

THE CONVENTION ON THE RIGHTS OF THE CHILD A CRITIQUE

By
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(This article which appeared in *Action Familiale et Scolaire* No.91¹, in October 1990 was written by the then editor of that journal, François Desjars. Although it describes the French history of the Convention we are sure that M. Desjars' observations on the Convention will be of interest to our readers of whatever nationality. It appeared in English in a supplement to *Apropos* No. 10, Sts Peter and Paul, 1991. It has now been posted on the *Apropos* website www.apropos.org.uk)

The Convention on the Rights of the Child was adopted unanimously by the General Assembly of The United Nations on 20th November 1989. It came into force on the 2nd September after being ratified by 26 States. The Vatican adhered to this Convention in April 1990, subject to certain reservations that we will mention later. In France, the National Assembly, on 13th June 1990, approved the bill authorizing ratification of the Convention but with a clause restricting its interpretation where the rights of unborn children were concerned.

Following a brief historical note about the origins of this document we will describe the rights ascribed to the child and consider these in the light of the spirit which inspired them. We will then attempt to show the likely consequences of applying these rights in the real world, and how in our view the problem could be better tackled.

Historical Note

In 1919 the League of Nations, created a Committee for the Protection of Children. In 1924, it adopted the **Geneva Declaration** on the rights of the child, drafted by the International Union for Aid to Children. Reviewed and extended in 1948, this served as the basis for the Declaration on the Rights of the Child adopted unanimously by the General Assembly of the United Nations on 20th November 1959. But a simple declaration even when it is approved by the representative of a State at the United Nations does not place any specific obligation on that State - whereas an international convention binds the State, which has supported it or ratified it to apply its prescriptions. It was in 1979, on the occasion of the International Year of the Child, that the **Polish authorities** proposed the adoption of a Convention on the Rights of the Child.

The U.N.'s Commission on Human Rights then set up '*a Working Party of an unlimited composition to study the question of the rights of the child.*' This group brought together the delegates of 43 States represented on the Commission. Also invited to take part in the discussion were delegates of other member States of the United Nations, those of intergovernmental organizations² and those of a certain number of non-governmental organizations. The participation of the latter in the drafting of the final convention was at first modest but then increased progressively, in particular following the formation in 1983, of a '*special group of the non-governmental bodies for the formulation of the Convention*', which contributed a number of, '*clear and relevant proposals*' to the U.N. working party.³ But during the 10 years in which the text of the Convention was being worked out, the U.N. Working Party only met for 12 weeks, with no continuity in the participants, who never

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² Including the International Labour Organization I.L.O., the High Commission for Refugees and UNICEF, the U.N. Children's Fund.

³ Fifty of these non-governmental bodies were eventually represented on the Working Party, and roughly a half of these took part in its half-yearly discussions.

exceeded 30 persons, if we are to credit Julia Salomon,⁴ who in addition emphasizes the extreme discretion surrounding their deliberations as they put the finishing touches to the Convention.

The Convention and the rules governing its application

The Convention comprises 3 parts: the preamble expresses the main principles which guided those who drafted it; the articles which set out the obligations of those States which have ratified the Convention and the corresponding rights of the child (Articles 1- 41); the arrangements necessary for putting into force and applying the Convention (Articles 42-54). We will begin with a brief glance at the last, before examining, in much more detail, those rights accorded the child and the limits within which they may be exercised.

The measures intended to enforce and to expedite the application of the Convention by States comprise:

- the creation of a Committee for the Rights of the Child composed of ten experts chosen by the Participating States⁵ and charged with examining the progress accomplished in achieving the realization of the obligations undertaken in the Convention. (By the analysis of periodic reports).
- the obligation for the Participating States to present periodic reports to this committee (two years after the coming into force of the Convention and at 5 yearly intervals thereafter) on the measures taken regarding the rights of the child and on the progress made in enjoyment of those rights.
- the obligation of the Participating States to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults **and children** alike.

The rights for the child

The position of children in the world, even seen from a very superficial point of view, is not too optimistic. In the developing nations in particular, the scourges of under nutrition and malnutrition, infant mortality, prostitution and the sale of children, and their exploitation as cheap labour, often to the profit of a relentless neo-capitalism, are well-known. Wars and revolutions, abject poverty, filth and squalor entail immense suffering for an incalculable number of children; illiteracy although in decline in the Third World continues to handicap a very high proportion of children above all in Africa and Asia. While the statistics which demonstrate these facts are not all equally reliable, the sheer extent of the phenomena is real enough.

In the developed countries, poverty and misery persist in a not insignificant fringe of the population; Moreover the decline of the family, allied to the abandonment of morals, has added considerably to the number of children practically abandoned, maltreated, indeed ignobly exploited. *L'Astrolabe* (No.93, 1990) introduced its excellent analysis of the Convention of the Rights of the Child by citing the frightening number of suicides by young people in France: 11,000 per year.

