CHILDREN'S RIGHTS AND EMPOWERMENT

by

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Children's Rights and Empowerment

Thesis directed by Professor Michael Cummings

**ABSTRACT**

My objective in the proceeding paper is to qualitatively analyze the conditions of

children since the child population faces severe discrimination with few laws created and

enforced to protect it, especially when most societal systems are predicated on ageism

(a form of discrimination based on age). The most comprehensive child policy present

on an international level is the Convention of the Rights of the Child (CRC). This also

includes the CRC's three Optional Protocols (OPs), which countries can also ratify for

further protections or address emerging issues; these are OP number one: the

safeguarding of children from armed conflict, OP number two: the sale of children, child

prostitution, and child pornography, and OP number three: the opening of

communications procedures for children with complaints of violations. Because of the

progressiveness of the Convention and its Protocols, if ratified and adhered to by a

country's government or if at least followed by those that have not ratified it, children's

conditions would progressively improve. My primary case studies include El Salvador,

Costa Rica, the United States; and I also touch upon Kenya, the Philippines, Sweden,

Norway, and Canada. The conditions of children in neighboring Central American

countries, El Salvador and Costa Rica, are compared with those in the U.S. By

measuring the level of each country's fulfillment of key provisions and concepts within

the CRC and the Protocols, despite the U.S not ratifying the core body of the CRC, I

qualify the conditions of these country's children.  The first Optional Protocol is especially

pertinent to El Salvador, Costa Rica, and the Philippines since there are extremely high

rates of child sexual exploitation in these countries.  This is especially the case for the

Philippines, since UNICEF estimates that one million children per year are trafficked out

of Southeast Asia alone.[1]  The second Optional Protocol is especially pertinent to El

Salvador since the Salvadorian community and its government are still recovering from

the country's civil war and the participation of children in this conflict.  Out of all of my

case studies, Costa Rica is the only state that has adopted the third Optional Protocol

(Melton), again demonstrating the country's progressiveness not only in valuing the

child's voice, but more generally in human rights.

     The analysis showed that the cultural and social backgrounds of each country

are leading variables (other variables including standing law and economic systems in

each country and inertia that follows after major policies are ratified) that drive the

country's views and subsequent treatment of children; and the ratifying countries, Kenya,

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[1] Cris R. Revaz, *The Optional Protocols to the UN Convention on the Rights of the Child on Sex Trafficking and Child Soldiers* http://www.wcl.american.edu/hrbrief/,09/1revaz.pdf (accessed June 29, 2014).

the Philippines, Sweden, and Norway also confirm this conclusion.  Thus mere

ratification of the CRC by a country is insufficient in ensuring children's rights under its

provisions.  In my concluding chapter, I look to leading international examples of child

welfare promoters, Nordic countries such as Sweden and Norway, to offer suggestions

on how local and national governments can better actualize and support positive

conditions for children.

The form and content of this abstract are approved.  I recommend its publication.

Approved:  Michael Cummings

## DEDICATION

This thesis is dedicated to you, Mom.  You have been my mother, my father, my best friend, and inspiration.  Because of you, I aspire to be more in life.  Thank you for your sacrifices and your absolutely unconditional love.  Also, thank you to my sister Melanie; I love and miss you.

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**CHAPTER I**

**INTRODUCTION**

One of the key causes of the unfavorable conditions of childhood stems from

how we as individuals and a society currently view and designate adult/child

boundaries.[2] This correlation has direct implications for the way justice for children and

their rights are theorized and implemented. Most adults feel that children are much less

experienced and knowledgeable than they (Cummings 142-143), thus children are

discriminated against because of their age. Social and political structures have been

based around this belief that rights and responsibilities must be allocated on the basis of

age, this being a form of ageist discrimination against children known as adultism

(Cummings 142-143). Since most societies are predicated upon varying forms of

ageism, many adults are not able to see or realize when acting in children's best

interests teeters on devaluing and abusing them.

Devaluing the youth has become the status quo based on recent data, and

children are ultimately not being sufficiently protected or empowered. The current

conditions of children in most countries are unacceptable, with UNICEF proclaiming in

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[2] Stuart C. Aitken, *Global Crises of Childhood: Rights, Justice and the Unchildlike Child,*
JSTOR (2001), http://0www.jstor.org.skyline.ucdenver.edu/stable/20004143, (accessed
August 10, 2011).

1998 that since there is enough food in the world to feed everyone, child malnutrition is

"an egregious violation of child rights" (Cummings 173).  More recently, in 2012, UNICEF

reported that 25% of children in the world were stunted (having a low height for age),

most cases being attributed to malnutrition.  Although this number has decreased since

1990, in 2013 it was found that "progress is not fast enough, so what is needed now is

strong, global commitment and leadership to accelerate efforts".[3]  UNICEF also reported

that globally, by 2002, 150 million girls and 73 million boys under 18 had experienced

some form of sexual violence.[4]  Overall, children are suffering many forms of abuse and

extreme levels of discrimination worldwide that warrant more international attention.

Despite the extensive data that UNICEF reports on the poor conditions of children

worldwide, this pivotal international organization opposed the UN Convention on the

Rights of the Child in its first drafting, since it saw the CRC as a distraction from its own

goals of promoting child survival.  The CRC purposely extends beyond just granting

protections for the survival of the child by calling on governments to encourage children

to express themselves and be heard.  It was only after dozens of countries had

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[3] UNICEF, *Nutrition,* http://www.unicef.org/nutrition/, (accessed April 12, 2014).
[4] UNICEF, *Sexual Violence Against Children*,
http://www.unicef.org/Child_Protection_from_Violence_Exploitation_and_Abuse_2011.p
df (accessed April 12, 2014).

supported the Convention and it was clear that many would ratify, that UNICEF

supported it as well (Melton).  Thus the Convention is unique in affirming a wide range of

children's rights and in looking at the child as a capable citizen worthy of expression and

participation in decision-making and as having intrinsic value.  It was the first legally

binding international convention that affirms human rights for children, and it was created

in an effort to address the injustices, discrimination, and lack of empowerment that

children face on a daily basis.  It was proposed by the Polish government in 1979 during

the International Year of the Child (Melton).  The Convention was approved unanimously

by the U.N. General Assembly in 1989 (Melton), and "it codifies principles that Member

States of the United Nations agreed to be universal – for all children, in all countries and

cultures, at all times and without exception".[5]  Also, OPs (Optional Protocols) were

created to expand on some of the Convention's provisions or to address a newly

emerging problem; and they are optional because its obligations may be more

demanding than those in the original convention.  "Optional protocols are treaties in their

own right, and are open to signature, accession, or ratification by States that are party to

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[5] UNICEF, *20 Years - The Convention on the Rights of the Child*,
http://www.unicef.org/rightsite/237.htm, (accessed April 12, 2014).

the main treaty".[6]  If fully enforced, the CRC and its OPs would progressively address the problems of adultist ageism; especially the third OP, empowering children themselves to present their grievances against their governments to the Committee on the Rights of the Child (the Committee).[7]

Children still continue to suffer high levels of child abuse and experience low levels of engagement although their country has ratified the CRC, its OPs, and other progressive policies, because there are multiple hindrances to the enforcement of these policies, especially rights endorsed by the CRC.  Most countries exhibit cultural beliefs that contradict some of the core principles of the CRC.  Some customary practices that inherently violate the dignity and autonomy of the child include FGM (female genital mutilation), marrying off youths to adults, and the belief that children are mere possessions or subordinates to their parents.  It is easy for a country's government to ratify policies but exponentially more difficult to integrate the provisions of the CRC into their customary practices when national cultural views do not agree with those

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[6] UNICEF, *Advancing the CRC*, http://www.unicef.org/crc/index_protocols.html, (accessed June 12, 2014).

[7] John H. Currie, Craig Forcese, Valerie Oosterveld, and Joanna Harrington, *Third Optional Protocol to the Convention on the Rights of the Child Enters into Force, Adding to the Functions of the Committee on the Rights of The Child*, http://craigforcese.squarespace.com/public-international-law-blog/ 2014/4/23/ third-optional-protocol-to-the-convention-on-the-rights-of-t.html, (accessed June 2014).

provisions.  Larger than cultural views, the global movement towards capitalistic,

privatized economies has highly influenced the commodification of children in almost all

cultures, facilitating their abuse, including the prostitution and sale of them (Tauson 31).

Also, there has been a period of inertia after ratifying the CRC, as it naturally takes years

for countries to set up systems to implement the provisions.  The CRC also has a

general lack of enforceability despite there being a Committee on the Rights of the Child

that monitors each signature country's compliance, because there are no set steps to

sanction those in violation of any of CRC's provisions.  In fact, by 2003, 150 different

countries had been admonished by the Committee, some of them multiple times, for

failure to fulfill their obligations under the CRC (Melton).  However, the third OP just

recently came into force in April of this year, providing a concrete tactic for children to be

heard by permitting children to present their cases to the Committee on how their

country, government, or community is violating their rights.  But the Committee is a part-

time working, unpaid body of experts that meet only 12 weeks a year; thus they are

extremely backlogged.[8]  Also the issue again becomes, even if the Committee gets to a

report within a reasonable amount of time, really what steps of enforcement, other than

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[8] UNICEF, *Advancing the CRC*, http://www.unicef.org/crc/index_protocols.html,
(accessed June 12, 2014).

exercising moral pressure, can it take to address the grievance?  The United Nations

falls short of global governance precisely because it lacks enforcement powers.

My research problem is the current condition of children across the globe;

therefore my units of analysis are countries.  I investigate several case studies, including

two Central American countries, Costa Rica and El Salvador, as well as the United

States. I chose El Salvador and Costa Rica as case studies that I would compare and

contrast since they are very culturally similar countries in terms of being Latin and

Spanish speaking, in possessing a homogeneous population that share this same Latino

culture, and in being located in Central America; yet at the same time, both are known in

the international community for providing many opposing conditions for their populations.

El Salvador has been known to be extremely violent, and Costa Rica, as the most

peaceful of its neighbors.  I choose the United States to compare El Salvador and Costa

Rica to since the United States is the one developed country among my case studies, its

population is more culturally diverse than its Latin counterparts, and lastly, it is the

country that I reside in.  I present secondary data gathered from reports from the

government, hospitals, and individual scholars and experts, as well as data recovered

from governmental and non-governmental entities such as UNICEF, the WHO,

INTERPOL, the Toybox, and Paniamor.  These are qualitative resources that I analyze

in a consistently qualitative manner by going beyond numerical data and providing

evidence that both describes the conditions of children and provides meaning for their

predicament.  I present my data in a multiple case-study approach that is instrumental in

nature since I am exploring with an objective to provide insight into the topic of the current conditions of children and their potential betterment.

As a side note, the U.S. and Somalia are the only two countries involved in the Convention that have not ratified it, but the U.S., as a signatory to the CRC but a non-ratifier of it, is obligated not to take actions that oppose the CRC but is not legally bound to take positive actions required of all the ratifying countries, such as providing forums for children to express their opinions on matters relevant to their rights and interests. The U.S. government has, at least, decided to adopt the first two Protocols (Melton), but so far has not decided to go as far as ratifying the third OP.  Not even Nordic countries are on the list of those that have ratified the third Protocol, this OP being one that truly holds governments accountable (Melton).

In addition, in order to put my case studies in a broader comparative perspective, I occasionally make reference to additional countries such as Kenya, the Philippines, Sweden, Norway, and Canada.  Kenya and the Philippines are younger democracies that provide an African and Asian perspective of the condition of children.  An issue of interest is what the children of each country are experiencing since most countries have ratified the CRC, and the U.S. may nonetheless have implemented parts of it, including the first two OPs.  I utilize three major concepts within the CRC to evaluate the conditions of children in each case study, categories that best embody the three main categories of the Convention: protection, provision, and participation.  I specifically focus on children's *protection* from all forms of maltreatment (Article 19); the *provision* of adequate standards of living necessary for the mental, physical, spiritual, and moral

development of children, as well as the ability of the State to provide children with conditions conducive to a decent life under their right to a healthy and dignified life that shall not end prematurely and their right to education (Articles 6, 24, 27, and 28); and the right to *participate,* seek empowerment, and express themselves without any limits (Melton) (Articles 12-17); and I also make reference to the CRC's Optional Protocols (OPs) and General Comments (which are the Committee's elaborations, clarifications, and measures for implementation of the CRC's provisions and themes of relevance) (CRIN, "CRC General Comments").  These provisions represent basic concepts that are central in guaranteeing any individual rights and the opportunity for advancement in life. Article 19 is integral because any form of abuse is extremely harmful to children in both the short-term and long-term.  Males are more likely than females to externalize the negative feelings they have from being abused, and they are more likely to vent these frustrations violently (Gershoff 557).  When parents act out their own frustrations by spanking their children, it is not instrumental in achieving intended goals such as more responsible behavior by the children (Gershoff 557).  Although corporal punishment (CP) was not prohibited by the CRC itself, the Committee has condemned it and 38 countries have outlawed it, including the Ukraine, Costa Rica, Israel, Sweden, and most recently,

Brazil in 2014.[9]  Articles 6, 24, 27, and 28, relevant to the health and general progress of children, are integral because If children cannot even be given a fighting chance right out of the gates, if they do not have access to clean water, vaccinations, medicines, proper places to dispose of bodily waste, or access to a clean hospital when treatment is necessary, then their lives and their rights are inherently compromised.  How can children be expected to fully develop and flourish if their minimum basic rights are not even fulfilled?  The State must ensure that children's lives are not compromised or ended prematurely by preventable circumstances--what the CRC calls the right to life, but what I refer in my paper to as a right to a dignified and healthy life.  This right implies access to healthy and sanitary conditions as well as healthcare.  Also, if children do not receive education, they are exponentially more likely to fall into a cycle of early motherhood that is more exposed to diseases, preventable conditions, and risky living conditions, and to birth unhealthy children.  Lastly, Articles 12-17 are integral because combined, they secure for children the right to assist in the development of public policies and processes that are relevant to them, and I shall argue that allowing them to vote is a matter of respecting children as full human beings and rights bearers.  Although

[9] Global Initiative to End All Corporal Punishment of Children, *States with Full Abolition*, http://www.endcorporalpunishment.org/pages/progress/prohib_states.html (accessed August 10, 2014).

the CRC does not go so far as endorsing the enfranchisement of children, it includes

rights that encourage children to seek a voice in policy and that allude to the

endorsement of children's voting.  Allowing and encouraging children's voices and

participation helps them develop their civic, interpersonal, and nation-building skills.

They need to be involved in issues and processes that are connected to their own

experiences in order to feel valued (Ferman 47).  Being an active part of a collective

develops a sense of belonging, self-esteem, autonomy, respect and consideration for

others (Ferman 47).  The recognition of the child's right to participate is morally a signal

of respect for the personhood of children (Melton).  According to General Comment No.

12, it will take the dismantling of legal, political, economic, social, and cultural barriers

that are currently present in governments and countries through systematic forms of

ageism, in order to achieve "meaningful opportunities for the implementation of article

12" of the CRC and other provisions that promote the expression of the child and the

right to seek autonomy (CRIN, "CRC General Comments").  Numerous social structures

must be altered since the dependence and immaturity of children is a general belief in

most cultures.

     Of the case studies, I focus especially on a comparison between the status of

children in El Salvador and Costa Rica, because they represent two extremes in how

their governments approach children and human rights, yet both countries hold certain

conditions constant, including language, religion, post-colonial status, and geography.

The qualitative data gathered on El Salvador and Costa Rica are compared and

contrasted.  Concerning human rights, El Salvador experiences astonishing rates of

violence day in and day out, whereas Costa Rica shows deep respect for human and environmental rights.

Another case study especially focused on is the United States.  Again, the U.S. contrasts highly with the cases of El Salvador and Costa Rica not only in culture and cultural homogeneity, but also economically since the U.S is a much more developed and wealthier country.  The U.S.' estimated per capita GDP level is $45,000 while some of the richest European nations possess about $40,000.[10]

The U.S. is host to the progressive, nonprofit project Kids Voting USA.  This program was inspired by Costa Rica's similar program and high level of civic engagement, and over half of the states in the U.S. have taken Costa Rica's lead by adopting this civic engagement program for their children, educating and preparing them to act as engaged citizens by means of an "authentic voting experience" ("About Kids Voting USA").  Kids Voting is a national, nonpartisan, not-for-profit organization that works with millions of preschool to 12th grade students in civic education and citizenship with a national standard based curriculum that promotes informed voting, technological media literacy, service learning, and community engagement.  It is a combination of

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[10] The Economist, *Why Is America so Rich?*, http://www.economist.com/blogs/freeexchange/2010/11/growth, (accessed September 16, 2014).

classroom and family dialogue, political-awareness assignments, and an authentic

voting experience that makes KVUSA a powerful method for achieving long-term,

substantive change in voting behavior--voting behavior being just one positive quality

gained from the program.  In fact, thousands of children in KUSA voted state-wide in the

2010 midterm election.

The United States government has not ratified the Convention, mostly because,

according to TIME Magazine, American parents do not want to be restricted in their

parenting because they very strongly value their right to parent however they please

(Cohen).  Even more politically progressive nations such as Sweden still experience

disparities in the quality of life between native Swedish children and immigrant ones.

Both ratifier Sweden and non-ratifier the U.S. have taken actions consistent with the

CRC.  I also compare and contrast the qualitative data gathered on El Salvador and

Costa Rica with qualitative data gathered on the United States; while the data from other

case studies like Kenya, the Philippines, Canada, Norway, and Sweden are analyzed on

an individual basis.

Kenya has joined 37 other countries in abolishing corporal punishment in all

settings, but it is still experiencing high infant and child-mortality rates and high levels of

child abuse.  The Philippines has outlawed corporal punishment in schools, but not in the

home, but children are legally protected against all forms of neglect, cruelty, and

exploitation in the country's domestic and national laws.  Although grave poverty and

disparity face the majority of the children in the Philippines, especially girls, the country is

still ranked 6th in the world in providing equal opportunities for females, having an impressively low Gender Gap Index (GGI) ("The State of the World's Children 2011, 48").

Since the CRC has lacked enforcement from a governmental and cultural standpoint, I investigate what steps must be taken to improve children's conditions and opportunities for empowerment, and for countries to value and perpetuate those concepts within the CRC. I recognize that Nordic countries and their governments must be analyzed more by others since they possess a culture that has encouraged child-friendly policies for decades. Nordic countries greatly invest in the health of women and the family, in poverty-reduction strategies, education, and safety measures, and they have less punitive judicial measures. While governments should aspire to invest in the same policies as Nordic governments, I recognize that the concrete steps that are going to get governments of contrasting countries and cultures to implement change will occur in different and typically more challenging conditions and are likely to fall short. There are many positive glimmers of progress occurring in children's rights and empowerment like children being able to vote in mock elections in Costa Rica, civil societies broadening in the Philippines, a very low incidence of child abuse in Sweden and Norway, and the growth of the Kids Voting project in the United States. These are all hopeful signs for the advancement of children, all relevant to conditions present within the CRC. If all countries at least respected and progressively enforced those provisions and concepts set forth within the CRC, then the world's child population would benefit exponentially.

Overall, what I hope to achieve with my work is to generate more attention to a topic ignored by many and advanced by few. There has been a major social movement

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to eliminate discrimination against women and to eliminate discrimination against ethnic minorities, but has the world really seen an effective and concerted movement to eliminate discrimination against a population that has experienced much abuse based on their young age?  In order for adults to change their behavior towards youths and to respect and appreciate them all for their intrinsic value, mind-frames and pre-conceived notions must change, and it will take societies digging into their deep-rooted structures, values, and beliefs.

**CHAPTER II**

**LITERATURE REVIEW**

The following sources are only a small portion of the vast literature on the topics of children's rights and the empowerment of children.  My review is broken into two sections in order to manage and organize the topics.  The first section focuses on violations against children, starting with how children are perceived and what the conception of childhood is, the subsequent abuse of children, and child experts' work on empowering and even enfranchising children.  The second section of my review focuses on the Convention on the Rights of Children, a culturally sensitive and comprehensive document designed to address all of these violations against children, also discussing their right to engage and be heard.

_Review of Children's Rights: What Does it Mean to be a 'Child'?_

One of the key causes of the unfavorable conditions of childhood is the very designation of adult/child boundaries.  In _Centuries of Childhood: A Social History of Family Life_, social historian Philippe Aries notes that the conception of a "childhood phase" is a recent societal development, since it was just in medieval times that when children were old enough to fulfill their own basic needs, they were considered little adults (Aries 129).  The views surrounding childhood in Western societies today assume a large existent separation between the "child being" from the "adult being".  Aries gathers evidence for his historical claims through past art, translations, iconography, poems, dialogues, term and language usages in various countries, etc., as he believes these are primary, historical examples of societal forms of expression (Aries 129).

