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Abstract: The article discusses the United Nations (UN) Convention on the Rights of the Child (CRC), adopted by the UN General Assembly on November 20, 1989, which was designed to build on the principles embodied in the Declaration of Human Rights and in subsequent agreements. It establishes the Committee on the Rights of the Child to monitor reports on national implementation of the CRC. The entry also looks on the optional protocols that provide protections for children, evolution of the convention and the position of U.S. President Barack Obama on CRC.

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Children's Rights**Balancing Young Peoples' Well Being and Nation-State Sovereignty Should the U.S. Senate Ratify the UN Convention on the Rights of the Child? Foreword**

The health and welfare of children has long been a concern of the international community. Armed conflicts, natural disasters, poverty, and global health crises always put children among the most at risk. Every day, more than 26,000 children under the age of five die around the world -- often from causes that are entirely preventable.

In the Declaration of Human Rights, adopted in 1948, the United Nations General Assembly wrote that "motherhood and childhood are entitled to special care and assistance." The UN Convention on the Rights of the Child (CRC), adopted by the UN General Assembly on November 20, 1989, was designed to build on the principles embodied in the Declaration of Human Rights

and in subsequent agreements. It entered into force on September 2, 1990, when the required minimum of 20 nations had ratified the treaty.

Despite being active in negotiations over the treaty, the United States has yet to ratify it. But with a new administration bringing a fresh look at foreign policy priorities, a renewed push for ratification is on the horizon -- reinvigorating a 20-year-old debate.

The central principal of the CRC is that signatory nations should always act in the best interest of the child. Countries that are party to CRC agree to ensure that all children receive special rights, including the right to a name and nationality; access to healthcare, education, and parental care; and protection from exploitation, abuse, and neglect.

To monitor compliance, the Convention establishes the Committee on the Rights of the Child, which monitors reports submitted by nation-states on national implementation of the CRC. Countries are required to submit an initial report within two years of agreeing to the CRC, followed by regular reports every five years.

Since the CRC entered into force, nations also have negotiated two optional protocols that provide specific protections for children. The Optional Protocol on the Involvement of Children in Armed Conflict, which entered into force on February 12, 2002, limits the recruitment of children under the age of 18 for armed conflict and requires parties to provide children who have participated in armed conflict with appropriate physical and psychological rehabilitation. The Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography, which entered into force on January 18, 2002, requires parties to criminalize child pornography and prostitution, close establishments that practice such activities, and seize any ill-gotten proceeds. Neither Optional Protocol had significant opposition in the United States

Since its inception, 193 countries have become party to the Convention, making it the most widely ratified human rights treaty. Aside from the United States, the only member of the United Nations that has yet to accede to the treaty is Somalia, a country that lacks a functioning central government. On February 16, 1995, Secretary of State Madeleine Albright signed the Convention on behalf of the United States, but the President Bill Clinton's Administration did not transmit the treaty to the Senate because of certain opposition from key Members of Congress.

Those opposed to the Convention argue that ratification would make the treaty the "supreme law of the land," overriding existing family law, which is usually considered to be the province of state or local governments. They fear that U.S. judges could interpret the guarantees of the Convention as limiting the power parents have to raise their children as they see fit -- whether in regard to religious instruction, education, or the use of corporal punishment. They also maintain that the CRC could be seen as guaranteeing a child's right to abortion, contraception, and unrestricted access to information, including pornography.

Supporters counter that the CRC is not "self-executing" -- for any of its provisions to have the force of law, Congress would have to pass supporting legislation. They contend that ratification of the Convention would strengthen U.S. credibility abroad and give the United States additional means to advance children's rights. The opponents' fears are unfounded, they contend, because the treaty was crafted to preserve parental rights, protect children from intrusive governments, and focus attention on the plight of poor and needy children in less developed countries.

The George W. Bush Administration was explicitly against the CRC, so for eight years no move was made to submit the treaty for Senate ratification. During the 2008 presidential campaign, however, candidate Barack Obama stated that his administration would review the treaty. And in her January 2009 confirmation hearing to be U.S. Permanent Representative to the United Nations, Susan Rice said that the Obama Administration supported CRC objectives and would conduct a legal review of the treaty.

With a strong Democratic majority in the Senate, ratification seems possible. To counter this, opponents have attempted to take the initiative and galvanize their supporters by proposing a parental rights amendment to the U.S. Constitution, which would guarantee the right of parents to raise and educate their children regardless of any international treaty obligations. A fierce debate on the amendment and, perhaps, ratification of the CRC could be looming.

[Overview of the Convention Background and Issues for Debate](#)

The 111th Congress may demonstrate an interest in U.S. ratification of the United Nations Convention on the Rights of the Child (CRC or the Convention), particularly if the Barack Obama Administration submits it to the Senate for its advice and consent. CRC is an international treaty that addresses the rights of children worldwide. It calls on states parties to take all appropriate measures to ensure that children receive special rights, including the right to a name and nationality; access to healthcare, education, and parental care; and protection from exploitation, abuse, and neglect. CRC entered into force on September 2, 1990, and 193 countries are currently party to the Convention, making it the most widely ratified human rights treaty. The United States has signed, but not ratified, the Convention. One other country, Somalia, has not ratified CRC.

Past U.S. presidential administrations have generally supported the overall objectives of CRC but have had concerns as to whether the Convention is the most effective mechanism for addressing children's rights domestically and abroad. The Ronald Reagan and George H.W. Bush administrations played significant roles in negotiating the text of CRC; due to concerns regarding the Convention's possible impact on U.S. sovereignty and on state and federal laws, however, neither administration signed or transmitted the treaty to the Senate for advice and consent to ratification.

The Bill Clinton Administration supported CRC, and on February 16, 1995, then-Secretary of State Madeleine Albright signed the Convention on behalf of the United States. The Clinton Administration did not transmit the treaty to the Senate, however, because of opposition from key Members of Congress, including then-Senate Foreign Relations Committee Chairman Jesse Helms (NC-R). The George W. Bush Administration did not support ratification of CRC, citing "serious political and legal concerns" with the treaty. It questioned the impact of U.S. ratification on state and federal laws and argued that the treaty was at odds with the emphasis of the United States on the duty of parents to protect and care for their children.

The election of President Barack Obama has focused renewed attention on the possibility of U.S. ratification of the Convention. During the 2008 presidential campaign, Obama stated that his administration would review the treaty. Similarly, Susan Rice, appointed U.S. Permanent Representative to the United Nations, said at her January 2009 confirmation hearing that the

Obama Administration supported CRC objectives and would conduct a legal review of the treaty.

Evolution of the Convention

UN member states first collectively recognized the rights of children in the Universal Declaration of Human Rights, a nonbinding resolution adopted by the UN General Assembly in 1948. The Declaration states: "Motherhood and childhood are entitled to special care and assistance. All children, whether born in or out of wedlock, shall enjoy the same social protection."

UN member states further enunciated children's rights by unanimously adopting the Declaration on the Rights of the Child in 1959. The Declaration, which incorporates language from the Universal Declaration of Human Rights, calls on governments, families, and individuals to ensure that all children enjoy certain rights, including appropriate legal protections, a name and nationality, access to health care, and protection from abuse and exploitation. The international community also acknowledged the special rights of children in the International Covenant on Economic, Social, and Cultural Rights (CESCR) and the International Covenant on Civil and Political Rights (CCPR), which both entered into force in 1976.

The possibility of a Convention on the Rights of the Child was first raised by the government of Poland in 1978 as UN member states planned activities and programs that would take place during the International Year of the Child in 1979. For the next decade, UN member states participated in a UN Commission on Human Rights (now the Human Rights Council) working group to draft the CRC text. The Convention was adopted by the UN General Assembly after a decade of negotiations on November 20, 1989, and entered into force on September 2, 1990.

Objectives and Structure

CRC defines a child as "every human being below the age of eighteen years unless, under the law applicable to the child, majority is attained earlier." It states that the best interest of the child should be the primary consideration in all actions concerning children. Countries that are party to CRC agree to take all appropriate legislative, administrative, and other measures to ensure that all children in their jurisdiction have the rights set forth in the Convention. Such rights include life and development; name, nationality, and parental care; health and access to health care services; and education. They also include protection from abuse and neglect, and freedom of expression, religion, association, and peaceful assembly. CRC also calls for the protection of children from economic, sexual, and other forms of exploitation, torture, and capital punishment for offenses committed before the age of 18. It also provides special protections for orphans, refugees, and the disabled.

Article 5 of CRC recognizes the role of parents, requiring that "states parties shall respect the responsibilities, rights and duties of parents ... to provide ... appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention." The Convention also states that children have the right to know and be cared for by their parents, and recognizes that the "rights and duties" of parents should be taken into account when states parties seek to ensure a child's well-being.

Committee on the Rights of the Child. The Committee on the Rights of the Child (the Committee) was established under Article 43 of CRC to examine progress made by states parties in meeting their obligations under the Convention.

The Committee's primary responsibility is to monitor reports submitted by states parties on national implementation of CRC. Countries are required to submit an initial report to the Committee within two years of ratifying or acceding to CRC, followed by regular reports every five years. According to the Convention, these reports should include any "factors and difficulties" affecting the fulfillment of the obligations under the Convention. State parties present their reports at regular Committee meetings and engage in an open dialogue with Committee members to address progress and challenges to implementing CRC, as well as priorities and future goals. Committee members adopt concluding observations that include suggestions and observations, and may request further information from the reporting State Party, as needed. The Committee also adopts general comments on articles, provisions, and themes of CRC to assist states parties in fulfilling their obligations under the Convention. These comments address a range of issues -- including juvenile justice, protection from corporal punishment and other forms of punishment, and HIV/AIDS prevention and treatment.

