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Commentary

It's time for us to ratify pact on rights of children

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Late last month, Senate Majority Leader Harry Reid sent a letter to President Obama calling on him to establish a White House office headed by a central coordinator "dedicated to meeting the needs and improving the lives of America's children." I agree. Besides the practical benefits of coordinating the various competing agencies, this act would symbolize this president's recognition of the importance of children in our society. In conjunction with this step and of perhaps greater symbolic importance, our country must ratify the United Nations Convention on the Rights of Children.

This administration has not hesitated to correct policies that have trampled the civil rights of adults and damaged America's reputation around the world, such as the use of torture and extraordinary rendition, wiretapping innocent citizens and the denial of due process to prisoners of war. Yet, the most defenseless citizens in our society, abused and neglected children, have been systematically denied the basic right to be safe in their own homes and to receive equal protection under the law and due process in the courtroom.

The United Nations Convention on the Rights of the Child is an international convention establishing a basic template for the civil, political, economic, social and cultural rights of children. The convention acknowledges that every child has certain basic rights, including the right to life, the right to his or her own name and identity, and the right to be protected from abuse or exploitation, not unlike our Declaration of Independence. The convention also obliges signatory countries to provide separate legal representation for a child in any judicial dispute concerning their care, consider the child's viewpoint in such cases, and act in the child's best interests. This approach is fundamentally different from the common law approach found in many countries that treats children and wives as possessions or chattels.

There are 193 countries that are party to the convention, including all the members of the United Nations with the exception of two: Somalia and the United States.

I submit that because basic human rights are denied to children, we are compelled to ratify this treaty. It is shameful that the United States has not adopted this convention. Besides abdicating the moral leadership that we should demonstrate on such matters, it signals to the international community that we do not value even the symbolic right of a child to be safe in his or her own home. Do we honestly believe that our current system of governmental agencies, laws and procedures works so well that it can stand no improvement?

According to the National Committee to Prevent Child Abuse, 3 million new reports of child abuse or neglect are made every year, one report every ten seconds. On average, Children's Protective Services ("CPS") confirms 1 million of these cases; however, records show that 72 percent of all children who were confirmed as abused or neglected did not receive any follow-up assistance from CPS. Of those cases reported, an estimated 1,300 children die each year of abuse or neglect — most at their parents' hands. Some 90 percent of those children were age five or younger. Almost half of these victims had a case with CPS. Many children who survive abuse are

returned to dangerous homes only to be victimized again. These preventable child deaths and recurrence of abuse are not merely the result of incompetency or excessive case loads, but rather the direct and predictable consequence of a social agenda that has placed a higher priority on preserving the “family unit” and rehabilitating offenders than protecting children. This agenda was derived from CPS’ parent, the Society for the Prevention of Cruelty to Children. From the early 1900s, the philosophy developed that it was more important to “rescue the bad home for the child” than to “rescu[e] the child from the bad home.” While present day CPS has developed into a mammoth agency with numerous programs and agendas, the mission to “rescue the bad home” has remained the driving force behind this agency.

Yet, despite countless preventable deaths and local, state and national publicity about the failures at CPS, law enforcement, prosecutor’s offices, and our family courts, institutional progress has been slow, to say the least. Fundamental to understanding why we are failing children is the fact that children who are victims of violent crimes are treated differently from all other crime victims. It is only in cases of crimes against children that we force the crime victim to live with the perpetrator of their abuse or allow social workers lacking law enforcement training or experience to investigate the crime and dictate the progress of the criminal case.

Joining the community of nations that have ratified the UN Convention on the Rights of the Child signals the world that our country will not stand idly by when children’s rights are subverted.

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