

AXIOLOGY OF CHILDREN'S RIGHTS

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The article focuses on the value system that relates to children's rights. The starting point is the assumption that historically, children were not protected by law, which meant treating them as "half" people or "material" from which a human being would later be created. As a result, it was only in the 19th and 20th centuries that children's rights were legalized, which we owe primarily to educators and medical doctors. Despite this, children's rights are well embedded in Western thinking. The axiology of human rights, including children's rights, is informed by multiple sources and historical inspirations. The most fundamental among them include 1) the Judeo-Christian tradition; 2) the legacy of the Enlightenment; 3) republican ideals of liberty and equality; 4) democratic traditions; 5) the trauma of wars, genocide, totalitarianism, and authoritarian regimes; 6) the recognition of peaceful international cooperation as a prerequisite for development and progress. As a result, the axiology of children's rights includes two groups of provisions. The first refers to general regulations that undermine human rights. The second group refers to regulating the environment in which the child grows up and socializes.

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1 Introduction

In the 20th and 21st centuries, children's rights are an obvious standard. No one can imagine a rational, comprehensive list of rights and freedoms without including minimum guarantees addressed to the youngest. Coming to the common conviction that the law should protect children, and not just people as such, was neither easy nor quick. In short, our civilization had to mature enough to see children's rights. To see a child, a person who for centuries was treated as a "little person", an "incomplete person," or a "half person", as a special subject of legal protection.

In the long process of recognizing the importance of children's rights, the system of values played a primary role. It created the rudimentary assumptions that define the way children and their rights are perceived. Therefore, what can be called the humanistic perspective of "humanizing" the child, giving him human characteristics with all his attributes (dignity, equality, freedom, prohibition of discrimination) is of fundamental importance in defining and promoting children's rights. However, in the case of the axiology of children's rights, additional attributes inseparably related to their proper development are important. Taken together, they create an environment for growth, an environment in which the child matures, socializes, and becomes an inseparable part of the community.

This environment is primarily the family, school, and a circle of close and distant friends. This environment creates a space endemic to the child, not only of the rights of adults (such as equality), but also of specific children's rights that define the child and allow them to grow up properly. This exceptional environment requires, among other things, love, respect, a sense of value and closeness, security, and especially certainty of tomorrow. All of these specific elements of the children's rights system are not very measurable and uncountable, and therefore, they are challenging to fit into the corset of legal regulations from which we can reconstruct legal norms. This is why the axiology of children's rights is so important, because norms expressed *in extenso* allow for proper interpretation, giving them meaning, and above all, realizing the fundamental goal of all children's rights, which is - to put it briefly - to make the child happy.

2 The Development of Children's Rights

For centuries, a prevailing belief held that a child was neither *de iure* nor even *de facto* a human being. Consequently, there was no contemplation of extending rights or privileges to children's rights that, through gradual evolution, ultimately developed into what is now recognized as human rights. It was universally accepted that a child was merely "human material," a "half" or "incomplete" person, with their humanity developing progressively over time. Childhood was thus regarded as a phase of "becoming human" - a stage during which a malleable entity was gradually transformed into a fully realized human being through learning, habituation, and socialization. A "human being," in this perspective, was an adult - an individual who was psychologically and physically fully developed.¹

This view was, in a sense, reflected in the famous riddle of the Sphinx, which posed the question: "What creature walks on four legs in the morning, two legs at noon, and three legs in the evening?" This riddle, deeply rooted in mythological beliefs, illustrates the historically dismissive attitude towards both children and older adults, who - like children - were not perceived as full-fledged persons. As a result, they were often excluded from legal considerations regarding their status, rights, and freedoms. In the Sphinx's riddle, the creature that crawls on all fours in the morning (an infant), then walks on two legs at noon (an adult), and finally uses a cane to walk on three legs in the evening (an older person), signifies that only the adult - who walks on two legs - is considered complete, autonomous, and fully functional. The extreme phases of this transformation - infancy and old age - were viewed as transitional mutations or temporary intervals in human existence. This perspective largely explains why, for many centuries, neither children nor older adults were recognized as bearers of human rights. Even when the necessity of a distinct normative framework for these two groups was acknowledged, it was often argued that both were already encompassed within the broader category of human rights, rendering any separate articulation of their rights superfluous.

