

**PROBLEMS OF INTERPRETATION  
OF “RIGHTS OF THE CHILD” CATEGORY  
AND THEIR CLASSIFICATION:  
THEORETICAL AND LEGAL RESEARCH**

**Ryhina Olena**<sup>1</sup>

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**Abstract.** The multifaceted nature of the life spheres faced by the child and child’s numerous rights subject not to possession only, but to actual exercising, requires the systematization of various scientific positions in the classification of these rights. This is due to the fact that the rights of the child are a fundamental element of child’s legal status, and therefore their classification will allow to comprehensively approach the clarification of all types of legal status of the child (due to age, state of health, in life-threatening conditions, parents or other persons to replace parents, or this duty should be performed by the state, etc.).

**Subject of research.** The subject of this research is systematization is the interpretation of the term “rights of the child” in the theoretical-legal aspect and their classification.

**Methods of research.** In this paper we applied the methods of complex analysis and systematization to comprehensively cover the problem of pluralism of approaches to the interpretation of “the rights of the child” concept and their classification. There were applied the methods of structural-functional, systemic, comparative-legal analysis and synthesis. The method of critical research allowed to substantiate own scientific position regarding the subject of the study.

**Purpose of research.** Purpose is systematization of interpretation of the term “rights of the child”, their classification and found the best optimal term “rights of the child, their classifications as fundamentals in the historical-legal researches.

**Conclusions.** We believe it expedient to consider the rights of the child not mainly in the general theoretical aspect, but taking into account those legal relations that have arisen in certain spheres of social and legal life

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<sup>1</sup> Associate Professor of the Department Fundamental of Ukraine’s Law of the Faculty of Law, Ivan Franko National University, Ukraine

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that the child encounters in the course of his or her growth, including in the case of the child being socially harmful or taking socially-dangerous acts. Therefore, in our opinion, the rights of the child must be considered through the prism of the normative definition of child’s legal status as a participant in legal relations, which are governed by the norms of a separate branch of law. The probability of this scientific position is the following: 1) allows considering the child as a real and not an abstract participant in legal relations; 2) to apply it to the definition of the rights of the child in various legal systems and historical epochs.

By systematizing the classification of the rights of the child, we sought to find out the most suitable one for a complete, objective and comprehensive illustration of the peculiarities of the legal status of the child, especially in the historical and legal aspect, taking into account the territorial factor of birth and further growth of the child. In this case we consider the most appropriate to classify the rights of the child in particular, and the legal status of the child in general, based on the sectoral affiliation of legal norms that regulate those particular spheres of social and legal life that coincide with the spheres of life of the child as a specific subject of law.

### **1. Introduction**

Adoption of a number of international instruments on the rights of the child in the twentieth century led to the transformation of the child’s legal status, as the international community recognized the axiological significance of childhood and developed international standards for the rights of the child. The next step had to be taken by the states that were strongly recommended to implement the international standards of the rights of the child into their legislation. Most states at the present time recognize a certain amount of rights in a variety of spheres of life for a child, which are aimed primarily at ensuring child’s survival and comprehensive normal development as a future member of the society. The multifaceted nature of the life spheres faced by the child and child’s numerous rights subject not to possession only, but to actual exercising, requires the systematization of various scientific positions in the classification of these rights. This is due to the fact that the rights of the child are a fundamental element of child’s legal status, and therefore their classification will allow to comprehensively approach the clarification of all types of legal status of the child (due to age, state of health, in life-threatening condi-

tions, parents or other persons to replace parents, or this duty should be performed by the state, etc.).

Substantiating the study of theoretical understanding of the rights of the child and their classification, we first of all recognize that there are developments in this area, in particular at the present stage. Thus, groundbreaking research of the problem is presented in the works of V.I. Abramov, O.V. Butko, I.V. Voloshina, N.V. Kombarov, S.P. Kotaleichuk, N.M. Krestovska, O.L. Lvova, I.Yu. Nosova, N.M. Onishchenko, N.V. Ortynska, O.F. Skakun, S.O. Sunegin, A.O. Shultz etc.

