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Saving Our Children: Focusing the World's Attention on the Abuse of Children*

*Robert F. Drinan, S.J.***

I. INTRODUCTION

Years ago when I was in the seminary, a group of us used to go out to a reform school for boys and teach them whatever we could by way of religion. As we drove home, we would say together, there's no such thing as a good boy. One day, while I was at the reform school, I met a thirteen-year-old boy named Bobby Durgous. Bobby had done some terrible things but I really loved that kid. I talked to his parents and eventually he got out. A month later, he stabbed a man in a bar, and was back in jail—then as an adult. I often wonder whatever happened to Bobby Durgous, but I have to keep thinking that maybe he was better because of the attention that a lot of us gave him.

This willingness to pay attention to the world's children is critical to solving the dilemma faced by the world today. Consequently, I cannot tell you how overwhelmed I am at what Loyola University Chicago School of Law is doing for children. I commend the University, and the law school administration, faculty and staff, for its leadership and dedication. I especially commend Mr. Jeffrey Jacobs for his personal support.

Nationwide, we all read the feature in *Parade* magazine on July 24, 1994, indicating that the Loyola University CIVITAS ChildLaw Center—the students and others—will be advancing policies, ideas and, yes, love around the world. All around the universe, you will begin to see what the work of Loyola means to people everywhere who think that children should be the focus of our attention.

Let me make a graphic example of what is happening to children: Let us suppose that yesterday a DC-10 crashed at O'Hare. There were 200 youngsters coming back from vacations on that plane. Their

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parents and friends were there. All of the children were killed. Worldwide we would say: "What a tragedy. We have to prevent that." The situation of the world, my dear friends, indicates that an equivalent tragedy happens every ten minutes. Forty thousand children die every day needlessly, fifteen million a year. It is as if two hundred DC-10s crash every day with a total of 40,000 children aboard.

I will talk about four points today. First, I will talk about the children's convention adopted by the UN and most of the nations of the earth. Second, I will talk about the state of children in the world. Third, I will explain why we must be very humiliated by the state of children in the United States, and fourth, I will suggest what we should do about this terrible situation.

II. DISCUSSION

A. *United Nations* Convention on the Rights of Children

Just over five years ago, on November 20, 1989, the United Nations General Assembly adopted a magnificent declaration on the rights of children—named the *Convention on the Rights of Children*—and appointed a monitoring committee. Thus far, 169 nations have ratified this document. That is the fastest on-track verification of any of the twenty-four major covenants that the UN has sponsored.

Although many of the rights set forth in the Convention were included in previous documents, the world, in an outburst of tenderness for children, brought them all together and asserted them from the platform of the United Nations. At the very heart of the document is the sentiment that we shall all operate in "the best interest of the child."

The love of children, of course, is an old sentiment. The League of Nations first issued a declaration in 1924 on the rights of children. The *Universal Declaration of Human Rights* of 1948 tells us that "childhood [is] entitled to special care and assistance" and that every child is entitled to education consistent with his or her background. In 1959 the United Nations put out the *Declaration of the Rights of the Child*, which was the parent of the present Convention.

In this new Convention, the rights of children are not derivative of the rights of adults. That is the great advancement of this Convention: that these children are *sui generis*. Children now have a right to all types of things specified in the Convention's fifty-four Articles. For example, children have a right to adequate day care, primary education must be compulsory and must be available free to all, and children under sixteen cannot take a direct part in armed conflict.

This document has impact worldwide. Let me tell you some of the very specific impacts that it has had. In Costa Rica and in Norway a children's ombudsman has been appointed. In Bolivia, they have brought the legislation into line with the Convention's provisions concerning the rights of children, and in Brazil there is an article about children's rights in the constitution adopted in 1990.

The United Nations, in adopting this Convention, has finally recognized that children constitute almost fifty percent of humanity—that of the 5.7 billion people in the world, almost 3 billion are children. In short, the United Nations has finally recognized that it must take definitive action to protect the world's children.

B. The State of the Children in the World

Now, my second point: the state of children in the world. Let us weep for these children. In the last generation, 1.5 million children have been killed in all of the wars. Four million children have been permanently disabled. Thousands more are killed every day by exploding mines. The United States is responsible for much of this. We allowed land mines to be placed in Nicaragua, El Salvador, Vietnam, Kuwait, and elsewhere. Now, quite literally thousands of children go into these fields and are maimed or killed.

