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Reimagining Children's Rights in the United States

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Reimagining Children's Rights in the United States

[Back to top](#)

ABSTRACT

Importance: The United States faces a pivotal moment of opportunity and risk regarding issues affecting children (ages 0-17). Although the United States (US) remains the only United Nations member state to not have ratified the Convention on the Rights of the Child (CRC), a child rights framework is essential for child health professionals seeking to advance many issues affecting children in the United States. The Reimagining Children's Rights (RCR) project (2020-2021) conducted an in-depth environmental scan of relevant literature and policy analysis using a Three Horizons design process to assess a range of strategies that could advance the rights and wellbeing of children in the United States. The project was overseen by a steering committee and informed by an advisory committee composed of youth leaders and experts in children's rights, advocacy, health, law, and a range of child-specific issues (e.g., youth justice, early childhood development, etc.), who provided expert input on strategic considerations for advancing children's rights.

Observations: Seven findings about advancing children's rights in the United States are worthy of attention, all reflecting current gaps and opportunities for using a whole-child rights framework in the United States, even without formal adoption of the CRC. Actionable strategies, tactics, and tools to leverage sustainable change in the multitude of issue areas can advance the current state of children's rights. High-potential strategies for catalyzing advancement of children's rights include: youth activism, innovations in governance and accountability, legislative action, impact litigation, place-based initiatives, education and public awareness, alignment with other children's movements, and research. The child rights framework is unifying and adaptive to future unforeseen challenges.

Conclusions and Relevance: Children's rights provide a powerful, synergistic framework for child health professionals—in partnership with youth and other leaders—to increase equity and protect the rights and wellbeing of all children in the United States.

Background

The United States (US) remains the only country without a national framework for securing the rights and wellbeing of all children ages 0 to 17.¹ Every other United Nations member state has ratified the United Nations Convention on the Rights of the Child (CRC), the most recognized and respected framework for children's rights globally.² The CRC has been a foundation of children's rights application and is anchored by four core principles for ensuring the rights of children: (1) non-discrimination, (2) the best interests of the child, (3) survival and development, and (4) participation and inclusion.² These principles affirm that every child matters, that the best interests of the child must be at the forefront of decision-makers' minds, that government must support children so they can develop to their full potential, and that children should have the opportunity to participate in the decisions that shape their lives.³ Without a formal framework like the CRC, the United States does not currently guarantee these rights for children and lacks a fundamental, common understanding of children as human beings and rights holders.¹

In the absence of an overarching and coherent framework and system of accountability to ensure every child achieves their optimal health and wellbeing, children in the United States face increasing racial and ethnic inequalities and worsening health outcomes.⁴ Although possible to do so, the current US policy context does not provide guarantees that all actors, institutions, programs, and policies will value children's input or act in children's best interests.⁵ Without such guarantees, children in the United States are routinely limited in their inclusion and participation in the decisions that most affect them.⁶ They are subject to piecemeal and inadequate policies along with ad hoc protectionary regulations that lack coherent goals and fail to provide appropriate social scaffolding to assure their optimal development.^{5,7} Decision-makers

then implement ad hoc policy changes into a patchwork of private and public systems that often prioritize, by default, the systems' survival rather than child and family needs.⁸ This further strains the environments in which children live, play, and obtain basic services, such as education, healthcare, and food. It is one in which political jockeying by different interest groups and the pursuit of profit are repeatedly favored over the rights and healthy development of children. In short, without an affirmative rights-based approach in the United States, we knowingly remove a powerful tool that can be used to guide the design of developmental ecosystems most conducive to children thriving.^{1,4,5,9,10}

After thirty years of global progress on children's rights using a CRC framework,¹¹ the current social, cultural, and political headwinds make US ratification of the CRC unlikely in the short-term.^{10,12} However, thanks to the work of child advocates, including thought leaders in the United States who helped draft the CRC 30-plus years ago, the United States does provide some CRC protections, albeit in an inconsistent, disconnected patchwork that is highly dependent on situation and context.^{7,10} Our nation's shortcomings in protecting children's rights are not only disappointing, but also pose significant risk to the future wellbeing of US society and the economy because many children are systematically deprived of the conditions for thriving. As a result, needless inequalities continue to grow.^{9,4}

