

THE LEGAL INSTRUMENTS DATABASE: SELECTION CRITERIA

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The legal instruments database contains legal instruments and important policy documents at the international (e.g., United Nations), regional (e.g., Council of Europe and European Union), Belgian and Flemish level. Since children are subject to both general and particular rights, the database contains **two categories of instruments**:

- Fundamental human rights treaties and declarations, applicable to everyone
- Specific legal instruments and policy documents on children's rights

For these instruments on children's rights, **two criteria of selection** were employed:

- Legal value: The weaker the legal value of an instrument, the more stringent the selection.
- Distinction international/regional – Belgian/Flemish: Legal instruments at the international and regional level are considered as basic texts guiding national policy. Therefore, general international and regional instruments on children are also incorporated in the database, even if they only implicitly refer to the rights of children. At the Flemish and the federal level, the selection is more narrow (see below). This can also be justified by the fact that federal and Flemish legislation is more easily accessible in other ways. One of the added values of the database is precisely the disclosure in one site of international and regional instruments on children's rights.

Only **final texts** are included (no drafts).

IN BELGIUM

In Belgium, only instruments that are **applicable in Flanders** are included. Where relevant, also ordinances of the Brussels-Capital Region are added.

Moreover, these instruments are only included if they fulfill one of the two following **criteria**:

- The instrument has a clear children's rights perspective
- Secondary: the instrument mentions the Convention on the Rights of the Child and/or children's rights, *and* the text is relevant from a children's rights perspective. Through the requirement of 'relevance', there is a marginal check as to the contents of the instrument. A reference to the Convention on the Rights of the Child in the 'preamble' of an instrument is in principle not sufficient.

Regulation approving international and interregional conventions and agreements is not included.

For federal documents, a link is provided to the electronic document on Justel; at the Flemish level a link is included to the Vlaamse Codex (Flemish Codex).

SELECTION OF SOURCES

Belser, Eva Maria, Karl Hanson, en Alexandra Hirt, eds. *Sourcebook on International Children's Rights*. Berne: Stämpfli Publishers Ltd., 2009, xi + 613 p.

Buck, Trevor. *International Child Law*. 2e ed. Londen and New York: Routledge, 2011, xvii + 358 p.

European Commission, "Commission staff working document accompanying the Communication from the Commission Towards an EU Strategy on the Rights of the Child, Preliminary inventory of EU actions affecting children's rights", SEC(2006) 889.

Put, Johan. *Handboek Jeugdbeschermingsrecht*. Brugge: Die Keure, 2010, xxxi + 592 p.

Secretariat of the Directorate General of Human Rights and Legal Affairs (DG-HL), *Council of Europe Achievements in the Field of Law. Family Law and the Protection of Children*. Strasbourg, August 2008, 460 p.