

# GUATEMALA - The Dark Side of Five-Star Adoptions

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*IPS - Luxury hotels in the Guatemalan capital reserve entire floors for foreign couples visiting the country to adopt children - a reflection of the demand that is growing steadily without oversight by any specific government authority.*

In 2006, there were 4,496 adoptions in Guatemala, 10 percent more than in 2005, according to the Attorney General's Office (PGN). Ninety-eight percent of the adoptions were international, and most of the children went to couples from the United States.

"I was not listened to, I didn't give my consent to have my children placed in adoption," 36-year-old taxi driver Gustavo Tobar told IPS.

Tobar said that in 1998, his sons Osmin Ricardo, who was seven at the time, and Jeffrey, one-and-a-half, were "taken away" based on "false" reports of mistreatment and malnutrition.

For nearly 10 years, Tobar has been "fighting every day" to prove the "irregularities" committed in the adoption of his sons. His case was presented on Jul. 19, 2006 before the Inter-American Commission on Human Rights.

"They were victims of the dirty adoption game. What the people who brokered the procedure wanted was money," said Tobar, referring to the fees paid to those who arrange international adoptions.

Foreign couples pay between 25,000 and 30,000 dollars in Guatemala to adopt a child. The cost covers the trip itself, the paperwork, and the local Guatemalan lawyer handling the case. Because the adoptions are processed under the notary, rather than the judicial, system, the entire process can take under a year, compared to the more complex, long-drawn-out adoption procedures typical of other countries.

The adoptions are governed by the Civil Code, the Law on Integral Protection for Children and Adolescents, and the United Nations Convention on the Rights of the Child. However, Guatemala's laws on adoptions are vague.

It is common to see adoptive parents holding young babies in the lobbies of the city's most exclusive hotels. On the so-called "family" floors, there are common rooms with children's toys and games, microwave ovens to heat up baby bottles and other facilities.

But behind these simple, streamlined adoptions are often cases of women who have been pressured, manipulated or deceived — something that the adoptive families are unaware of, said Héctor Augusto Dionisio, coordinator of the legal programme at Casa Alianza, the Latin American branch of the New York-based Covenant House, a child advocacy organisation.

For years, Casa Alianza has been investigating reports of children stolen from their mothers and illegally put up for adoption in Guatemala, and fighting cases in court.

Dionisio explained that lawyers and notary publics work privately with the so-called "jaladoras" or baby brokers — paid intermediaries whose task is to convince women to place their children in adoption.

Many mothers agree to turn over their newborn babies because they are unable to support them. According to official statistics, more than 50 percent of Guatemala's population of 12.7 million lives below the poverty line, although non-governmental organisations put the proportion closer to 80 percent.

In other cases, "the jaladoras start out by offering to pay the expectant mothers' medical bills and to provide them with economic support, and in some cases they eventually deceive the pregnant women into signing a blank paper, who thus unknowingly authorise the adoption of their child," said Dionisio.

In local newspapers, ads providing telephone numbers can be seen urging pregnant women to "choose life" for their children, "listen to their hearts," and give up their babies in adoption.

Dionisio said the baby brokers also offer mothers money in exchange for their babies.

Most of the impoverished women who give up their children either willingly or as a result of pressure, coercion or deceit are indigenous or mixed-race women. Indigenous people, who make up as much as 65 percent of the population, have historically suffered from discrimination in Guatemala, and most of them live in poverty.

While the paperwork is completed, the children are usually cared for by paid foster families. That way, they are less easy to detect or track down than if they were kept altogether in adoption homes, said Dionisio.

"The state's absence from the adoption procedures has turned Guatemala into a paradise for adoptions," Marvin Rabanales, with the Institutional Coordinator for the Promotion of the Rights of the Child, told IPS.

The lack of a specific oversight authority facilitates "the buying and selling of human beings," from which mainly lawyers and notary publics profit, but also pediatricians, officials in civil registers, the employees of adoption homes, paid foster families and other people involved in the process in one way or the other, he said.

On a visit to Guatemala in January, the U.S. government's Assistant Secretary for Consular Affairs Maura Harty warned that if Washington ratifies the Hague Convention on Intercountry Adoptions this year, adoptions of babies from Guatemala will be banned unless this country adopts procedures that are in compliance with the Convention.

The Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption was approved on May 29, 1993 by the Hague Conference on Private International Law and went into effect in 1995. So far, 75 countries have acceded to the Convention, including Guatemala.

The Hague Convention was created to ensure that international adoptions take place in the best interests of the child, and with respect for their fundamental rights, and to prevent the abduction, sale of, or traffic in children. It governs adoptions between ratifying countries and sets forth minimum standards and procedures for intercountry adoptions, while putting a priority on local adoptions.

However, Guatemala does not apply the Convention, because in August 2003 the Constitutional Court declared unconstitutional this country's accession to the Convention, even though it was carried out with congressional approval.

In addition, five parties to the Convention — Canada, Germany, the Netherlands, Spain and the United Kingdom — objected to Guatemala's adhesion, and have restricted adoptions from this Central American country because of procedures that are not in compliance with the Convention.

"Guatemala is like a baby factory, because many children are born just to be placed in adoption," prosecutor Josefina Arellano, who is in charge of the Attorney-General's Office department that ultimately approves adoptions, told IPS.

According to the United Nations Children's Fund (UNICEF), Guatemala is the fourth country in the world

in terms of the number of children placed in adoption, after Russia, China and South Korea. But in proportion to the population, it is the leader.

The anomalies detected in adoption procedures, and reports of the buying and selling of children and baby theft, are behind the decision by several countries to suspend adoptions from Guatemala.

There are cases of biological mothers who later repent and try to get their babies back, but the courts do not offer them any possibility to fight the adoption process, said Nidia Aguilar, director of Defence of the Rights of the Child in the Office of the Human Rights Ombudsman.

Sara, 31, told IPS that she felt coerced and threatened by a lawyer when she was pregnant with her third child, a little girl who has now turned four in her new home, a Guatemalan adoptive family. She said no legitimate adoption process took place.

Sara is now fighting for permission to see her biological daughter on the weekends.

National adoptions represent less than two percent of the total — just 75 in 2006 — even though agencies like UNICEF insist that international adoptions should be a last resort after attempts have been made to place the child within the country.

At the wheel of his taxi, Tobar said that when a judge declared that his sons had been abandoned, he was working in Mexico and travelling to Guatemala every 20 days to visit his family. His wife, Flor de María, who worked all day long, left the boys with a neighbour who "turned out to have links to a network of people who look for children to place in adoption."

Tobar has had no contact with his sons since 1997. He has only seen Osmín Ricardo in a photo thanks to a journalist with the U.S. magazine Newsweek who in 2002 interviewed and photographed the boy in the United States and later visited Guatemala to meet his biological family.

Osmín Ricardo lives in the northeastern state of Pennsylvania and Jeffrey lives in Houston, Texas in the southwest. Nine years have gone by since they left Guatemala with their adoptive families.

"They must not speak Spanish anymore. If we met, we wouldn't understand each other. We would be like the deaf-mute," his father said sadly.

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