

HUMAN RIGHTS FOR CHILDREN
AND YOUTH: SOCIOCULTURAL
DIFFERENTIATION, RESISTANCE
AND UNITY

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**HUMAN RIGHTS FOR
CHILDREN AND YOUTH:
SOCIOCULTURAL
DIFFERENTIATION,
RESISTANCE AND UNITY**

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INTRODUCTION

HUMAN RIGHTS FOR CHILDREN AND YOUTH: SOCIOCULTURAL DIFFERENTIATION, RESISTANCE AND UNITY

Magali Reis and Marcelo S. Isidório

We present to the academic community the dossier *Human Rights for Children and Youth: Sociocultural Differentiation, Resistance and Unity*, specially organized for volume 24 of the magazine *Sociological Studies of Children and Youth – SSCY*.

The set of chapters presented under the theme of childhood and youth, brought together researchers from three continents – India, Philippines, Sweden, Romania, Scotland, Brazil, Argentina, Jamaica – and configures an important mapping on the condition of childhood and youth in different sociocultural realities.

We structured the dossier from two problematizing keys, being the first fixed in the fundamental rights of children and young people, in which the limits and possibilities of guaranteeing and effecting rights are presented, as well as the ways in which the new generations have resisted the waves of exclusion and marginalization; the second problematizing key is based on the idea of sociocultural differentiation and unity, presented through studies that reflect the similarities and differences in the living conditions of children and young people in different contexts.

The scientific discussions that articulate the two parts of this volume reveal aspects related to the analysis of children and young people's rights, the performance of public policies and the materialization of the norms in certain contexts and their precariousness in different incidence *foci* of the analyzed societies.

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We highlight the social struggles, by improving the living conditions of the new generations, taking into account the elementary role of social role, which is placed both as an inalienable right and a challenge, from the perspective of participation in the spaces of decision towards the self-policy of children and young people, in different parts of the world.

The political-theoretical position of working with the analytical categories childhood and youth was intended to highlight the field of questioning to contemporary production about them, which sedimented the historical construction of identities and their rights.

In this way, we seek to challenge the inequalities that permeate the political-juridical instruments and the social conditions of life of children and young people, especially of the poorest strata of different societies, directing our criticism of the causes and factors that impede the real realization of rights and the realization of public policies that overcome social inequalities.

We also seek to question the social reproduction, the normative of political vision centred much more on the productive adult than in the newer ones considered 'unproductive' from the economic point of view, as well as other social oppressions, which were not exhausted or were overcome with the change of legal paradigms.

At the heart of the proposition of this thematic dossier, we put to the reader the challenge of dialoguing in theoretical, academic and normative fields, which do not always arise from the perspective of analyzing the similarities and differences of their objects of study.

In other words, the fields of inquiry about children and young people are structured as two sides of the same question, that is, they are based on the generational problem, however, with independent theoretical, methodological and practical referents, and what unites them are, in particular, the theoretical reflections on certain common themes such as the absence or lack of scope of policies aimed at those generational segments, child-juvenile work, violence against young people, exploitation, exclusion, and even the social role of young people, or even their absence.

The authors discuss relevant and current aspects of one or both fields of knowledge production, but seek to do this from a perspective of enrichment of social, geopolitical, sociological and pedagogical analysis in order to broaden the focus of appropriation and interdisciplinary discussion and problematize the conditions of production and application of children and young people rights in the Asian, European and Ibero-American sphere.

Let us know the chapters that compose the dossier Human Rights for Children and Youth: Sociocultural Differentiation, Resistance and Unity. In the first part entitled 'Children, Youth, Human Rights and Resistance' are presented four studies that are articulated by the question of children and young people rights, the limits and possibilities for effecting their guarantee, with special focus on young children.

By opening the work, we place the chapter by Ingrid Engdahl and Mariela Losso, entitled 'The Human Rights of Children and Young People from the Beginning: Early Childhood Care and Education for All', a comparative study

between Sweden and Argentina. The authors present a descriptive analysis on care and education in early childhood as a significant basis for guaranteeing the fundamental rights of children from birth.

According to the authors, this is 'the first stage and the most solid basis considering the relevance of the development processes from birth to the age of six'. For both the initial education from the tender age must be compromised with the reality of the community where it is inserted, which, according to them, would facilitate the formation of the new generations as citizens, that is, subjects of full rights. They affirm that 'education and care in early childhood are indispensable'.

