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## Child' s Life, Step-Family and Decision-Making Process

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### ABSTRACT

Step-families are included within the concept of " family" used by both Art. 8 of the Rome Convention for the protection of Human Rights and Fundamental Freedoms and Art. 7 of the European Charter of Fundamental Rights of 2010. According to the OECD and EUROSTAT figures children that are living in step-families are between 8 and 12 years old, that is, they could be considered as preadolescents or in some cases adolescents at all. Thus, they are individuals with a certain grade of maturity that allow them to form their own views and express them. Today, there is an inevitable link between family and children' s participation rights (Art. 12 CRC; Art. 24 EU Charter). Nevertheless, European Law refers to the step-family from the " adult' s rights" viewpoint concerning the assignment of the parental responsibility to the step-parent neglecting children' s perspective. As said by Art. 6(1) EU Treaty of Lisbon and by Art. 52(2) EU Charter, the last legal instrument has the same legal recognition as the EU Treaties, which implies that the bedrock for direct and vertical application of the fundamental rights of children by both the EUCJ and national Courts is settled. Since 2006 one of the strategic objectives of the communitarian institutions is prioritizing the effective implementation of children' s rights.

### KEYWORDS

Children; Step-Family; Rights; European Union; Family Law

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