

Silent Voices: Working with children prone to Commercial Sexual Exploitation

Assessing the gap with a human rights and intersectional discrimination approach

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To the girls and boys whom I have had the luck to work with during all this time. You are teachers of a life, friends and mentors. Thanks for the smiles and for sharing a dream.

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Abbreviations

ICCPR	International Covenant on Civil and Political Rights
CDHDF	Human Rights Commission for Mexico City
CEDAW	Convention on the Elimination of All forms of Discrimination Against Women
ICESCR	International Covenant on Economic, Social and Cultural Rights
CEDNNA	State Council on the Rights of Children and Adolescents
ICERD	International Convention on the Elimination of all forms of Racial Discrimination
CNDH	National Human Rights Commission
CNDI	National Commission for Indigenous Peoples
CRC	Convention on the Rights of the Child
CSE	Commercial Sexual Exploitation
CSEC	Commercial Sexual Exploitation of Children
DIF	National System for Integral Family Development
DIF-Oaxaca	Oaxaca's System for Integral Family Development
EDIAC	Spaces for Integral Development (NGO)
FEVIMTRA	Federal Special Prosecutor for Crimes of Violence against Women and Trafficking
First World Congress	1 st World Congress against Commercial Sexual Exploitation of Children, Stockholm (1996)
GC	General Comment
GTIE	Working Group on Indigenous Childhood and Education
HRBA	Human Rights Based Approach
IEEPO	Oaxaca's State Institution for Public Education
ILO	International Labour Organization
INEGI	National Population Council

INMUJERES	National Women's Institute
NGOs	Non Governmental Organizations
Palermo	
Protocol	Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime
SRCCP	UN Special Rapporteur on the sale of Children, Child Prostitution and Child Pornography
UDHR	Universal Declaration of Human Rights
UN	United Nations
UNDP	United Nations Development Programme

1 Introduction

In the last years, commercial sexual exploitation has become a very important research topic. Women and children remain as the most affected groups urging for the creation of innovative public policies to prevent, protect and fulfill the right to a life free of violence.

During the last decade, CSE in Mexico has been studied by several scholars and institutions, producing valuable material. However, at a local level, it is always hard to find information on this subject, leaving a dangerous gap and perpetuating the invisibility of this serious human rights violation.

This thesis will try to show that the application of a human rights and multiple discrimination approach¹ along with a peer to peer technique for the assessment of a prevention programme regarding commercial sexual exploitation of children (CSEC) can be useful for revealing the particular needs and situation of children in the state of Oaxaca keeping in mind their specific context and situation as a “risk group” while taking them into account as active members of society.

Thesis will be structured into five chapters divided between a theoretical and a practical approach. The first section comprises introduction. Here I justify the present research, expose the general and particular objectives and give an overview on the previous literature regarding this complex topic. Second section will deal with the methodology for the research, starting from the concept of intersectional discrimination, the human rights approach and finally the peer-to-peer model. Third section explains the context where the research took place, providing a quick overview on the general situation of children and CSEC in Oaxaca. The phrase “asking the children’s question” is used as a technique to identify whether the experiences, values and expectations of the people involved are taken into account². In the fourth section, focused on fieldwork, I describe through Freire’s stages of popular education, the activities that I developed with the children at the shelter. The Fifth and last section comprehends findings and recommendations; there I describe what has been

¹ Multiple and intersectional discrimination can be understood as synonyms in this research.

² See Bartlett (1990); Cook (1994).

my experience and attempt to show the profitability of this combined approach for the assessment of the different needs of children prone to CSE. Broad recommendations will be given as well to state authorities and other institutions working in this area. Finally, a conclusion chapter will resume the experience lived.

1.1 Research question and main objectives

How can the human rights and multiple discrimination approach be helpful to assess a prevention strategy regarding CSEC in the state of Oaxaca?

1.1.1 General objective

- To raise awareness of the existence of CSEC in Oaxaca
- To show the profitability of a human rights and intersectional discrimination approach for the effective assessment of the diversity of children prone to CSE.
- To apply the intersectional discrimination approach as a way of identifying “children at risk” for policy makers and care providers.
- To formulate recommendations to the private and public institutions involved in the topic in order to become the basis for a in-depth study of the situation in the state and a plan of action.

1.1.2 Particular objectives

- To develop the first part of a peer to peer initiative for prevention of CSEC with children at risk in Oaxaca
- To show the value of a participatory approach for the assessment of children’s rights

1.2 Justification

In 1998, the city of Cancun was visited by the UN Special Rapporteur on the sale of Children, Child Prostitution and Child Pornography. During her visit, the Rapporteur appointed that “it is especially at this time, when the problem of commercial sexual exploitation ap-

pears not to have taken root yet, [that] preventive and awareness-raising strategies must be undertaken to avoid escalation of the problem”³. However, since the phenomenon presented a low incidence according to the number of reports registered, authorities prevailed in the denial of the situation. Nowadays, Cancun is one of the most important cities for the sexual exploitation of children in Mexico, making us think about “what would have happened if certain actions were implemented at the time?”

Oaxaca is located in the southern part of Mexico. Its geography and high percentage of indigenous population has made of it a difficult area to work with. Moreover, this region has been excluded from the growth experienced by industrial zones such as the center and north of Mexico. As a result, Oaxaca, Chiapas and Guerrero, which main resources come from agriculture, have turned out to be the three poorest states giving birth to an internal migration phenomena from small local communities towards the capital city of each state and then towards Mexico City.

Moreover, if we look at the number of Mexicans living in USA, we can realize that a high percentage of them come from Oaxaca, which gives evidence of international migration. From those migrant groups, there are some who experience multiple difficulties related to their condition as women, indigenous or ethnic origin and so on, giving place to a totally different reality for each individual.

Human trafficking is a common and profitable illegal activity in Mexico. According to United Nations, human trafficking is the 3rd major illegal activity in the world, surpassed only by the trafficking of drugs and weapons. What makes Mexico a unique setting for human trafficking is its boundary with United States, placing it as a transit and expulsion territory. The recent radicalization of immigration laws in USA, along with the reinforcement of the border patrol and the economic crisis in that country have also resulted in a dramatic increase of the number of South and Central American migrants who decide to stay in Mexico giving it a triple migration scheme with people leaving, passing by or living permanently. As if this was not enough, the militarization of the country and the fight for drug routes in Mexico has resulted in a deadly combination of mafias (drugs and human

³ SRCCP (1997) para.86

trafficking) which are now working together, resulting in hundreds of people who have been extorted, kidnapped, and even killed by criminal organizations if they refuse to cooperate. To these two different situations, we should also add the internal multiple migration that happens within Mexican borders.

In Mexico, the legislation regarding human trafficking is really weak and incipient. This situation, along with corruption, a strong *machista* culture and a lack of knowledge on the international principles regarding human rights and trafficking, has resulted in thousands of people been exploited every year, affecting in a very particular way girls and women. According to a first preliminary approximation on the topic of CSEC in Mexico, we could affirm that by the year 2000 at least 16,000 girls and boys have been exploited⁴.

What happens to be extremely worrying is the gap between the number of victims, the complaints to the authorities and people prosecuted. Eventhough Mexico has been very active internationally for the promotion and defense of human rights and no mattering the adoption of a federal level legislation regarding this topic, from the 32 states in Mexico, only 20 of them got a local legislation addressing trafficking and 3 have no specific legislation or tipification at its Criminal Codes. Moreover, according to a personal interview with the special attorney on violence against women in Oaxaca, only one person has been prosecuted at the federal level for human trafficking and only 5 people have been prosecuted at the local level⁵.

The question asked before, *what would have happened if?* Drove me in Oaxaca in order to start a research in a location where sexual exploitation remains as an invisible phenomena for most of the authorities. What I would like to show is that behind those numbers of people been sexually exploited (and those who we don't see) there is a whole history behind, a history that would have probably changed if an intervention was done at the exact time when different situations make them prone to exploitation. This is why I have named this work "Silent Voices".

⁴ Azaola (2001).

⁵ Hernández Gómez (2011).

1.3 Literature Review

As a general overview for the study of CSE in Mexico, it was necessary to look up for literature focused on the way this phenomenon has evolved in developing countries⁶.

In Mexico, the research regarding violence against children and commercial sexual exploitation is quite new. Some of the first approaches to the issue of violence against children can be tracked down to the early 1990s with research works focused on child violence and sexual abuse⁷. The prevailing belief of children as dependent of their parents and as no rights holders is given as an explanation for the invisibility and persistence of the phenomena. Public awareness remains as a core issue in order to create effective measures for assessing the situation.

Following the regional trend in the topic and probably inspired by the discourse of the international development agencies⁸, there is also some research work focused on street children and their vulnerability towards child abuse, particularly child prostitution⁹. At the same time, national Non Governmental Organizations started to issue in depth research documents regarding child prostitution in urban areas¹⁰. As we can see, these developments can also be related to the widespread effect of the Convention on the Rights of the Child (CRC) adopted in 1989 and ratified by Mexico one year later, which disclosed unattended areas regarding violence against children.

The research on child prostitution will continue for the following years and will start getting more in touch with the State obligations towards children as right holders, making violence against children and prostitution a matter of rights, not only a social question¹¹.

Few years later, the concept of commercial sexual exploitation of children encompassing child prostitution, child pornography, child trafficking for sexual purposes and sex tourism is applied on Mexico both by regional and local institutions¹². This approach allowed a

⁶ Goodman (1992); Narvesen (1989).

⁷ Azaola (1993).

⁸ Ennew (1996).

⁹ Azaola (1996); Leñero (1998).

¹⁰ EDIAC (1996).

¹¹ Azaola (1998); Pérez Duarte (1998).

¹² Azaola (2001), (2006); Negrete (2000).

more holistic view of the situation and resulted in a larger research field for the phenomena, which used to be focused mainly in Mexico City.

One of the major achievements regarding research of CSEC in Mexico is the work issued by the Human Rights Commission for Mexico City¹³, which develops a critical and in depth approach to the magnitude of CSEC guided by international human rights principles such as the in the First World Congress. By applying international human rights principles, this research views children as rights-holders as well as duty bearers and calls for their participation in the planning of public policies regarding CSE surpassing the “victim” discourse.

On 2005, sponsored by Oaxaca’s System for Integral Family Development (DIF-Oaxaca) and as part of a comprehensive prevention, treatment and eradication of commercial sexual exploitation strategy; it was issued the first and only diagnose on CSEC in the State. The aim of this document was to depict the different ways and mechanisms CSEC operates and though it wasn’t able to cover the whole state¹⁴, it remained as a useful tool for future research and policy making. As the author pointed out, the work represented an initial phase of an ongoing and deeper effort, able to outline the cornerstones of government action, civil society and their organizations to prevent, combat and in the best, eradicate a problem that has grown and continues particularly protected from neglect and ignorance¹⁵.

This latter research, along with the recent works which highlight the diversity of the situations faced by exploited children and the need for a more specific approach according to their particular needs¹⁶; have made me propose that a human rights and multiple discrimination approach, as discrimination simultaneously based on several prohibited grounds¹⁷ will provide a useful framework for the study and assessment of CSEC specially when it comes to understand the difficulties children prone to CSE face as a basis for the design of a prevention tool and identifying those target groups.

¹³ CDHDF (2007).

¹⁴ It covered 5 municipalities of Oaxaca: Oaxaca City, Tehuantepec, Juchitán, Huatulco and Puerto Escondido.

¹⁵ Garza Zepeda (2005) p.16

¹⁶ Azaola (2010).

¹⁷ Burri (2009); Nielsen (2006); Spiliopoulou (1999); Makkonen (2002).

2 Methodology

The present master thesis comprises both a normative and empirical approach. Human rights and intersectional discrimination concepts will be employed as a framework. Human rights approach will be understood as to employ the present human rights instruments regarding children's rights, violence against children and CSEC like a basis for assessing the situation while working with children as rights holders and duty bearers able to take part on the issues that affect their lives according to what is stated in the CRC.

The concept of multiple discrimination, as taken from the discussions in the European System regarding gender mainstreaming¹⁸ will be used to tackle the different discrimination grounds that affect children prone to CSE in order to identify the groups at risk. As to export this concept from gender mainstreaming to children's rights, the 'intersectional' definition will be also applied in this thesis as "intersectional discrimination"¹⁹.

Along with the theoretical concepts of multiple or intersectional discrimination and the human rights approach, the practical content of this thesis has been addressed by a classroom work with children through a peer to peer model inspired on Freire's "popular education" model. This concept and how it was implemented, will be explained as well on the following lines.

Its important to notice that given the limitation on space and time for developing the fieldwork, this thesis represents only the first part of a peer to peer initiative for the prevention of CSEC in Oaxaca.

2.1 *Applying the concept of intersectional discrimination*

The concept of intersectional discrimination comes from the feminist theory, it has been applied to address the multiple disadvantageous situations that women have to face taking into account how they vary from one woman to another; giving place to a very particular context that requires an specific approach from the policy making side. This concept has

¹⁸ See Berry; Nielsen *supra* note 13.

¹⁹ Ontario Human Rights Commission (2001); Ravnvøl (2009).

revealed that not all women are equal, hence, public policies should be aware of this when it comes to tackle women's needs.

On the next pages, this theoretical frame will be explained and adapted to children's rights, a group that has suffered of an extreme generalization by policy makers.

