

## **Ratification of 18 International Human Rights Treaties**

**A Look at Coalition Efforts to Ratify the UN Convention on the Elimination of All Forms of Discrimination Against Women (CEDAW), the UN Convention on the Rights of Persons with Disabilities (CPRD) & the UN Convention on the Rights of the Child (CRC) in the United States.**

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## **Foreword**

The UNA-USA & the Greater Chicago Chapter held a Human Rights Council Universal Periodic Review event on May 1, 2014 at Mars Gallery in the West Loop area. This meeting was facilitated by Ryan Kaminsky and Joshua Cooper of the UNA-USA and

convened by UNA-GCC Programs Director with contributions from UNA-GCC Directors (Executive Committee, Advocacy, Communications, Technology and Membership) as well as partner organizations. Ryan is presently "quarterbacking" the process of compiling the UNA-USA Chapters reports. During the May 1st UPR Consultation, Ryan informed us that the UPR mechanism provided Civil Society Organizations an unique opportunity to submit written stakeholder reports ("Shadow Reports") to the UN.

The Universal Periodic Review is a dynamic and participatory process that provides citizens and civil society organizations insight, a voice and a role in the UN's efforts to improve human rights in each of the 193 member states. Non Governmental Organizations and Civil Society Organizations are encouraged to among other things to develop and submit stakeholder reports, monitor the implementation of the UPR Recommendations and convene events to educate citizens about the UN's effort to strengthen human rights protections through the Universal Periodic Review. This is the motivation for our present efforts - this and the fact that advocating for human rights for all is a long term process that needs to be sustained by dedicated, courageous and innovative people. Key contributors to this report include Jamela Clark, Patricia Fliginger, Deborah Goosby, Charles Gunn, Sasha Hank, Matthew Haskamp, Zainab Khan, Cranston Knight, Nana Ofori-Atta, Susana Pearson, Anne Porowsky, Paula Wills and Linda Wilk.

**Nana B.F.A. OFori-Atta**

## **Introduction**

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The United Nations Association work to foster a strong effective, relationship between the United States and the United Nations to promote core American interests and build a more secure, prosperous, and healthy world. The United Nations Association, Greater Chicago Chapter works with local communities, neighborhoods and elected officials in the greater Chicago area to support the principles and vital work of the UN. \_\_\_\_\_

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The Advocacy Committee is a center for harmonizing the actions of citizens and civil society organizations in furtherance of the UNA-USA's 2013-2015 Advocacy Agenda in four key areas: UN Funding, Human Rights, International Treaties/Conventions and the post-2015 Development Agenda. The Advocacy Committee facilitates “Advocacy Dialogues” to work with coalition partners, local communities and elected officials to inform, inspire and mobilize Americans to support the vital work of the United Nations.

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### **Universal Periodic Review - UN Human Rights Council’s Recommendations - USA**

The United States received the following recommendations regarding treaties and international human rights mechanisms during the UN Human Rights Council Universal Periodic Review process and accepted, either in whole or in part...

Treaties and International Human Rights Mechanisms:

US Supports: 12, 10, 11, 13, 14, 20, 21, 22, 26, 28, 30, 33, 34, 35, and 43:

[Ratify or consider ratifying the Convention on the Rights of the Child (10), the Convention to Eliminate Discrimination Against Women (8), the Convention on the Rights of Persons with

Disabilities (5), the International Convention on Economic, Social, and Cultural Rights (3), the ILO Convention No. 111 (2), the ILO Convention No. 100 (1), The Rome Statute of the International Criminal Court (1), the Additional Protocols I and II of the Geneva Convention (1), and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families (1).]

39: Examine the possibility of ratifying the core human rights treaties to which the country is not yet a party and raising its reservations on those which it has ratified.

US Supports In Part:

1: Ratify without reservations the following conventions and protocols:

CEDAW; the ICESCR; the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities; the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families; the International Convention for the Protection of All Persons from Enforced Disappearance; the Statute of the International Criminal Court; those of the ILO; the United Nations Declaration on Indigenous Peoples, and all those from the Inter-American Human Rights System.

2: Continue the process to ratify CEDAW and adhere to the other human rights fundamental instruments, such as the Statute of Rome of the International Criminal Court, the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture and the International Convention for the Protection of all Persons against Enforced Disappearance.

3: Ratify, until the next universal periodic review, ICESCR, the Convention on the Rights of the Child, Protocols I and II of the Geneva Conventions of 12 August 1949, ILO Conventions no. 87 (on freedom of association) and no. 98 (on the right to collective bargaining) as well as withdraw the reservation made to article 4 of the International Convention on the Elimination of Racial Discrimination.

4: Ratify ICESCR and its Optional Protocol; the first Optional Protocol to the International Covenant of Civil and Political Rights, CEDAW, the Convention on the Rights of the Child, the Optional Protocol to the Convention against Torture, the Convention on the Rights of Persons with Disabilities, the Convention for the Protection of All Persons from Enforced Disappearance.

5: Continue its efforts to realise universal human rights by a) ratifying CEDAW; b) becoming a party to the United Nations Convention on the Rights of the Child; c) acceding to ICESCR; d) ratifying the United Nations Convention on the Rights of Persons with Disabilities.

6: Ratify the core human rights treaties, particularly the CRC, ICESCR, CEDAW and its Optional Protocol, the OP-CAT and the CMW and the CRPD with its Optional Protocol.

7: Ratify the ICESCR, CEDAW and the Convention of the Rights of the Child at an early stage together with other important human rights conventions.

8: Ratify CEDAW, ICESCR, and CRC in token of its commitment to their implementation worldwide, as well as become party to other international human rights conventions as referred to in the OHCHR report.

9: Ratify all core international instruments on human rights, in particular ICESCR, CEDAW, the Convention on the Rights of the Child.

15: Ratify the Convention on the Rights of the Child and the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.