Optional Protocols. The Convention has two optional protocols that provide specific protections for children: (1) the Optional Protocol on the Involvement of Children in Armed Conflict; and (2) the Optional Protocol on the Sale of Children, Child Prostitution and Child Pornography. Though both Optional Protocols operate under CRC, they are independent multilateral agreements under international law.

The Optional Protocol on Children in Armed Conflict limits the recruitment of children under the age of 18 for armed conflict and requires parties to provide children who have participated in armed conflict with appropriate physical and psychological rehabilitation. It entered into force on February 12, 2002, and has been ratified by 120 countries.

The Optional Protocol on the Sale of Children requires parties to criminalize child pornography and prostitution, close establishments that practice such activities, and seize any proceeds. It entered into force on January 18, 2002, and has been ratified by 126 countries.

Steps in the U.S. Process of Making Multilateral Treaties

The making of multilateral treaties for the United States involves a series of steps that generally include:

1. Negotiation and conclusion.
2. Signing by the president.
3. Transmittal to the Senate by the president, which may include any proposed reservations, declarations, and understandings.
4. Referral to the Senate Committee on Foreign Relations.
5. Committee consideration and report to the Senate recommending approval and a proposed resolution of ratification, which may include reservations, declarations, or understandings.
6. Senate approval of advice and consent to ratification by a two-thirds majority.
7. Ratification by the president.
8. Deposit of instrument of ratification.
9. Proclamation.

While the House of Representatives does not participate in the treaty-making process, legislation implementing any treaties requires action by both Houses of Congress.

U.S. Actions

The United States has signed, but not ratified, the Convention on the Rights of the Child, and the President has not transmitted CRC to the Senate for its advice and consent to ratification. In 2002, the United States ratified the CRC Optional Protocols on Children in Armed Conflict and the Sale of Children. The Optional Protocols to CRC were considered less controversial than the Convention itself because, in the view of many, existing U.S. laws generally met the standards of the agreements.

Obama Administration Position. President Barack Obama has indicated his overall support for the objectives of CRC and has stated his intent to conduct a legal review of the treaty. Susan Rice, U.S. Permanent Representative to the United Nations, reiterated at her January 2009 confirmation hearing that the Obama Administration was committed to the objectives of CRC and would review the Convention. Rice acknowledged that CRC was a "complicated" treaty in many respects, particularly given the U.S. system of federalism. She remarked that the administration needed to "take a close look at how we [the United States] manage the challenges of domestic implementation and what reservations and understandings might be appropriate in the context of ... ratification. Rice further stated that she could provide no information on how long it would take for the administration to conduct a legal review of the Convention.

Previous Administrations. The Ronald Reagan and George H.W. Bush administrations played a leading role in drafting the CRC. Neither administration supported U.S. ratification, however, due to concerns regarding the Convention's impact on state and federal laws, parental rights, and U.S. sovereignty. As a result, the Convention remained under legal review during the George H.W. Bush presidency. On February 16, 1995, then-U. S. Permanent Representative to the United Nations Madeleine Albright signed CRC on behalf of the Clinton Administration. The Administration announced that it would send the treaty to the Senate with a number of reservations, understandings, and declarations (RUDs) that are typically attached to treaties ratified by the United States. It stated that it would ask for RUDs to protect states' rights and maintain "existing tools of the criminal justice system," a likely reference to CRC provisions that prohibit the death penalty for minors.

The Administration did not submit CRC to the Senate for advice and consent to ratification, however, due in part to strong opposition from members of the U.S. Senate, particularly Senator Jesse Helms [NC-R], then-chairperson of the Senate Committee on Foreign Relations (SFRC). The George W. Bush Administration opposed the Convention, citing "serious political and legal concerns" with its impact on U.S. sovereignty and parental rights. Administration officials acknowledged that while CRC may be a useful tool for protecting children in countries that have ratified it, it was "misleading and inappropriate" to use the Convention as a "litmus test" for measuring the United States' commitment to children.

Congressional Perspectives. Congressional perspectives on U.S. ratification of CRC have varied. Members who support ratification maintain that the Convention would reaffirm U.S. commitment to children's rights and allow the United States to continue to play a leading role in protecting children worldwide. In September 1990, for instance, the House of Representatives passed a resolution supporting U.S. ratification, stating that "the issue of children's rights and

their well-being is important to both the United States and the world at large." Congressional opponents of U.S. ratification argue that the treaty would undermine U.S. sovereignty, particularly in the context of policy areas traditionally addressed by states -- including education and juvenile justice. Some Members of Congress have also expressed concern regarding the Convention's possible impact on parental rights and responsibilities.

Policy Issues

The question of U.S. ratification of CRC has generated passionate debate. This section provides an overview of selected policy issues that have emerged during these discussions. These issues may continue to play a role in the ratification debate -- particularly if the Obama Administration decides to seek the Senate's advice and consent.

Federal and State Laws. Perhaps more than other human rights treaties, CRC addresses areas that are usually considered to be primarily or exclusively under the jurisdiction of state or local governments. In general, both federal and state laws are consistent with the Convention's standards; however, there are some key differences that may need to be resolved within the Executive Branch before CRC is transmitted to the Senate for its advice and consent to ratification.

Areas where state and federal laws might conflict include juvenile justice, child labor, child education, welfare, custody and visitation, and adoption. State and local jurisdictions often address these issues differently and, according to some, U.S. ratification of CRC could, for the first time, apply federal laws to issues traditionally handled by individual states -- thereby undermining the U.S. system of federalism. Some are also concerned that states may not adequately enforce implementation of U. S. laws that are in accord with the Convention.

Advocates of U.S. ratification contend that possible conflicts between state and federal laws may be addressed through RUDs that often accompany treaty ratifications. The use of a "non-self-executing" declaration, for example, would require implementing legislation to bring the Convention's provisions into use -- thereby addressing any potential conflicts with U.S. laws or values. In addition, a "federalism" understanding would make clear that the federal government would fulfill U.S. treaty obligations where it exercises jurisdiction and take appropriate measures to ensure that states and localities fulfill the provisions.

Other supporters of U.S. ratification, however, contend that the inclusion of such RUDs would demonstrate the United States' unwillingness to fully implement the Convention. Some proponents argue that instead of placing limiting conditions on U.S. ratification, U.S. law should be brought into conformance with international standards when, in their view, the international standard is higher.

Supporters of ratification also emphasize that countries with a system of federalism similar to the United States -- such as Canada and Australia -- ratified the Convention

U.S. Sovereignty. Opponents of CRC argue that U.S. ratification would undermine U.S. sovereignty. They maintain that since ratified treaties are considered the "supreme Law of the Land" under the U.S. Constitution, the Convention could supersede both national and local laws. Some opponents hold that if the United States ratifies the Convention, the CRC Committee -- a

panel of 18 independent experts that monitors states' compliance with the treaty -- would have authority over U.S. Government and private citizens' actions toward children. A number of critics, for example, have taken issue with some CRC Committee decisions regarding parental rights, abortion, and the role of national governments in raising children.

Supporters of U.S. ratification maintain that federal and state laws generally meet the requirements of the Convention, thereby posing little threat to U.S. sovereignty. They also contend that the inclusion of RUDs -- such as a non-self-executing declaration that requires implementing legislation to bring the Convention's provisions into use -- could address any additional sovereignty concerns. Proponents further emphasize that under the Convention, the CRC Committee may only comment on the reports of states parties or make general recommendations. They emphasize that the Committee relies primarily on states parties to comply with CRC obligations and has no established rules for treaty noncompliance. Supporters also contend that enforcement mechanisms under CRC are weaker than those of other human rights treaties ratified by the United States.

Parental Rights. A key area of debate regarding U.S. ratification of CRC is its possible impact on the rights of parents. Some critics have expressed strong concern that the Convention will give the UN Committee on the Rights of the Child or the U.S. Government authority over the family structure and how parents choose to raise their children. Many believe that parents should be able to raise their children in a way that reflects their morals and values without interference from outside parties, and some have argued that under CRC parental responsibility exists only in the context of its role in furthering the independent choices of children. Moreover, CRC opponents argue that U.S. ratification would encourage children to disregard parental authority, possibly leading them to file complaints against or sue their parents. Such actions, they argue, would undermine parental rights and give children inappropriate influence over their own lives.

In particular, some Convention opponents are concerned about how the CRC Committee may interpret the Convention's provisions on the "best interest of the child," which is referenced in several Articles, including 3, 9, 18, and 40. Critics maintain that allowing a UN Committee to interpret what is in the best interest of U.S. children severely undermines the role of U.S. parents to determine how to raise, educate, and discipline their children. Opponents have also taken issue with other CRC provisions that, in their view, could be interpreted to undermine parental rights and responsibilities:

- **Privacy** -- Article 16(1) states, "No child shall be subjected to arbitrary or unlawful interference with his or her privacy" Some have interpreted this to mean that parents may not have the right to search their children's rooms or be notified if a child is arrested or undergoes an abortion.
- **Freedom of Expression** -- Article 13(1) provides that the child shall have the "right to freedom of expression," including "freedom to seek, receive, and impart information and ideas of all kinds." Some contend that this could be interpreted to allow children to speak their minds at all times, regardless of parental authority or discipline.
- **Freedom of Thought, Conscience, and Religion** -- Some maintain that Article 14(1), which states that "states parties shall respect the right of the child to freedom of thought,

conscience and religion," might give children the right to object to their parents' religious beliefs or training.

