



The Phyllis Schlafly Report

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The New World Order Wants Your Children

The Children's Defense Fund (CDF), the chief vehicle for those who want government to take over the raising of children, has a new goal under the Clinton Administration. Having failed to get Congress to pass the costly ABC Child Care bill, the CDF is now pushing to get a United Nations treaty on children signed and adopted so that child-advocacy lawyers can assert "children's rights" against their parents. Since Hillary Clinton was chair of CDF's board of directors from 1986 to 1991, and since she was succeeded as CDF chair in 1991 by Donna Shalala (now Secretary of HHS), and since CDF's CEO, Marian Wright Edelman, is Hillary's close friend, we can anticipate an aggressive effort by the Clinton Administration on behalf of this treaty.

The treaty is called the United Nations Convention on the Rights of the Child. It was unanimously adopted by the U.N. General Assembly on November 20, 1989 and signed by more than 100 foreign governments. President George Bush did not sign the Treaty or send it to the Senate for ratification. There are dozens of excellent reasons to reject it.

If the text of the U.N. Treaty were proposed as new federal legislation, the bill would never pass. It would be unacceptable to the American people because it would give the Federal Government too broad a grant of power over our children, families and schools, and it would be unconstitutional because of both vagueness and federal interference with states' rights.

But the treaty has been blessed by the United Nations and layered with lofty goals and high-sounding words. Its salesmen are peddling it with pathetic stories of the mistreatment of children, such as outrageous murders in Bolivia. CDF and 150 liberal advocacy groups in the United States have made it a "cause" and are even using it as a litmus test to try to label Congressmen as "pro-children" or "anti-children."

It is always important to scrutinize proposed treaties even more carefully than ordinary legislation, first, because treaties can be ratified at any time by two-thirds of U.S. Senators present and voting (e.g., with two Senators voting aye and one Senator voting no), and second, because of the preferential status which treaties enjoy in the American system of government. Once ratified, they become part of the "supreme law of the land," along with the U.S. Constitution and federal laws.

Any time a treaty is proposed, we should study the language, as well as the intent, and consider a worst case scenario of how the treaty's provisions — in the hands of international bodies (over which we have no control) — could imperil American sovereignty and the rights of American citizens.

The American philosophy of government, as spelled out in the Declaration of Independence and the United States Constitution, is that the individual's inalienable rights to life, liberty and property come to each of us from our Creator and may not be impaired without due process of law, and that the prime purpose of government is to guarantee those rights. Americans do not believe that individual rights originate with the government, the United Nations, kings, rulers, or even society.

The United States Constitution lists several rights that Americans can assert *against* our government; then the Ninth Amendment adds, "The enumeration in the Constitution of certain rights shall not be construed to deny or disparage others retained by the people." The U.N. Convention on the Rights of the Child, on the other hand, purports to be a comprehensive listing of *all* rights of the child, and is based on the concept that a child's rights originate with the U.N. Treaty itself or with the government. The logical conclusion is that a child would have no rights except those in the Treaty, and what government gives, government also can take away.

If this U.N. Treaty is ever written into American law — a treaty which assumes that government is the source of the listed “rights” — this can only diminish the status of existing American rights. Since U.N. treaties, courts, and bureaucracies do not respect our American philosophy of individual rights, it would badly curtail our liberty to submit ourselves to a U.N. document interpreted by foreign lawyers.

Who Will Enforce the Rights?

The next problem with the U.N. Convention on the Rights of the Child is, who is to be the enforcer of the Treaty’s rights — and against whom are they to be enforced? In American constitutional law, the right of free speech, for example, is a right which the individual can assert against government encroachment. This U.N. Treaty doesn’t say who is to enforce the child’s rights against whom, but it is reasonable to infer that many of these rights are to be enforced against the parents, probably with the help of government.

The Treaty purports to give the child the right to express his own views freely in all matters (Article 12), to receive information of all kinds through “media of the child’s choice” (Article 13), to freedom of religion (Article 14), to be protected from interference with his correspondence (Article 16), to have access to information from national and international sources in the media (Article 17), to use his “own language” (Article 30), and to have the right to “rest and leisure” (Article 31).

What do all these rights mean, how will they be enforced, and against whom? Does this mean that the child can refuse to do his homework and household chores because they interfere with his “right” to rest and leisure? And can he demand a government-paid lawyer to file a lawsuit against his parents?

Does this mean that a child has the right to use his native language in school and cannot be required to speak English? Does it mean that a child can demand the right to watch television in order to receive media reports from national and international sources?

Does this mean that a child can assert his right to say anything he wants to his parents at the dinner table? Does this mean that the government will assist the child to join a cult or select a different church from the one his parents attend? The U.N. Treaty does not provide answers to these questions.

These are just a few of the literally dozens of brand new “rights of the child” scattered throughout the 54 Articles of the U.N. Treaty, which is longer than the entire U.S. Constitution. Despite a vague reference to undefined “rights and duties of parents,” the Treaty does not recognize any specific parental right to make decisions for their minor children.

