

Your Rights & Duties as Parents

Understanding, Protecting and Defending your Parental Rights





The time to know
and understand
your rights is now

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Introduction

As parents, you have natural rights (and also duties) to raise your children. These are pre-political and pre-exist all governments, states and international organisations. And yet, we see these same international institutions, governments, and even civil society increasingly challenge and negate parental rights.

International law protects the parents' position as having primary care over the child, a position that will naturally develop as the child grows. Contrary to this, the child is progressively promoted as autonomous from a very early point in his or her development, and, sometimes, parents are even perceived as a source of danger to the child.



Today, some parents live in fear of losing their children for refusing to ‘transition’ them to what the child perceives his or her ‘gender’ should be – or even just for educating them at home. Since when is protecting your child or making choices about their education a crime, neglect or abuse?

Such interference impacts parents’ rights and duties to protect, raise, and educate their children. It also threatens children’s rights, religious freedom and free speech rights in general.

The autonomy of the child is being weaponised against the parents’ authority.¹ Broad concepts found in human rights treaties, such as ‘the best interest of the child’ and the ‘evolving capacities of the child’, have been abused and misinterpreted to advance political agendas and sideline parents.²

Such agendas include schools and local governments introducing compulsory and radical comprehensive sexuality education into curricula. Bodies of the United Nations (for example, the World Health Organization (WHO)) promote the content, and much of it runs contrary to the religious beliefs of many parents as it supports gender ideology.

Medical information about children who are, for example, taking ‘puberty blockers’ or who want to or have had an abortion is kept from parents by schools and health care providers.

You can safeguard your children by supporting and promoting laws, policies and schools (and their rules) that support and enhance your natural rights and duties as parents. The time to know and understand your rights is now.



The ever-increasing autonomy of the child is steadily being elevated above the parent’s authority.

This booklet:

- (a) **Equips** parents with an understanding of what is meant by 'parental rights' and how they are protected by law.
- (b) **Assists** parents to understand and identify the strategies used to undermine their rights and duties.
- (c) **Provides** parents with practical examples of challenges to their rights and duties as parents.
- (d) **Makes** recommendations for parents to defend their natural rights and duties.



What are Parental Rights and how are they Protected by Law?

There is no exhaustive list of what is included within parental rights and what is not. However, there are several clear principles we can draw from the international law texts:

1. 'Parental Rights' pre-exist the State

The rights and duties of parents pre-exist international institutions or governments. International organisations, such as the United Nations, or governments are not the 'givers' of such rights and duties. Parental rights flow from the fundamental features of our humanity such as the natural ability to become a parent. Human beings can never lose their 'rights – though they can be violated – because such rights are essential to the dignity and capacity for freedom woven into human nature.³ Although there are highly exceptional instances where parental rights are limited (for example, children removed from their parents due to neglect or abuse), international law, by default, promotes a quick restoration of the parent-child relationship.⁴

Universal Declaration of Human Rights (Preamble)

Whereas recognition of the inherent dignity and of the equal and inalienable rights of all members of the human family is the foundation of freedom, justice and peace in the world.

Universal Declaration of Human Rights (Art. 26(3))

Parents have a prior right to choose the kind of education that shall be given to their children.

Key takeaways for parents:

No law, policy, school, or official can claim that it is the giver of parental rights. Parents should support laws, policies and schools that support and enhance these natural rights and duties.

2. Parents are the Primary Caretakers of Their Children, and the Family is the Fundamental Unit of Society

Several binding international treaties declare that the family is the most important building block of society, and the parents are the primary caretakers of their child(ren). The family is also entitled to protection by society and the State.⁵



Universal Declaration on Human Rights (Art. 16(3)) and International Covenant on Civil and Political Rights (Art. 23(1))

The family is the natural and fundamental group unit of society and is entitled to protection by society and the State.

Convention on the Rights of the Child (Art. 18)

States Parties shall use their best efforts to ensure recognition of the principle that both parents have common responsibilities for the upbringing and development of the child. Parents...have the primary responsibility for the upbringing and development of the child. The best interests of the child will be their basic concern.

