

UN Committee on the Rights of the Child: Seeking Global Control of Children and Nations

by Thomas W. Jacobson (1 November 2012)

The Convention on the Rights of the Child (CRC) was approved by the UN General Assembly on 20 November 1989, and came into force on 2 September 1990, after ratification by 20 nations. There are now 193 Party Nations and territories, not including the United States.

The Committee on the Rights of the Child monitors compliance with the Convention. Every Party Nation is required to submit a report to the Committee two years after ratification, and “thereafter every five years” (Art. 44). Since 1993, the Committee has conducted 397 national compliance reviews. It is comprised of 18 “experts” from 18 Party Nations, which means there is only a nine percent chance of an expert reviewing a country who is actually from that country. Currently, the experts are from: Chile, Egypt, Ghana, Hungary, Mauritius, Monaco, Norway, Peru, Saudi Arabia, Slovakia, South Korea, Spain, Sri Lanka, Switzerland, Syria, Thailand, Tunisia, and Uganda.

As will be evident in this brief, in many ways the Committee’s view of children, parents, education, sexuality, and government and separation of powers, stands in direct conflict with the Judeo-Christian religion and republican systems of government upon which the United States was founded.

Committee Review of Nations

To understand what the Committee writes in its “concluding observations” – what actions the Committee thinks a party nation should take to be in compliance with the CRC – it is important to comprehend the lens the “experts” use to look at nations. To assess level of compliance with the CRC, the Committee has “general measures of implementation,” guided by 13 General Comments that the experts themselves developed between 2001 and 2011.¹ These General Comments are not simple one sentence or paragraph principles, but are 8-31 page dissertations explaining how the experts interpret and apply the CRC. Some of the actual CRC provisions, and the General Comments and views of the Committee members, are helpful to children at risk in certain nations and situations, but dangerous to American citizens, children and families, freedom and morality, and our systems of government. This brief will cover three of the General Comments, and the 2012 reviews of Australia and Canada.

Implementation Through Domestic Law

The Committee believes that the provisions of the CRC must be written into education policies, and national and local laws, to ensure comprehensive and uniform teaching, promotion, implementation, and enforcement of all its principles. The Committee

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expects Party Nations “to develop a comprehensive national plan of action,” coordinated from the national to the local levels, and to “engage all sectors of society and children.” This plan is to include education curricula, cultural transformation, human rights training, comprehensive recognition of children’s “rights,” and a review processes to ensure compliance with the CRC.² Article 4 of the Convention does require Party Nations to “undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized in the Convention.” Consequently, the Committee instructs nations to make sure that “all domestic legislation is fully compatible with the Convention.”³ But this directly violates the United Nations Charter, which guarantees that no UN entity will “intervene in matters which are essentially within the domestic jurisdiction of any state” (Charter, Art. 2, par. 7). Obviously, the national representatives who wrote the CRC, the UN itself, and the CRC Committee, disregarded this legal restriction.

Federal Systems Contravened

The Committee strives for uniformity of application of the CRC in every part of a nation. Federal systems of government – such as in Australia, Canada, and the United States – are problematic to it. Here are examples of how the Committee is trying to contravene Canada’s system of government to force universal compliance:

“The Committee recommends that the State Party finds the appropriate constitutional path that will allow it to have in the whole territory of [Canada], including its provinces and territories, a comprehensive legal framework which fully incorporates the provisions of the Convention ... and provides clear guidelines for their consistent application.”

“While noting that most Canadian provinces have an Ombudsman for Children, the Committee reiterates its concern ... about the absence of an independent Ombudsman for Children at the federal level. Furthermore, the Committee is concerned that ... not all children may be aware of the complaints procedure.”

“The Committee reiterates its recommendation for [Canada] to set up a national and comprehensive data collection system and to analyse the data collected as a basis for consistently assessing progress achieved in the realization of child rights”⁴

In addition, the Committee declared Canada was not in “full compliance” because “some provinces and territories” allow youth under age 18 to be “tried as adults” for certain crimes. The same is true in the United States. Further, the Committee was disturbed that, in some provinces, children under the age of 16 are permitted to work and those 16 and older are “permitted to perform certain types of hazardous and dangerous work.”⁵ Are we to believe that any person under the age of 16 is incapable of work?

