

# Conceptualizing a Rights-based Framework for Public Institutions to Support Children

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## ABSTRACT

*In law and policy and public discourse, children's interests are often pushed to the margins. Although children constitute more than twenty percent of the U.S. population, federal spending on children's programs is regularly below ten percent of the budget. Not only are children not a priority, but government agencies are also often not structured to account for and support the rights and healthy development of children. This article proposes a new framework, the VR3 model (Voice, Representation, Resources, and Remedies), which can help reform government institutions and agencies to be more supportive of children's rights and wellbeing. By developing policies and institutional structures and processes to implement the VR3 model, government agencies can reorient their work so that it better accounts for children's interests and supports the rights and healthy development of all children.*

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## INTRODUCTION

“Children are the future” is a familiar refrain heard in the United States and other countries.<sup>1</sup> Although there is widespread rhetoric about the importance of supporting children’s development, the reality in the United States (and many other countries) is that children<sup>2</sup> are frequently relegated to the margins of government agendas.<sup>3</sup> Government policies, programs, and investment often overlook children’s needs; in the United States, less than ten percent of the federal government’s budget is spent on children,<sup>4</sup> even though children constitute approximately twenty-two percent of the U.S. population.<sup>5</sup>

<sup>1</sup> EMILIE L’HÔTE & ANDREW VOLMERT, FRAMEWORKS INSTITUTE, WHY AREN’T KIDS A POLICY PRIORITY? THE CULTURAL MINDSETS AND ATTITUDES THAT KEEP KIDS OFF THE PUBLIC AGENDA 5 (2021) (“Children are our future.” “It takes a village.” “All children are special.” These tropes are intended to signal how much we love kids and want to make sure they do well in life. But when it comes to policy, there is a gap between what we appear to value and what we actually do.”).

<sup>2</sup> In this article, I focus primarily on children, using the definition of a child in the U.N. Convention on the Rights of the Child—“every human being below the age of eighteen years.” Convention on the Rights of the Child, art. 1, Nov. 20, 1989, 1577 U.N.T.S. 3 [hereinafter CRC]. However, the lines between stages of development overlap at times, and at other points stretch beyond age eighteen. Adding complexity, the law, legal scholars, child development experts, and others often use the terms “children,” “adolescents,” “youth,” or “young people” differently. So, while I primarily use “child” or “children,” in some instances, I use these other terms to indicate the population being addressed. For more, see JONATHAN TODRES & URSULA KILKELLY, CHILDREN’S RIGHTS AND CHILDREN’S DEVELOPMENT: AN INTEGRATED APPROACH 314–18 (2025).

<sup>3</sup> See L’Hôte & Volmert, *supra* note 1, at 5; see also Judith Levine, *Republicans Claim to Love Both Mothers and Children. Their Policies Prove They Love Neither*, THE INTERCEPT (Jan. 23, 2024), <https://theintercept.com/2024/01/23/republicans-abortion-health-care-love-them-both/> [<https://perma.cc/P49C-43PM>].

<sup>4</sup> FIRST FOCUS ON CHILDREN, FACT SHEET, CHILDREN’S BUDGET 2024, at 1 (2024), <https://firstfocus.org/wp-content/uploads/2024/09/Childrens-Budget-2024-Overall-Fact-Sheet.pdf> [<https://perma.cc/C6WF-ABQN>] (“[T]he share of U.S. federal spending on children fell to 8.87% in Fiscal Year 2024, representing the third straight year of decline.”); FIRST FOCUS ON CHILDREN, CHILDREN’S BUDGET 2023, at 7 (2023), <https://firstfocus.org/resource/childrens-budget-2023/> [<https://perma.cc/3PHR-LRXS>] (finding “[i]n FY 2023, U.S. spending on children, both here and abroad, accounts for just 9.89% of the federal budget, a decrease of nearly 16% in real spending from FY 2022 and more than 2 percentage points off its pandemic-era levels.”).

<sup>5</sup> STELLA U. OGUNWOLE ET AL., U.S. CENSUS BUREAU, POPULATION UNDER AGE 18 DECLINED LAST DECADE (2021), <https://www.census.gov/library/stories/2021/08/united-states-adult-population-grew-faster-than-nations-total-population-from-2010-to-2020.html>

During the COVID-19 pandemic, children suffered greatly,<sup>6</sup> yet state and local governments often prioritized reopening restaurants, bars, and tattoo shops before they reopened schools.<sup>7</sup>

Today, children confront both immediate obstacles to their healthy development (e.g., lack of access to health care and quality education) and looming existential threats to their futures (e.g., climate change).<sup>8</sup> Yet, many policymakers often fail to follow up on their rhetoric about the importance of the family and of ensuring children's wellbeing.<sup>9</sup> Equally important, government agencies are often not structured to account for and support the rights and healthy development of children.

To address the disconnect between public pronouncements and government action, this article proposes a new model that aims to map more clearly how government agencies can orient their work to be more supportive of the rights and wellbeing of all children. Recognizing that rights are relational,<sup>10</sup> we need comprehensive, integrated systems of support for children. A rights-based approach offers a comprehensive framework backed by a legal mandate.<sup>11</sup> That legal mandate requires, among other things, that governments take "all appropriate legislative, administrative, and other measures" to ensure the rights of all children.<sup>12</sup> To encourage more comprehensive rights implementation,

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[<https://perma.cc/7LET-DDEH>] (stating that approximately twenty-two percent of the U.S. population is under eighteen years of age).

<sup>6</sup> Megan McDonnell Busenbark, *The Pandemic's Lasting Effects on Kids*, CHILDREN'S HOSP. ASS'N (July 27, 2022), <https://www.childrenshospitals.org/news/childrens-hospitals-today/2022/07/the-pandemics-lasting-effects-on-kids> [<https://perma.cc/UMG3-F7BX>] (reporting that nearly two years after the pandemic, "[i]t may feel like life is inching toward normal, but data on kids' and teens' mental health continue to show negative trends."); UNITED NATIONS, POLICY BRIEF: THE IMPACT OF COVID-19 ON CHILDREN 2 (2020), [https://unsdg.un.org/sites/default/files/2020-04/160420\\_Covid\\_Children\\_Policy\\_Brief.pdf](https://unsdg.un.org/sites/default/files/2020-04/160420_Covid_Children_Policy_Brief.pdf) [<https://perma.cc/5HVM-UPWU>] ("Children are not the face of this pandemic. But they risk being among its biggest victims.").

<sup>7</sup> Juliette Kayyem, *Reopening Schools Was Just an Afterthought*, THE ATLANTIC (July 6, 2020), <https://www.theatlantic.com/ideas/archive/2020/07/reopening-bars-easy-schools-are-difficult/613861/> [<https://perma.cc/EH6X-5JBQ>].

<sup>8</sup> ANNIE E. CASEY FOUNDATION, 2024 KIDS COUNT DATA BOOK: STATE TRENDS IN CHILD WELL-BEING 14–15 (2024), <https://assets.aecf.org/m/resourcedoc/aecf-2024kidscountdata-book-2024.pdf> [<https://perma.cc/X74T-34W6>]; *Climate Change and Children's Health*, U.S. ENVIRONMENTAL PROTECTION AGENCY, <https://www.epa.gov/climateimpacts/climate-change-and-childrens-health> [<https://perma.cc/88A9-8T3E>] (last updated Mar. 25, 2025); *Climate, Kids, and Health*, HARVARD SCHOOL OF PUBLIC HEALTH, <https://hsph.harvard.edu/research/climate-health-c-change/climate-kids-and-health/> [<https://perma.cc/RJS8-BUMR>] (last visited Jan. 31, 2025).

<sup>9</sup> See, e.g., Levine, *supra* note 3.

<sup>10</sup> EMILY HO ET AL., RELATIONAL RIGHTS: A WORLD-INCLUSIVE AND RELATIONSHIPS-AFFIRMING UNDERSTANDING OF THE RIGHTS OF EVERY HUMAN PERSON 5 (2021) ("Relational Rights are proposed as a distinct understanding of the rights of the human person, as interdependent persons in relationships with one another. They seek to protect important interpersonal interests with a view to securing healthy and proximate interpersonal relationships between people"); Caralyn Blaisdell & E. Kay M. Tisdall, *Contemporary Children's Rights Issues in Early Childhood*, in CHILDREN'S RIGHTS AND CHILDREN'S DEVELOPMENT: AN INTEGRATED APPROACH, 80, 84–87 (Jonathan Todres & Ursula Kilkelly eds., 2025) ("Relationality recognizes these intersections of obligations and rights, between all people's human rights, and how the recognition of one person's rights can shape another's.").

<sup>11</sup> See *infra* notes 55–65.

<sup>12</sup> See, e.g., CRC, *supra* note 2, art. 4.

in prior work I have emphasized the need to mainstream children's rights.<sup>13</sup> Mainstreaming of children's rights necessitates, at a minimum, accounting for children's rights in two respects: (1) in all sectors of society—e.g., from health and education to transportation and urban planning, and more; and (2) at all stages of the development of laws, policies, and programs that affect children's lives directly or indirectly—i.e., design, implementation, monitoring, and evaluation.<sup>14</sup> In contrast to a litigation-centered approach, which often addresses harm after it occurs, mainstreaming aims to help build institutions and processes that foster greater support for children's rights at the outset.<sup>15</sup>

Therefore, this article builds on the call for mainstreaming children's rights, as well as other literature on the implementation of children's rights,<sup>16</sup> to conceptualize a framework for ensuring the uptake and mainstreaming of children's rights. This framework—the VR3 model (Voice, Representation, Resources, and Remedies)—aims to move “upstream” to ensure that children's needs and interests are accounted for in the ordinary course of government policies and programs.<sup>17</sup> That is, by building and sustaining agencies and institutions that account for and help ensure the rights of all children, we can reduce the prevalence of children's rights violations and thus the amount of time and resources we spend trying to apprehend perpetrators and assist victims and survivors after harm has occurred. As discussed below, litigation continues to be an important tool in this framework, but it is only one

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<sup>13</sup> Jonathan Todres, Charlene Choi, & Joseph Wright, *A Rights-Based Assessment of Youth Participation in the United States*, 95 TEMP. L. REV. 411, 441–42 (2023); Jonathan Todres, *Mainstreaming Children's Rights in Post-Disaster Settings*, 25 EMORY INT'L L. REV. 1233, 1255–57 (2011); see also CHILD RIGHTS CONNECT, MAINSTREAMING CHILD RIGHTS: A CALL FOR A UN-WIDE STRATEGY ON CHILD RIGHTS IN RESPONSE TO OUR COMMON AGENDA (2021), [https://www.childrightsconnect.org/wp-content/uploads/2021/09/positionpaperourcommonagenda\\_crcnct\\_final.pdf](https://www.childrightsconnect.org/wp-content/uploads/2021/09/positionpaperourcommonagenda_crcnct_final.pdf) [<https://perma.cc/NJ3Y-HQGK>]; see generally U.N. DEVELOPMENT PROGRAMME, MAINSTREAMING HUMAN RIGHTS IN DEVELOPMENT POLICIES AND PROGRAMMING: UNDP EXPERIENCES (2012), [https://www.undp.org/sites/g/files/zskgke326/files/publications/English\\_Web\\_draft6b.pdf](https://www.undp.org/sites/g/files/zskgke326/files/publications/English_Web_draft6b.pdf) [<https://perma.cc/J7DA-6DFR>].

<sup>14</sup> Todres, *supra* note 13, at 1255.

<sup>15</sup> *Id.*

<sup>16</sup> See, e.g., Ursula Kilkelly, *The UN Convention on the Rights of the Child: Incremental and Transformative Approaches to Legal Implementation*, 23 INT'L J. HUM. RTS. 323, 326–32 (2019); Andressa M. Gadda, Juliet Harris, E. Kay M. Tisdall, Elizabeth Millership & Ursula Kilkelly, *Human Rights' Monitoring and Implementation: How to Make Rights 'Real' in Children's Lives*, 23 INT'L J. HUM. RTS. 317, 317–18 (2019).

<sup>17</sup> The “moving upstream” concept is an idea that has long been a cornerstone of public health. The story, of which there are several slightly different versions, is as follows:

While walking along the banks of a river, a passerby notices that someone in the water is drowning. After pulling the person ashore, the rescuer notices another person in the river in need of help. Before long, the river is filled with drowning people, and more rescuers are required to assist the initial rescuer. Unfortunately, some people are not saved, and some victims fall back into the river after they have been pulled ashore. At this time, one of the rescuers starts walking upstream. “Where are you going?” the other rescuers ask, disconcerted. The upstream rescuer replies, “I’m going upstream to see why so many people keep falling into the river.” As it turns out, the bridge leading across the river upstream has a hole through which people are falling. The upstream rescuer realizes that fixing the hole in the bridge will prevent many people from ever falling into the river in the first place.

