STREET CHILDREN’S RIGHTS AND THE CONVENTION ON THE RIGHTS OF THE CHILD:
A STUDY OF ACCEPTANCE AND OBSERVANCE IN MEXICO AND ECUADOR

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Abstract- This paper offers a first template for assessing performance by national governments in guaranteeing disadvantaged groups of youngsters access to their rights, as enshrined in the Convention on the Rights of the Child (CRC). Street children, who are among the most severely disadvantaged children of any society, are the particular focus of this paper. The 1989 UN Convention on the Rights of the Child (CRC) constitutes a bold new approach to children’s rights, requiring governments to assume new commitments to helping street children. Latin America has a particularly strong history of work with street children, spanning at least 30 years, but governments have not managed to guarantee access by street children to their basic human rights. This paper explores CRC adherence with respect to street children in two Latin American countries – Mexico, a fairly affluent country and Ecuador, a relatively poor one. I divide my exploration of each country’s observance of the CRC into the broad fields of legislation, implementation and enforcement, and assess governmental progress in the decade since their ratification of the Convention. Findings are disappointing for both countries: they suggest that domestic legislation is still inadequate, and that neither government has implemented the policies or allocated the budgetary resources necessary to ensure that street children gain access to their rights. Regrettably, data collection, monitoring of implementation and measurement of outcomes, are all gravely inadequate for enforcement of CRC provisions in Mexico and Ecuador. The findings suggest that strong monitoring and enforcement mechanisms are required to counter existing disincentives for governments to invest in street children. Substantial improvements are needed, particularly in the field of enforcement, before street children in Mexico and Ecuador can gain consistent access to their basic human rights. The prospects for Ecuador’s street children are particularly bleak: the government will need considerable international support to be able to deliver on its commitments to street children under the CRC. Mexico has a more developed political economy and has made more progress than Ecuador; the Mexican government is in a position to make substantial advances toward guaranteeing street children their rights as provided by the CRC.

(A) INTRODUCTION

"A century which began with children having virtually no rights is ending with children having the most powerful legal instrument that not only recognizes but protects their human rights" Carol Bellamy, UNICEF Executive Director

10 years have passed since the UN Convention on the Rights of the Child (CRC) came into force, and almost every country in the world now subscribes to it. This means that we now have a common baseline to assess and compare the performance of national governments in their treatment of children. The gap between the CRC’s progressive standards and the reality of enforcement in most countries will clearly be most dramatic in the case of each society’s most chronically vulnerable children. I have chosen to

1 Unicef - website (www.unicef.org/crc/issues of 12 October 1999)
focus this paper on street children, who form a particularly vulnerable sector of youth across the world.

My aim has been to gauge the extent of the shortfall between standard setting and observance of children’s rights, by focusing on this particularly disadvantaged sector. In so doing, I have developed a template to explore the gap between observance and acceptance in any country that has acceded to the Convention. I have done this by studying in some depth the two Latin American countries I know best, and where I have worked as a practitioner for several years, developing programs for street children: Mexico a relatively affluent Latin American country, and Ecuador, a relatively poor nation.

(A)(i) The UN Convention on the Rights of the Child (CRC)

The Convention on the Rights of the Child (CRC) was the culmination of advances over several years in the area of advocacy and defense of children’s rights by the UN and in many countries throughout the world, including Latin America, a process well described by Brazil’s Dr. Gomes da Costa. The International Year of the Child (1979) strengthened UN resolve to draw up a Convention to guarantee rights to children, although the process would take another 10 years to complete.

The CRC was adopted by the United Nations General Assembly on 20 November 1989 and entered into force in September 1990. It has already (January 2000) been ratified by every country in the world, with the exception of Somalia and the USA. The US government signed the convention in 1995 but has encountered strong resistance in the Senate to ratification. This has led to a curious irony: UNICEF continues to be headed by a US citizen, in spite of the fact that the USA has not signed the Convention underpinning UNICEF’s work across the globe. However, in spite of the USA’s recalcitrance, the CRC has become, as UNICEF points out, “the most rapidly accepted human rights treaty in history”.

This fact alone is a powerful indicator of how governments across the world felt that they should respond (or at least to be seen to respond) to the world’s first Convention focused exclusively on rights for children.

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2 See “Creando Soluciones para Ninos en Situacion de Calle” edited by Sarah Thomas de Benitez for the interinstitutional META project, Mexico.
4 Based on a proposal presented by Poland in 1978
5 Unicef - website (www.unicef.org/crc/issues) of 12 October 1999
6 The CRC entered into force on deposit of the 20th instrument of ratification or accession.
7 “The President of the United States, Mr. Bill Clinton, in his address on Human Rights day, on 10 December 1996,
said that it was "shameful" the United States had not yet ratified the Convention on the Rights of the Child. “In this
connection, the Assistant Secretary of State for Human Rights reassured the Special Rapporteur of the strong
commitment of the current Administration to make every effort to overcome the existing strong opposition within
the United States Senate, with a view to ratification…” Report of the Special Rapporteur on the sale of children,
child prostitution and child pornography, Ms. Ofelia Calcetas-Santos to the Fifty-third session of the Commission on
Human Rights, general UN publication E/CN.4/1997/95/Add.2
8 Unicef (www.unicef.org/crc/issues) of 12 October 1999
More extraordinary is the rapid, widespread acceptance of a Convention that reaches considerably wider and deeper than ever before in defining and protecting children's rights. As Philip Alston points out "The adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989 signaled the international community's acceptance of a statement of children's rights which, in many respects, is considerably in advance of anything currently formulated in rights terms at the national level" (my emphasis). In the sections below I will explore the magnitude of the gap between the CRC’s provisions and national legislation in Mexico and Ecuador. Alston’s phrase hints at the far-reaching changes that will be needed throughout most countries of the world if the new children's rights are to be observed.

(A)(ii) Other relevant international instruments

The United Nations International Youth Year (1985) led to the production of important complementary instruments to the CRC, in the field of administration of justice, notably:

- United Nations Guidelines for the Prevention of Juvenile Delinquency “The Riyadh Guidelines”; and

All of these are relevant to street children, because many youths living or working on the streets find themselves in conflict with the law, sometimes simply by being homeless or as underage workers in the informal economy. However, for the purpose of this paper I have concentrated on the wider ranging CRC, which establishes the baselines for action encompassing each and every street child.

There are a number of other conventions which seek particular additional protection for specific sectors of vulnerable children including some street children, such as the 1990 U.N. Convention on the Protection of the Rights of all Migrant Workers and their Families. Again, I have not covered in this paper the implications of these instruments which, although important for some street children, are not applicable to all.

Other instruments have been generated to protect child workers, most recently the ILO’s Worst Forms of Child Labour Convention, adopted in June 1999. These are also outside the scope of this paper because, although street-working children are clearly child workers, they do not have registered employers and are therefore not addressed by the child labor conventions.

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10 Adopted by General Assembly resolution 40/33 of 29 November 1985
11 Adopted by General Assembly resolution 45/112 of 14 December 1990
12 Adopted by General Assembly resolution 45/113 of 14 December 1990.
14 Mexico is a party (ratified in 1999) but Ecuador is not yet a party.
15 This new ILO Convention builds on the CRC’s article 32.1 on exploitation of child labour
Finally, the CRC is rooted in other global instruments such as the Geneva Declaration of the Rights of the Child of 1924 and the 1959 UN Declaration of the Rights of the Child\textsuperscript{16}, and regional human rights instruments such as, in the case of Latin America, the 1978 American Convention on Human Rights\textsuperscript{17}, and its additional San Salvador Protocol. This paper does not explore these documents because the protection they afforded to children has been superceded and significantly enhanced by the CRC.

In sum, although several other complementary instruments are relevant to certain sub-groups of street children, the CRC is:

- the single most powerful and comprehensive instrument concerning all children’s (and therefore all street children’s) rights in the world today; and

- has “changed the lens through which governments must regard children, a change from protecting vulnerable children against a range of specified ills, to a holistic approach guaranteeing all rights for all children”.\textsuperscript{18}

Professor Partha Dasgupta of Cambridge University puts it neatly: “The Convention on the Rights of the Child is unusual among human rights conventions in that it seeks to promote positive as well as negative rights... positive rights include the right to adequate nutrition, primary health care, and a basic education.” The challenge of the CRC is twofold:

- for a country to enact national legislation which conforms to the spirit of the CRC
- to implement and enforce that legislation for all children in the nation

(B) THE CRC AND STREET CHILDREN

B(i) Overview
The CRC does not mention the term "street children". This reflects the Convention’s focus on ensuring \textit{all} rights for \textit{all} children. However, the Committee on the Rights of the Child, established by the Convention to monitor its implementation by State parties\textsuperscript{19}, does require that members with populations of street children report specifically on progress with respect to improvements for street children, in a special section on Children in Especially Difficult Circumstances.

In broad terms street children are usually identified as youngsters that live on the streets or work there regularly while living in the family home. There is still some debate about

\textsuperscript{16} See Preamble to the CRC for a list of relevant pre-existing instruments
\textsuperscript{17} Convencion Americana sobre Derechos Humanos de 1969 (Pacto de San Jose) came into force on 18 July 1978 under the auspices of the Organizacion de Estados Americanos, (www.oas.org)
\textsuperscript{19} By adhering to the CRC, States parties agree to engage in a dialogue with this Committee and assume a legal obligation to submit periodic "State reports" outlining the legislative, judicial, administrative and other measures they have taken to ensure the enjoyment of the rights contained in the treaty.
the precise scope and definition of the term "street children"\textsuperscript{20}, although much less now than during the 1970s when the numbers of street children were exploding in Latin America’s major cities\textsuperscript{21}. But concerns about terminology are not relevant to this paper, since my purpose is to look broadly at how governments have accepted and observed their legislation so as to guarantee the rights of their most vulnerable youth. As such, precise distinctions are not required between children who work on a street corner and those who work in an open-air market, or those who live constantly on the streets and youngsters who periodically move into street life\textsuperscript{22}. It is however important to establish that all street children are in some way disadvantaged when compared to their national peers. Street children are usually well below the national average in most aspects of their human development. They have generally experienced traumatic emotional development, inadequate cognitive development, unbalanced social development and poor physical development – which seriously hamper their chances of participating fully in society\textsuperscript{23}.