- **Access to Information** -- Article 17 states that states parties shall ensure that "the child has access to information and material from a diversity of national and international sources" Some interpret this to mean that children have a right to access any type of information regardless of their parents' preferences, including television, books, and other sources they find objectionable.
- **Education** -- Critics assert that Article 28(1), which states that states parties recognize "the right of the child to education," could lead to the government or CRC Committee mandating public schooling or interfering with the right of parents to home-school or send their children to private school. Some are concerned that Article 29(1), which addresses elements that shall be included in a child's education, could lead to government interference in private school and home-school curricula.
- **Corporal Punishment** -- Article 19(1) states, "[N]o child should be subjected to physical or mental violence, injury or abuse, neglect or negligent treatment, maltreatment or exploitation," at school or by a parent or legal guardian. Some interpret this to mean that parents may not be allowed to discipline their children through corporal punishment, such as spanking.
- **Freedom of Association** -- Some are concerned that Article 15(1), which calls on states parties to "recognize the rights of the child to freedom of association and to freedom of peaceful assembly," could give children the right to associate with people that his or her parents do not approve of, including cults or gangs.

Supporters of the Convention emphasize that CRC was established not to circumvent the role of parents but to protect children against government intrusion and abuse. Some contend, for example, that Article 16 on the child's right to privacy is meant to protect children not from their parents but from government intrusion into the child's or family's privacy. Similarly, supporters maintain that Article 13 on a child's right to freedom of expression is intended to protect children from states that undermine parental authority by denying children the right to artistic, religious, or other forms of expression.

Some also make a similar argument regarding Article 14 on a child's right to thought, conscience, and religion. In their view, the Article is not meant as a means for children to challenge their parent's religion or discipline, but to protect children from state interference in these areas, particularly if children are separated from their families. Some supporters have cited the experiences of Jewish children during the Holocaust and the plight of Christian children in China as examples of instances where children should be protected from government actions regarding religion.

Similarly, supporters emphasize that CRC provisions on children's access to information (Article 17) and freedom of association (Article 15) are meant to protect children not from parental authority, but from government intrusion in these areas. CRC supporters also note that CRC provisions that address a child's right to education (Articles 28 and 29) are not intended to undermine the role of parents in choosing a child's education. Rather, they are meant to

establish and protect children's rights in countries with poor or unbalanced educational systems. In some countries, for example, girls are forbidden or discouraged from receiving an education. In such cases, supporters argue, ratification of the Convention could play a role in ensuring equal access to education for both girls and boys.

Many CRC supporters also emphasize what they view as the Convention's strong support for the role of parents and the family structure. They contend that CRC's provisions -- including those regarding education, corporal punishment, and references to the "best interest of the child" -- should be balanced with what many perceive as the Convention's overall emphasis on the important role of parents in raising their children. Proponents support this view by citing Article 7, which states, "[A]s far as possible, the child has a right to be known and be cared for by his or her parents," and Article 3, which states:

States parties undertake to ensure the child such protection and care as is necessary for his or her well-being, taking into account the rights and duties of his or her parents, legal guardians, or other individuals legally responsible for him or her.

Supporters also emphasize the Convention's references to the role of the family and parents in 18 other articles, as well as the CRC preamble, which states that the family is "the fundamental group of society," and recognizes "... the child, for the full and harmonious development of his or her personality, should grow up in a family environment" Advocates further emphasize that there is no language in the Convention that allows for prosecutions, lawsuits, or investigations of parents or guardians. Any such actions, they argue, would be based on existing U.S. laws rather than CRC provisions or recommendations of the CRC Committee.

To alleviate concerns regarding parental rights, some have suggested that if the United States were to ratify the CRC, it may consider including RUDs addressing the issue. When considering ratification of the UN Convention on the Elimination on All Forms of Discrimination Against Women, for instance, the Clinton Administration proposed a "private conduct" reservation, which stated that the United States "does not accept any obligation under the Convention to regulate private conduct except as mandated by the Constitution and U.S. law."

Abortion. There is significant debate regarding what impact, if any, U.S. ratification of CRC might have on domestic abortion policy. The ambiguous nature of some CRC provisions relating to these issues has left the door open for broad interpretation by both opponents and supporters of the Convention.

Critics of U.S. ratification have raised questions regarding the Convention's possible impact on state parental notification laws for children undergoing abortion. In particular, they are concerned about Article 16(1), which states, "No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home, or correspondence" Some fear that this "right to privacy" could ultimately allow children to choose to have abortions without notifying or receiving guidance from their parents.

Opponents of the Convention express concern with CRC Committee decisions that appear to criticize countries that restrict abortion. In addition, some have argued that Article (24)(2)(d) of CRC, which states that states parties "shall ... take appropriate measures ... to ensure appropriate pre-natal and post-natal health care for mothers," could be interpreted to mean that

children may undergo abortions without parental notification.

Supporters of the Convention contend that the treaty does not take a position on abortion or when a child's life begins. They maintain that the Convention text allows individual countries to interpret the treaty in a way that aligns with their national abortion policies. They note that countries with strict anti-abortion laws, such as the Holy See (Vatican), the Philippines, and Ireland, have ratified the Convention. Proponents counter claims that the Convention encourages abortion by citing CRC Committee statements that appear to criticize countries for their high rates of abortion and teen pregnancy. In its report on Russia in 1993, for instance, the Committee expressed concern with "frequent recourse to abortion as what appears to be a method of family planning."

Family Planning. Some CRC opponents are concerned that Article 24, which focuses on the right of the child to enjoy the highest attainable standard of health, could require parents to make or expose their children to family planning choices that contradict their values. Specifically, Article 24(2)(f) states that states parties "shall ... take appropriate measures ... to develop preventive health care, guidance for parents and family planning education and services." Some worry that this provision could require contraceptive distribution or "pornographic sex education" in schools. Similarly, some argue that it could allow children access to contraceptives without the knowledge of, or permission from, their parents.

Supporters of U.S. ratification argue that CRC provides for states parties to make their own interpretations and decisions regarding family planning education and services. They emphasize that Article 24(2)(f) allows for states parties to take "appropriate measures ... to develop family planning education and services," thereby leaving it to individual countries to interpret what is appropriate in the context of their national policies and laws.

Supporters also contend that concerns regarding the Convention's position on family planning should be balanced with the Convention's recognition of the role of parents in raising children. They point out that countries with a wide range of family planning policies have ratified the Convention -- including China, the Holy See (Vatican), Canada, Ireland, and the Philippines.

Effectiveness of the Convention. A significant area of debate among CRC supporters and opponents is the effectiveness of the Convention, particularly in countries that have already ratified it. Some critics agree with CRC's overall goal of protecting children's rights internationally, but they do not believe that the treaty is an effective mechanism for achieving this goal. As evidence of this, they emphasize that countries that many regard as abusers of children's rights -- including Sudan, Democratic Republic of the Congo, and China -- are party to the Convention. Similarly, some argue that instead of helping children, ratification of CRC may serve as a facade for governments that abuse children's rights.

Critics have also asserted that reservations and declarations that some countries attached to the Convention are at odds with the purpose of the treaty, possibly undermining its intent and effectiveness. A number of Islamic countries, for example, attached reservations stating that the Convention would not apply to provisions that they deem incompatible with Islamic Shari'a law or values. Some are concerned that the ambiguity of such reservations could allow for broad interpretations of the Convention's provisions, particularly in the area of child marriage and

education for girls.

Other states parties also included reservations that aim to apply CRC only when it is compatible with domestic laws. Holy See (the Vatican), for example, included a reservation stating that the application of the Convention [should] be "compatible in practice with the particular nature of the Vatican City State and of the sources of its objective law." Other countries, such as Sweden and Norway, have objected to the inclusion of these reservations. When filing their own reservations and declarations, they state that the reservations of some countries "may cast doubts on the commitments of the reserving state [to the Convention]."

Supporters of CRC contend that it has enhanced children's rights in a number of countries that have ratified the Convention. Human Rights Watch, for example, reports that many countries have used CRC as a basis for enhancing existing legislation and improving children's rights. Similarly, a 2004 UN Children's Fund (UNICEF) review of 62 states parties to CRC found that more than half of the countries studied had incorporated Convention provisions into their domestic laws, and nearly one-third of the countries had incorporated provisions into their national constitutions. UNICEF also reports that CRC played a role in establishing over 60 independent human rights institutions for children in 38 countries.

Ultimately, however, supporters generally acknowledge that while progress has been made, many countries still have a long way to go in implementing the Convention. The 2004 UNICEF review, for instance, found that while high-level political commitment to CRC is essential to developing new laws to protect children's rights, social change will occur only when high-level commitment is matched by "effective law enforcement, allocation of adequate resources and the engagement of all levels of society."

Convention as an Instrument of U.S. Foreign Policy. Many CRC supporters hold that ratification of the Convention would strengthen U.S. credibility abroad and give the United States additional fora in which to pursue the advancement of children's rights. Specifically, they argue that U.S. non-ratification leads foreign governments to question the sincerity of the United States in addressing children's rights, thereby hindering the ability of U.S. diplomats to advocate child rights in countries with poor human rights records.

They contend that many countries view the United States as hypocritical because it expects other countries to comply with international standards that it does not itself follow. Some, for example, point to U.S. statutes that require U.S. foreign assistance to be subject to a country's compliance with "internationally recognized human rights." Further, some argue that U.S. ratification would provide the United States with an opportunity to influence international laws and standards in the area of children's rights. They maintain that the United States, with its history of democracy and policies that respect children, could share its experience and expertise with other countries that aim to protect children's rights.

Opponents of CRC argue that the United States is the international leader in advancing children's rights and that U.S. non-ratification does not impact its ability to advocate children's rights to foreign governments. They maintain that the United States has demonstrated its commitment to children by ratifying the Optional Protocols to the Convention and by implementing laws and policies that protect and preserve the rights of children in the United States.