It would not be for us to ignore the grave problems which beset children in the many different situations in the world. But it is also necessary to recall that a very large proportion of children, notably in France, enjoy a normal and healthy life.

However the text of the UN Convention makes very little distinction between these extremely

⁴ A psychologist, she reported on the subject to the Civil Liberties Council of Western Australia; her talk was summarized in *News Weekly* of June 23rd 1990

⁵ The English translation of the Convention describes these as 'States Parties' - a rather clumsy description.

diverse situations of children: poor or affluent, with or without a family etc... Drafted besides by persons of different, nay divergent, preoccupations it claims general validity but lacks coherence. Who would not wish to struggle against the calamities recalled below: against the recruitment of children in the armed forces and the ravages of war, (Article 38): drug taking and drug trafficking (Article 33) the sale of or traffic in children (Article 35); and their economic and sexual exploitation (Articles 32 & 34); the torture or the arbitrary internment of adolescents (Article 37 a,b)...?

But the document contains grave inadequacies. It is not free of internal contradictions, nor of incompatibilities with certain provisions of other international conventions. Above all its spirit, wholly subservient to the individualism of the rights of man, introduces its inevitable dialectic throughout.

ITS GRAVE INADEQUACIES

Protection of the right to life

From the document 'Info-Doc Unicef' at the presentation of the Convention we learn that the first draft of the convention did not take up the provision of the Declaration of the Rights of the Child of 1959 'which mentions expressly the rights of the child before birth.' (preamble line 3 principle 4) It was at the demand of certain Muslim and Latin-American countries and pro-life associations that a phrase was reintroduced into the definitive text recognizing the '*need for legal and other protection of the child before and after birth*' (unofficial summary of main provisions - preamble).

In the text itself, Article 1, defines the child as '*every human being below the age of 18 years unless, under the law applicable to the child, majority is attained earlier.*' Article 6, paragraph 1, stipulates '*Participating States recognize that every child has the inherent right to life.*'

Unfortunately Article 7 does not consider the legal existence of the child before birth: '*The child shall be registered immediately after birth and shall have the right from birth to a name, the right to acquire a nationality, and, as far as possible, the right to know and be cared for by his or her parents.*' (Art. 7, para 1)

Moreover Article 24 which is concerned with primary and preventative health care insists expressly on '*the advice of parents... in matters of family planning.*' (Art. 24, para. 2f)⁶ But throughout the world 'family planning' services take contraception and abortion for granted!

That said, those governing us will only accept the Convention with a restrictive interpretation applied to Article 6: '*France holds that this article will not pose "an obstacle to the application of French legislation concerning the voluntary termination of pregnancy"*' (Le Monde 15th June 1990)

Sexual exploitation and involvement in pornography

Article 34 appears full of good intentions to commit the Participating States 'to protecting the child from all forms of sexual exploitation and sexual abuse.' But it doesn't require anything to be done by the States other than to '*take all appropriate...measures*' to prevent such exploitation and abuse. As L' Astrolabe, already cited, stated: '*One might as well say that because one wishes to prevent children dying from hunger one will prevent children dying from hunger.*'

⁶ The official English text is not worded thus. It states that Participating States '*shall take appropriate measures - (f) to develop preventative health care, guidance for parents, and family planning education and services.*' This is the exact opposite of the interpretation afforded in the French text. (Editor Apropos)

Besides, paragraphs 34a and b mention, curiously, only unlawful sexual activities or practices. Are they thus admitting that others **are** lawful and therefore authorized.

Paragraph 34c crowns this in demanding that States should take measures to prevent the exploitative use of children in pornographic performances and the production of pornographic materials. But article 31 stipulates the right of the child '*to participate freely in cultural life and the arts*' and commits States to encourage this full participation. In view of the pornographic nature of much of what is presented today as cultural or artistic one can only be worried. How does one determine the boundary between the two - the right to be free from sexual exploitation and the right of participation?

Adoption

On the question of foreign adoptions, the Convention demands of States that '*the placement of a child does not result in improper financial gain for those involved in it.*' Are we to infer that such an adoptive placement could result in a proper financial gain, and if so who is entitled to reap such profit?

We have already seen how the wording of the Convention leaves it open to a whole variety of interpretations depending on the laws in force in different countries (for example articles 34a and 34b). Here is another example, in article 16, which is concerned with protecting the private life of the child and declares that he must not be subjected to 'unlawful attacks on his honour and reputation.' Which of these attacks **are** lawful, we would ask?

Contradictions and incompatibilities

The reader will have already noticed some internal contradictions in the preceding passages of the Convention which we have examined. It will be worthwhile to reproduce in full article 18, dedicated to the responsibility of parents:

'Article 18

1. Participating States shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents or, as the case may be, legal guardians, have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.
2. For the purpose of guaranteeing and promoting the rights set forth in this Convention, Participating States shall render appropriate assistance to parents and legal guardians in the performance of their responsibilities for raising their child and shall ensure the provision of institutions, facilities and services for the welfare of children.
3. Participating States shall take all appropriate measures to ensure that children of working parents have the right to benefit from child care services and facilities for which they are eligible.'

