



CHILDREN'S RIGHTS: FROM ANTIQUITY TO CONTEMPORARY INTERNATIONAL STANDARDS

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| Article history: | Abstract: |
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| Received: 14 th July 2025 Accepted: 11 th August 2025 | This article analyzes the emergence of the concept of children's rights, stages of historical development, and modern international legal foundations. The article also substantiates how the legal status of children changed, starting with Roman and Greek societies, through important historical events such as the Renaissance, the Industrial Revolution of the 19th and 20th centuries, and the Universal Declaration of Human Rights. |
| Keywords: <i>Children's rights, convention, declaration, charter, forced labor, evolution, law, society.</i> | |

When reflecting on the formation and development of children's rights, the necessity of viewing these rights as an integral element of the human rights system once again becomes evident. In particular, since children constitute the most vulnerable and socially disadvantaged group within society, the study of their rights, freedoms, and legitimate interests from both historical and legal perspectives is recognized as one of the essential directions in the evolution of human rights. In this regard, it can be asserted that children's rights are not merely a constituent part of human rights, but also a factor that deepens and enriches the human rights framework.

Children's rights constitute a set of specific rights and freedoms inherent to every child and, as a distinct category of human rights, have undergone significant transformations throughout history. Whereas in the past children were not recognized as holders of individual rights and were regarded merely as an extension of their parents, today they are acknowledged as independent persons with unique needs and deserving of special protection. This evolution reflects the gradual refinement of concepts related to childhood and human dignity. Nevertheless, despite notable achievements, the full realization of these rights for all children remains a pressing challenge. Therefore, a thorough examination of the historical formation and development of children's rights remains an essential undertaking.

For centuries, children's rights were deprived of such distinct recognition. The right to life of a child remained one of the most ancient and persistent challenges in human history, enduring until the relatively recent past. Historically, children born out of wedlock, in secrecy,

with disabilities or illnesses, or those whose paternity or maternity was unknown were subjected to neglect and disrespect. Such children were often marginalized, humiliated, or even physically eliminated under various pretexts¹.

In ancient societies, children were generally not regarded as independent individuals with rights, but rather as the property of their parents. For example, in Ancient Rome, the concept of *patria potestas* (paternal authority) granted fathers nearly absolute power over their children — including the legal right to sell, abandon, or even kill them without punishment. Children were primarily perceived as economic assets, valued for their labor capacity or for the alliances secured through marriage.

According to the renowned jurist Papinian of the 2nd century AD, the Roman father's *ius vitae necisque* — the right to pass judgment of life or death over his children — had been enshrined in the *lex regia*, a semi-legendary collection of laws dating back to the era of Rome's earliest kings. Dionysius of Halicarnassus likewise recorded that Rome's founder, Romulus, was the first to introduce this law, which granted fathers and husbands the authority to decide matters of life and death concerning their children and wives².

Similarly, in Ancient Greece, children possessed virtually no rights of their own, and their fate was entirely subject to the decisions of their parents or guardians. During the Middle Ages, the status of children changed very little. For instance, in medieval Europe, although parents often cherished their children, they were frequently regarded as "miniature adults" and were expected to contribute to the household economy from a very young age. The specific needs of children and

¹ Karimova D. Bola huquqlarining paydo bo'lishi, rivojlanish tarixi va bola huquqlarining ta'rifi. Qonunchilikni takomillashtirish islohotlar kafolati (ilmiy

maqolalar to'plami). - T.: O'ZMU, Huquqshunoslik fakulteti, El-Press, 2012. - B.296.

² Thompson S. ResearchOnline@ Avondale. – 2005.



their requirement for protection were neither legally nor socially recognized. Education was a privilege reserved for the elite, while child labor was widespread, with children as young as five or six compelled to work in fields, mines, and workshops.

The Renaissance of the 17th–18th centuries marked a profound turning point in the understanding of childhood and children's rights. Philosophers such as John Locke and Jean-Jacques Rousseau challenged the notion of children as "miniature adults," instead advancing the idea that childhood constitutes a unique and formative stage of life requiring special care and education.³

In his *Essay Concerning Human Understanding* (1690), Locke argued that children are born as *tabula rasa*—a "blank slate"—and that their development depends on the experiences and education they receive. Rousseau, in his work *Émile, or On Education*, depicted children as beings fundamentally different from adults, emphasizing the distinct stages of their development and underscoring the necessity of educating them in accordance with each stage.

Such ideas of the Renaissance laid the foundation for a new understanding of children's rights. These perspectives affirmed that children are not the property of their parents but individuals possessing distinct rights—including the right to education, protection, and care. It was during this period that state involvement in child welfare, particularly in the sphere of education, began to take shape. For instance, in 1763, Prussia introduced compulsory primary education. This development clearly reflected the growing recognition of the state's role in ensuring the education necessary for children to develop into conscious and responsible citizens⁴.

