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Red Latinoamericana de  
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## **Institutionalised childhood and adolescence: making serious Human Rights violations visible.**

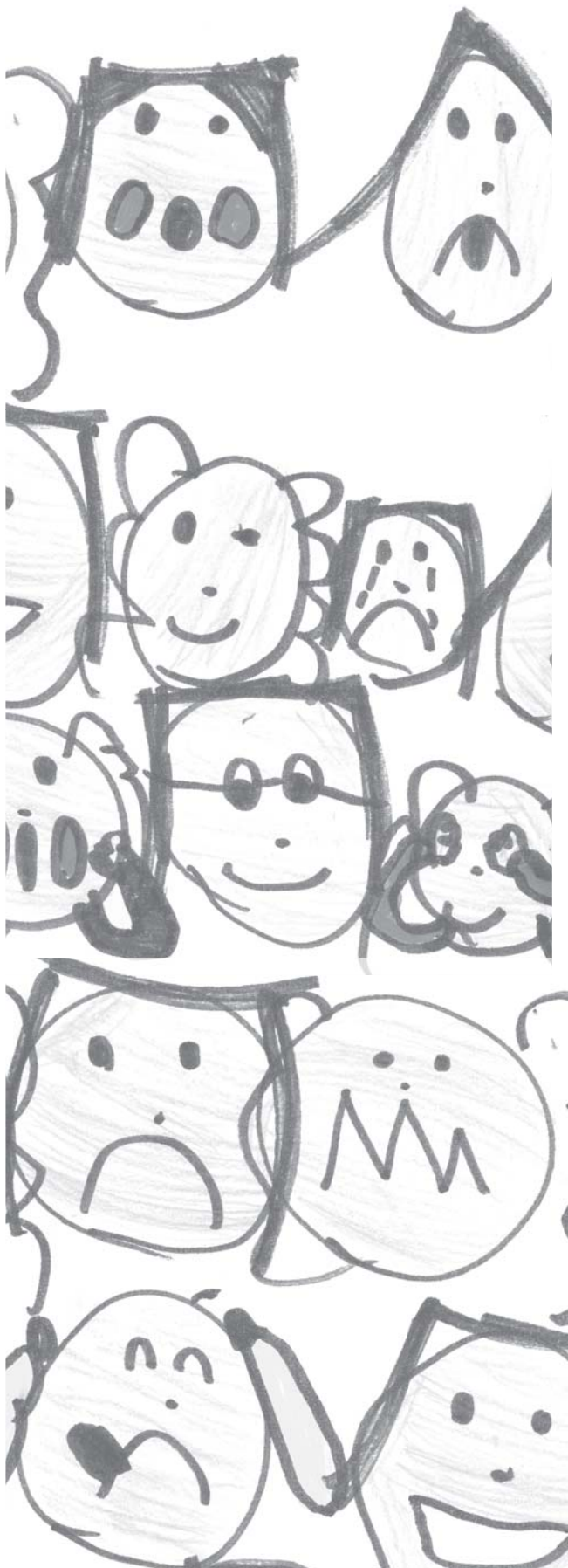
*Series: Publications on children without parental care  
in Latin America: Contexts, causes and answers*



**For the right to family- and community-based care.**

- A Relaf Project (Red Latinoamericana de Acogimiento Familiar) publication.
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## Introduction

As a product of the initiative of “National Reports” on the situation of children who are deprived of parental care in thirteen Latin American countries, in 2010 we published the *Latin American Report. Situation of children without parental care or at risk of losing it in Latin America* and the *Latin American Document of Diffusion. Children and adolescents without parental care in Latin America. Contexts, causes and consequences of the deprivation of the right to family- and community-based care*. Both can be found in Spanish on Relaf’s website, with the Document also being available in Portuguese and English.

We aim to add Documents in newspaper form in order to have updated information. In these documents, within the subject sphere of children without parental care, we tackle the situation of institutionalised children. We will focus the information and analysis on five central themes: first, the verification and analysis of the existence of large (or macro) institutions in the region; second, the verification of and warning about babies admitted due to “social causes”; third, the situation that affects adolescents who suffer long periods of institutionalisation; fourth, cases of sexual abuse or serious mistreatment in institutions; and lastly, we will tackle the problem of children institutionalised outside their country of origin.

The information that we present here emerges from different sources. It partly from personal communications from which members of Relaf have provided us with quantitative and qualitative details, in particular professionals who make up the Latin American Council and the Advisory Commission of the Network. On the other hand, the information gathered by the Relaf team both in technical cooperation activities and in the training that we realise and the Consultation meetings with the intention of the realisation of the *Study of the situation of children and adolescents who find themselves in care or protective institutions in the Americas*. This Study, from which we have taken information which can be found on our website, is the responsibility of the InterAmerican Commission of Human Rights, in collaboration with Unicef. Furthermore, we have carried out research on news and press information and websites. In all cases we have cited the sources of information.

The treatment of the information had, as a central objective, in the first place the empirical verification of the problem that we aimed to identify and in second place to contribute cases as examples to be analysed critically. In both senses we have consigned information from the following countries: Argentina, Brazil, Chile, Guatemala, Mexico, Paraguay, Peru and Uruguay.

In each section we have used a broad referential frame for analysis, keeping in mind the ethic of the disciplines of human and social sciences that contribute to the interpretation of these types of questions such as the focus on the Human Rights of infancy and in particular the Guidelines of the United Nations on the different types of alternative care of children. Like all the productions that we carry out in Relaf, our intention is to contribute to the effective application of this frame of reference.

We would like to thank Eda Aguilar, Claudia León, Gloria Lazcano, Laura Martinez de la Mora, Mónica Contreras, Débora Miculitzki, Maria Elena Verdún, Judith Aude and Daniel Moreira, who have all helped to provide information. Without their collaboration, this work would not have been possible.

We hope that this Document is of interest and of use for those who, concerned by the grave situation that affects children deprived of parental care, search for information that allows them to gain a greater knowledge and understanding and thus prepare and provide respectful solutions concerning the rights of those children and adolescents who are institutionalised today.

Matilde Luna  
Buenos Aires, August 2011.



## 1. Macro Institutions

### 1.1 Definition and brief history

It is controversial to set an exact number of children and adolescents from which we can establish whether or not we are dealing with a macro institution. In the Guidelines on the types of alternative care for children, a recommendation can be found with respect to the co-habiting of “small groups” of children accommodated in residences, advising the gradual elimination of “large centres” of accommodation.

*In effect, Article 23 recommends: “where there continue to be large centres (institutions) of residential care it is advisable to produce alternatives in the context of a global strategy of deinstitutionalisation, with precise ends and objectives, that permit a gradual elimination. To these effects, the State should establish standards to guarantee the quality and favourable conditions for the development of the child, such as individual attention and small groups, and care centres should be evaluated in relation to the said standards.”*

*United Nation Guidelines on the types of alternative care for children*

As can be observed, “small groups” and “large centres” are not defined in numbers. One can deduce that the institutions that accommodate a number that exceeds the conception of a “small group” lies outside the focus of the Guidelines. As a result, where the number of children concerned is in the hundreds, we speak of macro institutions as “extreme cases” but keeping in mind the inadequacy of those that accommodate more than 20 children.<sup>1</sup>

In summary: in this contribution, we will identify centres of accommodation that hold more than 80 children as “large institutions”, easily escaping a figure which could be considered a “small group”.

As an adequate parameter in accordance with the Guidelines, in some of the region’s countries the standards of residential care have determined the maximum number of children as 20 boys and 20 girls.

Here we can mention the regulations in regards to Argentina and Brazil. In **Argentina** some territories have already established standards: for example in the Province of Misiones in the Decree 1852/2010, Article 5 a maximum number of 20 children per institution is set. In **Brazil**, the “*Technical orientations for services of care for children and adolescents. Habilitation and functionality. Conditions.*” sets the maximum number as 20 children per “Abrigo”.<sup>2</sup> Other regulations do not specify a maximum number but proportions of carers, professionals or educators per child or adolescent: for example in

<sup>1</sup> In this Document, to make the reading smoother, the significance of “child/children” refers to boys, girls and adolescents.

<sup>2</sup> “Orientações Técnicas: Serviços de Acolhimento para Crianças e Adolescentes” from the government of the Republic of Brazil, Brasilia, July 2009.

the regulations of **Chile** it is stated that there should be one professional for every 20 to 25 children and 8 to 10 children per carer. In the regulations of **Peru** there must be one psychologist, one social worker, and one educator for every 20 children and in the age group of 6 to 11 there should be one carer to every 10 children.<sup>3</sup>

In recent decades, prior to the sanction of the Convention of the Rights of the Child, we found a gradual improvement in the region, brought forward in the frame of the Unicef programme “*Minors in particularly difficult circumstances*”. In that development, the existence of large institutions was not questioned, but rather a process known as “Humanisation” was brought about. There was a search for an improvement in the quality of educative services, recreation, health etc. that were provided for children in large institutions.<sup>4</sup> We recommend expanding the reading of the material systemised from the initiative for those who wish to find the antecedents of the current process of deinstitutionalisation that many countries of the region are developing.

Finally, we should keep in mind that as an example of the “irregular situation” and the legitimate institutions of this concept, the macro institutions were centres of accommodation of hundreds and, in some cases, thousands of children. These institutions evolved as a result of the process of colonisation in Latin America.

The detailed work in Argentina of Ana María Dubaniewicz resulted in the text “The Abandonment of minors”<sup>5</sup>, among others. In this work, information compiled on Institutions in Argentina was presented. The following examples are taken from this author. In 1779, the home for Children Abandoned at Birth was inaugurated by Governor Virrey Vértiz, a man also distinguished for having created the bases of the Argentine sanitary system in 1780. Following the regulations of Spain, abandoned children were received on a ‘torno’ - a type of revolving hatch - (there was a crib where babies could be left anonymously in order to avoid infanticide). On the ‘torno’ of the new house for Abandoned Children, the following inscription appeared until the nineteenth century: **“My father and my mother abandoned me. Divine mercy brought me here.”** At the end of Virrey Vértiz’s term of office, this institution was given over to the Brotherhood of la Santa Caridad (Dubaniewicz: 29).

The “Mercedes de Lasala y Riglos” Institute of Assistance for Children (Moreno, Province of Buenos Aires) was founded in 1868 by the society for Minors derived from the General Children’s Registration Office, or retired members of the Casa Expósitos. Its capacity was **“560 beds for children of both sexes aged between 2 and 7 years who are in the first grade”**. (Dubaniewicz: 38)

The “Estela Matilde de Otamendi” Institution (San Fernando, Province of Buenos Aires) was donated by the engineer Rómulo Otamendi and inaugurated in 1916 for **350 girls aged between 3 and 7 years**. From 1934 onwards, it was dedicated to minors between the age of 14 and 18 years and integrated another institution. (Dubaniewicz: 38).

<sup>3</sup> For example, the “Specific Technical Guidelines. Types of Residences of protection of unweaned babies and pre-schoolers.” SENAME, Chile, August 2007 and in Peru the “Manual of Accreditation and supervision for residential centres of attention for children and adolescents” of the General Direction of the Family and Community, Direction of Children and Adolescents of the Ministry of Women and Social development. Ministerial Resolution no. 590, Peru, September 2010.

<sup>4</sup> “Opening and institutional humanisation. Alternatives for admitted minors, orphanages, reformatories, juvenile detention centres and such.” Francisco Espert, 1989. Publication of Unicef TACRO.

<sup>5</sup> “Abandonment of minors. History and problems of institutions of protection.” Ana María Dubaniewicz, Buenos Aires, 1997, author’s edition, distributed by Editorial Universidad.



