



Universiteit  
Leiden  
The Netherlands

## **The application of the United Nations Convention on the Rights of the Child by national courts**

Couzens, M.M.

### **Citation**

Couzens, M. M. (2019, December 3). *The application of the United Nations Convention on the Rights of the Child by national courts*. Retrieved from <https://hdl.handle.net/1887/81090>

Version: Publisher's Version

License: [Licence agreement concerning inclusion of doctoral thesis in the Institutional Repository of the University of Leiden](#)

Downloaded from: <https://hdl.handle.net/1887/81090>

**Note:** To cite this publication please use the final published version (if applicable).

Cover Page



Universiteit Leiden



The following handle holds various files of this Leiden University dissertation:  
<http://hdl.handle.net/1887/81090>

**Author:** Couzens, M.M.

**Title:** The application of the United Nations Convention on the Rights of the Child by national courts

**Issue Date:** 2019-12-03

Propositions related to the dissertation *The application of the United Nations Convention on the Rights of the Child by national courts* by Meda-Mihaela Couzens

1. The domestic rules regarding the reception of international treaties into the domestic law restrict the application of the UN Convention on the Rights of the Child ('the CRC' or 'the Convention') by domestic courts.
2. The international expectations (especially as formulated by the Committee on the Rights of the Child) in relation to the courts giving effect to the CRC are not in harmony with the domestic rules that inform the judicial application of the Convention.
3. The direct application of the CRC by courts in monist jurisdictions is a more effective way of giving effect to the Convention than its indirect application by courts in dualist jurisdictions.
4. The impact of the CRC on the judicial reasoning in France, Australia and South Africa is not clear.
5. The general provision that protects the best interests of the child in the CRC (article 3(1)) has often been applied by domestic courts. This is surprising considering the alleged weaknesses of this provision.
6. The domestic judicial effect of the CRC can be improved through a closer engagement by the Committee on the Rights of the Child and the courts with each other's output.
7. It is not certain what the added value of the CRC is in relation to similar and potentially overlapping legal instruments (domestic and international).
8. The legal (as distinct from policy or advocacy) dimension of the Convention needs to be further developed. Domestic courts contribute to this development.
9. Young children whose mothers study toward a PhD spend more time on electronic devices than other children.
10. Husbands whose wives study toward a PhD eat more frozen meals *per* week than other husbands.