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Protecting Children and Adolescents in Uruguay: Civil Society's Role in Policy Reform

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Abstract: This article analyzes the advocacy efforts of civil societal actors in Uruguay who have sought to promote the rights of children. I discuss the strategies that members of non-governmental organizations (NGOs) used to achieve a greater presence in debates leading to significant policy changes in the area of child protection. Child advocates achieved relatively high levels of political mobilization and influence throughout the 1990s and early 2000s. The analysis focuses on their multi-year campaign to reform the Children's Code of 1934, which culminated in the adoption of a new Code of Childhood and Adolescence in 2004. I argue that two variables help explain their participation in policy making: effective issue framing and successful alliance building.

Keywords: child protection; children's rights; civil society; NGOs; collective action frames; alliances; Uruguay

1. Introduction

In recent years, civil societal actors in Latin America have positioned themselves at the forefront of some of the region's most dramatic policy reforms in the area of children's rights and child protection. Child advocates in Uruguay, for example, achieved high levels of political mobilization and policy influence throughout the 1990s and early 2000s. Analysts of Uruguayan politics have described this trend as "exceptional" given the broader pattern of civil society "demobilization" following the

country's democratic transition ([1], p. 49).¹ Most remarkable, perhaps, were their arduous efforts to reform the Children's Code of 1934. The long process of influencing policy "entailed interactions with the political system and a broad-based mobilization and advocacy effort," according to the leader of a non-governmental organization (NGO) [2]. Another participant observed, "The NGOs involved in children's issues played an active role during the entire process of formulating the Code.... We proposed some key provisions and contributed to the re-drafting of others. There was a presence in parliamentary committees and a strong lobby" [3]. In short, child advocates influenced the formal agenda as well as the content of legislation and also pressured members of parliament to enact reforms. Their involvement was an important factor contributing to the passage of a new Code of Childhood and Adolescence (*Código de la Niñez y la Adolescencia*, Law No. 17.823) in 2004.

These findings call into question the received wisdom on Uruguayan democracy, which suggests that such actors necessarily find themselves at a disadvantage vis-à-vis political parties and the state. No one disputes the centrality of institutions in the country's political development. Nevertheless, the time has come to nuance the discussion and challenge dichotomous approaches that pit a robust political society (or a strong state) against an enfeebled civil society. In the present article, I take a step in this direction and highlight the vibrancy of civil society in a context where it is sometimes overlooked. In particular, I analyze civil societal involvement in policy making in the area of child protection. I explain this participation by underscoring the importance of effective collective action frames and inter-organizational cooperation. I argue that activists who join forces in alliances and frame ideas in persuasive ways are generating opportunities for greater involvement in decision making. I support these arguments with qualitative data collected through the administration of a survey to child advocates and a close examination of the groups' publications.

The analysis is organized into four sections. First, I briefly review ongoing scholarly debates concerning the political potential of civil society organizations (CSOs) in Latin American democracies. I then elaborate the article's central arguments, which highlight civil societal actors' strategic mobilization of ideas and resources while engaging in advocacy. The third section discusses the research methods I employed while analyzing these activist strategies. It also details the reasons for selecting Uruguay as the country context for this study. In the remainder of the article, I focus on the child advocates who have spent years promoting the rights and well-being of children in Uruguay. Particular emphasis is placed on their campaign to create a new Code of Childhood and Adolescence. This case demonstrates that alliance building was a primary means by which advocates achieved policy influence. Additionally, their framing strategies simultaneously emphasized pressing social issues such as poverty and inequality and rights-based discourses that resonated with cherished cultural and political values and reinforced characteristics of Uruguayan national identity.

2. The State of the Debate

For years accounts of civil society advocacy were strangely absent from the literature on Latin American politics. Although few studies published in the 1990s and early 2000s addressed the subject directly, the scholarship often led one to expect limited civil society involvement in policy debates and

¹ All translations from the original Spanish are my own.

decisions. A number of institutional, structural, and social factors seemed to conspire against meaningful citizen participation and policy engagement. Foremost among these were the concentration of authority in the executive branch and exclusionary, technocratic policy-making processes [4–6]. Traditional representative and intermediary institutions had declined, leaving few stable channels for the articulation of interests [7,8]. Meanwhile, a majority of Latin American specialists advanced the structuralist argument that social and economic transformations had weakened the popular sectors. The demobilization of organized labor and grassroots actors, the suppression of their demands, and the unequal distribution of economic and political power were products of neoliberal reforms and authoritarian experiments in “market individualism” ([9], p. 161). Mainstream parties acting merely as custodians of the neoliberal model privileged the interests of big business and industry [10,11].

Furthermore, as states’ social welfare responsibilities and expenditures decreased, programs were contracted out to NGOs tasked with implementing policies. Analysts thus concluded that the state was co-opting civil societal actors and placing their expertise and labor in the service of neoliberalism [12]. They warned that organizations involved in the implementation phase risked acting as “transmission belts” for government policies and relinquishing their autonomy ([13], p. 138; see also [14]). Many scholars relying on institutionalist and structuralist approaches have overlooked the fact that CSOs can and do participate in policy making, even under seemingly inauspicious circumstances.

In summary, a remarkably diverse group of scholars focusing on different aspects of political life seemed to suggest that civil societal actors in Latin American countries generally lacked the institutional access, organizational resources or attributes, and overall strength required for policy engagement and influence. In some cases of policy making, civil society’s involvement has indeed been limited. Yet in other instances, groups have been able to influence the agenda-setting, formulation, and adoption phases. The primary objective of my research, distinct from much of the existing work, is to explain these different levels of participation. In doing so, I add my voice to an emergent scholarly dialogue: in recent years, area specialists have fortunately begun to focus directly on the advocacy role of Latin American civil societal actors [15–20].

