The Silent Wars of the Abandoned:

A Solution to the Complex Situation of Institutionalized Mexican Children

Scholarly Essay

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Abstract

Over thirty thousand children live in government or charity-run institutions in Mexico. With an estimate of less than one thousand adoptions and foster-home placements in the country per year, approximately seven percent of institutionalized children will experience family life (Himitian, 2015). The buildings where these children live (also called casas hogar) are far from being un hogar – a home; they are typically institutions where dozens or hundreds of children of all ages navigate dorm life, schooling, and playtime by themselves. The majority leave the institutions to start working for their impoverished families of origin during their early teens. Most institutionalized children spend their infancy and childhood deprived of the opportunity to bond with a parent-figure, and risk never developing the necessary affective attachment, which enables children to feel empathy and a sense of self-worth. Many end up as victims of human trafficking, drug cartels or exploitation. This scholarly essay looks at the problem within a human rights framework and draws upon established children-rights laws, current data, and personal conversations and experiences. It also explores the reason why, despite the heroism of capable and dedicated individuals in the nonprofit and public sectors, Mexico has not made significant progress in the areas of adoption and foster home placements. Finally, it creates a platform for subsequent empirical research in connecting family deprivation (through institutionalization) and Mexico’s rates of crime and poverty.

key words: institutionalized, institutionalization, adoption, foster-home, Mexico
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A Solution to the Complex Situation of Institutionalized Mexican Children

My interest in this topic comes from personal experience. In 2009, I began the process of becoming a mother to two children who were in Mexican institutions deprived of a family – Francis, who was seven months old, and Stephania, who was a year older. Their story highlights the tragedy of an unfair system. Francis was born with bilateral choanal atresia – a condition that forces babies to mouth-breathe – and he was struggling to stay alive. I adopted Francis but could not adopt Stephania because even though she was classified as an adoption case, her paperwork was in another state where a new government had been introduced and the process had been delayed. Despite the existence of a law declaring that all Mexican children have the right to grow-up in a family (Law on the Protection of the Rights of Children and Adolescents, May 29, 2000) there were still no practices in place to foster children. Therefore, even though Stephania had the legal right to come home, by law, I had to leave her in the orphanage. Two children with similar backgrounds and the same alleged rights, but two very different destinies: one came home before the age of one; the other remained institutionalized until she was almost six. For more than four years – crucial developmental years – while my son was showered with love, received early education intervention, a goodnight kiss and a bedtime story every day, my daughter navigated dorm life, schooling, and playtime by herself, among thirty other toddlers.

In this essay, I offer an insight into the life of at least thirty thousand children who currently live in Mexican institutions – who they are, and why they are there – and reference studies that demonstrate the devastating repercussion of institutionalization (García-Baamonde et al., 2008). It encompasses background information on how Mexico came to have these children institutionalized away from their families, and how – despite plentiful international, national and
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statewide laws, and the ceaseless work of heroic individuals both in governmental and nonprofit sectors – the situation has remained almost the same for half a century. It also proposes what could be the single, most significant factor keeping Mexico from making progress in the areas of adoption and foster home placements. Finally, it explores the possibility to expand research, connecting the institutionalization of children and their victimization in human trafficking and drug cartels.

Background

How did the institutionalization of children in Mexico happen? Mexican Indigenous people had no orphanages. The indigenous welfare system was one based on solidarity. When children were hungry or sick it was the village’s responsibility to feed them and assist parents with their care. When parents died, another family would immediately adopt their children; nature was their inspiration and they did not need a law to understand that all children had the right to live in a family. In pre-colonial times, only minors over the age of 15 would be sent to boarding schools with the sole purpose of attaining higher education (Marcos Moctezuma, 1999). When the colonials arrived and – with them – the disruption of an established system, missionaries began to assist in the protection of orphan children.

As civilization evolved, individuals – some of them, motivated by greed – took upon themselves to host children and introduced terrible abuses (Duarte, 2014). Hence, by the 1960s the Mexican government – echoing the United Nations’ International Covenant on Political Rights – established the system Mexico currently has, where a government entity supervises and directs all issues pertaining children’s rights. This organism is called Integral Development of the Family, also referred to as the DIF (Desarrollo Integral de la Familia). It is partisan, which
means that the federal and state governments elected, appoints its members at least every six years.