According to the first part of this article (1st paragraph and the first 3 lines of the 2nd paragraph) the responsibility for the upbringing of children is firmly assigned to the parents and, logically, the State must help them. But all of the second part of paragraph 2 makes provision for measures which give the maximum encouragement to parents to entrust their children to others and not to bring them up themselves. Let us pay heed to the words of Katarina Runske, President of the Swedish Foundation for the Defence of the Family: '*We have sold our children for a bowl of soup.*' *In this case 'a higher standard of living and an easier life.'* This inconsistency is not accidental. One finds it yet again, in the preamble, with its *raison d'être*. Here again it is necessary to reproduce the three paragraphs concerned:

'The Participating States who have ratified the present convention... convinced that the family, as the fundamental group of society and the natural environment for the growth and well-being of all its members and particularly children, should be afforded the necessary protection and assistance so that it can fully assume its responsibilities within the community.

Recognizing that the child, for the full and harmonious development of his or her personality, should grow up in a family environment, in an atmosphere of happiness, love and understanding.

Considering that the child should be fully prepared to live an individual life in Society, and brought up in the spirit of the ideals proclaimed in the Charter of the United Nations, and in particular in a spirit of peace, dignity, tolerance, freedom, equality and solidarity ...

The first 2 paragraphs emphasize the primordial importance of the family, a community of persons tied by blood and affection. The third paragraph presents the individualist principle, which bears within it all the opportunities to weaken the family, associated as it is with the libertarian and egalitarian utopias which have relentlessly sought to destroy the family since 1789.

It is not without interest to note, in passing, a snippet concerning the drawing up of the clauses of the Convention relating to the family. In 1986 the representatives of Poland, Finland and the USSR were opposed to the introduction of resolutions concerning the rights of parents in a project dealing with the rights of the child.

Still in the domain of the family it has always been laudable to try to keep families together. But in the case of mass immigration can one apply this principal indiscriminately? The representatives of Great Britain and Germany are therefore vigorously opposed to the principle posed in article 10 para 1:

'...any application by a child or his or her parents to enter or leave a Participating State for the purpose of family reunification shall be given positive, humane and expeditious consideration by the Participating States.'

Our representatives in the French National Assembly do not appear to find this in the least disadvantageous. Yet all mass immigration is likely to carry the risk of serious disturbance of public order and the weakening of national security,⁷ two matters, which throughout the Convention, are explicitly recognized as limits to the rights of the child.

On certain particularly important points the Convention on the Rights of the Child does not agree with the provisions of other international conventions which are in force. Thus it totally neglects to address the rights of parents to freedom of choice in the education of their children provided by the International Convention on Social Economic and Cultural Rights. (Article 13.3)

It does not restate, more explicitly, the right of parents and guardians to secure the religious and moral education of children in their care, recognized by the International Convention for Civil and Political Rights. (Article 18.4)

Thus the Convention for the Rights of the Child is not noteworthy either for its internal coherence or its compatibility with other international documents and is thus likely to lead to innumerable conflicts.

⁷ especially where, as in France, the immigrants are several million apparently unassimilable and aggressive North African Muslims. (Trans)

The individualism of the Age of Enlightenment

The major defect of the Convention may be found in the spirit which inspires its drafting: the individualism of the 'Rights of Man. The rights of man, the dignity of the human person, are constantly invoked throughout the document.

Which man, which person does the convention concern itself with? As always, since 1789 (and the adoption of this Convention in 1989 is no accident), the focus is on the single isolated individual, alone, abstract, because cut off from the natural communities apart from which and without which he cannot live. This is particularly obvious in the Convention. In an interview in the Communist review *Convergence* of March 1989, M Rosenczweig, director of the Institute for Childhood and the Family, explained;

'The essential characteristic of the International Convention on the Rights of the Child is that it is centered on the Child and not on the family.'

He concludes, *'It is essential that the law takes account of this new dimension which favours the content (inter-individual relationships) over the container (the institution of the family).'*

We have seen the authors of the Convention recognize the primordial importance of the family, *'the fundamental group of society'*, for *'the full and harmonious development'* of the child - then correcting themselves almost immediately by explaining that the education of the child must be such as to prepare him *'to live an individual life'* in a spirit of *'freedom'* and *'equality'* (preamble). We have seen the authors establish, in principle, that *'the primary responsibility'* for bringing up children rests with the parents and yet demand of States, almost immediately thereafter, that they encourage parents to divest themselves of that responsibility by passing it on to specialized organisms (institutions, facilities and services for the care of children) in article 18.