The intentionality of the researchers showed in this study was to produce a descriptive synthesis of the current state of Early Childhood Care and Education (ECCE) in the regulations in force in various regions and countries, especially in Latin America – Argentina – and in Europe –Sweden. To this end, the authors analyze topics that are interacting in the totality of the ECCE proposal, but organized according to the comprehensive priority of each reality. They present the theoretical contribution on childhood and the new perspectives that discuss conventional conceptions of children and childhoods. In this analytical line, the educational process is recognized as fundamental and is described as Early Education (EE), presenting a synthesis of the ECCE from its normative conformation which stems from the declarations of Jomtien (1990). The concept of Educare is presented as a holistic approach to educating and caring in early childhood. The objective is to highlight the differences in the scope of childhood inequalities, describing 'fragmented territories' in terms of guaranteeing rights. At the end, the authors emphasize the importance of early childhood education, recovering current studies on Educare, that project the guarantee of rights from birth.

Although the right to education and care is a universal guarantee, we emphasize that not all children enjoy this right in the same way, under the same conditions and with the same quality. In contrast, the study showed that in some realities the principle of Educare is still distant from the daily lives of children especially the poorest.

The second chapter entitled 'The Convention on the Rights of the Children (CRC), the Global Developmental Agenda and Children in Small Island Developing States (SIDs)' is authored by the Jamaicans Aldrie Henry-Lee and Yhanore Johnson-Coke, and analyzes the 30 full years in this year 2019, the adoption of the Convention on the Rights of the Child (CRC), in the United Nations. For the authors, the significance of this temporal milestone lies in the fact that we are a decade to meet the specific goals of UN2030, in which it was established that no country or child would cease to be supported by their rights. Therefore, we are at a significant historical moment to assess the situation of children in the small island developing states, in particular as Small Island Developing States (SIDs), as they show.

With primary and secondary data, the authors evaluate the status of children after 30 years of CRC in four SIDs in the Caribbean; Barbados, Jamaica, Haiti and Saint Lucia. The focus of the study is on the basic living conditions of

children with emphasis on poverty, education, health and issues related to climate change. Data analysis revealed that SIDS vulnerabilities preclude adherence to fundamental rights by large proportions of children at risk of suffering from public policies.

Climate change increases their vulnerabilities and disparities persist in accessing basic social services. The situation of children is exacerbated by the lack of substantive data to inform the political process; in addition to inadequate programmatic coordination; lack of financial support; limited liability and little political will. Children's cultural perceptions and inadequate recognition of their importance for any Development Agenda also prevent children's progress in SIDS. For the authors, urgent action is still needed in order to fulfill all the commitments we have taken with the new generations since 1989 with the adoption of the CRC.

The relevance of this study lies in the problem of the reach of rights that is achieved unevenly by the new generations, putting the issue of poverty and inequality as still persistent and difficult issues to overcome in many sociocultural realities.

The third chapter comes from Brazil and consists of a bibliographic research developed by Anete Abramowicz, Gabriela Guarnieri de C. Tebet, Tatiane Cosentino Rodrigues, entitled 'Brazilian Childhood Studies and Relations to Children's Rights', and discusses scientific advances with regard to childhood as an analytical category, restricted to the so-called childhood studies, in various regions of Brazil 'from the understanding that childhood is a social discursive construct', as well as the Human rights, and both concepts interconnect when the subject in focus is the rights of children.

According to the authors, the evidence of the research reveals advances in the affirmation of the concept of childhood, and that those have supported specific policies of protection for subjects of little age, focusing on issues such as the marginalization of children in society, the persistence of inequalities affecting them, which are central themes developed in studies on childhood in Brazil. The authors make a mapping of the advances of those studies and their relationship with the rights of the child and conclude that neither childhood nor children's rights are a reality for all Brazilian children, especially when considering other markers who have challenged their rights as race, ethnicity, social class and gender.

In the fourth chapter developed by Marle Aparecida Fidéles de Oliveira Vieira and Valdete Côco, entitled 'Early Children's Education: Institutionality and the Right to Education', the authors discuss the right to education of small children in Brazil, with particular emphasis on the institution of early childhood education, highlighting the legal frameworks and educational indicators of a federative unit in the country. The field researched was a settlement of the Landless Rural Workers' Movement (Movimento dos Trabalhadores Rurais sem Terra- MST), from which are highlighted the processes of inequalities that elicit childhood in the rural environment. The evidences of the study presented in this chapter reaffirm the need to combat and overcome the logic of precariousness affecting the education system in the field, as well as guiding the

specificities of the education of small children and the transition thought and dialogued for elementary school. The authors reaffirm the need to create early childhood education institutions centred on the fundamental rights of children, guaranteeing all the right to education in different contexts where it can occur and particularly in the settlements.