Some critics of ratification also contend that CRC and more broadly, other international human rights treaties, are designed for countries with lesser human rights traditions. They argue that U.S. laws far exceed the standards established in such agreements and that ratifying the treaties would not benefit U.S. citizens. Moreover, some are reluctant to leave the question of U.S. obligations under international treaties to other countries -- particularly those with low human rights standards. Critics have also expressed concern that U.S. ratification of CRC and other human rights treaties could be used as a basis for unfounded political criticisms of the United States in international fora.

From the Library of Congress, Congressional Research Service report *The United Nations Convention on the Rights of the Child: Background and Policy Issues*, April 1, 2009.

Major Provisions of the Convention Preamble and Summary of Articles Preamble

The States Parties to the present Convention,

Considering that, in accordance with the principles proclaimed in the Charter of the United Nations, recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world,

Bearing in mind that the peoples of the United Nations have, in the Charter, reaffirmed their faith in fundamental human rights and in the dignity and worth of the human person, and have determined to promote social progress and better standards of life in larger freedom,

Recognizing that the United Nations has, in the Universal Declaration of Human Rights and in the International Covenants on Human Rights, proclaimed and agreed that everyone is entitled to all the rights and freedoms set forth therein, without distinction of any kind, such as race, color, sex, language, religion, political or other opinion, national or social origin, property, birth or other status,

Recalling that, in the Universal Declaration of Human Rights, the United Nations has proclaimed that childhood is entitled to special care and assistance,

Convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community,

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding,

Considering that the child should be fully prepared to live an individual life in society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in the spirit of peace, dignity, tolerance, freedom, equality and solidarity,

Bearing in mind that the need to extend particular care to the child has been stated in the Geneva Declaration of the Rights of the Child of 1924 and in the Declaration of the Rights of the Child adopted by the General Assembly on 20 November 1959 and recognized in the Universal

Declaration of Human Rights, in the International Covenant on Civil and Political Rights (in particular in Articles 23 and 24), in the International Covenant on Economic, Social and Cultural Rights (in particular in Article 10) and in the statutes and relevant instruments of specialized agencies and international organizations concerned with the welfare of children,

Bearing in mind that, as indicated in the Declaration of the Rights of the Child, "the child, by reason of his physical and mental immaturity, needs special safeguards and care, including appropriate legal protection, before as well as after birth,"

Recalling the provisions of the Declaration on Social and Legal Principles relating to the Protection and Welfare of Children, with Special Reference to Foster Placement and Adoption Nationally and Internationally; the United Nations Standard Minimum Rules for the Administration of Juvenile Justice (The Beijing Rules); and the Declaration on the Protection of Women and Children in Emergency and Armed Conflict,

Recognizing that, in all countries in the world, there are children living in exceptionally difficult conditions, and that such children need special consideration,

Taking due account of the importance of the traditions and cultural values of each people for the protection and harmonious development of the child,

Recognizing the importance of international co-operation for improving the living conditions of children in every country, in particular in the developing countries,

Have agreed as follows:

Articles Summary

Article 1: Definition of the Child -- The Convention defines a "child" as a person below the age of 18, unless the laws of a particular country set the legal age for adulthood younger. The Committee on the Rights of the Child, the monitoring body for the Convention, has encouraged States to review the age of majority if it is set below 18 and to increase the level of protection for all children under 18.

Article 2: Nondiscrimination -- The Convention applies to all children, whatever their race, religion, or abilities; whatever they think or say, whatever type of family they come from. It doesn't matter where children live, what language they speak, what their parents do, whether they are boys or girls, what their culture is, whether they have a disability, or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3: Best Interests of the Child -- The best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and lawmakers.

Article 4: Protection of Rights -- Governments have a responsibility to take all available measures to make sure children's rights are respected, protected, and fulfilled. When countries ratify the Convention, they agree to review their laws relating to children. This involves assessing

their social services, legal, health, and educational systems, as well as levels of funding for these services. Governments are then obliged to take all necessary steps to ensure that the minimum standards set by the Convention in these areas are being met. They must help families protect children's rights and create an environment where they can grow and reach their potential. In some instances, this may involve changing existing laws or creating new ones. Such legislative changes are not imposed, but come about through the same process by which any law is created or reformed within a country. Article 41 of the Convention points out the when a country already has higher legal standards than those seen in the Convention, the higher standards always prevail.

Article 5: Parental Guidance -- Governments should respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly. Helping children to understand their rights does not mean pushing them to make choices with consequences that they are too young to handle. Article 5 encourages parents to deal with rights issues "in a manner consistent with the evolving capacities of the child." The Convention does not take responsibility for children away from their parents and give more authority to governments. It does place on governments the responsibility to protect and assist families in fulfilling their essential role as nurturers of children.

Article 6: Survival and Development -- Children have the right to live. Governments should ensure that children survive and develop healthily.

Article 7: Registration, Name, Nationality, Care -- All children have the right to a legally registered name, officially recognized by the government. Children have the right to a nationality (to belong to a country). Children also have the right to know and, as far as possible, to be cared for by their parents.

Article 8: Preservation of Identity -- Children have the right to an identity -- an official record of who they are. Governments should respect children's right to a name, a nationality, and family ties.

Article 9: Separation from Parents -- Children have the right to live with their parent(s), unless it is bad for them. Children whose parents do not live together have the right to stay in contact with both parents, unless this might hurt the child.

Article 10: Family Reunification -- Families whose members live in different countries should be allowed to move between those countries so that parents and children can stay in contact, or get back together as a family.

Article 11 (Kidnapping): Governments should take steps to stop children being taken out of their own country illegally. This article is particularly concerned with parental abductions. The Convention's Optional Protocol on the sale of children, child prostitution and child pornography has a provision that concerns abduction for financial gain.

Article 12: Respect for the Views of the Child -- When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account. This does not mean that children can now tell their parents what to

do. This Convention encourages adults to listen to the opinions of children and involve them in decisionmaking -- not give children authority over adults. Article 12 does not interfere with parents' right and responsibility to express their views on matters affecting their children. Moreover, the Convention recognizes that the level of a child's participation in decisions must be appropriate to the child's level of maturity. Children's ability to form and express their opinions develops with age, and most adults will naturally give the views of teenagers greater weight than those of a preschooler, whether in family, legal, or administrative decisions.

Article 12: Respect for the Views of the Child -- When adults are making decisions that affect children, children have the right to say what they think should happen and have their opinions taken into account.

Article 13: Freedom of Expression -- Children have the right to get and share information, as long as the information is not damaging to them or others. In exercising the right to freedom of expression, children have the responsibility to also respect the rights, freedoms, and reputations of others. The freedom of expression includes the right to share information in any way they choose, including by talking, drawing, or writing.

Article 14: Freedom of Thought, Conscience, and Religion -- Children have the right to think and believe what they want and to practice their religion, as long as they are not stopping other people from enjoying their rights. Parents should help guide their children in these matters. The Convention respects the rights and duties of parents in providing religious and moral guidance to their children. Religious groups around the world have expressed support for the Convention, which indicates that it in no way prevents parents from bringing their children up within a religious tradition. At the same time, the Convention recognizes that as children mature and are able to form their own views, some may question certain religious practices or cultural traditions. The Convention supports children's right to examine their beliefs, but it also states that their right to express their beliefs implies respect for the rights and freedoms of others.

Article 15: Freedom of Association -- Children have the right to meet together and to join groups and organizations, as long as it does not stop other people from enjoying their rights. In exercising their rights, children have the responsibility to respect the rights, freedoms, and reputations of others.

Article 16: Right to Privacy -- Children have a right to privacy. The law should protect them from attacks against their way of life, their good name, their families, and their homes.

Article 17: Access to Information/Mass Media -- Children have the right to get information that is important to their health and well-being. Governments should encourage mass media -- radio, television, newspapers, and Internet content sources -- to provide information that children can understand and to not promote materials that could harm children. Mass media should particularly be encouraged to supply information in languages that minority and indigenous children can understand. Children should also have access to children's books.

Article 18: Parental Responsibilities/State Assistance -- Both parents share responsibility for bringing up their children, and should always consider what is best for each child. Governments must respect the responsibility of parents for providing appropriate guidance to

their children -- the Convention does not take responsibility for children away from their parents and give more authority to governments. It places a responsibility on governments to provide support services to parents, especially if both parents work outside the home.

Article 19: Protection From All Forms of Violence -- Children have the right to be protected from being hurt and mistreated, physically or mentally. Governments should ensure that children are properly cared for and protect them from violence, abuse, and neglect by their parents, or anyone else who looks after them. In terms of discipline, the Convention does not specify what forms of punishment parents should use. However any form of discipline involving violence is unacceptable. There are ways to discipline children that are effective in helping children learn about family and social expectations for their behavior -- ones that are nonviolent, are appropriate to the child's level of development, and take the best interests of the child into consideration. In most countries, laws already define what sorts of punishments are considered excessive or abusive. It is up to each government to review these laws in light of the Convention.

Article 20: Children Deprived of Family Environment -- Children who cannot be looked after by their own family have a right to special care and must be looked after properly, by people who respect their ethnic group, religion, culture, and language.

Article 21: Adoption -- Children have the right to care and protection if they are adopted or in foster care. The first concern must be what is best for them. The same rules should apply whether they are adopted in the country where they were born or if they are taken to live in another country.

Article 22: Refugee Children -- Children have the right to special protection and help if they are refugees (if they have been forced to leave their home and live in another country), as well as all the rights in this Convention.

Article 23: Children With Disabilities -- Children who have any kind of disability have the right to special care and support, as well as all the rights in the Convention, so that they can live full and independent lives.

Article 24: Health and Health Services -- Children have the right to good quality health care -- the best health care possible -- to safe drinking water, nutritious food, a clean and safe environment, and information to help them stay healthy. Rich countries should help poorer countries achieve this.

