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What's Wrong with Rights for Children?

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A conference addressing the US failure to ratify the UNCRC

The United States government has historically shown resistance to ratifying United Nations (UN) treaties aimed at solving humanity's most pressing issues. In a conference focused on the UN Convention on the Rights of the Child (UNCRC), Emory University asked why the United States would oppose an accord to protect the world's children from abuse, neglect, and exploitation.

A Brief History of US Resistance to International Treaties

The United States has frequently delayed or denied its full support on treaties regarding violence against women, climate change, genocide, and global protection of children. For instance, it took forty years for the United States to become a party of the 1948 UN Genocide Convention. The United States refused to ratify the Kyoto Protocol, and it removed itself from the Paris Accords in 2020 before rejoining it under the Biden administration. To this day, the United States has failed to ratify the 1979 Convention on the Elimination of Discrimination Against Women and the UNCRC.



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The UN Convention on the Rights of the Child (UNCRC)

Established over thirty years ago, the UNCRC aims to institute legally binding international protections for the world's children. The treaty included protections from abuse or exploitation, the prohibition of the death penalty for minors, safeguards for child privacy, and the right to legal representation in courts, among other terms. In 2000, additional protocols were added to the UNCRC including the prohibition of enlisting child soldiers in war and specific protections against child pornography and sex trafficking. Although the United States played a significant role in drafting the convention, it has still failed to ratify

it.

American Religious Opposition to the UNCRC

To address this issue and its implications, Emory University Law Center held a conference that asked, “What’s Wrong with Children’s Rights.” The conference, part of the [Law, Religion, and Human Rights](#) project, assembled experts to address the question from different angles. One panel, “Should Religious Groups Oppose the Children’s Convention?” evaluated the role of religious actors and organizations in opposing the UNCRC.

One of the unique aspects of the UNCRC is that it rebuts the conventional logic that only parents and guardians can safeguard the well-being of children. Instead, it credits children with having considerable awareness and autonomy in shaping their own beliefs, identities, and life decisions.

We have already seen how various American religious and legal groups object to the Convention, because it appears to give international law undue power We have seen how the Convention is perceived to give children undue and excessive freedom of expression, freedom of conscience, thought of religion possibly too much freedom to choose their friends; some believe too much freedom to privacy; and some believe too much freedom to testify in courts—possibly even against their parents. Religious groups in particular have felt that the convention might inhibit parents from raising children

according to their own values and disciplines. Homeschooling advocates have been particularly vehement in the opposition to the Convention. Such groups have shaped its long delay in ratification by the Senate in the United States.

—Don S. Browning, “Should Religious Groups Oppose the Children’s Convention?”

Don S. Browning articulated several religious oppositions to the UNCRC but also suggested that, ultimately, its language is compatible with Judeo-Christian religious traditions emphasizing the importance of the child. Similarly, David M. Smolin gave a presentation titled, “Overcoming Religious Opposition to the Children’s Convention.” The final presenter of this panel was Jeremy Gunn who (among other things) pointed out the considerable protections the UNCRC affords to parents. Many of the oppositions by religious groups, he suggested, come instead from an ideological basis. He cited many religiously affiliated organizations that condemned the UNCRC for “denigrating” the traditional nuclear family and including a recognition of single mothers and so-called “out-of-wedlock births.”

The “Should Religious Groups Oppose the Children’s Convention” panel.

Broader Implications of US Refusal to Ratify

Some provisions in the Convention to protect the rights of children apparently contradict the supremacy of the father. In fact, one great argument among my own

denomination (Baptist) is that women are supposed to be subservient to their husbands. And a major portion of Baptists in this country believe that a woman doesn't even have a right even to speak in a religious worship service. And for a child to be elevated—as the Convention does, to a position of almost equality with a father—is a very disturbing thing for those people who believe in the Biblical ordination of the father as superior.

—President Jimmy Carter.

In his keynote address at the conference, former President Jimmy Carter discussed his realization that it was ultimately “a hopeless case in terms of getting the US to ratify.” He gave several reasons, including Biblical notions of patriarchal supremacy and the United States’ desire to maintain unchallenged supremacy in the international order. More broadly, he spoke to a deeply-ingrained disconnect between the United States’ immense capacity to improve the well-being of the world’s children in comparison to its actual contributions. He also discussed how a serious commitment to global child welfare by the United States, as the UNCRC outlines, would “cut down on the threat of war,” citing how a significant number of people killed in times of war are children. In conclusion, he argued that if the CRC were evaluated by the good it could do for the world’s children, ratifying it should be an obvious choice.

Former President Jimmy Carter’s keynote address in support of the Children’s Convention.

Like Carter, many of the conference presenters argued that the objections to the UNCRC

should be taken seriously but that substantively addressing them was possible. Why, then, has the United States been so staunchly opposed to the UNCRC? Why has it historically exempted itself from so many UN efforts to improve the quality of human life on the globe?

Perhaps one of the most telling observations came from Cynthia Price Cohen, a drafter of the UNCRC. [She described](#) her interactions with a key US official during the drafting of the Convention. That official argued that “the US will never ratify, so let’s just give other countries a better treaty.” This statement suggests that many officials in the United States are content to dictate the rules of the international order without being accountable to them. Overall, the experts at the conference seemed to agree that it would require a considerable shift in the US political climate for it to ratify the UNCRC.