

Discourse analysis around the issue of child labour in the Global South

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Abstract

The paper focuses on the impact of discourses on positioning working children in social and political agendas in a semi-peripheral region of the world system. In Latin America at least two narratives around the issue of child labour coexist. Each of them has distinct political implications and practical consequences. On the one hand, we consider the Eurocentric conception of international agencies which establish the hegemonic categories related to childhood. This eurocentric discourse may seem distant and hardly operative in Latin American context, but we highlight its relevance since it is expressed in human rights instruments that have been ratified and incorporated in our countries legal framework. On the other hand, the postcolonial narrative raises the need to establish differentiated forms of nomination to address childhood in the periphery of the world system. Although this narrative may constitute a closer approach to the reality of children in the periphery, its corollary can be seen as a defense of child labour due to “cultural factors” that contributed to its naturalization and invisibilization. Though at face value it may seem an emancipatory discourse, we suggest that it consists of a conservative one, since it tends to the reproduction of inequality in society, based on the idea that people are assigned to certain positions in the productive structure due to their socio economic background. Altogether, the analysis of the ideological implications present in the narratives around the category of child labour is necessary to account for the factors that contribute to its persistence in Latin America.

Keywords

Child labour, Global South, Human Rights, Colonialism, Discourses

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Introduction

*The quantity of abandoned, neglected, exploited and abused children is growing.
The law defends them, but is this protection sufficient?*

Janusz Korczak, 1929.

In Latin America several narratives around the issue of child labour coexist. Each of them has different political implications and practical consequences. In this paper we consider the Eurocentric perspective of international specialized agencies such as the International Labour Organization (ILO²⁸) and the United Nations Children's Fund (UNICEF²⁹) that establish the hegemonic categories related to childhood. Their discourse may seem distant and hardly operative in Latin American due to the dissimilar background and trajectory of children in Europe, yet we highlight its relevance since it is expressed in human rights instruments that have been ratified and incorporated in Latin American countries legal framework. For instance, the Convention on the Rights of the Child (CRC) represented the -at least formal- closure of the doctrine of the “Irregular Situation” and restructured representations around childhood. This modification has had significant practical consequences in the design of social programs and policies aimed at children, which had to resignify their content and apprehend a perspective that exceeded the one prevailing throughout the nineteenth century and almost the entire twentieth century, which considered children as objects of welfare and compassion of the State and charitable institutions.

The Eurocentric approach is contrasted with the (post)colonial narrative³⁰ that raises the necessity to establish differentiated forms of nomination and approaches to address the particularities of childhood in the semi-periphery of the world system. Although the postcolonial discourse may be closer to the trajectories of children in the region, we suggest that its corollary can constitute a defense of child labour due to cultural factors that contributed to its naturalization and invisibilization. Though it may seem an emancipatory discourse, we believe it consists on a conservative one, since it tends to the reproduction of inequality in society, based on the notion that individuals should be assigned to certain -subaltern- positions in the productive structure according their socio-economic background. One example can be found in the discourse of Children's Workers Organizations (NATS) that defend the “right to work” of children without considering that in a context of extreme poverty and in the face of

²⁸ The ILO was created in 1919, as part of the Treaty of Versailles at the end of the First World War, and reflected the conviction that social justice was essential to achieve universal and permanent peace. The First International Labor Conference in Washington in October 1919 adopted six international labor conventions, referring to hours of work in industry, unemployment, maternity protection, night work for women, minimum age and night work for “minors” in the industry (source: www.ilo.org). More critical perspectives consider that the ILO's real objective is to “humanize capitalism” and mediate conflicts between capital and labor.

²⁹ Created in 1946 by the United Nations General Assembly in order to respond to the urgent needs of children at the end of World War II. In October 1953, the organization, then known as the United Nations International Children's Fund, became a permanent entity of the United Nations system with a broader mandate: to respond to the needs of long-term impact of children in developing countries. Its name was shortened and renamed the United Nations Children's Fund, although the well-known original acronym UNICEF was maintained (source: www.unicef.org)

³⁰ We refer to it as “postcolonial”, although we agree with Odroas-Coates, Quijano, Monzó and others on the premise that “colonial is still colonial”, so this category does not really rise fresh issues in the problem of dependency of peripheral economies, but on the new forms of oppression and domination derivate from new technologies and other vehicles that transmit dominant ideology.

no other possibility, there is hardly “freedom of choice”. This narrative disregards not only international conventions on children’s rights but also conclusive evidence about the reproduction of poverty in families whose members have worked as children. Altogether, the analysis of the ideological implications present in the narratives around child labour can contribute to understanding its persistence in Latin America as a constitutive part of the Global South.

