Protecting the Child: Civil Society and the State in Chile

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Protecting the Child: Civil Society and the State in Chile

Since the re-establishment of democracy in Chile in 1990, governments composed of the same center-left coalition, the Concertación, have made important steps toward the protection of the child. During this time, officials have pursued policies concerning children and mobilized important sectors of society to this end. The statistics reveal a significant improvement in the material conditions of the poor and, in particular, of children in Chile. From a legal perspective, these governments approved and implemented several international conventions related to the rights of the child and incorporated these standards into domestic law. By promoting international standards, generating an institutional framework, pursuing specific policies and establishing a strategic plan of action for improving the rights of the child, the coalition provided excellent opportunities for civil society actors to influence and cooperate in this area. This paper will attempt to demonstrate the role played by activists and non-governmental organizations that recognized opportunities for influencing the government and thereby created the conditions for social and policy change.

While a cursory glance at the achievements in Chile related to the rights of the child, such as the improvements of the living conditions of children and media campaigns to promote children's rights, suggests that civil society exercised an effective influence on policies in this area, a closer examination of the case reveals factors that make for a far more complex and interesting story. First, it is difficult to draw a clear dividing line between 'the state' and 'civil society'. As stakeholders shifted in 1990, many of the new government authorities came from civil society. Consequently, it is essential to define the realms of civil society and the state carefully in order to address the issues of influence and the learning process. This paper reveals a close collaboration between NGOs and the government from the very beginning of the transition to democracy and argues that this was due to the ideological commitment of both sectors. As the first critical juncture of the transition came to a close in the early years of the 21st century, one observes the emergence of a more autonomous civil society.

Second, from a policy influence point of view, it appears that civil society was far more effective in terms of policy implementation than in agenda-setting and monitoring. This paper suggests that organized civil society actors had an influence on policy issues concerning the child by: (a) establishing a network of policy experts within and outside the government to enhance children’s rights, (b) helping to legitimize certain government policy options by participating in public-private dialogues, and (c) monitoring the government’s actions concerning children, above all at the international level. The characteristics of the civil society networks that participated in this process may partially explain outcomes related to the influence in the policy implementation stage. To begin with, most of the activists were professionals with very specific and technical skills, such as legal reform, psychiatry, service delivery, and social work. In addition, most of the NGOs were somehow linked to the government and provided their specific skills in order to implement government projects. Finally, the government took advantage of these organizations’ expertise by including some of them in the policymaking institutional framework through specific commissions and councils.
The case of the rights of the child in Chile illustrates that in a situation in which civil society tends to be weak and political parties play a pivotal role, the provision of technical expertise in specific issue-areas could be the most effective means for civil society organizations to influence the agenda-setting and policy implementation processes.

Theoretical Background: Conditions for Civil Society’s Influence

Political scientists, lawyers, and practitioners have observed enormous progress in the protection of basic human rights since the establishment of the Universal Declaration of Human Rights in 1948, as international treaties have been ratified and the incorporation of human rights norms into domestic legal systems has come to be understood as a key element of a democratic regime. Scholars recognize that international human rights have become part of the collective understanding of world politics and, therefore, a constitutive element of modern and ‘civilized’ statehood (Boli and Thomas 1997; Meyer et al. 1997; see discussion in Risse and Ropp 1999).

Over the past several decades, international rules have become an important source of legitimacy for the existence of, and respect for, basic political and civil rights. Gradually, the international community has extended legitimacy to national governments by accepting them as independent and autonomous political entities, by establishing international rules that have progressively been incorporated domestically, and by monitoring state behavior. As the international system has moved towards a notion of democratic entitlement, the international system expects countries to adopt the basic ‘system of rights’ provided by various United Nations human rights conventions. Latin American countries have participated in this process by progressively ratifying different conventions and protocols on human rights, including laws concerning civil and political rights, as well as the protection of rights for speechless sectors of society, such as children1.

Countries face strong incentives to accept such norms, which include both tangible and non-tangible costs associated with violating the rules (Keohane 1984, Axelrod 1986; and Schotter 1986, Keck and Sikkink 1998: 118; see also Risse and Ropp 1999). However, the adoption of international standards is no easy task. Despite the incentives to incorporate international laws into domestic legal systems and to respect human rights, states continue to violate these rules due to three factors. First, strategic calculations lead powerful countries to decide not to enforce certain rules when they affect potential allies. Second, compared to domestic law, the enforcement of international law is difficult to achieve, with strategic interests often reducing the impact of collective sanctions over certain target states. Third, monitoring countries’ compliance with rules is costly and difficult to accomplish.

1 These conventions include the UN Covenant on Civil and Political Rights (1966), the optional Protocol on Civil and Political Rights that recognizes the competence of the UN Human Rights Committee to consider individuals’ allegations, the second optional Protocol related to the abolition of the death penalty (1989), the Convention Against Torture and other Forms of Cruel, Inhuman or Degrading Treatment or Punishment (1984), among others.
This enforceability problem makes the role of advocacy networks crucial. Advocacy networks are ‘forms of organization characterized by voluntary, reciprocal, and horizontal patterns of communication and exchange’ (Keck and Sikkink 1998: 8). Scholars have argued that these networks are important because they can have an influence on: (a) issue creation and agenda-setting, (b) institutional procedures, (c) the discourses of states and international organizations, (d) policy change in ‘target actors’, and (e) state compliance with new rules (Keck and Sikkink 1998: 25; Friedman, Hochstetler, and Clark 2001)\(^2\). When states refuse to recognize rights and when the channels between the state and social actors are blocked, domestic NGOs can bypass their state and search for the support of international allies in order to put pressure on their states from outside. The expansion of communications can amplify domestic groups’ demands, increasing the power of domestic groups vis-à-vis the government and other domestic forces (Keck and Sikkink 1998: 12-13)\(^3\). In other words, ‘international human rights pressures contribute to changing understandings about how states should use their sovereign authority over their citizens and to changing specific human rights practices’ (Sikkink 1993: 435). In situations in which the domestic environment is highly constrained and political opposition and mass media are tightly controlled, activists are likely to contact inter-governmental organizations and international human rights organizations in order to exert pressure on governments from abroad (Weissbrodt 1984; Hutchison 1989; Sikkink 1993; Garretón 1996; Dassin 1999; Ropp and Sikkink 1999; Samhat 1999; Hawkins 2002).

In Latin America, the expansion of international norms and the rise in transnational advocacy activism have been accompanied by the parallel process of democratic transition. By the early 1990s, for the first time in the region’s history, all Latin American countries, with the exception of Cuba, had democratic governments that were elected in relatively free and fair elections. This democratic transition is relevant, given that democratic regimes should provide advocacy networks with a fertile environment for influencing the policymaking, given that: (a) democratic authorities are usually committed to principles of the rule of law and respect for human rights, (b) checks and balances across state powers (horizontal accountability) provide citizens with greater ability to control public authorities, and (c) democratic political systems provide opportunities for the expression of different views and, consequently, citizens have more freedom to pressure their elected representatives (vertical accountability). The

\(^2\) The importance of such phenomena is exemplified by the exponential growth of transnational advocacy networks over the last 50 years. While in 1953 the Union of International Associations registered 56 human rights, peace, women’s, and environment organizations, in 1993 this number was 378, a 675 percent increase (Keck and Sikkink 1998: 11). In the context of a more interdependent world, non-state actors and the transnational links among them have achieved special significance, transforming global governance (Lipschutz 1996; Shaw 2000; Evans 2001; O’Brien et al. 2000; Khagram, Riker, and Sikkink 2002).

\(^3\) Meyer et al. (1997) explain this process as follows: ‘If a nation-state neglects to adopt world-approved policies, domestic elements will try to carry out or enforce conformity. General world pressure favoring environmentalism, for example, have led many states to establish environmental protection agencies, which foster the growth of environmental engineering firms, activist groups, and planning agencies. Where the state has not adopted the appropriate policies, such local units and actors as cities, schools, scout troops, and religious groups are likely to practice environmentalism and call for national action’ (p. 161).
‘virtuous cycle’ of human rights includes international rules that progressively constrain states’ behavior, increased monitoring activities by transnational advocacy networks, and the expansion of democracy that should open opportunities for organized citizens to influence governments.

The evolution of political and civil rights in Latin America over the last 15 years, however, does not show a clear linear relationship between the diffusion of the rule of law and the actual protection of human rights. The adoption of international norms, the expansion of advocacy networks and the process of democratization have not automatically translated into an improvement of citizens’ rights (Agüero and Stark 1998; O’Donnell 2001b; Oxhorn 2001). Several authors have made attempts to catalogue the necessary and sufficient conditions for the improvement of human rights. Among other conditions, the following must be mentioned: the existence of a well-organized societal group with incentives and the capacity to agitate for reforms, the existence of contextual conditions that make change possible, and the presence of political entrepreneurs with the ability and willingness to bring about reforms.

To explain how policy change is possible in a given national context, it is necessary to accept that policy decisions are contextually determined. This means that social and political actors make decisions according to the structure of opportunities provided by the context in which they operate. In other words, elements in the environment impose certain constraints and possibilities on social and political actors. As Mahoney and Snyder suggest: ‘structures limit agency not by obstructing but by making available a finite repertoire of tools for action - a repertoire that actors can potentially modify and improve’ (Mahoney and Snyder 1999). According to this reasoning, social and political structures establish an equilibrium in a society that is difficult to change because of the self-enforcing nature of political institutions (March and Olsen 1989; North 1990; Pierson 2000 and 2004). Thus, the action of civil society actors will be defined (but not determined) by a set of political conditions allowing and/or inhibiting social change.

With this premise in mind, the next sections will focus on explaining the conditions that made the advancement of children’s rights in Chile possible after the transition to democracy. This case illustrates the importance of the political context on the relationship between the state and civil society in a democratic society. In this instance, there was both a government willing to accept a pro-child agenda and an active civil society (composed mainly of highly professional NGOs rather than grassroots organizations) seeking to influence the government through the policy implementation process. This paper will seek to address the following questions: How did the government open up spaces for civil society to participate in children’s rights issues? To what extent did the approval of international rules help to advance these rights? And how did such rules help civil society actors to demand that the state comply with norms regarding the rights of the child?