Consequently, the state has a subsidiary and supportive role in protecting and educating children. The state still has an active role in providing children and parents with, for example, the highest health standards, social security, living standards and education.⁶ However, this places obligations on the state to act for the common good of society, not to absorb the parent's role as the child's primary caretaker and educator.

Key takeaways for parents:

Parents should reject any law, policy, or school that compromises or violates the international provisions protecting and promoting the family as the most important building block of society and parents as the primary caretakers and educators of their children.

3. The State does not have a Monopoly over the Education of Children

Parents are the primary caretakers of their children and their education, while the state plays a subsidiary and supportive role. This challenges the state's increasing pretence of being the child's primary educator.

Although the right to education is fundamentally important for children, it is not for the state to exercise a monopoly over what such education should look like.

While the state has an interest in setting certain educational standards, it should not result in it absorbing the primary authority of parents. In practical terms, the local state school with state-determined curricula should not be the only option for parents.

Article 26(1) and (2) of the Universal Declaration of Human Rights

1. Everyone has the right to education. Education shall be free, at least in the elementary and fundamental stages. Elementary education shall be compulsory. Technical and professional education shall be made generally available and higher education shall be equally accessible to all on the basis of merit.
2. Education shall be directed to the full development of the human personality and to the strengthening of respect for human rights and fundamental freedoms. It shall promote understanding, tolerance and friendship among all nations, racial or religious groups, and shall further the activities of the United Nations for the maintenance of peace.
3. Parents have a prior right to choose the kind of education that shall be given to their children.

The right to education, as contained in the Universal Declaration of Human Rights (Art. 26), should be understood in its historical context.⁷ Article 26 was, amongst other things, drafted to protect children against education systems with content of the type propagated by Nazi Germany (synchronising all education under their ideology).

Although Article 26 provides qualitative standards in education, it is so that atrocities like the Second World War are avoided and not to grant states a monopoly over education. Since the state is not granted a monopoly over education by Article 26, the implication for public policy is that it should at least be possible for only a minority of schools in local areas to be state schools.⁸

The role of the state should be selfless and supportive. It should provide parents with a variety of educational opportunities of various descriptions, and so establish a regulatory framework encouraging the flourishing of such schools.⁹

Parents have the primary educational authority and responsibility over their children. Therefore, the government should not have a monopoly over education, with state schools being promoted as the only justifiable form of education.

Key takeaways for parents:

International law does not demand that the state primarily provide for a child's education. There is no international assumption that the state can provide a 'better' education than parents. The primary role of parents in educating their children must be respected. Parents should reject any law, policy, school, or official that compromises or violates this primary education role of parents and/or elevates the state's role from a supportive to a primary one. Parents should also become involved in local schools or set up their own schools in their communities.



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4. Parents have the Right to Raise and Educate Their Children in Line with Their Convictions

Article 13(3) of the International Covenant on Economic, Social and Cultural Rights¹⁰ states that parents have the freedom to educate their children in line with their convictions or choose schools other than those provided by the state.

Article 13(3) of the International Covenant on Economic, Social and Cultural Rights

The States Parties to the present Covenant undertake to have respect for the liberty of parents and, when applicable, legal guardians to choose for their children schools, other than those established by the public authorities, which conform to such minimum educational standards as may be laid down or approved by the State and to ensure the religious and moral education of their children in conformity with their own convictions.



The right of parents to raise their children in line with their religion or belief is not limited to raising and educating children outside of the school gates but also refers to the type of formal education the children will receive at school.

General Comment No. 22¹¹ of the International Covenant on Civil and Political Rights states that the right of parents to educate their children in line with their religion or belief is a right that cannot be restricted by the state.

Parents and organisations should, in accordance with international law, be free to establish private schools in line with their religious convictions or homeschool their children if certain established and broadly defined minimum educational standards are met.

Although cases and international policies state that no duty is placed on the state to fund home education or private schools,¹² international law does not support a state monopoly of education and, hence, educational funds.

Also, it could be argued that the rights of equality and non-discrimination¹³ place a positive obligation on the state. The state's subsidiary and supportive role is not limited to parents who wish to raise their children in state schools with a state-supported secular ethos. This is because, from the viewpoint of international law, a secular worldview is but one among many equally protected worldviews.¹⁴ Hence, the supportive role of the state and state funding should also be for parents who wish to educate their children in line with other religions or beliefs.

