

Lunchtime Seminar

When Parents Violate Children's Rights – Possibilities for Parent-Child Dispute Resolution

Esther Erlings

PhD. Fellow, Chinese University of Hong Kong

Tuesday 17 March 2015, 13:00-14:00

**Small Moot Court, Room 723, Cheng Yu Tung Tower,
The University of Hong Kong**

Children are increasingly perceived as active agents with their own personality, and holders of rights within the family. Parents, in turn, are encouraged to respect children's identity and fulfill obligations corresponding to children's rights. Yet, little attention has hitherto been paid to remedies which children may avail themselves of when their parents disrespect children's rights, or overstep the boundaries of parental rights. Additionally, few States are in practice willing to grant remedies allowing children to directly challenge parenting practices, although calls for children's access to court to 'sue their parents' are increasing. This seminar discusses the potential advantages and disadvantages of different forms of parent-child dispute resolution in Hong Kong and abroad. It will notably look beyond the possibility for children to have access to court as a means to challenge parenting practices. In view of the continuing parent-child relationship, and in line with developments in other areas of family law, an argument will be made for the simultaneous exploration of less adversarial means of parent-child dispute resolution, in particular parent-child mediation.



Esther Erlings is a PhD fellow (HKPFS) from the Netherlands. She received her LLB (cum laude) from Utrecht University, her LLM (cum laude) from Maastricht University and has recently submitted her thesis to The Chinese University of Hong Kong. Her work examines children's rights within the family from a comparative perspective. Esther has published and presented on inter alia freedom of manifestation, home schooling, horizontal effect, parental responsibility, disability rights, and European Union law.

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For inquiries, please email Joyce Fung at joycef@hku.hk