16: Endeavour to ratify international instruments that USA is not party, in particular among others the CRC, OP-CAT; CEDAW; and Rome Statute of the International Criminal Court.

17: Ratify ICESCR, CEDAW, the Convention on the Rights of the Child; the Convention on the Rights of Persons with Disabilities and other core human rights treaties as soon as possible.

18: Ratify additional human rights treaties such as the ICESCR; the Convention of the Rights of the Child; the International Convention for the Protection of All Persons from Enforced Disappearances and the Convention on Rights of Persons with Disabilities in order to further strengthen their support to the United Nations Human Rights mechanisms.

19: Ratify the pending core international human rights instruments, in particular CRC, ICESCR, and its OP, CEDAW and its OP as well as CRPD, and others, and ensure their due translation into the domestic legislation and review existing ratifications with a view to withdraw all reservations and declarations.

23: Proceed with the ratification of Additional Protocols I and II of the Geneva Conventions of 1949, of the Convention on the Rights of the Child, of CEDAW as well as the Optional Protocol to the Convention against Torture.

24: Ratify at its earliest opportunity other core human rights instruments, particularly, those to which it is already a signatory, namely CEDAW, Convention on the Rights of the Child, ICESCR, and the Convention on the Rights of Persons with Disabilities.

25: Ratify the ICESCR, CEDAW, CRC the CRPD, the Additional Protocol I and II (1977), to the Geneva Conventions, the ICC Statute, as well as the 1<sup>st</sup> and 2nd Protocol to the Hague Convention 1954.

27: Accede to ICESCR, the CRC and ILO convention No. 111.

29: Ratify the Convention on the Protection of the Rights of All Migrant Workers and Members of their Families and observe international standards in this regard.

37: Ratify the 12 international human rights instruments to which it is not a party.

38: Implement a program of ratification of all international human rights instruments, and then proceed to the incorporation of these in its internal legal system.

40: Accede to international human rights instruments which is not yet acceded to.

41: Continue the process to ratify and implement into domestic law the several international human rights instruments that still wait for this formal acceptance.

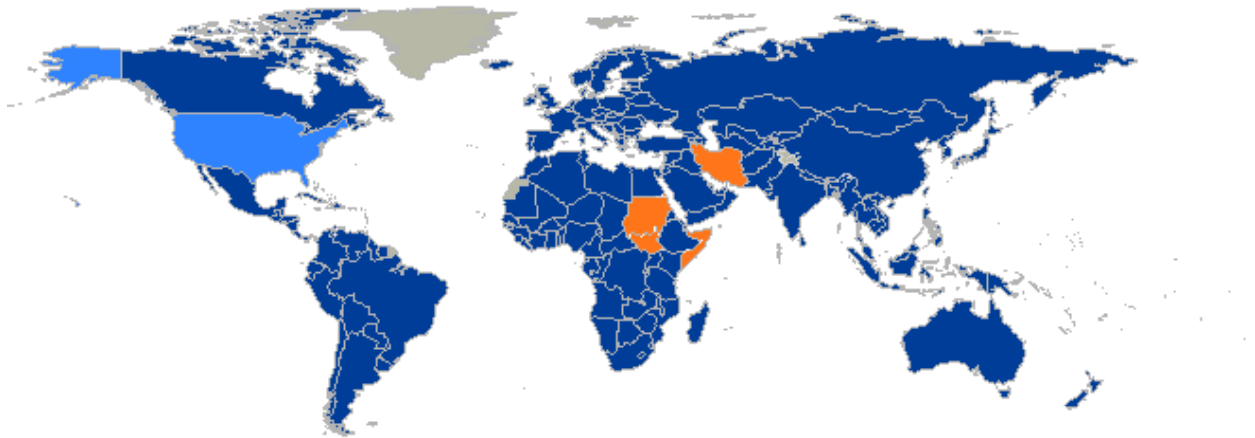
42: Accede to the universal core treaties on human rights and those of inter-American system, in particular the recognition of the jurisdiction of the Inter-American Court on Human Rights.

44: Withdraw all reservations and declarations on the international instruments to which it is a party that undermine its obligations or the purpose of the treaty.

45: Withdraw reservations, denunciations, and interpretations of the Covenant on Civil and Political Rights; the International Convention on the Elimination of All Forms of Racial Discrimination and the Convention against Torture, that undermine their compliance, and accept their individual procedures.

52: Ensure the implementation of its obligations under international humanitarian law vis-à-vis Palestinian people.

This Report will focus on efforts to ratify CEDAW, CRC & CPRD



**Convention on the Elimination of All forms of Discrimination Against Women. (CEDAW)**





## Introduction to CEDAW:

We came together to discuss the ratification process in terms of discrimination against women. We came to decide relevant articles include Article 1 and 10, along with recommendations on how to better address and ensure ratification of the convention.

Article 1 specifies that:

“For the purposes of the present Convention, the term "discrimination against women" shall mean any distinction, exclusion or restriction made on the basis of sex which has the effect or purpose of impairing or nullifying the recognition, enjoyment or exercise by women, irrespective of their marital status, on a basis of equality of men and women, of human rights and fundamental freedoms in the political, economic, social, cultural, civil or any other field.

Let us also review Millennium Development Goal 3 , designated as such to recognize that gender equality and women's empowerment are critical for global development.

In order to achieve gender equality, it is necessary to build a society in which women and men share equally in the distribution of power and influence and have equal access to education, health, safe environment, and decent livelihoods. MDG's are inter-dependent and cyclical in their benchmarks. For example, girls' education is linked to improved health, cleaner environment, simultaneously impacting a positive elevation in social and economic status within a community.

Here are the facts that we do know:

- 1). Up to one in three women worldwide will experience violence at some point in her life.
- 2). On average, 13 women and girls are murdered every day due to cultural or social norms
- 3). Gender based violence affecting women is not just limited to physical harm: women are subjected to different forms of violence – sexual, psychological and economic – both within and outside of their homes.