2.1.1 What does this concept means?

The concept of intersectional discrimination is quite new. It comes from African-American feminists from the middle of the 1980s and beginnings of the 1990s who criticized the classical feminist approaches for ignoring the different ways in which "race, class, nation and sexuality shaped women's experiences"²⁰. This concept challenges the conceptualization of the self and/or groups of individuals as unitary and unchanging, by enabling an analysis on a fluid and changeable basis which is more accurate to the reality.

One of the pioneer theorists regarding intersectionality is Kimberle Crenshaw. As a feminist, she was one of the first researchers to point out the intersection between race and gender and how it has been ignored in human rights discourses. She based her analysis on the idea of several forms of subordination interacting against an individual and affecting the entire group if they remain unattended.

Another advocate to the concept of intersectional discrimination is Timo Makkonen. The scholar was capable of extracting this construct out of the feminist "race and gender" theoretical frame and taking it into the different grounds for discrimination. He has pointed out that there is also a multiple and a compound discrimination, since each of them describes several different types of situations. However, in order to avoid more confusion, the same author points out that the best way to name this concept should be 'intersectional discrimination' since "the term is already rather well established, and perhaps the best captures the idea of the phenomenon as a whole"²¹.

For those who argue for this new approach and have been employing it for an analysis involving racial discrimination and gender, "intersectionality goes beyond just looking at the

²⁰ Naples (2008) p.1

²¹ Ibid p.12

gender aspects of racial discrimination. It seeks to provide a tool for analyzing the ways in which gender, race, class and all other forms of identity and distinction, in different contexts, produce situations in which women and men become vulnerable to abuse and discrimination”²².

As a tool for the assessment of people’s needs “Intersectionality should be situated within a family of analytical frameworks designed to explore how individuals’ experiences and identities interact with forms of authority and discipline, including the law”²³. This interaction produces different discriminatory situations where subordination faced by people varies as these elements act together giving place to demands for different remedial and preventive actions.

From the legal point of view, intersectionality departs from the idea that the protection against discrimination is a universal human right guaranteed in all human rights instruments. When it comes to focus on the so called “grounds of discrimination”, human rights instruments usually talk about several of them, taking some times only one as to be the “strongest” or more “evident” from which other violations might arise. By doing this, we can say that there’s an implicit acknowledgment of the fact that human beings face several kinds of discrimination based on different grounds and that a person can belong to several disadvantaged groups at the same time. However, when it comes to the practice, all those different discrimination grounds are taken separately, limiting the interpretation of the complex reality of the self and/or a discriminated group and providing an inappropriate view which classifies some rights as more “important” than others. This reasoning also leaves behind the idea that a group or a person can be discriminated on different grounds at the same time resulting in an aggravated and specific vulnerability situation urging for specific actions.

Intersectionality is prone to several criticisms. One of the most important deals with the victimization that individuals or a group of individuals may be objects of while applying a multiple discrimination or oppression approach. Focusing on this misleading interpretation

²² George (2007) p.1

²³ Satterthwaite (2004) p.12

will result in ignoring that discrimination is the outcome of interacting political, economic and cultural forces acting along different identities, meaning that even if that interaction results in the disempowerment of the individual, it is possible to overcome since both the individual and individuals as a group are able of modifying those interactions by activism and public policy.

Although this new approach has been considered as a useful tool and mode of analysis, it hasn't been able to reach the work of human rights bodies at an international stage such as United Nations due to its lack of conceptual clearness²⁴. Recently, we can see some improvements in the interpretation of the law in the European and the Inter American systems. However, it hasn't evolved since the different grounds of discrimination remain seen from either a isolating or an "additive" approach and not in a compound way²⁵. Moreover, this concept hasn't been broaden out from the feminist lens and applied to human rights violations as a whole.

2.1.2 Why is this concept useful for the present research?

As it has been pointed out in the last pages, the intersectional approach provides a new and complex view of the self and the groups where individuals belong. It acknowledges that human beings interact among several spheres where they can experience different kinds of discrimination or oppression.

Moreover, intersectionality focuses on the way in which public policies and actions generate oppressions that flow along the different axis, resulting in dynamic and active aspects of disempowerment²⁶. From this view, if we look at the situation of a 11 years old undocumented Central American child who has been living in a Mexican shelter since he/she was a baby and whose mother had to join prostitution and experienced sexual violence; we can

²⁴ At the UN Commission on the Status of Women (UNCSW), there has been a recognition of the intersectionality of race and gender and recommendations were made in order to include this concept in the deliberations of the World Conference Against Racism.

²⁵ According to Makkonen (2002), the only General Comment in which the ICCPR explicitly takes up the issue of multiple and intersectional discrimination is the nr. 28 adopted in 2000. This document acknowledges that "discrimination against women is often intertwined with discrimination on other grounds such as race, colour, language, religion, political or other opinion..."(GC 28 (30)). Some other UN documents that go the same way are the GR nr.19, 26 and 27. For CEDAW, we have the GR nr. 24.

²⁶ Crenshaw (2002) p.177

definitely affirm by applying the intersectional approach that the discrimination that he/she might face is extremely unique and can change from one place to another in addition to his/her condition as a child, giving place to a more accurate assessment by the public policies and hence creating a possibility of tackling the child's situation departing from its deepest roots as a "child at risk".

On the other hand, and as a tool for taking children's rights, intersectionality can also be "applied to existing rights standards to produce a wide variety of empowering norms that advocates can begin to use right away"²⁷. This will allow lawyers and activists to respond to the myriad aspects of children prone to commercial sexual exploitation as multiple situated individuals. Been this said, intersectional approach is not only a theoretical tool but also a policy making strategy, able to analyze and propose solutions.

Another particularity of this methodology is that this approach requires a strategy able to value the analysis from "the bottom to the top", from the girl who is living in a shelter to the way she experiences the lack of public policies relevant to her particular reality. This latter is obviously linked to a HRBA and its premise of making individuals agents of change and subjects of law. Moreover, intersectional discrimination can be also a useful approach to identify where the discrimination comes from (family, government, institutions), creating a mixture of oppressions for vulnerable victims.

As it has been stated in these lines, the intersectional approach can be by much a useful tool for analyzing the reality of the children at "Hijos de la Luna"; since it allows taking into account the different experiences of each children and the way they face discrimination in order to create public policies departing directly from the children's needs and worries and not from upward.

²⁷ Satterthwaite (2004) p.6

2.2 The Human Rights Approach

The UDHR states that all beings are “born free and equal in dignity and rights”²⁸. Furthermore, it also affirms that everyone is entitled to all the rights and freedoms without distinction of any kind.

Talking about human rights implies a double responsibility: one, by the State as a guarantor of those rights and two, the individuals and groups of individuals exercising those rights as subjects of law in an active and progressive way. If this gear works properly, then all individuals become part of a greater cyclical process where laws are created departing from the individuals’ perspectives and worries deriving in public policies able to realize those expectations. The reality is that discrimination, coupled with many other political phenomena, interfere with this utopic vision and we have to face enormous gaps between laws, individuals and public policies. A way to shorten those gaps is looking at ourselves as active members of the society able to acquire ownership over our rights and hence able to modify laws and public policies that are not accurate for us. With this tool human rights require an obligation by the individuals and the State, making accountability and participation core elements of change.

2.2.1 What does HRBA means?

The primary principles of non-discrimination, equality and equal protection of the law are essentials to any human rights analysis, since they embody the general rule that human rights must be extended to all equally, and that avenues for redress should be made available to all on an equal footing²⁹.

A human rights based approach means that we have to clearly identify those who are responsible of granting the rights as duty-bearers and those who are entitled to the rights as rights-holders. Given this, it is essential to empower the individuals so they can identify themselves as rights holders able to ask the government for accountability actions. It also implies that individuals have an obligation not only to ask for actions but to become active

²⁸ UDHR Art.1

²⁹ Satterthwaite (2004) p.22

participants of the process by providing alternatives and acquiring responsibility of their role.

HRBA can also be seen as a bridge between theory and practice, since several human rights instruments are already recognized by the State but are rarely implemented. In this way, the instrument can provide the highest standard available and hence become the basis for action. It can help us to clarify who is the entity responsible of granting the right and who are the individuals holding that specific guarantee. Once this is done, we can get back to work with groups, identify the roles and balances needed to reach that standard or expectation and develop the tools for reinforcing the capabilities, both in government and with civil society so the first ones can be able to meet their international obligations and the latter can claim and enjoy the rights they're entitled to.

2.2.2 HRBA, intersectional discrimination and Children's Rights

As it was stated before, if we talk about human rights and intersectionality, we have to look at the human rights instruments and the way they approach discrimination on its different grounds. In order to relate both topics to children's rights, it is also necessary to provide an overview and then identify who are the ones responsible of granting those rights and what should be the role as right holders.

As I just mentioned, the UDHR states that "All human beings are born free and equal in dignity and rights"³⁰. Furthermore, it affirms "Everyone is entitled to all the rights and freedoms [...] without distinction of any kind such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status"³¹. It includes a reference to discrimination by stating that "All are equal before the law and are entitled without any discrimination to equal protection of the law"³². In the CCPR, as well as in the ICESCR, it is also possible to identify non discrimination as one of the core elements of both documents.

³⁰ UDHR art 1

³¹ Ibid art 2

³² Ibid art 7

However, none of the above defines what is understood for discrimination or what constitutes it. Those issues will be later clarified in two other human rights instruments, the Convention on the Elimination of Racial Discrimination (ICERD) and the Convention on the Elimination of All forms of Discrimination Against Women (CEDAW).

On 1966, ICERD was adopted as a tool for the assessment of state responsibility regarding racial discrimination. It created a complain mechanism for all those individuals whose rights have been violated on the grounds of racial discrimination and provides by the first time a UN approach to what is discrimination. In this way:

[...]the term ‘racial discrimination’ shall mean any distinction, exclusion, restriction or preference based on race, colour, descent, or national or ethnic origin which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise, on an equal footing, of human rights and fundamental freedoms in the political, economic, social, cultural or any other field of public life³³.

Later on, in 1979, CEDAW emerged as an answer to the women’s demands for recognition and pointed out how discrimination violates the principles previously established at the UDHR following the reasoning included at the ICERD. In this document, the term ‘Discrimination against women’ refers to:

Any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field³⁴.

However, the document that describes profusely what United Nations understands for this concept is the General Comment nr. 18 of the UN Human Rights Committee. On this interpretation, it is stated that “non-discrimination, together with equality before the law and equal protection of the law without any discrimination, *constitute a basic and general prin-*

³³ ICERD art.1 (1)

³⁴ CEDAW art.1

ciple relating to the protection of human rights”³⁵ (emphasis added). In order to state a general definition for discrimination apart from the two previous exercises done in the ICERD and CEDAW who were specific for race and gender, the Committee defined the following:

[...]the term "discrimination" as used in the Covenant should be understood to imply any distinction, exclusion, restriction or preference which is based on any ground such as race, colour, sex, language, religion, political or other opinion, national or social origin, property, birth or other status, and which has the purpose or effect of nullifying or impairing the recognition, enjoyment or exercise by all persons, on an equal footing, of all rights and freedoms³⁶.

Besides understanding the concept of discrimination, the intersectional analysis also requires us to make a difference between the discrimination based on a specific ground and those norms that might seem non discriminating in theory but discriminating in practice. This is what is known respectively as “direct” and “indirect” discrimination. If this discrimination is common to certain practices of a company or institution, governmental or not governmental, we will be talking about institutional discrimination. At the end, what we have to keep in mind in order to identify discrimination on an individual or a group is that “discrimination is about exclusion and subordination, and it effectively conveys an explicit message of difference and inferiority of the victim”³⁷.

If we go straight to the UN World Conferences looking for evidence of the concept of intersectional discrimination, it is possible to track down what has been stated in the Beijing Declaration and Platform of Action adopted in 1995. As in the Vienna Declaration and Programme of Action issued some years before, there’s a reference to the concept of “multiple labels”. At Beijing Declaration, State Parties are determined to: “Intensify efforts to ensure equal enjoyment of all human rights and fundamental freedoms for all women and

³⁵ ICCPR CG nr.18 (1)

³⁶ ICCPR CG nr.18 (7)

³⁷ Makkonen (2002) p.7

girls who face *multiple barriers* to their empowerment and advancement”³⁸ (emphasis added).

Another basic document where the concept of multiple or intersectional discrimination is employed is the UN World Conference against Racism, Racial Discrimination, Xenophobia and Related Intolerance held in Durban, South Africa, in 2001. On its second Article, the Declaration recognizes:

[...]that racism, racial discrimination, xenophobia and related intolerance occur on the grounds of race, colour, descent or national or ethnic origin and that victims can suffer *multiple or aggravated forms of discrimination* based on other related grounds such as sex, language, religion, political or other opinion, social origin, property, birth or other status. (Emphasis added)

No mattering this new argumentation, the adoption of this principle was only partial since the recognition of other intersections besides those among origin and gender are almost absent in the rest of the document.

On the other hand, giving an overview on childrens’ rights at international instruments³⁹, we can see that only articles 25 and 26 of the UDHR include them as passive objects of law and hence “entitled to special care and assistance”⁴⁰ referring to the right to an adequate standard of living. Article 26th states: “parents have a prior right to choose the kind of education that shall be given to their children”⁴¹.