False View of Child Rights & Human Rights

Article 1 of the Convention defines a child as “every human being below the age of eighteen years unless under the law applicable to the child, majority is attained earlier.” The Committee calls all persons under 18: “holders of all the rights enshrined in the Convention.” They further say that even within the family, children, particularly adolescents, must be viewed as “active rights holders.”⁶ According to the Committee, “the key message of the Convention (is) that children alongside adults are holders of human rights.”⁷ To portray children as

“rights holders” pits them against their parents and siblings, and their teachers. This approach encourages pride instead of humility, and self-focus instead of caring for and serving one another; it creates division instead of unity, and facilitates unaccountability instead of personal responsibility.

Another way that the Committee seeks to separate children from parents was evident in their review of Australia, criticizing immigrant officials for interviewing families together, instead of having “compulsory separate interviewing of children.”⁸ For what purpose?!?

Regarding human rights, the Committee sees no distinction between “civil and political rights” and “economic, social and cultural rights,” but views all human rights as interdependent and indivisible.⁹ Both the CRC and Committee fail to distinguish between inherent human rights, and human needs, wants, or aspirations. Thus they don’t see that rights to life, religious liberty, and freedom are God-given and therefore inherent; and that the economic need of a job or health care, or desire for contraception, are not human rights at all. For economic and social needs, the Committee asserts that “it is essential that domestic law sets out entitlements”¹⁰ – which they view as including contraception, health care, education, etc. – with penalties for not providing those to children. Further they believe these “rights” are justiciable, that is, children must be able to take legal actions when their “rights” are violated or they don’t get what they want. What a recipe for a dysfunctional society!

Sexuality, “Orientation”, Policies

Regarding sexuality, the Committee wrote an entire General Comment explicitly on “Adolescent health and development,” declaring that governments are to:

- Set a “minimum age for sexual consent”;
- Set a “minimum age for ... medical treatment without parental consent”;
- Create programs that help parents talk to their children about “sexuality and sexual behavior and risky lifestyles” in ways that produce “acceptable solutions” that respect their “rights”;
- Develop programs “aimed at changing cultural views about adolescents’ need for contraception and STD prevention ... and other taboos surrounding adolescent sexuality”;
- “(R)emove all barriers” and provide “access to sexual and reproductive information, including family planning and contraceptives ... regardless of their marital status and whether their parents or guardians consent”;
- Require health-care providers to “keep confidential medical information concerning adolescents,” and not share information with parents without “the consent of the adolescent”;
- Ensure adolescents (not parents) “can give their informed consent” to any medical procedures by providing them with “confidential advice” and protecting their privacy rights;
- “(R)emove barriers” to the sexual needs and rights of “adolescents with disabilities”;
- “(P)rovide access to ... safe abortion services where abortion is not against the law”;
- Provide “easy access to individual complaint systems,” including judicial redress, to protect their “right to privacy (art. 16).”¹¹

It is clear that a primary objective of the Committee is use governments to remove children from under the authority of their parents, and facilitate unlimited sexual promiscuity.

The Committee criticized Australia for not ensuring the “right to privacy” to “children receiving health services, particularly sexual and reproductive health services,” and called upon the nation to enact “comprehensive national legislation enshrining the right to privacy,” and require “mandatory training on child rights for health professionals.” For what purpose? To keep parents from knowing about the sexual activity of their children, and the services they are receiving, including contraceptives and abortions. In addition, the Committee said it is “deeply concerned at the marked increases in the rates of Sexually Transmissible Infections (STIs) among young people,” but in the next paragraph tells Australia to “improve the accessibility of contraception, counseling, and confidential health services,” thus encouraging more sexual promiscuity.¹²

The Committee asserts that children, especially adolescents, cannot be discriminated against based on their “sexual orientation or health status (including HIV/AIDS and mental health).”¹³ Thus they told Australia to: “Enact federal legislative protection against discrimination on the basis of sexual orientation or gender identity.”¹⁴ But doing so would *promote* sexually deviant behaviors between children, and between children and adults.

“Best Interest of the Child”: Universal Application & Child Determined?

One of the core general principles of the CRC is “the best interest of the child” (Art. 3). The Committee criticized Canada for not ensuring that this principle was known, “integrated and consistently applied in all legislative, administrative, and judicial proceedings as well as in all policies, programs and projects” in every community, town, city, and province in the nation.¹⁵

One way the Committee seeks to get to universal application of this principle is by degrading parents.

“Before parents give their consent, adolescents need to have a chance to express their views freely and their views should be given due weight ... However, if the adolescent is of sufficient maturity, informed consent shall be obtained from the adolescent her/himself, while informing the parents if that is in the ‘best interest of the child’ (art. 3).”¹⁶

Not only does the Committee diminish the authority of parents to give or not give their consent, and thus determine what is truly best for their own child; but actually puts the child in the place of the parent, and the place of arbiter of the Convention, to determine what is in his or her best interest.