Girls worldwide suffer more than boys. The lowest survival rates anywhere are among girls. Boys get more food and health care than girls. Of the one hundred million or more children who are not in school, at least seventy percent of them are female. When we look toward the year 2000, only six years away, there will be double the number of children not in school.

Contemplate, for a moment, what is happening to street children. The United Nations' Children's Fund estimates that there are one hundred million children living on the streets in the Philippines and Latin America. There are forty million street children in Latin America, twenty-five million in Asia, and at least ten million in Africa. Literally, millions of children living on the streets. In Asia and South-east Asia there are hundreds of child prostitutes. Signing the *Convention on the Rights of Children* by all of these nations imposes a specific obligation on them to eliminate these conditions. Can we hope that these hideous conditions will evaporate right away? No, but for the first time in the history of the world, world law compels these individual nations to make a pledge, to promise that they will actually eliminate the conditions that are specifically forbidden. Although we have previous conventions on children's rights, you will see for the first time in international law, a documentation of every conceivable abuse of children.

There are many forms of child abuse. Child labor is one form and is specifically mentioned in the Convention. Child labor was outlawed in the United States in the 1930s. But everywhere in the world we see children who are under the age of fourteen, or even twelve, who are working full time. Millions of children knot carpets in India. Millions of children harvest bananas in Brazil. Children salvage rags in Egypt, and pick cotton in the Sudan. It is a shame of the United States that we import many of the products that are made by child labor.

The right to food is not available to millions of children. UNICEF held a world conference in 1990 in New York. It was engineered by James Grant, the son of Presbyterian ministers in China. Quite literally James Grant and UNICEF saved fifty million lives because, with the generosity of the rich nations, UNICEF has cut down the number of children who die by five million every year.

Why do these children die? Two-thirds die of measles, tetanus, pneumonia, and diarrhea. There are easy and inexpensive technologies that cure these illnesses. Is it not a form of infanticide that we allow this to happen? Listen to what happens around the world to these dearly beloved youngsters. Nearly one child in two in Asia, not including China, is malnourished. Each day, one thousand children go blind because they do not have access to twenty cents worth of Vitamin A. Polio cripples 250,000 young people each year, even though there is an inexpensive vaccine available to every child in the developed nations. Only six in ten infants in developing nations have been vaccinated against the five major childhood diseases. All of these diseases could be eradicated the way that smallpox was a generation ago.

Nevertheless, there is not only gloom. There are some good things that are happening. Three and one half million children do not have polio that would have had it but for the intervention of rich nations and UNICEF. Malnutrition has been reduced to less than ten percent in twenty-four nations. Key nations of world hunger, China, Indonesia, and Mexico, now expect to achieve eighty percent of good nutrition and eighty-five percent of school attendance by the year 2000.

UNICEF, incidentally, recently revealed a new and creative international child abuse index, which considers all of the dreadful things that happen to children. The nations are rated, so you can see where your nation stands. It is hoped that the mobilization of shame against this condition will prompt world and national leaders to do something to help the world's children.

I have reviewed, only very briefly, what has been called the silent emergencies of malnutrition and preventable diseases. But the group

established to monitor the rights granted in the *Convention on the Rights of Children* now sits in Geneva and in the United States. Nations must report on their progress to the international monitoring group. In addition, these reports are being publicized more and more. There are non-governmental groups that will monitor the monitors. Remember, this monitoring effort is only five years old. As a result, we are in the forefront of a worldwide movement to check up on the rights of children worldwide. This wonderful Center that you have established is going to be in the forefront. You will be doing wonderful things for troubled children and difficult families. But you will also be watching and monitoring the national and international movement for the rights of the child.

I attended the Vienna Convention on the Rights of Humanity in June, 1993. I was there as a delegate of the American Bar Association, which has enthusiastically endorsed the *Convention on the Rights of Children*. It was wonderful to see, in the final statement at Vienna, all of the Nations affirming and reaffirming that they are going to observe the promises that they made. That has never before happened in world law.

Will all of this make a difference? I can assure you that it will. As a professor of International Human Rights, I have observed over a long period, how to repeat the mobilization of shame that is causing nations to conform to world ideals. If you have any doubt that this is going to work, look at what has happened in South Africa. From day one, the United Nations condemned apartheid. There are dozens of declarations, resolutions and covenants saying apartheid has to go. Now, apartheid has gone. Mr. Mandela is the president of the country that put him in jail for twenty-seven years. Why did they eventually let Mr. Mandela out of jail, and why was he elected? For the same reasons that a generation from now, we will be saying that cruelty to children is absolutely unthinkable. We see a whole new world unfolding. Humanity and world law can take some credit for what has happened in South Africa. I think that Loyola University Chicago—now and in the future—will be able to say: “We were a part of that worldwide movement to assert and vindicate the rights of the child.”

