



CHILDREN'S LEGAL EDUCATION
ADAPTED RESOURCES



Teenagers, Their Rights and the Law

A TOOLKIT FOR FACILITATORS



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Foreword

This Toolkit is designed for facilitators. It provides a range of 'tools' to enable teenagers to interact with and understand the rights they have in society. It is written in a way that we hope supports both professionals who work with teenagers and the young people who want to be peer educators. Whilst we have tried to present the relationship between rights and laws as simply as possible, the concepts remain complex. With a little adaptation, the activities in this Toolkit are suitable for teenagers between the ages of 12 and 18.

The Toolkit provides resources, including signposts to institutions and organisations that may be able to offer specific and relevant help to teenagers. The most important resource, however, is you! As a facilitator of any kind, whether as the group leader or in a discussion with one other person, you will be the key resource for teenagers. You will be able to help them negotiate the information, challenge them to think more deeply and support them to act in a way that honours their own rights and the rights of other people. Our goal is not to ask teenagers to memorise a list of laws, but rather to teach them how to think about their rights and the law. The focus is on active participation of teenagers, not simply providing information.

The approach we have taken with this Toolkit means that it is particularly suitable for 'non-formal' education environments. It can also be applied to more formal situations such as the court and justice settings where professionals might benefit from access to materials that are 'child friendly'.

There are of course many more topics on the subject of children's rights and the law; we used the topics that teenagers across Europe said were important to them. As teenagers begin to tell you the things that are important to them, we encourage you to adapt this Toolkit. We would be very interested to hear about the adaptations you make. Please share your experiences or send your suggestions to us at info@clearproject.eu

If you find the resources in this Toolkit helpful, please print or photo-copy them and use them. If you know of other people who you think may benefit, please pass it on with our regards.

You can download the legal education resources from our website:
www.clearproject.eu

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i. Introduction

What are Rights?

Human Rights and Children's Rights are not the same as 'wants'. Rights are about what we 'need' in order to live safely and healthily and grow into the best people we can be. Human Rights exist to make sure we treat each other fairly and properly.

The Universal Declaration of Human Rights was a result of the experience of the Second World War. It was a way for the international community to vow that such atrocities as happened in the conflict of war would never happen again.

Human rights are based on core principles like dignity, fairness, respect, autonomy and equality. These human rights are relevant to our day-to-day life, because they protect our freedom and make it possible to have control over our own lives. We have the right to take part in decisions affecting us. The public authorities in our society make decisions which impact on us and we have the right to take part in those decisions and to get fair and equal services from these public authorities.

Why do children need rights?

Children need special rights because they need extra protection that adults don't need. Children are dependent on the people around them for a long time during their childhoods. During this time they require special protection to help them flourish and become independent adults who will continue to support the rights of other's more vulnerable than themselves.

Often children and teenagers do not know about the rights that are there to protect them. Thinking about rights and talking to other people can be part of becoming the best person we can be. A child, who knows about his or her rights, is able to notice how family and friends respect those rights and can in return respect the rights of others. Understanding about rights and children's rights is one way to help make the world a better place to be. Even talking about rights can help us think differently.

A bigger perspective

We are all part of a much bigger picture and recognising this can give us the strength of 'solidarity'. The rights of children and teenagers (under the age of 18) are set out in an international document called The United Nations Convention on the Rights of the Child (**UNCRC**). The rights are set out in statements called Articles which are connected to each other and are equally important. All the governments in Europe have agreed to make sure these rights are available to children. It is therefore the Governments responsibility to ensure these rights are met through the laws that are made.

Being part of a much bigger picture also means that if things go wrong in your country with your laws, there is somewhere else to go. The European Court of Human Rights can adjudicate if there is a breakdown between you and the laws you are subject to.

If your country has ratified OP3 (the Optional Protocol to the Convention on the Rights of the Child on a Communications Procedure), then children in your country can submit complaints about the violation of their rights. The complaint would need to be submitted to the United Nations, specifically 'the Committee on the Rights of the Child'. A child would have to prove they had tried all legal options available in their own country first.

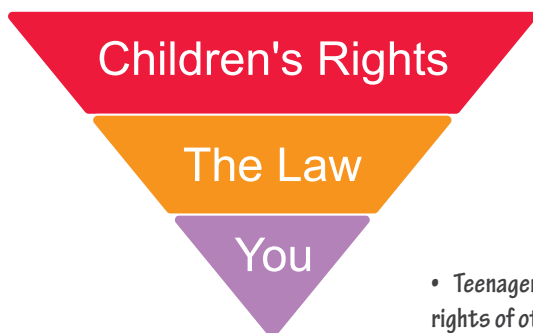
The complex link between children's rights and the law

Governments have a duty to recognise the need for protection that children require and to ensure their special rights are upheld in law. Article 3 in the UNCRC states that the best interests of children must be the primary concern in making decisions that may affect them. All adults should do what is best for children. When adults make decisions, they should think about how their decisions will affect children. This particularly applies to budget, policy and law makers.

The Government must ALSO 'Respect the rights and responsibilities of families to direct and guide their children so that, as they grow, they learn to use their rights properly, (Article 5). The UNCRC does not take the responsibility for children away from their parents and give more authority to governments. It does however, place responsibility on governments, to protect and assist families in fulfilling their essential role as nurturers of children.

Governments have to ensure the needs of the child are met whilst respecting the rights and responsibilities of the family to raise their children well. Mostly what is best for the child will be fully met by their family, but sometimes the Government has to do what is critical to life and protection from harm.

A further complexity for Governments and the law happens as children grow up. As children grow older, their rights remain the same (until 18), but the law has to recognise the changing level of freedom and responsibility they have over their own lives. For example, children have the right to 'say what they think should happen. Their opinions must be taken into account when adults are making decisions that affect them' (Article 12), but for most European countries the voting age is set at 18.



- The United Nations have agreed what rights children need. There are 42 statements called Articles

- The law in each country interprets, upholds and protects these rights slightly differently

- Teenagers need to know their rights. They need to know how to honour the rights of others and also how to get help when those rights are infringed.

The issue of rights is complicated

Is it OK to put your rights in front of someone else's?

If you do put your rights ahead of someone else's – are you saying you're better than them?

Often the adults don't know what the children's rights are and the children don't know what their rights are. Adults need to know as well as children.

Article 42 – All adults and children should know about the UN Convention on the Rights of the Child

ii. About this Toolkit

Children and teenagers often do not know about their rights and the laws that embed those rights. This Toolkit offers you the tools to help teenagers understand the laws that uphold their rights and their changing relationship with the law as they grow older.

Teenagers require an understanding of the rights that protect them and the laws that govern them. They also require support:

- to develop the skills they need,
- to take more control over their own lives and more responsibility for their own actions and
- to play more of an active part in their community and society.

Finally it is crucial that teenagers have the right information and support to get the best help when their rights have been infringed.

This Toolkit uses information and expertise from 5 countries across Europe, Belgium, Italy, Romania, Spain and the United Kingdom. By exploring different laws related to children, we can begin to think about the underlying rights of the child. We can also help teenagers to think about themselves as part of a much bigger group than their local community.

How the law recognises children and teenagers and how the law expresses and protects their rights is a complex area. The tools in this Toolkit will provide a useful foundation as you can help teenagers gain confidence and knowledge to make use of their rights in order to gain the support they need when those rights have been infringed.

The topics

This Toolkit covers three main areas of rights and law that teenagers have told us is important to them:

1. Being a child and what it means to be their age
2. The right to protection from violence in all forms
3. What rights a teenager has when they come into contact with the law

The tools

In general:

- Principles for working with teenagers
- Activities to help develop knowledge, confidence and skills are provided in the second part of the toolkit

and specifically for the three main areas above:

- A list of the rights or articles as set down in the United Nations Convention on Children's Rights
- Table to show the differences and similarities in the laws of the 5 countries
- Questions to promote thought and discussion are posed in purple
- Teenagers speak for themselves - their views are presented in speech bubbles
- Contact information for some of the many organisations and institutions that teenagers can turn to for help if their rights have been infringed are also provided in the annexes.

Supporting Manuals for teenagers

There is a companion set of three Manuals, written specifically for teenagers. Each Manual covers one of the three topics in this Toolkit. We encourage you to give them to teenagers after your interaction. The role of the Manual is to ensure that teenagers have reference to accurate information after you have stimulated discussion and thinking.

