

## Speakers Contributions

### THE RIGHTS OF THE CHILD IN PRACTICE: EXPLORING A MULTIDISCIPLINARY APPROACH TO CHILD-FRIENDLY JUSTICE IN EUROPEAN LAW



416DT11 Barcelona, 2-3 June 2016



This publication has been produced with the financial support of the specific programme 'Fundamental Rights and Citizenship' JUST-2013-FRAC-AG of the European Commission. The contents of this publication are the sole responsibility of ERA and can in no way be taken to reflect the views of the European Commission.

# The Rights of the Child in Practice

Exploring a multidisciplinary approach to child-friendly justice in European law

Barcelona, 2-3 June 2016

## Speakers' contributions

### Jorge Jiménez Martín

- Child-friendly justice: an introduction based on scenarios of children participating in judicial proceedings
- Workshop materials

### Aida Grgić

- Furthering 'the best interest of the child' in European law
- Workshop materials

### Aisling Parkes

- The right to be heard: a general principle of the UN Convention on the Rights of the Child (CRC)
- Workshop materials

### María Dolores Viñas Maestre

- Workshop materials

### Ankie Vandekerckhove

- The Council of Europe Guidelines on child-friendly justice
- Workshop materials

### María Ribas Siñol and Noemí del Prado Sánchez

- Best practices in communicating with children in legal proceedings
- Workshop materials

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### III. Background Documentation

#### A. European Union

##### I. Primary Law

1.	Selected articles from the consolidated versions of the Treaty on the European Union and the Treaty on the Functioning of the European Union, OJ C 83 of 30 March 2010, 1, Art. 3 TEU, Title V TFEU, chapter 1 (Arts. 67-76), chapter II (Arts. 77-80)	1
2.	<a href="#">Charter of Fundamental Rights of the European Union</a> , 2000/C 364/01, OJ C 364 1 of 18 December 2000	13

##### II. Secondary Law

3.	<a href="#">Directive 2012/29/EU of the European Parliament and of the Council of 25 October 2012 establishing minimum standards on the rights, support and protection of victims of crime, and replacing Council Framework Decision 2001/220/JHA</a>	33
4.	<a href="#">Directive 2011/36/EU of the European Parliament and of the Council of 5 April 2011 on preventing and combating trafficking in human beings and protecting its victims</a> , and replacing Council Framework Decision 2002/629/JHA	50
5.	<a href="#">Directive 2011/92/EU of the European Parliament and of the Council of 13 December 2011 on combating the sexual abuse and sexual exploitation of children and child pornography</a> , and replacing Council Framework Decision 2004/68/JHA	61
6.	<a href="#">Council Regulation (EC) No 2201/2003 of 27 November 2003 concerning jurisdiction and the recognition and enforcement of judgments in matrimonial matters and the matters of parental responsibility</a> , repealing Regulation (EC) No 1347/2000	75

### III. Proposed Legislation and Related Documents

7.	<a href="#">Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings</a> , COM(2013) 822 final	104
8.	Communication from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions, 15.2.2011 COM(2011) 60 final, <a href="#">EU Agenda on the Rights of the Child</a>	128

## B. Jurisprudence of the CJEU and the ECHR

9.	<a href="#">Judgment of the Court of Justice of the EU (fourth Chamber) in Case C-648/11, MA, BT, DA v Secretary of State for the Home Department (6 June 2013)</a>	142
10.	<a href="#">Judgment of the European Court of Human Rights in Case Kovac v. Croatia</a> (Application no. 503/05) of 12 July 2007	151
11.	<a href="#">Judgment of the Court of Justice of the EU in case C-497/10 PPU, Barbara Mercredi v Richard Chaffe</a> (22 December 2010)	online
12.	<a href="#">Judgment of the Court of Justice of the EU in case C-491/10 PPU Joseba Andoni Aguirre Zarraga v Simone Pelz</a> (22 December 2010)	online
13.	<a href="#">Judgment of the Court of Justice of the EU in case C-400/10 PPU J. McB. V L. E.,</a> (5 October 2010)	online
14.	<a href="#">Judgment of the Court of Justice of the EU in case C-211/10 PPU Doris Povse v Mauro Alpago,</a> (1 July 2010)	online
15.	<a href="#">Frisancho Perea v. Slovakia</a> (Application no. 383/13) of 21 July 2015	online
16.	<a href="#">Ferrari v. Romania</a> (Application No. 1714/10) of 28 April 2015	online
17.	<a href="#">X v Latvia</a> (Application no. 27853/09) of 26 November 2013	online
18.	<a href="#">Neulinger and Shuruk v. Switzerland</a> (Application no. 41615/07) of 6 July 2010	online

## C. Council of Europe

19.	<a href="#">European Convention on Human Rights and Fundamental Freedoms, as amended by Protocol 14</a>	165
20.	<a href="#">Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice and their explanatory memorandum (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies) – edited version 31 May 2011)</a>	179

## D. United Nations

21.	<a href="#">United Nations Convention on the Rights of the Child</a>	217
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22.	<a href="#">UN Committee on the Rights of the Child, General Comment No. 10 (2007)</a> Children's rights in juvenile justice	232
23.	<a href="#">UN Committee on the Rights of the Child, General Comment No. 12 (2009)</a> The right of the child to be heard	258
24.	UN Committee on the Rights of the Child, General comment No. 14 (2013) <a href="#">The right of the child to have his or her best interests taken as a primary consideration</a> (art. 3, para. 1)	289

**E. Reports, reference documents**

25.	<a href="#">EU Reference Document on unaccompanied children: a compilation of relevant EU laws and policies</a> , Connect Project	online
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# Child-friendly Justice

Jorge Jiménez  
Martín



## 1. Introduction

- Children involved in judicial proceedings
- What type of proceedings?
- In what places?
- In what way?
- **Objectives: 'To achieve'**
  - Adapted Judicial proceedings guaranteeing access and participation
  - Judicial Proceedings taking into account the views of the child



# 1. Introduction: at present

- What is the current situation?
  - Research shows obstacles
  - Different professionals have different points of view
  - Insufficient support for minors who take part in proceedings
- More adaptation: this seminar



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# 1. Introduction: objectives

1. To ensure that we are aware of the general principles of the rights of the child and understand what this 'approach' entails
2. To discover the practical side of child-friendly justice via a multidisciplinary approach
3. To ensure awareness of the EU acquis
4. To facilitate the exchange of experience



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# 1. Introduction: session

- Legal framework that promotes the rights of the child
- Reason: to identify what a rights-based approach means for the participation of minors in judicial proceedings
- What kinds of questions should be addressed?
- What parties are or should be involved?
- How should they work together to guarantee compliance with the rights of the child?