As a result, the historical approach to children was predominantly pragmatic, treating them as a "potential" human resource. This perception was reinforced by factors such as large, multi-child families, high child mortality rates, and a general lack of

¹ Kosher, Ben-Arieh & Hendelsman, 2016, pp. 9-18.

adequate care and attention in terms of health, education, and culture. For centuries, there was an ingrained belief in the natural and social selection of children, whereby only a few – those most resilient, persistent, and well-adapted to societal life – would successfully transition into adulthood.² This perspective did not undergo significant transformation until the late 19th and early 20th centuries. The shift was influenced mainly by emerging currents of legal and philosophical thought that began to recognize the individual as a legal subject - not merely a biological or social entity but a rights-bearing person with entitlements, responsibilities, and freedoms.³

Numerous intellectuals and practitioners contributed to this legal emancipation of children's rights. However, legal scholars and prominent political philosophers were conspicuously absent from the forefront of this movement. One notable exception was Jean-Jacques Rousseau, who, although not primarily regarded as a political philosopher in the context of children's rights, was instead recognized as a pedagogue and, indeed, the founder of modern pedagogy.⁴ Rousseau asserted that nature intends for children to experience childhood before reaching adulthood. He emphasized that a child is not merely a miniature adult but rather a fundamentally distinct human being with a unique perception of the world. Consequently, he advocated for a shift in focus - from emphasizing children's obligations to recognizing their rights. He also underscored the duty of parents to guide, support, and act as companions in their child's gradual journey toward adulthood.

Rousseau's conceptualization of the child's distinct status in relation to the adult laid the foundation for modern pedagogy and, crucially, introduced a new perspective on children's rights. This perspective provided the initial justification for treating children's rights as a separate legal category rather than subsuming them under the broader framework of human rights. In this framework, a child was not seen as an incomplete or miniature human but rather as a distinct individual, one with unique ontological and epistemological needs, expectations, and, consequently, rights.⁵ Thus, Rousseau advocated for *children's rights* as opposed to merely *human rights for children*, arguing that the latter failed to fully capture the specific needs and entitlements of the child as a legal subject. Over time, this rigid distinction was softened, giving rise to the prevailing view that a child is, fundamentally, a human

² Cunningham, 1995; Archard, 2004.

³ Bhattacharya, 2022, pp. 1-16.

⁴ Collins, 1976, pp. 51-80.

⁵ Nicola, 2006, p. 349.

being and thus entitled to human rights - alongside specific rights arising from their status as a child, i.e., children's rights. As evidenced by Rousseau's contributions, this evolving understanding of childhood and children's rights played a pivotal role in broadening societal awareness of the importance of children and their legal protections. It also challenged the perception that children's rights merely constitute a subset of human rights, demonstrating instead that they require distinct legal recognition and protection.

Children's rights, which distinctly differentiate them from human rights in general, have been primarily conceptualized by medical professionals, psychologists, and educators. These experts highlighted the social consequences of mistreatment, inadequate upbringing, or, in extreme cases, the complete absence of upbringing. Pedagogues emphasized that the ultimate character and disposition of an adult are determined by their environment, education, and the behavioral patterns they encounter during the process of socialization. Maria Montessori argued that children are inherently good, meaning that if adults exhibit undesirable traits, it is often the result of negative childhood experiences in which their innate and natural goodness was suppressed, giving rise to undesirable characteristics. According to Montessori, ensuring the protection of children's rights is essential to fostering and enriching the inherent good within them, which will, in turn, manifest in adulthood. This perspective was widely shared among educators, who consistently maintained that "a life without childhood is crippled".⁶ These and similar views, which reinforced the necessity of safeguarding children's rights, were also championed by other influential figures, including John Dewey, Stefan Szuman, and, among Polish scholars, Janusz Korczak, who famously asserted that "a child is not a future human being; a child is already a human being".⁷ This conviction, albeit slowly, gained widespread acceptance in legal and philosophical discourse. It developed against the backdrop of broader, more profound processes of recognizing humanity as a legal category, reflected in fundamental legal concepts such as "personhood," "dignity," "freedom," "self-development", and "equality." The post-Enlightenment vision of

⁶ Korczak, 1998, p. 121.