Aries also discusses time and record keeping, in that for societies of the past and in many native cultures, there was no adherence to the pressures and constraints of time and age. It was not until the 18th century that record keeping became widespread, and eventually developed for the purposes of child registration. By contrast, Aries states that in previous centuries, most parents in Western societies could not guess their children's age, but with the progression of record keeping, counting, and thus with the establishment of capitalism, the focus on times and ages has further stratified society-- the child from the adult and the family from society (Aries 365).

In the article "Global Crises of Childhood: Rights, Justice and the Unchildlike Child" Stuart C. Aitken analyzes the arguments of scholar David Archard. Aitken elaborates on the fact that the notion of childhood was created as a part of the period of Western industrialization, while also contesting childhood as a mere category of experiences that disappear towards the end of the twentieth century (Aitken 120). How adults choose to designate boundaries between themselves and children has direct implications for the way in which justice for children and their rights are theorized and implemented. This socially constructed view of children is especially evident with the misconceptions about both working children and violent children, often fostered by the media (Aitken 119-120).

In *The New Handbook of Children's Rights: Comparative Policy and Practice*, Bob Franklin shows how media portrayals shape public perceptions, especially regarding the importance of the best interests and wishes of the child. He points out the quick shift in the 1990s from viewing children as victims of abuse to portraying them as

violent villains (Franklin, 29-31).  Aitken and Franklin note that generally, the Western

conception of childhood stresses notions of stewardship, protection, and dependency

(Aitken 123; Franklin 18).

In the U.S., during the latter part of the twentieth century, the welfare of children

became a public concern when the socialization and education of children were

contracted out of the family to institutions such as schools and day care.  Because of

adults working for a living, children become a hidden, exploited class, according to

Aitken.  The status of children reflects the division between public and private spheres.

For many Westerners, the child and child-rearing practices should remain primarily

within the family rather than being relegated to outside institutions.  Consequently,

children have no consistent public source of protection, and one of the few avenues left

for children to revolt against oppression is through violence (Aitken 123).

By contrast with the radical and arbitrary dichotomization between adult and

child, Aitken notes that the global market has blurred the meaning of what it is to be a

child, a phenomenon dramatically reflected by the emergence of child laborers in the

global market.  Aitken makes the link between the child in the global South, who is a

worker in the market, and the child from the global North, who is a consumer in the

market (Aitken 125).  He argues that the rights of children should be extended,

recognized, and protected by governments rather than being left to the mercies of global

capitalism, with its emphasis on profit maximization rather than the well-being of

children.  The "private shades of the family" provide inadequate protection for children

and can themselves be abusive and oppressive.  Hence there needs to be "public and palpable acknowledgment of their status and worth" (Aitken 125).

Since the majority of adults have set ageist views towards children and their role in society, culture and the economy, multiple violations occur against children on a daily basis. The following articles portray these global violations.  In the article "Calle, Infancia y Adolescencia en Salvador de Bahía," Latin scholar Rocio Castro discusses one of Brazil's major violations of the CRC, analyzing the high levels of child homelessness in a very representative sector of the country.  Castro reveals that the country is still suffering from racism against the descendants of slaves.  These descendants are labeled as "outsiders" by Brazilian society and are vulnerable and exploited targets of both other citizens and social policies that marginalize them.  These families have especially high numbers of absentee fathers, leaving mothers as heads of the household, forced to work in unstable, low-paying jobs.  Because of these chaotic and abusive environments, the children of these families opt to take to the streets, where, however, they are especially susceptible to abuse and exploitation (Castro 97-98).

Castro provides preventive solutions to the social problems that produce child homelessness, including education and effective legislation.  Educational programs need to be created for fathers regarding self-esteem, family planning, and career training since many feel powerless in their communities because of a lack of education and professional training.  The state also needs to provide training programs to both parents, teaching them to share the responsibilities of the household so that the family is seen by

the child as promoting equality.  Most of all, public discussions must take place (Castro 107).

In the report by the OMCT "The Rights of the Child in Kenya," the overall conditions of children in Kenya are qualitatively analyzed.  The report begins by mentioning the country's humanitarian accomplishments including the government's ratification of the Convention Against Torture in 1997, and the submission of the country's first report on the Implementation of CRC to the Committee in 1998.  Despite these attainments, the report recognizes that there are still more to be had in order to more effectively remedy the high levels of suffering and abuse that African children still experience, including the implementation of "legal framework for the domestication of treaties" ("Rights of the Child in Kenya" 9).  The HIV/AIDS virus has reached "epidemic proportions", local conflicts have affected well over 200,000 children, and cultural beliefs still highly influence gender-bias and discrimination in the country ("Rights of the Child in Kenya" 10-16*).*  The report concludes with recommendations to enact more legislation geared towards eliminating FGM, the torture or ill-treatment of children, promoting effective procedures for monitoring and disciplining public officials, and more assistance for child victims ("Rights of the Child in Kenya" 28-31).

Canada is more industrialized than Brazil and especially Kenya, but its children still experience its own set of culturally related abuses.  In the article "Child Poverty in Canada and the Rights of the Child," scholars R. Brian Howe and Katherine Covell assert that Canada's "commitment" to children's rights is half-hearted at best and is intended to appease the international community (Howe 1068).  The level of childhood

poverty still present in Canada is a critical indicator that not enough efforts are being

placed on genuinely improving child welfare.  Howe and Covell argue that the

government must create a bond between itself and the country's civic societies (Howe

1082), in order for officials to understand the real experiences and issues of its people

and especially its children.

It is mainly under the pressure of a child-run human-rights organization, Free the

Children, that Canada initiated its chapter of the RugMark program.  This program was

applied to India when the exploitation of children in the hand-woven carpet industry was

at its peak; it is an invaluable advancement for children's rights with a mission to

challenge the economic market dynamics to the point that there is no need for child

labor.  The Canadian chapter assures that goods are not being imported by companies

that have not signed on to the program and that still might be utilizing child labor.  It

ensures better labor practices in the country overall ("About RugMark").

As a Nordic country, Sweden has had a long culture of protecting children and

the family and effectively executing child policy.  In the 2006 article "Why Does Sweden

Have the Lowest Childhood Injury Mortality in the World?: The Roles of Architecture and

Public Pre-School Services", Bjarne Jansson, Antonio Ponce de Leon, Niaz Ahmed, and

Vibeke Jansson present trends in childhood injury mortality in Sweden from 1966 to

2001, uncovering declining rates, mostly due to the country's implementation of a

functionalist architectural style (Jansson 146).  This architectural style includes more car

safety, the expansion of public childcare centers that feature more organized yet

leisurely activities, the establishment of long-term, nationwide compulsory swim training

among school children, and the provision of local child-safety programs that take into account the differences between urban and rural children (Jansson 146).

UNICEF states that Sweden has the lowest child mortality rate in the world, demonstrating the country's increased dedication to child welfare overall (Jansson 147). In fact, Sweden has passed progressive child policies for decades, an example being the 1958 policy forbidding the assault on children by their teachers. With these safer physical environments created for children, they are freer from imminent threats, thus creating for them space to fully flourish and voice themselves politically.

However, follow-up studies have found that many social problems persist in Swedish residential neighborhoods due to ethnic and socioeconomic segregation. Jansson declares that even in advanced countries, such as Sweden and Canada, discrimination persists, creating an environment of oppression for the children of these families. In fact, evidence indicates that most of the abused children in Sweden, although a small percentage by U.S. standards, are abused by repeat offenders possessing extensive criminal records and having high propensities to commit violence; thirty-eight percent of child homicide victims in Sweden have been exposed to repeat violence (Jansson 161). In fact, immigrants are overrepresented as criminals in the country, while they compromise only 11 percent of the country's total population, they are 35 percent of all offenders (Jansson 162). These facts are disturbing in that the Swedish culture seems to be a low-aggression one in which violence is being imported. However, Jansson recognizes that the impact of these Swedish architectural and public pre-school measures should be compared to those of countries with low incomes and

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greater poverty, meaning Sweden appears to have the cultural and financial resources to ensure child safety and protection unavailable in many other countries.

An essential remedy to the pre-set views of children as mere subordinates, and an avenue that would empower children to express their needs and would equalize the ground on which adults and children stand on is the enfranchisement of children and the overall respecting of their opinions, as argued by the following child experts. In *Escape from Childhood*, John Holt builds on Aries' work, declaring childhood to be an "institution" in which children are considered "nuisances", "slaves", and "super-pets" by adults (Holt 1). In his book *Birthrights*, Richard Farson describes these socially constructed views surrounding childhood and the family as being composed of unrealistic expectations impressed upon the child (Farson 2). Holt states that children are some of the most oppressed beings in the world, and as a remedy to this oppression, he suggests that the same rights and privileges be made available to children as they are to adults, but without children having to take on what he calls a full "package" of citizenship; that is, children should be able to pick and choose from all of the rights provided to adults since by Holt's logic, responsibilities develop with maturity and capability rather than by virtue of the proxy of chronological age (Holt 2).

Besides parents and adults holding some unattainable views of children, such as each one having to always be well-behaved and cute (Farson 2), adults also fear "losing control" over them. Farson contends that respecting and implementing children's rights and guiding them towards self-empowerment does not equate to losing all authority over children, nor does it warrant having to control every aspect of their lives (Farson 5).

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Ultimately, many in the United States paint an idealistic picture of childhood, although for a staggering number of children, childhood is a phase that is forced to go on too long (Holt 24-27). Therefore, children should be entrusted with the same rights as adults in part so that they are able to legally walk away from abusive and neglectful homes.

In his book *Beyond Political Correctness: Social Transformation in the United States*, Michael Cummings speaks of the missing role of the child in US politics and the general lack of conversation occurring on youth participation, including voting. He notes that the flawed justice of mistreated children being ripped from the arms of a more effective and invested parent or parent figure and being placed back into the arms of a dangerous biological parent (Cummings 142). This injustice often occurs because of the inherent cultural preoccupation with preserving the right of the parent over that of the child (Cummings 142). According to Cummings, children in Western society today are thought to be incapable of participation, not worthy of expressing themselves on the same level as adults because of their irrationality, selfishness, and inexperience (Franklin 24-25; Cummings 151). Cummings' argument dovetails with some of Bob Franklin's work in *The New Handbook of Children's Rights: Comparative Policy and Practice*, where Franklin outlines why children deserve to be endowed with the same rights as adults (Franklin 19).

Both Franklin and Cummings deduce that positive rights, especially the right to suffrage, should be based on children's being affected by public policy and that if qualifications were put on these rights, in effect making them privileges, the qualifications should relate to competence rather than age. Both scholars cite numerous instances in

which children were placed in trying situations yet reacted just as adeptly, and often

times more so, than many adults would in the same situation.  Cummings notes that

adults are less politically active than they would be if their voices had counted earlier in

life.  If youths were able to vote, on some issues, such as poverty and environmental

protection, they would bring a more progressive voice to politics, although to a significant

degree children come to reflect the views of their parents, whether liberal or

conservative. (Cummings 154).  Cummings notes that most often, children are politically

excluded based on unexamined *adultist* assumptions (Cummings 200).

Like Cummings and Holt, in his work "An Immodest Proposal: Let's Give Children

the Vote," Paul E. Peterson also supports child suffrage.  He compares the elderly

population in the U.S. with the child one, noting that both depend on government

programs and have claims on public resources, yet of the two, only the elderly can vote

(Peterson 19).  Children in the U.S. experience unequal treatment, evident in the

disparity in the social policies between the two groups, including that benefits are labeled

"entitlements" for the elderly, that many benefits are dispensed in cash for them, and that

many child benefits are not designed to increase with inflation, while they are for the

elderly (Peterson 21).  Peterson states that due to these age-based discriminatory

governmental policies, poverty in the mid 1980s amongst the elderly was declining, while

it was climbing amongst the youth, with the country's child poverty rate at 20%, yet in

other Western industrialized countries like Germany and Australia, it was at 7.4%

(Peterson 19).

Ultimately, Peterson deduces that these populations are both vulnerable and depend on the government, but the elderly get roughly ten times the public benefits as children because they are an organized voice that can legally vote. Peterson, Holt, and Cummings all state that children should not be denied the right to self-determination based on a factor they have no control over--their age—which is a poor proxy for political competence and no protection at all from being harmed by public policy. In fact, when Farson was writing *Birthrights* in 1974, he estimated that about 80 million children in the U.S. were disenfranchised simply due to their age (Farson 179), this national number growing to well over a billion worldwide by 2013.

In his essay "Children's Participation: From Tokenism to Citizenship," Roger Hart supports child suffrage and empowerment, stating that children need "prior exposure" to vital social and civic skill building activities and responsibilities (Hart 5-6). He defines participation as a process of sharing decisions that affect one's own life and community (Hart 5). Without the child's having a legitimate voice in their family, let alone society, the child has no way to affect his or her surroundings. Hart notes the societal inconsistency in the Unites States, where children are expected to remain obedient and non-opinionated, but once they turn eighteen, they then must suddenly become "responsible" and understand the rules of engagement for a society they were never allowed or encouraged to participate in (Hart 7). In order to practice citizenship, children must engage in collaborative activities that bring people with multiple levels of experience together, with the child starting early in learning civic participation since it is a complex process, composed of multiple levels, which Hart calls the "ladder of

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participation". The Ladder distinguishes the diverse levels of child participation present in civic projects, with the negative instances of participation, involving *manipulation of the child,* located at the bottom and the more positive, *project initiated by the child*, located at the top (Hart 9).

Hart describes Holt's and Farson's "unrealistic expectations of children" as a form Western romanticism, himself assuming the innocence of childhood that entails the child's staying in a phase of dependence and helplessness, engaged in spontaneous play and learning to grow at an appropriate, individualized rate (Hart 20). However, an age of innocence is not an option for most children in non-industrialized countries, where children begin working as early as age four in order to contribute economically to their families (Hart 21). This need to work is especially felt by street children/workers (Hart 24). Hart notes that countries such as Brazil and the Philippines have customarily experienced high levels of child poverty and homelessness, yet they both have made gains in child-initiated projects and child-centered conferences (Hart 25- 30).

However, Hart notes that for the majority of children in developing countries, it is difficult for them to initiate projects if they are struggling for their own survival. The diverse environments children are exposed to affects their future participation heavily, including their child's family environment, exhibiting varying child-rearing patterns, as well as the children's physical environment, such as communal tree houses or gardens, which are easily visible and accessible and can inspire community spirit (Hart 30-36). Ultimately Hart concludes that depending on the environments children are regularly exposed to, and through the child's genuine participation in projects that include

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solutions to real problems, young people can practice and develop critical reflection and self-determination skills necessary for progressive civic engagement (Hart 36).

In "A Handbook on Child Participation in Parliament", the conversation on child participation is continued. UNICEF and the Inter-Parliamentary Union came together to create this handbook on how to ensure the child's participation. It reflects the voices of even the most marginalized (p. 3). The Handbook recognizes that children have much to contribute on many social matters that they are never consulted on (p. 11-13). The *Handbook* states that if Parliaments were to consistently integrate children's voices, democracy would become more widely representative. It also mentions the lowest rung in the child participation Ladder, stating that in order for this manipulation to be avoided, measures have to be set that encourage the participation of children in accordance with their age and maturity (p. 17).

Parliaments are key examples of Hart's highest rung of the Ladder, representing primarily civic education tools that include accountability and interaction with adult parliamentarians (p. 22). Child participation in Parliament is a direct representation of children embodying autonomy in decision-making, expressed directly in the CRC. As an option to these formal meetings between parliamentarians and children, children can also attend casual gatherings known as national and subnational consultations-- successful consultations having been executed in Peru, Honduras, and China (p. 35). Brazil, again, is recognized as an increasingly progressive country in integrating children into politics (p. 23). The Handbook lastly notes Parliament's positive impact on child participation through its collaboration with other vital, civil society groups such as NGOs,

youth clubs, and UNICEF--this partnership even being institutionalized in some countries (p. 43). Ultimately, any forms of civic education and political engagement will expose children to how government and society as a whole function.

*Review of the CRC*

The CRC is an international agreement made by willing countries wishing to respect the rights of children and to extend more rights to them in an age-appropriate way. The Convention is progressive because it portrays children in a light as right bearers rather than immature "not yets" (Howe 1069). In their work *Children's Rights in the United States*, Nancy Walker, Catherine Brooks, and Lawrence Wrightsman express their support for the CRC, especially its implementation in the United States. They note the need for a set of cohesive child and youth policies by exposing the inconsistencies and contradictions of past Supreme Court case rulings on children's policy and rights. The authors note that although the U.S. talks as though it supported human rights, it has not supported many major human rights treaties, for a multitude of reasons. States have their own autonomy, especially in legislative domestic issues, and ratifying the CRC would pose a hindrance to this discretion (Walker 36). It is also difficult for the U.S. to pass a document that grants rights to children that some states within the U.S. have yet to agree on, such as the fundamental right to education. The authors propose that the U.S. require reservations be placed in treaties rather than the U.S.'s refusing to pass them altogether (Walker 39). They also touch on the misconceptions many in the U.S. have that the document completely undermines parental authority (Walker 37).

Because of the Convention's cohesive compilation of rights for children, the document possesses moral authority for child advocates (Walker 14), and if ratified in the U.S., it would provide clear guidelines for all levels of government to follow (Walker 38). Walker, Brooks, and Wrightsman lastly note that ratifying the CRC signifies a country's serious attempt at improving the condition of children since the government then becomes obligated to work towards designated goals rather than merely approving abstract rights and benefits (Walker 30).

In the work *Creating a World Fit for Children*, edited by Catherine Rutgers, there is also an investigation on the CRC and what it can potentially provide for U.S. children. Rutgers states that international documents on children's rights have dated back to the 1920s, but these were mainly of the custodial type in which children were the objects of concern, not right-bearers (Rutgers 26). Rutgers touches on the cultural component of the CRC, countering the claims that the document was based on Western ethnocentric views, arguing rather that the provisions in CRC are "inalienable, indivisible and reinforcing," for all children (Rutgers 27), meaning every child should be protected in exercising these rights no matter what their culture dictates.

Rutgers also notes that a country's culture and its subsequent societal attitudes inherently affect how the content and spirit of legislation are interpreted (Rutgers 28). "This means that the attitude towards legislation international as well as national, can change and the impact of new legislation can vary from time to time" (Rutgers 28). Although ratifying countries of the CRC vary greatly, each must still find a way to implement the document in the most culturally sound way (Rutgers 40). Children in

every country need to gradually learn, girls and boys alike, by sharing responsibility in the family and eventually, in society, and for this growth to occur, children must be intrinsically valued (Rutgers 30). Amnesty International USA describes children's rights as an investment in the future (Rutgers 33), and the world's future alike.

These experts on children's rights all deduce that children play intrinsic roles in society and humanity, since they each have unique experiences and opinions. Many are even more competent beings than many adults, and do not live in ideal situations or families, thus they deserve protections and ultimately more of a voice in their own lives, including the opportunity to vote in accordance with their capabilities and understanding. The right to vote is not logically something one automatically earns with years, but it should be extended to populations that can truly benefit from it. Children are some of the most oppressed people in the world, with the current globalizing economic structure only creating further distance between the oppressed and the non-oppressed. As recently as medieval times, there was no stratification between the adult and the child since both contributed to the economics of the family. Many experts believe that where genuine investment in the CRC has occurred, it has brought about positive outcomes for children, including the respect for their essential rights, since it is an initiative that sets positive goals for children and families. But as Canada, Brazil, and Kenya illustrate, the government and society must be willing and able to respect children to more fully implement any child policy.

**CHAPTER III**

**THE CASE OF EL SALVADOR**

*Social Factors in El Salvador*

Although Costa Rica and El Salvador share certain social conditions such as being Latin, predominantly Catholic, and Spanish speaking, the two countries have experienced distinctive historical events that have affected their mindsets adversely and have subsequently contrasting effects on the children of each country.  Therefore, it takes more than investigating whether a country has ratified the Convention on the Rights of the Child or any policy to understand whether its leaders and citizens want and actively try to genuinely respect and implement the Convention's concepts.  As with all countries, the historical and societal circumstances of Costa Rica and El Salvador shape their unique cultures, both for better and for worse.  El Salvador's mentality is still scarred by its historical circumstances, its brutal civil war having been the largest and most devastating event that has occurred.  The war has led to social phenomena of poverty and the undermining of nuclear families, in turn limiting the opportunities offered to children through the family or society.  The war was fought between the government and guerrilla fighters from about 1979 to 1992, with guerrilla forces representing the poor and downtrodden rising up against the repressive state.  Many who volunteered in the war were children, most joining to provide for their family.  There was an extreme level of paranoia within the forces; if participants displayed any emotion or sign of individuality, especially children, their leaders would automatically label them as subversives (Dickson-Gomez 350).  Thus former child combatants were left to grow up with an

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underdeveloped sense of trust, a lack of a genuine connections to others, and resentment for having to take on an adult role at such a young age. Prolonged exposure to violence in multiple-day battles ultimately affected all involved. Unlike short exposure, prolonged exposure can change a personality completely as violence becomes normalized (Dickson-Gomez 350).

