



Opposition to the Convention on the Rights of the Child

Exploring Counterarguments and Seeking Clarification

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From Senate Support...

- ❖ “The issue of children’s rights and well-being is important both to the United States and the world.”
- ❖ “The President should promptly see the advice and consent of the Senate to the ratification of the Convention on the Rights of the Child...”
 - S.Res. 70, introduced February 16, 1993, by Sens. Bradley, Lugar, Leahy, Hatfield, with 48 cosponsors



To Senate Opposition!

- ❖ "...the Convention's intrusion into national sovereignty was manifested by the Convention's 1995 committee report faulting the United Kingdom for permitting parents to make decisions for their children without consulting those children."
- ❖ "The President should not sign and transmit to the Senate that fundamentally flawed convention."
 - S.Res. 133, introduced June 14, 1995, with 26 cosponsors



To Senate Opposition!

“... Mr. President, as long as I am chairman of the Senate Committee on Foreign Relations, it is going to be very difficult for this treaty even to be given a hearing... the United States Senate must not dignify this strange document by allowing the U.N. Convention on the Rights of the Child to be considered.”

- Congressional Record, June 14, 1995:
Comments of Senator Jesse Helms



Political Opposition to U.S. Ratification of the CRC

Most from conservative, Religious
Right organizations:

- ❖ Christian Coalition
- ❖ Concerned Women for America
- ❖ Eagle Forum
- ❖ Family Research Council
- ❖ Focus on the Family
- ❖ Home School Legal Defense Association
- ❖ John Birch Society
- ❖ National Center for Home Education



Depicting the CRC as a Radical, Dangerous Document

Argument #1:

- ❖ The UN and human rights treaties threaten U.S. sovereignty and federalism.



QUOTE:

For the first time, America will have its domestic policy subjected to foreign control through the arbitrary whims of this Committee of Ten. It drastically subverts the sovereignty of our nation.

Christopher J. Klicka, The UN Convention on the Rights of the Child: The Most Dangerous Attack on Parents' Rights in the History of the United States, National Center for Home Education (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslida.org>.



Depicting the CRC as a Radical, Dangerous Document

Argument #2:

- ❖ The CRC threatens parental rights.



QUOTE:

If ratified by the U.S. Senate, the United Nations Convention on the Rights of a [sic] Child would undermine families by granting to children a list of radical “rights” which would be primarily enforced against parents. These new rights would include “the right to privacy,” “the right to freedom of thought and association,” and the right to “freedom of expression.” Such presumptions subvert the authority of parents to exercise important responsibilities toward their children. Under the CRC, parental responsibility exists only in so far as parents are willing to further the independent choices of the child.

National Center for Home Education, “United Nations Special Session on Children Set to Meet” (May 3, 2002), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



QUOTE:

Under the “children’s rights” Convention, the only “right” that is assured is the “freedom” to rebel against parental authority. Although parental authority is sharply limited by the document, government power is absolute. Thus, the effect of the Convention is to entice children out of the protective shelter of the home and leave them exposed to the full force of the global state.

Jane H. Ingraham, *The New American*, “UN Takeover of the Child” (Aug. 8, 1994), downloaded Jan. 21, 2003, from <http://www.getusout.org>.



Opposition Claim

- ❖ The Convention is to be enforced by the state against individual parents.



QUOTE:

Unlike our U.S. Constitution, which only mentions rights that can be enforced against the government, this UN treaty declares rights of the child **against parents**, the family, private institutions, and society as a whole. Since the treaty is a legal document which, if ratified, would become part of the “supreme law of the land,” we can expect liberal lawyers to bring test cases to persuade activist judges to push its reach as far as they can.

The Phyllis Schlafly Report, “The Many Assaults on U.S. Sovereignty (June 2002), downloaded Jan. 31, 2003, from <http://www.eagleforum.org>.



Parental Rights Claims Against the CRC

Do we really want to give every child the legal right to say anything he wants to his parents at the dinner table? To watch television ("access to the media") instead of doing homework? To escape household chores because they interfere with his UN right to "rest and leisure"? To join a cult instead of attending his parents' church? To refuse to speak English in our public schools?

The Phyllis Schlafly Report, "The Many Assaults on U.S. Sovereignty" (June 2002), downloaded Jan. 31, 2003, from <http://www.eagleforum.org>.



QUOTE:

Under Article 13, any attempts to prevent their children from interacting with material parents deem unacceptable is forbidden. Children are vested with a “freedom of expression” right, which is virtually absolute.