⁷ Alongside him, it is essential to mention Ludwik Rajchman, the originator of the idea to establish an international organization dedicated to children's welfare – UNICEF (United Nations International Children's Emergency Fund, later renamed in 1953 as the United Nations Children's Fund). Initially, the Fund was established to provide food and healthcare for children and mothers in countries devastated by World War II. In 1950, UNICEF's mandate was expanded to address the long-term needs of children and women in developing countries worldwide. In 1953, UNICEF became a permanent part of the United Nations system. The Polish physician Ludwik Rajchman is widely regarded as the founder of UNICEF and served as its first chairman from 1946 to 1950.

human rights, which upheld the principle that rights are equally inherent to all individuals, significantly contributed to shaping these currents. Additionally, the evolving doctrine of the Catholic Church, which increasingly focused on the dignity of the human person and found expression in Christian personalism, played a role in elevating the discourse on children's rights.

The late 19th century also saw the rise of socialist movements, which actively contributed to raising awareness of children's rights, particularly in response to the growing number of child laborers who were neglected, underpaid or entirely unpaid, deprived of safe and sanitary working conditions, and, in many cases, denied access to education and healthcare. Furthermore, it is essential to acknowledge that the advocacy and acceptance of children's rights were, in many ways, preceded by the broader women's emancipation movement. The organized feminist movements at the turn of the 19th and 20th centuries initiated what may be termed a "dignity revolution" in human rights – a movement that first exposed the dire conditions of a marginalized group, then highlighted its societal and legal significance, and finally advocated for formal legal changes that were expected to translate into tangible social improvements. It was within the framework of this dignity revolution that the assertion that a child is not merely a potential or future human being but an actual human being in the present gained widespread recognition. This realization underscored the necessity of incorporating children's rights into legal frameworks at both national and international levels, thereby rectifying their historical exclusion from legal protections.

From a legal perspective, this shift represented a true *Copernican revolution* in the approach to children's rights. Previously, the dominant belief was that a child was the property of their parents and, due to their lack of legal capacity, could not be a rights-bearing entity. As such, children were considered ineligible to possess rights and freedoms, which effectively precluded them from the expanding corpus of newly recognized and increasingly specific human rights.⁸

However, the persistent advocacy of educators, medical professionals, and psychologists ultimately led to the widespread recognition that children are indeed human beings and should not only benefit from general human rights but also be

⁸ Balcerek, 1986, p. 38.

entitled to a distinct set of special rights, exclusive to them. This principle was fully articulated in the first international legal instrument dedicated solely to children – the 1924 Geneva Declaration of the Rights of the Child.⁹

The Declaration sets forth five fundamental principles concerning the treatment of children:

1. A child must be given the means necessary for normal physical and spiritual development;
2. A hungry child must be fed, a sick child must be cared for, a delinquent child must be rehabilitated, and an orphan or abandoned child must be provided with shelter and assistance;
3. In times of distress, a child must be given priority for aid;
4. A child must be prepared for gainful employment and protected from all forms of exploitation;
5. Children must be raised with the understanding that their best qualities should be dedicated to the service of their fellow human beings - an idea that today aligns with the modern concept of a child's right to self-development.

This Declaration marked the initial step in a broader movement toward the codification of children's rights within international law. It laid the groundwork for subsequent legal instruments aimed at ensuring the protection and recognition of children as distinct rights-bearing individuals within the broader framework of human rights.

The Geneva Declaration was the first catalyst in the gradual development of international legal regulations aimed at recognizing children as beneficiaries of the broader spectrum of human rights. A subsequent and more comprehensive post-war instrument was the 1959 Declaration of the Rights of the Child, adopted during the 14th session of the United Nations General Assembly. This Declaration directly referenced the 1924 Geneva Declaration, which had been adopted by the Assembly of the League of Nations.

⁹ Jimeno, 2020, pp. 143-166.

The principal objective of the 1959 Declaration was to affirm the belief that “mankind owes to the child the best it has to give” and to ensure that every child enjoys “a happy childhood and the benefits, both for their own well-being and that of society, of the rights and freedoms enshrined [therein]”.¹⁰ Notably, for the first time, the Declaration explicitly (*expressis verbis*) recognized the child as a subject of human rights in their own right. This recognition symbolically concluded the long-standing struggle to have children's rights acknowledged as human rights while simultaneously distinguishing them from rights traditionally accorded to adults. In doing so, the Declaration contradicted Rousseau's initial assertion that children's rights are not, by definition, human rights.

