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Children's Rights in National Constitutions- a way to advocate for children?

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**NETWORK FOR THE IMPLEMENTATION OF THE
UN CONVENTION ON THE RIGHTS OF THE CHILD**

NATIONAL COALITION GERMANY

Historical Background

- Until modern times children were possessions of their parents and did not have a legal status
- In the era of enlightenment establishment of „childhood“ as a distinct phase in life- special emphasis on education and upbringing
- Recognition of the „social question“ and equal opportunities in the 19th century
- Declaration of Geneva 1924
- Declaration of the Rights of the Child 1959
- **Convention** on the Rights of the Child 1989
- Ratification by Germany 1992

Transmission in National Legislation

- UN Conventions are part of the law of nations
- National legislation has to conform with the convention, however, concretion of norms within the national body of laws
- **i.e. Germany 2000- ban on corporal punishment described as children's right to non-violent upbringing**
- **In other areas such as participation of children current attempts to implement legislation in youth welfare legislation**
- **In the area of equal opportunities and prevention of childhood poverty negative developments**

Contemporary Constitutional Law

- Article 1: *The dignity of man is inviolable. To respect and protect it shall be the duty of all public authority*
- Mention of children comes under parental rights and duties
- Legal framework on the move: Children as legal person with subjective rights
- Equal rights but specific rights!

Reasons for specific rights

- Asymmetry of relation of adults and children
- Specific needs to enable participation
- Specific needs to receive special protection
- Inability to give informed consent (i.e. sexual exploitation, participation in war)
- Developmental aspects to communicate and make oneself understood

Children are different: developmental aspects and the immature brain

Developmental Tasks during Childhood:

- Stress Regulation
- Perception of and Response to Threat
- Impulsivity / Control and Selfmanagement
- Reward Seeking and Expectation
- Bonding und Sociability (Theory of Mind, Empathy)
- Reality Awareness und Risk Assessment

Why are the universal human rights not sufficient?

- Moving target: *in the best interest of the child*
- Needing constant re-evaluation together with parents and children what that means
- Constant political and social discourse how to achieve the aim and how to monitor progress
- Adjust jurisdiction on each level to the meaning of children's rights
- **Empower parents to become advocates for their children and for equal opportunities!**

International law and collaboration

