



# THE HISTORICAL DEVELOPMENT OF THE CHILD WELFARE SYSTEM IN LATIN AMERICA

## An overview

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Using the Convention on the Rights of the Child as a powerful advocacy tool, the children's rights movement in Latin America has accomplished significant advances in the promotion of children's entitlements and welfare over the last decade. Specifically, there has been a measure of success in advancing legal reforms aimed at adjusting domestic laws to the standards set forth in the Convention. However, the recognition of formal entitlements in the new legislations has not been accompanied by a comparable improvement in service provision to the children of the poorer sectors of society, which constitute the vast majority of youngsters in this region. To a great extent, this lag can be explained by the structural constraints that limit the pace of reforms within the welfare state apparatus in developing economies, the legacies of past institutional arrangements and the contradictory ideological undercurrents present in the social construction of childhood in societies characterized by profound class cleavages. From this perspective, this article attempts to provide historical clues for the understanding of some of the challenges faced by most present-day child welfare systems in Latin America.

### Introduction

Throughout the last decade, Latin America has been undergoing unprecedented social, political and economic changes, which manifest themselves in contradictory ways. On the one hand, democracy was restored and export-driven economies have managed to secure participation in the global economy, all of which has resulted in economic growth, slight alleviation of poverty and a strengthening of democratic institutions. Yet on the other

hand, the region's income distribution is the world's most unequal and poverty levels remain unacceptably high, given that this condition affects over 40 percent of the total population. To a great extent, Latin America's future will be shaped by how it manages to avert a potentially explosive collision course between two opposing processes: the social and economic exclusion promoted by the neoliberal economic model, and the widening political inclusion encouraged by democratically inspired systems of governance which call for broad citizen participation through organized civil society.

Although not always reckoned with by the political class, children and youth are at the center of this contemporary sociopolitical drama given that exclusion affects the poorest sectors of society, and Latin America has been characterized as the place where, 'most of the region's children are poor and most of the poor are children'. This statement underscores the fact that children under the age of 18 constitute 42 percent of the total population and 43 percent of all persons living below the poverty line (UNICEF, 1992). It is estimated that 60 percent of all children under 15 are poor and that one-third of these children live in the 20 percent poorest households (Winkler, 1996). The intergenerational reproduction of poverty is boosted by existing socioeconomic differentials in fertility patterns, which determine that women living in the poorest sectors of society have five or more children, whereas women of higher income and education have two or less. Furthermore, thanks to rapid urbanization, poor children are more visible than ever in the streets of Latin America's major cities. Nowadays, both poverty and children are concentrated in urban areas, where 60 percent of all the poor and 75 percent of the region's children live (CEPAL, 1993).

Awareness of children's urban presence has generally been in the shape of 'social problems', such as street children, child labor, sexual exploitation, drug abuse and violent crime. It should be noted that in the major urban areas of countries like Brazil and Colombia, violence is now the principal cause of death for the 14–17 age group, which is also the segment most likely to be out of school and work (UNICEF/IBGE, 1997; Franco Agudelo, 1997).

Historically, abandoned and neglected children, as well as minors in conflict with the law, have fallen in the orbit of the child welfare complex, a system comprised of a legal framework, specialized courts and a governmental central office in charge of overseeing a national network of residential institutions, including those run by the private sector. The care and socialization of the sons and daughters of the wealthy have essentially been a private matter, and the rearing of middle-class children has proceeded in a similar fashion, although with ample support from the state, in the form of diverse subsidies in housing, health and education. In sharp contrast, it is the families living in poverty that are exposed to a direct and intrusive state intervention. The professionals and institutions of the child welfare system

are entrusted with the mission of determining what families are fit to keep their children and what type of substitute care is in the best interest of children considered at risk.

This is not new. Donzelot (1997), in an insightful account of the evolution of state intervention in child and family affairs in the poorest sectors of France, showed how behind a facade of social justice lay a logic of social control with perverse consequences for the supposed beneficiaries of what he calls the tutelary complex. What is different in Latin America is both the weakness of the welfare state, including its services for children, and the sheer size of the problem it is called upon to confront.

