Article 27

1. States Parties recognize the right of every child to a standard of living adequate for the child’s physical, mental, spiritual, moral and social development.

2. The parent(s) or others responsible for the child have the primary responsibility to secure, within their abilities and financial capacities, the conditions of living necessary for the child’s development.

3. States Parties, in accordance with national conditions and within their means, shall take appropriate measures to assist parents and others responsible for the child to implement this right and shall in case of need provide material assistance and support programmes, particularly with regard to nutrition, clothing and housing.

4. States Parties shall take all appropriate measures to secure the recovery of maintenance for the child from the parents or other persons having financial responsibility for the child, both within the State Party and from abroad. In particular, where the person having financial responsibility for the child lives in a State different from that of the child, States Parties shall promote the accession to international agreements or the conclusion of such agreements, as well as the making of other appropriate arrangements.\(^1\)

A. LEGISLATIVE HISTORY AND ANALYSIS OF ARTICLE 27

The U.N. Convention on the Rights of the Child (CRC) is the most important vehicle for specifically protecting and recognizing children under international human rights law.\(^2\) As the most widely accepted U.N.


treaty, the CRC is considered by many to be the principal means of promoting children’s rights. A litany of rights is covered by the treaty, including social and cultural rights, political and civil rights, juvenile justice rights, humanitarian rights during armed conflict, and economic rights to an adequate standard of living and health care. The United States was actively involved in international negotiations that ultimately led to the adoption of the CRC in November 1989; however, it is only one of two countries yet to ratify the treaty. Article 27 of the CRC addresses one of a child’s most basic rights: the right to an adequate standard of living.

This chapter examines the legislative evolution of Article 27 as a means of determining the intent of the drafters of the CRC. The chapter then discusses the current legal situation in the United States regarding children’s standard of living and assesses the degree to which this country is already in compliance with Article 27 of the CRC.

1. Legislative History of Article 27

Article 27 begins by describing a child’s right to the most basic needs and emphasizes the fact that the fulfillment of these needs is a prerequisite to all aspects of a child’s development. The article goes on to determine who is responsible for meeting these needs.

Primarily, parents (or others responsible for the child) have this responsibility, including parents who do not live with the child but who are obligated to provide financial support. However, in the event that parents cannot provide adequately for the child, the ratifying country must take measures to assist parents in implementing this right and provide material assistance and support programs when necessary. Article 27 specifically mentions nutrition, clothing, and housing as priorities for government help. It is worth noting that an entire paragraph of this article is devoted to the ratifying country’s obligation to recover child maintenance, both at home and abroad, from parents who have failed to pay. In summary, this article outlines parental responsibilities, governmental responsibilities, and the interaction between the two in providing an adequate standard of living for the child.

Article 27 has its predecessors in other international human rights treaties that have addressed the rights of the child. They, too, dealt with the practical aspects of a child’s needs in the context of the child’s develop-

3 Id.


5 Stewart, supra note 2, at 162.