Static Rights versus Changing Laws

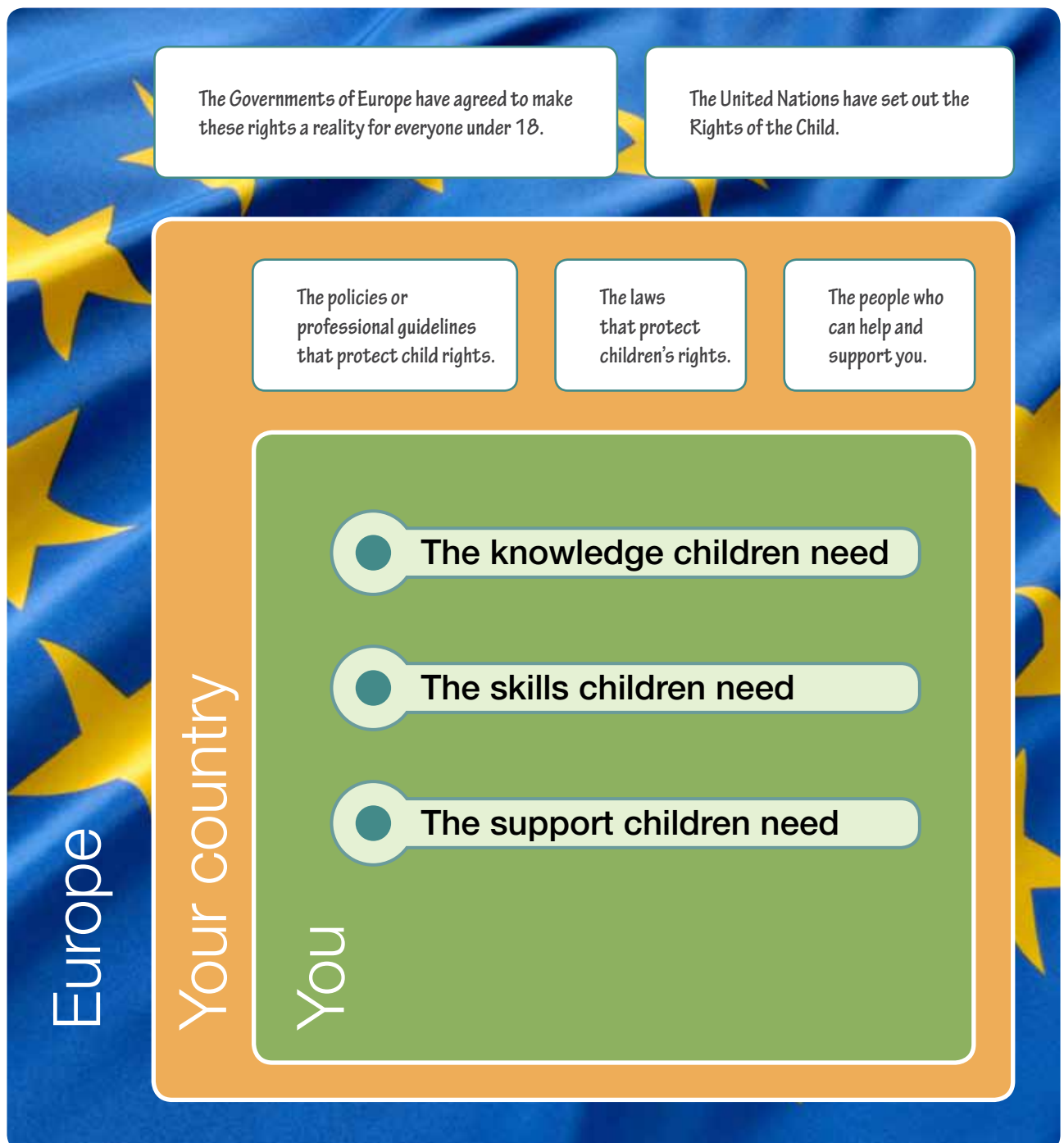
The tools provide prompts and questions to think about how rights are interpreted in the law at different ages. Laws can and do change and develop. They are not static, nor are they the same across Europe. Laws grow out of and reflect the culture of their own country. In practice, each country is interpreting the rights of children slightly differently. Seeing how children are treated in different countries can highlight the human rights each law is protecting. It might also make us question whether the laws are fair.

Under each of the themes, you will be able to see how the law is different in these countries – Belgium, Italy, Romania, Spain and the United Kingdom. The tools even show that some laws are different within the United Kingdom, for example Scotland and England.

The law is a subject not often discussed until it has been broken. Ignorance about the law does not give a teenager protection if they break that law. There are many ordinary situations where teenagers would benefit from knowing about the law, for example if they are travelling, they will need to understand that the law maybe different to the ones they are familiar with and it is the law of the country in which they travel that they are subject to.

The Toolkit in diagram form

This model shows how teenagers fit into the bigger picture. Each section is dependent on the others. The rights are set through the UNCRC, Europe upholds those rights and has influence on the expression of those rights through law. Teenagers then need the combination of knowledge, skills and support to benefit from the rights. Everyone has a part to play in respecting the human rights of children.



iii. Using this Toolkit

Some golden rules for working with teenagers:

While we all learn from experiences, remember:

- some topics included in this toolkit are sensitive. Teenagers might be reluctant to talk about their own experiences. Try to use the third person, to avoid exposing personal experiences;
- try to be a facilitator, rather than an instructor or an expert;
- everyone's participation is essential;
- conflict is OK, it can be a good way to learn so long as it is done respectfully;
- you are a role model, take your position seriously.

The activities

The activities in the Toolkit have been designed to give teenagers the opportunity to learn with their heads and also with their hearts. The Toolkit is geared toward the development of both skills and knowledge. A principle behind the activities is that knowledge on its own may not be enough for teenagers to be able to make practical changes in their own lives. The activities can be used to give teenagers the opportunity to learn new things, not just by knowing about them, but by practising and being given the chance to grow in an emotional way.

The central questions to guide each activity should be:

1. *What are the rights that apply to a given situation?*
2. *What responsibilities do you and the teenagers have?*
3. *If faced with violations of your rights or someone else's, what can you do?*

Having these questions in your mind will help you to help a teenager to stand up for their rights and begin to know how to get help if things go wrong.

The knowledge children need

About rights:

- Key concepts such as: freedom, justice, equality, human dignity, non-discrimination, democracy, responsibilities and solidarity.
- Core human rights which provide a framework for negotiating and agreeing standards of behaviour in the family, in school, in the community and in the wider world;
- The Laws that uphold and protect these rights
- The major international instruments that exist to make sure countries implement the protection of human rights.¹

¹ International instruments such as the United Nations Declarations of Human Rights (UDHR), the United Nations Convention of the Rights of the Child (UNCRC), the European Convention on the Protection of Human Rights and Fundamental Freedoms (ECHR) help to protect us all.

The skills children need

Skills that can be developed through activities about children's rights:

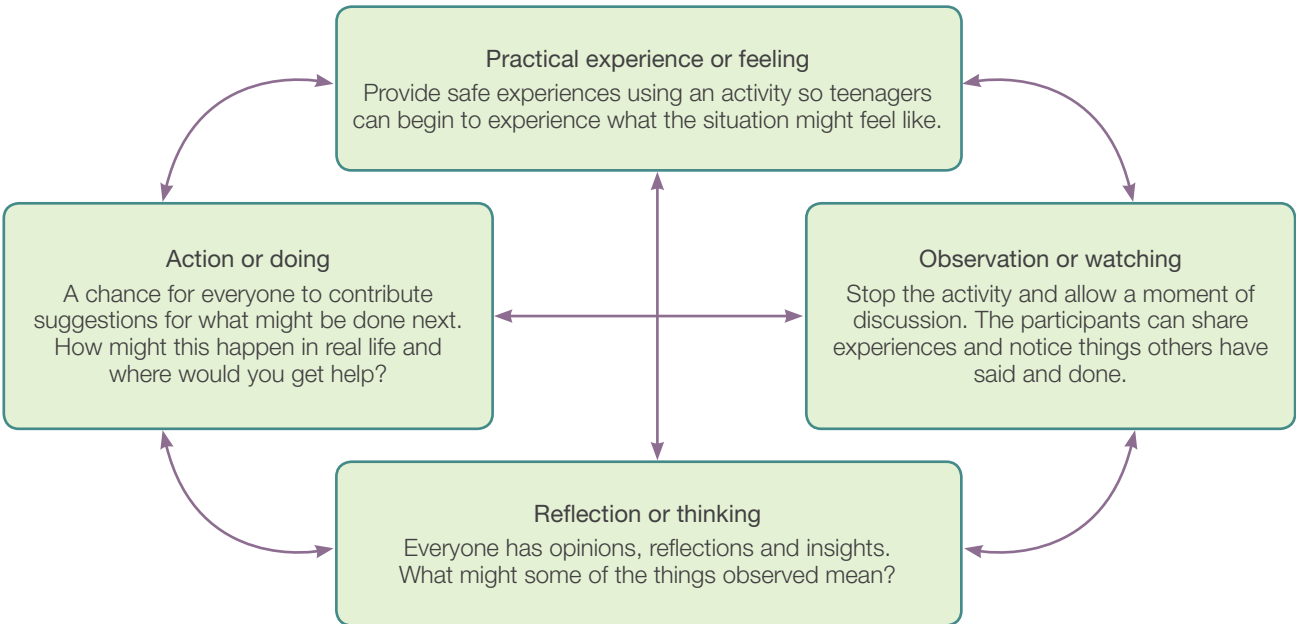
- Active listening - being able to listen to different points of view and to advocate your own rights and those of other people
- Critical thinking - finding relevant information, appraising evidence critically, recognising forms of manipulation and then making decisions on the basis of reasoned judgement;
- Cooperation - Working as part of a group, managing differences and addressing conflict positively
- Learning to take responsibility
- Curiosity and an open mind to appreciate difference and diversity
- Empathy and solidarity; a commitment to support others
- A sense of justice

In the next chapter you can find more specific knowledge and skills according to the different topics in the manual.

4 helpful steps in the learning process

Through the activities you will support the teenage participants to explore different ideas, reflect upon solutions or gain insights into a certain situation. Once internalised, all these will be of great use afterwards, in their real life.

These steps are part of everyone's learning process and you can use them to stimulate discussions:



Active methods

All kinds of active methods can be useful for gaining knowledge and skills

- Discussions;
- Brainstorming: gather as many ideas as possible, expand ideas and postpone criticism for a later step;
- Watch films on Youtube, where a child's rights are infringed;
- Listen to songs that relate to children's rights;
- Read a diary;
- Role play;
- Making a short movie;
- Photography;
- Statement games;
- Play games, including sport and team games where children experience challenges, where they have to cooperate or defend in a certain way.

For each of the topics covered, we have developed a choice of sessions that can be found in the Part 2 of the Toolkit. A session is structured to take approximately one hour, but can easily be adapted to fit your context.

As the facilitator you must adapt, adapt, adapt!

Whether you are spending time with a group of teenagers or just one person, you will have to adapt because each discussion and each person will be different. For example, you might take a basic idea from one activity and use a content of another, you might simplify an activity or make it more challenging.

You must adapt to:

- the age and developmental level of your participants
- their interests, existing skills, knowledge and experiences
- their personality traits, emotions or vulnerabilities and capacity to cope
- the dynamic of the group; attention and participation level in the group
- the time you have for an activity; the resources you have access to and the setting



Your role as the facilitator

It is vital that you encourage participants to praise each other's efforts to learn.

Set safe limits

Protect the teenagers by setting limits to what aspects of their personal life might be discussed during a session. Keep in mind that it might prove difficult for some secrets to be kept. Make sure that the experiences are shared only if the teenagers feel comfortable with it.