Presenting *'the child in Western society'*, the French committee of UNICEF explains its point of view:

'Despite some enlightened views on childhood from earlier authors (Montaigne, Rabelais...) it is only in the 18th Century, the age of enlightenment, that we find the first recognition of the autonomy of the Child. Thus for Jean Jacques Rousseau in "Emile" the child has his own distinct ways of seeing, feeling and thinking; nothing makes less sense than to try to substitute our ways for his!' (Info Doc Unicef op.cit., P.7).

It is clear from the above that French UNICEF intends to implement *'the autonomy of the child'* in line with the utopian and radically individualist views of Rousseau.⁸

The dialectic infiltrates families

This utopia inspires Articles 12-16 which, if they are applied from a liberal - socialist perspective, constitute an instrument of warfare against the family. It is crucial that parents know these well and hence we reproduce them, in full, one after the other.

'Article 12

- 1. Participating States shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and*

⁸ whose experience of family life was hardly typical, or such as to qualify him as an expert his mother died at his birth, his father abandoned him when he was 10, and he left his own illegitimate babies in the work-house! (Trans.)

maturity of the child.

2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national laws.'

Who will determine the degree of maturity and the capability of the child to form his own views? What faith will be put in a child in the case of a judicial deposition? And in the event of conflict with his parents to whom does one give greater credence?

It may be argued that this measure will give a voice to the child in the case of proceedings for separation or divorce. If so, this should be stated clearly. As it stands it permits the setting up of the child against his parents.

'Article 13

- 1 The child shall have the right to freedom of expression; this right shall include freedom to seek, receive and impart information and ideas of all kinds, regardless of frontiers, either orally, in writing or in print, in the form of art, or through any other media of the child's choice.
- 2 The exercise of this right may be subject to certain restrictions, but these shall only be such as are provided by law and are necessary:
 - a) for respect of the rights or reputations of others; or
 - b) for the protection of national security or of public order or of public health or morals.'

In other words, the child must be allowed to inform himself about all manner of false ideas, all the perversions which infest our society, and by all the means of his choice; if he wishes to watch television or go to the cinema his parents can't do anything about it. The only limitations to the exercise of this "right" become those of the law. As for public morality we know what that is worth!

'Article 14

1. Participating States shall respect the right of the child to freedom of thought, conscience and religion.
2. Participating States shall respect the rights and duties of the parents and, when applicable, legal guardians, to provide direction to the child in the exercise of his or her right⁹ in a manner consistent with the evolving capacities of the child.
3. Freedom to manifest one's religion or beliefs may be subject only to such limitations as are prescribed by law and are necessary to protect public safety, order, health, or morals or the fundamental rights and freedoms of others.'

We note the same liberal perspective here too in matters of religion. Parents (Surprise! surprise!) do indeed exist, but their role is to guide the child in the exercise of what Pope Gregory XVI called 'raving madness' and Pope Pius IX, 'the freedom of perdition'.¹⁰ The true responsibility of parents, on the contrary, consists in guiding their children towards the truth, by protecting them from the numerous errors which are strangling our society.

⁹ The French version of the Convention includes here the word 'aforementioned'.

¹⁰ In his encyclical "*Quanta Cura*" of 8th Dec. 1864 (See A. de Lassus, "Religious Liberty", supplement to *Apropos* No.7.)

'Article 15

1. *Participating States recognize the child's rights child to freedom of association and to freedom of peaceful assembly.*
2. *No restrictions may be placed on the exercise of these rights other than those imposed in conformity with the law and which are necessary in a democratic society in the interests of national security of public safety, public order, the protection of public health or morals or the protection of the rights and freedoms of others.'*

In terms of this article parents are not able to prevent their children from frequenting such and such a group of friends or questionable adults: free thinkers, communists, homosexuals or simply louts. How does one dissuade a child from joining this or that sect to 'inform himself?'

'Article 16

1. *No child shall be subjected to arbitrary or unlawful interference with his or her privacy, family, home or correspondence, nor to unlawful attacks on his or her honour and reputation.*
2. *The child has the right to the protection of the law against such interference or attacks.'*

Article 16 crowns this anti-family arsenal by making the 'private life' of the child, a citadel, protected by the law alone: because only the law can determine whether 'interference' in the private life of a child is 'arbitrary' or 'unlawful'. Admittedly it also specified that no one may be able to interfere unlawfully in his family: but it is always the law, in other words the jurisdiction concerned, which will say whether such interference is arbitrary or not. In case of need, are the parents authorised to search a child's room or to open his correspondence? Look out for the law, dear parents and be prudent, for 'Big Brother' is watching you!

Two heterogenous articles complete this picture: article 17 concerning access to appropriate information and article 29 which sets out the aims of education. The first could be good since it foresees the States encouraging *'the development of appropriate guidelines for the protection of the child from information and material injurious to his or her well-being.'* Bearing in mind the provisions of articles 13 and 18, and that the objective is *'the social, spiritual and moral well-being'* of the child, an ambiguous expression evoking more an agreeable subjective feeling than a truly objective standard. One can easily imagine what will result, especially morally, from a liberal interpretation of 'well-being' of the child: it is that interpretation which has every chance of prevailing.