Compared to its 1924 predecessor, the 1959 Declaration significantly expanded the framework of children's rights, establishing ten fundamental principles:

1. the right of every child to equal rights;
2. the right to conditions ensuring comprehensive development;
3. the right to a name and nationality;
4. the right to maternal and child care;
5. the duty of special care for children with disabilities;
6. the right to love, understanding, and parental care;
7. the right to education, recreation, and sport;
8. the right to protection and assistance;
9. the duty to shield children from neglect, cruelty, and exploitation;
10. the right to protection from discrimination and upbringing in a spirit of tolerance.

The 1959 Declaration was primarily an appeal to governments, institutions, parents, and educators to adhere to these principles and to establish the necessary legal frameworks for their implementation. While it had significant resonance and persuasive impact, much like the Geneva Declaration before it, it remained a non-binding instrument. This lack of enforceability hindered its effective implementation. Nevertheless, the Declaration played an essential role in advocacy and public awareness, emphasizing the significance and gravity of children's rights as a distinct category within human rights.

¹⁰ Klafkowski, 1979, p. 283.

The impact of the *dignity revolution*, which framed children's rights as a specific subcategory within the broader human rights framework, extended beyond the creation of additional international legal instruments exclusively dedicated to children. It also led to the incorporation of child-specific provisions into general human rights treaties. The 1959 Declaration's principle that a child is a subject of human rights, and that children's rights are inherently linked to human rights, found concrete legal development in subsequent years. From that moment onward, it became inconceivable for any human rights instrument to exclude children from its scope. This development permanently dismantled the notion that a child is merely a "small", "incomplete", or "unfinished" human being.

The understanding that a child is a full-fledged human being, and that human rights encompass children's rights while also recognizing that children's rights extend beyond those of adults became particularly evident in subsequent international human rights instruments. A defining feature of this evolution was the inclusion of child-specific provisions in general human rights treaties. The 1948 Universal Declaration of Human Rights, in Article 25, explicitly granted children the right to "special care and assistance" and "social protection." Similarly, the 1966 International Covenants on Civil, Political, Economic, Social, and Cultural Rights guaranteed equal rights—including access to education and protection—for all children.

In 1973, the International Labour Organization adopted a convention establishing 18 as the minimum age for employment in occupations hazardous to health, safety, or morality. Subsequently, in 1978, Poland submitted a draft Convention on the Rights of the Child to the United Nations Human Rights Commission. This initiative culminated in the adoption of the 1989 Convention on the Rights of the Child by the United Nations General Assembly - a landmark achievement in the expansion and recognition of both human and children's rights.

While the importance of the 1989 Convention, as well as Poland's contribution to its drafting and refinement, cannot be overstated, it is crucial to acknowledge the political context in which it was developed. The Convention, though formally introduced by Poland, was intended to serve as evidence of the progressive stance of the socialist bloc, which sought to position itself as the first political formation to comprehensively and – importantly – legally enshrine children's rights in

international law. In the heavily propagandized climate of the 1970s and 1980s, the Convention was presented as proof that socialist states genuinely cared about children's welfare and that socialism itself was the guarantor of authentic children's and human rights. By contrast, capitalism was portrayed as offering nothing more than non-binding declarations devoid of substantive legal effect.

In this sense, the Convention, proposed in the latter half of the 1970s, was part of the Cold War's ideological contest over human rights. It was, in part, a response to the 1975 Helsinki Final Act of the Conference on Security and Cooperation in Europe (hereinafter: CSCE). However, while the political motivations behind its drafting are undeniable, this does not diminish the significance of the Convention ultimately adopted in 1989. Instead, it situates the document within the complex political and ideological landscape of its time.

The very notion of a binding international treaty outlining an extensive catalog of children's rights was intended to highlight the superiority of socialist states over the so-called bourgeois concept of human rights, which, while recognizing children's rights in principle, failed to afford them adequate prominence. Today, more than three decades after the Convention's adoption, its Cold War context has lost its relevance. Instead, what remains is a universally accepted legal standard affirming that human rights inherently include children's rights, while also acknowledging that children's rights constitute a unique and indispensable subcategory within the broader framework of human rights.

