

## KEY EU LAW AND RESOURCES AVAILABLE TO SUPPORT ITS IMPLEMENTATION & APPLICATION

### INTRODUCTION

- As we will see, much of the EU law that is concerned with child friendly justice provides general obligations which need to be implemented at national level.
- This means of course that applying the law in specific cases will often start with the national implementing law.
- However the underlying principles of EU law continue to inform the interpretation of national laws and how they should be applied. National provisions can be challenged for failure to implement EU obligations.
- This session will focus on the EU obligations. We will not be examining the national implementation of the directives involved. You may find it useful after the seminar to examine the implementing acts in your countries.
- Nor will we examine individual EU directives in detail. Rather we will take a more cross cutting approach and overview the type of child friendly justice obligations that the growing body of relevant directives includes.
- We will also see that jurisprudence from the European Courts should contribute greatly to more widespread recognition that justice processes need to be tailored to the needs and rights of children, even in areas where those rights “compete” with other powerful concerns of the State. The case law suggests a developing tendency in the Court to look more closely at the child rights issues at the heart of a situation.
- Focussing on the common EU framework permits actors potentially to translate good practices from other countries, as well as for regional actors to create common tools such as guidance or training which can apply across Europe. It is useful to be alert to the opportunities to leverage regional resources nationally, particularly at a time when resources are under pressure. In this regard, for example, we will point to important reference material and guidance on the implementation of certain EU Directives.

This session aims to:

1. Ensure awareness of sources of EU law & policy on child rights
2. Identify the types of EU obligations relevant to child friendly justice
3. Highlight recent regional jurisprudence from the European Court of Justice and the European Court of Human Rights.
4. Ensure awareness of EU resources that may be particularly relevant to your work in this field, including guidance, studies and projects