

FOCUS ON: CONVENTION ON THE RIGHTS OF THE CHILD

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Today's review of the CONVENTION ON THE RIGHTS OF THE CHILD (CRC) and PROTOCOLS thereto is the sixth in a year-long series of reviews of United Nations human rights conventions and treaties. The reviews are written by a team of League members from across the country who are inspired by the League's history of human rights advocacy and motivated to start a fresh dialogue about the impact these historical UN conventions have today on the League's principle of Empowering Voters- Defending Democracy. Democratic principles respecting human rights are enshrined in United Nations conventions.



"A sphere within a sphere" by Arnaldo Pomodoro, in the Visitor's Plaza, UN headquarters, NYC

OVERVIEW:

The CRC is the most widely ratified international human rights treaty in the world. In 1976 the General Assembly of the United Nations declared that three years later, 1979, would be the International Year of the Child. In 1978 Poland submitted to the United Nations Commission on Human Rights a draft convention on the rights of the child. Over the next ten years, the United States participated actively in contributions to produce a final draft of the CRC.ⁱ

In November 1989, the General Assembly adopted and opened the Convention on the Rights of the Child (CRC) for signature and ratification. 196 nations have become parties to the CRC after their governments ratified the treaty. The United States is not one of those parties.

Article 1 of the CRC defines a child as a human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier. The CRC establishes the standard of the *best interests of the child* as the primary consideration in all actions concerning children, whether undertaken by institutions, courts, legislative bodies or administrative authorities. <https://www.unicef.org/child-rights-convention/convention-text>

In its fifty-four articles, the CRC promotes four main aspects of children's rights (known as "the four 'P's"):

- Participation by children in decisions affecting them;
- Protection of children against discrimination and all forms of neglect and exploitation;
- Prevention of harm to them;
- Provision of assistance to children for their basic needs.

<https://www.loc.gov/law/help/child-rights/international-law.php>

THE OPTIONAL PROTOCOLS TO THE CRC and THE U.S.A. RESPONSE:

Even though President Clinton signed the CRC in 1995, to date it has not reached the floor of the United States Senate for ratification. However, in 2002 the United States, along with many other member States, adopted and ratified two Optional Protocols to the CRC. Both of these Optional Protocols expressly permit signatories to the CRC to sign and ratify them independently of ratification of the CRC. <http://legal.un.org/avl/ha/crc/crc.html>

The first Optional Protocol (OP1), referred to as the Child Soldiers Protocol, consists of thirteen articles. The OP1 mandates that member States "take all feasible measures" to ensure that members of their armed forces under the age of 18 do not take a direct part in hostilities. Among many terms of the Protocol, States parties agree to prohibit independent armed groups from recruiting and using children under the age of 18 in conflicts.

For the text of the Child Soldiers Protocol, see

<https://www.ohchr.org/EN/ProfessionalInterest/Pages/OPACCRC.aspx>

For the collection of member States' Declarations, Reservations and Objections made upon ratification, see

<https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11-b.en.pdf>

The second Optional Protocol (OP2), referred to as the Sex Trafficking Protocol, consists of seventeen articles. The OP2 prohibits the sale of children, child prostitution and child pornography as violations of children's rights. The OP2 also emphasizes the importance of increased public awareness and international cooperation in efforts to combat violations. The OP2 sets forth detailed requirements to end both the sexual exploitation abuse of children and non-sexual exploitation abuse of children, such as forms of forced labor, illegal adoption and organ donation. It requires punishment not only for those offering or delivering children for the illegal purposes, but also for anyone accepting the child for these activities. The Protocol protects the rights and interests of child victims by requiring governments to provide legal and other support services to child victims, considering the best interests of the child in any interactions with the criminal justice system. Children must also be supported with necessary medical, psychological, logistical and financial support to aid their rehabilitation and reintegration.ⁱⁱ

