



*The Convention on the Rights of the Child (CRC):
A Means to Ensuring the Well-being of All Children*



The Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC)

<http://childrightscampaign.org>

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A Holistic Approach to Universal Child Well-being

- The CRC is the most comprehensive, nearly unanimously ratified human rights treaty.
- It is the only international treaty to incorporate the full range of human rights- civil, cultural, economic, political, and social- into a single document.
- The Convention was drafted with the specific purpose to **promote and protect** the rights of all children.
- In laying out the comprehensive rights of children, the CRC challenges us to:
 - **View children in the context of their environment**
 - **View children as active holders of rights as opposed to passive recipients of care**
 - **View children in light of who they become**



Background: The Path to the CRC

1924: Declaration of the Rights of the Child. Regardless of race, nationality or creed, children have the right to survival, food, shelter, health care, humanitarian relief, and protection from exploitation.

1948: UN General Assembly adopted the Universal Declaration of Human Rights.

1959: 2nd Declaration of the Rights of the Child. Additional provisions- right to an identity, family, education, and freedom from discrimination.

1979-1989: Drafting of the CRC.

November 20, 1989: UN General Assembly adopted the CRC.

September 2, 1990: Following ratification by 20 countries, the CRC became international law.

2008: 193 countries have ratified the CRC. **Somalia and the U.S.** are the only two UN members that have not done so.



Key CRC points and principles

- The CRC recognizes a child as a **person** who is entitled to an **identity**– a name, a family, and a nationality- and the full array of human rights.
- It defines a child as an individual **under age 18**.
- The Convention specifies that a child's **best interest** be of primary consideration in all decisions which affect them.
- It is based upon **four underlying themes**:
 - Survival
 - Development
 - Protection
 - Participation



Survival



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Survival

The right to life (Art. 6)



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The right to access/receive health care services (Art. 24)



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The right to life (Art. 6)



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The right to safe, clean drinking water, nutritious food, adequate sanitation, and healthy environmental conditions (Art. 24)



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The right to an adequate standard of living that ensures children's physical and emotional needs are fulfilled (Art. 27)



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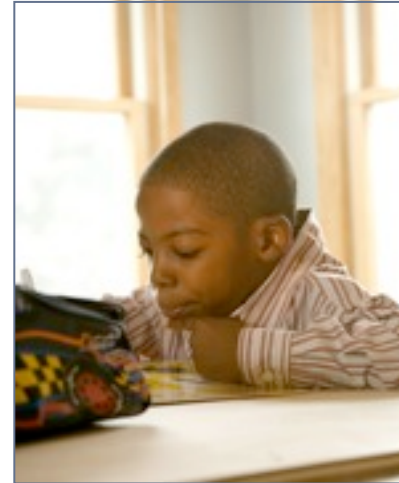
The right to safe, clean drinking water, nutritious food, adequate sanitation, and healthy environmental conditions (Art. 24)

The right to an adequate standard of living that ensures children's physical and emotional needs are fulfilled (Art. 27)

The right to proper treatment and care for children afflicted with disabilities or victimized by abuse and neglect (Art. 39)



Development



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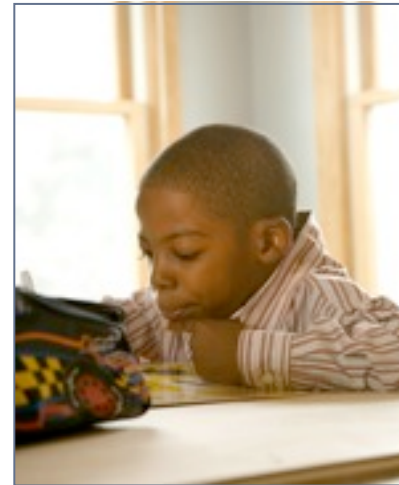
Development

The right to access child and age-appropriate information that enhances overall well-being, facilitates respect for human rights (Art. 17)

The right to social assistance programs, such as Head and Healthy Start programs, Medicaid, SCHIP, TANF, etc. (Art. 26)

The right to free and compulsory primary education and increased access to secondary and vocational education (Art. 28)

The right to an education that assists children in reaching their fullest potential and prepares them for adulthood (Art. 29)



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Protection from-



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Protection from-

Discrimination

(Arts. 2, 22-23, 30)

Abduction

(Arts. 11 & 35)

Abuse and neglect

(Art. 19)

Exploitation and Trafficking

(Arts. 34-36)

Drugs

(Art. 33)



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Drugs
(Art. 33)



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Armed Conflict
(Art. 38)

Child Labor
(Art.32)

Attacks on privacy, family, and home
(Art. 16)

Capital punishment and life
without parole (Art. 37)

Unlawful arrest, detention, and
imprisonment (Arts. 37 & 40)



Participation





Participation

Freedom of opinion and expression (Art. 12)





Participation



Freedom of opinion and expression (Art. 12)

Freedom of religion (Art. 14)



Participation



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Freedom of opinion and expression (Art. 12)

Freedom of religion (Art. 14)

Freedom of thought and conscience (Art. 14)

Freedom of association and peaceful assembly (Art. 15)

The right to leisure and recreation- the right to play- **the right to be a child** (Art. 31)



Impacts of the CRC on child well-being

- The treaty has improved children's well-being throughout the world by challenging the way governments and citizens view and prioritize children.
- Governments and non-governmental organizations (NGOs) around the world have worked together to increase children's access to primary education and life-saving medical care.
- Many countries have enacted or strengthened legislation to protect children from being abused, neglected, or subjected to sexual, commercial, and domestic exploitation.
- Governments have passed laws that reaffirm a child's right to be raised in a family and acknowledge that both parents share responsibility for their children's upbringing.