Following in the footsteps of scholars who analyze interest groups, nonprofits, and social movements in developed countries, Latin American specialists have investigated the role of organizational resources (e.g., expertise, prestige, leadership, and administrative capacity) as well as external variables that affect the likelihood of group involvement, including the presence/absence of allies in key government positions and the nature of the party system [16,18,21]. Some political scientists have investigated the recent proliferation of consultative councils and other types of participatory institutions in the region [16,22,23]. Moreover, scholars inspired by constructivist frameworks have argued that global human rights regimes have generated political opportunities for domestic advocates by strengthening their rights-based claims [20].

Explanations that privilege global norms, political opportunities, organizational resources, and similar sets of variables are not without their merits. However, I offer a more dynamic, agency-driven account of CSO involvement in countries where resources are often scarce and political elites seldom consult civil societal actors. In the following section, I discuss two important variables explaining participation: effective alliance building and successful issue framing.²

² These arguments are also developed in previous studies [24–26].

3. Theory and Arguments

The first proposition of this study is that groups improve their chances of policy participation markedly when they create, join, and/or sustain effective partnerships. Civil society alliances vary significantly with respect to their size, scope, internal organization, goals, and strategies. While some boast a large, diverse membership base, others are made up of a few professionalized NGOs. Alliances also differ in terms of the structure of their leadership and the frequency and intensity of their activities. On one end of the spectrum, we find informal, temporary arrangements, such as ad hoc coalitions, which tend to be motivated by concrete objectives. Certain individuals or organizations may serve as coordinators, but coalitions sometimes lack nominal leaders. More formal, permanent partnerships, which usually have their own legal status as second- or third-tier organizations (including federations and peak associations), are situated at the other end of the continuum. Networks (*redes*) and forums (*foros*) generally fall somewhere between these two ends of the spectrum. They are more likely than coalitions to be formally constituted, with a name, charter, and identifiable membership. They frequently unite a greater number of groups and are meant to endure. In addition, their aims and activities are varied: they often seek to strengthen their members by providing services, building group capacities, and facilitating the exchange of information, for instance.

The main advantages of building alliances are threefold. First, groups pool their organizational resources, namely information, analysis, expertise, prior experience, credibility or name recognition, administrative capacity, and political and media contacts. By doing so, they marshal greater amounts of resources than any single CSO can muster and overcome the scarcity problem. Second, through alliances, activists can coordinate their advocacy efforts and avoid redundancies in their activities, which conserves precious time and resources. Third, they are better able to generate a critical mass, bolster their collective demands with greater numbers, and present a united front vis-à-vis the authorities or other civil societal actors. These combined benefits increase the likelihood that governing elites and the public will notice and listen to CSOs.

Three characteristics appear to enhance the effectiveness of alliances: an efficient division of labor, a balance between internal cohesion and diversity, and a willingness to collaborate with other alliances or broader social movements in pursuit of common objectives. Alliances function smoothly when they take advantage of their members' individual strengths and areas of expertise through the distribution of tasks and responsibilities. Furthermore, although it is beneficial for an alliance to bring together likeminded people who agree on both goals and strategies, if participating groups exemplify a range of ideological proclivities, focus areas, and organizational missions and structures, the alliance will appear more representative of larger civil society constituencies. Lastly, forging ties with other alliances or movements achieves an effect similar to that of increasing internal diversity.

Inter-organizational cooperation increases the likelihood of a civil societal presence during several phases of policy making. During the formulation phase, for instance, it is more efficient and convenient for decision makers to consult representatives of an existing alliance than to meet with dozens of separate organizations. Government officials sometimes welcome the existence of such an entity, accepting it as representative of a certain group of civil societal actors and/or a legitimate authority on a specific policy domain. NGO networks or other semi-permanent alliances can be particularly relevant during this stage. When the authorities seek civil society's input, they reach out to networks,

because these include many member organizations and “can legitimately claim to represent a broader range of voices and experiences than any one organization” ([27], p. 9). Strength in numbers also helps CSOs seeking influence during policy agenda setting and adoption. Working collectively augments the capacity of groups to persuade decision makers that an issue deserves attention and pressure them to enact a certain policy. The logic of joining forces is compelling in countries where CSOs tend to lack certain resources—for instance, money and members—compared to their counterparts overseas.

In addition to mobilizing organizational resources in alliances, civil societal actors mobilize ideas and discourses. By devising creative ways of “spinning” the issues, they endeavor to shape public discourse as well as the policy agenda. Building on the concept of framing used in the literature on social movements, I submit that members of NGOs who devise persuasive collective action frames are more likely to become involved in policy agenda setting, formulation, and adoption. Social movement scholars define framing as strategic efforts to create shared understandings that “legitimate and motivate collective action” ([28], p. 6). Activists often use frames to identify perceived injustices (or other problems), to articulate grievances, and to make rights-based claims. They also help actors interpret events and their own life experiences. The targets of framing are many and can include prospective participants in social movements or protests, constituents, opponents, bystanders, and/or governing elites. Frames are said to achieve resonance when they succeed in expressing grievances in compelling ways and offering remedies to pressing problems [29]. Frames identify a problem, a responsible actor or institution, and a solution. Diagnostic framing problematizes an issue and identifies “who or what is culpable” ([30], p. 1071), whereas prognostic framing offers a potential remedy. Motivational framing, meanwhile, usually emphasizes urgency and severity and appeals to justice or morality.

Each of these framing tasks is important. However, I argue that CSO members must be especially attentive to the diagnostic and prognostic dimensions. Policy-friendly frames tend to communicate a positive, constructive, and/or hopeful message while also de-emphasizing culpability and proposing feasible solutions to problems. Frames that blame pressing problems on specific, powerful elites can threaten such actors and even provoke their active opposition to reform. Moreover, activists’ demands seem more reasonable and realistic when their frames contain feasible remedies and proposals that can more easily be integrated into policies. Alternatively, frames that call for the dismantling or transformation of existing political systems or policy models are less efficacious. Even when these models are, in fact, flawed and advocates are legitimately diagnosing the problem, they still must propose workable solutions. Members of CSOs who include these characteristics in their diagnostic and prognostic framing increase the likelihood of being involved in policy and decrease the likelihood that they will be politically marginalized.