1. Child labour and precariousness

Child labour as an analytical category leads to multiple interpretations, each of which entails different practical consequences. The bibliographic review and my own research³¹, show that the limit between what is and what is not child labour is diffuse, and each State -with its regulatory framework-, each organization and each social actor can have a particular interpretation. Although several classification criteria have been established by academics, during the field work many different and often contradictory notions of child labour emerged. This is understandable since this practice acquires multiple forms and some of them may not even consider as “work”. Even though each perspective implies a more or less conscious political and ideological positioning, there are general parameters that set a standard and agree in the need to eradicate forms of child labor considered “intolerable”. These categories were established by specialized agencies: ILO, the ILO Program for the Eradication of Child Labor (IPEC³²) and UNICEF. Although fundamental at diagnosing problems, recommending actions and evaluating “best practices”, these agencies and their operational manuals for the identification and eradication of child labour are based on a Eurocentric conception of childhood, family and society. This is why the established criteria -mostly in the mid-twentieth century, with the proliferation of human rights treaties that were later extended to the rights of children- are not always operational in other contexts, or are more difficult to apply. However, these agencies have given visibility and placed child labour on the public and political agenda and under the radar of the international community. We emphasize the context of the insertion of child labour, since it contributes to determine its forms and its very existence, rendering unviable the application of a unifying criterion in social formations that have followed a very different economic, political and cultural path.

In this article we address practices regarded as child labour in Latin America as a peripheral region of the world system (Wallerstein, 1982) where informal work in precarious conditions is widespread. The labour market deterioration had a turning point in the region in the 1990s with the flexibilization measures imposed by the so-called Washington Consensus³³. As Fairclough (2003) states, this has led to radical attacks on the universal social welfare and the reduction of the protections against the effects of markets that welfare provided for people. It has also caused an increasing division between rich and poor, growing economic insecurity and intensification of the exploitation of labour. Neo-liberalism is a political project for facilitating

³¹ In reference to the fieldwork conducted for my PhD Thesis “Child labour in the Triple Border between Argentina, Brazil and Paraguay”, University of Buenos Aires, 2018.

³² Program created in 1992 with the objective of progressively eradicating child labor by strengthening the capacity of the countries through technical and financial assistance. IPEC is currently operational in 88 countries, with an annual investment in technical cooperation that exceeded \$ 61 million in 2008. IPEC is the world's largest program of its kind and the largest individual operational program of the ILO (source: <http://ilo.org/ipec>)

³³ The “Washington Consensus” refers to the set of neoliberal economic policy measures applied from the eighties to, on the one hand, face the reduction of the profit rate in the countries of the North after the economic crisis of the seventies, and on the other, as a way out imposed by the International Monetary Fund and the World Bank to the countries of the South before the outbreak of the external debt crisis, all this through macroeconomic conditionality linked to the financing granted by these organizations.

the re-structuring and re-scaling of social relations in accordance with the demands of an unrestrained global capitalism (Bourdieu, 1998). Also according to Fairclough, no contemporary research can ignore these changes, since they are having a pervasive effect in our lives. Capitalism has the capacity to overcome crisis by radically transforming itself periodically, so that economic expansion can continue. Following Castel (1997) we understand labor precariousness as the trend towards greater job instability, an increasingly restricted access to social security and the persistence of low wages, conditions that imply the weakening of employment as a means to guarantee the exercise of social rights: decent work, education, housing and health.

All of these reflect in the way children are address in liberal and conservative narratives, redefining their role in society according to their social and economic background. In Latin America child labour analysis should be linked to labour market precariousness, structural inequality, growing economic insecurity and the weakness of social protection systems. Under these circumstances, work appears as a logical possibility and sometimes the only one available for impoverish children. But child labour is also linked to economic exploitation, to servitude and to the coloniality of power in Latin American societies. Since colonies became “independent” in the XIX century, the organization of work in the region has been grounded in informal and inequitable labor relationships and in the participation of children in economic reproduction of the household and the society. The condition of children as overexploited economic agents is inherent to the subaltern economies of the world-system, as are informal work and the precarious wage conditions of adults (Pedraza Gómez, 2007).

