

*Sightings* 10/24/05

Rights for Children

-- Martin E. Marty

Two Octobers ago, former President Jimmy Carter posed a question and issued a challenge to the students and faculty of Emory University's School of Law: Could not *one* law school devote itself to addressing why the United States has not ratified the United Nations Convention on the Rights of the Child? Emory's law school took up the challenge, and its Center for the Study of Law and Religion invited President Carter back to keynote last week's conference, "What's Wrong with Rights for Children?"

Did something have to be wrong? Evidently U.S. governmental leaders and some of their constituencies thought so. That was not the case for 192 other nations; they ratified the Convention that had passed in 1989. The U.S. was a major drafter of the document, but is now a lonely non-ratifying nation. What about other non-signing nations? Easy: There is only one, Somalia, which has no effective government that can sign treaties and covenants.

Some who care about these things are embarrassed, ashamed, frustrated, and even enraged that presidents do not forward the Convention to the Senate -- which, however, in the present climate would never consent to it. In his keynote at the conference last weekend in Atlanta, where he returned for a kind of progress report, the usually hopeful Nobel Laureate Carter commented in one word on the possibility of the U.S. joining all the rest of the world now: It's "hopeless." Period.

But there are no periods for President Carter, or for the planners of the "What's Wrong" conference. (I had the closing keynote, and don't like to put periods to projects either). Energies instead went into what the United States should do now about this matter. So what *is* wrong, in the eyes of opponents? Originally the U.S. stood back because we uniquely wanted to protect some of our states' rights to execute children under eighteen years of age. That is changing as laws and policies are being altered. Other reservations remain.

Next is the abhorrence by many of treaties (for example, the Kyoto Protocol on the environment) in a time when we pronounce ourselves above all other nations. Rather than gripe about those two blockages, the Emory conferees concentrated on cultural, social, and, of course, religious opposition. To their credit, they did so without slash-and-burn rhetoric, and gave a hearing to some who spoke up eloquently for those who have reservations, and are formally opponents of the Convention.

The Center has for some years devoted itself to projects on "Sex, Marriage, and Family and the Religions of the Book" and "The Child in Law, Religion, and Society." It is concerned about the same parent-child relations that the critics feel they must protect when they claim that the Convention yields too much to the child: the document is opposed to life sentences without parole for children; parents and teachers are not to employ corporal punishment; children "decide" much; etc.

President Carter encouraged conferees not to be deterred by the formal setbacks to ratification attempts. In fact, he urged them to help the United States enlarge "rights" concerns beyond the usual (free speech, etc.), to those that have physical dimensions: the rights to shelter, food, medicine, and security.

The conferees could not counter the verdict of "hopeless." Many, however, did find fresh inspiration to promote rights on other fronts, through other means.

*References:*

The United Nations Convention on the Rights of the Child can be found at:  
<http://www.unhchr.ch/html/menu3/b/k2crc.htm>. For further information about the Center for the Study of Law and Religion at Emory University's School of Law, including information about the conference on children's rights, please visit:  
<http://www.law.emory.edu/cslr>.