Since then, there have been numerous international treaties and national and state laws declaring that children have rights, and that these are independent from adults’ rights. Currently, Mexican laws clearly state that it is in all children’s best interest to remain with their blood family and, hence, the State’s duty is to assist families to properly nurture and care for their children. In fact the 2017 amendment made to the 2000, 2010 and the 2014 Mexican Law on Children’s Rights, declared that institutionalization is a temporal solution and it should be the last recourse. It also stipulated that states should create a children’s protection committee, which is headed by states’ elect governors, their spouses (who automatically become the DIF’s state wide presidents), and a governors’ appointee general attorney, referred to as el Procurador. This committee is called the Integral System for the Protection of Children and Adolescents, or SIPIDNNA (Sistema de Protección Integral de los Derechos de Niños, Niñas y Adolescentes).

A Complex Situation

As part of my essay, I crossed referenced information from three general sources: 1) Mexico’s set of laws on children’s rights published since 1966; 2) empirical studies and data collection regarding the institutionalization of children in Mexico; and, 3) information from personal conversations I had during the last few months with government-elect appointees, and directors of nonprofit institutions (or casas hogar). I also had the opportunity to converse with two local House Representatives (or diputados) about the feasibility of my recommendation, which has to do with a much needed modification in the direction and supervision of policy practice pertaining the protection of children’s rights.
In the literature I reviewed, the institutions are described as boarding homes or shelters where children reside. Government officials or nonprofits run them, and they are responsible for the care or guardianship (or both) of their institutionalized minors (Ley para la Protección de los Derechos de Niños, Niñas y Adolescentes, 2010). For most of these children, their parents, or a family member, are still their guardians. When that is not the case, it is the State who takes on the guardianship role. Though the buildings are also called casas hogar, most of them, far from being un hogar (a home), are typically institutions where dozens or hundreds of children of all ages navigate dorm life, schooling, and playtime by themselves. Government funding sponsors the public institutions. The nonprofit – which are the majority – are mostly charity-funded; however, are still expected to be entirely under the jurisdiction of the DIF, that is, the transient elect-government.

In regards to the total number of children in institutions, I found conflicting information. This is due mainly to the fact that children are frequently transferred to different homes during their institutionalized life (Garza, 2014), and because different states follow diverse reporting parameters and system. However, the 2015 census conducted by the INEGI (Instituto Nacional de Estadística Geografica), explains that there are approximately 30,000 children in Mexico living in Institutions.

Who are these Children?

Children and adolescents are institutionalized in Mexico, generally, when they fall within one of three situations or categories: 1) Children whose parents have been declared by DIF states’ authorities as unfit to care for and protect their children; 2) children institutionalized by their own caregivers willingly because these see themselves as – circumstantially – incapable of giving their children adequate nourishment, care or schooling; and, 3) children who have been
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abandoned or whose parents are dead, missing, incarcerated or abroad (Muller, 2010). According to one of the studies, approximately half of all institutionalized children fall within the first category (Garza, 2014).

*Their Institutionalized Life*

There is also discrepancy regarding the average time children spend institutionalized. Most states declare that it is an average of four years. However, I was able to verify that reporting was done without considering the transfer of children within institutions. In fact, one of the only studies conducted where 19 formerly institutionalized adults were interviewed, shows that these resided in at least three different institutes for an average of eight years (Garza, 2014). (See Figure 1.)

Many obstacles prevent institutionalized children from returning to their family or extended family of origin; namely, the family’s inability to go through rehabilitation or the intransient condition of vulnerability the family experiences, mainly due to extreme poverty. In addition, and paradoxically, another element that delays the exit of institutionalized children is a law promulgated to protect them. This law declares that the family of origin in Mexico includes the fourth cousins. While the law makes sense in regions where extended family remains together – typically small villages – in urban settings, it prevents children’s prompt readmission into a family. This is the case especially because already overwhelmed governors’ appointees – the *procuradores* – who might spend the first years of their six-year assignment figuring out the system, need to search the world for children’s fourth cousins. Later, such searches and most of the work is interrupted about a year before the end of their term.
The following is a real-life scenario that happened in November of 2017, as recounted by one of the nonprofit directors during our conversation. It illustrates the nonsense of some policies’ applications.

