



Written by [Alex Newman](#) on February 28, 2014

Citing UN Treaty, Scotland Assigns Overseer to Every Child

Citing a radical United Nations treaty known as the [UN Convention on the Rights of the Child](#) (CRC), lawmakers in Scotland approved a deeply controversial new law assigning an individual government overseer to each and every child in the country charged with monitoring their development. However, the draconian measure, which has sparked criticism and outrage around the world as a brazen assault on parental rights and privacy, is already in the process of being challenged in court.



Outside of Scotland, concerns have been especially widespread in the United States, where parental-rights advocates are warning about [an accelerating worldwide attack on the rights of parents](#) to direct the upbringing of their children. In fact, according to the Scottish legislation itself, the decision to appoint a government overseer to supervise the development of every child is meant to comply with what the Scottish government views as its “existing obligations” under the [UN CRC regime](#).

Thus far, the U.S. Senate has refused to ratify the radical treaty, which [purports to allow officials rather than parents](#) to decide what is in the “best interest” of children. Experts and advocates, however, say the threat to parental rights is growing worldwide, and even in the United States. “Parents in America are losing their rights to, well, parent,” explained Michael Ramey, director of communications and research for the U.S.-based ParentalRights.org. “How long will it be before our children, too, are assigned a social worker for life the moment they are born?”

Under the new Scottish law, the National Health Service will appoint a “named person” for every Scottish child up to five years old by 2016. The government guardian overseeing each child will have massive powers — some critics are already referring to it as “Big Brother” — to share information on the child with other bureaucracies and even to intervene in family decisions without the consent of parents. After age five, responsibility over the child would go to local authorities, and analysts say teachers would likely become the “overseers” of children’s development until the age of 18.

Public opposition to the plot was fierce, with homeschooling groups, religious organizations, legal experts, sociologists, experts, and more all blasting the highly controversial legislation. Incredibly, however, the measure, known as the “Children and Young People Bill,” was approved overwhelmingly in the Scottish Parliament last week, with 103 in favor, none against, and 15 abstentions. At least one lawmaker, Conservative Liz Smith, sought to add amendments that would reduce the scope of the assault on parental rights. Her efforts were unsuccessful.

“This will tip the balance of family responsibility away from parents towards the state — something which most parents find completely unacceptable,” Smith was quoted as saying about the legislation prior to its final approval on February 19. “Forcing all young people to have a named person will, inevitably, dilute the resources available for our most vulnerable children.” Numerous experts,



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including the Royal College of Nursing, raised similar concerns.

The Scottish government, however, disagreed. Scottish Children's Minister Aileen Campbell, for example, told parliamentarians that the legislation would simply give families "somewhere to go if they need an extra bit of help." "We want to ensure as far as possible no child slips through that net," she added. "A named person for every child will help us achieve all of that. It has to be for every child because we just don't know when that extra bit of help will be needed."

The government echoed those remarks. "The protection and promotion of the well-being of Scotland's children and our aim of making our nation the best place for children to grow up are at the heart of the Children and Young People Bill," a spokesperson for the government was quoted as saying. "Our focus is on the safety and protection of children. The named person, who is likely to be a health visitor, head or deputy head teacher and will usually already know the child, will be a first point of contact if help is needed. This is formalizing what should already happen and there is evidence it is working well in many areas."

Numerous legal experts have suggested that the controversial measure could run afoul of various treaties such as the European Convention on Human Rights, which enshrines state protection to the right to "private and family life." The Scottish government claims to be "confident" that its scheme is "compliant with European law." Opponents, though, argue otherwise, and they are now planning to initiate legal action against the legislation.

The Christian Institute, a U.K.-based nondenominational organization dedicated to promoting Christianity, is already working to fight back. In a statement, the group said it had received a legal opinion from Aidan O'Neill QC (Queen's Counsel), recognized as one of the U.K.'s most eminent experts, that will form the basis of its appeal against the law. Among other concerns, O'Neill, also a human-rights law expert, said the government overseers of children would have powers that "cut across" the rights of parents.

The legislation, O'Neill was quoted as saying in media reports, represents "unjustified interference" into private and family life and also does not include proper protections against "arbitrary and oppressive powers." The Christian Institute, which is seeking a judicial review of the scheme that it hopes will throw out the attack on parental rights, also said the law "contravenes human rights laws by interfering with family life."

"We have no option but to challenge this illegal law all the way," said Colin Hart, director of the Christian Institute. "This is a dreadful extension of the state's tentacles into family life. It is clear this bill breaches European rules through its attack on the family. This is Big Brother politics writ large. Ordinary Scots should be very afraid." He also outlined a broad array of concerns surrounding the measure and noted that his Christian organization planned to spend some \$50,000 to stop the attack on families.

"Churches, lawyers and parents opposed this, but we are faced with the arrogance of a politically correct pseudo-elite intent on stamping their unrepresentative views on the people of Scotland," Hart was also quoted as saying in media reports. "We could find a situation where a child objects to being taught about gay marriage in school and is reported to the named person, who then calls in social services to deal with the parents because their views are not in line with political correctness."

Other experts raised similar concerns about the new law's compatibility with European human rights treaties. "The proposals could interfere with Article 8 of ECHR, the right to respect for private and



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family life, as there is scope for interference between the role of the ‘named person’ and the exercise of a parent’s rights and responsibilities,” said Morag Driscoll with the Scottish Law Society. “It could be interpreted as disproportionate state interference.”

Homeschoolers have also expressed alarm about the legislation, saying it would place a government agent at the “heart” of every family. “It is obvious many [Members of the Scottish Parliament] are not aware of the more sinister aspects of this legislation,” explained Alison Preuss, secretary of the Scottish Schoolhouse Home Education Association. “It is open to abuse and misinterpretation and many parents could fall foul of overzealous agents of the state or people who are just plain busybodies.”

While outrage and concerns are still growing in Scotland, even U.S. advocates of parental rights are warning that the danger is hardly unique to the United Kingdom or even European parents. ParentalRights.org communications chief Michael Ramey, in an e-mail to supporters, pointed out that the legislation was specifically aimed at compliance with the radical [UN Convention on the Rights of the Child](#), which has been signed by myriad governments around the world.

“Giving a state actor, in place of or alongside parents, responsibility for children is a drastic measure usually reserved for cases of child abuse or neglect — but Scotland has deemed it necessary to guarantee the ‘best interests’ of every child as called for in the CRC,” Ramey explained. “There is no doubt Scotland’s provision will be praised by the CRC Committee and held up to the rest of the world as an exemplary implementation of the treaty. Nor will it take long for other nations, hungry for the approval of these UN ‘experts,’ to follow in Scotland’s shoes.”

Even in the United States Senate, where opposition to the global “children’s rights” regime remains fierce, certain extremist UN supporters in Congress still hope to ratify the international convention eventually. Other UN treaties, such as [one purportedly dealing with the rights of disabled people](#), also represent a similar threat to parental rights, experts say. Considering Scotland’s latest move, however, opposition to U.S. involvement in any such UN schemes will almost certainly continue to intensify.

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