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Article 5 of the UN Convention on the Rights of the Child: parental guidance and the evolving capacities of the child

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At the crux of article 5 is an attempt to re-imagine the parent-child relationship. It recognises that all children have a right to be parented with respect and tenderness. Article 5 serves as a balancing provision within the UN Convention on the Rights of the Child, according respect to children's status as rights-holders, while also acknowledging the indispensable role that parents and family play in the everyday care of a child. In this regard, article 5 has a transformative dimension, extinguishing any lingering notion of parental rights as ownership rights, and changing how we view the role of parenthood – from that of rights-holders over our children to duty-bearers to our children in their enjoyment and exercise of rights.

This collection of published manuscripts sheds light on the scope and meaning of the right to parental guidance, and considers its implications for children's enjoyment of rights in the context of medical research.

This is a volume in the series of the Meijers Research Institute and Graduate School of the Leiden Law School of Leiden University. This study is part of the Law School's research programme 'Effective Protection of Fundamental Rights in a pluralist world'.

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