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## 2. The rights of the child in the context of child-friendly justice

- Concept of **childhood**: cultural aspects, individual attitudes and practices
  - Autonomy: not full
  - Institution: passive role/active role
  - Development: cognitive, psychological and physical
- Parties contribute their own concept of childhood and its different dimensions
- Questioning or widening the concept



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### 3. Sources of children's rights

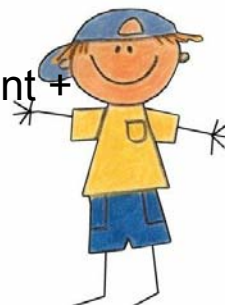
- Convention on the Rights of the Child 1989
  - Optional protocol on the sale of children
  - Optional protocol on child prostitution and the use of children in pornography
  - Optional protocol on participation in armed conflicts
- Council of Europe: Directives
- EU



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### 4. Convention on the Rights of the Child

- The child as an active subject with rights
- Enjoying many of the same rights as adults
- Specifically applicable rights exist:
  - Right to development
  - Special employment rights
- Guaranteeing optimum development + Human Rights
- Rights of a general nature



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## 5. International supervisory bodies

- UN Committee on the Rights of the Child
- Reports are submitted to it regularly.
- Comments:
  - General Comment No. 12: The right to be heard
  - General Comment No. 10: Rights in juvenile justice
  - General Comment No. 14: Best interests
- Annual Discussion Meetings
- Protocol relating to a communications procedure



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## 6.1 Definition of a child

- Every human being below the age of 18 years unless majority is reached before this under national law
- Possibility of enjoying general rights until age 18
- Determination of age



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## 6.2. General Principles

1. Principle of Non-Discrimination:  
applies to all children (disabled, third world)
2. Best interests of the child: essential
3. Respect for the views of the child
4. Right to life, survival and development  
(secondary victimisation)



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## 6.3 Civil liberties

- The right to identity
- To be registered after birth
- Freedom of thought, conscience and religion
- Statelessness, surrogate motherhood



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## 6.4 Family and other types of care

- Support for the family environment
- Planned intervention when the family environment does not function
- Principle of re-establishing or making possible family contact in cross-border matters



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## 6.5 Access to health and social welfare services

- Minors in immigrant families in an irregular situation



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## 6.6 Access to education, recreation and cultural activities

- Minors in criminal or administrative detention



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## 6.7 Special protection measures

- Minors in an emergency situation
- Refugee children
- Children involved in juvenile justice
- Exploited children
- Children from minority groups



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## 6.8 General measures of implementation of the CRC

- Obligation to adopt laws
- Obligation to adopt policies
- Obligation to allocate resources to guarantee compliance
- **General Comment No. 5: General measures of implementation** – the importance of being able to invoke the CRC before the Courts



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## 7. Best interests of the minor

- Art. 3(1): In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the **best interests of the child** shall be a primary consideration.
- A lot of debate and controversy
- General Comment No. 14



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## 7. Best interests of the minor

- 'all measures': children, legislation and policies
- 'primary consideration': not the only one, could be decisive Preferential
- General Comment No. 14: Dimensions:
  - Principle of interpretation
  - Requires procedural safeguards
  - Serving as a basis for the decision
- Procedure: action + result



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## 7. Best interests of the minor

- General Comment No. 14: 'flexibility', adapting to each child and to the advancement of knowledge about child development
- Focus on rights, collaboration between all the participants
- How is it assessed? Exhaustive assessment
- Need for appropriate information
- Originating from appropriate sources



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## 7. Best interests of the minor

- Elements to take into account + the child's views:
  1. The child's identity: (Art. 8 CRC)
  2. Preservation of the family environment and maintaining relations
  3. Care, protection and safety of the child
  4. Situation of vulnerability
  5. The child's right to health
  6. The child's right to education



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## 8. The right to be heard

- Art. 12(1): States Parties shall assure to the child who is capable of forming his or her own views **the right to express those views freely** in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.



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## 8. The right to be heard

- Art. 12(2): For this purpose, the child shall in particular be provided **the opportunity to be heard** in any judicial and administrative proceedings affecting the child, either **directly, or through a representative or appropriate body**, in a manner consistent with the procedural rules of national law.



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## 8. The right to be heard

- New with the CRC
- Active child participant
- Directly guaranteeing the right, adopting or revising laws
- General Comment No. 12: set out in detail
- European Council Directives



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## 9. Parties involved

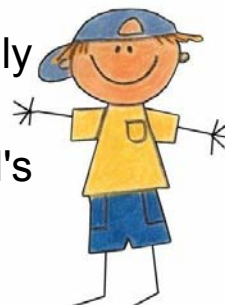
- Lawyers and judges
- With children, a different or higher number
- Who can intervene?



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## 9. Parties involved

- Those who provide information
- Those who provide support throughout the proceedings
- Those who provide legal representation
- They are involved in specially adapted procedures
- They know the child's circumstances
- Specific related knowledge



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## 9. Parties involved

- Authority: special authority to act and specific knowledge or tools
- An expert qualification
- Specialised knowledge
- Specialised tools
- Multi-disciplinary and inter-institutional cooperation



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## 9. Parties involved

- Advantages of cooperation:
  - Reducing the complexity of the proceedings
  - Reducing the polarisation of points of view
  - Avoiding the fragmentation of information
  - Facilitating specialisation
  - Facilitating communication with children



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## 9. Involved parties: examples of cooperation

- Procedural management between the parties: adequately involving the party, in an efficient and effective manner
- Judicial proceedings protocols
- Locating services together
- Coordinated training



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## 10. Conclusions

- Procedimientos pensados para que los menores puedan intervenir. (facultativo)
- Derechos son universales e implican obligaciones + derechos.
- Reflexión minuciosa de las repercusiones en cada situación.
- Crucial "actor adecuado".



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## TALLER

Supuesto:

Un niño de Vietnam fue objeto de una trata de seres humanos hacia la UE para ser explotado criminalmente en una plantación de cannabis.

Las fuerzas de la ley encontraron a este joven de origen extranjero sin documentación, como un pasaporte o una tarjeta de identidad, trabajando en dicha plantación, junto a otras personas de su misma edad.

Fue procesado y declarado culpable de un delito relacionado con la plantación de cannabis. En estas diligencias originales no se entró a valorar cómo se gestionaba la plantación ni si la persona había sido objeto de un tráfico ilegal.

El joven no tenía tutor, sino un abogado.

Con posterioridad, los servicios sociales evaluaron que el joven tenía 16 años y fue enviado a una institución para menores para que cumpliera su sentencia.

Mientras estaba en tal situación, una ONG le aconsejó que recurriera.

En el procedimiento judicial ante el Tribunal Penal de Apelaciones, el abogado del joven alegó que el sujeto era un menor; que este fue objeto de un tráfico de personas hacia el país; que fue explotado para pagar su deuda y que su implicación en la plantación de cannabis se debió a dicha explotación, por lo que, en consecuencia, no debería haber sido enjuiciado ni castigado.

La fiscalía concede que, a partir de las pruebas disponibles ahora, incluidas las pruebas sobre la esclavitud de la deuda en Vietnam y las actividades de cultivo de cannabis, es probable que otras personas dirigieran y controlaran la actividad del joven.

