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## Why Is the U.S. Against Children's Rights?

America refuses to adopt U.N. guidelines that it helped draft more than 20 years ago. Are we still in the dark ages? By Lawrence J. Cohen and Anthony T. DeBenedet, M.D. Jan. 24, 2012

Recently the U.N. special representative on violence against children [called on](#) member countries to ratify two optional protocols to the [U.N. Convention on the Rights of the Child](#) which would help prevent the sale of children, child prostitution, child pornography and the involvement of children in armed conflict around the world. The Convention was adopted in 1989 to promote basic human rights for children everywhere, but the latest effort to extend those protections underscores a disturbing truth: the United States is one of only two U.N. member countries not to have ratified the *original* Convention (the other country is Somalia — which doesn't have a functioning government.) The Convention was drafted during the Reagan and Clinton administrations — with a great deal of influence from the United States — but has never been presented to the Senate for consent, which is the final step to ratification. Why?

The opposition is primarily based on fears of U.N. interference in U.S. laws and families. The biggest worry appears to be that the treaty will undermine parental rights even though the Convention explicitly grants responsibilities and protections to parents and guardians. One of the alarms raised by [ParentalRights.org](#), an organization that supports a parental-rights amendment to the U.S. Constitution, is that the Convention will prevent parents from spanking their children or opting them out of sex education. We won't go into why some people cling so tenaciously to their "right" to hit children. But the Convention does not require us to choose between the rights of children and the rights of parents — it protects both.

Some of the key provisions of the Convention are that children should be raised in an atmosphere of happiness, love and understanding; governments should respect the rights and duties of parents and families; courts should take into account the best interest of children when making decisions; institutions that care for children should be safe and properly staffed; and children should be protected from trafficking, illicit transfer across borders, torture, physical abuse, sexual exploitation, sexual abuse, and conscription into armed conflicts.

The benefits of international cooperation in these areas and American implementation of these principles seem obvious to us, but there are still enough objections to ratification within the U.S. to make approval by a two-thirds majority in the Senate unlikely at this time. [Parentalrights.org](#) also objects to the idea that children should have the right to choose their own religion, as well as freedom of thought and expression. But isn't religion always a matter of one's own conscience, no matter what age? With or without a treaty, effective parenting means not forcing anything onto children — be it religion, sexual orientation or green beans. Authoritarian parenting erodes the internal decision-making capacity of a child and erodes closeness between parent and child.

The supposed danger of loss of national sovereignty is also a false alarm. In fact, no international treaty has the power to override the U.S. Constitution, as put forth in the landmark Supreme Court ruling in *Reid v. Covert* (1957). What is required by the Convention is simply a periodic report to the Committee on the Rights of the Child outlining the situation of children in the country and explanation of the measures taken to realize children's rights. The Committee then urges all levels of government to use the Convention as a guide in policymaking and implementation. The Convention is *aspirational*; neither the Constitution nor our children are in any danger from what opponents like to call "blue-beret nannies."

The [U.S. Campaign for Ratification of the Convention](#), a nonprofit group, has proposed Nov. 20, the International Day of the Child, as the target date for ratification. A two-thirds majority of the Senate will be a tough hurdle, but if we want to be a moral leader in the world, we need to finish what we started.

