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Abstract

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This thesis examines children’s rights in America and specifically addresses why the United States has yet to ratify the United Nations Convention on the Rights of the Child, otherwise known as the UNCRC. After presenting the history of children’s rights in America, this project examines the controversy over conflicting interpretations of children’s rights as defined by the UNCRC and the subsequent issues that have impeded its ratification in the United States. This thesis argues for the United States to ratify the UNCRC so that more changes can be made to protect the best interests of children in America.

An analysis of why the United States should ratify the UNCRC precedes a rationale for a children’s book about children’s rights. The children’s book written from the perspective of a penguin named Guin helps elementary-aged children understand some of their basic human rights as put forth by the UNCRC in clear, child-friendly language. With illustrations by Mariangela Kefalas, this book is intended especially for families or teachers to educate children about their basic human rights, such as nutritious food, a good education, and safety. The book opens a dialogue for conversations about children’s rights for children themselves.
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Children’s Rights: Why the United States Should Ratify the UN Convention on the Rights of the Child

A Brief History of Children's Rights

Children’s rights in America surprisingly have often gone unheard of, and there is much controversy about this topic. The definition and the implication of children’s rights have been debated in theory, policy, and law. What are children’s rights and when did they start to emerge in American society? This thesis seeks to examine why the United States has yet to ratify the UN Convention on the Rights of the Child, or the UN Convention on the Rights of the Child (UN Convention).

Children’s rights have never been fully recognized in America. One of the biggest catalysts for children’s rights in America was the result of the Children’s Rights Movement, which was part of the Civil Rights Movement in the 1960’s. What happened prior to this date in America and how does this relate to the current state of children’s rights?

The history of children’s rights in America began with a law from 1641 in Massachusetts. This law in colonial New England protected children from abusive parents and gave children “the opportunity to argue that they had been abused or that they had acted in self-defense…[this] was the first code anywhere in the world to offer legal protection of any kind to children” (Hawes, 1991, p. 5). Over time, this state power evolved into the concept of parens patriae, “which is the legal basis for all state interventions on behalf of children today” (Hawes, 1991, p. 10). The idea of parens patriae is that the state ultimately serves as the parent of children in America.

The next major development in children’s rights in America occurred in the nineteenth century. There is a significant gap in the evolution of children’s rights from the 18th to the 19th centuries since this was the period of the Industrial Revolution when
child labor was quite common. In the early 19th century the U.S. government began to build schools and the first institutions for reform since Americans sought “a disciplined and literate work force…[and] institutions for those children already in difficulty in the hope that children might be ‘re-formed’” (Hawes, 1991, p. 11). In the early 1800s children considered deviant “were more often seen as products of pauperism, and many people believed that problem children could be transformed into productive hard-working adults” (Elrod & Ryder, 2011, p. 98). The first reformatory in the United States was the New York House of Refuge in 1825, which was primarily for children who were considered vagrants or petty thieves. Prior to this, children were confined to the same prisons as adults, even for noncriminal behavior, simply because there was no place else for them to go. Significantly, the houses of refuge or reform which started in New York, Boston, and Philadelphia were part of an idealist movement and “the most important impact of the refuges was not any alleviation of crime or poverty, as the founders had hoped for, but rather their contribution to an extraordinary expansion of state power” (Hawes, 1991, p. 17). The daily life of an inmate of a reformatory composed of supervised labor combined with instruction in basic literacy skills and a “great emphasis on evangelical religious instruction” (New York State Archives, 1989, p. 5). It is important to note that the founders of these institutions had positive intentions for children. Many correctional institutions for youth in the United States have been created to this day with the primary mission “to treat and rehabilitate youth, while they actually have focused on the punishment of youths” (Elrod & Ryder, 2011, p. 100).

Similar to the reformatories, the Children’s Aid Society (CAS) was founded in New York in 1853 and was created to help alleviate the problem of children’s crime in
the city. Children’s crime during this period included stealing fruits and vegetables from pushcart peddlers in order to “soothe the gnawing pangs of hunger” (John von Hartz, 1978, p. 7). In the CAS there was an industrial school for vocational training and a way of finding jobs for “idle boys and homes in the country with farmers for the homeless…[this] placing-out system developed by the New York Children’s Aid Society was a significant precursor to today’s welfare system and to the contemporary notion of children’s rights” (Hawes, 1991, pp. 18-19). Through the CAS, children were given opportunities and rights that they had not necessarily been afforded before. Certainly, tensions started to rise at this time between parents claiming the right to care for their children and the state intervening in children’s lives, which can be interpreted as one root of contemporary resistance to the UNCRC. However, many children living in slum tenements or on the streets at this time suffered tremendously, and the CAS provided an opportunity for a better life or even survival.