### PARA ANALIZAR EN EL TALLER

*A. ¿Qué aspectos jurídicos surgieron en las diligencias que deberían haber sido abordados mejor en el procedimiento original o que habrían de tratarse en el recurso? ¿Qué fuentes de Derecho son relevantes para resolver la causa? ¿Qué derechos de los niños se vieron implicados en esta situación?*

*B. ¿Qué retos prácticos surgen para el sistema de justicia en situaciones de esta índole? ¿Qué actores están o deberían estar implicados en la resolución de la situación del menor? Intercambio de perspectivas entre los diferentes profesionales y los distintos sistemas nacionales.*

## **FURTHERING THE BEST INTERESTS OF THE CHILD IN EUROPEAN LAW**

**By Aida Grgic, Registry of the European Court of Human Rights  
Barcelona, 2 June 2016**

### **I. OVERVIEW OF THE ECHR AND EU ROLE IN CHILD-FRIENDLY JUSTICE**

#### ***A) ECHR IN GENERAL***

- not a specialised children's rights convention
- explicit mention of children in Article 5 (Article 5.1. *d* and Article 6 ECHR
- in practice Article 8 and Article 3 ECHR shown to have particular relevance to children in the jurisprudence of the ECtHR
- no express mention of "the best interests of the child", but large body of case law dealing with the issue in various contexts, such as family affairs, juvenile justice and migrant children.
- principle of subsidiarity
- ECtHR is attentive to standard setting and other activities within the Council of Europe, such as for instance the European Social Charter, the CoE Committee of Ministers' Guidelines on child-friendly justice and Council of Europe Convention on Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) as well as of specialised international children's rights instruments such as the UNCRC and the Hague Convention on the Civil Aspects of International Child Abduction.

## B) EU LAW IN GENERAL

- three key milestones in the development of children's rights at EU level:

- the introduction of the Charter of Fundamental Rights of the European Union, in particular its Article 24, which reads as follows:

1. Children shall have the right to such protection and care as is necessary for their well-being. They may express their views freely. Such views shall be taken into consideration on matters which concern them in accordance with their age and maturity.

2. In all actions relating to children, whether taken by public authorities or private institutions, the child's best interests must be a primary consideration.

3. Every child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests.

- the entry into force of the Treaty of Lisbon - specific references to children are included within the TFEU, adoption of various directives, such as *Victims Directive*, *Trafficking Directive*, *Sexual Abuse Directive*, *Return Directive*

- the adoption of the European Commission Communication on a special place for children in EU external action, and of the Council EU Guidelines for the promotion and protection of the rights of the child.

- areas relevant for children's rights where the EU has extensively legislated are:

- data and consumer protection;
- asylum and migration;
- cooperation in civil and criminal matters.



## II. LANDMARK CASES FROM EUROPEAN REGIONAL COURTS

### A) PROCEDURAL RIGHTS OF CHILDREN IN CIVIL AND FAMILY AFFAIRS

- the right to be heard

CJEU, *Joseba Andoni Aguirre Zarraga v. Simone Pelz*, C-491/10 PPU, 22 December 2010

ECtHR, *M. and M. v. Croatia*, no. 10161/13, 3 September 2015

- the right to representation

ECtHR, *A.M.M. v. Romania*, no. 2151/10, 14 February 2012

- the right to a reasoned decision

ECtHR, *B.B. and F.B. v. Germany*, nos. 18734/09 and 9424/11, 14 March 2013

### B) RIGHTS OF CHILDREN INVOLVED IN CRIMINAL PROCEEDINGS

#### 1. Child as a suspect

- effective participation in criminal trials

ECtHR, *T. v. the United Kingdom* [GC], no. 24724/94, 16 December 1999

- access to a lawyer

ECtHR *Panovits v. Cyprus*, no. 4268/04, 11 December 2008

- coercive measures

ECtHR, *Blokhin v. Russia* [GC], no. 47152/06, 23 March 2016

#### 2. Child as victim or witness

CJEU, *Criminal proceedings against Maria Pupino* [GC], C-105/03, 16 June 2005

ECtHR, *Kovač v. Croatia*, no. 503/05, 12 July 2007

ECtHR, *S.N. v. Sweden*, no. 34209/96, 2 July 2002

ECtHR, *R.R. and Others v. Hungary*, no. 19400/11, 4 December 2012

### *C) MIGRANT CHILDREN*

ECtHR, *Rahimi v. Greece*, no. 8687/08, 5 April 2011

CJEU, *MA, BT, DA v Secretary of State for the Home Department*, C-648/11, 6 June 2013

### **III. HANDBOOK ON EUROPEAN LAW RELATING TO THE RIGHTS OF THE CHILD**

- published in November 2015 jointly by the European Union Agency for Fundamental Rights (FRA) and the Council of Europe together with the Registry of the European Court of Human Rights, the handbook aims to raise awareness and improve the knowledge of the legal standards that protect and promote these rights in Europe

- designed for non-specialist legal professionals, judges, public prosecutors, child protection authorities, and other practitioners and organisations responsible for ensuring the legal protection of the rights of the child.

### **CONCLUDING REMARKS**

## WORKSHOP

### Case Scenario:

A young person from Vietnam was trafficked into the EU with a view to criminal exploitation on a cannabis farm.

Law enforcement encountered this young person of foreign origin but without documentation such as a passport or ID working on the cannabis farm, with several other young persons.

Prosecuted and found guilty of crime related to cannabis cultivation. No consideration of how the farm was run and whether the person had been trafficked was contained in these original proceedings.

Young person had no guardian, had a court-appointed lawyer.

Social services subsequently assessed the person to be 16 and he was sent to a young offender's institution to serve his sentence.

While in the institution, he was advised by an NGO to appeal.

In the proceeding before the Criminal Appeal Court, the young person's lawyer argued that the individual is a child; that the child was smuggled into the country; he was exploited to pay back debt and his involvement in the cannabis farm arose out of this exploitation and consequently he should not have been prosecuted or punished.

Prosecutor's office conceded that, on evidence now available including evidence of Vietnamese debt bondage and cannabis farming activities, it is likely that other persons directed and controlled the young person's activity.

### TO BE EXPLORED IN WORKSHOP

*A. What legal issues arose in these proceedings that should have been addressed better in the original proceedings or should be addressed on appeal? What sources of law are relevant to resolve the case? Which child rights were involved in this situation?*

*B. What practical challenges arise for the justice system in situations of this kind? What actors are/should be involved in addressing the child's situation? Exchange of perspectives between different professionals and different national systems.*

Part 2:

## **ENSURING EFFECTIVE PARTICIPATION: THE CHILDREN'S RIGHT TO BE HEARD**

Dr Aisling Parkes  
School of Law,  
University College Cork  
Ireland

*“There is a growing understanding of the importance of listening to the children involved in children’s cases. It is the child, more than anyone else, who will have to live with what the court decides. Those who do listen to children understand that they often have a point of view which is quite distinct from that of the person looking after them. They are quite capable of being moral actors in their own right. Just as adults may have to do what the court decides whether they like it or not, so may the child. But that is no more reason for failing to hear what the child has to say than it is refusing to hear the parents’ views”*

(Lady Hale, Re D)

## Aims of part two:

- Conceptual Background to Article 12 of the UN Convention on the Rights of the Child 1989 (CRC)
- Why Listen to Children?
- Nature and Scope of Article 12 CRC
- Article 12 in Practice
  - Family law proceedings
  - Criminal Law proceedings
  - Administrative proceedings
- Common Barriers to Participation in practice
- Sharing experiences about how to implement Article 12 in practice.

