

Child and Family Protection Association

Roy Hanson, Jr.

1000 Sunrise Ave., Ste 9B #418
Roseville, CA 95661-5472
(916) 415-9480
FAX (916) 415-9470

U.N. CRC Treaty Attacks Families

*by J. Michael Smith, HSLDA President June 2009 Child and Family Protection Association 1000 Sunrise Ave,
Ste 9B, #418; Roseville, CA 95661 contact@childandfamilyprotection.org*

by J. Michael Smith, HSLDA President

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One of the threatening issues American families could face this year or the next is the potential vote to ratify the treaty called the “United Nations Convention on the Rights of the Child” (CRC) and the devastating effect that its ratification would have on the stability of American families.

You may ask, “How could a treaty directly affect the stability of American families and the authority of parents?” We generally think of treaties as agreements affecting international relations between countries. The U.N., however, has initiated treaties that not only affect international relations, but also the domestic laws of member nations as well. These treaties, sometimes called

“conventions,” require member nations that ratify the treaty to implement the requirements as binding law or rules.

On Nov. 20, 1989, the U.N. adopted the CRC and submitted it for ratification to the member nations. It has been ratified by 193 nations. The United States is one of the few countries that have not ratified it.

The ratification process requires a two-thirds vote by the U.S. Senate. On Feb. 16, 1995, Madeleine Albright, then U.S. ambassador to the U.N., signed the CRC on behalf of the United States. The Senate must pass treaties by a two-thirds vote majority for it to become law in the U.S. The

CRC, however, has never been sent to the Senate for ratification because there has been insufficient support to pass it up till now.

Due to the most recent national election, however, there are rumblings from Capitol Hill that there will be an effort to seek Senate ratification of the

CRC during this Congressional session. Hillary Rodham Clinton is a strong supporter of the treaty, and as Secretary of State, would have direct control over the submission of this and every other treaty to the Senate.

Why should passage of the CRC be of concern? It would have a negative impact on domestic law and practice in the United States. How could this happen? Our nation is the only nation that is required by its own constitution to enforce international treaties, when ratified by the U.S. Senate, upon all of its citizens. Other nations can and often do ignore provisions of U.N. Conventions and other treaties if they conflict with their current domestic laws. Article VI of our Constitution makes ratified treaties, including those called “conventions” by the U.N., “the supreme law of the land.” The CRC would be treated as superior to laws in every state regarding the parent-child relationship. This would include issues regarding education, health care, family discipline, the child’s role in family decision-making, and a host of other areas of life.

Article 43 of the CRC establishes an international committee on the rights of the child to examine compliance by member nations. This committee, which sits in Geneva, has final authority concerning interpretation of the language contained in the CRC.

Two central principles of the CRC clearly are contrary to current U.S. laws related to parent-child relationships. Article 3 of the CRC provides that in all matters relating to children, whether private or public, or in courts, the “best interests of the child” shall be a primary consideration. The “best interest of the child” is a legal mechanism whereby governmental authority overrules parental authority.

Additionally, under Article 12 of the CRC, *nations should ensure* that children are capable of expressing their views freely in all matters affecting them, giving due weight to the age and maturity of the child. This is contrary to traditional American law, which provides that absent proof of harm, courts and social workers simply do not have the authority to intervene in parent-child relationships and decision-making. The importance of this tradition and practice is that the government may not substitute its judgment for that of the parent until there is proof of harm to the child sufficient to justify governmental intervention.

It is clear that in two very important areas of the parent-child relationship, religion and education, there will be a likelihood for tremendous conflict.

The international committee in Geneva, in reviewing the laws of practice of countries that have ratified the CRC, has expressed its concern, for example, that: (1) parents could homeschool without the view of the child being considered; (2) that parents could remove their children from sex-education classes without the view of the child being considered; (3) that parents were legally permitted to use corporal punishment; and (4) that children didn't have access to reproductive health information without parental knowledge.

The bottom line is the CRC would drastically weaken the United States' sovereignty regarding family life and would have a substantial devastating impact on every American family. For more information on the U.N. Convention on the Rights of the Child, visit www.parentalrights.org/learn.

HSLDA is closely monitoring the CRC and, when and if it becomes appropriate, HSLDA will issue a nationwide alert.

[Editor: We need as many families as possible to join HSLDA and keep their membership current - not only for your own legal protection -- but also to ensure that HSLDA will have the funding to fight national threats like the U.N. CRC which could wipe out all of our gains over the last 25-30 years in preserving and expanding our freedoms for the family in this state and all of our nation.]

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