

The Children's Bill 2012, Will there be an erosion of parental rights & responsibilities and deconstructing of the natural family unit – will this lead to a stable nation?

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EXECUTIVE SUMMARY

There is grave concern regarding the swift and calculated erosion of parental rights and responsibilities as well as the expert and subtle attempts at deconstructing the natural family.

This concern is shared by the council and we are grateful for your scrutiny and action on the information presented below.

This brief does not seek to unravel the entire technical structure of the bill but to provide a background and insight into the expectations and implications of some of the provisions of the UN Convention on the Rights of the Child; of which Trinidad & Tobago is a signatory in the hope that it creates some space for further enquiry into the Children's Bill, analysis and reporting before being made Law.

THE ISSUE

Trinidad & Tobago; having signed on to the UN Convention on the Rights of the Child perhaps finds itself in a tenuous position of protecting the nation's children in fulfillment of its obligations and the rights and responsibility of parents to determine the upbringing and education of their children.

The Universal declaration of Human Rights 1948 and the constitution of Trinidad & Tobago all affirm the family as the fundamental group unit of society in need of protection by the state and the society. There has however been a movement away from strengthening or even supporting the natural family at international and state levels.

According to Dr Allan Carlson and Paul Mero in the Natural Family manifesto; *the natural family faced a 'great disruption' with the onset of industrialism and family-denying ideas; they further state; 'Some political thinkers held that the individual standing alone was the true cell of society; that family bonds including those between husband and wife and mother and child showed merely the power of one selfish person over the other. Others argued the isolated self was actually oppressed by institutions such as family and church and only the state could free the enslaved individual from 'the chains of tradition'.*

This attempt at freeing individuals now extends to children and it is the goal of those who seek to shape a 'post family' world; to subject sovereign nations to anti family norms which would reshape its society. Prophetically in his Excellency's Indian Arrival day speech caption it read 'we ignore family values and norms to our own peril.' Since a nation is nothing more than the 'aggregate of families within its borders' it is strong families which build strong nations not the other way around.

While no one argues that children in abusive situations must be rescued and cared for we must also be wary that a 'good' motive is not used to implement a scheme used to overreach into the private lives and happiness of families.

According to parentalrights.org; International law which seeks to empower the government to intrude upon the child-parent relationship is becoming an increasing threat. The UN convention on the rights of the child seems harmless, but it is potentially dangerous.

It gives the government power to intervene in any child's life to advance its definition of 'the best interest of the child.' Below is a scenario from parentalrights.org that could occur—and are occurring—as a result of this dangerous notion are both manifold and frightening.

Inserting the government into a "parental" role in a child's life is a dangerous trend leading to the severance of the child-parent relationship causing unnecessary pain to both children and their parents.

In the USA in the early 1980s, a landmark parental rights case reached the Washington State Supreme Court. The case involved 13-year-old *Sheila Marie Sumey*, whose parents were alarmed when they found evidence of their daughter's participation in illegal drug activity and escalating sexual involvement. Their response was to act immediately to cut off the negative influences in their daughter's life by grounding her.

But when Sheila went to her school counselors complaining about her parent's actions, she was advised that she could be liberated from her parents because there was "conflict between parent and child." Listening to the advice she had received, Sheila notified Child Protective Services (CPS) about her situation. She was subsequently removed from her home and placed in foster care.

Her parents, desperate to get their daughter back, challenged the actions of the social workers in court. *They lost*. Even though the judge found that Sheila's parents had enforced reasonable rules in a proper manner, the state law nevertheless gave CPS the authority to split apart the Sumey family and take Sheila away.¹

A thirteen-year-old boy in Washington State was removed from his parents after he complained to school counselors that his parents took him to church too often. His school counselors had encouraged him to call Child Protective Services with his complaint, which led to his subsequent removal and placement in foster care. It was only after the parents agreed to a judge's requirement of less-frequent church attendance that they were able to recover their son.²

A West Virginia mother was shocked when a local circuit judge and a family court judge ordered her to share custody of her four-year-old daughter with two of the girl's babysitters. Referring to the sitters as "psychological co-parents," the justices first awarded full custody to them, only permitting the mother to visit her daughter four times a week at McDonalds. Eventually she was granted primary custody, but forced to continue to share her daughter with the sitters.

When her case finally reached the West Virginia Supreme Court of Appeals in October 2007, the beleaguered mother was relieved to finally be granted full custody of her daughter.

In their October 25 opinion Supreme Court justices wrote that they were "deeply troubled by the utter disregard" for the mother's rights. One justice referred to the mother's right as the "paramount right in the world."

