

Book Review

Cuando los niños se vuelven migrantes: Derechos humanos y excepciones violentas en México [When children become migrants: Human rights and violent exceptions in Mexico]

Elisa Ortega Velazquez

(2023), Mexico: UNAM, Instituto de Investigaciones Jurídicas, 251pp. US\$19.86.

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The title of the book, written in Spanish, reflects the dynamic theme it addresses. ‘When children become migrants’ refers to the significant change that individuals under 18 years old experience during human mobility processes, especially when this movement is closely controlled by states. The process of change and growth experienced by children involved in migratory processes is more complicated when irregular and mixed migration flows are involved. These mixed flows include people of various national origins who can be asylum seekers as well as people seeking family reunification or the improvement of their economic situation. A growing number of children (also travelling unaccompanied) do so in groups in so-called ‘migrant caravans’. The author, who is a legal scholar at the National Autonomous University of Mexico, has extensively published on both childhood and immigration law, from a critical perspective, and doing so has a track record of unequivocally exposing the processes and the violence that can gravely impact migrants.

This book uses analytical deduction from more than a hundred documents issued by international organizations, official sources of the Mexican State, and other legal sources to show how immigration control policies can undermine children’s rights. This book is divided into four chapters. The first chapter delves into the biopolitics of childhood, as identified by the author. The second chapter explores the vulnerable conditions that make a ‘*sacer child*’, a *small citizen*. The third chapter delves into the legal framework on human rights and migrant children. Lastly, the fourth chapter elaborates on the category of violent exceptions in the discourse of human rights. The work’s central thesis is that the prioritization of migration control comes at the expense of children’s rights. This book explains how the political system treats children as ‘*sacer*’ or *small citizens* without full rights, especially vulnerable migrant children who should be protected.

This book adds to the author’s existing body of academic work regarding migrant children. This is important and relevant, especially considering the difficult and complex situation

surrounding migration in Mexico. The book draws upon current, relevant, and ample sources, providing a legal perspective that is also enriched by lesser-known viewpoints on biopolitics that are increasingly gaining more recognition in the literature on this subject in Mexico (Bolaños 2020). Ortega Velazquez makes significant empirical, methodological, and theoretical contributions.

Empirically, focusing on children is crucial due to the rising number of young people who are travelling across the country, often facing acute vulnerability. This is clearly documented in the book, with some cases involving children travelling alone which makes the situation even more severe. Several criminal activities carried out mainly by organized crime groups, such as cartels, can affect children, including child trafficking, child labour, and commercial sexual exploitation. Through the analysis of 'violent exceptions', the book reveals how in addition immigration control actions justify and conceal severe violations of human rights perpetrated by state actors against migrant children. The advisory opinion 21/14 issued by the Inter-American Court of Human Rights reinforces the duty of protection that States must provide to migrant children but does not address the violence inflicted by said states themselves (Inter-American Human Rights Court 2014). This highlights the groundbreaking nature of this book. The author sheds light on the mistreatment of vulnerable migrant children and transcends the predominant academic (Pavez-Soto 2012; Galaz 2020) and political discussions (UNICEF 2023; Mexican Government 2022) in the continent that points to state omissions and private criminal activities as the only causes of violence and vulnerability.

The book discusses instances of state negligence and unlawful behaviour, including budgetary inadequacies, insufficient coordination between agencies or hosting institutions, and a lack of political determination to provide protection. However, its main contribution is to expose the *intention* behind state violence, which has made exceptional treatment the rule and elevated the status of adult migrants above that of their children. According to the author, when the state faces situations assumed to be a threat to their sovereignty, human rights quickly fall to the way-side. This can lead to the use of 'violent exceptions', like separating families, imprisoning children, and sending them back to their home country. Consequently, child protection becomes compromised (p. 193). In other words, immigration control measures restrict the rights of individuals without distinguishing between the rights of adults and children. Ortega skilfully and sensitively exposes a tension that exists between children's rights and state responses in her book. She highlights how this tension arises from an adult-centric perspective, where the expectations and interpretations of life typical of adults often nullify any possibility of children being a part of this (pp. 31–33). Paradoxically, the author argues that these violent exceptions occur within the framework of human rights discourse.

