



# 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 and the U.S.**

Analysis of the U.S. position on the convention.

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



**Q: What is the Convention's status in the United States and globally?**

A: The CRC is the most widely and rapidly ratified human rights treaty in history, with 192 participating nations. Only two countries, Somalia and the United States, have not ratified this celebrated agreement.

**Q: What are the most common claims made about the Convention by its opposition?**

A: A small number of organizations have spearheaded the effort in opposition to U.S. ratification of the Convention on the Rights of the Child. These organizations have made a significant effort to minimize the treaty's value and to portray it as a threat to the American family. In general, the treaty's opponents base their opposition to the Convention largely on unsubstantiated claims regarding national sovereignty and interference in the parent-child relationship. The treaty's opposition claims that:

- The Convention enables the United Nations to usurp national and state sovereignty;
- Undermines parental authority;
- Allows and encourages children to sue parents, have abortions, etc.;
- Enables the United Nations to dictate how we raise and teach children.

These claims and perceptions are false and are likely the result of misconceptions, erroneous information, and a lack of understanding about how international human rights treaties are implemented in the United States. Notably, in many cases, the Convention's opponents criticize provisions which were added by the Reagan Administration during the drafting process in an effort to reflect the rights American citizens have under the U.S. Constitution.

**Q: Does the Convention give children the right to sue their parents?**

A: No. The Convention does not address this issue. State Parties to the Convention must ensure that their laws are in compliance with the provisions of the Convention; there must be some mechanism for children's grievances to be heard. However, the Convention does not stipulate that the grievances must be brought before the state's judicial system by the child himself or herself or by an adult or adults acting on the child's behalf. These specifics are to be determined by each individual nation.

Further, the Convention makes clear that a child's ability to exercise his or her rights evolve with age and maturity. Among the 192 countries that have ratified the Convention, there are varying laws about when and if children can bring grievances against adults, and what types of grievances can be brought to court.

**Q: What does the Convention say on the issue of abortion?**

A: In order to be utilized as an international agreement and to provide the needed flexibility to conform to the many cultures and legal systems of the world, the Convention on the Rights of the Child was designed to be adaptable. [This requires a degree of neutrality in certain areas, one of which is the issue of abortion. This effort to keep the Convention "abortion neutral" has been reviewed by various legal experts and deemed feasible.]

For the purposes of this treaty, the standard of when a child's life begins is determined by each nation which ratifies the Convention. The Holy See was one of the first States to ratify the Convention, and many countries, such as Ireland and the Philippines, which have strict

abortion laws have also ratified the Convention. Conversely, countries such as Sweden and France, which recognize their citizens' right to abortion, have ratified the Convention as well.

**Q: Why should the United States ratify the Convention on the Rights of the Child?**

A: The United States has some of the best programs and laws in the world to protect its children. However, many U.S. children still face considerable adversity. Our children suffer from some of the highest rates of poverty, hunger and infant mortality in the industrialized world. Three American children die every day due to abuse and neglect, and nearly three quarters of all the murders of children in industrialized countries occur in the United States. More can be done in order to safeguard our most physically, psychologically, politically, and socially vulnerable citizens.

The Convention on the Rights of the Child has been used by governments and organizations around the world to improve the situation of children. In some countries, the treaty has facilitated direct changes in laws, policies and programs. In others, it has gone further and helped change the way governments and citizens view and prioritize children. Notably, the treaty itself does not directly create these changes, but the people and governments in each individual nation in a manner and timeframe determined by each sovereign government.

In the United States, the Convention would establish a useful framework and set clear goals by which officials at all levels of government, private organizations, and individuals can form domestic policies and programs addressing the specific needs of families and children in the United States. The reporting requirements of the treaty would compel our nation to reevaluate the situation of children and develop action plans to make crucial improvements. Consequently, ratification of the Convention in concert with appropriate legislative measures would promote a more supportive social and legislative environment for families and would assist in making children more of a national priority.

In addition to the potential domestic benefits, U.S. ratification would help enhance America's role as an international leader in human rights by allowing the United States to participate in the international body set up to monitor the Convention, and by encouraging further progress in the countries which have already ratified the treaty.