

Legal Regulations on Children's Rights in Historical and Social Context

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The idea of child protection covers a series of social movements, policies and legislative reforms that have evolved as a response to changing society conditions, cultural mindsets and growing awareness of the needs and vulnerabilities of children.

During the 19th and early 20th centuries, Europe experienced profound economic and social transformations which paved the way for the implementation of legal regulations on rights. The Industrial Revolution and social and political changes created conditions that required the institutionalization of child protection.

The protection of children's rights has continued to be a focus of society today as the intention of lawmakers is to create an increasingly comprehensive and expanding legislative framework.

In 1853, social reformers such as Charles Loring Brace, founder of the Children's Aid Society, started advocating for the rights and protection of children, primarily fighting against child labour as he tried to provide education and care for children and young people. The need to deal with the problems of children who lived in poverty, exploitation, war or post-war conditions, challenging family circumstances, orphanhood, etc.^{1 2}

- The purpose of our article is to present in chronological order the emergence and development of the legal framework related to children's rights.

The tasks that should be sorted out are:

- to identify the factors bringing the need for a legal framework on the protection of children's rights;
- to present the organizations involved in the development of legal instruments for the protection of children;
- to present an international and national aspect of the development of the legal framework on the protection of children's rights;

¹ Britannica. (n.d.). *Charles Loring Brace*. Encyclopædia Britannica. <https://www.britannica.com/biography/Charles-Loring-Brace>

² Social Welfare History Project. (n.d.). *Charles Loring Brace (1826–1890) – Founder of the Children's Aid Society*. Virginia Commonwealth University Libraries. <https://socialwelfare.library.vcu.edu/people/brace-charles-loring/>

- through a literary review of the legal sources, to come to conclusions and give recommendations on improving national and international legislation related to children's rights.

Scientific Research Hypothesis:

Child protection legislation should be developed in a way that promotes the protection of the best interests of children and their well-being. The legal instruments should be developed and expanded in line with the new dangers and challenges related to education in a safe digital environment, limiting access to sources of information that cause addiction, protecting children's personal data and limiting the possibility to access pornographic contents while children should be informed about these dangers and about the possibility of reporting, participating personally or through legal or procedural instruments in legal proceedings that guarantee the protection of their rights.

Major factors that make it necessary to have a legal framework:

1. Child Labour

Industrialization and the associated migration of many families to cities, where they live in extreme poverty and poor conditions, made it necessary for children to work in factories, mines, fields, and other industrial sectors. It often happened under unsuitable and dangerous conditions, with long working hours, without adequate pay, and without access to education. These conditions of exploitation made it necessary to start initial legislative efforts to protect children.³ (Humphries, 2010) All that caused public protests and demands for legislative measures to limit child labour.

2. Lack of Legal Status of a Child

In those years, children were not believed to have rights. They did not have legal protection instruments against abuse or violence towards them. Child protection started to be seen as needed to ensure the basic rights of children.

3. Social Instability, Wars and Emergence of the First Humanitarian Organizations

World War I (1914–1918) left hundreds of thousands of children orphaned and homeless, which also led to unified international efforts by humanitarian organizations to create instruments

³Humphries, J. (2010). *Childhood and Child Labour in the British Industrial Revolution*. Cambridge University Press.

for the protection of children. The Geneva Declaration of the Rights of the Child (1924) was the first international attempt at legal protection of children by recognizing their vulnerability and need for special care⁴ (Jebb, 1924)

Child protection organizations play a key role in promoting children's rights on an international scale. *Save the Children* was one of the first non-governmental organizations to advocate for children's rights and influence on legislative change in Europe.⁵ The organization was founded in 1919 by the British social reformer Eglantyne Jebb and her sister Dorothy Buxton in regard to the deep humanitarian crisis in Europe following World War I. Millions of children in Germany, Austria-Hungary and other affected regions suffered from hunger, disease and deprivation.⁶ (Save the Children UK, n.d.-a). Jebb believed that children should not be victims of the actions of their governments. Her understanding of moral responsibility transcended national boundaries and reflected a new paradigm in the approach to childhood – seeing children as vulnerable but possessing universal human rights, independent of their race, religion or nationality⁷ (Britannica, n.d.). The creation of Save the Children marked a historic transition from charity to structured, human rights-based, and global humanitarian work. The organization introduced a comprehensive philosophy for child protection that decades later would bring to the adoption of the United Nations Convention on the Rights of the Child⁸ (UNICEF, 2024). Thus, *Save the Children* did not simply respond to the post-war crisis, but became a symbol of a new attitude towards children.

Further, the immediate humanitarian motive, Jebb recognized the need to create a legal and ethical mechanism for the protection of children on an international scale. This prompted her to draft the so-called Geneva Declaration of the Rights of the Child (1924) adopted by the League of Nations – the first international document to recognize the specific needs and rights of children⁶ (Save the Children UK, n.d.-b).