In **Brazil**, Irene and Irma Rizzini carried out numerous investigations into institutionalisation in the country. From their most recent work “The institutionalisation of children in Brazil”<sup>6</sup> we can take an example: the Gentil Binntecourt Institution, located in the state of Pará, Brazil, was created *for the education of indigenous people and girls from poor backgrounds* and from 1851 was maintained by the government of the state, receiving an average of **250 admissions**, to “*give them a means of decent and honourable subsistence.*” (Rizzini: 67)

There were numerous institutions in **Paraguay** that up until the 90s accommodated a large number of children and adolescents. One of the most emblematic was the *Hogar Nacional del Menor*, with more than **300** children, which depended on the Ministry of Justice and Work. This institution was subsequently taken over for its transformation, and it is currently known as Ara Puhú and functions as a residential type of alternative care, currently looking after 30 children. It continues to depend on the Ministry of Justice and Work.

Another large Paraguayan institution is the Hogar Guadalupe (Foundation) which at one time accommodated over **100 children and adolescents**, and which currently accommodates 50 children and adolescents.

## 1.2. Institutions overwhelmed by the accommodation of children.

Before continuing on the subject of macro institutions, we will make a digression. It is important to highlight the fact that reiterates the situation of institutions which accommodate a greater quantity of children than the available capacity. As an example, we can take the information from the registers that, in June 2011, were in the possession of the Alternative Care Unit (UCUIDA) that depends on the Centre of Adoptions, Secretariat of Childhood and Adolescence of **Paraguay**. The unit has registered and supervised 68 institutions according to the standards of alternative care. The UCUIDA informs:

Aldea SOS Belén, located in the city of Belén in the Department of Concepción, currently accommodates 100 children and adolescents. UCUIDA suggests a maximum number of 96 children.

Aldea SOS Hohenau, located in the city of Hohenau in the Department of Itapúa, accommodates 128 children and adolescents. Maximum suggested upper limit is 120.

Aldea SOS Misiones, located in the city of San Ignacio in the Department of Misiones, accommodates 124 children and adolescents. Maximum suggested upper limit is 120.

Aldea SOS Luque, located in Luque in the Central Department, accommodates 97 children and adolescents. Maximum suggested upper limit is 100.

Unidos por Cristo, located in the city J.A. Saldívar of the Central Department, has a target population directed at children and adolescents under the age of 18. Even though the maximum suggested upper limit of children and adolescents is 30, it currently accommodates 199.

Tesapé Pora, located in the city of Villarrica, Department of Guairá, currently accommodates 48 girls, with 30 being the suggested limit.

<sup>6</sup> “A institucionalização de crianças no Brasil”, Irene e Irma Rizzini, Editora PUC- Rio, 2004.

Che Roga, located in the city of Encarnación, Department of Itapúa, accommodates 49 children and adolescents, with 30 being the suggested limit.

Niño Feliz, located in Ciudad del Este in the Department of Alto Paraná, currently accommodates 35 children, with 18 being the suggested limit.

Mitá Puahú Roga, located in the city of Itá in the Central Department, accommodates 40 children and adolescents, with 16 being the suggested limit.

Divina Providencia, located in the city of San Lorenzo of the Central Department, accommodates 59 children and adolescents, with 30 being the suggested limit.

Santa Luisa de Marillac, located in the capital, Asunción, accommodates 75 girls with ages understood to be between 4 and 18, with 50 being the suggested limit.

It can be observed that in some institutions, the quantity of children doubles (or more than doubles) from what is considered appropriate for the organisation. Facing this worrying reality, the Paraguayan State is creating some initiatives such as the Jajotopa Jevy programme, whose objective is to deinstitutionalise children and adolescents, and for which the government transfers funds to institutions in order to hire experts to work on maintaining family ties.

### 1.3. Cases of large institutions in the region.

As stated, we will identify some current cases of large institutions that are in running, and will later focus in depth on two of them.

Even though in the last few years the regional tendency has been to dismantle large centres, a tendency that is reinforced with the directions from the Guidelines we have already mentioned, it is certain that in Latin America and the Caribbean macro institutions that accommodate hundreds of children and adolescents still exist.

In **Peru**, for example, there are various institutions all over the country. Two of them stand out due to the large quantity of children accommodated: the “Hogar Sagrada Familia”, located in the district of Ventanilla in the Constitucional del Callao Province, which accommodates a total of 830 children and adolescents<sup>7</sup> and the “Puericultorio Pérez Aranibar”, located in the district of Magdalena del Mar in the Province of Lima, which also accommodates 800 children and adolescents, having duplicated its coverage at the beginning of 2010.<sup>8</sup>

The Puericultorio Pérez Aranibar is was founded 81 years ago and runs from Lima. During its 8 decades of life, it has accommodated children and adolescents who have been abandoned or whose families could no longer care for them due to extreme poverty. However, in 2008 the Law 29.174 was passed, which restricted the causes by which a child could be admitted to the Puerticultorio, prohibiting the institutionlisation of a child there due to poverty. The impact of this legislation meant that the Puericultorio, which had always accommodated its maximum capacity, suddenly had 300 free beds

7 [http://ojo.pe/ojo/nota.php?txtSecci\\_parent=&txtSecci\\_id=3&txtNota\\_id=620489](http://ojo.pe/ojo/nota.php?txtSecci_parent=&txtSecci_id=3&txtNota_id=620489) Accessed 18th August 2011

8 <http://www.larepublica.pe/09-03-2010/puericultorio-perez-aranibar-duplicara-numero-de-ninos-atendidosConsulta> Accessed 18th August 2011.

after a huge number of children and adolescents returned to their families.

Contrary to visualising this measure as a way of avoiding unnecessary separations and of restoring of the rights of hundreds of children to live within a family, Monseñor Luis Bambarén made reference to the aforementioned situation by saying that “there has been an error of interpretation of the regulations by Inabif [...] The Puericultorio, which depends on Public Charity, was a work of civil society until the 70s, when the military government passed it into the hands of the State. This was the first error. But more damage was done by the law of 2008, when they began to remove the poor children.” In response to the public complaint of Monseñor, the Minister of Women, Nidia Vílchez, responded that she was keeping her eye on the situation which was referred to as “a problem”, and declared that she was willing to revert the effect of the regulation.<sup>9</sup> Immediately afterwards, President Alan García announced that “from 386 children accommodated today, the number will pass to a total of 800. It will be an act of justice.”<sup>10</sup>

This macro institution doesn’t only enjoy support from the State to maintain it, but also receives private donations and international cooperation. The Programme of the United Nations of Development (PNUD) has become a strategic partner for the institution in gathering funds. The Programme rents part of the facilities of the Puericultorio for the sum of \$144,000 USD per year, which is an important income in sustaining the structure that such a sizeable institution requires. Furthermore, with the purpose of properly equipping the institution and renting for a minimum of 10 years, the PNUD donated \$1 million USD and close to one million soles in favour of institutionalised children.<sup>11</sup>

In **Uruguay**, we found a registered institution that accommodates more than 80 people: the Cotelengo Don Orione. Its population isn’t just made up of children: people over the age of 18 can also be found there. Even though the institutional mission is centred on children,<sup>12</sup> it accommodates people of all ages with disabilities. The majority of people admitted are minors, but those over the age of 18 can be found there due to their limited possibilities of family and community integration and the scarcity of other resources, such as “halfway houses”.

The Unidos por Cristo institution in **Paraguay** is located in the city of J.A. Saldívar of the Central Department. Its population includes children and adolescents under the age of 18. Even though the governmental audit organisation established the accommodation of 30 children and adolescents as a maximum limit, it currently accommodates **199**.

In **Guatemala’s** case, from a total of 114 developing institutions of those which hold data on the number of children admitted, we found **22** that have between **80** and **330** children and adolescents, in addition to the case of the Hogar Solidario, with almost 800, which will be referred to in the following section.

9 [http://elcomercio.pe/lima/444584/noticia-puericultorio-tiene-300-camas-vacias-ley-le-impide-acoger-ninos-pobres\\_1](http://elcomercio.pe/lima/444584/noticia-puericultorio-tiene-300-camas-vacias-ley-le-impide-acoger-ninos-pobres_1) Accessed 24th August 2011.

10 <http://elcomercio.pe/lima/444759/noticia-puericultorio-perez-aranibar-atendera-al-maximo-su-capacidad-desde-proximo-lunes> Accessed 24th August 2011.

11 <http://www.larepublica.pe/09-03-2010/puericultorio-perez-aranibar-duplicara-numero-de-ninos-atendidos> Accessed 18th August 2011.

12 <http://www.donorione.org.uy>

The 114 institutions mentioned in **Guatemala** are distributed throughout all its territory and are a product of the “private initiative”. A Register was recently established that has still not managed to accredit 100% of the institutions, as many of these organisations still do not comply with the standards established. This Unit of Authorisation and Control of Homes of Protection and International Organisations is the organisation in charge of the authorisation, register and supervision of public and private entities dedicated to the shelter of children. It was set up in 2010, in the frame of the National Council of Adoption (with the collaboration of different governmental and non-governmental organisations) and established quality standards for institutions which care for children, among which can be found the temporality of the stay of the child, the fulfillment of an adequate infrastructure and access to education and psychological attention, although it does not establish a maximum number of children per institution. While in August 2010 the authorities of the National Council of Adoption declared that only seven institutions of the 110 private entities registered had official authorisation for their running,<sup>13</sup> currently an effort by the government organisation mentioned above is being made to improve the control over homes through the System of Integrated Information, which is an electronic tool designed for diagnosis and evaluation.<sup>14</sup> The website of this tool contains detailed information about the characteristics and quantity of children admitted in each home. Coming back to our main topic, through the Register of Guatemala we have come to know that there are **22 institutions that have between 80 and 330 babies, children and adolescents**. We mention this as a further example of how the question has begun to be registered and systemised only very recently, not just in this country but in many others in the region (before it was mentioned in the same sense in Paraguay), in those which, until very recently, did not count on national surveys nor instances of permanent appropriate audits.

#### 1.4. Hogar Solidario Nuestra Señora de la Esperanza, Guatemala.

*(Asked about the Hogar Solidario, if he knows of it) “It is a terrible shame...it is an attack...the child is going to die...it’s best if we don’t send him there.”*

*(Afterwards in relation to the children that have suffered abuse and have been sent to homes) “It is inhuman, foolish...I think as a father” (how he takes care of his children and how he himself would be limited in caring for various children) “...there is sexual abuse in these homes.”*

**Secretary of the Court of Chimaltenango.**

*A child says that he wants to leave. The director says “...this is how the majority of children are...they want to leave.”*

**Taken from a visit to the Hogar Solidario. In San José Pinula.**

##### 1.4.1. The current government “work” and the crimes of the past.

The “Hogar Solidario” is a state-run macro institution that depends on the Secretariat

<sup>13</sup> Note from the Diario Prensa Libre of Guatemala. 26th August 2010. Available at: [http://www.prensalibre.com/noticias/justicia/Solo-casas-hogares-autorizados\\_0\\_323367910.html](http://www.prensalibre.com/noticias/justicia/Solo-casas-hogares-autorizados_0_323367910.html)

<sup>14</sup> Presentation of Lic. Byron Velásquez Acosta, Director of the Central Authority of the Register of institutionalised childhood, National Council of Adoption, during the sub-regional Consultation of Central America, Mexico and Cuba for the Study of the situation of institutionalised children and adolescents in the Americas of the CIDH in conjunction with Unicef, Guatemala City, 25th July 2011.

of Social Welfare (SBS), whose characteristics are those of a fully-fledged institution:<sup>15</sup> geographical isolation, the construction of high walls surrounding the institution, the presence of security and security cameras that control the premises, the deprivation of freedom. The children and adolescents accommodated there have no type of community insertion whatsoever, their lives pass by “inside doors”: access to services such as healthcare, education, recreation etc. takes place within the Home. This “government work” was inaugurated in June 2010 with the presence of the First Lady and President of the Nation, political representatives, authorities of various creeds and staff from a specialised organisation,<sup>16</sup> with widespread press coverage. The completion of the infrastructure cost around 63 million quetzales, some \$10 million USD. Furthermore, its monthly maintenance requires around 17 million quetzales, approximately \$2.3 million USD.<sup>17</sup> The presentation of the Hogar Solidario as a successful government work reinforces the presence of the criteria of legitimisation of the admittance of children into institutions due to social causes in this country.