As a more progressive instrument, but still general on children’s rights, the 1959 Declaration on the Rights of the Child, included the principle of the best interest of the child which will remain as a core value for the interpretation of children’s rights up today. This document also included the special protection right settled at the UDHR as well as the right to an education and added the rights to a name and nationality, social security (including right

³⁸ Beijing Declaration art. 32

³⁹ There’s another reference during the League of Nations known as the “Geneva Declaration on the Rights of the child”, issued in 1924 which also views children from a welfare approach and clearly states on its art. 4 that children “must be protected against every form of exploitation”.

⁴⁰ UDHR art. 25(2)

⁴¹ Ibid art. 26(3)

to nutrition, housing, recreation and medical services) and a special recognition for disabled children either mentally or socially, highlighting the State obligation to provide a special treatment. It also tackled the right to have a family and the importance of keeping children as the first beneficiaries of protection and relief. On the topic of violence and exploitation, its article 9 notes that “The child shall be protected against all forms of neglect, cruelty and exploitation”⁴² adding that children “shall in no case be caused or permitted to engage in any occupation or employment which would prejudice his health or education, or interfere with his physical, mental or moral development”⁴³. In its latest point, it also provides an interesting article that protects children from any practices that may foster discrimination.

It was until 1989, with the Convention on the Rights of the Child (CRC), when children’s rights got a bigger space in the international human rights agenda. The Convention aimed to link all the different rights already granted in several instruments from a childhood approach, and was universally adopted by the State parties. It was the result of collecting all previous children’s rights documents with a new perspective according to the diversity of contexts in which girls and boys develop. This document not only defined the age for been called “a child”; the 41 articles included all the rights depicted in the previous declaration and added valuable rights such as the protection against illicit transfer and non-return of children abroad. Furthermore, it highlighted the State responsibility of undertaking all appropriate legislative, administrative, and other measures for the implementation of the rights recognized and made the children overcome from a passive point of view up to an active role while granting their right to be heard and the right to express themselves stabilising the “freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice”⁴⁴. This two improvements, along with the recognition of the freedom of thought and religion as well as to the freedom of association and peaceful assembly

⁴² Declaration on the Rights of the Child Art.9

⁴³ Ibid

⁴⁴ CRC art.13

gave children a complete different status from before and have also become the basis for this analysis where children have been the main actors as rights holders.

2.2.3 What can we understand by Commercial Sexual Exploitation of Children?

Eventhough the article 34 of the CRC entitled children to a full protection from sexual exploitation and sexual abuse, it was still necessary to define and understand the different aspects of CSEC so countries could be able to define a strategy of action. According to the 1996 First World Congress against Commercial Sexual Exploitation of Children held in Stockholm, Sweden, CSEC can be understood as

A fundamental violation of childrens rights. It comprises sexual abuse by the adult and remuneration in cash or kind to the child or a third person or persons. The child is treated as a sexual object and as a commercial object. The commercial sexual exploitation of children constitutes a form of coercion and violence against children, and amounts to forced labour and a contemporary form of slavery⁴⁵.

A similar view is shared by ECPAT, one of the most active organizations against CSEC in the world. To their understanding, CSEC comprises several human rights violations and results in negative short and long term effects. They state that

Commercial sexual exploitation of children consists of criminal practices that demean, degrade and threaten the physical and psychosocial integrity of children. There are three primary and interrelated forms of commercial sexual exploitation of children: prostitution, pornography and trafficking for sexual purposes. Other forms of commercial sexual exploitation of children include child sex tourism, child marriages and forced marriages.⁴⁶

A special remark should be made to clarify that sexual exploitation of children can be commercial or no commercial (involving thus the exchange of money and/or some other goods). However, since children are viewed as merchandise available to satisfy consumer's

⁴⁵ Stockholm Declaration and Agenda for Action art.5

⁴⁶ ECPAT (2011)

needs, the scholars and experts on this area have agreed to keep the term “commercial”. Based on these two explanations, CSEC is a complex phenomenon that can have different faces, and this is one of the main intricacies when it comes to the governments’ compliance.

Conservative estimates of CSEC indicated in 2001 that more than two million children around the world are affected⁴⁷. As it has been analyzed in the Stockholm Declaration and Agenda for Action and its later replies in Yokohama (2001) and Rio de Janeiro (2008), children involved in the sex trade are emotionally, mentally, physically and sexually abused daily both by the adults who operate sex trade businesses as well as by the adults who purchase the opportunity to abuse them. The average age of children brought into this modern day form of slavery is estimated at 13 or 14⁴⁸.

Eventhough the term CSEC is not used as such, the ILO Convention C182 Concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor issued in 1999 is also a reference for a better understanding of this topic, since it includes as one of the worst forms of child labour “the use, procuring or offering of a child for prostitution, for the production of pornography or for pornographic performances”⁴⁹ while urging the States parties to “take account of the special situation of girls”⁵⁰.

Another fundamental instrument for the development of local strategies regarding CSEC has been the 2000 Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime, better known as the “Palermo Protocol”. By including prevention, punishment and protection mechanisms and trying to address all the aspects of trafficking in persons developing a universal instrument for its assessment within the frame of transnational organized crime; the Palermo protocol has been replied locally at national laws and instruments such as in the case of Mexico. One of the most important concepts developed in this document and basic for explaining why CSEC is included within the con-

⁴⁷ Barnitz (2001) p. 598

⁴⁸ Ibid

⁴⁹ ILO No.182 art. 2(b)

⁵⁰ Ibid art. 7(1)

cept of trafficking in persons at the local laws is included at its article 3 noting that:

‘Trafficking in persons’ shall mean the recruitment, transportation, transfer, harbouring or receipt of persons, by means of the threat or use of force or other forms of coercion, of abduction, of fraud, of deception, of the abuse of power or of a position of vulnerability or of the giving or receiving of payments or benefits to achieve the consent of a person having control over another person, for the purpose of exploitation. Exploitation shall include, at a minimum, the exploitation of the prostitution of others or other forms of sexual exploitation, forced labour or services, slavery or practices similar to slavery, servitude or the removal of organs⁵¹

This article encompasses all the aspects of trafficking and along with the whole text of the Protocol accomplishes the purpose of becoming an universal instrument regarding this topic by providing the guidelines for action to all the governments remaining nowadays as a must for policy making.

Following up on the previous lines, according to ECPAT International, by the last quarter of 2000, only 29 countries had developed national plans to address CSEC⁵². In North America, Mexico is one of the few ones that issued a national plan regarding CSEC. Even though this plan has been developed, few actions have been taken and it can be noticed by the lack of effective public policies for prevention, attention and reintegration of victims and moreover, by the scarce number of investigations and arrests vinculated to the crimes comprised within the concept of CSEC.

2.3 Participatory education and the peer to peer model

Limiting the study of children’s issues only to their needs implies an welfare approach towards girls and boys as passive objects of protection and care⁵³. If we want to fight this belief , it is necessary to apply participatory mechanisms able to empower children and to create profitable environments for communication.

⁵¹ Palermo Protocol art.3(a)

⁵² Barnitz (2001) p. 601

⁵³ Seda Santana (2008) p.31

Participatory education and the peer to peer model are both innovative techniques that have been developed in the last decades for working with children and youth specially in communities and with topics such as reproductive health and AIDS prevention. For human rights education, participatory approach has been useful as a technique for transforming those abstract legal concepts into simplified notions applicable to everyday life.

As resumed by Castelloe, “the goal of participatory education is to help groups of people learn to use reflections on their everyday experiences to analyze the social-political context in which they live, and to develop a sense that they can work effectively to change that context”⁵⁴

Applying a peer to peer model requires that well trained young people or “equals” belonging to the same social group or from a common context such as school or neighborhood develop the necessary skills in order to talk in a simplified, uninformed way about delicate issues. Places and techniques should vary, which implies that those considered as peer educators should be extremely active and creative in order to get the peers attention to the issue they want to approach. The main goal is to involve the participants in a way that both actors (peer educator and peers themselves) develop a trust environment where they can participate and empower each other as responsible individuals and actors of change. Successful examples of peer to peer education activities can be theater plays performed by the students for some other younger students at a school, classroom activities such as debates and role plays coordinated by a group of students.

As we know, “the development of peer groups is a natural part of school life”⁵⁵. The influence that a group can have over a young individual is a key issue for his/her development in social life and for the understanding of taboo issues that are not usually talked with adults or people from different social groups. For a successful education process, besides the valuable support from teachers, parents and other adults; it is key to have supportive peers and belonging to supportive pro social groups. The classroom and participatory education approach can intersect with a peer to peer strategy by helping to develop a “strong

⁵⁴ Castelloe (1999) p. 71

⁵⁵ Pinheiro (2006) p.128

peer group and social bonds to build resilience, as well as build empathy, conflict management skills and critical thinking”⁵⁶.

As we know, “[...]Those who are marginalized within marginalized groups often face a tremendously difficult choice not faced by anyone else within or outside these groups”⁵⁷. This is what provides peers a good chance to approach to their equals on a mutual trust basis and to obtain credibility within the group. By doing it, information can be easily delivered without the preconception that the person talking with them will act as a judge or policeman and tell them what to do. The educator becomes a friend who gives credible advices from the perspective of someone living the same situation and hence with similar concerns and understandings on how is life like for that particular group of individuals. This attitude also facilitates the empowerment of the participants, since they’re required to be involved in the activities by providing ideas and giving some other useful advices to those who are younger or reluctant.

While applying the participatory education approach, the engagement of all the members of the target group becomes key for a successful experience. This means that peers should talk to each other on an equal basis about different topics in a trust and respect environment. The participation of all the members will allow looking for solutions that can address all people’s needs and at the same time will empower all the actors since their voices will be heard and taken into account without any prejudice. The question “what can we do?” is raised, and it is the group as a whole who has to build a solution by listening to all the individual experiences. This type of education, which usually occurs outside of formal teaching institutions, is education for collective action and social change. Rather than “teach” participants various “facts,” participatory educators “help” groups of people to “use” reflections on their everyday experiences to analyze the social-political systems in which they live, and to develop a sense that they can work effectively to change those systems⁵⁸.

A key concept at the core of participatory education is dialogue. This is related with the idea that educators and students interact in a way that both are co-speakers, co-learners, and

⁵⁶ Ibid p. 132

⁵⁷ Makkonen (2002) p.33

⁵⁸ Castelloe (1999) p.72

co-actors. This conceptualization of “dialogic education” is most closely associated with the work of the Brazilian educator Paulo Freire⁵⁹. This element, along the experiential learning or “learning from the experience” process, leads to another word that has shown to be a must for social change and for human rights education vocabulary: empowerment.

Empowerment, in the Freirian sense, results through the full participation of the people affected by a given problem and by a process of developing *critical consciousness*. Understood from the participatory education approach, “empowerment refers to the ability of people to gain understanding and control over personal, social, economic, and political forces in order to take action to improve their life situations”⁶⁰. This means that by applying the dialogic method, the affected individuals and then the community collectively plans and implements a response that will eventually lead to a behavioural change within the group. If well applied, peer education may also result in a change at a societal level, by modifying norms and stimulating collective action that leads to changes in programmes and policies. This means that the participatory education approach allows individuals to be critical about themselves and the group they belong to as well as to visualize themselves as key actors of change and then move forward as a group to promote a social or collective movement. This dialogic process implies that “reflection is always linked to action, which is then followed by a return to reflection”⁶¹.

During this process, individuals get to understand and interiorize what they’re talking about. This will make harder to forget what has been discussed and will allow an experiential learning process. In this way, participation activities (brainstorming, small group discussions, role game techniques, video analysis); reflection exercises (“how do you feel?”, “what do you see?”, “What do you think?”); generalization (summarizing the individual findings, providing information, drawing similarities and differences); and application (“how can we apply or use this new information?”, “what shall we do next?”) are key concepts for a successful participatory peer to peer education technique.

Some other key feature of participatory education is leadership. This results from enabling

⁵⁹ Ibid p.74

⁶⁰ Israel (1994) p. 152

⁶¹ Catelloe (1999) p. 75

everyone to talk and gain consciousness about their role as members of a collectivity and as experienced individuals. By realizing that another member of the same group is able to become a leader and therefore becomes an example for the rest, self-esteem can be elevated within the group since everyone can do the same thing by participating on the learning process. As summarized by Catelloe: “In this model, the process of using dialogic education to help people learn from their experiences results in critical consciousness, leadership development, collective action, and empowerment on several levels”⁶².

Given all these arguments, participatory education through a peer to peer model is the accurate tool for addressing children’s human rights departing from the children’s views as agents of change.

3 The Context: Oaxacan children and CSEC prevention tools

3.1 Oaxaca

Oaxaca is located in the southern part of Mexico, it is the 5th state in terms of its size which is 95,364 km². In 2008, approximately 10,253,627 people belonged to an indigenous group in Mexico⁶³. Together with Chiapas and Guerrero, Oaxaca is one of the three entities with the biggest indigenous population. Oaxaca concentrates most of the indigenous population of the country, with 17 ethnic groups representing 30% of the 56 recognized indigenous groups. According to CNDI and UNDP, in 2005 Oaxaca had a total population of 3,378,911 inhabitants whom 1,564,197 belonged to an indigenous group⁶⁴, representing more than 45% of the total population.

Oaxaca is bordered on the north by the state of Veracruz, the east by Chiapas, the west by Puebla and Guerrero and the south by the Pacific Ocean. It has an extremely complicated orography, divided into eight regions according to their location: Northern Highlands, Southern Highlands, Isthmus, Coast, Central Valley, Mixtec and Papaloapan. The

⁶² Ibid p. 76

⁶³ CNDI/PNUD (2000)

⁶⁴ CNDI / PNUD (2005)

fieldwork took place in Oaxaca City, located at the Central Valley region and capital city of the state.

