

The Domestic Politics of International Human Rights Law: Implementing the Convention on the Rights of the Child in Ecuador, Chile, and Argentina

Jean Grugel* & Enrique Peruzzotti**

ABSTRACT

Insufficient attention has been paid to the political processes that take place between ratification of international human rights treaties and domestic implementation. Yet how international human rights treaties become embedded in domestic politics and local interpretations of compliance is crucial to understanding how international human rights treaties work in practice. Using evidence from three Latin American countries after the ratification of the Convention on the Rights of the Child, this article demonstrates how different implementation paths have unfolded, shaped by domestic actors and domestic politics.

* *Jean Grugel* is a Professor of International Development at the University of Sheffield, UK. Recent publications include "Critical Perspectives on Global Governance Rights and Regulation in Governing Regimes" (with Nicola Piper), 2007 and "Governance After Neoliberalism in Latin America" (with Pia Riggiozzi), 2009, as well as articles in *International Sociology*, *Journal of Common Market Studies*, *Global Governance*, *Global Social Policy*, *International Affairs*, and the *European Journal of International Relations*.

** *Enrique Peruzzotti* is a Professor of Political Science at Di Tella University and a researcher at CONICET, Argentina. He has published extensively on civil society and democratization in Latin America. His most recent book is *Participatory Innovation and Representative Democracy in Latin America* (Johns Hopkins University Press, 2009), which he co-edited with Andrew Seele. Currently he is preparing a collective volume on the work of Andrew Arato (*Critical Theory and Democracy: Essays in Honor of Andrew Arato*, Routledge, forthcoming).

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I. INTRODUCTION

Does ratification of human rights treaties make a difference to the rights practices of states and, if so, how does it make a difference? Although ratification is sometimes seen as a meaningless or “costless” signal, with little or no impact on state behavior,¹ scholars increasingly accept that there are circumstances in which ratification can create or strengthen domestic demands for compliance with international human rights standards.² Why and how this happens, however, is still under-researched. Using evidence from three Latin American countries (Ecuador, Argentina, and Chile) after the ratification of the Convention on the Rights of the Child (CRC), this article discusses the journey from ratification to the emergence of a domestic agenda of (partial) compliance.³

In all three cases, ratification contributed to a new awareness of children in society, led to either new legislation or executive action on behalf of children, and ushered in a new language of rights closely aligned to the core values of the CRC. However, the meaning attached to compliance, and the extent and the time lines for the introduction of CRC-inspired reforms were different, suggesting that outcomes were shaped by distinctly national dynamics of interpretation regarding the meaning of children’s rights and the priority issues for reform. The case studies, then, suggest that domestic politics were crucial for understanding how and how far compliance with the CRC evolved. Drawing on this evidence, this article suggests that ratification of international human rights treaties can set in motion a form of human rights politics, which the authors call the politics of compliance. The politics of compliance are not simply about whether a particular set of

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1. Oona A. Hathaway, *Do Human Rights Treaties Make a Difference?*, 111 *YALE L.J.* 1935 (2002).
 2. Christof H. Heyns & Frans Viljoen, *The Impact of the United Nations Human Rights Treaties on the Domestic Level*, 23 *HUM. RTS. Q.* 483 (2001); Ryan Goodman & Derek Jinks, *Measuring the Effects of Human Rights Treaties*, 13 *EUR. J. INT’L L.* 171 (2003); BETH A. SIMMONS, *MOBILIZING FOR HUMAN RIGHTS: INTERNATIONAL LAW IN DOMESTIC POLITICS* (2009).
 3. For a human rights treaty as comprehensive and ambitious as the CRC, compliance is inevitably a matter of interpretation and degree. The CRC potentially opens up demands for very wide ranging reforms that include institutional reform (around service delivery, education, welfare provision, etc.), changes to the juvenile justice system, the family, and the value of children’s voice and participation. The very complexity of the CRC and the fact that it aspires to transform the status of children and young people in the family, society, and the public sphere means that compliance is fundamentally open-ended. When we speak of compliance with the CRC in this article, therefore, we are not implying full compliance or the delivery of policies that uphold the “best interests” of all children across all issue-areas, but rather the introduction of policies inspired by the CRC, enacted in good faith, that aim to uphold children’s rights in some key areas, trigger attitudinal change, and extend the domestic vocabulary of human rights to include children and young people.

human rights claims are seen domestically as legitimate (though that can be an important aspect of the national debate). They can also involve a conflict of interpretation over what treaty obligations mean; how to translate rights principles into domestic law, policy, and practice; and which issues should be prioritized for reform. In the cases studies, conflicts over compliance did not always line up along a state versus civil society axis; they sometimes divided the ranks of state elites and civil society. In short, compliance debates unfolded over time in nationally contingent and path-dependent ways, were filtered through the lens of domestic politics, and were conditioned by the interface between understandings of rights and broader questions of politics, cultures, and institutions.

II. HUMAN RIGHTS AND DOMESTIC POLITICS

Human rights law shapes up at the messy interface between international and domestic politics. Although international in character, human rights have to be enacted and respected by states.⁴ For this reason, from the perspective of mainstream international relations scholarship, ratification of human rights treaties is treated as a puzzle: why would states ratify treaties that have sovereignty costs,⁵ especially in circumstances where there are no material gains from ratification?⁶ According to Beth Simmons, states ratify for different reasons. Some governments are genuinely committed to the normative principles of human rights. In Simmons' terms, these are *sincere ratifiers* "who value the content of the treaty and anticipate compliance."⁷ Others ratify due to strategic considerations; state elites might consider the benefits of ratification in terms of restoring a tarnished international image, for example. States that are concerned about their international reputation might see ratification as an easy way to improve their image and standing within international society.⁸ Simmons refers to this group of states as *false positives* or *false ratifiers*. For these states, ratification mainly offers a low cost opportunity to improve their international standing.⁹ Of course whether

4. JACK DONNELLY, *UNIVERSAL HUMAN RIGHTS IN THEORY AND PRACTICE* 23 (2d ed. 2003).

5. Andrew Moravcsik, *The Origins of International Human Rights Regimes: Democratic Delegation in Postwar Europe*, 54 *INT'L ORG.* 217 (2000).

