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## Groundbreaking human rights of children bill introduced in Congress

By ELIZABETH BARTHOLET & PAULO BARROZO • 7/16/16 12:03 AM

Tens of millions of children worldwide live without parents, with an estimated 10 to 14 million of these unparented children confined to institutions. And this number is growing. These children are denied their human right to grow up in a family and to be free from the cruel, inhuman, or degrading treatment, unnecessary detention, and denial of the right to life, liberty, and the security of persons characteristic of institutionalization. Their plight is the largest unrecognized humanitarian and human rights crisis of the 21st century.

Human rights legislation addressing this crisis was introduced in Congress recently by Rep. Tom Marino, R-Penn., and Rep. David Cicilline, D-R.I., H.R. 5285 amends the Congressional mandate to the Department of State to prepare and publish annually Country Reports on Human Rights Practices, requiring it to include in those Country Reports violations of the above-listed child human rights.

This new legislation is simple. It requires no new resources, and no new office. It creates no new sanctions, and allows the Department of State the same discretion it has traditionally enjoyed in preparing the Country Reports on Human Rights Practices. H.R. 5285 simply requires the Department of State to stop discriminating against millions of children worldwide by refusing to count as a human rights violation their denial of family life through adoption and their unnecessary institutionalization.

While simple, this legislation would nonetheless be of enormous significance in the debate over whether unparented children should continue to be condemned to institutions whose destructive effects have been documented by leading social and medical sciences research, or allowed to find permanent families through adoption.

Adoption gives children the permanent, nurturing, legally stable parents they need. However, few countries with large populations of unparented children have a robust domestic adoption tradition and many countries impose severe restrictions on or altogether prohibit international adoption. This deliberately denies millions of children in need their human right to grow up in nurturing homes.

These restrictive adoption policies have resulted in the precipitous decline by 75 percent in the number of adoptions into the United States since 2004, and by more than 50 percent in the number of international adoptions worldwide. This represents the deliberate and unnecessary denial to well over 20,000 children per year of their most fundamental human right other than life itself — the right

to grow up with nurturing parents.

H.R. 5285 would help shift the U.S. position so that instead of undermining the child's right to family, the United States would take a leading role in advocating for this vulnerable population globally.

This landmark legislation has the support of a broad coalition of leading human rights and child welfare experts and organizations, assisted in this endeavor by the Cyrus R. Vance Center for International Justice and Arent Fox LLP. This coalition includes the National Council for Adoption, the American Academy of Adoption Attorneys, the Center for Adoption Policy, Saddleback Church Orphan Care Initiative, and Harvard Law School's Child Advocacy Program.

We call on Congress to join the fight to secure the rights of unparented children worldwide who continue to be unnecessarily institutionalized and denied the opportunity to grow up in stable loving homes by geographical accident and the policies of governments.

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