

RESOLUTION 07-04-2017 (REVISED)

DIGEST

Human Rights: Rights of Children

Requests that the Legislature adopt a Joint Resolution urging the President submit and the United States Senate consider ratification of the United Nations Convention on the Rights of the Child.

RESOLUTIONS COMMITTEE ANALYSIS

History:

No similar resolutions found.

Reasons:

This Resolution requests that the Legislature adopt a Joint Resolution urging the President submit and the United States Senate consider ratification of the United Nations Convention on the Rights of the Child. This resolution should be approved in principle because the values embodied in the United Nations Convention on the Rights of the Child are consistent with the values embodied in California law, and ratification of the Convention will commit the United States as a whole to be bound by the Convention's provisions.

The Convention was adopted by the United Nations General Assembly in 1989 and became one of the most rapidly and widely adopted human-rights pacts. It sets standards for education, health care, social services and penal laws, and establishes the right of children to have a say in decisions that affect them. The United States signed it in 1995 but never ratified it. By signing a treaty a country endorses its principles; ratification means committing to be legally bound by it. (Vienna Convention on the Law of Treaties, 1969, Arts. 2 (1)(b), 12(2)(b), 14(1) and 16.) Only Somalia - which is in a state of anarchy, South Sudan – which became a country in 2011 and is currently engulfed in civil war, and the United States have failed to ratify the Convention. An example of the effect of ratification on American law would be a ban on life sentences without the possibility of parole for persons under the age of 18, which are currently still permissible in the United States under certain circumstances. Such a ban, along with other Convention provisions, would bring America more in line with universal human rights values, and with Californian values.

The Resolutions Committee initially recommended disapproval of this resolution. The full Conference voted to approve.

TEXT OF RESOLUTION

RESOLVED that the Conference of California Bar Association recommends that legislation be sponsored using the Legislature's Joint Resolution process to adopt a Joint Resolution to read as follows:

1 Joint Resolution No. _____

2

3 WHEREAS, the United Nations Convention on the Rights of the Child (Convention) is an
4 international treaty that recognizes the human rights of children, defined as persons up to the age
5 of 18 years; and
6
7 WHEREAS, the Convention establishes in international law that signatories to the Convention
8 must ensure that all children—without discrimination in any form—benefit from special
9 protection measures and assistance; have access to services such as education and health care;
10 can develop their personalities, abilities and talents to the fullest potential; grow up in an
11 environment of happiness, love and understanding; and are informed about and participate in,
12 achieving their rights in an accessible and active manner; and
13
14 WHEREAS, The State of California is committed to the protection of children’s rights; and
15
16 WHEREAS, The State would greatly benefit from having the United States ratify the
17 Convention on the Rights of the Child
18 (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>) which provides a comprehensive
19 framework for the protection of children’s rights; now, therefore, be it
20
21 Resolved by the Assembly and the Senate of the State of California, jointly, That the Legislature
22 of the State of California respectfully memorializes and requests the President of the United
23 States submit and the United States Senate act on and ratify the United Nations Convention on
24 the Rights of the Child; and be it further
25
26 Resolved, That the Chief Clerk of the Assembly transmit copies of this resolution to the
27 President and Vice President of the United States, to the Speaker of the House of
28 Representatives, and to each Senator and Representative from California in the Congress of the
29 United States.

(Proposed new language underlined; language to be deleted stricken)

PROPONENT: National Lawyers Guild – San Francisco Bay Area Chapter

STATEMENT OF REASONS

The Problem: The United Nations Convention on the Rights of the Child (<http://www.ohchr.org/en/professionalinterest/pages/crc.aspx>) is a comprehensive framework for the protection of children’s rights. It includes the right to protection from discrimination based on their parent’s or legal guardian’s sex, race, religion, and a host of other identifiers. The convention supports protections for children from forced labor, child marriage, deprivation of a legal identity, and grants both able-bodied and disabled children the right to health care, education, and freedom of expression. It also has safeguards for parents to take care of their children, including parental leave.

The Convention has been ratified by 190 member countries of the United Nations. In 1995, Madeline Albright as Ambassador to the United Nations, signed the Convention. However, the treaty has never been submitted to the United States Senate for ratification. The United States is

one of three countries who have not ratified the treaty, the others being Somalia and South Sudan.

The Solution: This Resolution recommends that the California Legislature use its Joint Resolution process to enact a Joint Resolution asking the California Congressional delegation to request that the President submit the United Nations Convention on the Rights of the Child to the United States Senate for ratification as a treaty.

IMPACT STATEMENT

The resolution does not affect any other law, statute or rule other than those expressly identified.

CURRENT OR PRIOR RELATED LEGISLATION

None known.

AUTHOR AND/OR PERMANENT CONTACT:

Richard P. Koch, 268 Bush St. #3237, San Francisco, CA 94104 (415) 397-1060, Fax (415) 397-3077, rpkoch1@sbcglobal.net

RESPONSIBLE FLOOR DELEGATE: Richard P. Koch