On the other hand, it is worth adding that shortly after the Home was inaugurated, it was widely circulated that in the 1950s medical experimentation on children admitted into institutions in Guatemala took place. The aforementioned actions were carried out by investigators from the USA, motivating the president to communicate with his Guatemalan counterpart to apologise for the case.<sup>18</sup> From the numerous testimonies that appeared in the press, we would like to highlight that of an elderly woman who, as a child being admitted to an institution “for being poor”, she was inoculated with syphilis and her health was severely and permanently damaged.

Marta Lidia Orellana entered into the Rafael Ayau orphanage at the age of six, following the death of her parents and due to the situation of poverty she and her sister found themselves in. During an interview with a journalist from the *Diario Prensa*<sup>19</sup> Marta expressed the unknown reasons for while, during her childhood in the orphanage, doctors injected her when she wasn’t ill. Coincidentally, what happened to Marta happened during the same period in which North American doctors, directed by John C. Cutler, carried out experiments by inoculating people with mental illnesses, soldiers and children with venereal diseases in Guatemala.

*“It was all lovely until my name appeared on a list stuck on the wall [...] it was about two or three weeks later when a doctor who I didn’t know called me and told me he was going to take some blood. After they took my blood, another doctor gave me a small operation on my arm [...] The nurse said to me: “Sit there”, and they injected me with a whitish liquid. When they injected me, I stopped playing. I felt all sad, with no energy and it was like that every two days. I always wondered “why me? Why are they making me poorly? Why are they giving me medicine when I’m not sick?” I never felt ill until they injected me [...] One afternoon they called me, but I immediately realised there were more people than usual. I started to have an awful tantrum, until they held me down and overcame me. With a huge needle they took out liquid from my spine. After that they kept me lying down for three months, without a pillow, and they told me that I couldn’t get up, not even to go to the toilet because I could go crazy [...] Later they continued with more tests and strange things. They gave me an examination similar to a smear test. The doctor did the same procedure various times, and he placed the*

15 In his work “Internados”, Ervin Goffman defines fully-fledged Institutions as “...a place of residence or work where a large number of individuals in the same situation, isolated from society for a considerable period of time, share in their incarceration a daily routine, formally administrated.” (Goffman, 1961:13)

16 The IIN - Interamerican Institute of the Child, OEA.

17 [http://www.prensalibre.com/noticias/ninos-hogar-gobierno-san\\_jose\\_pinula\\_0\\_284371724.html](http://www.prensalibre.com/noticias/ninos-hogar-gobierno-san_jose_pinula_0_284371724.html) Accessed 15th August 2011.

18 <http://rudy2.wordpress.com/experimentos-humanos-en-guatemala> Accessed 15th August 2011.

19 [http://www.prensalibre.com/noticias/inyecciones-cambiaron-vida\\_0\\_355164490.html](http://www.prensalibre.com/noticias/inyecciones-cambiaron-vida_0_355164490.html) Accessed 17th August 2011.

*cotton wool in special little boxes that I later learned were to hold samples. I was about 9 or 10 years old [...] The injections changed my life [...] When I was an adolescent I went every year to the Department of Health to obtain my card, but they always refused [...] Because they always had to inject me with penicillin [...] I suffered a lot afterwards. Sometimes I felt very strange things in my body, but the doctors did nothing but inject me. I tried home-made remedies, but in the end the pain disappeared with my age; however, the memories remain. Sometimes I wish I didn't have such a good memory."*

This demonstrates the high vulnerability to which the children were exposed, the level of submission, the crimes - which could be typified as "crimes against humanity" - of those who have been victims who were included in the massive institutions of this country.<sup>20</sup>

#### 1.4.2 Description of the institution.<sup>21</sup>

*In the room where the boys aged between 3 and 6 years are accommodated, there were two carers for all 35 children. The little ones found themselves wandering around, with no games in sight...a plasma onto which a children's film was projected in a corner. Some rushed towards us, the visitors, asking us to pick them up...others didn't and were absolutely indifferent, sitting on their own in the corner. The depression was evident in their faces and attitudes, in the same way that the first ones manically searched for an embrace.*

According to the official statistics, on the 27th July 2011, there are **774 children and adolescents under the age of 18** in the Hogar Solidario.

The premises and its installations have the capacity to accommodate 900 children and adolescents, although it doesn't have the staff that this number would require, according to its director. However, unofficial sources have informed Relaf of the existence of up to 1200 children and adolescents in the institution.

The authorities inform us that from almost 800 children, 204 are under the age of 6. And among those, 55 are under the age of 3. One room accommodates pregnant girls, and for this reason and for situations where newborns are immediately transferred because of "abandonment", there are babies that are accommodated in the group of unweaned infants from birth. In this room there were 17 babies with carers on rotational shifts of 24 continuous hours. Furthermore, there is a large number of young children with physical and mental disabilities: 32 between the ages of 2 and 8.

In the unweaned baby unit, the first and second stages of infancy take place. Fortunately, in these blocks the children are accommodated according to their sex, age and disabilities. Boys are in one block and girls are in another. The rooms of the School area are also divided by gender: not only the nursery school but also the primary schooling and training workshops.

In the area of accommodation for teenagers and adolescents the blocks surround a shared patio, in the halls/bedrooms children are divided according to their gender and, as we were told, "attributes of classification." There is also a building for pregnant girls - it is clear they are very young, between 12 and no more than 15 years old in general

<sup>20</sup> The description of the suffering, the objectives and consequences have similarities with the definition of crimes against humanity from the Statute of Rome of the International Penal Court. It takes actions such as murder, extermination, forced deportation or displacement, imprisonment, torture, rape, forced prostitution, forced sterilisation, persecution for political motives,

<sup>21</sup> This description comes from the observations made by the Relaf Team on two separate occasions: October 2010 and July 2011.

- another for victims of human trafficking. Between victims of diverse rights violations there are girls admitted because of “problems of conduct.” The room for girls who have been “rescued” from situations of trafficking and/or sexual abuse has been opened recently. Anyhow, all teenagers and adolescents get along well, in spontaneous or organised activities in the shared patio.

The infrastructure of the building and parks is well-constructed, the chapel, the dining room, assistance rooms etc. Everything looks very clean, spacious, it looks like an educational institution with panopticon elements:<sup>22</sup> cameras are installed in almost all of the complex so that the security staff can observe the entrances of different spaces. In a recent visit, compared with one from a year ago, it was evident that there has been an effort made to introduce elements of stimulation such as toys, baby-walkers, mobiles in cots and relaxing music in the baby area.

We observed groups of children in uniform.

Health assistance (mental and physical) takes place in the doctor’s office within the institution: social assistants, psychologists and doctors group together in the consultation and filing area. The multidiscipline professional group takes care of the individual registers and programmes in detail. The effort made towards helping the children is notable, in spite of the disproportion between the number of professionals and the number of children. Furthermore, the work of the majority of the professionals is limited to the knowledge of some cases of follow-up of children and adolescents inside the institution, but they are rarely able to work with the families of origin. Only the social workers make visits to some of the families.

In the institution there is a School for Parents programme, with monthly meetings to which the mothers and fathers of the children accommodated in the institution are invited. Although, there isn’t strong attendance due to the large geographical distances, the difficulty in getting to the premises, and the extreme poverty of the families. Visits are also few and far between, keeping in mind that as well as the obstacles mentioned above, there are many cases of prohibition of contact between families and institutionalised children by the courts.

The staff are cordial and affectionate towards the children, although in some cases we observed that they have little information on the children and adolescents in their care, with no knowledge of their life stories, types of disability, health situation, family, etc.

### *1.4.3. How do the children arrive and why?*

The institutional system in Guatemala is prepared with different mechanisms that enable, legitimise and legalise the separation of children from their families and subsequent admission into institutions. With the mere identification of children on the street, through “recues”, officials are authorised to transfer children immediately to institutions. Institutions and administrative programmes, the police, the Attorney General of the Nation (PGN), programmes of the Secretariat of Social Welfare (SBS), have the authority to make these interventions in which it is not completely necessary to have a judicial resolution in respect to every child that needs to be “rescued”. We will come back to the

<sup>22</sup> Panopticon: observe (opticon) everyone (pan). A concept developed by Michel Foucault in his work “Vigilar y castigar”, from 1975. It makes reference to a construction which allows the observation of those staying in the institution, without them knowing whether or not they are being observed, in order to exercise control and discipline.

subject of “rescues” shortly. Admissions are also produced through judicial institutions and “branches” of community entities such as churches, schools and spontaneous requests from families in crisis and in conditions of extreme poverty.

According to the Director of the Hogar Solidario,<sup>23</sup> there are many admissions due to avoidable causes, other types of avoidable causes as well as family crises and extreme poverty we have already mentioned. An example of this is a large number of adolescents who have entered into the Home on the order of justices of the peace due to the “bad behaviour” of the youths, or for serious family conflicts “caused by” the adolescents - they cannot impose limits, clarifies the director - order the admission.

Once admitted, according to what the authorities of the SBS, the PGN and the Home itself tell us, the search for families is very difficult, the job of repairing the links and the granting of assistance that allows for the return to the immediate or extended family or community of origin. In the cases where there is a judicial intervention, which slows down the process of community restitution, there is a lack of resources of the PGN to provide the necessary information which allows the Judges to make a decision without the court and take ‘flippant’ measures. As a testimony to and description of these questions we have transcribed below some extracts from interviews taken in 2010 with officials:

*“There isn’t an investigation into the extended family.” (Courts)...“lack the human resources to look through all the records.”*

**Nidia Aguilar, Counsel of children, adolescents and youths, PHD.**

*“...There is a judicial default for the (barely) 3 courts that we have...it makes me feel ashamed to say it because I’m a judge of protection because I am going to take part in a hearing on the 30th August (according to the court books...I mean to say there are still 10 months to go)...a poor investigation by the PGN...I’m asking for an investigation but it’s not been possible... there are only 3 investigators for the whole republic...what can I do? Arrange another court date? I squeeze in as many hearings as I can and I summon them...we get another court date and the PGN has nothing...(I ask if the biological families have lawyers)...when I see a difficult case I assign it to a federal public defense lawyer...they are poverty-stricken people...”*

**Judge of Court No.3, Ricardo Gómez.**

#### 1.4.4. “Rescuing” children: entrance mechanism

The “collection” of street children doesn’t only occur in Guatemala, in **Brazil** there have recently been actions of this kind widely associated with institutionalisation: “In accordance with the Secretariat of Social Assistance in Rio de Janeiro, 1247 people have been taken off the streets since March 2011 in collection operations. There were 1002 adults and 245 children and adolescents. Among the children, **82 are still in the compulsory system of care (institutionalisation), according to the Secretariat.**”<sup>24</sup>

As has been mentioned, the mechanism known as “rescue” is fully in force in Guatemala, similar to raids on children and adolescents on the streets of the capital city and

<sup>23</sup> Visit to the Home in July 2011.