B(ii) Definitions of street children by Mexican and Ecuadorian governments

Most Latin American countries have populations of street children: from Brazil and Colombia, where street child numbers are large and considerable attention has been focused on them, to Bolivia, where numbers of children on the streets are small but gradually growing. Each country recognizes and identifies its population of street children in its own way. The Mexican government officially recognized the plight of street-living and street-working children after the earthquakes of 1985, and since then has created policies and implemented programs to help them. In Ecuador, children began to appear on the streets somewhat later; problems facing street-working children began to be addressed by government policies in 1990. For the purpose of this paper it seems reasonable to use the definitions of street children provided by each country in its reports on the CRC.

The Mexican government’s definition of street children, as provided in its periodic report to the Committee on the Rights of the Child submitted in 1998\textsuperscript{24}, is rather wider than most, because it includes children who do not live or work on the streets but are considered by the government to be \textit{at risk} of doing so (see third group below):

“\textit{Street children are classified in three groups:}
- \textit{Children who carry out subsistence activities in the street to make a contribution to the family income but who maintain contact with their family or part of it, although attending school only irregularly;}

\textsuperscript{20} Considerable debate in the 1970s and 1980s in Latin America led to several UNICEF publications, available in Spanish and English from UNICEF, on the theme of street children, particularly to help distinguish street-living and street-working children, known respectively as children “of” and “on” the street.

\textsuperscript{21} \url{www.meta.org.mx} provides a brief overview

\textsuperscript{22} \url{www.meta.org.mx} gives information about the differences and why they matter for practitioners.

\textsuperscript{23} See Creando Soluciones para Ninos en Situacion de Calle. META, Mexico, 1999 for a fuller exploration of street children’s needs.

\textsuperscript{24} CRC/C/65/Add.6 of 17 August 1998, State party Report
- Children who maintain only occasional contact with their family or some member of it, spend the nights in the street and carry out subsistence activities there. They are more likely to exhibit antisocial behavior or suffer exploitation; most have abandoned any thought of school. (It should be pointed out that both these groups of children work in the informal sector of the economy; a child who spends most of his time in the street is growing up under the same conditions as a child who lives in the street.); and
- Children exposed to less risk, who live in poor families or are subjected to extreme pressures or domestic violence which induce them to leave the family and seek other surroundings, income, emotional relationships, and opportunities. “

Ecuador, on the other hand, does not provide a definition of street children in its initial report to the Committee on the Rights of the Child, nor does it address street children as a specific group. This seems likely to reflect disorganization in the compilation of the report. It seems reasonable here to use a brief definition of street children given by Ecuador’s semi-governmental agency INNFA:

- Girls and boys aged up to 18 year who undertake subsistence activities in the streets of our towns and cities to contribute to their family’s income or, in a few cases, for their own survival.

This definition does not include youngsters who are “at risk” of becoming street children. More limited in its scope, it nevertheless seems to be both more accurate and clearer for enforcement purposes:

- It is more accurate because not all poor children are at risk of becoming street children: if all poor children were at risk of becoming street children, then the question is why do not all poor children become street children? Indeed, why do such relatively small numbers of children from extremely poor families become street working or street living children? Clearly, other factors are involved. Some would argue that children who are most “at risk” of becoming street children are those who not only live in poverty, but also share the same family environment, in other words are the siblings of street children, and probably younger siblings since older siblings who are not street children themselves are less likely subsequently to be at risk of taking to street life. Even then, there are undoubtedly many children who share the same family environment as older siblings who are street children, but who are not really “at risk” themselves of becoming street children, because of some combination of personal characteristics and family dynamics.
- This definition is also considerably clearer for enforcement purposes because by limiting “street children” to those who are engaged in street living and/or street work, it is possible to measure changes with respect to their enjoyment of human rights, and therefore to enhance observance of legislation. In the case of Mexico’s third category of “children exposed to less risk, who live in poor families or are subjected to extreme pressures or domestic violence which induce them to leave

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25 CRC/C/SR.480of 10 November 1998 contains a summary record of the first meeting of the Committee on the Rights of the Child to consider Ecuador’s initial country report to the CRC, in which there is an acknowledgement that Ecuador did not follow the requested lines for its report, along with recognition both of the existence of street children and of government programs to help them.

26 El Instituto Nacional del Nino y la Familia, “Los menores frente a la familia y la sociedad ecuatoriana”
the family and seek other surroundings, income, emotional relationships, and opportunities”, it is very difficult to see how progress could be measured, and legislation enforced, for these children.

B(iii) CRC – Articles particularly relevant to street children

The CRC sets the tone for its holistic approach to children’s rights in Articles 2 and 3: Article 2 confirms that all rights apply to all children without exception, while Article 3 requires that all actions concerning the child shall take full account of his or her best interests.

More specific to street children is a phrase in the preamble to the CRC: "Recognizing that, in all countries of the world, there are children living in exceptionally difficult conditions, and that such children need special consideration…” There are several articles relevant to the circumstances of street children in each the three broad categories of rights – protection, provision and participation – recognized by the CRC. In the realm of protection: protection from neglect, abuse and exploitation; in provision: access to housing, schooling and medical care; and in participation: enabling active participation in society. Articles particularly pertinent to street children are:

- Article 19 (protection from abuse and neglect),
- Article 20 (protection of a child without family),
- Article 25 (periodic review of placement)
- Article 36 (all forms of exploitation) and
- Article 39 (rehabilitation).

In terms of guaranteeing access for street children to their rights, which is the prime focus of this paper, Article 39 encompasses the most salient points: “State parties shall take all appropriate measures to promote physical and psychological recovery and social reintegration of a child victim of: any form of neglect, exploitation, or abuse… Such recovery and reintegration shall take place in an environment which fosters the health, self-respect and dignity of the child”.

(C) GOVERNMENTS AND STREET CHILDREN

What might we expect to see in countries that have ratified the CRC and have street child populations? Governments are faced by several dilemmas. Their policies and programs will depend largely on the tensions among the dilemmas they face. The success of those policies and programs chosen will depend on the mechanisms created to enforce their implementation and monitor their outcomes. The main dilemmas:

- The least enfranchised children are those who have least access to the rights recognized in the CRC. They stand to gain the most if a government is serious about assuming its full responsibilities in light of CRC ratification.

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27 See www.unhchr.ch for the full text of the CRC
28 Preamble of CRC, third paragraph from end
However, these will also be the most ‘costly’ rights to guarantee in the short-term, putting greatest strain on national budgets for the smallest immediate result in terms of empowered children. Exacerbating this economic difficulty, there are few votes if any, to be won from appreciative parents: the families of street children are among those least likely to vote in elections, since they are generally marginalized and do not participate well in society. So street children might be the least promising candidates for investment by governments, on both economic and political grounds.

There is also moral dimension that may encourage governments to tackle the distressing situation of street children in their countries: street children are a disturbing sight, a constant reminder of poverty and sometimes of the effects of inequality of income distribution. There are incentives to governments to be seen, both locally and internationally, to be improving the lot of the most vulnerable members of society.

There is however, a rather sinister myth that has long floated around Latin American societies, discouraging governments from investing in street children. This goes along the lines that street children develop their own special "defense mechanisms", becoming "adults in children's bodies", and are soon so well-adapted to their street environment that they reject specialized help and become lost causes. This argument in effect says that since street children are beyond our reach they should not be a priority for investment. Opponents to this view believe that street children can be helped effectively, if an appropriate investment is made in their future, the view that most developed societies subscribe to about their own disadvantaged youth. And since the most alienated children are likely to cost society more in the long run, it seems to make sense to invest in them heavily at the outset to try to avert such a danger.

Unfortunately, street children are among the most elusive and dispersed of disenfranchised youth. A sector that is not cohesive, comprised of youngsters who are difficult to identify and who are extremely mobile, is extremely vulnerable to political manipulation. It is relatively easy for a government, or for that matter an NGO, to claim to be servicing xx number of children, using yy services, when those children cannot be so easily counted or interviewed, and when individual outcomes of the services provided are so difficult to evaluate.

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29 Investment is needed to provide the intensive educational and therapy services necessary to help street children gain and maintain full access to their human rights. However, this is likely to be the cheaper option for governments in the long term. There is evidence from a limited number of Latin American NGOs that up-front, appropriate investment in street children in the short-term might represent considerable savings for society in the long term, by reducing potentially criminal behavior and costs of imprisonment, by encouraging responsible parenting and by improving the likelihood of participating productively in the economy. This is a topic for a separate paper.

30 UNESCO has taken this investment approach for several years now, advocating integral education, and supporting well-managed and monitored programs under its Global Action Programme on Education for All.
Unfortunately, the complex panorama presented by the tensions among these factors offers ample incentives for democratically elected governments to “cheat”. This reflects the free rider phenomenon of economic political theory, in which the public is vocal about wanting “something to be done about” street children, but is unwilling to foot the bill for actions that might be productive, both for society and individual street children. This is aggravated by the fact that street children require sustained investment, but while they could be expected to gain real and lasting benefits, collective results are incremental, rather intangible and dispersed through society as a whole. So while “the public” seems to want action, individuals are less likely to want to pay and intend to be “free riders”. The most likely result is that governments will choose to carry out high profile, under funded, programs designed to appease the public, rather than to respond to the real needs of street children.