However, in fact, numerous researches concerning classification of interpretations of the concept of “rights of the child” and the types of these rights, the pluralism of scientific positions on these issues requires to systematize and rethink the results of the work, and therefore, this is the purpose of our study. Tasks of the research are directly related with its objective. First, the systematization of scientific positions of researchers requires the implementation of their complex analysis. Second, it is necessary to choose the most appropriate definition of the term “the rights of the child” and the most appropriate criterion for the classification of the rights of the child in order to apply them in historical and legal researches in order to further demonstrate the evolution of the legal status of the child and identify the causes of such evolution.

## **2. Methods of research**

In this paper we applied the methods of complex analysis and systematization to comprehensively cover the problem of pluralism of approaches to the interpretation of “the rights of the child” concept and their classification. There were applied the methods of structural-functional, systemic, comparative-legal analysis and synthesis. The method of critical research allowed to substantiate own scientific position regarding the subject of the study.

## **3. Problems of interpretation of “rights of the child” category**

Covering the issue of the concept of the rights of the child first of all takes into account that they are an integral and inalienable element of the “legal status of the child”, which in the legal literature, as pointed out by N.M. Krestovska, shall be considered, firstly, through the prism of the general legal status of a person and secondly, as a category of legal status of a person, and thirdly, as a legal status derived from the legal status of a

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person and a citizen, taking into account age restrictions [1, p. 278]. Thus, each statement represents interrelatedness of the child's legal status and the legal status of a person, and consequently a logical proposition according to which the child has a number of rights of the adult, but questions arise about their scope, guarantees of provision and implementation.

N.V. Ortynska also noted the interrelation of the rights of the child and the rights of the person. Having analyzed the provisions of the 1989 Convention on the Rights of the Child, the authors believes it appropriate to distinguish: 1) the rights of a minor (a child aged 16 to 18) as a human being; 2) the rights of a minor as a child; 3) specific rights of a minor. In her opinion, it is followed by a logical proposition that the circle of the rights of an underage person is wider than the range of rights of an adult [2, p. 82].

According to N.M. Krestovska, the terms “legal status of a person” and “legal status of a child” in jurisprudence are understood in a broad and narrow sense. So, if according to the concept of interpretation of the category “legal status of the child” in the narrow sense, its constituent elements are only rights and responsibilities, then the concept of interpretation of it in the broad sense provides for its constituent elements of the rights, responsibilities of the child, citizenship, legal interests, guarantees of the exercise of rights and duties, legal liability [1, p. 278-279]. We consider these concepts equally correct, since the first of them, in our opinion, serves as the theoretical basis for further in-depth understanding of the constituent elements of the legal status of the child, which, growing, objectively becomes the subject of legal relations. Consequently, it becomes necessary to interpret the term “legal status of a child” in a broad sense. However, anyone of these concepts of interpretation of the category “legal status of the child” does not diminish the value of its fundamental element, namely the rights of the child.

L.M. Novak-Kaliaeva noted that “the concept of human rights” is a dynamic system of norms of morals and rights, defined and guaranteed by the state, which develops together with society, responding to changes taking place in all spheres of public life. The ambiguity of interpretations and the diversity of the scientific positions of individual researchers on this problem leads to theoretical studies in this field [3, p. 62]. The indicated laws of the evolution of the concept of human rights inevitably relate to the concept of the rights of the child, because without deepening in historical aspects, we can confidently say about the significant positive changes in the legal status of the

child, from the era of the ancient world, the Middle Ages, new and modern times. Adoption during the twentieth century a number of international legal acts on the protection of the rights of the child are confirmation of the recognition of the value of child life by the international community.

So, first of all we will find out the content of the legal concept of “the rights of the child”. Thus, according to A.F. Skakun, “rights of the child” are the opportunities (freedoms) of a minor, necessary for existence, education and development, while the child's rights system is an integral part of human rights. In confirmation, the researcher notes that the child has a lot of rights owned by an adult (right to life, name, obtaining citizenship, free expression of opinion, etc.) [4, p. 186].

N.M. Onishchenko, O.L. Lvova and S.O. Sunegin agree on this scientific position, since children have almost the same rights as adults. According to scholars, “rights of the child” are certain opportunities for harmonious development and growth in certain social, economic and spiritual conditions that correspond to certain coordinates of time and space [5, p. 14-15].