As a facilitator you need to be trustworthy and respectful about the things that are said. Make sure you are clear from the beginning about the things you can and cannot keep confidential.

Encourage everyone to participate

Children are different, some are open, others find it hard to talk about their own experiences, some are shy and others like to be at the front. Your role is to balance the participation within the group, to support and encourage everyone to get involved.

- *Invite children to talk;*
- *listen carefully, don't interrupt;*
- *repeat what someone says or summarise to help understand it;*
- *during group activities, make time for some short individual discussions to check if everything is going well;*
- *show that you understand and accept feelings, both positive and negative;*
- *give teenagers responsibility in the group.*

Take enough time to handle conflict

Children's rights issues can be controversial subjects for discussion, because different people have different value systems and therefore see things in different ways. This may mean a discussion can become 'heavy' and possibly lead to conflict. It is up to the facilitator to use these conflicts constructively. The supporting Manuals and the activities provided in this Toolkit are based on an understanding that conflict or differences of opinion can prove essential in the learning process. The purpose of an activity is not that everyone agrees, but rather that the participants can learn from the process itself.

Lead participants into finding information and support

When young people actively participate, they have a stronger sense of ownership and consequently, they commit themselves more.

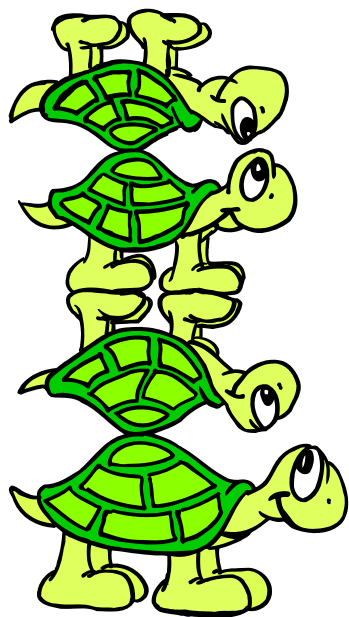
The discussions about rights and legislation can be quite complex and teenagers might ask questions you cannot answer. Remember, you are a facilitator, not an expert, but be prepared to handle the situation. For example, if the internet is available, try to transform the question into a group activity and support the participants in searching for the information online to find an answer. Do not be afraid to say 'I don't know, but I will find out for you.'

Finding help when you need it most

This Toolkit provides signpost to other organisations and institutions that might be able to help with special advice or support.

However, sometimes teenagers know where to get help and advice, but they don't have the confidence or the skills to ask for that help. There are also activities provided to help practise some of these skills and to learn new ones. This will prepare them for when they need it.

Finding strength with each other



We need each other.

We depend on each other.

You are different to me and I am different to you.

I respect you and you respect me.

We can work together.

We can learn together.

Part I

THREE IMPORTANT THEMES FOR CHILDREN'S RIGHTS

1. Being a Child

What are the special rights in relation to being a child?

Some of the 42 rights as set out in the UNCRC that relate to the right to be a child:

Everyone under 18 has the special rights for the child. (Article 1)

The Convention applies to all children, whatever their race, religion or abilities; whatever they think or say, whatever type of family they come from. (Article 2; non-discrimination)

Governments have a responsibility to take all available measures to make sure children's rights are respected, protected and fulfilled. (Article 4)

You have the right to leisure and rest. (Article 31)

You have the right to protection from work that harms you, and is bad for your health and education. If you work, you have the right to be safe and to benefit from specific conditions of employment. (Article 32)

What do teenagers say about being a child?

*I'm still in the fourth class and the work is already too much. This is actually already so heavy what about later?
Our teachers ask too much!*

I like being my age.

I'm 14 years old and though I am good at gymnastics, my trainer is really hard on me. Even if I'm totally exhausted and I start crying, he shouts at me that I have to continue to become the best. This is while other kids are looking at me. I'm afraid of my trainer.

It's good being a kid – you get to do lots of things!

How do our laws interpret being a child?

Being a child sounds a simple concept; however there are numerous conflicting needs that make this area of the law quite complex. Because children's needs are mostly met through their family, the law has to balance the rights of the family to raise their child. The law also has to protect the needs of the child when the family care is not adequate.

As a child grows older, their needs change substantially and they require increasing autonomy to take control over their own lives. Maturity and age do not develop at the same rate for all children, so sometimes the law can be clumsy about the freedoms that become available to children when they reach a certain age milestones.

As a child grows up, they have more freedom of choice and with that freedom there is a growing expectation of responsibility. The comparison between the countries shows some of the different expectations on children and the different ages of responsibility.






The laws in relation to children in Belgium, Italy, Spain, Romania and the UK might make us question their interpretation of the child's rights.

Children's rights are basic human rights and our governments have accepted the 42 rights in relation to children. Each government then uses their laws to ensure these rights are protected. However, throughout this Toolkit, we show that the laws in different countries interpret these basic rights for children in different ways.

Teenagers need an introduction to the complex world of laws and rights. In your sessions, try to integrate some of the information from the first two chapters of this Toolkit.

How do the laws across Europe interpret the development of a child?




The following tables have examples of the differences in the laws of each country for you to compare.

At what age can I DRIVE		
in	age	other details
 Belgium	16 years old 17 years old 18 years old	for a 50cc moped with a learning license (L) together with an adult to drive alone if you succeeded in theory and practice examination
 Italy	14 years old 16 years old 18 years old 20/21/24 years old	for a 50cc moped (driving licence AM, without passengers) for a motorized quad-cycle (driving licence A1/B1) for ordinary vehicles for special vehicles
 Romania	16 years old 18 years old 20 years old 21 years old	for a moped, quad-cycle and 125 cc motorcycle for a car for an intermediary motorcycle for any type of motorcycle
 Spain	15 years old 16 years old 18 years old 20 years old	for moped 50cc for motorcycle 125cc for a car for motorcycle 500cc
 UK	16 years old 17 years old 17 years old 24 years old	for a 50cc moped for a car for a 125cc motorbike any size motorbikes








The laws seem to reflect each country's view about the danger associated with different forms of motor vehicle.

Do you think this is a sensible way to make laws?

At what age can I TRAVEL ABROAD		
in	age	other details (<i>only where necessary</i>)
 Belgium	18 years old	on your own; under age of 18 you have to be accompanied by your parents or parents can give power of attorney to travel with or without a specific adult.
 Italy	14 years old	if your are older than 14 and you are not accompanied by a parent or a tutor, then a special "declaration of accompaniment" is needed, stating the name of the person or institution taking care of you and signed by the parents and by the authorities appointed for the issue of the passport.
 Romania	18 years old	on your own; under 18 you need written permission from parents and to be accompanied by a designated adult.
 Spain	14 years old	
 UK	16 years old	you can apply for a passport on your own.








What do you think are the reasons why the laws limit teenagers from travelling abroad on their own?

At what age can I HAVE A PART TIME JOB		
in	age	other details
 Belgium	16 years old	At 16 you obtain a special, protected student working contract.
 Italy	16 years old	You have to be 16 and have completed 10 years of compulsory school. You also have to be declared fit for work after a medical examination. You cannot be employed for work considered dangerous or heavy. There are also special provisions for nocturnal work. You have to receive a rest of 2 days a week, possibly consecutive and possibly to include Sunday. The minimum age for apprenticeships is 15.
 Romania	15 years old 16 years old	with parents' permission; without parents' permission. In both situations, the job should not endanger the child's health, development and professional training
 Spain	16 years old	With parents' permission.
 UK	13 years old	But you will need an employment permit issued by the education department of the local council. You cannot work in places like a factory or industrial site. Not during school hours. And not before 7am or after 7pm.



Is it a good idea for a young person to be able to work at age 13?

What are the benefits of working as a teenager and what are the benefits of postponing it?






At what age can I CONSENT TO SEX		
in	age	other details <i>(only where necessary)</i>
 Belgium	16 years old	
 Italy	13 years old 14 years old 16 years old	Only if the partner is less than 3 years older. Unless the partner is in a position of authority or power in relation to the child (such as a tutor, relative, teacher, priest etc.); Even with a person in position of authority or power, unless this person uses this power to gain the child's consent.
 Romania	15 years old	
 Spain	13 years old	
 UK	16 years old 18 years old	Unless the partner is in a position of trust. If the partner is a in a position of trust.



Why do you think there is such a big age difference across the countries?

What do you think the term consent needs to mean?

At what age can I BUY ALCOHOL		
in	age	other details <i>(only where necessary)</i>
 Belgium	16 years old 18 years old	for beer; for strong alcoholic drinks.
 Italy	18 years old	
 Romania	18 years old	
 Spain	18 years old	
 UK	18 years old	And if under 25 you will need to provide ID to prove that you are 18 in order to buy alcohol.

At what age can I VOTE		
in	age	other details <i>(only where necessary)</i>
 Belgium	18 years old	
 Italy	18 years old 25 years old	for the Chamber of Deputies; for the Senate (a proposed law that the Senate should be non-elected might be adopted in 2015).
 Romania	18 years old	
 Spain	18 years old	
 UK	18 years old	However, Scotland gave the vote to 16 and 17 year olds for the referendum on Scottish independence (September 2014).



Is it reasonable that Belgium law differentiates between beer and strong alcoholic drinks?

Do you think it is fair that teenagers in the UK need to look older than 18 in order to buy alcohol?

What are the responsibilities that go with being able to buy alcohol?



Should the voting age be lowered?

Is it a good idea to have different voting ages depending on the topic of the vote?

Money, work and leisure

Pressure to succeed

Young people tell us that they like being a child, however they also feel a lot of pressure to perform well. They tell us that study requires a lot of time and that's why some teenagers feel that they don't have the privilege to be a child.

Some young people cannot talk about pressure and stress to their parents, because their parents have high expectations of them performing well in school or becoming a talented sports person. It is important to remember that a stressed child is often an unhappy child.

Teenagers can experience extreme pressure to succeed from a variety of sources, such as school, sporting coaches and parents. You can find more about psychological violence in the next chapter of the Toolkit.