<sup>24</sup> <http://www1.folha.uol.com.br/cotidiano/949481-grupo-protesta-contrarecolhimento-de-criancas-de-rua-no-rio.shtml> Accessed 19th August 2011



occasionally in cities of the interior.

These rescues deal with boys and girls who are on the streets. It can be that the child is with an adult, but if he/she is begging or "working", he/she is moved away from the adult and put into the vehicle that is carrying out the activity.

We have seen a rescue "operation" on a **news programme on aerial television**. The images showed a woman with a baby in her arms and a child of 3 or 4 years of age running behind her on the street, between road vehicles, chased by police officers and staff from the PGN who were carrying out the "rescue". The news presenter described the situation as an operation of "protection" of street children, "victims of exploitation". (TV de Guatemala, October 2010)

On the other hand, it should be noted that on the city streets of Guatemala that receive the highest number of tourists and that move the greatest number of people in general - the capital city, Antigua, Panajachel, etc. - a large quantity of children of all ages can be observed begging and working as street vendors.

The rescues are widely spread, supported and publicised by both the media and by other social actors. On the other hand, "rescue" is used in the same sense to describe activities which relate to "the protection of children" in general.

This is how the rescue of street children is spoken about by a group of artists that have made a sample of work that will be auctioned in Guatemala City to raise funds. It is advertised that *"The funds raised will be donated to the 3 Centres that the Municipality has to assist children,"* adding as a justification that: *"hundreds of Guatemalan children and adolescents without a home face, every day, the risks of the streets: exploitation, violence, hunger, crime and abandonment, including by their own family."*<sup>25</sup>

Speaking of rescuing children in any situation where their rights may be violated, it can also be confused with rescuing children in a situation or risk of human trafficking, after the coming into force of the Alba-Keneth Law.<sup>26</sup> This is a Law which introduced a system of alert and search for missing children, of which the majority were taken away to be used in networks of trafficking.

Abandoning this line of argument, which indicates the multiple significance of the action of "rescuing", we found a civil society organisation that is known as "Operation Rescue", whose actions include the distribution of food for children and adults on the streets.<sup>27</sup> As can be observed, their actions of delivering food reaches destitute people of all ages, as well as some activities such as the handing out of toys for special occasions, clothes, etc.

The responsibility for the carrying out of rescues belongs to the PGN, an organisation that has a "Rescue Unit". The description of its powers makes clear the suspicion under which the biological families of the children fall, as "a priori" of the family home is represented as a place where "the aggressor" lives. This is how they describe their function: *"The Rescue Unit, of the Attorney General of the Nation, is the entity in charge of evaluating the situation of risk in which children can find themselves; the team is authorised to take children to the nearest court of childhood, and apply for the necessary means of protection. The unit evaluates whether or not the minor can return to another family member **where they will***

<sup>25</sup> <http://www.muniguatemala.com/index.php/mercados/1932-exposicion-tuayduameayuda> Accessed 9th August 2011.

<sup>26</sup> [http://www.prensalibre.com/noticias/comunitario/Aumentan-rescates-ninos-Ley-Alba-Keneth\\_0\\_394760771.html](http://www.prensalibre.com/noticias/comunitario/Aumentan-rescates-ninos-Ley-Alba-Keneth_0_394760771.html) Accessed 9th August 2011.

<sup>27</sup> [http://www.youtube.com/watch?v=axY47x3i\\_ZY](http://www.youtube.com/watch?v=axY47x3i_ZY) Accessed 10th August 2011.

***not have contact with their aggressor, or whether they should stay under temporary care in a certain home.***<sup>28</sup>

After being “rescued”, and after a short time in a temporary placement, the majority of children are transferred to the Hogar Solidario and are included in the sector to which their “classification” corresponds.

#### *1.4.5. Learning more about the relationship between the “rescues”, institutionalisation and trafficking.*

Before continuing with the analysis of the Guatemalan macro institution and its relationships with civil society, we will take advantage of the presentation that we have made of the subject of “rescues” to identify in a general manner and with some examples the relationships between this mechanism, the admission of “rescued” children into institutions, and human trafficking. Although there have been many advances in eliminating this practice, particularly through the changes in adoption rules, it remains a dormant risk.

The precariousness of the situation of the children who are “rescued” and put into the care of private homes becomes evident in the cases of the sale of children that are staying in these homes to enter into networks of illegal international adoption. We can take as one of the various examples of these facts that, from time to time, revive the concern of the international community about the trafficking of children in order to be adopted by families from the First World, a case from 2007 in which 46 children under the age of 3 were rescued from an illegal adoption agency<sup>29</sup> in Antigua; much like another case in 2008 in which 9 children under the age of 1 (who were presumably stolen from their families) were rescued from a backstreet nursery.<sup>30</sup> These and other cases<sup>31</sup> demonstrate the participation of police forces and government authorities in the networks of trafficking and selling children. These practices are also linked with the stealing of children from their biological families (usually of rural origin) and the purchase of children from their mothers under pressure or threats.<sup>32</sup>

The situation of vulnerability to which approximately 5,000 street children are exposed can be seen most explicitly in the practice of Security Forces exercising violence against them, torturing them and even killing them. For example, Casa Alianza informed us that in mid-November 2005, almost 400 children were murdered.<sup>33</sup>

#### *1.4.6. Relationship between macro institutions, civil society and donors.*

in Guatemala there are organisations for childhood rights that have had and continue to have a notable role in respect to the condemnation of rights violations and the action in the field of the protection and restitution of human rights. These organisations and

28 [http://www.pgn.gob.gt/procuraduria\\_de\\_la\\_ninez.html](http://www.pgn.gob.gt/procuraduria_de_la_ninez.html) Accessed 9th August 2011.

29 Article from The Guardian, 14th August 2007. Available at <http://www.guardian.co.uk/world/2007/aug/14/internationalcrime> (in English). More information about the case available in a BBC article from the 13th August 2007, available <http://news.bbc.co.uk/2/hi/americas/6943527.stm> (in English).

30 Article available at: <http://poundpuplegacy.org/node/29019> (in English and Spanish)

31 Available at: <http://poundpuplegacy.org/node/29019> (in English and Spanish)

32 More information can be found on the practice of illegal adoption on the website of the University of Brandeis, Massachusetts, USA. <http://www.brandeis.edu/investigate/gender/adoption/GuatemalaNews.html> (in English).

(The four references above were all accessed 27th August 2011)

33 Information available in Bureau of Democracy, Human Rights and Labour of the Home Secretary of the USA <http://www.state.gov/g/drl/rls/hrrpt/2005/61729.htm> (in English)

networks act in a truly unfavourable context thanks to the grave social and political situations that this country has been through and which have had lasting consequences which threaten the most basic rights: the migratory movement towards the north - without any kind of protection or guarantee for people of all ages -; the frequent natural disasters which affect the country; the raids of organised crime and drug trafficking and extreme poverty. In this context, civil society plays an important role. However, the question of large institutions and the conditions of arrival and accommodation of children like the previously mentioned "rescued" minors, does not have the consequence of leading to the conclusion that this situation is in extreme violation of Human Rights.

To analyse the question, we will centre on an Audit carried out on two government Institutions, disclosing that the mechanisms put into practice by civil society included in the "social audit" legitimise massive institutionalisation. We can see in the "Social Audit Report" of the Movement for the rights of children<sup>34</sup> that they propose improvements in the conditions of care but they do not question the model of the macro institution, nor do they propose the search for alternatives to institutionalisation or promote the giving of assistance to families and communities of children and adolescents who populate these institutions.<sup>35</sup> The objective of the audit is described as (so that) *"it is established that the Centres of Protection and Care are truly spaces which aid childhood and adolescent development and restore the rights that have been violated in different circumstances."* (Report: 5)

This audit of the Social Movement published in 2010 mentioned two Homes that were later integrated into the premises of the Hogar Solidario, where adolescents are accommodated: the Hogar San Gabriel, that at the time of the audit accommodated 55 children and adolescents and the Hogar Manchén that accommodated 194 girls and adolescents - even though it had the capacity for 100.<sup>36</sup>

According to the description in the Report, in the Hogar Manchén: *"They help girls and adolescents between the ages of 13 and 18, victims of mistreatment, sexual abuse, rape, losing their parents, abandonment, commercial sexual exploitation, teenage mothers and girls and adolescents with different abilities from low to moderate grade."* (Report: 12)

All of the warnings in the Audit are related to the evaluation of the "inside doors" of the institution. The communal and social legitimisation that allows admittance into the institutions was not audited, nor were the mechanisms used to separate children from their families and the later admittance, or the situation of the families who lose their parental rights to children who are admitted. The methodology is based on interviews with staff and children, from which we can derive that the positive results are neither reliable nor valid, as we can appreciate that the children and adults gave "answers of obligation". For example, removing the professional staff it results that there are 4 professionals, among them 1 psychologist for the whole boys' centre which looks after 64 children - it turns out that the evaluation indicates that the psychological assistance is good. The recommendation is that they appoint one more psychologist. (Report: 46)

The Human Rights violations found were serious: stigmatisation, overcrowding, lack of

34 The "Movement" is made up of 80 NGOs, from those who look after children to actual children's homes (institutions), with some in between working to investigate for the defense of Human Rights.

35 From now on we will refer to the "Final Report. Social audit on centres of protection and care for adolescents of the SBS of the presidency of the republic of Guatemala", January 2010 as the Report. <http://www.redlamyc.info/publicaciones-y-boletines/73-mes-de-auditoria-social-guatemala.html> Accessed 12th August 2011.

36 It is to say, the population of these two Homes is now within the premises of the already mentioned Hogar Solidario.

medical assistance. However, in the account of the Report the workers' demands hold more weight (higher salaries, better human resources, better security for those who work there) than the improvements of the situation of the children. (Report: 52)

There is a methodological distortion, as the workers and children who were interviewed positively valued the institution and its resources with phrases such as: "there is a project for life", "there are sufficient resources", "people are trained", etc. The children give a positive image of the centre and its capacity to help them, however the workers (as already mentioned) concluded with stating their demands after giving a positive image.

