

Myths and Facts on the Convention on the Rights of the Child (CRC)

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 UN to dictate how parents raise 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 which were added by the 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, under the Supremacy Clause of the U.S. Constitution, no treaty can override the Constitution [Reid v. Covert, 354 U.S. 1 (1957)]. 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.

TRUTH: The U.S. 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 U.S. can file a "reservation" to the provision, so that the provision does not apply). Understandings and Declarations help to clarify how the U.S. believes a particular provision should be interpreted. RUDs do not legally exempt the U.S. from adhering to a provision.

TRUTH: The Convention contains no language or directives with regard to how it should be implemented. Each country is responsible for determining how to implement it. 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.

TRUTH: 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 U.S. 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 U.S. 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 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." (Preamble to the CRC).

● ● ● | **Myth #2 (continued)**

TRUTH: The Convention repeatedly emphasizes 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.

TRUTH: 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.

TRUTH: There is no language in the CRC that dictates the manner in which parents are to raise and instruct their children. Ratification 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.

TRUTH: 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. The Convention encourages parents to deal with rights issues with their children "...in a manner consistent with the evolving capacities of the child." (Articles 5 and 14)

● ● ● | **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 U.S. (through a legally-appointed guardian) are allowed to bring legal action against their parents only for injuries sustained from physical abuse or gross neglect.

TRUTH: 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 subsequently arrested, detained, or imprisoned for such violation of the law. (Articles 37 and 40)

● ● ● | **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. Moreover, the Holy See (Vatican) was one of the first parties to ratify the CRC. Countries that have strict anti-abortion laws, such as Ireland and the Philippines, also have ratified the Convention.

TRUTH: The Committee on the Rights of the Child, in responding to State parties' reports, has repeatedly voiced concern for the high rates of adolescent pregnancy and abortion found in certain countries.

TRUTH: 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 CRC 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.

TRUTH: 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 CRC 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 Telecommunication's Act of 1996.

TRUTH: Ratification of the CRC would not prevent parents from activating television "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.