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| Title | The Status of Children under EU Family Law | | |
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| Abstract | <p>Since the turn of the millennium, the EU institutions have been actively engaged in formulating family law measures to regulate cross-national divorce, parental responsibility and child abduction. These activities have generated heated debate among academics and family law practitioners alike relating to the ideological and practical implications of procedural harmonisation of matrimonial and parental responsibility laws across the Member States. There has been surprisingly little critical consideration, however, of the legal status of children under EU family law. This reflects, to a large degree, the traditional ambivalence of the EU to the impact of EU law on children's lives, fuelled by an alleged lack of competence to legislate directly on children's rights issues.</p> <p>However, more recent refinement of EU family law, particularly the amendments to the Brussels II Regulation (Regulation 2201/2003), has demanded the introduction of more focused measures targeting the interests and needs of children.</p> <p>The aim of this paper is to explore the extent to which children's rights are accommodated in the amended Brussels II Regulation, particularly the child's right to be heard. In the process, the paper will consider whether this legislation provides effective safeguards for children involved in cross-national parental responsibility disputes and whether these are consistent with domestic and international children's rights obligations.</p> | | |