Much of the country's current violence stems from the fact that those traumatized by the war continue to follow a cold and brutal path of inflicting violence, dubbed by scholars as the "way of the gun". This path of violence is encouraged by the availability of firearms left over from the war. Most of this violence is being perpetrated by youth gang members (*pandilleros*)--this culture of fear being transferred from its origins in the government versus the guerrillas to the gangs of today. Thus although the war is over, the current generation of youths still follow "the way of the gun", typically learning it from the only male examples that surround them, current gang members. This environment has ignited some of the most violent conditions in the world (Dickson-Gomez 329-331), and the country's economic deprivation adds fuel to the fire. In fact, most communities state that they were more prosperous before the war (Dickson-Gomez 329-331). Thus violence and poverty have limited the advances for children that were envisioned when El Salvador ratified the CRC more than 10 years ago. Scholar Ellen Moodie comes up with possible reasoning behind this whirlwind of violence and poverty that has characterized El Salvador since its civil war. She states that male gang members could actually be considered the voice of the marginalized surplus in the country, excluded from the "neoliberal path" created in the war (Moodie 79). To these youths, finding

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danger after the war became an addiction, as this lifestyle is a way to act out against their own society (Moodie 79).

Unfortunately, the government's neoliberal priorities favor business profits and privileged elites over establishing a solid civil society supportive of all citizens.  Without a strong civil society, a country has few strong, collective networks available to assist citizens in coping with the country's problems.

*The Realities of Children in El Salvador and The Right to be Protected From Child Maltreatment*

The presentation of El Salvador's historical and political background serves as a backdrop for how effectively the government implements its official policies.  Both El Salvador and Costa Rica have passed numerous pro-child initiatives and policies in the wake of ratifying the CRC.  El Salvador has specifically passed pro-family policies, making it the community and the parents' responsibility to ensure safety and protection of the child.  In El Salvador these policies include: *Codigo de la Familia* (The Family Code), *Ley LEPINA* (The Law of Integral Protection of Childhood and Adolescence), and *Ley del Instituto Salvadoreno Para el Desarollo Integral de la Ninez y la Adolescencia* (The Law from the Salvadorian Institute for the Integral Development of Childhood and Adolescence).  Despite the positive initiatives passed, these child-welfare policies have gotten mixed reviews in the country.

The formal report *Balance Anual de los Derechos de la Ninez y Adolescencia*, El Salvador 2010 (The Annual Assessment of the Rights of Childhood and Adolescence, El Salvador 2010), put out by *Observatorio de los Derechos de la Niñez y Adolescencia*

Statistics (Observatory of the Rights of Childhood and Adolescence), contains

considerable data on the lives of children in El Salvador.  The Observatory is a

mechanism that was created to monitor public policy in the country and to propose goals

for improving the conditions of children in the country.  The Balance reveals that the

country has an alarming child-abuse problem--physical and sexual.  Although the CRC

does not explicitly ban corporal punishment in all settings, the CRC's General Comment

(GC) No. 13 expands on the Convention's ban on violence against children.  This GC

states what the Committee considers as violence, which is all forms of physical or

mental violence, injury, or abuse, negligent treatment, maltreatment, or exploitation

including sexual abuse,[11] all of which are blatantly occurring in El Salvador.

The Balance reports that in 2009 eight out of every 10 children had experienced

violence ("Balance Anual", 8), and it was confirmed by Child Protective Services that

more than 700,000 children are being abused or neglected each year, the confirmed

cases representing only a fraction of the actual cases.[12]  Also the Balance reports that in

2009, 67 percent of victims of sexual assault were youths under the age of 17 ("Balance

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[11] Refworld, *General Comment No. 13 (2011): The Right of the Child to Freedom from All Forms of Violence,* http://www.refworld.org/docid/4e6da4922.html, (accessed July 25, 2014).
[12] National Criminal Justice Reference Service, *Child Abuse*, https://www.ncjrs.gov/childabuse/, (accessed January 14, 2013).

Anual" 8).  According to statistics from the National Civil Police of El Salvador, just one

year later, in 2011, 54 percent of victims of crimes against sexual freedom were

adolescents under the age of 18 ("Observatorio de los Derechos" 8); a crime against

sexual freedom being a Spanish crime/legal term meaning an act committed against a

person's sexual choice or any sexual act promoted against a minor or disabled person

("Delitos Contra La Libertad Sexual").  Female youths aged 12-18 suffer the most from

sexual harassment, while young males suffer the most from non-sexual physical abuse

("Balance Anual" 8).

On crimes against sexual freedom, the Balance reported that between the

months of January and July of 2011, 1,256 females had been victimized, with 38 percent

of the females raped in the first half of the year being under the age of 18.  Of these

1,256 females, 58 percent of crimes against sexual freedom were committed against

girls under the age of 18 ("Violencia Sexual>Acoso Sexual").  In 2012, there were 1,190

crimes against sexual freedom reported against females, and 51 percent of these were

committed against minors 12-18 in age ("Violencia Sexual>Acoso Sexual").  In 2011, 63

pregnancies occurred in minors ages 14 and under, while there were 1,212 adolescents

ages 15 to 19 that were pregnant in the country.  These pregnancies were probably due

to the high incidence of rape, especially of the young, in the country ("Observatorio de

los Derechos" 9).  It is clear that the female youth of the country are especially targeted

and are the population most subject to the most forms of abuse.

The World Health Organization released a report estimating that about one out of

10 women in El Salvador suffers from sexual violence before the age of 19.  Again,

statistics indicate that the youngest are suffering the most in terms of abuse and maltreatment, especially among females. These recurring social problems of violence are linked and comprise a perpetual and disturbing cycle of child abuse, early child pregnancy, poor health among these young, uneducated mothers, and the unstable and often abusive environment young mothers provide for their children. Clearly the government needs to take additional steps to protect and empower these vulnerable children.

Another effective data source is the reports of the *Centros de Atencion Inicial* (Centers of Initial Attention; CAIs), all over El Salvador. CAIs are centers that were created out of recommendations made by the United Nations. They provide children with initial education before formal schooling, as well as opportunities for development in socio-effectiveness, psychomotor skills, perceptual skills, language skills, and play. These CAI statistics document the conditions of children in their care (Derechos de la Niñez y la Adolescencia 6). It is well documented that a large portion of Salvadoran children have attended these institutions at least once; therefore, these reports are reliable reflections of the overall conditions of children in the country.

CAIs are located in rural and urban settings, and attendees are, on average, four-and-a-half years old. The Balance notes that in 2010, the percentage of girls attending rural CAI centers was larger than those attending urban ones. This difference was thought to be because boys in rural areas are incorporated into the adult working world earlier, providing them with fewer opportunities to attend CAIs (Derechos de la Niñez y la Adolescencia 6). The Balance also notes that in 2010, 20 percent of the children in CAIs

suffered from some type of vulnerability such as abandonment, neglect, or physical, psychological, or mental abuse.  In these reports, girls are experiencing discrimination in the lack of health opportunities provided to them.  Most reported experiencing moderate to severe malnutrition, and many reported not being properly vaccinated.  The Balance also notes the familial circumstances of these maltreated children, reporting that 95% of children that attended were living with their mothers only; 92 percent of children reported being from poor homes; and 63 percent of these children are residing in homes with precarious sanitary situations.  Again, these reports indicate that children in unstable, poor, and single-parent, mother-headed homes are more likely to experience poor conditions and maltreatment--especially the girls.

 Hospital records can also uncover many trends in the country besides health, often pointing to patterns of injury, abuse, and social epidemics.  In 2010, El Salvador's major hospital, Ninos Benjamin Bloom, reported it had a rising number of infant-abuse cases, many of which could have been considered torture cases.  Mutilations and unwanted sexual acts were reportedly even more frequent than the year before ("Observatorio De Los Derechos" 2).  El Salvador's hospital records also reveal that the country is host to a disturbing firearms problem, with 357 minors and adolescents ages 10 to 19 being victims of gunshot wounds.

The Institute of Legal Medicine reports that in the first half of 2010 there were 799 cases (20 percent of all violent deaths occurring in all of 2010) of individuals under 18 that were murdered, the majority killed with firearms ("Balance Anual," 11).  These statistics reflect a severe violation of Article 7 of the CRC, which states that children

have an inherent right to fully develop and lead a dignified and healthy life that does not

end prematurely.

Thus children are not only being abused and injured in El Salvador at a high

rate; they are also being killed at a disturbingly high rate.  The Balance reports that in

2010, two percent of girls and young women murdered were ages 0 to 12, 44 percent

being ages 12 to 18, and 54 percent being those 18 to 25 years old ("Balance Anual",

80).  In terms of violent deaths, the 84 females who were under 18 and who died from

December to January make up 47 percent of all violent deaths occurring in 2010.  Of

these deaths, 44 percent were ages 0 to 12 and 54 percent were ages 18 to 25.

El Salvador's National Police reports that 31% of women and girls murdered in

2010 were under the age of 25.  The majority of these murders were attributed to sexual

assault accompanied by firearms, and in many instances the crimes were committed

with extreme cruelty, including the severing and abandoning of bodies in public view

("Balance Anual", 10).  Violence committed with firearms is an epidemic in El Salvador

that its government needs to address.  Access to these firearms must be closely

analyzed, especially since the Balance reveals that gun violence is occurring at even

higher rates than during the country's civil war.  Without the heavy presence of cheap

firearms on the streets and easy access to them, much of the violence that the country

faces would be alleviated.  Even more importantly, the rage-filled intentions behind the

gun use needs to be addressed.  Violence is a mind frame that many remain stuck in,

like a sand trap of negativity, and gun-use is just one more manifestation of this

mentality.  According to the child organization Toybox, the country of El Salvador,

especially when compared to Costa Rica, is the most violent country in Latin America.[13]

Thus these increased circumstances of violence specific to the country contribute heavily

to the diminished lives the children there lead.

Reports reveal that the children of El Salvador are also being exploited through

trafficking.  In fact, the country has quickly become a place of origin and destination for

the commercial sexual exploitation of minors.  According to Panama News Online, this

industry is one of the few in El Salvador that have become increasingly lucrative.  Again,

the rapid growth of disparity in the economy serves to feed this industry.  Most of the

minors in the industry are lured into it because they have hopes of financially assisting

their family.  Another population especially vulnerable to trafficking is the 20% of

immigrants forced into the trade in El Salvador (Gutman).  Many reports have

determined that the entire region of Central America is out of control in its explosive

growth of the sex industry.[14]  All resources clearly point to the fact that most Salvadorian

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[13]Toybox, *El Salvador*, http://www.toyboxcrafts.org.uk/street-children/where-we-work/el-salvador.aspx, (accessed December 22, 2013).
[14] UNODC, *Trafficking of Women and Girls within Central America*,
http://www.unodc.org/documents/toc/Reports/TOCTASouthAmerica/English
TOCTA_CACaribb_trafficking_womengirls_within_CAmerica.pdf, (accessed June 3,
2013).

children live in a very dark and dangerous world comprised of daily violence and poverty. Tens of thousands dream of immigrating to other countries that offer more opportunities.

Ultimately these multiple sources indicate that the more instability and negativity children experience in their lives, the more their rights are abused and their opportunities for empowerment through social and civic engagement are reduced (Howe 25). The reason is that when children are in survival mode, they are primarily worrying about how they will eat or keep their siblings safe, thus diminishing their ability to focus on activities other than the meeting of basic needs. In El Salvador, as elsewhere, the younger one is, the greater the abuse suffered based on increased vulnerability. Boys are provided with few educational opportunities, often due to their early integration into working life, and females are limited in other ways by maltreatment and discrimination based on their gender. Specific customs, attitudes, and beliefs limit children's opportunities in the country. Although El Salvador ratified the CRC, the country rates low in its protection of children from abuse and maltreatment.

*The Realities of Children in El Salvador and The Right to a Dignified and Healthy Life and Education*

According to multiple local and international sources reporting on El Salvador, including the country's Annual Balance, another basic necessity that Salvadorian children still must worry about is the maintenance of a healthy and fruitful life through sanitary and safe conditions ensured by the government (Articles 6, 24, and 27 of the CRC). The Balance notes that although there has been an improvement in national health coverage for children, El Salvador is still not satisfying the needs of children in

their infancy ("Balance Anual", 20).   In 2010, 42 percent of the country's entire

population was excluded from health coverage, the Balance placing blame on the

extreme fragmentation in the national healthcare system.  In fact, out of the total budget

designated for the health sector, only 25 percent was actually given, 271.4 million out of

447.81million USD ("Balance Anual", 22).  It can be said that the state's allocation of

limited funds and resources is a clear indicator of a country's priorities.

As a result of this inadequate healthcare system, there has been an alarming

incidence of minors dying within their first, precious years of life.  In fact, from the total

number of minors that died in 2010, 85 percent died in the first year of life, and 63

percent occurred within 28 days of birth.  The global infant mortality rate in 2013 was 34

per 1,000 live births.[15]  El Salvador has had a large part of this average, since in 2010,

the probability of dying under the age of five was at 17 per 1,000 live births in the

country.  By contrast, Costa Rica has had a relatively low average mortality rate of 8.6 in

2012,[16] and the U.S. has had an average rate of 6 from, at least, 2009-2013.[17]

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[15] WHO, *Global Health Observatory: Infant Mortality*,
http://www.who.int/gho/child_health/mortality/neonatal_infant_text/en/, (accessed
October 5, 2014).
[16] Trading Economics, *Mortality Rate - Infant (per 1;000 Live Births) in Costa Rica*,
http://www.tradingeconomics.com/costa-rica/mortality-rate-infant-per-1-000-live-births-
wb-data.html, (accessed October 5, 2014).

The probability of dying between the ages of 15 to 60 in El Salvador was at 281 per 1,000 for males and 128 for females.  In 2009, the cases of stillborns rose to a staggering 736 cases.   Another important local resource, the National Family Health Survey of 2008, states that the infant mortality rate was 16 per 1,000 live births in 2008, and the rate for children under the age of five was 19 per 1,000 live births ("World Health Organization: El Salvador").  Also, institutional mortality (deaths occurring in an institutional setting, namely hospitals),[18] of children under five rose from 13.05 per thousand in 2008 to 13.65 per thousand in 2009.  The Balance criticizes the low priority of public health in El Salvador ("Balance Anual", 22).

Because of El Salvador's lack of national coverage, coupled with weak medical infrastructure and a lack of educated professionals, thousands of marginalized families and children are left vulnerable to diseases and other harmful conditions ("Balance Anual", 20-21).  Children are to look at their doctors and health professionals as guiding leaders in their society whom they can depend on, but the healthcare system fails in many ways for Salvadorian children.  The incidence of chronic malnutrition, size delay,

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[17] The World bank, *Mortality Rate, Infant (per 1,000 Live Births)*, http://data.worldbank.org/indicator/SP.DYN.IMRT.IN, (accessed December 1, 2013).
[18] Emmett L. Holt and Ellen C. Babbitt, *Institutional Mortality of the New-Born: A Report on Ten Thousand Consecutive Births at the Sloane Hospital for Women, New York,* http://jama.jamanetwork.com/article.aspx?articleid=439536*,* (accessed January 1, 2014).

and anemia is extremely high for any western country, especially when compared to Costa Rica.  Children under five are highly susceptible to sicknesses of the respiratory system, diarrhea, parasites, and skin disease ("Balance Anual", 22).   The Balance also points out the disparity in the healthcare provided to urban and rural children, advising that rural coverage must be expanded substantially ("Balance Anual", 10).

Besides the weak healthcare system in the country, many preventable conditions such as malnutrition occur for lack of education, specifically reproductive.  In fact, malnutrition was the eighth-leading cause of death in El Salvador in 2009. Breastfeeding is a key part of nurturing children and protecting their health, but it is a practice occurring at a low rate in El Salvador ("Balance Anual" 22), again perhaps for lack of reproductive education and insufficient support of it by parents and other adult role models, as well as advertising campaigns by infant-formula manufacturers.

Another very prevalent disease, HIV/AIDS, could be diminished if the youth were more widely educated on reproduction and the prevention of diseases.  The frequency of HIV/AIDS cases in El Salvador is very concerning, especially of the youths affected.  In 2009, there were 16 cases of children diagnosed between ages one and 14, and 81 cases of adolescents between 15 and 19.  In 2010, the majority of newly detected cases were youths between the ages of 10 and 19, and 23% of pregnant women that die from the disease are adolescent mothers ("World Health Organization: El Salvador", 23).  Evidence suggests that younger mothers live in less healthy environments and conditions, catching deadly diseases such as HIV/AIDS at alarming rates, along with their children.  Also, younger children are exposed more to preventable

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diseases and conditions ("Desafios de Pais en el Cumplimiento de la Efectividad", 1).

Mortality continues to be one of the best indicators for monitoring trends of disease

impact on a population.[19]  Infant and child mortality rates in El Salvador are high when

compared to many countries world-wide, especially other western ones.  Out of 6.6

million children world-wide that died under the age of five in 2012,[20] Denmark's infant

mortality rate was 3 per 1,000 lives, Cuba's was 4/1,000, Malaysia was 7/1,000, and El

Salvador's was 14/1,000.[21]  The weak health-care system and a lack of education

available to young mothers perpetuate a cycle of disease, death, and lack of opportunity

for children to lead fully developed lives.  In fact, 6% of Salvadorian children will never

attend school, and only 33% of those that are old enough to attend secondary school do

so. [22]

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[19] WHO, *The European Health Report 2012*,
http://www.euro.who.int/__data/assets/pdf_file/0003/184161/The-European-Health-Report-2012,-FULL-REPORT-w-cover.pdf, (accessed January 10, 2014).
[20] WHO*, Children: Reducing Mortality*,
http://www.who.int/mediacentre/factsheets/fs178/en/, (accessed December 14, 2013).
[21] The World bank, *Mortality Rate, Infant (per 1,000 Live Births)*,
http://data.worldbank.org/indicator/SP.DYN.IMRT.IN, (accessed December 1, 2013).
[22] Stanford.edu, *What's Education Like In El Salvador,*
http://web.stanford.edu/~hakuta/www/archives/syllabi/E_CLAD/sfusd_cult_03/nancy/new/educ.html, (accessed October 20, 2014).

Despite the numerous policies enacted in El Salvador, like *Ley LEPINA*, include

the dissemination of education, awareness, and knowledge, they are clearly inadequate.

In fact, the Committee on the Rights of the Child expressed its direct concern with the

fact that *la Ley LEPINA* does not "expressly prohibited corporal punishment within the

home".[23]   The disparities between socio-economic classes in El Salvador and the

resulting lack of adequate food and nutrients and access to proper health care for the

have-nots pose a critical problem that needs to be addressed by the government.

*Social Disparities Hindering Full Development of the Child*

An overall, growing level of inequality and consequential disparity experienced by

those living in these conditions in El Salvador and Costa Rica is a related issue that

needs to be tackled by each country's government.  Disparity is especially striking

among the indigenous, the disabled, women, and children, as none of these groups is

attaining anywhere near its human potential.  The indigenous in El Salvador, especially

indigenous children, face stark discrimination and disparity in living standards that affect

their right to a dignified and healthy life--as is apparent not only in their reported living

standards but in the personal accounts given by natives (Toybox, "El Salvador").

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[23] CRIN, *El Salvador: Persistent Violations of Children's Rights*,
http://www.crin.org/en/library/publications/el-salvador-persistent-violations-childrens-rights, (accessed June 29, 2014).

According to the Committee's General Comment No. 4, adolescents that are subject to discrimination are highly vulnerable to abuse and other forms of exploitation that place them at greater risk (CRIN, "CRC General Comment on the Right to Health").

Large numbers of the indigenous are emigrating from the country at a rapid pace reflecting the lack of opportunities in their native areas (Toybox, "El Salvador"). There is also a lack of opportunity for indigenous Salvadorian and Costa Rican children to express their culture in social or educational settings since most institutions do not provide services in native languages. In El Salvador, this disparity disadvantages almost half of school-age children: out of 47,940 students that were enrolled in educational institutions in El Salvador in 2009, 22,483 of them were natives (Toybox, "El Salvador").