## Why should children have a voice in decisions affecting them?

- Values and Benefits Generally
  - Informed decision-making
- Values and benefits for children of direct communication
  - Reassurance for the child around mixed messages/inaccurate presentation of views
  - Development point of view
- The child not only has the right to a voice, but they need it – a channel through which they can communicate their views to the decision-maker.

## Nature and Scope of Article 12

### Four General Principles

- Article 2 – non-discrimination
- Article 3 – Best Interests principle
- Article 6 – Right to life, survival and development
- **Article 12 – Right of the Child to be Heard**

## Article 12: A Literal Interpretation

States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.

For this purpose, the child shall in particular, be provided with the opportunity to be heard in all judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

## Article 12(1)

- There are two distinct parts to Article 12(1)
  1. The views of the child should be heard
  2. Once expressed, the views of children should be given due weight by the decision maker in accordance with the age and maturity of the child

## Article 12 (1): A Literal and Legal Analysis

- Shall **Assure** – no room for states parties discretion
- Capable of **forming** views (NOT capable of **expressing** views) – presumption that all children are capable of forming views, not up to the child to prove capacity (Article 13 - freedom of expression is important in this context)
- Right to express views **freely** – no external pressure, child should be able to choose whether or not to be involved, use of an appropriate environment
- **All matters** affecting the child – all matters which affect a child directly/indirectly
- **Due Weight** in accordance with **Age and Maturity** –
  - Due Weight - listening to children is not enough, views should be seriously considered
  - Age and Maturity – dual criteria, children are not a homogenous group – case by case assessment required

## Article 12 (2) in Practice

- Article 12(2) reinforces Article 12(1) in Judicial and Administrative Proceedings
- Envisages Direct and Indirect Participation
  - Direct: Judicial Interview/ Open Court/Letter to Judge
  - Indirect: Legal/ Other appropriate Representative

## Child Participation under the CRC: A Holistic Approach

- Article 3 – best interests
- Article 13 – Freedom of expression – alternative forms of expression
- Articles 13 and 17 – right to information



## Committee Guidance: Implementing Article 12 in Legal Proceedings

1. Preparation
2. The Hearing
3. Assessment of the Capacity of the Child
4. Information and Feedback to the child
5. Complaint's, Remedies, Redress

## Judicial Proceedings

- Family Law cases
  - Custody and Access
  - Adoption
  - Child Care proceedings
- Criminal Law Cases
  - ECHR – European Court of Human Rights 1950 – Articles 6 & 8
  - T v UK; V v. UK (1999)
  - SC V. UK (2004)
- Proceedings involving children as victims or witnesses
  - Un Economic and Social Council Resolution 2005/20



## CRC: Two Alternative Forms of Participation

- Direct Participation
  - Direct Evidence
  - Letters to the Judge
  - Judicial Interview
- Indirect Participation
  - Court Reports
  - Not limited to legal representation
  - Appropriate bodies
  - Dual representation

## Direct Participation



## Indirect Participation – Lawyer for the Child



## Indirect Participation – Court Reports



**2009  
GENERAL COMMENT ON ARTICLE 12  
CRC**

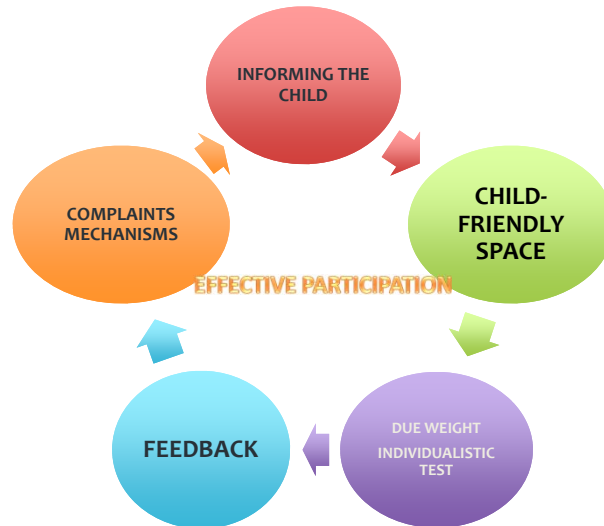
## Pre 2009 - Lack of Comprehensive Guidance from the Committee on the Rights of the Child

### ***HOW AND WHEN CHILDREN SHOULD PARTICIPATE IN FAMILY LAW PROCEEDINGS***

#### General Comment on Article 12 CRC Family Law Proceedings

- Adopt Laws to specifically protect this right, or adopt or revise existing laws
- It's a choice for the child, not an obligation
- Provision of child-friendly information essential
- Child-friendly space
- 12(2) – judicial proceedings includes alternative dispute resolution mechanisms such as mediation processes for example
- Specific reference to legislation on separation and divorce to include the right of the child to be heard by decision makers and in mediation processes.
- Individual assessment of child's capacity

## Requirements for Effective Participation



## Common Barriers to Implementation of Article 12(1)

- Age Limits
  - Custody and Access: Ages range from 7-15 years
  - Adoption: Ages range from 7 to 15 years
  - The Solution? Case-by-Case Assessment
- Cultural Family Traditions
  - Solution? Awareness-raising, Training and Education

## Common Challenges

- Adult Gatekeepers
- Lack of Skills and Professional Training
- Skills of the Listener
- Resources

## Other Barriers

- Judicial Discretion
- Lack of Political Will and Enforcement
- Lack of Guidance up until relatively recently

## The Five Steps...

- Informed in child-appropriate language
- Encouragement and Facilitation, Skills of Listener
- Case by Case assessment
- Feedback
- Legislation: Complaints mechanisms



## Case study 1: Family Law Proceedings

Tom and Julie have been married for 15 years and in the past few months have decided that their marriage is no longer working out and they wish to separate. They cannot agree on contact and living arrangements concerning the children so they decide to go to court. Tom and Julie have three children: Jenny (3 ½), Bell (6) and Martin (12). Julie has explained to the children that she and Tom no longer intend living together and that the court is going to make a decision about their living arrangements. She tells the children that she wants them to make their views known to the court.

Jenny asks if she can say hello to the Judge. Bell states that she does not want to talk to anyone about living arrangements – she wants things to stay the way they are. Anyway, she thinks court is for bad people and she doesn't know what she did wrong. Martin writes a letter to the Judge, which reads:

Dear Judge,

Please don't make me choose. ☹

Martin

### Questions for Consideration

1. Share your experiences of how this issue would be addressed in each of your own jurisdictions? Choose the most Article 12 CRC compliant with a view to reporting back to the group.
2. If you were a professional involved in this particular case, what steps would you take to ensure that the rights of these children under Article 12 and the CRC are protected under the circumstances?

## Case study 2: Administrative Proceedings

Tristan (8) boy has recently been subject to a physical attack from John (9) in the school playground. When he comes home one day with a black eye and a broken nose, his mother goes into the school principal and demands that some form of disciplinary action be taken against John. This is not the first time that John has attacked Tristan physically and he regularly taunts him in class when the teacher is not looking.