Stated briefly, civil societal actors often rely on the persuasiveness of their ideas and information to influence governing elites. Public-interest NGOs in particular seek to become credible purveyors of ideas and interpreters of reality. The arguments summarized here center on the strategic mobilization of ideas and resources, thus privileging the agency of civil societal actors. This approach is more illuminating than some of the rival explanations proposed in existing scholarship and helps solve the puzzle of CSO involvement in countries where formal channels for consulting such groups are often lacking.

4. Research Methods

Uruguay is widely perceived as exemplifying just such an environment. According to the conventional wisdom, the state has historically functioned as the “central engine for societal transformation” and social integration, while civil society is granted a secondary and subordinate status ([31], p. 38). Before Uruguayan democracy broke down in 1973, the country was renowned for its high levels of economic and social development, political stability, strong parties and state structures, and extensive welfare system. Civil society did play a role in challenging the repressive civil-military dictatorship, as was the case in other Southern Cone countries during the same period. Uruguayan citizens managed to recover their democratic regime in 1985, and the country was subsequently classified as a (re)consolidated democracy. However, analysts claim that most of the movements that emerged under authoritarian rule demobilized following the democratic transition, when parties reclaimed their traditional monopoly over political life. Civil societal actors were unable (or unwilling) to challenge their hegemony and play a greater role in the articulation of demands and mediation of interests. Scholars have also portrayed the sphere as weak vis-à-vis the state: civil society’s capacity to organize and propose policy alternatives is limited, and a state-centric vision of politics prevails [32,33]. In light of these characterizations, Uruguay represents a difficult political context in which to test the hypotheses of the study regarding civil society participation.

This project’s dependent variable of civil society involvement in policy making is defined as group members exercising some degree of influence during the agenda-setting, formulation, and adoption phases. For instance, advocates may disseminate their ideas in the media when the agenda is taking shape. They may also share analysis and information in an effort to influence the content of policy during the formulation phase. Activists then try to persuade legislators (or other decision makers) to adopt their preferred policy by meeting with policy makers, organizing demonstrations, and using additional tactics meant to communicate demands and galvanize the public. Members of NGOs can engage in direct or indirect advocacy during each of these stages: the first entails interacting with public officials in the legislative and executive branches; the second involves pressuring these power holders by mobilizing their constituencies and the broader public.

To ascertain the frequency and forms of civil society engagement with the policy process, I administered a questionnaire to members of NGOs involved in children’s issue between 2012 and 2013. The survey instrument covered the most pressing problems facing Uruguayan children and the issues that NGOs have prioritized during the past decade, their advocacy strategies (especially tactics used to influence governing elites), and, more specifically, their role in the process of reforming the Code of Childhood and Adolescence. Advocates were asked to elaborate on their interactions with policy makers in the legislative and executive branches, their attempts at shaping the content of policy proposals, their actions intended to pressure decision makers, and the other dimensions of the dependent variable mentioned previously. Respondents were also asked to comment extensively on the discursive and framing strategies they used during the campaign and on opportunities for inter-organizational cooperation and alliance building. To supplement the survey

responses, I consulted reports, newsletters, press releases, and additional documents authored by members of non-profit, public-interest NGOs.³

While conducting this research, I discovered that child advocates campaigning for policy reforms in Uruguay relied on both direct and indirect forms of advocacy. Civil societal actors sustained their efforts for more than a decade in a campaign that spanned the presidential administrations of Luis Alberto Lacalle (National Party, 1990–1995), Julio María Sanguinetti (Colorado Party, 1995–2000), and Jorge Batlle (Colorado Party, 2000–2005). The next section will analyze their persistent attempts to promote and safeguard the rights of young people.

5. Child Advocacy in Uruguay

5.1. Civil Society Organizations' Demands and Activities

NGOs in Uruguay have intervened in a number of different areas, such as juvenile justice, education, disability, child labor, sexual exploitation, and domestic abuse. Poverty, inequality, and other social issues have figured prominently in CSOs' publications and shaped their day-to-day activities to a large extent. By the mid-to-late 1990s, NGOs had assumed important responsibilities in the co-administration of social policies for the National Institute for Minors (INAME) and other state agencies; public funds represented an increasing proportion of their funding base [34]. This implementation role became a defining characteristic of government-civil society relations during that period. Additionally, the country's youth have found themselves living in more precarious economic and social circumstances in recent years. Broader economic trends—most notably changes in the labor markets that entailed a growing wage gap between skilled and unskilled workers and more precarious and unstable forms of employment—have created pockets of poverty [1]. Rising rates of school desertion and the geographic concentration of poverty in certain areas of Montevideo have led to social exclusion (and made social mobility more difficult). Accordingly, a greater number of NGOs focused their attention on the plight of street children, for example [34]. Meanwhile, neoliberal reforms had limited the state's ability to respond to these social problems: since the 1980s, government officials had endeavored to reduce public spending, to privatize the delivery of social policies and services (to an extent), and to provide targeted assistance to at-risk communities with the goal of alleviating poverty [1].

The country then experienced an economic recession beginning in 1999. Rising unemployment and decreasing real wages led to greater rates of poverty and inequality in general terms. The percentage of Uruguayans living below the poverty line increased from 15.3 percent in 1999 to 31.9 percent in 2004. The crisis affected young people dramatically: the poverty rate for children aged five and under shot up to 56.5 percent in 2004; 54 percent of children aged six to twelve were also living in

³ Six of the twelve organizations contacted completed the questionnaire, yielding a response rate of 50 percent. Recipients were selected using online NGO directories and the secondary literature on children's rights advocacy in Uruguay. In particular, I targeted groups that had the institutional memory necessary to reflect on civil society's participation in reforming the Code and still existed at the time the survey was administered.

poverty at that time [1].⁴ Mired in these difficult circumstances, many child advocates insisted upon the interconnectedness of economic, social, political, and legal rights.