V.I. Abramov supports a similar scientific position, however, he defines the “rights of the child” rather concisely, namely, “rights of the child” as “human rights” that apply to children. The author admits that this wording does not reveal the whole essence of the rights of the child, but the expediency of this interpretation is seen in its ability to “transfer” the features that are characteristic of the subjective rights of the individual, to the signs of the rights of the child in the light of the “age” factor – juvenile [6, p. 12].

O.A. Schultz notes that some Ukrainian scholars define the rights of the child as human rights for children (P.P. Shliahtun). However, in this case, it must be taken into account that children do not have all the rights exercised by adults, but they are entitled to other specific rights caused by their age, family status, etc. When talking about the rights of the child other authors imply the system of rights and freedoms that characterize the legal status of the child, taking into account the peculiarities of development, until reaching adult age (Zh.M. Pustovit) [7, p. 95]. The same definition of the rights of minors was filed by S.P. Kotaleichuk [8, p. 10]. Analyzing the position of scientists, O.A. Shults believes that the rights of the child should be interpreted as a system of social, economic, cultural and other opportunities that are caused by the peculiarities of the physical, psychological and mental development of the child, recognized and implemented in a certain period of human life – the period of childhood [7, p. 95].

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N.V. Ortynska offers more complex definition of the “rights of the child”, defining the rights of the child, in particular the minor, as general civilization values, expressing possibilities for harmonious development and growth, realization of the individual in the interests of society in accordance with the legislation, traditions of the people, achievements of national and world culture in certain historical and social conditions [2, p. 13]. This interpretation includes, firstly, connection of the exercise of the rights of the child for its harmonious development with the interests of society, and secondly, the exercise of rights in accordance with the requirements of the law.

Quite a complex definition of the rights and freedoms of the child was also provided by I.V. Voloshina. The rights and freedoms of the child, in her opinion, are a system-forming element, the totality of the civic (personal), political, economic, social, cultural and other possibilities of the child that ensure child’s biological and social existence, provide education, training and development with the purpose of forming child’s proper physical and moral status, which most clearly characterizes the quality of the constitutional and legal status of the child, taking into account the peculiarities of child’s development until adulthood [9, p. 101-102].

Agreeing with the arguments of S.N. Bratus, O.V. Butko notes that in order to define the term “rights of the child” it is necessary to take into account their subjective nature, and consider them as the kind and extent of possible behavior that is provided, protected and guaranteed by the state. According to N.I. Matuzov, “probable behavior” may include: 1) the need to behave in a certain way; 2) demand appropriate behavior from other persons; 3) use a certain social benefit; 4) to demand, in necessary cases, measures of state coercion. Thus, “subjective right” is considered as right-of-behavior, right-of-demand, right-of-use, and right-of-request. Such an interpretation, according to A.V. Butko, shall be applied to the interpretation of the content of the rights of the child [10]. We do not deny the correctness of this interpretation of the rights of the child, but first of all we emphasize the pattern according to which the child has certain needs aimed at ensuring child’s life and health, but their implementation determines the assistance of parents or other persons replacing them. Therefore, the exercise of right-of-behavior, right-of-demand, right-of-use or right-of-request of the child, due to the objective restrictions of child’s condition, caused by the age, requires third-party assistance in their implementation.

We tend to think that interpreting the meaning of the concept of “the rights of the child” is most appropriate through the prism of vital needs, that is, by applying the need approach, since any human right is the right to meet individual needs. Precisely this persuasive scientific position is supported by P.M. Rabinovich. According to the scientist, the “rights of the person” can be defined as certain possibilities of the person, which are necessary to meet the needs of existence and development in the specific historical conditions, objectively determined by the level of social development and secured by the duties of other members of society. This interpretation of human rights is based on a social and need approach, since human existence and development usually takes place in the process of satisfying human needs, and this process is mediated by factors of a natural-historical character – the results of social production (material and spiritual). In addition, this interpretation of the term has by its nature humanistic character [11, p. 13], that is, corresponds to the degree of development of society.

However, “human rights” or “rights of the individual” are considered by the researchers not only through the prism of the required approach. According to P.M. Rabinovich, “human rights” are treated as its freedom somehow regulated (V.S. Nerssesiants, S.V. Chernychenko); as certain interests of the person (N.A. Shaikenov); as demands for the provision of certain benefits from society, state, legislation (L. Khenkin); as conditions and benefits (material and spiritual) necessary for ensuring the normal functioning of the individual (D.Z. Mutagirov); as a certain type or part (the form of existence, the way of manifestation) of morality (M. Krenston, A. Miln) [11, p. 13].