Poverty and inequality in the region are historically amongst the world’s highest. Although the socioeconomic situation in Latin America was already delicate before the COVID-19 outbreak, it worsened in 2020. The extreme poverty rate rose to 12.5% and the poverty rate reached 33.7% of the population. In other words, the total number of poor people reached 209 million at the end of 2020, 22 million more than in 2019. Of that total, 78 million people were in extreme poverty, 8 million more than in 2019 according to reports by the Economic Commission for Latin America and the Caribbean (CEPAL, for its initial in Spanish). Poverty tends to concentrate in children and adolescents, of whom approximately 17 million perform some kind of economic activity (ILO, 2016).

2. Ideological implications of the discourses on childhood

Childhood is a social construction product of specific socio-historical conditions. It does not designate an objective and universal reality, although it is often considered in an ahistorical and uncritical way, which makes possible the homogenization of multiple childhoods under the same normalizing criteria. We discuss the notion of childhood coined from a Eurocentric perspective that does not account for the diversity of childhoods in each context and socio-historical moments, which implies a reductionism that deprives this category of much of its analytical potential. Moreover, the limits of “childhood” are diffuse, in addition to acquiring different nuances depending on their relations with other concepts such as poverty, exclusion, vulnerability. In the positioning of children -whether in conservative or liberal narratives- we must take into account “the influencing culture, social structures and micro level factors, such as family relations, treating this macro and micro instances as mutually conditioning, or reproducing each other” (Odrowaz-Coates, 2019). The perception of childhood varies along with social processes and the actual hegemonic conception of childhood follows a Eurocentric stance, consistent with the claim of universality of all knowledge produced by the Global North, which determines what is considered “valid” at each historical moment. This epistemological

interference was possible due to the strength of political, economic and military intervention of modern colonialism and capitalism. Intervention that, according to Boaventura de Sousa Santos, discredited and even suppressed all forms of knowledge that was contrary to the interests to which it served. For Santos, this “epistemicide” was the pretext of the colonizing mission that sought to homogenize the world and had as a consequence the loss of epistemological, cultural and political diversity (Santos, 2014). In the field of childhood, this definition requires a discussion from a postcolonial and post-western perspective, in order to account for the specificity of childhood in peripheral countries.

While in Europe children of working families were retired from industrial jobs and protected by the school and social system, indigenous children, slaves and *mestizos* in America, Asia and Africa continued to participate in the economic primary production typical of colonial countries (Pedraza Gomez, 2017). The specific and contextualized forms these practices acquired throughout history show that through child labour and exploitation in general, certain groups have secured their privileges and subsistence at the expense of others.

On the other hand, the notion of childhood is part of theoretical frame that includes a series of hierarchically organized categories and accounts for the power relations in society. Thus, impoverished children were, and continue to be in certain contexts, labeled as “minors”, “in social or moral risk”, “potential criminals” whom the State should “guard” (Law 10903 of *Patronato of Minors*, Argentina, 1919) and other euphemisms typical of the Irregular Situation paradigm discourse. This regulation evidences the fact that poor children have historically been subject of control and differentiated application of the law, as well as objects of welfare and compassion of the State and charitable institutions. Some authors propose to distinguish between “harmful”, “neutral” and “beneficial” work (Bourdillon, 2001). However, the particularities of semi-peripheral societies make it difficult to find “beneficial” work for children who have very difficult access to basic rights as health, education, housing, a family. Many children collaborate with domestic duties or perform small tasks which are not considered work according to the time they take, the effort they represent and the impact in their health. We are not referring to these tasks here, but to those forms of child labour that take place in urban informal economy, in agriculture, in construction, domestic intensive work (which in some countries of Latin America acquires the form of *criadazgo*) and sexual and commercial exploitation, which constitute “modern forms of slavery”³⁴.