Different types of CSOs have been active in children's causes. The Peace and Justice Service (SERPAJ) and other human rights organizations (HROs) that had emerged during the authoritarian regime embraced the promotion and defense of children's rights. Indeed, the Legal and Social Studies Institute of Uruguay (IELSUR), an HRO founded in 1984, became one of the more influential groups at the national level [1]. Additional groups, including Gurises Unidos, Vida y Educación, and El Abrojo, were established in the late 1980s and the period following Uruguay's ratification of the United Nations (UN) Convention on the Rights of the Child in 1990. The Convention established that all children, regarded as rights-bearing subjects, are entitled to certain rights guaranteeing their care and protection [35]. Examples include the right to participate in the broader community, freedom of expression, the right to health, education, recreation, and an identity (e.g., a name and a nationality), and protection from discrimination, abuse, and exploitation. Uruguayan child advocates have prepared non-governmental reports for the UN assessing the country's compliance with the Convention. These "alternative" reports, which challenged the official (government-authored) accounts, provided CSOs with an international audience for their research and ideas regarding possible policy alternatives. In short, the global embrace of children's rights lent further legitimacy to advocates' demands for reforms.

The UN Children's Fund (UNICEF) was especially instrumental in supporting CSOs in Uruguay. The agency also encouraged the adoption of a rights-based approach to children's issues [1]. Over time, the integral protection paradigm, discussed below, gained adherents within the NGO sector. The Convention thus served to revitalize civil society in this domain and helped activists raise awareness of the problems affecting children and their status as rights-bearing individuals.

5.2. *Advocating for Policy Reform*

The process of aligning Uruguay's legal framework with the norms of the Convention has been gradual. Prior to the adoption of the 2004 Code of Childhood and Adolescence, extant laws and practices were contradictory and frequently at odds with a rights-based approach. The country's legal framework for addressing children's issues was based on the Convention, the constitution (which was amended in 1997), the Children's Code of 1934, the Civil Code, and the Penal Code. Taken together, these offered very different conceptualizations of the family and children. As in other Latin American democracies, paternalistic approaches toward intervening in the lives of "at-risk" children had been institutionalized in the early decades of the 20th century. The doctrine of the "irregular situation" had been applied for decades to young people accused of having committed criminal offences as well as neglected, abandoned, abused, and/or economically disadvantaged children. In cases of alleged "material" or "moral" abandonment, family courts asserted the state's right to assume legal guardianship of children, remove them from their families, and place them in public or private institutions. According to the doctrine, children were viewed paternalistically and passively as objects of protection and control. Judges enjoyed broad discretionary authority while determining the situations facing children; due process was not always guaranteed.

⁴ The increase was dramatic: the poverty rates for children aged five and under had been 30.7 and 32.5 percent in 1994 and 1999, respectively; the rates for children aged six to twelve were 28.8 and 28.3 percent those same years [1].

The Convention sought to replace this framework with the integral protection doctrine, which considers children and adolescents as rights-bearing subjects capable of becoming responsible for their actions and demanding the fulfillment of their rights. This newer doctrine is based on respect for due process and motivated by the goal of interning young people only in exceptional circumstances and as a last resort. For example, a dearth of material resources can no longer be the sole basis for a judicial decision to order separation from one's family. The integral protection doctrine also emphasizes the rehabilitation and resettlement of juvenile offenders into their families and communities. Child advocates have endeavored for years to harmonizing domestic laws and practices with these international norms; indeed, the irregular situation doctrine and its legal manifestations proved remarkably resistant to change [20,25].

Uruguay's legal system was no exception. The Children's Code of 1934, like the laws that governed children and family life in other Latin American countries, was based on the doctrine of the irregular situation and related approaches for identifying threats to the prevailing social order. Public authorities understood combating delinquency and containing other perceived social dangers as ways to protect the greater community. The state targeted young people who were poor, not attending school, sheltered in precarious housing, and/or in other situations deemed "irregular" for intervention [1]. Most child advocates in Uruguay have therefore called on the authorities (and INAME officials in particular) to change their approach toward assisting children at risk.

In 1994, special commissions established by the executive branch researched and prepared bills, which relevant legislative committees subsequently considered. None of the proposals progressed until September 1999, when one chamber of parliament actually passed a bill [1].⁵ Widespread agreement exists among NGO members and outside observers that their mobilization in favor of a new Code was significant and that they achieved high levels of participation in multiple phases of policy making from 1995 onward [1]. Examples of especially influential groups include Gurises Unidos, Vida y Educación, Arco Iris, El Abrojo, and DNI (Defence for Children International). Members of IACi, a cooperative of lawyers dedicated to defending and promoting children's rights, offered specialized expertise throughout the policy-making process [36]. As noted previously, child advocates relied on a combination of direct and indirect advocacy. They met with (and lobbied) lawmakers, published research and analysis, organized workshops, seminars, and other events, and led public campaigns. Partly as a consequence of their involvement, the bill contained provisions that accorded with the integral protection paradigm.

These efforts notwithstanding, the bill did not advance. From a procedural standpoint, the proposal was probably doomed: it was introduced far too late in the legislative session for meaningful debate to take place [1]. Moreover, civil society pressure alone could not change the mindset of legislators who opposed sweeping reforms. Opponents were found within the ranks of every major political party, namely the traditional Colorado and National parties and the center-left Broad Front. Some apparently found the provisions addressing the institutionalization of young people objectionable. Members of faith-based organizations were apparently concerned about some of the proposed reforms concerning

⁵ The first such bill was prepared by a commission and then taken up by a Senate committee in May 1994. Another executive-branch commission drafted a proposal in March 1997. A third version produced by yet another commission during the same year was sent to the legislative branch and passed by one of the chambers in 1999 [1].

adoption and shared these reservations with sympathetic lawmakers.⁶ However, in broader terms, no civil society groups organized a major campaign in opposition to the reforms and/or the principles of the Convention, a characteristic that differentiates this case from children's rights movements in neighboring countries, such as Chile [1].