⁴ Jebb, E. (1924). *Geneva Declaration of the Rights of the Child*. League of Nations

⁵ Save the Children UK. (n.d.-a). *Our history*. <https://www.savethechildren.org.uk/about-us/our-history>

⁶ Save the Children UK. (n.d.-b). *Eglantyne Jebb – a true children's champion*. <https://www.savethechildren.org.uk/blogs/2013/eglantyne-jebb-%e2%80%93-a-true-children%e2%80%99s-champion>

⁷ Britannica. (n.d.). *Save the Children*. Encyclopaedia Britannica. <https://www.britannica.com/topic/Save-the-Children>

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Chronology of Regulations on Children's Rights in Europe⁹

- **1924** The League of Nations adopts the **Geneva Declaration on the Rights of the Child**. The declaration states that all people owe children the right to opportunities for development, special assistance in times of need, priority in receiving aid.¹⁰
- **1946** The United Nations General Assembly establishes the **International Children's Emergency Fund**, UNICEF
- **1948** The United Nations General Assembly passes the [Universal Declaration of Human Rights](#), in which Article 25 entitles mothers and children to 'special care and assistance' and 'social protection'.¹¹
- **1950** The **Convention for the Protection of Human Rights and Fundamental Freedoms**, adopted by the Council of Europe
- **1959** The **United Nations General Assembly adopted the Declaration of the Rights of the Child**, recognizing children's rights to education, play, a supportive environment, and healthcare. This declaration served as a precursor to the Convention on the Rights of the Child and articulated the core principles and rights of children.¹²
- **1959** Document of the International Social Security Association (ISSA), calling for the protection of children and the provision of social services appropriate for their development.
- **1961** **European Social Charter** (revised in 1996)
- **1966** Through the **International Covenants on Civil and Political Rights and on Economic, Social and Cultural Rights**, UN member states committed to ensuring equal rights for all children, including access to education and protection.

⁹ UNICEF. (2024). *History of child rights*. <https://www.unicef.org/child-rights-convention/history-child-rights>

¹⁰ Save the Children UK. (n.d.-b). *Eglantyne Jebb – a true children's champion*. <https://www.savethechildren.org.uk/blogs/2013/eglantyne-jebb-%e2%80%93-a-true-children%e2%80%99s-champion>

¹¹ United Nations. (2024). *The Universal Declaration of Human Rights*. <https://www.un.org/en/universal-declaration-human-rights>

¹² United Nations. (2024). *The Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

- **1968** The International Conference on Human Rights was held to assess progress 20 years after the adoption of the Universal Declaration of Human Rights. A program for future action was outlined.
- **1969 UN Declaration on Social Progress and Development** emphasized the importance of social development for children and the need for equitable conditions to ensure their growth and development.

These early documents laid the foundation for international efforts to protect children's rights and later led to the development of more detailed and binding instruments.

- **1973** The International Labour Organization adopted Convention No. 138, establishing 18 as the minimum age for hazardous work.
- **1974** The UN called on states to uphold the Declaration on the Protection of Women and Children in Emergency and Armed Conflict, prohibiting attacks and arbitrary detention of civilian women and children.
- **1978** The Commission on Human Rights submitted a draft Convention on the Rights of the Child for discussion by a working group composed of states, agencies, and non-governmental organizations.
- **1985** The UN adopted the Standard Minimum Rules for the Administration of Juvenile Justice
- **1989** The United Nations adopted the Convention on the Rights of the Child – a landmark document recognizing children as active holders of social, economic, political, civil, and cultural rights. UNICEF participated in its drafting. The Convention, adopted by the UN General Assembly, is the primary international legal instrument on children's rights. It defines fundamental rights such as the right to life, development, protection from violence and exploitation, and the right to participate in decisions affecting them.¹³
- **1990** The World Summit for Children was held in New York. Guidelines for the Prevention of Juvenile Delinquency were adopted.

¹³ United Nations General Assembly. (1989). *Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child>

- **1999** The International Labour Organization adopted the Convention on the Worst Forms of Child Labour, calling for the prohibition and elimination of activities harmful to children's health, safety, or morals..¹⁴
- **2000** The UN adopted two Optional Protocols to the 1989 Convention: one addressing the involvement of children in armed conflicts, prohibiting recruitment and use of children in military actions; the other concerning the sale, sexual exploitation, and abuse of children, aimed at preventing trafficking and exploitation in sexual activities and pornography.¹⁵
- **2002** At the UN Special Session on Children, child delegates addressed the General Assembly for the first time. The "A World Fit for Children" program was adopted, setting specific goals for the following decade.
- **2006** UNICEF and the UN Office on Drugs and Crime published the Manual on Juvenile Justice Indicators to assist states in evaluating and improving their juvenile justice systems.¹⁶
- **2010** – The UN Secretary-General published a report on the status of the Convention on the Rights of the Child.
- **2011** – A new Optional Protocol on communications procedures was adopted, granting the Committee on the Rights of the Child the authority to consider complaints regarding violations.
- **2012** – UN Guiding Principles on Business and Children's Rights were developed, outlining how businesses should responsibly respect children's rights in their operations.
- **2014** – UN General Assembly Resolution A/RES/69/162 on "Children and Peace" emphasized the importance of peace and security for children, particularly in contexts of conflict and violence.