C. *State of the Children in the United States*

Let me come to my third point which is a sad, sad story: The treatment of the world's children by the United States and the state of children in the United States.

The United States participated actively in the formation of the *Convention on the Rights of Children*, and we were all proud that the

United States was so aggressive and creative. It was the United States, more than any other nation, that inserted the very heart of that document, namely that we shall all operate in "the best interest of the child." Despite the United States' interest in the formation of the Convention, the United States is one of only nineteen nations that has still not signed or ratified the Convention.¹ It now ranks with countries like Iraq, Saudi Arabia, and Somalia who have not ratified the treaty.

What is the opposition? The opposition apparently comes from the radical right wing. Those who say that they are pro-family. These right-wing extremists have apparently intimidated some senators. Although the administration has said that they are committed to the ratification of this Convention—and clearly Bill and Hillary have always worked for children—they are apparently afraid for political reasons, that if they go forward, there will be some donnybrooks in the Senate.

The United States' failure to ratify this *Convention* is not the only way in which our country neglects the world's children. In fact, the United States neglects these children in almost countless ways. We neglect children by not carrying out a sensible foreign policy. Two hundred million children are employed, contrary to world law, in factories and farms. Only recently the Senate, through Senator Patrick Leahy, has taken steps to stop the importation of any goods manufactured or grown in any country that utilizes child labor. The United States also cheats children abroad because we do not give what we ought to give as a rich nation. Is it not humiliating that the United States ranks nineteenth out of twenty major donors to international humanitarian aid? The median citizen in this country pays only forty-five dollars a year for all of our human aid. There are only four nations in the whole world whose citizens give less to the children of the world.

Let us now turn to the treatment of our own children. You are probably familiar with the work of the Children's Defense Fund. Every six months a whole new shocking book comes out telling us how we are abusing our children. The United States leads the whole developed world in child poverty. In 1979, the poverty rate among children was 14.7%. In 1986, it was 20.4%. When the country was thriving, when we had trickle-down economics, the number of poor

1. On Thursday, February 16, 1995 Madeleine Albright, the United States delegate to the United Nations, signed the *Convention on the Rights of the Child*. *U.S. Signs UN Pact on Children's Rights*, CHI. TRIB., Feb. 17, 1995, at N11. The Convention currently awaits ratification by the Senate. See U.S. CONST. art. II, § 2, cl. 2.

children increased very, very sharply. Poverty among children in the United States is four times that of Western Europe. The number of children in the United States who are reportedly abused has tripled since 1980, to almost three million. The number of child murders doubled in the 1980s. Teenage suicides doubled over the last twenty years.

Just a bit more about the neglect of children in the United States. You will come into contact with this neglect in the courts of Chicago. You will see it everywhere. Statistics show that every third child is aborted in the United States, that every other marriage results in divorce, and that children whose family heads are under thirty have a particularly hard time. Many young parents are single parents. All the statistics show that children whose parents, or parent, are under thirty are becoming poorer and poorer. By the year 2000, one in four children in America will be poor. That will be sixteen million children. Those of you involved in child law will be representing children who may never get out of poverty or neglect during their entire lifetime.

An African-American baby born in some neighborhoods of Boston is less likely to live to its first birthday than a baby born in Jamaica, Chile, or the former Soviet Union. One hundred ten babies die every day in the United States before their first birthday. I'll use the analogy again. Suppose that an airliner crashed at O'Hare, and it crashed every day with 110 children on it. That is exactly what is happening. Not out there in the Third World, but in America. One hundred ten children, every day, do not survive their first birthday.

Forty percent of children in America are, what has been described as, "half orphans," meaning they do not have both parents. That, clearly, is one of the major reasons for child neglect. The United States ranks nineteenth among industrialized nations in keeping our babies alive. One out of every six children in the first grade is required to repeat that grade. Twenty-five percent of all young people will fail to complete high school. Those who do complete high school will get only 180 days of schooling per year compared to well over 200 days in Europe and 242 in Japan. Only eighteen percent of those children in America eligible for Head Start are enrolled. Although the present administration sharply increased the funds for Head Start, as did the Bush Administration, still only eighteen percent are reached. One million unwed girls in America get pregnant each year. That is the highest rate for out-of-wedlock pregnancy in the industrialized world.