As stated by the Report on Human Development for Mexico issued by the UNDP in 2004; the country keeps significant income inequalities. Veracruz, Oaxaca, Puebla, Guerrero and Chiapas concentrate 1/3 of the total inequality in the country. This same document stressed out that in matters of public security and access to justice the patterns of inequality in other dimensions are repeated, which means that the people with less financial resources, less education and less possibilities of access to public health services are also limited in their access to justice and suffer disproportionately from insecurity.

According to this Report, Oaxaca has one of the highest illiteracy rates in Mexico (19.77%). 70% of Oaxaca's population doesn't have the main basic services such as drinkable water, electricity, drain facilities, cement walls and floors. Every home in Oaxaca is inhabited by seven people average. Regarding life expectancy, this state has one of the lowest numbers in the Mexico.

As it has been stated before, Oaxaca is a high migration state. This has to do with the lack of opportunities, poverty and social marginalization in the region. Among those migrating groups, indigenous women and children are a multiple discriminated group who usually end up being exploited in harsh work conditions. Statistics show this multiple discrimination in key areas such as education, where 42.25% of indigenous women are illiterate while for men this number goes down to 24.6%⁶⁵. During its visit to Mexico, the UN Rapporteur for Violence Against Women identified the two most vulnerable groups of women in Mexico: migrant and indigenous. For the particular case of "indigenous women", the expert raised the existence of four levels of discrimination against this group: sex, ethnic origin, poverty and rural background⁶⁶.

For Oaxacan women, the road is not easy at all. According to INEGI, the probability of having a child before turning 20 years is close to the 42.6%, while the national average is close to 31.7%. In 2008, female representation decreased. At the local Congress only 9

⁶⁵ CNDI-INMUJERES (2006) p.110

⁶⁶ RVAW (2006) para.64

women were elected from 42 places available, representing a decrease from the 11 elected before. At the municipal level only 9 women were elected through the political parties system that joint with 3 other women elected through the indigenous system barely represent the 2.1% of the total municipalities in Oaxaca.

The femicide violence places Oaxaca on the first places of the national statistic for murders against women and girl children . The report “Femicide Violence in Oaxaca“ issued by the Federal House of Representatives pointed out that from 1999 to 2003, 351 murders against women and girl children were registered. The citizen recount issued by Huaxyacac Collective registered –from January 2004 to May 2007- 136 murders of women and children. To summarize this, the reports registered 487 assassinations of women and girl children in a period of 5 years (January 1999-May 2003).

3.1.1 Oaxacan Children and Childhood

Once having the general background of Oaxaca, I would like to focus on Oaxacan Children. Due to their age, they are affected in a very particular way than the rest of the population. According to the Mexican Childhood Index, developed by UNICEF, Oaxaca and Chiapas have one of the lowest performances regarding children’s rights; specially when it comes to preservation of life, healthy growth and access to education⁶⁷. On the other hand, when it comes to indigenous children, Oaxaca, along with Chiapas, Guerrero, Hidalgo, Puebla, Veracruz and Yucatan concentrate 77.3% of the national statistics for indigenous girls and boys from 0 to 14 years⁶⁸.

In order to have a better idea of where are Oaxacan children if compared to the rest of the children in Mexico, I have gathered the following information⁶⁹:

Table 1: Oaxacan children- an overview with the rest of Mexico
 (Note: When it comes to “rank” nr. 1 is the highest and 32 is the lowest since Mexico has 32 states)

Topic	National	Local	Rank
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⁶⁷ UNICEF (2004) p.8

⁶⁸ Seda Santana (2008) p.14

⁶⁹ La Infancia Cuenta (2009)

Child mortality rate	14.7	18.6	30
Percentage 0-14 years who lives in municipalities with a very high or extreme nutritional risk	19.3%	61.5%	31
Percentage 0-17 years who doesn't have social security	62.4%	82.9%	31
Net rate of population in kindergarden 2008/2009	78	84.1	9
Spanish national test "Prueba enlace" (sexto)		n/a	32
Math national test "Prueba enlace" (sexto)		n/a	21
Infraestructure, mobiliary and basic equipment in elementary schools index (2004)	9.6	3.2	31
Absorbtion rate for secondary shool 2008-2009	95.5	92.5	27
Infraestructure, mobiliary and basic equipment in secondary schools index (2004)	9.9	2.0	29
Absorbtion rate for high-school level education 2008-2009	96.9	87.9	25
Percentage of 16 years old children with finished secondary education (2005)	71.2	61.7	29
Percentage of children un-	83.5	93.2	31

der 17 who do not have a computer at home			
Probability of having a child living in a home with incomes of 2 minimum wage (salarios minimos) income and a male householder (2000)	41.2	68.3	
Probability of having a child living in a home with incomes of 2 minimum wage (salarios minimos) income and a female householder (2000)	49.9	71.7	
Percentage of the Economically Active Population between 12-17 years (2008)	2,546,624 93.9%	131,201 97.4%	29
Percentage of the Economically Active Population between 12-17 years (2008) without financial remuneration	995,783 39.1%	80,711 61.5%	30
Percentage of the Economically Active Population between 12-17 years (2008) with more than 48 working hours per Hjek	414,390 16.3%	27,127 20.7%	28
Percentage of Non Economically Active Population between 12-17 years invol-	912,131 8.3%	38,475 9.9%	28

ved in houseowrk			
Percentage of population between 0 to 17 years without water in their homes, 2005	38.5%	74.7%	32
Percentage of population between 0-17 years without drain in their homes, 2005	35.4%	72.5%	30
Percentage of population between 0-17 years with no electricity at home, 2005	3.0%	8.3%	32
Percentage of population between 0-17 years with earthen floor, 2005	13.9%	38.6%	31
Percentage of population between 0-17 years with overcrowding , 2005	49.2%	66.8%	30
Index on the quality of the laws regarding children's rights, 2009	3.2	4.0	5

As we can see, numbers show that Oaxacan children often face disadvantageous conditions, making them prone to certain abuses and discriminatory situations. The lack of opportunities for the parents as well as the economic situation of the state have a significant and unique negative impact on children living in Oaxaca.

3.2 Oaxaca and CSEC

3.2.1 National situation at a glance

For the case of Mexico, there are two significant reasons why very few cases of sexual exploitation of children are prosecuted. First, even in cases where charges are pressed, most

of them are soon dropped because the exploiters threaten the children and their family or pretend that they are the children's godfathers or benefactors. Second, the difficulty of prosecuting exploiters is compounded by the complicity of some members of local law enforcement in the sexual exploitation of children⁷⁰.

According to FEVIMTRA, belonging to the Attorney's General Office; from 2008 to 2009, 24 preliminary investigations were initiated for the crime of trafficking, which encompasses CSEC, and from those 24 only 2 have been recorded. Those 24 preliminary investigations occurred mainly in Coahuila, Chiapas, Chihuahua, Distrito Federal, Estado de Mexico, Guanajuato, Guerrero, Hidalgo, Jalisco, Morelos, Nayarit, Oaxaca, Puebla, Tlaxcala, Veracruz and Yucatan. 3 of them have been related to international trafficking networks in Spain, Bahamas and USA⁷¹.

In the next table we can take a look on the profiles of the victims under 18 years old involved in those preliminary investigations and demonstrate the inadequacy of information available from the authorities in contrast with the real amount of victims affected:

Table 2. Victims under 18 years old according to the Attorney's General Office 2008-2009⁷²

Country of origin	Girl	Boy	Total
Mexico	3	1	4
Guatemala		5	5
El Salvador		1	1
Korea	1		1
N/A			8
Great total			19

When it comes to the legislation, CSEC is included at the federal level by the Law to Prevent and Punish Trafficking in Persons⁷³. This document incorporates the Palermo Proto-

⁷⁰ Ives (2001)

⁷¹ Arellano (2009) p.12

⁷² Ibid p.13

⁷³ This Law was abrogated in June 14th 2012 due to the publication of the Law on the Prevention, Punishment and Eradication of Crimes on Trafficking in Persons and the Protection and Assistance to Victims of these

col, establishes reparation and protection mechanisms for the victims and promotes the issuing of public policies. It also urges the elaboration of a State Programme regarding trafficking in persons. A Plan of Action to Prevent, Attend, and Eradicate the CSEC in Mexico was proposed by DIF in 1999. However, there is currently no formal National Plan of Action for Mexico on this specific issue.

Before the approval of the General Law in trafficking, and as part of the previous national legislation on the topic; the Federal Criminal Procedures Code (Art.194, paragraph XVI) included trafficking in persons as a serious felony. On the other hand, the Federal Law against Organized Crime incorporated it as one of its forms.

3.2.2 3.2.2 Oaxaca

In Mexico, each state has the power to legislate on the topic, and that is why some states have included the federal legislation on trafficking into their local system while others haven't. For the case of Oaxaca, trafficking is forbidden in all its forms within the text of Article 12 of the local Constitution. A local law in trafficking has been approved on June 2012 but hasn't been officially published. Within the local criminal law, trafficking is considered as a felony on its article 23rd B-A due to a recent reform in 2009. This last reform criminalized trafficking in terms of the articles 348 B-f and provided a sanction for it on its article 348 B-H.

The local Criminal Procedures Code includes as responsible of trafficking all those who induce, facilitate, engage, recruit and keep people for exploitation. It penalizes trafficking in persons and the specific crime of CSEC with 12 to 18 years of prison and it can reach 27 years if it is considered as an aggravated felony. The commissive means doesn't include violence or coercion but it does take into account deprivation of freedom, exploitation of a vulnerable situation, and giving or receiving of payments or benefits. The Criminal Procedures Code acknowledges as trafficking the submission of a person to exploitation

crimes. The publication of this new law also modifies several Criminal Procedures Codes as well as the organic law of the Federal Judiciary, the law for the Federal Police and the General Law for the National Security System.

through forced labor or services, slavery or to extract their organs, tissues or their components including as well the prostitution of others or other forms of sexual exploitation.

According to Oaxaca's Special Attorney for Crimes Against Women, information is so scant and imprecise that it becomes imposible to know how many boys and girls have been victims of CSEC, which doesn't means that the problematic doesn't exist at all. The invisibility of CSEC has been in this way institutionalized by the lack of specific laws and public policies. This situation, along with the adverse conditions of the population, fosters an ideal venue for trafficking networks and CSEC.

As it was concluded in the only diagnose available in Oaxaca regarding CSEC, children in prostitution, and for the specific case of Oaxaca city, mostly girls, penetrate into the established circuits of adult prostitution. They usually perform street prostitution in the southern side of downtown Oaxaca, particularly in the street of Zaragoza where there used to be a tolerance zone and it is easy to find service during the whole day while transvestites arrive to those places during the night. The area can be extended to the "central de abastos" or main market, where the prostitution can be seen mostly during nights⁷⁴. This last location is the zone where it is easier to identify young girls offering sexual service.

Around all this venues, we can also find "cantinas" or bars where some women and girls "fichan" or dance and offer sex in exchange for some money. This is the most common way to enter into the prostitution and where a lot of "old" women end up working alter a certain age. In this way, most of the women working as "ficheras" have the lowest rates due to their age or looks and therefore face the worst conditions.

At the east side of the city, it can also be identified another prostitution area, close to several wine stores and bars. Close to the airport, located outside the municipality of Oaxaca, there are several table dance bars and cantinas where sexual services are offered. The same situation can be seen at the sorroundings of the Juarez monument at the entrance of Oaxaca City and the way to the municipality of Santa Lucía del Camino. Table dances can be differentiated from those more exclusive to low rank cathegory and it is common to find them outside Oaxaca city in order to avoid the legal restrictions for their operation.

⁷⁴ Garza Zepeda (2005) p. 43

Another place where sexual services are offered is brothels. Most of them are located in Oaxaca city and it is almost impossible to distinguish them from regular houses. They are promoted through the newspapers as massage parlors without any address providing only a telephone number. Brothels, bars and table dance places have also a high percentage of women from Central America offering sexual services.

At the central market area, women are prone to sexual exploitation by recruiters and pimps who look for girls arriving from inner communities of Oaxaca in search for a job. They can start working at the market at irregular stalls selling fruit or any other kind of products where they're forced to pay certain dues and to bribe the inspectors. Due to the lack of resources, some of them end up offering sexual services to cover those debts.

Regarding sex tourism in Oaxaca city, due to the lack of data on this area, it was impossible to gather precise information. The same situation applies for trafficking for sexual purposes with the difference that for the latter it is well known that many children are taken to other cities in Mexico or even outside the country to be sexually exploited but no network has been identified by the local authorities.

On child pornography, CNDH has filed two cases for the central valley region in Oaxaca involving two private schools where some children were victims of sexual abuse and forced to have pictures taken of them performing sexual acts or in suggestive attitudes. According to Garza Zepeda, in 1993 there was also a case of two US citizens who offered money to street children at the Zocalo and then took them to a house in a residential zone in Oaxaca where they were taken pictures naked or pretending to have sex between them or with one of the US citizens. Finally, one of the children reported this situation and one American citizen was imprisoned and died later during prison⁷⁵.

