

# Q&A: The Convention on the Rights of the Child

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## **What does the Convention on the Rights of the Child require governments to do?**

The Convention on the Rights of the Child, adopted November 20, 1989, requires governments to adopt laws, policies, and practices to protect the rights of children and to enhance their healthy development. States parties are required to make efforts to protect the rights of children to survival; to develop to their full potential; to protection from abuse, neglect, and exploitation; and to participate in family, cultural, and social life.

Specific provisions of the Convention relate to children's right to a name and nationality, to education, to health care, and a decent standard of living. The Convention prohibits discrimination; economic and sexual exploitation; or cruel, degrading, or inhuman treatment. Special provisions protect the rights of children with disabilities, children who have been separated from their parents, and children who are in conflict with the law.

## **What was the US' role during the negotiation of the Convention?**

The US was by far the most active government during the negotiations on the Convention, which lasted from 1979 to 1989. The US proposed more new articles-on freedom of speech, association, assembly, and privacy-than all other governments combined. It proposed text or amendments for 38 of the Convention's 40 substantive articles.

## **What is the current status of US ratification?**

As US ambassador to the United Nations, Madeleine Albright signed the Convention on behalf of the United States in February 1995. However, no US president then or since has submitted the treaty to the US Senate for its advice and consent. In early 2009, the State Department initiated an interagency review of the Convention, but no further action has been taken.

In the United States, the Senate Foreign Relations Committee has jurisdiction over international human rights treaties. After approval by the Committee, treaties are forwarded to the full Senate for advice and consent, where they require a two-thirds majority vote for ratification.

## **Why hasn't the US ratified the Convention?**

US laws are largely in compliance with the Convention. However, vocal critics claim that the Convention is "anti-family" and will undermine the rights of American parents. They have actively campaigned against ratification of the Convention.

## **What does the Convention say about the role of parents?**

The Convention repeatedly refers to the responsibility and authority of parents to raise their children. The Convention 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." Article 5 states that governments should respect the rights, responsibilities, and duties of parents to raise their children.

## **What differences are there between existing US law and the standards set by the Convention?**

The vast majority of US laws are consistent with the Convention. The most notable exception is that the Convention prohibits the sentencing of individuals to life imprisonment without the

possibility of parole for crimes committed before the age of 18. The US is the only country in the world that still allows such sentencing.

The Convention also prohibits the use of the death penalty against juvenile offenders. The United States allowed this practice until 2005, when the US Supreme Court found the execution of juvenile offenders to constitute cruel and unusual punishment, and ruled the practice unconstitutional (*Roper v Simmons*).

### **Can the US ratify a treaty even if its laws are not 100 percent in compliance?**

Yes. It would then be a matter for consideration by the Committee on the Rights of the Child when it reviews US compliance with the treaty and produces recommendations for the US government.

### **How is the Convention enforced?**

Within two years of ratification, states must submit a report to the UN Committee on the Rights of the Child regarding their implementation of the Convention. The Committee is a group of experts elected by the UN General Assembly that meets in Geneva three times a year. After submitting its report, a government delegation meets with the Committee for a formal review of its laws and practices. Following the review, the Committee issues recommendations to the government regarding steps it should take to better meet the standards set by the Convention. After an initial review, states parties must submit reports every five years.

The United States already submits regular reports to the Committee on the Rights of the Child regarding its compliance with the Optional Protocols on the involvement of children in armed conflict and the sale of children, child prostitution and child pornography. The United States ratified the protocols in 2002.

### **What positive impact has the Convention had?**

The Convention requires governments to review regularly their laws and policies relating to children, and to take new steps to improve the lives of children. In many countries, governments have created special juvenile justice systems that focus on the rehabilitation of juvenile offenders. Countries have made improvements to programs and services for children (especially in the areas of education and health) to improve their quality and accessibility. Some have created stronger national institutions to work on behalf of children.