The bill's demise caused significant consternation among those civil societal actors who had spent years clamoring for reform. Members of certain NGOs were so disappointed that they put their advocacy work on hold [1]. Others carried on with the goal of keeping the issue on both the public and formal agendas. Advocates with legal expertise and/or experience in human rights remained involved.

Lawmakers resumed their work in the early months of 2000.⁷ Pereira and Nathán have described the ensuing legislative process as "arduous," "problematic," and even "chaotic" due to contending views on the subject, which produced competing proposals ([1], p. 29). This phase of negotiation led to a bill being introduced into the Chamber of Deputies in 2002. Because some of the more controversial provisions had been eliminated, the proposal differed considerably from previous versions. Once the bill made its way to the Senate, child advocates were fearful that it would suffer a fate similar to that of the 1999 bill. These concerns prompted a change in strategy: members of UNICEF, who had previously encouraged CSOs to mobilize, convinced some groups to retreat. The idea was to allow legislators to bargain with each other and build consensus; reform was henceforth "the responsibility of the parties" and a few individuals and groups with specialized expertise ([1], p. 29). Prioritizing intra- and inter-party bargaining over civil society advocacy was a quintessentially Uruguayan approach. Indeed, the process was marked by several characteristics associated with the country's enduring political culture, including a preference for gradualism and partial reforms and the privileged status of parties in the channeling of societal demands [31].

Pereira and Nathán conclude that this change in tactics led to the demobilization of many CSOs. According to their interpretation, a much smaller number of civil societal actors—mostly highly specialized experts—stayed involved [1]. In contrast, the informants for this study insisted that the campaign continued until the law's passage [3]. A member of El Abrojo, for example, stated that CSOs sustained "very active participation and mobilization... for almost twelve years (1992–2004)." To the best of her recollection, "there was no explicit decision to leave it in the hands of legislators" [37]. Some advocates contended further that they redoubled their efforts immediately prior to the Code's passage [3]. The extent to which NGO members left politics up to the politicians is therefore disputed.

On the other hand, everyone agrees that the Code finally adopted in September 2004 fell somewhat short of meeting the high standards of NGO members. The Code integrated the norms and language of the Convention into provisions addressing issues such as abuse and maltreatment, child labor, adoption, and due process for children and teens in trouble with the law. A leader in DNI regarded it as a "great advance" in modernizing domestic legislation [2]. A member of IACi likewise judged the

⁶ According to Pereira and Nathán, some observers have suggested that generational differences help explain the observed patterns of opposition and support within parliament; however, their own data did not confirm or disconfirm this hypothesis [1]. Further research and interview data are needed to uncover the reasons for the legislators' hesitancy to embrace the integral protection doctrine at that time [1].

⁷ The 1999 elections changed the composition of parliament. A number of the legislators who had previously supported a new children's code continued to pursue reform, but newly elected officials also took an interest in the issue [1].

Code to be a step in the right direction [38]. Nevertheless, traces of paternalistic modes of intervention in the lives of at-risk children remained. Certain provisions of the Code were entirely at odds with the Convention's principle of progressive autonomy, the right of children and teens to exercise their rights in accordance with their abilities [38].⁸ The Code also established that young people should be deprived of their freedom only in exceptional circumstances and for the least amount of time possible. In practice, however, judges continued to incarcerate teens accused of crimes; the loss of freedom was not yet widely viewed as a last resort [38]. Additionally, INAME's rechristening as the Institute of the Uruguayan Child and Adolescent (INAU) did not persuade child advocates that the agency's traditional focus on assisting "abandoned or delinquent" children had changed along with its name ([39], p. 18).⁹ NGO members also found vestiges of the age-old attitudes that had objectified young people and denied them a voice and opportunities for participation.

The Code's shortcomings serve as a reminder that we must distinguish influence over policy outcomes (and outputs) from participation in the policy-making process. Civil society involvement in policy making does not automatically lead to the attainment of desired results. Most scholars of advocacy therefore avoid exaggerating the importance of outcomes and insist that actors articulate "positions or sets of demands" without "necessarily securing them" ([40], p. 297). In the case of Uruguay, child advocates could not overcome entrenched forms of resistance enough to create an ideal law. One respondent observed, "The Code that was achieved was the best that could be negotiated at that time" [3]. Yet this failing should not detract from their major achievements in this case and, in particular, their high levels of engagement and involvement throughout the policy-making process.

Moreover, some NGO members have subsequently worked to strengthen the Code. To illustrate, IACi recently proposed changes that would address cases of sexual abuse and maltreatment [36]. The Civil Association SAI (Rainbow Program) formulated a law prohibiting the use of physical punishment and humiliating treatment to discipline young people; participants then pressured parliament to adopt the reform (Law no. 18.214) [3]. Civil societal actors have also been proactive on the issues of juvenile justice, adoption, and education, among others.

The advocacy campaign in favor of a new Code should be analyzed as part of a longer-term process of bringing domestic legislation in line with the Convention, which Uruguayan scholars have deemed "one of the most constructive developments in NGO-state interactions" in recent history ([1], p. 26). Certain issues have led to especially "fruitful" forms of dialogue and cooperation between

⁸ Deus was especially chagrined by the Code's mention of assigning a custodian during legal proceedings, which seemed to reflect a continuing tendency to treat minors as incapable of acting in the civil/legal realm instead of a strict adherence to the principle of progressive autonomy. The author argues further that the revised Code is merely a start: to fully enact the rights-based approach, more profound legal, institutional, and cultural transformations are necessary. "The doctrine of guardianship formed an intrinsic part of the value system of the patriarchal ideology that permeated our legislation for the past two centuries" ([38], p. 2).