The second anticipates, among other things, that education of the child be directed to *'the development of respect for human rights and...'* (article 29b); *'the development of respect for the child's parents, his or her own cultural identity, language and values...'* (art. 29c) *'the preparation of the child for responsible life in a free society, in the spirit of understanding, peace, tolerance, equality of sexes, and friendship among all peoples, ethnic, national and religious groups ..'*(art 29d). This mix is a little bizarre and of liberal inspiration. One might ask oneself why it is necessary to prepare the child to live in a 'free society' when one knows how many nations are still subjected to communist dictatorship, even if they have recently been disguised as 'social democracies', and how many other States have to put up with a planned economy similar to that found in communist states? What does one mean by 'a free society'? Is it the famous Swedish model which Robert Huntford describes as the

'new totalitarianism?'¹¹

Two things will strike the reader concerning these different articles.

- the place, a markedly secondary one, given to the parents and the family.
- the omnipresence of the State and its law.

Between the two, the child must be 'free' to give himself over to all experiences, intellectual, spiritual, moral, social, artistic, cultural... which he may desire or which others may suggest to him. This is the full application of Rousseauist nonsense. The result is easy to predict.

The effects in the real world

One must be aware that in France by the summer of 1990 all the propaganda material in favour of the rights of the child is in place: 'Information' will be available in all Secondary schools and colleges on their return from the summer break: a film 'Alice in the land of the rights of the child' has been released, with financial backing from the Roussel-Uclaf laboratories, makers of the abortifacient drug RU 486.

Under these conditions children will be encouraged to experiment with these rights, particularly during the difficult period of adolescence when the child is only too ready to seek for emancipation and to reject the authority of his parents. Numerous natural conflicts will be exacerbated, others will be created from square one. A dialectic of the Marxist type will therefore be inserted into families, Hence an added tension in homes and particularly for parents, more and more anxious for their children, fearing the interference of officialdom and made increasingly suspicious of schools because they widely promote the rights of the child. The child will come to the conclusion that his parents "are really becoming impossible"....and the temptation will be great for parents (particularly for those who are isolated: widows and widowers, the divorced....) to send their children to crèches, day-nurseries and other social services provided by the State, and for their offspring to shake off their authority.

In time, the effects of this masterpiece will be definitely to increase the evil that it is supposed to cure! We will have even more children abandoned, and unhappy, and thus easily exploited; more battered children, more children suffering from a lack of proper schooling and intellectual formation, more children morally perverted - souls led astray. It is well known that all these evils, at least in the developed countries, arise for the most part, from the breakup of the family, from divorce, from working mothers who are no longer able to devote the time they would wish to their children etc...

France Gublin, foundress of 'Enfance et Partage', which fights for the rights of the child, admits this:

'We are witnessing an upsurge in violence toward children in all Western countries. With the appearance of one-parent families, with the number of divorces rising, our societies have greatly changed. Without making a moral judgement, one could say that the break-up of the family is contributing today to the isolation and vulnerability of the child.'

¹¹ R. Huntford, *Observer* correspondent in Scandinavia, and a man of the Left himself, published in America in 1972 his reflections on Sweden under the title *The New Totalitarians*.

At the end of a revealing article 'The explosive rise in crime in the USSR' the review "East and West" [No. 75 March 1990] quotes the Soviet Weekly "Sovietskaia Russia" of 10th November 1989:

*'Here is a statistic without comment: today a mother devotes an average of 17 minutes per day to her child. What can one do during this period of time, and what can one teach him? Children are educated by anyone and about anything but in every case **not** by their parents.'*

Here in France at least 4/5ths of delinquents come from broken homes or have never known a home.

We are weighed down with the facts relating to this subject as with so many others but no one wants to hear them. 'Ignore the facts, because they are not pertinent to the question' said Jean Jacques Rousseau.

In the wake of Rousseau and the other 'philosophes' we made the revolution, abolished the trade-guilds and banned all workers' associations by the 'Le Chapelier' law of 1792 which was motivated by the rights of the individual man and what was the result:

'Unfortunately the spirit of the 18th century and of the declaration of the Rights of Man did not open the way to true respect for the rights of the child. The industrial revolution of the 19th century worsened the condition of children through their mass exploitation as a work-force to develop the economy. The child worked from 12 to 16 hours per day for 50 centimes without any social security or health controls.'

It is not we who have said this it is UNICEF (Info Doc UNICEF op cit p.7) and now we are being encouraged to make wider use of these same disastrous rights of man by applying them to children. This is madness!

Such blindness results from a policy applied with remarkable perseverance. This has been emphasized by the sociologist Evelyne Sullerot in her count of the 'spate of new liberal and egalitarian laws', anti-family in practice, which have been adopted in France between 1965 and 1982.