In general, the welfare state in market economies is designed as an institutional supplement to the labor market, which compensates for social risks, providing a safety net for persons unable to meet their needs through their own efforts. In most developed countries, the generous provision of welfare services by the state has been sharply reduced in recent years as a result of the application of neoliberal views. This perspective grants a greater role to market forces in the field of health, education and social insurance, and a residual role to public policy which ought to concentrate on the provision of services and benefits only to those who are unable to secure them on the open market (Cornia, 1991).

Owing to the unique features of capitalist development in Latin America, characterized by interconnected problems such as high unemployment, large sectors of the population engaged in the informal sector of the economy and a permanent underclass living below the poverty line, historically the welfare state has had to concentrate its efforts in the field of social assistance. Unlike developed capitalist economies, where social assistance is normally targeted at relatively small groups living in pockets of hard core poverty, in Latin America close to one-third of the population is eligible for assistance, including gainfully employed individuals and their families whose minimum wages are insufficient to cover their needs (Draibe, 1990). Lacking the resources to meet these demands, the welfare state is often plagued with a diversity of problems that include bad quality services, a patronizing and stigmatizing approach to service delivery, and an entrenched underpaid bureaucracy with little or no interest in reform and prone to corruption.

As part of the welfare state, the childcare network shares most of these problems and characteristics. However, a better understanding of its unique present-day features, as well as the possibility of crafting viable strategies for change, demand a closer look at the historical development of the child welfare system in Latin America. The following sections analyze the main stages of this history: (1) charity and philanthropy, dominant from colonial times to the early 20th century; (2) emergence and consolidation of the child welfare system, covering roughly the period between the 1930s and the 1970s; (3) strengthening of non-governmental organizations (NGOs) during

the late 1970s and 1980s; and (4) children's rights and democracy, dominant themes in the rhetoric of the late 1980s through the present. Obviously the four stages do not represent a rigid time line, but rather an analytical effort to understand how the present child welfare system has been shaped by past institutional arrangements and ideologies (Pilotti, 1994, 1995).

### **Charity and philanthropy**

Following the Spanish and Portuguese conquest, the first 'childcare institutions' were installed in Latin America by Catholic congregations. Facilities were located in or near hospitals, alms and donations being the primary financial sources to cover program costs. One such 'charity hospital' was created in Quito, Ecuador on 9 March 1565: Hospital de la Misericordia de Nuestro Señor Jesucristo. These hospitals received not only the sick, but also abandoned and orphaned children as well as elderly people, destitute vagabonds and the mentally disabled.

Most of these congregations were run and staffed by European missionaries, who, coupled to their initial ignorance of indigenous culture, provided services to children according to doctrinal and practice standards transferred from Europe to America, based on the following tenets: the poverty and misery of the 'lower classes' was considered a sign of moral decay, deleterious to childrearing; institutionalization of affected children was held as the preferred tool of intervention; and discipline, religious formation and preparation for unskilled labor were regarded as the key foundations for the 'rehabilitation' of institutionalized children.

During the 19th century and first decades of the 1900s the advent of liberal ideology in Latin America, together with an anti-clerical stance which varied in intensity from country to country, were responsible for the initial involvement of the state in matters related to child welfare. Simultaneously, philanthropy acquired an important role during that period. However, the state's participation was for the most part in the realm of ideas and rhetoric, given that the bulk of the responsibility for providing shelter to the needy remained in the hands of religious groups, who received supplemental funds and donations of lots and old buildings from governmental and philanthropic sources and relied heavily on volunteer work. Gradually, child welfare initiatives became the domain of an elite composed of politicians and their wives (one of the first public activities granted to women and a centerpiece for the evolving role of the 'First Lady'), church leaders and a mix of intellectuals and professionals, particularly pediatricians and lawyers, responsible for introducing the latest scientific and organizational advances imported from the developed world.