Earning money, domestic chores and child labour

There are teenagers who want to get a job in order to be able to pay for some of the things they need or wish for. Teenagers earn money from doing jobs such as babysitting and part time jobs, but there are also teenagers who work long hours, in difficult conditions.

Check in the table above at what age a teenager can have a part time job and what specific protection is given in the legislation from different countries.

When people work in the 'informal' sector, meaning they have no 'official' job, they are at risk of being exploited. Many children and young people involved in labour are low paid or don't get any payment at all. In some cases, the money earned by children is kept or taken by adults. Therefore teenagers interested in working need to know, in these situations, they can find protection in the legislation. They need a trustworthy agreement or a legal work contract to keep them safe from exploitation.

Most teenagers are asked by their parents to do domestic chores. While this type of activity helps in preparing for independence and in developing a sense of responsibility, some might find it unfair that they have to sacrifice a part of their free time for chores. However, there are some teenagers who have to deal with household duties and tasks that severely limit their study and leisure time. There are many more who are caring for sick or disabled family members requiring them to have lots of responsibilities and duties.

We can talk about child labour or exploitation if the work exhausts children and affects their mental and physical development. When teenagers are involved in dangerous work or when they don't have enough energy and time to do their homework, go to school or enjoy leisure time, then their development is affected. However, as with a caring role, this may also be of great importance to the teenager. The circumstances have to be balanced for the child between responsibility and their safety and development



Could we call this kind of duty "child labour"?

The right balance

Children need to discover their interests, as well as to develop physically and intellectually. Children also have to develop their social skills and sense of responsibility. A balance needs to be found between these important elements of child development and growing responsibility. No law will tell us what the 'right balance' is. What will guide us is the understanding that all children's rights are equally important and children should be involved as active participants in taking the decisions that concern them.

2. The Right to Protection from Violence

What does the UN Convention say about the right to protection?

Some of the 42 rights relating to the protection of violence

You have to be protected from being hurt or mistreated, thus from all forms of violence, exploitation, abuse or neglect. (Article 19)

You have the right to protection from sexual exploitation. (Article 34)

You have the right to protection from abduction, being sold or trafficked. (Article 35)

You have the right to protection from any kind of exploitation. (Article 36)

You have the right not to be punished or treated in a cruel, harmful or degrading way. (Article 37)

You have the right to be protected against all forms of discrimination or punishment. (Article 2)

What do teenagers say about violence?

My father was a boy, like me. He saw my grandfather beating my grandmother and calling her horrible things. My father did the same to my mother. But this ends with me. I will not raise my children to see these things and I will not talk badly to my wife!

At first it was fun. She would push me around and tease me, then she started to say I was fat and ugly. The pushing turned to pinching and slapping. My friends thought it was a joke and said I should 'man-up'.

When we split up, my boyfriend sent pictures of me to all his friends on Facebook. The pictures were taken when we were together and I didn't have many clothes on. I am so embarrassed and upset I cannot go to school.

Some boys are playing cool, they want to force their respect on others, they take things that belong to others. You would think they'd know better because they know what it is like to be terrorised.

I am being harassed by a classmate who started rumours about me being gay. I wanted to get help when these rumours turned into online blackmail. This girl created a fake profile for me and from this profile she faked conversations between me and others. She has been threatening me with sending these links to all our classmates.

Remember!

Violence is a sensitive issue and participants might find it hard to talk about. Try to use the third person, rather than ask about their personal experiences.

What do teenagers need to know about violence?

The knowledge children need

- Violence against children can happen in different forms and settings;
- Violence is wrong;
- Violence has serious negative effects on a child's development;
- Violence triggers violence;
- Violence against children is prohibited by international and national Law;
- Some forms of violence have specific laws;
- The rights relating to protection from violence also apply in the online environment.

Where can violence take place?

- In the family - close or extended family (including domestic violence)
- On the street and in the community or neighbourhood
- In schools and other institutions
- In places where children spend time, such as sport clubs
- Online and in the virtual world of cyber space



Violence may not be easy to see.

Which forms do you consider easier to hide?

Are children more vulnerable in certain settings?

What different forms can violence take?

- Physical, such as scarring, burning, bruising and beatings
- Psychological, like being humiliated and degraded and stalking
- Emotional, including rejection and isolation
- Verbal, such as insults and threats
- Sexual violence can be forced sex and rape, but also inappropriate touches
- Exploitation, for example sexual exploitation or exploitation through labour
- Neglect can be a form of violence when the child is not being taken care of
- Social isolation can be extremely damaging and violent
- Economic deprivation and poverty
- And bullying is also a form of violence

Bullying

There are a number of key features of bullying:

1. It most frequently happens between peers.
2. It can include many of the things in the list above. We often use it to mean behaviours such as name calling, ridiculing, and humiliating someone, but it can even involve physical violence such as hitting and kicking. Amongst children, excluding somebody from an activity or game or ignoring them could also be bullying.
3. The behaviour is the systematic and long-term not spontaneous or an isolated incident as can be the case with teasing. It is the calculated and purposeful harassment of a targeted person, which can, in extreme cases, take place over a year or more. Bullying, though common is not innocent, but unpleasant, threatening and unacceptable.
4. Bullying creates a power imbalance – the bully has the power, while the victim cannot defend themselves or stop it.
5. Sometimes children who bully are often themselves victims of bullying.
6. A bully doesn't usually act alone. The behaviour is maintained by an audience, those who witness and encourage it or allow it to happen. The audience could be seen to be 'bullying the bully'. The reward for the bully is that others find them tough and are afraid of them.



There is no Romanian word for bullying.

Do you think by giving it a special word it somehow makes it less serious?

Do you think it should be seen as a distinct form of violence?

If so, why?



Do you think people behave differently when they bully other people on-line?






Who can be violent with children?



What does the law say about violence?






- Violence against children is prohibited by international and national Law
- Some specific forms of violence have specific laws

Six articles of the UN Convention on the Rights of the Child are specifically about protecting children from all forms of violence, including, exploitation, abuse, neglect, trafficking and that the child not to be punished or treated in a cruel, harmful or degrading way.

What does the law say about domestic violence?	
 Belgium	Domestic violence is prohibited.
 Italy	Domestic violence is prohibited.
 Romania	Domestic violence is prohibited.
 Spain	Domestic violence against women is prohibited. Spain has a specific law that prohibits 'gendered violence' (which is defined as the violence against women), which ensures protection of women and also of their children.
 England and Wales	Domestic violence is prohibited and the law now recognises young people of 16 and 17.



Is domestic violence a matter of gender? Should the legislation focus on women, as in Spain?

What does the law say about protecting children against violence?	
 Belgium	The law explicitly prohibits child abuse, violence and neglect . However, the "educational smack" is not prohibited in the family environment and parents can lightly smack their children. Nevertheless, if the child is severely injured, the authorities might intervene and it's up to the court to decide if parents went too far and if they have to suffer consequences. Corporal punishment is illegal in schools and other institutions. Belgium legislation about cyber space violence punishes the 'online grooming' with one to five years of prison.
 Italy	There isn't a law explicitly prohibiting the use of violence against children, nevertheless offences such as injuries, beatings, insults, violence, threats are prohibited by law, for all people, including children. Under the Italian law, bullying is a crime and also a civil offence, and it refers to acts such as: insults, teasing, defamatory rumours, false accusations, racism, extortion, threats, private violence, exclusion from the game or damage to objects. If the aggressor is an adult, then he/she bears the responsibility. If the aggressor is a child, then he/she bears a part of the responsibility, sharing it with his/her parents or teachers and the school. The aggressor can pay compensation to the victim or can even go to jail. Italy also has a law against paedophilia and sexual exploitation . Italy has specific laws that protect children from cyber-space violence . The highest Italian court (the Supreme Court of Cassation) ruled against corporal punishment in schools and other institutions, as well as against all forms of corporal punishment . However, no law was adopted in order to prohibit corporal punishment in the family, despite criticism of several UN institutions.
 Romania	The law explicitly prohibits all forms of child abuse, violence and neglect .
 Spain	The Civil Code does not explicitly prohibit humiliating behaviour or corporal punishment in the family. Those who possess photos, videos, digital images etc. depicting child pornography are punished with 1 year in jail. People who produce, sell and distribute such materials are punished with up to 8 years of prison in cases where the children were younger than 13, and up to 4 years in cases where the children were under 18.
 UK	In the UK, any act which causes visible bruising, grazes, scratches, swellings or cuts is prohibited under the current laws; however, mild 'smacking' only with the hand is allowed. The law aims to protect children from violence. But there is now a difficult line to draw between protecting the child and the parents' need to chastise a child. The UK law at this point uses the words 'reasonable punishment'. Corporal punishment is illegal in schools.



The severity of the crime of sexual violence is determined by the age of the child - the younger the child, the greater the crime. What's your opinion about the standard of 13 years of age used by Spanish legislation to determine the severity of the punishment in cases of child pornography?



What do you think 'reasonable punishment' and 'educational smack' mean? Do you think that the UK and Belgium laws are being fair? Do you think children need more protection from the law than adults?

What are the skills teenagers need to deal with violence?

The skills children need

- To recognise the different types of violence, especially the more subtle forms;
- To recognise and manage the feelings it evokes;
- To ask for help; and report violence; it's ok to be scared, but be confident that support exists;
- To research and identify support;
- To help to prevent violence;
- To tackle violence in a non-violent way, through communication, negotiation or avoiding it;
- To be able to disagree without being disagreeable;
- To cooperate with peers and adults;
- To be able to see different points of view;
- To be able to weigh things up and make a choice.

Violence is NEVER acceptable

There are many myths about violence and children need the skills to identify violence in all its subtle forms.

Sometimes children who witness violence or are victims of violence themselves might start to consider it 'normal'. They might find it difficult to compromise, disagree without being disagreeable or avoid conflicts. Moreover, they might be at risk of repeating violent behaviour, not just as children, but when they become adults.

Sometimes, violence is ignored by the adults who should intervene. This doesn't make it normal or justifiable.