The Industrial Revolution of the 19th century brought about profound social and economic transformations, which also had a deep impact on children. With the rapid emergence of factories across Europe and North America, children were employed as cheap labor and forced to work long hours under hazardous and unhealthy conditions. Child labor became widespread during this period—children as young as five were employed in mines, textile mills, and factories, often for meager wages⁵. Such exploitation provoked strong public outcry and eventually spurred legislative reforms.

The first significant legal initiatives aimed at protecting children from exploitation were enacted in Britain through the Factory Acts. The Factory Act of 1833 was of historic importance, as it introduced the first strict limitations on child labor and established a system of factory inspections to ensure compliance with these restrictions. This law prohibited children under the age of nine from working in textile factories, limited the working hours of children between nine and thirteen to eight hours per day, and required that they receive at least two hours of education daily. It was complemented by the Mines Act of 1842, which prohibited boys under the age of ten and all girls, regardless of age, from working underground in coal mines⁶.

Similar reforms were also undertaken in the United States. For example, in 1852, the state of Massachusetts enacted the first state law mandating compulsory school attendance. This legislation reflected the growing recognition of education as a crucial means of breaking the cycle of poverty and exploitation⁷.

By the late 19th century, the movement for child protection had expanded into a widespread global phenomenon.

At the beginning of the 20th century, the modern children's rights movement began to take shape. During this period, children's rights came to be increasingly recognized as distinct and independent from those of adults. At the same time, international organizations and committees specifically dedicated to child protection emerged.

In 1919, as the first initiative aimed at ensuring child welfare on a global rather than a purely national scale, the Committee on Child Welfare was established by the international community⁸. Following this initiative, one of the early pioneers in the field of children's rights, Eglantyne Jebb, drafted the first international document devoted to the subject—the Declaration of the Rights of the Child⁹.

Adopted by the League of Nations in 1924, this Declaration of the Rights of the Child represented a significant turning point in the field of children's rights and laid the foundation for modern principles of child protection. Commonly referred to as the Geneva Declaration, it consisted of five core principles:

³ Benziman G., Benziman G. Concepts of Childhood and Adult Responsibility: Locke, Rousseau, More, and Edgeworth // Narratives of Child Neglect in Romantic and Victorian Culture. – 2012. – C. 27-68.

⁴ Cvrček T. Schooling under control: The origins of public education in Imperial Austria 1769-1869. – Mohr Siebeck, 2020. – T. 1.

⁵ Tuttle C. Hard at work in factories and mines: the economics of child labor during the British industrial revolution. – Routledge, 2021.

⁶ McIntosh R. Boys in the pits: child labour in coal mines. – McGill-Queen's Press-MQUP, 2000.

⁷ Peterson P. E. The politics of school reform, 1870-1940. – University of Chicago Press, 1985.

⁸ Droux J. Children and youth: A central cause in the circulatory mechanisms of the League of Nations (1919–1939) // prospects. – 2015. – T. 45. – №. 1. – C. 63-76.

⁹ Fuchs E. Children's rights and global civil society // Comparative Education. – 2007. – T. 43. – №. 3. – C. 393-412.



1. Children must be provided with the conditions necessary for their material and spiritual development;
2. Hungry children must be fed, sick children cared for, children who fall behind assisted, delinquent children rehabilitated, and orphans sheltered;
3. In times of emergency, children must be the first to receive relief;
4. Children must be given the opportunity to engage in work, while also being protected from exploitation;
5. Children must be educated with the aim of directing their abilities and talents toward the service of humanity¹⁰.

The Geneva Declaration marked a major historical step in the advancement of children's rights. However, it was not a legally binding instrument and its influence on national policies remained limited. Nevertheless, the Declaration established important principles by recognizing that children possess distinct rights and that the international community bears responsibility for safeguarding them.

The end of the Second World War and the founding of the United Nations (UN) in 1945 ushered in a new era for the development of children's rights. The devastating consequences of the war—particularly the widespread suffering of children—underscored the urgent need for stronger international protection of the rights of all human beings, including children. In 1948, the adoption of the Universal Declaration of Human Rights (UDHR) by the UN General Assembly constituted a landmark achievement, affirming the inherent dignity and rights of all people, regardless of age.

Article 25 of the Universal Declaration of Human Rights is devoted directly to children's rights, stating: *"Motherhood and childhood are entitled to special care and assistance"* and *"All children, whether born in or out of wedlock, shall enjoy the same social protection"* (United Nations, 1948). The international recognition of the necessity for special protection of children marked a significant advancement, serving as a foundation for subsequent international treaties and conventions, particularly those dedicated to the protection of children's rights.

In 1959, the United Nations adopted the Declaration of the Rights of the Child. This document expanded upon the principles of the 1924 Geneva Declaration. The new declaration set out ten fundamental principles, including the child's right to a name and nationality, the right to education, the right to protection from neglect and

exploitation, and the right to grow up in an environment filled with love and understanding, among others.