3. Child labour in the discourse of international agencies

International organizations have played a central role in disseminating theoretical and practical considerations about childhood and child labour. Their operational manuals provide technical criteria, recommendations and lines of action for the design of programs and monitoring tools for interventions, as well as technical and financial advice. However, in these agencies and their reports, a primacy of technical and legalistic considerations about child labor is observed, such as age ranges and the workload of the activities carried out. More subjective factors, such as cultural and religious considerations, are not always taken into account maybe due to the difficulty of quantifying them and weighing their impact on the various strategies of child labour. Specialized agencies stand for an abolitionist conception of child labour -to which we subscribe- based on the premise that the exercise of work implies the violation of inalienable

³⁴ These forms include: Sex Trafficking; Child Sex Trafficking; Forced Labor; Bonded Labor or Debt Bondage; Domestic Servitude; Forced Child Labor; Recruitment and Use of Child Soldiers (US Department of State, <https://www.state.gov/what-is-modern-slavery/>)

rights, such as the right to education, to the health, leisure and play. In this sense, the CRC considers child labour any activity carried out for economic purposes by children or adolescents from 0 to 18 years (CRC, Art. 1) both legal and illegal, paid or not, visible or invisible. Beyond the technical criteria, international agencies state that child labour constitutes a threat to “the potential and dignity of children”, in addition to compromising their physical and mental development, by preventing or hindering access to education. In its worst forms (typified in ILO Convention 182³⁵) child labour implies the separation of the child from his family, the exposure to illnesses and accidents, and in extreme cases, situations of slavery. These considerations are fundamental when discussing the need for the eradication of child labour, which does not imply denying the capacity for agency or self-determination of children or the principle of progressive autonomy, enshrined in the CRC. On the contrary, this argument employed by the defenders of child labour constitutes a fallacy, since it attempts to transform this practice that is quite often an imposition of a situation of poverty and vulnerability, into a “free choice”.

That is, the right of impoverish children to *choose* to work is raised, but there is no freedom of choice if there is no alternative but to work to reach the minimum means of subsistence.

3.1. The performativity of the narrative of human rights

International agencies discourses are rooted in the narrative of human rights. However, as Hannah Arendt observes, despite being conceived as belonging to all humanity, from the moment of enunciation human rights only make sense within the areas of sovereignty, so refugees and stateless persons represent “the very end of human rights”, expelled not only from their communities but also from humanity, what Arendt calls “human rightlessness”. In other words, the people who most need the guarantee and protection of human rights are those to whom these rights are denied, a statement that we extend to children in situations of vulnerability, poverty and exploitation. Arendt points out that rights are attributed to people only if they are previously considered “citizens”, in these way human rights are articulated with the laws and social policies that operationalize them. As Rita Segato (2006) states, in spite of having its origin in an act of force through which the dominant group imposes its code on the dominated, the law thus imposed will behave, from the moment of its promulgation, as an arena of multiple contests and tense interlocations. That is to say, the law is a consequence of symbolic struggles in the field of power to give legitimacy to certain demands to the detriment of others. Following Segato: “the text of the law is the master narrative of a nation and from this derives the struggle to register a position in it and *gain legitimacy and audibility within that narrative*. These are true and important symbolic struggles” (Ibid., P. 213).

Bourdieu remarks that the law gives *reality status* to the social groups whose rights guarantees, establishing its existence from the “mere act of nomination” (1989:238). In this sense, we suggest that the law granted entity to working children, by recognizing their very existence and providing the visibility they lack in official discourses. Therefore, the power of nomination transcends the linguistic to become an operation with real practical consequences. That is why

³⁵ Convention No. 182 defines the worst forms of child labour as slavery, debt bondage, prostitution, pornography, forced recruitment of children for use in armed conflict, use of children in drug trafficking and other illicit activities, and all other work harmful or hazardous to the health, safety or morals of girls and boys under 18 years of age. The Convention was adopted unanimously by the International Labour Conference on 17 June 1999 and achieved universal ratification in August 2020, the first time in the history of the ILO that all its member states have ratified an international labor convention.