Many children will hide acts of violence, especially if they happen in the family or if they take the form of sexual assault. This is because it creates feelings of guilt or shame about what has happened. They might also have been threatened to keep it secret or not to report it.

A teenager might feel scared that by talking about the violent behaviour that the aggressor will do even more harm. When violence comes from a close person, the child might feel scared that by talking about it they might hurt the aggressor or lose their love.

Children need first to overcome these barriers of guilt, shame and fear. They need to know that they have the right to protection and the right to say "no".

Teenagers have to learn how to deal with conflict and disagreement without resorting to violence. It should not be used as a way of solving conflicts or of obtaining benefits.



Some consider that conflicts and violence are normal in a relationship and that forgiving a partner after being violent is a proof of love.

What's your opinion on this?

What support do children need?

The support children need

- Support can come from friends and trusted adults (see below);
- In emergency situations, police should be called;
- The social services (public or NGOs/charities) can offer specialised support;
- Health services are available if needed;
- Legal counsel and advice might be needed;
- Specialised help-lines and hotlines can offer emergency intervention, but also advice or support.

The first step in dealing with situations of violence can be to ask for the help of a trusted person – it can be a parent or another family member, a teacher or school counsellor or any other person of trust such as a specialist with whom the child comes into contact.

Violence is a complex issue that, in many cases, might require the intervention of more than one institution. Interventions from social services, police, prosecutors or judges might be necessary in order to ensure that the aggressor is stopped. Thus, in emergency situations, police should be called.

Social services can provide social and psychological support, or even shelter in severe cases. Social Services usually, ensure collaboration with other institutions and have teams of different specialists trained to deal with child protection issues.

Public social services are provided differently in different countries, but cover the same core responsibility of protecting children.

Health services might be needed in some cases of violence.

School counsellors and teachers have important roles in supporting the child to overcome the difficult period; they also can be active in reducing school violence.

Non-Governmental Organisations (NGOs) or charities can also be contacted and provide some excellent support.

Children need to be made aware that by contacting one institution or service, other institutions might have to be alerted.

Sometimes teenagers need to know that their aggressor will receive help, before they will seek help. They need to know that the person who is violent toward them will receive help and treatment, not just punishment. Some children continue to accept the violence because they are frightened that the aggressor will go to prison. It is important therefore to recognise there are also services which can support an aggressor in rehabilitation and recovery.

It is important for children to know about social services and the support offered by NGOs. Children should be helped to learn how to find the information and help they might need.

There is a wealth of help and information online

Turning to the internet gives teenagers a chance to find the information they need, at a time that is convenient to them. The services offering advice and support are diverse, they can specialise in a certain type of violence, such as internet and online violence, domestic violence, or sexual violence or they can cover broader areas, such as children's rights and general issues affecting children.

Help-line and hotline are keywords when searching on line.

There are also lists of organisations in the appendices of this Toolkit that will help teenagers in their search.

Tips for contacting help-lines and hotlines:

- Check the times when they are active. Most help-lines and hotlines function only between certain hours or only during weekdays. A few are 24/7.
- Check if you need phone credit – most are free, but there are also some that have a normal tariff. Some use a mixed system: free if called from a certain phone network and normal tariff if called from another network. Some are available only if called from certain networks.
- Choose the contact method that is best for you! Many help-lines and hotlines can be messaged, emailed or have online chat services.

Be persistent

If one door closes, open another

If the person or organisation you contact seems insensitive to the violent situation you are reporting, don't give up! Try to contact other specialist or another institution. Remember, children have the right to be protected against violence.






Some examples of available support

In Belgium, all the persons, including doctors, who discover a situation of abuse, have to report it to the authorities (police-prosecutor). They can be prosecuted if they don't comply with this obligation to talk!

Almost similar rules apply in Romania, Spain and Italy: any professional who, during his/her job, enters in contact with children and notices or suspects that a child is subjected to violence is obliged to report the situation to the authorities! Any person (including any child) or institution can report the cases of violence.

The UK law doesn't specifically require professionals to report suspicions about child abuse, nevertheless, the NSPCC advises professionals to do so and not to wait to be certain!

What support in cases of domestic violence cases can be found in the laws?

in	
 Belgium	The aggressor can be immediately evicted from the house and ordered to keep a minimum distance or to follow a counselling programme. The rest of the family receives free counselling and support services.
 Italy	The violent parent can be removed from the home, while the parent who is victim to the violence is entitled to free legal support. Victims will be kept informed about the developments in their case, such as when aggressors are released from custody.
 Romania	The victims of domestic violence are entitled to protection and shelter. They may receive free care (including medical care and shelter), free counselling and support services (including free legal support). A protection order may decide: temporary evacuation of the aggressor from the house or limiting the aggressor's access to the entire or parts of the house; limited contact (keeping a minimum distance; limiting the phone contacts); obliging the aggressor to go through a counselling programme or a rehab programme.
 Spain	Specialised courts exist (Violence against Women Courts - Juzgados de Violencia sobre la Mujer) and are empowered to hold closed door hearings before trial and evict men from their homes; suspend parental rights, child custody, or visitation rights; and bar men from possessing weapons. However, these measures can be taken by the court if specific conditions are met.
 England and Wales	The perpetrator can be banned with immediate effect from returning to the home and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need. The 'Right to Ask' - a person can ask the police to check whether a new or existing partner has a violent past. If records show that the person may be at risk of domestic violence from a partner, the police will consider disclosing the information.

In all 5 countries the aggressor can be banned from returning to the home where the domestic violence occurred and from having contact with the victim. Free legal support is entitled to victims of domestic violence in all 5 countries.



The right to protection versus the right to privacy

What's your opinion on the 'Right to Ask'?

3. Teenagers in Contact with the Law

What does the UN Convention say about contact with the law?

Some of the 42 rights relating to contact with the law:

You have the right to express your views freely in all matters concerning you. Your views will be taken into account in accordance with your age and maturity. You shall be heard in any judicial or administrative proceedings affecting you, directly or through a representative. **(Article 12)**

You have the right to freedom of expression, including the freedom to search, receive and share information and ideas. **(Article 13)**

Both parents have common responsibilities for raising you and governments should support this principle. **(Article 18)**

Children who are victims of neglect or abuse, exploitation, cruel or degrading treatment or armed conflict have the right to receive appropriate care for their physical and psychological recovery and social reintegration. **(Article 39)**

You have the right not to be punished or treated in a cruel, harmful or degrading way.
You have the right not to be unlawfully or arbitrarily deprived of your liberty.
Children who come in conflict the law should not be treated cruelly and, if they are detained, they should be separated from adults, they should be able to keep in contact with their families. Detained children should have access to legal and other assistance and they also have the right to challenge the legality of the deprivation of his or her liberty before a court or other competent, independent and impartial authority. A child who broke the law should not be sentenced to death or life imprisonment without possibility of release. **(Article 37)**

If you are accused of breaking the law, you have the right to be treated with dignity and worth, in accordance with your age and in the view of promoting your reintegration into society.
You have the right to be informed promptly and directly of the charges against you, and, if appropriate, through your parents or legal guardians, and to have legal help or other appropriate assistance in the preparation and presentation of your defence.
You have the right to be presumed innocent until proved guilty and not forced to give testimony or to confess guilt. If you are found guilty, you have to be given the right to challenge the decision to a higher court or competent authority.
If you don't speak or understand the language used, you have the right to an interpreter, for free.
Your privacy should be fully respected throughout the proceedings.
Children's cases should be treated fair and quickly. **(Article 40)**

What do teenagers say about contact with the law?

They hang around the streets near my school and they pick on the younger ones, taking their phones or money. The other day they pushed a kid off his bike. He got hurt quite badly. Lately, I have been thinking if I should call the police next time they attack someone else. I sort of think it's my duty to do so, but I don't know what will happen, if they find out it was me. I am honestly more concerned for my younger brother, because he could be next and I don't want him to get hurt. What should we do when we see this type of thing? Is it our duty to report it or should we try to stay out of it?

There are some rules that don't apply. I mean there are some laws, but no one seems to respect them. Then, why should I be the only one who does? It's like when people cross the street on the red light if there are no cars, or drop rubbish on the street. Of course, you still can get a fine, but only if the police see you.

My mother wrote a letter of complaint to the authority that deals with discrimination. They considered that I was indeed discriminated against by a dentist who refused to treat me. For me, it was a useful lesson. I found out what needs to be done and, when I'll be old enough to sign papers, I will send the complaint myself, in case something similar happens. We have to defend our rights.






I was surprised to find out that you can be punished for breaking the law, even if you didn't know that such a law exists and what you did was illegal. We are still children, how are we supposed to know all the laws? But this is how it is and I learnt the hard way. I heard in other countries it's not like this, the police ask you if you knew what you did wrong was illegal.

What do teenagers need to know about contact with the law?

The knowledge children need






- People can come in contact with criminal law as victims, witnesses or offenders;
- Child victims, witnesses and offenders are entitled to special protection;
- Even though they are still children, teenagers who come into conflict with the law are criminally liable. Different countries have different ages when a child becomes criminally liable or responsible;
- Teenagers can get involved with different legal proceedings when they come in contact with public institutions, family law or criminal law;
- Depending on their age, they may need a parent or tutor present;
- Being heard in legal proceedings is a teenager's right, but it might also be an obligation for those who witness an offence;
- Laws usually apply even when we are not aware of them, but in some countries 'awareness' is assessed by the court;
- If found guilty of an offence, a teenager can receive custodial, non-custodial, educative or therapeutic orders;
- Legal decisions can be appealed.

What does the law say?