In this first part of the dossier the studies showed the low effectiveness of public policies especially in the Ibero-American context, to guarantee the primary right to education of the youngest, triggering a series of gaps in the guarantee of rights that extend to other social life spheres of the new generations. The studies reaffirm the need to resist the waves of exclusion and to combat social and educational inequalities that condemn millions of children to a life of deprivation and reproduction of situations of extreme poverty. What mobilizes us in this sense is the idea that human rights can be placed at the service of a progressive and emancipatory policy capable of creating the objective conditions so that the dignity of the human person can be respected in their primordial needs (Santos, 2013).¹

What we envied in the studies presented is that the effectiveness of actions based on the rights of children and young people is an essential issue that is the guarantee of the right to education, or as analyzed by Cury (2014)²:

[...] the right to school education, which, more than a contemporary requirement linked to productive processes and professional insertion, responds to values of social and political citizenship. (p. 1057)

We recognize that we are still facing the ‘dilemma with which human rights are faced today in their relationship with democracy and development policies that constitute the dominant agenda of the contemporary world’ (Santos, 2013).

What moves, to some extent, the militant action of the rights and the processes of resistance is the idea of recognizing that sociocultural differentiation cannot produce the gap between the rights and its realization for much of mankind, which leads us to fight for unit, object of analysis of the next section of this dossier.

In this second part of this dossier, ‘Children, Youth, Sociocultural Differentiation and Unity’, we find the dialogue with the studies of the Romanian Maria Roth, Imola Antal, Ágnes Dávid-Kacsó, Éva László, entitled ‘Forms, Impact and Consequences of Violence against Children in Romanian Child Protection Settings’. The authors analyze that after three decades of universal recognition of the rights of the child, dating from 1989, as the foundation of child protection, it would be justifiable and necessary that child protection systems around the world had undergone a thorough analysis of their previous failures and from that point they would have rebuilt their institutions based on principles of human rights.

However, their studies show that data from Global Violence Reports carried out between 2006 and 2015 reflect that children placed in care institutions, including residential care, family welfare, prison establishments and environments for children with disabilities remain at high risk for violence against them. Although there has apparently been progress in different parts of the world due

to the global commitment of government agencies and civil society to the Convention on the Rights of the Child (CRC), the analysis often pointed to the multiple victimization faced by the tutored children, by the institutions that should take care of them.

In 2006, the report of the UN Secretariat-General on violence, drew the attention of the public that child protection authorities and justice systems around the world are responsible for supervising and controlling the lives of millions of children under their care and risk of violence by employees and colleagues, and also to develop effective reporting mechanisms. In the last two decades, researchers have often found that residential facilities are poorly funded, endangering the lives and development of many children. Children in large institutions and people with disabilities are especially at risk because they may not have met their basic needs.

The relevance of this study is to show that the contemporary systems of custody and care of children and young people in vulnerable situations have significant flaws being incapable in many cases to ensure that millions of children and young people sheltered in families or different forms of residential or even institutional care, spend their childhood in a stimulating environment, for the full realization of their potential.

In the sequence, we present the study of Rocío Fatyass, from Argentina, whose title is 'Contributions and Limits of the "Childhood Studies" for the Research of the Children's Agency in Latin America', which analyzes theoretical elements of the sociology of childhood in the Anglo-Saxon field, to discuss their contributions, scopes and limits on the child agency in children living in poor and urban contexts in Latin America. According to the author, his objective was to contribute to the debates in the field of childhood from a sociological perspective that accentuating the capacity of action and resistance of children even in the framework of structural constraints, without taking an approach decontextualized and ideal about the agency. The concept of 'agency' translates into a series of meanings, for example, the ability of children and young people to make decisions about issues affecting their lives, expressing their ideas, or even the possibility of having some degree of control over the direction of their own lives, and evidently play a relevant role in the changes that occur in society, it is therefore the intrinsic capacity of the new generations to act independently of the social structures, institutions that impose on the newest, or even the system of values that regulate their actions.