We believe that the scientific position regarding the interpretation of the category “the rights of the child” from the point of view of the need approach may well be used to clarify the content of the rights of the child, usually taking into account the pattern according to which the child has a wider range of needs, some of which a child cannot satisfy without parents or other persons replacing them. Thus, guided by the need approach, the “rights of the child” can be defined as certain possibilities of the child, which are necessary to meet the needs of existence and development in the specific historical conditions, objectively determined by the level of social development and secured by the duties of other members of society, especially parents or persons who replace them.

#### **4. Signs of the rights of the child**

The rights of the child have distinctive features or characteristics. In particular, I.Yu. Nossova points out that they are of a natural character and arise from the very fact of birth, are inalienable, integral, and directly applicable and recognized as the highest social value; their content is determined by the conditions of socio-economic, political and cultural development of society. As the author continues, the rights of the child determine the content of relations between the individual and the state, the state and the international community; they are recorded in the norms of domestic and international public law [12].

N.V. Ortynska distinguishes somewhat other characteristic features of the rights of the child, in particular, this is the preponderance of the rights of the child over child's duties; availability of minimum international standards for the rights of minors; the presence of additional rights of the child in comparison with other general subjects of law (the right to live in the family, the right to get care of parents, etc.); the time limit of the child's rights system; the narrowing of rights; the lack of the opportunity to independently exercise the rights of the child, as a result of which parents or state authorities should facilitate the exercising of these rights [2, p. 12].

#### **5. The question of understanding the legal categories of “freedom” and “interests” of the child**

The concept of “the rights of the child” is inextricably linked with the issue of child's “freedom”, which N.M. Onishchenko, O.L. Lvova and S.O. Sunegin regard as legally secure and guaranteed opportunities for the child to realize personal needs and interests caused by child's age, peculiarities of physical, intellectual, cultural development, including freedom of choice for a certain decision, expression of opinions, non-interference in the sphere of personal beliefs, etc.

It is necessary also to mention in this context the “legal interest of the child”, that is, the interest protected by the state and society [5, p. 14-15]. One can fully agree with O.V. Butko's view that “legal interest” as a legal category can be applied in jurisprudence, since certain interests are the basis of rights and obligations, but “legal interest” cannot be an independent element, such as rights, freedoms and obligations of the subject of the law. The researcher explains own arguments in the following way: interest raises a certain motive of behavior in a person, by analogy with the norms of criminal law, in which the motive is an objective part of the crime. In addition, “interests” cannot be formalized [10].



## **6. Conclusions on problem of interpretation of “rights of the child” category**

Summing up the scientific positions of the mentioned authors, we shall mention their justification, coverage of the full content of the category of “the rights of the child”, since it was taken into account that the rights of the child are child’s capabilities, some of which cannot be carried out without the assistance of parents or other persons who are replacing them, and that these opportunities are defined in the norms of national and international law of a particular historical epoch. We believe it expedient to consider the rights of the child not mainly in the general theoretical aspect, but taking into account those legal relations that have arisen in certain spheres of social and legal life that the child encounters in the course of his or her growth, including in the case of the child being socially harmful or taking socially-dangerous acts. Therefore, in our opinion, the rights of the child must be considered through the prism of the normative definition of child’s legal status as a participant in legal relations, which are governed by the norms of a separate branch of law. The probability of this scientific position is the following: 1) allows considering the child as a real and not an abstract participant in legal relations; 2) to apply it to the definition of the rights of the child in various legal systems and historical epochs.

## **7. Features of the classification of the rights of the child**

The research problem requires classifying the rights of the child as a fundamental element of child’s legal status. We would like to clarify that classification is a system of subordinate concepts (classes, objects, phenomena) in a certain field of knowledge or human activity, composed on the basis of objects and regular relationships between them, which allows to navigate in the variety of objects and is a source of knowledge about them [13, p. 20].