Article 25: Review of Treatment in Care -- Children who are looked after by their local authorities, rather than their parents, have the right to have these living arrangements looked at regularly to see if they are the most appropriate. Their care and treatment should always be based on "the best interests of the child."

Article 26: Social Security -- Children, either through their guardians or directly, have the right to help from the government if they are poor or in need.

Article 27: Adequate Standard of Living -- Children have the right to a standard of living that is good enough to meet their physical and mental needs. Governments should help families

and guardians who cannot afford to provide this, particularly with regard to food, clothing, and housing.

Article 28: Right to Education -- All children have the right to a primary education, which should be free. Wealthy countries should help poorer countries achieve this right. Discipline in schools should respect children's dignity. For children to benefit from education, schools must be run in an orderly way -- without the use of violence. Any form of school discipline should take into account the child's human dignity. Therefore, governments must ensure that school administrators review their discipline policies and eliminate any discipline practices involving physical or mental violence, abuse, or neglect. The Convention places a high value on education. Young people should be encouraged to reach the highest level of education of which they are capable.

Article 29: Goals of Education -- Children's education should develop each child's personality, talents, and abilities to the fullest. It should encourage children to respect others, human rights, and their own and other cultures. It should also help them learn to live peacefully, protect the environment, and respect other people. Children have a particular responsibility to respect the rights of their parents, and education should aim to develop respect for the values and culture of their parents. The Convention does not address such issues as school uniforms, dress codes, the singing of the national anthem, or prayer in schools. It is up to governments and school officials in each country to determine whether, in the context of their society and existing laws, such matters infringe upon other rights protected by the Convention.

Article 30: Children of Minorities/Indigenous Groups -- Minority or indigenous children have the right to learn about and practice their own culture, language, and religion. The right to practice one's own culture, language, and religion applies to everyone; the Convention here highlights this right in instances where the practices are not shared by the majority of people in the country.

Article 31: Leisure, Play, and Culture -- Children have the right to relax and play, and to join in a wide range of cultural, artistic, and other recreational activities.

Article 32: Child Labor -- The government should protect children from work that is dangerous or might harm their health or their education. While the Convention protects children from harmful and exploitative work, there is nothing in it that prohibits parents from expecting their children to help out at home in ways that are safe and appropriate to their age. If children help out in a family farm or business, the tasks they do must be safe and suited to their level of development and comply with national labor laws. Children's work should not jeopardize any of their other rights, including the right to education or the right to relaxation and play.

Article 33: Drug Abuse -- Governments should use all means possible to protect children from the use of harmful drugs and from being used in the drug trade.

Article 34: Sexual Exploitation -- Governments should protect children from all forms of sexual exploitation and abuse. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 35: Abduction, Sale, and Trafficking -- The government should take all measures possible to make sure that children are not abducted, sold, or trafficked. This provision in the Convention is augmented by the Optional Protocol on the sale of children, child prostitution and child pornography.

Article 36: Other Forms of Exploitation -- Children should be protected from any activity that takes advantage of them or could harm their welfare and development.

Article 37: Detention and Punishment -- No one is allowed to punish children in a cruel or harmful way. Children who break the law should not be treated cruelly. They should not be put in prison with adults, should be able to keep in contact with their families, and should not be sentenced to death or life imprisonment without possibility of release.

Article 38: War and Armed Conflicts -- Governments must do everything they can to protect and care for children affected by war. Children under 15 should not be forced or recruited to take part in a war or join the armed forces. The Convention's Optional Protocol on the involvement of children in armed conflict further develops this right, raising the age for direct participation in armed conflict to 18 and establishing a ban on compulsory recruitment for children under 18.

Article 39: Rehabilitation of Child Victims -- Children who have been neglected, abused, or exploited should receive special help to physically and psychologically recover and reintegrate into society. Particular attention should be paid to restoring the health, self-respect, and dignity of the child.

Article 40: Juvenile Justice -- Children who are accused of breaking the law have the right to legal help and fair treatment in a justice system that respects their rights. Governments are required to set a minimum age below which children cannot be held criminally responsible and to provide minimum guarantees for the fairness and quick resolution of judicial or alternative proceedings.

Article 41: Respect for Superior National Standards -- If the laws of a country provide better protection of children's rights than the articles in this Convention, those laws should apply.

Article 42: Knowledge of Rights -- Governments should make the Convention known to adults and children. Adults should help children learn about their rights, too. (See also Article 4.)

Articles 43-54: Implementation Measures -- These articles discuss how governments and international organizations like UNICEF should work to ensure children are protected in their rights.

From the United Nations Office of the High Commissioner for Human Rights and a summary of the rights under the Convention on the Rights of the Child, prepared by UNICEF in a fact sheet. See <http://www.unicef.org/crc/files/Rights%5foverview.pdf>. Accessed May 1, 2009.

[Child Survival Threats and Solutions](#)

Every day, on average, more than 26,000 children under the age of five die around the world,

mostly from preventable causes. Nearly all of them live in the developing world or, more precisely, in 60 "priority" developing countries and territories.

Many developing countries have achieved some remarkable advances in reducing child deaths over the past few decades. However, much remains to be done. Concrete action must be taken to improve primary health care for mothers, newborns, and children. Communities, governments, and international health organizations must work together and unite their efforts for child survival.

The State of the World's Children 2008 reviews the current state of child survival and primary health care for mothers, newborns, and children. It also examines the main threats to and solutions for improving child survival today. The report states that in order to achieve these objectives, the key stakeholders -- governments and communities, donors and international agencies, nongovernmental organizations and private-sector collaborators -- will need to unite their actions and partnerships in support of maternal and child survival and health. Working together, we can ensure that mothers, newborns, and children receive quality essential health services, improve their health and nutritional status, and place the survival of children at the heart of global efforts to advance humanity.

Main Threats to Child Survival

More than one third of all child deaths occur during the first 28 days of life. Many of these children die at home, without access to necessary health services and the basic resources that might have saved their lives. Some children succumb to respiratory or diarrheal infections, others to early childhood diseases, such as measles, that are easily prevented through vaccines. Up to half of all deaths of children under the age of five are associated with undernutrition, which deprives a young child's body and mind of the nutrients needed for growth and development. Unsafe water, poor sanitation, and inadequate hygiene also contribute to child mortality and morbidity.

Solutions for Every Mother and Child

There are many threats to child survival, especially in the developing world. However, the good news is that up to two-thirds of the causes of under-five deaths are entirely preventable. There are a number of simple, proven and cost-effective methods to prevent child deaths. Exclusive breastfeeding, vaccinations, and hand washing are some examples of possible solutions. Some of the other basic, yet important, services and practices identified include:

- skilled attendants at delivery and newborn care
- care of low birth weight infants
- hygiene promotion
- prevention of mother-to-child transmission of HIV and pediatric treatment of AIDS
- adequate nutrition, particularly in the form of early and exclusive breastfeeding during the first six months of life

- complementary feeding combined with continued breastfeeding for at least two more years
- micronutrient supplementation to boost immune systems
- immunization to protect children against the six major vaccine-preventable diseases
- oral rehydration therapy and zinc to combat diarrheal disease
- antibiotics to fight pneumonia
- insecticide-treated mosquito nets and effective medicines to prevent and treat malaria

The challenge is to ensure that these remedies -- along with comprehensive health services and a continuum of maternal, newborn, and child health care -- reach the millions of children and families who, so far, have been passed by.

Child Survival and the Millennium Development Goals

At the United Nations Millennium Summit in 2000, heads of state and governments pledged to work together to make a better world for everyone by 2015. On behalf of their people, they signed the Millennium Declaration, which outlines a series of targets known as the Millennium Development Goals (MDGs). The deadline for achieving the MDGs is 2015. Currently, 192 countries and territories have endorsed the Declaration.

There are eight goals in all. MDG 4 aims to reduce child mortality by two-thirds between 1990 and 2015. In 2006, close to 9.7 million children died before their fifth birthday. Meeting MDG 4 requires that during the next seven years, the number of child deaths must be cut in half. The bulk of the efforts must be focused on the most difficult situations and circumstances: in the poorest countries, among the most impoverished, isolated, uneducated, and marginalized districts and communities, within nations ravaged by AIDS, conflict, weak governance and chronic underinvestment in public health systems and physical infrastructure.

MDG 5 also relates to MDG 4. MDG 5 aims to improve maternal health. This is very important, as a mother's health is essential in ensuring the health of infants and young children, as well as her own well-being.

MDGs 1, 6, 7, and 8 all relate to MDG 4. Eradicating poverty and preventing undernourishment, combating HIV and AIDS, malaria and other major diseases, ensuring access to safe drinking water and basic sanitation, and encouraging rich nations to work together with developing nations for child survival show us that the MDGs are in fact interrelated.

Greater effort is required to meet the MDGs related specifically to health, and to lower child deaths to fewer than 5 million by 2015. The situation is most urgent in sub-Saharan Africa, the region furthest behind on almost all of the health-related MDGs, but also in several countries of South Asia and other parts the developing world.

The State of the World's Children 2008 returns to a theme that marked the launch of the series in the early 1980s: putting children's survival, health, and development first. Then, as now,

UNICEF and its partners aspired to reduce the number of child deaths by about half by a target date. Then, as now, it proposed simple, effective, low-cost, practical solutions and strategies to reduce child mortality and improve child health. Now, as then, it is inviting partners from all walks of life to join the child survival and development movement.

From "The big picture: Child Survival Today," prepared by UNICEF, based on The State of the World's Children 2008. See <http://www.unicef.org/voy/explore/sowc/explore%5f4103.html>. Accessed May 1, 2009.