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4 This concept was first introduced by Eisinger (1973), who pursued a research agenda that sought to explain the link between political behavior and the environment. He concluded that the intensity and frequency of protests in American cities is associated with the political configuration and, specifically, the degree to which groups are able to gain access to and manipulate the political system.
Civil Society and Children’s Rights: Defending Those Who Have No Voice

The protection of the rights of the child is a fascinating case with special features that make it unique from other rights movements. First, it is a case in which those who struggle for rights are usually not the subjects and potential beneficiaries of those rights. Civil, indigenous, women’s, and human rights movements are prominent examples of rights movements in which those struggling for rights are also the subjects of the rights in question. However, given that children are powerless, other actors must assume the defense of their rights, which in turn affects the types of strategies that they pursue.

Second, and owing to the previous condition, children’s rights tend to be less visible to the rest of society than other rights. Given that few organizations permanently push for reforms in this area, we can fairly expect that it will not be a top priority for policymakers. Governments are likely to respond first to those organized groups that represent wide and organized sectors of society - usually adults with the right to vote. One can safely expect governments to respond primarily to their constituency, which means either organized societal groups or likely voters. This aspect of children’s rights affects the way that the issue is framed and requires strategies to make the topic noticeable.

In light of these unique features of the issue of children’s rights, two important questions must be addressed: How do the rights of those who have no voice advance in a democratic context? And under what conditions does a society allow for the consolidation of the rights of those who are powerless? Few academic responses to these questions are available, given that scholars have tended to focus their attention on the issue of political and civil rights. This study aims to shed some light on the conditions under which the rights of the child (and, potentially, other powerless groups) are advanced in a democratic context. This chapter argues that favorable political and social conditions allowed for civil society groups in Chile to influence the political system with regard to the rights of the child, with causal mechanisms working in two directions: political conditions provided opportunities for action, and proactive social actors responded to these new opportunities in order to influence the political system. Three crucial junctures can be traced in this story: in the early stage of the transition to democracy, when significant sectors of civil society played a role within the new government; in 2001, when a group of activists and policymakers joined efforts to develop an extensive ten-year plan for the child; and in 2005, when politicians from a broad range of political parties recognized ‘child care’ as an essential part of the government agenda.

A Favorable Political Context Allowing for Reform

Three favorable conditions allowed children’s rights to become part of the mainstream agenda. First, a center-left coalition, the Concertación, took office in Chile in 1990 and thereafter managed to win re-election for three additional consecutive terms (1993, 1999, and 2005). As will later be demonstrated, this governing coalition provided excellent opportunities for the advancement of children’s rights. Second, the
government implemented social policies that had an important overall impact on the reduction of poverty and the improvement of living conditions of the population, which in turn helped to improve the conditions of children in Chile. Through what can be described as a ‘cascade effect’, social policies that were thought to address other social problems - domestic violence, access to education, women’s inclusion in the labor force, public safety, and so on - brought the issue of children’s rights into a more prominent position. Finally, well-organized societal groups played an important role in influencing and pushing this agenda. By developing a cooperative relationship with governmental authorities, they were able to influence the agenda-setting process and the policy implementation of children’s rights. The first two components of this argument will be developed in the following section.

**Political opportunities**

The first contextual factor that needs to be considered is the transition to democratic rule in Chile, which provided a new political environment for the advancement of the rights of the child. Specifically, the elected center-left coalition, the *Concertación*, implemented important policies after 1990, with the three consecutive governments of the coalition (Aylwin 1990-1994, Frei 1994-2000, and Lagos 2000-2006) making important decisions concerning children’s rights.

One of the first decisions made by the Aylwin government was to approve several international agreements soon after the return to democracy. The Aylwin administration was strongly committed to the ratification of international treaties that had been postponed by the military dictatorship. By 1992, the Chilean government had ratified several conventions, including the Covenant on Civil and Political Rights, the additional protocol of the Covenant allowing individuals to file petitions of grievance with the UN Human Rights Committee, the American Convention (which allowed the Inter-American Court of Human Rights to have compulsory jurisdiction over Chilean territory), and the Convention on the Rights of the Child. The latter was the result of the unanimous approval of both branches of Congress in August 1990.

Soon after the ratification of the Convention on the Rights of the Child, the government established a task force with representatives of four state agencies (the Ministry of Planning, Ministry of Justice, Ministry of Education, and the National Service for Minors (SENAME)) and the Support Group for the Convention on the Rights of the Child (GAN), which was charged with the task of preparing the first report submitted by Chile to the UN Committee on the Rights of the Child. In 1992, the Ministry of Planning developed a National Action Plan in Favor of Children following the commitment of the President at the World Summit for Children in 1990. The plan was the first effort by the Chilean government to promote coherent and coordinated policies toward the issue of children’s rights.

At the domestic level, several other steps favoring children were taken by the authorities, including the approval of sixteen laws and decrees concerning the child.

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5 This report was submitted by the Chilean Government on June 22nd, 1993 (see at UN database: CRC/C/3/Add.18).
These bills consisted of the legal recognition of children born out of wedlock; the protection of children under 18 years of age charged with, or victims of, an offence; the creation of the National Service for Women; the creation of the National Institute for Youth; the creation of an intersectorial Advisory Commission to assess the situation of children living in irregular situations; the creation of a new open system for child care in the field of justice; the establishment of regulations for the allocation of resources by the National Service for Children and the private institutions submitting child-care projects; the regulation of international adoptions in order to facilitate the process and minimize possibilities for child trafficking; and several measures to protect the children of victims of human rights violations during the military regime. Most of the measures taken by the first government were oriented toward the establishment of new laws, domestic legal harmonization with international norms, and the creation of an institutional framework in order to regulate a hitherto unregulated sector of society. With the aim of disseminating information on these important changes, the government joined efforts with UNICEF in order to promote a national campaign in favor of children’s rights. The objective of this campaign was to attract attention to the situation of children and to their rights after the adoption of the International Convention on the Rights of the Child.

The Frei administration (1994-2000) continued the strategy of the previous government by approving new legal initiatives, which included: a law protecting children from all forms of discrimination, an adoption law that ended discrimination against children born out of wedlock, a law against domestic violence, the regulation of national and international kidnapping, and the regulation of the duties and rights of parents concerning financial benefits obtained by the couple. In 1995, the government established the National Committee against Child Abuse and, in 1996, launched the National Advisory Committee for the Prevention and Eradication of Child Labor. In addition to these legal and institutional initiatives, the government recognized two flaws in its strategy to date: the absence of a national children’s rights policy discussed and approved by different sectors of society, and the lack of mechanisms to follow up the program commitments.

The third Concertación administration (2000-2006) also took important steps towards promoting children’s rights by adopting in April 2001 a National Policy in favor of Children and Young People and an integrated action plan for the next decade. This program was developed after holding several meeting in all regions and at different governmental levels. The meetings included representatives of regional, provincial and municipal governments, as well civil society actors. In addition, during this administration, Congress authorized the ratification of the Optional Protocols to the Convention on the Rights on the Sale of Children, Child Prostitution and Child Pornography, while, the government ratified several other international treaties, such as the Convention concerning Minimum Age for Admission to Employment, which implied reforming the Labor Code in order to increase the minimum working age from 14 to 15 years of age, and the Convention concerning the Prohibition and Immediate Action for the Elimination of the Worst Forms of Child Labor. Finally, the Chilean government

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6 Approximately seven hundred children received help from the state under such initiatives.
7 The Frei Administration recognized such problems in its report to the UN Committee for the Rights of the Child (CRC/C/65/Add.13, pages 4-5). Interview with Ana Maria Farias, MIDEPLAN, November 2005.
ratified the Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption.

Overall, the three democratic governments after the military regime advanced important measures to protect the rights of the child and managed to incorporate international standards within domestic law by approving several conventions. In addition, the first and third governments pursued specific action plans concerning children, which helped to mobilize important sectors of society. By promoting international standards, generating an institutional framework and setting specific policies toward children, the governing coalition provided good opportunities for influence and cooperation with civil society actors working in the field. As will be demonstrated below, activists and NGOs recognized such opportunities, creating the necessary conditions for social and policy change.

Improving social conditions: the ‘cascade effect’

It cannot simply be assumed that there exists a direct causal relationship between the influence of civil society and the improvement of social conditions of children in Chile. Indeed, in this section it is argued that one of the most important components of this advancement was the constant and focalized increase of social spending by the Concertación governments. This social spending had indirect effects on the improvement of the living conditions of the general population, which, of course, also had an effect on children. As such, these improved social conditions must be considered as another key contextual element that favored the advancement of the rights of the child. As wider sectors of society began to enjoy the benefits of economic growth and government social policies, more opportunities were created for specific groups to address issues such as children’s rights. By the mid-2000s, Chilean society became aware of a crucial issue: the inequality gap in Chile starts at birth and, as such, it is necessary to launch social policies to address this reality.

The improvement of social conditions in Chile can be explained by considering both the rates of economic growth and the focalized social policies carried out since the country’s return to democracy. In 1987, more than half of the population under 14 years of age (57%) lived beneath the poverty line. A national survey showed a relatively similar figure (52%) for the same age group in 1990. In terms of welfare, the military regime tended to reduce the role and budget of the state as a provider of minimal conditions for children. Although, in comparative terms, the Chilean state devoted more resources than other countries in Latin America to welfare, it tended to favor the development of private mechanisms of child protection (church-based and other charity organizations). By 1990, the main problems were poverty, domestic violence, delinquency, and poor state services for children (protection centers, detention centers, etc.) (Zanzi 1994: 305-306).

After the re-establishment of democracy in 1990, the democratic authorities were particularly concerned about improving the social conditions of the population. A favorable macroeconomic environment, with a GDP growth rate averaging 8.2 per cent...
between 1989 and 2004, helped the economy to provide jobs and increase public spending. Indeed, figures reveal a reduction of poverty from 38.6 per cent in 1990 to 18.8 per cent in 2003. The drop in extreme poverty during the same period was even more impressive, from 17.4 to 4.7 per cent. This significant reduction had an important impact on children: while in 1990, 50.7 per cent of the population below the age of 18 was officially poor, by the year 2003, this figure had been reduced by almost one half, to 26.9 per cent.