Larry Cohen & Sana Chehimi, *Beyond Brochures: The Imperative for Primary Prevention, in PREVENTION IS PRIMARY: STRATEGIES FOR COMMUNITY WELL-BEING* 3, 4–5 (Larry Cohen et al. eds., 2007).

component of a more holistic approach to building institutions that support children and their rights. For those genuinely interested in the wellbeing and healthy development of all children, this article offers a framework for reforming agencies so that they are more responsive to children, their families, and their communities.

The article proceeds as follows. Part I examines the state of the United States today with regard to children and their rights. It begins by discussing the U.S.'s historical and current reluctance to embrace children's rights. It then reviews the current challenges and conditions that children experience in the United States, revealing that for too many children and their families, life in the United States falls short of popular rhetoric affirming the value of children. Part II then discusses the benefits of a children's rights approach. Part III introduces the VR3 framework that can be used to foster more child-supportive government institutions and agencies in the United States, as well as in other countries. Finally, in Part IV, the article discusses the importance of all four components of the VR3 model for building a comprehensive, integrated framework that ensures children's rights and wellbeing. As Part IV explains, because all four components interact with and support one another, ultimately it is important that governments implement all components of the VR3 model to fully realize its benefits for children today and in the future.

## I. CHILDREN AND CHILDREN'S RIGHTS TODAY

### A. U.S. Reluctance to Embrace Children's Rights

Although early rights philosophers and government leaders did not have children in mind—nor women, people of color, or other historically marginalized populations—when they shaped foundational instruments related to democracy and rights,<sup>18</sup> the central tenet of the human rights idea has remained consistent: the fact that one is human means one has rights.<sup>19</sup>

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<sup>18</sup> See Lua Kamál Yuille, “*Nobody Gives a Damn About the Gypsies*”: *The Limits of Westphalian Models for Change*, 9 OR. REV. INT’L L. 389, 426 (2007) (“[T]he human rights regime may be seen as having tainted origins—the fore *fathers* of international human rights represented one narrow view of the world that excluded the perspectives of many of those it was envisioned to protect.”); Joy Milligan & Bertrall L. Ross II, *We (Who Are Not) the People: Interpreting the Undemocratic Constitution*, 102 TEX. L. REV. 305, 307 (2023) (“For the Constitution’s drafters, ‘we the people’ was a term of art, omitting most of the people.”); cf. Ruth Bader Ginsburg, *Foreword* to SUPREME COURT DECISIONS AND WOMEN’S RIGHTS: MILESTONES IN EQUALITY, xii (Clare Cushman ed., 2001) (quoting RICHARD B. MORRIS, THE FORGING OF THE UNION, 1781–1789, 193 (1987)) (writing that “a prime portion of the history of the U.S. Constitution, and a cause for celebration, is the story of the extension (through amendment, judicial interpretation, and practice) of constitutional rights and protections to once ignored or excluded people: to humans who were once held in bondage, to men without property, to the original inhabitants of the land that became the United States, and to women”).

<sup>19</sup> See Louis Henkin, *Religion, Religions, and Human Rights*, 26 J. RELIGIOUS ETHICS 229, 231 (1998) (“The human rights idea and ideology begin with an *ur* value or principle (derived perhaps from Immanuel Kant), the principle of human dignity.”); Catherine Powell, *We the People: These United Divided States*, 40 CARDOZO L. REV. 2685, 2744 (2019) (asserting that “humans . . . are entitled to respect, simpl[y] by virtue of our shared humanity (as international human rights law asserts, grounded in Immanuel Kant’s notion of human dignity)”).

Accepting that foundational principle necessarily means that children have rights. That is, if rights are inherent to all human beings, they exist from birth. Not accepting that children have rights equates to saying rights are not inherent to all human beings but rather that governments get to decide who has rights and when they accrue to individuals (e.g., when they reach adulthood). Dependent on government largesse is exactly what rights are *not* in theory and should *never* be in practice.<sup>20</sup>

Despite the inherent nature of human rights and the powerful and important rhetoric on rights and liberty throughout much of U.S. history, the United States has not fully embraced the idea that children have rights, or the broader idea of human rights for that matter. Reflecting on the U.S. position on human rights, Louis Henkin wrote:

The United States has been a leading champion of human rights around the world. . . . We helped write human rights into the Nuremberg Charter and into the U.N. Charter; we led in promulgating the Universal Declaration, and we participated importantly in drafting the Covenants. . . . But the United States has not been a pillar of human rights, only a “flying buttress”—supporting them from the outside. . . . In a word, we have not accepted international human rights for ourselves.<sup>21</sup>

The U.S. approach to children’s rights has been similar. The U.S. government was arguably the most active delegation in the drafting of the U.N. Convention on the Rights of the Child (CRC), submitting proposals and recommendations on nearly every substantive provision of the treaty,<sup>22</sup> yet the United States stands alone as the only country in the world yet to ratify the CRC.<sup>23</sup> Some of this reluctance is due to oft-repeated general concerns in the human rights context about U.S. sovereignty and federalism issues,<sup>24</sup> even

<sup>20</sup> Jonathan Todres, *A Magna Carta for Children? Rethinking Children’s Rights*, 35 ETHICS & INT’L AFFS. 581, 583 (2021) (reviewing Michael Freeman, *A Magna Carta for Children? Rethinking Children’s Rights* (2020)).

<sup>21</sup> Louis Henkin, *Rights: American and Human*, 79 COLUM. L. REV. 405, 421 (1979).

<sup>22</sup> See Cynthia Price Cohen, *Role of the United States in Drafting the Convention on the Rights of the Child: Creating a New World for Children*, 4 LOYOLA POVERTY L.J. 9, 25–26 (1998) (“The United States was by far the most active, making proposals and textual recommendations for thirty-eight of the forty substantive articles.”); Cynthia Price Cohen, *The Role of the United States in the Drafting of the Convention on the Rights of the Child*, 20 EMORY INT’L L. REV. 185, 190 (2006) (noting that the U.S. influenced the text of nearly every article of the CRC and that “U.S. influence was so strong that some people referred to the Convention as the ‘U.S. child rights treaty.’”).

<sup>23</sup> See Status of the Convention on the Rights of the Child, U.N. TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg\\_no=IV-11&chapter=4&clang=\\_en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&cmdsg_no=IV-11&chapter=4&clang=_en) [<https://perma.cc/E7BQ-P5WJ>] (last visited Nov. 22, 2024). The U.S. has also not ratified the International Covenant on Economic, Social and Cultural Rights, which includes provisions on key issues that are vital to children’s development, such as health and education. International Covenant on Economic, Social and Cultural Rights (ICESCR), arts. 12 and 13, Dec. 16, 1966, 993 U.N.T.S. 3.

<sup>24</sup> SARAH MEHTA, ACLU, THERE’S ONLY ONE COUNTRY THAT HASN’T RATIFIED THE CONVENTION ON CHILDREN’S RIGHTS: US, (2015), <https://www.aclu.org/blog/human-rights/treaty-ratification/theres-only-one-country-hasnt-ratified-convention-childrens> [<https://perma.cc/HQQ2-CMZW>] (“Much of the opposition to its ratification emanates from the right and has been based on incorrect assumptions about its implications for U.S. law and



though the United States has ratified other human rights treaties without ceding sovereignty and other countries with systems of federalism have ratified the CRC without issue.<sup>25</sup> Opponents of CRC ratification have also argued that children's rights are incompatible with parental rights.<sup>26</sup> However, the reality is that parents' and children's interests and rights align on the vast majority of issues; for example, with few exceptions, parents want their children to have access to quality health care and education and to be protected from violence and other harms.<sup>27</sup> Moreover, any potential conflicts could be addressed through reservations, understandings, or declarations to the CRC—which the United States has submitted when ratifying other human rights treaties—rather than by rejecting children's rights in their entirety.<sup>28</sup>

Resistance to ratification of the CRC and international human rights treaties more generally is only part of the story, however. In fact, the United States has bristled at the idea of recognizing home-grown versions of many basic human rights. U.S. federal law has refrained from recognizing a range of rights critical to children's wellbeing and healthy development, including the right to health care, the right to education, and the right to housing.<sup>29</sup> Despite this resistance to formally recognizing children's rights, many core rights principles—including the ideas that children should have access to health care when needed, have a right to quality education, and should have the

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how the convention affects U.S. sovereignty and our interpretation of federalism.”); Ndjouh Mehchu, *No Child Left Behind? An Interest-Convergence Roadmap to the U.S. Ratification of the Convention on the Rights of the Child*, 76 N.Y.U. ANN. SURV. AM. L. 1, 9 (2020) (“Our failure to ratify the convention is shaped in different measure by the arguments that ratification is . . . at odds with the U.S. system of federalism”); see also Deborah M. Weissman, *The Human Rights Dilemma: Rethinking the Humanitarian Project*, 35 COLUM. HUM. RTS. L. REV. 259, 311 (2004) (“[C]oncerns that multilateral agreements might infringe on U.S. sovereignty have resulted in an unwillingness to ratify a number of human rights treaties.”).

<sup>25</sup> Jonathan Todres, *Analyzing the Opposition to U.S. Ratification of the U.N. Convention on the Rights of the Child*, in THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD: AN ANALYSIS OF TREATY PROVISIONS AND IMPLICATIONS OF U.S. RATIFICATION, 19, 27–30 (Jonathan Todres, Mark Wojcik & Cris Revaz eds., 2006).

<sup>26</sup> Soo Joo Lee, *A Child's Voice vs. a Parent's Control: Resolving a Tension between the Convention on the Rights of the Child and U.S. Law*, 117, COLUM. L. REV. 687, 700 (2017) (“[A]nother concern is that the CRC threatens interference with the privacy of the family, particularly with the parents' domain over their children”); see also Todres, *supra* note 25, at 20–27 (detailing the “great value that [the CRC] places on the rights and duties of parents in raising their children” but noting that the “CRC does not allow parents to act with impunity toward their children”).

<sup>27</sup> See CRC, *supra* note 2, arts. 24 (right to health care), 28 (right to education), 32 (right to protection from economic exploitation), 34 (right to protection from sexual exploitation).

<sup>28</sup> Todres, *supra* note 25, at 29.

<sup>29</sup> San Antonio Indep. Sch. Dist. v. Rodriguez, 411 U.S. 1, 35 (1973) (“Education, of course, is not among the rights afforded explicit protection under our Federal Constitution. Nor do we find any basis for saying it is implicitly so protected.”); Erin C. Fuse Brown, *Developing A Durable Right to Health Care*, 14 MINN. J.L. SCI. & TECH. 439, 448–50 (2013) (“It is generally agreed that there is no broad right to health or health care under the federal constitution. . . . Health is never mentioned in the Constitution. . . ., the Court has not recognized a generally applicable positive right to health care, and it seems unlikely ever to do so”); Lisa T. Alexander, *Occupying the Constitutional Right to Housing*, 94 NEB. L. REV. 245, 248 (2015) (“[T]here is no formal federal, state, or constitutional right to housing in America.”). On some issues, such as education, selected state constitutions offer greater protections. See, e.g., SCOTT DALLMAN & ANUSHA NATH, FEDERAL RESERVE BANK OF MINNEAPOLIS, Education Clauses in State Constitutions Across the United States (2020), <https://www.minneapolisfed.org/~media/assets/articles/2020/education-clauses-in-state-constitutions-across-the-united-states/education-clauses-in-state-constitutions-across-the-united-states.pdf?la=en> [<https://perma.cc/8DWZ-2FDN>].

opportunity to develop to their full potential—are widely supported by the majority of the U.S. population.<sup>30</sup>

*B. Lack of Prioritization of Children Has Led to Failing Our Children*

Resistance to the CRC and international children's rights law takes many forms in the United States, but one prominent argument against U.S. ratification of the CRC has been the comparative one: children in the United States fare much better than children in other countries that have ratified the CRC, so the United States does not need the CRC.<sup>31</sup> This echoes the problematic sentiment that Henkin identified: the world should have human rights, but the U.S. does not need them.<sup>32</sup> Of course, the comparative argument overlooks a host of confounding variables (e.g., the difference in resources between the U.S. and many low-resource countries with persistent children's rights issues). More important, it also misses the most critical question: are we content with the state of children in the United States? On a host of measures related to child wellbeing, the United States is not doing nearly as well as the popular "We're #1" chants would imply.

Although many children in the United States thrive, there are significant disparities resulting in suboptimal support and outcomes for a substantial number of children. According to the U.S. government, "[m]ore than 4 in 10 (44.7%) children, representing about 31.9 million children, have experienced material hardship during their lifetime" (defined as "parent-reported difficulty covering the basics, like food or housing, on the family's income").<sup>33</sup> A 2022 survey found that 32.9 percent of children experienced food insecurity in the prior twelve months, while 14.1 percent experienced housing insecurity in the prior twelve months, and 9.0 percent had difficulties paying for children's medical or health care bills in the prior year.<sup>34</sup> That so many children in the United States have difficulties securing the basic necessities—such as food, shelter, and health care—that they need to survive and thrive is a major failure.