The Children’s Aid Society was not the only organization created in the nineteenth century to help children. One major contribution to children’s rights that occurred in the nineteenth century was the founding of the Society for the Prevention of Cruelty to Children (SPCC) in 1875. The founding of the SPCC stemmed from a case in which an abused, young girl named Mary Ellen Wilson was reported to and protected by the Society for the Prevention of Cruelty to Animals since there was no other organization that could protect her.

The juvenile court system was also created around this period of time. During the Progressive Era, there was a “political revolt against the social and economic evils of the Industrial Revolution and a belief that government intervention, even on a national scale,
was necessary to remedy these evils” (Elrod & Ryder, 2011, p. 117). According to Hawes (1991), the creation of the juvenile court occurred with the Illinois Juvenile Court Act of 1899 and “was one of the crowning achievements of progressive reform in the United States” (Hawes, 1991, p. 33). During the early 1800s, children could be put in houses of refuge or placed out to rural families “without any kind of due process or legal recourse” (Elrod & Ryder, 2011, p. 105). As a result of the juvenile court system, children “gained an institution that could represent their interests even against their own parents” (Hawes, 1991, p. 38). During this time period, a rising number of people became cognizant of and interested in issues such as the juvenile court and poverty, and there became “a growing belief that this incredible suffering was neither the fault nor the inevitable lot of the sufferers, that it could be alleviated, and that the road to alleviation was neither charity nor revolution, but…education” (Cremin, 1961, p. 59).

Progressivism in education started with an effort to use schools to improve the lives of individuals. This meant that the function of the school was expanded “to include direct concern for health, vocation, and the quality of family and community life” (Cremin, 1961, Preface viii). Progressives also applied new pedagogical principles from psychology and tailored instruction to the different kinds of learners. The professionalization of psychology and social work for children occurred in the Progressive Era in the late nineteenth century with the rise of “child experts” such as G. Stanley Hall, John Dewey, and Edward L. Thorndike. G. Stanley Hall was a pioneer in educational psychology and child development, similar to the progressive educational thinkers Dewey and Thorndike. The progressive educator John Dewey explained that progressive schools, versus traditional schools, exhibited “a common emphasis upon
respect for individuality and for increased freedom; a common disposition to build upon
the nature and experience of the boys and girls that come to them, instead of imposing
from without external subject-matter and standards” (as cited in Reginald D.
Archambault, 1964, p. 170). Furthermore, Dewey argued for outward freedom since
“enforced quiet and acquiescence prevent pupils from disclosing their real natures…They
place a premium upon preserving the outward appearance of attention, decorum, and
obedience” (Dewey, 1938, p. 62). In other words, Dewey argued for increased freedom
for students in schools and for students to learn based on their experience and nature
rather than based on a forced curriculum and rules. Dewey’s philosophical orientation
toward progressivism acted as a basis for starting a subsequent movement for children’s
rights.

The next major advance in children’s rights was the campaign against child labor
that occurred in the twentieth century. Interestingly, preventing child labor was not just a
charitable action for children’s rights. As Guggenheim suggests (2005), with the increase
of the immigrant population in the United States at the start of the twentieth century,
another form of cheap labor appeared, and support for child labor laws increased because
children were seen as “taking jobs from adults who needed them” (Guggenheim, 2005, p. 3).

The National Child Labor Committee was created in 1904 since, “child labor was
a national problem, [so] a national effort to defeat it was needed” (Hawes, 1991, p. 44)
It was the National Child Labor Committee that helped to create a federal children’s
bureau, which was passed by a bill in Congress in 1912 and signed into law by President
Taft. The Children’s Bureau was the first federal bureau to be headed by a woman, Julia
Lathrop, and was “charged with investigating and reporting on ‘all matters pertaining to
the welfare of children and child life among all classes of our people, and shall especially
investigate the questions of infant mortality, the birth rate, orphanage, juvenile
courts…[and] legislation” (Hawes, 1991, p. 47). Children were slowly gaining more
protection in this process, even if they were not necessarily getting the rights they
deserved. The idea of protecting children is similar to the nurturance orientation toward
advocacy which Walker, Brooks, and Wrightsman (1999) describe as a way of defending
children from abuses and providing children with services they might not otherwise have.
Thus, children acquired protection but not necessarily autonomy or rights.