At what age can I BE HEARD by the court regarding family issues?		
in	age	other details
 Belgium	12 years old	Your statement will be considered only as advice – the court will decide to what extent to follow your views. The exception is: in adoption cases, the court cannot rule without the consent of the young person 12 years or over. You can refuse to be heard.
 Italy	12 years old 14 years old	You will be heard in court below this age if the court considers your statements trustworthy. The court will decide whether you have maturity, reason, or mental ability to recall and narrate events. You can refuse to be heard. In cases of adoption, someone over 14 will be asked for their consent for the adoption to happen.
 Romania	10 years old	Once you turn 10, it's mandatory for the court to hear you in cases that concern you. If you are under 10, the court might hear you if it decides it is necessary. Although it's mandatory for the court to hear you, you can choose not to go to court or not to answer the court's questions. In most of the cases, the court gives variable weight to the views of the child (depending on the judge's interpretation). However, there is one exception – the views of a child are decisive in adoption cases. Consent of a child over 10 is necessary, otherwise, the adoption cannot take place.
 Spain	12 years old	Your views will be asked by the court, but the judge will decide to what extent to follow your views, according to your maturity, capabilities and circumstances. The judge can also request and take into account complementary psychological reports. Teenagers older than 12 cannot be adopted without their consent.
 England and Wales	any age	The court will make sure that your voice is heard either directly or indirectly. You might be asked to tell your story not directly to the judge, but to other specialists (a court adviser or your own solicitor) who will then write a report and present it in court. The same applies in case of adoption. The judge decides what is best for you and this can be in line or not with your wishes. Sometimes, depending on your age and other circumstances, a judge might allow you to talk to them if you ask it.



In all five countries, the court decides the weight given to your views. However, in four of the countries, children older than a certain age who are about to be adopted are asked for their decisive consent. Is this a too much of a burden for a child, or do you think it should be applied in relation to other decisions too?

As a witness, can I refuse to give evidence?	
in	
 Belgium	Yes. However, if you want to give evidence, some special measures will be taken to protect you.
 Italy	No, with two exceptions – you can't be forced to testify against your own family members, and you have the right to remain silent if your testimony might trigger criminal charges against you. Apart from these situations, child witnesses are obliged to give evidence, if called.
 Romania	No, except if you are called to testify against your close family members; in this situation you can refuse. Otherwise, witnesses, even if they are children, cannot refuse to give evidence. There is no age limit – even very young children might be called to give evidence or testify.
 Spain	No. Child witnesses cannot refuse to give evidence. Child witnesses do not swear an oath, but they will be asked to tell the truth.
 England and Wales	No. You can be called to give evidence whatever your age, as long as you can understand the questions of the judge and jury and you can give answers that can be understood. The Witnesses Service will assist you.



Do you believe is fair that in some of the countries a witness is obliged to give evidence, while in others there is no such obligation? Do you consider that a minimum age for this is needed?

At what age can I BE CHARGED WITH AN OFFENCE and how will I be sanctioned






in	age	other details
 Belgium	12 years old 14 years old 16 years old	You can come before a youth or family court and if you are found guilty, you can receive: <ul style="list-style-type: none"> • educational measures; • alternative sanctions such as restorative mediation. This means you take the responsibility for your deeds, apologise to the victim and work to gain money to pay for the damage caused; • or you can be placed in an institution. You can be sent to a juvenile prison. You can come before a penal court for adults, if the judge considers that the educational, therapeutic or social measures previously received have failed. If you received a fine, you'll pay it together with your parents.
 Italy	14 years old	If you have the capacity to understand and discern. The court assesses if you knew what you were doing. The court also assesses if you knew it was an offence – this is considered important in determining the severity of the sanction. If you are found guilty, the Juvenile Court will decide a sanction which is less severe than for adults and is focused on your rehabilitation. For this reason, alternative measures such as house arrest, probation and conditional release can be used. If you commit an offence that has a penalty of imprisonment for more than 9 years, then you will go into a juvenile prison. This is an institution for young offenders up to 21 years of age.
 Romania	14 years old 16 years old	If it is proven that you committed the offence knowingly. After 16, a person is considered criminally liable (unless, as in the case of adults, the person had no understanding when he or she committed the crime). If you are older than 14 and the judge finds you guilty, you can serve an educative non-custodial measure. These measures include: <ul style="list-style-type: none"> • civic training stage for up to 4 months; • surveillance for 2 to 6 months; • weekend gate which means that you can't leave your house during weekends; • or daily assistance. If you have already received an 'educative measure' and you commit a second and serious offence (for which the sanction is imprisonment for more than 7 years) the judge can put you in custody. Custody can also be used if the educative measures have failed. In this case your custody would be in an educative centre or even a detention centre. If you commit a minor offence which falls under administrative or civil law (not criminal law) you can be sanctioned with a warning or fine. If you are over the age of 16 you can be sanctioned with community work.
 Spain	14 years old	If you are found guilty, the Juvenile Judge can put you in custody. This could be in a closed institution, a semi-open or open centre, or in weekend custody. Or the judge can decide on a non-custodial measure, such as: <ul style="list-style-type: none"> • a caution or restraining order; • probation; • community work; • living with a different family or individual or an educative group; • attending a day centre or other socio-educative measures). In some cases for child offenders suffering from mental or psychiatric problems (including addictions), the judge can decide a therapeutic measure in an institution like the ones listed above, or following a schedule of treatment and check-ups whilst still living at home.
 England and Wales	10 years old	If you are found guilty of an offence, the youth court can impose either a community sentence or a detention and training order. The community sentence could include: <ul style="list-style-type: none"> • A referral order where you attend a programme of work to address your behaviour; • A reparation order to help you make up for the harm caused, for example repairing damage to your victim's property; • A youth rehabilitation order which can last up to 3 years. Here the court decides on different things that you must or must not do. In addition, the court can decide you have to listen to the victim's side of the story and to apologise for your act. The detention and training order is for committing a serious offence, or if you have committed other offences before and you are considered a risk to the public. The first half of this order is served in custody in special secure centres for young people and the second half is served in the community. However, for severe offences, you can also be put under supervision after you have served your time in detention. For example, for murder, the supervision is kept throughout your life time.



In most countries, teenagers above a certain age can be charged with a crime even when they were not aware that what they did was an offence. Do you think this approach is fair?



Countries have different views about the age when a child can be considered mature enough to be charged with an offence. What might determine these differences? Why do you think there is no common minimum criminal liability age across Europe?

Contact with the police and other law enforcement bodies	
in	
 Belgium	<p>You are obliged to show your identity card when the police ask (you get it at 12 and always have to carry it). Police can only ask when they think you are connected to an offence.</p> <p>Also, the municipal authorities can issue penalties for 'nuisance' or 'small crimes'. The municipal authorities have powers to respond to public matters such as small vandalism, dropping rubbish or night noise. Teenagers can get a municipal administrative sanction called 'GAS fines'. The rules regarding the GAS fines differ from one municipality to another.</p>
 Italy	<p>You have to give your name and address and prove your identity if requested by a police officer. Police has the right to frisk you if they have reasonable grounds to think you have weapons or drugs.</p>
 Romania	<p>Only the law enforcement officers, police, gendarmes or local police (which is a department within the local/municipal authorities), have the authority to ask for ID, no matter if an offence was committed or not. Teenagers should reveal their identity, if asked. If they refuse or don't have ID, the law enforcement officers can lead them to the nearest police station, for identification purposes. Other agents who have authority to deal with minor offences, such as riding the bus without a valid ticket, have to ask for the assistance of the law enforcement officers to ID those who won't or cannot present their ID.</p>
 Spain	<p>It is mandatory to have an identity card, from the age of 14. From this age, teenagers must show their ID card to the police, if asked. Police can ask for ID only when they have reasons to believe that the person is connected to an offence. Police officers must show their police badge or card.</p>
 England and Wales	<p>Only the Police can issue penalties to children. Minor offences are dealt with outside court. The police have powers to 'Stop and Question' and to 'Stop and Search' anyone, including children and teenagers. Police community support officers (PCSO) must be in uniform and police officers must show their police ID card. If stopped by the police, you have to give your name and address, if asked.</p> <p>Police can question, but the person has the right not to answer. The police can 'Stop and Search' when they have 'reasonable grounds' to suspect someone of carrying illegal drugs, stolen property, weapons or something which could be used to commit a crime. Before searching, the police officers have to give their names and police station and reasons for the search.</p> <p>Police also have the powers to ask a person to remove his/her clothing. Only the coat, jacket or gloves can be asked to be removed in public. For removing any other clothes or anything that the person is wearing for religious reasons, such as a veil or turban, the police officer must be the same gender and must take him/her somewhere out of public view.</p>

Public space and contact with the police or other law enforcement bodies

Lots of teenagers meet each other in public spaces, to have a good time, or to challenge some of the boundaries set for them, such as when they (secretly) smoke a cigarette. When they 'loiter' like this, teenagers are often regarded by adults as a nuisance.

Although the aim is to enjoy leisure time, the reality is that hanging around in a public space also entails some risks. The risks can range from becoming victims of street violence, accessing drugs and alcohol, getting involved in conflicts between rival gangs to vandalism and other petty crimes.

There is nothing wrong with teenagers gathering with a group of friends on the street, in parks or other public spaces, as long as it does not cause harm.

Nevertheless, it is important for teenagers to know that the public space is governed by laws. There are rules to ensure people behave reasonably in public spaces. These rules are set in the legislation of each country. For example, teenagers should respect certain noise limits, should not do graffiti or leave rubbish behind, otherwise, they risk a fine from the police, gendarmes, or other representatives of the authorities.

Contact with public administration bodies

There are many institutions that make decisions that have a direct impact on children and teenagers.

Examples of such decisions:

- An education authority makes a decision to transfer a student to another school;
- An immigration authority decides to allow a child or his/her family to live or work in a certain country;
- A local authority sanctions a teenager for throwing rubbish on the streets.

In some situations, teenagers or their parents have to approach an institution in order to obtain or enforce their child's rights.

As a rule, a decision by the public administration bodies can be appealed to a higher institution and/or in court. In some legal systems, certain decisions of public administration bodies can be submitted as petitions to independent bodies.

Contact with family law

The Convention says that parents bear the main responsibility in providing for the needs of their children and should jointly make decisions regarding their children. In Belgium, Italy, Romania, Spain and the UK, the parental authority belongs to both parents and must be exercised only in the best interest of the child.