3.2.3 Current situation

There are several reasons why CSEC remains in Oaxaca. One of those are the several traditional indigenous practices such as forced marriages of underage girls, or even the sale of women that still remains at some indigenous communities of the state. Most of these girls

⁷⁵ Garza Zepeda (2005) p. 69

have not even completed their elementary education or ever went to an school, some others don't even speak spanish and their only contact with the outside world is their prospective husband. Recently, as part of my work at the State Commissioner for Human Rights, I have heard about cases where supposed husbands travel to isolated communities looking for a bride and provide money or goods to the girl's family so they can "give" the girl as a wife. Sometimes the families are unaware of the activities her daughter is doing outside the community and they even loose any kind of communication with the girl, leaving her alone in a strange environment and highly prone to any kind of exploitation by its partner or a network. Even if girls are aware of the danger their may be facing, they still have to fight against the "machista" structures, the rejection by the community and the family, and the possible violence if they refuse to marry someone they don't know.

Child labour is also another important element for children to be prone to CSE. In Oaxaca, it is estimated that 191,000 children work in both city or countryside⁷⁶. While some kinds remain working in agriculture, many children emigrate from their home community to the city of Oaxaca to sell candies or cigarettes and it is common to see them working during the nights. Many of them don't speak spanish very well and take their little brothers with them since their parents have migrated to USA or their mother has to work since the father is absent.

Finally, female migration from inner communities of Oaxaca and from people from other countries and regions shall also be taken into account⁷⁷. A lot of women are taken into Oaxaca city to work as maids in rich houses, and some others arrive without even knowing anyone and looking for a chance of survival for their family. These women, due to the lack of papers and sometimes language, face the worst conditions and can be forced into prostitution. Since they are by themselves, they have to keep their children with strangers, leave them alone at the house for the whole day or take them to their jobs. For the case of "Hijos de la Luna" there were several examples where children have to be at the bar or "cantina"

⁷⁶ Arellano (2009) p.55

⁷⁷ In order to understand more the process of migration and sexual exploitation in Southern Mexico, refer to Azaola (2000)

or even under the supervision of the pimp while their mom was working, leaving them in a highly vulnerable condition towards CSE or any other form of sexual abuse.

The CNDH has record of cases from Oaxaca where people has been recluted trough the internet and then became victims of CSE. There are also cases at the local Human Rights Commission regarding pornography and sexual abuse on children in schools. Unfortunately, the people involved haven't been brought into justice and there is a chance that more children could be abused by these individuals.

On July 2011, Oaxaca's Attorney General office created a chair for trafficking in peoples at the Special Attorney's office for the Attention of Crimes Against Women⁷⁸. By the month of October 2011, there were only 25 criminal investigations, and only 5 people have been prosecuted⁷⁹. These numbers have slightly changed: Since 2009, where the Criminal Code was modified by including the figure of trafficking in persons up today, 35 criminal investigations and research files have been taken by the authorities; 4 of which have been initiated in 2012 by the new institution with 3 files at the Central Valley Region and 1 at the Coastal area.

Following up to what is stated at the Law for the Protection of the Rights of Boys, Girls and Adolescents for the State of Oaxaca published in 2006; on February 2011 the State Council on the Rights of Children and Adolescents (CEDNNA) was established as the authonomus institution for the implementation of public policies for children and youth in Oaxaca. This is an unique effort by civil society, government, experts and academia to address children's rights in Oaxaca that should be followed closely. One of the actions included within its annual plan is the creation of an observatory on CSEC in order to "raise awareness of current problems in the country and the state on this issue by improving the way of approaching CSEC in terms of information, prevention, sensibilization and specialized care either legal or social"⁸⁰.

⁷⁸ This institution was promoted to a higher rank among the local Attorney's Office in 2012.

⁷⁹ CIMAC (2011)

⁸⁰ CEDNNA Oaxaca (2011) p. 91

The local Ministry of Public Security is also responsible for actions against CSEC in Oaxaca. However, the only record available nowadays shows they have focused solely on prevention of child abuse as it will be addressed in the next section.

Finally, DIF-Oaxaca has a Special Attorney for the Defense of the Child, the Woman and the Family, whose functions highlight the protection of children victims of violence, the duty to report to the competent authorities on illegal actions against the rights of the children and the provision of medical and psychological care to those who need it⁸¹. However, it was imposible to find any specific actions besides prevention campaigns at local media.

3.2.4 What if? Prevention of CSEC in Oaxaca

As I have pointed out before, Oaxaca has no specific legislation regarding trafficking according to the international standards⁸². A law has been recently approved but it has not been officially published. The active role has remained on the civil society side, with some NGOs working at the topic and giving classes in schools and activities in public areas while local authorities have only focused on erratic prevention campaigns dealing mostly with child abuse and ignoring other important situations such as CSEC.

Recently, with the creation of the CEDNNA Oaxaca, it has been established as an activity to create within the observatory for CSEC a directory of public and private institutions NGOs related to the attention, prevention and protection of victims or people prone to CSEC⁸³.

The CEDNNA Oaxaca, as I said before, is the institution who has clearly stated its will to address CSEC during the present administration. They have arranged several institutional meetings for issues such as child sex tourism and invited scholars to talk with local authorities. No mattering this, the lack of resources and an specific budget for children in Oaxaca has resulted in discussions among the state actors without been able to land any concrete action to tackle the diverse topics related to CSEC. This recently created institution has openly expressed its concern towards the lack of coordinated actions, noting that the actors

⁸¹ DIF Oaxaca (2011)

⁸² On June 6th, 2012, the local Congress approved the “Law on the Prevention, Punishment and Eradication of Crimes on Trafficking in Persons and the Protection and Assistance to Victims of these crimes”.

⁸³ CEDNNA Oaxaca (2011) p. 92

that should be involved haven't been able to design and retake the actions for preventing CSEC in Oaxaca that were launched by the previous DIF who issued workshops, provided specialized training and worked directly with children at the school as some other public spaces. According to Ms. Berenice Morales, former Secretary of the CEDNNA, "a prevention strategy regarding CSEC hasn't been driven strongly enough and the lack of coordination has resulted in isolated efforts"⁸⁴. Moreover, Oaxaca's DIF cancelled the program for the prevention of CSEC and it is hard to know how the Attorney for the Defense of the Child, the Woman and the Family within the DIF structure has undertaken CSEC during this administration.

When it comes to Oaxaca's Education institution (IEEPO), it is known that they have around 70 different programs but those are not even clearly identified by the IEEPO itself so there is no way to know how many people is involved, what is the target population, or how many of them are actually working and what have been their results so far.

By the end of June 2011, the Governor made a commitment to prepare a Bill for the Prevention and Punishment of Trafficking in Oaxaca and the creation of an Interministerial Commission to carry out the specific actions in accordance with the principles established within the legislation. Nowadays, it is still not clear whether this latter actions have happened or not.

On November 2011, Oaxaca's Government launched a coordinated strategy including 9 different State institutions involved in prevention of child abuse at public schools named "Day for the Prevention and Human Rights". It's aimed to reach the families and address crime prevention through workshops, discussions, plays and some other cultural activities. However, it is doubtful how useful will this be to the specific topic of child abuse and CSEC as a whole, as it has been included along with other diverse topics and doesn't seem to be part of a comprehensive strategy regarding children's Rights as such since it is not a permanent programme.

⁸⁴ Morales Márquez (2011)

4 From the theory to practice: The fieldwork

Once that I have described the context in Oaxaca, it is now time to explain how the theoretical research became practical. By working with the children from “Hijos” on a participatory basis, I will apply a human rights based approach where they are considered as active subjects able to develop their own alternatives for solution.

4.1 *The participants at “Hijos de la Luna”*

The fieldwork took place in a shelter named “Hijos de la luna” or Children of the Moon⁸⁵. From the 40 children living at the place, only 18 were part of the research. The selection criteria had to do with the age, since most of them have less than 5 years old. The children were organized in two class groups, one from 5 to 8 years and another one with children from 9 to 12. Each group had 9 children.

Children of the Moon was founded in 2001 and its main goal is to provide adequate care to children whose mothers perform “night time jobs”⁸⁶. They have an average of 30 children from 3 weeks up to 12 years old⁸⁷. On 2007, Children of the Moon was officially registered as a non profit organization. The home has two large baths, two dormitories, a kitchen, a large space for play and work, an office, a laundry and a garden. It is located at the west side of Oaxaca city, in a low income neighborhood. Since they lack any support from government, the shelter requests a contribution from each mother according to her means. This amount helps to cover the cost of food for each child. Giving the harsh financial situation of many women, that contribution can be omitted and her child or children can be admitted without any problem.

⁸⁵ From my very personal point of view, I consider that the name “Children of the moon” is not the most accurate for the shelter. This has to do with the fact that the use of the language can reflect an exclusion of the boys and girls in a way that they’re not “our” children, hence, “our” responsibility. The words can be understood as a double discrimination and as a misfortunate labeling due to the childrens’ particular backgrounds.

⁸⁶ This term was taken directly from the webpage of Hijos de la Luna. However, the author considers it should be analyzed what sort of night jobs is the owner of the shelter referring to, since it is important to clarify how many of the mothers are sexual workers, or if this is an euphemism resulting again in a multiple discrimination towards the children and the mothers as well.

⁸⁷ Casa Hogar Hijos de la Luna Oaxaca (2010)

Most of the children have been living in the shelter since their early childhood. Some of them are sons and daughters of sexual workers. Women come from different communities from Oaxaca, Veracruz and Central America (Guatemala, Honduras and El Salvador). There's a remarkable number of cases where women leave their children for the week and come back during weekends for their children. In those cases, the parental rights remain with the mother who can take the child out of the shelter whenever she wants to. For those mothers, the most important contribution that Doña Coco requests for the children is that the mothers visit and spend time with them so that they recognize their mothers and look forward to their company.

Some of the children that are brought to "Hijos" present serious health issues such as malnutrition, nervous disorders, skin diseases, and so on. When the children arrive, it is common to find cases where children display anti-social behavior, speech problems or learning disabilities. In many cases, this is a consequence of the neglect and/or abuse at home.

During daytime, children wake up and collaborate with basic activities by helping out preparing the breakfast, arranging the dining room, waking up the other children and organizing the youngest children for shower as well as for dressing up. All those activities are supervised by an adult. After breakfast, children help to clean the room and the kitchen and then arrange the common space for homework since they have to attend school during afternoon (from 13hrs to 17-18 hrs). Once they come back from school, they have to change their clothes, help the youngest ones to do the same thing, take a shower and then have supper together at the common space and some games before going to bed. The oldest ones hold more responsibilities than the rest and become peers for the newcomers and the youngest children.

At the shelter, there's a psychologist who helps the staff and talks with all the children as a group and then on an individual basis. During daytime, once homework is done, children can play around the place where they have different kinds of toys and spaces including a library that can be used only when an adult opens the room for them. There is also a religion class once a week.

Shelter is open 365 days of the year, and women can come to visit their children whenever they want to as long as they're not under drugs or alcohol effects. Some children have been taken to the shelter by priests, nuns or by social workers from the state shelters who reject those children due to their "problematic background" referring to the work their mothers do and previous exposure to sexual violence⁸⁸.

4.2 *Applying the participatory education approach and a peer to peer technique with the children at Hijos de la Luna*

4.2.1 The classroom work

Since the work had to do with children's rights, I wanted to develop an approach that could allow me to work close with children and make them the main actors of the research. This led me to choose a peer to peer model alongside with a participatory education technique.

The relationship between these two kinds of fieldwork with a HRBA becomes clear if we understand that in order to make possible the recognition of girls and boys as citizens and subjects of law it is necessary to look through the human rights lense. Together, a peer to peer and a participatory education approach can be useful tools for empowering children as active subjects able to have an opinión through critical consciousness instead of been mere destinataries of social care services.

The fieldwork was conducted with 18 initial participants who had the right to decide if they wanted to be part of the project or not. Again, since the group was dived in two on the basis of age, I had to develop a communication technique for both groups. I came out with a system based on three colored figures (red, yellow and green) for children to express if they disliked, were afraid of or liked a situation (see figure nr.1). Each of the objects included the legend "I like it", "I'm afraid of it" and "I don't like it". For those who weren't able to read, each of the squares had a face: happy face for "I like it", shaky face for "I'm afraid of it" and sad face for "I don't like it". In order to facilitate the comprehension of the decoding tools, I also assigned a color based on the traffic lights which is a common reference

⁸⁸ Ramírez González (2010)

for all the children. Green was for happy face and the “I like it” legend, yellow was for scary face and “I’m afraid of it”, and red was for sad face and “I don’t like it” legend. Children names will remain anonymous and if addressed they will be pointed out by letters (e.g. “A”, “F”, “G”) in order to protect their privacy. Since describing the work with each of the 18 children will result in a very large material, I have decided to choose representative cases while some others will be added as annex.