The photographer Lewis Hine, who took pictures of children at work in factories,
also garnered the public eye and “the reception to the photographs of Lewis Hine,
together with the creation of the U.S. Children’s Bureau, pointed to a broad shift in public
opinion in favor of the regulation of child labor” (Hawes, 1991, p. 48). Interestingly, the
prohibition against child labor was not motivated by children’s rights but by a belief that
children needed protection and the concept that child labor was a social evil. In other
words, most adults at this time did not consider children to have rights, but they were
aware that strenuous, extreme labor was not an acceptable pursuit for children. In seeing
photographs of children working, the American public became more protective and
perhaps aware of children. President Franklin D. Roosevelt created a federal anti-child
labor law in 1938. Along with minimum wage and maximum hours, the Fair Labor
Standards bill “prohibited the employment of children under 16 in industries engaged in
interstate commerce and young people under 18 in dangerous occupations” (Hawes,
1991, p. 52). While this act did not eliminate all child labor, it created an evident
statement of public policy toward seeing child labor as a social wrong. Interestingly, supporters of this federal regulation of child labor “tried at least three times before they achieved a successful federal anti-child labor law” (Hawes, 1991, p. 53).

The Sheppard-Towner Act of 1921 “marked the beginning of government efforts to promote child health with federal funds. The basic idea was to decrease infant mortality in the United States by stressing preventative health care (especially prenatal care for pregnant women)” (Hawes, 1991, p. 55). Unfortunately, losing federal funding destroyed this Act. Fiscal conservatives joined with the American Medical Association (AMA) to oppose the Sheppard-Towner Act. The AMA was against the act because they believed “that any publicly provided medical services threatened the private, fee-for-service relationship between doctors and their patients” (Livingston, 2002, p. 33). The ensuing result of destruction of the Shephard-Towner Act “has been an infant mortality rate in the United States higher than that of any other industrialized country in the world” (Hawes, 1991, p. 65).

Many other state programs for children were introduced, and these programs indicated a shift toward greater recognition of children’s rights. During the New Deal, the United States “established a national welfare system” (Hawes, 1991, p. 67) and certain programs related to children, in particular “the creation of the Civilian Conservation Corps (CCC) and the National Youth Administration” (Hawes, 1991, p. 70). Hawes (1991) also argues that the establishment of the Social Security Act, along with the federal child labor regulations of the Fair Labor Standards Act can be considered advances in children’s rights. These acts marked that children had rights as human beings similar to those of adults. Furthermore, Hawes states, “the emergence of a large
corps of child advocates—social workers, philanthropists, teachers, administrators, all sorts of government workers, university professors and researchers, and the like—meant that a children’s movement was in the making [by the 1930s]” (Hawes, 1991, p. 79).

Another development toward the creation of a children’s movement was the organization of more social services for children and families during the period of World War II. Millions of men joined the armed forces and women, who were often young mothers, joined the work force. Since more social services were needed for families, in particular day care, two prominent acts were passed, the Lanham Act, “which provided federal funds for day care centers, and EMIC, which provided maternal and infant care to the wives and children of some of the enlisted men” (Hawes, 1991, p. 95). According to Hawes (1991), these wartime needs were not perceived as rights of children themselves; however, organizations such as the Children’s Bureau believed that standards of day care should be established that addressed children’s rights.

Changes in American laws were perhaps the most effective way to improve children’s rights. By the 1960s, Progressives had passed legislation to require children to attend school, to prevent excessive exploitation through work, and to help children through the juvenile justice system. The Progressive Era paved the way for the Children’s Rights Movement in which “children’s advocates sought autonomy and personal freedom for children” (Guggenheim, 2005, p. 6). These supporters considered children developmentally capable of making many of their own decisions and wanted to secure appropriate children’s rights. The advocacy in the 1960s marked the epitome of recognition of the rights of children. The Supreme Court case In Re Gault in 1967 led to “the elevation of the prominence of lawyers in leading the modern children’s rights
movement…[which] is dominated by lawyers…looks to the courts for relief; and…is based on a rhetoric of rights” (Guggenheim, 2005, p. 8). Children have more rights in the justice system than ever before, which is primarily the result of lawyers acting as child advocates. Importantly, there was a shift in using language about children’s “needs” to “rights” during the Children’s Rights Movement, and, from this period, children’s rights have become more recognized in American society. Thus, it has been “within the last half century that the concept of children as legal entities with legal rights has been accepted by large segments of society” (Elrod & Ryder, 2011, p. 105).

