

Fundamental Rights and the Liability of Children

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This presentation will explore the tort liability of children from fundamental rights, comparative and inter-disciplinary perspectives. Building on a non-orthodox model of the role of fundamental rights in private law relationships, the presentation considers the policy implications of such model for child tort liability and advances proposals to ensure the optimisation of the effect, and maximisation of the effectiveness, of fundamental rights in the field of child tort liability, in particular, and in the field of tort law, more generally. By departing from traditional legal doctrines and offering an original, pragmatic, comprehensive and just legal analysis of child liability, the potential of the role of fundamental rights in tort law can be duly appreciated.