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## Costa Rica Reacts To Child Abuse

by LADB Staff

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A US-based school for troubled teenagers in Costa Rica was closed by youth authorities in May, but it continues to generate controversy as owners try to reopen the facility. Dundee Ranch Academy was closed following an investigation that found the school had violated the human rights of students, most of whom are from the US, in efforts to modify their behavior.

A report from the Defensoria de los Habitantes found the Patronato Nacional del Infancia (PANI), the government child-welfare agency, "permissive and tolerant" of Dundee, even though it had determined that students at the school lived in prisoner-like conditions and had been subjected to severe physical punishments. The report said that PANI had investigated the school months before the shutdown in May 2003, but did not take immediate measures to stop the abuses. PANI officials later acknowledged that the agency had investigated in March and given the school a chance to make corrections.

PANI president Rosalia Gil said that on that first occasion investigators had identified at least nine problems including physical and psychological mistreatment, overcrowding, and lack of operating permits from the Ministry of Public Education (MEP). But Bruce Harris of Casa Alianza, the international child-advocacy organization, said that PANI had known about abusive conditions at the academy since October 2002 and had done nothing about the situation. He asked, "How many aggressions could have been prevented if PANI and MEP had acted earlier?" Harris said Casa Alianza has at least 20 files alleging mistreatment at the school, including one of a girl who lost two teeth when she was kicked in the mouth as a punishment.

Another is on a student whose shoulder was broken, and there are several cases of knee damage suffered by students who were forced to kneel for hours on rock-strewn surfaces. Casa Alianza has requested that the UN Committee Against Torture come to Costa Rica to investigate. Rancho Dundee has been in the town of Orotina, Costa Rica, since 1991, and is part of an organization called the WorldWide Association of Specialty Programs (WWASPS), headquartered in Utah. When Costa Rican authorities shut down the school in May, some students went home to the parents who had sent them there and others were sent to another of WWASPS' schools in Jamaica.

Prior to those dispositions, however, the students rioted, several ran away, and it was some time before they were rounded up or found their way to sympathetic individuals or agencies for help. At least one student is still missing and thought to be in Los Angeles after having eluded someone other than a parent sent to fetch him at the Los Angeles airport.

But now, as Utah native Narvin Lichfield continues to try to reopen the school, former students have filed affidavits in an effort to prevent that. Casa Alianza is facilitating the filings. "I have seen many cases of mistreatment and abuse placed towards the students that attend the academy, many of which could have been very easily avoided if the government was doing their jobs and stopping all

this nonsense the moment it was brought to their attention," wrote former Dundee student Codi Rouvinen, 14, in an affidavit obtained by The Tico Times. "[The government] chose to claim they were blind." When Rancho Dundee was closed, Lichfield was arrested. He was released the next day after agreeing not to leave the country for six months, pending investigation.

According to reports, the school claimed that the extreme punishments meted out at the academy were necessary to help students with correspondingly extreme "disciplinary" problems. The parents under whose care these children developed the problems appeared to agree with the claims and with the school's philosophy, which Lichfield summed up as, "Identify your incorrect behavior, and stop doing it." The Tico Times, the Costa Rican English-language newspaper that has been following this story from the beginning, quoted Lichfield, who denied knowledge of the abuses alleged by authorities, students, and staff members, as asking, "What did we do wrong? I'm still confused about this. I never worked with kids, so how could I abuse them? I heard rumors about what staff did, but I can't say because I wasn't there... show me one shred of evidence I abused a kid." Lichfield is not accused in the allegations contained in the affidavits, but he is named.

Those accused of direct abuse include three Jamaican staff members, all of whom left the country unimpeded. Lichfield, meanwhile, has paid for some satisfied students to return to Costa Rica to testify for the program and has also paid several unsatisfied customers to remain silent.

As evidence of the payments, The Tico Times reported that it has a copy of a letter from WWASP attorney J. Ralph Atkin offering a parent "indemnification" in exchange for an agreement not to take legal action against WWASP. The parent cashed the check. Her daughter is one of eight students testifying against the school. The school, including all its affiliates, also faces the possibility of a class-action lawsuit filed by parents.

California lawyer Ed Masry told The Tico Times in June that he would be filing a suit against WWASP alleging deceptive trade practices, violation of the Civil Rights Act of 1983, civil racketeering, false advertising, and assault and battery. This suit is led by Chris Godwin, a parent of a student who was not in Costa Rica, but in a WWASP program in Mexico. Godwin said that, at that facility, his son had been locked in a dog cage for a week at a time, hog-tied for three days, and had his thumb broken and teeth knocked through his lips by an employee smashing his face into the ground.

WWASP president Ken Kay has told The Tico Times that WWASP is a nonprofit membership organization that doesn't actually operate or own the schools. He expressed confidence that, because of this arrangement, the organization would not be held liable. Separate legal proceedings in Costa Rica against Dundee have, however, gone forward.

In testimony in June, a parent testified in court that the school had falsely advertised itself and that its staff had abused her son, physically and emotionally. Punishment is not enough Costa Rica, meanwhile, in addition to hosting WWASPS, has had problems of its own with abusive attitudes toward children, but appears poised to do something about it.

On July 18, citizens turned out in the streets calling for the approval of more severe laws against child abusers. The march, under the banner "Zero tolerance of violence against boys, girls, and adolescents," counted among its participants President Abel Pacheco and Defensor de los Habitantes Jose Manuel Echandi, as well as union and church officials and members.

While stricter laws have their place, said Vernor Munoz, a lawyer specializing in human rights, they have the effect of punishing abusive behavior but not of preventing it, so adoption of these laws does not mean that society is resolving the problem. In fact, he said, it may mean that society is taking the easy way out, opting for vengeance rather than solution. He maintained that the state lacks coherent, effective public policies. "No matter how we fill the jails, we will have the same problem if we don't make efforts at social prevention that attacks the crime before it is committed," said Munoz. "For now, the effort is to try to solve an issue of prevention with repressive methods."

Adolescent psychologist Ginet Vargas pointed out that Costa Rica has a social system that excludes large numbers of people from its benefits, a situation that continues to generate frustrations leading to violence. "If you are an excluded person, you look for something that makes you feel important and powerful, and for many, this something is to do violence to women and children, that is, against weaker people among the excluded," she said. Vargas said another important factor is that PANI does not have the resources the law requires. The system charged with protection of children is dysfunctional, and the state's responsibility to defend children goes unmet, she said.

PANI figures show that during 2002, 23,914 cases of violence against people under the age of 18 were reported. Most of those, 5,543, were interfamilial. There were 2,828 cases of emotional abuse, 955 of extrafamilial sexual abuse, and 666 of physical abuse. Other categories included interfamilial sexual abuse, begging, drug addiction, abandonment, and poverty-related crimes. These last were not specifically enumerated. PANI is supposed to receive, as working resources, 7% of the Impuesto Sobre la Renta (ISR) as well as income from a Ley de Vicio imposed on cigarette and liquor sales.

However, the Treasury Ministry has not complied with its obligation to transfer the funds. The Sala Constitucional has handed down a decision allowing the government to fail in its obligation if it lacks the necessary reserves.

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