Not only are children struggling to secure their basic necessities, but they are also experiencing significant adverse mental health outcomes due to a variety of factors including not only inadequate access to health care, but also pressures associated with social media, academics, and "broader stressors such

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<sup>30</sup> See, e.g., Julie Conley, *62% of Americans Agree US Government Should Ensure Everyone Has Health Coverage: The New Poll Shows the Highest Level of Support in a Decade for the Government Ensuring All Americans Have Healthcare*, COMMON DREAMS (Dec. 9, 2024), <https://www.commondreams.org/news/universal-healthcare-poll> [<https://perma.cc/M965-V6SW>].

<sup>31</sup> Luisa Blanchfield, CONG. RESEARCH SERVICE, *THE UNITED NATIONS CONVENTION ON THE RIGHTS OF THE CHILD* 15 (2015).

<sup>32</sup> Henkin, *supra* note 21, at 421.

<sup>33</sup> MATERNAL AND CHILD HEALTH BUREAU, HEALTH RESOURCES AND SERVICES ADMINISTRATION, *NATIONAL SURVEY OF CHILDREN'S HEALTH 1* (2023), <https://mchb.hrsa.gov/sites/default/files/mchb/data-research/nsch-data-brief-2022-material-hardship.pdf> [<https://perma.cc/6LRQ-RT69>].

<sup>34</sup> *Id.* at 2.



as . . . rising income inequality, racism, gun violence, and climate change.”<sup>35</sup> Research found that “[i]n 2023, 40% of high school students felt so sad or hopeless almost every day for at least two weeks in a row that they stopped doing their usual activities,”<sup>36</sup> and twenty percent of high school students reported that they had “seriously considered attempting suicide during the past year.”<sup>37</sup>

Violence and exploitation are also prevalent issues affecting children in the United States. Since 2020, firearm-related deaths have been the leading cause of child and adolescent mortality.<sup>38</sup> Further, many children experience and witness violence in the home, as well as in their schools and communities.<sup>39</sup> Trafficking of children occurs in all fifty states.<sup>40</sup> In addition, child labor violations have been found across numerous industries and sectors, including agriculture. In fact, the number of children in the United States employed in violation of child labor laws increased by 283% between 2015 and 2022.<sup>41</sup> The number of children employed in hazardous work settings in violation of the law also increased—by ninety-four percent—over the same seven-year period.<sup>42</sup> As one example, Human Rights Watch reports that “[m]ore U.S. child workers die in agriculture than in any other industry [and] [e]very day, 33 children are injured while working on U.S. farms.”<sup>43</sup>

Overall, while comparisons to low-resource countries are often used as arguments against recognition of children’s rights in the United States, a comparative analysis with economically comparable countries shows how much

<sup>35</sup> U.S. SURGEON GENERAL, PROTECTING YOUTH MENTAL HEALTH: THE U.S. SURGEON GENERAL’S ADVISORY 8 (2021), <https://www.hhs.gov/sites/default/files/surgeon-general-youth-mental-health-advisory.pdf> [https://perma.cc/9HB9-43DN].

<sup>36</sup> CENTERS FOR DISEASE CONTROL & PREVENTION, YOUTH RISK BEHAVIOR SURVEY: DATA SUMMARY & TRENDS REPORT 56 (2024), <https://www.cdc.gov/yrb/dstr/index.html> [https://perma.cc/X4WF-G2E2].

<sup>37</sup> *Id.* at 60.

<sup>38</sup> Jason E. Goldstick et al., *Current Causes of Death in Children and Adolescents in the United States*, 386 N. ENG. J. MED. 1955, 1955 (2022); Silvia Villarreal, et al., JOHNS HOPKINS CENTER FOR GUN VIOLENCE SOLUTIONS, GUN VIOLENCE IN THE UNITED STATES 2022: EXAMINING THE BURDEN AMONG CHILDREN & TEENS 2 (2024).

<sup>39</sup> U.S. DEP’T OF JUSTICE, OFFICE OF JUSTICE PROGRAMS, CHILDREN EXPOSED TO VIOLENCE, <https://ojp.gov/program/programs/cev> [https://perma.cc/C8W7-74ND] (last visited Jan. 20, 2025) (“A study of a national sample of American children found that over the past year 60 percent were exposed to violence, crime, or abuse in their homes, schools, and communities. Almost 40 percent of American children were direct victims of 2 or more violent acts, and 1 in 10 were victims of violence 5 or more times.”).

<sup>40</sup> U.S. DEP’T OF EDUCATION, HUMAN TRAFFICKING OF CHILDREN IN THE UNITED STATES: A FACT SHEET FOR SCHOOLS (2007), <https://www.ed.gov/teaching-and-administration/supporting-students/human-trafficking/human-trafficking-of-children-in-the-united-states-a-fact-sheet-for-schools> [https://perma.cc/WL25-4UWD] (last visited Apr. 6, 2025).

<sup>41</sup> USA FACTS, IS CHILD LABOR INCREASING IN THE US?, <https://usafacts.org/articles/is-child-labor-increasing-in-us/> [https://perma.cc/5JK2-U9DJ] (updated as of Oct. 5, 2023).

<sup>42</sup> *Id.*; see also U.S. Dep’t of Labor, *Child Labor*, <https://www.dol.gov/agencies/whd/data/charts/child-labor> [https://perma.cc/5JUD-R5FR] (visited Nov. 30, 2024) (reporting that the number of children employed in violation of child labor laws increased from 3,876 in fiscal year 2022 to 5,792 in fiscal year 2023).

<sup>43</sup> Margaret Wurth, *Children Working in Terrifying Conditions in US Agriculture*, HUMAN RIGHTS WATCH (Nov. 13, 2019), <https://www.hrw.org/news/2019/11/13/children-working-terrifying-conditions-us-agriculture> [https://perma.cc/3N7A-5V34].

children's rights, and their corresponding legal mandates, are needed in the United States. Among the thirty-eight high-income countries of the OECD:

[T]he U.S. has the lowest life expectancy at birth, the highest death rates for avoidable or treatable conditions, the highest maternal and infant mortality, and among the highest suicide rates. . . . The U.S. has the highest rate of people with multiple chronic conditions and an obesity rate nearly twice the OECD average.<sup>44</sup>

Research also finds that the United States is “the only country among its higher-income peers in which guns were the leading cause of death among children and adolescents.”<sup>45</sup> The United States has had “57 times as many school shootings as all other major industrialized nations combined.”<sup>46</sup>

Global rankings further highlight shortcomings; for example, among all countries, the United States is ranked tied for forty-third in the world for lowest infant and child (under-five years old) mortality rate.<sup>47</sup> Whether the analysis is quantitative, qualitative, or comparative, the research reaches the same conclusion: too many children in the United States are suffering and do not have a genuine opportunity to develop to their full potential. Moreover, on many of these measures, children from historically marginalized communities often suffer the most.<sup>48</sup>

Given the breadth of harms experienced by many children in the United States today and the marginalization of children's issues in policy- and budget-making processes,<sup>49</sup> it is critical to develop a framework that elevates children's issues and ensures better law, policy, and institutional structures to support children's healthy development.

## II. THE BENEFITS OF A CHILDREN'S RIGHTS APPROACH

A children's rights approach offers multiple benefits for children, their families, and their communities. First, adopting a children's rights approach means putting children on the agenda. Recognizing the rights of children as distinct, rather than entirely subsumed within an agenda item on families, brings children to the foreground, encouraging greater priority to children's

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<sup>44</sup> MUNIRA Z. GUNJA, EVAN D. GUMAS & REGINALD D. WILLIAMS II, *THE COMMONWEALTH FUND, U.S. HEALTH CARE FROM A GLOBAL PERSPECTIVE, 2022: ACCELERATING SPENDING, WORSENING OUTCOMES* (2023), <https://www.commonwealthfund.org/publications/issue-briefs/2023/jan/us-health-care-global-perspective-2022> [<https://perma.cc/6GM5-TWT6>].

<sup>45</sup> Luke J. Rapa et al., *School Shootings in the United States: 1997–2022*, 153(4) *PEDIATRICS*, 2024, at 2.

<sup>46</sup> *Id.* at 2.

<sup>47</sup> *Child Mortality—Country Rankings*, *THE GLOBAL ECONOMY*, [https://www.theglobaleconomy.com/rankings/child\\_mortality/](https://www.theglobaleconomy.com/rankings/child_mortality/) [<https://perma.cc/D4MY-YGEW>] (last visited May 22, 2024).

<sup>48</sup> Brenda Jones Harden & Natalie Slopen, *Inequitable Experiences and Outcomes in Young Children: Addressing Racial and Social-Economic Disparities in Physical and Mental Health*, 4 *ANNUAL REV. DEVEL. PSYCHOL.* 133, 134–35 (2022).

<sup>49</sup> See *FIRST FOCUS ON CHILDREN 2024*, *supra* note 4.

needs and greater understanding of the impact of policies on children's lives.<sup>50</sup> For example, focusing on housing as a *family* issue can result in measures to address housing insecurity. However, seeing it also as a *children's* issue can help shed light on how housing insecurity affects children's schooling, their mental health, and other aspects of their lives.<sup>51</sup> Importantly, a children's rights approach does not ask that children's interests be considered instead of family issues, but rather that children's interests also be recognized and addressed.

Second, and related, a children's rights approach highlights the importance of hearing from children to better understand their lived experience and the impact of issues on them.<sup>52</sup> The CRC establishes that children have a "right to be heard" on matters that affect their lives.<sup>53</sup> Alison James and June Statham explain, "[C]hildren, including very young children, are experts in their own lives."<sup>54</sup> They can have insights and perspectives that adults do not. For example, young people today are the only ones who understand the experience of going to school during a global pandemic. They are also among the only ones who understand what it is like to grow up in an era of social media. Recognizing children's right to be heard and fulfilling that right can help communities benefit from young people's insights and expertise.

Third, a rights-based framework establishes a legal mandate. Currently, many programs that serve children in need in the United States are not rights-based. In other words, there is no legal obligation to guarantee that these programs will continue. In the health care context, Medicaid and state children's health insurance programs (CHIP) help millions of children access needed health care.<sup>55</sup> However, there is no federal right to health care. These programs, while long-standing, depend on politicians' preferences and commitments, which means they could be cut or discontinued at any time (as has been threatened many times).<sup>56</sup> Recognizing that children have a right to health care, on the other hand, comes with a legal mandate, one that

<sup>50</sup> Todres, Choi, & Wright, *supra* note 13, at 417 ("Although the Convention on the Rights of the Child . . . emphasizes the centrality of the family, the CRC and children's rights more generally challenge the idea that children are solely appendages of the family. The CRC insists on recognition of children as individuals in their own right"). In addition, having a distinct treaty on children's rights forces governments, in the reporting process, to evaluate their actions specifically with regard to children. See CRC, *supra* note 2, art. 44.

<sup>51</sup> Jonathan Todres & Lauren Meeler, *Confronting Housing Insecurity—A Key to Getting Kids Back to School*, 175(9) JAMA PEDIATRICS 889, 889 (2021).

<sup>52</sup> See *infra* Section III.A.

<sup>53</sup> CRC, *supra* note 2, art. 12 (requiring that adults give "due weight" to the child's views, consistent with their "age and maturity" but not giving children the right to *decide* issues).

<sup>54</sup> Alison Clark & June Statham, *Listening to Young Children: Experts in Their Own Lives*, 29 ADOPTION & FOSTERING 45, 54 (2005).

<sup>55</sup> CENTERS FOR MEDICARE & MEDICAID SERVICES, OCTOBER 2024: MEDICAID AND CHIP ELIGIBILITY OPERATIONS AND ENROLLMENT SNAPSHOT 8 (2025), <https://www.medic-aid.gov/resources-for-states/downloads/eligib-oper-and-enrol-snap-october2024.pdf> [<https://perma.cc/TE23-LC8C>] (reporting that in October 2024, there were 37.6 million Medicaid child and CHIP enrollees).