6. Harold Hongju Koh, *Why Do Nations Obey International Law?* 106 *YALE L.J.* 2599 (1997).

7. SIMMONS, *supra* note 2, at 58.

8. ANDREW T. GUZMAN, *HOW INTERNATIONAL LAW WORKS: A RATIONAL CHOICE THEORY* (2007).

9. SIMMONS, *supra* note 2. It is generally assumed that the decisions of false ratifiers tend to be conducive to thin international rights regimes in practice. DONNELLY, *supra* note 4, at 179. Compliance is low because sovereignty gets in the way by, for example, ensuring that the machinery for monitoring implementation is extremely weak. George W. Downs, David M. Rocke, & Peter N. Barsoom, *Is the Good News About Compliance Good News About Cooperation?*, 50 *INT'L ORG.* 379 (1996); Hathaway, *supra* note 1. The growing methodological bias in favor of large N-studies in international relations tends

states are sincere or not in their commitment to human rights can change over time. A change of regime or government can mean that a state that ratified insincerely can become sincere in its embrace of rights principles. In practice, ratification in democracies is often guided by a mixture of principled and strategic motives. Democratic governments generally place a high intrinsic value on the concept of human rights (although few will have considered children as subjects of rights before); they also have strategic concerns about their international reputation.¹⁰ In Latin America, many newly democratized states in the 1980s and 1990s were eager to ratify international human rights treaties as a quick and easy path to international acceptance and, at the same time, new democratic governments were keen to enhance human rights and enhance their credentials with rights activists.¹¹ Civil society activists and state officials alike “talked the talk” of human rights after democratization. But this has not meant—as Emilie Hafner-Burton and James Ron rightly emphasize—that they always “walk the walk.”¹²

Whatever the reasons that push states to ratify human rights treaties, the key question is whether, once ratified, they make a difference in how states act. International relations and international law scholarship here has tended to assume that efficacy is a function of the existence of strong inter-state enforcement mechanisms. Without external enforcement, the argument is that governments are unlikely to take their commitments sufficiently seriously, suggesting that treaty ratification without strong external mechanisms of verification and enforcement can even lead to deterioration in respect for human rights because it endows states that abuse rights with an aura of rights commitment.¹³ These are important arguments to consider with regard to the CRC, precisely because it establishes only a weak monitoring regime; the CRC does not contemplate sanctions against non-complying states.¹⁴ The

to confirm the substance of this hypothesis mainly because it minimizes the findings from small scale, grounded, ethnographic, and qualitative case study work that reveals how human rights become significant in concrete cases even when states are not truly committed. Emilie M. Hafner-Burton & James Ron, *Seeing Double: Human Rights Impact through Qualitative and Quantitative Eyes*, 61 *WORLD POL.* 360 (2009).

10. As the politics of domestic compliance in the case of the CRC will show, the state's level of commitment to specific human rights regimes is not uniform; while some agencies might be committed to an agenda of change, other state actors might be reluctant to change or, in some cases, might openly oppose it. Some of the implications of the CRC in areas such as justice and penal reform were strongly resisted in all three case studies.
11. Kathryn Sikkink, *Human Rights, Principled Issue-Networks, and Sovereignty in Latin America*, 47 *INT'L ORG.* 411 (1993).
12. Hafner-Burton & Ron, *supra* note 9, at 368.
13. Hathaway, *supra* note 1; Emilie M. Hafner-Burton & Kiyoteru Tsutsui, *Human Rights in a Globalizing World: The Paradox of Empty Promises*, 110 *AM. J. SOC.* 1373 (2005).
14. The UN monitoring system relies on the reports that the state itself prepares. In some cases, the official report can be challenged by a counter-report prepared by civil society organizations. Even where the counter-reports present evidence of rights abuses, there is no direct provision for sanctioning states.

CRC, in other words, looks at first sight to be a paradigmatic example of an international treaty, ratified everywhere because it lacks teeth.

Nevertheless, treaty ratification, even without strong international mechanisms for enforcement, is still a legal commitment that may, over time, yield some unexpected and unintended consequences with regard to compliance. Hafner-Burton and Kiyoteru Tsutsui show, for example, how ratification can lead to pressure from organizations within global civil society to improve human rights records.¹⁵ The authors' research also points to ratification as an opportunity for change even when that may not have been what ratifying governments intended. Crucially, this article identifies domestic level politics as the primary driving mechanism.

Human rights struggles are often seen as the terrain of civil society activists or as a form of social accountability politics—the process by which ordinary citizens and social movements exact accountability from their governments.¹⁶ Ratification can raise the expectations of local rights activists and advocacy organizations and can lead to the expression of renewed or new rights demands.¹⁷ Compliance with international human rights law, however, ultimately requires states to take action, with or without pressure from civil society. Social movements may be able to use the ratification of international human rights treaties to draw attention to abuse of rights and to leverage policy reform from governments.¹⁸ However, state actors must, minimally, accept the need for change. In democracies, it may even be that ratification can serve to remind state actors of their commitment to human rights and to provide principles that inform policy-making. In the authors' case studies, compliance demands came initially from civil society actors in Ecuador and Argentina and were then accepted (sometimes in a modified form) by the state. In Chile, however, the pathway to implementation and the reforms that were enacted after ratification were determined principally by state elites, with little influence from civil society organizations.

III. THE BACKGROUND: CHILDHOODS IN LATIN AMERICA BEFORE RATIFICATION OF THE CRC

The CRC opened for ratification in 1989 and quickly became the most widely ratified of the international human rights treaties; indeed only two

15. Hafner-Burton & Tsutsui, *supra* note 13.

16. Carmen Malena, Reiner Forster & Janmejay Singh, *Social Accountability: An Introduction to the Concept and Emerging Practice*, 76 *SOCIAL DEV. PAPERS* 4 (2004); *ENFORCING THE RULE OF LAW: SOCIAL ACCOUNTABILITY IN THE NEW LATIN AMERICAN DEMOCRACIES* (Enrique Peruzzotti & Catalina Smulovitz eds., 2006).

17. SIMMONS, *supra* note 2.

18. Michael McCann, *How Does Law Matter for Social Movements?*, in *HOW DOES LAW MATTER?* (Bryant G. Garth & Austin Sarat eds., 1998).

countries have yet to ratify.¹⁹ Building, to some extent, on the model of the Convention on the Elimination of all Forms of Discrimination against Women (CEDAW), the CRC constitutes an attempt to challenge the poverty, exclusion, abuse, and discrimination that children, especially poor children, routinely experience.²⁰ It does so by making them rights-bearing subjects under international law and identifying a range of issues that states should progressively tackle in order to make their formal rights real.²¹ Entitlements under the CRC include the right to a name, nationality, culture, identity, shelter, education, protection from violence and abuse, adequate food, and clean water. In addition to these material entitlements, the CRC also upholds children's rights to participation, voice, and association, and recognizes their agency in shaping the world. This agenda of social, economic, cultural, and political entitlements can be summed up as a combination of rights to protection, provision, and participation.