**International Documentation on Children’s Rights**

The history of children’s rights in international documentation is somewhat recent. The very first international declaration documenting children’s rights was the Geneva Declaration, which stated five major points for the rights of children, such as the rights to development, relief, and protection. The Geneva Declaration was the first document to highlight children’s rights and also to suggest the responsibility of adults toward children. Also known as the Declaration on the Rights of the Child, the Geneva Declaration was adopted by the League of Nations in 1924. Conceived of before World War I, the League of Nations later became the basis for the United Nations (UN). The wording of the Geneva Declaration on the Rights of the Child was primarily constructed by a woman named Eglantyne Jebb, who was one of the founders of the organization Save the Children along with her sister, Dorothy Buxton.

The Declaration on the Rights of the Child was eventually adopted by the United Nations in 1959. This document addresses rights of children while not being legally binding. A different document, the Universal Declaration of Human Rights from 1948,
only briefly mentions children and families. Later, two treaties called the International Covenant on Civil and Political Rights and the International Covenant on Economic, Social, and Cultural Rights addressed children’s rights “in so far as they specifically list measures to be taken for the protection of children” (Fortin, 1998, p. 35).

It was not until 1989 that the UN General Assembly adopted the Convention on the Rights of the Child, which includes provisions for legislation for children’s rights. Since Somalia ratified the UNCRC in 2015, the United States is currently the only country in the United Nations that has signed but not ratified the UN Convention on the Rights of the Child (See Appendix A). By signing the UNCRC, the United States expresses an intention to ratify the Convention at some point; however, failure to ratify the UNCRC means that the United States is not obligated to follow the provisions of the Convention. In other words, the United States is not legally bound by the UNCRC without ratification.


The UNCRC defines children as humans up to the age of eighteen and details the rights of children, such as their right to proper healthcare, nutritious food, a safe home, and a good education. As the most ratified treaty in history, the UNCRC is important for children since:

the premise behind the convention is there are significant vulnerabilities related to childhood that require a special set of protections. Such vulnerabilities include a lack of emotional and physical maturity and susceptibilities related to ongoing physical development…instead of being viewed as the focus of concern for the
state or private interest, the CRC portrays the child as the subject of rights. (Hall, 2013, p.1)

Thus, the UN CRC puts children first in advocating for their rights. Part of the UNCRC stipulates that children be educated about what their rights in the Convention entail. The children’s book that is attached to this document seeks to explain what some of these rights are in an engaging, entertaining, and educational way. Perhaps the United States has not yet ratified the UN CRC but that does not mean that children cannot know the rights that they should have.

The Preamble of the UN CRC is quite extensive and addresses:

*inter alia*, that States: recall that in the Universal Declaration of Human Rights, the United Nations has proclaimed that the child is entitled to special care and assistance; recognize 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; consider that the child should be fully prepared to live an individual life in society and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations; recognize that, in all countries of the world, there are children living in exceptionally difficult conditions, and that such children need special consideration; take due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child; and recognize the importance of international cooperation for improving the living conditions of children in every country, particularly in developing countries. (as cited in Todres, Wojcik, and Revaz, 2006, p. 12)
In the words of James Grant, former executive director of UNICEF, the UNCRC is “a magna carta for children” (as cited in Cohen & Davidson, 1990, Preface iii). The UNCRC has 54 articles with about 40 of which address rights pertaining to “civil, political, economic, and social issues” (Fortin, 1998, p. 37). Significantly, the UNCRC “is the first legally binding international instrument to address children’s rights comprehensively” (Todres et al., 2006, p. 12).

This world is not ideal for children, rather it is one “in which children suffer in many ways and in which the articulation of rights at the very least establishes targets to alleviate distress. An example is the Protocol to the UN Convention which addresses the use of child soldiers” (Freeman, 2007, p.11). While the United States has not ratified the full UN Convention, they have fortunately ratified the optional protocols to the Convention, which prevent child soldiers, child sales, child pornography, and child prostitution. However, with the extent of abuses and poverty in America, children need further protection and rights than they currently receive, and the United States ratifying the UNCRC would help to engage a forum for children’s rights in America and the legislation that goes along with these rights. There are many advocacy groups supporting the ratification of the UNCRC in America, such as UNICEF and Amnesty International.

