



Recommendation 1121 (1990)¹

Rights of children

Parliamentary Assembly

The Assembly,

1. Recalling that a society's vitality depends on the opportunities it offers its younger generation for growth and development in safety, self-realisation, solidarity and peace ;
2. Considering that children, that is human beings who have not attained their majority, are in need of special assistance, care and protection, and considering that the parents' primary responsibility needs to be reasserted and cannot be called into question ;
3. Considering that children, for the full and harmonious development of their personality, should grow up in an atmosphere of happiness, love and understanding ;
4. Considering that the right of children to special protection imposes obligations on society and on the adults normally dealing with them such as parents, teachers, social workers, doctors and others ;
5. Considering that, in addition to the right to be protected, children have rights they may independently exercise themselves - even against opposing adults ;
6. Considering that parental powers and the authority of other adults on children are derived from a duty for protection and should exist only as long as they are necessary for the protection of the person and property of the child ;
7. Considering that these powers decline as the child matures and that a child is subsequently able to exercise an increasing number of rights ;
8. Considering that there is much uncertainty about the rights people under age have or may enjoy, and that it is highly desirable that all member states grant full legal capacity at the same age ;
9. Considering that young persons, more and more frequently, travel, study and work abroad, and that, for this reason, coherent action and legislation are desirable in Council of Europe member states in respect of the rights of the child ;
10. Welcoming the adoption of the Convention on the Rights of the Child by the General Assembly of the United Nations in November 1989 ;
11. Recalling its Recommendations 874 (1979) on a European Charter on the Rights of the Child, 1071 (1988) on child welfare and 1074 (1988) on family policy ;
12. Recalling Recommendation No. R (88) 16 of the Committee of Ministers to member states on ratifying and improving the implementation of the conventions and agreements concluded within the Council of Europe in the field of private law, notably the conventions which protect the interests of the child,

1. Assembly debate on 1 February 1990 (27th Sitting) (see [Doc. 6142](#), report of the Committee on Legal Affairs and Human Rights, Rapporteur: Mrs Ekman ; and [Doc. 6150](#), opinion of the Social, Health and Family Affairs Committee, Rapporteur: Mr Bowden). Text adopted by the Assembly on 1 February 1990 (27th Sitting).



13. Recommends that the Committee of Ministers :
 - a. invite member states :
 1. in so far as they have not yet done so, to sign and ratify :
 - a. the European Social Charter (1961, European Treaty Series, No. 35), and, in particular, to accept Article 7 thereof on the protection of children and young people, Article 17 on the protection of mothers and children and Article 19, paragraph 6, on family reunion, and to ensure that the standards therein are fully enforced ;
 - b. the European Convention on the Adoption of Children (1967, European Treaty Series, No. 58) ;
 - c. the European Convention on the Legal Status of Children Born out of Wedlock (1975, European Treaty Series, No. 85) ;
 - d. the European Convention on Recognition and Enforcement of Decisions concerning Custody of Children and on Restoration of Custody of Children (1980, European Treaty Series, No. 105) ;
 - e. International Labour Organisation (ILO) Convention No. 138 on the Minimum Age of Admission to Employment (1973) ;
 2. to envisage, if they have not yet done so, the appointment of a special ombudsman for children, who could inform them on their rights, counsel them, intervene and, possibly, take legal action on their behalf ;
 3. to do whatever they can in favour of the rapid ratification and implementation of the United Nations Convention on the Rights of the Child ;
 - b. instruct the competent steering committees to examine the possibility of drawing up an appropriate legal instrument of the Council of Europe in order to complete the United Nations Convention on the Rights of the Child, and, in particular, to instruct the Steering Committee for Human Rights (CDDH) to consider the possibility of elaborating an additional protocol to the European Convention on Human Rights concerning the rights of the child ;
 - c. arrange for the above-mentioned European legal instrument to embody not only the civil and political rights of children but also their economic and social rights, and accordingly instruct the Steering Committee for Human Rights to collaborate with other committees in the various sectors concerned, such as the social and employment sectors ;
 - d. instruct the European Committee on Legal Co-operation (CDCJ), or another appropriate intergovernmental expert committee, to make a full study on the position of children in courts and on the acts a minor is entitled to accomplish before the age of full legal capacity, with a view to arriving at common European positions ;
 - e. convene a small group of highly competent independent experts to study how children may exercise the fundamental rights which have been granted to them by such international instruments as the European Convention on Human Rights and the European Social Charter ;
 - f. better inform children of the rights they have ;
 - g. establish co-ordination to ensure the systematic study of the rights of children and co-operation with other international organisations such as the European Community, the International Labour Organisation, The Hague Conference on Private International Law and non-governmental organisations.