Ultimately, the UN Committee on the Rights of the Child has negatively concluded in its 2010 report on El Salvador on a multitude of problems, which include exploitative child labor and hazardous working conditions, the high rate of school drop-outs, the country's low minimum age of marriage, corporal punishment in all settings, the situation of child involvement with gangs known as *"maras"* and the police brutality tactics used to deal with *maras*, the discrimination against indigenous children, the high

prevalence of trafficking in children, and inadequate sexual and reproductive health

services contributing to the country's high rates of teenage pregnancies.[24]

_Children Expressing Their Disapproval: Child Participation_

How far a country has come in its development and support of youth civic

participation can speak volumes for the willingness of the country to shift its collective

mind-frame from "adults only" to both adults and children acting democratically. Child-

rights experts such as Michael Cummings, Roger Hart, and Richard Farson argue that

children voicing their concerns in public arenas and participating in civic activities can

effectively revolt against the unfair conditions forced upon them. Such youth

participation, not only in Latin America but also around the world, is documented by

scholars in the e-journal _Children, Youth and Environments_ as well as such comparative

studies as Percy-Smith and Thomas's 2010 book _A Handbook of Children and Young_

_People's Participation: Perspectives from Theory and Practice_ (London and New York:

Routledge).

This positive right of youth civic participation and the ability of children to actively

engage in the world is the highest form of expression of a citizen's rights--civic

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[24] CRIN, _El Salvador: Persistent Violations of Children's Rights_,
http://www.crin.org/en/library/publications/el-salvador-persistent-violations-childrens-
rights, (accessed June 29, 2014).

engagement being one of the key principles in the CRC.  This right is recognized in the

Convention's Article 12, which upholds the right of children to freely express their views

in all matters affecting them and also insists that children's views be given proper and

due weight in accordance with the their age and maturity.  Closely related are Article 13,

which upholds children's right to freedom of all forms of expression; Article 14, which

accords children freedom of thought, conscience, and religion; Article 15, entitling

children to freedom of association and peaceful assembly; and Article 16, which entitles

children to privacy and protection from unlawful attack or interference ("SOWC 2012",

16).  The practical implications of these universal rights are being explored in such works

as Cummings's in-progress book *Children's Voices in Politics.*

Youth civic engagement helps children in the here and now raise their self-

esteem and to improve their connection with the adult world, but it also has lasting

effects on them as citizens, such as their future participation in civil society and politics

and their development of skills in communication and cooperation.  What children are

learning now and how they are taught to voice themselves are forms of social capital that

they will, more than likely, create and contribute in the future ("La Participacion De

Ninos, Ninas Y Adolescentes," 6-7).  According to political scientist Robert Putnam,

social capital is the accumulated benefits of social organization and includes shared trust

and effective networks of communication.  When citizens organize, they are able to

come together to advance a common goal, initiating a cycle of communal progress and

cooperation.  Children need these examples of social capital to learn from so that they

may eventually invest in it themselves.  Putnam states that social networks are

disintegrating, notably in the United States, but this is the case in a multitude of other

countries as well.  As social networks disintegrate, so do our connections to others.[25]

According to the National Democratic Institute, El Salvador is coming up short in

the rate of civic engagement across the board.  The Institute conducted a survey in 2009

whose goal was to investigate citizens' democratic values, beliefs, and perceptions,

along with identifying whether people were marginalized from or had access to civic and

political engagement and the tools that create it.  What the investigation uncovered was

widespread citizen disengagement as well as resistance to increasing their engagement

(The National Democratic Institute, "Democracy Survey", 1).

The Survey reports that even when the level of education of women is controlled

for, participation and engagement levels of females in the country are surprisingly low,

especially when compared to those of men.  Only 7.9% of women engage in politics,

compared to 22.1% of men.  More broadly, only 23.7% of women are reported to have

high levels of community engagement, while men are at 39.8% (The National

Democratic Institute, "Democracy Survey", 1).  If adults cannot even muster up civic

participation themselves, then they more than likely do not care to teach or encourage

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[25] Project MUSE, *Bowling Alone: America's Declining Social Capital*,
http://muse.jhu.edu/login?auth=0&type=summary&url=/journals/journal_of_democracy/v
006/6.1putnam.html, (accessed January 1, 2014).

their children to do so, and problems such as the continued lack of deterrence from crime that infects Salvadorian society cannot be corrected (NDI, "Democracy Survey", 1). Moreover, because women are the primary socializers of children, their low rates of political participation are likely to lower their children's current and future likelihood to participate.

The NDI's survey states that young Salvadorians are becoming frustrated that they cannot be more politically involved (NDI, "Democracy Survey", 1). Institutional barriers contribute to this frustration. According to the Survey, one large barrier specific to youth is that they must bring an ID or birth certificate to vote, but it is very uncommon for youths to possess or have access to this type of documentation (NDI, "Democracy Survey", 1). Also, there are socio-physical barriers between citizens and civic engagement such as the amount of crime on the streets. Women and children do not want to leave their homes and face challenging circumstances on the streets, including violence, in some cases aimed at preventing their participation (NDI, "Democracy Survey", 1). Some suggestions given by the National Democratic Institute include citizens and their advocates' working with companies in charge of birth certificates. Also, intimate roundtables could be conducted between ministries and those facing barriers to the political process. In general, government officials need to develop a vested interest in what children have to say and need to become aware of the realities faced by those wanting to participate (NDI, "Democracy Survey", 1).

At present, youth civic participation is sparse in El Salvador, and high rates of violence, along with weak civil societies, discourage the investment of any time, energy,

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and resources by the state in citizens' increased civic engagement (Moodie 80).  Without

greater public investment in citizens' and children's civic participation, the future for an

engaged democratic citizenry in El Salvador appears bleak.

There are, however, hopeful signs of child civic engagement currently occurring

in Nicaragua, Peru, and Colombia; and they can be easily replicated in El Salvador since

these countries are Hispanic and exhibit similar cultures and practices.  There is a

national workshop for children that meets every year in Nicaragua whereby children of

different regions of the country meet with other children to share experiences with their

own communities (Hart 125).  Children at these workshops identify many areas in which

their communities need improvement; those specifically from the Managua region

deduce that their societal problems mainly stem from a lack of "community organization"

(Hart 125).  The national workshop is a tangible example of children connecting to their

peers and to the larger community to advance their common interests.

For years now in Peru, there have been multiple organizations experimenting

with methods of addressing the environmental problems of the Andes within schools.

The rigidity within the school's national curriculum would not allow for the incorporating

of environmental study with participation, so a more fluid and "sophisticated" curriculum

was influenced by these organizations that connects to the daily lives of the children

(Hart 127).  The current environmental study is centered around children participating in

their community to generate ideas on how to protect their local environment.  The

country's Ministry of Agriculture has even established the PRONOMACHS program,

whose goal is to promote environmental conservation knowledge between the children

and their parents. The program also established a 'Conservation Day' dedicated to the topic of the environment and its conservation (Hart 127). In general, children worldwide express more strongly pro-environmental views than adults (Cummings, personal communication).

In Colombia, there are schools being established where children participate in managing the school's projects. In one named *Hojas Anchas* in particular, the curriculum is integrated with the life of the community. Again, in this case, a key to these schools and their participatory nature is the flexibility in the curriculum (Hart 129). The reality of school children in this developing country does not revolve around their sitting in classrooms all day and being taught by adults; rather, children run the school's projects, going out into the community and engaging, assisting their parents in the planting of coffee (Hart 129). This curriculum is also clearly integrated with the children's and families' responsibilities; thus for these children a choice does not have to be made between going to school and assisting their families, this being one of the biggest reasons why children in most developing countries must quit school early. Specific projects at the *Hojas Anchas* school include maintaining a garden at home with their parents. Children experience equality in that the gardening jobs are tasked to all children indiscriminately without regard for age (Hart 129-130). Children also manage a recycling project and its proceeds, which include hiring and paying for an adult in the community to drive a tractor to collect non-biodegradables. By organizing and participating in this recycling project, children realize and understand that they are in control of developing a project that has direct benefits to its community, including

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generating income and reducing damage to the environment (Hart 130). The research phase of any project is the most favored by the children since it can offer their "diagnosis" of problems, allowing them to truly take ownership of them. These projects are prime examples that children can thoughtfully contribute to their environments, economies, and societies at large, and because these projects are completely child-led and children take all ownership over them, they create much longer-lasting concern from children about their environment and participating in their society. This promotes long-lasting effects over the short-lived ones of just teaching awareness that really just back adult agendas (Hart 131).

Ultimately, children in El Salvador are experiencing multiple and extreme violations of their rights, especially when we use the provisions of the CRC as benchmarks. There are astronomical rates of violence against children in the country; and they experience minimally decent to extremely poor health conditions, many contracting easily preventable diseases. These violations are attributed to the country's socio-cultural and historical circumstances that continue to profoundly affect the population, especially the children. Children's engagement in the communal and the political is meek, thus illustrating the currently poor chances for innovation and revolutionary and fundamental change in how children are viewed, whether their voices are respected, whether their right to health and decent living conditions are respected, and whether their right not to be abused or maltreated is respected.

# CHAPTER IV

# THE CASE OF COSTA RICA

*Social Factors in Costa Rica*

Costa Rica's linguistic homogeneity, its seclusion from the Spanish colonial centers of command in Mexico and the Andes, and the country's high mountains and swampy lowlands are all conditions that impeded heavy migration,[26] contributing to the development of Costa Rica's autonomous and agrarian society (U.S Department of State, "Costa Rica (01/09)").  Also, the country's lack of mineral and plantation wealth lent to the development of small-scale agriculture.  In small-scale agriculture, settings are more intimate among laborers due to close working quarters and the small number of staff; all of these conditions favored local cooperation and the organic development of a more egalitarian tradition.  Slight class distinctions did appear in Costa Rica in the 19th century when the country began to invest in bananas and coffee cultivation (U.S Department of State, "Costa Rica (01/09)").

When the Spanish arrived in Costa Rica, there was a small indigenous population, but currently only one percent exists.  The minute rate of indigenous people in the country has provided fewer opportunities for discord to develop between natives

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[26] CentralAmerica.com, *History,* http://www.centralamerica.com/cr/moon/mohistory.htm, (accessed March 24, 2014).

and non-natives.  Ten to 15 percent of the current Costa Rican population is Nicaraguan and three percent are descendants of Jamaican workers, leading many to deduce that Costa Rica's increasing crime rates are customs that these immigrants have transported to the country (U.S Department of State, "Costa Rica (01/09)").

Costa Rica's 44-day civil war in 1948 opened the door to many major historical accomplishments.  The death penalty was abolished in 1882, free, nationwide elections were initiated in 1899, and the first international court was established in 1907.  In comparison to El Salvador's civil war, Costa Rica's ended quickly, minimizing its negative impacts on society (U.S Department of State, "Costa Rica (01/09)").  Overall, egalitarianism and humanitarianism are distinctive cultural values that have prevailed in Costa Rica, largely because democracy, freedom, and voting have all been promoted through the country's multiple avenues of socialization--especially politics and education.

Costa Rica is currently headed by a small, tight-knit group of democratically elected, like-minded elites and policymakers that experience limited bipartisan conflict--especially when compared to the United States.  The most prevalent political party is the National Liberation Party (PLN), which promotes human rights.   Unlike El Salvador's government, foreign policy makers in Costa Rica work closely with non-governmental organizations; and a there is also a consistent presence of women within the foreign-policy establishment (Brysk 459), lending to the progressiveness of Costa Rican politics.

Costa Rica is home to two high-performing, graduate-level institutions that have historically promoted national interests (Brysk 457).  The University of Costa Rica (UCR) was reformed well over fifty years ago, scholastic studies being integrated with

required humanities courses called *estudios generales*. *Estudios generales* are designed to address the nation's current issues by preparing students for active civic engagement through open forums of discussion (Twombly 13). Beginning in the 1970s, however, the focus of formal schooling in Costa Rica was transferred from humanities to economic neo-liberalism, evident in Costa Rica's heightened enrollment rates in private business schools (Twombly 17). Neo-liberalism is a distinct movement away from *estudios generales* since, according to the WHO, it centers around the belief in the free-market and minimum barriers to the flow of goods.[27] Neo-liberalism teaches the separation of the economy from the government and society, whereas *los estudios generales* propose or suggest that the government and society come together to address all of the country's problems, including the economic ones. Since students no longer have to partake in humanities, many academics and leaders question the current role of public universities, since they have customarily fostered students' development of civic skills for solving the nation's problems.

In both El Salvador and Costa Rica, and all over Latin America, poverty is increasing amongst families and therefore increasing their dependence upon their

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[27] WHO*, Neo-Liberal Ideas*, http://www.who.int/trade/glossary/story067/en/,(accessed December 20, 2013).

children to provide financially.  These two Latin countries have especially felt the

decrease in a self-sustaining economy and more of a privatized and capitalistic one that

depends on and has learned to value the dollar, commodifying every aspect of society

including children and their labor.  According to the International Labor Organization

(ILO), 5.7 million children make up the labor work force in Latin America, usually in

agriculture, industry, and the informal economy (Tauson 31). Commodifying children as

a revenue source then easily objectifies them and facilitates their abuse, commonplace

in many jobs, including in prostitution.  The ILO reports that child labor perpetuates

more problems than it alleviates.  Countries with high child labor rates mean that

children are working more and being educated less, not only having a direct impact on

the lives of children, but also the long-term opportunities for the country since limiting

children's opportunities for the future means that an uneducated child will become an

uneducated adult who will continue to earn at or below a subsistence level.  Abundant

child labor in any state limits human capital so that the economy will maintain low levels

of productivity," (Tauson 32-33).  Child labor also initiates migration and the breakdown

of the family since the child has to travel and is gone long hours for work; thus many

households experience an increased level of violence as a result (Tauson 32).

*The Realities of Children in Costa Rica-The Right to be Protected From Maltreatment*

Although the abuse of children's rights in Costa Rica is increasing, when the

country is compared to El Salvador, it has still provided overwhelmingly safer and more

positive environments for its children and for the entire population.  In fact, Costa Rica is

ranked the13th best place to raise a child out of 80 countries investigated.  Panama is

the 24th best place, El Salvador is 37th, Nicaragua is 49th, Belize is 52nd, Honduras is

60th and Guatemala is 69th.  Panama is ranked a better place to raise children than the

United States, and Northern European countries such as Norway, Iceland, and Sweden

ranked in the top 10.[28]

Similar to El Salvador, Costa Rica has ratified a multitude of pro-child policies,

one of the most significant being the National Policy for Children and Adolescents 2009-

2021 (NPCA).  The Policy is a long-term plan of improvement for the interactions

between the country's institutions and its children, establishing a permanent dialogue

between diverse governmental administrations and civil society.  What Costa Rica,

unfortunately, also shares in common with El Salvador is that although the country has

passed many positive child policies, it still faces troubling rates of child abuse--especially

physical and sexual abuse and trafficking.

In 2011, the Costa Rican newspaper Tico Times (Tico is the nickname for Costa

Ricans) ran an article on the abuse of Costa Rican children, analyzing the country's

hospital reports.  As with all other countries, local Costa Rican hospital records are

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[28] TicoTimes*, Costa Rica Is Region's Best Country to Raise Children*,
http://www.ticotimes.net/Current-Edition/News-Briefs/Costa-Rica-is-region-s-best-
country-to-raise-children-study-saysWednesday-May-09-2012, (accessed May 29,
2012).

accurate sources of what children are experiencing because hospitals treat the injured. From 2007 to 2010, the National Children's Hospital in Costa Rica saw a 600% spike in the number of abuse cases it treated, and in 2012 there was a minor decline in cases (Romanish). The article concludes that child abuse is a continual problem in Costa Rica. One particularly striking quote within the article was made by the World Health Organization (WHO): "Child abuse in Costa Rica has reached epidemic proportions"(Romanish). An epidemic is defined by the WHO as a health condition that affects 10 out of every 100,000 habitants, and in Costa Rica 1,000 children are affected by abuse every year (Romanish).

The country's judicial records note that in 2009, there were 691 reported cases of sexual abuse of a minor, and 16 cases of attempted abuse. 51% of these sexual-abuse cases were substantiated convictions, and 10% of these substantiated cases involved an adult having sex with a minor. 48% of these cases involving adult sex with a minor included the exchange of payment, and eight percent involved corruption of a minor (UNHCR, "2010 Country Reports on Human Rights Practices - Costa Rica"). Corruption of a minor is "the offense of engaging in sexual intercourse or other sexual activity with a person who is under the age of consent or another age set by statute, especially if there

is a considerable age difference (usually four years or more) between the offender and the victim".[29]

In 2009, the National Institute for Children in Costa Rica, an autonomous organization that oversees the implementation of governmental programs for children (UNHCR, "Costa Rica Human Rights Report - NCBuy Country Reference"), assisted in 3,330 cases of physical abuse, 769 cases of interfamily sexual abuse, and 537 cases of extra-familial abuse (UNHCR, "2010 Country Reports on Human Rights Practices - Costa Rica").  In Costa Rica, as in El Salvador, trafficking of minors is heavily increasing--alongside the growth in tourism and social disparity.  As families become impoverished, children are lured into the sex industry with promises of a good job.  There are approximately 8,000 homeless children in Costa Rica, all having a high probability of falling into the trafficking trade.[30]  The International Criminal Police Organization (INTERPOL), the world's largest international police organization, with 190 member countries ("Overview"), states that Costa Rica is experiencing swiftly inclining rates of child prostitution, rivaling Thailand and the Philippines as the world's leading sex tourism

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[29] YourDictionary, *Corruption of a Minor - Legal Definition,* http://www.yourdictionary.com/corruption-of-a-minor, (accessed November 23, 2013).
[30] Country Information: Costa Rica. Rep. N.p.,n.d. Web. 2 Sept. 2012. <http://www.child-hood.com/index.php?id=713>.

destination (Gutman).  It must be mentioned that in these countries experiencing child

sex-trafficking, it is globalizing policies and the effects of capitalism that are the focus of

investment and play a monumental part in how even children are pulled into

commodification, used, purchased, and even kidnapped for the most sought after

commodity--sex.

Before El Salvador or Costa Rica can move forward in providing children with all

of their due positive rights and avenues for empowerment, each country's society and

leaders must all evaluate what they have in common with each other that perpetuates

the overall abuse of their children.  Both countries possess a Latino mentality that is

characterized by treating children as "possessions" of their parents until they are married

off and start their own family.[31]  This Latino mentality is manifested in Costa Rica's

treatment of child-abuse cases, abuse of a minor being punishable as a misdemeanor

("2010 Country Reports on Human Rights Practices - Costa Rica").  Making the abuse of

a child a light misdemeanor does not deter the crime; rather it perpetuates a sense of

impunity among many adults in their treatment of children (Romanish).

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[31] Center for Advanced Studies in Child Welfare, *Latino Cultural Guide,*
http://cascw.umn.edu/wp-content/uploads/2014/02/CulturalGuide-Latino.pdf, (accessed
March 24, 2014).

*The Realities of Children in Costa Rica-The Right to a Dignified and Healthy Life and*

*Education*

Unlike El Salvador, Costa Rica has had great success in the provision of health-care coverage for its citizens.  In turn the country has experienced a reduction in many diseases.   The country's impressive levels of health-care administration, the availability of health-care facilities, and the government's high level of investment in education all contribute to the reduction in diseases and to the overall high-quality health of Costa Ricans.  According to UNICEF, the more educated children are, the more likely they are to make safe and conscientious decisions;[32] thus the majority of Costa Ricans are making conscientious decisions since the country's primary schooling rate was at 99 percent in 2007 (WHO, "Country Cooperation Strategy at a Glance").  Costa Rica has a higher life expectancy than its neighboring countries, 81.7 years for women and 76.8 for men ("Politica Nacional Para La Ninez Y La Adolescencia Costa Rica 2009-2021" 43).  In 2007 access to safe drinking water in Costa Rica was at 94%, and access to excreta-disposal services was at 90%.

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[32] UNICEF, *Sustainable Development Starts and Ends with Safe, Healthy, and Well-Educated Children*,
http://www.unicef.org/socialpolicy/files/Sustainable_Development_post_2015.pdf
(accessed December 22, 2013).

Statistics also indicate that there remain some obstacles in ensuring full protection and guaranteed positive rights to the million and a half children of the country ("Politica Nacional Para La Ninez Y La Adolescencia Costa Rica 2009-2021" 43).  La Politica Nacional states that Costa Rica has been confronting difficulties in maintaining its rhythm of social progress, one facet of this problem being the progressive loss of healthcare coverage (HC), with increased age ("Politica Nacional Para La Ninez Y La Adolescencia Costa Rica 2009-2021" 44).  In 2006, 89 percent of Costa Rican children under the age of one had healthcare coverage, those between ages one and six experienced a decrease in coverage by 56.1 percent, and only 31.9 percent of teenagers had coverage ("Politica Nacional Para La Ninez Y La Adolescencia Costa Rica 2009-2021" 44).  Thus the older children are in Costa Rica, the more vulnerable they become to preventable diseases since they are less likely to be seen by medical staff or afford medicine, because of a lack of coverage ("Politica Nacional Para La Ninez Y La Adolescencia Costa Rica 2009-2021" 44).  This decline in healthcare access is swiftly progressing in Costa Rica along with the abuse and sexual exploitation of children.