National Center for Home Education, Oppose the United Nations Convention on the Rights of the Child, (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



QUOTE:

In Article 14, children are guaranteed “freedom of thought, conscience and religion.” Children have a legal right to object to all religious training. Alternatively, children may assert their right against parental objection to participate in the occult.

National Center for Home Education, Oppose the United Nations Convention on the Rights of the Child, (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



QUOTE:

Article 15 declares “the right of the child to freedom of association.” Parents could be prevented from forbidding their child to associate with people deemed to be objectionable companions. Under Article 15, children could claim a “fundamental” right to join gangs, cults, and racist organizations over parental objection.

National Center for Home Education, *Oppose the United Nations Convention on the Rights of the Child*, (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



QUOTE:

Under Article 16, the “right to privacy” is granted to children. This UN sanctioned ‘privacy’ would seemingly establish as [sic] the child’s right to obtain an abortion without parental notice, the right to purchase and use contraceptives, and the right to pornography in the home.

National Center for Home Education, Oppose the United Nations Convention on the Rights of the Child, (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



QUOTE:

Under Article 28, “[p]ublic education for the first time would be a ‘right’ to all children of the United States under the UN Convention. Parents interfering with the child’s right to choose public education would be violating his rights and could be subject to prosecution.”

Christopher J. Klicka, *The UN Convention on the Rights of the Child: The Most Dangerous Attack on Parents’ Rights in the History of the United States*, National Center for Home Education (November 1, 1999), downloaded Jan. 31, 2003, from <http://nche.hslda.org>.



Homeschoolers and the CRC

Is Homeschooling legal in the U.S.?

- Yes, homeschooling is legal in all 50 States and U.S. Territories.

How many homeschoolers live in the U.S.?

- Latest figures from National Center for Education Studies: 1.1 million in 2003
- HSLDA claims to represent 1.7 million homeschoolers in the U.S.
- The number could be higher... over 2 million



HSLDA:

Home School Legal Defense Association

- HSLDA's mission is to protect and advance the liberty of parents to educate their children at home.
- HSLDA actually has “tens of thousands” of members (estimated 80,000)



HSLDA

The National Center for Home Education (NCHE)

- NCHE is a division of HSLDA designed to give support to state homeschooling leaders and HSLDA members.

Home School Foundation (HSF)

- The Home School Foundation is a supporting organization of HSLDA. HSF was founded by HSLDA to promote homeschooling and bless homeschoolers.

Patrick Henry College (PHC)

- In 1997, the HSLDA board of directors approved the concept of founding a college.



HSLDA

Generation Joshua

- A division of HSLDA founded in 2004 to help member families equip the next generation for active, effective citizenship.
- Generation Joshua has three main components, each designed to teach homeschooled teens important aspects of civic involvement: (1) civics education, (2) nonpartisan political activity, such as voter registration drives, and (3) active involvement in the campaigns of a few candidates “prayerfully” selected by HSLDA's board of directors for their character and their positions on issues of importance to our members.



HSLDA

- All candidate campaign activity is funded by HSLDA-PAC, an affiliated federal political action committee created by HSLDA.



HSLDA

Statements by Michael Farris:

- “The UN Convention on the Rights of the Child invades every sphere of family life: religion, discipline, education, health care, and provision.”
- “A county prosecutor could use the treaty to go to a local court and prosecute a dad for spanking his child.”
- “A truant officer could use the treaty to trump state law which expressly recognizes home schooling, because federal treaties override all state laws.”



HSLDA

If ratified by the United States Senate:

- It would ban spanking in our country.

- Homeschooling would no longer be governed by state law, but by a 10-member committee of child welfare "experts" in Geneva.

- Even our right to teach our children that Jesus is the only way to God would be in jeopardy

- <http://www.hslda.org/courtreport/V21N2/V21N202.asp>



HSLDA

“Norway was told to “reconsider its policy on religious education for children in light of the general principle of non-discrimination and the right to privacy.”

- Michael Farris, The Howard Center for Family, Religion, and Society, http://www.profam.org/pub/fia/fia_1404.htm



HSLDA

What the CRC Committee really said:

- “The Committee notes that although an opting-out system exists for children wishing to abstain from compulsory religious education, this requires their parents to submit a formal request exposing the faith of the children involved and as such may be felt to be an infringement of their right to privacy.”
 - Concluding observations of the Committee on the Rights of the Child: Norway, 25 April 1994



How the CRC *Really* Works

- ❖ The CRC places obligations on the States Parties — the governments of the countries that ratify it — to protect children against governmental actions and intrusions.
- ❖ The CRC obligates governments to provide certain programs for children's benefit, setting standards for governmental policies regarding children.