The seventh chapter that makes up this dossier is Brazilian: 'Child's Play in and out of School: Bodies Control of Slum Children'; it was written by Leticia Mendonça Lopes Ribeiro, and analyzes the most common pranks of children, approximately seven years of age, during the recreation period and when they are not in the school, located in a small favela (slum) in the metropolitan region of Belo Horizonte in Minas Gerais, Brazil. According to the author, her analyses considered the issues that involve the recognition of the essentiality of childhood in the context of the reality and affectivity of children at the site called Favela, as well as in aspects that show the control of their bodies, through the child's play performed at school.

The research procedures were based on participant observation, whose purpose was to record the important experiences and reflections of the research participants, to know their actions and to observe them in their behaviours and attitudes in routine situations. For the author, the research evidences indicated that children's play, both in school and outside it, is different between boys and girls. In the open areas of the favela, boys explore more spaces than girls, who prefer to play children in the domestic sphere. At school, educators tend to censor some behaviours and attitudes of children, suggesting the search for obedient postures and disciplined bodies.

The fundamental aspect of this study was to understand that the school in different situations acts in a censor way, leading to the restraint of children's actions constituting, sometimes, in another social space of domestication of the bodies since childhood.

In another context, the Scottish researcher Charlotte McPherson, argues that young people in Scotland, as well as in other parts of the world, are known to have results, social status and political representation inferior to those of adults. In her chapter 'Economically, Culturally and Politically Disadvantaged: Perspectives on, and Experiences of, Social Justice Amongst Working-class Youth in Mainland Scotland's Smallest Council Area through the Lens of Nancy Fraser', the author analyzes that those disadvantages between adults and young people have come to be broadly normalized in the contemporary context, and can be further aggravated by other factors, however, are particularly amplified by coming from a lower social class context.

An additional challenge for young people is associated with the place, with young people living in more remote and less urban areas at greater risk of being socially excluded to face complex and multiple barriers to employment and education than their peers living in better structured urban centres. Based on interviews and focus groups on a qualitative project with 16 young people and five practitioners and using the tripartite theory of social justice by Nancy Fraser, the chapter highlights the various and interconnected disadvantages experienced by working-class youth who become adults in Clackmannanshire, Scotland's smallest council area.

The author concludes that the young people surveyed felt, in a certain way, invisible, stigmatized and marginalized and for this reason, they were more hurt and irritated by feeling guilty at their own disadvantage. The participants were also living highly precarious lives, in which they had insufficient security, resources or opportunities to achieve distributive justice. Some were largely unemployed for several years, at the age of twenty-two, and most had erratic employment histories, characterized by agitation and instability. In this sense, the participants felt largely without voice and without representation or visibility, both as individuals and as a legitimate social group.

Closing the dossier, we present the study of the Indians Raneesh C. and Mohan A.K., named 'Reluctance to Register under the JJ Act among Child Care Institutions in Malappuram district of Kerala'. In this chapter, the authors analyze the Juvenile Justice Act dated from 2015, which provides for the care and protection of young Indians and obliges the registration of Child Care

Institutions (CCIs). However, according to the study, non-governmental organizations and private agencies are reluctant to proceed with such registration. Through an exploratory approach, the authors sought to understand the reasons why institutions intended for the care and protection of children and young people act in a manner contrary to the record itself and in disagreement with the law. They take as an example the district of Malappuram, that among 112 institutions 40 did not register or had their records denied. The authors conclude that there are several misconceptions against the juvenile law of justice between the CCIs, because they consider that their organizational freedom would be limited in the registry. Another observation is that most children's homes are administered by religious organizations, and for this reason they feel that the record may affect their religious values. About 60% of the CCIs are concerned about the financial burdens and 85% of them have difficulty in implementing the new rules and regulations related to the JJ law of 2015 in the respective institutions.

A study of this nature is important for us to understand what can in fact occur within institutions protection, care, and education of children and young people and the need for oversight by the public authorities of the practices and structure in which it takes place within those, given that education, protection and care are fundamental rights of the youngest.

As we gather those ten studies in a dossier, we conclude that the condition of childhood and youth is still quite controversial and is far from being benefited by their rights, even though in contexts of more developed countries and with public policies known to be more efficient, the disadvantages and inequalities are more intensely affecting children and poorer young people.

Thus, we hope that the studies presented in this dossier can stimulate critical reflection and political, social and academic actions engaged in transforming the current living conditions of the new generations in particular of children and young people from the most marginalized society, and that the materialization of their rights and public policies aimed at them, are in fact guaranteed by stimulating, also, the consolidation of the academic debate and the democratization of production and communication of knowledge on such matters, especially with the direct stakeholders who are children and young people.

NOTES

1. Santos (2013).
2. Cury (2014).

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