There are situations when things go wrong, such as when, parents are not present in their children's life, or cannot meet their obligations. In order to secure the wellbeing of the child, every country has legal powers and responsible bodies, including child protection systems.

Sometimes parents can't agree regarding their children, for example, who the child should live with when the parents are separated.

These disagreements may be 'mediated'. Some professionals called 'mediators' can intervene in order to assist both parents to agree a solution. If agreement cannot be reached through discussion it may have to be settled in court, where the judge will decide in the best interest of the child.

The Convention says that children should be enabled to participate when decisions concerning them are made. That's why children should be informed and consulted when decisions concerning them are being made.

In most countries, courts have an obligation to hear the views of children above a certain age. In some countries the children are heard directly by the court, while in other countries they are heard by a specially trained person who will pass the child's views on to the court. In most cases, the decisions of the courts are made in the best interest of the child. Sometimes the 'best interest decision' is different from the child's wishes. It is important that teenagers are supported to express their feelings and opinions, because this will help the judge to make the best decision in their case. However, teenagers who don't want to be heard about these very often sensitive matters cannot be forced to attend the hearings.

Check in the above table from what age a child or teenager can be heard in court and what weight their views might receive.

Page 27

Contact with criminal law

Every country has laws aimed at protecting life, health or property and that deeds that violate these values are prevented and punished.

There are many deeds that are prohibited under the law but some are obviously more serious than others. The seriousness of a deed is related to the harm it causes, so riding the bus without a valid ticket, though it breaks the law, is not serious.

As a consequence, the punishments reflect the seriousness of the deed. For some acts one can only be fined, while for others, you would face harsher sanctions, including imprisonment. Most legal systems have distinct terminology to distinguish the categories of law-breaking. Words such as 'contraventions' or 'misdemeanours' are used for less severe deeds and terms such as 'infractions' or 'crimes' for the more serious ones. The 'penal' or 'criminal' law only refers to the crimes. However, the same deed can be a crime in some countries and a misdemeanour in other.

There are usually some steps before an offence is sanctioned:

- The offence gets to be known either by the victim reporting it, or other people report it, or relevant law enforcement bodies initiate an investigation.
- Evidence is gathered: from the witnesses, the victim, the person charged with the offence; crime scene investigation; and medical, technical or even financial reports;
- Sentencing is based on the evidence collected and the court reaches a decision.

The court decision can be appealed to higher courts. The person charged with the crime must be considered innocent until proven otherwise. The law enforcement and judicial bodies differ from one country to another, but in general they include specialised police officers and prosecutors.

Teenagers may come into contact with the criminal law for a variety of reasons. They may be:

- a victim of an offence
- a witness to an offence
- the one who commits an offence also called a 'perpetrator' or an 'offender'.

Whether the child is a victim, witness or an offender, the age of the child will have a strong influence on the proceedings.

For example:

- As a victim - the younger a child is, the harsher the sanctions for the offender.
- As a perpetrator or offender – the younger the child is, the less harsh the sanctions, because in most countries, it is presumed that children under a certain age are not mature enough to understand the 'wrongness' of their deeds. The consequence of this is they are not charged with the offence. Some countries use the word 'discernment' to describe whether a child is mature enough to understand the 'wrongness' of their actions.

What happens when:

...a teenager is a witness to an offence?

Witnessing an offence is likely to be a traumatic experience for a child and especially when the offence involves someone close like a family member, a friend or a school mate.

Witnesses play a very important role in determining the truth and in prosecuting the offender. Teenagers will need encouragement to understand their role as a witness and that investigating specialists will need to talk to them.

...a teenager is a victim of an offence?

The first step is to report the offence and ask for support. For some offences, reporting the offence is sufficient, but there are also offences which require a complaint to be filed in order for criminal proceedings to start. This complaint may need to be co-signed or filed by a supporting adult.

The law enforcement officials will then guide the victim through the proceedings.

Despite the fact that most legislations try to create a protective framework for the victim, participation in the proceedings is unpleasant. For example, the child victim might be asked to tell their story more than once and to different specialists. The child might also have to undergo medical or psychological examinations, to assess the level of harm suffered.

In most countries, victims may be able to request and receive financial compensations from the offender.

...a child is the offender?

There can be many reasons why children break the law. This can include not being aware that their action is illegal.

Every country has a minimum age under which a child is presumed to be too young to be held accountable for breaking the law.

Below this age, child offenders will not be held accountable by being punished, but may well be provided with a social or educational programme, to prevent them from reoffending.

Most legislations state that children over this age are to be punished less severely than adults. As a general rule, sanctions for children tend to be of an educational rather than punitive nature.

There are a wide range of sanctions for child offenders, including reprimands in court, counselling or therapeutic programmes and time in a secure institution.

See the above table on the minimum age for being charged with an offence and the sanctions that can be faced in each of the five countries.

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What are the skills teenagers need when they come in contact with the law?

The skills children need

- To research the rules that apply in your country and in the country in which you travel;
- To ask for information or clarification before and during any proceedings;
- To be confident to report offences; it's ok to be scared, but know that support exists
- Witnesses or victims need to be able to handle intimidation;
- To cooperate with peers and adults;
- To be able to see different points of view;
- To be able to weigh things up and make a choice;
- To recognise the dangers and thus to prevent crime.

It is important to be aware of the rules that govern our daily lives. Though sometimes it's not easy to know which institution to approach in order to secure a child's rights and this varies from country to country and from one topic to another. Teenagers need to research the relevant information and ask for support from their family and or from specialists, such as lawyers, counsellors, hotlines, help-lines or specialised websites.

For teenagers it more than just having the right information, they need the confidence to ask for information. The legal settings are not friendly and most people would feel intimidated by the avalanche of unfamiliar words.

What support do children need?

The support children need

- Adequate information, tailored to the age of the child and their role in the proceedings;
- Legal counsel and advice;
- Interpretation or translation might be needed;
- Support can come from trusted adults, family and professionals;
- Emotional support;
- The social services (public or NGOs/charities) can offer specialised support;
- Specialised help-lines and hotlines can offer emergency intervention, but also advice or support.

The law is a complex world and teenagers who come into contact with the law need a lot of support to understand this formal world. First and foremost the people providing the best support will be families or trusted adults. This is especially true if they are too young to sign papers or start the proceedings.

During a criminal investigation and trial, the testimony of the witness or victim will be challenged. Teenagers will need to be supported to handle these intimidating challenges. Assistance from the professionals involved in the proceedings such as prosecutor, judge or child protection professional is crucial.

Teenagers might feel that it's their fault because they don't understand what is happening. This can add to their lack of confidence. Teenagers need help to overcome their fear of punishment or feelings of shame or guilt to seek professional support and to ensure their rights are defended.

Information is support

In order to participate in legal proceedings it is essential for teenagers to be prepared and to know what to expect.

The more information teenagers have about what will happen and how it will happen, the more they will be able to participate in the proceedings and their participation will be more meaningful. This will be of benefit to the legal system as well as the teenager.

Remember: teenagers can be confident because they have a right to be adequately informed.

No matter the type of proceedings whether administrative, civil/family law or criminal law nor the role the teenager has in these proceedings, they always have the right to be adequately informed.

What sort of information might be helpful?

- what will happen to me and why
- who will be present in the hearings
- where will the hearings take place
- what are the roles of the different people
- what will they look like and why
- who is there to help me and
- what rights do I have
- realistically what might the outcome be

In cases where the teenager speaks another language, they are entitled to an interpreter or translator.

In general, countries have systems to protect vulnerable witnesses and victims. A vulnerable witness includes a child, but also covers people who might be intimidated or suffer for giving evidence.

These protection mechanisms may include:

- the protection of witness's identity,
- the use of audio and video taped testimonies,
- hearing the witness or victim through technical means so that they do not need to be in the same room with the offender,
- being heard in the presence of a parent, an attorney or/and a psychologist,
- having the case handled by professionals who are specially trained,
- specialised support services for the victims such as shelters and counselling centres,
- being covered by a protection order.








What do you think is the purpose of keeping the identity of a child secret?

Why do you think the media are interested in finding out the details and publishing them?

Countries have special provisions during the court proceedings to protect teenage offenders. Young offenders are particularly vulnerable, especially when thinking about their social reintegration. Thus, in most countries, teenagers are put on trial in special courts. They are usually in non-public sessions and efforts are made to protect the child's identity and image.

In most countries, the law says that child offenders must be assisted by an attorney during every step of the proceedings. Should the child's family not afford to pay for an attorney, then an ex-officio attorney is designated to assist the child.

Who deals with my case and what support is available	
in	
 Belgium	Youth Police is a special unit of the police trained to handle cases involving children. A youth or family court judges the case. However, if you are an offender over 16, the judge can decide to bring you before an adult court. This can happen if educational measures taken in the past have proven unsuccessful. Support: free specialist youth lawyers.
 Italy	The regular juvenile courts are composed of four members: two judges and two lay members who act as assistants or consultants. The lay members, one man and one woman, are social care experts who have to be over 30 and have graduated in biology, psychiatry, criminal anthropology, pedagogy or psychology. The juvenile courts of appeal are composed of five members: three judges and two lay experts (with the same requirements). Every prosecutor's office at the juvenile court has a specialised section of the judicial police. Support: assistance granted by the juvenile services and welfare services at every stage of the proceedings; the right to emotional and psychological support granted throughout the proceedings; assistance and representation by a legal counsellor.
 Romania	There is only one court that deals exclusively with cases that involve children and this court handles cases from a limited geographical area only. Therefore, cases with children are usually tried by judges who are also working with cases with adults. Support: mandatory legal assistance for victims and offenders; the possible presence of a parent, social professional or a person of trust; possible psychological support for victims if requested by the child or the court considers it necessary.
 Spain	There are two special police units for cases involving children. One is called GRUME, it is part of the National Police and protects both child victims and child offenders. The other unit is composed of "tutors" and exists only in a few autonomous regions, belonging to the local police. The "tutors" act at local level to improve school environment, by conducting awareness-raising campaigns on different topics, such as bullying or gang violence, and by detecting and preventing antisocial behaviour. They are popular amongst youngsters. Support: psychological support throughout the proceedings; presence of the parent or other person chosen by the teenager though this requires the judge's consent.
 England and Wales	Youth offending teams work with young people who get into trouble with the law. Child cases are dealt by the youth court. Support: free lawyer (a lawyer who is on duty) if the child offender doesn't have his/her own lawyer; presence of the parent if the child is under 16.