Unbeknownst to most, Tristan has been sending social media messages in the evenings to John which has caused him much hurt and upset which is why he lashes out each time he sees Tristan.

The Principal of the School calls John's parents into the school to tell them that the School is suspending John pending further investigation. John's parents demand to know if Tristan is also being suspended but the principal asserts that there is no evidence to support such action.

### Questions for consideration:

1. How do you think this issue would be addressed from the point of view of ensuring the boys views are considered in your respective jurisdictions? Share your experiences and choose one experience which you think is the most Article 12 compliant – explain why.
  2. From an Article 12 CRC perspective, what are the appropriate actions to be taken here by the School Principal as decision-maker?
-

## Estudio de caso 1: Procedimientos de Derecho de familia

### Supuesto:

Tom y Julie llevan casados 15 años y en los últimos meses han decidido que su matrimonio ha dejado de funcionar y desean separarse. No logran llegar a un acuerdo sobre la tutela y el derecho de visita de sus hijos, por lo que resuelven acudir a los tribunales. Tom y Julie tienen tres hijos: Jenny (3 años y medio), Bell (6 años) y Martin (12 años). Julie les ha explicado a los niños que Tom y ella no desean vivir juntos más y que será un tribunal quien tome la decisión acerca de su tutela y los derechos de visita. Les indica a los niños que quiere que expongan sus opiniones a dicho órgano jurisdiccional.

Jenny pregunta si le puede decir «hola» al Juez. Bell dice que no quiere hablar con nadie sobre esos temas, quiere que las cosas sigan como están. De todas maneras, cree que los tribunales son para los malos y ella no sabe en qué se ha equivocado. Martin le escribe una carta al Juez, que reza del tenor siguiente:

Estimado Juez:

Por favor, no me obligue a elegir. ☹

Martin

### Cuestiones para someter a consideración

1. Comparta sus experiencias sobre cómo se debería abordar esta cuestión en cada una de sus propias jurisdicciones. Elija lo que se conforme más al artículo 12 de la CDN con vistas a comunicarlo posteriormente al grupo.
2. Si usted fuera un profesional implicado en este caso particular, ¿qué medidas adoptaría a fin de garantizar que los derechos de estos niños en virtud del artículo 12 y la CDN quedan protegidos, habida cuenta de las circunstancias?

## **Estudio de caso 2: Procedimientos administrativos**

### Supuesto:

Tristan (8 años), ha sido recientemente víctima de una agresión física por parte de John (9) en el patio de la escuela. Al llegar un día con un ojo morado y la nariz rota, su madre acude al director de la escuela y exige que se tome alguna forma de acción disciplinaria contra John. Esta no es la primera vez que John ataca a Tristan físicamente, y, además, lo hostiga regularmente en clase cuando el profesor no está mirando.

En desconocimiento de la mayoría, por las tardes Tristan le ha estado mandando mensajes por las redes sociales a John, lo que le ha causado mucho dolor y trastorno, motivo por el cual la emprende a golpes con Tristan cada vez que lo ve.

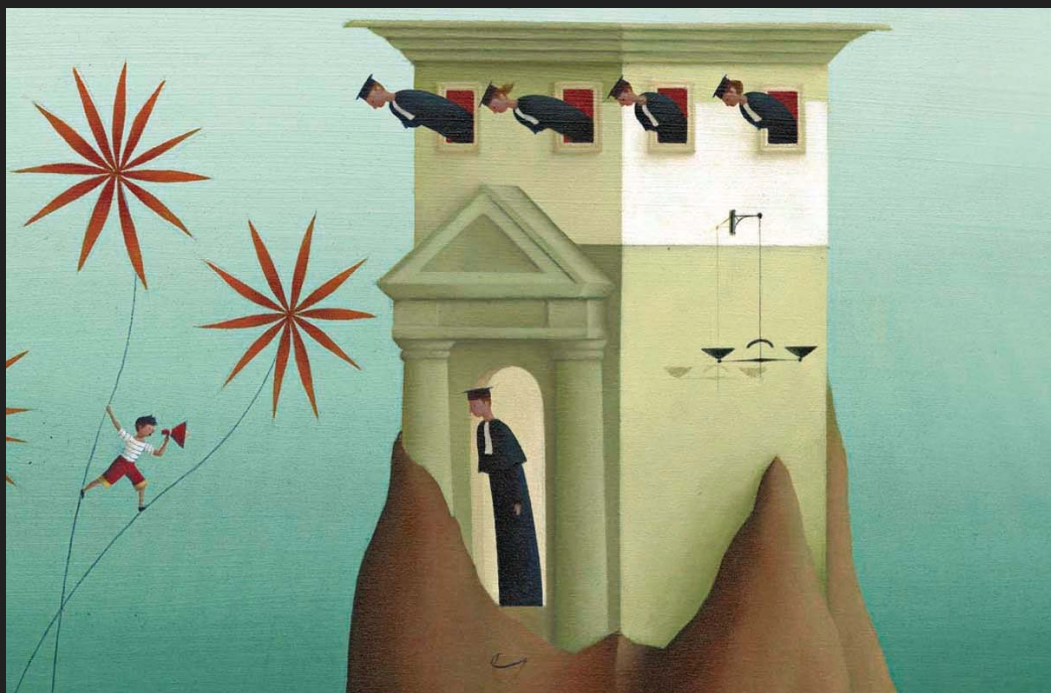
El director de la escuela cita a los padres de John en la escuela para decirles que va a expulsar temporalmente a John mientras se investiga el caso. Los padres de John exigen saber si Tristan también va a ser expulsado, pero el director afirma que no hay pruebas que respalden tal medida.

### Cuestiones para someter a consideración:

1. ¿Cómo piensan que este asunto habría de abordarse desde el punto de vista de garantizar que las opiniones de los niños son consideradas en sus respectivas jurisdicciones? Compartan sus experiencias y elijan una que crea que se conforma lo más posible al artículo 12, y expliquen por qué.
2. Desde el prisma del artículo 12 de la CDN, ¿cuáles son las medidas oportunas que el director de la escuela ha de adoptar aquí, en su calidad de responsable de la toma de decisiones?

# Best practice guidelines for interacting with children in legal situations – Part 1

Barcelona, 2 – 3 June 2016



- "We think that decisions are often taken without our knowledge. We want more say, and have more of a feeling that we are really being listened to by our adviser, our lawyer or the judge in the juvenile court. At present, our opinion is too often sought via our lawyer. We can answer for ourselves."
- "We also find it unfortunate that if our opinion is sought, it is not really taken into account sufficiently. We sometimes have the feeling that juvenile court judges only ask our opinion because it is a requirement, but that they do not actually listen to what we have to say."