In classifying, taking into account the provisions of the 1989 Convention on the Rights of the Child, according to Art. 1 of which “a child is every human being before reaching the age of 18, which applies to this person if the person has not reached the age of majority age before” [14], we will be guided by the fact that the child first of all has, with some restrictions, the totality of the rights of the adult, and therefore there is a need for a concise unification of the classifications of human rights. This will allow a comprehensive classification of the rights of the child, taking into account the pattern according to which human rights are “basic” in relation to the rights of the child.

### **8. Notion of the “classification of rights”**

In general, due to the ambiguity of approaches and interpretations there are dynamic changes in the concept of human rights that are consistent with the results of social development [3, p. 63]. This pattern inevitably applies to the concept of the rights of the child. It is confirmed by the dynamic change in the legal status of the child in the family, societies and states over certain periods of time.

Concerning the question of the classification of human rights, P.M. Rabinovich proposes to apply first of all to the provisions of the International Covenants on the Rights “social, economic and cultural” and the “civil and political” rights that were adopted by the UN in 1966. At that time, the classification of fundamental human rights, reflected in the names of these covenants (in this case, it refers to the classification of rights and freedoms in their content or spheres of life), indeed met the requirements of time, but subsequently there was a need to expand and clarify the list of rights. For example, P.M. Rabinovich emphasizes that all human rights in the broadest sense in terms of content and means of their implementation are social, since they are objectively predetermined by society itself, and therefore, non-social human rights, obviously, do not exist at all [11, p. 13].

### **9. Criteria for the classification of rights**

The term “human rights” is classified on the basis of different criteria. In the broad sense, the term “human rights” according to L.M. Novak-Kaliaeva, as a social institution, covers the entire complex of human rights and freedoms of the individual. In a narrow sense, this notion applies only to those rights that are protected and guaranteed by the state, operate independently of their constitutional-legal adoption and state borders (equality of all people before the law, right to life and physical integrity, right to respect for human dignity, freedom from arbitrary, illegal arrest or detention, freedom of belief and conscience, the right of parents to raise children, the right to resist oppressors, etc.).

Given the subjects, there are distinguished human rights and freedoms and the rights and freedoms of a citizen [3, p. 63]. For the first time, this classification was filed in The Declaration of the Rights of Man and of the Citizen of 1789, mentioning human rights (freedom, property, security, resistance to oppression, etc.) in parallel with citizen’s rights (the right to create a law, equal access to all positions and occupations, the right to freely express, write, print, etc.) [15, p. 10].

Human rights are defined depending on the type of subject, as individual and collective; by genesis – natural (born) and derivatives (formulated in laws and international acts); by type of occurrence – main (constitutional) and other. The rights and freedoms are distinguished as negative and positive ones depending on the fixation in the human rights of the negative and positive aspects of freedom. In a negative sense, freedom is interpreted as a lack of coercion by the state; in a positive sense, freedom is understood as the freedom of choice, as the ability of a person to achieve own goals and the duty of the state to provide the citizen with certain social benefits. According to the degree of generality there are general, universal, special human rights; according to carriers of rights – the basic, that is, necessary for the existence and development of a human, and other, i.e., those that are not vital.

Quite common is the classification of rights based on the criterion of priority of their inclusion in the constitutions of states – the rights of the first, second and third generations [3, p. 63-64]. This classification was developed by French legal expert Karel Vasak. Consequently, the first generation of rights includes civil (personal) and political rights, the second “generation” of rights includes socio-economic and cultural rights, the third “generation” of rights includes collective rights (“rights of solidarity”) [16, p. 298]

The first generation of human rights refers to the traditional liberal values formulated after the end of the revolutions to eliminate absolute monarchies, later enshrined in the legislation of democratic countries (right to freedom of thought, conscience, words, religion, electoral rights, right to equality before the law, right to life, liberty, personal integrity, freedom from unreasonable and unreasonable detention, arrest, exile, right to a fair hearing, fair trial by an independent court, etc.). These rights provided for the so-called “negative” freedom, obliging the state to refrain from interfering in the sphere of personal freedom and to create conditions for the participation of citizens in political life.

The second generation of rights was formed in the process of struggle of peoples for improving their economic status, enhancing their cultural status (so-called “positive rights”), which requires the intervention of the state (the right to work, free choice of employment, social security, rest and leisure, for protection of motherhood and childhood, education and other rights, enshrined subsequently in the International Covenant on Economic, Social and Cultural Rights) [17, p. 98].

