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Guatemala System Is Scrutinized as Americans Rush In to Adopt By MARC LACEY

GUATEMALA CITY < There are business hotels and tourist hotels, and then there is the Guatemala City Marriott. Catering to American couples seeking to adopt, it is a baby hotel of sorts, as the crush of strollers, the cry of infants and the emotional scenes that play out regularly in the lobby testify.

“Oh! Oh! Oh!” shouted a woman from Kansas the other day as she scooped a little girl she hoped to adopt from the arms of her foster mother and held her up toward the chandelier. “You’re just the cutest little thing.”

Not far away, a woman from Texas was beaming at another soon-to-be adopted girl near the reception desk and comparing notes with an Illinois couple, who had just picked up their new chubby-cheeked, black-haired son.

Guatemala, where nearly one in every 100 children is adopted by an American family, ranks third behind much larger nations, China and Russia, when it comes to providing babies to American couples.

The pace of adoptions and the fact that mothers here, unlike in other places, are sometimes paid for their babies have brought mounting concern and the prospect of new regulation that may significantly reduce the number of Guatemalan babies bound for the United States next year, or end it altogether.

Critics of the adoption system here < privately run and uniquely streamlined < say it has turned this country of 12 million people into a virtual baby farm that supplies infants as if they were a commodity. The United States is the No. 1 destination.

While the overall demand for international adoptions has increased over the last decade, adoption from Guatemala has outpaced many other nations. From 1995 to 2005, American families adopted 18,298 Guatemalan babies, with the figure rising nearly every year. Though most families are undoubtedly unaware of the practices here, foreign governments and international watchdogs, like Unicef, have long been scrutinizing Guatemala’s adoption system.

In other countries, adoptive parents are sought out for abandoned children. In Guatemala, children are frequently sought out for foreign parents seeking to adopt and given up by their birth mothers to baby brokers who may pay from a few hundred dollars to \$2,000 for a baby, according to interviews

with mothers and experts.

Most babies that find their way to America are conceived in the countryside. Some of the birth mothers have brought shame on the family by becoming pregnant out of wedlock. Others are married but had affairs after their husbands emigrated to the United States. Inevitably, the pregnancies were not planned.

Poverty is a way of life in these villages, and infant mortality, at 36 per 1,000 births in 2002, is among the highest in the hemisphere.

Those children who survive have a rough start, with almost half of them chronically malnourished. Guatemala's adoption system is run not by judges, courts and bureaucrats < as in most other nations < but by some 500 private lawyers and notaries, who hire baby brokers and maintain networks of pediatricians and foster mothers to tend children awaiting adoption. They form a powerful and well-heeled lobby.

"We're rescuing these children from death," said Susana Luarca Saracho, one of the country's busiest adoption lawyers, who has fought for years to keep the current system in place.

"Here, we don't live < we survive," she said. "Which would a child prefer, to grow up in misery or to go to the United States, where there is everything?"

To adopt any foreign child, Americans must clear numerous bureaucratic hurdles in the United States, including approval by the Department of Homeland Security. Often, in the baby's home country, the adoptive parents must make several court appearances.

In Guatemala, the required paperwork can often be handled in one visit, with newly constituted families sometimes spending less than a week in a Guatemala City hotel before leaving for the United States. So many adoptive parents pass through the Marriott < hundreds per year, employees say < that diapers, wet wipes and formula are available in the gift shop, next to the postcards and Guatemalan curios.

"Everyone who goes to a hotel here sees the scene: North Americans meeting with Guatemalan children," said Manuel Manrique, Unicef's representative in Guatemala. "Most people think, 'How great that those children are going to have a better life.' But they don't know how the system is working. This has become a business instead of a social service."

The adoptive parents are often so emotionally involved in the process that they do not adequately investigate the inner workings of this country's

system, adoption advocates acknowledge. The American couples at the Marriott were reluctant to talk or give their names.

“There is sometimes a great deal of naïveté on the part of adoptive parents,” said Susan Soon-keum Cox, a vice president at Holt International Children’s Services, an American nonprofit agency that works in Guatemala and elsewhere, and who was herself adopted from Korea by Americans in 1956. “It’s don’t ask, don’t tell.”

The system is not without controversy in Guatemala. Josefina Arellano Andrino is in charge of the government department that signs off on all adoptions but, for now, is permitted to halt only those involving false paperwork or outright fraud. She relishes the prospect of additional oversight.