Table 1. Poverty and extreme poverty lines, Chile 1987 – 2003, by percentage

<table>
<thead>
<tr>
<th>Year</th>
<th>Percentage</th>
</tr>
</thead>
<tbody>
<tr>
<td>1987</td>
<td>50.7</td>
</tr>
<tr>
<td>1990</td>
<td>38.6</td>
</tr>
<tr>
<td>2003</td>
<td>26.9</td>
</tr>
</tbody>
</table>


In terms of social spending, figures reveal an increase of over 150 per cent between 1990 and 2004.8 The sector that received the most significant increase relative to other sectors was education, while the pension system witnessed a relative drop (See table below).

Table 2. Chile: Social Spending by Sectors, 1990 – 2004

<table>
<thead>
<tr>
<th>Sector</th>
<th>1990</th>
<th>2000</th>
<th>2004</th>
</tr>
</thead>
<tbody>
<tr>
<td>EDUCATION</td>
<td>19.17</td>
<td>24.57</td>
<td>25.70</td>
</tr>
<tr>
<td>HEALTH</td>
<td>18.48</td>
<td>19.59</td>
<td>20.12</td>
</tr>
<tr>
<td>HOUSING</td>
<td>6.61</td>
<td>5.31</td>
<td>6.33</td>
</tr>
<tr>
<td>PENSIONS</td>
<td>49.96</td>
<td>42.69</td>
<td>40.14</td>
</tr>
<tr>
<td>OTHERS</td>
<td>5.78</td>
<td>7.84</td>
<td>7.72</td>
</tr>
<tr>
<td>TOTAL</td>
<td>100.00</td>
<td>100.00</td>
<td>100.00</td>
</tr>
</tbody>
</table>

Source: MIDEPLAN, 2005

Other indicators show an overall improvement in social conditions: between 1990 and 2002, the rates of children attending primary school increased from 95 to 97 per cent and of secondary school from 77 to 85 per cent. The percentage of children registered in pre-school education increased from 5.4 per cent to 11.3 per cent. Health conditions of the population in general, and of women in particular, also registered important advances, with figures on life expectancy and public spending on health care increasing, and figures on maternal mortality, children mortality, and undernourished births declining steadily.

Thus, the center-left coalition has made important advances on social policy, with figures showing very positive prospects for children. The result of these general social advances was that actors were presented with the opportunity to influence an agenda to which the government was highly receptive. By the end of the 1990s, two specific issues became the increasing focus of attention: domestic violence and public safety. Both issues were related to the social agenda toward children, as many of the victims of domestic violence and close to 23 per cent of those detained by the police for robberies and other crimes were underage.

The Impact of Civil Society: Advances and Setbacks

Did civil society have something to do with the overall improvement of the social conditions of children in Chile over the last fifteen years? Measuring the impact of civil society on government policies is difficult, given that the social improvement that the country experienced was most likely the result of intertwined economic, political, and social factors. The overall substantive improvement of social conditions in Chile is in part due to economic growth, governmental social policies, and the struggles of social sectors for the improvement of their living conditions.

Since measuring the impact of civil society on the outcomes of policies is complex, this work limits its focus to the role of civil society on the creation of government policy initiatives. This paper suggests that organized civil society actors had a partial, but important, influence on policy issues concerning children by: (a) establishing a network of policy experts within and outside the government to enhance children’s rights, (b) helping to legitimize certain governmental policy options by participating in public-private dialogues, and (c) monitoring the government’s actions concerning children. This case illustrates that in a situation in which civil society tends to be weak and political parties play a pivotal role, the provision of technical expertise in specific issue-areas could be the most effective means for civil society organizations to influence the agenda-setting and policy implementation processes. The first part of this section describes the various civil society organizations that participated in this process and the context in which they emerged; the second part explains in detail the first policy collaboration attempts between the democratic government and civil society organizations; and the third part focuses on the more recent initiatives by civil society ten years after the democratic transition.
Social actors and the political context

Before explaining the relationship between civil society organizations and the state in democratic Chile, it is first necessary to explain the main characteristics and background of the civil society groups in question. In particular, one must understand two aspects: the characteristics and background of civil society groups and their relationship with the political sphere, and the impact of the transition to democracy on these organizations.

Concerning the first dimension, the main efforts of organized civil and political society during the military regime were focused on the advancement of basic political and civil rights. After the military coup and the subsequent banning of political parties, various NGOs were created with the aim of defending and advancing human and social rights. Many NGOs emerged during the 1970s and 1980s as the result of conscious efforts by activists with strong links to political parties. An extensive network of non-governmental organizations at the national and local levels were developed and devoted their attention to diverse issues, such as human rights, women’s rights, the media, rural studies, the environment, housing, education, decentralization, and others (Piña 1989; Oxhorn 1995). Given that most social actors were involved in the struggle for democracy, children’s rights were part of a less visible agenda supported by international agencies that helped several NGOs throughout the country. International financial and policy-oriented support was crucial for training and experience-sharing among several NGOs addressing the issue. Thus, the political and institutional context of the military regime led to the emergence of new social actors committed to social rights.

The role of the Catholic Church and progressive political parties were crucial in this regard. As will be described below, several of the organizations concerned with the issue of children’s rights were closely linked to faith-based and grassroots organizations promoting the advancement of the living conditions of the poor.
Table 3. **Institutional and Political Context during the Military Regime**

<table>
<thead>
<tr>
<th>Pre-1990 Organizations</th>
<th>Post-1990 Organizations</th>
</tr>
</thead>
<tbody>
<tr>
<td>La Caleta</td>
<td>La Caleta Sur</td>
</tr>
<tr>
<td>PIDEE</td>
<td>ACHNU</td>
</tr>
<tr>
<td>ONG Cordillera</td>
<td>OPCION</td>
</tr>
</tbody>
</table>

Source: Table developed by the author.

The story of three NGOs concerned with the rights of the child created during the military regime serve to illustrate this point. *La Caleta* was created in 1978 with the support of the Catholic Church in order to address the issue of drugs among children in poor neighborhoods of Santiago. The paternalistic approach of the hierarchy of the Church caused the leaders of *La Caleta* to push for autonomy from the institution in order to take a more political stand on issues of drugs and social policies, which created internal divisions within the priesthood. By 1985, the founding leaders of this organization had gained legal autonomy and continued to work with poor sectors of the population on the issue of drug prevention.

PIDEE (Program for Children Injured during State of Siege) was founded in 1979 by a group of professionals in order to support families and children who suffered from the military regime’s repression. The work of PIDEE was mostly focused on providing psychological attention to children who suffered during and after the country’s 1973 coup d’état. Dr. Michelle Bachelet, the current Socialist President of Chile, was a

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9 Interview with David Ordenes, Executive Secretary of La Caleta, June 14th, 2007.
volunteer in this organization in the 1980s. By 1992, the organization operated eight centers nationwide and cared for approximately 12,000 children - mostly from poor and rural areas of the country. PIDEE’s areas of work now focuses on mental health, social work, educational support, therapeutic workshops, special programs for people returning to the country from exile, and housing. PIDEE also has a documentary center on the rights of the child that is part of a Latin American network on the subject.

NGO Cordillera is a similar organization. Created in 1986 by a group of Socialists, NGO Cordillera began working with grassroots organizations in the southern part of Santiago on local issues such as the protection of the environment, public spaces, housing projects, and the promotion of a participatory approach toward local government. After the transition to democracy, one of the leaders of this organization, the Socialist Carlos Montes, was elected to the lower house of Congress as a representative of the same district where NGO Cordillera had been working, which meant that he had contacts with an extensive network of grassroots organizations within the district. By the mid-1990s, the organization decided to begin specific work devoted to children and young people on a wider geographical basis, organizing a set of programs in collaboration with government agencies in order to promote a better quality of life for children. NGO Cordillera has recognized that up until the mid-1990s, they developed very close ties with the Socialist members of Congress and parties within the governing coalition. However, due to the fact that the elected mayor of the area from then on was part of the country’s right wing, social organizations began to demand less politically-oriented work, which has been the case since the end of the 1990s.

Based on these three examples, it is clear that the emergence of NGOs in Chile was closely associated with the political context of the military regime. Most of them were created under the support of the Catholic Church, because this institution was very proactive in protecting opponents of the military regime and because priests, under the influence of the ideas of liberation theology, had developed extensive work with the country’s poorer sectors during the 1960s. Other NGOs were created by activists of political parties outlawed during the military regime.

The transition to democracy was a turning point for many individuals working with NGOs. One of the most immediate impacts was that many of these professionals went to work for the government, as the elected officials were from a broad coalition of Christian Democrats and Socialists who previously were part of the opposition. The case of Lorena Martinez, current Director of the Division for the Protection of Children’s Rights at SENAME, is a good example of this move from the non-governmental to governmental sector. During the military regime, she worked for an NGO devoted to the promotion of education rights. After the transition, she went to work for the government National Institute for Youth and, later on, the SENAME. There are many examples of professionals migrating from the realm of civil society to government positions. As will

10 Interview with Jimena Negrón, Director of the Childhood Program, ONG Cordillera, June 19th, 2007.
11 Interview with Jimena Negrón, Director of the Childhood Program, ONG Cordillera, June 19th, 2007.
12 Interview with Lorena Martinez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006. Other individuals with similar backgrounds include Magdalena Lioi (Sub-director of SENAME,
be demonstrated below, this situation opened a window of opportunity for social actors to influence public policy, given that the background of many of these new government figures made them sensitive to the demands of civil society.

