

Disability Rights International

After the Fire: Survivors of Hogar Seguro Virgen de la Asunción at risk

Findings and Recommendations for Action

Embargo for release March 15, 2017

Investigative team:

Eric Rosenthal, JD, LL.D (hon), Executive Director, DRI
Priscila Rodríguez, LL.M, Associate Director, DRI
Lisbet Brizuela, MA, Mexico Director, DRI
Eduardo Lomeli, JD, Legal Counsel-Mexico, DRI
Dr. Matt Mason, Ph.D, BCBA-D, LBA, Clinical Director,
Georgetown University Center for Child and Human Development
Patricia Vargas, JD, Colectivo Vida Independiente de Guatemala, Guatemala
William Cajas, Ph.D, Colectivo Vida Independiente de Guatemala, Guatemala

I am scared to spend one more night here. – Boy remaining at Hogar Seguro Virgen de la Asunción after the fire

Children are being emotionally damaged every night they spend here. These children should be in families. – Deputy Director, ABI institution where survivors of Hogar Seguro have been placed

Between March 7-11, 2017 investigators from Disability Rights International (DRI) visited Guatemala. DRI visited Hogar Seguro Virgen de la Asunción (Hogar Seguro), a public institution where more than 700 children were detained. During the visit DRI interviewed the survivors of a fire that took place on March 7, 2017 and has killed more than three-dozen girls (the number has been rising in recent days). We also visited 43 survivors that have been transferred to the Hogar de Abrigo y Bienestar Integral (a public institution for children with disabilities known as ABI), and 130 survivors sent to the Alida España de Arana special school. At each location, we interviewed direct care workers providing support to survivors in the immediate aftermath of the fire.

DRI also visited the National Mental Health Hospital “Federico Mora”, Guatemala’s only publicly funded adult psychiatric facility where adult survivors of Hogar Seguro are at-risk of being placed. The DRI team also visited two other orphanages, and one privately operated community program (The Guatemalan Association for Down Syndrome). DRI investigators interviewed government authorities at the Presidential Human Rights Commission (COPREDEH), the Ministry of Health, the National Council on Adoption, and the Procuraduria de Derechos Humanos (national human rights ombudsman).

DRI's main finding is that survivors of the fire at Hogar Seguro Virgen de la Asunción face immediate danger – including detention in other institutions where they face continued segregation and abuse. Many survivors of Hogar Seguro were rapidly transferred out of the facility to facilities that were not prepared to accept them. DRI visited Hogar Seguro on March 11 and it found that approximately 50 children remained mixed in with adolescents detained because of crimes – including adolescents reported to be gang members- the rest have been moved to other institutions. Survivors reported to DRI that they are afraid of continued violence from staff and adolescents who are gang members detained in the same wards. Indeed, on March 13, one of the investigators from Colectivo de Vida Independiente reported that she interviewed a boy that was severely beaten by staff the night after DRI's visit to Hogar Seguro, on March 11.

Children still detained at Hogar Seguro reported that girls had been raped and forced into prostitution by the staff. According to a Ministry of Health official, they believe at least seven girls who survived Hogar Seguro are now pregnant. Boys still at Hogar Seguro, interviewed by DRI, said they had participated in the original protests. These boys reported that they had been locked in a room and beaten up as punishment for protesting against their abuse. Some of these survivors heard girls screaming and smelt the fire that led to the deaths of at least 37 girls aged 14-17 at the facility.

At the time of DRI's visit, the institution was surrounded by dozens of police with guns, investigators, and human rights monitors from the United Nations. Yet children reported to DRI that they were terrified of spending another night in the institution under the supervision of the same staff and sleeping in the same rooms where they were abused in the past. As DRI investigators were leaving, one child broke into tears and said, "I thought you were from a home and you were going to take us to another place." Many children have families and they have complained to DRI that not enough effort has been done to locate family members. One boy gave DRI his mother's phone number and asked us to call her to tell her he was not injured in the fire and is "doing all right." These children will most likely be transferred to other institutions instead of being reintegrated with their families.

The survivors of Hogar Seguro include young children, adolescents and adults with intellectual, psychosocial, and physical disabilities. Whether or not they are labeled with a mental health diagnosis, all survivors are people who have experienced the trauma of separation from their families and detention in a violent and dangerous institution. Many of the survivors have endured years of abuse in their families and at the Hogar Seguro. According to Guatemalan human rights authorities, they have extensive documentation that these children and adults have been physically or sexually abused, and some have been trafficked for sex.