U.S. role and stance



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- The U.S. played an active role in drafting the CRC. At the request of the **Reagan Administration**, the U.S. delegation introduced the following of provisions:

Article 10: Family Reunification

Article 13: Freedom of Expression (Bill of Rights, Amend. 1)

Article 14: Freedom of Thought, Conscience, and Religion (Bill of Rights, Amend. 1)

Article 15: Freedom of Association and Assembly (Bill of Rights, Amend. 1)

Article 16: Right to Privacy/Freedom from Government Attacks (Bill of Rights, Amend. 4)

Article 19: Protection from Abuse and Neglect

Article 25: Periodic Review of Treatment for Children in Alternative Care



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- The 1990's- Resolutions, the White House, and the Senate Foreign Relations Committee Chair
- 2002- The Optional Protocols
- 2005- *Roper vs. Simmons*



CRC opponents fear the Convention...

- would undermine national and state sovereignty;
- would usurp parental authority and allow the UN to dictate how parents raise and teach their children;
- would give children the right to do as they please without warrant, including taking legal action against their parents, having abortions, joining gangs, etc.; and
- is unnecessary.



Myth: The CRC would become “Supreme Law” of the land.



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- Under the Supremacy Clause of the U.S. Constitution, and as upheld by the U.S. Supreme Court, **no treaty can override the Constitution** [Reid v. Covert, 354 U.S. 1 (1957)].
- The U.S. can ratify the CRC with **RUDS**- *reservations, understandings, and declarations*. RUDs address specific conflicts between the U.S. Constitution and a particular Convention.
- The CRC is **not a self-executing treaty** – it cannot be automatically implemented without legislative action. As with any treaty, each state is responsible for developing and implementing its own legislation.
- As stated in the Convention, **any state that is a party to the CRC can nullify its ratification** by providing written notification of “denunciation” to the UN Secretary General.



Myth: The CRC undermines the primacy of the parent-child relationship.



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- The CRC recognizes the ***family*** * “as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children...”

- Acknowledges “that the child, for the full and harmonious development of his or her personality, should grow up in a ***family*** environment, in an atmosphere of happiness, love, and understanding.”

- The Convention repeatedly underscores the pivotal role parents play in their children’s lives. There is ample language throughout the Convention to support this, particularly Articles 3, 5, 7-10, 14, 18, 22, and 27.

* In the context of the CRC, ***family*** refers to parents, legal guardians, extended family, and, in some instances, community.



Myth: Ratification would allow the UN to dictate how parents should raise their children.



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- The Convention does not, by any means, grant the UN authority to control, govern, or police U.S. policies for children.
- There is no language in the Convention that dictates the manner in which parents are to raise and instruct their children. Ratification of the CRC would not prevent parents from home-schooling their children.
- Under the CRC, parental responsibility is protected from government interference. Article 5 states that Governments should respect the rights, responsibilities, and duties of parents to raise their children.



Myth: The CRC proposes that children are autonomous agents.



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- The Convention **does not extend to children all of the same rights accorded to adults**, such as the right to vote and unrestricted freedom to make independent decisions.

- Children's ability to exercise certain rights is **dependent upon their age and maturity** and influenced by culture, environment, and life experiences. Parents are encouraged to deal with rights issues "...in a manner consistent with the evolving capacities of the child." (Arts. 5 & 14)

- The CRC **does not give children the right to sue their parents**.

- The Convention **does not give children the right to join a gang or associate with pedophiles**.



Myth: Ratification is unnecessary.



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- While the U.S. has some of the best programs and laws to protect our children, there are ***many areas in which the U.S. needs to improve its treatment of children-***
 - insufficient health care**
 - inadequate educational opportunities**
 - poverty**
 - abuse**
 - hunger**
 - infant mortality**
 - incarceration**
 - adolescent pregnancy**
 - homicide, suicide, and firearm-related deaths**
- In adhering to the reporting requirements contained in the Convention, our country would be compelled to reassess the state of children's well-being in the U.S.
- The CRC provides a framework for creating policies/programs that address the specific needs of children and families thus assisting in ***making children a national priority.***



International impact of U.S. ratification



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- Ratification would **enhance our role as an international leader in human rights.**
- It would lend greater credence to the Convention and U.S.- based human rights and humanitarian organizations.
- With U.S. ratification, **the world would stand united** in its universally shared goal to protect and promote children's best interests.
- The U.S. would be eligible to participate in the Committee on the Convention of the Rights of the Child, bolster international child advocacy efforts, and assist in enacting global standards and policies which safeguard children.



What is at stake?



What is at stake?

Our Children



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Our Children

Failure to ratify the CRC is a failure to stand up for **all** children- a failure to recognize and address the plight of **all** children.



What you can do?

- Continue to **LEARN** about the CRC.
- **RAISE AWARENESS** in your community. Talk to your family, friends, colleagues, and community members. Write letters and op.ed.s. to newspapers. Organize workshops, rallies, and other events.
- **BE A LEADER**- contact your local, state, and national politicians. Speak with them about the CRC.
- **MOBILIZE/NETWORK** with organizations that advocate on behalf of children.
- **JOIN** the Campaign for U.S. Ratification of the UN Convention the Rights of the Child (<http://childrightscampaign.org>).