The Report states many "aspects to eliminate" which talk about serious violations: "1. Before the visit to the centre, the monitors used sticks as a way of keeping order, although there was no violence reported; 2. Physical punishments to adolescents when they disobeyed, such as having to stand beneath the sun without eating; 3. The existence of a cell to punish those who were violent; 4. Punishment by taking away food; 5. Psychological abuse." (Report: 63)

It is not very relevant to ask the people who work there if they are focused on human rights, as they revealed the situations described above. The observation of the site and the statements made should be sufficient to demonstrate the lack of said focus. It is in this way that in the Audit Report in the home for adolescent girls we found: "57.14% of the people interviewed said that the strategic planning had a focus on human rights and integral protection, 14% said it did not have said focus. However, upon analysing the documentation, it does not integrate either a focus on human rights or integral protection." (Report: 75)

In the same way, it is hardly significant to ask the staff "do you think that the Centre helps the girls to look for reinsertion into family life or society in optimal conditions?" when the centre accommodates 190 girls and just one psychologist and one social worker. (Report: 84)<sup>37</sup> After a succession of developing categories such as those described above, where there are contradictions - as we said - "answers of obligation" by the staff and the children, there is a box describing the "situations" found in the women's Home:

*"The existence of 'room 5' was reported...which is used to punish the girls and adolescents...; it was reported that somebody called 'Mario' arrived at the centre to apply psychical and psychological punishments to the most problematic girls and adolescents in the home, who were stripped naked and had some type of chemical or chili applied to their skin and put under the sun which caused burns or injuries on the body; it was verified that two girls - adolescents with mental disabilities - were found excluded in a room, laid down on mats. Another adolescent was found naked and thrown out in the courtyard; by complaints received in the social Movement for the rights of children, we know that at one time a network of sexual exploitation and trafficking existed with some adolescents by people from outside the home." (Report: 115)*

From the Conclusions and proposals, many recommendations which have the improvement and **extension** of the institution as their objective emerge: to provide a larger number of staff members, extend and improve the infrastructure, to increase the number of bedrooms, etc. As well as recommending: "presenting before society the Hogar Solidario project, to enrich and improve it, attending to the experience of organisations

<sup>37</sup> Perhaps it could be interesting to measure: distortion between perceptions and realities, or level of fear to answer, or indifference to suffering, etc. but these questions were not raised.

and experts in the field.”<sup>38</sup> The Audit was realised **when the inauguration of the Hogar Solidario was under way, at a time when organisations and experts recommended insistently the abandonment of the initiative and the search for other options for the premises under construction.**<sup>39</sup> The Social Movement of Guatemala, far from giving recommendations aimed at deinstitutionalisation and the search for other alternatives, (not opening the Hogar Solidario) such as the prevention of the necessity to separate children from their families and the following admittance to institutions, recommended expansion, the donation of more resources and the realisation of “permanent” life plans for children in homes.

Finally, the vision promoted in the Conclusions of the biological families is inadequate, in a country where the situation of poverty affects more than 50% of the inhabitants as well as political, social and cultural problems referred to at the beginning of this section. In respect to the families, we can read in the Conclusions: *“A high percentage of human rights violations are committed in the bosom of the family, which makes reinsertion difficult as the children do not want to return to their homes and feel better and protected in the institution. Mothers and fathers leave all responsibility to the Homes, many of them abandon their sons and daughters in Homes and do not support or check up on them. In some cases, mothers and father decide to ask for their children to be institutionalised because they do not want them at home, they cannot control them, they are very rebellious.”* (Conclusions: 133)

**With regards to volunteering and donors:** the Hogar Solidario receives economic aid in the form of clothing, recreational objects, food etc. and activities that groups of national and foreign volunteers organise and develop on the premises, particularly on weekends. The Director mentioned those such as the Fundación Niké Cruz, the organisation Maná de Dios, the organisation Fábrica de Sonrisas and the Buckner foundation.

Finally, reporting the relationship between civil society organisations and this government institution, the staff of the Hogar Solidario said that they had received training by the Fundación Holt,<sup>40</sup> a North American institution that describes itself as an international Christian organisation that dedicates itself mainly, in different countries all over the world, to international adoption.

In summary, the role of complaints, impact and enforceability on public policy for the observance of human rights by civil society on what massive institutions do practically doesn't exist.

A Human Rights network was summoned and authorised to carry out the *Social Audit*. However, it seems to be a mechanism of self-legitimation and co-optation of the NGOs by the State and other organisations that hold power, rather than an autonomous mechanism of surveillance.

Furthermore, according to the report of the Unit of Authorisation and Control of Homes of Protection and International Organisations, a source of information mentioned above,

38 “Conclusions and proposals to improve the integral protection in centres of protection and care Hogar San Gabriel

and residence for girls Mi Hogar Manchén.” Available at <http://www.redlamyc.info/publicaciones-y-boletines/73-mes-de-auditoria-social-guatemala.html> Accessed 12th August 2011

39 The abandonment of the “City of children” project was recommended (as the Hogar Solidario was previously known). In visits to Guatemala by the Vicepresident of the Children's Rights Committee, Rosa Maria Ortiz, recommendations by Matilde Luna to officials, recommendations by the office of Unicef Guatemala, among those which were recorded.

40 <http://www.holtinternational.org/guatemala/> Accessed 10th August 2011.

there are **almost 5000 children under the age of 18 who find themselves in privately administered institutions, 22 of which have more than 80 children accommodated, and up to 330 per residency.**

One of the problems is NGOs who are financed mainly by funds from international cooperation. As a result, they themselves sustain and reproduce the system of mass institutionalisation that affects children and adolescents in this country.

### 1.5. “La Sagrada Familia” in Lima, Peru.<sup>41</sup>

The “Hogar Comunidad de Niños Sagrada Familia” is a non-governmental institution that has been active for 20 years. It is located in the sandy area of Ventanilla, a few kilometres away from Lima, Peru. The home is located on a large premises which contains fourteen buildings in which boys and girls live according to their sex. It is maintained by private donations, contributions from other non-governmental organisations, the support of volunteers and the self-generation of resources through what is produced in training workshops - carpentry, bakery, ceramics, music, among others.

It currently accommodates 850 children and adolescents under the age of 18, all coming from families and communities in situations of extreme poverty in different parts of the country.

The social abandonment that the children and their families have suffered is a common factor in each of them. Of the 850 children that live there, 36 are babies and 56 are girls aged between 3 and 6 years. In order to care for such a large number of children and adolescents, the Home can only count on fourteen adult carers. As can be deduced, the sheer magnitude of the home means that a personalised care for each boy, girl and adolescent accommodated there according to their needs is not difficult, but impossible. The adolescents participate in organising the chores. With the responsible collaboration of all of them, “the older ones”, daily life in the institution is made possible.

In the great majority, the children and adolescents accommodated there do not have contact with their biological families or their extended families, they simply live in the home with no links to what, at one time, was their familiar and community environment. Only approximately 60 families come together at the home to visit their children. The family and community links of the children and adolescents are broken, and their bonds with the “outside” are weakened, as the children and adolescents live their lives completely within the institution as the premises has a school, health centre, dining hall, recreational spaces as well as workshops for music, sewing, carpentry, baking, ceramics, dance, storytelling, among others. Some of the activities serve the home in generating resources selling what the children produce.

Something better in terms of the community bonds that the adolescents search for is that many of them, with the help of the Director of the Home, Miguel, and the benefactors, achieve great things in their studies and in this way plan to work, study and form families.

<sup>41</sup> The description of the Hogar Sagrada Familia Comunidad de Niños is based on a visit to the institution by the RELAF team, in the company of Buckner Peru on the 28th June 2011. In this visit we observed the institution and conducted informal interviews

## 2. Babies admitted

In one of the rooms there are 20 babies, between 3 and 10 months, left on mats. Just one carer is present, she was occupied giving a bottle to one of the babies. I observed that many of them had nasogastric tubes fitted. I asked why they had these devices, and the psychologist told me: *“Because they have lost their suction reflex, and as they can’t drink their bottles the tubes are fitted to feed them. It’s because they are depressed.”*

Observation in the Casa Cuna de La Plata, 2006. Buenos Aires, Argentina

The general proportional statistics on children in institutions prevent us from seeing the situations and problems in detail. Speaking in general terms, they hide or dilute the reading about the individuals who make up the populations of our subject matter.<sup>42</sup> In our case, we have already identified in the previous section that a total number of children in institutions can leave out of the reading the existence of large institutions by not specifying how many children there are in each institution.

Now it is about identifying the existence of children in the stages of early infancy admitted: in particular those who are in the age group of 0-3 years. In the total number of children admitted, if their age is not specified, the quantity of institutionalised babies without parental care can also be hidden and can consequently hide a huge problem, as the deprivation of a family in the early stages of development affects them for the rest of their lives leaving psychical and mental health consequences in the subjects who have suffered.<sup>43</sup>

In the UN Guidelines on the different types of alternative care, a general preference for alternative care in a family environment has been established rather than developing in an institutional environment. This is a perspective which gives further importance to the age group which we are concerned about: in Article 22, it is recommended that: *“Conforming with the predominant opinion of experts, alternative care of young children, especially those under the age of 3, should take place in a family environment. Exceptions may be permitted to avoid the separation of siblings and in cases where alternative care is urgent or for a fixed and limited time, and at the end of this fixed period the reintegration into the family or another appropriate long-term solution should take place.”*

In the statistics of the Register of institutions in **Guatemala**, information about age groups is omitted. It informs us that there are 4666 girls and adolescents in private institutions, and that there are 555 children under the age of 4.<sup>44</sup> Furthermore, we should

42 Here we can use the popular phrase “the statistic can say that an average of three people eat a chicken each per month; but it can be possible that one of them eats two chickens, the other eats one and the third eats none.”

43 We have omitted in this description the detail of the damage that comes from the deprivation of a family, the objective is to gather basic information that brings to light the existence of the problem of babies in care. There is an abundance of material on this subject. For those who are interested, we recommend, as a basic bibliography: Bowlby, John (1950) *Los cuidados maternos y la salud mental*, 1982 Edition, Buenos Aires, Hvmantas. This text is a result of the work of the investigation entrusted to the specialist by the World Health Organisation (WHO) with the sponsorship of the United Nations in favour of children without homes.

44 Presentation by Lic. Byron Velásquez Acosta, Director of the Central Authority of the Register of institutionalised

add 55 children under the age of 3 who we were informed are accommodated in the Hogar Solidario, a state-run institution in the same country.<sup>45</sup> It infers the existence of **approximately 610 children under the age of 3** (although we must make clear that this is not an exact figure taken from the Register: 0-4 years). In the section which describes the Hogar Solidario in this document, we have assigned a box of the observation in the room of the young children. This quantitative information and the qualitative observation allow us to size up the situation of the admittance of babies into institutions in this Central American country.

In the case of **Chile**, “residences of unweaned babies and/or preschool age children” and institutional care carried out by NGOs that follow the guidelines and count on the financial support and supervision of the State are registered.

According to the statistics from July 2011, there are: under the age of 1, 90 baby girls and 116 baby boys, a total of 206; between 1 and 3 years 327 girls and 347 boys, a subtotal of 674. The **total number of institutionalised children under the age of 3 is 880**.<sup>46</sup>

As a broken down example of babies admitted in Chile, we would like to mention that the Residencia Belén has 25 children between the age of 3 and 6 accommodated and the Residencia Santa Bernadita has 23 children under the age of 3 accommodated, located in the capital, Santiago.<sup>47</sup>

In Chile, the prevention of the separation of children from their families and the development of alternative care options, such as fostering, have advanced considerably, however the initiative of avoiding the admittance of babies in order to “protect their rights” has not been taken, much like health sciences and early development advice.

In **Uruguay** the information of SIPI, the Information System for Infancy, demonstrates the existence of **236** children under the age of 3 in institutions.<sup>48</sup>

This group of babies can be found in a government centre and in a centre that has an agreement with the INAU, the Institute of the Child and Adolescent in Uruguay.

This country faces a great challenge since the sanction in October 2009 of the Law 18590 that modifies the regulations in relation to adoption. In Article 134 of the said law, the regulations establish limits to the length of stay of children in residential care. Children under the age of 2, from September 2011, cannot stay longer than 45 days in an institution. For children between the ages of 2 and 7, the longest stay permitted is 90 days.

Here we transcribe the mentioned article:

*ARTICLE 134. (Insertion of children and adolescents in homes adequate for their development) - The Institute of the Child and Adolescent in Uruguay (INAU) should provide children and adolescents homes which are adequate for their development, whether within a family - immediate or extended - or in other foster family homes or families with the aim to adopt, selected by the specialised technical team of the INAU when conditions for their adoptability are given (Article 133.2).*

*Under the responsibility of the judge, with prior advice from the INAU, children up to the age*

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childhood, National Council of Adoptions, during the sub-regional Consultation of Central America, Mexico and Cuba for the Study of the situation of institutionalised children and adolescents in the Americas of the CIDH together with Unicef. Guatemala City, 25th July 2011.

