

Hello my name is Miro Griffiths. I am a Disability Studies Scholar and an Executive Editor of the International Journal of Disability and Social Justice. This series is called Meet the Author. The series provides an opportunity to learn more about the work ideas and interests of authors who have published through our journal. In this episode Eric Rosenthal discusses their publication titled "Residential Care Controversy: The Promise of the UN Convention on the Rights of Persons with Disabilities to Protect All Children.

Let's start. Please can you introduce yourself?

My name is Eric Rosenthal. I'm the Founder and Executive Director of Disability Rights International (DRI).

What was the inspiration for writing this article?

This article focuses on the problem of placing children in group homes. I have been fighting for 30 years my organisation, many allies, of the placement of children in orphanages and it's taken enormous amount of effort both to build the law through the convention; to build consensus that children should not be in institutions.

And yet what we have been finding in recent years a tragic, tragic new twist. That instead of integrating children from disabilities into families when they close down these orphanages, an enormous amount of new money has gone into placing them in smaller institutions what they call 'group homes', what they call 'family-like institutions'. Or now in Ukraine they've innovated this new thing called 'Extended Foster Care'. 10 kids in the same foster family Which is totally inappropriate for any child, and indeed especially for children with disabilities, who are usually excluded from these.

So it was a very real world problem that we felt needed a strong legal framework for responding. And so the article was an effort to demonstrate legally under international human rights law why this was bad policy and bad law.

What was the most challenging part of writing this article?

There are two parallel areas of law: the UN convention on the, on the Rights of the Child, which was drafted in the 1980s. Was drafted at a time when it was assumed that some children had to be in institutions. Article 23 of the, of the Children's Rights Convention says that you know if can't, if children can't be in families, they can be in suitable institutions. And there is a UN document that has been championed by UNICEF called "The guidelines for the Alternative Care of Children." And it says, that you know, large institutions need to be progressively eliminated, but Residential Care is an essential part of any Social Service System.

The CRPD has taken a strong stand and the committee has been wonderful in being very clear that no substitute for a family should be accepted for anyone. Every child has a right to live and grow up in a family. But we have a whole body of international law; that a whole broad children's

community is committed to UNICEF's, you know, Charter is on the implementation of the Convention on the Rights of the Child. And so, we can't just say this is a violation of international law, because there's a contradiction in international law. We have to make the case that one set of law has to correspond to the other. That they need to respond to the mandates of the UN disability treaty. And that's very difficult.

What do you hope readers will take away from this article?

I hope that they will understand the real human tragedy, the vast human suffering that is going on. And understand that the conflict of international law is undermining the fabric of Human Rights enforcement entirely. We cannot live in a situation in which one treaty is saying one thing and one treaty is saying another thing because as long as there's confusion, countries will just pick their law and do the wrong thing and we are seeing that happening right now. With this is subsequent to the publish of the report. That report was mostly based on our findings in Latin America, Bulgaria, Romania. But now in Ukraine, vast amounts of money are going in to Ukraine and we see the problem happening all over again.

What are you currently working on that do you think would be of interest to disability studies Scholars?

Well this is actually, this is it. This is occupying us pretty much full-time. We are working on we've worked closely with the CRPD on developing guidelines for deinstitutionalisation to help give governments some guidance. And to demonstrate that these guidelines apply in times of emergency. During the pandemic, the global Covid pandemic, we found that not only were institutions, congregate care especially dangerous but that the isolation of children and institutions that was set up to protect them against infection contributed to further abuses.

And now in the war in Ukraine there's a a situation where, you know, in the heat of War everyone seems to say, well we can relax these standards. What we're trying to say is that even in a pandemic, even in a war, you can't stop, you can't put a pause on deinstitutionalisation you can't say, okay we'll just put kids in a nice safe institution or group home now and get back to it after the war. Because after the war, the money runs out and whatever has been put into place will remain. And the truth is these are not safe places. So we are finding immediate and present dangers.

We found them during Covid, we find them during the War in Mexico and Guatemala, where we find refugees. Children separated from their parents. So in all these type of emergency situations, children with disabilities are especially at risk, whenever they are separated from their families and, and that is the battle. So it has morphed a little bit from what I wrote about to these new contexts but the battle goes on.

What are your hobbies and interests outside of Academia?

I live on a little island off of the coast of Massachusetts called Plum Island, it's a Barrier Island we live two or three blocks from the ocean and from a nature preserve. Where there are birds and coyotes and deer and, so you know during Covid we sold our house my wife and I sold our house in Washington DC moved to this beautiful little remote spot. And in the era of Covid, excuse me, of Zoom, we're as connected as ever to our staff all around the globe. But just living in a beautiful place and enjoying nature, taking bicycle rides in the Reserve.

I have a little office overlooking the port in something called Newbury port, it's a colonial era port, and I'm in a converted Mill. So really just trying to slow down and enjoy nature is what keeps me going.

[Miro] I hope this episode was interesting, useful and enjoyable. Please remember all publications within the International Journal of Disability and Social Justice are open access. This means you can read them in full at no cost to you. Please visit the journal's website to find out more information about the Articles and issues we have published. You can search for the International Journal of Disability and Social Justice through online search engines such as Google or visit [www \[dot\] IJDSJ \[dot\] online](http://www.IJDSJ.online). You are welcome to subscribe to our channel, so you can be kept updated about newly released episodes and content. Until next time, Goodbye.