<sup>56</sup> See, e.g., ALLISON ORRIS & GIDEON LUKENS, CTR FOR BUDGET & POL'Y PRIORITIES, MEDICAID THREATS IN THE UPCOMING CONGRESS (2024), <https://www.cbpp.org/research/health/medicaid-threats-in-the-upcoming-congress> [<https://perma.cc/CV6H-6P7F>]; Tim Walker, *How Project 2025 Would Devastate Public Education*, NEA TODAY (Oct. 4, 2024), <https://www.nea.org/nea-today/all-news-articles/how-project-2025-would-devastate-public-education> [<https://perma.cc/5LM4-AYLH>].

children (and their parents and caregivers) could rely on to demand that the government meets its legal obligations to ensure children can access health care when needed and remain healthy. The legal mandate embedded in children's rights law can also serve to protect children during difficult times (e.g., financial downturns or other periods when resources for children and families are constrained) given the "strong presumption that retrogressive measures . . . are prohibited" under economic and social rights law.<sup>57</sup>

Fourth, the children's rights model—outlined most prominently in the CRC—is a comprehensive approach. It addresses civil, political, economic, social, and cultural rights. It addresses health equity, social determinants, lived experience, and other relevant issues.<sup>58</sup> As we know from examining children's development and wellbeing through the lens of a socio-ecological framework, children confront a variety of individual, relationship, community, and societal level risk factors.<sup>59</sup> Moreover, these risks interrelate.<sup>60</sup> A rights-based approach offers a framework that addresses child development holistically, accounting for the interrelated nature of rights (e.g., the connections and interplay between health, education, and housing rights).<sup>61</sup>

Fifth, and finally, a children's rights framework offers many indirect benefits to families and broader society. When governments adopt policies that benefit children, such policies often result in better outcomes for working parents, the elderly, and others.<sup>62</sup> For example, ensuring that children have access to health care when needed—that is, ensuring children's health rights—helps keep children well and reduces absenteeism from school.<sup>63</sup> That not only benefits children's education, it also has benefits for working parents, and particularly mothers, who often bear the burden of caring for their out-of-school children.<sup>64</sup> A child-friendly built environment also benefits other populations.

<sup>57</sup> U.N. Committee on Economic, Social, and Cultural Rights, *General Comment No. 19 on the Right to Social Security*, U.N. Doc. E/C.12/GC/19, ¶ 42 (2008); U.N. Committee on the Rights of the Child, *General Comment No. 19 on Public Budgeting for the Realization of Children's Rights*, U.N. Doc. CRC/C/GC/19, ¶ 31 (2016) (stating that "In times of economic crisis, regressive measures may only be considered after assessing all other options and ensuring that children are the last to be affected, especially children in vulnerable situations").

<sup>58</sup> CRC, *supra* note 2, arts. 24, 27, 28 (addressing social determinants through provisions on housing, health care, and education); *see also id.* art. 2, (addressing equity through the nondiscrimination provision); *id.* art. 12 (giving voice to children's lived experience through the right to be heard).

<sup>59</sup> UNICEF, BRIEF ON THE SOCIAL ECOLOGICAL MODEL, <https://www.unicef.org/media/135011/file/Global%20multisectoral%20operational%20framework.pdf> [https://perma.cc/SQU2-RYUR] (last accessed Jan. 17, 2025).

<sup>60</sup> *Id.*; Marcela Lopez et al., *The Social Ecology of Childhood and Early Life Adversity*, 89 PEDIATRIC RSCH. 353, 354 (2021).

<sup>61</sup> Jonathan Todres, *Rights Relationships and the Experience of Children Orphaned by AIDS*, 41 U.C. DAVIS L. REV. 417, 474 (2007).

<sup>62</sup> *See* GROWING UP BOULDER, <https://www.growingupboulder.org/> [https://perma.cc/F5HA-4UJ8] (last visited June 26, 2025).

<sup>63</sup> Elizabeth Agneta et al., *Poor Health Is Driving Chronic Absenteeism Among High Schoolers — Here's How Pediatricians Can Help*, HEALTH CITY (Sept. 7, 2023), <https://health-city.bmc.org/poor-health-driving-chronic-absenteeism-among-high-schoolers-heres-how/> [https://perma.cc/KG47-MNFE]; Sarah Komisarow & Steven W. Hemelt, *School-Based Health Care and Absenteeism: Evidence from Telemedicine*, 19 EDUCATION FINANCE & POLICY 252, 272–73 (2024).

<sup>64</sup> Jonathan Todres, *Children's Rights and Women's Rights: Interrelated and Interdependent*, in HANDBOOK OF CHILDREN'S RIGHTS: GLOBAL AND MULTIDISCIPLINARY PERSPECTIVES (Martin Ruck et al., eds. 2016).

*Growing Up Boulder*, a multi-generational organization in Colorado, has undertaken numerous urban planning projects in partnership with youth, and these projects have shown that creating built spaces that work for children effectively creates spaces that work for other populations, including persons with disabilities, elderly individuals, and pregnant individuals.<sup>65</sup>

In short, a children's rights approach offers numerous benefits. It helps ensure children's needs and interests are firmly established on government agendas. It elevates the voices of children and youth. It carries the power of a legal mandate that children and their advocates can use to secure children's rights and wellbeing. It provides a comprehensive framework for children's development. Finally, it creates positive outcomes for communities, writ large.

### III. THE VR3 MODEL: VOICE, REPRESENTATION, RESOURCES, AND REMEDIES

In the U.S. human rights context, advocates often focus on litigation-centered initiatives.<sup>66</sup> While impact litigation plays an important role in forging positive change, it can also be a time-consuming process that does not always reach all children.<sup>67</sup> Equally important, litigation often addresses harms to children after they occur.<sup>68</sup> That does not mean litigation isn't necessary. It is. Indeed, it is an element of the Remedies component of the VR3 model. However, this article argues that we must be careful not to over-rely on litigation as the only vehicle for securing children's rights. Instead, litigation must be pursued simultaneously with other strategies. Furthermore, as discussed in the Introduction, this article aims to move "upstream" to ensure that children's needs and interests are accounted for in the ordinary course of government policies and programs. It focuses on institutions—primarily government agencies, but it is also applicable to private entities—and introduces the "VR3 model" as a framework for ensuring that governments and the private sector better account for and address children's rights and wellbeing.

Implementation of international human rights law at a domestic level requires that governments take "all appropriate legislative, administrative, and other measures."<sup>69</sup> For children's rights (and human rights more broadly) to be successful, it needs to engage more in the business of institution-building—that

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<sup>65</sup> *Project List*, GROWING UP BOULDER, <https://www.growingupboulder.org/project-list-and-reports.html> [https://perma.cc/S7XQ-VT6Y] (last visited Jan. 1, 2025).

<sup>66</sup> Naomi R. Cahn, *Building the Constitutional Canon for Children's Rights*, JOTWELL (July 17, 2024) (reviewing Catherine Smith, "Children's Equality Law" in the Age of Parents' Rights, 71 KAN. L. REV. 539 (2023)), <https://family.jotwell.com/building-the-constitutional-canon-for-childrens-rights/> [https://perma.cc/98RK-SCPS].

<sup>67</sup> See, e.g., Vanita Gupta, *Remarks Delivered at the Thirteenth Annual Wiley A. Branton/Howard Law Journal Symposium* on October 14, 2016, in 60 How. L.J. 629, 636 (2017) ("[E]ven 62 years after *Brown v. Board of Education*—the landmark ruling that Wiley Branton worked to implement in Little Rock, Arkansas—far too many children still attend racially-segregated schools and live in racially-isolated neighborhoods."); see generally Marta Conde et al., *Slow Justice and Other Unexpected Consequences of Litigation in Environmental Conflicts*, 83 GLOBAL ENVIRONMENTAL CHANGE (2023) (describing the challenges and delays to remedies through litigation).

<sup>68</sup> See Gupta, *supra* note 67, at 636.

<sup>69</sup> See CRC, *supra* note 2, art. 4.



is, creating structures, processes, and systems in which children's rights are mainstreamed. The VR3 model provides a template for government agencies (from the national to the local level) centered on Voice, Representation, Resources, and Remedies. Furthermore, this framework can be implemented whether or not the U.S. government takes action to ratify the CRC.

### A. Voice

#### 1. Theoretical Concept

In international children's rights law, Voice is represented by and enshrined in Article 12 of the CRC—children's right to be heard. This right has two core components: every child has a right to be heard on matters that affect their life, and the child's views must be given “due weight” consistent with their age and maturity.<sup>70</sup> Notably, there is no minimum age for exercising this right; if a child is capable of forming a view, they have the right to be heard.<sup>71</sup> There are a number of existing frameworks that help explicate and foster implementation of children's right to be heard, including Hart's ladder of participation, Shier's pathways to participation, and the Lundy Model.<sup>72</sup> While all of these models are valuable, this article relies on the Lundy Model as it is a rights-based framework that has been widely-adopted by government agencies in other countries, international organizations, and other entities.<sup>73</sup> The Lundy Model offers guidance to governments and civil society on the components of genuine child participation and how adults can support it.<sup>74</sup>

The Lundy Model has four elements: space, voice, audience, and influence.<sup>75</sup> The first two elements—space and voice—are encompassed in the CRC's mandate that children have the right to be heard on matters that affect their lives. Lundy defines *space* as requiring that children “be given the opportunity to express a view.”<sup>76</sup> This may entail, for example, inviting children

<sup>70</sup> CRC, *supra* note 2, art. 12.

<sup>71</sup> U.N. Committee on the Rights of the Child, *General Comment 12: The Right of the Child to Be Heard*, U.N. Doc. CRC/C/GC/12, ¶¶ 20–21 (2009); see also Todres, Choi, & Wright, *supra* note 13, at 418–19.

<sup>72</sup> See, e.g., ROGER A. HART, UNICEF, CHILDREN'S PARTICIPATION: FROM TOKENISM TO CITIZENSHIP 8 (1992), <https://participationpool.eu/wp-content/uploads/2020/05/Hart-R.-1992-Children-Participation-from-Tokenism-to-Citizenship.pdf> [<https://perma.cc/W998-J82K>] (describing Hart's ladder of participation); Henry Shier, *Pathways to Participation: Openings, Opportunities and Obligations*, 15 CHILD. & SOC'Y 107, 110 (2001); Laura Lundy, *'Voice' Is Not Enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child*, 33 BRIT. EDUC. RESCH. J. 927, 931 (2007).

<sup>73</sup> Polly Dunbar, *'They Called It the Lundy Model, and It Took Off': How an Academic's Landmark Paper Transformed Children's Rights*, THE GUARDIAN (Jan. 24, 2025), <https://www.theguardian.com/research-to-reality/2025/jan/24/they-called-it-the-lundy-model-and-it-took-off-how-an-academics-landmark-paper-transformed-childrens-rights> [<https://perma.cc/H8PG-BEAS>].

<sup>74</sup> See also Patricio Cuevas-Parra, *Multi-dimensional Lens to Article 12 of the UNCRC: A Model to Enhance Children's Participation*, 21 CHILDREN'S GEOGRAPHIES 363, 370–73 (2022) (building on the Lundy model to incorporate additional dimensions of “intersecting identities” and “enabling environments”).

<sup>75</sup> Lundy, *supra* note 72, at 933.

<sup>76</sup> *Id.*



to participate in school, community, or city councils. Next, *voice* means that the expression of children's views must be facilitated in a medium that they choose.<sup>77</sup> Ensuring that children have mentors who encourage and support young people's expression can facilitate voice. The latter two elements of the Lundy Model—audience and influence—are embedded in children's right to have their views be given due weight. *Audience* reflects the requirement that children's "view[s] must be listened to."<sup>78</sup> Their views can be embedded in government processes, for example, through children's commissioners and other government officials tasked with listening to youth and incorporating their views. The final component, *influence*, requires that children's "view[s] must be acted upon as appropriate."<sup>79</sup> Building in processes to ensure that programs developed with youth input move forward can help make sure that young people's ideas are translated into action and that youth participation is not merely tokenistic. Together, the four elements of the Lundy Model provide a framework for ensuring meaningful child participation on issues that affect their lives. This robust framework on children's participation and their right to be heard is included in the VR3 model under Voice. In other words, the Voice component of the VR3 model requires governments to build and sustain institutions and processes that provide pathways for children to be heard directly and to influence decision-making.

## 2. In Practice

There are countless examples of organizations that offer models of institutional structures and processes that elevate the voices of children and youth.<sup>80</sup> Youth councils or advisory boards provide a built-in structure for partnering with youth and ensuring their voices are heard.<sup>81</sup> The role, power,

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<sup>77</sup> *Id.*

<sup>78</sup> *Id.*

<sup>79</sup> *Id.*

<sup>80</sup> See, e.g., SUNRISE MOVEMENT, <https://www.sunrisemovement.org/> [<https://perma.cc/DL7P-37P9>] (last visited Jan. 31, 2025); FUTURE COALITION, <https://futurecoalition.org/> [<https://perma.cc/UA24-AQX8>] (last visited Jan. 31, 2025); FRIDAYS FOR FUTURE, <https://fridaysforfuture.org/> [<https://perma.cc/3WHZ-YGQC>] (last visited Jan. 31, 2025); CALIFORNIA COALITION FOR YOUTH, <https://calyouth.org/> [<https://perma.cc/N6KQ-3H4X>] (last visited Jan. 31, 2025).