45 Visit in July 2011.

46 National statistical newsletter on the Protection of Rights of Early Infancy. Second trimester, 2011. <http://www.sename.cl/wsename/estructuras.php?name=Content&pa=showpage&pid=153>

47 Official figure of the Fundación Hogar de Cristo that operates with funds and supervision from SENAME: National Service of the Minor, Chile, August 2011.

48 Consultation of 22nd August 2011.



*of two years cannot stay in institutional establishments for more than forty-five days, except those who find themselves residing in such establishments with their family or when health motives make it advisable to keep them in suitably equipped centres. Also, speaking of children over the age of 2 and up to the age of 7, the longest amount of time they should be in institutions is ninety days, with the same responsibilities and exceptions as in the previous paragraph applicable. If required by the judge, he can 'ignore' the report to the effect of taking the corresponding decision.*

The examples of the three countries mentioned in this section do not discuss exhaustively the number of children under the age of three in institutions, a reality extended in the countries of the region, but it does illustrate it.

Beyond the damage done to the development of these children by the deprivation of family care for every one of them, it is clear that a heightened vulnerability exists referring to the operation of appropriation and trafficking of those babies who can be victims. The realities identified in other sections of this Document, such as the appropriation through "rescues" of children, the inclusion of "homes" and their subsequent treatment are more than eloquent.<sup>49</sup>

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<sup>49</sup> In particular, see the sub-theme "Learning more about the relationship between the "rescues", institutionalisation and trafficking", included in Section 1, Macro Institutions.

### 3. Adolescents who grow up in institutions: unjustified long stays<sup>50</sup> and the lack of preparation for living alone.

#### 3.1. Average stay in institutions: years.

In the Latin American Report, we have given as an example the experts' opinion on **Colombia**, highlighting that many children bypass their childhood and reach the age of 18 in institutions of protection and what this can mean, in psychological terms, of the construction of emotional bonds and the capacity to live a life that permits social inclusion.

Furthermore, in the Documents released on the country, institutionalised children are described as being affected by: a profound sense of solitude; feelings of incomprehension; general isolation from society; the feeling of having been 'uprooted'; **uncertainty about the future in not knowing who will support them, protect them and give them company**; feelings of rejection; low self-esteem.

Another subject that can remain hidden if we do not inform ourselves about the average stay of a child in an institution is that of the situation that affects those who have been institutionalised for years. This reality of long periods of institutionalisation generally results in the adolescents, once reaching adulthood, lacking the networks and emotional bonds that prepare them for adult life.

As well as the lack of networks and bonds, the problem of the lack of preparation for the taking on of gradual autonomy in exercising their rights is also prevalent. They frequently lack not only an identification of their vocations and development through studying, but also the preparation of abilities and aptitude for work.

The Guidelines of the United Nations has many specific references to the rights that adolescents should receive in alternative care. As an example, we will mention Article 135: "Educational and continual professional formation opportunities should be offered as part of the preparation for everyday life for young people who are preparing to leave alternative care, with the aim of helping them achieve economic independence and generate their own income."

According to the Report on **Colombia**<sup>51</sup> many children grow up and reach adulthood in institutions of protection with all that this signifies in psychological terms - the difficulty of constructing emotional bonds and abilities to live in a socially included way. Among the reasons for this fact is the high percentage of children in a state of adoptability between the ages of 6 and 17 (representing 62%) that are thus considered

<sup>50</sup> Long stays in alternative care can be exceptionally appropriate, in relation to the best interests of the child in question. Situations can be recognised in which a long-term stay is recommended in order to protect their rights. Here we are referring to "unjustified" long stays, a product of a lack of planning, lack of answers, of the appropriation by carers, etc. For this reason we refer to these stays as "unjustified".

<sup>51</sup> National Report conducted by Ernesto Duran Strauch, included in the Latin American Report. See the complete Report, along with complete references of what is mentioned here as the National Report at [www.relaf.org](http://www.relaf.org)

to be “difficult to adopt” (Source: Grupo de Protección del ICBF - Colombian Institute of Family Wellbeing). It is estimated that there are 4506 children that are “difficult to adopt”, from which 1503 are deemed to be this way due to health difficulties, and 3003 due to their age, because they are a group of siblings, or due to their ethnic background (Source: Diario El País, 14th October 2008).

In 2009 in a report from **Paraguay** highlights that there was a total lack of state mechanisms for the evaluation, follow-up and supervision of institutions and the measures they have with the aim of protecting children without parental care, which contributes to the long stays of children in institutions.<sup>52</sup>

In this context, the lack of fulfilment of legal disposition in relation to care institutions makes it difficult to know the living conditions of children deprived of parental care in the said institutions. It informs us that the failure of the justice and executive systems of constancy and follow-up information and support for the children subjected to alternative care, custody and guardianship applied by the Justice System, means that there was no control on the amount of time the children would stay in the care institutions.

This study also shows a weakness or direct lack of technical teams in the search and placement of families and maintenance of family links. 28% of children living in institutions, according to this evaluation, did not receive visits from their families, inferring they partially or totally lost contact with their parents.

Presently, this country is concerning itself with the creation of standards and specialised supervision teams. However, as we will see in the following example, they must work continuously to revert the box described in 2009:

Updated information shows us that **out of 52 institutions** of alternative care audited by the National Secretariat of Childhood and Adolescence of Paraguay, **only 17** can count on a technical team that works on maintaining the links with the biological family.

In the case of **Nicaragua**, in the National Report it is presented as one of the main violations of the rights of children institutionalised for long periods of time.<sup>53</sup>

The lack of human resources and materials in the area of Special Attention of the Ministry of the Family, Adolescence and Childhood (MIFAN) is highlighted, which permits the monitoring of all cases of the unmanageable number of children that have been accommodated in centres of special protection and substitute homes, some without the necessary procedures or constitutional guarantee. The measures of admittance that the MIFAN applies should be transitory, but due to a lack of follow-up they become undefined periods and the children pass into adulthood in these centres.

Prolonged stays in centres and the quantity of children admitted, with the majority having family resources, acts as an indicator that there hasn't been a lot of work with the families, nor have options alternative to institutionalisation been applied.

In **Mexico** long stays in institutions are shown as being caused by the incapacity of the State to maintain a register of children who are under the guardianship of the State and define their juridical situation and monitor individual cases of children to know in which institutions they are accommodated and for how long.<sup>54</sup> This relates to the inexistence of a specialised organisation that regulates the situation of children without parental

52 National Report conducted by the Centre Studies in Human Rights, Childhood and Youth CENIJU. Asunción, Paraguay, October 2009.

53 National Report by Marcia Ramirez, December 2008.

54 National Report by Nashielki Ramirez et al, July 2009.

care and that is specialised in offering defence for children in juridical processes.

The length of stays are also made longer by bureaucracy and inefficiency in determining the juridical situation of children without parental care who find themselves in institutions.

Finally, once children are institutionalised, they do not develop appropriate mechanisms to strengthen emotional bonds with their family and there are not accessible or sufficient programmes to achieve successful social reinsertion into social networks.

In the City of Buenos Aires, **Argentina**, during 2008 the situation of 351 children who form part of the total number of institutionalised children in this city was revealed. From these 351 children, 44.4% (156) were in residential care, known as Co-Habiting Homes, with the rest being in Therapeutic Homes.<sup>55</sup>

Of the total of 351 children, 40% had been in an institution between 1 and 2 years (18.5% and 21.4% respectively); 38.2% had been in an institution between 3 and 6 years. Just 6.3% of the total had been in an institution for less than 12 months. 19 cases were registered in which the stay reached 7 years and in 20 cases it reached 8 and 9 years.

Co-habiting homes do not just accommodate the highest number of children, but they also have the longest stays in relation to other types of institutions. 37% of accommodated children are there for a maximum of 2 years, and the other 63% for more than 3 years: the longest registered periods were found in 3 cases in which the stay in the same co-habiting home was 10, 11 and 12 years.

In terms of Therapeutic Homes, 51% of the accommodated population are there for a maximum of 2 years. The other half are there between 3 and 9 years, registering a peak of 19% who stay for 6 years.

The current data of the Register of institutions in **Guatemala** demonstrates two types of care: temporary and **permanent**. Of the total of 4666 children of all ages in private institutions, 69% find themselves in temporary care and 23% in permanent care. It is also described in the registers of the institutions of this country that a judicial category exists that is known as a **"deposit"**. This category was created by judges who intervened in cases up until 2003, when the legislation changed. For this reason there is still a percentage of admittances in the system known as **"deposits"**. It isn't necessary to say that those classified in this way are there for life and there are those whose "destiny" is institutionalisation.<sup>56</sup>

In any form that residential care is assumed we can find situations of "unjustified long stays". It is this problem which can be found in the SOS Children's Villages, a private organisation that provides residential care in small groups. Information gathered in **Peru** shows that a significant number of adolescents who are staying in the SOS Children's Villages of this country stay an average of 7 years in these centres. The cause was described: the staff responsible for these private centres do not push for the reinsertion of the children into families and furthermore the disposition emitted by the judicial and fiscal authorities for the 'handing over' of children (for their exit from the institution, for example to their biological family) or so that they can be adopted, restoring their right

55 "Children and adolescents in homes transferred to the CABA". Director of Public Policies and Investigation, General Director of Management of Policies and Programmes, Council of Children's and Adolescents' Rights - Government of the City of Buenos Aires.

56 Author's note: in Sponsored institutions, in Argentina, there was a classification that was broken down into two categories: "institutions of reception and classification" and "institutions of destiny".

to live in a family, has been highlighted on more than one occasion. These cases have taken place particularly in the SOS Children's Village in Zárate, located in the district of San Juan de Lurigancho in the Province of Lima.<sup>57</sup>

### 3.2. The relationship between carers and children: the risk of appropriation.

A problem associated with unjustified long stays is the role that those who ought to carry out the function of carers assume. Contrary to what is described in the UN Guidelines about the different types of alternative care, staff who work in institutions often assume the role of substitute family to the children. In effect, in Article 71 of the Guidelines, it is recommended that:

*“Special attention should be dedicated to the quality of alternative care given, as much in residential care as familiar, in particular in respect to the professional aptitudes, the selection, the formation and the supervision of the carers. **Their role and functions should be defined clearly and should be distinguished from that of the parents or guardian of the child.**”* UN Guidelines, Article 71.

In light of these recommendations, we will now look at the testimony of a couple who were carers:<sup>58</sup>

*“The children, between a few months and 12 years old, live with Mirtha and Aurelio, who they think of as parents. Only two of them are in conditions to be adopted. For the rest, **this will be their home until they reach adulthood.** ‘When they ask me **how many children I have,** I tell them I **have 22**’ Mirtha proudly tells us. ‘My two biological children are 23 and 25 years old.’ Every time a new children comes they receive them with a welcome party. A month ago the latest group of three siblings arrived. **And the most emotional moment is when the children recognise them as their parents.** ‘From the very first day they **call me dad.** It’s an incredible feeling. They treat me as a mother hen with its chicks. I take them everywhere with me’, reflects Aurelio. And, finding a balance in these three years in El Resguardo, he realised that: **‘The most we have achieved is that they have accepted us as their parents.’**”*

The phrases that we have highlighted in bold call to our attention the distortion produced in the relationship between those who should carry out a role of temporary carer and the children under their responsibility. We are talking of the responsibilities of an institution that even with a format that seems more like a family, does not stop being an alternative care residency. For example, in a familiar type of alternative care such as fostering, it is the position that the carers assume that often determines whether or not they search for or find exits for the children. It is to say, the search, the preparation and the arrival to stable family- and community-based integration that is appropriate and legitimate, whether the return to the biological family or the integration in another family or, if recommendable, gradual self-government.