If the state is only obliged to provide financial support and development for state schools with a secular ethos, this is directly discriminatory against those parents who wish to raise their children in line with a different religion or belief and especially those parents who do not have the finances to set up their own private education institutions or educate their children at home.



Key takeaways for parents:

Parents should know and understand that they have the right to educate their children in line with their own religion or belief. The state has no monopoly over education or state funds for education. The state should support and fund diverse educational formats within its supportive/subsidiary (not primary) educational role. International law enables parental initiative as it neither supports a state monopoly of education nor educational funds.



How Parental Rights are Violated

This section draws parents' attention to obvious and concealed ways parental rights are challenged in laws and policies.

Of particular note, parents should be aware that notions of the 'evolving capacities of the child' and the 'best interest of the child' cannot be interpreted in violation of the rights of parents as primary caretakers of their children. These principles do not elevate the autonomy and independence of the child in a way that would violate parental rights. Rather it is the *parents* who are assumed to act in the child's best interests and who know their child's 'evolving capacities'.

However, many instances where parental rights are undermined are accompanied by strong ideological agendas related to 'gender theory' and radical sexuality education.

The Convention on the Rights of the Child provides that when it concerns the child's exercise of religion or belief, parents should 'provide direction to the child in the exercise of his or her right¹⁵ in a manner consistent with the evolving capacities of the child' (Art. 14(2)).¹⁶

Regarding Article 14, the Committee on the Rights of the Child has interpreted the 'evolving capacities of the child' as giving the child excessive autonomy regarding the choice of religion when in opposition to the religious choices of parents. 'There is too much focus on the child being able to organize their religion autonomously, and this also means too much intervention within the family.'¹⁷ This results in state interference with parental rights providing the child with disproportionate religious autonomy, undermining parental authority. Unfamiliar adult decision-makers (judges and social workers) would then rule on a matter of great sensitivity – a family's religious beliefs.¹⁸ Although it is the nature of a court or a judge to rule on various matters, matters concerning the parent and child differ. In other matters concerning court involvement, parties ask the court to rule on an issue, and there are opportunities to agree with the other party. In matters concerning the parent, child and family, the state unilaterally and increasingly places itself in the position of arbiter where it should be the primary right and duty of parents.



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In particular, the principle of 'the best interest of the child', although known and used throughout international law and domestic legal systems,¹⁹ has been used by the state and courts to improperly elevate the autonomy of children above parental rights, even though this principle lacks a definition and is open to subjective interpretation.

Article 3(2) of the Convention on the Rights of the Child states that the 'best interest of the child' is the parents 'basic concern' in the upbringing and development of the child. The 'best interest of the child' must guide parents' actions. Parents should be the primary authority in determining the best interests of their children and the assumption should be that that is what they do except in serious cases involving neglect or abuse.

There is a difference in how the 'best interest of the child' principle applies to parents and public authorities and private welfare institutions. Public authorities must always prove they act in the child's best interest. They are legally bound by this principle. Unlike the state, parents are presumed to act in the best interest of their child and, therefore, are not under constant state scrutiny to establish whether they are doing so.²⁰

An example of where the United Nations has completely inverted and misapplied the 'best interest of the child' principle while also questioning the ability of parents to determine this is the Report of the former Special Rapporteur on the right to privacy titled 'Artificial intelligence and privacy, and children's privacy'.²¹



The Report states that 'traditionally' 'the privacy rights of children' have been regarded as an issue for adults to determine but that it can conflict with those of adults (par. 79). It refers to the notion of 'sharenting' (whereby parents share photos and videos of their children online) and then states that adults' interpretations of children's privacy needs 'can impede the healthy development of autonomy and independence of the child' (par. 80).

The Report continues with statements like 'As they mature, children desire and require privacy, not only from schools...but also from their parents' (par. 83) and that 'Sexual expression...and

physical autonomy are part of the interwoven fabric of children's privacy' and that adolescents 'need to be able to...safely and privately explore their sexuality as they mature' (par. 97) but that this is infringed by 'Governments...health-care and other professionals, parents and peers' (par. 98).