'All this spate of laws follows the same liberal inspiration. "The constraints exercised by the family over individual freedom have been called into question in the same manner as those constraints exercised by the professional guilds over economic freedom" '

The Convention on the Rights of the Child provides a logical continuation of this process, in line with the individualist Rousseauist views of our rulers. Mgr Honore, the then president of the Episcopal Commission on School and University Education (CEMSU) denounced that frame of mind in these terms, in a 'Viewpoint' in Figaro (21st May 1983).

'There is no education without dependence or authority. That is to say that the claims of the rights of the child, hidden under an apparent logic of freedom and education without constraints, wish to remove the child from all authority and particularly that of his parents, who are the first concerned'

M. Rosenczveig unwittingly confirms that observation when he writes, recalling possible 'slips' by children left to their own devices in the exercise of their rights.

'If parents need to be re-assured, remember that their own responsibility will not be questioned if they demonstrate that they have not committed an offence in relation to the education or

supervision of their child (art 1384 of the Civil Code).' (Le Monde - 22nd November 1989).

Parents are therefore to be considered not only as suspects, but culpable a priori because it is they, according to M. Rosenczveig, who must prove their innocence: the Director of the Institute for Childhood and the Family has a peculiar sense of humour.

Without doubt the judicious application of the Convention on the rights of the Child will benefit abandoned children, not only those abandoned in the juridical sense, but more generally, abandoned by their close relatives, family and friends. This would be particularly so in the developing countries and among groups of the very poor in developed countries where children suffer the ravages caused by poverty. We address then the question of aid to the most under privileged. There is no question, in this brief study, of tackling a problem so vast and complex. We recall only that one of the concrete problems which arises in this area is the following: How to be sure that the help furnished by States and by associations will reach those for whom it is intended - poor families and abandoned children. Because, in these situations too, the principal aim must be to keep families united, to allow parents to bring up their children, even in poverty. *L'association "Aide a toute detresse" (ATD - Quart monde)* [A French aid organization] which participated in the drawing up of the Convention in the special Group of non-governmental groups and which has acquired, over many decades, great experience of poverty, has always been motivated to keep child and parents together.

It has consistently observed that if, in a shanty town for example, one removes a child from his family on the pretext that the family could not provide for his education, the whole family suffers socially or disintegrates.

The Council for Social Affairs, a consultative body of the Socialist-leaning government of Quebec in Canada now advocates *'helping parents rather than taking away their children.'* Its chairwoman stated: *'It is not always useful in cases of negligence to separate parents from their children. It is necessary to aim at measures which will permit them to stay together.'*

We learnt this from an article in the Canadian *La Presse* of 6th March 1990 which explained:

'Many recent studies cited by the Council have indicated that the removal of a child from his family milieu, can have effects more harmful than useful and entail, for him, emotional and mental upsets which are manifested by a regression in his preparation for life.'

Thus if we truly have the best interest of the child at heart we will find ways, above all and whenever possible, to strengthen the family, by promoting the action of the many associations who are working in favour of abandoned or maltreated children. By doing this we will treat the principal cause of the evil, the break-down of the family and its immediate consequences. On the other hand the Convention on the rights of the child at best will only disguise the consequences. The measures that it recommends have every chance, in this anti-family climate, of accelerating the break-up. We can hardly risk making a mistake in predicting in time a worsening of the situation.

And yet the convention has been approved....

The Convention on the rights of the child is hailed as a notable advance by our politicians whether communists or the "wets" of the Right. In the French National Assembly during the course of the discussions on the bill to ratify the Convention, Madame Stirbois (National Front), was almost the only deputy to voice a different opinion, emphasizing in particular that:

'If this convention is apparently positive, it is in point of fact insidiously perverse since it tends to consider the child isolated from his natural surroundings.'(...)

'It is absurd and demagogic to consider the child as one who has appeared out of nothing. Moreover this individualist conception leads nowhere since Man is above all an heir to a family, a culture, a nation.' (...)

'How can one speak of a Convention on the rights of the child and at the same time refuse him, by omission, the first of those rights, the right to life? It is paradoxical, nay cynical for those, who in legalizing abortion have authorised a continuous genocide, to set up now as teachers of morality.'

The bill was passed by 561 votes out of 564 on the 13th June 1990. This result was scarcely surprising coming as it did from politicians unconditionally convinced of the excellence of the principles of 1789.

What is surprising, however, is the unreserved pleasure expressed by Catholic organizations such as *Pax Christi* or *L'Action catholique des enfants*, at the signing of the Convention by the United Nations (bulletin SNOP No.77 17/11/89).

The Vatican ratified the Convention with the following reservations:

(a) that the Convention will only interpret the phrase 'family planning education and services' in relation to methods of family planning which it considers morally acceptable, that is namely natural methods of family planning.'

(b) that it interprets the articles of the convention in such a way as to safeguard the primordial and inalienable rights of parents, in particular for everything which treat of rights concerning education (articles 13 and 28), religion (article 14), association with others (article 15) and privacy (article 16).