The cultural and social paradigm of a woman's role must be re-defined. Across the world, gender-based inequalities continue to deny women a say in the decisions that affect their lives. We need legal transformation to protect women globally from violence.

Creating equal freedoms amongst genders is a universal issue. This is not just about development or social progression: it is a human rights' issue. Gender equality and women's empowerment affect all of us, and are vital for the realization of universal human rights. Not only must we remove the negative consequences that women suffer, but we must challenge patriarchal norms that are instilled within a society due to systemized, institutionalized laws that promote misogyny.

Change is instilled through implementing various methods of communicating, activism, connecting. There must be direct action steps that support the prevention of and response to

gender-based violence, especially for non-profits and organizations that implement field work in high-risk populations or lobby for governance change. It is imperative to identify the nations where women are the most socially, politically, economically vulnerable or fragile. As we chart and monitor progress, we have to be consistent in developing a rank system of where the specified country is in achieving this specific Millennium Development Goal. That way, a clear and effective method of awareness and identification can be established throughout partnering countries and organizations. The goal's objectives can thus be tangible, measurable, and aiming towards progressive change. The overall goal is to obtain effective support to achieve these Millennium Development Goals by linking with humanitarian and stabilizing organizations, foundations, and institutions.

In order to achieve gender equality, it is necessary to build a society in which women and men share equally in the distribution of power and influence and have equal access and opportunities to education, health, decent work, and livelihoods. While indicators track key elements of women's social, economic and political participation and guide the building of gender-equitable societies, the implementation of such opportunities and resources are weak. Laws are passed to protect and provide empowerment to women; however, many of these laws hold little to no value in many areas of the globe.

#### Article 10

“States Parties shall take all appropriate measures to eliminate discrimination against women in order to ensure to them equal rights with men in the field of education.

The article further breaks down conditions for career and vocational guidance, for access to studies and achieving higher education. We are still far from having women have equal accessibility to resources that will promote vocational development and support economic empowerment.

There is a large gender disparity in equity in leadership and higher education in the United states. For example, women earn the majority of postsecondary degrees, they occupy just 26 percent of all college presidencies. There needs to be greater cooperation and coordination that will ultimately help many women move into top-tier positions, and this is applicable in the Chicagoland area. We need to how to facilitate leadership programs at educational institutions and raise wider awareness about the dearth of women in top positions. Institutions, NGO's, stakeholders, and funders must advance women's leadership efforts and develop long-term goals and an action plan.

The following legislations have been introduced under Congresswoman Jan Schakowsky:

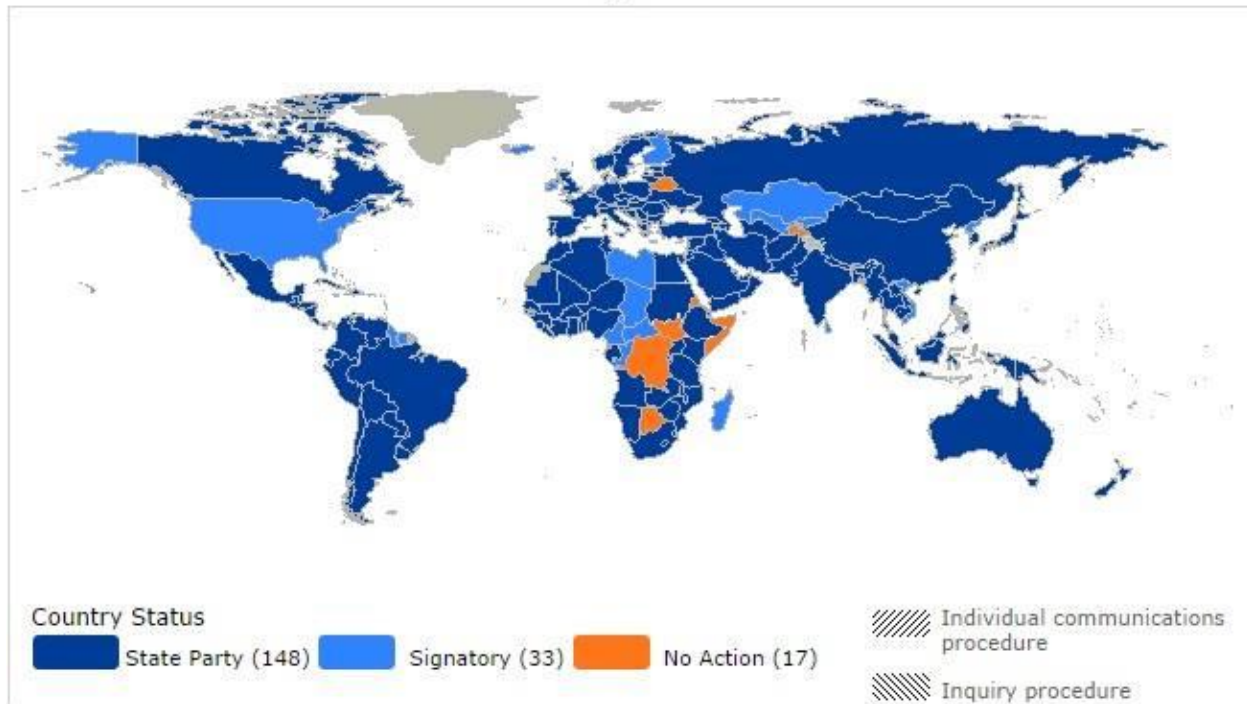
[Violence Against Immigrant Women Act](#) – to assist immigrant victims with legal resources necessary to escape abuse such as U visa protection and timely employment authorization.