These institutions are the last place you would want to put a child who survived trauma. These chaotic and unsafe environments only contribute to childrens' suffering and long-term mental health problems.

– Dr. Matt Mason, Georgetown University

DRI is deeply concerned about the fate of the great majority of survivors who have been moved to other institutions throughout Guatemala. At ABI, one of the institutions that received survivors with disabilities from the Hogar Seguro, DRI observed infants as young as three months old, adolescents of both genders mixed together, and left to spend their days lying on mats, tied to metal doors or belted into wheelchairs. Many children are living in filth and sleeping on concrete floors. Children are self-abusive, hitting themselves, poking themselves in the eyes, or regurgitating stomach fluids (known as “ruminating”). Authorities at the facility reported to DRI that staff are unaware of any appropriate response to these dangerous forms of self-abuse other than tying down the children. Most of these children do not receive enough attention from staff who are well-meaning but working 24-hour shifts without relief and without sufficient numbers of staff members.

In addition, these children were moved with no belongings other than the clothes they were wearing, and the facility has no supplies for activities or toys. Children were observed to be crying incessantly, and staff report that many children cry through the night. Staff have little training in supporting children who have experienced such trauma, and are very unfamiliar with the individual needs of each child.

They’ve left their home. They left their friends. They left their belongings. They have lost everything they ever knew. – Psychologist at España de Arana

The DRI team also visited Alida España de Arana, a special education school in Guatemala City where children and adults with disabilities were placed. At Alida España de Arana – unlike at other public institutions -- DRI was impressed by the well-meaning staff at this school doing their best to help these children under extremely difficult circumstances. DRI was also impressed by the outpouring of public support, by donations of clothing, food, and toys, and by the many volunteers who have offered to help. **The widespread public support and generosity of the Guatemalan and international public creates an invaluable opportunity to create new community programs that will protect rights.**

There is an extremely high level of anxiety here. They are shouting, screaming, and hitting each other. The only thing we can do is medicate them. When they act out, our greatest fear is that they will be sent to Federico Mora – Special education teacher, España de Arana

Despite the best efforts of Guatemalan professionals and volunteers, the temporary shelter at Alida España de Arana observed by DRI is an inadequate long-term location for this group of children and adults. Former detainees at the Hogar Seguro were summarily transferred without personal belongings of any kind, medical or social records, or full explanation as to their future placement. In many cases, they were separated from friends and support staff who knew them. In addition to recently

experiencing trauma, the survivors include people with a broad range of psychiatric and intellectual disabilities. Children as young as seven are mixed in with adults.

While the Alida España staff is well meaning, they are overwhelmed by the large numbers of children and adults with many diverse needs combined with the trauma they are processing. Many children are self-abusive. Staff reported to DRI that some of the children exhibit overly sexualized behaviors that may result from surviving sexual abuse at the former institution. Children are in high states of distress at the loss of everything familiar to them and a loss of all their possessions. DRI investigators observed children crying out for friends and family or a return to the only home they once knew. Staff at Alida España reported to DRI that they are left guessing as to the needs and treatment of large numbers of people now under their care.

The kids are afraid to go to sleep at night. They smelled the fire and are afraid of getting burned. They cry and want to see their parents. –
Psychologist at Alida España de Arana

For children who have been moved to other facilities, DRI is concerned that survivors may transferred multiple times in the coming days or weeks, increasing their experience of dislocation and trauma. DRI is concerned that survivors will ultimately be transferred to other institutions where they will face continued abuses, risk long-term detention, receive insufficient care, and will be segregated from society.

The survivors deserve not only reparations for the suffering they have been forced to endure – at no fault of their own – they also deserve immediate assistance to return to their families or extended families. For children who have been separated from their families for many years, immediate steps must be taken by the government of Guatemala to create substitute (or foster) family support programs. International human rights standards recognize the right of these children to live and grow up with a family.¹ Under article 19 of the UN Convention on the Rights of Persons with Disabilities (CRPD), all children and adults with disabilities formerly detained at Hogar Seguro have the right to live in the community with choices equal to others.

