

Children's rights and parental rights and responsibilities

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Children

- from being treated as «**objects**» in need of assistance...
to being seen as **rights holders** entitled to non-negotiable rights

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Are parental rights and children's rights always congruent?

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Parental **guidance** and the child's **evolving capacities**

- Parents have the right and duty to provide **direction and guidance** for the child
- This should be carried out in the **best interest** of the child
- and in a in a manner consistent with the **evolving capacities** of the child

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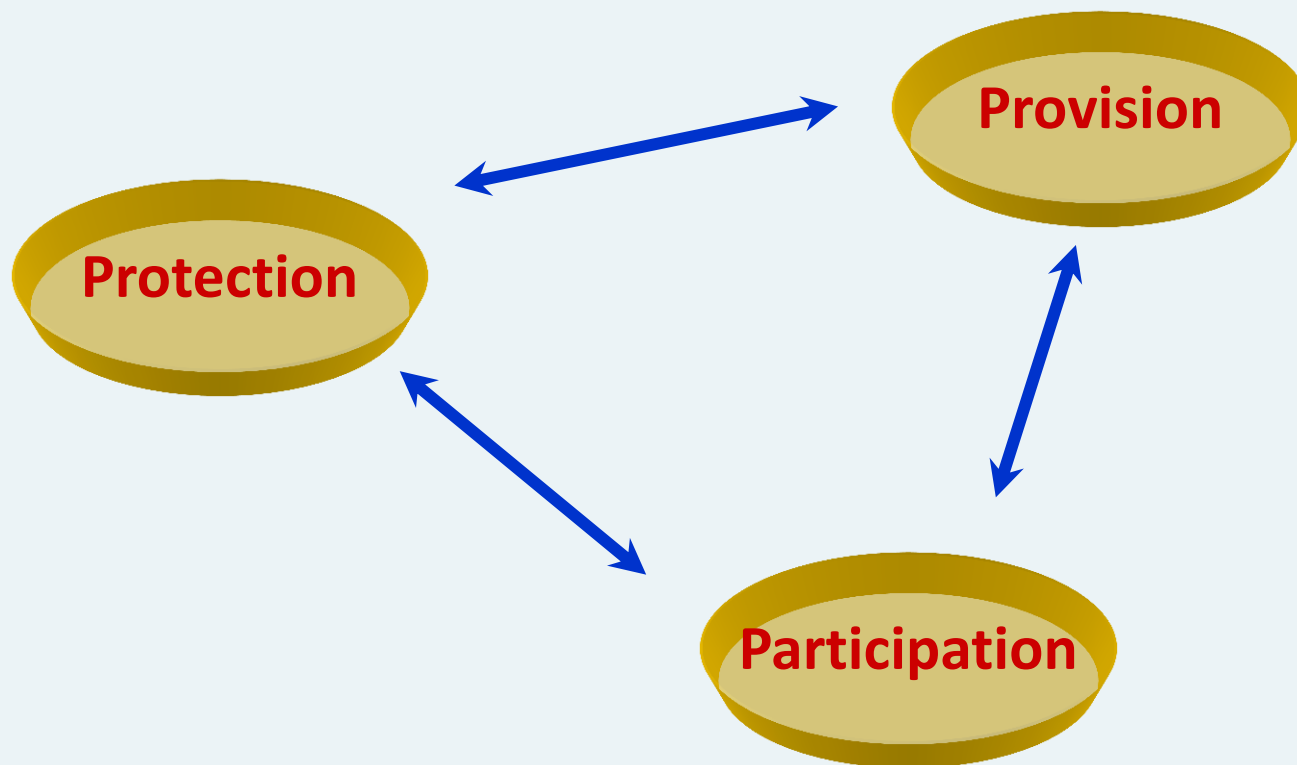
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Convention on the Rights of the Child



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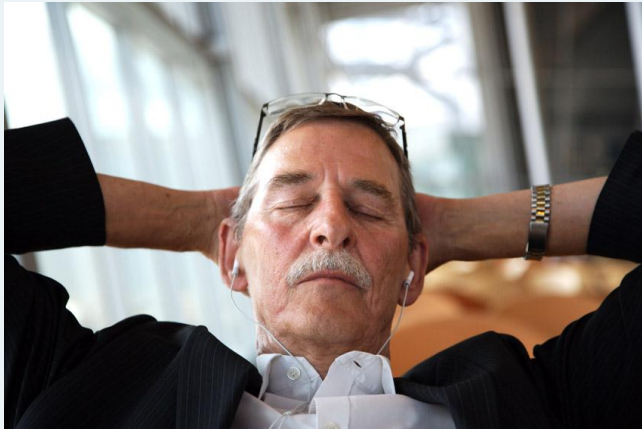
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Participation

Increased focus on children's rights to be heard.



But still a long way to go

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Participation – child custody cases

- There may be a **conflict of interest** between parents and children.
- How to **ensure** the child's right to be heard?



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Protection

Victims of domestic violence and abuse



**A serious criminal offence,
not a question of parents'
right to «discipline» their child**

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Protection

Children's **right to intervention** in their family

vs.

Should parents have the right to **say no?**



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Provision

The right to health

Children **in need**
of health care
vs.
Parents' rights
to **consent** on
behalf of their child



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Circumcision of boys without a medical indication

Parents' rights to make decisions on behalf of their children about e.g. religious matters

VS

Children's rights to **physical integrity** and **self-determination**.

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The right to privacy

The child's right
to **privacy**

vs

Parents' right to
freedom of expression
and to act on behalf of the
child



To what extent can parents
post **sensitive personal
information** about their child
online?

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Children's rights in the Constitution



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Thank you

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