This period presents three main characteristics which will exert a powerful influence up to the present. First, the division between the public and private spheres is blurred, allowing for an ambiguous allocation of

institutional and legal responsibility with regards to service provision, little or no oversight and accountability, and limited professionalization of caregivers. Second, children at risk are seen as a problem to be tackled through charity and volunteer work, rather than as a priority issue deserving publicly funded social policies and programs. Third, childcare provision for families at risk is framed in a paternalistic and moralistic discourse which is at the root of the development of a social control ideology that attaches stigma to poverty and denies entitlements to poor families and their children, whose misery is attributable to their race or ethnicity and irresponsible lifestyle.

### **Emergence and consolidation of the child welfare system**

The four decades covered from the 1930s to the 1970s roughly correspond to the period during which the legal, institutional and administrative framework of the child welfare system was formally established in Latin America.

In general, the impulse for change can be found in the increase in poverty and the greater visibility of some of its most negative effects, due to the fast urbanization process, such as hunger, disease, unemployment and crime. The first reports on street children appear at the beginning of this period. In response, organized labor and business sectors intent on bringing about modernization through industrialization agreed that this effort required the strengthening of social policies, particularly in health, education and housing, through the expansion of state services in these areas.

In the case of child welfare, the first major change was the creation of a new legal framework, called the 'children's codes', which addressed the problems of abandoned and neglected children, as well as those involving juvenile offenders. The first codes appear in 1927 in Brazil, 1934 in Uruguay, 1935 in Chile and 1938 in Ecuador. The law entrusts the administration of juvenile justice to specialized tribunals, called minors' and/or family courts, whose role is defined as educational and protective, as opposed to the repressive nature of the adult penal system. However, due to a lack of resources, few minors' courts were created, most of them concentrated in major urban areas. In their absence, unspecialized civil courts had to take over the responsibility of interpreting the codes in their handling of cases involving children.

Present in Latin America's codes is the preoccupation with what Donzelot (1997) labels, 'the pathology of children in its dual form: children in danger – those whose upbringing and education leaves something to be desired, and dangerous children, or delinquent minors'. In dealing with the former, the tribunal is no more than a social work committee presided by a judge, permanently overwhelmed by a caseload of destitute families and their children. Incapable of resolving situations attributable to structural unemployment, as well as to the shortcomings of basic social policies in the areas of health, education and housing, the courts usually end up separating

the child from the parents, sending him or her to a residential care facility. The perversity and unfairness of this outcome is evident, considering that the child is locked up due to adults' (the parents) shortcomings or failures, which, in turn, are probably caused by society's structural constraints (poverty). Thus, the courts rapidly became the entry point to the child welfare system, perpetually choked with a backlog of cases involving the fate of children considered as neglected due to their families' extreme poverty.

With regards to the 'dangerous children or delinquent minors', in most cases the court is usually not confronted with the evidence of a serious crime, but rather with reports of antisocial behavior from sources such as neighbors, police records and social workers investigating the case. Following the spirit of the codes, the judge's ruling should not seek to punish the child for antisocial behavior, but instead direct him or her to the appropriate rehabilitation services. In reality, however, the child does receive what amounts to a stiff sentence based on what the judge perceives as potential dangerousness. Thus, it is not uncommon for a street child, whose offense might amount to loitering or snatching a piece of fruit, to end up in a reformatory after having spent some nights in a prison in the company of adults. Unlike the adult penal system, the procedures leading to the sentencing of the affected child lack the protection and guarantees of due process, such as legal representation and cross-examination of witnesses.

In theory, the administration of child and family justice can be successful only if there exist specialized institutions prepared to receive the children that, in the opinion of the court, require substitute care and/or rehabilitation. The predominant ideas during the first half of the century considered that this activity should be performed by the state, which should also guide and oversee the functioning of private institutions dedicated to child welfare. However, lack of funds, resistance from the private network of child welfare agencies, and rivalries between the legal and health camps with regards to which ministry (health or justice) should be in charge, determined a slow pace in the growth of the administrative component of the child welfare system.