Corporal Punishment Considered Violence Against Children

The Convention does not mention corporal punishment, but the Committee has chosen to view it as violence against children, failing to recognize appropriate, non-abusive, corporal punishment as vital to the development of good character in children. Even though Canada’s Supreme Court found that corporal punishment was justified under its laws – that authorize “reasonable force” to discipline children, but prohibit any form of violence against them – the Committee urged the national government to repeal that section of the Criminal Code.¹⁷

In Australia's review, the Committee said it "regrets that ... corporal punishment, in the home and some schools and alternative care settings, remains lawful throughout the State party under the label of so-called 'reasonable chastisement'," and directed the nation to "explicitly prohibit corporal punishment in homes, in public and private schools, detention centres and alternative care settings in all states and territories."¹⁸

Concluding Comments

One must wonder if the "experts" have ever been parents themselves, and if so, whether they raised their own children with the same misguided principles? Further, one should ask what has been the results in every community, nation or civilization where those in power took upon themselves tyrannical control over the minds and lives of the people, even to the depths of family relationships and privacy of homes? The Truth is lost; inherent freedoms of conscience, thought, religion, and speech are extinguished; and innocent human life is always in jeopardy.

The Judeo-Christian religion provides the foundations for healthy families and children with good character, by empowering parents to selflessly love and patiently instruct their children, and commanding children to honor their parents and those in authority. It also provides the foundations for preserving inherent rights and liberties, based on affirmation of these as God-given, within the framework of limited, constitutionally bound, civil government. Other religions and systems of government have proven far less capable, or entirely incapable, of providing the same foundations and results. Much of the CRC and its Committee stand diametrically opposed to the good foundations of the United States. It would be foolish for the U.S. Government to ever ratify the CRC. However, our greatest danger is not the CRC, but the fact that most Americans today have forgotten, or never learned, the essential foundations of our nation and their Source, and are too rapidly adopting a worldview similar to the Committee members.

¹ Committee on the Rights of the Child – General Comments.

² "General Comment No. 1 (2001), Article 29 (1): The Aims of Education," Annex IX, Convention on the Rights of the Child, UN document CRC/GC/2001/1, dated 17 April 2001, pars. 17, 23, 25, 28. Also, "General Comment No. 5 (2003), General measures of implementation of the Convention on the Rights of the Child," UN document CRC/GC/2003/5, issued 27 Nov. 2003, pars. 1, 27-28, 37, 41.

³ General Comment No. 4 (2003), Adolescent health and development in the context of the Convention on the Rights of the Child," UN document CRC/GC/2003/4, 1 July 2003, par. 9. Also, *op. cit.*, "General Comment No. 5, pars. 1, 18-20, 22, 25.

⁴ Concluding Observations: Canada," Committee on the Rights of the Child, 61st session, 2012, UN document CRC/C/CAN/CO/3-4, pars. 11, 21, 22. See also, "Concluding Observations: Australia," 60th session, 2012, UN document CRC/C/AUS/CO/4, pars. 11-18.

⁵ *Ibid.*, "Concluding Observations: Canada," pars. 30-31, 79-80, 85-86.

⁶ *Op. cit.*, "General Comment No. 4," pars. 1, 3, 5, 7.

⁷ *Op. cit.*, "General Comment No. 5," par. 21.

⁸ Op. cit., “Concluding Observations: Australia,” par. 33.

⁹ Op. cit., “General Comment No. 5,” par. 6.

¹⁰ Ibid., “General Comment No. 5,” par. 25.

¹¹ Op. cit., “General Comment No. 4,” pars. 9-11, 16, 28, 30, 31, 33, 35, 39-41.

¹² Op. cit., “Concluding Observations: Australia,” pars. 41-42, 61, 66-67.

¹³ Op. cit., “General Comment No. 4,” par. 6.

¹⁴ Op. cit., “Concluding Observations: Australia,” pars. 29(e), 30(e).

¹⁵ Op. cit., “Concluding Observations: Canada,” pars. 34-35.

¹⁶ Op. cit., “General Comment No. 4,” par. 32.

¹⁷ Ibid., “Concluding Observations: Canada,” pars. 44-45.

¹⁸ Op. cit., “Concluding Observations: Australia,” pars. 43-44(a).