Although children were not invisible to the state in Latin America before 1989, the norms that underpinned policies across the region were based on a socio-legal and cultural distinction between the children of the upper and middle classes, and the children of the poor. Rigid distinctions of class and race meant that "plebeian children became the essential expression of the material and moral crisis of their class" in early twentieth century Latin America.²² The chaos in Latin America's growing cities, accompanied in some cases by immigration, had drawn the attention of governing elites to the fact that the poor and their children were living, very visibly, in ways that were seen as undermining the very fabric of the nation. Poor children and young people could be found openly on the streets without adult supervision, and were also part of the formal and informal labor market. Such children were categorized as dangerous social deviants because "they violate[d] the dominant middle-class norms that hold that children and youth should be in homes with families, in schools, or working in the formal economy."²³

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19. Eric Neumayer, *Qualified Ratification: Explaining Reservations to International Human Rights Treaties*, 36 J. LEGAL STUD. 397, 422–23 (2007) (listing Somalia and the United States as the only two countries that have not ratified the CRC).
 20. JEAN GRUGEL & NICOLA PIPER, CRITICAL PERSPECTIVES ON GLOBAL GOVERNANCE: RIGHTS AND REGULATION IN GOVERNING REGIMES (2007).
 21. UN CHILDREN'S FUND, PROTECTING THE WORLD'S CHILDREN: THE IMPACT OF THE CONVENTION OF THE RIGHTS OF THE CHILD IN DIVERSE LEGAL SYSTEMS (2007).
 22. NARA B. MILANICH, CHILDREN OF FATE: CHILDHOOD, CLASS AND THE STATE IN CHILE, 1850–1930, at 18 (2009); Donna J. Guy, *The State, the Family and Marginal Children in Latin America*, in MINOR OMISSIONS: CHILDREN IN LATIN AMERICAN HISTORY AND SOCIETY (Tobias Hecht ed., 2002); E. García Méndez, *Infancia, ley y democracia en la Argentina de 2006: Un balance provisorio*, BOLETÍN JURÍDICO DEL MINISTERIO DE JUSTICIA, Nov. 2006, at 29.
 23. J. Wolseth & Florence E. Babb, *Introduction: Youth and Cultural Politics in Latin America*, 35 LATIN AM. PERSP. 3, 8 (2008).

State responses in practice varied in accordance with patterns of state-building and the extent to which states were willing and able to intervene in the private realm of the family.²⁴ Overall, however, they combined legal interventions to attempt to regulate households with a mix of policing, public health, and education.²⁵ According to E. Garcia Mendez, the twentieth century construction of childhood in Latin America:

[S]upposed the existence of a profound division in the category “infancy”—children—adolescents and minors (the latter understood to be made up of those excluded from school, family, health etc). For this reason, laws which were exclusively about minors consolidated the divisions they created. They also centralized powers in the hands of judges who enjoyed omnipotent and discretionary powers. At the same time, they allowed serious crimes committed by adolescents of the middle and upper classes to be declared legally irrelevant.²⁶

Francisco Pilotti describes the system of child welfare that gradually emerged across the region as being made up of “a legal framework, specialized courts and a government central office in charge of overseeing a national network of residential institutions, including those run by the private sector.”²⁷ Beginning in Argentina in 1919, the courts were granted extensive powers to remove children from their families when their situation was deemed to be “irregular”—a loose term that was applied strategically to poor children who were deemed by the authorities not to be in their proper place, namely the home or the school.²⁸ Such children generally went from the courts to a range of institutions, including orphanages, “reform” schools, and even prisons.

Meanwhile, if attempts to control children living in “irregular situations” were directed at the children of the poor, welfare spending tended to favor the children of the middle classes.²⁹ In some countries, poor and vulnerable groups remained excluded from welfare provision beyond basic education and health almost entirely.³⁰ Despite periodic attempts by governments to improve primary and rural education or to introduce specific fiscal initiatives for the very poor, child welfare systems remained separate from the more

24. MILANICH, *supra* note 22.

25. Guy, *supra* note 22; Patience A. Schell, *Nationalizing Children through Schools and Hygiene: Porfirian and Revolutionary Mexico City*, 60 *THE AMERICAS* 559, 559–587 (2004); MILANICH, *supra* note 22.

26. CENTRO DE ESTUDIOS LEGALES, *DERECHOS HUMANOS EN ARGENTINA: INFORME 2007*, at 478 (Siglo Veintiuno ed., 2007) (authors’ translation).

27. Francisco J. Pilotti, *The Historical Development of the Child Welfare System in Latin America*, 6 *CHILDHOOD* 408, 409 (1999).

28. Donna J. Guy, *The Pan American Child Congresses, 1916 to 1942: Pan Americanism, Child Reform, and the Welfare State in Latin America*, 23 *J. FAM. HIST.* 272 (1998).

29. Nancy Birdsall, Juan Luis Londoño & Lesley O’Connell, *Education in Latin America: Demand and Distribution are Factors that Matter*, 66 *CEPAL REV.* 39 (1998).

30. IAN GOUGH ET AL., *INSECURITY AND WELFARE REGIMES IN ASIA, AFRICA AND LATIN AMERICA* (2004).

middle-class-oriented welfare regime in general. This resulted in a bifurcation of childhood experiences along lines of class and ethnicity throughout the region.

The voluntary system, often inspired by the Catholic Church, supported this view of children for much of the twentieth century. Children's charities were inspired by ideas about "child-saving," which aimed to protect and save "innocent" children from the risk—apparently ever-present for the children of the poor—of becoming "delinquents."³¹ The aim was to teach these children to lead useful, ordered lives adapted from the template of the middle and upper classes. In practice, however, there was little teaching of those children who were consciously identified as a danger to society.³² Even amongst the charitable foundations, poor children came to be regarded effectively as criminals *in potentia*. These shared assumptions meant that there were no real disagreements between the state and the voluntary sector. Civil society organizations concerned with the plight of poor children and the Catholic Church were able to cooperate harmoniously with the state in implementing policies that ultimately punished and imprisoned children simply because they and their families did not confirm to middle class norms or for reasons of poverty.³³

By the 1980s and 1990s, these distinctions of class and ethnicity in the treatment of children diverged significantly from the new ways of thinking about children that ultimately underpinned the CRC.³⁴ At that time, international public attention simultaneously came to focus strongly on the plight of Latin American children through the discovery of "street children."³⁵ The fate of the literally thousands of poor children and young people who were detained in correctional facilities—around 700,000 in Brazil alone in the early 1980s³⁶—was also put under the spotlight by global human rights activists. It was clear that poor children were not being "saved" in any way through interventions of this sort; around 75 percent of the current prison population in Buenos Aires, for example, lived in care homes as children and adolescents.³⁷ By the 1990s, the extent to which children were also bearing a heavy burden with regard to poverty and the consequences of state divest-

31. ANTHONY M. PLATT, *THE CHILD SAVERS: THE INVENTION OF DELINQUENCY* (2009).

32. Irene Rizzini & Malcolm Bush, *Editorial: Globalization and Children*, 9 *CHILDHOOD* 371 (2002).

33. Garcia Mendez, *supra* note 22.

34. ALLISON JAMES, CHRIS JENKS & ALAN PROUT, *THEORIZING CHILDHOOD* (1998).

35. TOBIAS HECHT, *AT HOME IN THE STREET: STREET CHILDREN OF NORTHEAST BRAZIL* (1998); Guadalupe Salazar, *Second-Class Citizens in the Making: The Rights of Street Children in Chile*, 35 *LATIN AM. PERSP.* 30 (2008).