<sup>81</sup> See, e.g., YOUTH COMMISSION, CITY AND COUNTY OF SAN FRANCISCO, <https://www.sfgov.org/youthcommission/> [<https://perma.cc/Z6LF-SFR2>] (last visited Apr. 10, 2025); OAKLAND YOUTH COMMISSION, CITY OF OAKLAND, <https://www.oaklandca.gov/Government/Boards-Commissions/Oakland-Youth-Commission> [<https://perma.cc/42NJ-9Q2D>] (last visited Jun. 30, 2025); SAN ANTONIO YOUTH COMMISSION, <https://www.sanantonio.gov/humanservices/about/boardscommission/SAYC> [<https://perma.cc/2RLT-MBVN>] (last visited Apr. 10, 2025); MULTNOMAH YOUTH COMMISSION, <https://www.multco.us/multnomah-youth-commission> [<https://perma.cc/C54C-CNAY>] (last visited Apr. 10, 2025); YOUTH COMMISSION, ST. PAUL, MN, <https://www.stpaul.gov/departments/parks-and-recreation/recreation-centers/parks-recreation-programs/youth-commission> [<https://perma.cc/JJJ2-B4PR>] (last visited Apr. 10, 2025); YOUTH COMMISSION, CITY OF ATTLEBORO, MA, <https://www.cityofattleboro.us/387/Youth-Commission> [<https://perma.cc/K5SP-DG7L>] (last visited Apr. 10, 2025); HONOLULU YOUTH COMMISSION, <https://www8.honolulu.gov/mayor/honolulu-youth-commission/> [<https://perma.cc/9BZV-V23T>] (last visited Apr. 10, 2025); Youth Commission, GREENVILLE SOUTH CAROLINA,

and influence that a youth council may have can vary considerably,<sup>82</sup> but many of them provide a direct path for young people to have a say on issues that affect their lives and communities. Voting offers another pathway for young people's voices to be heard, and there are a variety of initiatives at the local level that seek to lower the voting age (to date, most frequently to age sixteen) in order to give some youth a direct pathway for participation.<sup>83</sup> A third example is the notice-and-comment rulemaking process. Under notice-and-comment rulemaking, the public is given an opportunity to comment on and react to proposed new regulations.<sup>84</sup> Such processes could be reformed to ensure that children are aware of any proposed rule—including by distributing notices through platforms young people use, creating child-friendly version of proposed rules, etc.—and have space where they can make their voices heard before new regulations are adopted.

Beyond specific institutional structures, there are also a wealth of processes that agencies and entities can draw upon to ensure children and youth have a voice. Youth-led Participatory Action Research (YPAR) offers a pathway through which young people can identify the issues that concern them, partner in developing research, and then build on that research to translate it to action.<sup>85</sup> Other potential processes can include story mapping, storyboarding, SMS surveying, focus groups with youth, and more.<sup>86</sup>

Finally, there are also many examples of youth-led organizations that provide a vehicle for young people to engage in direct policy advocacy on issues ranging from school safety to climate change.<sup>87</sup> While these advocacy opportunities are valuable, both for the input youth can provide and for their own development, the VR3 model requires that government agencies also provide

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<https://www.greenvillesc.gov/1247/Youth-Commission> [<https://perma.cc/R6R4-2WG5>] (last visited Apr. 10, 2025).

<sup>82</sup> *Youth Commissions and Councils Promote Leadership and Participation*, INSTITUTE FOR LOCAL GOVERNMENT, <https://www.ca-ilg.org/post/youth-commissions-and-councils-promote-leadership-and-participation-0> [<https://perma.cc/694N-WX5F>] (last visited Nov. 10, 2024); *Youth Engagement and Local Planning: Ideas for Youth Commissions*, INSTITUTE FOR LOCAL GOVERNMENT, [https://www.ca-ilg.org/sites/main/files/file-attachments/ilg\\_briefing\\_paper\\_3\\_final.pdf](https://www.ca-ilg.org/sites/main/files/file-attachments/ilg_briefing_paper_3_final.pdf) [<https://perma.cc/L9U8-RSUG>] (last visited Nov. 10, 2024).

<sup>83</sup> VOTE16USA, *YOUNG VOICES AT THE BALLOT BOX: AMPLIFYING YOUTH ACTIVISM TO LOWER THE VOTING AGE IN 2024 AND BEYOND—A WHITE PAPER FROM GENERATION CITIZEN* 13–17 (2024), <https://www.vote16usa.org/wp-content/uploads/2024/10/Young-Voices-at-the-Ballot-Box.pdf> [<https://perma.cc/NX6S-GXH4>] (reviewing U.S. localities that have lowered the voting age as well as other local and state level efforts to forge similar changes).

<sup>84</sup> ADMINISTRATIVE CONFERENCE OF THE UNITED STATES, *INFORMATION INTERCHANGE BULLETIN* No. 014: NOTICE-AND-COMMENT RULEMAKING (2021), <https://www.acus.gov/sites/default/files/documents/IIB014-Rulemaking.pdf> [<https://perma.cc/BE2X-P2MR>].

<sup>85</sup> AHNA BALLONOFF SULEIMAN ET AL., *LEVERAGING BEST PRACTICES TO DESIGN YOUR YOUTH PARTICIPATORY ACTION RESEARCH (YPAR) PROJECT* 2 (2024), [https://yparhub.berkeley.edu/sites/default/files/updated\\_final\\_ypar\\_design\\_guide\\_.pdf](https://yparhub.berkeley.edu/sites/default/files/updated_final_ypar_design_guide_.pdf) [<https://perma.cc/W4A4-SVD8>].

<sup>86</sup> DOROTHEA KLEINE ET AL., *GLOBAL KIDS ONLINE, PARTICIPATORY METHODS: ENGAGING CHILDREN'S VOICES AND EXPERIENCES IN RESEARCH* (2016), <http://globalkidsonline.net/wp-content/uploads/2016/05/Guide-8-Participatory-methods-Kleine-Pearson-Poveda.pdf> [<https://perma.cc/ENB7-UGWH>]; Lorraine Van Blerk et al., *Creating Stories for Impact: Co-producing Knowledge with Young People Through Story Mapping*, 55 *AREA* 99 (2023).

<sup>87</sup> See, e.g., ALLIANCE FOR YOUTH ACTION, <https://allianceforyouthaction.org/> [<https://perma.cc/6VJL-RJ6V>] (last visited June 26, 2025); YOUTH MOVE NATIONAL, <https://youthmovenational.org/> [<https://perma.cc/8DLW-F4HZ>] (last visited June 26, 2025).

pathways for direct input from children and youth, rather than relying solely on hearing from young people through non-governmental organizations.<sup>88</sup>

When assessing current or proposed structures and processes for securing children's participation, the framework of the Lundy Model can provide a lens for evaluating and understanding the extent to which a contemplated action actually ensures children's genuine participation. Equally important is to be aware that what might work for some children might not work for others.<sup>89</sup> Consistent with children's rights principles, the government must ensure opportunities for meaningful participation for all children, so agencies may need to draw on a variety of strategies to successfully realize the Voice component of the VR3 Model.

## B. Representation

### 1. Theoretical Concept

Representation is a critical component of ensuring that children's interests are served, in large part because children themselves have limited power and voice in policy-making arenas.<sup>90</sup> Children possess no voting rights, have limited economic power to ensure they are heard by politicians, and face other constraints on their capacity to mobilize and be heard.<sup>91</sup> It is critical that governments create specialized offices or appoint individuals tasked with ensuring that children's rights and wellbeing are a priority. The need for representation is often recognized at an individual level—for example, a guardian ad litem is often appointed in specific cases to ensure that children's interests are acknowledged and served.<sup>92</sup> However, children's interests must also be given priority in decision-making at the community, regional, and national levels. Indeed, children's rights law—specifically, Article 3 of the CRC—expressly mandates that children's best interests must be “a primary consideration” in “all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies.”<sup>93</sup>

While children's own views are essential, as the prior section emphasizes, having a representative for children is important not only because children

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<sup>88</sup> I recognize that some youth may choose not to participate in government spaces, but that does not negate the importance of making those spaces available. By analogy, governments must still take steps to secure every individual's freedom of speech rights, even if some will choose to exercise that right by not speaking out.

<sup>89</sup> See Cuevas-Parra, *supra* note 74, at 370–73.

<sup>90</sup> Todres, Choi, & Wright, *supra* note 13, at 425 (“[T]he legal and regulatory frameworks governing children's civic engagement leave young people with no direct means of participation and only limited circumstances in which they can voice concerns, protest policies or decisions, or influence outcomes”).

<sup>91</sup> *Id.*

<sup>92</sup> See, e.g., GEORGIA OFFICE OF THE CHILD ADVOCATE, GUARDIAN AD LITEM (JUVENILE COURT DEPENDENCY PROCEEDINGS), <https://oca.georgia.gov/training/guardian-ad-litem-juvenile-court-dependency-proceedings> [https://perma.cc/A4WK-NZA9] (last visited June 4, 2024).

<sup>93</sup> See CRC, *supra* note 2, art. 3.

have limited access to the corridors of power but also because of the developmental nature of childhood. In some instances, especially in the context of young children, children may not have the requisite experience to make important decisions on their own. Indeed, children themselves have reported that, while they often want to be able to provide input, they do not necessarily want the burden of the final decision.<sup>94</sup> Children's rights law recognizes that some decisions need to be made by adults with the child's best interests in mind.<sup>95</sup> As Meredith Johnson Harbach explains, writing on early childhood: "By definition, the right to have one's best interests assessed by others in a variety of contexts is a right that children cannot exercise themselves. Instead, this right must be respected and carried out by adults: parents, guardians, private and public institutions, courts, administrative bodies, and legislative bodies."<sup>96</sup>

Finally, important policy and programmatic decisions are made every day while children are busy with their primary jobs of attending school and developing to their full potential. It is thus critical that someone is on watch, ensuring that children's interests are considered and given priority in decisions made at the local, state, and national level.

## 2. In Practice

There are numerous examples of representatives for children, including ombudspersons, children's commissioners, youth commissioners, children's cabinets, and other individual posts and entities whose mandate is to represent and serve the interests of children and youth. The Child Rights International Network has identified human rights institutions specifically for children in more than eighty countries.<sup>97</sup> Within the United States, a number of states have designated offices,<sup>98</sup> though there is no federal equivalent.<sup>99</sup> For example,

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<sup>94</sup> Tamar Morag et al., *Child Participation in the Family Courts—Lessons from the Israeli Pilot Project*, 26 INT'L J. LAW, POL'Y, & FAM. 1, 4 (2012) ("[S]tudies indicate that children whose parents are going through a divorce are usually interested in expressing their positions and their feelings regarding decisions that affect their lives, although in most cases they do not wish to be the ones making the decision.")

<sup>95</sup> CRC, *supra* note 2, art. 3 (best interests); see also *id.* art. 12 (stating that "due weight" must be given to children's views, not that they get to decide).

<sup>96</sup> Meredith Johnson Harbach, *Children's Rights Law in Early Childhood*, in CHILDREN'S RIGHTS AND CHILDREN'S DEVELOPMENT: AN INTEGRATED APPROACH (Jonathan Todres & Ursula Kilkelly eds., 2025).

<sup>97</sup> CHILD RIGHTS INTERNATIONAL NETWORK, GLOBAL LIST OF NATIONAL HUMAN RIGHTS INSTITUTIONS SPECIFICALLY FOR CHILDREN (2017), <https://archive.crin.org/en/library/publications/global-list-national-human-rights-institutions-specifically-children.html> [<https://perma.cc/APG6-WNZZ>].

<sup>98</sup> NAT'L CONF. OF STATE LEGISLATURES, CHILDREN'S OMBUDSMAN OFFICES: OFFICE OF THE CHILD ADVOCATE, <https://www.ncsl.org/human-services/childrens-ombudsman-offices-office-of-the-child-advocate> [<https://perma.cc/C3TM-L3M6>] (last updated Jan. 8, 2025); Lauren D'Ambra, *Appendix E: Survey of Ombudsman Offices for Children in the United States*, presented at the ABA 8th National Conference on Children and the Law, June 5, 1996. (1996), <https://ojdp.ojp.gov/sites/g/files/xyckuh176/files/pubs/walls/appen-e.html> [<https://perma.cc/RUA5-AVV3>].

<sup>99</sup> In late 2024, a bill was introduced in Congress that would have established a Children's Commission at the federal level, but it did not pass. Child Safety and Well-Being Act of 2024, H.R. 9875, 118th Cong. (2024) (the bill would need to be reintroduced in the new Congress).