CRC ratification remains an important and useful goal in the United States, yet even without ratification, a children's rights framework can be adopted, used, and implemented in ways to protect and promote children's health, development, and wellbeing.⁵ The commitment, expertise, and reputational assets of child health professionals who recognize not only the patient in front

of them but the local, national, and global community that surrounds the child, place the field at an optimal juncture to use children's rights tools as an essential component of our work. As many nations move beyond ratification to incorporation of the CRC's principles and effectively shifting the trajectories of child wellbeing in their nations,^{10,12,13} how can the US adopt a children's rights framework and begin implementing a children's rights approach to benefit and protect children's health and wellbeing irrespective of CRC ratification?

Reimagining Children's Rights Project Approach

To consider how a children's rights agenda could be operationalized and advanced in the United States, we conducted an environmental scan, relevant literature review, and policy analysis to better understand the strategic considerations that must be attended to, along with specific strategies that could be advanced. We utilized a Three Horizons transformation framework that has proven useful in other multi-stakeholder initiatives to focus attention on the difference between incremental, disruptive, and transformational strategies that could be applied to advance children's rights in the United States.¹⁴ We convened a steering committee that met monthly over our yearlong process (September 2020-June 2021) and a 45-member advisory committee that met quarterly. The steering and broader advisory committees were composed of experts in children's rights, children's advocacy, children's health, children's law, and a range of high priority child-specific issues. The steering and advisory committees included a diverse group of young changemakers (ages 16-24 years old) who were active in national and local organizations. The analyses that project staff conducted under the steering committee's guidance were presented and discussed in three 3-hour advisory committee meetings that focused on: *Why* should we be advancing children's rights in a new way? *What* considerations and strategies

should guide this process? And lastly: *How* can we organize this effort in an effective, enduring, and sustainable way? This yearlong process yielded a set of core findings for advancing children's rights. Project activities were approved by the UCLA IRB.

7 Core Findings about Advancing Children's Rights Today

The current context for how a children's rights framework can be strategically advanced in the United States condenses into the following seven core concepts:

- 1. A wide range of cross-sector stakeholders are passionate about and eager to promote children's rights, but they are not connected or organized in a strategic way.*

A wide range of individuals and groups are showing keen interest in being involved with a new approach for advancing children's rights in the United States. There appears to be an untapped and willing constituency of individuals and organizations ready to advance children's rights, as either a primary goal or where children's rights can serve as the organizing framework for advocacy and action.

- 2. Children's rights provide a coherent, adaptable, and actionable whole-child framework focused on equity that is often missing from the current socio-political discourse.*

The international children's rights framework embeds the need to confront crucial issues, such as race, sex, gender, ability, and socio-economic discrimination in a rights-affirming framework. Children's rights provide a coherent "whole-child" approach to developing and implementing child-focused policies, potentially counteracting typically siloed, disconnected, and often ineffective approaches for addressing challenges and advancing policy and practice reforms. We define children's rights to include, as a baseline, the rights enshrined in the UN Convention on the Rights of the Child, the most widely accepted human rights treaty in history. The core

principles of the CRC are described above. From the right to play to the right to development, the United States can reach beyond protections aimed at guaranteeing children's basic survival, to focus on meaningful participation, voice, best interest standards, and other mechanisms for the promotion of child wellbeing.

3. Large groups of young people are emerging as active agents capable of realizing their rights and eager to use their voices and power for good.

An essential part of promoting positive youth development is to provide young people with opportunities to contribute to the wellbeing of their communities.¹⁵ While children and youth can be persuasive advocates, they often lack spaces for meaningful participation, where civic decision-making truly considers their opinions and experiences. This has dramatically begun to change over the last decade.¹⁶ Young people, mobilized through the Internet and social media, are emerging as active agents of their rights via activism around issues such as climate justice, racial equity, economic justice, and the prevention of gun violence. Children and youth are adding valuable input and are being heard on a larger scale than ever before.