Unicef Brussels 2002, young people's report to the CRC committee



## INTRODUCTION

- Importance of art. 12 CRC: what do practitioners need?
- Main paradox: children are not aliens but...
- CRC, art. 12: not only a right, but a way to get better results or decisions

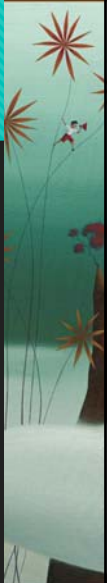


# The Child Friendly Justice Guidelines (2010)

- Background
- Close the gap between theory and practice
- In all proceedings and respecting children's rights

"While there is a certain belief that children should be kept out of courts as much as possible, Court procedure is not necessarily worse than an outside court alternative, as long as it is In line with the principles of child friendly justice." (CFJ Memorandum, par. 83)

[www.coe.int/childjustice](http://www.coe.int/childjustice)

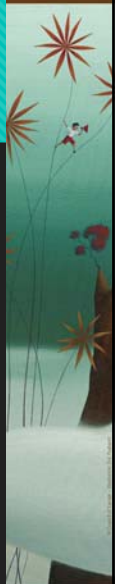


## Fundamental principles

- Participation
- Best interest
- Dignity
- Protection from discrimination
- Rule of law


And no age limits

[www.coe.int/childjustice](http://www.coe.int/childjustice)







<b>GENERAL ELEMENTS</b>	Information and advice Protection of private and family life Safety Training of professionals Multidisciplinary approach Deprivation of liberty
<b>BEFORE PROCEEDINGS</b>	MACR, informed choice between alternatives and proceedings, legal safeguards
<b>POLICE</b>	Information, legal counsel, parents, custody separate from adults
<b>DURING PROCEEDINGS</b>	Access to justice Legal counsel and representation Right to be heard and express views Avoiding undue delay Organisation of proceedings and CF environment and language Evidence/statements by children
<b>AFTER PROCEEDINGS</b>	Information, guidance, support, remedies, damages, constructive responses



www.coe.int/  
childjustice



“A child cannot be heard effectively where the environment is intimidating, hostile,  
Insensitive or inappropriate for his or her age”  
(GC nr 12, par. 34)





## CF Environment and language (1)

- Victim, third party, suspect...they are children first
- Weak legal status
- Respect for their age, special needs, maturity and level of understanding

[www.coe.int/childjustice](http://www.coe.int/childjustice)



## CF Environment and language (2)

- Non-intimidating and CF settings
- Familiarised with court layout and roles
- Language appropriate to age and level of understanding
- Respect and sensitivity
- Person(s) of trust
- Video- and audio recording
- Time and attention span
- CF rooms
- Specialist courts and institutions

[www.coe.int/childjustice](http://www.coe.int/childjustice)



# Evidence and statements by children

- Trained professionals
- Audio-visual statements
- Same interviewers, as little interviews as possible/needed
- Evidence rules and validity
- Adapted interview protocols

[www.coe.int/childjustice](http://www.coe.int/childjustice)



# Their requests?

- To be treated with respect
- To be listened to
- To get information that they can understand
- To get information on their rights

[www.coe.int/childjustice](http://www.coe.int/childjustice)



Thank you

[www.coe.int/  
childjustice](http://www.coe.int/childjustice)



**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 live separately with not contact at all. There is no procedure needed as they were not married. But the girls do want to stay in touch. What could they do?

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

### Workshop: role-play

**May-Li and San-ho**, 9 y old twins, are caught in the middle in their parents' divorce for 2 years already. Their mom will be moving to another town, some 50 km away, with her new partner and the parents enroll them in 2 schools, so that they have to switch weekly as they live alternatively with mom and dad.

(some background info:

- May-Li is very outspoken on this whole settlement and she wants to live with her dad as she does not like her mom's new partner.
- San-ho has become very quiet throughout the whole family breakup and simply wants his parents to get together again
- The mother would do anything to make her new relationship work.
- The father is still a little depressed about the whole breakup but does not want to give up the fight immediately.)

**Tim**, 16, drug user, mostly cannabis. Stands trial in juvenile court where he gets the choice: juvenile detention for 4 months or drug rehab programme. He prefers the detention and his lawyer wants to plead for the rehab.

(some background info:

- Tim has been in and out of youth care most of his life and has seen it all. He is not very impressed by the whole system and thinks that a couple of months in youth detention will be easier than rehab. He does not want to quit using drugs.
- Tim's lawyer has known Tim for quite some time and wants him to get out of his circle of drug using friends. He is very committed to Tim's case and is one of the few people Tim still trusts.)

**Julie**, 16, was offered a modelling contract. She would like to get into this line of work but her parents object.

(Some background info:

- Julie is the only child of a quite rich couple and does very well in school
- Both parents are professionally very successful people.)

*THE RIGHTS OF THE CHILD IN PRACTICE: A MULTIDISCIPLINARY APPROACH TO  
CHILD-FRIENDLY JUSTICE IN EUROPEAN LAW  
BARCELONA, 2-3 JUNE 2016*

## ***BEST PRACTICE IN COMMUNICATION WITH CHILDREN IN LEGAL PROCEEDINGS***

*María Ribas Siñol*

*Noemí Del Prado Sánchez*

1. Children appearing in proceedings and different areas of law.

2. Strategies and basic principles to assist with comprehension,  
communication and dialogue with children and young people in  
judicial proceedings

3. Protocols and methodology in interviews with minors



Children come into contact with the judicial system for various reasons:

- Family matters : divorces, adoptions
- Administrative Justice: Nationality or immigration issues
- Criminal Justice: Victims, witnesses or perpetrators of crimes

It is essential to adapt the law to their needs

## HOW DO CHILDREN PERCEIVE THE COURTS? WHAT DO THEY THINK OF THE JUDGES?

Children feel:



- Intimidated, scared
- Sad
- Angry
- Worried
- Anxious
- Nervous and upset
- Vulnerable

They often think and believe:

That they won't be listened to

That they aren't important

That their opinion has no value

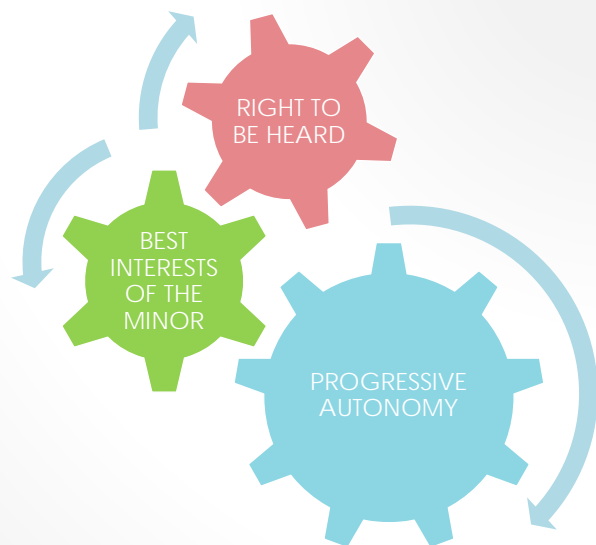


Who should listen to them?  
 From what age onwards?  
 In what type of matters?  
 With or without the presence of their parents or  
 significant adults?

These are some of the questions that arise in the face  
 of this topic.

