

SUPPORTING REPORT

Introduction

This proposed legislation would make no substantive changes to the Department of State's current reporting responsibilities. Its objective is simply to clarify the Department of State's responsibility for including in its annual *Country Reports on Human Rights Practices* violations of the human rights of institutionalized children who cannot be promptly reunified with nurturing biological parents, including denial of their rights to grow up with nurturing parents in domestic and international adoption, and their rights to be free from the harmful conditions characteristic of institutional and other state-sponsored care.

The Department of State (DOS) has broad federal law-mandated responsibility for including a broad range of human rights violations in these Country Reports. However it has systematically failed to cite violations of the human rights of unnecessarily institutionalized children, even though these violations are directly comparable to, and often exceed in severity, violations of adult human rights that are regularly listed. So, for example, these

Country Reports do not cite countries for subjecting children to institutional care unnecessarily by undue limits on the right to family life available in adoption, whether in their country of origin or abroad, or for related cruel, inhuman, and degrading treatment, or for related denials of the right to travel, or the right to protection of life and security of the person.

Furthermore it is clear from our discussions with key DOS spokespersons and the DOS July 28 written response addressed to Senatory Blunt to the congressional inquiry signed by Senators Blunt and and Klobuchar and Representatives Bass, Franks, and Granger, that DOS will continue this policy of omitting core child human rights from coverage unless Congress intervenes with a more specific mandate.

We propose very simple legislation, which would clarify the Congressional mandate to DOS with the addition of just a few lines in one section. It would involve no authorization of new funds, and no creation of new positions or offices. It calls for no new sanctions or penalties, and allows the Dept. of State the same discretion it has traditionally exercised in deciding when human rights violations are so severe as to warrant inclusion in the Country Reports. It should be relatively non-controversial since it simply requires DOS to stop discriminating against institutionalized children with respect to protection against human rights violations.

At the same time this legislative clarification would be an enormously important first step in the direction of vindicating what is for children the most important human right of all – the right to grow up in a family. Unparented children worldwide are now suffering an unprecedented crisis, with increasing numbers growing up in institutions, suffering conditions which effectively destroy their prospects for a happy and productive adulthood. Their opportunities for finding loving families have been drastically limited in recent years by an ideology which emphasizes adult rights over child rights, and promotes keeping children in

institutions in their country of origin regardless of the costs in terms of their current and future welfare. This legislation would put Congress on record as supporting the child's human right to family, and put the United States on the right side of morality and history on this important issue.

Problem

Many tens of millions of children worldwide live without parents, with some 10-14 million institutionalized. And this number is growing. The plight of these unparented children is the largest unrecognized human rights crisis of the 21st century.

Right now, domestic and international adoption provide the best and really the only solution for most unparented children. Children need true parents and the nurturing they provide to grow up to enjoy fulfilling lives. Adoption gives children the permanent, nurturing, legally stable parents they need. And birth parents are rarely realistically available: they generally are dead, or have surrendered or abandoned children because they are unable to care for them, or have had children removed because they are unfit.

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 the possibility of growing up in nurturing homes.

Research demonstrates overwhelmingly that adoption, including international adoption, works well for children. Those adopted early in life do as well on average as children raised in non- problematic biological families. These positive findings are true for all groups of adoptees, including those adopted internationally and transracially.

Although many believe that children will be best off if kept in their country or group of origin, there is no evidence that this is true. But there is extensive evidence that denying children a permanent nurturing home early in life causes severe cognitive, socio-emotional, and other harms that last the rest of their lives, forcing them to continually carry the burden of the human rights violations suffered early on.

The real choice for most unparented children in institutions is between the devastation of living – or dying – in these institutions, and living in adoptive homes. It is beyond obvious which choice works better for children. Even in countries able to develop foster care systems, the evidence demonstrates that adoption works far better than foster care for children.

Advocacy Initiative

As a broad coalition of child human rights experts and organizations, we advocate for children's most fundamental need, and most basic human right: to grow up in loving, nurturing families, with committed parents capable of providing unconditional love on an ongoing basis.

We are working to give voice to the many millions of unparented children growing up in institutions, and in other situations in which they are denied true parental care.

We seek to increase awareness of the human rights violations suffered by the most vulnerable human group on the planet: unparented children. Those violations include current institutional conditions and unnecessary barriers to domestic and international adoption.

We respectfully request that Congress enact legislation requiring the Department of State to revise its practices so that its *Annual Country Reports on Human Rights Practices* includes, rather than systematically omits, violations of unparented children's rights, including but not limited to the unnecessary holding of children in institutions and related denial of timely access to domestic and international adoption.