4. Children are stakeholders in social institutions and in any shared future, but they are not currently acknowledged, engaged, and respected as such.

Children's rights can elevate and advance the stakeholder role of children, and the responsibility of public and private institutions to recognize children's present role and future standing and to respond appropriately. When a shift to stakeholder view is undertaken, children receive representation not only on the issues that matter most to them and their future, but also the future of their community and nation.¹⁷⁻²⁰ Given the numerous known and unknown challenges facing US children, achieving crucial future-oriented goals will be greatly enhanced by engaging and

involving children, especially on issues producing profound intergenerational inequities, like climate change.²¹

5. The United States is in a unique position to sustain newfound momentum and change that has arisen over the last few years, with the COVID-19 pandemic and racial equity reckoning.

Converging events and social movements, such as the COVID-19 pandemic, youth activism against gun violence, and Black Lives Matter marches for social justice have created equity-focused momentum and new resolve for social innovation in the United States. The events set in motion interrelated social, economic, political, and cultural changes, triggering a call for new investments in the essential resources children and families require that would have been unthinkable a few years before. Many of the investments pivot on children's needs, equity, wellbeing, and a more integrative children's rights framework could provide a stronger rationale to ensure that the investments and social protections put in place during the pandemic are advanced and endure.

6. Rights by Design is a core approach that enables every child space and policy to become one focused on whole child equity as a matter of principle, intention, and practice.

Although we cannot predict everything children in the United States will face in the coming years (e.g., technological advancement, climate change, workforce shifts), we can ensure that children's rights are a foundational principle, especially for all government and private entities. To achieve child-responsive developmental ecosystems and social structures, all stakeholders need to employ "by design" principles, centering the needs, interests, and rights of children in decisions affecting children. The ascendance and demonstrable utility of design thinking and

human-centered design processes increasingly used in business arenas provide a growing expertise that can be transferred to child-serving sectors.²²

7. While working towards CRC ratification, other strategies should be utilized to advance implementation of children's rights in the United States at all levels of a child's developmental ecosystem.

The process of designing and implementing children's rights-inspired policies and initiatives using the tools and strategies discussed below can incorporate the principles of the CRC into our social and political fabric so that ratification becomes logical and increasingly likely. The various strategies, tools, and approaches can be utilized across levels of governance with cities, counties, and states being leaders in implementing children's rights into their legislation and work to support and strengthen all levels of the home, school, neighborhood, and broader social structures that children interact with throughout their developmental ecosystems.

In sum, the findings indicate that children's rights can be used as both catalyst and accelerator for advancing the primacy and importance of children's issues in the United States, even without formal CRC ratification. Each of these strategic considerations are important in their own right, but taken together they illuminate a new path forward for considering a range of strategies and audience-specific narratives for systematically advancing children's rights in the United States. Ensuring meaningful participation of youth and using a rights-by-design approach as a matter of principle and intention in all decisions affecting children presents invaluable opportunities to acknowledge and advance children's rights and wellbeing at all levels of a child's developmental

ecosystem, including at the inter-personal, community, organizational, and local, state, federal, and international policy levels.

Strategies, Tools, and Issue Areas

Several immediate, actionable strategies can be utilized to begin implementing a cohesive, accountable approach to children's rights in the short-term. Successes and barriers in international and domestic social movements indicate that the following strategies are likely to be both feasible and impactful for advancing children's rights in the United States: youth activism, innovations in governance and accountability, legislative action, impact litigation, place-based initiatives, education and public awareness, alignment, and research (Figure 1, Table 1). While the eight strategies should be seen as highly promising, the list is not exhaustive. Furthermore, while each strategy is conceived as having inherent capacity to advance children's rights, the portfolio of synergistic strategies can provide the disruptive nudge necessary to usher in a new era of child equity in which all children thrive and realize their full potential. This portfolio of strategies would also serve to enable different sectors (e.g., health, education, child welfare, youth justice) with complementary interests and overlapping concerns often affecting the same children, to find common ground, and more effective and integrated approaches to achieving desired results.