III. CLOSING OBSERVATIONS

So let me come to my fourth point: some recommendations. Loyola University and the CIVITAS ChildLaw Center have joined a world that is now on a crusade on the behalf of children. You are adopting, in your wonderful clinic, a multidisciplinary approach. You are going to try to heal abuse and neglect, and somehow try to understand what is transpiring before you.

I hearken back today, to thirty years ago when I was the Chairman of the ABA Section on Family Law. I joined that group and started *The Family Law Quarterly*. I, and many others, thought that the family law specialty would civilize this process and improve it. When I recently spoke at the twenty-fifth anniversary of the Section of Family Law of the American Bar Association, I could not give them great encouragement because during those twenty-five years, all types of dreadful things have happened to families and to children in the United States. Yet, I think over the last five years, there has been a reversal of thinking in the United States and worldwide.

The world has always been in love with children. That is why the Son of God came as a child. At Christmas-time, we see the tenderness that we have for infants. Our Lord expressed his tender love for children in passages in the New Testament that are unforgettable. He told us that we must be like children.

So today, we are concerned for children in our souls and in our hearts. We say: children must be informed of their rights. A great part of helping children is to make certain that they understand that we care for them. We all have lived through the era that began with *In re Gault*² in 1967. We have seen a renaissance, a rebirth of the rights of children in the law. Now, we have to put those rights into practice. We must make the children understand that American law will vindicate their rights.

So I am very pleased and honored to be here this very special day in the history of this institution. Today may well be a red letter day of great consequence in the history of Loyola University, in the history of Chicago, and yes, in the history of the global movement for the rights of children. A poet once wrote that, "every child that is born comes with a message that God is not yet discouraged with mankind." In the last five years, since the adoption by the United Nations of the *Convention on the Rights of Children*, the world has made promises to children we have never made before. When each of the nations around the world ratified that document in their legislatures, it was very clear

2. 387 U.S. 1 (1967).

that they were making promises and pledges to do what they had never promised to do before. All of that amounts to something. You may recall that in International Law we say, *pacta sunt servanda*, promises must be kept. That is what the world is focusing on now: these promises to children.

There is therefore, a legal and moral revolution on behalf of children that has gone on over the last five years. Before, it was just words. Now, it has come to full flower. When the United States finally, hopefully soon, ratifies the international *Convention on the Rights of Children*, the United States will be subjected to world opinion. On a regular basis the United States will be forced to report on how we have complied with the fifty-four mandates of the *Convention on the Rights of Children*. We will be under not only national scrutiny, but international scrutiny. That, clearly, will be a help to all of those people, like yourselves, who love children.

Equality and justice, of course, are not new. The *Code of Hammurabi*, 2000 years before Christ, described law as a course, "to make justice reign, to destroy the wicked and the violent, to prevent the strong from oppressing the weak." The ChildLaw Center and all of its personnel will be doing exactly what Hammurabi said law should do. You want to prevent the strong from oppressing the weak. In the Catholic tradition, this notion has been very intense through the centuries: from Augustine to Aquinas to natural law. All of these things in the Catholic tradition describe the matrix of rights, rights of children that are inalienable and infeasible. Christians join Christ in saying that what we do to Christ's little ones, we do to Christ himself.

President Kennedy said, "those who make peaceful revolution impossible, make violent revolution inevitable." Loyola has begun a peaceful revolution. It is based on love, grounded in law, and inspired by the universal tenderness that we have for children. Nothing could be more noble, more needed, more beautiful. It echoes what St. Paul said in his classic words about love in I Corinthians 13: "Love is kind, love never fails, love is the only thing that stands when all else has fallen." Love, or law without love, is a feeble force which will be evaded or avoided.

I say, finally, to everyone involved in child law. You may already be overwhelmed by the immensity of the problem that you are trying to resolve. You see the jungles of the ghettos, the chaos in the courts, the violence on the streets. You say: "How can any of us do anything about this?" Let me close by giving you a motto that should be the banner of today, that we should all remember. Margaret Meade said, and with these words I close: "Never doubt that a small group of



thoughtful committed citizens can change the world. Indeed it is the only thing that ever has." Thank you very much.