

## THE RELEVANCE OF A CONTEXTUALISATION OF THE STATE-INDIVIDUAL RELATIONSHIP FOR CHILD VICTIMS OF ARMED CONFLICT

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### SUMMARY

The relationship between the individual and the State is discussed in this contribution. The argument is put forward that both the State and the individual are legal subjects endowed with legal subjectivity. In their relationship it must be accepted that the State is not only endowed with State sovereignty, but also that it prescriptively makes use of its authority. However, there is a legal relationship characterised by reciprocal rights and duties so that the balance point in their relationship must as a matter of course be determined legally. As an explanatory model the theory of public subjective rights, which is of German origin, is applied. This theory can serve only as a starting point, though, as it fails to address certain fundamental questions. The viewpoints of authors of the so-called Reformed Tradition will therefore be applied to elaborate on the theory. By adopting this approach it is endeavoured to explain that the relationship between the State and the individual may not be viewed as one characterised by the abuse of State authority or excessive individual claims against the State.

**KEYWORDS:** State-individual relationship, armed conflict, child victims, public subjective rights, Reformed tradition

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