**Reasons Why the United States Has Not Ratified the UNCRC**

Why has the United States failed to ratify the UNCRC? Even though President Obama referred to America’s failure to ratify the UN Convention on the Child as “embarrassing” in 2008, Obama did not take action to ratify the UNCRC during his time in office. Perhaps the United States government has not ratified the UNCRC since America is afraid that ratification will lead to necessary public reports on the rather
negative current state of many American children. In other words, the United States, like every other ratifying party of the UNCRC, “would not be able to avoid the obligation to publicize, report on, and monitor the enforcement, and failures of enforcement, of all rights found in the UNCRC (articles 42 and 44-46)” (Alaimo & Klug, 2002, p. 187). Ratification of the UNCRC by the U.S. could lead to enormous scrutiny both domestically and internationally, and America is afraid to report the truth.

There are several other reasons why the United States has not ratified but has signed the UNCRC, especially due to unfounded fears of undermining the family unit and weakening U.S. sovereignty. Currently, some parents and religious groups are concerned that ratifying the UNCRC in America will cause infractions of their rights. Some people are worried that the UNCRC will supersede the Constitution, which is supposed to be the law of the land for America. For example, people are concerned that the United Nations will be enforcing laws in the United States. Others are anxious that children will be given so many rights that adults’ rights as parents will be threatened. These worries are often based on inaccurate or incomplete information and thus do not constitute fully viable arguments.

The concept of children’s rights is a contentious subject for many people and “often creates controversy, particularly in relation to the scope of state intervention and the allocation of child-rearing responsibilities between parents and the state…” (Pardeck, 2006, p. 25). In seeking to have as much parental autonomy and privacy as possible, some parents in the U.S. are afraid that the UNCRC will impose restrictions on parental rights and “will undermine the role of parents in raising their children” (Todres et al., 2006, p. 20). One advocate from the website ParentalRights.org argued, “One of the
most potent dangers to parental rights is the UN Convention on the Rights of the Child” (Kamakawiwoole, 2009, Introduction). For example, Kamakawiwoole notes that in France where the UNCRC has been passed social workers can be sent to families’ homes if they fail to bring their children to mandatory health visits. Why exactly does the UNCRC pose a threat to parents when the Convention actually supports the family and the rights of the child? This kind of opposition to the UNCRC seems to originate from individuals who do not understand that the UNCRC actually “empowers parents to protect children against government abuses” (Todres et al., 2006, p. 40). For example, Article 5 from the UNCRC directly supports families since the article entails that State Parties respect the rights and duties of parents and families to take care of their children. Despite supportive articles, an elastic interpretation of the UNCRC may distort the intention to protect families and children, which may impair the ratification of the UNCRC in the United States.

Interference in family life is not the only concern of parents worried about the implications of the UNCRC. Kamakawiwoole from Parental Rights also argued that the UNCRC might pose a threat to United States sovereignty in that a special committee from the United Nations would enforce the regulations of the UNCRC in America. However, this UN committee can only publish facts about the U.S. abiding by the principles of the UNCRC as well as propose recommendations for the future. Consequently, the UN Committee on the Rights of the Child does not have actual legal ramifications on U.S. government authority; rather, the committee has the power to make suggestions for children’s rights.
Furthermore, many arguments against the UNCRC, such as those from the website nocrc.org, only address certain words from articles from the Convention. For example, the nocrc.org website suggests that Article 19 of the UNCRC could prohibit parents from using corporal punishment, such as spanking, on children. This prohibition is actually positive for children and families since “there is probably no more significant step that could be taken to advance both the status and protection of children than to outlaw the practice of physical punishment” (Franklin, 2002, p. 104). It is shameful that the United States (and, in fact, most of the world, except for about ten countries) does not take a stronger stance against preventing physical punishment of any kind, especially when adults “take for granted to be protected by legislation from deliberate assault by others” (Franklin, 2002, p. 374). In other words, an argument that supports spanking of children does not value children’s rights and is not a viable concern against the UNCRC. This opinion supporting spanking shows that arguments against the ratification of the UNCRC are often illogical and that according to Mehta (2015) from the American Civil Liberties Union (ACLU) opposition “has been based on incorrect assumptions about its implications for U.S. law and how the convention affects U.S. sovereignty …”.

In conclusion, the United States has not yet ratified the UNCRC for several reasons. The U.S. is afraid of the enormous scrutiny that would entail from the ratification of the UNCRC and the requirement to publicize reports on the status of American children. Some Americans are worried that ratifying the UNCRC would undermine the family unit or interfere with U.S. sovereignty. Other reasons presented for denying ratification of the UNCRC, such as the potential loss of parents’ rights to spank children, are clearly unreasonable and illogical. These arguments are not viable given
that the UNCRC respects families and the fact that no treaty can supersede the U.S. Constitution.

