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Abstract. The United Nations Convention on the Rights of the Child⁵¹ (the Children's Convention), which Georgia signed up to in 1994, sets out the inherent rights of all children. Child wellbeing can only exist when children have all of their rights fulfilled – these include the rights to survival and development; to be free from discrimination; to have their best interests considered; and to participate and have their voices heard and considered. Child wellbeing is an overarching social state that can only be achieved when certain conditions are met⁵². Even if some children experience wellbeing in some domains, child wellbeing can only exist when all children experience wellbeing and are happy. As for the Right to Happiness, the Resolution adopted by the UN General Assembly on 28 June 2012⁵³ identifies the pursuit of happiness as "a fundamental human goal" and promotes a more holistic approach to public policy and economic growth — one that recognizes happiness and wellbeing as important pieces of sustainable and equitable development.

Key words: Child Well-Being, Right to Happiness, Element of Happiness, Children Happiness indicators

Introduction

Much has been written and debated around the topic of the „well-being“ of the child during the past years, but a clear consensus on „what“ defines the well-being of the child and „how“ to measure it has yet to be achieved. Agreement is found in that wellbeing is a multi-dimensional construct, encompassing mental/psychological, material deprivation, physical, social dimensions, as well as subjective feelings about one's quality of life that finally fits in the definition of Happiness.

It is obvious that child well-being is about being healthy, free from abuse and exploitation, secure, access to basic needs, growing up in an environment where every child is respected, and generally **happy**⁵⁴. The full and harmonious development of each child is the ultimate goal. The greatest discord is round in the how well-being and happiness are measured.

What is Child Well-Being?

On November 20, 1989, the United Nations General Assembly unanimously adopted the Convention on the Rights of the Child, and entered into force on September 2 of 1990. The CRC is the first binding international legal instrument to address the

⁵¹<https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child> [22.02.2022].

⁵²<https://www.occ.org.nz/wellbeing/elements-of-child-wellbeing/> [16.03.2022].

⁵³<https://happinessday.org/wp-content/uploads/2015/11/UN66281.pdf> [22.02.2022].

⁵⁴ African Child Policy Forum, 2008

rights of children. It provides the highest level of international standards and guidelines for national and regional implementation.

Child Well-Being in the Context of Child Rights Various commitments and pledges were made by the international community up to now in relation to the rights of the child. The United Nations General Assembly, in its Resolution on Children's Rights (United Nations, 2006) adopted a definition of Well-Being by six main dimensions: 1. Material well-being: Relative income poverty; households without jobs; and reported deprivation. 2. Health and safety: Health at 0-1; preventable health services; and safety. 3. Educational well-being: School achievement at age 15; beyond basics; and transition to employment. 4. Relationships: Family structure; family relationships; and peer relationships. 5. Behaviors and risks: Health behaviour; risk behaviour; and experience of violence. 6. Subjective well-being: Health; school life; and personal well-being.

Regarding to CRC, every country should be a place where all children and young people are able to develop and flourish. Children and young people have valuable ideas based on their everyday experiences and hopes for the future. "Wellbeing" itself is a complex concept and is hard to define. But there are some indicators to define it: Wellbeing is a positive state that is more than just existing, almost everyone aspires to wellbeing, it is both subjective and objective: both how people feel about their lives and their actual material conditions matter. Also it is a dynamic state that changes over both the short and long-term and is related to individuals' opportunities to participate in society and have their rights and needs fulfilled. Though, having wellbeing is not the same as being happy all the time – ups and downs are part of life, culture shapes how people think about the concept of wellbeing generally, and how they feel about their own wellbeing. As for child wellbeing, it is dependent on the wellbeing of their family wellbeing, particularly parents wellbeing is equally important for children's lives now as it is for their development into future, adults need to be understood in discussion with real children and young people.

In conclusion, Wellbeing, and child wellbeing in particular, are widely used concepts but have a weak theoretical basis. Theories surrounding child wellbeing have, however, become an increasing focus of research. There are currently limited data on child wellbeing. This gap results from the fact that until recently, data have not been collected specifically to measure wellbeing but have drawn together and interpreted existing data sets (such as household surveys, economic indices) to draw some conclusions about child wellbeing. There is still a gap in relevant data for child wellbeing at different stages of development. Younger children (below the age of eight years) tend to be excluded from surveys. Very limited data are available disaggregated by age, gender, disability, ethnicity, sexuality or by wider socio-economic or inclusion markers such as migrant status. Similarly, there is limited understanding of how 'culture' affects and interacts with notions of 'wellbeing' and of the cross cultural and cross class implications of wellbeing, particularly in relation to different expectations of childhood and what constitutes a 'good' childhood. There is still a lack of clarity with respect to how concepts of 'wellbeing' translate between different philosophical and professional disciplines such as critical sociology, political or social theory, psychology and health, and across different cultures and languages. In relation to subjective wellbeing, there are

questions as to whether measures of subjective wellbeing can ever be robust enough to inform policy⁵⁵.