It must be emphasized from the outset that the adoption of the 1989 Convention on the Rights of the Child did not mark the conclusion of the process of juridification of children's rights. On the contrary, several international legal instruments addressing children's rights emerged in the years following its adoption. Among these were the 1993 Hague Convention on Protection of Children and Cooperation in Respect of Intercountry Adoption, the 1996 European Convention on the Exercise of Children's Rights, and the 2000 Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution, and Child Pornography, adopted by the United Nations. In 2008, another landmark treaty - the Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse – was enacted. This instrument was the first in the international legal order specifically designed to combat all forms of sexual

violence against children, including abuse committed within the family and crimes facilitated by new technologies.¹¹ Despite the increasing number of specialized treaties, the 1989 Convention on the Rights of the Child remains the most significant and authoritative international instrument on children's rights.

Regardless of the ideological and political context surrounding its adoption, it is now universally recognized as an unassailable legal standard that human rights inherently encompass children's rights. Put differently, children's rights are a distinct subclass within the broader framework of human rights. As a result, children benefit from general human rights on equal footing with adults while also enjoying special protections tailored to their specific vulnerabilities and needs.

3 The Context of the Legal Regulation of Children's Rights

The recognition of children's rights as an integral part of human rights derives from the broader system of values embraced by democratic societies. The axiology of human rights, including children's rights, is informed by multiple sources and historical inspirations. The most fundamental among them include:

1. the Judeo-Christian tradition;
2. the legacy of the Enlightenment;
3. republican ideals of liberty and equality;
4. democratic traditions;
5. the trauma of wars, genocide, totalitarianism, and authoritarian regimes;
6. the recognition of peaceful international cooperation as a prerequisite for development and progress.

The Judeo-Christian tradition introduced the concept of personhood, affirming human dignity as a reflection of the divine image. It also established a moral dichotomy between sin and virtue and posited that every individual possesses free will to choose between good and evil. The Enlightenment redefined humanity's place in the world, emphasizing the principles of equality and freedom while juxtaposing faith with reason, empirical knowledge, and utilitarianism. Most notably, the Enlightenment inverted the traditional hierarchy by prioritizing human agency

¹¹ Szmigiel, 2018, p. 272 and following.

over divine authority. It championed individual freedom, self-realization, happiness, and progress as paramount societal values.

Republican ideals of liberty and equality were built upon the foundations of the Enlightenment and were institutionalized, most notably in France and the United States. The American constitutional system, anchored in the Bill of Rights, enshrined human rights at the highest legal level, often granting them constitutional status. This framework expanded the human rights canon by formally recognizing freedoms such as freedom of speech, freedom of religion, and freedom of assembly. Republican thought, rooted in Enlightenment philosophy, established a radically new approach to rights and freedoms, departing from the era of privileges granted to select social groups and instead embedding rights within the rigid structure of constitutional law, thereby ensuring a minimum standard of legal protection for all individuals.

Democratic traditions constitute another cornerstone of the axiology of human rights, including children's rights. These traditions encompass the institutional experience of democratic governance, wherein constitutions, human rights, the rule of law, political culture, pluralism, dialogue, and compromise are all respected. Democratic principles reject coercion and violence, instead promoting deliberation and the pursuit of common ground over divisiveness. With respect to children, democratic traditions unequivocally repudiate slavery and child exploitation while simultaneously emphasizing the need for education and children's inclusion in socialization and participatory processes.

The 20th century, marred by war, genocide, and totalitarian ideologies that flagrantly disregarded human rights, serves as a stark reminder of the need for strong international protections, particularly for children. This was a century in which children, on an unprecedented scale, became victims of ethnic, national, linguistic, and religious purges. The trauma of these historical atrocities underscored the necessity of safeguarding human rights, with special attention to the protection of the most vulnerable and defenseless - children.

The contemporary system of child protection broadly represents a response to the catastrophic consequences of past human rights violations. As Polish writer Zofia Nalkowska poignantly observed, “humans inflicted this suffering upon other

humans”.¹² The smoke rising from the crematoria of Birkenau, hauntingly chronicled by Polish author Seweryna Szmaglewska¹³, and the chimneys of hundreds of other Nazi concentration camps – Auschwitz, Dachau, Ravensbrück, Stutthof, Sachsenhausen, and Groß-Rosen – stand as harrowing evidence of the utter desecration of human dignity, the destruction of fundamental freedoms, and the profound moral decay of the 20th century. These historical realities profoundly influenced the subsequent imperative to establish rigorous human rights protections, particularly for children.