**A Case for Why the United States Should Ratify the UNCRC**

Does the United States currently prioritize children’s rights in American society? The United States ratifying the UNCRC “would send a strong message across the globe that children’s rights should be primary. Also, how can we promote children’s rights in other countries when we have not yet made this commitment?” (McCloskey, 2016, “Why should we care”). This is a very valid argument in favor of the U.S. ratifying the UNCRC. It is difficult to argue that America puts children first and is serious about children’s rights if America refuses to act in support of a treaty that would truly bring more rights to children.

If the United States ratified the UNCRC, changes would probably need to be made to some current legislation regarding children’s rights. There is certainly need for further legislation to protect children in America. For example, according to the United States Department of Agriculture (USDA), 13.1 million children experienced homes with food insecurity in 2015 (Coleman-Jensen, Rabbitt, Gregory, & Singh, 2016, p. 6). The U.S. Department of Housing and Urban Development reported that over one-fifth of people experiencing homelessness in America were children under eighteen years old (Henry, Watt, Rosenthal, Shivji, & Abt Associates, 2016, p. 8). Furthermore, in 2013 approximately 679,000 children were confirmed to be victims of some kind of maltreatment according to data from the National Child Abuse and Neglect Data System (NCANDS) provided to the Children’s Bureau for a child welfare report to Congress.
There are several aspects of the UNCRC that the United States blatantly violates. These violations would necessitate changes if the U.S. ratifies the UNCRC. Besides high child poverty statistics, the United States is the only country in the world that allows juveniles to be sentenced to life imprisonment without the opportunity for parole (The Sentencing Project, 2013, p. 11). According to Elisabeth Young-Bruehl (2012), America incarcerates more youth in juvenile detention centers (juvies) than any other country in the world. Interestingly, Young-Bruehl questions:

Why was it ever a good idea to put a child in a prison-like facility? Why was it not considered abusive to imprison a child? And wouldn’t the effects of such abuse take more than an “emotional toll” on the child? Yet the United States tolerated and even encouraged such policies toward children even as the rest of the world—192 countries [by 2012]—ratified the 1989 U.N. Convention on the Rights of the Child, in which child imprisonment is forbidden. (Young-Bruehl, 2012, p. 3)

Young-Bruehl also acknowledges that prison building serves as one of the fastest growing industries in America. Prisons are a business and must be somehow monetarily profitable for certain individuals who seek power over moral responsibility to children. Of course, putting children in prisonlike facilities where often they are abused is not the right course of action, so perhaps creating programs for mental health treatment of youth who are at-risk or have potentially committed crimes is a much more promising act. Part of the UNCRC promises to take care of children’s health, both mental and physical, which the United States needs to do more of.
Children have rights and according to the Preamble of the UNCRC children are “entitled to special care and assistance’ and that what is ‘in the best interests of the child’ should be a primary consideration in all questions concerning them” (Young-Bruehl, 2012, p. 10). Significantly, the fifty-four articles in the UNCRC:

promise what U.N. educational guides for young people call the 3 Ps: Provision, Protection, and Participation. The signatory nations—more than have ever signed a U.N. convention—committed themselves to developing programs in these 3 P’s and reporting their progress biannually to an international oversight committee and to UNICEF. Their common goals are reducing and eventually ending child poverty and providing every child with the means and education to develop healthily and freely; protecting children from exploitation, abuse, and neglect; and promoting children’s participation in familial and communal life ‘to the extent of their evolving abilities’. The promise of the third P, participation, is truly revolutionary. And it has provoked enormous counterrevolutionary opposition, especially from adults who believe that children belong to their families, their governments, or religious institutions or corporations that act as proxies for families or governments. (Young-Bruehl, 2012, p. 10-11)

