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## Combating interests

- Can migrant children challenge State sovereignty?

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## Abstract

One of the main principles in international law is State sovereignty. Traditionally, States have almost complete freedom to regulate the admission, residence and expulsion of non-citizen's, but this freedom is slowly being limited. The adoption of the Convention on the Rights of the Child (CRC) 25 years ago lead to extensive development in law in favour of migrant children. The CRC has taken an important role in healing the Refugee Convention's total absence of a child-specific approach. The European framework has followed the lead of the CRC and implemented its guidelines into the Lisbon Treaty and the EU Charter of Fundamental Rights. However, some European countries have still not incorporated the principles of the CRC into their national law and several States still tend to override the full application of the CRC for migrant children in practice.

The CRC armours children with an important weapon - but are they powerful enough to challenge the States?

Against this background, this thesis will examine whether the principle of the best interest of the child (Art. 3.1 CRC) has the possibility to limit or restrict State sovereignty in their field of migration policies.

## Table of Contents

List of abbreviations.....	1
<b>Chapter 1: Introducing the issue</b>	
1.1 Starting Point: Problem Diagnosis .....	2
1.2 Legal and Scholarly Relevance.....	3
1.3 Objective.....	4
1.4 Research question and sub-questions .....	5
1.5 Method and Materials .....	6
1.6 Delimitation .....	8
1.7 Criticism of method .....	8
1.8 Sources.....	9
<b>Chapter 2: Legal framework from a child migrant context</b>	
2.1 The Refugee Convention .....	11
2.2 Convention on the Rights of the Child .....	13
2.3 The interplay between the Refugee Convention and the CRC.....	14
<b>Chapter 3: The complex character of Article 3 CRC</b>	
3.1 The development of the best interest of the child.....	16
3.2 Scope and complexity of Article 3 CRC.....	17
3.3 Interrelation between Article 3 and other articles of the CRC.....	21
<b>Chapter 4: The influence of children right's at regional level</b>	
4.1 The Charter of Fundamental Rights .....	27
4.2 Council Directives with reference to the best interests of the child .....	29
4.3 Jurisprudence .....	37
<b>Chapter 5: National implementation of article 3</b>	
5.1 Sweden.....	40
5.2 United Kingdom .....	46
<b>Chapter 6: Discussion and conclusion</b>	
6.2 States hindering children's right's.....	57
6.3 Can children challenge States?.....	58
6.4 Two combating interests .....	59
6.5 Conclusion.....	60