A young woman, an orphan and a prostitute – who I will call Lety – gets pregnant and decides to place her baby-girl for adoption through one of the accredited nonprofit institutions. An aunt hears about it and claims the baby. Lety spends all her savings in lawyers attempting to demonstrate that her aunt is not fit to adopt her baby. In fact, she is the reason why Lety became a prostitute since she sold her at the age of fourteen. Lety wins the case, but then the Procurador turns to the grandmother as a potential adoptive-mother. No one realizes that the grandmother is the same woman who turned the other way when Lety was sold. Lety ends up running away with the baby, becoming another vulnerable young mother who might not be able to break away from the vicious cycle of poverty in the country.

Though we do not have an exact number of prospective Mexican adoptive families, most states record having a surplus of families waiting and willing to adopt children as old as 8 years (Cortes, 2018). These families who are waiting for adoption are not among the 30% Mexicans who live in poverty (Amarante et al., 2016). Still, none of them was able to keep, love, and care for Lety’s baby.

The following similar vignette was quoted in Dr. Antonio Garza’s (2014) research on page 201, and together with Lety’s story, exposes the conflicting practices in the system:

Fernando was five when police finds him in the street sitting next to his very drunk mother. He is institutionalized for two months, until authorities get on hold of his father. The father takes him in, but then gives him back to the mother. A year later, authorities find Fernando again in the same street sitting next to his intoxicated mother. After another several months of institutionalization, he is taken to his elderly grandmother; but three months later, the grandmother brings Fernando back to the authorities because she is unable to care for him. Authorities then call a great-aunt, who takes Fernando in for two more months, but unable to deal with the mother’s aggression, the great-aunt brings him back to the institution. Fernando stays there for a year before he is technically classified as a minor-at-risk and can be transferred to another institution. That year, more than four years since police first finds him in the street, his mother loses custody, thus, he is sent to a nonprofit institution that will find the funding to provide him with rehabilitation and a family. Fernando is now 10, and after suffering negligence and abuse during the first five years of his life, he has now spent the following five with four different relatives who ended up rejecting
him, and in three different institutions. After the nonprofit institution finds a suitable adoptive family, it takes months for state officials to certify the family, and several more months for courts to process the adoption. Fernando is finally adopted and joins his adoptive family when he is 11—six years after his parents first demonstrated their inability to care for him.

Their Life After Institutionalization

Just like Fernando, and my Stephanie, approximately 7% of Mexican Institutionalized children are eventually adopted. An estimate of 27% leave the institution when they turn 18 (Himitian, 2015), and majority exit during their early teens when they are expected to return “home” in order to start earning money. I found no empirical research showing what happens to these teenagers after they return to their estranged families of origin. Nevertheless, Garza’s (2014) vignettes speak of their vulnerability, mainly because they involuntarily leave the institution and are forced to abandon school and live in an environment they hardly know.

Thanks to international research completed within the last two decades, it is evident that institutionalization has negative effects since it hinders children’s affective and personality development, as well as their social relations (García-Baamonde, 2008). Data collected in Romania (Zeanah, et al., 2005) demonstrate that children’s psychological challenges developed in infancy become more acute during institutionalization. Other studies correlate the absence of family life and the loss of the affective bond, of identity, of a sense of self-worth, and an increased guilt from the incapacity to process events and relate to others (Ferrandis et al. 1993). These studies also show that individuals who have been institutionalized tend to explain situations in a way that is tolerable which typically translates in denial, making their path toward healing very difficult.

A Solution
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My three sources – that is, the set of laws and treaties, a few independent studies, and my conversations – point towards a specific ideal remedy for this situation: the rehabilitation of the families of origin – to help them keep their children, and care for their children. In fact, as an adoptive mother, many times I reflect on how, had I been given the option, I probably would have adopted not only Francis and Stephie, but their young birth mothers too. We cannot deny that there is something very meaningful about having been loved by your birthparents.

Nevertheless, it is evident that no country will have the infrastructure to effectively rehabilitate all families of origin, and that countries cannot wait until this happens to reinstate children in families. The difficulty is far-reaching and touches on an extremely complex situation where poverty, and the lack of education and family support systems are at the root of the problem. And if that were not enough, corrupt governance and an abysmally unequal distribution of wealth keep countries convalescent for centuries, and make matters worse.