(D) THE CRC - MEXICO AND ECUADOR

Mexico and Ecuador were among the first signatories to the CRC. Ecuador was the first country in Latin America and the third country in the world to ratify the Convention. Mexico also showed its commitment early, by hosting the first World Summit on Children in 1990.

But their early accession to the CRC has led them to a situation that Dr. Emilio Garcia Mendez has described as “juridical schizophrenia”. The holistic nature of the CRC was far removed from Mexican and Ecuadorian national legislation that was chiefly concerned with the “negative rights” of Dr. Partha Dasgupta’s phrase in section A(ii) above.

So, in the decade since Mexico and Ecuador signed and ratified the CRC, how have the CRC provisions relevant to street children been translated into law, policies and programs for street children in each of the two countries? and how are the provisions being enforced?

The following sections explore how Mexican and Ecuadorian governments have responded to their own street children in the last decade. I have chosen to analyse this by looking first at national legislation, second at how this legislation is being put to use to help street children and third at how governments are enforcing their legislative promises. This method recognizes that there is a sequence of law-making, law-implementing and law-enforcing, through which acceptance is transformed to observance of an International Convention.

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31 An interesting topic for further research would be modeling political and economic factors with government policies toward street children.
32 Both signed on 26 January 1990
33 Ecuador ratified the CRC on 23 March 1990
34 Mexico ratified the CRC on 21 September 1990
My tools of analysis are: the CRC, individual country reports to the UN, UN responses to those reports, country legislation and significant country proposals for reform. I have chosen these tools because they are readily for all countries that have ratified the CRC, and together they provide a reasonably clear picture of the tensions between observance and acceptance of the CRC.

My analysis probes:

- how far the CRC has been assimilated into national legislation, based on country reports to the CRC, country legislation and the UN Committee on the Rights of the Child conclusions and recommendations
- how existing legislation has been implemented, again by analyzing country reports and the UN Committee on the Rights of the Child conclusions and recommendations
- how far CRC acceptance has translated into observance, by looking at the enforcement mechanisms embedded in existing legislation, assessing their “measurability” and analysing what has in fact been measured.
- how much improvement is likely in the near future in Mexico and Ecuador, in terms of legislation, implementation and enforcement, by analyzing the main in-country reform proposals currently on the table

Subsequently, I assess the capacity of each country’s government to improve its observance of the CRC in terms of guaranteeing street children access to their rights, using as my tools UNDP’s annual Human Development Reports and UNICEF’s annual Progress of Nations.

(E) MEXICO AND THE CRC

E(i) Mexico’s reports to the CRC

Mexico has submitted the 2 reports required of it so far, to the Committee on the Rights of the Child\(^{36}\), which is responsible for monitoring the Convention on the Rights of the Child: an initial report on 15 December 1992, followed by a second, 5 year progress report on 14 January 1998\(^{37}\).

**Initial report**

In its initial report to the Committee in 1992, the Mexican government called attention to the growing problem of street children experienced in Mexico: “168. The problem of street children has grown and worsened in the country’s urban areas; the main reason is the lack of alternative activities for the economic maintenance of the children’s families, but in many cases they are seeking refuge from the domestic violence which is becoming increasing common in Mexican households. 169. The street invites children

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\(^{36}\) By adhering to the CRC, States parties agree to engage in a dialogue with this Committee and assume a legal obligation to submit periodic “State reports” outlining the legislative, judicial, administrative and other measures they have taken to ensure the enjoyment of the rights contained in the treaty.

\(^{37}\) Required for 19/10/97, Mexico submitted its progress report 3 months late
to join an extensive network of exchange which may result in their abandoning school and family. The street is a place of conflict, risk and physical and moral danger for all the children who have to use it as an alternative place for earning a living and as a frame of reference.”

The Mexican government judged that it was critical to increase protection of street children: 170. It is therefore necessary to intensify measures to protect children against neglect, ill-treatment and exploitation and thus prevent, as far as possible, irreversible damage which will destroy any expectation of future development.”

It noted the importance of drawing government and NGOs closer together to improve the quality of attention available: “171. Attention must be drawn to the work and other contributions of organized civil society in this area of care. Various government institutions coordinate their activities with NGO programmes in a quest for more effective means of helping street children, increasing the cover of the services, and enriching the care provided.”

2nd progress report

Six years later, Mexico’s 1998 progress report to the CRC has also has a large section on Children in Difficult Circumstances – it starts with the following evocative description: “132. Understanding of the problem of children in especially difficult circumstances is of great social relevance in view of the inter-relationship between phenomena resulting from modern lifestyles and those caused by social deficits, poverty and Mexico’s current economic, political and social situation.

Street children are included here, less prominently than in the initial 1992 report: 133. The population of children in especially difficult circumstances includes indigenous children, children of itinerant farm workers (day-workers), children who end up as street children because of a need to supplement the family income or because they have fled from ill-treatment (my emphasis), migrant children who cross the northern frontier illegally and are subjected to discrimination and abuse, juvenile offenders, drug addicts, and victims of sexual exploitation, not to mention the growing problem in the states on the southern frontier of refugee children arriving without documents from Guatemala, El Salvador, Honduras and Nicaragua.

The essence of Mexico’s commitment to bring national regulations and their enforcement for all children into line with the CRC is expressed here: 135. In the National Development Plan 1995-2000 the Government includes among the purposes and priorities of its social strategy the provision and expansion of opportunities for individual and community improvement in accordance with the principles of equity, justice and full exercise of the constitutional rights and guarantees, together with improved welfare and quality of life for Mexicans and, as a fundamental proposition, the reduction of poverty and social exclusion; all of this is consistent with the commitments undertaken by Mexico at the World Summit for Children and with the full implementation of the Convention on the Rights of the Child as the ethical framework for children’s protection and development (my emphasis)“
And a particular focus on children in especially difficult circumstances (street children among them) is also included: 140. In particular, the measures aimed at children in especially difficult circumstances are designed to help to correct the economic, social and family circumstances which impede the development of many children and young people in Mexico.”

At implementation level, the Mexican government affirms its responsibility for “providing assistance and finding solutions” to ensure that the most vulnerable children can exercise their rights, in a 5 year National Action Program: 144. The responsibility of government institutions for providing assistance and finding solutions to these problems is stated in the National Programme of Action for Children 1995-2000, which also contains a commitment to incorporate private and social associations and groups which share the concern to provide care for the most vulnerable children. An attempt is thus being made to strengthen in society a culture of respect and support for the full exercise of children’s rights, in particular those of the most vulnerable groups.”

The government reported on specific help to street children: “In 1995 the [welfare arm of government] carried out measures in 144 municipalities in the 31 states, reaching 14,324 street children, 5,716 marginalized families and 4,585 other families; 744 children were returned to their homes….In addition, the Mexico City authorities… provided assistance for 1,726 children, returning 214 to their homes and referring a further 512 to institutions… direct work in the street has reached over 3,000 children, offering them medical, psychological, educational, social work, and training services. In 1995 a team was kept on standby to deal with any urgent problems in the street; this work led to the recovery of 124 children. The finalized programme went into action in 1995, with emphasis on prevention and on assistance for indigenous children, child workers, and children aged under six.” These figures demonstrate that the government is implementing a variety of programs intended to benefit street children, and that they are spread throughout the Republic, although it should be remembered that the numbers given may well include children at high risk since they belong within the definition of street children used by the Mexican government in its report.

To gain a rough idea of the numbers of children reached, we can look at the government’s reported figures for Mexico City: The Department of the Federal District also carried out a census of street children in 1992, which recorded a total of 11,000 in Mexico City and its metropolitan area. 186. In 1995 the National Action Committee for Children carried out another census of street children, which produced a total of 13,373; 13 per cent were children living in the street and 87 per cent children working there. These figures do not include children “at risk”, so it is clear that on any assessment the assistance provided in Mexico City (totaling 1,726 children, including youth at risk) is a very limited coverage when more than 13,300 children are living or working on the streets. Since the data is not disaggregated it is not possible to delve any deeper into these figures.
E(ii) The CRC Committee’s conclusions on Mexico’s reports:
The Committee in its conclusions on the 1991 initial report "is alarmed at the large number of children who have been forced, in order to survive, to live and/or work in the street.” It made several recommendations to improve legislation, implementation and enforcement – all taken up again in its 1999 observations on Mexico’s 2nd progress report:

**Legislation**
Commenting on Mexico’s initial report in 1992, the Committee made it clear that it did not consider Mexican legislation to be in harmony with the CRC. Seven years later, summing up its views on Mexico’s 5 year progress report in October 1999, the Committee is still not satisfied that Mexico’s national legislation reflects the holistic nature of the CRC and recommends that legislative reform continue: “10. While noting the measures taken by the state party to implement the committee’s recommendation (CRC/C/15/Add.13)… the Committee remains concerned that current domestic legislation on children’s rights, both at the federal and state levels, does still not reflect the principles and provisions of the Convention and that measures taken to harmonize domestic legislation seem somewhat fragmented without taking into consideration the holistic approach of the Convention. The Committee reiterates its recommendation that the State party continue with its process of legislative reform to ensure that domestic legislation related to children’s rights, both at federal and state levels, are in full conformity with the principles and provisions of the Convention and reflects its holistic nature”.