¹⁴ United Nations. (n.d.). *International Labour Organization – Child Labour*. <https://www.ilo.org/ipec/areas/Childlabour/lang-en/index.htm>

¹⁵ United Nations. (2000). *Optional Protocols to the Convention on the Rights of the Child*. <https://www.ohchr.org/en/instruments-mechanisms/instruments/optional-protocols-convention-rights-child>

¹⁶ UNICEF. (2006). *Manual for the Measurement of Juvenile Justice Indicators*. <https://www.unicef.org/documents/manual-measurement-juvenile-justice-indicators>

- **2015** Somalia and South Sudan ratified the Convention, making it the most widely ratified international treaty in history, with participation from 196 countries.¹⁷

The implementation of the Charter of Fundamental Rights of the European Union in 2000 was crucial because for the first time it provided a detailed legal framework for children's rights at the constitutional level of EU.

On the other hand, after the Liberation in 1878, Bulgaria faced the challenges of building up its own statehood and legal system from scratch, so child protection only became a priority at the beginning of the 20th century. The foundations of children's education and protection began to be laid, as the basic social and economic conditions required the regulation of children's rights (Angelova, 2010).¹⁸

1. Poverty and Abandonment

During that period, a large portion of the population lived in extreme poverty, especially in rural areas where many children were forced to work in agriculture and sometimes in city industries. It was urgently needed to institutionalize support for children at risk, such as abandoned children, orphans and children from large families (Angelova, p. 3)¹⁸

2. Lack of Institutional Care

Until the beginning of the 20th century, there were no organized childcare institutions in Bulgaria that met the basic social needs of children in poverty or at risk. The church and charitable organizations began to establish the first orphanages and shelters but these efforts were insufficient and there was no coordination among the different institutions. (Angelova, 2010). (Angelova, 2010, p. 4)¹⁸

3. Changes after the Wars

The Balkan and two World Wars caused enormous human losses and an increase in the number of orphans. After 1944, within the context of the socialist state, specialized institutions for childcare started being created, but problems with the institutionalization of child protection persisted. (Angelova, 2010). (Angelova, 2010, p. 3) ¹⁸

¹⁷ United Nations. (2015). *Ratification of the Convention on the Rights of the Child*. <https://www.ohchr.org/en/treaty-bodies/ratifications>

¹⁸ Angelova, M. (2010). *History of Social Work in Bulgaria 1900–1960*. Academia.edu. https://www.academia.edu/1227437/The_History_of_social_work_in_Bulgaria_1900_1960

4. Emergence of Educational Legislation and Regulations for the Protection of Children

The Public Education Act of 1891 laid the foundations of compulsory education in Bulgaria, as a basis for socialization and development of children. The introduced compulsory education had the goal to give chance for a future to every child, regardless of their social and economic status (UNICEF, n.d.; Constitution of the Republic of Bulgaria, art. 47).¹⁹ Subsequently, with its amendments and additions of 1921, primary education became compulsory, and in the middle of the 20th century, free.

A regulation that was directly related to support for children in need is the Regulation on Public Assistance of 1934, which regulated the privileged status of the Association for the Protection of Children in Bulgaria. A representative of the association was a member of the Supreme Council for Public Assistance by right, all children's assistance organizations were required to become its collective members, and it received state funding to the amount of 5% of the revenues of the Public Assistance Fund.²⁰

In line with Child Protection Act of 2000, which regulates various aspects of child protection, including the creation of mechanisms to prevent violence and ensure integration into society (Child Protection Act; UNHCR, 2000).^{21 22} and the Social Services Act of 2019, which comprises the right of children to access various social services providing support for families and for children who are at risk of violence or do not receive adequate care in the family.²³

5. Child Protection Organizations

Besides the regulations, to implement the policy for support and well-being of children, organizations should also be established that can provide assistance and protection. Some of them are related to building up centers for institutional care, others - only for supporting families. The best known are:

- **Association for Child Protection in Bulgaria and Child Support Institutions**

¹⁹ Constitution of the Republic of Bulgaria. (n.d.). *Article 47 – Rights of the Child*. <https://www.constcourt.bg/bg/Act-767>

²⁰ <https://daritelite.bg/sayuz-za-zakrila-na-detsata-v-balgariya/>

²¹ UNHCR. (2000). *Law for Protection of the Child*. <https://www.unhcr.org/refworld/docid/409f77db4.html>

²² UNICEF Bulgaria. (n.d.). *STOP violence against children*. <https://www.unicef.org/bulgaria/en/stop-violence-against-children>

²³ Council of Ministers of Bulgaria. (2019). *Закон за социалните услуги*. The Gazette, issue 85.