Another major shift in the non-governmental sector following the democratic transition was the significant decline of funding from international agencies. However, rather than leading to a large reduction of non-governmental activities devoted to children’s rights, soon after the transition, an important group of approximately forty NGOs dedicated to this end came together to establish a network called the National Network for Children (RNI for the Spanish Red Nacional por la Infancia). Most participants of these organizations were professionals (lawyers, psychologists, social workers, etc.) who were committed to human rights and who saw a good opportunity following the transition to democracy to continue working in the field of social justice. Many of these organizations were closely related to the Catholic Church. By 2005, more than 300 non-governmental organizations were registered in the database of the governmental National Service of Minors (SENAME) and permitted to provide professional services to the state. Among these organizations, two were particularly important: ACHNU (Chilean Pro-United Nations Association) and OPCION. After Chile signed the Convention on the Rights of the Child, both NGOs played a key role in driving this national network to monitor the country’s compliance with the treaty’s commitments.

ACHNU was founded in 1991 by Osvaldo Torres, a member of the Socialist Party who formerly worked for an international organization devoted to the rights of the child. ACHNU is an active member of the Worldwide Federation of United Nations Associations (WFUNA) and has consulting status as an agency of the United Nations system. According to Torres, the organization’s objectives from the beginning were related primarily to policy advocacy. The organization participated in the development of proposals for children and youth from a ‘local political rights’ approach, generating, along with others, local policies on children and young people. The NGO utilized a network approach, advocating and making proposals for public policies involving children and young people, and generating innovative methodologies to enable different actors to solve conflicts and achieve coexistence. Torres makes the following observation: ‘One of the crucial issues debated within civil society actors at the beginning of the transition was whether social actors should or should not become involved with government officials in order to promote social policies. We decided that we had to’.

ACHNU has two offices in Chile (one in the the capital, Santiago, and another in the southern city Concepción) and has developed several areas of expertise, including education, local management of children and young people, legal defense, research,

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13 These organizations include the Fundación Mi Casa, Hogar de Cristo, Fundación Niño y Patria, ACHNU, OPCION, Sociedad Protectora de la Infancia, and others.
14 Interview with Osvaldo Torres, Executive Director of ACHNU, June 14th, 2007.
and consulting policy-oriented work. The financial sustainability of ACHNU depends upon a collaborative effort with the government and private institutions. Professionals within this organization include lawyers, social workers, doctors, journalists, and others. Another organization that must be mentioned is OPCION (for the English word ‘Option’). It is a private institution that was founded in July 1990, three months after the transition to democracy. It was originally created with the aim of providing psychological support to abandoned children. Working closely with the governmental National Service of Minors (SENAME), OPCION’s first approach was to promote the rights of the child by working directly with vulnerable children. Initially, the NGO operated only two centers for the support of children, both of which were in the country’s capital. By 1992, OPCION had established seven additional centers and, by the year 2002, it had twenty centers. By 2005, the NGO administered 29 centers nationwide, all of them working in close collaboration with SENAME.

An increase of the organization’s knowledge in the field and a rise in demands for services and policy advice led OPCION in 1997 to open a Legal and Public Policy Area, with the aim of improving the legal conditions of children by producing relevant policy documents. OPCION chose to take a collaborative approach toward some state agencies in order to promote the rights of the child. In 2001, OPCION participated as one of several NGOs that helped to design the National Plan for the Child (2001-2010), the National Plan to Eradicate Child Abuse, and the National Program to Reform SENAME. In 2004, OPCION was invited to become a member of SENAME’s Advisory Board and, since the mid-1990s, it has had consulting status at the Economic and Social Council of the United Nations. The organization receives most of its funding from governmental agencies, private national donations, and international agencies. In addition to providing direct attention and legal services, OPCION is currently developing new programs to promote the rights of children and young people with a particular emphasis on the issues of violence, sexual abuse, and family orientation.

Implementing children’s rights: government - NGO cooperation

Specific conditions allowed for intense cooperation between NGOs and the government soon after the transition to democracy. First, both sectors shared a strong ideological commitment to the protection of human rights, which helped them to establish a collaborative agenda at the beginning of the first democratic government. Second, after Chile signed the Convention on the Rights of the Child in 1990, both civil society and the government decided to work together on the first national report submitted to the UN Committee on the Rights of the Child. To this end, the government established a joint committee led by a representative of the Ministry of Planning and invited the participation of members of civil society. The first report was considered a joint effort

15 ACHNU has carried out projects in coordination with the Chilean government (SENAME, JUNJI, and the Ministry of Education), international agencies (IADB, International Youth Foundation, Nokia Global, the Kellogg Foundation, Save the Children Sweden, the European Union, and the Ford Foundation), and several national universities. (ACHNU 2005)

16 OPCION has had its projects supported by the government of the Netherlands, the British Embassy, the Chilean Catholic University, UNIFEM, UNICEF, OIL, and other institutions.
between the government and civil society, the latter of which was represented by the Support Group for the Convention on the Rights of the Child (GAN), which will be analyzed below.

The submission of the report was important because government authorities recognized the pivotal role of civil society. In the words of the report:

‘The State and Government are experiencing difficulty in acting directly to tackle these emerging problems (of the situation of the child), while civil society, through non-governmental organizations (NGOs), community organizations, churches, universities, etc, has a wealth of experience and skill which should be drawn upon (…). The challenge consists in adapting the work of the state with a view to complementing and supporting the efforts of civil society and, in particular, of the families involved’17.

This optimistic statement was supported by the political will of the government to include civil society in the decision-making process. Months after the participation of Chile in the World Summit for Children (September 1990), the Ministry of Planning developed a National Program for Children (PNI for the Spanish Programa Nacional en favor de la Infancia) that set basic guidelines on the rights of the child, taking into consideration the opinion of universities, NGOs, and UNICEF. Three objectives were set by this initiative: (1) to make progress in the provision of state social programs in order to improve the social conditions of people under 18 years of age, (2) to coordinate actions and policies within government agencies regarding the subject, and (3) to undertake a joint public and private effort to promote the responsibility and capacity of society itself to achieve the standard of living to which it aspires. This was the first time in Chilean history that a government established a plan designed to promote the rights of the child.

As for civil society, three organizations were particularly important: PIDEE, OPCION and ACHNU. By the end of 1991, these three organizations were the main representatives of civil society in the subject of children's rights. Based on the foregoing descriptions of these organizations, it is clear that each had a slightly different approach to the issue. PIDEE had a clearer political background concerning the past military regime and had as its main strategy direct social intervention in favor of children. OPCION was concerned primarily about poor children, sharing with PIDEE a strategy of direct social intervention. ACHNU was originally interested in influencing the policy agenda of the government by providing orientations and technical expertise. The representative of these organizations tended to share a common politically progressive background.

These three organizations headed the creation of the Support Group for the Convention on the Rights of the Child (GAN), which consisted of thirty additional organizations18.

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18 Key interviewees provided the author with this figure for organizations composing the GAN, but no document could be found to exhaustively identify all of these NGOs. Nevertheless, some of them included: the Catholic
The main goals of this group were to provide insights for the development of the National Program for Children (1992-2001), to advise the government in the development of the national report to the Committee on the Convention of the Child, and to help in the promotion of children’s rights nationwide. OPCION, PIDE, and UNICEF participated in the first campaign after the transition to promote the Convention through videos and public dissemination within their networks.

The first task of the government and NGOs was to establish a collaborative effort designed to promote children’s rights. By the end of the first democratic government (March 1994), civil society organizations had accomplished two goals: first, they had influenced the agenda-setting process by participating in the development of the first planning initiatives to promote children’s rights; and second, they had helped the government through specific initiatives to spread knowledge of the Convention across the nation. Public campaigns were supported by UNICEF and the Ministry of Planning, and were partially implemented by some NGOs.

Becoming ‘Adults’: Civil Society and the Government After 1994

The ‘honeymoon period’ between the government and organized civil society ended when the first democratic government left power. Between 1994 and the year 2001, no significant initiatives relating to the rights of the child were undertaken by the government or civil society. This can partially be explained by three factors: the Frei administration’s more technical approach to social policy issues, a less aggressive policy concerning the participation of civil society within the policymaking process, and the lack of a clear strategy by NGOs to promote their agenda.

Although the second Concertación government (1994-2000) was led by the same center-left coalition, the new authorities adopted a more technocratic approach toward social policy issues. The general conclusion by observers in civil society is that the Frei administration took a managerial view of the social policy agenda, becoming more concerned with the creation of indicators of good management than with establishing a new closeness in the relationship between the government and citizens (De la Maza, 2003). The government’s main priorities during this time were related to the overall reduction of poverty, the environment, and an important housing initiative, and the government is generally considered to have been effective, maintaining high rates of economic growth and undertaking important and conscious state interventions through social policies (Meller 1999, Raczynsky and Serrano 2003).

The reason for the distance between the government and civil society actors on the issue of children’s rights is that, after the development of the first National Program for Children, no major specific policy was encouraged to promote the subject. Probably the most important social policy initiative was the creation of a National Council to Overcome Poverty (Consejo Nacional para la Superación de la Pobreza), which was conceived as a public-private enterprise composed of members of the business

Vicariate, PRODEMU, Hogar de Cristo, and SERPAJ-Chile. The Catholic Church chose to play an important role in this initiative, as child care and the promotion of family values were two of its main goals.
community, NGOs, and government agencies. They delivered a report in 1996 recommending a set of public policies, including policies related to the situation of children. However, the impact of this report was limited, as the expectations of the government and the council differed: while the former expected the proposal of concrete private initiatives to overcome poverty, the latter offered a diagnosis of the causes of poverty, but lacked specific policy recommendations (Raczynsky and Serrano 2003). The initiatives developed between 1996 and 1999 consisted of a housing initiative to improve neighborhoods rather than individual houses (Programa Chile-Barrio), and a comprehensive project to help rural sectors of Chile to overcome poverty (Programa Pro-Rural).

Probably the most interesting indirect development during the period from 1994 until 2000 was the approval by the Congress of a major reform of the justice system in Chile. During the military regime, a group of lawyers and researchers linked to the Christian Democratic Party, the non-governmental Corporation for the Promotion of University Studies (CPU), developed several proposals concerning the modernization of the judicial system19. At the same time, the Universidad Diego Portales law school created a research program to analyze problems in the criminal justice system and propose structural reforms. In 1992 and 1993, these lawyers published important studies demonstrating the inefficiency of the Chilean penal system20.

