

M. P.J. KUIJPER



EUROPEAN COMMISSION

Directorate-General Enlargement

The Acting Director-General

05 OCT. 2004

Brussels,  
ELARG/BAR D(2004) 104459

NOTE FOR THE ATTENTION OF MR. JONATHAN FAULSTICH  
DIRECTOR GENERAL DG JAI

SERVICE JURIDIQUE	
ARR	
N°	2575

*Mr. Jonathan Faulstich*

Subject: JAI-Acquis – status of the UN Convention on the Rights of the Child (UNCRC)

The UN Convention on the Rights of the Child was placed on the JAI-Acquis list in 1998, as part of the Human Rights related instruments to which candidate countries must accede. This Convention, like other UN Conventions, was considered “inseparable from the attainment of the objectives of the Union”.

We have noted that the October 2003 and September 2004 JAI-Acquis-Updates no longer list the UNCRC among the conventions to which the candidate countries must accede. Since the UNCRC is one of the main human rights conventions, we would request to restore it on the JAI Acquis-list.

*The importance of this has been stressed by Commissioner Delors in his parliamentary hearing*

*Fabrizio Barbaso*  
Fabrizio Barbaso

cc. Mr. Michel PETITE (Legal Service)



EUROPEAN COMMISSION  
DIRECTORATE-GENERAL JUSTICE AND HOME AFFAIRS

The Director-General

29 OCT. 2004

Brussels,  
JAI/A/2/WH-mc D (2004) 9972

2852

**NOTE FOR THE ATTENTION OF MR FABRIZIO BARBASO  
DIRECTOR-GENERAL F.F., DG ELARG**

**Subject:** JHA acquis – status of the UN Convention on the Rights of the Child

**Ref.:** Your note of 5 October ELARG/BAR D(2004) 104459

Thank you for your note concerning the inclusion of the above-mentioned Convention in the list of JHA acquis.

To prepare for the accession of the new Member States, DG ELARG compiled in 2003, in close cooperation with concerned line DGs and the Legal Service, a list of international conventions that new Member States should accept upon accession. After discussions with the Legal Service, it was agreed not to include on the list the UN Convention on the Rights of the Child as no direct obligations for Member States could be clearly derived from EU legislation in this area.

However, at the time Commission services were not aware of a Council document from 1998 on the JHA acquis (JAI 7 ELARG 51) which listed the Convention as being inseparable from the attainment of the objectives of the Treaty on European Union and the Treaty of Amsterdam. As we have now ascertained, this document was approved by Coreper on 3 June 1998 and then went as an "A" item to the Council.

In these circumstances, we will, as you requested in your note, restore the UN-Convention on the Rights of the Child to the list of JHA acquis and inform TAIEX accordingly.

Jonathan Faull

Cc : ~~Mr Petite~~ (Legal Service)  
Mr Jung Olsen (TAIEX)