[Should the U.S. Senate Ratify the UN Convention on the Rights of the Child? PROS Campaign for the U.S. Ratification of the Convention on the Rights of the Child](#)

The Campaign for U.S. Ratification of the Convention on the Rights of the Child (CRC) is a volunteer-driven network of academics, attorneys, child and human rights advocates, educators, members of religious and faith-based communities, physicians, representatives from nongovernmental organizations, students, and other concerned citizens who seek to bring about U.S. ratification and implementation of the CRC. Excerpted from the CRC FAQs --Myths and Facts from the Campaign for the U.S. Ratification of the Convention on the Rights of the Child website, <http://childrightscampaign.org>.

The United States has some of the best programs and laws in the world to protect our children, but too many of them continue to face considerable hardships, including insufficient health care, inadequate educational opportunities, and high rates of poverty, abuse, hunger, infant mortality, incarceration, teen pregnancy, homicide, suicide, and firearm-related deaths.

In the United States, the CRC would establish a useful framework from which our leaders could create cost-effective and comprehensive policies and programs that address the specific needs of children and their families. By adhering to the reporting requirements contained in the CRC, our leaders would be compelled to reassess the state of children's well-being in the United States and undertake crucial efforts to improve their lives.

U.S. ratification would enhance our role as an international leader in human rights. With our country's endorsement of the CRC, the world would stand united in its universally shared goal to protect and promote children's best interests. As a party to the Convention, the United States would be eligible to participate in the Committee on the Rights of the Child (the international body responsible for monitoring the implementation of the CRC). As a member of this Committee, the United States could take an active role in encouraging further progress in countries which have already ratified the Convention.

[CRC Myths and Facts](#)

Over 300 organizations representing the interests of the religious, education, health care, humanitarian, labor, legal, and social service communities have lent their support for ratification of the CRC. However, a small number of political organizations have spearheaded efforts to oppose U.S. ratification. These groups have sought to minimize the Convention's value by employing "scare tactics" to fallaciously portray the CRC as a threat to American families. In general, opponents largely base their arguments on unsubstantiated claims regarding national sovereignty and interference in the parent-child relationship.

They allege that ratification of the CRC:

- would endanger national and state sovereignty;
- would undermine parental authority by allowing the United Nations to dictate how parents raise and teach their children; and
- would enable children the right to do as they please, including taking legal action against their parents, having abortions, joining gangs, etc.

These false claims are the result of misconceptions, erroneous information, and a lack of understanding about how international human rights treaties are implemented in the United States. In many cases, the Convention's opponents criticize provisions that were added by the [President Ronald] Reagan Administration during the drafting process in an effort to reflect the rights U.S. citizens have under our Constitution.

Myth #1: The Convention would become "Supreme Law" of the land.

Truth: As ruled by the U.S. Supreme Court in *Reid v. Covert* (1957), under the Supremacy Clause of the U.S. Constitution, no treaty can override the Constitution. In addition, the CRC is not a "self-executing treaty" -- it cannot be automatically implemented without legislative action. As with any treaty, each U.S. state would be responsible for developing and executing its own legislation.

The United States can ratify the CRC with reservations, understandings, and declarations (RUDs). RUDs address specific conflicts between the U.S. Constitution and a particular Convention. Reservations modify a treaty's provisions (e.g., if a provision of the CRC is in conflict with the U.S. Constitution, the United States can file a "reservation" to the provision so that the provision does not apply). Understandings and Declarations help to clarify how the United States believes a particular provision should be interpreted. RUDs do not legally exempt the United States from adhering to a provision.

The Convention contains no language or directives with regard to how it should be implemented. Each country is responsible for determining how to implement this. Moreover, as stated in the text of the Convention, any state that is a party to the CRC can nullify its ratification by providing written notification of "denunciation" to the UN secretary-general.

The CRC does not grant the UN and the Committee on the Rights of the Child (the international body that monitors the CRC) enforcement authority over the United States and its citizens. Ultimately, the Convention obligates the U.S. Federal Government to submit periodic reports to ensure that the provisions of the treaty are being met. As a party to both the Optional Protocol on the Sale of Children, Child Prostitution, and Child Pornography and the Optional Protocol on the Involvement of Children in Armed Conflict, the United States is already required to submit periodic reports to the Committee on the Rights of the Child outlining implementation and monitoring efforts.

Myth #2: The CRC undermines the primacy of the parent-child relationship.

Truth: The CRC Preamble recognizes the family "as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children ..." and acknowledges "that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love, and understanding."

The Convention repeatedly underscores the pivotal role parents play in their children's lives. There is ample language throughout the Convention to support this, particularly with regard to Articles 3, 5, 7-10, 14, 18, 22, and 27.

Myth #3: Ratification would allow the UN to dictate how parents should raise their children.

Truth: The CRC does not, by any means, grant the UN authority to control, govern, or police U. S. policies for children.

Under the Convention, parental responsibility is protected from government interference. Article 5 states that governments should respect the rights, responsibilities, and duties of parents to raise their children.

There is no language in the CRC that dictates the manner in which parents are to raise and instruct their children. Ratification of the Convention would not prevent parents from homeschooling their children.

Myth #4: The CRC embraces the view that children are autonomous agents who are capable, in all areas, of making adult decisions and dealing with adult situations.

Truth: The Convention does not extend to children all of the same rights accorded to adults, such as the right to vote and unrestricted freedom to make independent decisions.

The framers of the CRC understood that children's ability to exercise certain rights is dependent upon their age and maturity and influenced by their culture, environment, and life experiences. Articles 5 and 14 of the Convention encourage parents to deal with rights issues with their children "... in a manner consistent with the evolving capacities of the child."

Myth #5: The Convention gives children the right to sue their parents.

Truth: The CRC does not give children the "right" to sue their parents. Any legal action brought by children against their parents must be based on existing federal or state laws, not on provisions contained in the CRC. Currently, children in the United States (through a legally appointed guardian) are allowed to bring legal action against their parents only for injuries sustained from physical abuse or gross neglect.

Provisions in the CRC regarding a child's right to legal assistance pertain only to children who have been accused of committing a crime and are subsequently arrested, detained, or imprisoned for such violation of the law.

Myth #6: Ratification will encourage children to have abortions.

Truth: The CRC maintains no explicit position on family planning and abortion issues and does not define when childhood begins. Ratifying countries remain responsible for forming public policy on these issues through their own national legislative and judicial processes. The Holy See (Vatican) was one of the first parties to ratify the CRC. Moreover, countries that have strict anti-abortion laws, such as Ireland and the Philippines, have ratified the Convention.

The Committee on the Rights of the Child, in responding to state parties' reports, has repeatedly called attention to the important roles parents play in their children's lives, voicing its concern for the high rates of adolescent pregnancy and abortion found in certain countries.

Article 6 of the CRC provides for a child's right to privacy. Opponents contend that this right would allow children to have abortions without securing parental consent. However, this provision was included in the Convention to protect children from governmental abuses. In addition, Articles 5 and 14 reflect the Convention's respect for parental guidance and responsibility in raising their children and helping them to learn how to exercise their rights in an appropriate manner.

Myth #7: The CRC allows children to participate in any religion of their choosing.

Truth: The Convention grants children the right to practice their religion free from government interference. The CRC supports the right of children to examine and ask questions about their beliefs, but also specifically recognizes the rights and responsibilities of parents to guide their children in these matters. The Holy See and many countries with strong religious traditions have ratified the CRC.

Myth #8: Ratification will allow children to join gangs and racist organizations. Parents will not be able to oversee children's interactions with others.

Truth: The CRC does not give children the right to join gangs, cults, or racist organizations, but the right to peacefully assemble. The First Amendment of the U.S. Constitution already guarantees this right.

The Convention does not usurp parents' authority to prevent their children from associating with persons of "dubious" character, such as pedophiles, gang members, etc. Parents are responsible for ensuring their children do not associate with people who do not have the best interests of their children in mind.

Myth #9: The Convention provides children with an "unrestricted" right to access any information they want, including pornography.

Truth: There is no language in the Convention that gives children the right to "unlimited" freedom of information, including access to pornography and other obscene materials. Current U. S. laws protect children from exposure to inappropriate materials, such as the Children's Internet Protection Act of 2000 and the Telecommunications Act of 1996.

Ratification of the CRC would not prevent parents from activating televisions' "V-chips" or

installing Internet firewalls and other content-filtering programs that protect children from viewing inappropriate material. Parents would not be precluded from restricting their children's access to violent video games, music with obscene lyrics, etc.

[American Academy of Pediatrics \(AAP\) Jennifer Kasper, MD](#)

The American Academy of Pediatrics is an organization of 60,000 pediatricians advocating children's health. Jennifer Kasper is a practicing pediatrician in Jamaica Plain, Massachusetts. The following is excerpted from testimony by Dr. Kasper for the American Academy of Pediatrics during a November 20, 2008, Senate staff briefing on the UN Convention on the Rights of the Child.

The American Academy of Pediatrics has been an endorsing organization of the United Nations Convention on the Rights of the Child since 1989, when the UN General Assembly passed it. I am honored to stand before you as a representative of the AAP on this auspicious day: the 19th Anniversary of the Ratification of the Convention.

"Kasserian ingera." "Kasserian ingera." This is a traditional greeting that passes between Masai warriors. It means, "And how are the children?" They understood that the health of their children was intimately tied to the present and future health of their community.

I will share my reflections on this simple, yet profound statement and specifically how the Convention is the document to describe the health and well-being of infants, children, and adolescents; demonstrate disparities in health and well-being; and direct our efforts to promote the highest attainable standard of health and well-being of every child in our country so that our response to the Masai greeting is a resounding, "All the children are well."

The Convention would provide every child in this world the basic rights that every human being should have. Children are abused, neglected, used as soldiers, and denied the ability to go to school or get medical treatment. By ratifying this document, we would be committed to providing access to health care and education, and protection from preventable diseases, hunger, exploitation, and dangerous working conditions.