⁹ Members of the Comité, an alliance discussed below, also criticized the Code's limited reforms of social policies targeting children. Participants had hoped for further discussion of the state's obligations in terms of strengthening economic, social, and cultural rights through the implementation of such policies. The Code, in their estimation, "timidly" describes the state's responsibilities, focuses on problems affecting certain specific groups of children, and neglects to underscore more universal policies that extend to *all* children and teens in accordance with the Convention ([39], p. 19).

governmental and non-governmental actors ([1], p. 40). The status of Uruguay's street children is an important example. A working group comprised of NGO members and officials in INAME/INAU has analyzed the phenomenon and devised innovative, coordinated strategies for more than a decade [1]. Participants viewed it as an "important achievement and an enriching experience for state-civil society interaction" ([34], p. 49). Since 1998, representatives from the NGO sector have also contributed to the agency's consultative body (*Mesa de Diálogo INAME/ONGs*), which began functioning in 1998.

CSOs continued to engage the policy-making process during the Tabaré Vázquez administration (2005–2010). From 2006 onward, opportunities for "exchange and dialogue" between organizations, civil society alliances, and members of the Broad Front government arose in certain areas of social policy ([32], p. 4; see also [33]). Under the current administration of President José Mujica (Broad Front), high-level officials within INAU are "always willing to receive civil society [representatives]," according to one NGO leader. He described his organization's relationship with legislators representing certain Broad Front parties as "very good:" they "consult us on a permanent basis" [2].

In short, examples of NGO-government collaboration abound in this policy domain. Although these interactions vary in terms of quality and the satisfaction levels of those involved, they are suggestive of a certain amount of mutual respect between both sets of actors. What explains the child advocates' ability to link up with government officials, to exert considerable pressure on policy makers, and, more generally, to play such a prominent role in the process of reforming Uruguay's laws and policies to achieve compliance with the Convention? I submit that alliance building has been a significant factor. It is the subject of the following section.

5.3. Civil Society Alliances

Civil societal actors promoting the rights and well-being of children have created several relatively effective partnerships. The Uruguayan Committee for the Rights of the Child (Comité), founded in 1991, is one of the most important NGO networks to have emerged. Its members have served as diligent monitors of the state, prepared the non-governmental (alternative) report for the UN, and used their findings as a basis for raising awareness of problems affecting children, making demands, and promoting a rights-based perspective [1]. The Comité united more than 50 groups across the country under the leadership of some of the most influential CSOs in this issue area, IELSUR, El Abrojo, and Colegio de Abogados [34].¹⁰ By the mid-1990s, it had achieved a strong media presence, increased its visibility, and begun to influence the government. According to the vice-president of an NGO, Comité members "worked arduously in the formulation of the Children's Code so that it would incorporate the ... integral protection doctrine" [2].

A majority of the organizations that participated in the Comité also belonged to the National Association of NGOs of Uruguay (ANONG), an umbrella group that had nearly twice as many members. Although ANONG was not comprised exclusively of children's NGOs, the alliance did bring together many of the most important groups engaged in this issue area. By the mid-to-late 1990s, it had raised its profile considerably, intensified its activities, and assumed the role of "spokesperson"

¹⁰ The Comité, formerly known as the Uruguayan Committee for Monitoring the Rights of the Child, was comprised of HROs and groups specializing in children and families. Over time, the CSOs that worked directly with young people became increasingly predominant within the alliance [1].

for the NGO sector *vis-à-vis* the government [1]. With support and financing from UNICEF, ANONG organized a working group in the 1990s with the concrete goal of facilitating NGO involvement in policy making [34]. As lawmakers embarked on the process of reforming the Children's Code, participants in the working group were well positioned to offer suggestions. Their efforts to modify the proposal were productive: a number of their recommendations were incorporated into a draft prepared for one of the relevant committees in the lower chamber [34]. Indeed, these activities coincide with the period discussed previously, when civil societal actors achieved the highest levels of participation and managed to shape the content of the bill that was almost adopted in parliament.

CSOs created the even-larger Childhood Collective, a national meta-network of various alliances and federations, in 2000. The umbrella group united hundreds of organizations that worked directly with children, teens, and youth across the country. Like ANONG, it became an important interlocutor *vis-à-vis* governmental actors and agencies [1]. Participants in both alliances endeavored to represent the interests of their members, for instance, during the formulation of the policies and programs in which they were heavily invested and/or involved.

Yet another alliance, the Network of Childhood and Adolescence NGOs, also brought together a diverse group of CSOs that provided services to children, teens, and families in Montevideo, including daycare centers, early childhood schools, communal kitchens, and recreational facilities.¹¹ These groups were important sources of specialized knowledge and expertise on problems affecting young people. Many CSOs had gained legitimacy in the eyes of government officials by carrying out successful projects on their own as well as implementing public policies [34]. To illustrate, El Abrojo developed a literacy program that targeted children and mothers living in extreme poverty. Effective projects such as this one, which was recognized by the UN, "increased the level of confidence" in the NGOs' work ([34], p. 54). Furthermore, staff members of some of the more prominent groups possessed highly specialized forms of legal expertise in the areas of juvenile justice and/or human rights. They also worked closely with lawyers who did not belong to NGOs but nonetheless offered technical assistance. Their cooperation was especially welcome given that some participated in the commissions that had formulated the first proposals for a new code [1].