In 1993, the CPU, the Universidad Diego Portales, and several other actors that included lawyers, judges, law professors, representatives of professional associations, and policymakers created a Forum for the improvement of the criminal system, meeting every fifteen days to discuss several aspects of a potential reform21. In 1994, the conservative think tank Paz Ciudadana joined the Forum to promote changes in the judicial system. The incorporation of Paz Ciudadana allowed the Forum to gain the support of the right-wing opposition. Moreover, the incorporation of Paz Ciudadana allowed the Forum to address the relationship between the reform of the judicial system and the reduction of crime rates. Finally, given the close links between Paz Ciudadana and the most important Chilean newspaper (El Mercurio), the debates regarding the judicial reform soon became part of the mainstream media22.

The Forum included an executive directorate with representatives of CPU and Paz Ciudadana, plus a technical commission which was chaired by a representative of the Universidad Diego Portales. Between 1993 and 1994, this team met with key governmental authorities to lobby for and promote the main aspects of their proposed reforms23. Inspired by the works of Maier, Binder and their colleagues in Argentina

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19 The Spanish translation is Corporación de Promoción Universitaria.
21 The Forum was composed of 70 members, most of them lawyers linked to various left, center and right-wing political parties or representatives of different universities, professional associations, and policymakers (Vargas 1998).
22 For instance, in 1994, newspapers published 91 articles and editorials regarding the reform. In 1996, this figure was 248 (Vargas 1998b: 107).
23 Representatives of CPU, Paz Ciudadana, and the Universidad Diego Portales met with directors of the mass media, Supreme Court Judges, presidents of several political parties, heads of the police agencies, the Minister of
(Duce 1999), the Forum proposed a major reform to the criminal code in order to abolish the traditional inquisitorial system in which the judge assumed prosecutorial functions. The proposal included the establishment of a prosecutor’s office in charge of the investigative part of the trial, and the creation of an oral trial based on adversarial hearings, in which both parties have the right to produce their own evidence and contradict the evidence presented by the other side. In this new system, the judge would still maintain the right to question witnesses. As empirical studies revealed serious violations of individual rights under the inquisitorial system while it operated in Chile (Correa 1993; Jiménez, 1994), the reform was framed in the context of the protection of citizens’ rights, such as the right to a fair trial based upon the cross-examination of physical evidence.

After the inauguration of the second democratic government in March 1994, the Forum lobbied the new Minister of Justice, Soledad Alvear. She supported the proposal for three reasons: first, it provided a solution to increasing pressures from right-wing sectors regarding the lack of a government policy to deal with crime; second, it provided a set of policies consistent with the government platform; and third, it was supported by diverse and important sectors of the political spectrum (Vargas 1998: 113). At the end of 1994, the Ministry of Justice officially added two Ministry officials to the Forum’s executive commission and other Ministry official experts to the Forum’s technical commission. To demonstrate the government’s commitment to these reforms, the Forum was invited to move its headquarters to the Ministry of Justice. Six months later, in June 1995, the Ministry sent the proposed legislation to Congress, which was finally approved in 199824.

Indirectly, this reform may have had an important impact on two children and youth issues: the abolition of a clause called ‘arrest on suspicion’ that allowed the police to detain any individual for up to 24 hours, and the debate on whether teenagers under 18 years of age should be treated as adults when facing criminal charges. With the exception of the institutions mentioned above, no other representatives of civil society offered proposals or policy initiatives regarding these two issues affecting underage people (Fuentes 2004).

NGOs like ACHNU and OPCION began to address the subject of criminal justice at the end of the 1990s, just after the new address code procedure was implemented. As mentioned before, the most important NGOs working in the field tended to concentrate on two areas: (a) direct intervention (PIDEE, OPCION, SERPAJ) in child rehabilitation, rights promotion, and prevention usually linked to government agencies, and (b) policy initiatives related to the systematization and documentation of the social status of children in Chile, and the production of educational materials (ACHNU). According to the executive director of ACHNU, Osvaldo Torres, although his organization proposed some initiatives concerning the protection of minors accused of criminal charges, the

24 The reform was implemented in stages in different regions of the country and was expected to be fully implemented by 2003.
technocratic character of the debate on the Criminal Code reform inhibited them from influencing the government. The general secretary of Caleta Sur, Claudio Vázquez, provides another explanation: as the topic of crime and delinquency became an electoral subject by the end of the 1990s, the government lacked incentives for opening up spaces of debate with civil society organizations promoting human rights. ‘Tough on crime’ policies were more attractive for electoral purposes for both the government and the opposition.

To summarize, in the case of the Forum and the high-profile issue of judicial system reform in Chile, the government’s approach was technocratic and involved representatives of political parties, as well as a very limited group of scholars and institutions linked to political parties, but which generally lacked input from NGOs concerned with children’s rights.

The election of a new government in 2000 mobilized both social actors and the government on the issue of the rights of the child. The government coalition led by Ricardo Lagos won the election in a very competitive second round by a difference of just 2.6 per cent. As the president recognized the need to ‘re-enchant’ the population, the new authorities promoted a set of initiatives involving the active participation of social organizations. Between July and December 2000, the government organized a set of workshops and seminars across the country to prepare a new National Policy in favor of Children and Young People, 2001-2010 (Política Nacional a favor de la Infancia y Adolescencia). Representatives of the Ministry of Planning spent two months receiving suggestions for the new plan, involving individuals from the twenty-two state ministries, representatives from national, regional and local levels of government, and civil society actors. UNICEF played a crucial role by helping the government to coordinate dialogues nationwide.

The plan was divided into three sections: the first chapter outlines the principles of the National Policy, which mainly refer to the norms laid out in the Convention on the Rights of the Child; the second chapter focuses on the main vision and mission of the national policy toward children, putting forth some of the major goals for the country; the third chapter mentions the strategic areas of intervention, including the promotion of the rights of the child and young people, necessary support for their families, government policy coordination, the provision of special services for attending children’s needs, and the promotion of children’s participation. The plan concludes with a chapter suggesting a model of management for the national policy in favor of children.

In addition to developing the National Policy in favor of Children and Young People, the government created a Council of Ministers for Children and Young People, with an executive secretary based in the Ministry of Planning that was entrusted with monitoring policy implementation. In 2002, the Chilean government and UNICEF published the first report on the advancement of goals by introducing an Index for the Development of Children. This tool was designed to measure progress in children’s rights in terms of

25 Interview with Osvaldo Torres, Director of ACHNU, July 9th, 2006.
26 Interview with Claudio Vázquez, General Secretary of Caleta Sur, July 11th, 2006.
education, family income, health, and housing conditions. In August 2003, the Council’s executive secretary delivered the first report on the National Policy, including the policy actions taken by the government in several areas at the national and local levels. Two subsequent reports were released in 2004 and 2005.

The government’s program and actions mobilized civil society organizations, with the government taking the initiative to call for the participation of NGOs in 2000 and 2001. The close collaboration with institutions like UNICEF, ACHNU and OPCION made the decision easy for the government. In the opinion of government authorities, the inclusion of civil society actors made the process seem more legitimate and participatory27. According to the representatives of some NGOs, this was the first concrete opportunity for working together with public administrators. As Frances Valverde, the executive coordinator of ACHNU, explains: 'The Policy 2001-2010 was very participatory because it involved debates at the national and local level with hundreds of institutions. The overall plan was a 'jewel,' but it was a waste of time, as many of the recommendations have not been implemented, with very specific exceptions.' 28

The three policies where both civil society actors and government officials agreed on were related to preventing sexual exploitation of minors, the creation of a government office for the protection of rights, and the participation of civil society with SENAME during the Lagos administration (2000-2006). In the first case, ACNHU, the Ministry of Justice, and UNICEF promoted two national conferences on rules for punishing the sexual exploitation of children. This initiative resulted in an action plan that included legal reforms, as well as social policies on the subject. According to Osvaldo Torres, the government was willing to accept civil society recommendations because ‘the government lacked the expertise on the subject and it required some ideas concerning prevention and punishment of misbehavior’. 29

In the second case, the government and civil society actors agreed upon creating an Office for the Protection of Rights at the municipal level. This proposal was developed together by ACHNU and SENAME with the support of the Sweden Cooperation at the end of the 1990s. They conducted a pilot program in order to solve one of the main problems concerning the rights of the child: the lack of entry points for children and citizens to denounce abuses and provide education on children’s rights. This idea was included in the mentioned national plan and by 2003 close to 100 municipalities across the country opened such offices. For NGO activists, this is one of the main achievements in terms of policy implementation since the return of democracy in 199030.

In the third case, soon after the inauguration of the third Concertación government in 2000, the director of SENAME, Delia Del Gatto, re-activated an existing advisory board and included representatives from a wide range of civil society organizations in order to

27 Interview with Ana María Farias, MIDEPLAN, November 2005.
28 Interview with Frances Valverde, Executive Coordinator of ACHNU, July 7th, 2006.
29 Interview with Osvaldo Torres, Director of ACHNU, July 9th, 2006.
30 Interview with Osvaldo Torres, Director of ACHNU, July 9th, 2006.
advance various reforms. This proactive role of SENAME is recognized even by those NGOs that acknowledged the decision of the former director to establish an institutional channel of communication with civil society.

According to Del Gatto, two motivations caused her to convene this board: first, many of the 320 registered non-governmental organizations were pressuring the government to open up spaces for participation: second, and probably more importantly, the government wanted to review the participation of many of these organizations in the child care housing system through public contracts. According to Del Gatto, these NGOs participated in close to one thousand projects with the government and by the year 2000, such participation was unregulated. As Del Gatto explains: ‘For more than 20 years, the director of SENAME relied upon a discretionary mechanism to assign public contracts, without regulations or institutional mechanisms to verify the quality of the services that these institutions were providing’.