**INTERESTS OF THE MINOR:** to have regard to the wishes and feelings of  
 children, their emotional state, educational needs, the likely effect on their  
 lives of a change in circumstances, their age and sex, amongst other  
 elements. (Children Act, 1989)

**PROGRESSIVE AUTONOMY:** This means recognising the ability of children to  
 decide when and how they want to exercise a certain right, and also the  
 possibility that at any given time they may decide not to exercise it. It  
 depends on AGE, CAPACITY TO ACT AND MATURITY



*Expert opinion is essential*

Children need:

- Information adapted to their level of understanding
- To diminish unknown elements
- Clear explanations about the stages of the proceedings

Help to reduce fear and stress factors

Special care to avoid victimising and/or blaming the child



A friend is someone who treats you well, who trusts you and whom you can trust, who listens to what you say and to whom you listen, who understands you and whom you understand. They also have the courage to tell you when you are in the wrong and they stand by you to help you work out a solution.

*(Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice, 2010)*



### Attitude towards the child:

- Being open, sincere, welcoming, respectful and humane
- Speaking naturally and with familiarity
- Being understanding of the views and feelings expressed by the child.
- Adapting language used to the age and capacity for understanding of the minor, taking into account their personal history and psychological state.
- Adopting an attitude of active listening (visual contact, acknowledging interventions, demonstrating interest and empathy, demonstrating what unites and avoiding what divides)



### EMPATHIC LISTENING:

- Accepting the arguments and explanations, the objections or the criticisms of the child without indicating our agreement with their behaviour or opinion, but that we respect it and we can be responsible for it
- Mental and physical commitment to listening
- Looking at the child or adolescent with interest
- Nodding your head to indicate that you are listening



## EMPATHIC LISTENING:

- Avoiding interruptions
- Pausing to encourage the child to continue explaining, respecting the time they need to communicate and their pace
- Not diverting attention away from the conversation, introducing other issues or expressing disagreement
- Summarising from time to time what the child says to ensure that you have been paying attention



## ACCOMPANYING THE CHILD

- It is important to be by their side and accompany the child during the whole judicial procedure, explaining clearly and in detail what is happening at each moment. It is appropriate to talk about:
  - What is happening
  - Why they will be there
  - What will happen
  - What the outcomes will be and the consequences
  - What will happen with what the child says

Accompanying also means that:

- ALL RESPONSES ARE VALID
- THE ADULT DOESN'T KNOW EVERYTHING



## ACCOMPANYING BY STAGES

Creating the setting: a climate of confidence and security

- Explaining who we are
- Checking whether the child knows why they are there
- Being interested in how they feel and whether they would like to be listened to or not
- It must be made clear that it is only the Judge who will make the decisions after listening to everybody. The decision will NOT only depend on what the child will say

The person who asks the questions doesn't know everything

Expressing that we don't know what has happened

- Reduces the childish inclination towards suppositions
- Increases the child's willingness to ask for further clarification
- Increases the child's resistance to suggestion
- The child feels that their opinion is the important one and not what they think the other person wants to hear

Well-informed children have more faith in themselves, feel safer and speak more freely

## ACCOMPANYING BY STAGES



Knowing the child:

- By using simple questions **you can get to know the child a bit better**: who they are, what they like, hobbies, school, friends, what they do when they feel sad or annoyed, what a typical day in their life is like, etc.
- It can then be useful to check who has brought them to Court and what has been said before taking the statement

Some instructions:



- You have to tell the truth
- You might not remember the answer, it is acceptable to say I DON'T KNOW
- Don't try to guess and don't say something because you think it is what they want you to say
- If you don't understand a question, tell me

## ACCOMPANYING BY STAGES



Formulating questions:

- It gradually becomes necessary to pose more direct questions but with open answers
- How do you get on with mummy and daddy?
- What activities do you do with them in your free time?
- How do you feel when mummy and daddy say that they will not be living together?
- How do you feel about the divorce?

Avoid Conflicting Loyalties: the child doesn't make the decisions, the child is not responsible for what happens

- Closing:



Is there anything else that you think you would like to tell me?

Is there anything that you've forgotten?

Is there anything that you want to ask me?



In criminal proceedings:

- The style of questioning will determine whether the testimony is admissible, relevant, valid and useful or not
- The involvement of specialists (psychologists, child psychiatrists, social workers, etc.) is often needed
- Some badly worded questions can undermine the value of the testimony



The subjectivity of the account, the inability to abstract, egocentrism, the difficulty of constructing an account in space and time, self-imposed obligations, **imaginary fears** and so forth mean that specific training is required for taking and evaluating statements from Boys, Girls and Adolescents (BGA)



An adequate, familiar, humane and respectful intervention encourages a  
**TRUE recollection** of the situation, allowing details to appear that  
are **impossible to invent** and minimises emotional  
interference, reduces fears and helps with describing the memory.

## INTERVIEW GUIDE FOR INVESTIGATING THE SEXUAL ABUSE OF MINORS

*(Protocol NICHD National Institute Of Child Health And Human Development, 2000)*

- A structured interview designed to reflect the recommendations of professionals in operational guidelines for investigating the sexual abuse of minors
- It is the most widely used guide in the world
- Studies confirm that this interview technique improves the quality of the information

## INTERVIEW GUIDE FOR INVESTIGATING THE SEXUAL ABUSE OF MINORS *(Protocol NICHD National Institute Of Child Health And Human Development, 2000)*

- Minimises the risk of suggestion in the interview with the child
- The application instructions are very clear
- Open-ended questions encourage freer and less distressing memory recall, which is the most accurate form of recollection

Children's Testimony: A Handbook of Psychological Research and Forensic Practice, Second Edition. Edited by Michael E. Lamb, David J. La Rooy, Lindsay C. Malloy, and Carmit Katz. © 2011 John Wiley & Sons, Ltd. Published 2011 by John Wiley & Sons, Ltd. ISBN: 978-0-470-68677-5



### Stages of the NICHD Protocol:

1. Clear instructions about the taking of the statement: it is not a normal conversation, the person asking the questions DOES NOT know everything, there is nothing wrong with saying I don't know, etc.
2. Explain clearly using examples
3. Create empathy and establish a climate of trust
4. Ask easy questions (last birthday, Christmas, etc. This allows us to assess whether the child has developed temporal awareness)
5. Allow the child the time they need to answer



## I. INTRODUCTION

1. **'Hello, my name is \_\_\_\_\_ and I am a police officer.** [Introduce anyone else in the room; ideally, nobody else will be present.] **Today is \_\_\_\_\_ and it is now \_\_\_\_\_ o'clock. I am interviewing \_\_\_\_\_ at \_\_\_\_\_.'**  
[As you can see, we have a video-camera and microphones here. They will record our conversation so I can remember everything you tell me. Sometimes I forget things and the recorder allows me to listen to you without having to write everything down.]  
**'Part of my job is to talk to children [teenagers] about things that have happened to them. I meet with lots of children [teenagers] so that they can tell me the truth about things that have happened to them. So, before we begin, I want to make sure that you understand how important it is to tell the truth.'** [For younger children, explain: **'What is true and what is not true?'**].  
**'If I say that my shoes are red (or green) is that true or not true?'**  
[Wait for an answer, then say:]
2. **'That would not be true, because my shoes are really [black/blue/etc.]. And if I say that I am sitting down now, would that be true or not true [right or not right]?''**  
[Wait for an answer.]
3. **'It would be [true/right], because you can see I am really sitting down.'**  
**'I see that you understand what telling the truth means. It is very important that you only tell me the truth today. You should only tell me about things that really happened to you.'**  
[Pause.]
4. **'If I ask a question that you don't understand, just say, "I don't understand." Okay?'**  
[Pause]  
**'If I don't understand what *you* say, I'll ask you to explain.'**  
[Pause.]
5. **'If I ask a question, and you don't know the answer, just tell me, "I don't know".'**  
**'So, if I ask you, "What is my dog's name?" [Or "my son's name"] what would you say?'**  
[Wait for an answer.]  
[If the child says, 'I don't know', say:]

