

Legal basis, implementation and monitoring

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Plan of presentation

- current state of law
- is the legal standard necessary?
- standard we are pursuing
- after implementation

Is this regulation necessary?

- 10 EU countries have specific standards or regulations
- 6 EU countries implemented standard into national legal system
- Issues are regulated by acts of different hierarchical level

Is this regulation necessary?

- Different legal systems
- Different systems of financing of health care
- Different levels of development
- Common – EU membership

Current legal state

International Covenant on Economic, Social and Cultural Rights

Article 12

The States Parties to the present Covenant recognize the right of everyone to the enjoyment of the **highest attainable standard** of physical and mental health

Current legal state

Convention on the Rights of the Child

Article 3.3

States Parties shall ensure that the institutions, services and facilities responsible for the care or protection of children **shall conform with the standards** established by competent authorities, particularly in the areas of safety, health, in the number and suitability of their staff, as well as competent supervision.

Current legal state

European Union Council Directive No
93/104/EC of 23 November 1993

Concerning Certain Aspects of the
Organisation of Working Time

Current legal state

Directive of the European Parliament and of the Council on the Approximation of the Laws, Regulations and Administrative Provisions of the Member States Relating to Implementation of **Good Clinical Practice** in the Conduct of Clinical Trials on Medicinal Products for Human Use (The Clinical Trials Directive 2001/20/EC)

Current legal state

internal regulations of member states

- Only 6 states have regulations
- Issues are regulated by acts of different hierarchical level
- Non-binding

Standard we are pursuing

- European law instrument - bottom-line standard for all member states
- Legally binding instrument
- Possibility to invoke an act in a court

After implementation

- European Ombudsman's monitoring
- National Human Rights Institutions' monitoring
- NGO's monitoring

After implementation

Office of Monitoring the Rights of Children with Cancer

- Independent NGO
- Coordination of actions
- Legal help for children, parents and NGO
- Resource centre
- Reports
- ...