Furthermore, in this Report, concerning the need and so-called 'positive attributes' of comprehensive sexuality education and issues concerning the sexuality of children, the need for parental consent is completely undermined by stating that '[m]any see consent as a fundament' but that 'parental consent may not always be in the best interests of the child or aligned to the child's views' (par. 120). Such language also assumes that the child is autonomous and will know what is in their best interest or that the state does (and not the parent).

Key takeaways for parents:

Parents should know that contrary to what non-binding sources may argue, the notions of the 'evolving capacities of the child' and the 'best interest of the child' should not be interpreted in violation of the rights of parents as primary caregivers of their children. The notion of 'evolving capacities of the child' does not elevate the autonomy and independence of the child to the extent that it violates the parents' rights as primary caretakers of the child. Furthermore, the 'best interest of the child' primarily binds the state. Parents should be the primary authorities determining the best interests of children absent abuse or neglect.



Parental Rights under Pressure

This section shares some practical scenarios where parental rights come under pressure. Of course, the national legal frameworks vary from country to country, and nothing written here should be construed as legal advice. Rather, it is the application of the general international legal principles to help inform a response to situations you might encounter.

- 1. My child (12) must attend a compulsory class called 'comprehensive sexuality education' or 'citizenship education'. It teaches them that gender is fluid and that various gender identities should be tolerated. This is contrary to our beliefs.**

Governments should respect that parents are their children's primary educators and caretakers and have the right to educate them in line with their religion or belief. These are rights enshrined in international law.

What is required of the government is more than the mere 'accommodation' of parents' wishes regarding their children's education.

Rather, parents must be acknowledged and treated as the primary educators of their children. Providing 'accommodations' such as class 'opt-outs' should be a last resort. When it comes to curriculum, the state should, therefore find common ground that makes educational content acceptable to all, minimising the need for opt-outs from curriculum.

International law provides for 'opt-outs' in religious and moral education curricula.²² For example, when a school teaches religious instruction in a particular religion, parents who do not adhere to that religion should be allowed to 'opt out'. This is in line with the right to freedom of religion or belief and the rights of parents to raise their children in line with their own convictions.



Sensitive matters based on subjective worldviews cannot be taught as 'facts' to children. Such matters include teachings about 'gender'. Many countries have advance notice provisions requiring parents to be allowed to inspect material ahead of time and make any requests.

However, when the curriculum amounts to indoctrination based on subjective worldviews, such as teachings about gender, the courts should find a human rights violation.

2. I want to educate my child at home, but the state said they do not allow home education as children need to integrate socially

The state should not have a monopoly over children's education and should only play a supporting and subsidiary role. Diverse formats of education should be allowed to exist. Furthermore, parents have the right to educate their children in line with their religion or belief. Laws that criminalise or otherwise make homeschooling impossible violate parental rights and are currently being litigated at national and international levels.

3. I learned that my child was pregnant and had an abortion. The school knew about it but withheld this information from me

National legislation varies regarding the age of majority and the age at which parents need the child's consent to access his or her (the child's) medical files. Although such legal facts should be considered by parents before taking action, it does not mean that such restrictions are justifiable.

Parents, as primary caretakers of their children, have the right to be informed about their child's health. Schools cannot withhold important medical information from parents. The increasing push towards such autonomy for children and for state schools to usurp the role of the child's primary caretaker can violate parental rights.

4. When my child displayed some confusion regarding her biological sex (female) and what she perceives to be her 'real gender' (male), her school gave her information on 'gender transitioning' and 'puberty blockers' but did not ask my consent to provide her with this information. They also did not inform me

There is an increasing number of cases involving schools withholding information from parents of children seeking to undergo 'gender transitioning'. For example, in the US state of Michigan, district employees began treating a couple's middle school daughter as a boy without their knowledge or consent. They even took steps to conceal these actions from the parents.²³

This is a violation of parental rights. Public schools, as agents of the state, and direct state agencies such as educational supervisors and youth welfare authorities, should respect parents' role as primary caretakers and inform parents of all matters concerning their children.