**Implementation**
On implementation of the 1995-2000 National Action Plan, the Committee is not convinced that Mexico is living up to its commitments to the most vulnerable groups of children: “9. The Committee notes that widespread poverty and long-standing economic and social disparities within the State party are still affecting the most vulnerable groups, including children, and hampering the enjoyment of the rights of the child in the State party”. It recommends reinforcement of existing measures: “18. While the Committee acknowledges the State party’s measures to implement the Committee’s recommendation (see CRC/C/15/Add.13, para. 18) for the protection of the rights of the most vulnerable groups of children, in particular the ones carried out by PROGRESA, DIF, INI and CONMUDER, the Committee is of the opinion that these measures need to be reinforced. The Committee reiterates its recommendation and further recommends that the State party increase measures to reduce economic and social disparities, including between urban and rural areas, to prevent discrimination against the most disadvantaged groups of children, such as girls, children with disabilities, children belonging to indigenous and ethnic groups, children living in and/or working on the streets (my emphasis) and children living in rural areas.”

Nor is it persuaded that Mexico is allocating sufficient resources to the problem:

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38 Concluding Observations of the Committee on the rights of the Child: Mexico. 19/10/99. CRC/C/15/Add.112
“14….The Committee reiterates its recommendation (see CRC/C/15/Add.13, para. 16) that such measures should be undertaken "to the maximum extent of [...] available resources" in light of articles 2, 3 and 4 of the Convention. The Committee further recommends that the State Party give priority to ensure that sufficient budgetary allocation be provided to social services for children and that particular attention is paid to the protection of children belonging to vulnerable and marginalized groups.”

Enforcement

The Committee notes that Mexico has created a broad mechanism for follow-up and monitoring of the Convention, but is concerned about its limitations: “11. “…takes note of the establishment of the National System for the Follow-up and Monitoring of the Implementation of the Convention (1998). However, the Committee remains concerned about the fact that the National System is only operational in seven states of the State party’s territory”. It recommends accelerating the establishment of commissions at state and federal levels to guarantee implementation of the Convention. It also recommends that NGOs be included in the design and implementation of policies and programmes carried out by the National System. The National System’s limited coverage calls into question the reliability of the information provided in Mexico’s report on assistance provided to street children in the states.

Of more concern however, the Committee criticizes the lack of disaggregated data submitted and makes particular recommendations on disaggregating data on vulnerable groups of children: “12….The Committee recommends that the State party continue reviewing and updating its data collection system, with a view to including all areas covered by the Convention. In addition, the Committee encourages the State party to use the information provided by its next population census (2000) as a basis for the development of disaggregated data on children’s rights. Such a system should include all children under 18 years of age, specifically emphasizing the situation of vulnerable groups of children, as a basis for assessing progress achieved in the realization of children’s rights and to help design policies for better implementation of the provisions of the Convention...”

The above paragraph is extremely worrying in its implications. It suggests that, even if legislation were completely harmonized with the CRC, and even if sufficient resources were allocated and dedicated to the most vulnerable, (both of these are measurable commodities), the degree of enforcement of the CRC’s rights probably still could not be discerned for street children.
Weak enforcement mechanisms have particularly damaging implications for street children, because as I argued in section C above, governments have relatively small incentives to invest in this particularly disadvantaged group but large incentives to be seen to be alleviating their misery. The most logical course for a government is to spread a part of its social budget thinly across the street child problem, spending a little on large numbers of children, rather than investing intensively in smaller numbers. Unfortunately, the characteristics and needs of street children make them particularly ill-suited targets for this type of welfare-oriented policy. As suggested in section B above, street youngsters suffer from deep developmental problems of the sort which require intensive educational and therapeutic investment for them to be able to gain access to the rights recognized by the CRC. A quantity instead of quality approach will not help children to leave the street and may even do more damage to individual street children.

In this kind of situation, the key to effective implementation is clear accountability and strict enforcement. If data is not disaggregated, and monitoring is limited, the logical outcome is numbers will be inflated, information will not be reliable, and street children will continue to slip through the cracks.

For enforcement of their rights to be meaningful, we need not only reliable quantitative data but also measurements of the individual outcomes of services for street children. These need to be both in the short and long term in nature: short term to see if children have gained access to their rights and long term to see if that access has been sustained. Street children's rights are enforceable in the sense that outcomes can be measured: attendance and performance at school, height and weight, inoculations charts and job stability are all concrete items which can be fairly easily measured. Emotional well-being and social skills are also measurable, if more difficult to capture.

For a program or service for street children to be ‘measured’ is more complex, but also feasible: it requires that outcomes be measured in comparison with a “starting point” for each individual child, and taking account of naturally occurring development over time (such as height and puberty), that are external to the program. In other words, a street child's developmental stage on entering the service can be measured, to enable measurement of his or her progress during the service and measurement of outcomes, both for the child and of the service, after the service has been completed. This may seem unattainable for a sector of youth whose access to the most basic of human rights is sketchy. But the measures do not need to be overly cumbersome; they must however be transparent and appropriate for periodic assessment using the same yardstick.

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39 Creando Soluciones para Ninos en Situacion de Calle. 1999 - META, Mexico argues that an unsuccessful intervention can lead to a child assuming responsibility for the “failure” and thereby “confirming” his or her own inability to change.
Developed economies have developed similar assessment tools within the field of educational psychology, and are in use within a number of special schools, institutes and residential programs that cater for distressed children. And in fact there already exist NGOs in Mexico and Ecuador that have developed and use outcome measurement for street children: the META organizations in Puebla, Oaxaca, Mexico City and Guayaquil are among them\textsuperscript{40}. If a government is committed to guaranteeing street children access to their rights acknowledged in the CRC, then it must be prepared to take actions sufficient to ensure their observance.

(G) MEXICO: REFORM SINCE THE LAST CRC REPORT AND NEW PROPOSALS

G(i) Regulatory reform:
In June 1999, Mexico’s Health Ministry published new regulations governing public and private services (nurseries, day centers, shelters, residential programs) for vulnerable groups of children and the elderly living in poverty and suffering abandonment, neglect, physical and mental abuse or social alienation\textsuperscript{41}.

The regulations are directly relevant to services for street children, because these are often available in day centers, shelters, residential programs and even nurseries, even though street children are not specifically named in the document. Looking solely at implications for the street child sector, these 1999 regulations improve on the previous 1986 norms\textsuperscript{42} in two main ways:

♦ they set compulsory minimum standards for infrastructure, hygiene, nutrition and clothing
♦ they lay out desirable basic indicators for human resources, provision of education and rehabilitation services

However, there are serious deficiencies in these regulations which are relevant to and illuminate the discrepancies between the CRC and national practice in Mexico. They are serious enough to warrant questioning of the Mexican government’s commitment to implement the CRC, given that the new Norm has been produced 10 years after Mexico signed the CRC:

♦ Legislation - there is no mention made in the text of the Convention on the Rights of the Child. In fact the Health Ministry states that these regulations are not linked to any national or international norms\textsuperscript{43}. While this is not unusual practice, it underscores one of the criticisms made by the CRC Committee, namely that “measures taken to harmonize domestic legislation seem somewhat fragmented without taking into consideration the holistic approach of the Convention” (see

\textsuperscript{40} Creando Soluciones para Ninos en Situacion de Calle. 1999 - META, Mexico explains the use of outcome-oriented measurement in services for street children in some detail.

\textsuperscript{41} Norma Oficial Mexicana NOM-167-SSA1-1997 Para la prestacion de servicios de asistencia social para menores y adultos mayores, published in Mexico City on 30 June 1999

\textsuperscript{42} Norma Tecnica para la prestacion de servicios de asistencia social en casa hogar para menores de 28 May 1986

\textsuperscript{43} Section 10 “Esta Norma no tiene concordancia con normas internacionales ni mexicanas”
These regulations have been created to improve the observance of children’s rights, but without any reference to Mexico’s commitment to implement the CRC.

♦ **Implementation** - there is no budget provision in the regulations. This implies that minimum standards are set for the provision of services for the most vulnerable children, but without allocating any of the resources necessary to put them in place. This particularly undermines the security of NGOs, who are a substantial proportion of the service providers for the most vulnerable children in Mexico, by setting higher standards with no financial provision. It would have been much more conducive to service improvement if the regulations had allocated a budget for these services, in line with CRC recommendation (see above): *The Committee further recommends that the State Party give priority to ensure that sufficient budgetary allocation be provided to social services for children.*

♦ **Enforcement**: while the new regulations include concrete minimum standards which are measurable and therefore enforceable, these cover only welfare and basic physical health provision. They do not set standards for developmental or educational processes and make no reference to outcomes for the children who receive services. The recommendations made on rehabilitation are therefore desirable but not measurable and therefore unenforceable.

♦ **Enforcement** - the regulations require services to be included in the National Directory of Welfare Institutions of the government’s national welfare system\(^44\). This eminently sensible requirement had actually been in place since 1986, but unfortunately the new updated version makes no progress on disaggregating data. It will be as just difficult as in the past to discover how many street children (as distinct from orphans, financially poor children, etc) are receiving services, never mind to know how effective those services might be. In light of the government’s focus on street children in its reports to the CRC, the lack of emphasis across ministries on disaggregating data relating to them is surprising; particularly since the governmental agency that leads on street children, the Sistema Nacional para el Desarrollo Integral de la Familia (DIF) was one of the agencies involved in the elaboration of the new regulations.

♦ **Enforcement** – 6 ministries, 5 public institutes, 6 government agencies and 1 international agency are named as being involved in creating the 1999 regulations. There is no NGO involvement mentioned. In fact, NGOs were actively involved in the process, but had no formal status nor were they permitted to participate in the discussions. More than a year before the new regulations came into force, a group of NGOs\(^45\) began working collectively on the formulation of recommendations for services for street children, for inclusion in the new regulations, at the DIF’s request.

\(^44\) Sistema Nacional para el Desarrollo Integral de la Familia

\(^45\) These NGOs were Educacion con el nino Callejero, EDNICA, I.A.P., Fundacion Casa Alianza Mexico, I.A.P., Thais, Consultoria en Desarrollo, S.C. and Vision Mundial de Mexico A.C.
These NGOs consulted widely, contributing their time and financial resources to the process – but without a seat at the negotiating table or a voice in the discussions (The DIF presented their views in the intra-governmental discussions). The NGO efforts undoubtedly produced some beneficial changes, but their potential to contribute was undermined by not being invited to participate formally. This ignores the CRC Committee’s recommendation to include NGOs “in the design and implementation of policies and programmes carried out by the National System”.