The Grab for Power Over Education

Suppose Congress were to consider legislation to set up a procedure for the Federal Government (or the U.S. Department of Education) to define the content of the education of every child. Imagine the howls that would go up as parents and concerned citizens protest that Congress has no business prescribing school curriculum. From all sides, we would hear citizens reassert their dedication to local control of education. Private schools would express fear that they would become an endangered species.

The U.N. Convention on the Rights of the Child prescribes the content of what must be taught to all children in several sensitive areas. Article 28 prescribes that “the education of the child shall be directed to” such things as “the principles enshrined in the Charter of the United Nations”; respect for “the national values of the country . . . from which he or she may originate, and for civilizations different from his or her own” (that means adopting the controversial curricular approach known as “global education” or “multiculturalism”); “equality of sexes” (that means promoting the Equal Rights Amendment which was rejected by the American people in 1982); and “the development of respect for the natural environment” (certainly one of the most politically-charged issues in the United States).

The U.N. Treaty recognizes that private schools may exist, but only so long as they teach the above subjects and otherwise conform to government standards.

The American people would not permit Congress to prescribe what all our children must learn on these sensitive issues, so we certainly don’t want the United Nations to lay down the law. But, if this U.N. Treaty is ratified, dictatorial control over all school curriculum will become part of the supreme law of the land.

The Treaty’s Expensive Obligations

In several sections, the U.N. Treaty imposes on the government the obligation to “strive to ensure,” to “render appropriate assistance,” and to “take all appropriate measures” so that children may enjoy certain economic benefits. Article 4 states that the government “shall undertake all appropriate legislative, administrative, and other measures” to implement “economic, social and cultural rights.” Furthermore, the government “shall undertake such measures to the maximum extent of their available resources.”

These expensive responsibilities include “health care services” (Article 24), social security (Article 26), and an “adequate” standard of living, nutrition, clothing and housing (Article 27).

What does this language really mean? The big-spending liberals will surely argue that the Treaty will require our government to impose new taxes — or go further into debt — to carry out these obligations.

The Treaty's Daycare Obligations

The U.N. Treaty would probably require us to set up a national system of daycare. Article 18 says that the government "shall ensure the development of institutions, facilities and services for the care of children . . . of working parents." The Treaty gives the children the right to benefit from these services and facilities.

What does the U.N. Treaty mean when it requires universal legal standards for the care and protection of children against neglect, exploitation, and abuse? Is it "neglect" not to establish government daycare centers? Or is it "neglect" to put children in daycare centers where they are exposed to more illnesses? Shall we leave this up to United Nations judges or "experts" to decide?

The Treaty even obligates the government to ensure "standards" for child care institutions, services and facilities. National daycare standards were part of the ABC Child Care bill and were a major reason why, after lengthy debate, Congress specifically rejected this approach in its 1990 legislation. Are we now to have Congress overridden by a United Nations mandate?

The U.N. Treaty grants the child the right to be protected against neglect or negligent treatment (Article 19). Could homeschoolers be charged with "neglect" for not sending their children to an institutional school? Or for not sending children to school until age seven or eight?

Opening Up New Litigation

Unlike our U.S. Constitution, which only mentions rights that can be enforced against the government, the U.N. Treaty declares "rights of the child" against parents, the family, private institutions, and society as a whole. Since the Treaty is a legal document which, if ratified, would become part of the "supreme law of the land," we can expect ACLU lawyers to bring a series of test cases to see how far the courts will extend its provisions. The Convention would open up a Pandora's box of litigation, either in some international court or in U.S. courts, or both. It's hard to say which venue would be worse.

International courts are frequently biased against Americans. Several years ago when the World Court treated the United States unfairly, the Reagan Administration simply thumbed its nose at the Court. Another administration might have acquiesced in the unfair treatment. Every day, U.S. courts hand down decisions which become law in our country, and it is not in the interests of American citizens to have those decisions grounded in United Nations treaties rather than in U.S. constitutional law.

Americans will be in for a shock if judges around the country start applying this U.N. Treaty as the supreme law of our land. It is full of vague requirements which are susceptible to different and even contradictory interpretations.

For example, Article 24(3) requires the government to "take all effective and appropriate measures with a view to abolishing traditional practices prejudicial to the health of children." What kind of standard is that? The practice doesn't have to be harmful or even negligent, but merely "prejudicial," and this new "standard" would be defined by unelected judges.

What will it mean to enforce Article 28, which makes "primary education compulsory and available free to all"? Will that make it compulsory to give subsidies to private or religious schools — and if so, will they be required to modify their religious practices? Or, will Article 28 ban private and religious schools altogether? Either outcome would override existing Supreme Court decisions. Do we want United Nations courts to answer these questions?