human rights treaties are considered “performative speech acts” that give entity to what they represent: “the state of affairs represented in the propositive content of speech acts acquires existence by the same performativity of one's own speech act” (Baxi, 2007: 189). We highlight the value of the discursive, historical and post-colonial perspective that can help us rethink the political and ideological implications of these treaties. In this regard, we recover the notion of “subaltern cosmopolitanism”, coined by Santos to refer to “those who live in misery in a world of abundance” and realizing that “the understanding of the world greatly exceeds measure the western understanding of the world” (Santos, 2014: 39). Santos believes that political resistance alone is not enough, but an epistemological resistance is also necessary, since the critical task requires alternative thinking. In this sense, this cosmopolitanism demands anyone who is a victim of intolerance and discrimination, anyone whose basic dignity is denied needs a community of human beings. In this regard we extend his reflection on science to the field of human rights: “many times it was, and continues to be, appropriated by subordinate and oppressed social groups to legitimize their causes and strengthen their struggles” (Santos: 2014: 9). That is to say human rights as a symbolic device can be capitalized by both hegemonic and marginal narratives, and in the latter case, contribute to recreate democracy.

The previous considerations highlight the potential and limitations of the human rights narrative, which, as a symbolic rhetoric with practical consequences, could be incorporated into the social fabric of peripheral regions and reinforce actions tending to guarantee children's rights. But in order to do this, the aforementioned difficulties must be considered (and overcome): the “epistemicide” that does not consider the conditions of the context, the double standard of human rights as a criterion of recognition and differential application of the law and the material conditions of life that entail reproduction of poverty and vulnerability in the region.

Precisely because of all of the above, we sustain the necessity to carry out a creative reading that enables the conditions for the appropriation of rights and the mobilization of marginal narratives based on the specificity of Latin American (pos)colonial societies. Ultimately we want to highlight the role of human rights as a tool for the construction and regulation of childhood under various parameters throughout history. Even though this category is dynamic, what remained constant is the existence of -at least- two childhoods, one included in the traditional socialization institutions and another object of control and disciplinatio

3.2. The postcolonial discourse on child labour

The criteria established by international agencies set a standard in terms of defining and approaching child labour that does not always account for the heterogeneous realities of Latin America. These agencies have their origin in Europe and their vision reflects the cognitive needs of capitalism: “measurement, quantification, externalization of an objectification of the knowable with respect to the knower” (Quijano, 2014: 68). These operations must be questioned in their usefulness to account for the (re)configuration of Latin American societies throughout history. As mentioned, the specialized agencies present a Eurocentric conception of childhood and family, which followed a very different trajectory in Latin America: “while in Europe children received an increasing pedagogical and medical attention, family and school, the children of the European colonies, converted like their parents into subordinates, entered the productive circuits of servility and slavery” (Pedraza, 2007: 83). That is, the coloniality of power appears as constitutive of our region, rather than as a consequence of the conquest and colonization of America. This process extends even after independence when the elite of the new nation-states, perceives their interests as equals to those of the former European rulers. This ideological use renewed the colonial character of the new nations and established social

mechanisms to reproduce differences in all spheres, including the labor market and education. For instance, as Odrowaz-Coates points out, “the initial economic and social dependencies remain in the conditions of the neoliberal, free market economy, maintaining cheap or enslaved labour in the previously exploited areas” (2017:15). In line with this idea, it can be argued that the colonial character of our nations is far from being over. Lilia Monzó suggests that

The greatest myth of our time is the notion that we inhabit a poscolonial world, that when the global south rose up against the horrors inflicted upon them by the colonial powers and victoriously proclaimed their independence, the economic, social, and political assault on the so called developing world and its people ceased (but) colonial relations have and continue to persist and to endanger the lives of indigenous people and people of color across the globe (Monzó, 2017:18).

This epistemological interference was possible thanks to the strength of the political, economic and military intervention of modern colonialism and capitalism. Intervention that, according to Boaventura de Sousa Santos, discredited and even suppressed all social practices of knowledge that was contrary to the interests to which it served. This epistemicide was the pretext of the colonizing mission that sought to homogenize the world and had as a consequence the loss of epistemological, cultural and political diversity (Santos, 2014). In the field of childhood, this definition requires a discussion from a postcolonial and post-western perspective, if we want to account for the specificity of childhood in peripheral countries. However, the corollary of this perspective is that, by following a different path, in Latin America the specificity of child labour implies respect for the child's work activity, due to the aforementioned peculiarities of the economy and the labor market in the peripheral countries. Organizations such as the NATs (Children and Adolescent Workers) arose in Latin America -Peru and Paraguay- and spread to other countries in the region. The NATs deny the national and international regulations on child labour, and if they accept it they do so in a fragmentary way, since they consider that child labour contributes to the economy of a country and to society in general (ILO, 2005). Our objection to the NATs' argument is that while they justify child labor due to the post-colonial character of Latin American societies, we believe that this is precisely the starting point of criticism of the existence of child labour: a practice residual but widespread, by-product of the exploitation activities of the central countries over the colonies with their intensive labor requirement.