G(ii) Proposal for legislative reform:
The most important proposal for reform currently under debate is led by a cross-party group of legislators that seeks to amend Article 4 of the Mexican Constitution. This is a bill that has been formulated by members of the 3 largest parties in Congress. It aims to respond to the CRC Committee's recommendation to harmonize national legislation with the provisions and principles of the CRC. This proposal is at present in the later stages of debate in Congress. In its current form it goes some way to attempting to bring national legislation into line with the CRC, most notably:

- setting the best interests of the child at the heart of the legislative proposal, in line with the CRC’s holistic approach
- using a structure modeled on pioneering legislation from Brazil and Guatemala.

However, the proposal has some fundamental weaknesses that again call into question Mexico’s commitment to full implementation of the CRC. These weaknesses are best expressed by an NGO alliance which was consulted informally by the legislators in the project’s early stages, and claims that the proposal as it stands is full of “goodwill’ but lacks teeth. Criticisms include:

- **Legislation** – the proposal does not include some of the rights recognized in the CRC, particularly those within the area of children’s participation. As in the case of the Ministry of Health regulations above, the bill seems to fragment rights rather than pull them together cohesively.

- **Implementation** – the proposal lacks the clear definitions necessary to generate appropriate policies and programs according to characteristics and special needs of groups of children.

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46. Anteproyecto de ley reglamentaria del articulo 4 constitucional, para la protección de los derechos de los niños, las niñas, y los y las adolescentes

47. A process led by: Angelica de la Pena of the Partido Revolucionario Democratica (PRD), Marta Carranza of the ruling Partido Revolucionario Institucional (PRI), and Patricia Espinosa of the Partido Accion Nacional (PAN).

48. Brazil’s *Statute on the Child and the Adolescent* and Guatemala’s *Codigo de la Niñez y la Juventud*, see *Analisis del Anteproyecto* by the Mexican Comite por la ley de los Ninos, Ninas y Adolescentes

49. The “Comite por la Ley de los Ninos, Ninas y Adolescentes”, a loose coalition of NGOs, has produced its own analysis of the proposal, entitled “Analisis del Anteproyecto de ley reglamentaria del articulo 4 constitucional, para la protección de los derechos de los niños, las niñas, y los y las adolescentes. Organizations that participated in this analysis were: CIDES A.C., Ediac A.C., Ednica I.A.P., Foro de Apoyo Mutuo, Fundacion de Apoyo infantil Region Centro, Fundacion Casa de Santa Hipolita A.C., Fundacion San Felipe de Jesus, Mama A.C., Thais S.C., Uciep A.C. and Union Nacional de Mujeres Mexicanas A.C.
This converts the bill into goals with no strategies and thus a lack of guidance on implementation. It relies explicitly on the creation of regulations in the future to operativize the law.

- **Implementation** - there is no budget provision in the bill. Without explicit allocation of resources for programs and monitoring, the bill has no teeth. It would be an indicator of real commitment if the proposal had included specific references to budgetary allocation, in line with CRC recommendations.

- **Enforcement:** the proposal is in effect a statement of “goodwill”, because it does not contain strategies or basic procedures to be put into place when it passes into law. The NGO alliance considers that these flaws will make it extremely difficult to guarantee the rights recognized in the prospective legislation or to monitor their enforcement. Since the proposal does not establish strategies or procedures, nor make reference to measurement of outcomes for children, much of the content, as it stands, is not measurable and therefore unenforceable.

Also on enforcement although not specified by the Alliance is that once again there is no emphasis on disaggregating data, ignoring the relevant CRC recommendations which might help ensure effective targeting of services to the most vulnerable sectors of youth.

- **Enforcement** – the NGO Alliance criticizes the proposal for its limited vision of co-responsibility between government and society. It points out that considerable NGO involvement will be necessary for appropriate and efficient monitoring, to improve enforcement of the future law. This points again to the lack of formal NGO participation contemplated by the Mexican government. Indeed, the Committee’s analysis of this proposal indicates that legislators as well as government continue to use their traditional strategy of informal consultation with NGOs, with no formal recognition of their role and severely limiting their input into the design, implementation and enforcement of rules and regulations. This flies in the face of CRC recommendations on NGO involvement.

**(H) MEXICO’S ECONOMIC AND DEVELOPMENT INDICATORS:**

To facilitate comparison between countries such as Mexico and Ecuador, I have used national economic and development indicators provided by UNDP’s annual human development reports (HDRs). Although it can be argued that they are somewhat arbitrary, permit fairly simple comparisons with other countries across broad economic and development measures.

Overall, Mexico’s economy has pulled back after an unhappy decade in the 1980s, with slow, steady growth in the 1990s, matched by some improvement in human
development indicators and increased public spending on education and health, but large income inequalities remain.

**Economy when Mexico signed the CRC:**
When Mexico signed the CRC in 1989, its economy was beginning to recover from what most economists agree was not only Mexico’s but Latin America’s “lost decade”. The following year, UNDP published its first human development report, in which Mexico’s GNP per capita annual growth between 1980 and 1989 was negative: –1.5%. The 1992 HDR\(^{51}\), compiled using 1989 figures, showed an economy burdened with debt: total debt was 51% of GNP and debt service amounted to 40% of Mexico’s exports of goods and services. Adjusted GDP per capita was PPP$5,691, and total GNP per capita was $2,010. Income inequality was high: a Gini coefficient of 0.50 was calculated for the 1975-88 period.

**Human development at CRC signing:**
In 1992, Mexico was ranked 41 (from top, of 160 countries), near the top of the “high human development” bracket of the developing world. This was based on 1989 statistics averaging life expectancy, health and educational progress. At that time, public expenditure on education was 3.8% of GNP and on health 2.3% of GNP.

**Economic progress in the last decade:**
The 1999 HDR\(^{52}\), compiled using 1997 figures, shows that Mexico has significantly reduced its debt burden (down from 51% to 38.4% of GNP) and its debt servicing ratio (down from to 40% to 32% of Mexico’s exports of goods and services). Mexico’s GNP per capita annual growth, averaged over the 20 year period of 1975 to 1995 looked more positive, at 0.6% (up from –1.5%). Adjusted GDP per capita had risen significantly from PPP$5,691 to PPP$8,370, while total GNP per capita was up from $2,010 to $3,700. But there are still disturbingly large income inequalities: real GDP per capita ratio of the richest 20% to the poorest 20% was measured for the 1980-1994 period as 13.5.

**Human development progress:**
By 1999, Mexico was ranked 50 (from top, of 174 countries), based on 1997 statistics, a little lower but still near the top of the now re-named worldwide “medium human development” bracket. The new Human Development Index, averaging life expectancy, educational attainment indexes and adjusted GDP per capita (PPP$) index, ranked Mexico as 0.786 (from 0 to 1). Public expenditure on education had increased from 3.8% to 4.9% of GNP and on health from 2.3% to 2.8% of GNP.

\(^{50}\) 1990 Human Development Report, published for United Nations Development Program (UNDP) by the Oxford University Press

\(^{51}\) 1992 Human Development Report, published for United Nations Development Program (UNDP) by the Oxford University Press

\(^{52}\) 1999 Human Development Report, published for United Nations Development Program (UNDP) by the Oxford University Press
(I) SUMMING UP MEXICO’S PROGRESS:

Mexico is complying with its responsibilities to report to the CRC and has provided additional materials and information requested by the Committee.

However, 10 years after signing the CRC, the Mexican Government:
- has not fully harmonized domestic legislation with the CRC
- is only partially implementing policies that might guarantee access by children to their rights
- has not allocated sufficient budgetary resources to do so
- is only partially implementing policies that might guarantee access by street children to their rights, despite recognizing this sector as a priority for governmental action
- has not allocated the budgetary resources necessary for street children to gain and sustain access to their rights
- has not put into place adequate monitoring, or disaggregation of data, or measures of outcomes necessary to enforce street children’s rights. For this reason, it is not possible to measure the degree of implementation of CRC provisions for children, much less for street children
- appears to have a more favorable economic and human development base for enhancing street children’s access to their basic rights.

(J) ECUADOR AND THE CRC

J (i) Ecuador’s initial report to the CRC

Ecuador has submitted only 1 report to the Committee on the Rights of the Child: its initial report. This report was due in September 1992, but was submitted more than 3 years late, on 11 June 1996.

The Ecuadorian government apologized for the late submission of its first report. “Regrettably, it has to be admitted that we are more than three years late in complying with this obligation. This is due primarily to ignorance of the Convention and of the commitments deriving from it, the absence - in the immediate past - of a body to coordinate children’s issues and monitor the rights of children and young persons, the dispersal of information and a limited tradition of reporting, particularly on social issues.” This is a worrying indication of the degree of CRC implementation and enforcement that might be expected in Ecuador.

In its 1996 report to the Committee, the Ecuadorian government (unlike the Mexican government’s initial report) does not report on street children as a distinct category. In fact the term “street children” does not appear anywhere in the 38 page document.

This is probably a reflection of two situations: first, there appears to have been some disorganization in compiling the report, and second street children are a very small

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53 UN Document CRC/C/3/Add.44 of 24 September 1996.
fraction of the huge proportion of disadvantaged children in Ecuador; Ecuador is still predominantly rural, so its population of street children is still small, at an early stage in development and not visible as a disadvantaged sector per se.

