Parliamentary Assembly
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COUNCIL OF EUROPE
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The inclusion of children's rights in national constitutions as an essential component of effective national child policies

Motion for a resolution
tabled by the Committee on Social Affairs, Health and Sustainable Development

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This motion has not been discussed in the Assembly and commits only those who have signed it

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Since the beginning of the 20th century, international efforts to promote the concept of children's rights have gone through different phases, during which children have increasingly been perceived as subjects entitled to rights, and not only objects of protection. The UN Convention on the Rights of the Child (CRC) as the central international instrument for the promotion of children's rights has certainly contributed to this shift in legislative paradigms concerning children, also in Europe.

In its Article 4, the CRC requires any State party to "undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognized […]". Especially in States whose authorities or traditions attach great importance to the constitutional recognition of social policies, serious consideration should be given to including children's rights into the national constitution to reinforce the status of children as subjects of rights and to lay the legal foundations for their protection and development. However, the constitutional recognition alone does not yet ensure the translation of children's rights into national policies.

The Parliamentary Assembly should call upon member States to consider the inclusion of children's rights into national constitutions in the most effective manner. In order to give national governments orientation in this respect and allow for the exchange of best practice, the Assembly should – in collaboration with other Council of Europe bodies, such as the European Commission for Democracy Through Law (Venice Commission) – explore the best way of designing such legislative processes and instruments in order to achieve a maximum impact for the national implementation of children's rights.