[International Violence Against Women Act](#) – to create a comprehensive strategy to combat violence against women and girls abroad. This bill would give the U.S. State Department new tools ranging from health programs and survivor services to legal reforms in order to promote economic opportunities and education for women. IVAWA would also increase humanitarian funding and update mechanisms for responding to emergency outbreaks of violence against women and girls.

[International Women's Day Resolution Supports the goals of International Women's Day](#) – This resolution honors women who have fought and continue to struggle for equality. It also reaffirms Congress' commitment to ending discrimination and violence against women and girls, to ensuring their safety and welfare, and to pursuing policies that guarantee their basic rights.

UNA-GCC has been represented in active lobbying for the passage of the IVAWA act.

## Convention on the Rights of Persons with Disabilities



Disability rights: Major milestone as ratification of UN Convention reaches 150 states:

<http://sm.ohchr.org/1wvJUA2>

The Convention on the Rights of Persons with Disabilities sets out the obligations of States Parties to promote, protect and ensure the rights of all people with disabilities and promotes equal rights in all areas of life. “This Convention, in force for just six years, has been ratified across all regions and cultures, and is on the way to becoming universally recognised. We call on those states still to ratify to do so,” said UN expert Maria Soledad Cisternas Reyes.

Universal Periodic Review 22nd Session

United States is one of 14 nation states under review

Stakeholder: UNA-USA Greater Chicago Chapter

**Issue:** Consideration of people with disabilities is a human right

The United States has led the world in gaining access for people with disabilities in the American Disabilities Act of 1990. Since 1990, strong efforts have been made in the US. The City of Chicago has an Accessibility Compliance Unit that “works to ensure that the City of Chicago is accessible to people with all types of disabilities.”

The ADA is the inspiration for the UN’s Convention on the Rights of Persons with Disabilities. The US Senate has not yet ratified the treaty, although the US signed it in 2009.

The UNA-USA Greater Chicago Chapter recommends that every effort must be made to ensure that the US Senate ratifies the CRPD treaty. We support the United States International Council on Disabilities guidance to:

- Export US leadership in this area to support the success of the treaty
- Expand opportunities to veterans with disabilities
- Benefit businesses that develop accessible products
- Improve global accessibility to American travelers
- Ensure humane and moral treatment through the United States’ example

### **The Disability Treaty**

Why should the U.S. ratify the CRPD when we have the ADA?

Ratification of the CRPD Exports U.S. Leadership

- A broad coalition of over 800 U.S. disability, civil rights, faith, business, and veteran organizations support the U.S. ratification of the CRPD holding that American leadership in this arena is critical to the ultimate success of the treaty.
- Ratification is critical to maintaining our leadership role and to eliminating disability discrimination throughout the world and gives the U.S. legitimacy to export the model of the ADA to other countries.
- The absence of U.S. leadership in the CRPD and its Committee of experts matters. Ratification provides the U.S. an opportunity to play an important and expansive role in the development of disability rights around the world without having to change any U.S. laws or add additional costs to its budget.

VSOs Strongly Support CRPD to Expand Opportunities for Veterans

- Major veteran service organizations, representing veterans of every generation, support ratification of the CRPD. These groups recognize that our 5.5 million American veterans with

disabilities will have greater opportunities to work, study, and travel abroad as countries implement the CRPD with leadership from the U.S.

- Military families support the CRPD as well. As one CRPD advocate described, having a disability prevented her husband from being able to serve overseas due to the lack of accessibility for her abroad. “Others had the opportunity to transfer overseas. Because of my disability, that was not an option.”

#### U.S. Business Supports Ratification of the CRPD to Benefit Business

- The Chamber of Commerce, the U.S. Business Leadership Network, and the Information Technology Industry Council support U.S. ratification of the CRPD because it benefits business.
- Many accessible products are engineered, manufactured, or sold by U.S. corporations that can meet the new demands for the world’s population of 1 billion people with disabilities. As one business expressed at a Senate briefing by IBM, Adobe, and other key business leaders, “Investment follows opportunity. And to the extent we can make these technologies available on a worldwide basis, that’s a bigger market and more opportunity for companies to deliver their products into the world.”

#### CRPD Ratification Improves Global Accessibility

- 4 out of 10 American travelers are estimated to be people with disabilities and their companions yet they still face constant barriers and discrimination abroad.
- Students with disabilities represent less than 4% of students that choose to travel abroad.
- Not ratifying the disability treaty is hindering the United States’ ability to provide expertise to many countries seeking to bring their standards of access for persons with disabilities up to those of the United States, which directly affects Americans with disabilities living, working, and traveling abroad.
- By ratifying the CRPD, the U.S. will offer decades of honed technical expertise to reduce barriers globally and ensure that Americans who travel and study abroad have the same access they enjoy here.

#### CRPD Ratification Ensures Humane and Moral Treatment

- Without laws like the ADA abroad, millions of children and adults are housed in institutions without enrichment of a family life, community resources, or access to the most basic civil rights like a birth certificate or even a name. Until it ratifies the CRPD, the U.S. is a bystander on these critical matters.

- The reason U.S. persuasion, moral authority, and leadership can have such an impact on other countries through the CRPD is because of the stark discrimination that still exists in many parts of the world.
- U.S. leadership in fighting against discrimination against persons with disabilities such as infanticide and forced exclusion – and teaching about our example of an inclusive society – can make an immense difference.