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After the Second World War, the third “generation” of human rights has been formed, which by its nature are collective (right to development, peace, independence, self-determination, safe environment, territorial integrity, sovereignty, liberation from colonial dependence, general heritage of humanity, decent life etc.). The rights of the third generation at the same time belong to every person without exception and to mankind as a whole [18, p. 118; 16, p. 299].

The natural consequence of the development of scientific technologies, medical science and bioethics was the emergence of the theory of the formation of the fourth generation of human rights. According to O.O. Barabash, the rights of the fourth generation are somatic and informational rights, since they arose as a result of scientific progress and the development of morality [19, p. 214-215]. “Somatic rights” refer to the possibility recognized by society and the state of definite behavior expressed in the powers of a person to fully dispose of own body (right to death, right to dispose of organs, reproductive rights (of positive nature – the right to in vitro fertilization, and the negative nature – the right for abortion, sterilization), the right to change sex, the right to cloning the whole organism or its individual organs, the right to transplant organs, the right to euthanasia [16, p. 299].

At the present stage, individual scholars are considering the issue of belonging of the separate rights of the fourth generation to a child, obviously, which has reached a certain age. The Optional Protocol to the Convention on the Rights of the Child on a communication procedure 2014 in article 2 stipulates that the Committee on the Rights of the Child, in the process of performing the functions entrusted to it by this international act, is guided by the principle of ensuring the best interests of the child and takes into account the rights and views of the child, paying attention to the child's views according to the age and maturity of the child [20].

O.V. Butko suggests considering age as one of the main criteria for the classification of the rights of the child, since the age factor is the basis of the existence and differentiation of such categories as: child, infant, minor, adolescent, under age. The difference in the rights of these age groups can be shown taking into account their age interests and the forms of institutions in which educational and teaching processes are carried out. Thus, the right to education can be exercised upon reaching 6-7 years by a child. The age criterion for the classification of the rights of the child ensures the possibility of the child's participation in legal relationships, and it serves as the

basis for the delineation of duties and guarantees regarding the provision of these rights of children between the state and the parents of the child or persons who replace them [10].

According to M.V. Kombarov, it is advisable to distinguish personal; political economic, social and cultural rights of the child (classification of the rights of the child by the content). Thus, personal rights and freedoms shall be provided to every child from the moment of birth, are inalienable and natural, connected with private life, regardless of the presence or absence of citizenship (right to life, protection of honor and dignity, inviolability of a person, housing, private life, the secret of correspondence, telephone conversations, postal, telegraph and other forms of communication; freedom of thought, words, free access to information, other than that which may harm health, moral and spiritual development; right to freedom of conscience and confession; right to move freely, to choose the place of residence and accommodation, though according to the law, the place of residence of the child under the age of 14 is determined by the place of residence of child's parents or legal representatives; right to live and bring up in a family; right to know parents and the right for their care, living with them, right to education by parents, right to communicate with them and other relatives, each child has the right for name, patronymic and surname). The child's political rights and freedoms include the right of the child to meetings; gathering peacefully, without weapons and holding meetings, rallies (students, except for pupils of preschool institutions and primary school students, may hold outside of school hours meetings and rallies for the protection of their violated rights). The group of social, economic and cultural rights and freedoms of the child concerns such important areas as property, labor relations, health, recreation, education, social security, and creativity. Socio-economic, cultural rights are aimed at satisfying the physical, material and spiritual needs of the child. The exercise of these rights by the child will facilitate child's formation as a member of society [17, p. 100-101]. From the analysis of the scientific position of the researcher it follows that this classification allows to identify the spheres of life of the child, which the child inevitably faces in the process of development and to allocate child's specific rights in each of them.

Classification of the rights of the child, justified by O.V. Butko, deserves attention within the classification of the rights of the child, on the basis of a certain branch affiliation, that is, according to the institutional criterion. In

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particular, it is possible to distinguish in civil law a group of rights of the child in respect of the implementation of civil law; hereditary rights of the child; child's copyright. The educational law defines the rights of the child to receive pre-school education; elementary school education; basic general education; secondary vocational education, etc.