Thus, the process of creating a child welfare agency within the state apparatus was only completed during the 1950s and 1960s, typically by means of the merger of already existing smaller offices in different ministries, the incorporation of the older network of private institutions and the creation of new childcare facilities, funded and operated by the government. In most countries the agency was placed within the larger structure of a ministry, usually the one corresponding to either health, justice or social welfare.

Practically from the start, the governmental agency and its network of service providers came under heavy criticism, charged with being expensive and ineffective, not only failing to provide solutions to the problems of children under their care, but often aggravating them through the indiscriminate use of repressive institutionalization. This option consists in 'warehousing'

children for prolonged periods of time, usually up to their adult age, with all the attendant psychosocial damage that this environment causes in individuals, severely limiting their chances of integrating back to society. Preparation for independent living is totally lacking in these programs, meaning that affected children and youth are deprived of the 'soft' skills required to master human relations in the outside world, as well as the 'hard' skills necessary to compete in the labor market (Pilotti, 1989).

Furthermore, childcare facilities operating under governmental auspices usually function in buildings unsuited for children, in terms of safety, hygiene and stimulation. Even though professional staff usually participate in different aspects of the institution's functioning, direct care activities are often carried out by unqualified and underpaid personnel. As a result, children receive low-quality care and, due to high staff turnover, their caregivers are continuously changing. Also, in most cases, programs are not systematically monitored and evaluated, and record keeping is sloppy with little or no statistical output.

In sum, the governmental child welfare agency is a rather recent creation, preceded by a legal framework that emphasizes the protection and rehabilitation of minors found to be neglected or abused by their families or who are in conflict with the law. This judicial approach, which guides the work of the government bureaucracy, treats children's problems symptomatically, disregarding the underlying family and social causes that give rise to the situation that has placed the child at risk and in need of substitute care. Thus, preventive measures aimed at strengthening families and communities at risk in order to avoid uprooting children from their environments are conspicuously absent. With regards to the services provided, the government agency relies heavily on the work tradition established in past centuries by private institutions, using widespread institutionalization as the response of choice, a fact evidenced by the absence of alternatives such as adoption, foster care, parole, etc.

### **The strengthening of civil society: the NGO factor**

The 1970s and 1980s witnessed the widespread appearance of NGOs throughout Latin America, many of which dedicate their efforts to the improvement of child and family welfare within communities affected by extreme poverty. In general, NGOs support the initiatives of social movements in poor communities by means of providing, on a non-profit basis, technical assistance in a diversity of fields and help in obtaining start-up funds for projects. Their activities usually emphasize community participation and self-help, as the key approach for adequate and permanent problem solving.

The emergence of NGOs is closely linked to the actions and omissions of the authoritarian regimes prevalent in the region during the 1970s. The

effects of these regimes' economic policies as well as their neglect of the poorer sectors of society, together with the widespread exclusion of professionals, mainly social scientists, from universities and governmental agencies, are among the reasons that explain the surge of NGOs during that period. Also, most developed countries reacted to this political reality by redefining their bilateral and multilateral cooperation strategies, namely by redirecting aid to the NGOs while at the same time restricting assistance to government sectors. It should be noted, however, that dependence on external sources for funding, often means institutional insecurity given that grants are usually small, short term and project specific, meaning that institution building and maintenance is expressly forbidden. Chronic lack of funds permanently endangers the continuity of NGO programs and makes them rely heavily on voluntary work (Pilotti, 1988).

NGO activity has been widely hailed because, in general, their approach is essentially of a preventive nature, and their methods emphasize community and family participation in solving children and youth problems. Unlike the formal system of child protection, where bureaucracy is usually slow in finding solutions and often favors institutionalization, NGOs working within the community are able to respond faster to problems and their solutions seek to avoid separation of children from their environment. Most NGOs in Latin America concentrate their work on preschool children and their mothers, and only a few deal with older children and juvenile offenders.