The first task of the advisory board was to modernize the mechanism by which public contracts and subsidies were allocated to non-governmental organizations. This topic was particularly sensitive for both the government and civil society, as many NGOs depended exclusively upon government resources to survive, and because most foster homes were managed by NGOs through this form of contract. After six months of working on a draft, the advisory board submitted a proposal to the government that was accepted by all of the organizations involved. From the government’s perspective: ‘It was very useful for us to request minimal standards from NGOs at the moment of requesting a government subsidy. But they also provided important feedback for the government on how to run the child care housing system, as they were aware of the problems in the field’.

A good example of the effects of such feedback was the government proposal to promote the reduction of the number of children in foster homes. According to SENAME, children needed to have a close relationship with their families and, consequently, the body promoted a yearly reduction of the amount of children living permanently in these foster homes. The advisory board rejected this policy based upon the socioeconomic context in which many children lived. Government officials subsequently accepted that in many cases it was impossible to request that specific objectives be accomplished and a more flexible set of policies were enacted. In this sense, NGOs played a critical role in influencing the implementation of certain programs by providing policy initiatives that were usually taken into consideration by policymakers. As Del Gatto suggests: ‘Civil society actors working on the subject of children are mostly organized to carry out government projects. When you are in a position where

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31 The board included representatives from the more left-wing OPCION as well as more conservative organizations, such as the Fundación Niño y Patria (related to the National Police), Sociedad Protectora de la Infancia, Hogar de Cristo (related to the Church), ACHNU, and others.
32 Interview with Frances Valverde, Executive Coordinator of ACHNU, July 7th, 2006.
33 Interview with Delia Del Gatto, Director of SENAME, August 23th, 2006.
34 Interview with Delia Del Gatto, August 23rd, 2006, Lorena Martínez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006; and Consuelo Contreras, Director of OPCION, July 13th, 2006.
you are receiving money from the government, you can mostly provide policy recommendations. However, they do not keep the government accountable or control governmental policies, as they are closed linked to us. To perform an ‘accountability’ role, NGOs should have complete financial independence from the government, and this is not the case’.36 Lorena Martínez, current director of the Division for the Protection of Children’s Rights at SENAME, adds: ‘NGOs have mostly played a role by showing the government problems existing in governmental policies’.

While the government opened up opportunities for participation, in April 2001 close to forty organizations of civil society held the first meeting of the so-called NGO National Network for Children in Chile (Red Nacional de ONGs por la Infancia de Chile). The main organizers, once again, were ACHNU, PIDEE, OPCION, as well as some organizations close to the Catholic Church (SERPAJ, and Hogar de Cristo, among others).

Table 4. National Network for the Children of Chile

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<tr>
<th>Type</th>
<th>Name</th>
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<tr>
<td>NGO</td>
<td>Fundación Cepas</td>
<td>Coronel, South</td>
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<tr>
<td>Private child care institution</td>
<td>Jardín Infantil Emanuel</td>
<td>Coronel, South</td>
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<tr>
<td>NGO</td>
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<td>San Pedro de la Paz, South</td>
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<td>Santiago, Metropolitan Area</td>
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36 Interview with Delia Del Gatto, Director of SENAME, August 23rd, 2006.
37 Interview with Lorena Martínez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006.
The first meeting of the National Network for the Children of Chile took place in Concepción, in southern Chile, with the purpose of providing a space for civil society actors to think about challenges for the realization of children’s rights and the ways in which civil society actors can cooperate with each other in order to promote these rights. One year later, the second meeting of the Network brought together a similar
number of institutions. It took place in San Felipe, in the central area of Chile, and was more specific in terms of mission definition, strategies, and the proposal of concrete activities concerning childhood. The mission of this non-governmental autonomous network was defined as follows: ‘To contribute to the culture of human rights, assuming a mobilizing role in the development of a more just world for the child. The network will be a critical observer of how the Convention on the Rights of the Child is respected by all actors of society’. Since then, the network has held annual meetings in Santiago and other regional locations in Chile.

One of the first activities of this network was to produce a report for the UN Committee on the Rights of the Child, which was presented at the end of 2001. This report offered a critical interpretation of the government’s actions during the 1990s. Although it recognized the overall improvement of social conditions in Chile, the network criticized the dispersion and contradiction of legal initiatives, the lack of a National Childhood Plan, the absence of an entity to coordinate state policies and actions related to childhood, the need for an Ombudsman for the Protection of Children’s Rights, and the lack of coordination and cooperation between civil society and the government in matters related to the rights of the child. The non-governmental community described this cooperation as unsatisfactory and ephemeral’ (NGO Initiative 2001, p.3). Indeed, as was observed before, during the second half of the 1990s, no significant activities were undertaken either by policymakers or civil society. The government’s new plan on the child reanimated civil society actors.

The central substantive concerns of NGOs were the following: the lack of institutions in the central government to coordinate actions; income distribution disparities that had an important effect on poor families; domestic violence; the situation of children at work; and the legal and concrete conditions of children in the justice system. In addition, the NGOs charged that while several legal measures had been approved to protect the rights of the child, many of them had not been enforced by the authorities.

Despite this more proactive and critical attitude toward government policies, it did not translate into specific campaigns on the part of civil society actors. As one public official stated, while several organizations participated in the policy implementation of some initiatives, no NGO took action. Instead, most NGOs continued to work on targeted programs, trying to influence mainly the policy process by monitoring the government at the international level (UN Committee on the Rights of the Child) and by promoting children’s rights at the local level. The most active NGOs in this period were OPCION and ACHNU. Key informants at the Ministry of Planning suggest that NGOs played a more significant role at the beginning of 2000, when policymakers were outlining the plan, and at the end of the government’s tenure, in 2005, when some of the authorities began working on the challenges and program for the next period.

39 Interview with Lorena Martínez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006.
But according to the representatives of NGOs, the problem was different. For them, the government opened up few avenues for permanent consultation with civil society: 'The main problem is that there is no specific place at the ministerial level to address the issue of childhood. Indeed, the government created an inter-ministerial Council for Childhood, but it only worked when a given Minister of Planning - who is in charge of coordinating this council - was interested in carrying out particular policy initiatives'.

The lack of an institutional, permanent space for debating policies concerning children was perceived as one of the main obstacles for addressing the policy agenda. The difficulties were exacerbated by the fact that the issue of children’s rights was the domain of several different governmental agencies, including the Ministry of Justice, Ministry of Finance, Ministry of Planning, Ministry of Education, and other agencies that do not necessarily work together in a coordinated fashion. Civil society actors considered the lack of institutional channels for conducting a more systematic dialogue with the government as a major obstacle. As the executive secretary of PIDEE, María Eugenia Rojas, suggests: ‘President Lagos once had a meeting with all representatives of human rights organizations and we proposed the creation of an Ombudsman for the Protection of Children’s Rights. One month later, I received a letter from the President suggesting that someone from the Ministry of Justice would contact me regarding this topic, but I never received a call. The relations with the government are like that: informal and sporadic’.

Nevertheless, some NGOs did have opportunities to influence the policy process. OPCION attempted to impact the political debate by producing policy memos in order to influence initiatives discussed by Congress. This trend can be observed in the below chart, which contains the main studies produced by OPCION between 1999 and 2004.

Table 5. Main Projects NGO Opcion 1999-2004

<table>
<thead>
<tr>
<th>Year</th>
<th>Issue</th>
<th>Target Institution</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>1999</td>
<td>Child labor</td>
<td>International Labor Organization</td>
<td>Proposal to be delivered at the 87th Conference of the ILO (Geneva).</td>
</tr>
<tr>
<td>2001</td>
<td>Child policy</td>
<td>Iberoamerican Summit of Ministers of Labor</td>
<td>Alternative Plan for Children and Young People</td>
</tr>
<tr>
<td>2001</td>
<td>Child policy</td>
<td>United Nations</td>
<td>Alternative report on the situation of children in Chile</td>
</tr>
<tr>
<td>2002</td>
<td>Child care state institution</td>
<td>Congress</td>
<td>Analysis and proposal related to the bill to modify SENAME (the National Service for Minors)</td>
</tr>
<tr>
<td>2002</td>
<td>Child criminal responsibility</td>
<td>Congress</td>
<td>Analysis and proposal related to the bill on criminal</td>
</tr>
</tbody>
</table>

40 Interview with Frances Valverde, Executive Coordinator of ACHNU, July 10th, 2006.
41 Interview with Osvaldo Torres, Director of ACHNU, July 9th, 2006, and interview with Maria Eugenia Rojas, Executive Secretary of PIDEE, July 10th, 2006.
42 Interview with Maria Eugenia Rojas, Executive Secretary of PIDEE, July 10th, 2006.
As can be observed from OPCION’s policy research activities, there is a clear trend toward trying to influence policy debate in Congress on issues such as child care institutions, criminal responsibility, and children’s rights. This was, in great part, due to the debate on the implementation of the justice system reforms that prompted a more open discussion of citizens’ rights and responsibilities in society. As the media followed court cases and as prosecutors and legal defenders became public figures given the public and oral nature of the new trial system, NGOs began to realize the legal relevance of children’s rights. This role is recognized by public officials, who underline the recent active role of NGOs in promoting policy research activities on issues such as child sexual exploitation and children’s rights43.

