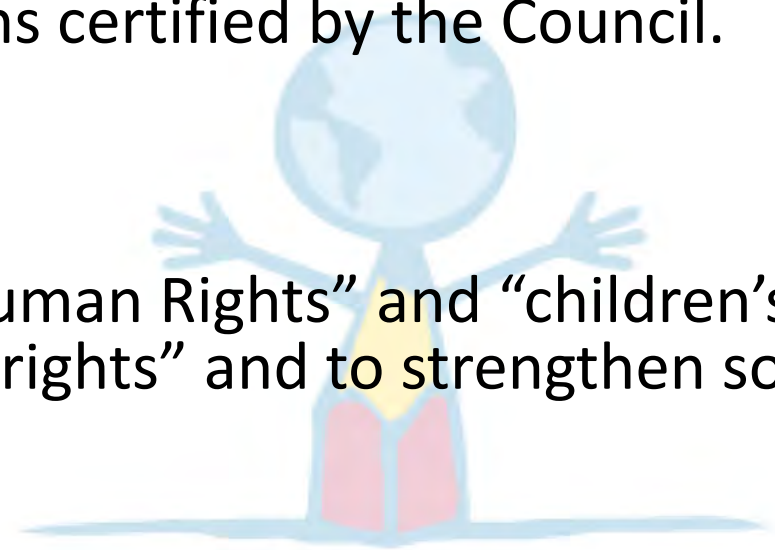
Children's rights in Brazil

- Federal law in Brazil, reflecting the post dictatorship discussions of freedom, provides for **citizen involvement** in policy making. One mechanism is **Rights Councils** which are mandated by law on several key topics at each level of government (Education, Health etc).
- The Children's Rights Councils have several duties, including setting out and monitoring children's policies.
- Significant changes in **power relations**, many challenges: Children's Rights Councils are often overwhelmed by their responsibilities. There is also a striking absence in the law about any conflicts between the policy role of Councils and the policy role of elected bodies.



An example of using the rights frameworks on behalf of children and young people in Brazil

- The Children's Rights Council of the city of Rio de Janeiro has been a critical tool in our work in Brazil.
- It consists of half nominees from municipal departments and half people elected by children's connected organizations certified by the Council.
- What happened in practice:
Political appropriation of the discourse of "Human Rights" and "children's rights"- aiming to go beyond the "rhetoric of rights" and to strengthen social and political movements



Do children and young people participate?

Reflecting on 2 important concepts in Latin America

- **Participación ciudadana** - emphasizing young people's social participation and engagement as citizens.
- **Protagonismo** - Emphasizing their place and role in society as proactive actors, having autonomy, a sense of agency.

Strong appeal to listen to Children's voices, but where are they?

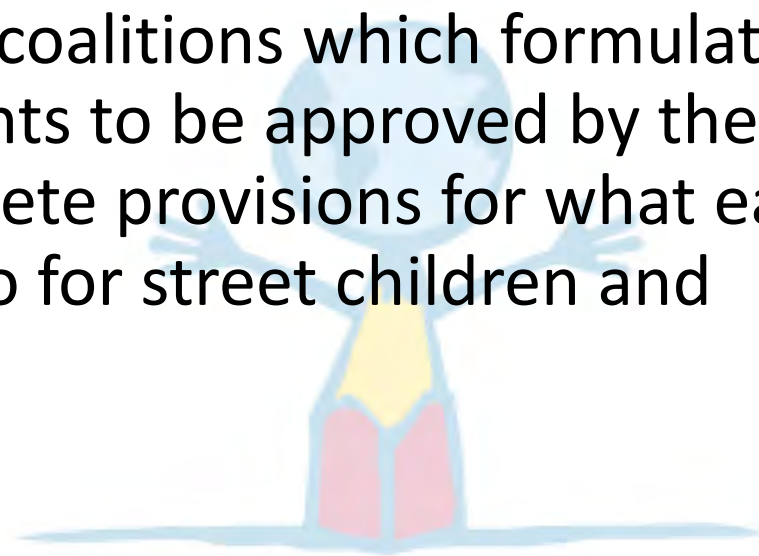
Research: Rizzini, Torres, Del Rio. Youth at Present in the Americas: 3 Cities sStudy (Rio, Mexico, Chicago. University of Illinois Press, 2012); and Collins, Tisdall, Rizzini et al: Monitoring Child Participation in International Child Protection programs and policies. Ryerson University, Canada, the International and Canadian Child Rights Partnership (ICCRP).