During the 1980s NGOs also played a key role in the diffusion of the draft Convention on the Rights of the Child, encouraging and facilitating the discussion of its contents among practitioners as well as in the media, academia and political circles. Once the Convention was approved by the UN General Assembly in 1989, NGOs lobbied intensely with national governments in order to speed the ratification process, an effort that was highly successful given that by the mid-1990s all Latin American and Caribbean countries had acceded to the Convention. For the most optimistic, the stage was set for profound legal and institutional changes in the field of children's rights and welfare, framed in a new partnership between the state and civil society.

### **Children's rights and democracy**

The rapid process of ratification coincided with the return to democracy in Latin America, a situation which brought about a dramatic realignment of key stakeholders and drastically altered the rules for political bargaining. The new scenario has profoundly affected the child welfare system, introducing new tensions, issues and priorities, some of which are reviewed in the following paragraphs.

### *The reshaping of NGOs*

As pointed out, NGOs dedicated to child welfare were part of the broader process whereby civil society organized itself in response to the regressive economic policies and massive human rights violations of the authoritarian regimes of past decades. Armed with arguments based on their real-life work experience with the poorest sectors of society and the ethical backing provided by the draft Convention, they denounced the inhuman condition in which the majority of children live as well as state negligence in dealing with this issue, demanding the fullest recognition of children's rights and entitlements as a matter of public policy and not as improvised charity.

Paradoxically, the return to democracy and the ratification of the Convention has drastically altered the scenario of the 1970s and 1980s, when NGOs prospered, presenting major challenges to their organizational tradition and work style. Democratically elected governments are now the key players in the efforts of the international community to monitor state parties' compliance with the Convention. Undoubtedly, NGOs have been weakened by the renewed legitimacy and activism of the state, which, among other things, has also led to the rechanneling of foreign aid and international cooperation to the state sector at the expense of NGOs. Furthermore, many of them have lost key staff members who have returned to governmental, academic or political activities.

Besides the weakening of their financial and human resources, NGOs are also being criticized more openly for some of their shortcomings. Foreign donors in particular have questioned their monitoring and evaluation practices, as well as the rivalries often found among NGOs who usually have to compete with one another for scarce resources. The isolation and protective stance practiced by many NGOs generally limits the possibility of their innovative actions from 'going to scale', that is, from being applied beyond the narrow limits of the original project. This prevents their work on behalf of children from having a synergic effect, inhibits networking and increases their political vulnerability (Pilotti, 1988).

### *The reshaping of the state*

The dismantling of the welfare state and the downsizing of the public sector are part of a global phenomenon. In Latin America this process is concentrating on the health, education and social security areas, where diverse privatization formulas are being put into effect.

During the 1950s and 1960s, the state in Latin America occupied a leading role, planning economic and social development through a centralized ministerial apparatus. Starting in the 1970s, the state's social policy function has been subject to diverse criticisms from a variety of sources. The neoliberals, for example, claim that the market is best suited for the assignment of resources to the social area, arguing that the state is inefficient in this respect. From another perspective, those that actively participated in the

strengthening of civil society during the authoritarian period, claim that the state should surrender some of its social functions, through decentralization and the active promotion of citizen participation, in order to empower local governments, more attuned with the real needs of their communities.

Given that the child welfare apparatus has traditionally occupied a marginal place, it is not surprising that change there has proceeded at a slower pace. Furthermore, deep mistrust still prevails between the governmental agency in charge of child welfare and the diversity of NGOs that make up the private network, a situation which has prevented a search for coordinated and complementary work between the two sectors. Following the Convention, in many countries the government sector has been subject to innumerable restructuring attempts, most of which end up with a symbolic change of the child welfare agency's name but with little or no overhaul of its traditional practices.

To some extent, the problems confronted by the governmental and non-governmental sectors stem from the somewhat contradictory demands that arise from recent legal reforms and the dynamics of the social construction of children's reality in present-day Latin America.