Adults must understand that children do not belong to them as possessions but rather are humans with rights. The UNCRC does not seek to separate families and children as counterrevolutionaries argue, and, in fact, “nineteen articles of the CRC expressly acknowledge the importance of parents and the family in the lives of children” (Todres et. al., 2006, p. 20). The authors Aunos and Feldman in O’Neill and Zinga (2008) suggest that promoting the rights of the child also means “supporting the rights of
families, as long as this is in the best interests of the child…(article 9; Quebec Youth Protection Act 2002)” (p. 138). Sometimes, children may need to live with caretakers besides their biological parents. There are “several types of parental conditions [that] are thought to be risk factors for inadequate parenting, including substance abuse, mental illness, criminality, and intellectual disabilities” (O’Neill & Zinga, 2008, p. 138). This is not to say that parents who are members of these groups cannot take care of their children, but rather they need to be provided with help or the skills necessary to parent their children. If parents mistreat their children or cannot get access to the right help, acting in the best interest of the children is necessary, so this may mean removing children from their natural homes. It is important to note that “the break-up of the natural family is the last resort, and that reasonable efforts should be made to provide supports to parents so that their children can remain with them in a secure and nurturing environment (CRC, articles 9, 18, 27; UNICEF 2002)” (O’Neill & Zinga, 2008, p. 138). This means that families should not be concerned about having their children taken from them or divorcing them since the UNCRC seeks to ensure that families and children are supported, while also promising the best interests of the child. Article 9 of the Convention specifically requires that no separation of children should occur unless a competent authority “…decides such intervention is necessary for the child’s best interests…absent evidence to the contrary, a child’s interests are best served by protecting the integrity of the child’s family unit” (Cohen & Davidson, 1990, p. 5). Thus, the argument from opposers that the UNCRC seeks to break up families is unfounded.

Several articles in the UNCRC, specifically articles 3, 9, 18, and 40, refer to the “best interests of the child”. The author Jane Ellis describes how “the Convention’s use
of the phrase is consonant with this country’s basic legal precepts governing children, and how the Convention might serve as a model for improving, on paper and in practice, the laws governing the fate of a child” (as cited in Cohen & Davidson, 1990, p. 3). Ratifying the UNCRC would present reasons to pass further laws protecting the rights of children in America.

Part of the UNCRC includes providing basics for children, such as good health care, nutritious food, and day-to-day family stability. Children need these ingredients for proper development, and “threats to the physical health of a child can jeopardize mental and emotional development. Poverty can stunt intellectual development and impose stress that undermines social development. Instability of child care arrangements can also threaten the child’s sense of security and continuity” (Cohen & Davidson, 1990, p. 26). Children have the right to proper development physically, mentally, and emotionally, and they need to have their voices heard through the ratification of the UN Convention on the Rights of the Child. As a child delegate to the UN stated,

   We are not the sources of problems;
   We are the resources that are needed to solve them.
   We are not expenses; we are investments.
   We are not just young people; we are people and citizens of this world…
   You call us the future, but we are also the present. (Woodhouse, 2008, p. 29)

Children have human rights, and it is time that America recognizes their rights through the ratification of the UNCRC.
Rationale for Writing a Children’s Book

Since the United States has not yet ratified the UNCRC, children in America have not necessarily been taught the basic rights that this convention details. The children’s book I wrote with illustrations by fellow educator and friend Mariangela Kefalas helps to educate elementary age children about their rights based on the UNCRC. This book is intended for seven-year-olds to eight-year-olds due to the content and language that is used, although the pictures in the book could allow the book to serve a younger population as well. The book serves as a way of introducing the topic of children’s rights to children in the United States.

There are several reasons why I chose to intend the book for seven-year-olds. It is significant that seven-year-old children in the classroom “are good listeners and still enjoy being read a story” (Wood, 2015, p. 87). More importantly, sevens are highly sensitive, which means that it is important that they learn what rights they have at this age. For example, Wood notes, “They may walk away from a group game or a family project because of an overwhelming feeling of inferiority. Sevens’ feelings need to be protected” (Wood, 2015, p. 88). It is also interesting to know that seven-year-olds are not known for humor, such as irony, sarcasm, or abstract humor, and “handling a child through the use of humor may not be as successful as at some other ages” (Ames & Haber, 1985, p. 8). Therefore, I did not infuse my book with this kind of humor because I decided that it is not developmentally appropriate for this age group. I did try to approach topics with a sensitivity factor in mind. The whimsical illustrations also add a subtle humor that is age appropriate for my target audience.
Furthermore, seven to eight year olds are moving toward concrete operational stages of thinking according to Swiss psychologist Piaget. This means the child moves away from the preoperational stage in which the child is the center of the world to the concrete operational stage in which the child recognizes the ways in which objects can be alike but also different. For example, sevens and older “know that the shape of a container does not affect the quantity it holds. They also understand the idea of numbers and can tell that ten marbles in a row is more than eight in a row, even if the rows are the same length” (Ames & Haber, 1985, p. 80). In other words, Piaget recognized that the way children think at seven is different than at younger ages, and they are able to recognize more complex ideas. My belief in writing this book is that by age seven children are capable of understanding and even advocating for their human rights, especially if they are presented in concrete ways with illustrations.