How the CRC *Really* Works

- ❖ The CRC does not provide for investigations or prosecutions against parents or guardians.
- ❖ No form of the word prosecute appears anywhere in the CRC.
- ❖ The civil and political rights guaranteed in the CRC are protections from governmental intrusions, not parental guidance.



How the CRC *Really* Works

- ❖ The CRC's text supports parents and families.
- ❖ Article 5 requires States Parties to "respect the responsibilities, rights and duties of parents..."
- ❖ The vital role of parents is also recognized and reinforced in the Preamble, and in Articles 7, 8, 9, 10, 14, 16, 18, 22, 27, 29, and 37.



The Committee on the Rights of the Child

- ❖ The Committee's comments historically have been consistently supportive of parents and the importance of family.
- ❖ Subjects of concern for the Committee have included:
 - high rates of abortion and teen pregnancy
 - the ease of access to harmful or inappropriate media
 - the negative effects of divorce and family breakdown
- ❖ The Committee's comments have even referred to a distressing lack of sufficient parental guidance.



US and Human Rights Treaties

- ❖ RUDs: Reservations, Understandings, and Declarations
- ❖ Examples:
 - ❖ “Non-self-executing” requires implementing legislation to bring CRC’s provisions into use
 - Address specific conflicts with U.S. Constitution or U.S. values



US and Human Rights Treaties

- RUDs: Reservations, Understandings, and Declarations
 - “[The U.S. Government] declares... that the minimum age at which the United States permits voluntary recruitment into the Armed Forces of the United States is 17 years of age.”
 - Declaration to the Optional Protocol to the CRC on the involvement of children in armed conflict



US and Human Rights Treaties

- RUDs: Reservations, Understandings, and Declarations
 - The Senate's advice and consent is subject to the following declarations: That the United States declares that the provisions of articles 1 through 16 of the Convention are not self-executing.
 - Convention against Torture and Other Cruel, Inhuman or Degrading Treatment or Punishment



US and Human Rights Treaties

- RUDs: Reservations, Understandings, and Declarations
 - ... the United States reserves the right... to impose capital punishment on any person (other than a pregnant woman) duly convicted under existing or future laws permitting the imposition of capital punishment, including such punishment for crimes committed by persons below eighteen years of age.
 - International Covenant on Civil and Political Rights



Bush Administration Position

- ... “serious political and legal concerns that it conflicts with U.S. policies on the central role of parents, sovereignty, and state and local law.”
 - “United States Participation in the United Nations for 2002: Report by the Secretary of State to the Congress,” October 2003, Part 2: Economic and Social Affairs



Bush Administration Position

- “The CRC... represents an international attempt to ensure children’s well being... However, the Convention then veers off by granting – not protective rights for children – but autonomy rights that may actually harm rather than strengthen the child.”
 - Ambassador Ellen Sauerbrey, U.S. Representative to the U.N. Commission on the Status of Women, Remarks to The World Congress of Families III, Mexico City, Mexico, March 29, 2004



What Would the CRC Do?

- ❖ provide a tool for advocates to help bring about changes in legislation and in the implementation of programs for children
- provide a framework against which we can measure our governmental policies for children
- these policies are currently scattered among many agencies and levels of government, with no coordination or oversight



What Would the CRC Do?

❖ trigger the Convention's reporting requirement

- create a mechanism for public examination of existing governmental policies and programs for American children
- shine a spotlight on the problems faced by our kids
- help us find solutions for those problems



What Would the CRC Do?

- ❖ give the United States the opportunity to participate in the work of the Committee on the Rights of the Child
- participate in the body that is establishing international standards for the care and protection of children around the world
- influence the development of international law



QUOTE:

a blank check for government
intervention within the home

William Norman Grigg, *Freedom on the Altar*, 58 (1995).



QUOTE:

a “tool for perverts”

William Norman Grigg, “Uninvited House Guests,” *The New American*, Apr. 3, 1997, at 31.



QUOTE:

a malignant vampire

The Tidal Wave: The United Nations Convention on the Rights of the Child, Parent Information Network (1994) (video).