A third reservation concerns the Vatican State. Such reservations appear pretty timid considering what is at stake. The wording of the first leaves one dumbfounded: to speak of 'natural methods of family planning' leaves the impression that family planning is not bad in itself. Considering current moral laxity this could be construed as an incitement to use natural methods for a contraceptive intention.

Article 12 (freedom of opinion) was not the object of a reservation. Those which concerned articles 13 and 28 (education), 14 (freedom of religion), 15 (freedom of association), 16 (private life), have a good chance of remaining ineffectual: expressed in terms of the rights of the person, they give rise to an individualist dialectic: the rights of the parents versus the rights of children.

Mgr Renato Martino, permanent observer of the Holy See at the UNO, declared in an interview with *L'Osservatore Romano*, *'It must be recognized that the Convention insists on liberty of thought, of conscience and of religion. A policy on this subject which is not centered on the person would not be fruitful.'*

In these two short sentences we are given all the reasons why the Holy See has supported, unfortunately in our view, the Convention on the rights of the child:

- faithful to the regrettable conciliar declaration on religious liberty, *Dignitatis*

humanae, it was not able to deny the freedoms of opinion, expression, thought, conscience, religion etc, accorded by the Convention to the child;

- tempted by a vague personalism it has accepted the individualist rights of man, hoping without doubt to Christianize them little by little.

It is interesting to recall that the inventor of personalism, that 'veiled individualism', Emmanuel Mounier, distrusted the family. Thus in 1936 he wrote in his 'Manifesto in the service of personalism':

'It is necessary to have the courage to say that the family kills persons spiritually as much and more perhaps as a result of its narrowness or its greed, or its fears, or the automatic standards it imposes on its members, than are ever destroyed by the break-up of homes, and often, the better the family, the greater the havoc it wreaks.'

We must regain a grasp of the common good

Alas, Mgr Martino: we must correct you here; the only 'fruitful' policy in this field is not 'centered on the person' but on the common good. That is Catholic tradition. It is fundamental not only because the common good is 'intrinsic' to the 'city' (the temporal order) of which the prosperity of families constitute an essential factor but also because of the common good extrinsically, God Himself, the knowledge of whom is transmitted for the greater part in families and by them.

You wish, you say, the good of the child not just for the moment but for all his life. In that case you must promote policies that will ease the material burden on his family; that will help his parents remain faithful (by not encouraging them to live loose lives); that will make his mother a home-maker (not a working mother) that will allow his parents freely to choose a good school for him (by a "school voucher" scheme) and to bring him up as they wish (authority undisputed); and that will make it easy for them to raise him, with ease, in the truth of the Catholic Church with a view to his eternal salvation. By reinforcing thus the institution of the family, you will give peace back to families, you will make the child happy by assuring his complete equilibrium. It is the common good of the family that you will have aimed at, and you will have given each of its members, and particularly the child, his or her greater and most durable good. The philosopher Charles de Koninck said of the common good that it '*contributes more to the individual than does the individual good; it is the greater good of the individual.*' (*De la primauté du bien commun* 1943', p.8).

In the family, this is crystal clear, everyone recognizes it, including the Convention in its preamble. To be born and to grow up in a stable family is the greater good for a child - a good which conditions all others. It is in the bosom of the family alone that he will find the constant affection necessary for his development. It is essential, however, that there be peace there and a minimum standard of living shared by all its members - their common good and the greater individual good for each of them.

But this is not all, because by seeking the common good of the family you will be working simultaneously for the good of temporal society as a whole. Proudhon didn't hesitate to say:

'the more I study, the more I discover that public freedom has for its basis the safeguarding of private morals and that the maxims by which one destroys the rights of peoples are those by which one overthrows order in families.'

It is obvious that it is through strong families that one builds and strengthens a great nation: it is such families which produce well brought up children, who will swell the ranks of, competent, honest and courageous men, without which no state will remain free for long. Individuals are

able to make a mob, only families form a society: Cardinal Wysinski speaks of the nation as a 'family of families'.

And Cardinal Mindzenty wrote:

'the pivot of the social question is not the individual; no doubt he has the right to assistance from society; but the most necessary and most generous help must be given to the family.' (in his book *'La mere miroir de Dieu'*, Mame, p.56).

But it is necessary to go further. Pope John Paul II concluded his introduction to the apostolic exhortation *'Familiaris consortio'* (22nd November 1981) with this sentence:

*'At a moment of history in which the family is the object of numerous forces that seek to destroy it or in some way to deform it, and aware **that the well-being of society and her own good are intimately tied to the good of the family**, the Church perceives in a more urgent and compelling way her mission of proclaiming to all people the plan of God for marriage and the family, ensuring their full vitality and human and Christian development, and thus contributing to the renewal of society and of the People of God.'*

Therefore it is not only the good of society which is 'intimately tied' to that of the family, but also the good of the Church. The greater number of priests and religious come from Catholic families. It is through them essentially that the morality and faith of the Church is transmitted to children. It is they who provide for the needs of the Church's charitable and social activities. It is only by and in the Church, that each member of a family, particularly the child, can fear God, the Supreme Common Good and go on to receive Him in the Eucharist.