Figure 1. Coloured figures for the fieldwork



4.2.2 Freire’s stages of participatory education and the kids at “Hijos”

Based on the participatory education approach as described by Freire, it is important to distinguish different stages⁸⁹ of the process that were also applied during fieldwork with children at Hijos de la Luna. From the theory reviewed, I’ll describe 4 different moments:

1. *Contact with the group.* This stage describes the first contact between the teacher and the Group. During this process, the teacher goes to the place for observing the way children act, talks with them, introduces her/himself, talks about why is she/he for, listen to the children and then writes up notes about the experience. For “Hijos”, this first encounter took place on July 2010. Researcher talked first with Doña Coco, the owner of the shelter, and explained her the work to be done and the main

⁸⁹ Freire distinguishes 5 stages. I have decided to reduce it to four since I have grouped the elaboration of generative topics and the elaboration of codes for those generative themes into one step. The definition of each stage is my own but they’re based on Freire’s theory.

goal. A briefing letter was delivered so she could have an idea of what was going to happen the following months and it was stated that children will be free to choose if they wanted to participate and they could also leave whenever they wanted to. After that talk, I was authorized by the shelter director to work in the place by end of July 2010. Once introduced by Doña Coco, I talked with the children about myself and let them ask me questions. Many of them asked if I was the new religion teacher, some others asked on what was I going to teach them about and where I was from. I tried to answer their questions and asked them if they were interested in helping with my job. Once agreed, I asked them to give me ideas on what they would like to do and to tell me some stories related to my research topic. Some children started talking about how their teachers at the school punished them, some others were talking about how children beat other children, and then some others talked on how mothers beated their children. I told them to show me their place, what they like about it, what they dislike, their names, ages, and we played together like for three hours.

2. *Elaboration of generative themes and specific codes.* According to Freire, once the first contact with the community has been established, and once the space and relevant issues have been observed, the educator has to look for generative topics or themes that will result in a dialogic process and has to develop codes such as pictures, drawings, and videos for the representation of the generating theme. A generative theme is an issue or are issues which community members discuss as high priority concerns, while a code is a concrete representation of some familiar problem from participants' everyday reality. The code is the way to stimulate a group dialogue that will lead to a critical analysis of that reality⁹⁰. This stage required me to think about materials and topics that will be interesting for them. Since I wanted to approach a sensitive issue such as children's rights and a strategy for the prevention of sexual violence and sexual exploitation, it took me a long time of research and observation to decide what kind of materials I wanted to have. I finally came out

⁹⁰ Catelloe (1999) p.78

with a big activity book. At the cover of the book, I draw a purple pig saying “let’s play and talk on...”. The book contained 16 lessons, each lesson with different activities and codes according to the generative topics that went from general concepts such as “what is a child” up to specific concerns such as violence, children’s rights and a final 17th lesson with an activity developed by the same children for the prevention of sexual exploitation and violence against children (see figure nr.2 for a cover of the activity book). Codes went from drawings of children in several situations like family or school; videos of other children talking about their rights, puppets telling a story about a kid beaten by other kids or by a family member, and so on (see figure nr. 3). During the first class, I explained the children the different activities that we were going to perform and I asked them to tell me if they were interested or not in becoming part of the group and if they wanted to include some other topics. Since children were able to decide the generative topics during research, my guidebook ended up more into a guide for violence prevention.

Figure nr. 2 One of the activity book’s cover detailing a lesson



Figure nr. 3 Introduction activity by one of the children using the participatory tool “I like” “I’m afraid of” and “I don’t like”. In this case, Gabriel wrote: “I like the bushes, I’m afraid of spiders and I don’t like the hearts”.



Departing from this last premise, classes were modified according to the children's needs. Sometimes the activities for one day were moved to another, or changed for some other activity the children thought worked better for them. They seemed attracted by the idea of drawing and telling stories, so we used them constantly. Originally, I had the aim to have a play as a final activity. Due to the lack of time and resources, and since the kids saw a video by UNICEF Mexico which made them very excited, we ended up with a small video briefly addressing the issue of children's rights and violence.

3. *Decodification.* In this stage, codes are presented to the pupils where the teacher leads the process of interpreting what their meaning. This process has to be done in a collective way by asking basic questions such as "what do you think about this?" "What happened here?" "Who is that person?" "Is this familiar to you?". Helped by the coloured figures, children were told to answer to the different codes presented to them. For example, a picture of a soldier was showed to the children, later on, they were asked to use the coloured decoding tools to express if they liked, were afraid of, or didn't like the representation of the soldier (see figure nr. 4 as an example of a code). Once that was done, I asked each of the the children to tell me why they liked or didn't liked the soldier according to the color they have chosen. All their answers were registred in a piece of paper at the center of the room, where all the children could include and see their reflections. Further questions such as "why

you don't like the soldier?", or "does someone else think the same?", "have you met a soldier, what happened?" "who else has a soldier story?", "do you think it is ok for soldiers to do that?", "what can we do so soldiers don't do this to people?" were used in order to promote the dialogue among the children. If a child wasn't comfortable telling why he/she had chosen certain color instead of another, they had the chance to talk about it in private.

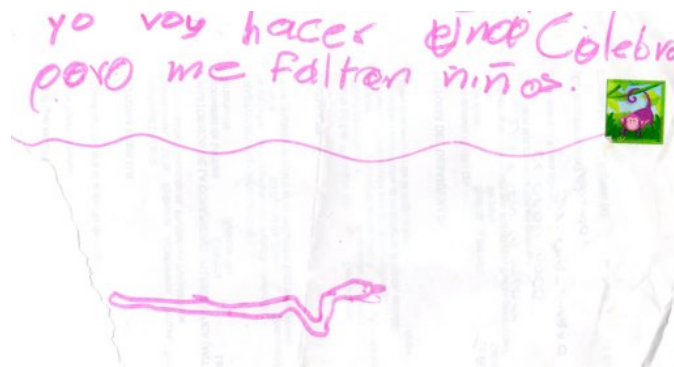
Figure nr. 4 A code. Representation of a soldier



4. *Delivering knowledge and action planning.* Once the dialogue has started and members of a community are talking about their concerns by decoding the materials given to them and been critical about the situation, it is time to talk about the core issue, explaining what is it about and then make people to create paths for solution. This is the stage where the teacher provides the information and then acts as a facilitator guiding the group towards a way to use that acquired knowledge as a tool for change. A plan for action becomes the main result. For the soldier example, a child said that she remembered soldiers beating her mom and doing her "bad things". Some other children said that they saw soldiers taking people in the streets while some others said that soldiers were good since they gave food to people. After a debate and questions of what should a soldier do or not, I started talking about rights and violence. I told the children that soldiers are not allowed to do "bad things" to women and that is because no one can be beaten or forced to do things he/she doesn't want to. Later on, I told them this was written in a paper that had to be respected by all called constitution and that constitution had a lot of things that were

useful for people to know since it states what they can and what they can't do. I explained that that children can't be beaten and forced to do things they don't want to and if that happens they must tell other people what they were forced to do and why they don't like to do it. During this dialogue, some children asked if they could have a paper like a constitution, some others thought of strategies for telling older kids or adults if something wrong was happening, and so on. All the ideas were written in another piece of paper and at the end the children started reading them and then came with conclusions such as "rights are in a constitution", "children should know there are rights", "teachers should respect children's rights", "we should write up a rights list in the classroom so we don't forget about them". (See figure nr. 6 for an example of action planning)

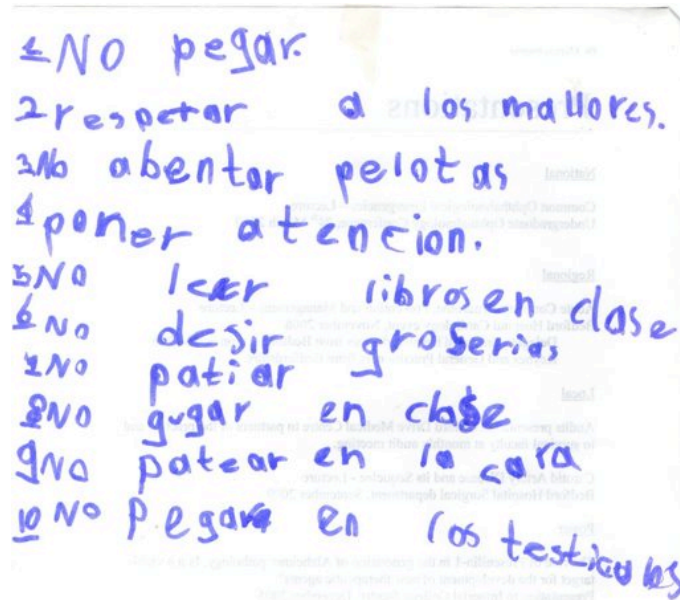
Figure nr. 6 Action planning: Children wanted to have a play on violence against children. "I want to include a snake in the play, but I need more children"



Each of the two groups took 16 lessons on different days. Younger ones took class on tuesday and older ones on thursday. Both classes were during daytime before going to school. The book contained drawings for each of the lessons to illustrate what was the activity about. At the end of the book, there was an annex for the educator containing learning objectives and detailing activities for each of the lessons. Each lesson, children were responsible of setting the rules of the game (the class), and someone had to explain to the others what happened the last time we saw each other (see figure Nr.5) . In case a kid broke the rules, the classmates pointed out at the big paper where we wrote them and if he/she insisted, he/she had to leave the room (that was a rule accorded by them as well, sometimes they could accept a kid

back in the room too). At the end of each class, we had a reflection time by answering the question “what did I learn today?”.

Figure nr. 5 Rules of the game written by the children



Since the two groups were different in age, younger children who weren't able to read or/and write had activities more focused into drawing, acting and oral storytelling, while the older ones had activities involving active reading and writing. However, the 16 topics were the same for both groups, as described in the Annex.

5 Findings

Working with children at Hijos de la Luna was a very interesting and challenging experience. It made me understand more about how children look at the world and it made me reaffirm the need for a specialized prevention tool for those who are more vulnerable to any form of exploitation.

During classes, I was able to get in touch with the children's worries, dreams and fears. The most valuable lesson I can take from the months I worked with them is that children are able to understand and become true actors and not just passive objects of protection and care.

One of the first remarks of my time spent at “Hijos” is that eventhough the main goal of the thesis was to develop a tool for the prevention of CSEC, the final product was a video

where children end up talking about their rights, in particular, the right to a life free of violence. This outcome, which I considered as adverse on a beginning, was something that I didn't expected but it became positive once I realized children were able to talk about rights as active subjects of law as well as to identify threats and ways to protect themselves; which turns out to be the main goal of a prevention strategy that can be focused on CSEC on a later stage.

Regarding the way children view violence, most of the children at the shelter are aware that violence exist. Many of them are familiar with violent situations. Drawings including children in violent family situations were common from day 1. Departing from those drawings, we were able to create a strategy to talk about violence and what do do(see figure nr.6). They end up been aware that violence is not natural and that they should take care of each other. They were also able to identify dangerous situations and to tell the other boys and girls at the shelter about them. They were also able to identify that violence, as a violation or a children's rights, entitles a sanction, such as jail.

Figure nr. 6 "a girl beaten a boy with a stick and the girl went to jail"



Fort he topic of family violence, there were shocking stories of children been abused or who have witnessed abuse by an adult to another child. Been able to talk about it raised awareness on the topic. After the lessons, children started to develop a critical consciousness process regarding violence and discrimination. Older children explained the younger

ones those happenings and started using the word “No” or “That’s wrong” for describing abusive situations. (See figure nr.7) Some other children were able to talk about their complex family context which was useful to identify those who are more prone to be victims of CSEC and those who have been abused.

Figure Nr. 7 A story on violence. “A guy was mad at a girl so he opened the gas tank and used matches so the girl started screaming and running- Don’t beat me- said the girl”

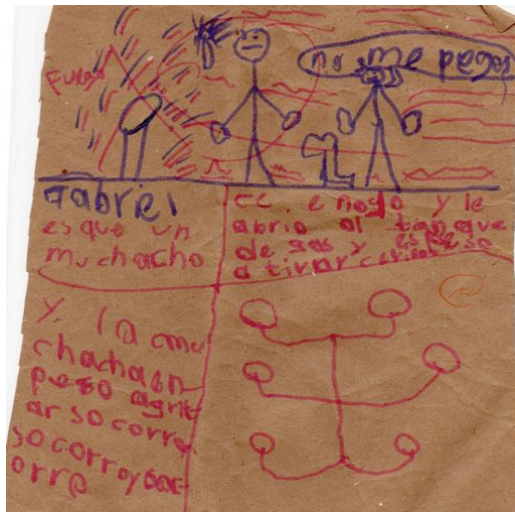
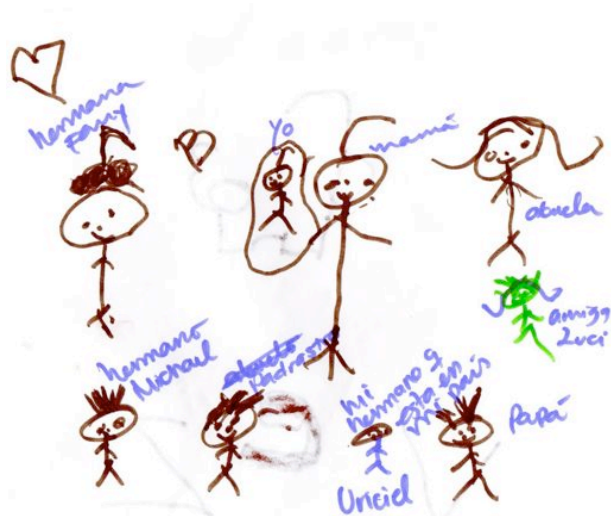
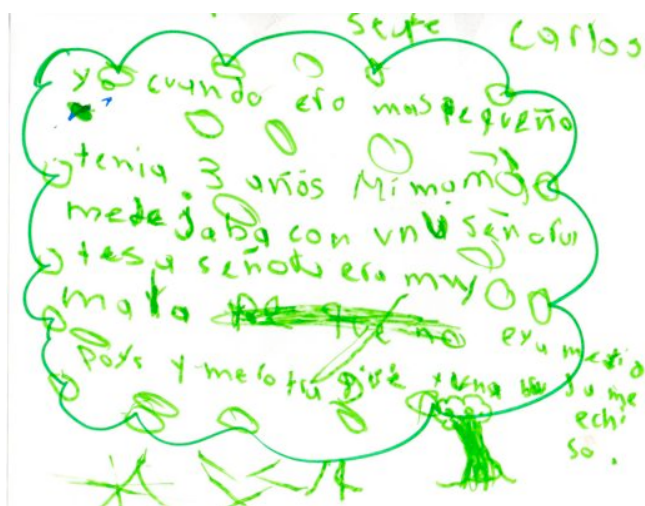


Figure Nr.8 N’s family. “We left Honduras when I was a baby. I am with my mom... There I had my grandma, my brother Michael, my sister Fanny... I had a very good friend, Luci. I left my brother who is still living there, he is Uriciel. I also had a dad but I don’t know his name”.