Reviewing the abusive record of care in Guatemalan orphanages, the UN Committee on the Rights of Persons with Disabilities (CRPD Committee) has called on Guatemala to stop all placements in orphanages for *all* children – with or without disabilities.² The recommendation is part of the Concluding Observations that the CRPD Committee issued to Guatemala after its evaluation in August 2016. The CRPD

¹ Eric Rosenthal, “A Mandate to End Placement of Children in Orphanages and Other Institutions: The Duty to Prevent Segregation and Torture,” *in* Protecting Children Against Torture in Detention: Global Solutions to a Global Problem (American University, 2017), (posted at www.DRIadvocacy.org)

² UN Committee on the Rights of Persons with Disabilities, Concluding Observations to the State of Guatemala CRPD/C/GTM/CO/1 (September 2016) para. 54 (d). Available at http://tbinternet.ohchr.org/_layouts/treatybodyexternal/Download.aspx?symbolno=CRPD%2fCO%2fGTM%2fCO%2f1&Lang=en

Committee also expressed its concern in relation to international aid and voluntourism funding institutions and fueling institutionalization of children in the country and called on the international community to direct all funding to community alternatives, in line with the CRPD.

Guatemalan authorities report that no safe, home-based placements in the community exist anywhere in the country to take survivors of Hogar Seguro – even though family placement is exactly what these children most need. The lack of community placements or substitute family programs reveals that Guatemala’s social care system is entirely built on a segregated residential programs that leads to long-term and unnecessary detention of children. There is every reason to believe that the same violence, rape, and sex trafficking to which children were subjected at Hogar Seguro is widespread throughout Guatemala’s orphanage and institutional care system.

The problem is that our social care system is structured so that all care is provided in institutions rather than the family. – Deputy Director, ABI

Most kids are put in institutions because their parents cannot afford money for medications. – Secretary of Social Welfare official

Immediate action is needed to create safe family-based placements. The lack of publicly available and appropriate community programs is not an excuse for placing the survivors of Hogar Seguro in other orphanages or institutions – where their rights will inevitably be violated once again. For Guatemala to meet its human rights obligations to Hogar Seguro survivors’ immediate action is necessary to ensure that appropriate community and family support programs are created. Public and private donations within Guatemala and from abroad should not be used to create new placements in orphanages but should instead be used to support new community supports.

I have not observed active treatment being delivered in any of the institutions we have visited in Guatemala. These people are totally abandoned. – Dr. Matt Mason

Rather than moving children to an orphanage where continued segregation and abuse is a certainty, DRI urges the State to move immediately to create long-term solutions in the community. International donors are strongly encouraged to support Guatemala in creating community programs rather than rebuilding or expanding orphanages. Indeed, the UN Committee on the Rights of Persons with Disabilities has specifically condemned international donors who have supported Guatemala’s orphanage system directly and indirectly –through voluntourism for example. **Guatemala should issue clear guidelines to international donors to support its efforts to protect the human rights and full community integration of Hogar Seguro survivors.**

DRI recommends that Guatemala:

1. **Reintegrates survivors with their families** - Intense efforts are immediately needed to bring about family re-unification wherever this is possible and with adequate support, as mandated by the Inter-American Commission on Human Rights (IACHR) in the Precautionary Measures No. 958-16 issued to Guatemala in this case.³ While staff reports that many people with disabilities were “abandoned” by their families, DRI’s experience shows that many families would gladly take back their child if they received support and assistance to do so. Families willing to take back their relatives should be given financial and social support to make this possible. If immediate biological family is not available, children should be re-introduced to extended family networks.
2. Creates substitute family programs -- For children and adolescents, substitute family programs should be immediately established. This shall include
 - a. A widespread national publicity campaign about the need for foster families to step forward with a commitment to take children for at least six months;
 - b. Vetting of applicants to make sure they have no history of abuse or criminality;
 - c. Immediate, short-term training for foster parents – this training need not take more than a few days for starters but should be supplemented with ongoing support and educational material
 - d. Financial payments to parents to allow at least one individual to stay home to be with children;
 - e. Support services by professionals to be provided to families, as needed, to allow them to keep children with disabilities without risk of further institutionalization;
 - f. The creation of acute care programs for people with psychiatric disabilities in the community, including psychological counseling for children and families; behavior support programs should be made available to assist children who are self-abusive.
3. **Establishes community homes with no more than three people for adults** for those children that reach adulthood and for the adults with disabilities detained in Hogar Seguro. Small, commercially available houses or apartments should be used and no new homes need be built. Homes may be staffed with trained family workers -- these need not be medical or mental health professionals. Mental health professionals such as psychologists or social workers should supervise community homes.