Based on observations of seven to eight-year-old children in the classroom, Biber, Murphy, Woodcock, & Black (1942) noted that sevens are extremely active, which means they not only use vigorous physical gestures, but they also think closely tied to action patterns. For example, they use “direct language to relive specific, active experience”, and they understand concepts more through observable elements than abstract ones (Biber et al., 1942, p. 570). Significantly, sevens are very interested in dramatic events and ideas and even play out the drama from problem situations after the problem has been resolved. They enjoy the “dramatization of airplanes and steps like galloping which they use in their spontaneous play about horses” (Biber et al., 1942, p. 571). However, sevens are more objective and realistic than younger children, and when doing creative work, “they were eagerly interested in presenting reality as they
experienced it—an alligator, a beach, a baseball game by individuals and a picture of Washington Square and the Harbor by the group” (Biber et al., 1942, p. 578). It was helpful to know that sevens are more objective and strive toward realism since children’s rights are not a subjective or fanciful concept.

In terms of self and others, sevens are at a stage “where, in order to feel secure, they need to strengthen the cohesion of their child group. By this means they gain strength to build their independence of adults, parents primarily” (Biber et al., 1942, p. 579). Thus, they actively construct a child group apart from adults, and they are starting to form separate groups of girls and boys. The formation of child groups suggests that “they negated themselves as individuals, they used language that was dominantly social and communicative…[and] their dramatic play was often of a kind to engender feelings of group power” (Biber et al., 1942, p. 582). Thus, it is important to ensure that sevens and eights have an opportunity to discuss their rights as children with each other, which is one purpose of my children’s book.

I created this book because I believe it is important that children understand their basic human rights. I chose this project because I wanted to help as many children as possible to be educated about their human rights. Furthermore, writing the book was a very powerful experience since I honestly did not know all of the children’s rights according to the UNCRC. Certainly, as a child, I was not aware of children’s rights, so I hope that this book encourages children to learn about and speak up for their rights.

**Application**

This book can be used as a read aloud by families or teachers. Part of the UNCRC outlines that children must be educated or told about their rights in
developmentally appropriate ways. Families could be involved in this education, yet it is possible that schools in particular “could be the very place where children come to understand they have rights. As vulnerable members of society, all children require the knowledge they are the subject of particular rights and assurances (Hall, 2013, p. 1). Through this book, children can learn their human rights and become advocates for their rights.

Teachers can use this book as a way to generate discussion or to create activities about human rights. For example, the book may be read aloud to a class of second or third graders, and students can ask questions about their rights as the book is being read. After reading the book, students can do an activity such as writing about a right and illustrating the children’s right in their own unique way. Educators can use this book as a starting point or introduction to children’s human rights and respect.
Guin’s Guide to Children’s Rights

Written by Alexandra Gardiner and Illustrated by Mariangela Kefalas
For the children of the world and those who help them
What is a human right? My name is Guin, and I will be your guide to learning about children’s human rights. Recently, a group of countries called the United Nations created an agreement called the United Nations Convention on the Rights of the Child. Let me explain what this means.
All humans have rights, no matter who you are or where you live. The rights in the United Nations agreement are children’s rights. No matter what color, gender, or size you are or where you are from, if you are under eighteen you have these rights.
I think of a right as something everyone deserves to have. For example, you have the right to safety. Of course, it is normal to feel scared or unsafe sometimes, but responsible adults are there to look out for you.
You have the right to clean water and healthy food.
You have the right to have doctors help take care of you when you are sick or hurt.
You have the right to own basic clothing.
You have the right to a good and strong education, including learning respect for self, respect for others, respect for nature, and how to read and write.
You have many other rights. You have the right to an identity, specifically your own name and nationality. This means you have a right to be a citizen of a nation.
You can use your own creative ways to express any kind of emotions, feelings, or ideas. You have the right to your own opinions and thoughts.
If you have any kind of disability, you have dignity and the right to special assistance.
You have the right to play and do actions such as drawing, painting, singing, swimming or running!
You have the right to be you. You deserve respect, no matter what.
What happens if you have questions about your rights or are not given your rights? Ask a human you trust for help.

By the way, you have the right to learn and understand all of these rights! I suggest you ask questions about any and all rights you have. There is no such thing as a silly question! Speak up for your rights.
References


Mehta, S.  (2015, November 20). There’s only one country that hasn’t ratified the convention on children’s rights: US. Retrieved from https://www.aclu.org/blog/speak-freely/theres-only-one-country-hasnt-ratified-convention-childrens-rights-us


APPENDIX A

List of countries that have ratified the UNCRC


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