Within Ecuador’s report, the section most relevant to the conditions of and services for street children is section C on protection policies, and particularly part 2 on special protection. Part 2 reports directly on: refugee children and children affected by armed conflict; administration of juvenile justice; physical and psychological and social reintegration for abused children; periodic review of conditions of detention, economic exploitation, including child labor; drug abuse; sexual exploitation and sexual abuse; sale, trafficking and abduction; and children belonging to a minority or indigenous group. Numbers of street children could be reasonably expected to be scattered across several of these categories; indeed it is conceivable that an individual street child might be all of the following: economically exploited, using drugs, being subjected to sexual abuse, belonging to an indigenous group, periodically within the juvenile justice system and provided on occasion with services for reintegration of abused children. The fact that the same child might fit within so many different categories is both
- a reflection of the terrible conditions in which street children survive and
- unhelpful for meaningful data analysis.

For the purposes of this paper I have chosen to focus on two of the above categories that seem particularly appropriate when exploring legislation and enforcement concerning services for street children in Ecuador: physical and psychological and social reintegration for abused children; and economic exploitation, including child labor. This analysis is necessarily limited, particularly by leaving to one side the administration of juvenile justice, through which many street children undoubtedly pass. However, this area is already under scrutiny by legal experts and human rights activists.

The situation of child workers in Ecuador differs from that of Mexico, in that although “child labor and economic exploitation are becoming recognized as one of the main problems affecting children in Ecuador,” the government has not yet created an official policy on child labor. So while in Mexico street children are specifically excluded from the child labor category, as non-regulated labor, street-working children in Ecuador are considered part of the population engaged in child labor. Since numbers of street-living children in Ecuador are very small, one would expect the vast majority of street children in Ecuador to belong to this category.

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54 Section C reports on the Ecuadorian government’s achievements, constraints and recommendations on the implementation of the CRC, within the field of policies created to protect children.
56 Ecuador’s initial report to the CRC, UN Document CRC/C/3/Add.44 of 24 September 1996, para. 246
57 INNFA studies on street children and the experience of Fundacion Junto Con Los Ninos de Guayaquil, an NGO helping street-working children and assisting local groups involved with street children, show that numbers of
On the 2 areas of focus I have chosen, Ecuador’s country report includes the following:

**Physical and psychological recovery and social reintegration (art. 39)**
- Legal mechanisms exist for the recovery and reintegration of children and adolescents, particularly in cases of abuse and conflict with the law
- National experience in this area is scanty and narrow in scope
- The Network for the Care of Abused Children and the Juvenile Rehabilitation System are considering recovery and rehabilitation measures
- The scope and effects of the recovery and reintegration programs are limited.
- Recommendations: At the national level: (a) Undertake publicity campaigns on the effects of abandonment, exploitation, abuse, ill-treatment and armed conflict on children and adolescents and on the need for assisted recovery and rehabilitation procedures for both victims and perpetrators; (b) Set up recovery and social integration mechanisms for each group of children affected by these serious violations of their rights, with emphasis on community and family action and avoiding, as far as possible, custodial measures. These mechanisms must also enable the child to play a leading role in his own recovery; (c) Promote the use of non-custodial alternatives for abandoned children, such as foster homes, placement with families and reintegration into the family. At the local level: extend care services within the official ombudsman structure.

These points make clear that although some basic legal mechanisms exist, services to promote physical and psychological recovery and social reintegration are not in place, so the government recognizes that there are implementation problems. Rehabilitation measures mentioned above refer to children within the justice system and not to children working or living on the street. That said, the report’s recommendations at least register a welcome intention to set up recovery and social integration mechanisms for disadvantaged children such as street children, avoiding custodial measures and with participation by the child, family and community.

**Economic exploitation, including child labor (art. 32)**
- Although the law provides for protection of children against economic exploitation, in 1990 there were approximately 800,000 child and teenage workers between 8 and 18 years of age, representing 30 per cent of their age group.
- In 1990, only 23 per cent of working children attended school. Child workers need two years to complete a grade. The health of these children is also affected by the type of work they do. All these factors represent serious obstacles to their normal development.
- Child labor is a growing phenomenon
- Child labor and economic exploitation are becoming recognized as one of the main problems affecting children in Ecuador.
• **Ecuador has no official policy on child labor.**

• **The problem is approached in a way that, far from providing effective protection, has in fact legitimized child labor, even for small children.**

• **The coverage of programs and projects is insignificant compared to the extent of the problem, and is geared mainly towards assistance.**

• **Poverty, low family incomes and the shortcomings of the education system encourage child labor.**

• **The Ministry of Labor is not taking any action regarding child labor.**

• **Recommendations: At the national level:** (a) Formulate a national policy on child labor to stop all work by children under the age of 12, and provide protection and training for working minors between the ages of 12 and 18; (b) Establish procedures for monitoring the working conditions of children; (c) Strengthen links between the issues of child labor and education; (d) Increase community awareness of the problem of child labor; (e) Promote close links between working children and their families; (f) Implement training programs that are flexible and compatible with the needs and demands of working children; (g) Extend coverage of quality health and education services to all working children; (h) Consolidate processes for the organization of working children; (i) Promote processes that force the education system to recognize the special needs of working children; (j) Prevent the economic exploitation of children with some sort of disability (e.g. those forced to beg).

The first comment above demonstrates a clear, widespread, lack of enforcement of the law. However, the Ecuadorian government considers that legal provisions are sufficient and identifies instead as a key problem the lack of a national policy on child labor, or in other words implementation of the existing legal mechanisms. It will be important to monitor progress in this area, especially since the report recognizes that child labor is a growing problem.

It is of course completely unclear how many of the working children referred to above are street-working children. In the CRC’s consideration of Ecuador’s report in September 1998, there is further confusion: Ecuador’s delegate to the meeting, Mr. Gallegos Chiriboga was “uncertain whether Ecuador’s interpretation of child exploitation within the family was the same as that of the Committee. It could refer to children dispatched to work in order to augment the family income, or to street children, who, according to UNICEF statistics, numbered a bare 1,000 in Ecuador, most of whom were sent out to work and returned home. The latter category were the beneficiaries of government policies, including a wide-ranging program involving INFAA and providing them with education, and their families with assistance.” Mr Chiriboga seems to be excluding street-working children from “street children”, but then appears to be unclear on who is included in the definition of street children. Street-working children frequently work to supplement their family’s income. Street-living children usually leave home to survive on the streets, returning only infrequently to the family home. If the 1,000 youngsters referred to above are street-living children, then it is not that they are

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60 UN Document CRC/C/SR.481 (Summary Record). The CRC’s consideration of Ecuador’s report was delayed by well over a year because of the tardy submission of responses by Ecuador’s government to the Committee’s written questions on Ecuador’s initial report.
beneficiaries of a wide-ranging program involving INNFA, which has, very sensibly, focused the bulk of its attention on street-working children. If the 1,000 children referred to however are children who work on the streets, then Mr Chiriboga’s figure underestimates the size of the street-working child problem, which INNFA itself put as high as 25,000 in the city of Guayaquil alone, in 1994.  

Mr Chiriboga had earlier stated “As in most Latin American countries, the phenomenon of street children unfortunately existed in Ecuador's large cities. The authorities were well aware of the problem and had taken special measures to help those children and their families, in particular by providing them with educational opportunities. Some positive results had already been obtained, and those efforts had to be pursued.” Unfortunately, he does not specify what special measures have been taken. It seems he is referring to the program for 1,000 children above, in which case it can be seen to be inadequate to combat the problems faced by Ecuador’s street children. His comments certainly seem to be unnecessarily dismissive of the critical conditions in which some of Ecuador’s most disadvantaged children are surviving.

**J (ii) The CRC Committee’s conclusions on Ecuador’s initial report:**

The Committee, in its October 1998 conclusions on Ecuador's initial report, noted with regret that the report did not strictly follow the guidelines. It also regrets the absence of a delegation from the capital, directly involved in the implementation of the Convention in the State party. This may explain Mr. Chiriboga’s lack of clarity on street children and the services available to them.

Several important factors impeding the CRC’s implementation were also noted, in particular the negative impact on children caused by: “El Nino”, structural adjustment and external debt, widespread poverty and longstanding socio-economic disparities. These issues are taken up below, in section L below.

The Committee, while welcoming new developments such as a National Action Plan for Human Rights (March 1998) and enactment of the new Constitution (August 1998), both of which expand provisions for the protection of children’s rights made several recommendations to improve legislation, implementation and enforcement:

**Legislation**

The Committee noted that it did not consider Ecuador’s legislation to be fully in harmony with the CRC. In spite of enactment of the Children’s Code of 1992 and the 1998 constitutional reform “disparities still exist between the principles and provisions of the Convention and domestic legislation. The Committee recommends the State party take all appropriate measures to facilitate the process of full harmonization of domestic legislation with the principles and provisions of the Convention, especially taking into

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62 UN Document CRC/C/SR.480 (Summary Record)
63 UN Document CRC/C/15/Add.93
account the holistic nature of this treaty.” For street children, and particularly street-working children, the Ministry of Labor’s participation in dovetailing its legislation with that of other ministries might play a useful part in ensuring a more holistic approach to children’s rights.

Even so, the Committee’s concern about Ecuador’s legislation seems to be relatively mild. It reserves the bulk of its criticism for Ecuador’s progress on implementation and enforcement.

**Implementation**

The Committee is particularly concerned about “the growing number of the population living in urban poor and marginalized areas… Measures to prevent discrimination against the most disadvantaged groups of children, including children belonging to indigenous communities, Afro-Ecuadorian children, girl children, children with disabilities, children born out of wedlock, children in institutional care, and children living and/or working on the streets (my emphasis) should be reinforced.” The explicit reference to street children, even though they are not named as a group in the Ecuadorian report, affirms the Committee’s concern that the needs of this particularly vulnerable group of youngsters are not being adequately addressed.

