

THE VOICES OF CHILDREN AND ADOLESCENTS WHO HAVE A FATHER, MOTHER OR GUARDIAN DEPRIVED OF LIBERTY

A contribution to the Global Study on children deprived of liberty

In order to give visibility to the situation of children and adolescents with a mother, father or guardian deprived of liberty, the Office of the Special Representative of the United Nations Secretary-General on Violence against Children, in collaboration with Gurises Unidos and the Regional Platform for the Defense of the Rights of Children and Adolescents with Custodial Adults who are Deprived of their Freedom (Platform NNAPES), conducted a study among children and adolescents with an adult guardian deprived of liberty in eight Latin American countries: Argentina, Brazil, Chile, Mexico, Nicaragua, Panama, Dominican Republic and Uruguay. The study took place between July and August 2017 to generate qualitative information through the creation of 26 focal groups formed by boys and girls between 6 and 17 years of age. The study gathers their opinions and perceptions about this issue and presents a series of recommendations.

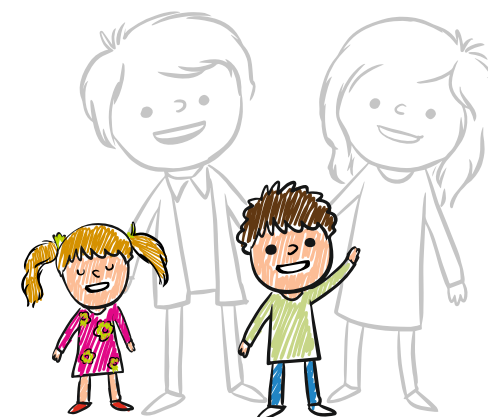
Recommendations of children and adolescents

The children who participated in the study formulated the following recommendations:

- **It is important to have safe spaces for listening and dialogue** between children and their adult guardian deprived of liberty with the support of the State and of the society. Children need to be heard and recognized, to break the secrets and the silence that condemns them *"I, to this day, need support, love, and to be heard."* Nicaragua, girl between 13 and 17 years of age.
- **Provide relevant psycho-social and financial support** to all families affected and especially to the caregivers of these children during the different stages of the execution of the sentence.
- **Implement multi-sectoral programs** with emphasis on promoting a welcoming and protective education system for these children.
- **Protect the right of children and their families to live free from violence**, ill-treatment, inhuman or degrading treatment.
- **Prioritize prevention programs as well as treatment of addictions** for children and their families in their communities.
- **Improve police response by implementing changes in arrest and search procedures.** *"That the police don't go to the house and beat the elders in front of the children."* Uruguay, boy between 10 to 12 years of age.
- **Reform justice and penitentiary systems with better quality and longer time visits in prisons...** *"That the visit is longer.... That there are games, to play ball at least".* Chile, boy between 10 and 12 years of age; **improve the infrastructure of prisons to make visits more child-friendly.** *"It's dirty ... and there are dead mice ... and it smells badly ... and the bed and the rooms are very small ... and it's very hot."* Dominican Republic, girl between 6 to 9 years of age; **promote a humane and dignified treatment towards them and towards their guardian who is deprived of liberty.** *"They literally get you down on all four to check you from head to toe. They make you cough, crouch. And with women it was worse because they would stick their fingers inside them to see that they had..."* Uruguay, boy **between 13 and 17 years of age.**

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 OFFICE OF THE SPECIAL REPRESENTATIVE OF THE SECRETARY-GENERAL ON
Violence Against Children

NNAPES
PLATAFORMA REGIONAL POR LA DEFENSA DE LOS
DERECHOS DE NIÑOS, NIÑOS Y ADOLESCENTES CON
REFERENTES ADULTOS EN RIESGO DE LIBERTAD

We are grateful to the OAK Foundation
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Characteristics of children who have a father, mother or guardian deprived of liberty

The children who participated in the study share common family, social and economic characteristics. They generally tend to come from families living in situations of extreme vulnerability, with all kinds of deficiencies, high levels of school drop-out during adolescence, child labor, familial violence and susceptibility to misdemeanor and crime in the community.

"I scrub, mop and help my grandmother. I help my sister do all the tasks. And I run all the errands she sends me on. When I get up I help my grandmother sweep." Dominican Republic, girl between 6 and 9 years of age.