The proposed strategies can be utilized in a wide range of settings to develop innovative approaches that could be disruptively transformative in advancing children's rights in the United States. Table 2 highlights some tactics and potentially high yield tools that can be leveraged to activate these strategies. This includes "low hanging fruit" where these strategies, tactics, and

tools can be activated in a timely and tactical way to confront challenges children face in areas such as youth justice, climate change, early childhood, economic justice, and the digital environment. Forming cross-disciplinary, cross-sector collaborations could be a way of bringing together teams of individuals and organizations that want to pursue the further development of tactics and tools to move these and other issues forward.

So, What Now?

The United States faces a critical junction for advancing the rights of children. Given the strong interconnections between children's rights and the health of all children, child health professionals can and should be at the forefront of a movement to advance children's rights.⁴ The delineated approach roadmaps how children's rights can be advanced and realized within our current economic, social, and political moment. Even if the CRC is not ratified in the short-term, many opportunities exist to achieve significant progress in advancing the rights and wellbeing of children in the United States. The presented set of strategies, tactics, and tools advance the realization of children rights in multiple actionable areas. This approach would move toward the implementation of many elements of the CRC and the adoption of strategies, processes, and policies that other nations use—tailored to the US setting—to assure that children's rights are prioritized, respected, and upheld. In so doing, we can achieve the mutually reinforcing goals of child rights, equity, and wellbeing⁴ across several areas that impact children. Work is needed to ensure a broader understanding of the ways that children's rights can be implemented in the United States so that children, parents, and families all thrive. Yet, overall, we conclude that a comprehensive children's rights approach can become an essential and much needed framework capable of catalyzing collaborative rights affirming initiatives across various sectors in the

United States, including the health sector. This can also provide the design scaffolding necessary for assuring that policies, programs, and practices affecting children are optimally adaptive to our rapidly changing world and the ever-new challenges that children and youth are facing.⁵

Meaningful Child Participation is Key

Meaningful child engagement and youth leadership is central to any effective, enduring movement to advance children's rights.⁶ There are already large groups of young people activated by social challenges, inequity, and discrimination. The formidable challenges facing youth have been accentuated by the COVID-19 pandemic as well as persistent violations of the rights of people of color in the United States and the destruction of the environment in which young people live.⁵ The project highlighted that a wide range of stakeholders from across sectors such as child welfare, education, youth justice, and digital rights are keen about working together to promote children's rights, but often lack the collective creative space and organizational capacity to do so. Any strategy for advancing children's rights in the United States should be inclusive and encouraging of youth leadership.^{6,23} Critical to achieving success is ensuring that children know that: 1) they have rights, and 2) organizing tools are available that have been utilized globally (and, to some extent, in the United States) with implementation carried out in settings such as rights-respecting schools, cities, and legislative bodies. As we discovered through our own design process, genuinely engaging young people as changemakers in this burgeoning movement is not only a key to success, but is an essential way of advancing this effort.⁶ Youth are not only key stakeholders in our shared future but have a vital and meaningful role in shaping today.

Harnessing the Power of Collective Action

Enabling and encouraging collective action is one of many benefits of using a children's rights approach. There are bright spots and potential early adopters already working on children's rights issues and strategies in the United States that can be linked and galvanized into a much more collaborative learning system in ways that include and benefit child health professionals. For example, UNICEF-USA, Leading for Kids, First Focus, and Human Rights for Kids are all using children's rights as a lever to advance a proactive and wellbeing producing children's agenda. Rather than continue to proceed in a disconnected way, the next phase of US children's rights advocacy would greatly benefit from strategic investments in a collaborative innovation and learning platform for coordinating, designing, prototyping, and testing children's rights efforts. To launch the next wave and next generation of scholars and activists, we recommend the establishment of a national learning network with active youth leadership and a coordinating center that can organize, support, and sustain a national children's rights platform that would catalyze the development of projects and innovations sparked within the strategies and children's rights issue areas. Child health professionals can be essential partners in this endeavor. Many child health professionals have experience with learning network models, and children's rights can provide them a tool to move beyond identifying seemingly disconnected problems to strategically implementing interconnected "rights by design" solutions.