It is in this way that often children pass years and years in institutions without reason. It is also in this way that, frequently, crises may develop during adolescence due to the lack of appropriate family history, unresolved situations of abandonment and the difficulty in constructing their own identity.

<sup>57</sup> Information gathered during the sub-regional Consultation of South America for the Study of the situation of institutionalised children and adolescents in the Americas of the CIDH together with UNICEF. City of Lima, Peru, June 2011.

<sup>58</sup> <http://www.lanacion.com.ar/376724-el-hogar-donde-se-reciben-y-se-dan-abrazos> Accessed 19th August 2011.

## 4. Situations of serious mistreatment and sexual abuse in institutions.

Situations of sexual abuse and serious mistreatment in institutions are a reality that is more present in practice than we realise. Victims often keep the abuse quiet, but on occasions, many years after the incident, it is sometimes possible that it comes to light. In other cases the perpetrators hide in silence and impunity. The relationships of power exercised between the carers and children provide no escape for the victims, and their vulnerability is extreme. The asymmetry is huge, the lack of other examples from the outside (family, friends, authorities, other institutions) means there is no way for them to speak up or let anyone know what is happening.<sup>59</sup>

In other parts of this Document we have become aware of severe mistreatments: when we refer to the situation in large institutions in **Guatemala**, and we transcribe some of the results from the “Social Audit”, we are transcribing situations of mistreatment and abuse related by the victims themselves.

During the already mentioned sub-regional Consultations for the Study of institutionalised childhood in the Americas, by the CIDH with the collaboration of Unicef, incidents of reported mistreatment and sexual abuse were mentioned.<sup>60</sup>

In this section we will consign, as examples, some cases that have been taken to justice and to the media, achieving in some cases the trial and corresponding judicial condemnation or at least the social disapproval of those responsible. We will discuss a mere 6 cases, recognising that there are many situations in Latin America that can be grouped into these crimes.

### 4.1. The “Padre Grassi” case.

The priest Julio César Grassi, founder and ex-president of the Fundación Felices los Niños of **Argentina** was condemned on the 10th June 2009 to 15 years in prison by the Tribunal Oral Número 1 of Morón in a case of sexual abuse and corruption of minors accused by three youths (“Ezequiel”, “Gabriel”, and “Luis”) who had been beneficiaries of the work of the Foundation. The priest was held responsible for 17 counts that took place before 2002. The three youths were minors when the crimes occurred and were under the responsibility of Grassi in the area of Hurlingham, Province of Buenos Aires, Argentina. The sentence was for sexual abuse of the adolescent “Gabriel”, which occurred in November and December 1996. He was, however, acquitted of the cases of “Ezequiel” and “Luis”.

The Fundación Felices los Niños was founded in 1993 by the priest of the Catholic Church Julio César Grassi in Hurlingham. In time, the work of the Foundation began expanding to different areas of **Argentina**; in the Province of Buenos Aires, the Federal Capital and in the interior of the country, as far as Santa Cruz, San Juan, Santiago del Estero, Chaco and Formosa. From its beginnings, the Foundation directed its action to children and adolescents who were on the streets through their protection in homes, day centres

<sup>59</sup> During the sub-regional Consultation for the Study, information was revealed about whether or not mechanisms to allow complaints of mistreatment in institutions exist. In all countries it was demonstrated that appropriate resources of this kind for children did not exist.

<sup>60</sup> Revealed in the work groups, for example participants from Bolivia and Chile mentioned cases of sexual abuse and severe mistreatment in their countries. In the case of Chile, special reference was made to educational institutions and mental health centres.

and educational centres. In the homes of the Foundation 350 children and adolescents were accommodated.

In the month of October 2002, the television programme “Telenoche Investiga” aired two reports titled “Con los chicos no” in which adolescents reported being sexually abused by father Grassi during their stay in homes of the Fundación Felices los Niños. After the broadcast of these journalistic reports, the law ordered the arrest of father Julio César Grassi for alleged corruption of minors.

A month later, in November 2002, the law decided to prosecute Grassi, but he was released under special conditions, which included the promise to submit himself to the trial and to not be alone with the children while running the Foundation. A few weeks later his trial was confirmed and he was removed from the presidency of the institution.

The proceedings began almost six years later on the 20th August 2008. Grassi arrived in court accused of 17 counts of sexual abuse, corruption of minors and threats of harm to the three adolescents. In total, more than 130 people came forward as witnesses during the 9 months of the trial. During the statements, the attorney Alejandro Varela asked for 30 years in prison, while the prosecution lead by Juan Pablo Gallego asked for 37 years. The sentence was of 15 years in prison, which was confirmed in September 2010 by the Chamber of Criminal Appeals of Buenos Aires, after the rejection of the appeal court of the appeal against the sentence, by both the defense and the prosecution.<sup>61</sup>

In line with this, another count of abuse occurred in one of the Homes of the Foundation, this time by older children against younger children. For this reason, the closing down of the Hogar San José Obrero was ordered once the crimes were verified. In April 2009 judge Myriam Rustán de Estrada took care of the relocation of all of the children who were in the home, with the intervention of two judges who were in charge of the minors and in May of the same year the judge ordered the administration of the home over to the Archbishop of Buenos Aires.

#### 4.2. Punishment cell in the Hogar Ermelinda Carrera.

The Hogar Ermelinda Carrera is an institution for girls and adolescents. Located in the District of San Miguel, it is one of the oldest in Lima, **Peru**, with just over 125 years of operation. Around 180 girls and adolescents live in the Home.

*In 2006 a teenage girl reported the existence of a punishment cell in the home, in which girls were locked for bad behaviour. The cell was a “tiny room, 1.20m high and 1.50m wide, dark, dirty and foul-smelling, with insects and spiders [...] In the cell - they do not know for how long it has been used - adolescents who made mistakes were locked in, for days or weeks, so that they could “reflect upon their bad behaviour”.*<sup>62</sup>

The judge of Familia Carmen Aguilar verified the truthfulness of the claims, and immediately ordered the closure of the cell. The Director of the Home, the religious Adriana Saettone, with two and a half years working in her post, was removed from her position of responsibility. The seriousness of the case provoked the beginning of inspections in all homes of the country by the National Institute of Family Wellbeing (INABIF).

61 <http://www.lanacion.com.ar/1304612-caso-grassi-confirmaron-la-condena-de-15-anos> Accessed 19th August 2011.

62 <http://peru21.pe/impres/ noticia/cierran-celda-castigo-ermelinda-carrera/2006-03-24/139133> Accessed 25th August 2011.

### 4.3. Mistreatment in the Villa de la Niñas.

The “Las Hermanas de María Villa de los Niños” institution, known as the “Villa de las Niñas”, is an institution for girls and adolescents in a situation of poverty located in the municipal head of Chalco, located a few kilometres from **Mexico City**. It is directed by the Hermanas de María, a religious order founded in South Korea by Aloysius Schwartz, a North American priest. The Villa has around 3,500 girls and it offers free secondary education up to the age of 20.

In May 2007, 600 girls suffered an illness<sup>63</sup> that specialists affirmed came from a kind of mass hysteria, a psychological disorder common among children and adolescents who are emotionally vulnerable in places of high concentration. The symptoms were: nausea, severe headaches, muscle pains and difficulty walking. According to the specialists, the illness was caused by the great stress that came from the strict treatment of the girls by the nuns and from the types of treatment that they were subjected to. “It is not just the strict timetable, but also that a father of a family gives up his adolescent daughter in August and comes to see her until December. They do not have the right to even speak to them on the telephone. Nor do they have access to the internet, they cannot watch the television or have contact with boys, let alone speak with them. And when they are ill, they are not adequately looked after.”<sup>64</sup> This final aspect was reported by a pupil, who spoke of how for a year she was treated for a lump she had in her throat with a boiling paste made with a Korean herb. The paste was applied to three parts of her back where she now has scars from the burns that it caused. Not long after leaving the Villa, the student was diagnosed with cancer.<sup>65</sup>

Another reported case<sup>66</sup> is that of a teenage girl who took her third year of secondary school there. Days before going for holidays, in a sports activity, she fractured her collarbone. Despite her great pain, the nuns did not assist her. On her way home for the week’s holiday she received the medical attention she needed: her fracture was put into plaster and she was prescribed analgesics to make her pain more bearable. On her way back to the institution, and in spite of the requests of her mother and the student herself, the nuns did not supply her with the pills and the pain returned once again, to such an extent that after a few days she could no longer move. Before the complaint about her medication, the nuns labelled her a “rebel”. “As a punishment they sent her to second year. They gave her difficult tasks, such as cleaning tables and lifting chairs, activities she could not carry out, she could not even manage to take care of herself. All those days, she recalls, she could not wash herself, and the nuns gave the order that nobody should help her.

*“In those days she got her period, and she could not even take care of herself hygienically as needed [...] they pushed her, they pulled at her, and they even pulled her hair. The humiliation continued day after day [...] One of them (the nuns) found that the plaster cast was the reason Liliana could not move and ordered its removal [...] and it was too early to remove it. One day [...] mother Arely gave the order that they should put her under the shower and help her wash [...] by orders of the nuns, with shoves from other students she was taken to the bathroom. There, with violence, they removed her clothes and left her naked, without making sure her fractured left arm was not moved, and that is where they pulled at her most.*

63 <http://www.elmundo.es/elmundosalud/2007/04/16/neurociencia/1176712044.html> Accessed 26th August 2011.

64 <http://www.esmas.com/noticierostelevisa/mexico/617047.html> Accessed 26th August 2011.

65 <http://www.elmundo.es/elmundosalud/2007/04/16/neurociencia/1176712044.htm> Accessed 26th August 2011.

66 <http://www.lajornadaguerrero.com.mx/2007/04/24/index.php?section=sociedad&article=012n1soc> cessed 26th August 2011.



*Outside the showers the nuns laughed and gave instructions on how to carry out the task. One of them had the idea that, to make sure she was clean as she had gone for days without washing, they should scrub her with a broom [...] thrown under the shower they cut her nails, which were already dirty and long. They didn't do it carefully, taking with them skin from her fingertips. "My hands and feet were covered in blood", she says.<sup>67</sup>*

#### 4.4. Exploitation of children in Casa Hogar Adulam.

The Casa Hogar Adulam is located in the central zone of **Mexico City**. In March 2010, an investigation of two and a half months began, stemming from a complaint<sup>68</sup> made by four children who accused Emilio Moctezuma Beltrán Saldaña, Director of the Home, of forcing them to sell articles such as lighters and pens in the street without receiving any payment for the work they did. The investigation resulted in the detention of five suspects from a human trafficking ring and 27 children were released (16 girls and 11 boys), 6 adult women and four men who were also exploited. The five who were arrested are on remand, in an investigation into forced labour, sexual crimes, corruption of minors and organised crime.