Using the rights frameworks on behalf of children

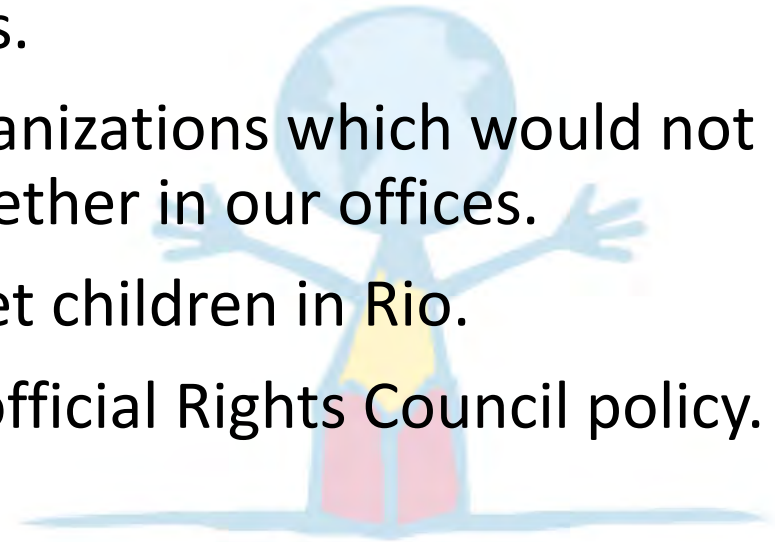
Improving children's policies in Brazil

- In 2009 and 2013 CIESPI pulled together coalitions which formulated 2 policies based on the framework of rights to be approved by the Rio Children's Rights Council. They had concrete provisions for what each relevant municipal department should do for street children and young children (early childhood).



Passage of a street children's policy

- In Rio, street children regarded as a burden and a threat to society. Hauled away in garbage trucks prior to mega-events such as the Olympics and the World Cup. Constantly exposed to violence, hunger, ill-health, lack of any educational possibilities while on the streets.
- CIESPI considered an honest broker and organizations which would not normally talk to each other would meet together in our offices.
- It included key actors concerned about street children in Rio.
- After a long struggle the policy adopted as official Rights Council policy.

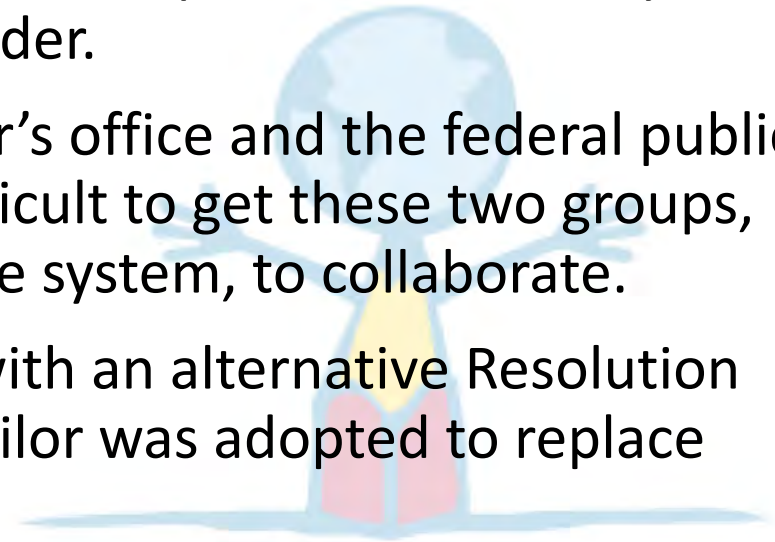


“We just want to be seen as a human being, like any other person...”