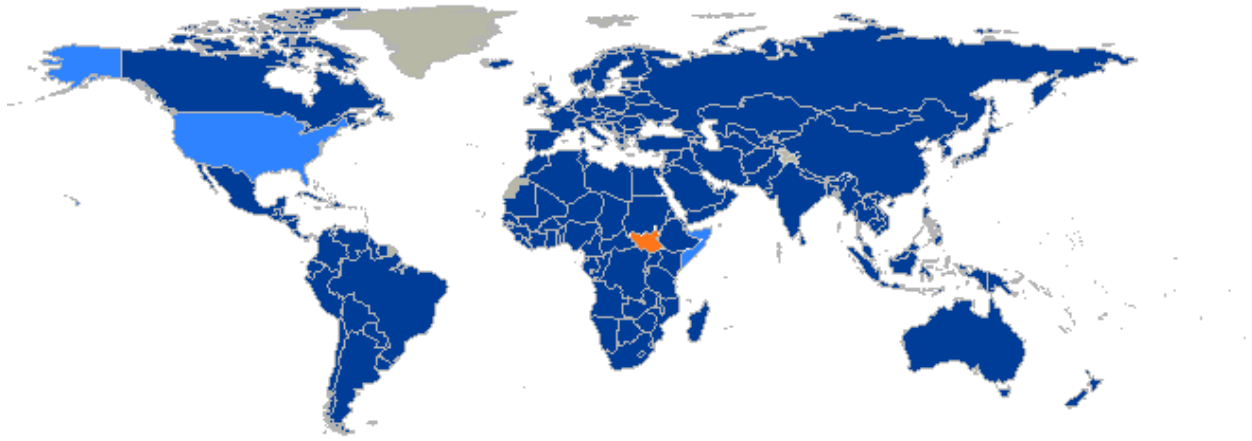
#### U.S Ratification of the CRPD Has Strong Bipartisan Support

- Republican leaders of disability legislation support ratification of the CRPD including former President George H.W. Bush, former Senator Bob Dole, former Attorney General Dick Thornburgh and former White House Counsel C. Boyden Gray.
- Senators McCain (R-AZ) and Barrasso (R-WY) led the treaty ratification effort with Senators Kerry (D-MA), Durbin (D-IL), and Harkin (D-IA) in the 112th Congress under shared values of independence, respect, and dignity for all people with disabilities. This bipartisanship leadership for the CRPD continues in the 113th Congress, beginning in January 2013.

#### QUICK STATS ABOUT THE WORLD'S LARGEST MINORITY

- 57.8 million Americans have one or more disabilities
  - 5.5 million American veterans are people with disabilities
- 1 billion people with disabilities around the world
  - 80% of people with disabilities live in developing countries
- 1 in 4 of today's 20 year olds will be disabled before they retire
- 80% of people with disabilities live in isolated rural areas
- Action Requested (Senate ONLY):
- Urge your Senator to support the Convention on the Rights of Persons with Disabilities

### **Convention on the Rights of the Child**



Status of Ratification

### **Child's Right to Care and Protection**



Articles 1 through 6 of the CRC defines a child by age (below 18 years) while addressing a child's undeniable right to protection, care, and life uninhibited by their race, ethnicity, economic status or religion. The articles make particular emphasis on allowing parents to be the primary providers of such care, with the state as an authoritative actor to ensure that parents can adequately fulfill their duties to their children only interfering in instances where parents infringe upon Articles 2 through 6.



Although the CRC encourages the state to take an active role in providing parents the necessary social and economic tools needed to provide a life of liberty and dignity for their children, the current economic climate post 2008 Great Recession created difficulty for low-income parents to provide the most basic of needs such as housing and food to their children. According to research by Feed America, every 1 in 6 families in the United States is food insecure[i]. Moreover, the National Center on Homelessness cites that over 1.6 million children in the United States are housing insecure[ii].

These discouraging statistics led state and local officials to act immediately upholding CRC recommendations for government assistance in assuring a child's right to care and protection. The State of Illinois, where every 1 in 5 child is food insecure, established the 2010 Commission to End Hunger. The Commission guided by Illinois State Senators Don Harmon (D- Cook County) and John Milner (R-DuPage County) created a 2 year plan to end hunger in Illinois.

Despite the Commission's intentions, 661,950 children within the state of Illinois are still food insecure. However, the Commission launched a successful statewide school breakfast program that provides meals to school aged children. The program is also extended to various centres throughout the Illinois during the summer providing both breakfast and lunch to children in order to curb limited access to food during the summer months[iii].

The efforts of Senators Harmon and Milner during their appointed times over the Commission encouraged significant change in the portrayal of the food insecure in Illinois. However, with every 1 in 5 child still suffering from hunger and malnutrition, it is clear that the state must lend an additional hand in order to ensure that parents are able to fulfill their duties as defined in Articles 2 through 6 of the CRC.

Current discussions streamline around raising the minimum wage in Illinois from \$8.25 an hour to \$10.65 per hour. The bills (SB68/HB3718) seeks to alleviate the burden of poverty on low income families whose heads of household work full time and still live below poverty[iv]. Mayor Rahm Emanuel of Chicago seeks to take SB68 a step further and raise the minimum wage in the city to \$13 per hour. The move seeks to change changing the cumbersome economic status of over 400,000 workers living below poverty in Chicago making up 31% of the city's total workforce[v].

Senator Kimberly B. Lightford (D-4<sup>th</sup> District) initially filed SB68, which quickly gained popularity with several senators and mayoral leaders including Mayor Rahm Emanuel. This economic policy approach to alleviating poverty is unique in that it is independent of the creation of new jobs, but increasing the capacity of those already employed to better care for their families. Pursuant to the guidelines of Articles 2 through 6 of the CRC, SB68 is a recommended model for national poverty alleviation poverty, and should be heavily advocated for by civil

society and community based organizations that seek to end poverty in underdeveloped neighborhoods throughout Illinois and the nation.

### **Child's Right to Education**

Articles 28 and 29 of the CRC define a child's right to education. The articles also review the state's responsibility to ensure that such education respects children's dignity, development, and aspirations while encouraging states to engage the international community for the advancement of local educational system practices.

The United States is a longtime champion of public education with legal mandates requiring children's education through at least age 16. However, failure to implement international benchmarking practices, state and federal funding restrictions, and increasing reliance on standardized testing to measure school performance promotes an educational system that is ignorant of its responsibility to assist in developing a child to uphold their dignity and function as an individual in society.