The number of children living in poverty has been increasing since 2000. More than 13 million children live in families with incomes below the federal poverty level -- despite the fact that 70 percent of these families have someone working full or part-time. Black and immigrant families are disproportionately affected. Twenty percent of these families have children less than 6 years of age for whom the consequences of poverty have detrimental, lasting, and potentially irreversible effects.

Three articles of the Convention help frame how we should promote the health and well-being of all children: non-discrimination; the right to the enjoyment of the highest attainable standard of health and access to health care facilities; and the right to a standard of living adequate for a child's physical, mental, spiritual, moral, and social development.

The Convention's articles on non-discrimination and adequate standard of living charge us to seek out exactly those children, families, and communities that live on the margins of society and design equitable policies that meet their needs. It states explicitly that nations must not only

actively protect children from discrimination, but they also must refrain from actions that may have a discriminatory effect on some children.

The Convention's article on the right to health encompasses health care, nutrition, environment, education, and prevention. The Convention has specific language addressing a government's role in realizing these rights. When the Convention says a government "shall take measures" and "shall provide material assistance," this indicates a proactive stance to prevent resource-poor environments that jeopardize child health and well-being.

For example, poor nutrition is one stressor experienced by children living in poor families that impedes healthy brain development and intellectual achievement. Nutrition is vitally important to a child's overall growth, immune system function, and general health. From my own experiences, in two studies I conducted of immigrant families with children in California, Texas, and Illinois, and Boston respectively, using the USDA's [U. S. Department of Agriculture] food security instrument, we found rates of food insecurity and hunger that were three to eight times that of the general population.

People were embarrassed to talk about what they ate and preferred to lie rather than admit they were experiencing hunger. They said they ate regularly, but in many cases they only ate one meal consisting of bread and a can of soda or only rice. Adults and children cut the size of their meals, skipped meals, or went whole days without eating. They lacked food of sufficient quantity and quality for optimal growth, function, and health.

The most recent USDA Food Security Report found rates of food insecurity substantially higher than the national average in households with income near or less than the Federal poverty level, households headed by single women, and black and Latino households. Moreover, in this time of economic downturn, it is even more important to make sure that children are not going hungry. The UN Convention specifically addresses the issue of nutrition.

In addition to its detrimental effect on brain development, poverty is a toxic stress that causes ill health. Numerous studies demonstrate that in comparison to children in high-income families, children in low-income families experience higher rates of infant mortality and low birth weight; higher rates of fatal injuries, asthma, iron-deficiency anemia, and fair or poor health; and higher rates of abuse and neglect. The United States has the worst under-five mortality rate (8/1000) of all developing countries and one of the highest prevalences of low birth-weight infants (8 percent), who are more prone to cardiovascular disease, diabetes, and learning disabilities over their lifetimes.

As you in Congress know, there are a number of initiatives, such as SCHIP [State Children's Health Insurance Program], Early Head Start, WIC [Special Supplemental Nutrition Program for Women, Infants, and Children], and the Food Stamp Program that attempt to mitigate the ill effects of poverty. In addition, President-elect Barack Obama's blueprint for change also contains initiatives and expansions of these programs.

Unfortunately, these have been piecemeal and in some cases time-limited. The United Nations Convention on the Rights of the Child is the universal blueprint for guiding us in setting priorities and creating equitable, lasting policies that speak to the rights of the child in the context of their families and communities. Let us ratify the UNCRC now and begin using it as a tool for

thoughtful, disciplined discussion from a child and family-sensitive lens. Let us seize the moment so that the next time we are asked, "And how are the children?" we can respond with a resounding, "All the children are well."

[Should the U.S. Senate Ratify the UN Convention on the Rights of the Child? CONS ParentalRights.org Michael P. Farris, President](#)

ParentalRights.org is an organization founded to campaign for the passage of a Constitutional Amendment affirming the rights of parents to direct the upbringing and education of their children. Michael P. Farris has written extensively on marriage, parenting, and religious beliefs and hosts a radio program called "Home School Heartbeat." Excerpted from the December 15, 2008, ParentalRights.org report, Nannies in Blue Berets: Understanding the U.N. Convention on the Rights of the Child.

[Ten things you need to know about the structure of the Convention on the Rights of the Child](#)

1. It is a treaty that creates binding rules of law. It is no mere statement of altruism
2. Its effect would be binding on American families, courts, and policymakers.
3. Children of other nations would not be impacted or helped in any direct way by our ratification.
4. The CRC would automatically override almost all American laws on children and families because of the U.S. Constitution's Supremacy Clause in Article VI.
5. The CRC has some elements that are self-executing, while others would require implementing legislation. Federal courts would have the power to determine which provisions were self-executing
6. The courts would have the power to directly enforce the provisions that are self-executing
7. Congress would have the power to directly legislate on all subjects necessary to comply with the treaty. This would constitute the most massive shift of power from the states to the federal government in American history.
8. A committee of 18 experts from other nations, sitting in Geneva, has the authority to issue official interpretations of the treaty that are entitled to binding weight in American courts and legislatures. This effectively transfers ultimate authority for all policies in this area to this foreign committee.
9. Under international law, the treaty overrides even our Constitution.
9. Reservations, declarations, or understandings intended to modify our duty to comply with this treaty will be void if they are determined to be inconsistent with the object and purpose of the treaty.

[Ten Things You Need to Know About the Substance of the CRC](#)

1. Parents would no longer be able to administer reasonable spankings to their children.
2. A murderer age 17 years and 11 months and 29 days at the time of his crime could no longer be sentenced to life in prison.
3. Children would have the ability to choose their own religion while parents would only have the authority to give their children advice about religion.
4. The best interest of the child principle would give the government the ability to override

every decision made by every parent if a government worker disagreed with the parent's decision.

5. A child's "right to be heard" would allow him (or her) to seek governmental review of every parental decision with which the child disagreed.
6. According to existing interpretation, it would be illegal for a nation to spend more on national defense than it does on children's welfare.
7. Children would acquire a legally enforceable right to leisure.
8. Christian schools that refuse to teach "alternative worldviews" and teach that Christianity is the only true religion "fly in the face of Article 29" of the treaty.
9. Allowing parents to opt their children out of sex education has been held to be out of compliance with the CRC.
10. Children would have the right to reproductive health information and services, including abortions, without parental knowledge or consent.

Discussion

On November 20, 1989, a historic treaty proclaiming a worldwide regime of human rights for children was adopted and opened for ratification. By September 2 of the following year, the Convention on the Rights of the Child had been ratified by 20 nations, the number required for it to enter into force. This means it became effective and binding on those nations that had ratified.

Subsequently, the CRC has been ratified by a total of 193 nations. This makes it the most widely adopted human rights treaty of any kind. Only two nations have not ratified or acceded to the CRC: the United States and Somalia. Both the U.S. and Somalia have signed the CRC, but neither has received the necessary approval required by the internal law of the nation to become an official party to the treaty.

On February 16, 1995, Madeleine Albright, then the U.S. Ambassador to the United Nations, signed the CRC on behalf of the United States. Although the signing of the treaty was proclaimed a great victory by the then-first lady Hillary Clinton, President [Bill] Clinton never sent the treaty to the Senate for ratification.

I have tried to carefully employ the correct legal terminology of both American constitutional law and international law in the foregoing description of the status of this treaty. There are some key differences between domestic and international law -- even in terminology. If the U.S. Senate would vote to approve the treaty by the requisite two-thirds majority, under our constitutional law we call that ratification, but in international law it is called accession. The reason I point this out is not to try to expound on the rather dry differences between ratification and accession, but to point out that the CRC is not a mere statement of altruism or political philosophy but is a legal instrument with binding legal consequences.

Under the most basic rule of international law, every nation that becomes a party to a treaty is obligated to perform the duties that it assumes under the terms of the treaty. Moreover, under the Vienna Convention on the Law of Treaties, every treaty is superior to all internal law -- including the nation's constitution -- with one important exception, which we will discuss later.

Our own Constitution reflects a variant of this same theme. Article VI of our Constitution contains this section:

This Constitution, and the Laws of the United States which shall be made in Pursuance thereof; and all Treaties made, or which shall be made, under the Authority of the United States, shall be the supreme Law of the Land; and the Judges in every State shall be bound thereby, any Thing in the Constitution or Laws of any State to the Contrary notwithstanding.

This section clearly proclaims that treaties are superior to all state laws and state constitutions to the extent that the provisions of state law are in conflict with the rules contained in the treaty.

It is especially important to note the supremacy of a treaty over all forms of state law when the subject is the rights of the child. Virtually all law governing the parent-child relationship is state law, not federal law. Thus, the Constitution itself contains the language to prove that the CRC trumps the vast majority of American law on the subject of children.

Let us now turn briefly to the question of whether the treaty would be superior to our Federal Constitution and Federal laws made by Congress. The Supreme Court has ruled that the Constitution itself is superior to a treaty for the purposes of our domestic law. Again, international law contains the opposite rule -- treaties trump national constitutions.

There is some debate over the issue of whether a treaty would prevail over an inconsistent act of Congress. It would be fair to conclude that treaties and Federal statutes would likely be viewed of equal rank and, therefore, whichever enactment was more recent would prevail. New treaties trump old Federal laws under this view involving our domestic law. However, under international law, there is no doubt that a treaty trumps a conflicting federal statute.

If the United States becomes a party to this treaty, then we have both a legal and moral duty to implement and obey its provisions. The duty to comply with the treaty rests with the national government. Thus, Congress, not the states, has the duty under international law to implement all areas of the treaty. This includes education, health care, family discipline, the child's role in family decisionmaking, and a host of other subjects.