- Using open-ended questions, avoiding those with dichotomous answers
- Encourage communication and the account:  
*"Tell me everything about that, tell me about that situation..."*  
*"You mentioned... Tell me more about..."*
- Formulating questions that begin with who, what and when yields more information, details and well thought-out answers
- Short questions, allow the child to talk

## THINGS TO AVOID:

Behaviour that is too formal. The child must know that they can trust the professional

Assuming that the child knows everything about the situation

Moving directly to the questions

Pressuring the child even more

Producing feelings of guilt? Why didn't you call? What were you doing out so late?

Adding your own point of view

## RATAC Protocol

*Developed by the Cornerhouse Child Advocacy Centre in Minnesota in 1989*



Incorporates the use of anatomical drawings, dolls and questions related to 'touching'

Makes reference to recognition and reconstructive memory

It considers that:

- Indirect questions are more suitable for older children
- It is more difficult to obtain narrative answers from younger children

The possibility that there were other abusers and/or incidents is explored

# RATAC Protocol

## R- Rapport

Children under 8: Face picture  
Children under 11(optional for older children): Family Circles



## A-Anatomy

Children under 6: Gender differentiation  
Children under 6 (optional for older children): Naming parts of the body

## T- Touch inquiry

Positive touching: Children under 6: Do you get kisses/hugs/tickles?  
Ages 6 to 9: Do you get touches that you like?  
Negative touching: Children under 10: Are there places on your body you don't like anyone to touch? Has someone touched you there?  
Children over 10: What do you know about why you are here?

## A-Abuse scenario

Details are obtained, dolls can be used and alternatives are explored

## C- Closure

Explain about personal protection, explore safety options and answer the child's questions



THE CHILDREN WHO COME INTO THE JUDICIAL SYSTEM ARE THE MOST  
VULNERABLE



MANY THANKS

[mribas@pssjd.org](mailto:mribas@pssjd.org)  
[ndelprado@pssjd.org](mailto:ndelprado@pssjd.org)

## MATERIALES DEL TALLER

**Jamal**, de 13 años, huyó de Siria junto a su padre, un periodista perseguido por el régimen de al-Ásad. En primer lugar llegaron a un centro de internamiento en El Pireo, Grecia, donde su padre falleció. Jamal consiguió huir entonces a Bélgica, donde ahora reside en un centro para menores no acompañados. Tiene que volver a Grecia a presentar su solicitud de asilo (Reglamento de Dublín). Grecia es conocida por su tratamiento inhumano de los solicitantes de asilo. Su tutor (una tutela administrativa, contemplada en Derecho belga para todos los menores no acompañados) se pone en contacto con un abogado.

### Aspectos susceptibles de debate:

CDN, arts. 3, 12, 19.

El Reglamento de Dublín (en el contexto de la crisis de los refugiados) y cómo se relaciona con la norma vinculante del CDN.

Sistemas (no) existentes de tutores para refugiados menores de edad.

Sistemas y responsabilidades de asistencia juvenil.

Posibilidad de acceso a un juez.

**Bianca**, de 17 años, accedió a un programa de vida independiente tras pasar su existencia viviendo en hogares de acogida. Rara vez contacta con su familia y tiene muchos problemas económicos. Desea solicitar una prestación social complementaria, pero se la rechazan. Llama al secretario del tribunal de menores.

### Aspectos susceptibles de debate:

CDN, arts. 3, 12, 27.

Sistema asistencial a jóvenes, sistema y responsabilidades de la seguridad social.

Obligaciones, responsabilidad (económica) de los padres.

Asistencia jurídica para menores, información práctica para menores.

Acceso a los tribunales u otras vías de recurso.

Después de que sus respectivos padres se divorciaran, **Helena y Cathy**, ambas de 13 años de edad, se fueron a vivir juntas en una familia de nueva composición, con la madre de Helena y el padre de Cathy. Con los años, se han hecho las mejores amigas. De nuevo, la pareja se separa y no quiere seguir manteniendo ningún contacto, ya ni se hablan y acaban de empezar un procedimiento de divorcio muy conflictivo. Sin embargo, las niñas desean seguir en contacto.

### Aspectos susceptibles de debate:

CDN, arts. 3, 9, 12.

Contexto jurídico del derecho a contactar con personas no familiares.

Aspectos relacionados con la autoridad parental y la edad/madurez de los niños.

Definición de «familia» en Derecho.

Acceso a los tribunales u otras vías de recurso.

## Taller: juego de simulación

**May-Li y San-ho**, gemelas de 9 años, se encuentran atrapadas en mitad del divorcio de sus padres desde hace ya 2 años. Su madre se mudará a otra ciudad, a unos 50 km de distancia, con su nueva pareja, y los padres las matriculan en 2 escuelas, así que tendrán que ir cambiando cada semana, ya que viven con su padre y su madre en turnos alternos.

(Cierta información de trasfondo:

- May-Li es muy sincera sobre toda esta nueva situación y quiere vivir con su padre, ya que no le gusta la nueva pareja de su madre.
- San-ho se ha ido volviendo cada vez más reservada a lo largo de toda la ruptura familiar y simplemente quiere que sus padres se reconcilien de nuevo.
- La madre haría lo que fuera para que su nueva relación funcionara.
- El padre está un poco deprimido por toda la ruptura, pero no quiere abandonar la lucha inmediatamente).

**Tim**, de 16 años, consumidor de drogas, cannabis, sobre todo. Es sometido a un juicio en el tribunal de menores, donde tiene que elegir: internamiento en un centro de menores durante 4 meses o un programa de rehabilitación para drogodependientes. Prefiere el internamiento y su abogado desea solicitar la rehabilitación.

(Cierta información de trasfondo:

- Tim lleva la mayoría de su vida entrando y saliendo de los servicios asistenciales y a estas alturas ya ha visto de todo. No le entusiasma el sistema en su integridad y cree que un par de meses internado en un centro de menores serán más sencillos que la rehabilitación. No quiere dejar de consumir drogas.
- El abogado de Tim lo conoce ya desde hace bastante tiempo y quiere que salga de su círculo de drogadicción mediante sus amigos. Está muy comprometido con el caso de Tim y es una de las pocas personas en las que Tim aún confía).

**Julie**, de 16 años, recibió una oferta laboral para trabajar como modelo. Le gustaría aprovechar esta oportunidad, pero sus padres se oponen.

(Cierta información de trasfondo:

- Julie es la hija única de una pareja bastante adinerada y saca muy buenas notas.
- Ambos padres son profesionales de mucho éxito).