



The Kid Angle

Kid-focused news from First Focus on Children

What's the rights balance?

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This week the world marked [Human Rights Day](#), an annual ritual that commemorates the 1948 Universal Declaration of Human Rights.

In the U.S. however, we have been mostly fixated on the rights, specifically, of parents. [More than 30 states now have laws that offer broad protection to parents](#) on issues from medical decisions to what books children — not just their children, but all children — can read. Earlier this year, the U.S. Congress passed a so-called [Parents Bill of Rights Act](#) giving parents wide-ranging authority (dominion?) over their children.

News flash: Children are humans. Which means they have rights.

[Children's rights expert Jonathan Todres joins the First Focus on Children podcast this week](#) to make the point that balancing the rights of children and parents is not an arms race. Todres, who literally wrote [the book on children's rights](#), exposes the flawed logic of the parental rights movement: That for parents to win, children have to lose.

"It's this notion that rights are a zero sum game," he says. "If I recognize that you have rights, somehow I will lose something. That's actually worked very effectively from a political strategic standpoint, in the children's rights context, when one claims that parents' rights and children's rights are opposed. And the only ones given a platform to make their argument are the adults, the parents."

Todres defines children's rights according to the Three Ps: Provision, protection and participation. Children have a basic human right to be provided all the things they need to survive and thrive — housing, food, health care, education. They have a right to protection from abuse and exploitation — think laws on child abuse, child labor and anti-trafficking laws (an aside: see horrifying story in [today's NYT re: child roofers](#)). And they have a right to participate in matters that affect their lives.

The rights of all humans, Todres argues, are conferred by the circumstance of being human, not by any government, and that children therefore inherently possess these rights. "I mean,

we wouldn't say, you know, 'Everyone has a right not to be tortured' but you only get that right when you turn 18 years old," he says.

It is sometimes forgotten, or overlooked, that the United States remains the only country on earth that has not signed the **United Nations Convention on the Rights of the Child**.

Todres attributes this failure to:

- **Arrogance (my word):** The United States has long believed in and supported human rights treaties, he says, but also believes that "they're really intended largely for the rest of the world... Everyone else needs to promise, we already know that we're not going to do that."
- **The misguided belief that to support children's rights is to oppose parents' rights:** In fact, he argues, children's rights are a critical tool for parents. For instance, when a parent brings a child to the hospital and insists the child receive care, they're not insisting that the hospital fulfill their rights as a parent, but the child's right to care.

Todres' solution for advancing this symbiotic concept?

1. **Start viewing needs – shelter, food, education – as rights:** Everyone is entitled to the basic necessities of life, simply because they are alive.
2. **Create meaningful ways for children to participate in civic life:** Lawmakers and other leaders need to consider children experts on their own affairs and to value their "lived experience."

"The organizations and young people who are so thoughtfully opining on what the world needs to do, what their community needs to do," he says, "most of that is happening in spite of government. What they're doing is outside of government, outside of any formal channels."

Todres' current project brings together children's rights experts and child development experts to create a plan for implementing the rights of children through their various stages of development.

"Let's take the right to participate," he says. "We say that every child has a right to participate in matters that affect their lives. But how a 5-year-old does that is obviously going to be very different from how a 15-year-old does it. How much weight we give to their views is going to be different."

[Listen to the conversation on our website.](#)



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