ACHNU’s work over the last five years has focused on the promotion of children’s rights, promotion of public-private initiatives toward children, and some direct intervention through legal advice and community work. The list of activities developed for the 2000-2005 period are as follows:

Table 6. Activities by ACHNU, 2000-2005

<table>
<thead>
<tr>
<th>Year</th>
<th>Issue</th>
<th>Co-Sponsorship</th>
<th>Subject</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005-07</td>
<td>Direct intervention</td>
<td>IYF, IADB, Nokia</td>
<td>Training of young people in new technologies</td>
</tr>
<tr>
<td>2005</td>
<td>Direct intervention, dissemination</td>
<td>Government of Chile</td>
<td>Child care center in southern Chile</td>
</tr>
<tr>
<td>2004-05</td>
<td>Direct intervention,</td>
<td>SENAME</td>
<td>Community center</td>
</tr>
</tbody>
</table>

43 Interview with Lorena Martínez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006. She suggests that ‘while with some NGOs such as ACHNU and OPCION there is more collaborative work, in cases such as Caleta Sur and other NGOs, there are less options for working together because they are less prepared technically’.
<table>
<thead>
<tr>
<th>Year</th>
<th>Type</th>
<th>Organization</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>2002-2005</td>
<td>Direct intervention-man</td>
<td>Ford Foundation</td>
<td>Development of a model of lining community in the school</td>
</tr>
<tr>
<td>1995-2004</td>
<td>Direct intervention,</td>
<td>SENAME</td>
<td>Promotion of a management strategy at the local level</td>
</tr>
<tr>
<td>2004</td>
<td>Policy-oriented research</td>
<td>Ministry of Education</td>
<td>Methodology development for school advisory councils</td>
</tr>
<tr>
<td>2004</td>
<td>Dissemination</td>
<td>Ministry of the Interior</td>
<td>Seminar on school violence</td>
</tr>
<tr>
<td>2004</td>
<td>Dissemination</td>
<td>SENAME, Ministry of Justice, Chamber</td>
<td>Seminar on child sexual exploitation</td>
</tr>
<tr>
<td>2004</td>
<td>Direct intervention</td>
<td>SENAME</td>
<td>Legal council center for abused children</td>
</tr>
<tr>
<td>1998-2004</td>
<td>Policy research</td>
<td>Ministry of Education</td>
<td>Modeling a method for student participation at school</td>
</tr>
<tr>
<td>2003-04</td>
<td>Direct intervention</td>
<td>Kellogg Foundation</td>
<td>Teaching skills on project presentation</td>
</tr>
<tr>
<td>2003-2004</td>
<td>Teaching</td>
<td>Universidad de Chile</td>
<td>Youth and social policies</td>
</tr>
<tr>
<td>2003</td>
<td>Direct intervention,</td>
<td>Ministry of Education</td>
<td>Modeling a method for parental involvement at school</td>
</tr>
<tr>
<td>2002-03</td>
<td>Dissemination</td>
<td>European Union</td>
<td>Website on youth self-care</td>
</tr>
<tr>
<td>2003</td>
<td>Dissemination</td>
<td>SENAME</td>
<td>Seminar on violence against children</td>
</tr>
<tr>
<td>2003</td>
<td>Dissemination</td>
<td></td>
<td>Situation of pedophilia in Chile</td>
</tr>
<tr>
<td>2003</td>
<td>Policy research</td>
<td>SENAME</td>
<td>Street children</td>
</tr>
<tr>
<td>2002</td>
<td>Policy research</td>
<td></td>
<td>Children in the media</td>
</tr>
<tr>
<td>2001</td>
<td>Policy research</td>
<td>Ministry of Education</td>
<td>Modeling a method for parental</td>
</tr>
</tbody>
</table>
This list of ACHNU’s activities demonstrates that there was a trend toward a more direct involvement with public-private initiatives involving direct intervention, rather than a move toward policy research studies with national public impact.

Within the non-governmental community, therefore, OPCION has stood out as an organization that has actively sought to influence the policymaking process by monitoring governmental actions and providing policy suggestions to the authorities. In this sense, OPCION is exceptional, given that most organizations continued to devote most of their energies to providing direct services to the government. The fact that several of these organizations received financial support from the government made them less likely to engage in direct confrontation. Indeed, a general survey conducted by the National Association of NGOs (ACCION) in 2002 reveals that 45 per cent of funding for NGOs in Chile comes from international cooperation, 39 per cent from the government, and just 2 per cent from donations (ACCION 2002). In light of these figures, their strategy has tended to focus on trying to gain political autonomy by acting as a group rather than as individual institutions, fighting for a participatory approach to policymaking, promoting policy changes at the national level, and forcing authorities to respond to international standards.

Probably the most interesting and concrete case of policy influence was the campaign related to the issue of access to information on children under the custody of SENAME. In 2004, this governmental agency established an information system that requested not only basic personal data from these minors, but also intimate and sensitive information, such as incidents of domestic violence, drug abuse by children and relatives, sexual habits, etc. According to NGOs, SENAME was not requesting permission from these minors to obtain and publish this information. The NGO Initiative Committee for the Rights of the Child criticized this system because it was violating international agreements signed by Chile, particularly the right of minors to privacy.

The network launched a campaign addressed toward the National headquarters of SENAME and requested a meeting with the National Director, Delia del Gatto. In June

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44 Interview with key informants at the Chilean network. A summary of this case can be found at: http://www.observatorioinfancia.cl/index.php?option=com_content&task=view&id=2211&Itemid=0&lang=es (accessed 5th September 2007).
2005, the government and NGOs participating in this campaign agreed to hold a round table to analyze policy options for this topic. After two meetings, they agreed to establish a protocol outlining the rights and duties for the operators of the database, a partial modification of the questionnaire, and an improvement of the security system of the database. In addition, in cases in which the family had a sensitive health history (for example, those suffering from HIV/AIDS), the family had to explicitly give consent before this information could be divulged in order to be protected from discrimination against members of the family. At the end of November, an official agreement was signed by SENAME and the NGO Initiative on the Rights of the Child.45

Given the specificity of this campaign, it called little media attention, but it was nevertheless effective in modifying existing policies within the government and influencing policy implementation. The existence of policy alternatives, a focalized campaign targeting government actors, and the receptiveness of the government to this campaign opened a window of opportunity for policy influence.

Another case of influence recognized by government officials is the presentation of the alternative report produced by NGOs on the Rights of the Child to the UN Committee on the Rights of the Child. As Delia Del Gatto stated:

By the year 2001, we faced several objections at the UN. We had too many children in foster homes, we did not have a juvenile criminal code, among others. We anticipated some of the criticisms, but we knew that we had to work on certain policies (…). The recommendations made some impact on our policies, as we became concerned with showing some advances in the next presentation to the UN Committee on the Child. I remember the Minister of Planning writing policy memos to several government offices and debating this in the Committee of Ministers to respond to the UN demands. (…) Even though this went unnoticed by the press, the UN recommendations created some tensions among government officials to respond to these claims.46

Nevertheless, the role of the international sphere is not always considered to be effective. In the case of the Government Iberoamerican Summit, for example, where the issue of children’s rights has been addressed in the past, the participation of civil society pushing for specific initiatives is weak. Many of the recommendations of such international bodies are vague and hardly implemented.47

In general, public officials tend to recognize the technical expertise of certain NGOs. It is interesting to note, however, that these officials believe that non-governmental organizations could play a more important role by monitoring government activities more closely, and by contributing to agenda-setting by addressing broader political initiatives, such as the debate on the National Program for Children and on the

45 A network of organizations from Valparaiso, in Chile’s Fifth Region, played an important role in this process.
46 Interview with Delia Del Gatto, Director of SENAME, August 23th, 2006.
47 Interview with Lorena Martínez, Director of the Division for the Protection of Children’s Rights at SENAME, August 3rd, 2006.
protection of rights. The influence of NGOs tends to be sporadic and not as systematic as it could or should be.\footnote{Interview with Magdalena Lioi, Sub-director of the Division of the Protection of Children’s Rights at SENAME, August 10th, 2006.}

In the opinion of civil society members, the main problem is the absence of a coherent and institutionalized governmental policy on the rights of the child. In addition, they claim that, with few exceptions, the voice of civil society actors is rarely taken into consideration in the policymaking process, even if NGOs do sometimes have a certain degree of influence when the government lacks expertise on a specific issue. Currently, both sectors recognize that NGOs have a greater influence on the implementation of policy, as many of these organizations are involved in programs of direct intervention with children.

**Conclusions**

The question regarding the conditions under which civil society can affect national policies is both theoretically and empirically important. While it is true that one should be cautious of making generalizations, in the case considered in this paper, four crucial contextual elements stand out: first, the political context (whether it favors or hinders social participation); second, the institutional context; third, the socioeconomic context (whether scarcity is the main issue that needs to be addressed); and fourth, the strength of organized civil society.

In Chile, the political context has been favorable to social participation in two periods: immediately after the transition to democracy and at the beginning of the third Concertación government. A window of opportunity for NGOs to influence the political arena was opened as governments set out to define their programmatic goals. In the first instance (1990-1992), there was a collaborative effort that can be explained by the ideological commitment against the military regime shared by the new government and civil society actors. In the second instance, the story becomes more complex. On the one hand, the government decided to address the issue of civil society participation within the national policy process. On the other hand, some NGOs tried to gain leverage by organizing collective action on the issue of children’s rights. It is very difficult to establish a causal relationship between these two processes. The most likely explanation is that the government’s decision to include NGOs within the consultation process caused the latter to become more aware of the need for collective action. It seems clear that the government’s newfound interest in engaging civil society is closely linked to electoral and programmatic motivations. As political actors promoted new policy agendas, they opened up spaces for collaboration with civil society actors.

A second important factor that must be taken into consideration is the degree of institutionalization of the state and the particular features of those institutions. Chile is a case of a highly institutionalized state, which implies that the crucial debates focus on defining and implementing the ‘rules of the game’. In addition, Chile’s strong presidentialism also affects how and where actors must focus their attention, given that
almost all initiatives and debates involve the executive branch. Because the executive plays a central role in identifying problems, generating bills, distributing resources, and implementing reforms, civil society actors will tend to focus their attention on influencing government agencies. Social actors seldom try to influence legislators or the judicial system.