36. Nancy Scheper-Hughes & Daniel Hoffman, *Kids out of Place*, 27 *NACLA REP. AMERICAS* 16 (1994).

37. OBSERVATORIO DE LA INFANCIA Y LA ADOLESCENCIA, *INFORME DE SITUACIÓN DEL CONURBANO BONAERENSE, DOCUMENTO 4* (Buenos Aires, 2005).

ment in public spaces, educational provision, and public health provision were also strikingly evident.³⁸ In short, state policies governing childhood that were based on distinctions of class and ethnicity began to be questioned in Latin America just as the CRC drew attention to children's rights.

IV. THE DOMESTIC POLITICS OF COMPLIANCE: ARGENTINA, ECUADOR, AND CHILE

Across Latin America, an embrace of international human rights norms was a fundamental element in the region's international rehabilitation after years of authoritarian rule.³⁹ But the idea that children have distinctive, age-related rights was novel, even to most regional human rights activists. Compared to issues of gender discrimination or ethnicity, for example, levels of awareness about children's rights were generally low and there were few traces of a coherent discourse on children's rights and what they might mean in practice. The driving force behind ratification, then, was democratization rather than a commitment to children's rights per se. But the introduction of democracy ultimately signified that ratification would not be a completely "costless signal."⁴⁰ Democratization legitimized social activism and contributed to the emergence of a more dynamic public sphere, while the introduction of electoral politics created a political environment in which rights could be claimed.

Over time, state elites across Latin America would be forced to reflect, willingly or not, on the policy consequences of ratifying the CRC. The immediate impact of ratification, however, was felt more strongly in the non-governmental sector than within the state. It had a particularly profound effect on civil society organizations and social movements that were either concerned directly with the delivery of children's policies or human rights in general.

Children's rights discourses gradually transformed how the voluntary sector thought and acted after 1989, leading to a realization that compliance with the CRC demanded a "180 degree change in how the state thinks about children."⁴¹ Where rights activists were strong enough, they organized civil society-based coalitions to demand legislative reform or executive action in key issue areas. Civil society activities in favor of rights-based reforms included the provision of information about the meaning of rights; dissemi-

38. Armando Barrientos & Jocelyn DeJong, *Reducing Child Poverty with Cash Transfers: A Sure Thing?*, 24 DEV. POL'Y REV. 537 (2006).

39. Sikkink, *supra* note 11.

40. Hathaway, *supra* note 1.

41. Interview with Ecuadorian rights activist in May 2007. All interviews were conducted anonymously and are on file with the authors.

nation of information relating to particular episodes of rights abuse against children; and lobbying over issues of concern such as rising levels of child poverty, violence against children, the juvenile justice system, and deficiencies in the education system. The success of these activities depended in part on the cohesiveness and the organizational resources of the pro-reform movements. However, as demonstrated below, outcomes also reflected the extent to which the very concept of children's rights generated consensus or conflict, the degree of engagement on the part of state elites, and the capacity of states to pioneer policy change.

A. Ecuador

Ecuador's history of incomplete state-building meant that it was one of the last countries in Latin America to establish a child welfare system for children the state deemed abandoned or irresponsibly parented. The Children's Code dates from 1938, almost twenty years behind Argentina's.⁴² Moreover, in practice, the Code did not generate an apparatus of full-scale interventions as in Argentina. There was little more than a superficial attachment to the Code; few groups had embedded interests in its preservation and, as a result, opposition to rights-based policies for children was much more muted in Ecuador than in Chile or Argentina.

Ecuador was the first country of the region, and the third in the world, to ratify the CRC, in March 1990.⁴³ Local children's advocacy movements argue that this early ratification was achieved not only because the 1938 Code was never fully implemented, but because of the early endorsement by local non-governmental organizations and social movements of children's rights which, unusually, predated ratification. Immediately following ratification, the Ecuadorian branch of the Geneva-based Defence for Children International organized a grassroots network of civil society groups, the *Foro Ecuatoriano Permanente de Organizaciones por y con los Niños, Niñas y Adolescentes*, to demand state compliance with the CRC. Two organizations inside the *Foro*, which brought together 240 organizations in total, were particularly important: the state-sponsored *Instituto Nacional de Niño y la Familia* (INNFA) and the *Programa del Muchacho Trabajador del Banco Central* (PMT). Both had insider status, financial resources, and visibility. As a result, the *Foro* was able to act as translator of the CRC in Ecuador,

42. Decree No. 181, Código de Menores de Ecuador, Registro Oficial No. 2, 12 Aug. 1938; EMILIO UZCÁTEGUI, *EL NIÑO EN LA LEGISLACIÓN ECUATORIANA* (2d ed. 1955).

43. Sarah Thomas de Benitez, *Street Children's Rights and the Convention on the Rights of the Child: A Study of Acceptance and Observance in Mexico and Ecuador* (Center for Research on Child Wellbeing, Working Paper No. 00-01, 2000).

taking charge of interpreting what the CRC meant domestically and setting the agenda for compliance politics.⁴⁴ This is not to say that the NGOs have always been able to shape policy in Ecuador, but they have been able to impose a rights tone in debates about childhood and to push consecutive governments to take children's rights seriously.