This is especially true in light of the fact that 'gender transitioning' procedures are highly experimental in nature, do not have conclusive evidence as to their effectiveness and lack insufficient evidence as to their potential for harm.²⁴

Parents, we encourage you to:

1. Support educational and public-school policies that expressly protect parental rights. Insist on similar protections in private school contracts.
2. Hold governments, state agencies and civil service employees accountable for infringements of parental rights.
3. Support laws and policies that recognise and respect parents' rights to direct their children's upbringing, education, and care.
4. Advocate against laws or policies that impose undue burdens or prevent parents from homeschooling their children.
5. Support educational policies, laws and contractual arrangements that provide maximum transparency into curriculum, teacher training materials, and policies in children's schools.
6. Challenge the inclusion of comprehensive sexuality education programs in schools.
7. Exercise your right to review the curriculum in advance and advocate for opt-out policies from problematic parts of a curriculum.
8. Support policies that hold school officials legally accountable for withholding information from parents concerning their children.
9. Regularly and proactively request in writing to review your child's education and health records.

10. Direct your children's education by serving in and supporting leadership positions on your local school boards or similar positions. Participation usually gives you an information advantage and a relationship that facilitates even difficult conversations.
11. Combat harmful ideologies by raising the awareness of legislators and school boards while advocating for sound laws and policies that safeguard children and protect parental rights.
12. Challenge the misuse of phrases like the 'best interest of the child' and 'evolving capacities of the child' to elevate the autonomy of children in violation of parental rights.
13. Be aware of policies and/or laws that invert the presumption that parents are acting in the best interest of their child.
14. Advocate for states and laws that, in line with human dignity, promote an individualised approach to education that allows each person to pursue the educational arrangement most beneficial to developing his or her unique personality.
15. Advocate against a state monopoly of education by also getting involved in creating diverse types of schools.
16. Seek to team up with other parents so as not to take on these issues alone.

We're standing firm for the protection of parental rights. Thank you for playing your part so children and parents can be fully supported.



Helpful Resources for Parents

- Abigail Shrier, 'Trans Doctors Blow the Whistle on 'Sloppy' Care', 2021, *The Free Press*, www.thefp.com/p/top-trans-doctors-blow-the-whistle.
- C-Fam (2022), Evidence of Systemic and Unlawful Promotion of Comprehensive Sexuality Education by UN Secretariat, Agencies, and other Entities, <https://c-fam.org/wp-content/uploads/Factsheet-EVIDENCE-OF-SYSTEMIC-AND-UNLAWFUL-PROMOTION-OF-CSE-9.22.pdf>.

- Grace Melton and Emilie Kao, 'How UN Undermines Parental Rights by Pushing Gender Ideology', 2023, *The Daily Signal*, www.dailysignal.com/2023/11/17/how-un-undermines-parental-rights-by-pushing-gender-ideology/.
- Hilary Cass (2024) 'The Cass Review: Independent review of gender identity services for children and young people', <https://cass.independent-review.uk/home/publications/final-report/>.
- James Cantor (2019) 'Transgender and Gender Diverse Children and Adolescents: Fact-Checking of AAP Policy', *Journal of Sex and Marital Therapy*, www.tandfonline.com/doi/abs/10.1080/0092623X.2019.1698481.
- Katy Faust & Stacy Manning (2023) *Raising Conservative Kids in a Woke City: Teaching Historical, Economic, and Biological Truth in a World of Lies*. Post Hill Press: New York.
- Melissa Moschella (2016) *To Whom Do Children Belong? Parental Rights, Civic Education, and Children's Autonomy*. Cambridge University Press: New York.
- Melissa Moschella (2020) Parental Rights: A Foundational Account, www.heritage.org/education/report/parental-rights-foundational-account.
- Ryan T. Anderson (2019) *When Harry Became Sally: Responding to the Transgender Moment*. Encounter Books, www.barnesandnoble.com/w/when-harry-became-sally-ryan-anderson/1125792437.
- Ryan T. Anderson and Robert P. George, 'Physical Interventions on the Bodies of Children to "Affirm" their "Gender Identity" Violate Sound Medical Ethics and Should be Prohibited', 8 December 2019, *Public Discourse*, www.thepublicdiscourse.com/2019/12/58839/.
- Sylvie Langlaude (2008) 'Children and Religion under Article 14 UNCRC: A Critical Analysis', *International Journal on Children's Rights*, Vol. 16, No. 4, 475-504, https://papers.ssrn.com/sol3/papers.cfm?abstract_id=2020734.