Also of profound relevance to street children is the Committee’s recommendation that “the State party take all appropriate steps, including setting up social programs and introducing rehabilitation measures to prevent and combat child abuse and ill-treatment of children within the family, at school and in society at large.”. This recommendation was made in response to information in Ecuador’s report asserting that “child abuse is a culturally accepted and justified practice”. NGO experience with street children in Ecuador support the existence of this practice and are deeply concerned by the effects this has on meaningful reintegration work with families and communities.

In similar vein to its conclusions on Mexico’s 2 reports, the Committee is not persuaded that Ecuador is allocating sufficient resources to children, nor to particularly vulnerable groups such as street children:

“15….The Committee expresses its concern regarding recent budget cuts which have had a negative impact on the provision of social programs, especially those relating to children….Budgetary allocations for the implementation of economic, social and cultural rights should be ensured to the maximum extent of available resources.” And “29…It recommends that the State party take comprehensive measures to establish poverty alleviation programs with special emphasis on the access to health care and education of children, in particular the most vulnerable groups of children. Access to health care and education, plus economic support, form a basic minimum for street children to be able to start any reintegration process into society.

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64 Fundacion Junto Con Los Ninos (JUCONI) de Guayaquil, Fundacion Principe de Paz, Fundacion Antonio Amador are among the NGOs whose work with children, families and communities is complicated even further by the widespread nature of child abuse across society.
A further point is raised by the Committee of relevance to implementation of the CRC to enable Ecuador’s street children gain access to their basic rights: “The Committee also remains concerned at the lack of adequate and systematic training for professional groups working with and for children…training on the Convention should be conducted for…teachers, personnel working in institutions and places of detention for children, health personnel, including psychologists, and social workers. Dissemination of the provisions and principles of the Convention to non-governmental organizations, the mass media and the public at large including children themselves should be enhanced.”

At present, services designed to help street children access their basic rights must not only recruit suitable personnel, but also provide training for them on the CRC, because even qualified teachers and social workers do not have an understanding of children’s rights, a serious obstacle to helping street children effectively.

**Enforcement**

Ecuador’s current capacity to enforce implementation of the CRC appears to be even weaker than that of the Mexican government. The central problem is a lack of an effective data collection mechanism:

“14. The Committee is concerned about the absence of an adequate, systematic, comprehensive and disaggregated data collection mechanism, for all areas covered by the Convention, especially addressing the most vulnerable groups of children, including…children living in institutional care, children living and/or working on the streets,… It recommends that the State party develop a comprehensive system for collecting disaggregated data, in order to gather all necessary information on the situation of children in the various areas covered by the Convention, including children belonging to vulnerable groups, as a basis for assessing progress achieved in the realization of children's rights and to help design policies for better implementation of the provisions of the Convention.” In the same way I argued above in the section on Mexico, Ecuador’s lack of a suitable data collection system undermines all attempts to monitor implementation and is critical, because however well domestic legislation is harmonized with the CRC, street children will simply not gain access to their rights unless CRC implementation can be enforced. Section E(iii) above outlines the case for measuring outcomes for street children and the services designed for them, as part of an effective monitoring system. An added reason for pressing even harder for enforcement in Ecuador is that this country has, compared to Mexico, fewer checks and balances in place to allow citizens and especially children, an effective voice of protest.
(K) ECUADOR: REFORM SINCE ITS REPORT TO THE CRC AND NEW PROPOSALS

K(i) Legislative reform:
Ecuador’s initial report to the CRC was due in 1992 and submitted in 1996; the Committee’s conclusions were made in October 1998 and included references to progress up to August 1998.

Since then, President Jamil Mahuad Witt has issued a decree, in March 1999 65, creating an autonomous National Council for Childhood and Adolescence 66 to be responsible for the integral protection of children and adolescents throughout the country. The Council, to include 5 State members (3 of them government ministers), 1 quasi-governmental (INNFA) and 4 NGO representatives, is charged with: defining national policies and strategies; designing a national system for the protection of children; establishing monitoring and enforcement mechanisms; and determining how to rationalize distribution of funds assigned for programs for children. In other words, although the CRC is not mentioned in the decree, this Council will be the Ecuadorian body responsible for implementing the CRC and enforcing its provisions. The National Council is now being set up.

This decree is of course relevant to services for street children, since it incorporates all services to all children in Ecuador. However, the decree consists of only 5 articles, written in 2 pages, and as such constitutes the broadest of outlines, containing no directions on how to convert its ambitious goals into strategies, policies and concrete activities. Since the decree does not establish strategies or procedures, nor make reference to measurement of outcomes for children, the content, as it stands, is not measurable and therefore unenforceable until regulatory measures are approved.

K(ii) Proposal for reform:
The most important proposal for reform currently under debate has been drawn up under the joint auspices of ProJusticia 67, INNFA 68 and UNICEF. This proposal 69 is designed explicitly to enable implementation and enforcement of the CRC in Ecuador. It includes articles to harmonize domestic legislation with the CRC and also aims to operativize the new National Council for Childhood and Adolescence, creating lines of action for policy creation, development of strategies and administrative procedures. The proposal recommends creation of an Executive Management for the new Council

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65 Decreto Ejecutivo 750 “Organizacion del Sistema Nacional de la Ninez y la Adolescencia” (DE-750. RO-S 159: 30-mar-1999), see Codigo de Menores Reglamento y legislacion conexa, actualizada a septiembre de 1999.
66 Consejo Nacional de la Ninez y la Adolescencia
67 ProJusticia is an NGO comprised of Ecuadorian lawyers
68 INNFA– Instituto Nacional para la Ninez y la Familia, is Ecuador’s quasi-governmental agency working directly with children
69 La Nueva Legislacion de la Ninez y Adolescencia, Proyecto ProJusticia-INNFA-UNICEF, Documento 3, “Proyecto de Mapa General Explicado de la Ley”
and suggests how local councils might be formed to design, supervise and support activities to protect and enhance children’s rights.

Still in draft, it has been subjected to an extensive process of national consultation in which some 400 institutions and more than 40,000 children across the country have participated. The finalized proposal is expected to be presented in Congress within the next few months.

Disappointingly, the proposal does not elaborate on how the developmental needs of particularly vulnerable groups such as street children might be addressed (implementation). There is no budget provision in the proposal; without explicit allocation of resources for programs and monitoring, the proposal, even if passed into law, will have no teeth. Nor is it clear how the proposal envisages systematic, disaggregated data collection to satisfy CRC requirements for information about the most vulnerable sectors of children (enforcement). It may be that these points are still to be addressed by the proposal’s drafters. If they are not, the likelihood remains that street children will continue to fall through the new safety nets.

**L) ECuador’s economic and development indicators:**

After a bleak performance in the 1980s, Ecuador’s economy has worsened during the 1990s. The country is currently experiencing its worst economic crisis in half a century. A UNICEF-Ecuador document produced in September 1999 blames underlying social and economic structural instability, exacerbated by falling oil prices, crises in the banking sector, the destructive sea current "el Nino" and the war with Peru. UNICEF and many other commentators are deeply concerned by the accumulation of economic and social imbalances in Ecuador, which continue to threaten the country’s stability.

*Economy when Ecuador signed the CRC:*

When Ecuador signed the CRC in 1989, its economy was brittle. UNDP's first human development report published in 1990 gave Ecuador's GNP per capita annual growth between 1980 and 1989 as negative: -0.5%. The 1992 HDR, compiled using 1989 figures, showed an economy overwhelmed with debt: total debt was 117% of GNP and debt service amounted to 36% of Ecuador’s exports of goods and services. Adjusted GDP per capita was PPP$3,012, and total GNP per capita was $1,020.

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70 According to Cesar W. Cardenas, of Guayaquil’s community movement Mi Cometa
72 “Los Derechos de la Ninen Ecuatoriana ante la Crisis Social y Economica”, UNICEF September 1999
Human development at CRC signing:

In 1992, Ecuador was ranked 77 (from top, of 160 countries), in the middle of the “medium human development” bracket of the developing world, based on 1989 statistics of the country’s life expectancy, health and educational progress. At that time, public expenditure on education was only 2.6% of GNP and on health a mere 1.9% of GNP.

Economic progress in the last decade:
The 1999 HDR, compiled using 1997 figures, shows that Ecuador had reduced its total debt burden (down from 117% to 79% of GNP) but its debt servicing ratio had not improved significantly (down from to 36% to 31% of Ecuador’s exports of goods and services). Ecuador’s GNP per capita annual growth, averaged over the 20 year period of 1975 to 1995 looked more positive, at 0.7% (up from -0.5%). But UNICEF’s September 1999 figures show a downturn in 1998 and almost no growth in 1999. Adjusted GDP per capita had risen from PPP$3,012 to PPP$4,940 between 1990 and 1997, and total GNP per capita was up from $1,020 to $1,570. Ecuador has remained one of the poorer countries of Latin America. Ecuador also has large income inequalities: real GDP per capita ratio of the richest 20% to the poorest 20% was measured for the 1980-1994 period as 9.7%. UNICEF’s updated figures show that by 1997 these inequalities had worsened to 12.5%, and the 1999 HDR confirms that Ecuador had a very high Gini co-efficient of 0.57 for 1998.

Human development progress:
By 1999, Ecuador was ranked 72 (from top, of 174 countries), based on 1997 statistics, still in the middle of the “medium human development” bracket. The new Human Development Index, averaging life expectancy, educational attainment indexes and adjusted GDP per capita (PPP$) index, ranked Ecuador as 0.747 (from 0 to 1). Public expenditure on education had increased from 2.6% to 3.5% of GNP and slightly on health, from 1.9% to 2.0% of GNP.

