



# 1. Introduction

## DEPRIVATION OF LIBERTY, VULNERABLE CHILDREN AND THE RESPONSE FROM A SOCIAL PROTECTION SYSTEM

The approach that establishes a social protection system is based in the premise that the vulnerability is a “multidimensional process that comes together in the risk or probability of the individual, home or community of a wounded, injured or damaged being in front of changes or permanence of external and/ or internal situations” (Busso 2001). In other words, the vulnerability is expressed in the fragile and defenseless state of the population in front of the fluctuations of the environment and, the resources available in the family group or in the individuals to properly confront them. And this not only occurs in times of crisis but in front of any event that directly affects the individual, family group or territory.

The effect of the disruptions not only limits the use of resources to endure the hazards of the environment, but also weakens the opportunities to incorporate social assets, being understood that these are the accumulation of knowledge, skills and competence acquired by individuals, families and communities, to develop capitals capable of producing revenue, that allows them to make their way out of the poverty they are facing and, to manage the risk situation that make them live in such conditions (Attanasio y Székely 1999).

To identify the conditions that affect the accumulation of social assets is to determine the causes of vulnerability, for which it is necessary to make distinction between the internal vulnerabilities of the families or that are typical of the subjects environment, such as the death of one of the parents, unemployment, health conditions, incomplete schooling or even the imprisonment of one of the family members and, the external vulnerabilities of a family, such as economic crisis, natural disasters, floods, droughts and other of similar conditions. In both cases, the job of a social protection system is to generate opportunities for the accumulation of assets, so that in front of such difficulties, families and their members could effectively use the protection, promotion or reparation networks available in the institutional system or in the common environment.

Under the question of which vulnerabilities are present in the families that have an imprisoned family member and which are the risks associated to these, it is clear that one of the main negative externalities, of the forced separation of the families by this condition, is the one that affects the children<sup>1</sup> of such families, in particular when these are *sons* of the people deprived or conditioned of liberty. Therefore, the imprisonment of the parents, or the forced separation of the family group of an adult member of the family that is responsible for the care and upbringing of children by serving jail time, causes a significant crisis in the construction of dynamics, bonds and family roles.

The associated risks to these vulnerabilities are especially critical for the children; these risks can be expressed starting from relational attachment problems, low school grades and early desertion from the educational system, to child labor, exposure to sexual exploitation activities and, in the later stages, the adoption of anomic behaviors, the recidivism of illegal conducts and criminal actions.

The identification of the main vulnerabilities and risks of the children, that are associated with the deprivation of freedom of mothers, fathers, grandfathers, brothers or uncles, allows us to identify the existing resources in the institutional networks that eventually could be used by the children and their families to confront this absence crisis caused by a punitive sanction of this kind and, to provide the conditions and competences to the family in order to give the child a healthy, safe and caring environment starting from repairing and significant bonds.

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<sup>1</sup> Considering the gender approach, every time that the terms “the children” or “the youngsters” are mentioned in the current document, it is understood that it comprehends both genders.

Stated the previous point, the Social Protection system is installed in the vulnerable individual or family environment considering two essential components: (1) to interrupt the mechanisms that contribute to the poverty, vulnerability or exclusion at an individual and family level; and, (2) to install resources and generate capabilities in the individuals and families to prepare them better and in condition to depend less of external help and obtain better returns at a revenue level obtained from working. As a complementary goal, the social protection vision is to help the families to overcome crisis, making a better management of the available resources and, to effectively use the resources available in the networks.

The negative impact of the deprivation of freedom of a significant adult, over the development and wellbeing of the children is mainly expressed in the reduction of the available opportunities, to generate an increment in the human and social capital, in a context of seriously damaged conditions of the family environment where the members open and develop, many times as a conscience of the impact itself. In this case, the risk factors are equivalent to the presence of situations in the family and its environment that stresses the vulnerability of the child, that can go from base conditions such as low school level in the rest of the members of the family or the residence of the family immerse in a high psychosocial risk community environment (with the presence of violence, crime, drug availability and scarce or no community organization) to conditions stressed by the instability of the family itself, generated by the absence of the imprisoned member, such as the degradation of the family strategy to generate revenue, access to consumption and/or drug traffic by children, domestic violence practices and above all, child abuse.

In this sense, the available international evidence indicates that there are several impacts for the penalization on children, depending on the social and cultural context of the family and the children come together. However, there is consensus that the impacts are very significant for the children and that, if there weren't proper control mechanisms it would directly affect the possibilities of development of the children.

The change is in the scopes in which such externalities impact more negatively according to the life cycle of the child. It is a very clear matter regarding the fact that children from zero to six years of age, for example, are highly susceptible to negligence or abandonment, to the lack of economical support to cover their primal needs, to the lack of early stimulus and, to the maltreat that children have to face due to a larger amount of stress caused by family members. In the case of children from 7 to 14 years of age, the under performance, the irregular attendance to classes, the lack of scholar motivation in general, the early introduction to labor work, are added as the main risks of the naturalization of risk conducts, the legitimization of the street as a natural environment, the dissociation of the role model and the disregard to the normative systems. On the other hand, in older children, these actions are related to the separation of the family nucleus, scholar delay, failure or desertion, expectative crisis when facing the inability to set up a life project, an increased manifestation of the reactive behavior and, at the end, the tendency to have illegal or high risk conducts.

From this perspective and, considering the different situations of boys and girls from families with absences caused by these reasons, it has been determined that the focus of the strategy will be to generate preventive and repairing actions in the development conditions of boys and girls of families with imprisoned family members, in order to ensure the correct dealing of risks that they face and to establish proper levels of well-being.

The Opening Pathways Program basically consists in a family advice service, oriented to the identification of special needs of support, assistance and, to manage opportunities and resources in the network of institutional services, with special emphasis in the improvement of the living conditions of boys and girls in the first stages of childhood and during school age. Through these services it will be possible to connect the family with the programs and provisions of the institutional networks, that as a group will allow the achievement of basic levels of well-being, will generate healthier and safe environments for children. And, in a specific service of tutorships, destined to reinforce the dispositions, attitudes and competences of children, according to the stage they are in.