The stability and consistency of the leadership at the top of the pro-rights NGOs also contributed to their success. Activists interviewed by the authors referred frequently with admiration to the original pioneers of the country's children's rights movement, speaking of their "mystical" and "unbreakable" commitment to children and their loyalty to the rights movement. This kind of language and admiration was not in evidence in either of the other two cases in the same way. Moreover, organizations belonging to the *Foro* locked seamlessly into Ecuador's powerful social movement structure, which developed in response to what Deborah Yashar calls "the uneven reach of the state."⁴⁵ This has proved to be an important additional strength. From the outset, the *Foro* was able to mobilize a heterogeneous collection of social movements, including ones that were not directly associated with children's rights or children's services, in support of compliance. Rather than working only through formal institutional structures, DCI-Ecuador, INNFA, and the PMT "worked the spaces" created by a historically weak and weakly integrated state, and a strong civil society with experience in mobilizing for change.⁴⁶ The result was a forceful and creative push (immediately after ratification) for rights policies endorsed by a broad range of social movements. As one activist explained:

Everything we've done has been down to a combination of strategies: at times we have pressurized government, at times we denounced it. We have lobbied and negotiated with them. Communication has been important, working with the press, getting difficult issues out to public opinion . . . what we have tried to do is to get society to think, especially political society, about the need for changes in the law, inside institutions, in the kind of public investments that we make. We haven't stopped there either, We have gone on to make proposals for what should be in National Action Plans, what the new legal code should include and how the Integral Protection system should work.⁴⁷

The *Foro* pushed the debate around compliance beyond a question of minimum legal reforms towards a discussion of its significance for welfare

44. Sally Engle Merry, *Transnational Human Rights and Local Activism: Mapping the Middle*, 108 *AM. ANTHROPOLOGIST* 38 (2006).

45. Deborah J. Yashar, *Democracy, Indigenous Movements, and the Postliberal Challenge in Latin America*, 52 *WORLD POL.* 76, 79 (1999).

46. Nina Laurie, Robert Andolina & Sarah Radcliffe, *Ethnodevelopment: Social Movements, Creating Experts and Professionalising Indigenous Knowledge in Ecuador*, 37 *ANTIPODE* 470 (2005).

47. See *supra* note 41.

policies and education. For example, working with social movements with traditions of activism in education policy, the *Foro* drew up a Social Contract for Education in 2003 that pushed local businesses, schools, universities, NGOs, and neighborhood groups, to commit to a series of targets to improve access and quality in schools. The Social Contract also aimed to contribute to public debates about education and to act as the basis for a common lobbying strategy. As one organizer explained, the idea was “to position civil society as a respected actor on education, able to make demands and offer proposals, ending the idea that the teachers and the union are the only voices that matter.”⁴⁸

This has been matched by proposals for children’s participation in ways that are unique in Latin America. As early as 1990, the PMT organized a first round of elections for children to develop their awareness of the Convention. The idea was that children and young people would debate between themselves what the CRC and the best interests principle meant and then vote for how best their rights could be advanced and protected. Although activists reported that only 186,000 children participated, it was a considerable success in raising awareness of the importance of voice and participation (the children voted unanimously for prioritizing protection from violence and abuse). The tradition of including children in policy making was taken up by the state and in 2007, the Ministry of Social Inclusion set up the Consultative Council for Children and Adolescents to channel their voices directly into government.

With all these initiatives, it is not surprising that a range of reforms has been introduced since ratification. An early, though partial, reform of the Children’s Code took place in 1992 and was updated ten years later when a comprehensive rights-based code, the *Código de la Niñez y la Adolescencia*, was introduced.⁴⁹ The 2002 Code abolished the minors’ courts, which had condemned children to state orphanages for vagrancy or misdemeanors, and established a legal order based on the concept of rights. In addition, a new government agency, the *Sistema Nacional Descentralizado de Protección Integral a la Niñez y Adolescencia* (SNDPINA) was established to coordinate policy for children across government.⁵⁰ Other reforms include the ratification in 2000—almost immediately upon promulgation—of the International Labour Organization (ILO) Convention 182, concerning the elimination of the worst forms of child labor,⁵¹ and a series of government-

48. See *supra* note 41.

49. Code of Childhood and Adolescence (Codification No. 2002–100, R.O. 737, 3 Jan. 2003).

50. DIRECCIÓN GENERAL DE DERECHOS HUMANOS Y ASUNTOS SOCIALES DEL MINISTERIO DE RELACIONES EXTERIORES DEL ECUADOR, IV INFORME OFICIAL DEL ECUADOR SOBRE CUMPLIMIENTO DE LA CONVENCIÓN SOBRE LOS DERECHOS DEL NIÑO, PERÍODO 2003–2007 (Quito, Ecuador 2007).

51. Press Release, Int’l Lab. Org. [ILO], ‘Core’ Conventions Surge Past 1,000 Mark (22 Sept. 2000).

sponsored initiatives including the creation of an Observatory on the Rights of the Child to monitor the effectiveness of policies. The new constitution of 2008 formally recognized children and young people as part of the political community and lowered the voting age to sixteen.⁵² These achievements, though still very partial, are significant. They indicate a fundamental change in the tone of policy, a willingness to embrace new policy approaches, and a complete reversal of previous concepts of childhood. As such, they are indicative of a value-shift in Ecuadorian society and a sign of the capacity of children's social movements to have their voice heard in society and within the government. Most importantly, they also create the possibilities of positive outcomes for Ecuadorian children. Plan International argues that Ecuador's strategy of encouraging children's participation and citizenship has had economic benefits for poor children while the ILO identifies a significant decline in levels of child labor nationally, alongside rising attendance at school on the part of children under twelve.⁵³

B. Chile

According to the Director of Economic Policy and Poverty Reduction in Latin America for the World Bank, Chilean children enjoy greater material wellbeing than anywhere else in Latin America.⁵⁴ At the same time, however, violence against children, especially but not exclusively poor children, is common. One survey conducted by the government between 2006 and 2008 found that 72 percent of children had suffered some form of violence, including psychological abuse.⁵⁵ A 2008 human rights report also claims that children in Chile are subject to routine violence and abuse in schools, orphanages, and state-owned or state-run residences, partly, it argued, because they do not enjoy clear legal protection.⁵⁶ This ambiguous state of affairs reflects the particular way in which the politics of compliance with the CRC has shaped up in Chile.

Chile ratified the CRC in 1990,⁵⁷ but legal adaptation to the Convention has been slow. The 1967 statute, which leaves children subject to the uncon-

52. CONSTITUCIÓN DEL ECUADOR [CONSTITUTION], art. LXII, § 2.

53. ILO, REPORT OF THE DIRECTOR-GENERAL TO THE SIXTEENTH AMERICAN REGIONAL MEETING: ILO ACTIVITIES IN THE AMERICAS 7 (2006).

54. See Interview with Marcelo Giugale, Director of the Economic Policy and Poverty Reduction in Latin America for the World Bank, *EL MERCURIO*, 10 Mar. 2008.

55. U.S. DEP'T ST., 2008 COUNTRY REPORTS ON HUMAN RIGHTS PRACTICES: CHILE (25 Feb. 2009), available at <http://www.unhcr.org/refworld/docid/49a8f19c3.html>.

56. UNIVERSIDAD DIEGO PORTALES, INFORME ANUAL SOBRE DERECHOS HUMANOS EN CHILE 238–39 (2008), available at <http://www.derechoshumanos.udp.cl/wp-content/uploads/2009/07/derechos-nino.pdf>.