For the text of the Sex Trafficking Protocol, see

<https://www.ohchr.org/Documents/ProfessionalInterest/crc-sale.pdf>

For the collection of member States' Declarations, Reservations and Objections made upon ratification see <https://treaties.un.org/doc/Publication/MTDSG/Volume%20I/Chapter%20IV/IV-11-c.en.pdf>

THE COMMITTEE ON THE RIGHTS OF THE CHILD (CRC)

The CRC is the body of eighteen independent experts elected by States parties that monitors implementation of the CRC and the Optional Protocols.ⁱⁱⁱ A third Optional Protocol, not discussed herein, and not ratified by the U.S.A., gives children standing before the Committee, allowing children to bring complaints under the treaty in their own names, as opposed to only through an organization on their behalf. <https://www.unicef.org/child-rights-convention/strengthening-convention-optional-protocols>

SUSTAINABLE DEVELOPMENT GOALS (SDG)

The United Nations International Children's Emergency Fund (UNICEF) is the UN agency established to help governments improve the health and education of mothers and children. UNICEF publishes Briefing Notes summarizing SDGs and their many subparts, called SDG Global Indicators, as they relate to children at both national and global levels. <https://data.unicef.org/resources/sdg-global-indicators-related-to-children/>

The child-related SDGs and their global indicators which UNICEF monitors in this regard include:

SDG #2 Zero Hunger (2.2.1 stunting, 2.2.2 wasting/overweight),

SDG #3 Good Health and Well-being (3.1.2 skilled attendant at birth, 3.2.1 under-five mortality, 3.2.2 neonatal mortality, 3.b.1 full vaccination coverage),

SDG #4 Quality Education (4.2.1 early childhood development),

SDG#5 Gender Equality (5.2.1 sexual violence by intimate partner, 5.2.2 sexual violence by non-intimate partner),

SDG#6 Clean Water and Sanitation (6.1.1 safely managed drinking water, 6.2.1 safely managed sanitation and hygiene),

SDG #8 Decent Work and Economic Growth (8.7.1 child labor),

SDG #16 Peace, Justice and Strong Institutions (16.2.1 child discipline, 16.2.3 sexual violence against children, 16.9.1 birth registration).

SYNERGY WITH IMPACT ON ISSUES

Many of the Articles of the CRC complement policies of the LWV, as found in *Impact on Issues 2018-2020*. Official positions of the LWV regarding children include, but are not limited to, support for childhood education, support for quality childcare, early intervention for children at risk and opposition to all forms of domestic and international human trafficking. A few of the corresponding articles of the CRC include Article 28 ("States Parties recognize the right of the child to education..."), Article 3 ("States Parties undertake to ensure the child such protection and care as is necessary for his or her well-being..."), Article 34 ("States Parties undertake to protect the child from all forms of sexual exploitation and sexual abuse," as well as the Sex Trafficking Optional Protocol.

FOR a LEGAL ANALYSIS and OPINION of the CRC with OP1 and OP2, see generally:

Howard Davidson, *Does the U.N. Convention on the Rights of the Child Make a Difference?* 22 MICH. ST. INT'L L. REV. 497 (2013),

Available at: <https://digitalcommons.law.msu.edu/ilr/vol22/iss2/2>

ⁱ Cynthia Price Cohen, *The Role of the United States in the Drafting of the Convention on the Rights of the Child*, 20 EMORY INT'L L. REV. 185 (2006). <https://ijustice.org/wp-content/uploads/History-of-CRC.pdf>

ⁱⁱ Revaz, Cris R. "The Optional Protocols to the UN Convention on the Rights of the Child on Sex Trafficking and Child Soldiers." *Human Rights Brief* 9, no. 1 (2001): 13-16. Available at: <https://digitalcommons.wcl.american.edu/hrbrief/vol9/iss1/4/>

ⁱⁱⁱ <https://www.ohchr.org/EN/NewsEvents/Pages/DisplayNews.aspx?NewsID=25007&LangID=E>