The decrease of access to HC in Costa Rica has been internationally recognized, with the WHO publishing the "Country Cooperation Strategy at a Glance" on Costa Rica. The publication notes that although diseases such as malaria have declined, tuberculosis, HIV/AIDS, and breast and lung cancer are on the rise ("Country Cooperation Strategy at a Glance").  El Salvador, on the other hand, has been making small strides in healthcare.  From 1991 to 2007, El Salvador's child mortality rate under the age of five declined from 52 cases to 19, and it was estimated that there will be an

even smaller percentage of youth mortalities in 2015 ("Desafios de Pais en el Cumplimiento de la Efectividad" 3).

Another challenge Costa Rica faces is increasing levels of poverty. The country's 2000 census noted a substantial increase in the number of women-headed families, representing 23% of the population. Many scholars have linked women-headed families to poverty, dubbing this social correlation the "feminization of poverty". According to researcher Sylvia Chant, Costa Rica is one country, out of more than a hundred others, where feminization of poverty is occurring. Poverty levels are climbing, with one fifth of the population falling below the poverty line since the early to mid 1990s (Chant 19). Prenatal health in Costa Rica has also recently been lagging, as had been the case for a number of years already in El Salvador.

Because Costa Ricans decide to make deep moral investments in humanity, education, and health, the country has generally provided a positive environment for children whereby diseases and unsanitary conditions are greatly diminished. The decision to make these moral investments is a cultural component of Costa Rica that El Salvador is lacking. However, the two countries also hold similar cultural components that hinder the progress of children. The younger a mother is in either country, the more likely she is to be uneducated, the more susceptible she is to a poor lifestyle and in turn poor health, and the fewer opportunities she is able to provide for her children. While essential health indicators may be improving painstakingly slowly in El Salvador, they are progressively worsening in Costa Rica.

Like in El Salvador, as poverty rises in Costa Rica, so do levels of inequality.  In

turn there are sectors of the population that have experienced discriminatory inequality,

such as the indigenous.  According to a 2007 UNICEF report, mortality rates among

indigenous Costa Rican children are "alarming", with some of these communities

experiencing deaths within the twentieth percentile.  Minors make up almost half of the

indigenous population in the country and are therefore exposed to preventable diseases

and medical complications caused by a lack of access to healthcare services.  An author

of the 2007 UNICEF report, Carlos Van der Laat, cited one of the main causes of the

lack of healthy conditions for the indigenous as the fact that the healthcare system in

Costa Rica is not adapting to the needs of the indigenous, especially since few health

services are provided in native languages.  Paolo Najera, an adolescent in Costa Rica's

native _Terraba_ tribe, attests to Van der Laat's quote, informing UNICEF of the teasing he

and his siblings experience in school because they are natives and of the lack of schools

and hospitals near his community  ("SWC 2011", 11).

The State of the World's Children 2011 (SWC) suggests that El Salvador and

Costa Rica's governments need to initiate more inter-cultural projects.  SWC also

suggests that the mind-frame in both Latin cultures that "the indigenous are not

important and all they do is make society fail," ("SWC 2011", 11) needs to be dismantled

in a culturally sensitive manner.

The Committee on the Rights of the Child recognizes that since there are no

significant conflicts in Costa Rica, and since the country's army has been demobilized,

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the CRC's provision and OP on the use of children in armed conflict is irrelevant. However, the Committee does recognize that many children from other countries do travel to Costa Rica as asylum-seekers because of the conflict occurring in their own countries, these children being amongst the especially vulnerable and discriminated against in Costa Rica (Refworld, "UN Committee on the Rights of the Child"). The Committee recommends that the Costa Rican government identify as early as possible those asylum-seeking, refugee, and migrant children that enter into the country, and provide them with immediate and culturally sensitive assistance for their physical and psychological recovery, including social integration (Refworld, "UN Committee on the Rights of the Child").

*Child Engagement in Costa Rica*

With the decline of the physical conditions of children in Costa Rica, it is vital that they be able to politically express themselves so that they have a voice in their own circumstances. Overall, the country has had a strong and cohesive civil society that allows for multiple opportunities of youth civic engagement through social institutions including churches, civic clubs, and other civil-society organizations. The country's voter turn-out rate has been 86 to 94 percent since 1950 (Henrikson 1). The act of civically engaging in Costa Rica is a socially conscientious pattern of politically expressing oneself that is perpetuated through the generations, since most children accompany their parents to the voting polls. Costa Rica's high performance in civic engagement inspired the Kids Voting USA project, a youth civic project established all over the U.S., whereby children participate in mock elections and are visited by political candidates

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(Kids Voting).  The Supreme Elections Tribunal's official children's elections are hosted

in San Jose, whereby minors cast their votes via iPad.  Although their votes are not

officially being added to the binding adult vote count, the entire process mirrors adult

voting since children must show identification to cast their poll.  Results are not

publicized until after six p.m.  Children voting and the process being publicized has a

moral impact and sparks interest in engagement at an early age.[33]  The CRC does not

explicitly grant children the right to vote, as it does remain neutral on many topics and is,

many times, ambiguous[34] in order remain culturally respectful to all countries and to seek

member states' approval.  But it does contain numerous rights that boost the children's

right to voice and express themselves, and to achieve autonomy, which voting is the

ultimate expression of.  But, if a child is mature enough to wisely weigh their decisions,

why shouldn't their votes count?

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[33] Tico Times, *Costa Rica's Children Cast Symbolic Votes*,
http://www.ticotimes.net/2014/02/02/costa-ricas-children-cast-symbolic-votes,(accessed
March 21, 2014..

[34] Jonathan Todres, Mark E. Wojcik, and Cris R. Revaz, *The United Nations Convention
on the Rights of the Child: An Analysis of Treaty Provisions and Implications of U.S.
Ratification*, http://books.google.com/books?id=Hbckz9T_oAgC&pg= PA164
&lpg=PA164&dq=is+the+convention+on+the+rights+of+the+child+neutral?&source
=bl&ots= FQfxnlu2GW&sig=KnAuNZ82YF6Osk4Ooz WHONUSZ4A&hl =en&sa=X&ei=
mzLrU8iQLoyZyASu-IDICA &ved=0CG0Q6AEwCQ#v =onepage&q=is%20the%20
convention%20on%20the%20rights%20of%20the%20child%20neutral%3F&f=false
(accessed August 1, 2014).

The education sector has provided especially positive, long-term opportunities for children since civic programs are administered to youths from elementary school through college.  The University of Costa Rica is considered a meeting ground for forward thinkers where multiple civic-engagement programs are developed (Henrikson 1).  One of these programs is the *Trabajo Comunal Universitario* (the University Community Work Program), where graduate students participate in 300 hours of community work, and professors guide in-class interactive dialogues (Henrikson 1).  Medical students are required by the Mandatory Social Service for Professionals in Health ("Reglamento Servicio)" an entity that works with the Costa Rican Department of Health to enforce the social obligations of science professionals in the country to participate in service outreach within the disadvantaged areas of urban and rural communities.  Also, a policy was recently passed that makes community service mandatory in high school.[35]

The General Youth Law of 2002 safeguards children's access to services and resources, which is also contained within Article 13 of the CRC.  The *Ministerio de Cultura, Joventud y Deportes* (the Ministry of Culture, Youth, and Sports) creates and oversees youth policies and programs; and the *Consejo de la Persona Joven* (the

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[35] Innovations in Civic Participation, *Costa Rica,* http://www.icicp.org/resource-library/icp-publications/global-youth-service-database/americas/central-america/costa-rica/, (accessed February 11, 2014).

National Council of Young Persons) promotes youth policies, programs, and services.  In

addition to ratifying child-protection laws, Costa Rican leaders have created laws and

ministries ensuring that young people become more socially active.  One of the youth

policies highly promoted is the Coco Voluntary Service Program, which transports youths

and young adults to Coco Island to engage in environmental-conservation service

projects.[36]  Overall, the Costa Rican government and the country's citizens have

invested substantially in the advancement of youth civic engagement, and have been

able to realize the favorable and long-ranging effects of integrating children with the

social and political affairs of the country (Brysk 460).

      Costa Rica's *Codigo de Familia* (Code of the Family), states that "the principal

right to participation implies the deconstruction of the traditional conceptions of

childhood--the child with no voice and the adult being the only one that can interpret their

needs" ("La Asamblea Legislativa De La Republica De Costa Rica 15").  Only children

can express their sentiments on topics, and therefore should be afforded direct

representation of their own opinions rather than having adult interpreters.

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[36] Innovations in Civic Participation, *Costa Rica,* http://www.icicp.org/resource-library/icp-publications/global-youth-service-database/americas/central-america/costa-rica/, (accessed February 11, 2014).

The Committee recognized the Costa Rican government in 1993 for its early

ratification of the CRC and its timely submission of initial reports, and in 2005 for the

government's efforts in establishing a protection system, training personnel working with

children, and translating key Costa Rican child policy into indigenous languages (CRIN,

"Concluding Observations").  At the same time, the Committee also reported that the

country has room for improvement, lacking oftentimes, in execution.  Some factors that

limit this improvement include budget cuts to social welfare programs because of

mounting external debt, the fact that programs created to address provisions within the

CRC are uncoordinated, and the rising trend in the discrimination and sexual abuse

against vulnerable children including girls (Refworld, "UN Committee on the Rights of the

Child").  In 2005, the Committee met for its 39th session and provided concluding

observations in response to reports submitted by Costa Rica.  Principal areas of concern

included the Costa Rican government's taking "effective measures" to ensure effective

and clear coordination among all entities dealing with children at the local and national

level; the government's properly allocating and prioritizing its budget to maximize the

resources available for children to improve its data collection on issues relating to

children; and public policy to reduce the occurrence of child abuse, neglect, child labour,

sexual exploitation, and street children (CRIN, "Concluding Observations").  The

Committee recommends that the State party continue all efforts in training programs for

all personnel working with children.  The Committee also recommended that the

government continue to pay attention to the needs of the indigenous, including the high

rate of infant mortality among them in the country.  The Committee also requested that

the Costa Rican government include more information on actions taken to protect migrant families "in irregular situations against discrimination" (CRIN, "Concluding Observations").  A point reiterated by the Committee was that the State party incorporate the prohibition of CP into legislation and to take more measures in alerting the public and promoting non-violence in the upbringing of children (CRIN, "Concluding Observations"). Another essential Committee recommendation was for the government to take more targeted measures to promote the child's right to express his or her views freely within the family context and other child institutions, also recommending that the child's view be taken into account within proceedings dealing with children; and that the government "take the necessary steps to promote awareness among children adolescents of their participatory rights in the family, at school, within other institutions and in society in general through educational programmes on the implementation of these principles, and strengthen their opportunity to participate" (CRIN, "Concluding Observations").  Thus, the intent is present within the country's government, but targeted efforts and execution are lacking with regard to fulfilling the aforementioned Committee recommendations.

*Conclusions Drawn about Both Countries*

It is Costa Rica and El Salvador's cultural distinctions that have typically accounted for their opposite treatment of children, with Costa Rica's humanistic mentality lending to more positive treatment and El Salvador's survivalist mentality lending to more negative treatment.  At the same time, both countries share Latino cultural traits that equate children with subordinates.

In both cultures, corporally punishing a child is an accepted disciplinary technique that is expected among adult peers--beating, pinching, or kicking children being very commonplace and considered unharmful.[37]  Both Salvadorian and Costa Rican societies need to recognize when cultural norms are hurtful to others, especially children. Although the UN Convention on the Rights of the Child does not explicitly ban corporal punishment, its provisions strongly imply such a ban.  Indeed, the UN Committee on the Rights of the Child has advocated a worldwide ban of all forms of corporal punishment.

One cultural distinction between Costa Rica and El Salvador is Costa Rica's advancement of a culture of human rights (Brysk 462).  Distinct from ethnic cultures, metaphysical cultures are also manifested within societies; one such example is a culture of human rights which is the acknowledgment, understanding, and tolerance of others founded on universal values and mutual respect for all cultures.[38]  The features that comprise this culture have been instilled in Costa Ricans since childhood and therefore come effortlessly to them.  This culture of human rights, on the other hand, is

[37] UNICEF, *Challenges: Child Abuse: A Painful Reality Behind Closed Doors*, http://www.cepal.org/dds/noticias/desafios/0/37890/Challenges9-cepal-unicef.pdf, (accessed September 4, 2012).
[38] United Nations Educational, Scientific and Cultural Organization, *Culture and Human Rights*, http://www.unesco.org/new/en/culture/themes/culture-and-development/the-future-we-want-the-role-of-culture/culture-and-human-rights/, (accessed December 22, 2013).

unnatural to El Salvador, so it is an enormous social task for the country to inorganically create this culture.

Costa Ricans and their government have also succeeded in developing their civil society, which El Salvador's government never properly did after its civil war (McIlwaine 660).  Advancement is not viewed by many Salvadorians as feasible since they remain mired in their memories of the violent war, which supersedes communal plans of progression.  There is also currently a lack of societal unity due to high fragmentation in ex-combat zones (McIlwaine 664).

Economically Costa Rica and El Salvador will increasingly mirror each other because of their investment in neo-liberal market practices.  Costa Rica relies heavily on foreign investment, the United States being its most important trading partner and being responsible for almost half of the country's exports, imports, and tourism, as well as two-thirds of its foreign investment (U.S Department of State, "Costa Rica (01/09)").  These economic ties between the U.S. and Costa Rica are increasing, leading many scholars to predict that Costa Rican society will shift its cultural practices to fit its American patron.  Costa Rican society is identifying less with humanitarianism by progressively backing privatization, which El Salvador has been doing since exiting its civil war. Researcher Sylvia Chant states that efforts to reduce poverty in Costa Rica have stagnated and that the country's recent economic growth has not translated into higher wages (Chant 20).  Ultimately, Salvadorian and Costa Rican governments are focusing more on globalizing policies that are centered around the free-market rather than

focusing on welfare policies, and in turn societal inequality is mounting in both countries, a trend that disproportionately harms children.

Emigration has also affected the strength of Salvadorian civil society, although the emigration rate is lower now than in previous years.  The mass exodus of thousands of Salvadorians from the country has substantially interrupted social networks and has also played a part in stymieing communal reconstruction plans (McIlwaine 662).  The extreme and consistent violence in El Salvador also hinders efforts to strengthen society. There are thousands of weapons that were kept in circulation after the war, and the majority are currently in the hands of gang members.  Just as the primal concern of starving children is sustenance over being politically active, El Salvador's primary focus is citizens' safety over societal development (McIlwaine 663).

Ultimately, my research data conclude that the condition of children in El Salvador, as a whole, is poor, and this is especially evident when we use provisions and OPs from the CRC as benchmarks.  The Salvadorian government and community's lack of progress in all of the investigated CRC provisions, as well as the country's lengthy list of admonishments and multiple times being admonished throughout the years by the Committee on the Rights of the Child indicate a lack of priority placed on children's rights and empowerment in addition to the country's lack of resources.  The country's governments need to cohesively and genuinely invest in and execute all the protocols and OPs of the CRC including their spirit.  The most concerning fact is that civic engagement is not promoted; therefore, there are fewer opportunities for youth to learn about and express citizenship.  When children engage in civic duties and activities, they

are exposed early in their lives to more productive outlets for anger rather than violence. Costa Rica, on the other hand, has historically excelled in all of the CRC provisions investigated, but negative trends such as child abuse and the decline in healthcare coverage with age are recently developing. However, civic engagement in Costa Rica is very strong, providing an arena for the country's historical mores to be transmitted to future generations.

Although the CRC was ratified by both El Salvador and Costa Rica, what has determined each country's treatment of children is their divergent historical/social conditions that have shaped their views on children. The CRC has been the impetus of many positive actions in both countries, such as the passing of the NPCA in Costa Rica, and the establishment of the *Observatorio de los Derechos de la Niñez y Adolescencia* in El Salvador. But documents alone cannot transform views and attitudes that countries have cultivated for decades.

**CHAPTER V**

**COMPARISON OF EL SALVADOR AND COSTA RICA WITH THE UNITED STATES**

*The Child Welfare System*

U.S. citizens follow each of their residing state's individual policies on children's rights and protections--state policies typically being guided by the Child Welfare System (CWS). The CWS is a group of services whose mission is to provide child well-being by ensuring children's safety and stability by empowering families to successfully care for their children (Child Welfare, "How the Child Welfare System Works" 1-2). States are mainly tasked with enforcing the CWS, but the federal government lends support by funding and proposing some legislative initiatives. In fact, the federal government created the Children's Bureau, which acts as a liaison to states and assists their governments with implementing federal initiatives (Child Welfare, "How the Child Welfare System Works" 1-2).

One can assume that the majority of the United States' leaders and government have found its current child welfare system to be adequate for protecting children since the nation has yet to ratify the CRC. Yet, the country's government has found it sufficiently important to ratify the first two OPs. By investigating the abuse rates and health conditions of U.S. children, one can better deduce whether the CWS sufficiently protects them. Beyond just protecting children, child empowerment is not touched upon by the CWS; so youth civic engagement rates in the U.S. will also be analyzed to verify the status of child empowerment in the country through its current social avenues.

The majority of the world's governments have seen the value in the CRC since almost every country involved in it has ratified it except for the United States and Somalia--Somalia having no functioning government. The Convention is a comprehensive policy on children whose topics range from rights and protections to avenues for empowerment; and if ratified by the United States, it could provide uniform and visionary child policy that should trump individual state policy. However, as case studies El Salvador and Costa Rica clearly demonstrate, mere ratification of the Convention does not mean that the ratifying country will in fact enforce its provisions. To better comprehend how U.S. culture and child policy have been shaped, including the government's decision not to ratify the CRC, the country's historic and social variables will be examined.

*Social Factors in The United States*

The U.S. has an extensive history in developing child welfare policies that date back to the 1800s. During this time there was exponential growth in the public working sector due to the Industrial Revolution, combined with hundreds of foreign families immigrating into the country; thus U.S. cities experienced an increase in poverty because of their rapid and huge growth (Murray 1). Because of these conditions, there was a sharp increase in the number of street children in the country.

Charitable organizations began to build the country's first orphanages, and the Social Security Act of 1935 was one of the first nationwide initiatives to authorize federal grants for child welfare services (Murray 1). Also, the federal government passed the Child Abuse Prevention and Treatment Act (CAPTA) in 1974, which enables states to

receive federal funding if they provide "prevention, assessment, investigation, prosecution, and treatment activities to children" (Child Welfare, "How the Child Welfare System Works" 4). CAPTA also supports research and data collection by the states, and reports of abuse are encouraged to be submitted to Child Protective Services (CPS). Those who submit child-abuse reports are usually mandatory reporters (those required by the state to report abusive activity) like teachers or counselors. Reports are then screened by CPS to determine their legitimacy as well as whether CPS needs to investigate them (Child Welfare, "How the Child Welfare System Works" 4). To CPS, a home is considered a low risk for child abuse when a reported case cannot be substantiated, if it was a one-time incident, if the child is considered safe, or if low risk for future incident is determined (Child Welfare, "How the Child Welfare System Works"5)-- all of these conditions being subject to the subjective interpretation of each case worker. When a home is considered moderate and even high risk, each family is offered community-based or in-home services meant to adjust parental behavior (Child Welfare, "How the Child Welfare System Works"5).

Even in the most severe cases, in which children are extracted from their homes, the majority are returned to them, whether those families underwent treatment or not. In 2010 in the United States, 128,913 children that resided in foster care left these homes and institutes; of these children, 51 percent were returned to their parents or primary caregivers, residing in foster care for an average of only 13.5 months (Child Welfare, "How the Child Welfare System Works" 5-6). When extremely abusive homes are being offered treatment at best, perhaps the validity of the current child-protection system of

the U.S. warrants investigation.  This will be done in the following section by first examining the levels of abuse and maltreatment among the children of the country, addressed in Article 19 of the CRC.

*The Realities of Children in the United States and The Right to be Protected from Maltreatment*

Statistics substantiate that child abuse is a national problem in the United States, child abuse being prevalent in Costa Rica and El Salvador as well.  Every 41 seconds in the U.S. a child is maltreated, and every six hours a child is killed as a result of being abused or neglected.[39]  In all countries, underreporting is a concern and masks the true amount of those suffering and in need.  Nationally in 2010, approximately 216,000 children were removed from their homes because of substantiated child-abuse investigations (Child Welfare, "How the Child Welfare System Works", 6).  Of the 216,000, 130,000 children were the victims of abuse, and 86,000 were deemed "non-victims" (Child Welfare, "How the Child Welfare System Works" 6)--perhaps witnesses of violence.  This fact gives one pause in that the victimization of child abuse reaches far beyond just those directly abused.

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[39] ACLU, *Children's Rights*, http://www.aclu.org/human-rights/childrens-rights, (accessed August 4, 2012).

