112TH CONGRESS
1ST SESSION

S. RES. 99

Expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

IN THE SENATE OF THE UNITED STATES

MARCH 10, 2011

Mr. DEMINT (for himself, Mr. BARRASSO, Mr. BURR, Mr. BLUNT, Mr. BOOZMAN, Mr. CHAMBLISS, Mr. COBURN, Mr. CORNYN, Mr. CRAPO, Mr. ENSIGN, Mr. ENZI, Mr. GRAHAM, Mr. GRASSLEY, Mr. HATCH, Mrs. HUTCHISON, Mr. INHOFE, Mr. ISAKSON, Mr. JOHANNS, Mr. JOHNSON of Wisconsin, Mr. KYL, Mr. LEE, Mr. MCCAIN, Mr. MORAN, Mr. PAUL, Mr. RISCH, Mr. RUBIO, Mr. SESSIONS, Mr. VITTER, and Mr. WICKER) submitted the following resolution; which was referred to the Committee on Foreign Relations

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RESOLUTION

Expressing the sense of the Senate that the primary safeguard for the well-being and protection of children is the family, and that the primary safeguards for the legal rights of children in the United States are the Constitutions of the United States and the several States, and that, because the use of international treaties to govern policy in the United States on families and

children is contrary to principles of self-government and federalism, and that, because the United Nations Convention on the Rights of the Child undermines traditional principles of law in the United States regarding parents and children, the President should not transmit the Convention to the Senate for its advice and consent.

Whereas the Senate affirms the commitment of the people and the Government of the United States to the well-being, protection, and advancement of children, and the protection of the inalienable rights of all persons of all ages;

Whereas the Constitution and laws of the United States and those of the several States are the best guarantees against mistreatment of children in this Nation;

Whereas the Constitution, laws, and traditions of the United States affirm the rights of parents to raise their children and to impart their values and religious beliefs;

Whereas the United Nations Convention on the Rights of the Child, adopted at New York November 20, 1989, and entered into force September 2, 1990, if ratified, would become a part of the supreme law of the land, taking precedence over all State laws and constitutions;

Whereas the United States, and not the several States, would be held responsible for compliance with this Convention if ratified, and as a consequence, the United States would create an incredible expansion of subject matter jurisdiction over all matters concerning children, seriously undermining the constitutional balance between the Federal Government and the governments of the several States;

Whereas Professor Geraldine Van Bueren, the author of the principal textbook on the international rights of the child,

and a participant in the drafting of the Convention, has described the ''best interest of the child standard'' in the treaty as ''provid[ing] decision and policy makers with the authority to substitute their own decisions for either the child's or the parents'';

Whereas the Scottish Government has issued a pamphlet to children of that country explaining their rights under the Convention, which declares that children have the right to decide their own religion and that parents can only provide advice;

Whereas the United Nations Committee on the Rights of the Child has repeatedly interpreted the Convention to ban common disciplinary measures utilized by parents;

Whereas the Government of the United Kingdom was found to be in violation of the Convention by the United Nations Committee on the Rights of the Child for allowing parents to exercise a right to opt their children out of sex education courses in the public schools without a prior government review of the wishes of the child;

Whereas the United Nations Committee on the Rights of the Child has held that the Governments of Indonesia and Egypt were out of compliance with the Convention because military expenditures were given inappropriate priority over children's programs;

Whereas these and many other interpretations of the Convention by those charged with its implementation and by other authoritative supporters demonstrates that the provisions of the United Nations Convention on the Rights of the Child are utterly contrary to the principles of law in the United States and the inherent principles of freedom;

Whereas the decisions and interpretations of the United Nations Committee on the Rights of the Child would be considered by the Committee to be binding and authoritative upon the United States should the United States Government ratify the Convention, such that the Convention poses a threat to the sovereign rights of the United States and the several States to make final determinations regarding domestic law; and

Whereas the proposition that the United States should be governed by international legal standards in its domestic policy is tantamount to proclaiming that the Congress of the United States and the legislatures of the several States are incompetent to draft domestic laws that are necessary for the proper protection of children, an assertion that is not only an affront to self-government but an inappropriate attack on the capability of legislators in the United States: Now, therefore, be it

Resolved, That it is the sense of the Senate that—

(1) the United Nations Convention on the Rights of the Child, adopted at New York November 20, 1989, and entered into force September 2, 1990, is incompatible with the Constitution, the laws, and the traditions of the United States;

(2) the Convention would undermine proper presumptions of freedom and independence for families in the United States, supplanting those principles with a presumption in favor of governmental intervention without the necessity for proving harm or wrong-doing;

(3) the Convention would interfere with the principles of sovereignty, independence, and self-government in the United States that preclude the necessity or propriety of adopting international law to govern domestic matters; and

(4) the President should not transmit the Convention to the Senate for its advice and consent.

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