“Babies are being sold, and we have to stop it,” she said. “What’s happening to our culture that we don’t take care of our children?”

Alarmed to see so many foreign adoptions in Guatemala, members of the Council of Central American Human Rights Attorneys, who were meeting at the Marriott in August, issued a statement questioning whether the country’s system “converts the child into an object, like a piece of merchandise.”

Key to that business are jaladoras, as the baby brokers are called locally. They ply the Guatemalan countryside looking for pregnant women and girls in a fix. Adoption is presented as the perfect answer, one that will leave the child with a wealthy family and the mother better off as well, by paying for her medical bills and providing some direct money surreptitiously.

Although most countries forbid paying mothers who put up their children for adoption, it occurs regularly here, an open secret that mothers are told to deny if anyone asks.

“They gave me some money,” a 12-year-old mother acknowledged on condition of anonymity in an interview in October at a government office when asked if she had been compensated for giving up her baby. “I don’t know how much. They gave my father some money, too.”

Her father, interviewed separately, denied he had received anything. The payments strike many in the adoption world here as a form of benevolence. Some American couples say that if they are going to pay \$25,000 to \$30,000 for an adopted child < which they routinely do in the fees that go to American adoption agencies, Guatemalan lawyers and others involved in the system < shouldn’t the birth mother get something?

The Hague Convention on Intercountry Adoptions has an answer. Guatemala's president, Óscar Berger, signed the treaty in 2002, and after years of legal challenges the nation's Constitutional Court ruled definitively this year that the country must abide by it.

The treaty states that international adoptions should come only after a loving home, preferably with the child's relatives, is sought in country. It also aims "to prevent the abduction, the sale of, or traffic in children" and limits payments to "only costs and expenses, including reasonable professional fees."

Several signing countries, including Canada, Germany and Britain, already restrict Guatemalan adoptions because of apparent breaches. The United States has said it plans to join the convention next year. At that point, officials say, Washington intends to stop approving adoptions from countries that do not meet the treaty's standards.

"Guatemala is the principal concern that we have," said Catherine Barry, a deputy assistant secretary of state for consular affairs.

Baby brokers tread carefully as they seek pregnant women in the countryside, where many villagers believe what is apparently a rural myth that there is an active market overseas for children as organ donors.

A few months back, in a village outside the provincial town of Nahuala, two women and a man went house to house selling baby slings, pieces of cloth used to carry infants across the back. It was a ruse, neighbors recounted, to find out who would give birth soon.

The traveling salespeople talked one young woman in the hillside village of Xolnahuola into giving up her baby. She was single and despondent and they offered her about \$750, the villagers said.

When the three returned as the pregnant woman's term neared its end, her parents, who opposed giving up the child, alerted neighbors, who gathered angrily at the scene. The two women's hair was forcibly cut off, a traditional form of Mayan justice meant to shame offenders. The baby brokers were taken away by the authorities and later released.

In early October, villagers in Ixtahuacán killed one person with machetes, captured another 12 and set fire to five cars when fear spread that a gang of child snatchers was in the area. The police said it remained unclear whether the outsiders had actually been looking for children.

Ms. Luarca, the adoption lawyer, said such episodes have nothing to do with the children she handles, who come from poor mothers who cannot afford to

raise them and who give them up willingly without payment.

“We’re not a criminal organization,” she said of Guatemala’s adoption lawyers. “What we are doing is a good thing. At this moment in time it is the only way out for these children. I look forward to the time when they can grow up well here.”

In her opinion, though, that time has not arrived. New regulations will “create a bureaucratic labyrinth,” she says, and she continues to lobby lawmakers to preserve the current system.

Around the corner from her office, Ms. Luarca runs an adoption home, clean, orderly and with attentive nannies roaming among the rooms.

With the prospect of tighter rules, business is surging. Seventy children are there, the older ones in miniature bunks and the many babies wrapped in blankets in cribs.

They came from mothers not unlike a teenager who was encountered at a government office, signing away her baby to a Pennsylvania couple, and a bit melancholy to be doing so. She and her baby, like all birth mothers and their children, must have their DNA tested for the American Embassy to approve the adoption.

“I hope she has a nice family and lives a happy life,” said the 17-year-old mother, who would not give her name. Fidgeting as she spoke, she said she hoped that her daughter, Antonietta, would return one day to visit her and that the adoptive parents would keep the newborn’s name.

Both prospects, those involved in the process say, are unlikely.