### *The reshaping of the legal framework*

There is a long-standing tradition in Latin America to enact social policy by means of drafting and approving legislation that mandates the eradication of all social evils. Once in force these laws clash with the financial constraints of developing economies as well as with the inertia of traditional practices and institutions, whose preservation usually benefit the best interests of a diversity of groups. Furthermore, the sweeping changes mandated by legislation, such as decentralization and community participation, have differential effects on a diversity of stakeholders, a fact that requires the articulation of complex political and organizational strategies that, if lacking, can stall and even reverse the changes sought by the new laws.

The rapid ratification of the Convention, product of a favorable mood at the international level, including UNICEF's efforts in this direction, coupled to active local lobbying on the part of NGOs, was soon followed by a frenzied rush to reform national legislation in order to adjust domestic laws to the standards set forth in the international instrument. In many countries this has resulted in an awkward dissonance between the human rights activists who support the new legislation, the courts who see their powers diminished and denounce the legislation as juridically flawed, the child welfare agencies who are ill-equipped to embark on the institutional reform required by the new legislation and the NGOs who initiated the process a decade ago and now find themselves at the margins of the debate.

Brazil provides a fascinating and instructive example of the complexities involved in such a process. During the late 1980s a consortium of

NGOs, with the support of the church, UNICEF and several international human rights groups, denounced the plight of poor children, and street children in particular, focusing on the repressive nature of the existing law as well as on the abusive institutional practices of the governmental child welfare agency, FUNABEM (Fundacao Nacional do Bem-Estar do Menor). A new law was enacted in 1990, following the return to democracy, the approval of a new constitution and the dramatic pressure exercised by the street children themselves, organized in a movement that marched to the capital, Brasilia.

The Estatuto da Crianca e Adolescente marks a radical departure from traditional legislation in the region, starting with the drafting process which was open to public review and discussion. With regards to its contents, it expands its reach to all children, unlike previous legislation aimed solely at 'problem children', which is to say poor children. It clearly establishes that problems of neglect arising from poverty must be addressed by the local community and not the courts, who essentially must only deal with youth offenders. To achieve this, the Estatuto establishes that every municipality must create special councils within their local government structure in order to deal effectively with problems arising from the lack of resources of children's parents. Likewise, it redefines the role of the government child welfare agency, entrusting it with coordination and evaluation activities, as opposed to the direct administration of institutions.

Nearly a decade later, the results are uneven. Many municipalities have not yet created the councils mandated by the law, and existing ones have encountered financial and political difficulties that have seriously hampered their work (Vogel, 1995). The central child welfare agency was restructured several times and finally eliminated. As a result, there is a lack of a clear national child policy and a void in the analysis and evaluation of data and programs at a national level. The judiciary is divided, with some praising the Estatuto for advancing a human rights perspective to children's issues (Cury et al., 1992), while others denounce that it downgrades the role of the courts, alleging that this will result in an undesirable relaxation of social control, with detrimental consequences for both children and society (Siqueira, 1991). The latter charge fuels the specter of uncontrolled 'dangerous classes' encroaching the peaceful enclaves of the law-abiding middle sectors of society, a dominant theme in the social construction of childhood in contemporary Latin America.

### *The reshaping of the image of childhood*

Stereotypes have always been a fixture in the images of poor children that the elite have constructed throughout the history of Latin America, through a diversity of intellectual processes that relays those images to society via the arts, academic endeavors, religion as well as political and social activism.

However biased and self-serving, up to the first half of this century, these views were inspired in the notion that the children of the poor could be perfected and shaped to the ideals that the dominant classes thought necessary for the development of the nation-state (Pilotti, 1995).

During recent decades stereotyping has been dominated by the media, where headlines, video images and still photography are the dominant elements in the social construction of childhood. The children of the poor are subliminally or blatantly portrayed at the center of the violent streak that characterizes most Latin American urban centers. They have become 'the other', small enemies that if not contained, are capable of killing, raping and robbing. It should not surprise, then, that governments that ratified the Convention with record speed have been quick to consider highly repressive actions such as the lowering of the age of penal responsibility. Modern politics is, after all, highly sensitive and responsive to the results of polls and focus groups that, in Latin America, place urban insecurity as the main concern of the public. For the impatient, such as those that perceive street children and beggars as a threat to their economic interests, death squads have, on occasions, provided a rapid 'cleansing' solution.