But far from being a hopeless situation, it does have a one-step solution; a monumental step but, yet, a single change that can set the defense of children’s rights – including that of living in a family – on the right path for decades to come. I recommend for the Mexican Senate to make a bold move and declare a change in the lines of governance that directly oversee and promote the application of children’s right in Mexico. I propose that congress should create a stable governance infrastructure that remains in charge of the protection of children’s rights, when a new governor is elected. The transitional government-elect appointees, because of their temporary role, create a leading and supervisory infrastructure that serves as a shackle with weights attached to a movement of heroic professionals, public and civil servants.

Fernando and Lety’s cases demonstrate disconnect between the Laws – which clearly advocate for children’s rights to live in a family – and the implementation of such laws by elect
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government appointees, who lack the institutional memory, and many times, the credentials for such a critical job. In addition to those two cases, during several of my conversations, it became evident that this constant transition and political affiliation of the leaders in charge of minors’ rights protection, is not in children’s best interest. For example, cross-referencing information from two of the conversations, it appeared that the heroic effort of one of the DIF government-appointee groups – in order to secure the establishment of a foster home system in a state – was completely ignored by the team that replaced them after the election of the new governor. In fact, among those I interviewed in the DIF none had been at the job for more than three years. Also, during other separate conversations with directors of nonprofit institutions from different states, they all mentioned the fact that none of the government appointees during the current term, had a degree on psychology or social work, nevertheless, they were responsible for the evaluation and certification of their institutions and of their prospective adoptive and foster families.

Another troubling example of the rupture caused when a new government transitions in – and with it, all new leadership – is the discrepancy I found in the data gathered between one government term and the next. As you can see in Figure 2, between the years 2005 and 2011, there were three governors in the State of Nuevo Leon and, thus, there were three governor-appointed teams in charge of Children’s rights in the State during the same period. There were approximately 3,000 reports of abuses or neglect every year. However as a team transitioned out in 2005, only one-third of the cases where investigated, and half of them were determined founded – that is, with substantial evidence of abuse or neglect. Between 2006 and 2010 there was a different team in charge. During that period, two-thirds of the cases were investigated and less than half were determined founded. At the beginning of 2010, when a new governor came to power, he had established a new DIF team by 2011. On that year, the team recorded that they
were able to investigate all 3,000 reports and they concluded that roughly all 3,000 cases were founded. Interestingly enough, between 2005 and 2011, despite the differences in investigation results, a consistent range of 900 to 1000 children were institutionalized due to abuse or neglect; a number that might reflect not the investigations, but rather the total number of beds available in institutions in the State.

**Conclusion**

I will end by sharing an anecdote of the time when I adopted Francis, in 2009. The United States had just signed the Hague Convention Treaty, specifying that only Hague-certified U.S. agencies could mediate the adoption process with another Hague Convention country, hence, with Mexico. When I contacted the only three US agencies that were certified at the time, all three gave me the same answer: “We do not deal with Mexico.” And when I asked why, once again, all three said one way or another: “Because it is a mess.” My answer to that is: Mexico is not a mess. At least in this field, its people and its institutions are not a mess. It is the thirst for power that keeps the defense of children “a mess.” The obstinacy to keep the system under the clutches of elected government officials is what is keeping Mexico from making true progress in the area of adoption and foster home placements. In the meantime, children who deserve it all – like Francis and Stephania, like Fernando, and Lety’s baby – are deprived of a family – which is meant to be the catalyst of most other gifts.

It is indeed a silent war because children who are institutionalized are taught to rise and thank God for their food and shelter. However, deep down they know they deserve more than that. And in the silence of their hearts, they fight against themselves – against the fantastic stories with happy endings that they play in their imagination over and over again, of a family to which
they belong; and they fight against their fear that one day they will stop deserving or remembering that they deserve.

People like myself never forget what institutionalized children *deserve*, because we live with reminders. I have two of them at home. Let this paper be both: a reminder that thirty thousand Mexican children – fighting the silent wars – have the right to live in a family, and that the Mexican government who swore to seek their best interest, do not have the right to deprive them from one.
References


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Figure 1. Shows A. R. Garza’s (2014) adapted sample, which was chosen in the bases that they were the only individuals whose addresses where still current, or were provided by other sample members.