*"Some of the victims told police that they were raped, others that they were forced to give up their newborn babies and one even said that she was pressurised into an abortion [...] The victims showed that they were obliged to give up between 700 and 800 pesos (between around 54 and 62 dollars) a day to the director of Adulam. If they didn't, they were fined by being deprived of food. They also said that they were forced to clean gardens and staircases, on their knees, with a toothbrush", pointed out the attorney.*

#### 4.5. Missing children in Casitas del Sur.

The case of Casitas del Sur in **Mexico** was made public with the accusation of Mayra Azucena Martínez about the disappearance of her daughter Ilse Michel, a girl who was institutionalised in one of the homes of Casitas del Sur in Mexico City. In light of this case and others which were not public knowledge but came to light after this complaint, it is recognised that:

*"There is sufficient evidence to come to the conclusion that behind the Casitas of the Federal District, Cancún and Monterrey, a network of trafficking of minors operates [...] There is an absolute lack of regulation and vigilance in these places. The children there do not even know who they are. These are suitable conditions for the operation of trafficking networks and exploitation of children," said Margarita Griesbach, director of the Office of the Advocacy of Human Rights.<sup>69</sup>*

On the 20th August 2008, the Court 16 de lo Familiar awarded the grandmother Ardelia the guardianship and custody of the girl, Ilsa. When the woman arrived at the home of Casitas del Sur to pick up her granddaughter, the legal representative, Elvira Casco, refused to hand her over, alleging psychological problems that meant the girl would need to stay in the institution. Ardelia complained about the retention of her granddaughter.

<sup>67</sup> <http://www.lajornadaguerrero.com.mx/2007/04/24/index.php?section=sociedad&article=012n1so> Accessed 26th August 2011.

<sup>68</sup> <http://www.eluniversal.com.mx/notas/681962.html> Accessed 26th August 2011.

<sup>69</sup> <http://impreso.milenio.com/node/8532620> Accessed 26th August 2011.

In November, the director of the institution, Vanesa Barroso, was brought before the Reclusorio Sur for the crime of holding a minor but shortly after she was freed. The girl has still not appeared. The situation resulted in the decision of the Attorney to realise simultaneous operations in two other homes of Casitas del Sur, from where they transferred the children accommodated there to the national DIF.

“The minors presented symptoms of dehydration and, according to the Attorney, repeated fatalistic messages such as “The world is going to end” and accused the authorities of committing “a sin”. This provoked the opening of a new line of investigation: the operation of a Christian sect within Casitas del Sur.<sup>70</sup>

The case of Ilsa was not the first. In 2005 irregular operations had already been highlighted in a home of Casitas del Sur in Cancún, Quintana Roo, in which Leidy Campos Vera, a member of the sect and administration of the home, was accused of holding minors after the disappearance of a number of children.

Also in Monterrey, at the end of 2008, parents reported the disappearance of one boy and two girls: Julio César, Adriana y Diana Elizabeth, who are also still missing. There, the operation of the Centre of Family Adaptation and Integration, AC (Caifac) has a lot of similarities with the other two residences of Casitas del Sur.

#### 4.6. Abuses in the Hogares de Remar, Paraguay.

in 2006 a serious case came to light in the Homes administrated by the NGO Remar, in Paraguay. The complaints made sexual abuse, corruption, and the taking of funds for the benefit of the directors known. The director of the home and other people who accompanied him were of Spanish origin. He was accused of making himself rich illicitly, according to the authority who carried out the investigations:

“These resources were evidently not used on the children because they were fed with out of date products, with poorly stomachs, boiled spaghetti or rice.”<sup>71</sup>

The accusations of sexual abuse fell on staff from the Home. A Spaniard was identified as a perpetrator who worked in the Home in the locality of Fernando de la Mora, next to Asunción, with victims of 9 and 10 years of age.

The case had wide repercussions in the media and influence on the judicial and administrative authorities of the government, who should have monitored the functioning of the homes.

<sup>70</sup> <http://impreso.milenio.com/node/8532620> Accessed 26th August 2011.

<sup>71</sup> <http://www.lanacion.com.py/noticias.php?not=138066> Y [http://actualidad.terra.es/nacional/articulo/intervienen\\_centro\\_menores\\_detencion\\_espanol](http://actualidad.terra.es/nacional/articulo/intervienen_centro_menores_detencion_espanol) Both articles, accessed 25th August 2011.

## 5. Children institutionalised outside their countries of origin.

### 5.1. Description of the problem.

*Susana mentioned that in the home where they were held, the children and adults were mixed, as well as women and men, and that the attitude and conduct of the immigration police scared her so much during the process of deportation that she did not want to cross the border again, putting her baby at risk.*

*Perceptions of unaccompanied migrant minors.<sup>72</sup>*

This section has as its objective the demonstration of some of the institutional practices of migrant children or adolescents or children of migrants who find themselves institutionalised whether for a long time or in an intermediary institution for protection.

We are specifically looking to contribute to making this problem visible and identifying the possible violations of the rights of the children and adolescents in ordering their institutionalisation, practically the only solution prepared for children deprived of parental care outside their countries of origin. For that reason we are interested in highlighting not just the poor conditions of accommodation but also **that institutionalisation is the only answer of alternative care for migrant children without parental care.**

Following the Latin American Report on the Situation of children without parental care or in risk of losing it in Latin America: Contexts, Causes and Answers,<sup>73</sup> migration is one of the recurring causes of loss of parental care in the region.

*"...The displacement of people through the borders and interiors of national territories makes up a phenomenon growing throughout the world, that always affects people's lives and, in particular, those of children and adolescents, among other factors, due to the rupture of family and community bonds that it brings with it. In this way, our region not only is not exceptional, but it is also the scene of constant and more frequent movements of the population driven by poverty, armed violence or natural disasters..."*

As a paradigmatic example of what we wish to make visible here, we will take **Mexico**. Due to its geographical location, this is a country that as well as suffering the problem of migration with its own population, also receives, in movement towards the United States, permanent groups of people of all ages from Central American countries and a lesser amount from South America and the Caribbean. As part of the response to this reality, a number of refuges for children in the situation of illegal migration and/or without accompaniment have been prepared.

<sup>72</sup>Perceptions of unaccompanied migrant minors on the experience of crossing the border and repatriation, Sonora - Arizona, as a public policy problem. Faculty of International Studies and Public Policies, Universidad Autónoma de Sinaloa, J.A. Sánchez Inzunza et al. [www.puec.unam.mx/...migracion...y.../mesalll\\_ponencia2.pdf](http://www.puec.unam.mx/...migracion...y.../mesalll_ponencia2.pdf)

<sup>73</sup> Latin American report cited in the Introduction of this Document.

According to the reports of Unicef, in the Mexico office, between 2001 and 2006 the National DIF and the local DIFs (a specialised organisation of the government) have established 23 refuges in the northern border that form part of the Interinstitutional Programme of Attention for Border Children; in the last year they took in more than twenty-thousand Mexican children and adolescents who were repatriated from the United States. These refuges form part of a Network that works to guarantee the rights of unaccompanied migrant children as much in the moment of repatriation as with the return to their place of origin.<sup>74</sup>

The conditions of accommodation in the institutions are reflected in the Study whereby a group of investigators gathered qualitative elements in numerous interviews and observations in the centres. (See footnote 72) From the same piece, we take this description:

*As part of the observations realised in the refuge of the programme Camino a Casa in Nogales, Sonora, we could verify limitations in material resources for the attention to minors and inadequate training of staff for the realisation of their jobs. At the moment of arrival at the refuge they children are not given food, they have to wait until it is meal time. The food handed out to the children is not sufficient in quantity, nor does it give them the nutrients necessary for a balanced diet. The food usually consists of a small portion of soup or stew and three tortillas, with flavoured water served in a small glass.*

*In the bedrooms there was no heating, in spite of the extreme climate. The recreational area, which is found at the back of the building, is not in use because of the fear that the children will try to escape, which means they remain inside watching television or laying down in the bedrooms.*

*The minors wash their clothes in buckets, in the patio of the refuge. The clothes they wear are the same they were wearing when they were detained in the United states; they are only given underwear, a sweatshirt and shoes when they did not already have them. During our visit, no activity or recreational or educative therapy took place for the benefit of the minors. Nor did we have the opportunity to see the doctor in charge of attending to the children and in the medicine cabinet there were not many basic medicines to be found, such as painkillers.*

*The shortage of material resources in the refuge, like the lack of professional preparation on the part of the staff, in many occasions is substituted by authoritarian attitudes which generates stress with the minors. The manager of the refuge, the social workers and the rest of the staff, from guardians to cooks, are very cold and distant with the children. The minors showed fear in entering into the offices of the refuge or asking for news of their families or requesting any type of help.*

## **5.2. The necessity of the adaptation and diversification of responses.**

During the Consultation in Central America for the realisation of the Study of institutionalised childhood realised in Guatemala, referred to in other sections of this Document, this reality came into discussion. In effect, in the group made up of representatives from Panama, Mexico, Costa Rica and Cuba the description of this

<sup>74</sup> [http://www.unicef.org/mexico/spanish/proteccion\\_12170.htm](http://www.unicef.org/mexico/spanish/proteccion_12170.htm)

problem as well as the production of recommendations took place.<sup>75</sup>

Due to its particular value, we will take the recommendations related to the subject with which we are dealing:

**Recommendations with regard to migrant children and adolescents in institutions:**

**All models of attention which exist have to be rethought from a human rights perspective, which will permit us to adapt them and make them into models of protection of human rights.** For example, we must determine which of the rights of migrant children and adolescents were violated before migration, which brought them to decide to migrate and which puts them in a situation of vulnerability. It is to say, we must look at the causes and not just the consequences.

In the speech of the institutions of protection of migrant children and adolescents and of their operators they speak of the superior interest of the child, but they do not make it clear who is responsible for defending them: training is important so that those responsible can prepare and take care of their responsibilities.

**Each model of work should identify the way in which the interest of the child or adolescent will be defended, the definition of the ISN should be contextual to the situation in which the child finds itself.**

**It is necessary to generate alternatives to institutionalisation for migrant children and adolescents,** as it is currently the only available response; and that families are not separated.

**A system of foster families could be applied for the temporary care of children and adolescents separated from their biological families due to their migration. Also, we should think of programmes to strengthen the family unit and prevent immigration in the case of separation.**

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<sup>75</sup> The presence of the specialist Oliver Bush Espinosa in the work group, Director of interinstitutional relations of the National Institute of Mexico, was of particular value in the exchange on the subject,

## 6. Conclusions and provisional recommendations.

As said in the presentation, the objective of this work is to highlight a reality that is, although enormous in proportion and grave in the violations of human rights, remaining hidden, including from those who operate in the field of the protection and defense of children's rights.

As we have also said in the Latin American Reports, we are barely even characterising the problem here; we are merely showing the "tip of the iceberg". We are realists and realise that this work does not exhaust the information and analysis of the five problems set out, related to grave violations of the human rights of children and adolescents in institutions. However, we are conscious that it is "much more" than what "they know" and, as a consequence, try to tackle for its adaptation in the field of protection of infant rights.

The five questions identified deserve a general recommendation: their eradication.

Large institutions, the admittance of babies to "protect their rights", long, unnecessary stays in institutions and the consequent lack of opportunities for those who have been there and the sole response of institutionalising children outside their countries of origin should be eradicated from societies as practices tolerated socially and legitimately by governmental institutions and civil society.

While they persist, they give a shameful testimony to the presence of repressive, stigmatising and devastating actions towards children and adolescents in Latin America.

## Bibliography

Bibliographical references, texts and documents as well as websites were referenced throughout the text. However, in the following list we would like to add three of the referenced texts with the aim of facilitating their localisation for the reader.

Bowlby, John (1950) *Los cuidados maternos y la salud mental*, 1982 Edition, Buenos Aires, Hvmánitas.

Goffman, Erving (1961), *Asylums. Essays on the Social Situation of Mental Patients and Other Inmates* (Spanish translation, *Internados. Ensayos sobre la situación social de los enfermos mentales*, Amorrortu, Buenos Aires, 1970).

Foucault, Michel, (1975) *Vigilar y castigar*, Buenos Aires, Siglo XXI Editores. (2008 Edition).





