

International Law Threatens Home Schooling Warns Home School Legal Defense

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PRUCELLVILLE, Virginia, May 25, 2006 (LifeSiteNews.com) – A home schooling association is warning that the U.S., and even more so other countries, faces the threat that home schooling may be deemed illegal due to international law.

The Home School Legal Defense Association's (HSLDA) chairman and General Counsel, Michael Farris, warns that even though the U.S. has never ratified the United Nations Convention on the Rights of the Child, the convention may still be binding on citizens because of activist judges.

According to a new "interpretation" of what is known as "customary international law," some U.S. judges have ruled that, even though the U.S. Senate and President have never ratified the Convention, it is still binding on American parents. "In the 2002 case of *Beharry v. Reno*, one federal court said that even though the Convention was never ratified, it still has an 'impact on American law'," Farris explained. "The fact that virtually every other nation in the world has adopted it has made it part of customary international law, and it means that it should be considered part of American jurisprudence."

Under the convention, severe limitations are placed on a parent's right to direct and train their children. As explained in a 1993 Home School Court Report by the HSLDA, under Article 13, parents could be subject to prosecution for any attempt to prevent their children from interacting with material they deemed unacceptable. Under Article 14, children are guaranteed "freedom of thought, conscience and religion" – in other words, children have a legal right to object to all religious training. And under Article 15, the child has a right to "freedom of association." "If this measure were to be taken seriously, parents could be prevented from forbidding their child to associate with people deemed to be objectionable companions," the HSLDA report explained.

Farris explains that, in 1995, "the United Kingdom was deemed out of compliance" with the Convention "because it allowed parents to remove their children from public school sex-education classes without consulting the child". Farris argues that, "by the same reasoning, parents would be denied the ability to homeschool their children unless the government first talked with their children and the government decided what was best. This committee would even have the right to determine what religious teaching, if any, served the child's best interest."

Farris suggests that there are several solutions to the dangers presented by the UN Convention on the Rights of the Child for Americans. "First, Congress has the power to define customary international law. It also has the power to modify the jurisdiction of federal courts. Congress needs to address this issue of judicial tyranny by enacting legislation that limits the definition of customary international law to include only provisions of treaties that Congress has ratified."

"Second, congress could pass an amendment to the Constitution, stating explicitly that no provision of any international agreement can supersede the constitutional rights of an American citizen. Two such amendments have been proposed in Congress, but neither was ratified."

"Third, the specific threat to parental rights can be solved by putting a clear parents' rights amendment into the black and white text of the United States Constitution."

In countries like the UK and Canada, which have already ratified the Convention, it is less clear what measures can be adopted, although similar measures are likely possible.

Read the 1993 Home School Court Report by HSLDA:

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