A key element for this research was to identify feelings and how children react towards violence and abuse. At the end of the research children were told to talk about their feelings and identify violent situations to describe how it made them feel (see figure nr. 8). Some children have never been asked to talk about violence and this experience enabled people in charge of the shelter to understand and identify children who have been abused. Storytelling came out to be a very useful tool for children and it can be used in order to gain a deeper understanding regarding violent situations and sexual abuse among those children for developing accurate prevention techniques.

Figure Nr.9. Talking about our feelings. “when I was a baby, I was 3 years old, my mom left me with a very bad adult [...] he put a spell on me and I was afraid (sic)”



Another interesting activity was talking about violence against children in some other places in addition to their immediate context. This made older children to talk openly on violence and to decide if a given situation can be considered as violence against children. This debate made them realize on how violence can be viewed and made them also propose paths for solution to the children in those conditions, including themselves. On the other hand, it made them talk about violent situations in their context that before them weren't taken as such.

Figure nr. 10. Activity on violence in different places than the shelter. Key words writing for discussion among children.




For the final activity, children talked on what they understood as rights and what they understood by violence. They collaborated in a video talking about their dreams and why violence is bad. One of the older girls, “A”, was anguished since she knows she is getting “older” and the shelter won’t be able to take her anymore. She expressed that she wanted to be a lawyer and she was afraid to be out of the shelter because she will end up working. A younger girl, “T”, was able to draw a woman saying that she was her sister who was forced to dance in a bar where her mom was working. It was the first time she ever talked about her family and her fears. Both experiences enabled the psychologist to work on the cases at a later stage. (See figure nr.11)

Figure Nr. 11 T (five years old). “This is my sister, that was wrong”.



Another interesting finding had to do with children's dreams and expectations. This was one of the first activities where children expressed what would make them happy and it can be used in order to surpass the violence they have experienced as a visualization tool. It was also a chance for children to express their frustrations and dreams, in order to understand what worries them and what makes them feel sad.

Figure Nr.12 "I would be very happy if I could not come here anymore"

Yo seria
muy Feliz si
Yo Nunca viniera
Nunca uca 

As a conclusion, I could say that the main elements of a peer to peer technique such as the expression of ideas, the collective visualization and identification of risks and paths of solution and the empowerment of children were successfully applied eventough the topic of preventing sexual exploitation of children wasn't addressed as a whole.

However, recurring to these kind of tools during an early stage of a project and in a short time basis such as I did, entails several risks. It can represent the opening of a "pandora box" for the children whose lives have been affected by violence. This is why the support

of specialized staff, such as a psychologist, becomes fundamental. After the time spent with the children and the application of Freire's theory on field, I consider that a peer to peer tool can be useful for the cohesion and network support as a group, but it requires a long term vision in order to have positive results. For me, the main outcome of my research was to realize that people working with children at risk can apply these tools as to increase self and group esteem so the classic charity view can be changed towards an active solidarity one, where children are actors and not mere recipients of social care programs. Children who have the chance to go through a long term peer to peer training strategy as the one briefly developed here, can later become social leaders with enough skills in order to become peers in targeted areas. Obviously, we can't expose children to become peers after a short period of time. The fieldwork taught me that a successful peer needs to go through an inner process of self esteem building, and then through a collectivization of ideas as critical thinking with his/her pairs, along with the development of empathy between each other and conflict management skills so once empowered they can be able to talk to other younger kids about their own experience and then ask for changes to the institutions and the system as a whole.

As the previous peer-to-peer experiences working in topics such as AIDS have shown, this process takes years, and that is why it's so important to have a follow up and a continuity on the working groups intended to become part of this kind of strategy. Psychological support during all the stages of this training has to be a constant in order to provide adequate care to the children who are opening their fears so they can surpass the difficult situations they have experienced and be able to talk openly about it.

5.1 The profitability of a rights and intersectional discrimination approach for assessing CSEC

As theoretical tools for this research, both approaches allowed me to view children as real subjects of law and to understand all the different situations that vulnerable children face. If we can develop tools to work with children on raising awareness on human rights and in this case, on violence, we can start building citizenship from a very young age. As multiple discrimination addresses, there are many factors that make children prone to sexual exploitation. Doing this kind of exercises allows adults to identify the complex realities that

children face and can be a useful tool to design a prevention strategy departing from children themselves. The time spent at “Hijos” showed me that not all the children are the same. There are some who need more attention by the authorities and all the social actors: Children who have a violent past, who have been abandoned, whose family is abroad or in some other place, children who have been abused. More resources shall be directed to this specific sector looking through an intersectional approach lens. This approach can reveal what is behind those children who have been abused and turned into CSE and can also help to understand all the different factors that feed the trafficking industry and the way they work in order to be defeated in order to create accurate strategies that can effectively work on field. Multiple discrimination taken as a practical and not only theoretical tool, can be useful to identify children at risk and from that diagnose develop the mechanisms for tackling those groups through empowerment and a human rights approach. Is on this latter stage where the combination with a peer to peer technique can provide valuable results without spending a lot of financial resources for the government or the institutions working with children. If we talk about rights, we talk about empowerment. Rights can only be real if they’re exercised by people. Children can also exercise those rights, it is just a matter of providing the right tools and a space for action. The identification of the complex reality a child in risk faces along with an approach focused on his/her capability to propose changes and act with other children should be a key element of any policy regarding child care.

5.2 A possible agenda for action in Oaxaca

The research has demonstrated that there are multiple childhoods, multiple ways to approach to it, to see it and to live it from the adults and from the children side. The way in which girls and boys look at themselves shall be integrated within organizations, children’s rights advocates and governmental institutions. Every social context (rural, urban or suburban and so on) provide specific and unique information and elements that should be taken into account in order to adjust the public policies as well as the methodologies for attention.

Applying intersectional discrimination as a practical research tool allowed me to identify the ways in which public policies have marginalized girls and boys at risk, reinforcing the paternalistic view and hence disempowering them as social actors. In Oaxaca, there is an

urgent need for training in children's rights and human rights based approach in order to fight the prevailing paternalist and adult-focused view. This will allow children to be taken as subjects of law and will be reflected in new practices with both children and parents.

Along with the training, there's an urgent need to develop the governmental mechanisms such as laws and public policies that can retake these important concepts into practice. One of the first steps should be identifying the NGOs working with children and the way they do it in order to issue a good practices document that can be complemented with a good policies document to be presented to the governmental sector for issuing an agenda on this topic.

Regarding the role of schools for the prevention of child sexual exploitation, peer mediation and peer counseling are more effective when students and teachers work together in developing and assessing appropriate mediation and counseling methods⁹¹ according to their specific context and their particular realities. This will allow children and young people to acknowledge the situation in which they are situated as well as to develop the necessary skills in order to surpass some of the main obstacles they face for the enjoyment of their rights. The classical vertical structure of the educational system shall be modified in order to get closer to the students and their worries. Participative method can be taken into the ground with the creation of student groups and the support from the schools by providing some time and acknowledgment to their findings and activities.

Oaxaca, as I said before, is on the process of adopting a specific legislation on trafficking, which is the legal framework for addressing CESC. The next (and harder) steps to come will rely on the implementation of this specific law and some others related to CSEC⁹² along with an improved capability by authorities to prosecute those who are responsible of these awful crimes. Sexual exploitation is a complex phenomenon that entails a cultural change. Laws are not a panacea, but they're useful when they come along with social policy strategies and a participative role by society. As I referred on the human rights based

⁹¹ Pinheiro (2006) p.145

⁹² There's a need for a deeper legal analysis on how local legislation can work once a general federal legal framework has been also adopted. Each state can legislate on the topic, so disparities shall be studied in order to reinforce the general framework and even consider the usefulness of such approach.

approach section, international human rights instruments shall be compared with the local legislation as a reference to the highest standard available. The recent legal reforms that have taken place in Mexico, such as the conventionality control, forces local governments to apply this principle in order to extend protection while interpreting the law; and people, along with judges and advocates should also be informed of this new tool available for the protection of human rights abuses such as in the case of trafficking.

Another step towards the visibilization of CSEC is the issuing of a diagnose and specific information that could draw a risk map useful for the creation of policies. Statistics, especially if broken by sex, origin, age, etc, are necessary and extremely helpful in recognizing general trend lines. However, intersectional discrimination approach has showed me that it is necessary to have a more in depth analysis which could “zoom in” to the real life and those invisible who are victims of several kinds of discrimination such as the children I was working with. Following this reasoning, a serious State strategy towards CSEC should include not only statistics but qualitative data as well as by testimonies of survivors or people living in particular intersections of disadvantage, in order to create a holistic and more accurate picture of the discrimination experienced. More resources shall be put into research and policy makers shall review and take into account these works so comprehensive strategies can be developed. A risk map shall be issued as well in order to identify the areas where public policies should focus.

As a whole, intersectional approach should be fully integrated into all policymaking: with respect to all policies, their intersectional effects should be analyzed by asking questions such as “what does this mean to children?”, “what does this mean to the disabled?”, “what does this mean to disabled children?” etc. This kind of an impact assessment should be mainstreamed and become a standard procedure⁹³ based on the “asking the question” rationale. Article 13th of the CRC requires states to provide information to the children and enables them to seek, receive and impart information through any of the children’s preferred choice. Again, a long term peer-to-peer strategy with children at risk identified through the intersectional approach tool can be a useful resource to guarantee this right. For this, I sug-

⁹³ Makkonen (2002) p.37

gest the creation of a first focus group with children at risk that could be taken through a long term peer-to-peer training programme for the prevention of violence and child abuse. This will allow developing Freire's stages described before taking into account multiple discrimination and HRBA. Perhaps the local DIF or Educational entity (IEEPO) should analyze the viability of this proposal.

As we are able to identify on this research, there are structural factors that contribute to situations of multiple discrimination and disadvantage. By structural factors are meant such phenomena as poverty, illiteracy, cultural barriers, linguistic barriers, and so on. These structural factors should be identified and analyzed very carefully when it comes to children. Without such an analysis, policies will never be effective enough.

During my research I was able to see how many children I worked with felt rejected by other children at school. This shows how crucial it is to identify the way different groups interact and how that rejection works against the children and its self-esteem. The intersectional discrimination approach showed me how different social structures (family, institutions, government) discriminate disadvantaged children, driving them into rejection and exclusion. Non-discrimination should be a common topic in public education and media campaigns should be issued in order to identify how we act as a group towards others, identifying the discriminatory attitudes we have since childhood. Intersectional approach can be useful to unveil previously unrecognized forms and manifestations of discrimination. A more comprehensive understanding of the different forms and background factors behind discrimination and disadvantage obviously provides a better platform for political and legal action aimed at combating those beliefs that harm children self-esteem and makes them feel alone and guilty for a situation that they weren't able to choose. Governmental institutions shall evaluate themselves to identify how their policies can reinforce the negative labeling or disempower an already marginalized group.

We can't resume children's rights into a big cluster. Each child has a story to tell, and those who are living in shelters or in a situation of poverty should be listened as well. Children are not only a postcard for political activities or someone to take care of. Children are able to talk and to describe their situation and their needs. We need to create spaces for all the children in order to facilitate communication of ideas. My experience showed that it is not

necessary to spend a lot of financial resources; capacity building with children through a peer to peer requires mostly time than money. In this way, community involvement and ownership is critical for the continuity and sustainability of this kind of education programmes. The local education ministry shall look towards community based strategies in schools and in public spaces and evaluate their current work to identify which programmes are not useful anymore and hence relocating financial resources where needed. Educators should be trained more on capacity building and participatory approaches, and then have training on the prevention of violence against children, specially, CSEC.

Since there are several state offices working on prevention of child abuse, there should be a sistematization of all the efforts done up today and then an impact evaluation to see which ones should continue or not. Attention shall be focused on trainers and the ability to replicate the knowledge to the rest of the people within their institutions. Trainers should be updated and evaluated as well. The CEDNNA shall be empowered in order to create a common state agenda for addressing CSEC and not only child abuse since it is not the only manifestation of violence against children in Oaxaca. The local DIF shall evaluate its performance in order to analyze if it is tackling the core issues regarding violence against children. One day activities or isolated meetings won't have any results if they're not part of a bigger and well funded strategy.