However, like its predecessor, the 1959 Declaration was not legally binding, and in the absence of enforcement mechanisms, its practical impact remained limited. Nevertheless, this declaration paved the way for the Convention on the Rights of the Child — to this day the most comprehensive and widely ratified international treaty on children's rights.

Although significant progress was achieved in the protection of children's rights in the post-World War II period, the adoption of the Convention on the Rights of the Child by the United Nations General Assembly on 20 November 1989 represents the most crucial historical turning point in this field. As of 2024, the Convention has been ratified by 196 states, thereby imposing binding legal obligations on governments to protect and promote the rights of children¹¹.

The Convention on the Rights of the Child is founded on four core principles: non-discrimination, the best interests of the child, the right to life, survival and development, and respect for the views of the child. It constitutes a comprehensive legal framework encompassing children's civil, political, economic, social, and cultural rights. Among its key provisions are the right to education, the right to protection from all forms of violence, the right to access healthcare services, the right to express views on matters affecting their lives, and the right to family life and environment.

One of the most significant aspects of the Convention on the Rights of the Child is that it recognizes children as active participants in their own lives — that is, as subjects entitled to freely express their views, with such views to be duly taken into account in decisions affecting their lives¹². This approach fundamentally differs from earlier prevailing theories that regarded children merely as passive beings in need of care and protection.

Another important instrument, developed in harmony with the Convention on the Rights of the Child while taking into account the specific cultural, social, and economic factors of African countries, is the African Charter on the Rights and Welfare of the Child. This document was adopted in 1990 by the Organization of African Unity and is aimed at addressing the unique challenges and needs of children on the continent. It entered into force in 1999 and, as of 2024, has been ratified by 50 out of the 55 member states of the African Union, with five states yet to ratify it¹³.

¹⁰ D'Costa B. et al. Human rights and children //17th Informal ASEM Seminar on Human Rights. – The Asia-Europe Meeting Summit, 2017.

¹¹ Tanveer F. et al. The United Nations Convention on the Rights of the Child (UNCRC): Examining the Tenets, Practices, and Related Studies //Library of Progress-Library

Science, Information Technology & Computer. – 2024. – T. 44. – №. 3.

¹² Unicef et al. Convention on the Rights of the Child. – 1989.

¹³ Sindayigaya I. The African Charter on the Rights and Welfare of the Child, an Instrument Based on African Socio-



In addition, one of the significant steps taken toward strengthening children's rights was the adoption of the Convention on the Worst Forms of Child Labour in 1999. The primary objective of this Convention is to identify the five most severe and harmful forms of child labour and to prioritize their immediate elimination, thereby establishing a strategy to combat the exploitation of children¹⁴.

Likewise, in 2000, the Optional Protocol to the Convention on the Rights of the Child on the involvement of children in armed conflict was adopted. This Protocol, which entered into force in 2002, strictly prohibits the participation of individuals under the age of 18 in hostilities. It is aimed at protecting children from armed conflict, safeguarding their physical and psychological well-being, and supporting post-conflict reintegration processes.

As a result of the evolution of ideas concerning the rights of the child, the status of children in society has undergone a profound transformation throughout history — whereas they were once regarded as property, they are now recognized as individuals possessing independent rights. However, despite the progress achieved through legal norms and international treaties, a significant gap remains between the established standards and their practical implementation.

Today, countless children continue to experience violations of their fundamental rights. Ongoing conflicts and wars across the globe have generated widespread humanitarian crises, forcing millions of children into displacement and migration, thereby depriving them of access to essential services such as education, healthcare, and security. Within such environments, children are left highly vulnerable to exploitation, violence, and human trafficking.

Furthermore, child labor remains one of the most pressing global challenges — as of 2020, an estimated 160 million children worldwide were engaged in labor activities¹⁵. In addition, climate change is exacerbating existing problems — entire communities are being forced to relocate, living conditions are deteriorating, and food security is worsening. This significantly hinders the realization of children's right to a healthy and sustainable future.

Advancing and fully ensuring children's rights requires strengthening the implementation of existing national legislation and international treaties. In this regard, states must enhance the effectiveness of national institutions dedicated to child protection. Furthermore,

it is essential to establish specialized training and capacity-building programs on children's rights for law enforcement officials and members of the judiciary.

In addition, all segments of society must actively participate in fostering a culture of respect for and protection of children's rights. In this context, a particularly important role is played by a public approach grounded in the principles of accountability, as well as by the expansion of legal awareness and advocacy activities.

Undoubtedly, while substantial progress has been achieved in this area, the path toward the full realization of children's rights is still ongoing. This path requires continuous effort, strong political will, institutional reforms, and a conscious societal commitment

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¹⁵ <https://www.unicef.org/press-releases/child-labour-rises-160-million-first-increase-two-decades>