Chief Justice Robin Davis summed up the case in one simple question. "Why does a natural parent have to prove fitness when she has never been found unfit?" he asked.³

Under the UNCRC, instead of following due process, government agencies would have the power to override parental choice at their whim because they determine what is in "the best interest of the child."

According to Mr Michael Farris's legal analysis of the convention which was reported in the Regent journal of law & public policy;

In two very important areas of parental choice—religion and education—it is absolutely clear that the CRC interferes with parental choice and elevates a child's wishes over that of the parent, at least as the child gets older.

The Committee on the Rights of the Child issued an official report on September 29, 2006, regarding Ireland that contains a number of relevant and troubling items:

The Committee . . . notes that a high number of the complaints received by the Ombudsman for Children relate to a lack of respect for the views of the child. In light of Article 12 of the Convention, the Committee recommends that the State party . . . [s]trengthen its efforts to ensure, including through Constitutional provisions, that children have the right to express their views in all matters affecting them and to have those views given due weight, in particular in families, schools and other educational institutions, the health sector and in communities.¹

In a more specific critique of the provisions for respecting the views of the child, the Committee made

1. Comm. on the Rights of the Child, *Concluding Observations of the Committee on the Rights of the Child: Ireland*, ¶ 24, U.N. Doc. CRC/C/IRL/CO/2 (Sept. 29, 2006) [hereinafter *Concluding Observations: Ireland*].

the following statement: “While noting that social, personal and health education is incorporated into the curricula of secondary schools, the Committee is concerned that adolescents have insufficient access to necessary information on reproductive health.”² “The education is optional and parents can exempt their children.”³

In essence, the UNCRC applies the legal status of abusive parents to *all* parents. This means that the burden of proof falls on the *parent* to prove to the State that they are good parents—when it should fall upon the State to prove that their investigation is not without cause.

SWEDEN

While Sweden may appear to be an extreme country; the case above from the USA demonstrates it’s not as rare as we may think.

In Sweden; The Nordic Committee on Human Rights which is headed by a Jamaican born Lawyer and fights daily to reunite children and parents and they document scores of cases of government’s destruction of the family unit.

Teenage suicides are on the increase in Sweden according to Daniel Hammerburg. His description is worth reading especially when you consider his family was torn apart and he was the only one who did not turn to substance abuse.

The politically incorrect guide to the UN Convention on the Rights of the Child

This dreaded convention is the next big thing in the realm of global governance, being used to replace the biological parents with the state as the primary caretaker of children. Here I will highlight certain articles in this convention that are of particular concern.

2. *Id.* ¶¶ 52–53.

3. *Id.* ¶ 52.

“Article 7

1. 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, and the right to know and be cared for by his or her parents.”

And why should the child be registered with the state? The wording assumes a child that is not registered with the state is being deprived of rights, as if parents that refuse to register their child are violating this person’s rights. What it really means is making sure the child gets to enjoy the governance of the state, that the child is born into a certain state’s custody.

“Article 11

1. States Parties shall take measures to combat the illicit transfer and non-return of children abroad.

2. To this end, States Parties shall promote the conclusion of bilateral or multilateral agreements or accession to existing agreements.”

“the illicit transfer and non-return of children abroad?” Who gave the UN the right to consider the decision of the parents to move their child “illicit?” When looking at the way the Swedish state has seized children of families attempting to leave the country, for example in the Domenic Johansson case, one gets a glimpse of a future in which the UN has made it impossible to leave one’s country of residence without permission. If a family escapes their country, they will be sent back in accordance with paragraph 2 above.

Some other articles of note is 12, which is quite radical in that it gives the child a say against his or her parents in custody issues, something that can be provided by a representative of the government. I suppose “the best interests of the child” is newspeak for “the best interests of the state.”

Article 13 constrains the right of a parent to protect his or her child from undesired exposure to information that can be harmful in the opinion of the parent, though article 17 instead enables the government to do the same thing.

Article 20, paragraph 3, lists institution placement as a possible replacement for one’s biological family, which should be considered unacceptable. Do we need more orphanages like in Romania and Sweden?

Article 29 dictates the values the child should be reared with. 29b states that children shall be raised with the principles in the UN charter. This convention is apparently not only about protecting children, but also about replacing parents as the ones responsible for endowing the child with a value system.

Though my country of Sweden has taken a leading role in promoting the global enactment of this convention, its own fulfillment of the articles leaves a lot to be desired. These are the articles that Sweden in my opinion is in violation of:

Article 2.2 “...ensure that the child is protected against all forms of discrimination or punishment on the basis of the status, activities, expressed opinions, or beliefs of the child’s parents”

Though mass media won’t cover it, it’s well-known that Sweden specifically targets religious families for foster care placements, and many Muslim families today see their children taken by the state, with the government officials citing an unspecified “risk to the health or development” of the child if he or she remains with the parents. Certain non-violent political activism on the part of teenagers also tends to have them punished through being deprived of liberty, under §3 of the dreaded LVU law.