57. Paula Donnolo & Kim K. Azzarelli, *Ignoring the Human Rights of Children: A Perspective on America's Failure to Ratify the United Nations Convention on the Rights of the Child*, 5 J.L. & POL'Y 203, 216 (1996).

tested decisions of the family courts, remains unreformed.⁵⁸ The center-left Concertación governments, which were in power continuously between 1989 and 2009, claimed to be in favor of introducing reform to the 1967 statute, and drafted a reform bill in 2005.⁵⁹ The bill, however, was never presented to Congress. Chile and Mexico are the only two countries in Latin America not to have reformed their child welfare legislation.⁶⁰ In Chile, this is due to the manifest hostility of the vocal and well-financed right-wing opposition to the very concept of children's rights or rights-informed family policy. As Mala Htun notes, authoritarian legacies have consolidated the conservatism of the state on questions of gender and the family and have increased the voice of the Catholic Church, despite democratization.⁶¹ Think tanks and advocacy organizations tied to Catholic, conservative, and anti-rights perspectives, such as *Acción Familia*, also have access to exceptional material resources and are well placed politically. These conservative views are echoed in Congress by the *Unión Demócrata Independiente* (UDI), which has been the largest single party in Congress since 2001. Both the Catholic Church and the UDI reject any rights-based reform on the legal status of children; they remain attached to what Mary Beloff calls the "world view" of the past.⁶²

Rather than choosing to challenge these views directly, Concertación governments opted to channel compliance debates into child poverty and education—areas where they were committed already to reform. The meaning of CRC compliance has been dominated by broader debates within political society around gender, the family, and social policy more generally. This elision of rights into anti-poverty programs is partly due to weak and poorly organized local NGOs and secular networks. Chile's once-strong civil society is now exceptionally weak, traumatized by the dictatorship and disarticulated by the politics of democratization which encouraged many rights activists to enter government and left others on the defensive during a tense transition characterized by negotiation with, and concession to, the political right. Additionally, the politics of democratization mean that remaining human rights groups have generally focused on unresolved abuses committed from the past, not on the challenges of implementing human rights in a new democracy.⁶³

58. OMCT/OPCION, ALTERNATIVE REPORT ON THE IMPLEMENTATION OF THE CONVENTION ON THE RIGHTS OF THE CHILD BY CHILE (2007), available at http://www.omct.org/files/2007/01/3075/chile_informe_altern_crc_omct_opcion_en_summary.pdf.

59. This information comes from author interviews with government officials in Santiago, Chile.

60. SHAHEEN SADAR ALI ET AL., PROTECTING THE WORLD'S CHILDREN: IMPACT OF THE CONVENTION ON THE RIGHTS OF CHILD IN DIVERSE LEGAL SYSTEMS 123 (2007).

61. MALA HTUN, SEX AND THE STATE: ABORTION, DIVORCE AND THE FAMILY UNDER LATIN AMERICAN DICTATORSHIPS AND DEMOCRACIES (2003).

62. MARY BELOFF, LOS DERECHOS DEL NIÑO EN EL SISTEMA INTERAMERICANO 5 (2004).

63. Claire Mercer, *NGOs, Civil Society and Democratization: A Critical Review of the Literature*, 2 *PROGRESS DEV. STUD.* 5 (2002).

In short, the rights vacuum in civil society meant that Concertación governments were able to seize the high ground and press ahead with a very particular, local interpretation of the international norms of children's rights. This interpretation focused on anti-poverty measures and material wellbeing, while steering away from potential areas of high social conflict, such as reproductive rights, child participation, and family policy.⁶⁴ A series of piecemeal reforms and social policy initiatives to reduce child poverty and improve children's physical, material, and intellectual wellbeing was steadily introduced from the 1990s onwards.⁶⁵ These were framed in the context of broader concerns about the poverty legacies from the Pinochet era (1973-1989). An Action Plan to reduce child poverty was drawn up in 1992 shortly after ratification, committing the government to the extension of health care and access to education to poor children and young people.⁶⁶ The government also promised better delivery of social services for children through greater coordination between government departments, and the introduction of public-private initiatives in child welfare services. The *Servicio Nacional de Menores* (SENAME), which is responsible for service delivery to minors, was overhauled. Education budgets increased from 19.7 percent in 1990 to 25.7 percent in 2004.⁶⁷ The school day was extended and more free schools meals systems introduced.

In one sense, these programs have been very successful. Material outcomes for children are considerably improved. Currently, 97 percent of Chilean children complete primary school and 85 percent complete secondary school.⁶⁸ The number of poor children fell to 26.9 percent in 2003, half of what it had been in 1990.⁶⁹ But other aspects of the children's rights agenda and the best interest principle have simply been ignored. Anti-poverty programs do not challenge the structures and cultures that deny children and young people voice, citizenship, and protection from violence. The result

64. Warwick E. Murray, Lida Kousary & Jonathan R. Barton, *Land of Miracles? A Critical Analysis of Poverty Reduction Strategies in Chile, 1975–2005*, 31 INT'L DEV. PLAN. REV. 127 (2009).

65. Concertación governments introduced some other timid reforms, including raising the minimum age for working children from fourteen to fifteen. International treaties on child pornography, prostitution, and inter-country adoption have also been ratified, but the thrust of compliance policies has been anti-poverty or pro-education in tone and focus.

66. Claudio Fuentes, *Protecting the Child in Chile: Civil Society and the State*, in CITIZEN ACTION AND NATIONAL POLICY REFORM: MAKING CHANGE HAPPEN 109 (John Gaventa & McGee Rosemary eds., 2010).

67. Ann Matear, *Equity in Education in Chile: The Tensions Between Policy and Practice*, 27 INT'L J. EDUC. DEV. 101 (2007).

68. Fuentes, *supra* note 66, at 109–21.

69. *Id.*

has been an unbalanced combination of considerable improvements in some areas and utter neglect with regard to others.

There are, however, some signs of change in Chile as pro-rights civil society groups are beginning to challenge the state. *La Asociación Chilena Pro-Naciones Unidas* (ACHNU) and the *Corporación de Oportunidad y Acción Solidaria* (OPCION), both of which were formed in the early 1990s, began in 2005 to adopt a more critical tone and to focus on children's issues where Chile is performing particularly poorly: state violence against children and young people, the situation of children in the prison system, and the failure to address discrimination in education.⁷⁰ For example, despite the generally high figure of children completing secondary school, only around 30 percent of children from Mapuche communities stay in school until the age of fifteen.⁷¹ The reproduction of extreme educational inequalities has even motivated children and young people themselves to take action, as evidenced by the 2006 wave of school strikes.⁷² Activists have also been critical of the state's unwillingness to take on the social conservative lobby as evidenced by the reform of juvenile justice system in 2005, which introduced some potentially important rights-oriented initiatives including rehabilitation programs, but also reduced the age of criminal responsibility from 16 to 14, in direct violation of the CRC. These criticisms, however, have yet to come together as concerted initiatives aimed at CRC-inspired reforms.

