

## PART 3: WORKSHOP MATERIALS

This session aims to:

- have participants discuss on children's rights issues in the context of legal proceedings
- exchange experiences and opinions
- get a better view on how they can defend or advocate for children's rights from their professional position
- exchange information on existing legal systems and possible shortcomings for children and young people
- get a better view on how professional cooperation may be relevant and fruitful

Depending on the preference of the participants I would either go for the case discussions or the role-play, as there will not be enough time to do both.

With the cases and the roleplay alike, the important goal of the workshop is the discussion itself. There are no clear cut right or wrong answers, as much will depend on the participants' legislative context and legal systems they are involved in.

### 1. Workshop: case discussions

Some cases are described. Participants break up in groups (preferably no more than 8 persons) to discuss a case. They can all be from the same country, have the same positions or professions or, on the contrary, have different backgrounds. The goal of the exercise is the discussion in itself and what they can learn from each other. Depending on their function within the judicial system, similar or not, the discussion will be different. The issues for discussion, as mentioned, are not limited, just an example.

Depending on the time available, it would be good that all breakout groups could give some feedback to the group.

Every group works on the same questions:

- What rights are at stake? How are these protected in your legal context (or not)?
- Who or what instance should deal with it?
- Is there a reason or a need to involve other instances or experts? Why? How will the cooperation take shape?
- How would you act in this given case? As a lawyer? As a judge? As a prosecutor? (every participant can speak from their own perspective.)

**Jamal**, 13, fled Syria, with his dad, a journalist who is being chased by the Assad regime. They first arrived in a closed centre in Pireaus, Greece, where his father died. Jamal could then get away to Belgium, where he is now staying in a center for unaccompanied minors. He needs to go back to Greece to file his asylum request (Dublin regulations). Greece is known for its inhumane treatment of asylum seekers. His guardian (an administrative guardianship, provided in Belgian law for all unaccompanied minors) contacts a lawyer.

Issues that may be discussed:

CRC, art. 3, 12, 19

The Dublin regulations (in the context of the refugee crisis) and how these (should or could) relate to the binding CRC norm

(Non) existing systems of guardians for under-age refugees

Youth care systems and responsibilities

Possibility to access a judge

**Bianca**, 17, entered an independent living program after a life of living in residential and foster care. She hardly has any contact with her family and is in a lot of financial trouble. She wants to apply for an additional social welfare allowance but gets refused. She calls the registrar at the juvenile court.

Issues that may be discussed:

CRC art. 3, 12, 27

Youth care system, social security system and responsibilities

Liability, (financial) responsibility of parents

Legal aid for minors, practical information for minors

Access to court or other remedy

After their respective parents got divorced, **Helena and Cathy**, both 13y old, have been living together in a newly composed family with Helena's mom and Cathy's dad. Through the years they have become best friends. Again, the couple separates and doesn't want any more contact, they are no longer on speaking terms and just started a high conflict divorce procedure. But the girls do want to stay in touch.

Issues that may be discussed:

CRC art. 3, 9, 12

Legal context on right to contact with non-family members

Issues of parental authority and the age/maturity of children

Definition of 'Family' in the law

Access to court or other remedy