In summary, by forming partnerships, CSOs shared their experiences, combined their areas of competency, and pooled other resources (such as media and political contacts, legitimacy, and human resources), thereby augmenting their political influence. The Childhood Collective was a means through which many organizations earned a seat at the table within INAU on the above-mentioned *Mesa de Diálogo*. Similarly, thanks to their membership in ANONG, they gained representation on the National Advisory and Consultative Council for the Rights of Children and Adolescents, a body created by the 2004 Children's Code [37]. According to several respondents, alliances served as one of the main vehicles for engaging in advocacy. A member of El Abrojo concluded that participation in several partnerships—namely, the Network of Childhood and Adolescence NGOs and, subsequently,

¹¹ The Childhood Collective's diverse membership included ANONG, el Comité Departamental de Asociaciones Civiles del Plan CAIF de Montevideo, la FIPAM (Federación de Instituciones Privadas de Atención al Menor), la FIPEI (Federación de Instituciones Privadas de Educación Inicial), and AUDEC (Asociación Uruguaya de Educación Católica). The Network of Childhood and Adolescence NGOs emerged in 1983 and comprised approximately 160 groups at one time, though it began to lose momentum after 1998 [37].

ANONG and the Comité—was a crucial dimension of their advocacy efforts [37].¹² Another participant in multiple alliances observed that they “allow us to mobilize and strengthen our efforts, to take advantage of each organization’s capabilities, ... [and] to combine the resources that increase our chances of achieving influence” [2]. Still others considered inter-organizational cooperation to be an effective strategy for achieving influence and “demanding accountability;” it was especially necessary considering the relatively “deficient” government-created spaces for participation [3,41]. Thus, the remarks of NGO members suggest that civil societal actors do not merely wait for invitations “from above” to participate in policy making; instead, they try to create their own opportunities by joining forces.

5.4. Collective Action Frames

Effective framing strategies also generated opportunities for participation. Several patterns can be discerned. To begin with, the broad resonance of human rights discourse proved advantageous for activists defending children’s rights. Citizens had experienced an acute identity crisis during Uruguay’s democratic breakdown and descent into authoritarianism. These were astonishing and traumatic events for a country that had formerly been regarded as the “Switzerland of Latin America” due to its relatively high levels of economic and social development, extensive welfare system, and stable political democracy. It was henceforth known as the nation “with the highest per-capita rate of political incarceration anywhere on earth” ([42], p. 85). An estimated one in 50 citizens was detained at one time or another during the dictatorship, and one in 500 received a lengthy prison sentence for political offenses [42].

Following the democratic transition, human rights and democracy attained an unchallenged status as political goods to be cherished and hegemonic discourses that transcended political differences [34]. Over time, advocates included the problem of social exclusion—and specifically, high child poverty rates—in the larger struggle to defend and promote human rights [34]. Framed as a human rights question, childhood gained significance. Additionally, civil societal actors adapted their discourse to the language used in the Convention [1]. Normative and discursive changes at the international level therefore had a profound effect on domestic activism. Like their counterparts in other Latin American countries during this period, NGO members constantly invoked the norms of the Convention to raise awareness and underscore the gap between those norms and existing policies.

Moreover, public officials were increasingly talking “rights talk” [20]. At the “highest levels” of government, people were embracing rights-based discourses and approaches to children’s issues [41]. One advocate attributed the change to sustained civil societal efforts: “The [civil society] organizations are the ones who have imposed ... a language of rights. Most of the innovations that the state has incorporated into policies and programs addressing children come from discourses, practices (and individuals) from the NGO world” [37]. The methodological challenges that arise while trying to determine the true origins of “rights talk” and the direction of causality are considerable. Nevertheless, we can conclude with some certainty that this shared discourse has facilitated government-NGO

¹² All but one of my informants were members of organizations that participated in both the Comité and ANONG. Most also belonged to a variety of other local, national, and international alliances.

interactions and CSO participation in policy making. A participant in the movement offered a concise summary of these trends when she observed, “Human rights are politically correct” in Uruguay [36].

As discussed previously, civil societal actors made a strong case for the gravity of the country’s social problems. In doing so, they succeeded in communicating a sense of urgency to policy makers and the broader public, thus attending to the motivational task of framing. To illustrate, a non-governmental report assessing the country’s compliance with the Convention contained a lengthy discussion of social exclusion and segregation in Montevideo [43]. A second such report likewise emphasized the disproportionate effects of poverty on the country’s youngest inhabitants. Its authors concluded, the “social situation of children ... deteriorated enormously between the years of 1997 and 2004” ([39], p. 50). The poverty rate for children aged five and under was more than 50 percent by 2001. Meanwhile, the rate for people over 64 years of age was dramatically lower (18 percent) due in part to the state’s more generous social spending on policies helping the elderly meet their needs. In short, the “infantilization of poverty” was a recurring theme in these documents.

Child advocates provided a powerful call to action: the country’s growing “marginalization and social exclusion” is a “dramatic reality that should concern us,” they asserted; yet the fact that poverty affects children and teens most, “harming their own development and injuring their future, is a reality that should deeply move us” ([43], p. 91). The trends were especially disquieting in a country that for decades was known and esteemed for its high levels of development. Compared to its neighbors, Uruguay had lower levels of income inequality, a more sizeable middle class, and an expansive welfare state, which provided social security and access to health care and education, among other benefits [1]. Although Uruguay was still one of most equal countries in Latin America in the late 1990s, the distinction was rather dubious considering the world’s highest levels of income inequality were found in the region: “we must recognize that we are among the best of the worst group,” the advocates lamented ([43], p. 27). Civil societal actors underscored the gap separating reality from deeply cherished middle-class values and the country’s self-image as a highly equal, integrated society. The message that something important and special was slipping away resonated broadly.

The frames were also resonant because, as noted earlier, many activists viewed social problems as obstacles to the full enjoyment of human rights. They discursively linked reforms in this issue area to the defense and promotion of rights and even the preservation and strengthening of democracy. Advocates expressed concern that children were experiencing “everything that we want to leave behind: poverty, vulnerability, and social and political invisibility” ([43], p. 91). In addition, they issued a warning:

Each child who experiences any of these situations today will very soon be a citizen who will have sufficient reasons to distrust democracy and promises of growth. To neglect children ... is to resign one’s self to nearly half of all future adults having sound reasons for distrusting the political system and the development strategy ([43], p. 91).