A New International Bureaucracy

Of course, all these grandiose U.N. Treaty goals would not be complete without the establishment of a new international bureaucracy and mechanism of control. The U.N. Convention on the Rights of the Child would set up a Committee on the Rights of the Child consisting of ten "experts" chosen by secret ballot from a list of nominees submitted by the governments that sign the Treaty. Of course, there is no assurance that any American will be on this committee of experts, not even any assurance that even one "expert" will be friendly to American institutions and traditions. (Articles 43 and 44)

The Secretary-General of the United Nations will provide "the necessary staff and facilities" which will assist the committee of experts in monitoring and reporting on "the degree of fulfillment of the obligations" established under the Treaty. We cannot assume that this would be merely an expensive exercise in international busybodyism, because this is not merely a treaty of generalized hopes; it is full of mandatory words such as "rights" and "obligations."

Contradictory Abortion Provisions

The U.N. Convention on the Rights of the Child is vague, misleading and contradictory on the fundamental issue of whether or not an unborn child is accorded any rights. Whatever the American people ultimately decide about this issue, the decision-making power should not rest with a United Nations treaty.

Some argue that this Treaty probably creates an across-the-board right to abortion that would override U.S. law and Supreme Court decisions. Others argue that the Treaty may give the same rights to the unborn child and to the born child. Five provisions deal with this issue.

Language in the Preamble asserts the child's right to "appropriate legal protection, before as well as after birth." However, it can be argued that the Preamble would have no legal effect. The language is so vague that it also could

be argued that such rights would inure only if the child were subsequently born alive.

Article 6 states that every child has a "right to life." However, whenever the "right to life" has been challenged by a "right to privacy," U.S. courts have come down on the side of abortion rather than respecting the life of the unborn child.

Article 16 purports to establish the child's right to "privacy." Under U.S. Supreme Court decisions, "privacy" is the operative word which has created the right to abortion. We can be sure that lawyers will argue that the Treaty creates a federal statutory right to "privacy" which can subsequently be used by the courts to include abortion.

Article 24(f) grants the right to "family planning education and services." This language is generally used as a legal rationale for abortion services.

Article 2 prohibits discrimination on the basis of sex. Several U.S. courts have held that, where a private or government employer provides health care or insurance coverage for other types of medical services, such language creates a right to paid abortions. The rationale is that, because only women can have abortions, denying funding for abortions discriminates against women on account of their sex.

When the Senate on September 11, 1990 considered passage of a resolution calling on the President to send the Convention on the Rights of the Child to the Senate, Senator Jesse Helms offered an amendment to ensure that the treaty would not interfere with the rights of unborn children. The Helms amendment was defeated, creating the legislative inference that the Senate was not willing to go on record as stating that the Convention would not impact the abortion issue.

A Congressman's Warning

Congressman Thomas J. Bliley Jr. is one of the few Congressmen who have taken the time to study the U.N. Convention on the Rights of the Child. He has issued a strong warning against its dangers, saying: "Ostensibly, it would create new national and international roles for governments to secure a child's right to such fundamental necessities as nutrition, health care, housing and education." But, he points out, laudable as these goals are, the U.N. Treaty creates just as many "confusing expectations."

For example, he asks, what will it really mean if the United States must comply with Article 28(2), which states that the government "shall take all appropriate measures to ensure that school discipline is administered in a manner consistent with the child's human dignity and in conformity with" the Treaty? Are we willing to give an international committee the authority to monitor such a "protection"? Do these "rights" have real meaning, or are they just a "slick public-relations campaign" by those

trying to make political capital out of pretending to support children?

Congressman Bliley warns: "The Convention represents a potential threat to our form of government. As written, it places government in a superior position to its citizens by granting these rights to children. What is so bad about that? Such an interpretation is antithetical to our limitations on government. Many of these 'rights' are not presently found in our Constitution, but rather, are considered to be among our inalienable rights endowed by our Creator."

"More practically speaking," Congressman Bliley continues, "the Ninth and Tenth Amendments to the Constitution, reserving rights to the states and to the people, will simply be swept away in deference to Article VI of the U.S. Constitution which provides that 'all Treaties made . . . 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.'"

So, according to Congressman Bliley: "Hundreds of judges will be left to interpret the Convention as they please and will possess all power to supersede state laws" in order to carry out the vague goals of the treaty, such as "appropriate assistance to parents and legal guardians in the performance of their child-rearing responsibilities and . . . the development of institutions, facilities and services for the care of children."

Congressman Bliley concludes: "It finally becomes clear: Ratification is not about children; it is about power. . . . It is a potential threat to some of our most precious freedoms, civil liberties, and our form of government."

The U.N. Treaty on the Rights of the Child is a bad deal for Americans on every count. It should never be signed by our President or ratified by our Senate.

Phyllis Schlafly is the author of 13 books, including five books on national defense and foreign policy: *The Gravediggers* (1964), *Strike From Space* (1965), and *The Betrayers* (1968) covering the McNamara years; and *Kissinger on the Couch* (1975) and *Ambush at Vladivostok* (1976) covering the Kissinger years. She was a member of the Commission on the Bicentennial of the United States Constitution (1985-1991). She is a lawyer, a syndicated columnist, a radio commentator, and the president of Eagle Forum. She is a graduate of Washington University (B.A.), Harvard University (M.A.), and Washington University Law School (J.D.).

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