In 1986, 2.1 of every 1,000 children were sexually abused, and in 1993, 11% of reported cases of child abuse and neglect (330,000 cases) were sexual in nature (Finkelhor 32). Neglect is also occurring at an extremely high rate in the United States, with 47% of child-abuse cases being neglect in 1994 (Children's Bureau, "Child Maltreatment 2010" ix). Of the 686,000 reported child abuse and neglect victims in 2012, 75% suffered neglect.[40] Neglect can be the hardest form of abuse to identify since it is the actions that parents decline to take that cause damage to their children. Many parents may be ignorant or uneducated on how to properly raise a child, therefore causing actions that lead to neglect. Thus the problem of child abuse warrants more than a blanket legal judgment, based on the mitigating circumstances present in each home.

Children in the U.S. face very unequal circumstances based on where they reside. As the most populous states, California, Texas, and Florida also had the highest number of child fatalities from 2006-2010. California's child population as of 2010 was 9,435,682, its number of child fatalities rising from 140 cases in 2006 to 185 in 2008 and 2009. Florida's child population as of 2010 was 4,057,773 with the number of child

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[40] National Children's Alliance, *National Statistics on Child Abuse,* http://www.nationalchildrensalliance.org/media-room/media-kit/national-statistics-child-abuse, (accessed July 10, 2014).

fatalities rising from 140 in 2006 to 180 in 2010.  Texas, as of 2010, had a child

population of 6,895,969, and the state experienced 257 child fatalities in 2006, rising to

279 in 2009 (Children's Bureau, "Child Maltreatment 2010" 64).  Texas has had a

substantially and consistently higher rate of child fatalities per capita than most other

states since 1998.  According to the Center for Public Policy Priorities, the state's higher

child fatality rate is in part because of the compounding difficult circumstances that

families there face, including high rates of child poverty, teen births, and low child-abuse

and neglect prevention.  Child fatalities peaked in Texas in 2006 at 4/100,000, while all

other states combined possessed a rate of 1.6/100,000 (Burstain 1).  Connecticut, by

dramatic contrast with Texas, has among the lowest child-fatality rates in the country of

.48/100,000 in 2007; the state's per capita spending on child-welfare services ranking

10th in the nation.[41]

Since the United States is comprised of diverse states possessing their own sub-

cultures based on regional ambience and immigration patterns, there are higher rates of

abuse in some states than others.  For instance, since 2000, Utah's incidence of rape of

adults and children has been significantly higher than that of the overall U.S.; and a

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[41] Josh Kovner, *Child-Abuse Death Rate Among Lowest*,
http://articles.courant.com/2009-10-21/news/child-abuse-1021.art_1_child-deaths-
abuse-and-neglect-child-abuse, (accessed May 20, 2014).

majority of cases, 88.2%, are not reported to law enforcement.[42]  Statistics indicate that

Utah's uniquely high rates of child abuse is highly correlated with increased poverty and

lower education levels; with the number of families receiving Temporary Assistance for

Needy Families (TANF) increasing since at least 2009; and with 10,000 teens aged 16-

19 not being enrolled in school in 2010.[43]  Children in Tennessee experience high rates

of abuse with 30.1% of the children abused in 2010 being sexually maltreated and 2.5 %

being abused psychologically).  Statistics show that 41% of child maltreatment cases in

the state are related to drug exposure.[44]  Thus most child-abuse cases in Tennessee are

aftereffects of the state's high incidence of drug and criminal activity.  On the other hand,

Pennsylvania had the lowest substantiated child-abuse rate in the U.S in 2010 (1.3/1,000

children).[45]  Ultimately, according to the Every Child Matters Fund, child-abuse rates

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[42] Utah Department of Health, *Violence & Injury Prevention Program*,
http://health.utah.gov/vipp/, (accessed March 24, 2014).
[43] CWLA, *Utah's Children 2012,*
http://www.cwla.org/advocacy/statefactsheets/2012/utah.pdf, (accessed March 24,
2014).

[44] Tennessee Children's Advocacy Centers, *Child Abuse Statistics,* http://tncac.org/child-
abuse-information/statistics/, (accessed Mach 24, 2014).
[45] Protect PA Children, *What Is Child Abuse in Pennsylvania?*,
http://www.protectpachildren.org/files/childabuseFAQ1252012.pdf, (accessed March 24,
2014).

range substantially across the nation greatly due to the "unprecedented slashes in child protection spending in some states".[46]

A recent study conducted is the first to demonstrate that higher income inequality, which is highly correlated with ethnicity, is associated with increases in child maltreatment.  It is noted that in more equal societies, states and communities "have fewer health and social problems than less equal ones," (ScienceDaily, "Child Abuse Rises").  Recent data indicate that approximately three million children younger than 18 are abused and maltreated in all forms each year in the U.S. (ScienceDaily, "Child Abuse Rises").  Those children that experience income inequality experience not only heightened rates of abuse but also very low levels of academic achievement. Progressive rates of residential segregation have attributed to concentrations of low-income and high-income children, who thus attend separate schools with very unequal resources.  Therefore, a cycle of under-education, under-achievement, and poor living conditions is perpetuated amongst the poor in the U.S., mainly ethnic minorities (Duncan).  According to Sociology.com, the racial playing field is still not equal within the United States because of historic policies that favor Whites.  Whites are more likely to

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[46] Every Child Matters Education Fund, *Child Abuse and Neglect Deaths in America*, http://www.everychildmatters.org/storage/documents/pdf/reports/can_report_august2012 final.pdf, (accessed April 12, 2014).

have "assets built up over the generations," social networks, and family wealth whereas African Americans and Hispanics are less likely to, therefore having lower college attendance, possessing fewer managerial positions, having lower incomes, and owning fewer assets when compared to White and Asian Americans.  Whites also possess the most net worth in the country.[47]  These profound racial differences have manifested in unequal treatment and access to public goods and essential services.  Children across the U.S. should not be experiencing greatly contrasting conditions based on their state of residence or their ethnicity.  Rather, all children need to be provided the same standards of education, health, treatment, protection, and opportunities to seek empowerment and self-actualization.

The sexual exploitation of children, being the abuse of a child through sex or sexual acts for any good, including drugs, food, dwelling, money, or the sustenance of basic needs,[48] in the U.S. is also occurring at high rates in El Salvador and Costa Rica.  According to UNICEF, as of 2001, 300,000 children and adolescents are being prostituted in the U.S. every year--2,000 being in New York alone ("UNICEF: Child

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[47] Sociology.com, *Is Racial Inequality Still a Problem in the U.S.?*, http://www.sociology.com/2013/01/racial-inequality-problem-u-s/, (accessed September 12, 2014).
[48] Sexual Exploitation Toolkit, *What Is Sexual Exploitation,* http://host.jibc.ca/seytoolkit/what.htm, (accessed May 21, 2014).

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Sexual Exploitation Happens in the U.S., Too").  In 2013, one in seven child runaways

was reported to be a likely sex-trafficking victim,[49] and over 2,700 children have been

recovered from sexual exploitation since 2005 (Johnson).   As in El Salvador, Costa

Rica, and many other countries, in the United States sexual abuse that is committed

against girls is primarily done by acquaintances (Children's Bureau, "Child Maltreatment

2010" 64).  This "family tie" means that this class of abuse probably goes on longer since

signs of it are less external, and because the abuser is a trusted individual, the abuse

can go undetected for years.  Boys, on the other hand, are less likely to be sexually

abused, and if they are, it is less likely to occur within the family.  But because adults find

it hard to believe that boys experience sexual abuse, those that do suffer from it

oftentimes are not checked for it (Finkelhor 48).  They are abused more physically and

experience more fatalities from this abuse than girls (45.8/53.4 percent) ("Children's

Rights" 2).  As a result, males are more likely to act out aggressively, resulting in the

social mislabeling of these frustrated youths as violent outsiders, thus serving as a

justification for adults to abuse them (Finkelhor 47).  Also, there is little evidence to

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[49] National Center for Missing and Exploited Children, *Child Sex Trafficking*,
http://www.missingkids.com/CSTT, (accessed March 24, 2014).

support a race marker per se when it comes to abuse; ultimately the children most at risk are those that are separated from their family (Finkelhor 45; Gershoff).

David Finkelhor proposes that the recently inclining numbers of sexual abuse in the U.S. could be partially due to a heightened awareness of sexual abuse and a willingness to report it.  Unfortunately, thousands of cases go unreported, Finkelhor noting that up to 17% of women are not being properly classified as abused on reports and 60% of child-sexual-abuse cases are considered "unsubstantiated" (Finkelhor 42-45).  Also, when reports are made, they usually are the more serious ones that involve penetration.  There are a number of hindrances present in the process of child-abuse reporting and in seeking justice for the abused, starting with there being a small likelihood that a witness will be present to report the abuse or that a victim will be willing to report it.  It then becomes difficult for a caseworker to determine the truth and seriousness of the case.  One of the final obstacles lies in the justice system, since only 42% of "serious" cases are prosecuted; and of those who are convicted and receive jail time, only 19% were sentenced to longer than a year (Finkelhor 42-45).

One child-abuse issue unique to the United States is the country's exorbitant incidence of minors detained in prisons and institutions combined with their being abused while detained.  The typical U.S. prison is an extremely hostile environment, as evidenced by the fact that the majority of all inmates in California reported being sexually abused, and almost all have witnessed violence.  These are the conditions that youths are subject to once they set foot in prison, and according to the Human Rights Watch, minors are most susceptible to assault and general mistreatment upon their arrival.

Children as young as 13 in the U.S. have been sentenced to death, prohibited in Article 37 of the CRC, and 2,570 convicted for crimes committed as minors were on death row as of 2011 (Calvin 1). The U.S. is currently the only country in the world where children are serving life without parole (Calvin 1).

In over 40 states the commission of a serious crime by persons under 18 automatically makes them adults under federal law, and in some states the age limitation goes down to 10. 95% of children are sentenced to imprisonment for their first conviction.[50] This severity in the sentencing of minors contradicts adult portrayals of children as innocent and naive beings incapable of forming their own opinions. For purposes of denying minors a political voice, they are considered irresponsible, but for purposes of punishing their misbehavior, they are considered responsible.

Children's incarceration may itself absorb them into the adult justice system ("SWC 2011," 55), and because their developmental needs are not met before they are imprisoned, their dynamic personality is often devastated by the harsh and abusive

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[50] Amnesty International/Human Rights Watch, *The Rest of Their Lives: Life without Parole for Child Offenders in the United States*, http://www.amnestyusa.org/sites/default/files/pdfs/therestoftheirlives.pdf, (accessed May 27, 2012).

conditions of the prisons in which they reside (Calvin 9).  One youth describes his

experience of being incarcerated as a teenager:

> "You know what's the worst part of being young and being in prison?  It's like you
> never get to the place where other people are at.  It's like you're always looking
> for guidance, you can't trust other people, and even as you get old, you still feel
> like you are 17.  I mean sometimes I see myself in the mirror and I see that my
> body, my skin, is getting older but inside I feel like I'm still 17" (Calvin 11).

As described in the words of this young man, youths may remain fixated in whichever

developmental phase they were in when first imprisoned.  Studies have uncovered that

the dorsolateral prefrontal cortex (DPC) continues developing throughout childhood and

adolescence.  The DPC is the part of the brain that regulates impulses, weighs

decisions, and prioritizes, and once it is fully developed, youths usually grow out of their

risky behavior (Calvin 11).  Minors serving life in prison are never afforded the

opportunity to grow and learn from their negative actions.  Most cannot receive

education or training in prison because of their high-risk classification, and prisons are

not likely to "waste" their resources on those that will never be released.  So the last bit

of opportunity at self-edification in prisons, such as training and classes, is removed from

most imprisoned youths--especially those serving life.

Another infraction that occurs against youths in U.S. institutions and prisons is

abuse from the staff; which is twice as likely to occur amongst minors when compared to

the adult population in these institutions.  The placement of male staff members in

female institutions is a violation of international standards that still occurs in the U.S.

today (Calvin 17).  Most minors do not possess the necessary coping skills to live in any,

let alone all, of the negative conditions in prison; thus the incident of suicide is very high

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amongst the imprisoned youth--especially those under 25 years of age (Calvin 9). In the Costa Rican judicial system, on the other hand, children are separated from the adult population into either a juvenile institution created for males only or a separate one for juveniles that is mixed.[51]

It is very obvious that numerous child rights and protections that are addressed in the CRC are egregiously abused in current U.S. prisons and juvenile centers, and it is a social problem every bit as destructive for the youth and society as the current gang violence in El Salvador and the sex trafficking trade in Costa Rica. Whereas adults in Costa Rica and El Salvador generally have a domineering attitude towards children that hinders their path to empowerment, Americans display a contradictory attitude of, on the one hand, wanting to preserve the "innocence" of a child for a long as possible, yet on the other hand treating child offenders as adults. Both tendencies undermine key rights of children guaranteed in the Convention on the Rights of the Child.

Another social roadblock to the progression of children's rights and empowerment is the focus of many in government on the politicization of age in granting or denying children freedoms and rights based solely on their age. Although some age

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[51] Crime and Society: A Comparative Criminology Tour of the World, *World: North America: Costa Rica*, http://www-rohan.sdsu.edu/faculty/rwinslow/namerica/costa_rica.html, (accessed October 7, 2012).

restrictions can protect children in areas such as forced marriage and sexual consent,

such as a minimum age to marry or consent to sex, they can also arbitrarily limit

unusually mature, experienced, and responsible minors in a wide array of areas,

including work and political participation.  Cummings (2001, pp. 147-165) argues that

children's rights and liberties in the U.S. should not be based on their age but on their

individual merit and capacity (Cummings 147-165).  A critical concept in criminal justice,

and a general social outlook, in which the U.S. differs greatly from Nordic countries, is

the investment in reactionary measures.  In the Nordic region, free health care, decent

housing conditions, subsidies for families with children, and full employment are typically

provided by the government to prevent citizens from falling into bad mental or physical

health or "social maladjustments".[52]

*The Realities of Children in the United States and the Right to a Dignified and Healthy*
*Life and Education*

Staple child healthcare policies have been enacted in the United States.  For

instance, Medicaid, begun in 1965, is one of the Great Society programs initiated by

President Johnson to help the disadvantaged, especially children.  Medicaid stipulates

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[52] Ingrid Sahlin, *Conceptual and Functional Aspects of Prevention*,
http://www.nsfk.org/BIBLIOGRAPHY/p/show/Title/Conceptual%20and%20Functional%2
0Aspects%20of%20Prevention, (accessed April 12, 2014).

that the federal government provide payments to states for a share of the costs they

incur for services provided to Medicaid beneficiaries (Mann 32-22).  A push for the

country to broaden coverage for children initiated the State Children's Health Insurance

Program (SCHIP) in 1997, whereby low-cost coverage is provided for low-income

children who do not have access to it in the private sector (Mann 31); uninsured children

dropped by 40% as a result of this policy (SAC 2014).  Although the enactment of both

policies secured coverage for 44 million children, the State of America's Children 2011

(SAC) reported that 83 million children, at the time, still did not have health insurance

("America's Health Starts With Healthy Children: How Do States Compare?" 15).  Among

32 industrialized nations ranked, the U.S. was placed second, after Turkey, in having the

highest infant mortality rates ("SAC 2011, E2-8").  Although the Affordable Care Act

(ACA) was nationally ratified and incentivizes states to expand Medicaid eligibility to low-

income people and families, created easy access for benefits comparisons, and

penalizes those with sufficient incomes who do not purchase insurance, 25 states opted

out of Medicaid expansion leaving millions uninsured. These are Republican-dominated

states, including Kansas, the Carolinas, Louisiana, and Florida.[53]

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[53] The Henry J. Kaiser Family Foundation, *Status of State Action on the Medicaid Expansion Decision*, http://kff.org/health-reform/state-indicator/state-activity-around-

There have been disproportionate patterns of healthcare coverage all over the

U.S., including macro-level patterns between states, and micro-level patterns amongst

sectors within each state's population.  Especially compared to equally developed

countries, the U.S. is host to extremely high levels of inequality, and enrollment in

healthcare is another manifestation of this disparity.  According to the SAC 2014,

minority and lower-income children have worse access to healthcare.  Legal access to

healthcare for children does not necessarily mean that they will actually be enrolled, with

minority children being enrolled less in 2012 than White children although they were

eligible for Medicaid and SCHIP (1/7 Hispanic, 1/11 Black versus 1/15 White) ("SAC

2014", 4-30).  In 2011, more than half of children in the entire country that were without

coverage were Hispanic or Black.  Black and Hispanic children are three times more

likely than White children to be in poor health and to have unmet medical needs because

of the high cost of healthcare.  Middle-class families were also found to be less healthy

than those in higher classes,[54] and this negative association between the lower socio-

economic status (SES) of children and their health conditions reflects racial inequalities

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expanding-medicaid-under-the-affordable-care-act/, (accessed May 24, 2014).
[54] Wood Johnson Foundation: Commission to Build a Healthier America, *America's Health Starts With Healthy Children: How Do States Compare*, http://www.commissiononhealth.org/documents childrenshealth_chartbook.pdf, (accessed July 1, 2011).

as well. The inequality children experience in the U.S. is also highly visible within the education sector.  A recent data set that was released by the Department of Education reports that there is "a pattern of inequality on a number of fronts, with race as the dividing factor".[55]

One in five Native American, one in six Hispanic, and one in eight Black children were uninsured in 2011 ("SAC 2011", E2-8).  Hispanics ranked the highest, when compared to White, Black, or Asian children, in not having an established place of medical care, not having contact with a healthcare provider in more than two years, having delayed medical care due to cost, and having the highest number of unmet medical needs.  According to Ernesto Pollitt, in the 1990s the infant mortality rate among the African-American population in the U.S. was an astonishing 18.6 per 1,000 live births, greater than that for much less wealthy countries such as Chile, Colombia, Jamaica, Costa Rica, and Cuba.  Also, Black mothers were almost twice as likely as White mothers to give birth to low-weight babies ("SAC 2011", E2-8; Pollitt 283). Disparities in the health of ethnic minority children also exist in El Salvador and Costa Rica, especially the Native and Afro races of each country.

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[55] The New York Times, *School Data Finds Pattern of Inequality Along Racial Lines,* http://www.nytimes.com/2014/03/21/us/school-data-finds-pattern-of-inequality-along-racial-lines.html?_r=0, (accessed October 20, 2014).

In 2011, almost 20% of children in Texas were uninsured while only 3.2% of children in Massachusetts were uninsured.  Texas is another Republican state that has chosen not to expand Medicaid under the ACA.  Massachusetts' government passed "Romney Care" in 2006; the policy's goal is to provide all citizens in Massachusetts with access to affordable health insurance.[56]  RomneyCare is the predecessor of "Obamacare", Obamacare being a national expansion of health care signed into law in 2010.  As a result of Obamacare, or the Patient Protection and Affordable Care Act (PPACA), the uninsured rate of children has steadily declined, as 82% of young people are now qualified for either Medicaid coverage or subsidies to purchase coverage through the Health Insurance Marketplace.  Also, under ObamaCare young people are able to remain on their parents' plan until they are 26.[57]

The lagging healthcare system in the U.S. is a critical issue that the PPACA was intended to address beyond what Medicaid and SCHIP have been able to.  At the very least, the nation has taken a progressive step towards addressing the high percentage of children without coverage or access to it based on their ethnicity, socio-economic

[56] Mitt Romney Central, *RomneyCare – The Truth about Massachusetts Health Care*, http://mittromneycentral.com/resources/romneycare/, (accessed March 21, 2014).
[57] Obama Care Facts: Dispelling the Myths, *How the Affordable Care Act Affects Young Adults*, http://obamacarefacts.com/obamacare-young-adults.php, (accessed March 24, 2014).

class, and geographical location.  The strength and fairness of the United States'

healthcare system is vital to children's opportunity of leading a fully developed and

thriving life.  In fact, the SAC 2011 concludes that without adequate healthcare, children

can lag developmentally, physically, psychologically, emotionally, and academically

("SAC 2011", B-2).

Aside from poverty and a lack of comprehensive and equal healthcare coverage,

children's right to a decent and healthy life in the U.S. is also threatened, as it is in El

Salvador, by the high prevalence of gun violence in the country.  In 2007, 3,042 youth

deaths were caused by gunfire; 2,161 of these deaths were homicides and 683 were

suicides.  Boys experienced 2,288 deaths more than girls due to gunfire ("SAC 2011",

K2-3), confirming that males suffer from physical violence and involvement in aggressive

acts more than girls.  The U.S. and Salvadorian governments must work better and more

efficiently at enforcing gun control.  Violence is a social phenomenon that is deeply

pervading the Salvadorian and U.S. societies, and it is also progressively worsening in

Costa Rica.  When children step out of their home in El Salvador, they face a high

likelihood of being assaulted by gang members, caught in the middle of an assault, or

being raped; and they have an even higher likelihood of being abused, in every form, by

their parents and family members.  Costa Rican children are experiencing increasing

levels of abuse in their homes.  Children in the U.S. are also highly exposed to gang and

daily violence.  All of the countries posses unique cultural, historic, and economic

characteristics, yet their children are experiencing similar negative conditions that result

from a lack of governmental implementation in key preventative strategies, such as more

investment in education and health and greater efforts to address unequal conditions for minorities.