Such rhetoric emphasized the importance of social integration for democratic citizenship, present and future. By deploying these discourses, CSO members performed the task of motivational framing while also incorporating hopeful, positive elements. Moreover, in their prognostic framing, activists proposed a feasible solution to the problems affecting children while demanding that lawmakers adopt

a new Code. Although additional reforms would certainly be needed, child advocates hoped the law would pave the way for future changes.

Some advocates included a similarly constructive theme in their frames: they called for more universal social policies that would extend to *all* children and teens, not only those living in extreme poverty [37]. We must once again place this demand in its proper historical context and consider the long tradition of making claims based on economic and social rights and the extensive support for the welfare state. Furthermore, proposing universal policies amounted to an indirect criticism of neoliberalism as opposed to a full frontal assault. The idea that neoliberal policies were harming young people or violating their rights did not appear as often in their publications. CSO members instead identified poverty as the primary force causing injury, a view much less likely to provoke controversy or backlash.

NGO members did not shy away from scrutinizing the state institutions and practices that were preventing children and teens from fully exercising their rights. In particular, they voiced concerns over the culture of guardianship that still shaped child protection policies, the application of the above-mentioned doctrine of the irregular situation, and the treatment of young people in the juvenile justice system. They lamented the fact that many children and youth were detained, housed in institutions, and deprived of their freedom. To illustrate, the detention rate increased 18 percent from 1995 to 1999 [43]. Participants in CSOs noted the authorities' inclination to "punish and criminalize the poverty of families" who lacked the "basic rights" to work, an education, and health ([43], p. 32). Discourses that privileged security, with their usual emphasis on fighting crime, became more prevalent during the 1990s, and child advocates argued that these were being institutionalized in state agencies and programs. The idea that poverty was generating crime and constructions of young people as dangers to society were pervasive and contributed to the justice system's "repressive" and "severe" treatment of children and teens ([43], p. 43). Maclure and Sotelo have identified similar trends in Nicaragua, where "many people question the value of assisting youth who are deemed to be hooligans" ([35], p. 98).

These critiques notwithstanding, advocates generally used cautious language and avoided rhetoric emphasizing the most negative characteristics of state institutions and actors. Importantly, they refrained from assigning blame to judges and other powerful elites who supported the status quo. These discursive choices were not especially threatening to the policy-making establishment. Their frames can therefore be contrasted with those deployed by child advocates in neighboring Argentina. For years, Argentine activists traced the plight of children to structural and systemic factors, most notably neoliberalism, the criminalization of poverty, and "perverse" state institutions. Identifying these as the main forces harming children was key to diagnostic framing but problematic for prognostic framing. The frames did not privilege feasible, workable solutions to problems, and they mostly lacked positive messages. Members of CSOs frequently drew connections between the neoliberal model, poverty, and the lamentable state of the nation's children and underscored the precariousness of social and economic rights in the wake of structural adjustment, social spending cuts, and widespread unemployment. Additionally, child advocates were adamant that state institutions and the juvenile justice system deprived children of their rights and jeopardized their well-being. These discursive strategies complicated their ability to influence the policy-making process [25].

6. Conclusions

Numerous factors affect the likelihood that CSOs will become involved in policy debates and decisions. In this article, I have sought to underscore the importance of just two variables: effective framing and alliance building. Both were relevant in the case of child advocacy in Uruguay. By joining forces in partnerships, members of organizations combined their resources and areas of expertise and earned a greater presence in policy-making debates. As noted previously, alliance building was a primary means for engaging in advocacy and achieving influence. Moreover, child advocates directly addressed poverty, inequality, and related social problems but did so using discursive strategies that resonated with cherished cultural and political values and reinforced aspects of national identity. Social questions were tied to rights-based discourses. “Rights talk” was virtually the only game in town. CSO members also relied on discursive strategies that were comparatively more constructive, less threatening, and more careful, especially in terms of identifying the actors (and institutions) who bore responsibility for pressing problems affecting children. Taken together, these framing strategies helped advocates persuade policy makers to take action in this issue area, to include the integral protection doctrine in their proposals, and to eventually adopt legislation.

CSO members working to enhance the rights and well-being of young people have achieved relatively high levels of participation and influence in recent years. These findings challenge some of the received wisdom found in studies of Latin American politics and Uruguayan politics more specifically. As discussed throughout this article, much of the existing literature depicts Uruguay as a statist country in which the state dominates society and parties monopolize politics. Inter-elite bargaining, consensus building, and legislative gradualism represent the “Uruguayan way.” Civil society, in contrast, has not always been able (or willing) to challenge the hegemony of parties: its capacity to organize social constituencies, make political demands, or propose policy alternatives is thus limited. CSOs pushing for sweeping reforms would find themselves especially disadvantaged according to such views.

Yet child advocates have played a prominent role in the process of harmonizing domestic policy with the principles and norms of the Convention. They have also collaborated with government officials on numerous occasions to promote the rights and well-being of young people. The case demonstrates that civil societal actors can become politically influential even in political environments characterized by a vibrant political society and a strong state. Indeed, a growing body of evidence collected in the region’s democracies tells a story that differs from the scholarly narrative that predominated for years. Time and again, participants in CSOs have demonstrated their capacity for mobilization and commitment to engaging the political system in their quest for change. Furthermore, this engagement has generated meaningful policy reforms that have helped protect and promote human rights.

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Abbreviations

ANONG: National Association of NGOs of Uruguay; CSO: Civil society organization; DNI: Defence for Children International; HRO: Human rights organization; IELSUR: Legal and Social Studies Institute of Uruguay; INAME: National Institute for Minors; INAU: Institute of the Uruguayan Child and Adolescent; NGO: Non-governmental organization; SERPAJ: Peace and Justice Service; UN: United Nations; UNICEF: United Nations Children's Fund.

Conflicts of Interest

The author declares no conflict of interest.

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