Early legal statements are conspicuously silent on children’s rights: the Ten Commandments, arguably the most influential of all legal codes contains a clear normative pronouncement on parent-child relations but it is in terms of respect for parents, and is silent on the obligation of parents to love and nurture their children.\(^1\) The documents which emanated from the great libertarian revolutions, the American and the French, have nothing specifically to say about children.

1. *The Declaration of Geneva*

The first international declaration, the Declaration of Geneva of 1924, is most limited in its scope. In its Preamble it states that ‘mankind owes to the child the best it has to give. Its five terse principles emphasize welfare: the requisite means for normal development; food and medicine, help for the ‘backward’, rehabilitation of the delinquent; relief in times of distress; to be put in a position to earn a livelihood and protection against exploitation; and socialization to serve others.\(^2\) The principles, the fifth above all, reflected the aftermath of an imperialist war.\(^3\) It was an ‘aspirational document’.\(^4\)

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2. The Universal Declaration of Human Rights

In 1948 the Universal Declaration of Human Rights was adopted. There are provisions in this tailored to children. Motherhood and childhood are to be entitled to special care and assistance, and children born out of wedlock are to enjoy the same social protection. Everyone is to have the right to education: this is to be free at elementary level and compulsory also at that level. And the rights set out in the Declaration are for all ‘without distinction of any kind’ (though in the list of distinctions which follow ‘age’ is omitted).

3. The European Convention on Human Rights

Two years later in (1950) the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR) was adopted. This makes no specific reference to children, certainly not to their welfare or best interests – indeed, its failure to do so has been a subject of concern – but in its Preamble it refers to ‘the inherent dignity and...equal and inalienable rights of all members of the human family’. There are specific references to children (in Article 5(1) (d) and in 6) and the First Protocol in 1952 forbids the denial of the right to education. There was always going to be space for a child’s best interests in Article 8. This provides:

‘Everyone has the right to respect for his private and family life, his home and his correspondence’.

But this right can be challenged inter alia.

‘...For the protection of the rights and freedoms of others’.

It is no surprise that children have been construed as ‘others’ and their best interests incorporated into this clause.

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6 Article 25.2.
7 Article 26.1.
8 Article 2.
10 Article 8(2).