Connecticut has an Office of the Child Advocate that “reviews state agency policies and procedures to ensure they protect children’s rights and promote their best interest” and is tasked with other duties to advance children’s wellbeing.<sup>100</sup>

Representatives can perform a variety of functions to support children, depending on their mandate. They can conduct investigations into situations that adversely affect children (either initiated on their own or by complaints filed by individuals). For example, the Ombudsperson for Children in Norway conducted an investigation into the use of force on children in residential care facilities and foster homes, leading to important recommendations to address the problem.<sup>101</sup> Ombudspersons and other representatives can also recommend and advocate for law and policy changes that can provide better protections for the rights and wellbeing of children. For example, in its 2022 report to parliament, the Ombudsperson for Children in Finland made several proposals, including recommending significant changes to the Child Welfare Act.<sup>102</sup> Ombudspersons can monitor existing policies and programs that affect children and track budgets and government spending on programs for children.<sup>103</sup> They also play an important public education role, organizing “campaigns to inform children, families, and the general public about children’s rights and how to uphold them.”<sup>104</sup> They provide expert policy advice, representing children’s interests, and are also often tasked with annual reporting functions that can inform government decision-making.<sup>105</sup> Children’s commissioners often consult directly with children, and in this regard can serve a critical role in providing pathways and support through which children can voice their views on issues affecting their lives.<sup>106</sup> Beyond the above, children’s commissioners and other similar representatives can take on a breadth of other functions including “represent[ing] the rights and interests of children and young people in the public debate,” public education, and more.<sup>107</sup>

<sup>100</sup> OFFICE OF THE CHILD ADVOCATE, *About Us: Programs and Services*, CONNECTICUT OFFICE OF GOVERNMENTAL ACCOUNTABILITY, <https://portal.ct.gov/oca/common-elements/common-elements/about-us> [<https://perma.cc/E5YF-5FW3>] (last visited Mar. 20, 2025).

<sup>101</sup> OMBUDSPERSON FOR CHILDREN IN NORWAY, *THE USE OF FORCE AGAINST CHILDREN IN RESIDENTIAL CHILD CARE AND MENTAL HEALTH CARE* (2015).

<sup>102</sup> OMBUDSMAN FOR CHILDREN OF FINLAND, *REPORT TO PARLIAMENT BY THE OMBUDSMAN FOR CHILDREN 2022*, at 14 (2022).

<sup>103</sup> *Ombudsman for Children Highlights Key Budgetary Changes That Would Transform Children’s Services and Supports in Ireland*, OMBUDSMAN FOR CHILDREN (Sept. 18, 2024), <https://www.oco.ie/news/ombudsman-for-children-highlights-key-budgetary-changes-that-would-transform-childrens-services-and-supports-in-ireland/> [<https://perma.cc/7N4B-BGS2>]; Talia Martinez, *Children’s Ombudsman: What They Are and How Children and Families Can Access Their Services*, AMERICAN BAR ASSOCIATION (Oct. 1, 2024), [https://www.americanbar.org/groups/dispute\\_resolution/resources/just-resolutions/2024-september/childrens-ombudsman-what-they-are-and-how-to-access-services/](https://www.americanbar.org/groups/dispute_resolution/resources/just-resolutions/2024-september/childrens-ombudsman-what-they-are-and-how-to-access-services/) [<https://perma.cc/J4B5-5X7R>].

<sup>104</sup> Martinez, *supra* note 103.

<sup>105</sup> *Id.*

<sup>106</sup> See, e.g., *Thousands of Children Gather at Commissioner’s Climate Rights Assembly* CHILDREN AND YOUNG PEOPLE’S COMMISSIONER OF SCOTLAND (Nov 21, 2024), <https://www.cypcs.org.uk/news-and-stories/thousands-of-children-gather-at-commissioners-climate-rights-assembly/> [<https://perma.cc/6GK9-CVB6>].

<sup>107</sup> The Ombudsman for Children Act, § 3, Swedish Code of Statutes no: 1993:335 (1993), amended up to and including Swedish Code of Statutes 2017:1245.

While the form and functions of children's commissioners can vary, there are a number of critical elements to ensuring a children's commissioner can fulfill the Representative component of the VR3 Model. The Paris Principles—"Principles Relating to the Status of National Human Rights Institutions"<sup>108</sup>—offer guidance on the necessary elements for human rights institutions that can help ensure a children's commissioner's office realizes its potential. First, a children's commissioner's office must be established and protected by legislation. It must be granted independence, and that independence must be protected by law so that it can freely critique government policies that fall short of helping, or even cause harm to, children. It needs to be pluralistic so that it genuinely represents all children. It must have a broad mandate to address all children's rights. It must have authority to engage in the array of activities detailed above, so that, for example, it can investigate potential rights violations, collect relevant evidence, and issue findings. Finally, and importantly, it must have adequate resources—funding, staffing, and other aspects of institutional capacity—and such resources must be protected by law, rather than subject to the whim of politicized decision-making.<sup>109</sup>

### C. Resources

#### 1. Theoretical Concept

Ensuring rights requires resources.<sup>110</sup> While all rights are recognized as "indivisible, interdependent, interrelated and of equal importance,"<sup>111</sup> as a practical matter not all rights have been treated equally. With respect to resources, human rights law has long distinguished between civil and political rights on the one hand, and economic, social, and cultural rights on the other, holding that the former impose immediate and full obligations on states—upon ratification of a human rights treaty—while the latter are subject to progressive realization based on a country's available resources.<sup>112</sup> This differential treatment is rooted in the belief that civil and political rights primarily impose negative obligations (i.e., require states to refrain from certain acts that would infringe on individual rights), while economic, social and cultural rights impose positive obligations (i.e., require affirmative steps by

<sup>108</sup> G.A. Res. 48/134 (Dec. 20, 1993).

<sup>109</sup> *Paris Principles*, GLOBAL ALLIANCE OF NAT'L HUMAN RIGHTS INSTITUTIONS, <https://ganhri.org/paris-principles/> [<https://perma.cc/F4QV-T82R>] (last visited Mar. 20, 2025).

<sup>110</sup> Cass R. Sunstein, *Why Does the American Constitution Lack Social and Economic Guarantees?*, 56 SYRACUSE L. REV. 1, 7 (2005) ("All constitutional rights have budgetary implications; all constitutional rights cost money. . . . It follows that insofar as they are costly, social and economic rights are not unique.").

<sup>111</sup> Int'l Comm'n of Jurists, et al., *Maastricht Guidelines on Violations of Economic, Social and Cultural Rights*, ¶ 4, Jan. 22–26, 1997 (United Nations 1997) ("It is now undisputed that all human rights are indivisible, interdependent, interrelated and of equal importance for human dignity."); World Conference on Human Rights, June 14–25, 1993, *Vienna Declaration and Programme of Action*, ¶ 5, U.N. Doc. A/CONF.157/24 (Oct. 13, 1993) ("All human rights are universal, indivisible and interdependent and interrelated.").

<sup>112</sup> See, e.g., CRC, *supra* note 2, art. 4.



the state), and therefore it is the latter that requires significant resources.<sup>113</sup> However, this split, which is reflected in human rights law,<sup>114</sup> is somewhat of a false dichotomy.<sup>115</sup> All rights require some level of resources.<sup>116</sup> The right to education certainly requires resources to build and maintain schools, hire and train teachers, and more, but so too does the right to vote require that states expend resources on establishing and maintaining election infrastructure. Also, a youth justice system, which is largely understood as implicating civil rights, requires resources to ensure children's procedural and substantive rights are secured. In short, the reality is that children's rights and children's healthy development require resources.

Despite children's needs and the breadth of evidence indicating how essential children's healthy development is to creating a foundation for life,<sup>117</sup> children are often relegated to the margins, and children's programs are often under-funded.<sup>118</sup> For example, in fiscal year 2023, "U.S. spending on children, both here and abroad, account[ed] for just 9.89% of the federal budget, a decrease of nearly 16% in real spending from FY 2022,"<sup>119</sup> even though children make up more than twenty percent of the U.S. population.<sup>120</sup> Federal spending on children shrunk even further as a percentage of the overall budget in

<sup>113</sup> Louis Henkin, *A Bill of Rights—and-A-Half*, 32 TEX. INT'L L.J. 483, 487 (1997); Brian Ray, *Policentrism, Political Mobilization, and the Promise of Socioeconomic Rights*, 45 STAN. J. INT'L L. 151, 151–52 (2009) (describing the debate over the traditional construction of rights which held that "socioeconomic rights are uniquely 'positive' in that they require expenditures of state resources in contrast to civil and political rights, which are 'negative' in that they involve only limiting government intrusion into the private sphere.").

<sup>114</sup> See, e.g., CRC, *supra* note 2, art. 4. Compare G.A. Res. 2200A (XXI), International Covenant on Civil and Political Rights (Dec. 16, 1966) (Article 2(1) mandates that states "undertake[] to respect and to ensure to all individuals within its territory and subject to its jurisdiction the rights recognized in the present Covenant"), with G.A. Res. 2200A (XXI), International Covenant on Economic, Social, and Cultural Rights (Dec. 16, 1966) (Article 2(1) mandates that states "undertake[] to take steps, individually and through international assistance and co-operation, especially economic and technical, to the maximum of its available resources, with a view to achieving progressively the full realization of the rights recognized in the present Covenant by all appropriate means....").

<sup>115</sup> See Judy Fudge, *The New Discourse of Labor Rights: From Social to Fundamental Rights?*, 29 COMP. LAB. L. & POL'Y J. 29, 50–51 (2007) ("The argument that civil and political rights do not require the expenditure of resources, whereas social rights do, is only tenable in situations in which the focus of social rights is on the obligation to fulfill, and civil and political rights are observed on the primary level of the duty to respect. However . . . some civil rights require state obligations at all three levels, and most economic and social rights can be safeguarded by non-interference and the duty to protect."); Joy Gordon, *The Concept of Human Rights: The History and Meaning of Its Politicization*, 23 BROOK. J. INT'L L. 689, 712 (1998) ("Civil and political rights are neither self-generating nor free of costs; they need legislation, promotion and protection and this requires resources.") (footnote omitted).

<sup>116</sup> Sunstein, *supra* note 110, at 7 ("All constitutional rights have budgetary implications; all constitutional rights cost money.... It follows that insofar as they are costly, social and economic rights are not unique.").

<sup>117</sup> JONATHAN TODRES & URSULA KILKELLY EDS., *CHILDREN'S RIGHTS AND CHILDREN'S DEVELOPMENT: AN INTEGRATED APPROACH* (2025).

<sup>118</sup> FIRST FOCUS ON CHILDREN 2023, *supra* note 4.

<sup>119</sup> *Id.*

<sup>120</sup> STELLA U. OGUNWOLE ET AL., U.S. CENSUS BUREAU, *POPULATION UNDER AGE 18 DECLINED LAST DECADE* (2021), <https://www.census.gov/library/stories/2021/08/united-states-adult-population-grew-faster-than-nations-total-population-from-2010-to-2020.html> [<https://perma.cc/S34R-H6SL>] (explaining that in 2020, approximately twenty-two percent of the U.S. population was under eighteen years of age).

2024.<sup>121</sup> Of course, the lack of voice and representation leaves children's interests often overlooked. However, it is critical to ensure that adequate resources are allocated to facilitate the implementation and enforcement of all rights children possess to holistically support their healthy and full development.

## 2. *In Practice*

Although children are often overlooked when it comes to allocating resources,<sup>122</sup> there are a variety of tools and processes that can be employed to help ensure appropriate levels of funding for children's programs. This article highlights two illustrative examples: children's budgets and child rights impact assessments.

Children's budgets are "the funds that the state allocates for expenses related to children and their families."<sup>123</sup> Children's budgets offer insight into how much of a government's budget goes to supporting children's programs, what types of programs are funded, and where there are gaps. A children's budget can also shed light on how much of a priority children's programs are compared to programs for adults. For example, the children's budget produced by First Focus on Children, a bipartisan organization that advocates for children and families, helps reveal that in 2023 under ten percent of the U.S. federal budget went to children's programs, with certain tax provisions accounting for about one-third of federal spending on children.<sup>124</sup>

As to the resources that are directed to programs for children, a children's budget can show how government resources are allocated across different programs. For example, First Focus on Children's children's budget assesses spending in the areas of early childhood, education, environmental health, health, housing, income support, justice and child protection, nutrition, and youth training.<sup>125</sup> Through more granular analysis, children's budgets can show which programs are prioritized by the government and, conversely, which ones receive lower priority.<sup>126</sup> Budget analysis can help identify where

<sup>121</sup> FIRST FOCUS ON CHILDREN 2024, *supra* note 4.