Methodologically, the author applies legal argumentation along with the perspective of critical legal studies that focuses on tracking and identifying the political reasons that support legislation and are used to create analytical categories. In 2011, the Mexican General Constitution underwent a significant reform regarding human rights and just before this also issued new migration and asylum laws. The book uses a Foucauldian genealogical method to investigate the impact of power discourses on child migration and its regulation from 2011 to 2020. This research method questions the traditional linear development in the history of things, showing alternative routes. For this reason, it asks about the origin of ideas, values, or social identities and shows how they arise from power relations and power strategies. In short, it tries to reveal power's influence in the conformation of the discourses of truth and the configuration of forms of subjectivity.

What is truly novel about the book is the theorizing about the configuration of the 'sacer child', inspired on Agamben's (2012) *Homo Sacer* from a legal perspective, as well as the proposal of the idea of 'violent exceptions' from biopolitical theory. The author argues that the biopolitical exercise on childhood produces 'sacer children' or small citizens. It is crucial to comprehend that labelling certain people as 'small' or 'sacer' deprives them of their rights and legal identity. This classification suggests that these individuals are not entirely acknowledged as children, which would imply treating them absolutely in accordance with human rights standards and therefore privileging their integral development as well as their personal family and community well-

being. On contrary, they are only significant in terms of their future political-electoral or consumer potential or their exclusion from society. This kind of condemnation enables their disposability without any legal repercussions, as highlighted in the second chapter that presents the numerous crimes that these individual children are subjected to.

A new concept in childhood analysis is 'violent exceptions', which suggests that the State uses power technologies (as described by Foucault) to disrupt human rights discourse. Through this tactic, the State enforces repressive norms regularly rather than exceptionally, hiding the rationality of its control and exclusion of migration regulations behind a false sense of humanitarianism.¹ The book's basis is a theoretical assumption that human rights are a legal-political discourse used by those in power to promote their interests. This means that despite the seemingly broad range of rights, they are actually quite limited. They are still tied to nationality, which can justify imprisoning children to maintain family unity or requiring up-to-date documentation (p. 149 and 190). I consider the idea of the 'violent exception' to be a major contribution by the author advancing existing theory on the legal treatment of migrant children.

In the end, the book is about the children in migrant control procedures who face institutional and social violence based on their irregular presence in Mexico, many of them there alone. Their presence already originates in criminal violence, high rates of corruption back in origin countries, family breakups, and unliveable conditions of life. As they are on the move, it is high time to think about children as citizens with—if anything—special protection needs, due to the specific vulnerabilities they face.

Notes

1. The dislocation of human rights discourse has been argued previously but not completely as in this book, in [Ortega Velazquez \(2019\)](#).

References

- Agamben, G.** (2012) *Homo Sacer. El Poder Soberano y la Nuda Vida*. Valencia: Pre-Textos.
- Bolaños, B.** (2020) 'Biopolítica y Garantismo En México'. In Ortega, E. (coord.) *El Derecho Como Regulación de la Vida y la Muerte: Biopolítica y Necropolítica Legal*. Mexico: UNAM, pp. 19–41.
- Galaz, C., Pavez, I., Alvarez, C. and Hedrera, L.** (2020) 'Policitization and Agency Practices of Migrant Children in Chile from an Intersectional Perspective'. *Athena Digital* **19**(2): 1–27.
- Inter-American Human Rights Court** (2014) 'Advisory Opinion Rights and Guarantees of Children in the Context of Migration and/or in Need of International Protection, OC-21/14'. Available at https://www.corteidh.or.cr/docs/opiniones/seriea_21_esp.pdf. Date accessed May 2023.
- Mexican Government** (2022) 'Derechos de las niñas, niños y adolescents Migrantes'. <https://www.gob.mx/sipinna/articulos/derechos-de-las-ninas-ninos-y-adolescentes-migrantes?idiom=es>. Date accessed April 2023.
- Ortega Velazquez, E.** (2019) 'Cuando Los Niños se Vuelven Migrantes: Niñez Detenida En México y Dislocación Del Discurso de Derechos Humanos'. *Norteamérica* **14**(2): 33–63.
- Pavez-Soto, I.** (2012) 'Inmigración y Racismo: Experiencias de la Niñez Peruana En Santiago de Chile. Si Somos Americanos'. *Revista de Estudios Transfronterizos* **12**(1): 75–99.
- UNICEF** (2023) 'Protección a la niñez y adolescencia'. Mexico's program. <https://www.unicef.org/mexico/proteccion-a-la-ninez-y-adolescencia>. Date accessed April 2023.

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