Such failures overwhelmingly manifest along economic and racial class lines. The state of Illinois has one of the worst economically and ethnically segregated education systems in the United States, distinguishing variances in educational entitlements based upon social status and geographical location. For example: state investment in rural, urban and suburban schools is unequal with suburban students receiving on average \$1000 more in stated funds per student than rural and predominantly urban minority educational districts[vi]. Funding for students residing in communities with average household incomes below the poverty line receive more than \$2000 less than households at 0% at the poverty level.[vii]

Lopsided investment by the state opposes the CRC's educational mandate to encourage a child's academic achievement based on equal opportunity. Investment preferences by the State of Illinois accelerate particular disadvantages in fulfilling sections (b), (c), and (e) of Article 28, and sections (a) and (e) of Article 29 by the state. Illinois State Senator Andy Manar (D-Bunker Hill) is championing reform in the state's school district funding formula stating that the current process is "simply unfair and should not be tolerated." [viii]

Sen. Manar is the chief senator advocating for the passage of Senate Bill 16 (SB16) by the Illinois House of Representatives. SB16 passed by the state senate, will increase the funding for Illinois' poorest schools from 44% to 95% of Illinois[ix]. Funding distribution within the Chicago Area alone has not changed since 1995. Senate Bill 16 seeks to change this by implementing a weighted program that gives school funding based upon special needs categories within a district such as:

- English Language Learners
- Special Education Students
- Low Income Students
- Gifted Pupils
- Transportation

In light of the state senate’s commitment to fairness in school funding and the equal educational enrichment of children across Illinois, the advancement of SB16 is imperative to the fulfillment of Articles 28 and 29 of the CRC. Limited empirical data on the relationship between school funding and student performance may encourage the Illinois House to reject SB16. However, studies that exist show that schools with greater funding perform better on national standardized tests than low-income schools while encouraging economic development within the hosting community.[x]

It is urged that SB16 pass through the Illinois House of Representatives to ensure quality education for minority, special needs, and low-income children while setting a policy foundation for national reform in educational funding for pre-K-12<sup>th</sup> grade.

To further add, once the child graduates from high school what are his/her options to further educate the whole being. This process happens between the 11<sup>th</sup> and 12<sup>th</sup> grade. It has been proven that postgraduate studies relate to increased income. The United States Census data backs this up while reporting someone who graduates from high school will earn on average \$2992 while a person earning a bachelors degree or higher will earn on average \$4852[xi]. This allows further development of social mobility and social efficiency[xii]. Senator Richard Durbin has proposed legislation that will help aid students looking to further their education on how to finance effectively.

Richard Durbin pending legislation includes:

- Know Before you Owe Private Student Loan Act of 2013 - Amends the Truth in Lending Act to require a lender, before issuing a private education loan for a student attending an institution of higher education (IHE), to obtain the IHE's certification of: (1) the student's enrollment status, (2) the student's cost of attendance, and (3) the difference between that cost and the student's estimated financial assistance. Eliminates the requirement that such lenders obtain a self-certification form from the private education loan applicant[xiii].

This legislation along with the continued support from State Senator Andy Manar will help enable each child to develop to in his or her best interest and to further promote making higher education available to all.

**Child Incarceration: Child’s Right to Dignity**

Articles 37 and 40 discuss the rights of children accused of crime and the appropriate measures that states must take to ensure that a child maintains dignity throughout the judicial and incarceration process. The 2010 UPR presented by the United States takes note of important legislation concerning juvenile incarceration highlighting the 2010 Supreme Court decision defining the unconstitutionality of sentencing minors to life in prison[xiv].

The document also reviews national efforts to uphold the 1974 Juvenile Justice and Delinquency Prevention Act (JJDA), which aims to ensure that child offenders are not treated as “little adults”. The JJDA encourages state and county level judicial systems to focus on juvenile rehabilitation and education instead of child criminalization.

Despite efforts at the federal level that coincide with Articles 37 and 40 of the CRC, state level implementation of the JJDA lags behind national mandates.

In all 50 states, provisions in local penal codes allow children (in some instances children as young as 10 years old) to be tried as adults.[xv] Such regulations violate Article 37 section (a), (b), and (c) as well as Article 40 part 1, part 2 section (b), and part 3 section (a) and (b).

The aforementioned articles and corresponding sections all relate to a child’s right to be treated *as a child* and with dignity at all times by the legal system ensuring that all juvenile detention programs focus on rehabilitation and societal reintegration. Presently there are 70,000 children held in adult facilities nationally[xi] with over 2200 criminally incarcerated (charged as adults) in the State of Illinois[xvi].

In Illinois, most juvenile offenders receive extended adult sentences due to recidivism, which generally is the result of truancy, failure to meet with parole officers, or curfew violation. Such harsh charges for minimal offenses are contrary to Article 37 section (b) which prohibits the arbitrary use of arrest and encourages arrest solely as a last resort contingent upon the type of crime committed. Moreover, fellow inmates and prison staff have sexually victimized a reported 9.5% of children incarcerated in prison[xvii]. In Illinois, that number increases to 35% above the national average representing an obtuse obstruction of Article 34 of the CRC demanding that all children are protected from unlawful sexual abuse and exploitation.

Due to the massive population of child prisoners in the United States, each state on average spends an approximate \$88,000 a year per incarcerated child opposed to an average \$10,259 of state investment per child for public education[xviii]. Such grandiose investment in juvenile incarceration in comparison to educational funding and vocational training alongside the failure to protect imprisoned children from sexual violence indicates a national culture that to acknowledge the dignity of a child and the importance of education in the prevention of juvenile incarceration.