C. Argentina

Argentina ratified the CRC in 1990.⁷³ After years of international isolation due to the massive human rights violations that the state carried out under the 1976-1983 military dictatorship, the new democratic regime was eager to rebuild its international standing. Ratification of the CRC was part of a broader trend of incorporating human rights treaties into domestic law, which had begun with democratization in 1983.⁷⁴ Raul Alfonsín, Argentina's first democratically elected president following the dictatorship, placed human rights politics at the center of the country's domestic and foreign policies.⁷⁵ Although Alfonsín's human rights policies were less personally relevant to

70. *Id.*

71. OMCT/OPCION, *supra* note 58.

72. *Chile Student Rally Turns Violent*, BBC NEWS, 23 Aug. 2006, available at <http://news.bbc.co.uk/2/hi/americas/5277190.stm>.

73. Donnolo & Azzarelli, *supra* note 57.

74. Jean Grugel & Enrique Peruzzotti, *Claiming Rights under Global Governance: Children's Rights in Argentina*, 13 GLOBAL GOVERNANCE 199 (2007).

75. Daniel Levy, *Recursive Cosmopolitization: Argentina and the Global Human Rights Regime*, 61 BRIT. J. SOC. 579 (2010).

Argentina's next president Carlos Menem, Alfonsín's policy of international reinsertion continued, and it was under Menem's administration that Argentina ratified the CRC.

Ratification of the CRC for the Menem government, however, did not seem to imply the need to reevaluate the status of children in society or the responsibilities of the state to them. As such, it was not accompanied by changes in the direction of government policy. In fact, it took almost fifteen years for the state to introduce any major changes at all.⁷⁶ Children's rights, and indeed rights policies in general, simply did not have a high priority inside government. Children's rights organizations were weak and social policy was largely constructed from a neoliberal mould, making it unlikely that the state would undertake reforms for children that would signify both an outlay of financial resources and the extension of the state's regulatory reach. Nevertheless, ratification of the CRC did redefine state rhetoric on children's issues and embedded that language in policy documents and within government departments concerned with childhood.⁷⁷ After ratification, state actors were forced to "talk rights talk" even if that meant—as it did in many cases—merely paying lip service to it.

Children's rights were a relatively new concept for much of the non-governmental sector. The introduction of the CRC seems to have made children's rights salient in the non-governmental world for the first time. This is somewhat surprising, given Argentina's tradition of human rights mobilization, but might be explained by the persistence of strongly conservative norms regarding the family in Argentina. The result was that, until 1989, there were very few groups advocating for children rights. NGOs working with or for children were not connected to the powerful and organized rights lobbies, whose concerns about children were limited mainly to the disappearances and forced adoptions that were carried out under the dictatorship. Additionally, many NGOs had come to depend heavily on the state and effectively delivered key elements of the local child welfare system or *tutela* or the "*patronato* culture," as it was locally known.⁷⁸ Compared

76. Law 26061 (*Ley de Protección Integral de los Derechos del Niño*) was passed in October 2005 and came into force in April 2006. It referred principally to the child welfare system and introduced the principle of children's rights as the guide for policy-making for at-risk or vulnerable children. Its supporters took the view that, by setting up a rights-based framework for policy-making in general, the law would also lead to changes in a range of areas such as the administration of justice and education policy, but these have not happened. Law No. 26061, 26 Oct. 2005, [30.767] B.O. 1 (Arg.).

77. Grugel & Peruzzotti, *supra* note 74.

78. The institutional foundations of what became known as the *Patronato* (tutelage) system were set out in the 1991 Agote Law, which was designed to provide for those children and young people deemed to be at-risk. Where the state could allege the "moral or material abandonment" of children, family courts were authorized to assert the state's right to assume the legal guardianship of children and remove them from their social or familial environment. These actions were taken independently of any objections

to Ecuador, and even to Chile to a lesser extent, there was something of a civil society vacuum around the rights of children and young people, with even grassroots organizations tending to be suspicious of rights discourses.⁷⁹

Ratification of the CRC thus presented real difficulties for service NGOs. Not only did it challenge their own practices, but it also suggested an alternative model of how society and the state *should* act towards children and young people. As a result, ratification provoked a change within the civil society itself and a realignment of the children's organizations in a way that made cooperation with human rights organizations possible. It was this shift inside the NGOs that allowed them to become part of a rights-based compliance coalition, breaking, to some extent, with their traditions of dependence on the state.

Encouraged and supported by UNICEF, a small group of advocacy organizations decided to organize a nationwide civic network to monitor the progress of the state in complying with the CRC.⁸⁰ In conjunction with other federations of children's NGOs, the network *Comité de Seguimiento y Aplicación de la Convención Sobre los Derechos del Niño* (CSACIDN) eventually established itself as a crucial societal watchdog over government policy and became an active advocate of legislative and institutional reform. As a result, what appeared at ratification to be merely a disparate set of fragmented and confused organizations with little capacity for independent mobilization, eventually transformed into a coherent rights-oriented network. Of course this transformation was more gradual—and to some degree more contested—than is presented here. There was, inevitably, resistance from groups that felt more comfortable with the old approach, and working out what rights should mean in terms of priorities and goals for CSACIDN was not always easy. Nevertheless, CSACIDN was able to establish itself as a permanent presence in the domestic scenario.⁸¹ Its voice was amplified when human rights lobbyists took up the issue of children. Eventually an agenda for action emerged that focused on (1) the urgent need to introduce new

that the children might make. Services were thus forced on children ostensibly for their own good and protection without them having a say, while families ended up being punished for poverty or for living lives that diverged from elite models of the family. While it forced the state to assume responsibility and to provide educational and social services for poor children, the structure of the *Patronato* was thus entirely foreign to the idea of children as rights-bearing individuals.

79. This was due to the view that advocating rights was a liberal preoccupation that would deliver only individual civil liberties, not economic or social benefits.

80. Jean Grugel & Enrique Peruzzotti, *Grounding Global Norms in Domestic Politics: Advocacy Coalitions and the Convention on the Rights of the Child in Argentina*, 42 J. LATIN AM. STUD. 29 (2010).