<sup>122</sup> See, e.g., OMAR ARIAS & IGOR KHEYFETS, THE WORLD BANK, THE ADEQUACY OF PUBLIC EXPENDITURE ON EDUCATION AND THE NEEDS POST-COVID-19 (2023), <https://thedocs.worldbank.org/en/doc/9b9ecb979e36e80ed50b1f110565f06b-0200022023/original/Adequacy-Paper-Final.pdf> [<https://perma.cc/8NSY-YQ8H>]; FIRST FOCUS ON CHILDREN 2024, *supra* note 4 ("[T]he share of U.S. federal spending on children fell to 8.87% in Fiscal Year 2024, representing the third straight year of decline.").

<sup>123</sup> *Children's Budgets and What They Impact*, JOINT SDG FUND (June 26, 2023), <https://www.jointsdgfund.org/article/childrens-budgets-and-what-they-impact> [<https://perma.cc/SU2Q-C9YA>].

<sup>124</sup> *How Much Government Spending Goes to Children?*, PETER G. PETERSON FOUNDATION (Nov. 26, 2024), <https://www.pgpf.org/blog/2023/12/how-much-government-spending-goes-to-children> [<https://perma.cc/64EL-DEXA>] (finding that under ten percent of the U.S. federal budget went to children's programs in 2023); see also FIRST FOCUS ON CHILDREN 2024, *supra* note 4 (noting that the percentage of the federal budget spent on children's programs dropped further in 2024).

<sup>125</sup> FIRST FOCUS ON CHILDREN 2024, *supra* note 4.

<sup>126</sup> FUNDAR—CENTRO DE ANÁLISIS E INVESTIGACIÓN, INTERNATIONAL BUDGET PROJECT, & INTERNATIONAL HUMAN RIGHTS INTERNSHIP PROGRAM, DIGNITY COUNTS: A GUIDE TO USING BUDGET ANALYSIS TO ADVANCE HUMAN RIGHTS 30 (2004).

governments have failed to spend allocated funds and can also help identify discrimination in the provision of services.<sup>127</sup> Budget analysis can also indicate trends in spending over time.<sup>128</sup> While children's budgets can provide vital information on what is being spent and on which programs, budget analysis does not answer the question of what *should* be spent.<sup>129</sup> Answering that requires analysis of the needs of different populations of children as well as articulation of clear goals with respect to securing the rights and wellbeing of all children. However, children's budgets can provide an opportunity for children's commissioners or other representatives, as well as other child advocates, to identify gaps in funding to support children's development and to press for greater resources for specific programs to address children's needs, as well as to advocate for greater spending on children's programs generally.

Second, child rights impact assessments (CRIA) require that governments assess the potential impact of any law, policy, or program on children prior to its adoption. Specifically, a CRIA "examines the potential impacts on children and young people of laws, policies, budget decisions, program[s] and services as they are being developed and, if necessary, suggests ways to avoid or mitigate any negative impacts. This is done *prior* to the decision or action being set in place."<sup>130</sup> Importantly, as the EU-UNICEF Child Rights Toolkit explains, "[t]here is no such thing as a child-neutral policy. Whether intended or not, every policy positively or negatively affects the lives of children."<sup>131</sup> Therefore, the starting point must be that any proposed law, policy, programmatic, or budget decision will have an impact on children (and their families), and the focus must be on identifying what that impact is, taking steps to ensure positive effects, and mitigating any potential negative consequences. A number of countries have adopted legislation requiring child rights impact assessments, including Austria, Belgium, Finland, Italy, Sweden and the United Kingdom.<sup>132</sup>

Mandating a child rights impact assessment—at the federal, state, or local level—is important to ensuring that children's rights and interests are considered before new policies and programs are adopted and resources are allocated. Conducting a child rights impact assessment would enable a government to fine-tune its policies, mitigate or eliminate potential harms, provide adequate resources for children's programs, and secure better outcomes for all children. Furthermore, as discussed above, better outcomes for children frequently will likely mean better outcomes for families and communities.

<sup>127</sup> *Id.* at 37.

<sup>128</sup> *Id.* at 30.

<sup>129</sup> *Id.* at 36.

<sup>130</sup> *Child Rights Impact Assessment*, EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN (2020), <https://enoc.eu/what-we-do/annual-advocacy-areas/child-rights-impact-assessment/> [<https://perma.cc/HV77-8PSB>] (emphasis in original).

<sup>131</sup> EUROPEAN COMMISSION & UNICEF, EU-UNICEF CHILD RIGHTS TOOLKIT: INTEGRATING CHILD RIGHTS IN DEVELOPMENT COOPERATION, MODULE 5: CHILD IMPACT ASSESSMENTS, para.1.1. (2014), <https://www.unicef.org/bih/media/726/file/EU-UNICEF%20Child%20Rights%20Toolkit%20.pdf> [<https://perma.cc/3TTH-UK69>].

<sup>132</sup> *Child Rights Impact Assessment*, EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS (2014), <https://fra.europa.eu/en/content/child-rights-impact-assessment> [<https://perma.cc/ZD8W-E7SV>].

The Committee on the Rights of the Child has affirmed that child rights impact assessments “need[] to be built into Government processes at all levels and as early as possible in the development of policy and other general measures in order to ensure good governance for children’s rights.”<sup>133</sup> Arguably, this could be extended to private sector entities whose policies and actions can have significant impacts on children and the environments they grow up in. They could conduct their own impact assessment, in conjunction with children’s rights experts and other relevant professionals, to ensure their actions do not adversely affect children.

Although any discussion of resources often centers around financial resources, it is important to note that the Resources component of the VR3 model implicates more than money. Human resources and informational resources, as well as other assets that children and youth themselves view as resources (e.g., community identity, belonging, capabilities, and more), should be part of and accounted for in all discussions about resources.

#### D. Remedies

##### 1. Theoretical Concept

It has long been held that every right must have a remedy.<sup>134</sup> Without a remedy, “rights can be reduced to mere lines on paper.”<sup>135</sup> Ensuring clear pathways for drawing attention to rights violations and pursuing remedies is critical to the overall mission of children’s rights, and human rights more generally. The U.N. Human Rights Committee has explained that every individual should have “accessible and effective remedies to vindicate th[eir] rights,”<sup>136</sup> while the U.N. High Commissioner for Human Rights affirms that “[a]ccess to justice is a fundamental right in itself and an essential prerequisite for the protection and promotion of all other human rights.”<sup>137</sup> Child rights

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<sup>133</sup> U.N. Committee on the Rights of the Child, *General Comment No. 14: on the Right of the Child to Have His or Her Best Interests Taken as a Primary Consideration* (art. 3, para. 1), U.N. Doc. CRC/C/GC/14, ¶ 99 (May 29, 2013); see also U.N. Comm. on the Rights of the Child, *General Comment No. 5: General Measures of Implementation of the Convention on the Rights of the Child* (arts. 4, 42 and 44, para. 6), U.N. Doc. CRC/GC/2003/5, ¶ 45 (Nov. 27 2003); EUROPEAN UNION AGENCY FOR FUNDAMENTAL RIGHTS, *supra* note 132 (“Child impact assessment needs to be built into government at all levels and as early as possible in the development of policies and laws.”).

<sup>134</sup> See, e.g., *Marbury v. Madison*, 5 U.S. 137, 147 (1803) (citing 3 William Blackstone, *Commentaries* \*109) (Chief Justice Marshall writing, “[i]t is a settled and invariable principle, that every right, when withheld, must have a remedy.”).

<sup>135</sup> Pamela S. Karlan, *What’s a Right Without a Remedy?*, BOSTON REV. (Mar. 1, 2012), <https://www.bostonreview.net/articles/pamela-karlan-supreme-court-rights-legal-remedies/> [<https://perma.cc/RE9F-268G>].

<sup>136</sup> U.N. Human Rights Committee, *General Comment No. 31, Nature of the General Legal Obligation on States Parties to the Covenant*, U.N. Doc. CCPR/C/21/Rev.1/Add. 13, ¶ 15 (May 26, 2004).

<sup>137</sup> U.N. Human Rights Council, *Access to Justice for Children: Report of the United Nations High Commissioner for Human Rights*, U.N. Doc. A/HRC/25/35, ¶ 3 (Dec. 16, 2013).

scholar Ton Liefwaard highlights the importance of both the “legal empowerment of children” and the “availability of child-friendly or child-sensitive proceedings.”<sup>138</sup>

When it comes to remedies, there is broad agreement that “[r]emedies should be accessible, affordable, adequate and timely, and rights holders seeking them should not fear victimization.”<sup>139</sup> Accessibility includes ensuring that processes are transparent and widely-known and that legal and other assistance is available to children as needed.<sup>140</sup> Affordable means ensuring that remedies are accessible to all individuals without regard to financial means.<sup>141</sup> Adequate remedies address the full implications of the rights violation, while timely means that children must receive relief from rights violations without delay.<sup>142</sup> Timeliness may necessitate provisional measures to stop violations from occurring further.<sup>143</sup> Finally, children must be able to pursue remedies without fear of retribution for calling attention to any rights violations.

To build and sustain pathways for remedies requires the following components at a minimum: processes for identification of violations, including both individual reporting and more systematic evaluations (both built-in and ad hoc evaluations); pathways and spaces or institutions where individuals can seek a remedy; and enforcement mechanisms for any remedies ordered. For all of these components, it is essential that remedies be accessible to *all* children, without discrimination of any kind.<sup>144</sup>

## 2. In Practice

As noted in the prior section, several steps and processes are needed to ensure effective remedies are available in the children’s rights context: children and their representatives need vehicles for identifying and reporting violations of children’s rights; there must be built-in regular evaluation processes to alleviate the burden of reporting on children who have suffered trauma from violations of their rights; states must establish and maintain accessible judicial and non-judicial institutions where children can pursue a remedy; and there must be mechanisms to enforce remedies that a court or other body might order.

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<sup>138</sup> Ton Liefwaard, *Access to Justice for Children: Towards a Specific Research and Implementation Agenda*, 27 INT’L J. CHILD.’S RTS. 195, 198 (2019).

<sup>139</sup> Press Release, General Assembly, *Preventive Measures, Accessible Remedies Required to Address Myriad Human Rights Violations, Experts Tell Third Committee During Interactive Dialogues*, U.N. Press Release, GA/SHC/4206 (Oct. 17, 2017).

<sup>140</sup> SCOTTISH HUMAN RIGHTS COMMISSION, ADEQUATE AND EFFECTIVE REMEDIES FOR ECONOMIC, SOCIAL AND CULTURAL RIGHTS 6 (Dec. 2020), <https://www.scottishhumanrights.com/media/2163/remedies-for-economic-social-and-cultural-rights.pdf> [https://perma.cc/JBP7-8NR6].

<sup>141</sup> *Id.* at 7.

<sup>142</sup> *Id.*

<sup>143</sup> *Id.*

<sup>144</sup> See CRC, *supra* note 2, art. 2 (nondiscrimination principle).

*a. Identification of Rights Violations – Individual and System-Based*

In terms of identifying rights violations (or risks of violations, to move upstream and be able to prevent them from occurring), ideally a government should establish procedures to regularly evaluate laws, policies, and programs for their impact on children. This would take significant pressure off of individual children having to report violations under trying circumstances. Ombudspersons or children's commissioners can play a key role here. By regularly evaluating its policies and programs, a government has a better chance of prevention or early intervention, which can further minimize harm to children. At a national, state, or local level, Child Rights Impact Evaluations can be built in to “provide[] an opportunity to consider the intended or unintended effects th[at] legislative changes, policies, budgetary allocations, and other administrative decisions have had on children and young people.”<sup>145</sup>

At the international level, mandatory reporting to a treaty body such as the U.N. Committee on the Rights of the Child effectively builds in an ongoing monitoring and evaluation process for the implementation of children's rights.<sup>146</sup> However, as states parties are required to report to the Committee on the Rights of the Child only once every five years (and the reporting process is sometimes delayed),<sup>147</sup> it is critical that evaluations be conducted at a national, state, and local level on a more frequent basis. This is particularly critical in the U.S. context, given its status as the only country that has not ratified the CRC.

In addition to regular systematic evaluations, governments need to create and maintain other mechanisms for children and their families to report violations. This can come in the form of hotlines; individual complaints submitted to a children's commissioner; and other national, state, or local reporting processes; so long as they allow children and others to safely report rights violations and to identify harms where a remedy is needed, without fear of reprisals.

*b. Institutions that Provide Remedies – Judicial and Non-Judicial*

Next, states must establish and maintain accessible institutions where remedies can be pursued. Courts offer the most recognizable space, and litigation is often viewed as the primary vehicle for obtaining remedies for rights violations. Seminal U.S. cases such as *Brown v. Board of Education*, *In re Gault*,

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<sup>145</sup> EUROPEAN NETWORK OF OMBUDSPERSONS FOR CHILDREN, POSITION STATEMENT ON “CHILD RIGHTS IMPACT ASSESSMENT (CRIA)” (2020), <https://enoc.eu/wp-content/uploads/2020/11/ENOC-2020-Position-Statement-on-CRIA-FV-1.pdf> [<https://perma.cc/Q59G-GXSD>].