<table>
<thead>
<tr>
<th>Name</th>
<th>Reason for Institutionalization</th>
<th>Age at Entry</th>
<th>Age when Exited</th>
<th>Years Institutionalized</th>
</tr>
</thead>
<tbody>
<tr>
<td>Mario</td>
<td>Extreme poverty</td>
<td>1 year, 10 months</td>
<td>9</td>
<td>8</td>
</tr>
<tr>
<td>Adriana</td>
<td>Extreme poverty</td>
<td>10 months</td>
<td>7</td>
<td>6</td>
</tr>
<tr>
<td>Juanita</td>
<td>Unknown</td>
<td>2 years old</td>
<td>7</td>
<td>5</td>
</tr>
<tr>
<td>Karina</td>
<td>Extreme poverty</td>
<td>3 years old</td>
<td>16</td>
<td>13</td>
</tr>
<tr>
<td>Cecilia</td>
<td>Unknown</td>
<td>4 years old</td>
<td>9</td>
<td>5</td>
</tr>
<tr>
<td>Juan</td>
<td>Minor at risk</td>
<td>4 years old</td>
<td>20</td>
<td>16</td>
</tr>
<tr>
<td>Miriam</td>
<td>Minor at risk</td>
<td>6 years old</td>
<td>15</td>
<td>9</td>
</tr>
<tr>
<td>Manuel</td>
<td>Minor at risk</td>
<td>7 years old</td>
<td>19</td>
<td>12</td>
</tr>
<tr>
<td>Luis</td>
<td>Abandonment</td>
<td>8 years old</td>
<td>22</td>
<td>14</td>
</tr>
<tr>
<td>Hector</td>
<td>Orphanhood</td>
<td>9 years old</td>
<td>20</td>
<td>11</td>
</tr>
<tr>
<td>Pablo</td>
<td>Extreme poverty</td>
<td>9 years old</td>
<td>15</td>
<td>6</td>
</tr>
<tr>
<td>Sandra</td>
<td>Orphanhood</td>
<td>10 years old</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Eunice</td>
<td>Minor at risk*</td>
<td>11 years old</td>
<td>19</td>
<td>8</td>
</tr>
<tr>
<td>Imelda</td>
<td>Unknown</td>
<td>11 years old</td>
<td>22</td>
<td>11</td>
</tr>
<tr>
<td>Sagrario</td>
<td>Extreme poverty</td>
<td>11 years old</td>
<td>18</td>
<td>7</td>
</tr>
<tr>
<td>Karla</td>
<td>Extreme poverty</td>
<td>12 years old</td>
<td>20</td>
<td>8</td>
</tr>
<tr>
<td>Edgar</td>
<td>Abandonment</td>
<td>13 years old</td>
<td>19</td>
<td>6</td>
</tr>
<tr>
<td>Samuel</td>
<td>Orphanhood</td>
<td>13 years old</td>
<td>17</td>
<td>4</td>
</tr>
</tbody>
</table>

* Due to abuse and negligence

Figure 2. Cases of abuse or negligence reported and number of children entering government-run institutions in a state between 2000 and 2011. Source: Procuraduría de la Defensa del Menor y la Familia, 2005-2011

<table>
<thead>
<tr>
<th>Year</th>
<th>Reports of abuses or negligence</th>
<th>Cases Investigated</th>
<th>Founded Cases</th>
<th>% Of Founded Cases</th>
</tr>
</thead>
<tbody>
<tr>
<td>2005*</td>
<td>3259</td>
<td>1032</td>
<td>541</td>
<td>52.5</td>
</tr>
<tr>
<td>2006</td>
<td>3245</td>
<td>2016</td>
<td>847</td>
<td>42</td>
</tr>
<tr>
<td>2007</td>
<td>3730</td>
<td>2636</td>
<td>1575</td>
<td>59.7</td>
</tr>
<tr>
<td>2008</td>
<td>2972</td>
<td>1958</td>
<td>1251</td>
<td>64</td>
</tr>
<tr>
<td>2009</td>
<td>3963</td>
<td>3342</td>
<td>1187</td>
<td>35.5</td>
</tr>
<tr>
<td>2010*</td>
<td>3383</td>
<td>3385</td>
<td>1164</td>
<td>34.4</td>
</tr>
<tr>
<td>2011</td>
<td>3293</td>
<td>3173</td>
<td>3015</td>
<td>95</td>
</tr>
</tbody>
</table>
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* Marks the end of groups in authority (Governor, DIF President/Director, and Children’s Protection General Attorney – *Procurador* – with its corresponding team in charge of everything pertaining the protection of children in the state).