CONCLUSION

Nations across the globe are implementing a strategic and comprehensive children's rights framework to protect and promote the wellbeing of their children. The principles, standards and

norms of a child rights-based approach to child health and wellbeing can provide conceptual cohesion across issue areas and alignment of advocacy efforts across different child-serving sectors. US child health professionals are in a unique position to advance children's rights in service of improving child health, development, and wellbeing. The United States has significantly lagged in this arena, and it is time to step forward and be a global leader in advancing issues and cross-cutting strategies that protect and promote children's rights.

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FIGURE LEGEND

Figure 1: Actionable Strategies for Advancing Children's Rights in the United States

Table 1. Strategies for Advancing Child Rights in the United States

STRATEGIES	
Youth Activism	<ul style="list-style-type: none"> · <i>Definition:</i> Providing trainings and resources that support young people in organizing and advocating for their rights, equity, and the building of youth-friendly places · <i>Approach:</i> Youth leadership development, public speaking, community organizing, strategic planning, professional development, and creative action planning. Adult allies are critical in shifting the levers of power · <i>Examples:</i> Youth Voting, Youth for Climate Action, DREAMers for Immigration Rights, LGBTQIA+ Movement, Juvenile Justice, March for Our Lives, the Sunrise Movement
Governance and Accountability	<ul style="list-style-type: none"> · <i>Definition:</i> Engaging public and private entities to incorporate child rights into their actions and to be held accountable when they fail to do so · <i>Approach:</i> Use a variety of tactics and tools to hold various entities accountable for how they engage with children, reimagine consistent financing and investment strategies for children, advance the explicit statement such as bills of rights or the CRC, utilize Children’s Budgets and Child Impact Assessments to guide planning, policy making, outcomes management. Includes corporations, philanthropy, government, community-based organizations. · <i>Examples:</i> Children’s budgets, Children’s Impact Statements, Kids Progress Administration, White House Office of the Child, Advancing the UN Convention on the Rights of the Child
Legislative Action	<ul style="list-style-type: none"> · <i>Definition:</i> Incorporating child rights language and concepts into laws (e.g., education, health) at all levels of governance · <i>Approach:</i> Use CRC language when possible but adjust to context. Assess and analyze gaps between US laws and CRC standards. Operationalize through a dedicated process of drafting model legislation that could be used at the local, state, and national levels, and target everything from juvenile justice to early childhood development · <i>Examples:</i> Child Tax Credit, Foster Youth Bill of Rights (CA, NY, NJ), Minimum Age of Prosecution
Impact Litigation	<ul style="list-style-type: none"> · <i>Definition:</i> Establishing child rights precedents within the court system · <i>Approach:</i> Strategic Road Mapping, filing, and defending of lawsuits to actualize sustainable systems reform in partnership with advocates. Potential starting points are the front end of the foster care, special education, and juvenile justice systems. · <i>Examples:</i> <i>E.F. v. New York City Department of Education</i> (equal education for students with disabilities)