A concrete victory (the case of Resolution 20)

- In 2011, the municipal secretariat for social assistance adopted an executive order called “Resolution 20”, which robbed street children of critical rights.
- CIESPI re-invigorated the street children coalition who persuaded the City Council to establish a working group to challenge the order.
- Representatives of the federal public prosecutor’s office and the federal public defender’s office joined the group. It is very difficult to get these two groups, playing very different roles in the criminal justice system, to collaborate.
- After two years of debate, the group came up with an alternative Resolution which with the help of a sympathetic city councilor was adopted to replace Resolution 20.

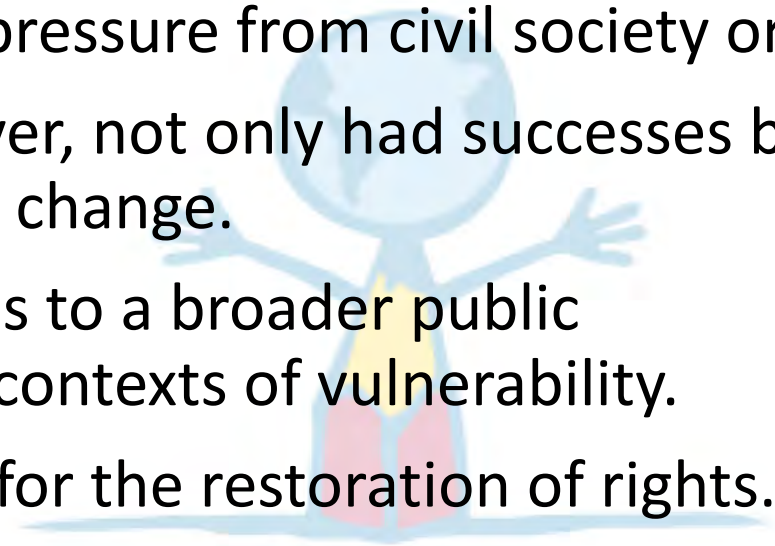


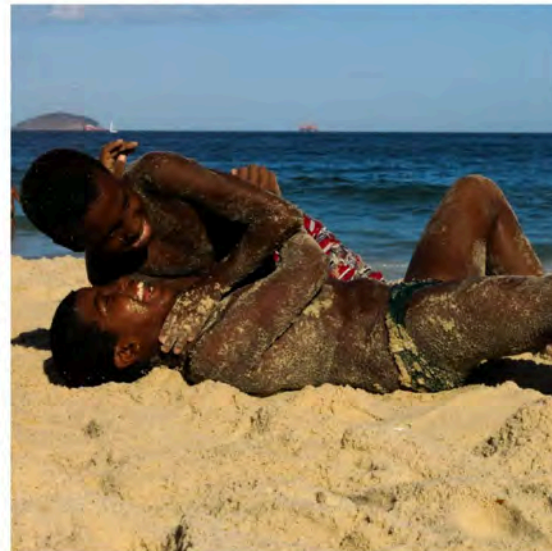
A new Resolution adopted



Concluding remarks

- We are painfully aware of the gap between the problems affecting children and young people and the solutions so far achieved in the region.
- The larger problems of Brazilian and indeed Latin American society that impact low-income children and youth so heavily will have to be solved by reformed governments at every level, with pressure from civil society orgs.
- The processes described above have, however, not only had successes but created new partnerships for resistance and change.
- We believe that this kind of work contributes to a broader public awareness of children in risk situations and contexts of vulnerability.
- It keeps alive debate and sometimes action for the restoration of rights.





Thank you!
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