



in our own backyard

THE HIDDEN PROBLEM OF
CHILD FARMWORKERS IN AMERICA
<http://www.ourownbackyard.org>

Part II: How Can This Happen?

Convention on the Rights of the Child: Background

A summary of the convention with background information.

*Source: Campaign for the U.S. Ratification of the Convention on the Rights of the Child, 2007,
<http://www.childrightscampaign.org/>*





BACKGROUND INFORMATION

WHAT IS THE CONVENTION ON THE RIGHTS OF THE CHILD?

Adopted by the United Nations General Assembly in 1989 and instituted as international law in 1990, the Convention on the Rights of the Child (CRC) is widely-recognized as the first legally binding human rights treaty. It was drafted with the specific purpose of safeguarding and advancing the rights of all children regardless of national boundaries.

The Convention prioritizes childhood. It sets forth basic standards which individual nations agree to pursue on behalf of children, including providing assistance to parents as they fulfill critical childrearing responsibilities. These norms rest on the Convention's four underlying principles: 1) right to survival, 2) right to develop to the fullest potential, 3) right to protection from abuse, neglect, and exploitation, and 4) right to participate in family, cultural, and social life.

Emphasizing the primacy and importance of the role and authority of parents, the treaty calls for governments to respect the responsibilities, rights, and duties of parents to provide direction and guidance to their children. In addition, the CRC calls on governments to develop and implement policies and programs that ensure children grow up in supportive family and community environments that foster an atmosphere of happiness, love, and understanding.

WHAT IS THE STATUS OF THE CRC?

As of January 2007, 193 countries have ratified the CRC. The U.S. and Somalia¹ are the only two members a party to the UN that have not ratified this celebrated agreement.

Although Madeleine Albright, acting as the U.S. Delegate to the U.N., signed the CRC on behalf of President Clinton and the United States, the Convention has not been forwarded to the Senate Foreign Relations Committee for consideration due to procedural and political barriers. Procedurally, it is the general policy of the U.S. to thoroughly evaluate the constitutionality and potential impact of a treaty prior to giving its consent for ratification. Much like our own Constitution which requires judicial interpretation, the CRC also requires interpretation which necessitates this type of diligent analysis and examination.

¹ At present, Somalia is without a functioning central government. However, parties within the government structure have committed to signing and ratifying the CRC once the situation is rectified.

Due, in part, to this lengthy review process, it can take several years for a treaty to be ratified, and if the treaty is controversial (or depicted as such), it can become politicized which often lengthens the process even more. For example, the Convention on the Prevention and Punishment of the Crime of Genocide took more than 30 years to be ratified in the United States, and the Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), which was signed by the U.S. more than 20 years ago, still has not been ratified. Moreover, the U.S. Government will typically consider only one human rights treaty at a time.

In addition to the extensive analysis and lengthy ratification process, widespread misconceptions about the Convention's intent, provisions, and potential impact (see the section entitled "Myths and Facts" for further information) have created obstacles to moving the CRC ahead expeditiously. This has resulted in opposition to the treaty within the Senate and in some sectors of the public.

HOW HAS THE CRC BEEN USED TO HELP CHILDREN?

The Convention has improved children's well-being throughout the world by challenging the way governments and citizens view and prioritize them. Implementation of the CRC has led governments to change and formulate laws, policies, and programs which meet the specific needs of children in their country.

The following are examples of the impact the CRC has had on ratifying countries:

- ♦ France and the United Kingdom enacted new laws specifying that both parents, regardless of marital status, are jointly responsible for the upbringing of their children.
- ♦ South Africa and Germany passed new legislation to protect children from being victimized by abuse and neglect.
- ♦ Italy implemented a number of provisions regarding the prevention and early detection of birth defects.
- ♦ In Vietnam, laws inspired by the Convention have helped reduce the infant mortality rate, increase the number of children vaccinated for childhood illnesses, and improve access to primary school education.
- ♦ Many countries, such as Bolivia, Cambodia, Chad, El Salvador, Ghana, Malaysia, and Romania, reformed their penal codes by enacting new justice codes for children.

HOW WOULD U.S. RATIFICATION BENEFIT CHILDREN?

The U.S. has some of the best programs and laws in the world to protect its children. However, too many U.S. children continue to face considerable adversity. Our children suffer from some of the highest rates in the industrialized world of poverty, maltreatment, hunger, infant mortality, teen pregnancy, and homicide, suicide, and firearm-related deaths. Approximately one in five children in the U.S. lives in poverty. Over 8 million children lack adequate health insurance.

1.4 million children have no place to call home. Within their local communities, parents and school officials advocate tirelessly for the need to prioritize education. Despite these efforts, educational programs designed to ensure that no child is left behind are continuously and severely underfunded. More can and should be done to protect our children and give them a chance at a promising future.

In the U.S., the Convention would establish a useful framework from which elected officials could create policies and programs that address the specific needs of children and families. In adhering to the reporting requirements contained in the CRC, our country would be compelled to reassess the state of children's well-being in the U.S. and undertake crucial efforts to improve their lives. Although critics decry this value as symbolic, supporters of the CRC believe that childhood deserves prioritization by government.

In addition to the potential domestic benefits, U.S. ratification would help enhance our role as an international leader in human rights. With U.S. endorsement of the CRC, the world would stand united in its universally shared goal to protect and promote children's best interests. As a party to the Convention, the U.S. would be eligible to participate in the Committee on the Rights of the Child (the international body responsible for monitoring the implementation of the CRC). As a member of this Committee, the U.S. could take an active role in encouraging further progress in countries which have already ratified the Convention. We would also play an important role in assisting in the enactment of global standards and policies that safeguard children.