You say that you are fighting for solidarity Mgr Martino. Why then encourage division by adopting the Marxist dialectic technique?

'The common good is everything which unites' says Marcel de Corte. Have therefore as your first concern to work for the common good. In doing so you will work for the greater good of the child.

Conclusion

The Catholic Church has always taught that the procreation and education of children must take first place in the preoccupation of spouses. She has always sought this objective with all her vigour and if through human weakness or misfortune some children were abandoned, abused or exploited, She has always turned her attention towards them with the greatest solicitude: We only have to consider the works of St. Vincent de Paul, of St. John Bosco and of the tireless devotion of hundreds of thousands of priests and religious over 20 centuries of Christianity.

It is all the more surprising to see Mr Rosenczweig, Director of the Institute for the Child and the Family, end his commentary on the UNO's adoption of the Convention thus: *'It is dominated by this idea, simple enough and yet so new in the eyes of history, namely that the child is first of all a human being!'*

No whit less strange is the pseudo-history of the rights of the child, produced by the press office of the French Committee for UNICEF which begins thus:

'As with the rights of man, the idea that the child has rights is a product of western civilization, where the world of childhood has only lately been given recognition. Indeed the child was considered in earlier days as a simple object, the property of his parents. Roman

Law is at the origin of this conception. During the centuries it instilled, in western legislation, the supremacy of parental power, of the "pater familias" which permitted the father to accept or reject the child at birth.'

Here we have a prejudiced caricature which quietly erases 15 centuries of Christianity. This prejudice is nevertheless logical, given the obscurantist spirit of the 'enlightened.' According to this viewpoint, one is only a human being if one enjoys rights **given by man** and not by God: In other words if one is recognized as such by man: in practice by those who have the power to judge. We see this being applied in the field of abortion and will also soon see it applied perhaps in the domain of euthanasia.

We are, here, in the presence of a frame of mind which is fundamentally anti-Christian and anti-natural. Of course this is not the attitude of all of those involved in drafting the Convention nor of all those who will apply it. And yet this radical humanism marks numerous passages of the Convention, just as it animates a good part of the thought and action of the politico-media establishment. Combined with a militant Rousseauist utopianism, its effect on the child and in the long run on society can hardly be other than highly inadequate if not totally evil.

Without doubt the Convention underlines that, 'in all decisions which concern children the best interest of the child shall be a primary consideration'. Without doubt there are in this document many excellent measures, which, intelligently applied, will permit, we hope, the alleviation of misery, the suffering of so many children. Unfortunately the Convention does not seek to attack simultaneously the roots of the evil: It does not envisage a vigorous family policy. It thus runs a serious risk of being little more than a palliative. All the more so since its inspiration is libertarian, Rousseauist and individualist, and so it has every chance, at least in the countries where the Christian family spirit is strong, of having more harmful effects than beneficial ones.

It is **Libertarian** because it leaves the child free to make his own experiments without any guidance and without any limitation other than the law, of which he is totally ignorant.

It is **Rousseauist** considering the child as inherently 'good' and as a corollary, suspecting society, that is to say parents, of 'corrupting' him. It thus imposes legal limits on parents' authority, in a world where for decades such authority has largely been undermined.

It is **Individualist** being based on the various declarations of the rights of man - the individual. Our society has become incapable of contemplating anything other than the single person, detached from his natural milieu and who by consequence is uprooted, loses his sense of direction and is 'weakened in proportion to the degree of his isolation. When it concerns the child, particularly vulnerable and easily influenced, this is dangerous.

It seems to us opportune, in conclusion, resolutely to urge parents to commit themselves to consecrate their families to the Sacred Heart of Jesus and to the Immaculate Heart of Mary and to renew that consecration annually.

In a letter, given to Fr Kolvenbach, General of the Jesuits, on the 5th October 1986 at Paray-le-Monial, Pope John Paul II wrote: *'I urge that you be ever more zealous in promoting the true devotion to the Sacred Heart of Jesus'* and he made it clear that *'the devotion to the Sacred Heart of Jesus, under the form indicated in the revelations received by Saint Margaret Mary, had in fact begun at Calvary.'* (Osservatore Romano - French Language Edition 14th October 1986). Now among the twelve promises made by Our Lord to Saint Margaret-Mary two concern families: the Second Promise: I will bring peace in their families and, the ninth Promise: I will bless the homes in which the image of my heart shall be exposed and honoured.

Let us then give the image of the Sacred Heart pride of place in our homes and let us honour it as a family. More than ever this seem to us essential.

François Desjars