



## Family Policy Brief

### **The UN Convention on the Rights of the Child: Children's Rights Against Parental Rights**

The United States and Somalia are the only UN member states that have not ratified the UN Convention on the Rights of the Child (CRC), which has been ratified by all of the other 192 UN member states. Although the U.S. has been sharply criticized for refusing to ratify the CRC, it has refused to do so for very good reasons.

One of the reasons the U.S. has not ratified the CRC is because of its *"erosion of parental authority."* U.S. Ambassador to the UN, Michael Southwick, stated in a speech on the UN floor in 2002 at the World Summit for Children, *"The United States does not accept obligations based on it [the CRC], nor do we accept that it is the best or the only framework for developing programs and policies to benefit children."* He then placed *"the erosion of parental authority"* on par with HIV/AIDS, sexual exploitation and war-affected children, and he called for emphasis in the document being negotiated on *"the vital role the family plays in the upbringing of children."*

#### **So What Exactly is Wrong with the Convention on the Rights of the Child?**

Ironically, there is plenty that is right with the CRC. In fact the preamble of the CRC makes the following pro-family statements:

*"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,"* and *"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,"*

However, the problems begin with the text bolded in the following paragraph of Article V of the CRC:

*"States Parties shall respect the responsibilities, rights and duties of parents or, where applicable, the members of the extended family or community as provided for by local custom, legal guardians or other persons legally responsible for the child, to provide, in a manner consistent with the evolving capacities of the child, appropriate direction and guidance in the exercise by the child of the rights recognized in the present Convention."*  
(emphasis added)

This language sounds good at first glance, but it can be interpreted to mean that the member states shall respect the parents' rights to guide their child only to the extent that their *"guidance"* is *"appropriate"* in helping the child to exercise the rights set forth in the CRC. So according to

Article V, children's rights in the CRC trump parental rights, and the parents' rights extend only as far as helping the children "*exercise. . .the rights recognized in the present Convention.*"

### **Children's Rights Recognized by the CRC Would Trump Parental Rights**

Article 13 of the CRC states that "*the child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.*" There is no mention in Article 13 of parental stewardship over the information a child seeks.

This means, according to the CRC, that children have a right to any information they want, in any form and to impart any ideas they want, and to express themselves in any manner they want without parental interference. So according to this provision, a parent could not restrict a child's access to violent movies, pornography, or anything inappropriate on the Internet.

Article 14 states, "*States Parties shall respect the right of the child to freedom of thought, conscience and religion,*" and that "*Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health or morals, or the fundamental rights and freedoms of others.*"

Article 15 of the CRC is also very troublesome for parents, because it gives the child the right to "*freedom of association and to freedom of peaceful assembly.*" One interpretation of this right is that the parent could not prevent the child from (i) associating with any individual who may be a bad influence, or (ii) joining a club or a gang or any kind of group with whom they wish to associate.

Article 16 may be one of the worst assaults on parental rights, depending on how it is applied, as it states, "*No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence . . .*" The key question is what constitutes "arbitrary" interference? For example, what if a parent wanted to randomly monitor the child's phone or email communications, even if that child had never done anything seriously wrong? Children are often the victims of pedophiles who prey on them through the Internet. Yet under this provision, parents probably could not prohibit their young children from entering chat rooms or monitor their communications with strangers who could be potentially harmful.

And finally, Article 18 mandates that state operated day care be provided for children:

"*. . . States Parties shall render appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and shall ensure the development of institutions, facilities and services for the care of children . . .*" and "*ensure that children of working parents have the right to benefit from child-care services and facilities for which they are eligible.*" So Article 18 creates a right to day care on the government's dime.

In summary, although the world community sees the CRC as the premier framework for laws and policies dealing with children's issues, and although there is much that is good in the CRC, the assault on parental rights by the CRC alone justifies the U.S. government's refusal to ratify it. Nations that have already ratified the CRC should be concerned with how its provisions dealing with parental rights are implemented and should work hard to protect the rights of parents to direct the moral, educational and spiritual upbringing of their children. All the social science

data point to the fact that generally children fare best on all accounts when raised by parents who take an active role in guiding their development and education.

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