*Conclusions Drawn about the U.S.*

Compared with children in poorer countries such as El Salvador or Kenya, children in the U.S. have far more advantages and opportunities available to them, but in many ways they lag behind children in similarly positioned, industrialized countries like Germany or Spain.  Among ranked industrialized countries, the U.S. is second-worst in child poverty, with the largest gap between the rich and the poor of all countries ranked ("SAC 2014", 18).  U.S. children are being abused at high rates, with a child being abused every 47 seconds.  Thousands suffer from poverty and malnutrition, as 20% of children in 2012 were poor, of whom over two in five were extremely poor.  One in nine children lacked access to adequate food ("SAC 2014", 28-36).  U.S. children are also more vulnerable because of a lack of enrollment in healthcare and public support to families ("SAC 2014", 30); millions of U.S. children also lack education, or they cannot compute at grade level; and gun violence is occurring at epidemic proportions, a minor being killed or injured by gunfire every 30 minutes ("SAC 2014", 40).

TIME magazine reported in 2012 that the main reason the U.S. government does not ratify the CRC is out of fear of the United Nations being able to interfere with U.S. domestic family laws (Cohen).  The CRC is thought to undermine parents' rights by forbidding them to "spank their children" or "opt them out of sex education classes" (Cohen).  The fact is, however, that the CRC does not have the complete authority to dictate parenting techniques; it simply requires that the ratifying country publish periodic

reports on the status of its children and provide recommendations on how it plans to

improve children's conditions (Cohen). However, if ratified, the CRC's third OP would

grant children the ability to grieve directly to the CRC Committee on violations occurring

against them. The CRC is actually, in effect, more of an aspirational declaration that

guides a country towards where it should aim to be in children's rights and

empowerment and what needs to be prohibited. The governments themselves must

take the necessary steps to move as rapidly as possible toward the fulfillment of the

articles of the Convention.

Also, as a principal influence behind and drafter of the Convention (Cohen), the

U.S. should at least substantiate its commitment to children through the ratification of it.

Ratifying the CRC would challenge the U.S. to enact more comprehensive laws and

policies promoting children's rights and well-being, and would push the U.S. to diminish

the stark differences in the conditions of children from diverse racial, economic, and

geographical groups. U.S. advocates for the CRC are faced with a two-way causal

effect: (1) Legislators' attitudes need to change in order for the U.S. to ratify the

Convention; and (2) ratification will likely further change attitudes across the country in

favor of greater realization of children's rights and opportunities. The cases of Costa

Rica and El Salvador give some evidence of this reciprocal dynamic of change.

*Child Engagement in the United States*

As previously mentioned, Articles 12-17 of the CRC address children's rights to

congregate, obtain information, and to express their needs and opinions, all rights

necessary in empowering oneself, learning autonomy, and engagement leading to self

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growth and effective citizenship.  Each case study's child population has experienced glimmers of hope in the progression of these civic rights.  The U.S. is host to a substantial number of youth civic engagement initiatives.  Most children in the U.S. are exposed to youth civic engagement activities through school.  Unfortunately, many such programs whereby children can strengthen their civic engagement are being eliminated from public schools because of budget cuts.  At the same time, there is a high percentage of youths in the U.S. that volunteer (59 percent of adolescents 12 to 17 years of age in 1996) (Nicholson 66).

An investigation was done by Professor Richard Catalano and researcher Lisa Berglund which found that there were approximately 161 youth development programs in the U.S.  They studied 25 that had an effective method of evaluation (Catalano 107).  A minimum of eight of these 25 programs targeted a social-single domain, meaning they operated within a single social domain such as the community or school.  Single domains included programs such as Big Brothers/Big Sisters, Know Your Body, and Growing Healthy.  Eight of the programs studied combined two social-domains, meaning they were conducted in both family and school domains, including programs like Fast Track and Child Development Project.  Lastly, nine programs were found to be operating in three social domains (the community, school, and the family), including the Midwestern Prevention Project and the Woodrock Youth Development Project (Catalano 109-113).  All children involved in these programs reported experiencing increased self-control, assertiveness, healthy and adaptive coping skills, and improvement in areas such as school attendance, parental relations, and peer emotional support (Catalano

113).  Since children crave positive attention and have a developmental need to have their voices heard and validated, most can excel at civic engagement projects once provided with an opportunity to participate in them.

The first city-wide youth philanthropy program was conducted in Philadelphia in June 2004 and is called the Youth Voices Program, which is hosted at a university campus.  In this program, youth can express their concerns about their city and provide suggestions through workshops, neighborhood tours, and reflective periods; the mission of the program is to assist youths in seeing that they are personally connected to the governmental structure (Ferman 45).  As the program empowers children and college students to voice and act on their concerns, those that participated in the program demonstrated higher levels of leadership development, teamwork, respect for others' points of view, an ability to listen to others, improved written, oral, and technological skills, knowledge of how to use the media, promote topics of concern, and communicate with peers on similar issues, as well as how to work across communities on similar issues.  Also, those that participated in internships at the end of the program demonstrated a higher interest in pursuing higher-education opportunities.

A nationwide U.S. program, whose main social domain is at school, is Kids Voting USA.  The program is non-partisan and non-profit and was formed in 1988 by a group of businessmen from Arizona who had previously traveled to Costa Rica.  Inspired by the country's impressively high voter turn-out rate and the high presence of children accompanying voters to the polls, and even children casting mock votes in the elections ("Costa Rica's Children Cast Symbolic Votes"), the businessmen returned to Arizona and

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launched a school-based project in the suburbs of Phoenix.  The program eventually

moved statewide by 1990 and now has 4.3 million students involved in the program in

over 40 states and Washington DC.  The program is composed of over 200,000 teachers

and 50,000 volunteers in 10,600 schools and 17,000 voter precincts ("About Kids Voting

USA").  The program's curriculum involves teaching children to become knowledgeable

about and involved in politics, especially by voting, and is taught during election years so

that teachers can base their classes around media coverage of the elections.  The

program represents a distinctive approach to youth civic engagement because of its

holistic strategy of reaching out from the classroom and into society ("About Kids Voting

USA").  A report on Kids Voting USA indicates that a year after involvement in the

program its influence on children persisted because those involved in it experienced an

increase in cognition and deliberative habits and increased their partisanship and

ideology.  Also the program was especially effective for minority and low-income

students (McDevitt 1), who customarily have fewer opportunities to express themselves

than non-minority children.

There are many examples of youth civic engagement across the U.S., notably

the National Youth Rights Alliance.  Another hopeful example of children actively

engaging is described by Roger Hart in his work "Children's Participation."  Hart reports

the story of a small community in Westminster, Vermont where grade school children are

led by their teacher, Claire Oglesby.  Each year her students conduct environmental

research and present their findings as a school project.  The first step in the research

process is gathering the children into brainstorming groups, where the youngest are

separated off so that their ideas can be given "free range", not to be dominated by the

older children.   Once topics are picked, the children conduct surveys and interview their

parents and family members on their environmental topic of interest.  Hart states that it is

the school's flexible curriculum, not its resources or influence since it is an average

public school, that has allowed for interactive and free-ranging projects like Ms.

Oglesby's.  This is not the case for most standard public school classrooms, where the

curriculum is typically very structured, rigid, and does not lend itself to the free-flowing

creativity innate in children.  What has worked for the Vermont school is that the

community and class alike are very small, and Ms. Oglesby has a positive longstanding

and tenured relationship with the school (Hart 98-100).  Ultimately, the smaller the

community, the smaller the classrooms will be, and the higher the probability that the

school can flow with the needs of each child and can manage without inflexible and

uniform policies that are typical in larger schools.  It also takes very dedicated teachers

that have the time and the interest in investing time with each child in the class (Hart 98-

100).  Hart states that "in all cases the project not only succeeded in connecting the

school to the community environment but also improved the connection between parents

and the school curriculum" (Hart 102).

Although there are projects like the aforementioned environmental one in

Vermont, programs like Kids Voting and Youth Voices, and thousands of minors

volunteering annually in the U.S., scholar Barbara Ferman proposes that the United

States' civic health, as a whole, is declining.  More generally, civic health cannot be

strengthened without investment in social networks that assist citizens in uniting to

promote vital causes for young people and for everyone.  According to Robert Putnam, in recent decades there has been a decline in adult participation in social networks in the United States and a subsequent weakening of them.  This adult decline is likely to have similar effects on youth, reflecting growing isolation from and distrust of one's peers and neighbors.  The quality of governance has been shaped by longstanding traditions of civic engagement, or lack thereof ("Robert Putnam - Bowling Alone - Journal of Democracy 6:1").  Adults need to participate and teach their children how to participate more, and society, as a whole, must hold a view of democracy that is dynamic; and young people need to be mutually respected and not viewed as perpetually flawed (Ferman 47).  Many youths have been socially marginalized and in order to remedy this situation, adults need to consider them valuable and integral parts of social capital, with both community groups and the government investing in youth civic engagement.

As John Holt states, children learn positive civic lessons for the future by witnessing and participating in acts of citizen engagement.  A child in most small towns in Mexico can learn to build any basic structure because the community is tight-knit and children are able to witness their parents and adults building these simple structures.  By contrast, the skyscrapers of Mexico City are feats children cannot easily understand or replicate; because the construction process is removed from the community, children are left unable to witness and participate in its edification process (Holt).  Thus the same goes for any civic activity; children must wet their feet and learn the processes by incremental participation, ideally modeled by adults.

**CHAPTER VI**

**OTHER CASES: KENYA AND THE PHILIPPINES**

The main body of work in this paper is the comparison between Latin-American

countries, El Salvador and Costa Rica, in the conditions that they provide for their

children, as well as between their conditions and those in the United States.  This

chapter broadens the comparisons to include African and Asian cases, specifically

Kenya and the Philippines.

Kenya

Kenya is located in the horn of Africa, an area internationally recognized for its

extreme social conditions, including poverty, hunger, droughts, and a failing economy.

Despite ratifying the CRC, Kenya provides challenging and unstable conditions for its

children.  Kenya is a young democracy, escaping from colonialism in 1963.  The

country's government has ratified multiple international and domestic human-and child-

rights policies, including the International Bill of Rights, the Convention on the

Elimination of All Forms of Discrimination Against Women, the Convention Against

Torture, the Children and Young Persons Act, the Adoption Act, the Matrimonial Causes

Act, and the Guardianship of Infants Act.  Although ratified, the translations of these

policies into reality is hindered by many social factors, including customary practices and

the existing legal framework, as well as a range of difficulties in enforcing international

treaties domestically.  Many local governmental agencies such as courts fail to enforce

international policies that conflict with the national constitution.

There are multiple cultural components in Kenya that hinder full advancement in children's rights and considerably limit children's positive right to civicly engage and empower themselves.  The country has a paternalistic culture in which children, especially girls, are thought to be inferior to adults, thus perpetuating their abuse.  In fact, the country is experiencing substantial child-abuse rates, especially sexual; with the average age of children abused being 10, and 20% of the abused being five years old or younger.  71.5% of these child-abuse cases were perpetrated by acquaintances, incest being a cross-cultural trend in all countries investigated.  Cases of incest were highest among one-to-five year olds.[58]  In 2010, 32% of females and 18% of males in Kenya reported experiencing sexual violence before the age of 18; 66% of females and 73% of males experienced physical violence; and 26% of females and 32% of males had experiences of general violence as a child ("Violence Against Children in Kenya").  A type of abuse common to many African countries, including Kenya, is Female Genital Mutilation (FGM), which is thought to be associated with slavery (Orchid Project, "Female Genital Cutting Is Ending").  According to the Orchid Project, the elimination of FGM is more achievable within the current generation than in past ones; foot binding in

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[58] H. Saidi, P. Odula, and K. Awori, *Child Maltreatment at a Violence Recovery Centre in Kenya*, http://www.ncbi.nlm.nih.gov/pubmed/18453494, (accessed June 3 2012).

China also ending within a single generation (Orchid Project, "Female Genital Cutting is Ending"). Although 125 million women and children are currently living with the effects of FGM, entire communities are experiencing cultural shifts and realizing that this practice violates, in the most intimate way, the basic rights of the person undergoing FGM (Orchid Project, "Female Genital Cutting is Ending"). According to a UNICEF report, Kenya has made substantial strides in establishing mechanisms to protect children from violence (UNICEF, "Violence Against Children in Kenya"), perhaps as a result of ratification of the CRC, including other welfare policies. However, findings reveal the need to enhance the implementation of these mechanisms (UNICEF, "Violence Against Children in Kenya"). According to the BBC News, the rise in overall child abuse in Kenya has been linked to the country's collapsing economy, which perpetuates poverty and desperation country-wide. Most individuals live on less than a dollar a day and the cost of food has been rising. Neo-liberals would say that the government should not interfere with this trend, as the market will adjust on its own. However, increasing poverty and lack of provision of basic needs are problems that the country's leaders need to address proactively. Per General Comment No. 15, "The Committee on the Rights of the Child recognizes that a majority of mortality, morbidity, and disabilities among children could be prevented if there were political commitment and sufficient allocation of resources directed towards the application of available knowledge and technologies for prevention, treatment and care", (CRIN, "CRC General Comment on the Right to Health"), as is especially true in Kenya.

One of the biggest challenges faced by Kenyan children is the insufficient

provision of a decent and healthy life (Articles 6 and 24 of the CRC).  One in 10 children

does not survive to see their fifth birthday (Omariba 307).  2,325 deaths occurred in only

1,483 families, meaning there are multiple deaths within the same family.  Very young

motherhood in Kenya is correlated with increasing mortality rates in the country.  Walter

Omariba argues that mothers of higher socio-economic statuses are better equipped in

child management because they usually marry men who are more educated and they

themselves are more educated, highly improving their likelihood to breastfeed and

practice contraception (Omariba 312-317).

Another cultural tendency of many Kenyans still is to deny the existence of

HIV/AIDS, promoted by a cultural taboo against revealing or even discussing it.  Many

communities are not educated on the disease, its causes and prevention, or the

medications necessary to remedy it.  Many Kenyans believe that the disease is caused

by witchcraft (Omariba 318).  Retroviral medication is expensive and scarce. The

percentage of child and adult Kenyans infected with HIV/AIDS can be considered a

national disaster, since 41% of those with HIV/AIDS in the country are children (2.9

million total cases in 2005).[59]  The increasing number of children living on the streets furthers their exposure to abuse and to HIV/AIDS infection (Nasqvi 11).  The national incidence of HIV/AIDS cases has declined from 13% in 2000 to 6.3% in 2012, it being proposed that the declining number of cases is a result of a "concerted effort by all stakeholders in the fight against HIV".[60]  Another vulnerable group of children in Kenya are the 92,000 child refugees currently residing there.

There have been stints of youth political participation in Kenya, but it is not sufficiently invested in by the government.  According to Mutuku, youths overwhelmingly want to participate in their society but have faced cultural, parental, and governmental resistance.  Formal education is usually reserved for the privileged, reflecting Kenya's unequal distribution of wealth and education.  Thus, many youths are denied opportunities to further their knowledge and possible opportunities to develop relationships with social institutions (Mutuku 86).  Civic knowledge and duties are mainly taught in school.  The Koech Commission was created in order to produce citizenry that would portray "a sense of patriotism and nationalism that transcends ethnic and

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[59] OMCT, *Rights of the Child in Kenya*, http://www.omct.org/files/2001/10/2118/kenya_web_gb.pdf, (accessed May 7, 2012).
[60] Ben Ochieng, *Kenya's HIV/AIDS Infection Rate Declines to 6.3% in 2012*, http://news.xinhuanet.com/english/health/2012-10/19/c_131917905.htm, (accessed April 1, 2014).

traditional ties, demonstrates integrity of character, and a vision to uphold the rule of law"

through the education system.[61] Children without access to education are also left

marginalized and uneducated in how to effectively use their voices within their

community.  Many youths have, in turn, aggressively lashed out in society, unfortunately

leading to increasing instances of "un-childlike behavior" as youths engage in riots or

general acts of violence, the only way they understand to seek attention (Mutuku 87).

The Philippines

The Philippines' geographical location has exposed its children to many natural

disasters, the country being 7,107 islands that sit on the Pacific Ring of fire, an area full

of volcanic and seismic activity.  Politically, the country is in a transitional state that is

democratically developing--trying to overcome its authoritarian past.  The country was

taken over by *Nationalista* Ferdinand Marcos in 1965, who declared martial law from

1972-1981.  Under his rule, corruption and cronyism ran rampant.[62] [63]  In 1987, the

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[61] Violet Wawire, Fatuma Chege, Madeleine Arnot, and Paul Wainaina, *Citizenship Education and Political Engagement: Voices of Kenyan Youth From Nyeri and Nairobi*, <http://recoup.educ.cam.ac.uk/publications/YGC_UKFIET_VW_FC_MA-PW.pdf, (accessed March 31, 2014).
[62] YouTube, *Declaration of Martial Law in the Philippines Sept. 21, 1972*, https://www.youtube.com/watch?v=14iz1eZlNuU, (accessed February 13, 2014).

country passed a constitutional revision limiting executive power and reducing

presidential tenure to a 6-year term without the possibility of re-election (Magadia 253).

By most accounts, the Philippines has recently progressed in promoting civic

participation.  UNICEF has stated that the Philippines has done an exceptional job at

incorporating the CRC into its national laws.  The country's government has ratified

further child policies including the Exploitation and Discrimination Act of 1991, the

Special Protection of Children Against Child Abuse of 1992, and the Juvenile Justice and

Welfare Act of 2006.

Although now a democracy, the Philippines continues to face a high level of

social unrest and armed conflict as well as a high incidence of governmental corruption,

affecting how resources are allocated in the country (Human Rights Watch, "World

Report 2012: Philippines" 13).  There is currently a ceasefire between the Filipino

government and the Moro Islamic Liberation Front in the south, but abuses between the

two forces have persisted for years.  The New People's Army is another rogue group in

the country that has carried out hundreds of civilian killings that have included many

children (Magadia 254).  Children's lives are being ended prematurely by these death

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[63] One World Nations Online, *History of the Philippines*,
http://www.nationsonline.org/oneworld/History/Philippines-history.htm, (accessed March 31, 2014).

squads, which are active both in the countryside and in cities, where they target petty criminals and street children.  Both groups also recruit children into their forces (Human Rights Watch, "World Report 2012: Philippines").  Save the Children, a child-advocacy group, notes the negative conditions of children in the Philippines, stating that the country has a "dismal" education system, a high prevalence of malnutrition and deadly diseases among the young, a high prevalence of violence against children, and a rising incidence of child exploitation.[64]  In 1999, there was a total of 11,841 cases of child abuse and neglect reported, 44.5 percent classified as sexual abuse.[65]  There has been longtime underreporting of sexual abuse in most countries, thus the number of these cases in the Philippines is most likely substantially higher.  In 2010, the Department of Social Welfare and Sexual Development reported that sexual abuse remains a major problem for the country even if overall rates of abuse are declining.  Rape victims, as in all other countries, are mainly women, moving from 97.6 percent in 2009 to 90.5 percent in 2010 (Gonzales 1).  The decline in this percentage indicates that the number of boys sexually abused increased.  The number of incest cases has also risen in the country.

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[64] Save the Children, *Philippines*, http://www.savethechildren.org/site/c.8rKLIXMGIpI4E/b.6150549/, (accessed September 17, 2012).
[65] Jay A. Yacat and Michelle G. Ong. *Beyond the Home: Child Abuse in the Church and School*, www.pdfio.com/k-1413536.html, (accessed July 24, 2012).

Child sex tourism is very popular in the country, as in El Salvador and Costa Rica, and the Philippines is a point of pick-up as well as destination for this activity (Gonzales 1). Crime syndicates, corrupt law enforcement, and a high demand for child exploitation fuel this industry in the country.[66] The Dutch advocate group Terre des Hommes estimates that tens of thousands of children are currently being abused through the cybersex industry in the Philippines alone.[67]

There was an estimated number of 250,000 street and homeless children in the Philippines in 2000. Most of them scavenge for food and may work six to 16 hours a day, the majority being abandoned by their families or escaping from abuse ("SWC 2012"). As in Kenya, it is still a cultural taboo to educate children on reproductive health or HIV/AIDS. There is also a general denial in communities that child prostitution exists--and with denial, few if any societal changes can occur. Being on the streets, like all other children of the world in similar circumstances, Filipino children are especially susceptible to abuse and diseases such as HIV/AIDS and Hepatitis A (Be a Hero,

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[66] Refworld, *2012 Trafficking in Persons Report - Philippines*, http://www.unhcr.org/refworld/docid/4e12ee53c.html, (accessed July 23, 2012).

