

Aspects of the Handbook of European law relating to the rights of the child



Right to personal identity

- The right to know one's origins as element of private life
- Access to info. on origins of adopted child – biological parents' right not to disclose their identity is not absolute
- Anonymous births - provided non-identifying information and a confidentiality waiver can be obtained from mother
- Duty to ensure effective protection against identity theft
- Arbitrary refusal of citizenship may fall under Art. 8 ECHR
- The right to residence in the EU of children who are EU citizens should not be deprived of any useful effect by refusing residence rights to their parents

Rights relating to family life and to care

- The ECtHR establishes negative and positive duties re. family life - EU law regulates procedural aspects
- Right of the child to maintain contact with both parents in all forms of parental separation
- The ECtHR requires a child rights-based approach to improper removals in breach of custody arrangements
- EU law requires the child to be heard in proceedings re. his/her return following wrongful retention/removal
- For alternative care: relevant and sufficient reasons, procedural safeguards in decision-making (adoption)

Protection against violence/exploitation

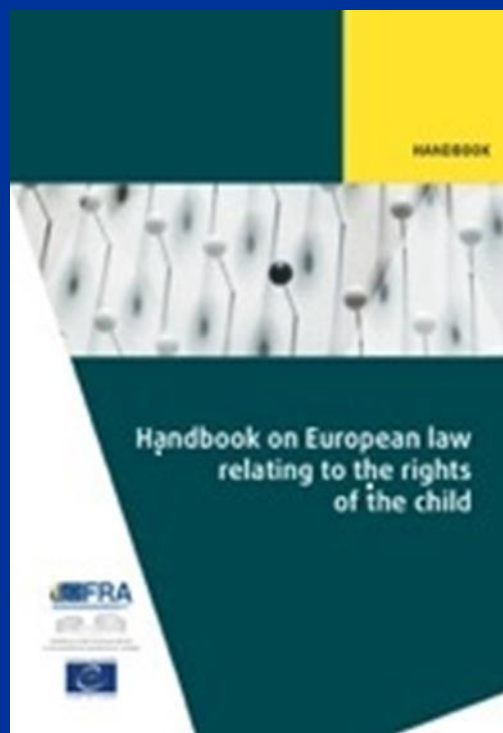
- State duty to provide and adequate child protection fwk. and to protect against violence and harm in all settings
- Duty to conduct efficient investigations into arguable allegations of abuse, harm, violence against children
- Duty for authorities to protect children including in conducting investigations

Migration and Asylum

- Decisions on child entry and residence to be taken in the fwk. of appropriate mechanisms/procedures and child's BI
- Age assessment procedures to take account of child rights
- Child best interests to guide family reunification cases
- Detention of children in immigration only as a last resort
- Obligation to place children in appropriate accommodation
- Migrant children can remain in an EU State regardless parents' status to complete education or where establishing family life elsewhere would be difficult
- Migrant children have the right to an effective remedy

Thank you

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