In its organizational status, the Association of Child Protection in Bulgaria (ACPB) tried to “take care of the overall physical and spiritual development of children” by uniting the efforts of organizations and individuals who had set similar tasks. It was established in June 1925, the Association initially expanded to 9 cities, and then became the first organization in Bulgaria that purposefully tried to fit into the world of Bulgarian peasants. Thanks to the efforts of the organization, institutions for helping children were opened - in 1926 the first rural school canteen was launched, and a year later, in 1927, the first rural day care center was established.

- **Save the Child Center**

Upon the initiative of the International Child Protection Union and with the cooperation of the Sofia Police Superintendency, the Save the Child Center was launched in Sofia on 13 July 1927. The center was a new type of social institution, not a shelter like orphanages. The idea was to accommodate children aged 3 to 14 who were homeless and wandering or left without parental care and forced to beg. The center was an intermediate unit where they would stay until they were placed in orphanages, filed for adoption or returned to their relatives.²⁴

- **“Our Hearth”**

On November 11, 1929, a meeting was convened to discuss the establishment of a home for juvenile workers. After its creation, approximately 80 juvenile workers aged between 14 and 18, who had left social orphanages and state boarding houses, lived there.²⁴

The establishment of statehood after the Liberation and the series of wars where Bulgaria was in a losing position was a challenge for every ruler and a vulnerable issue for a large portion of the population. The foundations of the educational and social systems were laid, changed and built up gradually, but the adoption of regulations and the set-up of support organizations as early as the end of the 19th century managed to provide assistance to some of the children and families in need.

In recent decades, we have witnessed how co-working on the regulatory framework, shared values for the protection of weak groups in society, beliefs, convictions and principles that have united nations for so many decades, have shown how much easier it is to cope with difficulties when there is a common mindset and activities in one direction - the well-being of peoples and the well-being of children.

²⁴ <https://daritelite.bg/sayuz-za-zakrila-na-detsata-v-balgariya/>

Child protection has been of vital importance for society. Children are more vulnerable and in greater need of additional support and protection, which requires to continue with persistent efforts by institutions and organizations committed to ensuring their well-being. Over time, new challenges have increased their complexity, and the risks faced by children have developed and transformed. Adults, including parents, teachers and professionals, should be very careful and watchful to protect the youngest from the dangers arising from the modern world.

From the above, we can conclude that nowadays, the legislation in the sphere of child protection is developing towards helping to protect the best interests of children and their well-being. The legislative framework is evolving and expanding, thus responding to the dynamic circumstances and risks associated with children and families – school reforms, divorces, parental alienation, dangers of violence, addictions, cybercrime, access to gambling and pornographic contents, deviant behaviour, and many more. The hypothesis has been manifested in its integrity.

The authors are making the following recommendations and proposals to improve the legal framework for the protection of children *de lege ferenda*, as they are proposing in the national legislation:

1) To improve the mechanism related to the implementation of court decisions for the transfer of a child, by creating legal certainty and enforceability in coordinated actions between parents, bailiffs, the Ministry of Interior, Social Assistance and the implementation of a permanent coordination mechanism among all institutions, and to guarantee better and more stable protection of the child's right to contact their parents.

As a positive model, the model in the USA could be borrowed, where the court order regulates exactly who, when and where participates in the transfer of the child, including a psychologist, social services, relatives, and the possibility of immediate sanctions - fines or arrest, guarantees compliance with the decisions;

2) To establish a single definition of a child in line with the Convention on the Rights of the Child, where “Child” means any human being under 18”. Depending on the context of social relations regulations related to children, various definitions of “child” are put forward;

3) To provide adequate legal protection for children who have experienced cyber violence, physical or domestic violence, trafficking, aggression, exploitation, kidnapping – getting out of the country, etc., under all the severity of the sanction mechanism of the state and measures to prevent this type of acts against children;

4) To draw up and approve a methodology to assess the ability of parents to guarantee the well-being of the child.

Social work related to child protection requires constant improvement of the practices and methods used because the professionals involved in this sphere have to respond to the dynamically changing living conditions and new challenges faced by young people.

The availability of reliable and effective mechanisms for protection and support is of vital importance to guarantee the interests of children. To this end, the principle of prioritizing the rights and well-being of children should be a fundamental value as future legal regulations, strategies and work methods in the sphere of child protection should step on it.

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