[67] Hurriyet Daily News, *ASIA Horror in Philippine Child Sex Abuse Village*, http://www.hurriyetdailynews.com/horror-in-philippine-child-sex-abuse-village.aspx?PageID=238&NID=61593&NewsCatID=356, (accessed March 31, 2014).

"Issues Children"). In 2006, 18.6% of Filipino children (5.4 million) were deprived of either shelter, sanitation, or water (Be a Hero, "Issues Children").

As in other countries, infant mortality in the Philippines is high in families with young mothers, especially those with no education. Statistics indicate that 32.9% of the population in the country is poor, and those children living in extreme poverty suffer from preventable conditions such as continuous diarrhea, and a quarter of Filipino children were underweight in 2012.[68] The country's economy, much like Kenya's and El Salvador's, has been compromised by many negative circumstances that have subsequently hurt children. There are high rates of unemployment and underemployment in the country. In 2012, 10 million Filipinos did not have "quality jobs", meaning those professions that raise real wages and bring people out of poverty. Out of the 10 million, three million were unemployed and seven million were underemployed.[69] Much of the economy is artificially supported by remittances from abroad, after individuals immigrated to other countries in order to send money back to their families in the Philippines. While eight million Filipinos are currently working abroad, approximately

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[68] Human Rights Watch, *World Report 2012: Philippines*, http://www.hrw.org/world-report-2012/world-report-2012-philippines, (accessed July 3, 2012).
[69] Gerardo Sicat, *Unemployment, 'Visible' and 'Invisible' Underemployment, and Poverty*, http://www.philstar.com/business/2013/12/04/1263857/unemployment-visible-and-invisible-underemployment-and-poverty, (accessed March 31, 2014).

nine million of their children are left behind or even abandoned.  Many leaders and other

elites in the country are realizing the mass damage that the separation of parents from

children is doing to the family dynamic.[70]  In general, those that are most capable

financially and educationally in the country leave for better opportunities, as occurs in El

Salvador as well.

There are however, some favorable social trends developing in the country.

Infant and child mortality rates have improved dramatically over the past few years, and

an increasing percentage of children have gained access to clean water and electricity.

The Philippines has a vibrant civil society.  Many youth policies and programs have been

integrated into school curricula, as in Costa Rica and many parts of Kenya.  These

programs are often youth-led, an example being the *Kabataan* News Network (KNN)

composed of children from all over the country, including those of diverse ethnic and

religious backgrounds who engage in the media. The *Sangguniang Kabataan* (National

Youth Council) supports the decentralized participation of youth in the government

("SWC 2011" 48).  These governmental efforts have been positive, but UNICEF's SWC

2011 argues that a more concerted effort needs to be made by the Filipino government

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[70] UNICEF, *YouTube: Philippines State of the World's Children 2012*,
http://www.youtube.com/watch?v=0gHYdm9epZI, (accessed June 3, 2012).

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to increase child participation and promote substantial change.  Statistics indicate that a

total of 60% of children in the Philippines reported not being interested in politics.[71]

Again, Roger Hart finds a glimmer of optimism in the Philippines with regard to child

participation.  He mentions that there are many positive communal aspects among the

adults in the country that can be replicated among the children.  Many regions in the

Philippines possess community-based monitoring, which is the routine monitoring of the

health of the community by measuring specific key physical indicators.  This process of

engagement is executed to mobilize a concerted communal effort or action in response

to the deteriorating trends that the monitoring uncovers (Hart 135).  Community-based

monitoring has highly promising effects on children if they were to be included in the

process.  It is noted that the monitoring does not cost much and operates on a low-

income (Hart 135), thus showing that a county does not need to be highly developed and

that its government does not need large quantities of money or resources to promote

and invest in these communal engagement efforts for adults and children.  A specific

example of a current community-based monitoring project that children can replicate and

participate in with the adults is a large board that is kept in the middle of the community,

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[71] Francisco L. Viray and Myrna M. Velasco, *The Future of Filipino Children,*
http://www.aijc.com.ph/Megatrend%20final%20complete.pdf, (accessed December 13,
2013).

Little Baguio.  Up-to-the-minute data on all the residents' houses is posted on this board

(Hart 136), and the community is more communicative and interactive in this respect.

Hart states that for a communal engagement project to be successful, the project must

be visible to all (Hart 136).  If people cannot see firsthand what their problems are and

how they affect them and their loved ones, then engagement is highly improbable--

especially for children.  Effective engagement also includes the children feeling like they

are legitimately heard and valued amongst adults.  "Monitoring efforts of children must

be combined with the serious decision-making efforts of adult community members"

(Hart 136-138).

*Conclusions Drawn About Kenya and the Philippines*

The Kenyan and Filipino governments are making some strides in improving

child welfare, especially in the Philippines.  It is possible, though not provable, that those

countries' ratifying of the CRC has contributed to recent declines in child abuse rates

and especially the Philippines' passing of multiple pro-child policies.  Although the CRC

has been an impetus for numerous positive actions in both countries, there are deep-

rooted social, cultural, and economic issues that first need to be addressed by the

government.  There is a lack of stable and uniform education systems in place,

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especially in Kenya.  Both countries have large poverty-stricken populations and many

homeless children, Kenya being in a state of acute disaster.  47% of Kenya's population

live below the poverty line, and 40,000 children are homeless in Nairobi alone.[72]  27.9%

of the population in the Philippines lives below the poverty line, and 220,000 children in

major cities are homeless.[73] [74] For families in these countries, as in many others, survival

is the prime focus rather than child welfare and engagement.  Those children living in

poverty often manifest their negative surroundings by acting out.  In its concluding

observations of 2005 on the Philippines, the Committee on the Rights of the Child

expressed its concern on key topics such as child discrimination and children's access to

health care and education, violations against the child's right to life due to internal armed

conflict, inhuman treatment of minors including torture, especially towards those in

detention, increasing cases of child abuse, the youth being recruited by rebel armies, the

displacement of children and their "limited access to social and health services", the high

number of child workers, the high number of street children and their sexual exploitation,

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[72] UNICEF, *Overview; Kenya at A Glance*,
http://www.unicef.org/kenya/overview_4616.html, (accessed April 1, 2014).
[73] The Borgen Project, *Latest Stats on Philippine Poverty Levels - The Borgen Project*,
http://borgenproject.org/latest-stats-on-philippine-poverty-levels/, (accessed April 1,
2014).
[74] Christian Broadcasting Network News, *Street Children of the Philippines*,
http://www.cbn.com/CBNnews/58221.aspx, (accessed April 2, 2014).

the "lack of a systematic and comprehensive strategy to address the situation and protect" homeless children, the growth in the sexual exploitation of all children, and the extremely low minimum age of criminal responsibility.[75]

Again, Kenya and the Philippines are huge hubs for child labor since poverty plagues families so deeply in these developing regions.  The greatest number of child laborers exist in Asia (44.6 million) and Africa (23.6 million).  Of the children working in Kenya, 41.3% are 10-14 year olds (Basu).  In this country the labor is mainly agricultural which includes working in tobacco and coffee crops where the conditions are very harsh, as well as exposure to snakebites, toxins, starvation, and very long and strenuous working hours.  Females are mainly domestic servants and many are ultimately forced into the sex trade (Basu). In general, children are commodified in the eyes of their parents, equated to means of financial support.  A study performed by the ILO in Kenya reported that 35% of working children in the country would like to attend school but cannot (Basu).

In 2007, the Committee issued a set of Concluding Observations on Kenya, many reproductive in nature, including a lack of access to contraception and

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[75] Save the Children, *The Philippines: CRC Reporting*, http%3A%2F%2Fresourcecentre.savethechildren.se%2Fstart%2Fcountries%2Fphilippin es%2Fcrcreporting, (accessed June 10, 2014).

reproductive education, especially education in maternal mortality, unsafe abortions and high instances of HIV/AIDS, and a lack of concerted effort in eliminating harmful traditions like FGM and early marriage.[76] Ultimately one of the best opportunities for substantial improvement in both countries lies in societal and public investment in systems and structures that strengthen democratic values. As stated, the ratification of the CRC and other local policies are not quick fixes to generations of cultural practices that violate children's rights or deep governmental investments in capitalism that just as equally violates children's rights since in capitalism, the focus is on policies that maximize the profit, providing companies with the platform to rival each other for sales and profits rather than focusing on welfare and social safety-net policies that maximize the benefits for the greater society. Local and national governments must change their focus, and this must be done by pressure from individuals and groups at the grass-roots as well as the international community, including more enforceable power from the Committee on the Rights of the Child.

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[76] Center for Reproductive Rights, *Children's Rights Committee Recommends Strengthening Adolescents' Reproductive Rights in Kenya*, http://reproductiverights.org/sites/default/files/documents/Kenya_CRC_factsheet.pdf, (accessed June 29, 2014).

**CHAPTER VII**

**CONCLUSION: IMPLICATIONS FOR FUTURE RESEARCH**

Children should be treated humanely because they are human beings first, and they as individuals bear rights and absolutely require protection of them and the opportunity at empowerment to build and strengthen themselves and their lives. El Salvador, Kenya, and the Philippines are developing countries, and despite ratifying the CRC and the first two OPs, the countries' children are experiencing astonishing rates of abuse, maltreatment, poor health conditions, and environments that are not upholding the rights and empowerment of children to the best of their abilities, therefore rendering the ultimate conditions of children very poor. Costa Rica has had the most humanitarian tradition out of all of the countries, but is recently experiencing the degradation of children's conditions. The U.S., although being the wealthiest and most developed country investigated, experiences poor and extremely unequal conditions of children, especially when compared to other countries with similar wealth. Children in all countries investigated are experiencing generally poor conditions for a multitude of reasons, some experiencing the same conditions such as in El Salvador and Costa Rica due to similar culture and histories. The countries investigated ultimately illustrate conditions that suggest ways forward toward the fulfillment of children's rights and empowerment worldwide.

In general, children's lives are becoming increasingly urban with over one billion now living in cities. Although living in a city provides some children with closer access to critical services, high levels of disparity persist in cities. The upper class can afford

quality health and education while the lower class are far from affording essentials like electricity, clean water, healthcare, and education. Most children of lower classes serve as means of economic subsistence for their families, entering into the labor market early in their lives ("SWC 2012" iv). Child policy, in turn, should be increasingly geared towards city life, including urban planning, infrastructure development, and service delivery. Where there is poverty, social exclusion is rampant, including exclusion from educational opportunities and access to quality healthcare. Living in poverty deprives millions of children of their basic rights, let alone opportunities for empowerment. In slums across the world, residents lack access to safe drinking water, proper sanitation systems, and security of tenure (being able to secure proper documentation of oneself that helps prove ones status, thus avoiding eviction from the country) (SWC 2012," iv).

UNICEF'S SWC 2011 states that basic CRC rights such as completion of secondary school, access to quality healthcare, participation in decision-making, and protection from violence, exploitation, and abuse are all fundamental to empowering adolescents and assisting them in reaching their potential. Thus a child's economic status, especially those living in poverty, a child's health, and education are all closely correlated variables that have massive impacts on children's quality of life, and the better these conditions are, the more likely the child is to develop positively and engage civicly in his or her surroundings. Reports substantiate that the more rights are realized by children, the more economically independent they will become and the more informed decisions they will make about civic and personal matters. As future adults, children presented with opportunities to socially interact and express their views will be better

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equipped in handling global challenges ("SWC 2011" 62).  Children must be

progressively provided opportunities by their governments to participate in important

decisions (Melton).

The education of children must also be highly invested in, because those

educated are far more likely to make sound, healthy decisions that improve their lives

and those of their future families.  Education enhances the likelihood of long-term

stability and progress for all.  Enrollment rates in higher or secondary education across

the world are substantially lower than in primary education, meaning that for the majority

of children and families in the world, education ceases to be a priority when one is old

enough to work.  Women who are more educated increase the survival of their children

exponentially, and UNICEF recommends that mandatory schooling be extended to the

secondary level.  Since education brings invaluable opportunities to those involved in it

and to their society, it must be equally accessible to all, implying that charges and school

fees for children should be either subsidized or eliminated.  Many sub-Saharan

countries, including Kenya, have been abolishing school fees since few families can

afford them ("SWC 2011," 66).  Education must also be rights-based, whereby children

are shown at an early age that their voices are valuable and they are introduced into an

environment and culture of tolerance (Melton).  According to General Comment No. 4

public authorities, moral authorities, parents, and other adults working with children need

to create an environment based on "trust, information-sharing, the capacity to listen and

sound guidance that is conducive for adolescents' participating equally including in

decision-making processes" (CRIN, "CRC General Comments").

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In order for major political overhauls to take place in the arena of children's rights and empowerment, those countries that have been successful in developing and implementing pro-child policies, for instance in providing universal education and health care and leading the way in poverty-reduction measures, should be observed as leading examples to learn from.  According to Gary Melton, forums must also be developed whereby children can express themselves.  "It really takes development at the local level" (Melton).  The local level is certainly where impetus for change can start and develop.

*Leading Examples: Countries Successful in Children's Rights and Empowerment*

Northern European countries have been experiencing substantial success in progressive child policies for decades.  Nordic countries were the first to ban corporal punishment in all settings; their children are reported to be the happiest and healthiest in the world.[77]  Countries like Norway and Sweden invest in policies that enhance human rights, staple policies being those in the health arena.  Norway's White Paper Policy outlines global health goals that include mobilizing for women's and children's rights,

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[77] TicoTimes*, Costa Rica Is Region's Best Country to Raise Children*, http://www.ticotimes.net/Current-Edition/News-Briefs/Costa-Rica-is-region-s-best-country-to-raise-children-study-saysWednesday-May-09-2012, (accessed May 29, 2012).

nurturing their health by reducing the burden of disease through emphasizing prevention, and promoting human security through health.  The policy discusses how improving the health of women in society positively trickles down to the improvement of health for the rest of society and the family, especially children.  The Norwegian government understands that in order to promote human rights, society must provide equal access to public goods, especially healthcare.  The policy states that health objectives also need to be integrated into foreign and development policy.  The UN's Millennium Development Goals also stress that the reduction of poverty requires improvement in a nation's health statistics (Norwegian Ministry of Foreign Affairs, "Global Health in Foreign and Development Policy" 5).  Poverty and all of the negative social factors that come with it must be globally addressed so that children can experience positive life conditions that inspire them to develop to their full capacity--a priority recognized and acted on by Nordic countries.

 According to the White Paper Policy, social phenomena and concepts that perpetuate societal inequality, such as war, conflicts, discrimination against women or children, economic and social disparities, cause the highest level of disparity in a country, therefore leading to poor health conditions (Norwegian Ministry of Foreign Affairs, "Global Health in Foreign and Development Policy" 7).  In all countries, if poor health prevails, women and children are the most at risk in a population because of their disempowerment.  Norway has made the vital connection between the advancement of its people's rights and their health, as has Costa Rica.  The health of women, and

inherently children, needs to be a more global focus, and stronger local and global poverty-reduction measures need to be enforced.

The physical safety of children must also be invested in. Millions of avoidable accidents occur globally every year to children, most of them in developing countries where, for instance, the number of traffic accidents is higher and the structural integrity of homes is lower. Sweden is another Nordic country that heavily invests in safety measures for children. By investing structurally in the country, the Swedish government has realized the importance of long-term remedies for the country, rather than just resorting to policies that serve as short-term band-aids. The Swedish government has a problem-oriented perspective, examining the conditions underlying a problem,[78] including a longstanding tradition of youth-targeted policy. An example is the country's successful investment in improving its architecture, codes for construction and separation of high-traffic areas from highly child-populated areas, resulting in very low infant and child mortality rates caused by injury--especially when compared to developing countries.

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[78] National Institute of Justice, *Excellence in Problem-Oriented Policing; The 2001 Herman Goldstein Award Winners*, https://www.ncjrs.gov/App/publications/abstract.aspx?ID=192435, (accessed December 13, 2012).

In fact, pro-youth policies have been developing in Sweden since at least the

1950s, while in many other countries the development of such policies is just beginning.

Youth in Sweden are defined as those 13 to 25 years of age (Jonas 8), meaning that

Northern Europeans have a looser interpretation of the line drawn between youth and

adult than, for instance, does the United States.  In addition, Swedish youth policy has

been geared towards the disadvantaged.  The country sets national goals for youth

policy, and it has created the position of a youth minister, an adult acting as a youth

representative.  The Swedish National Board for Youth Affairs is charged with

coordinating and following up on national youth policies (Jonas 9).  Leisure and club

activities for youth have been organized by the Swedish government since the late 19th

and early 20th centuries, projects being developed that would expand young people's

influence in municipal politics (Jonas 10).  Leisure-time centres in Sweden are

establishments where pedagogical group activities take place for children and pre-

teenagers.  Leisure activities are typically combined with schooling, and the centres'

curriculum includes imparting values of the "inviolability of human life, individual freedom

and privacy, the equal value of all people, gender equality, and solidarity with the weak

and the vulnerable".[79]  Nordic youth policies promote equal opportunities and fair

[79] The Online Journal Of New Horizons In Education, *Everyday Life at the Leisure-Time*

conditions for all.  Youth are genuinely respected and are regarded as important

resources for society not only because they will become future adults but because they

are already and intrinsically important (Jonas 11).  In 2004 the Swedish policy *Makt att*

*bestamma-ratt valfard* was ratified stating that young people should have real access to

influence and welfare; having actual influence over societal priorities.  Intrinsically young

people possess universal rights, such as good health, financial security, education, and

the right to be involved in affecting the plight of their own lives and the society in which

they live.  The *Makt att bestamma-ratt valfard* states that ultimately, the Government

should support initiatives that propel youth autonomy.  Nordic countries have been

successfully practicing many of the provisions of the CRC for decades, making them role

models for global progress.  The equal respect for all humans is a cultural component

native to the Nordic region.

For any country, passing the CRC or any other child policy will not have a

substantial impact unless cultural attitudes and social power are also addressed.  The

history and culture of a country must be understood in order to pinpoint where changes

need to be made.  In addition to entire cultural mindsets progressively being reset, which

will take decades, and even when cultural trends start to alter, in order for real change to

*Centre*, http://www.tojned.net/pdf/v02i02/v2i2-02.pdf, (accessed April 1, 2014).

occur and governments to legitimately implement the policy areas that could best

promote the realization of children's rights (education, health, poverty reductions), more

pressure must be placed on governments in violation.  As reiterated throughout this

paper, the ratification of policies, even the CRC and its protocols, does not guarantee

that government officials will implement them.  More pressure must be placed on the

government from the outside, as civil societies and lobbyists do.  A great grass-roots

example, which I have mentioned throughout this paper, of external pressure that can be

applied on governments in order to actualize change and the implementation of policies

is the numerous cross-cultural cases of children's participation.  Children in such

countries as Nicaragua and the Philippines are hosting and participating in progressive

civic and environmental projects, which are gaining more attention.  Globally, children

are civicly engaging progressively more than their adult counterparts.  Another form of

pressure is coming from the current dual-winner of the Nobel Peace Prize 2014, 17-year-

old Malala Yousafzai.  As a youth, she is realizing her right to participate, engage, and

voice her opinion on a subject that affects her and all children, which is the need for

governments to spend drastically more on education rather than the military.  In addition

to grass-roots, another example of external pressure is that from international entities

such as the child-founded Free the Children (FTC).  Craig Kielburger created this

organization at the age of 12 in 1995.  Inspired by a news article on a child victim of work

exploitation who had been assassinated after freeing himself and other children, Craig

founded FTC, which works through domestic groups in various countries to "engage and

empower youth to become active local and global citizens".[80]   If more individuals and

groups like these consistently exerted pressure on governments, officials would be

forced more often to follow through with ratified policies.  Also, what is especially striking

about these examples is that they are child-led efforts that crystalize more for adults that

children have intrinsic rights, can promote them just as much as their adult counterparts,

and will increasingly insist that they be heard.  What governments should also invest in

that would assist in persuading them to actualize change and be able to get an even

more accurate illustration of the condition of children and policies to invest in, is the

creation of a new data set created by children themselves through surveys and

interviews in such areas as what they think their rights are and how they see current

conditions as undermining or facilitating those rights; including being able to report

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[80] Free The Children, *About Us*, http://www.freethechildren.com/about-us/, (accessed
October 18, 2014).

directly on how their rights are currently being violated and thoughts on how to eliminate this abuse.

"Rather than leading, adults need to be in the background, monitoring, mentoring, facilitating, but not being in charge" (*Journal of Community Psychology 782*). The central issue in respecting children overall, including their right to participate, is not that children should be treated as adults, but that they should treated like people (Melton).

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