Place-based Initiatives	<ul style="list-style-type: none"> · <i>Definition:</i> Incorporating children’s rights at the <u>local</u> level. · <i>Approach:</i> Operationalized through (1) multi-sectoral collective learning and action, (2) community and civic engagement, (3) child-centered leadership, (4) child-centered community-level data collection and power-building, and (5) mechanisms for accountability and remedy · <i>Examples:</i> Child Friendly Cities Initiative (global), All Children Thrive (California), Building Healthy Communities (California), Kids in Common (Santa Clara, California), Communities of Opportunity (King County, Washington), and Growing up Boulder (Boulder, Colorado).
Education and Public Awareness	<ul style="list-style-type: none"> · <i>Definition:</i> Educating children regarding their rights and guaranteed protections and the rights of other children, and educating children and adults through public awareness campaigns on child rights · <i>Approach:</i> Formal and informal learning opportunities for children in and out of the classroom. Media and other public relations efforts can raise awareness and normalize child rights language and principles. · <i>Examples:</i> <u>Rights Respecting Schools Resources</u>, <u>World Children’s Day</u>
Synergistic Alignment	<ul style="list-style-type: none"> · <i>Definition:</i> Finding synergies with other child-focused organizations and working to advance child rights principles and language within their work · <i>Approach:</i> Cultivate synergies by building coalitions and partnerships with groups and help them adopt and implement child rights language <i>Examples:</i> climate change, gun violence, immigration movements
Research	<ul style="list-style-type: none"> · <i>Definition:</i> Increase the number of US-centric researchers who use and adopt children’s rights as a framework in their research, publishing, and other work · <i>Approach:</i> Create a training network and supporting structure around researchers interested in this work · <i>Examples:</i> Children’s rights scholars’ programs, children’s rights research centers, children’s rights moot courts, US journal on children’s rights

Table 2. High-Potential Tactics and Tools for Advancing Child Rights in the United States

Strategy	Tactics	Tools
Youth Activism	<ul style="list-style-type: none"> - Support existing youth movements that adhere to CRC principles - Facilitate strategic alignment around cross-cutting youth initiatives to expand reach and scale 	<ul style="list-style-type: none"> - National training program for youth - Annual youth policy survey to captures the priorities of US youth - Funding to youth activism groups
Governance and Accountability	<ul style="list-style-type: none"> - Create governance systems to monitor and protect children, and ensure youth participation - Develop new financing tools to ensure investments in children - Work with corporations, foundations, and other entities to mainstream best practices 	<ul style="list-style-type: none"> - Children’s budgets - Child Impact Statements - Children’s Commissioners - Tool kits for governments to implement children’s rights - Federal Children’s Administration to organize and align fiscal investments
Legislative Action	<ul style="list-style-type: none"> - Conduct legislative environmental scan to identify “low hanging fruit” targets for children’s rights bills - Draft specific bills or model legislation that advance child rights 	<ul style="list-style-type: none"> - Legislation analysis tool kits that youth can use to identify laws and practices that need to change - Model legislation that can be tested, adopted, and spread widely
Impact Litigation	<ul style="list-style-type: none"> - Convene leading child rights lawyers and legal groups to develop a list of “low hanging fruit” and a more refined strategy to advance children’s rights 	<ul style="list-style-type: none"> - Litigation surveillance tool to prioritize strategic areas of intervention
Place-based Initiatives	<ul style="list-style-type: none"> - Build children’s rights into place-based initiatives via policy, activism, communications, and scorecards - Cultivate youth engagement as way of making young people champions for this effort 	<ul style="list-style-type: none"> - Local child rights policy packets - Local-level model legislation - Advocacy and communications tools - Community policy scorecards - Children’s rights fairs
Education and Public	<ul style="list-style-type: none"> - Provide child rights education programs and 	<ul style="list-style-type: none"> - Child rights primer for schools

<p>Awareness</p>	<p>train scholars</p> <ul style="list-style-type: none"> - Promote youth-led rights training - Train policy makers and advocates on children’s rights framework 	<ul style="list-style-type: none"> - Youth engagement training course - Child rights college curriculum - Child rights / child equity score card - Policy maker course and primer - Child rights social media tool kit
<p>Synergistic Alignment</p>	<ul style="list-style-type: none"> - Assess strategic alignment options on cross-cutting issues - Build capacity for intersectional organizing 	<ul style="list-style-type: none"> - Child rights alignment guide (e.g., on child welfare, youth justice) for parents, youth, educators, policy makers, other actors
<p>Research</p>	<ul style="list-style-type: none"> - Expand the use of children’s rights frameworks among US researchers - Develop data systems to track the protection of children’s rights in US - Develop new methods to measure the impact of children’s rights 	<ul style="list-style-type: none"> - Children’s rights scholars programs - Children’s rights national network and research centers - Children’s rights graduate programs - Children’s rights US research network, conference, and US journal