In these cases, cultural factors are used to justify the existence of child labour pondering its “socializing or formative role” without considering the abundant evidence of the harmful consequences of work for children (ODSA, 2011, ILO, 2002, 2005, 2006, 2012, 2015), of its impact on the deterioration of physical and psychological health, on the opportunities of access to education and recreation; that is to say: child labour compromises essential rights and constitutes a risk for physical, psychological and social well-being. On the other hand, the participation of children in economic activities is an indicator of social vulnerability correlated with poverty, socio-residential segregation and segmentation processes in the educational field (ODSA, 2011).

The justification of child labour and its correlate in the rights to the organization and self-determination of children or respect for their cultures is, paradoxically -as it pretends to be a rebellious discourse- functional to the reproduction of capitalism system's inequalities. The need to work affects repetition and school desertion; studies show the link between children who work and those who do not work in terms of school contribution (regular attendance,

tardiness, fatigue...); and highlight that children who attend school are protected against the possible effects of work that is not considered dangerous (ILO, 2006). Nevertheless, the role of school must also be questioned since it tends to the reproduction of inequality in society, as described by Bourdieu, based on knowledge regarded as “legitimate” and the indifference towards the experience and knowledge of children from working class families, who have skills that receive little or no social recognition. School reproduces social inequalities by reinforcing the “habitus” of middle-class families, that is, school is not the place where these inequalities originate but where they are legitimized. Even though school is structured to favor students who already possess the “legitimate culture”; educational institutions have the potential to empower children, to show different possibilities and offer the instruments with which they may improve their economic standing and their present and future lives. And if not more than that, the school offers relief to basic needs like food, medical care and a space where children are relatively safe from the violence and abuse they may suffer in other spaces³⁶.

Conclusion

To situate these discourses and their political and practical implications, the reflection on the territorial and cultural anchoring is essential since it enables practices that together with historical and social factors make possible the persistence of child labour, along with its naturalization and invisibility. In Latin America, in the face of inequality, vulnerability and poverty, a battery of strategies are implemented to reverse their effects, including child labour in its various forms. The singularities of the region imply that the categories of analysis coined in the context of the central countries should be reconfigured in view of factors such as the extent of poverty, inequality and the persistence of forms of oppression, marginalization and long-standing exclusion in the region.

A revision of the narratives around the category of child labour and its historical course is necessary to understand how it came to be naturalized, acquiring its quality of “inevitable” in certain contexts, with its logical practical consequences: this interpretation about the inevitability of child labour invited to assume an attitude of tolerance or resignation, which was installed in the social imaginary and resulted in insufficient or non-existent mechanisms of detection and prevention. The concern should not be how “to protect the rights of working children” (disguised as “granting children the right to participation”) but how to prevent the vulnerability and exclusion that lead to child labour and exploitation in the first place.

To demand “better working conditions” for children is a capitulation and a resignation; in addition to an invitation to the State to withdraw from its basic areas of competence. How a State (let’s leave aside the market) that cannot guarantee employment and optimal living conditions for the adult population is supposed to guarantee “decent work” for boys and girls?

Children deserve better. They need to be protected from all forms of violence and abuse. Participation has many forms, not necessarily measurable in terms of productivity or economic contributions.

In a region where 17 million children must work to survive, there is a clear debt with childhood. A debt that in Latin America is deeply rooted in the social, historical and political conditions and the subaltern role in the world-system economy.

³⁶ We still rely heavily in traditional socialization institutions since public policies in Latin America have a historical debt to get to groups marginalized from these spaces.

Finally, the fact that the United Nations General Assembly declared 2021 as the Year for the Elimination of Child Labour may contribute to the visibilization and awareness on the fact that the rights to which children are entitled should not depend on the place they are born. It may seem utopist but to believe that we can build a better world is the first and necessary step to do so.

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