Recent Illinois laws pushed by House Representatives Lashawn Ford and Dennis M. Reboletti such as the HB2404 and HB3172 raise the age a child can be tried as an adult and make it easier for judges to expunge juvenile incarceration records. There is currently a lack of senate leadership that advocates for the use of child imprisonment as a last resort to juvenile delinquency. However, court districts along with CSOs, particularly within Chicago, are pushing for massive juvenile justice reform that encourages the use of youth centers, parent education, and NGO capacity building to fulfill the development and rehabilitation needs of child offenders in lieu of incarceration.

Increased visibility and studies comparisons of alternative delinquency programs to general incarceration must be presented to the State Senate in order to push for sustainable juvenile corrections reform. Practices such as “Meet the Kid not the File” and child participatory research have encouraged success in community based rehabilitation programs. Such programs prove to reduce juvenile recidivism rates, and encourage agents of justice and social work to[xix]:

- Empower voice, choice & ownership
- Create youth opportunities for civic engagement and giving back
- Provide culturally competent services and treatment to high risk and complex need juvenile offenders.
- Provide unconditional caring

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Senators John J. Cullerton (D-6<sup>th</sup> District) and Kwame Raoul (D-13<sup>th</sup> District) previously worked with House Representatives to pass HB2404 and HB3172. It is time to push for bi-partisan efforts to create systemic change shifting the focus from crime and punishment, to rehabilitation and reintegration so that child offenders can live full lives as contributing adults in society.

Article 3 states "the best interest of children must be the primary concern in making decisions that may affect them and is applicable to budget, policy, and lawmakers." This article serves as an umbrella for all of the articles. As to Education, the United States has maintain an ongoing

crusade since 1991 to establish Charter schools so that healthy competition between those schools and public schools would result in increased performance standards and would meet educational sustainability targets in for the future. Legislation has been drafted allocating 80 plus million dollars so that 2.5 million children can develop their talents and abilities to the fullest. Moreover, This competition has led to positive initiatives such as:

- Collaboration between parents, teachers, educators, and other community stakeholders and NGOs planning designing and creating state of the art facilities;
- Increase autonomy with more accountability;
- Decreases significant funding from state's educational budgets since charter schools receive less funding and must conduct development initiatives to assist in funding;
- The aforementioned process bring private philanthropist, corporations, foundations and community stakeholder together around issues of education, thus improving public dialogue and civic action around educational issues, not to mention political currency educators can use to enact laws,
- Innovative instructional methodology and curricula. There is no conclusive evidence that charter school outperform public schools. In fact, in some cases they under perform; however, evaluations, assessments, strategic planning , and best practices are being gleaned via mistakes made, changes brought about to compete for students.
- Recruitment fair in which parents, children, educators assess child's needs and the resources of the school which enables shopping of academic resource to occur.
- These collaboration and innovative initiatives in education forces lawmaker to pass a budget that can work and not electioneer throughout their tenure. It compels them to not just introduce legislation that dies in committee because of political lobbying, fear of votes being loss and as such can serve as an incentive to work appropriate for children (see footnotes on Voices for Illinois Children below)

Although, change in traditional ways of educating, funding performance goals brings resistance, spending cuts, closure of schools inadequate and outdated, when the dust settles, the interest of the child is advanced and new policies to increase children being able to compete in a global society that, itself, is forever changing.

Article 4 states...."children's rights are respected protected and fulfilled", which involves assessing their social services, legal, health and educational systems, as well as funding for these services and Governments, must help families protect childrens' rights and create existing laws or create new ones. This article is closing linked to Article 6, the survival and development wherein children have the right to live and survive and develop health, as well as article 19, protection from all forms of violence. "Children have the right to be protected from hurt and mistreated, physically or mentally... ..ensure that children are properly cared for and protected from violence, abuse and neglect by their parents...." To this end there has been several steps taken by lawmaker and policies instituted to insure the aforementioned is met:

- It is very difficult to protect children's rights and create an environment where they can grow and reach their potential when their environment is full of bullying activities in schools, their neighborhoods, when they are caught up in the cross fire of neighborhood armed conflict and see their friend and/or parents killed before their eyes. when racial profiling occurs, when digital predatory actions against youth. To this end, states throughout the United States of America has passed bills in the house and senate to curtail and eliminate such abuses such as:
- H.R 4207, legislation that enacts Bully Prevention and S.3266 which changes the criteria for bullying. schools must now adopt implementation of written policy insure the occurrence of such action, must safeguard copies of bullying incident, provision added concerning gang resistant education and training for students. The downside to these two bill is that, although the laws have been enacted, , a state mandate act requires implementation of these bills without reimbursement which means, school and outside funding sources must fund these initiatives. This puts a burden on schools, and with budget cuts, partisan voting, presents obstacles to its implementation.

Many cities, like Chicago have taken a strategy which combat youth violence and secure safe environments for children to grow and thrive in such as:

- In Chicago, The Mayor has taken a multi-disciplinary approach by coordinating one work of government department: Chicago Public School, health and Human Services, The Chicago park District and the Chicago Police Department to address youth violence from varying possible angles (see footnotes below on (Chicago's Key Initiatives to Reduce youth Violence in the footnotes below).

The initiatives taken are in line with Article 6 survival and development,

"... Children have a right to live and Government should insure children's survival and development , as well as their health. Chicago's strategies that facilitates adherence to safety of children are:

- Expanding its mentoring program, creating jobs for youth and other opportunity to meet the standards of the convention articles. They are adopting school based reformed to reduce violence by reconnecting high risk youth to schools, adopting restorative approaches to student misconduct so less suspensions and expulsions occur, and children can build up their self esteem, feel safe and feel as if they are part of the community. The states attorney has increase their diversionary program for youth caught up in the judicial system, particularly, those with misdemeanors, and the city is encouraging and giving incentives to those communities who play a role in preventing violence. can enhance their self esteem, and sense of community.