Article 19 – Sweden fails in living up to the article’s goal of protecting the child from violence and exploitation, when children are being put into orphanages solely for profit. These institutions receive about 4’000 crowns per child and day, about \$600, and letting this financial incentive influence whether a child is taken into custody is a clear case of exploitation. Furthermore, the neglect in these institutions is horrendous, and more peaceful children often find themselves placed with juvenile delinquents, being severely beaten on an almost daily basis.

Article 23:

“1. States Parties recognize that a mentally or physically disabled child should enjoy a full and decent life, in conditions which ensure dignity, promote self-reliance and facilitate the child’s active participation in the community.”

Sweden routinely places children with fictitious mental disabilities into special education, which ruins their options of ever becoming self-reliant or to become a part of the community. Who wants a friend that’s in special ed?

Article 29:

“1. States Parties agree that the education of the child shall be directed to:

(a) The development of the child’s personality, talents and mental and physical abilities to their fullest potential;”

For ideological reasons, Sweden doesn’t offer bright pupils any gifted education, hence these children won’t be able to reach their full potential. One could have understanding for financial reasons being the limiting factor, but ideological reasons are a direct violation of this article.

Article 37:

“(b) No child shall be deprived of his or her liberty unlawfully or arbitrarily. The arrest, detention or imprisonment of a child shall be in conformity with the law and shall be used only as a measure of last resort and for the shortest appropriate period of time;”

Sweden locks up children in orphanages year in and year out, in clear violation of this article. The legal obstacles to the government placing a child in an institution setting are non-existent, and often a mere diagnostic label such as ADHD or “autism spectrum disorder” is enough to have the deprivation of their liberty approved of in an administrative court.

IMPLICATIONS FOR THE CHILDREN’S BILL – Trinidad & Tobago

We must insist that our nations’ children are protected by preserving familial bonds and empowering parents not removing their rights by stealth.

Part IX; sections 43 to 48 in particular needs a more extensive review before it can be determined what amendments; if any should be included to protect children by protecting the family and not using the trump card of child abuse to build an unbalanced and unfair case against unsuspecting and humble parents.

For example in S 48(1) the test for requiring a parent or guardian to appear before the court is ‘that the child has suffered, is suffering or is likely to suffer harm’. Harm is given a wide meaning in subsection 14 (i) and subsection (2) gives the power to agents including ‘contract workers appointed by the government from the field of social work’ to file a complaint against parents so as to bring them before the court.

These are sections which warrant review and investigation and to see how it has been applied in the various jurisdictions. The nation should be made aware of these provisions and how it will affect families.

Also of concern is the permissible sexual conduct implied in the current Bill and which will give rise to an accelerated push for comprehensive sex education (CSE). While we recognize the difficult balance this must pose to the nation's legislature; new research over the last 10 years on the adolescent brain supports this call and is explained in the report. I enclose a copy of our consultant's report on the fallacies of CSE and the urgent need for us as a nation to advance sexual risk avoidance rather than sexual risk reduction as a matter of public health importance.

CONCLUSION

It is the view of experts worldwide, of the centre and the Trinidad & Tobago council of evangelical council that the way forward for our nation in these perilous times is to buttress the natural family. The statistics are overwhelmingly clear that children do best in an intact, functioning home with their mother and father. Every inch that we move away from this increases the pathology in our nation's children. They need to belong and the best place for this is in the natural family. Every other model creates degrees of rejection.

We must together stand on a concrete platform in this new century and millennium. We must resolve come what may that we would carve a future for our generations while others advance the anti thesis of the family.

Below is an extract from the Natural Family: A Manifesto. A full copy can be found in the Annex.

1. We will build a new culture of marriage, where others would define marriage out of existence.

2. We will welcome and celebrate more babies and larger families where others continue a war on human fertility.
3. We will find ways to bring mothers, fathers and children back home where others would further divide parents from their children.
4. And we will create true home economies where others would subject families to the full control of big government and vast corporations.

We may be small but our children, families and future is worth fighting for with all our energies against the radical anti family agenda.

ANNEX 1

Sexual risk avoidance: protecting the health of youth across the globe – Program Reach Inc, Dr Nanci Coppola for the Elpis Centre.

ANNEX 2

The Natural Family: A Manifesto – Dr Allan Carlson (The Howard Centre & World Congress of families founder) & Paul Mero (The Sutherland Institute)