<sup>146</sup> The U.S. ratified the first two optional protocols to the CRC—on the sale of children, child prostitution, and child pornography, and on the involvement of children in armed conflict, respectively—and thus reports to the Committee on the Rights of the Child on these issues, however as the only country yet to ratify the CRC, it does not report on the full range of children's rights.

<sup>147</sup> Charlotte S. Alexander & Jonathan Todres, *Evaluating the Implementation of Human Rights Law: A Data Analytics Research Agenda*, 43 U. PA. J. INT'L L. 1, 26 (2021).



and *Roper v. Simmons*, are celebrated as forging leaps forward in the struggle for human rights and justice for all children.<sup>148</sup> More recently, youth have been at the center of lawsuits that aim to secure action to address climate change.<sup>149</sup> While civil litigation is a powerful tool, the courts are not the sole venue where one can pursue a remedy. Agencies can provide regulatory processes, administrative hearings, and other procedures and processes for seeking remedies for children's rights violations. For example, the Individuals with Disabilities Education Act (IDEA) establishes administrative processes through which children with disabilities can receive an individualized education program that helps secure their right to a quality education.<sup>150</sup>

It is important to note that the mere existence of courts does not necessarily mean remedies are accessible to *children*. Children confront a host of barriers to remedies through the courts, including financial barriers, language barriers, the lack of child-friendly mechanisms, insensitive procedures that may intimidate children and discourage them from pursuing a remedy, and more.<sup>151</sup> Children from marginalized communities—e.g., minoritized children, children with disabilities, etc.—may encounter additional barriers. States must ensure that courts, administrative agencies, and other institutions empowered to provide remedies are structured in a way that is genuinely accessible to all children.

If national courts and other administrative processes are not adequate, and domestic remedies have been exhausted, then international tribunals can offer a further option for children in countries that have accepted the jurisdiction of international tribunals and treaty bodies.<sup>152</sup> Specific to children's rights, in 2011, the U.N. General Assembly adopted a third optional protocol to the CRC on a communications procedure that provides an avenue for children and their representatives to pursue remedies for children's rights violations.<sup>153</sup> One unique aspect of the Optional Protocol to the CRC on a Communications Procedure is that it allows children to submit claims themselves,<sup>154</sup> which stands in contrast to the practice of many countries, including the United States, where there are significant barriers to children being able to file a complaint.<sup>155</sup> To date, ratifications of this third Optional Protocol have lagged, so a critical first step in the context of children's rights remedies at the

<sup>148</sup> *Brown v. Bd. of Educ. of Topeka*, 347 U.S. 483 (1954); *In re Gault*, 387 U.S. 1 (1967); *Roper v. Simmons*, 543 U.S. 551 (2005).

<sup>149</sup> See, e.g., *Held v. State of Montana*, 560 P.3d 1235 (Mont. 2023); *Juliana v. United States*, 947 F.3d 1159 (9th Cir. 2020); see generally *Climate Change Litigation Database*, COLUMBIA CENTER FOR CLIMATE CHANGE LAW, <https://climatecasechart.com/> [<https://perma.cc/6VPH-GG8S>] (last visited Feb. 1, 2025).

<sup>150</sup> 34 C.F.R. §§300.320–24 (2024).

<sup>151</sup> Liefwaard, *supra* note 138, at 203–04.

<sup>152</sup> *Sacchi, et al. v. Argentina*, et al., No. CRC/C/88/D/104/2019 (Oct. 8, 2021), available at <https://climatecasechart.com/non-us-case/sacchi-et-al-v-argentina-et-al/> [<https://perma.cc/YMU3-H3Q2>] (last visited Feb. 1, 2025).

<sup>153</sup> Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, G.A. Res. 66/138 (Dec. 19, 2011) (only states that have ratified this third optional protocol to the CRC have granted the Committee the authority to hear cases against them).

<sup>154</sup> *Id.* at art. 5.

<sup>155</sup> See Lisa Martin, *Securing Access to Justice for Children*, 57 HARV. CIV. RTS-CIV. LIB. L. REV. 615, 629–41 (2022).

international level is for countries to ratify the third Optional Protocol.<sup>156</sup> But even without ratification of the third Optional Protocol, progress can still be made; governments—at both the national and local levels—can draw on the Optional Protocol model to develop domestic pathways for children to pursue remedies to violations of their rights.

### c. Enforcement Mechanisms

Finally, remedies are only valuable if they come to fruition. While *Brown v. Board of Education of Topeka*<sup>157</sup> was a landmark case for children's education rights, decades later many children were still attending largely segregated schools.<sup>158</sup> So, governments need to ensure appropriate enforcement tools and mechanisms are in place to make sure that children who have been granted a remedy actually realize it. In the context of gross violations of human rights, the U.N. General Assembly has described this as including: "(a) equal and effective access to justice; (b) adequate, effective and prompt reparation for harm suffered; and (c) access to relevant information concerning violations and reparation mechanisms."<sup>159</sup> Too often, enforcement mechanisms for ensuring remedies are inadequate and survivors of rights violations wait years for justice.<sup>160</sup> As Ton Liefwaard writes, "[a]ccess to justice has been defined as 'the ability to obtain a *just and timely remedy* for violations of rights as put forth in national and international norms and standards, including the [CRC]' . . . Without access to justice for children, children's rights would merely be symbolic."<sup>161</sup> States must invest in strengthening enforcement mechanisms to ensure that remedies are meaningful for all children who experience violations of their rights.

<sup>156</sup> Status of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure, U.N. TREATY COLLECTION, [https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg\\_no=IV-11-d&chapter=4&clang=en](https://treaties.un.org/Pages/ViewDetails.aspx?src=TREATY&mtdsg_no=IV-11-d&chapter=4&clang=en) [https://perma.cc/T2A4-C4JC] (last visited June 30, 2025).

<sup>157</sup> 347 U.S. 483 (1954).

<sup>158</sup> See Erica Frankenberg, *70 years after Brown vs. Board of Education, public schools still deeply segregated*, THE CONVERSATION (Jan. 5, 2024), <https://theconversation.com/70-years-after-brown-vs-board-of-education-public-schools-still-deeply-segregated-219654> [https://perma.cc/L558-8J7T] ("Public school students today are the most racially diverse in U.S. history. And yet, public schools are deeply segregated.").

<sup>159</sup> U.N. General Assembly, Basic Principles and Guidelines on the Right to a Remedy and Reparation for Victims of Gross Violations of International Human Rights Law and Serious Violations of International Humanitarian Law, Resolution adopted by the General Assembly on 16 Dec 2005, U.N. Doc. A/RES/60/147, ¶ 11 (Mar. 21, 2006).

<sup>160</sup> See Frankenberg, *supra* note 158 (discussing how children in the U.S. attended segregated schools long after the Supreme Court declared them unconstitutional in *Brown v. Board of Education*). See generally Human Rights Watch, *Children's Rights to Access to Justice and Effective Remedies: Submission to the United Nations Committee on the Rights of the Child Regarding General Comment No. 27 on Children's Rights to Access to Justice and Effective Remedies* (Aug 23, 2024), <https://www.hrw.org/news/2024/08/23/childrens-rights-access-justice-and-effective-remedies> [https://perma.cc/RN7G-2YF9] (discussing lack of enforcement mechanisms and delays in realizing remedies for children's rights violations in various countries).

<sup>161</sup> Ton Liefwaard, *Access to Justice for Children at the International Level: Reflecting on 10 years of the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure*, in FRA BARNERETT TIL BARNES RETTIGHETER 268, 269 (Anne Hellum et al., eds, 2024) (emphasis added).

## IV. CREATING AN INTEGRATED FRAMEWORK FOR CHILDREN

The VR3 model offers a framework that enables governments at a national, state, or local level to build procedural and substantive structures that would help advance and secure children's rights and wellbeing. The model can be employed at a government-wide level (ideally) or piloted with a specific agency. All sectors of society—from education and health care to transportation and urban planning and more—affect children. Agencies across different sectors have distinct structures and processes. Each element of the VR3 model can be adapted to work with the particular structures of an agency or level of government. But while there may be significant differences between agencies or across jurisdictions, governments must adopt laws, policies, and procedures to ensure Voice, Representation, Resources, and Remedies are all embedded in the policies and practices of their agencies and institutions. Doing so can help mainstream children's rights in all sectors and processes, so that agencies act in the interests of children.<sup>162</sup>

In seeking to build more child-supportive institutions and agencies, each component of the VR3 model is important in its own right. However, the whole is greater than the sum of the parts because all of these components interact with and support one another. Thus, investment in only one component is valuable but not sufficient. For example, securing remedies is important in and of itself, but remedies without voice, representation, and resources mean that child advocates are likely going to be pursuing justice after harm to children has occurred, and may also have insufficient resources to ensure such violations do not occur again in the future. Likewise, voice without the other components can be reduced to tokenistic participation. Representation alone risks not fully accounting for all children's voices and might fail to have the impact it should without the resources to carry out its mandate. Finally, resources—while critical—may not be directed to the issues that matter most to, and have the greatest impact on, children and youth, unless young people's voices and the voices of their advocates are heard.

Conversely, each component can strengthen the others. Ensuring meaningful child participation (Voice) not only empowers young people, but their insights can also improve the work of children's commissioners; help ensure resources are directed to where they are most needed; and inform evaluations of laws, policies, and programs that can improve remedies. Representatives, meanwhile, can work to ensure children's voices are heard and listened to, can advocate for greater resources for children's programs, and can conduct investigations that lead to earlier interventions and other remedies. Resources, of course, can bolster all aspects of children's rights work. As one example, child rights impact assessments can help improve law, policies, and programs before they are adopted and go into effect. This can improve outcomes for children, strengthen the work of children's commissioners, and improve remedies, or better yet, prevent violations in the first place. Finally, effective remedies and

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<sup>162</sup> See *supra* notes 13–15 and accompanying text.

access to justice can improve the lives of children, lead to better tools for children's commissioners, and generate greater resources for programs that support children's rights and healthy development.

In short, a government agency—or ideally, the full government—needs to develop infrastructure that ensures children's voices, appoints representatives for them with meaningful authority, appropriates adequate funding and other resources, and establishes processes to secure remedies when needed. Having all four components enables each one to provide benefits to children while simultaneously enhancing the impact of the other components of VR3.

### CONCLUSION

Young people today are demonstrating a strong desire and motivation to improve their communities and build a just, sustainable world for all.<sup>163</sup> In contrast, adult mindsets stuck on ideas like “children are the future” not only fail to acknowledge how significantly current actions affect children now (and thus affect their life trajectories), but they also fail to appreciate how important children are to what happens to our communities today. Children are “beings” not “becomings.”<sup>164</sup> In light of this, implementation of the VR3 model must be done in partnership with children and youth. That means taking on the complexities of ensuring meaningful participation of children, including taking appropriate steps to ensure that the children who do participate are representative, that adults do not manipulate agendas, and that investments are made to ensure partnerships and collaborations with children and youth are sustained.<sup>165</sup>

Building a society in which all children thrive and can develop to their full potential is a major undertaking. However, it is also consistent with the core value of human rights: recognizing the dignity inherent in every individual. If government institutions and agencies can develop policies and institutional structures that elevate the voices of children and youth, establish and support positions that represent and serve children, allocate adequate funding and other resources for children's programs, and secure remedies for children when rights are violated, then the government can take a huge step toward achieving full implementation of children's rights, enhancing opportunities for every child to develop to their full potential.

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<sup>163</sup> For examples of youth-led activism, see SUNRISE MOVEMENT, <https://www.sunrisemovement.org/> [https://perma.cc/DL7P-37P9] (last visited Dec. 20, 2024);

FUTURE COALITION, <https://futurecoalition.org/> [https://perma.cc/UA24-AQX8] (last visited Dec. 20, 2024); FRIDAYS FOR FUTURE, <https://fridaysforfuture.org/> [https://perma.cc/3WHZ-YGQC] (last visited Dec. 20, 2024).

<sup>164</sup> See Michael Freeman, *Taking Children's Human Rights Seriously*, in THE OXFORD HANDBOOK OF CHILDREN'S RIGHTS LAW 52, 57 (Jonathan Todres & Shani M. King eds., 2020); Emma Uprichard, *Children as 'Being and Becomings': Children, Childhood and Temporality*, 22 CHILDREN & SOCIETY 303, 304 (2008).

<sup>165</sup> GERISON LANSDOWN, UNICEF, PROMOTING CHILDREN'S PARTICIPATION IN DEMOCRATIC DECISION-MAKING, 1, 17 (2001) <https://digitallibrary.un.org/record/437269?ln=en&v=pdf> [https://perma.cc/L5UE-4Y9U].