(M) SUMMING UP ECUADOR’S PROGRESS:

Ecuador has not complied fully with its responsibilities to report to the CRC. Its initial report was submitted more than 3 years late, while written responses to later questions from the Committee look over a year to be submitted.

10 years after signing the CRC, the Ecuadorian Government:
• has not yet fully harmonized its legislation or regulations with the CRC
• is, at best, partially implementing policies that might guarantee access by children to their rights
• has not allocated sufficient budgetary resources to do so
• is not implementing policies that might guarantee access by street children to their rights

74 1999 Human Development Report, published for United Nations Development Program (UNDP) by the Oxford University Press
Street Children and the CRC: Mexico and Ecuador

- has not allocated budgetary resources for street children to gain access to their rights
- has not put into place any systematic monitoring, or disaggregation of data mechanisms, or measures of outcomes necessary to enforce street children’s rights. For this reason, it is not possible to measure the degree of implementation of CRC provisions for children.
- appears to have an unfavorable economic and human development base for enhancing street children’s access to their basic rights.

(N) A CROSS-COUNTRY COMPARISON: STREET CHILDREN AND THEIR RIGHTS IN MEXICO AND ECUADOR:

N(i) Comparable Information

This paper has been designed to allow an individual, stand-alone assessment of Mexico and of Ecuador (and the same technique could be used for any other country). But it also aims to facilitate cross-country comparisons by using the same principal sources of information for each country whenever possible:

First, each government’s performance on ensuring access by street children to their rights has been assessed, in sections E and J above, using:
- its own country reports to the Committee on the Rights of the Child and
- the Committee’s recommendations to each country

Since almost every country has now ratified the CRC, this method can be used to explore governmental performance throughout the world.

Second, CRC adherence has been explored above by dividing it into 3 fields, each of which is measurable and therefore roughly comparable: domestic legislation, its implementation, and its mechanisms for enforcement. Such a division is necessary because the steps depend on each other: if domestic legislation is only partially harmonized with the CRC, then implementation can only be measured against this partial achievement, and enforcement mechanisms are only useful as measures of the level of existing implementation. Any meaningful comparison across countries can only be made looking across each of these 3 categories.

Third, the progress reported by this paper, since the latest country reports were submitted and the Committee has made its recommendations, is necessarily country-specific. Sections G and K are not intended to be comparable, but attempt to assess advances that may be included in forthcoming country reports on the CRC. Sources for this information were in-country NGO alliances, verified by official information.

Finally, the economic and development indicators used in sections H and L have been taken from the UNDP’s annual Human Development Reports (HDRs), which are compiled using information provided by governments themselves and using standard formulae. They therefore provide roughly comparable information. That said, they are
subject to national data collection errors and are not reliable guides to differences over time, partly because of HDR changes in measurement and also because economic and developmental trends are slow to transform into measurable outcomes or indicators.

So what can we conclude if we compare the material provided above about the Mexican and Ecuadorian governments' performance in guaranteeing rights for street children?

**N(ii) Mexico and Ecuador – comparing trends**

*Commitment and organizational capacity:*
Mexico and Ecuador participated in shaping the CRC and were quick to sign, ratify and support the Convention. Their governments have consistently expressed enthusiasm for transforming the CRC's provisions into reality for the children in their countries. This positive attitude toward the CRC should provide a frame for the comparison of Mexican and Ecuadorian performance.

The Mexican government has complied with reporting requirements of the CRC, submitting its reports punctually, providing additional materials and a sending qualified delegation to report to the Committee on the Rights of the Child. Ecuador has been much less thorough: submitting its initial report years late, not following the reporting guidelines, and sending unqualified representatives to report to the Committee.

These may seem trivial differences, but they are significant since they indicate that behind each country's commitment to the CRC lies a significantly unequal capacity to implement. More specifically, they suggest that Mexico may have the organizational capacity to assume and manage its CRC obligations, but that Ecuador's capacity to manage the obligations it has assumed must be in doubt.

*Approaches to street children:*
Since the mid-1980s, Mexican governments have created policies, undertaken national programs, sponsored research and set up follow-up mechanisms in the name of helping street children. Information has been submitted on these in its country reports and accompanying annexes, and street children are considered in the National Action Plan for 1995-2000. There is a clear expression of institutional concern about street children in Mexico which has been translated into action at several levels.

The Ecuadorian government's initial report to the CRC makes no reference to its programs or policies on street children. And from the material submitted, it is unclear if any national policy is currently targeting street children.

Mexico is clearly far ahead of Ecuador in developing institutional approaches to helping street children.

*Legislation:*
Both countries still need to harmonize their domestic legislation with the CRC, but continue to pass legislation concerning children in a fragmentary way. The leading
Implementation:
Mexico has made some progress in implementing programs designed to guarantee street children access to their rights. However resource allocation and coverage have been totally inadequate both in terms of the numbers of children serviced and the quality of the services provided. Ecuador appears to have made little to no progress in implementing programs designed to guarantee street children access to their rights. Resource allocation and coverage of street children appear to be insignificant. There also seem to be aggravating problems for Ecuadorian street children of unusually high levels of discrimination and child abuse. In both countries, new and proposed legislation fail to include budgetary provisions; the likelihood of successful implementation under these conditions is seriously undermined, particularly in Ecuador where there is less organizational capacity to manage implementation.

Enforcement:
I have argued throughout this paper that mechanisms for enforcement are crucial for guaranteeing street children access to their rights. In both Mexico and Ecuador monitoring and enforcement mechanisms are seriously inadequate, although Mexico is clearly in a better position than Ecuador. Mexico’s National System for monitoring CRC implementation is still in its infancy and has limited geographical coverage; data available on children is not sufficiently reliable or disaggregated; programs for street children are measured inadequately, in terms of participation rather than by outcome for street children. Meanwhile, Ecuador does not yet have a monitoring agency in place, nor does it have adequate, systematic or disaggregated data collection mechanisms for information on children.

N(iii) Mexico and Ecuador – the critical question of budget allocation
The CRC obliges countries to “undertake such measures to the maximum extent of their available resources and, where needed, within the framework of international cooperation”\(^75\). The CRC Committee has criticized both countries for allocating insufficient resources to enforce children’s rights. This criticism seems fair, using an international measure known as the National Performance Gap (NPG), introduced in 1993 in UNICEF’s “The Progress of Nations”. The NPG represents “one measure of the extent to which positive child rights are being honored in relation to available resources”\(^76\). The latest scores available for Mexico and Ecuador\(^77\), using 1995 figures, 

\(^75\) CRC, Article 4

\(^76\) The NPG measures three key indicators - the percentage of children adequately nourished, the percentage being educated to at least grade 5, and the percentage surviving to age five – and each country’s performance in them, compared with its available resources, as measured by GNP per capita. The difference between the expected level and the actual level is the country’s National Performance Gap.
are negative: they place Mexico 9th from bottom (or 16th from the top) and Ecuador 6th from the bottom of the Americas table. Their negative NPGs suggest that on the economic figures available, although Mexico is performing slightly better than Ecuador, both countries’ governments could allocate a considerably larger part of their national budgets to guaranteeing children’s rights. The fact that even the most recent legislation and proposals for reform in both countries do not yet contain budgetary provisions, indicate however that governments are not striving to improve their poor spending records.

The CRC Committee has also criticized both Mexican and Ecuadorian governments for insufficient spending on their most disadvantaged youth, specifically including street children. Within the existing low budgetary allocations for children, the Committee’s recommendation reflects a proportionately low spending on street children. This is a logical outcome of the “government disincentives” argument expressed in section C above coupled with the inadequate enforcement mechanisms reported.

Mexico’s economy appears to be steadily improving which, coupled with the country’s organizational capacity, could result in more balanced budgetary allocations for children in general and programs for street children in particular, if the political will is there. Ecuador’s economy on the other hand has not recovered and may even be continuing to slide downwards. This situation, coupled with a weak institutional capacity, make the prospect of improvements in budgetary allocation for children highly unlikely in the near future.

UNICEF notes that the economically advanced parties to the CRC “may assist in the guaranteeing of these rights wherever resources are lacking” but implies that such support is unlikely to be sufficient, given that only four countries have even met the broad targets established 30 years ago to give at least 0.7% of their GNPs in official development assistance. Although insufficient international support does not in any way relieve the governments of Mexico and Ecuador of their CRC obligations, it does give an indication of the tremendous pressures that face governments trying to fulfil them.

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77 The Progress of Nations, 1996
(O) CONCLUSION

There is still much work to be done before this template can become a truly useful tool:

- It should be tested and refined by assessing experiences in other countries and, as a part of that process, finding other indicators that are available, relevant and perhaps more helpful.
- Comparisons over time will also yield information on which indicators clarify and which obscure the gap between standards and performance. The template will need to be adjusted to take these into account.
- A check-list of tangible indicators needs to be developed, to enable tracking of country performance within each of the areas of legislation, implementation and enforcement. At present, progress is unmeasured.
- A weighting system to prioritize certain of these indicators might also be helpful, to recognize certain key stages in enforcing street children’s rights.

These recommendations recognize that guaranteeing street children’s rights is fraught with difficulties. But governments across the world have accepted the challenge, some explicitly through introducing street-child focused programs and all implicitly when they ratified the CRC. This paper’s template, even as it stands, provides both a rudimentary guide for the Mexican, Ecuadorian and other governments to be able to assess their performance in meeting this challenge, and also a useful tool for nongovernmental, public and international groups in continuing to support and press for improvements to help street children gain access to their rights.

"Honoring positive rights is not a side-issue for governments, a luxury which must wait until it can be afforded, but a challenge which is also fundamental to economic progress, social cohesion, and political stability."79 Partha Dasgupta, Professor of Economics, University of Cambridge

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79 Professor Partha Dasgupta, Frank Ramsey Professor of Economics, University of Cambridge