"When my mother was outside, she sold drugs and everyone was in my house, my mother was everybody's aunt and we did not lack anything. We had all we wanted, whatever we wanted we got because the money was available and it was easy money; but when she got caught everything collapsed. I'd rather eat rice and be with her than have everything; because it is like having everything but at the same time having nothing at all. When my mum was taken to prison we had nothing left. Even the relatives, the house, they didn't even leave the furniture, dogs, clothes, nothing, even the electricity cables were taken from us. It's like I told my mother the last time I went to see her, my mother was in jail for two years and I visited her three times, "I don't want you to sell drugs anymore, I prefer to eat rice and be with you." Uruguay, boy between 13 and 17 years of age.

All these situations of vulnerability and helplessness deepen when one of their parents or guardians is deprived of liberty, exacerbating the situation of preexisting poverty: *"My grandmother had to go out to work so she could feed us. The house started to collapse. After my father was caught we had to take responsibility and the three of us began taking the cart out."* Uruguay, boy between 13 and 17 years of age.

Impact on children of a guardian who is deprived of liberty

The deprivation of liberty of a mother, father or guardian generates all kinds of consequences in all aspects of the lives of children.

Stigmatization, discrimination and social condemnation

Children with a mother, father or guardian who is deprived of liberty are often victims of stigmatization, discrimination and social condemnation. They are often rejected, avoided and feared, thus creating feelings of isolation, shame, rage and hopelessness. *"At school, people who do not like you say, Oh, your relative is in jail. They start saying things about you as if you were the delinquent."* Mexico, boy between 12 to 16 years of age.

Family life

Changes in the family environment, care situation and economy have a negative effect on the life and upbringing of children. *"My family did change a lot when my stepfather was taken to jail. My mother no longer ate, she stopped doing things,...and was going out to sell and all that, and did not come back until one or two in the morning...Nobody took care of my youngest brother, he was left alone ..."* Mexico, girl between 12 to 16 years of age.

Children from single-parent families tend to experience situations of even greater vulnerability. They are often uprooted, emotionally neglected, abandoned and when the mother is deprived of liberty their risk of institutionalization increases. *"My mother has been imprisoned since I was eight years old, she committed a robbery, she has been there for six years and it has affected me in everything because I was sent to an institution and it is scary."* Uruguay, girl between 13 to 17 years of age. *"I was around ten years old ... My dad was taken to prison first, then my mom."* Chile, girl between 13 and 17 years of age.

The early assumption of adult responsibilities is another one of the consequences that children suffer. Their childhood is cut short: *"I take care of my baby brother, I come to the youth center and then I start cleaning."* Uruguay, girl between 13 and 17 years of age.

Emotional health and well-being

One of the important impacts is on the emotional health and well-being of children: sadness, pain, fear, shame, hatred, and anger are some of the feelings which are most mentioned by children. *"The entire family feels sad, depressed. Because they feel lonely."* Argentina, boy between 6 and 9 years of age.

However, when there are situations of domestic violence and the guilty parent or guardian is deprived of liberty, children feel liberated. *"In my family my father yelled at my mother, my mother was always about to cry and my family was a disaster that's why my mom put my dad in jail, so he would not bother her again. And how do you feel now? happy because being with my mother is happy because my father is the worst."* Nicaragua, girl between 6 and 9 years of age.

Education system

The need to work and earn an income, the lack of routine and authority in the home, and the lack of capacity of the educational system to accommodate children with an adult guardian deprived of liberty contributes toward increasing absenteeism and school drop-out.

"I didn't go to school until my dad and my mom came out of jail." Nicaragua, boy between 6 to 8 years of age. It also limits their recreation opportunities and their participation in playful, educational and social activities. *"I don't go out on the street because I help my mom in the fry-up that she has from Monday to Sunday, every day."* Nicaragua, girl 13 to 16 years of age.

Home economy

The deprivation of liberty of a mother, father or adult guardian generates severe financial problems by forcing other household members to join the work force. *"Someone who did not work had to begin to work, for example my grandmother had to work to feed us."* Uruguay, boy between 13 to 17 years of age.

The deprivation of liberty of an adult guardian also exposes children to child labor, life on the street, as well as situations of violence, abuse and exploitation. *"My grandmother did not have money to buy me uniforms or a backpack and I had to go to the market to sell with my grandmother during all that time."* Nicaragua girl between 6 to 9 years of age. *"I went out to chop wood in order to help my mother and then sold it together with a partner."* Uruguay, boy between 13 to 17 years of age.