Lastly, the recognition of peaceful international cooperation as a fundamental prerequisite for development and progress remains a key component of the value system underpinning human rights, including children's rights. Today, international cooperation in human rights protection is self-evident, encompassing both the promotion of fundamental principles, values, and rights and collective responses to human rights violations. A recent illustration of this principle is the international outrage over war crimes committed against civilians and children in Ukraine. The indiscriminate bombing of hospitals and orphanages, as well as the forced abduction and deportation of Ukrainian children to Russia for the purposes of Russification, have justifiably provoked global condemnation - evoking historical memories of atrocities committed more than 80 years ago.

Long before these events, Pope John Paul II emphatically declared: “No more war! Peace – peace must guide the destiny of nations and all of humanity”.¹⁴ On another occasion, he stated, “The measure of a society's humanity is its care for children”.¹⁵ The Pope further articulated his philosophy on children's rights in his famous 1994 *Letter to Families (Gratissimam sane)*, written in commemoration of the International Year of the Family. In this letter, he asserted unequivocally: “All the rights of the child are contained within the right to be loved. Therefore, a society cannot claim to protect children, provide them with care, or foster their development if, in

¹² Nalkowska, 2021.

¹³ Szmaglewska, 2020.

¹⁴ John Paul II's, 1989 - Letter to the Polish Episcopal Conference on the 50th Anniversary of the Outbreak of World War II (August 26, 1989). Cf. <https://www.ekai.pl/papiez-na-lecie-wybuchu-wojny/> (accessed: 6 February 2025).

¹⁵ John Paul II's, 1979 - speech of October 2, 1979, delivered at the United Nations General Assembly in New York.

undertaking these efforts, it does not simultaneously reaffirm its fundamental duty to love the child”.¹⁶

4 Values Defining Contemporary Children's Rights

In addition to the general democratic axiology, the system of values shaping our approach to human rights, including children's rights, derives from the principles and values that have influenced the development of contemporary constitutional law and international law, along with their respective legal standards.¹⁷ The institutionalization of these principles and values means that references to them are now embedded in legal instruments of varying ranks and must be considered when considering children's rights. These references, enshrined in national constitutions and international treaties, form the normative axiology of children's rights.

Broadly, they fall into two categories. The first category consists of the general axiology of human rights, which includes fundamental provisions related to human dignity, equality, freedom, the prohibition of discrimination, and the justified, necessary, and proportionate interference with human rights. This category provides irrefutable evidence that children's rights are human rights, thereby unequivocally rejecting outdated perceptions that a child is merely a “small”, “half”, or “potential” human being. The axiology of human rights is built upon key foundational concepts that serve as the cornerstones of complex systems for the protection of individual rights and freedoms. Among these fundamental concepts are dignity, equality, freedom, property, the prohibition of discrimination, the prohibition of inhumane treatment, the right to privacy, the right to found a family, the right to health protection, and the right to freedom of movement.

The second category consists of endemic rights pertaining to family life. These include constitutional or international treaty provisions that safeguard the natural environment in which a child lives, grows, learns, and develops. The axiology of family life is thus defined by principles such as the protection of motherhood, parenthood, and family; the special protection of marriage; the state's duty to protect children; the right of parents to raise their children in accordance with their own beliefs; the right to education; the child's right to protection and care from the state;

¹⁶ John Paul II's, 1994.

¹⁷ Wringer, 1981.

and the principle of parental responsibility for the upbringing and development of the child. This group of rights, which defines the conditions for a child's life and development, constitutes children's rights *sensu stricto* – rights that ensure the child is adequately prepared for life in what Pope John Paul II described as “the most beautiful, freshest, and richest period of hope, filled with joyful anticipation of the future”.

Consequently, the value system underpinning child protection—enshrined in constitutional and international legal standards - comprises two subsystems. The first is the general axiology of human rights, encompassing fundamental principles such as dignity, equality, freedom, and the prohibition of discrimination. The second is the endemic axiology of family life, which includes the protection of motherhood, parenthood, and marriage, the right of parents to raise their children, and their shared responsibility for the upbringing and development of their child.