But finally, Wellbeing is generally understood as the quality of people's lives. It is a dynamic state that is enhanced when people can fulfil their personal and social goals. It is understood both in relation to objective measures, such as household income, educational resources and health status; and subjective indicators such as happiness, perceptions of quality of life and life satisfaction.

What is the Right to Happiness?

Happiness has been a topic of interest for many centuries, starting with Ancient Greek philosophy, post-Enlightenment Western-European moral philosophy (especially Utilitarianism) to current quality-of-life and well-being research in social, law, political and economic sciences. Nowadays, happiness as a concept seems to be readily embraced by the majority of people and appears to be more valued than the pursuit of money, moral goodness or going to heaven. Not surprisingly, during the past thirty years and especially since the creation of positive psychology, psychology too has turned its attention towards the study of happiness and well-being.

"Life, Liberty and the pursuit of Happiness" - is a well-known phrase in the United States Declaration of Independence. The phrase gives three examples of the unalienable rights which the Declaration says have been given to all humans by their Creator, and which governments are created to protect. "Happiness" in the public discourse of the time often did not simply refer to a subjective emotional state. It meant prosperity or, perhaps better, well-being in the broader sense. It included the right to meet physical needs, but it also included a significant moral and religious dimension. In correspondence between James Madison and James Monroe in 1786, Madison notes that "happiness" cannot simply be identified with meeting people's interests, but includes a higher reference: There is no maxim in my opinion which is more liable to be misapplied, and which therefore needs elucidation, than the current one that the interest of the majority is the political standard of right and wrong. Taking the word "interest" as synonymous with "ultimate happiness," in which sense it is qualified with every necessary moral ingredient, the proposition is no doubt true. But taking it in its popular sense, as referring to the immediate augmentation of property and wealth, nothing can be more false⁵⁶.

A "right to happiness" has been proposed as part of third generation human rights. There are two main ideas that happiness requires free action or that happiness can be achieved independent of the will of the person, simply by obtaining certain objects, circumstances or events. It is argued that a right to happiness makes no sense in light of either of these interpretations, since it is impossible to comply universally with the right to happiness. The state can only make someone "happy" at the expense of the happiness of others. Conversely, a right to happiness according to the free action interpretation is impossible as well, simply because there is nothing a state or a third party can do to replace the free action of a person.

⁵⁵ Childhood Wellbeing: A brief overview, June Statham and Elaine Chase, Childhood Wellbeing Research Centre, August 2010.

⁵⁶ The Meaning of "THE PURSUIT OF HAPPINESS", James R. Rogers, 6 . 19 . 12.

As for children, The United Nations Declaration of the Rights of the Child' also proclaims that among its purposes are to ensure that all children have a happy childhood, that they be the first to receive protection and relief, and that they be protected against neglect, cruelty, and exploitation⁵⁷. The Convention on the Rights of the Child also states in its preamble that children “should grow up (...) in an atmosphere of happiness, love and understanding”. This suggests that the drafters expected children to enjoy more than a life in which the normative rights listed in the Convention are fulfilled. The CRC interpretation of “Happiness” claims that Happiness - although not consistently defined, refers to a person’s present state and their feeling of positive emotions (and absence of negative emotions). It is therefore a narrower concept than subjective well-being and life satisfaction.

Sometimes Happiness is understood as the openness within your heart that allows you to feel a sense of oneness, freedom, gratitude, and joy. The pursuit of Happiness is the attempt to attain and maintain that state of open-heartedness. The right to pursue Happiness is the right to open your heart as you choose. The right to pursue Happiness is the right to love as you choose; the right to love your freedom; the right to love your life.

To be clear, The Right to Happiness is not a fundamental human right, it is just an ideal goal mankind must achieve, especially in the defense of child rights. Although the right to happiness is not considered as a fundamental human right, the UN measures and compares the happiness of different countries in the World Happiness Report. It bases its report on social, economic and environmental well-being. The UN also sets goals for countries to achieve to increase happiness because it says happiness is a basic human right. Happiness should not be something people have because they are lucky to live in a place where they have basic things like peace, education and access to healthcare. If we agree that these basic things are human rights, then it is not a very big step to agree that happiness is a basic human right too.

Conclusion

Ensuring the well-being of the child, in the broadest sense, is not just a moral obligation, but it is a legal obligation for States parties to ensure that all children are guaranteed all the rights enshrined in the CRC. As the Well-being has been defined as the combination of feeling good and functioning well, the experience of positive emotions such as happiness and contentment – it is not a big deal to say that child well-being is an important element of the right to happiness, as Subjective well-being is composed of several major components, including global life satisfaction, contentment with specific life domains, the presence of frequent positive affect (pleasant moods and emotions), and a relative absence of negative affect (unpleasant moods and emotions), that we can easily recognize as simple pursue of happiness.

⁵⁷ 34 Rutgers L. Rev. 154 (1981-1982), The Child's Right to Life, Liberty, and the Pursuit of Happiness: Suits by Children against Parents for Abuse, Neglect, and Abandonment, <https://heinonline.org/HOL/LandingPage?handle=hein.journals/rutlr34&div=8&id=&page=> [20.03.2022].