³ Inter-American Commission of Human Rights, Precautionary Measure No. 958-16 (March 12, 2017) available at <http://www.oas.org/es/cidh/decisiones/pdf/2017/8-17MC958-16-GU.pdf>

4. **Trains mental health staff and family workers** in trauma-informed care and how to avoid re-traumatization and to promote recovery from trauma. Service workers should assume that all survivors have experienced abuse or trauma.
5. **Protects stable placements and avoid building or creating small new institutions** that will likely become permanent placements – or at best must be replaced quickly at great cost. Survivors should be kept wherever they now are and provided immediate protections and support until new community programs are created. Multiple transfers to intermediate solutions are dangerous and can increase trauma and disability.
6. **Commits to a policy of no new admissions** for all Hogar Seguro survivors:
 - a. **Orphanage placements should be stopped** – consistent with the order of the UN CRPD Committee, no child shall be placed in an orphanage anywhere in Guatemala;
 - b. **No adult placements at Federico Mora** – DRI has documented serious and pervasive violence and abuse at Federico Mora, and the IACHR issued the Precautionary Measures No. 370-12 to protect the life and integrity of the persons detained at this facility. DRI investigators visited Federico Mora on March 9, 2017 and confirmed that the facility continues to be an entirely inappropriate place for adults with disabilities to be placed. DRI observed that adults with disabilities were among the people detained in Hogar Seguro and are at risk of being sent to the Federico Mora. Transfer to Federico Mora should be avoided at all cost.
7. **Monitors human rights and establishes quality control monitoring programs** to ensure that rights are enforced and quality services are provided. Funding should be set aside for the creation of an office at the Procuraduria de Derechos Humanos to oversee programs for survivors of Hogar Seguro, including visits to temporary residences, permanent community homes, and families where the children are placed. Independent civil society and human rights organizations should also be invited to participate in human rights monitoring.
8. **Issues public list with the name of all the children that were detained at Hogar Seguro**, their current location and situation. This list should be updated permanently.
9. **Recognizes history of abuse for all Hogar Seguro survivors and provide reparations** –The Government of Guatemala should explicitly recognize their history of exploitation, abuse, ill-treatment -- and in some cases torture — and award them reparations as required by international law. In addition, Article 16(4) of the CPRD establishes that survivors of abuse have a special right to

assistance to psychological recovery and social reintegration into the community.

10. **Engages disability groups and stakeholders.** Disability groups, such as the Colectivo Vida Independiente de Guatemala, should be included in the design and implementation of programs; funding should be set aside to create, train, and sustain family support and peer support programs run by people
11. **Investigates and prosecutes abusers-** There should be a full criminal investigation into the cause of deaths at Hogar Seguro. This investigation should also examine the abuses and trafficking that took place at the facility and that girls at the facility were protesting.
12. **Sets a public timetable for the implementation of these steps** and reports publicly on progress toward their implementation. A budget for full implementation should be established and funding sources should be identified to allow for full implementation.

Conclusion: Survivors of Hogar Seguro face immediate and life-threatening dangers. Immediate action and careful advance planning is needed to avoid further human rights violations to more than 700 survivors of the Hogar Seguro Virgen de la Asunción fire that took place in Guatemala on March 7, 2017. DRI calls for immediate action to plan for their full community placement and avoid further detention in institutions where they face certain violation of their rights.

Acknowledgements – DRI is grateful to the many Guatemalan government officials who took time during this crisis to speak with our visiting team and allow us access to institutions and survivors. We are especially grateful for the assistance of the Vice-Minister of Health Dr. Chavez and his team, especially Dr. Mayra Recinos, and Ms. Hilda Morales of the Procuraduria de Derechos Humanos. DRI’s work in Guatemala would not be possible without the support of the leading disability organization in Guatemala, the Colectivo Vida Independiente of Guatemala and its founder Silvia Quan.

Dedication – This report is dedicated to the victims of the fire at Hogar Seguro Virgen de la Asunción who gave their lives standing up for their rights and protesting their abuse. Our condolences go out to their family and friends, and their fellow detainees at Hogar Seguro who are mourning their loss.