In addition to this classification, O.V. Butko proves the opportunity to classify the rights of the child in accordance with the provisions of the Convention on the Rights of the Child of 1989. In particular, according to the researcher the first group of rights includes the right of the child to life, the name, and equality in the exercise of other rights. The second group includes the right of the child to family well-being. The third group includes the right of the child to the free development of the individual. The fourth group includes the right of the child to health care. The fifth group of rights, in her opinion, includes the right of the child to education, rest, etc. The sixth group of rights covers the rights in the economic sphere, aimed at protecting children from exploitation, inhuman attitude and treatment [10].

N.M. Krestovska justifies the expediency of classifying the rights of the child to universal human rights and freedoms, adapted to a special subject of law, that is, a child, and juvenile (special) rights and freedoms, which constitute the types of behavior permitted by objective law, established only for children. They contain rules of natural and positive law [1, p. 18-19].

N.V. Ortynska proposes to classify the rights of the child according to the territorial criterion, distinguishing international, regional domestic law; according to the generic characteristic, she allocates the general rights of a minor as a human being; the rights of minors as children, special rights of minors, rights of minors with special legal status [2, p. 13-14].

T.V. Lobanova states a different approach to the classification of the rights of the child, which was first applied in England, proposing to distinguish between legal or positive rights and moral rights that are interrelated. Thus, legal rights are rights established by law; moral rights are not defined in the law. According to G. Rodham, this division was conditional, since it mainly concerned the interests of the child, but not child's rights. However, T.V. Lobanova considered justified this division of the rights of the child. In particular, in the UK every child has a legally stipulated right to study at school until the child reaches the age of 16. At the same time, the child has a moral right to study, which in its content coincides with the legal right of the child to get education.

T.V. Lobanova covers another classification of the rights of the child – the so-called “3Ps” classification, which was developed in 1986. According to this classification, the rights of the child, which serve to ensure the provision of the basic needs of the child (right to rest and leisure, right to education); the rights of the child that provide the child with protection from harmful influence of society, family (from abusive treatment, sexual exploitation); right of the child to participate in public life (right to freely express own views on matters relating to the child). As T.V. Lobanova notes, UN Children's Fund (UNICEF) has changed the classification of “3Ps”, transforming it into the classification “SDPP”, distinguishing the right of the child to survive (survival right); right to development (development right); the right to protection (protect right); right to participate (participation right). In the course of the study, T.V. Lobanova proved that, basically, all British scholars are guided by these two classifications [21, p. 608-609].

#### **10. Conclusions on the identification of the characteristics of the classification of the rights of the child**

Consequently, on the basis of the study of the interpretations of the rights of the child and child's freedoms, a conclusion can be drawn on the scrupulous nature of the investigations of these authors, since each of them tried to substantiate the correctness of own scientific position, taking into account the various factors of legal, social, economic, and historical character, which predetermine completeness and probability of one or another interpretation. The relevant study requires us to submit an author's vision for defining the category of “child's rights”. Therefore, based on the results of the research, we believe it appropriate to formulate the concept of “the rights of the child” as defined and secured in the law of a particular state, a certain historical age of the child's ability, aimed primarily at survival, further physiological, psychological, educational and cultural development in order to become a fully realized member of society, and the ability of this child to be a member of a certain circle of legal relations that are directly related to child's interests.

By summarizing the theoretical classification of the rights of the child by these researchers, there shall be highlighted their comprehensive approach to this issue and the coverage of their classification of the rights of the child through the prism of the international legal standards and the legal areas that the child faces during lifetime until adulthood. Thus, each of these clas-

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sifications has its own scientific value. In our opinion, it is inappropriate to overestimate the significance of one classification to another, since the scientists, presenting them to our attention, have proved their ability to apply for scientific and educational purposes.

By systematizing the classification of the rights of the child, we sought to find out the most suitable one for a complete, objective and comprehensive illustration of the peculiarities of the legal status of the child, especially in the historical and legal aspect, taking into account the territorial factor of birth and further growth of the child. In this case we consider the most appropriate to classify the rights of the child in particular, and the legal status of the child in general, based on the sectoral affiliation of legal norms that regulate those particular spheres of social and legal life that coincide with the spheres of life of the child as a specific subject of law. In this case, we will have the opportunity to highlight the legal status of the child through the prism of axiological significance as a member of the family, society and for the state as a whole.

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