By virtue of the ratification of this treaty, Congress would not only acquire the duty to implement the treaty, Congress would also acquire the jurisdiction necessary to directly legislate on education, health care, and regulation of family life. Today, Congress cannot enact laws that directly govern these subjects. Generally speaking, if Congress wants to regulate something in this area, it enacts some federal funding for the states but conditions the receipt of the funds on the state's duty to enact new laws implementing the federal guidelines.

But this would change if the CRC is ratified. For example, the treaty clearly bans all corporal punishment, including spanking by parents. Congress would have both the duty as well as the power to implement legislation which directly imposes legal sanctions against parents to spank their children. Spanking could be a federal crime if the CRC is ratified.

Today, Congress has no power on this question. State law governs corporal punishment. If the CRC is adopted, Congress would control corporal punishment -- but it would not have discretion to permit it. By ratifying the treaty, Congress would have a duty to ban corporal punishment even in the home. The only discretion that Congress would retain would be to specify the punishment to be meted out against parents who violate this rule of international law against

spanking.

With this general introduction to the interplay of treaty law with our domestic law, I hope that it is readily apparent that this nation ought to exercise the utmost caution in adopting any treaty. We ought to carefully understand its meaning and application. We ought not to promise to obey a treaty if it is our intent to not obey or to only partially obey its provisions.

International law imposes a duty upon nations to keep their promises contained in treaties. Moral law requires the same duty. Thus, we ought not to make foolish promises to obey treaties but instead should carefully consider the content and determine not only whether the substantive rules contained in the treaty are wise and appropriate, but also decide whether the policies in question are best made by international law instead of by our elected representatives.

Before we turn to the details of the CRC, we need to consider one other piece of background instruction. The CRC is an international human rights treaty. Accordingly, it is necessary to obtain a basic understanding of the scope of human rights treaties.

[An Overview of the Scope of Human Rights Law](#)

Like most human rights treaties, the Convention on the Rights of the Child contains a codification of interdependent rights in five areas: political, civil, social, cultural, and economic rights. Note the term "interdependent." The theory of human rights law is that if a child does not have enough to eat, of what value is education (a social right) or due process in a juvenile delinquency hearing (a civil right)? Thus, economic rights, like the right to food (from the government, if necessary), are guaranteed to children every bit as much as civil rights.

The traditional American theory of rights -- as represented by documents like our Bill of Rights -- are guarantees of liberty that act as limitations on the power of government. The government may not invade my speech, press, or religion. Human rights theory embraces most of these kinds of rights but contains an entirely different sector of rights, as well. In short, human rights theory contains the right to complete care from a socialistic state -- not just for children, but for all persons.

So far, we have established four basic principles:

- The CRC is a treaty that creates binding legal obligations.
- The CRC is supreme over all state law for all purposes.
- There is a difference between domestic and international law on whether the CRC overrides even the U.S. Constitution.
- The CRC is a human rights treaty which mandates a socialistic duty of the government to furnish a child's needs in economic, social, and cultural areas.

For many of us, this is more than enough to decide that the CRC is a bad idea. But there is a lot more when we dig into the specific principles and rules contained in the CRC.

Two Central Principles of the CRC

The two most important principles of the CRC are the "best interest of the child" principle and "the child's right of participation" in all relevant matters. Let us look at the two key articles of the CRC.

Article 3(1) provides: "In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration."

Article 12(1) provides: "States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child."

One way to understand these principles and their implementation is to consider a case that I litigated in Island County, Washington, in the early 1980s. At the time, Washington state had a law on the books that allowed its juvenile courts to assume jurisdiction over a child on the sole grounds of conflict between a parent and child.

A 13-year-old boy in that county complained to the counselors in his public school that his parents took him to church more often than he desired. This, of course, constituted a conflict between parent and child. Therefore, the school counselors turned the matter over to the Department of Social Services, who immediately removed custody of the boy and scheduled a hearing approximately three days later. The parents obtained me as their lawyer to contest this removal and to get their son back.

There was no suggestion of abuse or neglect of any kind. The sole issue was whether the child's wishes regarding the amount of church attendance would be honored rather than the direction of the parents.

By the way, the parents attended church Sunday morning, Sunday evening, and Wednesday night. The boy was willing to attend church only on Sunday morning.

Under traditional American law, this case would have never been filed or would have been immediately dismissed. Absent proof of abuse or neglect, courts and social workers simply do not have the authority to intervene in parental decisions of this nature.

Specifically, this means that under traditional standards, the government may not substitute its judgment for that of the parent until there is proof of abuse, neglect, or some other form of harm to the child.

But under this new Washington law, the standards were changed. Without any finding of abuse or neglect, the trial judge ruled that the wishes of the child should be taken into account, and it was his view that the best interests of the child would be served if the boy was allowed to limit his attendance at church to once a week. Accordingly, he ordered the parents to follow the boy's wishes or else the state would retain custody of the child.

I wanted to appeal the case for the parents, but I could not guarantee them that they would

retain custody of their son during the appeal. Accordingly, they decided to not appeal and obey the court's order to regain custody of their son.

This case is an absolute perfect example of what would happen if the United States were to adopt the UN Convention on the Rights of the Child.

In two very important areas of parental choice -- religion and education -- it is absolutely clear that the CRC interferes with parental choice and elevates a child's wishes over that of the parent, at least as the child gets older.

The Committee on the Rights of the Child issued an official report on September 29, 2006, regarding Ireland that contains a number of relevant and troubling items:

The Committee ... notes that a high number of the complaints received by the Ombudsman for Children relate to a lack of respect for the views of the child. In light of article 12 of the Convention, the Committee recommends that the State party ... [s]trengthen its efforts to ensure through Constitutional provisions that children have the right to express their views in all matters affecting them and to have those views given due weight, in particular in families, schools and other educational institutions, the health sector and in communities

While noting that social, personal and health education is incorporated into the curricula of secondary schools, the Committee is concerned that adolescents have insufficient access to necessary information on reproductive health. The education is optional and parents can exempt their children.

In the 1995 report on the United Kingdom's compliance with the CRC, the nation was criticized for allowing parents to make decisions to remove their child from participation in sex education classes in government schools without adequate measures to ensure that the child's viewpoints were considered and weighed appropriately.

It is noteworthy that no criticism was leveled against either Ireland or the United Kingdom for failing to consider the child's viewpoint in those cases where the parents left the child in the sex education classes. Nor was there any criticism for failure to consider the child's views in the decision to enroll the child in the government schools in the first place.

The child's wishes seem to get special attention only when the parents want something different from the wishes of the government.

Under the Convention on the Rights of the Child, parents have the right to provide direction to the child. Such parental power, however, is subject to two restraints:

First, such direction should take into account the evolving capacities of the child, as expressly required by the Convention.

Second, the direction should not be so unyielding that it equals coercion.

It can also be argued that the right to freedom of religion in the Convention on the Rights of the

Child ought to be read together with Article 12, which gives the child the right to express his own views in the matter of choice of religion.

Social workers and courts will decide whether they think a parent's decision about education or church is truly in the child's best interest, after giving the child's views whatever weight the government believes is appropriate.

When one looks at the regime of the CRC realistically, it is neither parents nor children who make the final decision in the case of conflict -- it is the state that has the power and duty under the CRC to make ultimate choices.

[How Could the CRC Ever Be ratified?](#)

We could spend considerable time picking apart the details of the other provisions of the CRC.

Spanking is banned in the home and everywhere. Children have a legally binding right to leisure. Children have a right to reproductive health information without regard to parental involvement or permission. It is illegal to sentence juvenile murderers to death. It is also illegal to sentence juvenile murderers to life in prison.

But all of these details are not as important to understand as the two overarching principles we have just studied: Government can override parental decisions on the best interest of the child without proof of abuse, neglect, or harm. Children have legally enforceable rights to complain about parental decisionmaking in every area of their life, including religious and educational decisions.

When the government can override parents on everything, there is no further need to plumb the depths of the various provisions of this treaty -- at least in the timeframe we have here.

It is fair to ask, though: How in the world can the proponents of this treaty hope to secure its passage in light of what we have learned?

The short answer is that the proponents are relying on deception and arrogance. They make wild claims about the meaning and application of this treaty -- claims that any honest legal scholar knows to be false. And they have the arrogance to believe that people on our side will not be sophisticated enough in international law to call their bluff and get the reliable information out to the public and our elected officials.

The website of the core group (childrightscampaign.org) pushing for ratification of this treaty has a page dedicated to answering criticisms of the CRC.

Notice their clever portrayal of those that support the treaty as religious, education, health care, and humanitarian organizations, whereas those who oppose the treaty are political organizations. The National Education Association -- together with its highly effective political action committee -- is an educational organization. Home School Legal Defense Association is a political organization.

From simple clues like this, it is obvious that what you are about to read is propaganda and not

fair analysis.

Following this introduction, the Children's Rights Campaign proceeds to announce that opponents have attempted to defeat the CRC using nine "myths." Without citing a single source other than one Supreme Court decision from 1957, the Children's Rights Campaign has the arrogance to suggest that what it says is the truth, while everything their critics say are myths.

The Children's Rights Campaign did not quote any critic of the CRC in formulating its various myths. Thus, they have created a series of classic straw men -- easy targets that they attempt to knock down.

As formulated by the Campaign, some of the "myths" were not precisely accurate. But, in every case, there was at least some valid criticism of the Convention related to the "myth" statement. And in some cases, the so-called "myth" is clearly true. In short, it is very clear that the proponents of the CRC are not concerned with an accurate statement of international law or its interaction with domestic law.

The CRC is legally binding upon the state parties. It has meaning. It can be enforced in domestic courts. Nations that ratify it are obligated under international law to comply with its terms.

We dare not ratify this treaty under the guise that we may do as we wish afterwards. Our national respect for the rule of law, as well as our Constitution's Supremacy Clause, requires us to view the treaty as a material part of the supreme law of the land.

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