As evidenced, the value system through which children's rights must be understood affirms the assertion of Pope John Paul II, who stated: “*Children are the springtime of the family and society, a hope for the future that continuously unfolds and must be nurtured so that it may bloom most beautifully*”. The Polish Pope strongly emphasized that children's rights cannot be considered in isolation from family rights and that child protection cannot be separated from the protection of the environment in which the child lives, is raised, and develops¹⁸. This interrelation is at the core of the specificity of children's rights as the rights of minor human beings. A child does not live in isolation; they live with their mother and father, within a family, and within other natural environments such as school, peer groups, and mass media - all of which shape the child and bear a particular responsibility for their development.

However, when discussing the axiology of children's rights, one must not focus exclusively on legal frameworks conventionally associated with value systems underlying more or less codified catalogues of human rights and freedoms. It is equally crucial to recognize that the fundamental value protected by children's rights is the child *per se*. Jerzy Bartmiński defines value as “that which, in light of language and culture, people regard as precious”.¹⁹ According to him, the designation of

¹⁸ Pope John Paul II's teaching on the rights of the child was integrally linked to his teaching on the rights of the family. See also Maino, 2023, pp. 241-255.

¹⁹ Bartmiński, 2003, p. 62.

something as a value - i.e., as something precious, is not only an individual but also a collective determination. This communal vision of value is reflected in the international system of children's rights protection. Similarly, in constitutional legal frameworks, the child is regarded as a value, which is why legal systems are structured to ensure its adequate protection.

The child, as an essential element of constitutional axiology, is perceived by civil society as good, as someone precious, as a person who must be protected, among other reasons, because they are a part of the national community (constituted by the constitution) or the global community (regulated by international law).²⁰ At the linguistic-structural level in legal texts, the term *child* encompasses a range of denotative and connotative meanings. Denotatively, it refers to “a human being”, “a minor”, “a person under the age of 18”.²¹ Connotatively, it conveys developmental stages (immaturity), emotional and psychological needs (security, respect), and social needs (care, parental presence, assistance).

In normative regulations, including the 1997 Polish Constitution, particular emphasis is placed on the child's need for security and care, their immaturity, and their desire for respect. Additionally, and self-evidently, the positive evaluation of the term *child* is linked to values esteemed within the community, for which the term serves as a carrier. Chief among these values are two fundamental personal goods: dignity and humanity. The dignity of the child, like that of an adult, is inherent and inalienable, forming the foundation of human and civil rights and freedoms. It is inviolable, and its respect and protection are obligations of public authorities.

Furthermore, the granting of rights to the youngest members of society and the protection of their freedoms demonstrates that another fundamental attribute – humanity - is not regarded as merely potential but as actualized in childhood. This directly challenges the outdated notion that a child is a “half-human” or merely a *future* human rather than a *present* one.²² The protection of the value that is the child finds its linguistic representation in legal predicates that convey entitlements: “has the right to” or obligations of the state authorities and guardians: “shall”, “is guaranteed”, “the authorities and responsible individuals are obliged to”.²³ Thus, the

²⁰ Freeman, 2017, pp. 91-106.

²¹ Article 1 of the Convention on the Rights of the Child.

²² Korczak, 2012, p. 14.

²³ Gorlewska, 2016, p. 139.

architects of children's rights emphasize the value of the child primarily by endowing them with certain just entitlements – **the essence of children's rights as a whole.**

5 Conclusion

Children's rights undoubtedly have their specific grammar, specific only to them. Although, as is evident, all human rights apply to children, the standard – established by the United Nations Convention on the Rights of the Child – is that children – as a special subject of law – have rights dedicated only to them. When speaking about these rights, it should be borne in mind that the purpose of all rights addressed to children is to ensure their happiness, which guarantees proper development and, ultimately, reaching adulthood. In practice, in order to achieve this happiness, it is necessary not only to apply appropriate regulations but also to give them a context and a proper definition, the directive of which should always be to read the regulations in such a way as to maximize children's rights (in the positive sense) and minimize their discomfort (in the negative sense). In a word, the axiology of children's rights seeks, as Collin Wringer said, justification for these rights and provides tools for their effective enforcement.

The axiology of children's rights contained in international agreements and the constitutions of individual countries includes two groups of provisions. The first refers to general regulations that undermine human rights in general. These are provisions confirming values such as dignity, equality, freedom, and the prohibition of discrimination. The second group refers to regulating the environment in which the child grows up and socializes. Both regulations protecting the family (maternity) and other measures (e.g., school) are essential here.

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