81. Tensions within the members of the coalition actually led to the creation of a second network, the *Colectivo de Derechos de Infancia y Adolescencia de Argentina*. Grugel & Peruzzotti, *supra* note 74.

legislation to regulate state policies for children that would reflect the spirit of the CRC, and (2) the importance of developing mechanisms that would allow the network to adopt a watchdog role. Rights organizations such as Amnesty International collaborated in this effort by, for example, writing and presenting shadow reports to the United Nations on national progress towards compliance.⁸²

Despite its own growing capacity, CSACIDN was unable to change the fact that governmental commitment to reform was low and that state actors paid only lip service to rights principles, making it difficult for CSACIDN to have its voice heard effectively inside the state. In contrast with Ecuador and Chile, where governments embarked on a series of partial reforms of their own accord and introduced at least a minimal overhaul of policies, in Argentina the state refused to contemplate any initiative at all after signing the Convention. State officials were willing to adapt their language to the CRC but not their policies. Rights activists tried to make the argument that the 1994 constitutional reform granted constitutional status to international treaties and ratification should, therefore, have made an overhaul of the country's policies for children an automatic process, but to no avail.⁸³ Unable to get its voice heard inside the executive, CSACIDN was forced to work with the country's weak parliament and was able, gradually, to put reform of the care system at least on the agenda. This was eventually achieved via the introduction of a new children's code in 2005, almost fifteen years after the CRC was ratified.⁸⁴ Legislative reform under Nestor Kirchner was followed in 2009 by the introduction under Cristina Fernandez Kirchner of the *Asignación Universal por Hijo*, a targeted payment to families whose income falls below the minimal wage, a program that CSACIDN has been pressing for since 2005. The significance of the *Asignación Universal* goes beyond the 180 pesos (around U.S. \$45) it represents for poor families—it is the first time that Argentina has recognized children directly in its welfare provision.⁸⁵

Argentina's slow and tortuous path to (limited) reform reflects a combination of an initially weak compliance constituency combined with a state almost wholly impervious to the concept of children's rights. There were serious differences within the civic coalition that delayed the establishment of a focused and unified campaign for reform; political authorities did not

82. The authors carried out ethnographic field research to trace how this campaign was established.

83. Grugel & Peruzzotti, *supra* note 74.

84. Jean Grugel, *Do Rights Promote Development?*, 9 GLOBAL SOC. POL'Y 79 (2009).

85. For a discussion of *Asignación Universal* and child poverty, see Martin Granovsky, *Menos Pobres e Indigentes Entre los Menores de 18*, PÁGINA 12, 31 May 2010, available at <http://www.pagina12.com.ar/diario/elpais/1-146697-2010-05-31.html>.

take seriously the need for reform; even when they did, they did not see it as a priority.⁸⁶ But CSACIDN did eventually work towards articulating common priorities and was able to mobilize considerable support behind its campaign for a new law in 2005. Without social mobilization, it is doubtful whether any reforms at all would have been achieved. Even now that the new law is in force, there is still considerable resistance to its implementation and something of a conservative backlash against the quite limited set of juvenile rights it sets out.⁸⁷ In practice, a dual situation persists in which the new law coexists alongside largely unreformed implementation institutions.

V. CONCLUSION

The CRC was welcomed by Latin American governments that were, for various reasons, quick to ratify. Although the situation of poor, vulnerable, and at-risk children in Latin America remains very precarious, there are nonetheless real differences in how states think and act with regard to children, compared with their attitudes prior to 1989. The three case studies demonstrate that ratification has encouraged state actors to change their discourses and, in some cases, their practices. Governments have undertaken some executive action to protect and promote children's rights and, in two cases, have introduced legal reform to promote rights-based care for especially vulnerable children. Although the scope of action falls far short of what full compliance would mean, children are now on the radar of policymakers and certain rights-based principles are in place in policy.

This new stage in the struggle for children's rights has not happened automatically; the CRC did not implement itself. In all three cases, ratification of the CRC opened up debates within civil society and the state about the meaning of compliance; in some cases, ratification provoked active resistance, which shaped the terms of the debate. In terms of how compliance politics unfolded, this article emphasizes in particular the extent to which the state was sincere in its ratification of the CRC, the strength and scope of actors pushing for treaty implementation, and the intensity of the ideological division over what the CRC should mean for domestic policy. State sincerity and the strength of civil society movements were not fixed, however. In the case of Argentina in particular, ratification meant that civil

86. Political differences also played an important role in Congress. There had been attempts before 2005 to introduce legislation but it was resisted by conservative groups that were opposed to some provisions of the proposed reforms, and especially attempts to provide for young people's reproductive and sexual rights.

87. Tomás Ojea Quintana, *Los Derechos del Niño en el Sube y Baja*, PÁGINA 12, 18 Aug. 2009, available at <http://www.pagina12.com.ar/diario/sociedad/3-130168-2009-08-18.html>.

society groups were able to gain in strength and confidence, whilst a change in government in 2001 opened state attitudes to human rights. As a result, the authors have adopted here a slightly modified version of Simmons' concept of state sincerity with regard to ratification, drawing attention in particular to potential shifts in government attitudes over time.

Democratization, combined with the fact that governments had all recently ratified the CRC and could not therefore disown it, meant that in all cases a degree of engagement on the part of the state with civil society about the need to comply in some way with the provisions of the CRC could be expected. Nevertheless, it is striking how differently state actors engaged with civil society-based groups and approached questions of compliance. In Ecuador, a strong civil society pro-rights movement emerged quickly and was able to shape the meaning of compliance for the state, which ultimately chose to defer to the experience and expertise of local social movements on this issue. In contrast, in Argentina, a civil society coalition for children's rights took time to come into existence and was initially ignored by the state. The Argentine state was slow to accept that ratification of the CRC would entail some degree of policy or legal change. In Chile, meanwhile, civil society groups were weak, poorly organized, and lacking in confidence, while government actors were sympathetic to rights in principle but, in the face of hostility from sectors of the political elite to the idea of children's rights, were determined to interpret for themselves what compliance with the CRC would mean. The trajectory of compliance politics was, as a consequence, significantly different in each case.

The three case studies also suggest that compliance can be pushed by state and civil society actors (Ecuador) or led by either of them (Argentina and Chile). Moreover, the evidence presented here suggests that the agenda of compliance is broadest when a strong rights-based civil society network encounters state actors willing to embrace rights-based change. With respect to the extent of ideological conflict around the principles of children's rights, the evidence indicates that where ideological divisions were few, a coherent compliance coalition composed of actors from within civil society and the state took shape quite quickly, leading to the emergence of a consensual agenda for domestic reform (Ecuador). Where disagreements were intense either within civil or political society over implementation, the result was delay in the formation of a compliance coalition in civil society (Argentina) or a compliance constituency that excluded rights-oriented organizations and which focused on a narrow reform agenda (Chile).