The existence of various entry points is also a crucial institutional characteristic that needs to be considered. As social actors recognize, one of the main obstacles to practicing advocacy in the issue of children’s rights is that there is no single and centralized institution addressing the issue. Several state agencies are responsible for this area, including the Presidency, the Ministry of Justice, the Ministry of Planning, the Ministry of Education, SENAME, the National Service for Women (SERNAM), the National Service for Drug Prevention (CONACE), the National Institute for Young People (INJUV), the inter-ministerial Council for Childhood, and others. While the existence of several entry points sometimes helps social actors to advance their ideas, as they can attempt to push their ideas through different avenues, the downside is that when several government institutions are involved in the decision-making process, it is far more difficult to obtain results, due to the problems of collective action and the diffusion of responsibilities. The absence of a clear institutional framework makes decisions highly dependent upon the person in charge and how willing he or she is to promote policy change. Francis Valdeverde provides a clear illustration of this point: ‘(President) Lagos created the inter-ministerial Council for Childhood as a mechanism to solve coordination problems within the government. For the first minister in charge, it was impossible to convene such a Council because she did not have the political power to call all the ministers involved. The second minister was more dynamic and the Council was convened three or four times. The next minister was not interested in the subject and the Council practically died’.49

Table 7. Children’s Rights: Summary of Key Actors

<table>
<thead>
<tr>
<th>Dimensions</th>
<th>Name</th>
</tr>
</thead>
<tbody>
<tr>
<td>Intergovernmental</td>
<td>UN Committee on the Rights of the Child</td>
</tr>
<tr>
<td>Intergovernmental</td>
<td>UNICEF, based in Santiago</td>
</tr>
<tr>
<td>Governmental</td>
<td>Presidency</td>
</tr>
<tr>
<td>Governmental</td>
<td>Inter-ministerial Council for Childhood</td>
</tr>
<tr>
<td>Governmental</td>
<td>Ministry of Education</td>
</tr>
<tr>
<td>Governmental</td>
<td>Ministry of Justice</td>
</tr>
<tr>
<td>Governmental</td>
<td>SENAME—National Service for Minors</td>
</tr>
<tr>
<td>Governmental</td>
<td>CONACE—National Service for the Prevention of Drugs</td>
</tr>
<tr>
<td>Congress</td>
<td>Legislative Commissions in the Senate and Chamber of Deputies</td>
</tr>
<tr>
<td>NGO</td>
<td>NGOs Initiative on the Rights of the Child (2001 to</td>
</tr>
</tbody>
</table>

49 Interview with Francis Valverde, Executive Coordinator of ACHNU, July 7th, 2006.
The social context is also important in defining room for social actors to maneuver. Sixteen years of democratic government under the same center-left coalition provided opportunities for long-standing social policies, mainly concerning poverty, education, housing, and health. Most debates in Chile were related to how to use resources and implement certain policies. As NGOs work in the field, most recommendations have involved persuading authorities to improve certain policies implemented by the authorities. Very seldom have NGOs exerted any degree of influence on the government’s actual agenda.

Another contextual aspect is the strength of particular civil society organizations. Chile is well-known as a case of high party institutionalization and weak civil society. In general, political parties have acted as intermediaries between social demands and the state. As was observed in this chapter, the background of many civic organizations are closely linked to political parties. The transition to democracy was also a transition in the relationship between parties and civil society. At the beginning of the 1990s, it was safe to expect close cooperation between the government and NGOs, given that they shared the same ideological background. However, what is interesting in this case is the emergence of new NGOs at the beginning of the transition and the consolidation of a network eleven years after the return to democratic rule. The increasing number of activities by NGOs at the beginning of the 2000s can be identified as a new attempt by them to act collectively and to maintain their independence from the government.

NGO strategies are closely related to the political and social context described above. Actors from civil society and even from the government recognize that when NGOs possess some particular expertise, they are more willing to exert influence on the policymaking process. As many of these organizations are directly working with the government in intervention projects, they have been able to affect some of the policies that the government decides to implement. The cases of government subsidies, information rights of children under custody, and judicial reform are examples of this logic: while the government is in the midst of promoting a policy, those NGOs that are more prepared gain leverage to promote their ideas and impact the policymaking process.

One could speculate that the more financially dependent that an NGO is on contributions from the government, the less likely it is to influence the policy process at the agenda-setting level. This appears to be true in the case examined in this chapter, given that NGOs require funding to survive and that the funding available is mainly reserved for direct intervention. OPCION and ACHNU have been recognized by policymakers as the only influential NGOs in terms of agenda-setting, particularly in the case of the creation of offices for the protection of rights and legislation to prevent child
sexual exploitation. Usually, strategies have not been confrontational, but rather have engaged at the policy level. OPCION has also tried to influence the legislative branch by providing insights to members of Congress. It is not possible to measure the effectiveness of this strategy, as none of the reforms under discussion have yet been enacted.

Even though children’s rights are important from the perspectives of both development and democracy, very few initiatives undertaken by NGOs on this issue have sparked active public mobilizations or garnered significant media exposure. The social and political context described above in which NGOs have operated may partially explain this reality. Socially, the overall improvement of well-being in Chile has made this agenda less prominent, as some political steps have been taken to solve these issues. Politically, NGOs have learned that, lacking resources and social support, a more effective way to influence the policy process is through the permanent contacts that they have developed with government officials. As Osvaldo Torres explains: ‘We are within the ‘network’. We organize seminars together with the government, we have a fluid dialogue with congressmen and public authorities’. This close relationship has helped them to influence some of the ongoing public initiatives, such as the creation of offices for the protection of children’s rights at the local level, the promotion of an initiative regarding the prevention of sexual exploitation of minors, and the collaborative work with SENAME during the 2000s.

A basic typology of civil society organizations dealing with children’s rights in Chile (and elsewhere) is summarized in the following chart. The horizontal axis depicts the types of approaches these organizations promote, i.e. whether their approach is more one of paternalism/charity or social empowerment. The vertical axis shows whether social actors focus on direct social interventions or indirect policy impacts. In Chile, there exists a plurality of approaches and strategies that, for the moment, has not inhibited cooperation among these organizations. In fact, the existence of a plurality of approaches and strategies has helped social actors to establish a well-informed dialogue with policymakers, given the different views and sources of information that they offer for tackling the same problem.

50 The most recent development is a website (observatorioinfancia.org) organized by Centro de Investigación y Desarrollo Tecnológico y Social, CIDETS, to promote children’s rights. They have tried to systematize relevant information on the subject.

51 Interview with Osvaldo Torres, Executive Director of ACHNU, July 9th, 2006.
Table 8. Approaches and Strategies concerning children rights.

<table>
<thead>
<tr>
<th>Strategies</th>
<th>Approaches</th>
</tr>
</thead>
<tbody>
<tr>
<td>Paternalistic/Charity-based</td>
<td>Social empowerment</td>
</tr>
<tr>
<td>Direct</td>
<td>Faith-based Organizations</td>
</tr>
<tr>
<td>Indirect (policy influence)</td>
<td>La Caleta Sur La Caleta NGO Cordillera OPCION</td>
</tr>
<tr>
<td></td>
<td>ACHNU</td>
</tr>
</tbody>
</table>

Source: table made by the author.

What can be learned from civil society’s impact on the promotion of the rights of the child in Chile? First, conceptually and empirically, the Chilean experience must be placed within the story of transitional countries. Civic organizations are likely to experience an internal transition once democracy is re-established. This transition involved departing from classic ideological alliances with parties and gaining political autonomy from the state. The issue of autonomy is probably one of the crucial issues civil society actors must face once democratic rule is established. This is particularly important in countries where the development of civil organizations is closely related to the development of political parties. In the case of Chile, the establishment of a new civil society network in 2001 may be considered as a turning point in terms of having a more independent approach toward the government. The first results could be observed three years later when they promoted a specific, but effective, campaign against a government policy in order to protect personal information of children living in foster homes. However, the fact that many of these organizations remain financially linked to the government makes them less inclined to take a more critical approach toward government policies. As this paper has demonstrated, this is recognized by both civil society actors as well as public officials. The relative absence of independent ‘watchdog’ institutions in Chile is mostly explained by the close financial relationship between many civil society organizations and the government. One way to reduce the pernicious effects of financial dependence on government funding is to create collective entities. In the case of Chile, the establishment of a collective entity helped individual organizations to diffuse their opinions and, as a result, avoid direct conflicts with the

52 This issue was addressed in several informal conversations with NGOs. Moreover, the same topic is addressed by NGOs in the document ‘La realidad de las organizaciones de la infancia’. http://www.observatorioinfancia.org/index.php?option=com_content&task=view&id=578&Itemid=42&lang=es (Accessed 4th September 2007).
government. This is the case because often one is permitted to say things as the member of a collective that he or she could not say as an individual.

Second, in terms of policy influence, social actors that are in touch with social problems are more likely to exert influence when they are able to translate such views into policy options. As one policymaker suggests: ‘As some NGOs carry out certain programs, they learn from such experiences and bring these lessons with them to the table in order to improve existing programs (...)’. 53

Third, in this case it is difficult to assess the influence of international mechanisms on governments. Some NGOs are making efforts to produce an alternative report on the rights of the child. It is interesting to notice that while the first report was put together by NGOs and the government (1991), in the second case, civil society organizations decided to produce their own, different report. According to Francis Valverde: ‘In the first report, we (the government and NGOs) did not know how to respond to this international demand. The idea of the first report was to provide a set of information on children’s rights and outline several goals to be accomplished. However, in the second report, the government requested that we write this report together with them, but we decided to play a more independent role and we did not accept the offer’. 54 Some anecdotal information indicates that at some point government officials were concerned about the impact of the recommendations of the UN Committee on the Rights of the Child. In general, however, it seems that such influence has been sporadic and that the government’s commitment to following up on these recommendations has been lacklustre and vague.

The case of civil society’s role in promoting the rights of the child in Chile demonstrates increasing levels of associativeness, specific and recent policy impact within the policy implementation realm, and limited institutional capabilities to influence the political debate. In this case, civil society is represented by professional and small organizations that are usually, but not always, linked to the Catholic Church and progressive sectors of society. Consistent with the conclusions of other authors, this case demonstrates that policy influence is more likely when policy alternatives exist, when actors are willing to act collectively rather than individually, and when key government authorities are willing to listen to civil society actors. Given the existence of a presidential system and a strong state apparatus in Chile, civil society in this case is more likely to successfully exert influence at the executive level rather than through the media or the legislative branch.

53 Interview with Lorena Martínez, Director of the Division for the Protection of Rights, SENAME, August 3rd, 2006.
54 Interview with Francis Valverde, Executive Coordinator of ACHNU, July 7th, 2006.
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