- Cities are dedicating millions in innovative programs and are involving community stakeholder in consultations and they individuals, together with President and Chief executive officers of major corporation and private industries are joining in the fight. As a result statistics show a significant decrease in violence , although the media does not reflect such positive step initiated that successfully secure safety in the environments of children.
- A major impediment to adhering to the convention on the right of the child has been the low level enactment of laws introduced and enacted that are focused on aligning to the articles in the convention; lack of political will to tackle partisan issues collaborative, fear of sponsoring budget cutting and/or increase spending bills. The lack of public debate and dialog surrounding issues involving children suggest that lawmakers may not know the problems and therefore are not introducing laws to respond to the needs and rights of children.
- Such recommendations would be that legislation within the last 10 years be reviewed to ascertain if the articles in the convention of the child has been considered when decisions and enactment of bills were made.
- Decrease the number of bills that are referred to committee where they often die there.
- Continue to expand Charter School throughout the nation, but find strategies in which both the charter school and the public school are linked together relative to accountability and collaboration of best practices, as we are all in this fight to provide quality education. Continue to destroy misconception that teacher will lose their jobs or students will not receive quality instruction.



## Endnotes

- [i] [http://feedingamerica.org/hunger-in-america/hunger-studies/map-the-meal-gap.aspx?convio\\_source=Y14YG2E1X&convio\\_subsource=gfoodinsecurityintheus&s\\_keyword=gfoodinsecurityintheus&gclid=CjwKEAjwnNqgBRDdgOitrZPj6yYSJACM86tDDkngsw4bsxL6vQf73RihKOxgD5X-RcENzptAaEyl-BoCDCjw\\_wcB](http://feedingamerica.org/hunger-in-america/hunger-studies/map-the-meal-gap.aspx?convio_source=Y14YG2E1X&convio_subsource=gfoodinsecurityintheus&s_keyword=gfoodinsecurityintheus&gclid=CjwKEAjwnNqgBRDdgOitrZPj6yYSJACM86tDDkngsw4bsxL6vQf73RihKOxgD5X-RcENzptAaEyl-BoCDCjw_wcB)
- [ii] <http://www.familyhomelessness.org/children.php?p=ts>
- [iii] 2014 Illinois Hunger Report.  
<https://www2.ilinois.gov/gov/endlunger/Documents/2014%20Hunger%20Report%20Rev7.pdf>
- [iv] Illinois Minimum Wage Bill. 2014 <http://www.raisetheminimumwage.com/pages/illinois-bill-summary>
- [v] “Mayor Introduces Minimum Wage Increase to City Council” June 2014.  
<http://chicago.cbslocal.com/2014/07/30/mayor-likely-to-introduce-minimum-wage-increase-to-city-council/>
- [vi] “Madigan quietly gather’s Illinois lawmakers to discuss school funding.” September 5, 2015  
[http://www.chicagobusiness.com/article/20140905/NEWS02/140909894/madigan-quietly-gathers-illinois-lawmakers-to-discuss-school-funding?utm\\_source=NEWS02&utm\\_medium=rss&utm\\_campaign=chicagobusiness#](http://www.chicagobusiness.com/article/20140905/NEWS02/140909894/madigan-quietly-gathers-illinois-lawmakers-to-discuss-school-funding?utm_source=NEWS02&utm_medium=rss&utm_campaign=chicagobusiness#)
- [vii] “Is School Funding Fair? A National Report Card. Education Law Center.” Newark, N.J. September 2010 [://www.schoolfundingfairness.org/National\\_Report\\_Card.pdf](http://www.schoolfundingfairness.org/National_Report_Card.pdf)
- [viii] “Sounding alarm on proposed school funding bill.” Southtown Star, Chicago Suntimes. August 16, 2014 <http://southtownstar.suntimes.com/news/kadner/29496089-452/kadner-sounding-alarm-on-proposed-school-funding-bill.html#.VBW-hvldVrM>
- [ix] Illinois State Board of Education Fact Sheet: Senate Bill 16 – School Funding Reform Act of 2014. April 2014 <http://www.isbe.net/budget/fy15/fy15-fact-sheet3-sb16.pdf>
- [x] “Public School Funding and Performance” 2005. John Mackenzie, Universty of Deleware, Newark, DE.
- [xi] “Characteristics of GED and High School Diploma Holders Among the population 18 years and Over”2009. <http://blogs.census.gov/wp-content/blogs.dir/11/files/2012/03/6a0120a61b56ed970c0167631004c8970b-800wi.jpg>
- [xii] Labaree, David. 2012. Someone Has to Fail (15-18). United States: First Harvard University Press.
- [xiii] The Library of Congress. (2014). S.2029. Retrieved from <http://thomas.loc.gov/cgi-bin/bdquery/D?d113:1:./temp/~bd2Szg:@@L&summ2=m&/bss/>

[xiv] National report submitted in accordance with paragraph 15 (a) of the Annex to Human Rights Council resolution 5/1 United States of America. August 23, 2016. Human Rights Council Working Group on the Universal Periodic Review

[xv] “Juvenile Justice: A Century of Change” December 1999. 1999 National Report Series Juvenile Justice. [https://www.ncjrs.gov/html/ojjdp/9912\\_2/juv5.html](https://www.ncjrs.gov/html/ojjdp/9912_2/juv5.html)

[xvi]

[xvii] “Update: Sexual victimization of youth in Illinois” July 2013. Juvenile Justice Initiative. <http://jjjustice.org/update-sexual-victimization-of-youth-in-illinois-prisons-2/>

[xviii] Annie Casey Foundation August 2014

[xix] Safely home campaign. June 2014. Shaena M. Fazal Esq. Youth Advocate Programs and Policy Center.

<http://www.safelyhomecampaign.org/Portals/0/Documents/Safely%20Home%20Preview/safelyhome.pdf?ver=2.0>