

4. KEY TOOLS

- It can be seen from this jurisprudence, that the European Courts increasingly may hold national authorities to account for violations of child rights, both in terms of procedural and substantive deficiencies in procedures involving children.
- As noted above, there are a number of tools available to foster better implementation and application/interpretation of these legislative provisions. Some key examples are worthy of particular attention.

4.1 EU acquis and policy documents on the rights of the child

- This document compiles and tracks all EU legislation and provisions - as well as major policy documents - on the rights of the child, including other documents of particular relevance to children. It also includes Commission proposals for legislation in order to provide an overview.

4.2 FRA Handbook of European law on the Rights of Children

- The Fundamental Rights Agency, in cooperation with the Council of Europe, is preparing a handbook on children's rights which analyses the case law of the European Court of Human Rights, the European Committee on Social Rights and the Court of Justice of the European Union on children's rights. It is intended to assist lawyers, judges, prosecutors and social workers, as well as others working with national authorities, and NGOs and other bodies that may be confronted by legal issues related to the rights of the child.

4.3 Guidance on Victim's Directive

- The Guidance notes that for many Member States, and for practitioners working in the national systems, the transposition and implementation of this Directive will undoubtedly be complex and sometimes challenging. The Guidance is intended "to help national authorities, practitioners and relevant service providers to understand some of the most complicated and far-reaching provisions of the Directive."
- The Guidance provides information and interpretation on the objectives of the Directive as a whole and then article by article.
- It notes that "the core objective of this Directive is to deal with victims' needs in an individual manner, based on an individual assessment and a targeted and participatory approach towards the provision of information, support, protection and procedural rights. Special attention is given to special support and protection for victims of certain crimes, including victims of gender based violence, predominantly women, due in particular to the high risk of secondary and repeat victimisation, of intimidation and of retaliation. The Directive also insists on a child sensitive approach, whereby the best interests of a child victim must be the primary consideration throughout their involvement in criminal proceedings."

4.4 Reference Document on Unaccompanied Minors in EU Law & Policy

- The EU funded CONNECT Project produced "a Reference Document on Unaccompanied Children – compilation of EU measures".
- The EU Reference Document is intended to be used to support the work of both policy makers and practitioners regionally, nationally and locally and is drafted for use by both specialist and non-specialists. It provides a listing of relevant instruments as well as references to further useful background materials.
- This brings together in one place – for the first time – all of the key EU legal and policy measures on unaccompanied children.
- It also includes a section on the international law which should inform EU action, including Council of Europe and UN Conventions and the key General Comments from the UN

Committee on the Rights of the Child, including the recent General Comment No 14 on the best interests' principle.

- The Reference Document houses a table of legal provisions which allows you to capture at a glance what obligations exist across the different EU instruments on asylum, trafficking, family reunification and return.
- One important feature of the table is that it links the EU obligations to UN CRC clusters, which should support Member States in implementing them in a way that fulfils children's rights.