Endnotes

- 1 For example, the non-binding General Comment No. 15 (2013) of the Committee on the Rights of the Child, states, in paragraph 31 that 'In accordance with their evolving capacities, children should have access to confidential counselling and advice without parental or legal guardian consent, where this is assessed by the professionals working with the child to be in the child's best interests' (UN Committee on the Rights of the Child, *General comment No. 15 (2013) on the right of the child to the enjoyment of the highest attainable standard of health (art. 24)*, CRC/C/GC/15, 17 April 2013, <https://www.refworld.org/legal/general/crc/2013/en/96127>).
- 2 See note 1.
- 3 USA Department of State, Report of the Commission on Unalienable Rights, <https://www.state.gov/wp-content/uploads/2020/07/Draft-Report-of-the-Commission-on-Unalienable-Rights.pdf>, 12. It cannot be denied that the natural rights of parents also flow from the existence of a biological tie. As argued by Melissa Moschella, one should ask the question: 'Why should I get to bring my *own* baby home from the hospital, rather than some other baby chosen at random from the nursery? Why are we horrified to hear of cases in which babies were accidentally switched at birth or of a mix-up at the in vitro fertilization clinic that results in a woman becoming pregnant with another couple's embryo rather than her own?' (Melissa Moschella, *Parental Rights: A Foundational Account*, <https://www.heritage.org/education/report/parental-rights-foundational-account>).
- 4 Articles 9(1) and 9(3) of the *Convention on the Rights of the Child (UN General Assembly, Convention on the Rights of the Child*, United Nations, Treaty Series, vol. 1577, p. 3, 20 November 1989, <https://www.refworld.org/legal/agreements/unga/1989/en/18815>). Also see *Y.C. v. The United Kingdom*, Appl. No. 4547/10, (13 March 2012) 55 EHRR 33, at para. 134. Also see the case of *Abdi Ibrahim v. Norway*, Appl. No. 15379/16, 10 December 2021 (Grand Chamber).
- 5 See for example, the Universal Declaration on Human Rights (Articles 12, 16(3)), the Convention on the Rights of the Child (Preamble, Articles 16, 18, 27), UN Committee on the Rights of the Child's General Comment 14 (par. 59), International Covenant on Civil and Political Rights (Articles 10, 17, 23(1)), European Social Charter (Article 16), Charter of Fundamental Rights of the European Union (Article 7), American Convention on Human Rights (Article 7), African Charter on the Rights and Welfare of the Child (Article 18), and the Convention on the Protection of the Rights of Migrant Workers and Members of Families (Art. 14).
- 6 Articles 24, 26, 27, 28 and 29 of the Convention on the Rights of the Child.
- 7 James Stanfield (2021) Parental choice and the right to education: Revisiting Article 26 of the Universal Declaration of Human Rights, https://unesdoc.unesco.org/in/documentViewer.xhtml?v=2.1.196&id=p:usmarcdef_0000380161&file=/in/rest/annotationSVC/DownloadWatermarkedAttachment/attach_import_eabf20fa-4a0e-4ecb-94d4-d4cfbeccd1d4%3F_%3D380161eng.pdf&locale=en&multi=true&ark=/ark:/48223/pf0000380161/PDF/380161eng.pdf#%5B%7B%22num%22%3A40%2C%22gen%22%3A0%7D%2C%7B%22name%22%3A%22XYZ%22%7D%2C%2C119%2C638%2C0%5D
- 8 *Ibid.*
- 9 *Ibid.*
- 10 UN General Assembly, *International Covenant on Economic, Social and Cultural Rights*, United Nations, Treaty Series, vol. 993, p. 3, 16 December 1966, <https://www.refworld.org/legal/agreements/unga/1966/en/33423>
- 11 UN Human Rights Committee (HRC), *CCPR General Comment No. 22: Article 18 (Freedom of Thought, Conscience or Religion)*, CCPR/C/21/Rev.1/Add.4, 30 July 1993, <https://www.refworld.org/legal/general/hrc/1993/en/13375> (hereinafter, General Comment 22).
- 12 *Waldman v Canada*, Communication No 694/1996, Human Rights Committee, 5 November 1999, par. 10.6. Also see, Rex Ahdar & Ian Leigh (2013) 'Religious Freedom in the Liberal State'. Oxford University Press, Second Edition, 255; *Belgian Linguistic Case*, App. No. 1474/62, 23 July 1968.