The inequality that is at the root of this problem has been a constant feature in the social history of Latin America, aggravated in recent decades by the application of a neoliberal economic model that severely restricts redistribution schemes in order to stimulate capital accumulation. These policies have led to significant cutbacks in social welfare programs, which are, in turn, overwhelmed by soaring unemployment rates as a result of the concentration of investment in capital- and knowledge-intensive enterprises as well as in agricultural export activities, which usually provide seasonal, short-term employment.

The social and economic disparities are evident in the urban landscape, where apartheid conditions prevail in most cities: the wealthy and the upper middle classes live in self-sufficient enclaves, where, behind walls and elaborate protection and vigilance systems, they engage in modern and postmodern lifestyles sealed off from unpleasant Third World smells, sights and threats. Middle- and upper-class children have all but ceased to use public facilities such as schools and transportation, and their shopping and socializing is restricted to the ubiquitous malls and not the downtown area which a few decades ago was the cultural, commercial and administrative hub where people from all classes interacted daily. Nowadays, middle- and upper-class children practically have no social intercourse with the children of the poor; they are more attuned with the lifestyle of children from developed countries, with whom they share the globalized culture irradiating from the Internet and the media. However, the media permeates all of society, although with differential effects. All kids, from the streets and the upper classes, want to wear Nikes and brand name jeans. Yet only a minority have the means to be the consumers that the system encourages. The rest must find

ways to survive, oftentimes in a twisted and surreal fashion, in their daily quest to satisfy their basic needs and to fulfill the dreams offered by the city billboards.

This profound social divide is, in turn, supported by a set of beliefs and attitudes that amounts to an ideological apartheid. It builds its justification on a social construction of childhood which assigns a proper place to the children of the poor. Within the confines of their spatially segregated communities, these young people are invisible to the city's wealthier inhabitants, and therefore of little interest and concern. However, when the child dares to cross certain geographical and social barriers, spilling out into the bustling city streets for survival, only then is he or she perceived as a street kid, viewed and treated by many – including oftentimes the child welfare system – as potentially dangerous (Glauser, 1997).

## Conclusion

In Latin America today, the majority of children are living in extreme poverty, and a significant number of them are also socially excluded. In other words, a growing number of children and their parents, usually the mothers, not only face the lack of resources that are common to the poor, but in addition belong to a group that is excluded, meaning that they lack participation, social integration and, ultimately, power. The social capital in their communities is extremely eroded, torn by mistrust and fear, stifling the healthy growth of neighborhood leaders and coalitions capable of articulating and negotiating their legitimate demands. Quite the contrary, in environments of despair and squalor, perverse social capital thrives, centered on truces and alliances fostered by criminal elements who, in return for the residents' complicity, offer protection, income for some and even social advances for the community, such as soccer fields. In contexts such as these, it is easy to see how a drug baron can become a role model and benefactor to many children and youth, who will not only be willing to work on his behalf, but also aspire to become like him.

The world to which these children belong clearly corresponds to that of an underclass, sealed off from all major institutions, disconnected from the mainstream and caught in a hardening cycle of deprivation. A dominant stream of public opinion reacts to this reality with indifference and at times with outright fear, casting a powerful influence over the public agenda which, in response, tends to favor short-term assistance programs or outright repression. On the other hand, children's rights activists succeeded in having the Convention ratified and legal reforms enacted. However, this represents only a partial advance since only formal entitlements have been recognized, but provisions are still sorely lacking.

A qualitative increase in service provision requires not only a better

distribution of wealth, but also necessary institutional reform of the welfare state, including the child welfare system. As discussed earlier, the child service network is in need of a major overhaul. Delaying this task can only jeopardize the delicate democratic process, which cannot survive if close to half of the population is denied full citizenship.

## Note

The views and opinions expressed in this article are the author's, and do not necessarily reflect those of the Organization of American States or the Inter-American Children's Institute.

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