

11-10-2009

Barrozo Testifies on Rights of Unparented Children

Boston College Law School

Follow this and additional works at: http://lawdigitalcommons.bc.edu/law_school_publications

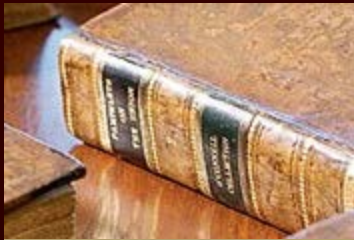


Part of the [Legal Education Commons](#)

Digital Commons Citation

Boston College Law School, "Barrozo Testifies on Rights of Unparented Children" (2009). *Law School Publications*. 270.
http://lawdigitalcommons.bc.edu/law_school_publications/270

This Article is brought to you for free and open access by the Law School Archive at Digital Commons @ Boston College Law School. It has been accepted for inclusion in Law School Publications by an authorized administrator of Digital Commons @ Boston College Law School. For more information, please contact nick.szydowski@bc.edu.



LAW SCHOOL HOME

- [Students Home](#)
- [About BC Law](#)
- [Admission & Financial Aid](#)
- [Center for Experiential Learning](#)
- [The Rappaport Center](#)
- [Faculty & Administration](#)
- [News, Events & Calendars](#)**
 - [2016 News Archive](#)
 - [2015-News Archive](#)
 - [2014-News Archive](#)
 - [2013-News Archive](#)
 - [2012-News Archive](#)
 - [2011-News Archive](#)
 - [2010-News Archive](#)
 - [2009-News Archive](#)**
 - [2008-News Archive](#)
 - [2007-News Archive](#)
 - [2006-News Archive](#)
 - [2005-News Archive](#)
 - [2004-News Archive](#)
 - [2003-News Archive](#)
 - [2002-News Archive](#)
 - [2001-News Archive](#)
 - [2000-News Archive](#)
 - [Events](#)
 - [Services & Departments](#)
 - [Law Reviews](#)
 - [Alumni and Friends](#)
- [Contact Us](#)
- [Law Library](#)

[bc home](#) > [schools](#) > [law school home](#) > [news-events](#) > [2009-news archive](#) >

Barrozo Testifies on Rights of Unparented Children

11/10/09--ON NOVEMBER 6, BARROZO AND A TEAM OF EXPERTS STOOD BEFORE THE INTER-AMERICAN COMMISSION IN WHAT IS BELIEVED TO BE THE FIRST HEARING EVER ON THE QUESTION WHETHER THERE IS A HUMAN RIGHT OF EXISTING UNPARENTED CHILDREN TO GROW UP IN A NURTURING FAMILY.

11/10/09--On November 6, BC Law Professor Paulo Barrozo and a team of experts stood before the Inter-American Commission in what is believed to be the first hearing ever on the question whether there is a human right of existing unparented children to grow up in a nurturing family.

In the hearing Barrozo was joined by Elizabeth Bartholet (Morris Wasserstein Public Interest Professor of Law at Harvard Law School), Karen Bos (Children's Hospital Boston, Harvard Medical School, and Harvard School of Public Health), and Charles Nelson (Richard David Scott Professor of Pediatric Developmental Medicine Research at Children's Hospital Boston and Professor of Pediatrics and Neuroscience at Harvard Medical School).

Scientific evidence, Barrozo and colleagues argued, supports the conclusion that no other single non-genetic factor in times of peace is more mentally and physically disabling than extended institutionalization in infancy. Those who survive early institutionalization often end up institutionalized as adolescents and adults. States' action and inaction, Barrozo concluded, contribute to this brutal orphanage-to-asylum pipeline.

The team presenting before the Inter-American Commission showed that social, medical, and developmental sciences demonstrate that membership in a nurturing family is generally necessary for healthy physical and mental development. This, Barrozo affirmed, helps explain why the right to live in a nurturing family should be recognized as a fundamental right of the child.

Barrozo explained that because the effects of institutionalization generally prevent children from fully enjoying most other rights later in life, the human right to grow in a family is also a precondition for the enjoyment of most other human rights. For children who cannot and will not be raised by their birth parents, adoption into a new family will generally be the only fully adequate way to provide their fundamental human right to a nurturing family. That's why, according to him, States' policies in relation to adoption invite special scrutiny for their potential for violation of the human rights of the child.

Addressing the Commission, Barrozo affirmed that unparented children are the most discrete and insular minority of any country. Until they find a nurturing family, their predicament is one of crushing vulnerability and dependence upon their respective States. The suffering, regimentation, and isolation of institutionalized children often lead to spiritual death if not the complete obliteration of the child and this, Barrozo and colleagues are trying to persuade the Commission, should be denounced by the Inter-American Human Rights System.

Boston College Law School Research Fellow Amelia Gray '09 and student Meredith Regan worked with Professor Barrozo in the case.