- 13 Articles 2 and 7 of the Universal Declaration of Human Rights and Article 2 from the Covenant on Civil and Political Rights.
- 14 General Comment 22, par. 2.
- 15 Article 14 of the Convention on the Rights of the Child contains the child's right to freedom of religion or belief.
- 16 The phrase 'evolving capacities of the child' appears twice in the Convention on the Rights of the Child, namely, in Articles 5 and 14(2). However, it appears over 80 times in the General Comments of the Committee on the Convention on the Rights of the Child (Sheila Varadan (2019) 'The Principle of Evolving Capacities under the UN Convention on the Rights of the Child', *The International Journal of Children's Rights*, https://brill.com/view/journals/chil/27/2/article-p306_306.xml?language=en).
- 17 Sylvie Langlaude (2008) 'Children and Religion under Article 14 UNCRC: A Critical Analysis', *International Journal on Children's Rights* 475, 498; Rex Ahdar & Ian Leigh, 'Religious Freedom in the Liberal State', 217.
- 18 Rex Ahdar & Ian Leigh, 'Religious Freedom in the Liberal State', 220.
- 19 It is the most dominant concept in the Convention on the Rights of the Child. In addition to Article 3, the concept of the 'best interest of the child' is mentioned in Articles 9 (separation from parents), 10 (family reunification), 18 (parental responsibilities), 20 (deprivation of family environment and alternative care), 21 (adoption), 37(c) (separation from adults in detention) and 40(2)(b) (children in conflict with the law), as well as the Optional Protocol to the Convention on the sale of children, child prostitution and child pornography (preamble and Article 8) and in the Optional Protocol to the Convention on a communications procedure (preamble and Articles 2 and 3). After the Convention on the Rights of the Child, the 'best interest of the child' concept has appeared in, for example, the UN Convention on the Rights of Persons with Disabilities, where protection of best interests is secured for disabled children in Articles 7 and 23. The Convention on the Elimination of All Forms of Discrimination against Women also safeguards the interests of children (in Articles 5 and 6).
- 20 Tomas Hammarberg (2008), *The Principle of the Best Interests of the Child – What it means and what it demands from Adults*, <https://rm.coe.int/16806da95d>. This is confirmed in Article 18(1) of the Convention on the Rights of the Child.
- 21 Report of the Special Rapporteur on the right to privacy, Artificial intelligence and privacy, and children's privacy, (25 January 2021), A/HRC/46/37, <https://www.ohchr.org/en/documents/thematic-reports/ahrc4637-artificial-intelligence-and-privacy-and-childrens-privacy>.
- 22 General Comment 22, par. 6.
- 23 ADF, *Mead v. Rockford Public School District*, <https://adfflegal.org/case/mead-v-rockford-public-school-district>.
- 24 Hilary Cass (2024), 'The Cass Review: Independent review of gender identity services for children and young people', <https://cass.independent-review.uk/home/publications/final-report/>, page 22.



About ADF International

The mission of ADF International is to advance the God-given right to live and speak the truth.

Since our ministry launched in 1994, our calling as legal advocates has been to contend for the truth in law, policy, and the public square, and equip our alliance to do the same. With the launch of ADF International in 2010, we brought this mission to the world.

We focus on securing wins in five essential areas that will endure for generations:

Securing **FREE SPEECH** for all.

Establishing the **FUNDAMENTAL RIGHTS OF PARENTS** to direct the upbringing and education of their children.

Restoring **RELIGIOUS FREEDOM** as a fundamental right.

Guaranteeing the **RIGHT TO LIFE** from conception to natural death.

Ensuring the law respects **GOD'S CREATIVE ORDER** for marriage, the family, and human sexuality.



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