As we have seen, very few cases regarding violence against children are submitted to the authorities and aggressors rarely go to prison. Even those cases where children have been raped or suffer sexual abuse, there is a quite generalized attitude on the part of the families in the sense of not pressing charges to avoid scandal. This is not only the families' fault. Very often, charges are not pressed against exploiters because families fear reprisals or they simply don't believe in a child's testimony or the justice system as such. Even if we are able to modify laws and tighten them regarding child abuse and trafficking it is necessary to identify those practices, name them and ask for justice. If we invisibilize and tolerate trafficking, we are contributing to impunity. It is necessary to identify trafficking on all its forms and how our cultural background and social context contributes to it so we can make it evident to the rest of the people in order to generate a change of attitude. If we

do not understand who is a victim of trafficking and what trafficking implies, the numbers will remain low giving the wrong message to the authorities and neglecting a serious crime. Private sector should also be involved in a strategy against CSEC. As it happened in Cancun, many children have been exploited in hotels along with the complicity of its owners and the staff. Oaxaca is on a stage where preventive actions can make a huge difference. A strategy against CSEC shall be driven in Oaxaca City and the Coast in order to involve hotels, restaurants and touristic transportation sector by raising awareness on a community based strategy.

A core element of multiple discrimination within the context of CSEC is gender and the way this kind of crime affects women and girls in particular. A comprehensive CSEC strategy shall include this and pay specific attention on the way women and girls are prone to abuse. Hence, both government and civil society need to ask themselves constantly how do women and girls are particularly affected and how can their needs be assessed. As I wrote before, a lot of single, indigenous poor women come to Oaxaca City looking for a job. It will be useful to have information on how do they live once they arrive to the city and the way they can be involved in CSE. This is important for attacking CSEC since many of these women have children who, like in the case of Hijos, had to be with their mothers in a bar or with strangers since there's no one to take care of them.

A key element of change is working on a community basis. We need to get parents, educators, business people and governmental actors on the same page. Intersectional discrimination has showed that there are invisible children who are more disadvantaged than many others. However, they can't remain as sole victims. A peer to peer strategy can empower those children and can make a huge difference in their lives. In order to make this change real, it is necessary to focus resources and time on those who are more disadvantaged. This research showed me that children have an amazing skill to surpass difficult circumstances. It is the adult world the one that places labels and discriminates. We should learn from our children and provide them the tools to express themselves. Prevention is easier when it comes from someone near to you and if we focus on these children, we are probably opening a door to a different future. The victim discourse can only be withdrawn if we talk about survivors and active subjects of law able to identify the risks and generate solutions.

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CEDAW	Convention on the Elimination of All Forms of Discrimination Against Women (Adopted by General Assembly Resolution 34/180 of 18 December 1979) UN doc. A/34/46 [Cited: 14 April 2011]
CRC	Convention on the Rights of the Child (Adopted by General Assembly Resolution 44/25 of 20 November 1989)
CRC OP	Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography (Annexed to the General Assembly Resolution 54/263, adopted without a vote on May 25 2000) [Cited: 14 April 2011]
C182	Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labour (Adopted by the International Labour Organization on 17 June 1999) [Cited: 14 April 2011]
ICCPR	International Covenant on Civil and Political Rights (Adopted by General Assembly Resolution 2200 A (XXI) of 16 December 1966) UN doc A/6316 (1966) [Cited: 18 February 2011]
ICERD	International Convention on the Elimination of all Forms of Racial Discrimination (Opened for signature on 7 March 1966, adopted by General Assembly Resolution 2106 of 21 December 1965) [Cited: 18 February 2011]
UDHR	Universal Declaration of Human Rights (Adopted and Proclaimed by the General Assembly on December 10, 1948) [Cited: 18 February 2011]

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Declaration Stockholm Declaration and Agenda for Action (Adopted at the First World Congress against Commercial Sexual Exploitation of Children, Stockholm, Sweden, 27-31 August 1996)
- SRCCP Report of the Special Rapporteur on the sale of children, child prostitution and child pornography, Ms. Ofelia Calcetas-Santos. Addendum: Report on the mission of the Special Rapporteur on the issue of commercial sexual exploitation of children to Mexico (10-21 November 1997) UN Ref. E/CN.4/1998/101/Add.2 [Cited: 05 December 2011]
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Annex

5.3 Annex I. Outline of activities developed with the children

In the following lines I have included the main topics worked with children during the time of the field study. All of them were part of an activity book.

1. Introduction ¿Who are we? ¿what are we going to do? Let's play!
 - 1.1 Introducing each other by using the questions: My name is, I'm from, I like..., I'm afraid of..., I don't like
 - 1.2 Introducing the participatory tool: presenting the 3 different colored squares
2. Let me tell you a story... my story!
 - 2.1 Let's draw!
 - 2.2 When I was a baby I remember...
 - 2.3 I would be happy if...
3. The tree of feelings
 - 3.1 My happiest memory is...
 - 3.2 My saddest memory is...
4. Let's draw!
 - 4.1 Family drawing
 - 4.2 What is your picture about?
 - 4.3 What do we think?
5. Guess who? "Adivina adivinador"
 - 5.1 Role game
 - 5.2 What do we think?
6. Let's make a play!
 - 6.1 What do we want to talk about?
 - 6.2 What do we need?
 - 6.3 How do we do it?
7. What about...?
 - 7.1 Violence

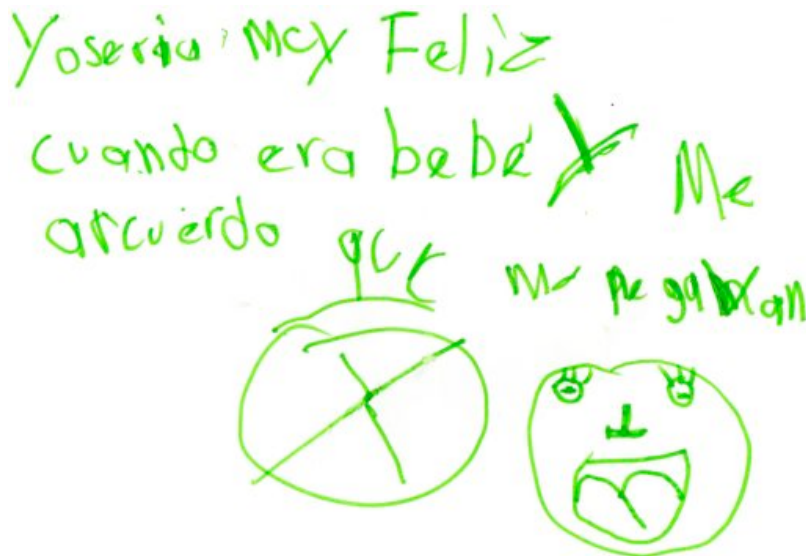
- 7.2 Where do we find it?
- 7.3 What do you think?
- 7.4 What can we do?
- 8. How do we eat it (human rights)?
 - 8.1 Some histories about children
 - 8.2 What do we think?
 - 8.3 What should we do?
- 9. Let's play a video!
 - 9.1 What were they talking about?
 - 9.2 What do you think?
 - 9.3 What do we understand?
- 10. Let's draw!
 - 10.1 what is important for me?
 - 10.2 What do we think?
 - 10.3 How can we say this to other children?
- 11. Girls, Boys
 - 11.1 Let's draw
 - 11.2 What does a girl does? What does a boy does?
 - 11.3 What can happen to a girl?/ what can happen to a boy?
 - 11.4 What do we think?
- 12. All in, All out
 - 12.1 Let's play
 - 12.2 why is it important to listen?
 - 12.3 Can we do it all together?
- 13. Working as a team!
 - 13.1 Story time!
 - 13.2 What do I like about myself?
 - 13.3 What do I dislike?
 - 13.4 You can help me out!
- 14. Let's do it all together!

- 14. 1 Welcome
- 14.2 Rules of the game
- 14.3 what would we like to do?
- 14.4 What do we think?
- 14.5 Let's make teams!
- 15. Let's work!
 - 15.1 Do you remember?
 - 15.2 The script (what do I want to say?)
 - 15.3 let's do it!
- 16. Film day!
 - 16. 1 Let's get ready!
 - 16. 2 Action!
 - 16. 3 What do we think?
- 17. Goodbye!
 - 17. 1 Let's watch the video!
 - 17. 2 What do we think?
 - 17. 3 What can we do?
 - 17. 4 What am I worried about?
 - 17. 5 What are we worried about?
 - 17. 6 Thanks and goodbye!

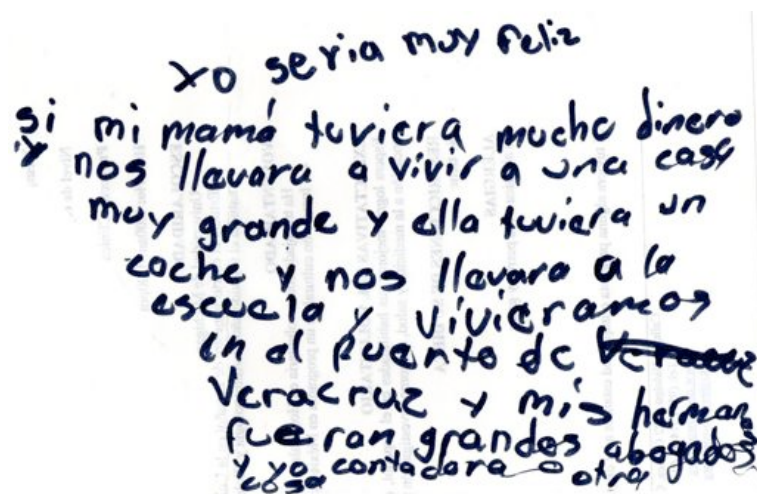
5.4 Annex II. Some other drawings by the children at Hijos de la Luna

From the activity 2.2 “When I was a baby I remember...”

1. “When I was a baby I remember they beated me” (drawing on the left). On the right we have a happy face taling about the projection activity named “I would be happy if”.

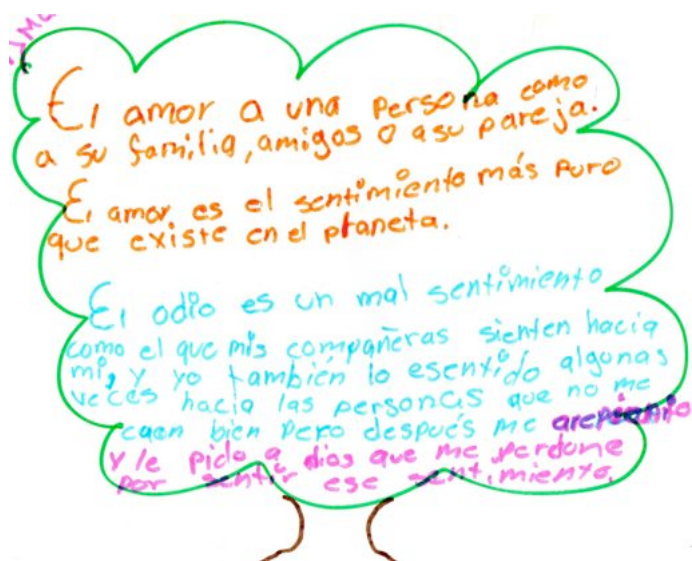


2. A: “I would be very happy if my mom had a lot of money and take us to live inside a big house and had a car and take us to the school and live at Veracruz and if my brothers were famous lawyers and me an accountant or something else”.

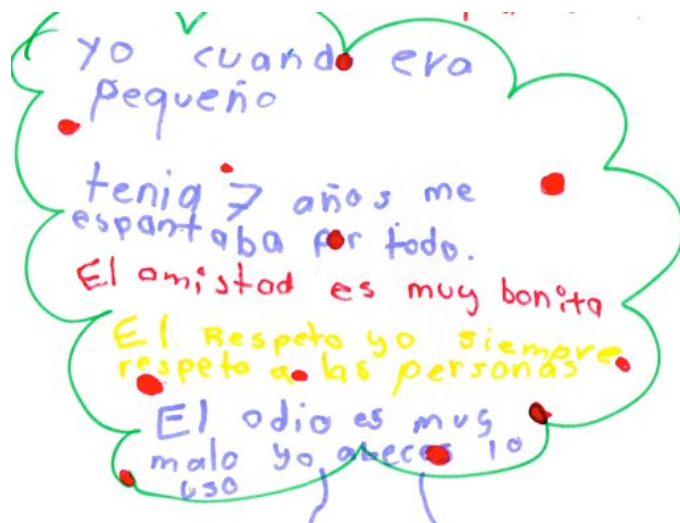


From the activity nr. 3 "The three of feelings"

A: Positive feelings: "The love towards a person, to his family, friends or couple" "Love is the purest feeling on earth". Negative Feelings: "Hate is a bad feeling. Like the one the girls at the school have towards me, and I have felt it as well towards the people I don't like but then I regret it and ask god to forgive me for feeling that way"



P: "When I was Little I was seven years old so I used to be scared with everything. Friendship is a nice feeling. Respect. I always respect people. Hate is very bad but some times I use it as well"



Some other findings:

The following is an interesting finding which took place at one of the story telling activities. Here we can see how violence is a shocking fact for children and how it gets in to their lives.

C. "Once upon a time there was a clown, a very very bad clown, who killed a kid named Carlos and then Lalo saw that the kid was dead and later many people came to see Carlos, how he was lay dead on the street"

Habia una vez un payaso
muy malo pero muy malo
que mato a un niño que
se llamaba Carlos y luego
lalo vio que estaba
muerto y luego vinieron much
personas a ver a Carlos
como estaba muerto en el
piso tirado en la calle



de dolo