What's your opinion on the fact that Belgian judges can decide to bring certain teenagers above 16 years old before a court for adults? Why do you think such an option exists for judges?



Only a few children coming into contact with the court in Romania will have their case dealt by judges who handle only child cases. Do you believe that this aspect might influence the child experience in court?



Part II

ACTIVITIES

Rights and Laws

Preparatory Activities

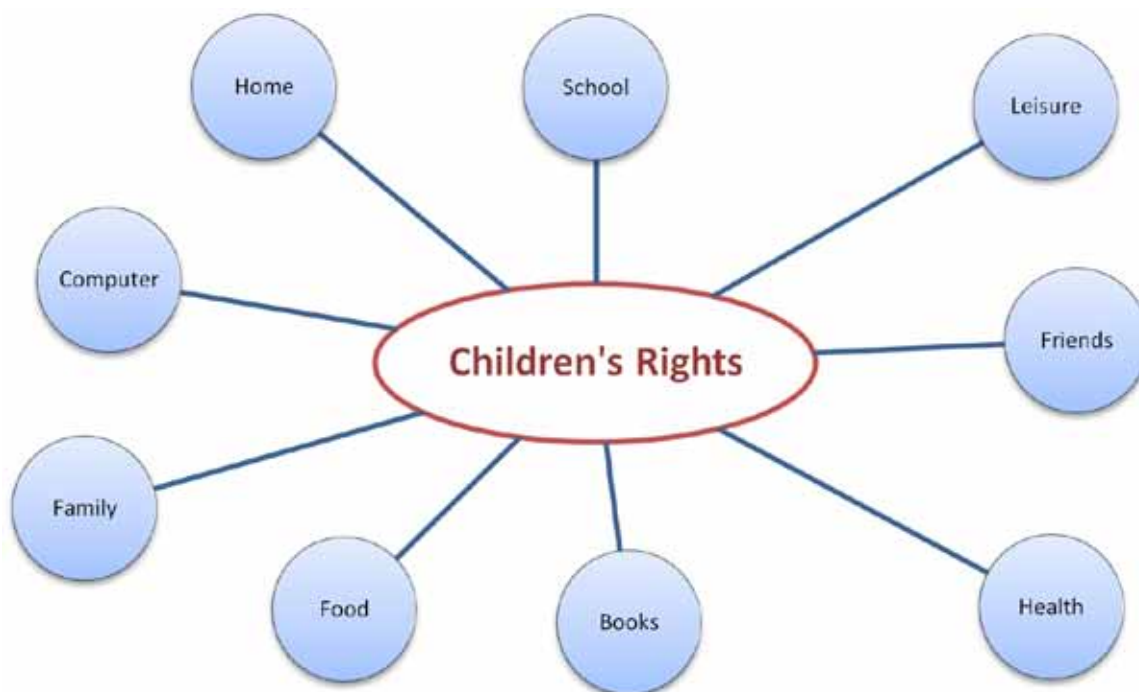
1. Brainstorming - The rights of the child (5 minutes)

Introduce the topic of the discussion and ask the participants to say the first words/phrases which come into their mind when thinking of *Children's Rights*. While they are speaking, write everything down on a board/flipchart. The purpose of this activity is to encourage the teenagers to participate in the activity, be creative and to come up with as many ideas as possible in a short amount of time.

Guidelines:

- Encourage everyone to speak, emphasizing that any idea is important.
- Note down all the ideas on the blackboard/flipchart. If it is not related to children's rights, ask them to make a connection to it.
- Help them with questions and suggestions if no one is speaking.

Example of how you could write down the ideas from the brainstorming:



At the end, briefly read all (or most of) the ideas and conclude that all of them are directly or indirectly linked with children's rights. Tell the teenagers that the discussion will go even further in the next activities.

2. The Balance (10 minutes)

The participants will be divided in groups of 4 or 5 and they will receive “Children’s Rights Cards” (each card has a different ‘right’). In case cards are not available, children can use the sticky notes or the lists prepared during the previous activity.

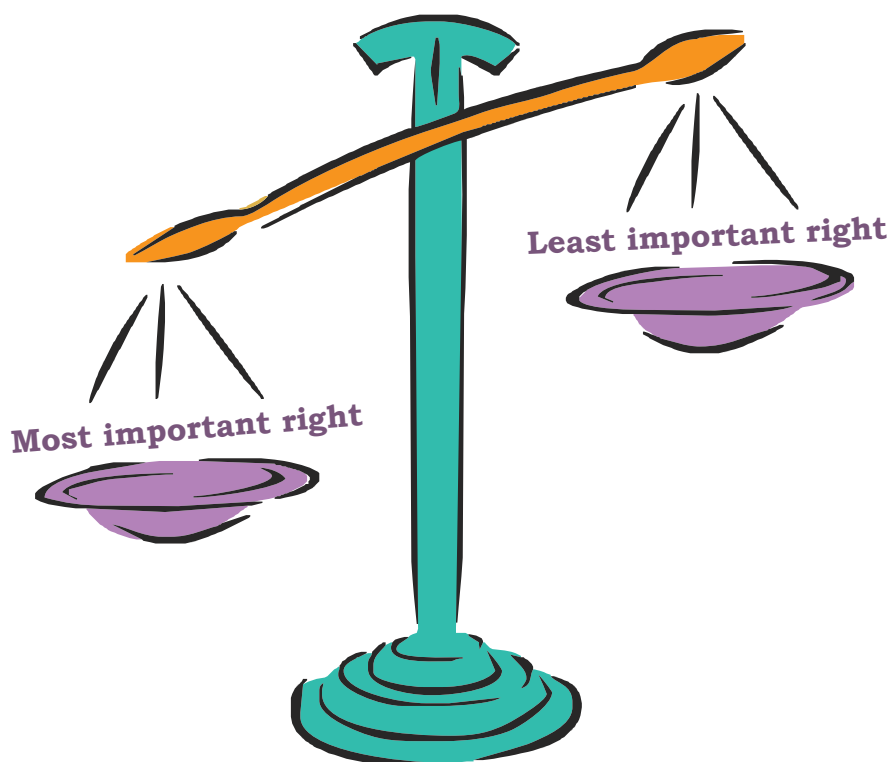
In 5 minutes, they will read and order them by their importance. Next, the whole group will discuss the importance of each right and will agree, by voting, on a common hierarchy of importance. The facilitator will write the order on the board/flipchart.

What follows is an open discussion based on the hierarchy of rights. The facilitator will note down (see the example below) the ‘less important’ right and the ‘most important right’.

Questions:

- Why is this right the most important and the other one the least important?
- Let’s take a few concrete examples and see what this balance look like: a child forced to work, a teenager forced by his parents to choose a high school subject he/she doesn’t like, someone bullied by their classmates etc.
- What determines the importance of specific rights? What factors can change this?

The facilitator highlights, as a conclusion, that all rights are complementary and equally important.



3. Open discussion – Children’s Rights legal frame (15 minutes)

Encourage the teenagers to participate in an open discussion about the following topics:

- Do you benefit from all of these rights? What about your friends?
- Are there situations when these rights are infringed or violated? Can you give some examples (based on your experience or that of others, or what you know from the news etc.)? How/why does it happen?
- What do you do when your rights are infringed or violated?
- On what basis can you defend your rights? Who/what can protect/support you?
- What is a law (what comes into your mind when you think about the word ‘law’)? Is there a special law for children? If yes, does it cover all children’s rights?
- What is the ‘force’ of a law?
- Why are the laws different from one country to another? What makes them different?

4. Conclusion – Children’s Rights legal frame (10 minutes)

Talk about the Universal Declaration of Human Rights and the UN Convention on the Rights of the Child, starting with what the participants already mentioned.

Talk about the European Court of Human Rights (which can adjudicate if there is a breakdown between a person and the laws this person is subject to).

Talk about the Committee for the Rights of the Child (which receives complaints from children whose country has ratified the third Optional Protocol to the Convention on the Rights of the Child).

Highlight the following:

- The Convention stipulates the rights at international level;
- Each country has its own set of laws protecting children’s rights, this reflects the culture of each country; laws are not static (they change/develop) and are not the same across Europe;
- You have the power to recognise when your rights are infringed and to act - you need to have information/knowledge, support and skills.

You can use the graphic from page 2 of the toolkit.

5. Evaluation time (10 minutes)

Ask the participants to think about the session and to write on a piece of paper: A. what they liked; B. what they didn’t like; C. their suggestions and recommendations for the next sessions. Inform the participants that their ideas and comments will be read by everyone, but their views will remain anonymous and, therefore, ask them not to sign their papers. Collect the papers in a hat, a cup, a pen case or something similar. With the help of 3-4 participants read the papers to the whole group.

Other activities:

* Children's Rights Diagram (10 minutes)

The participants will be divided in groups of 4 or 5 and will receive 3 cards containing the 3 areas of the Diagram from page 5: 'Europe', 'Your country' and 'You'.

For 5 minutes, they will find the connection between the 3 areas and afterwards they will present their ideas to the group.

To conclude, start an open discussion with the whole group:

- What do we need in order to defend our rights?
- What do you have from this chart? What is missing?
- How can you obtain what is missing from the chart in order to protect your rights?

* Bingo (20-30 minutes)

This version of bingo adapts the rules of the classic game in order to help the participants to familiarise themselves with the articles of the Convention on the Rights of the Child.


The facilitator is the bingo speaker and his/her role is to name an article from the CRC.

The participants receive a list with the articles of the CRC and their role is to work out the number of the article said by the speaker and to cross it out of their bingo card.

For example, the speaker will call "Right to life" and the participants have to discover what article of the Convention on the Rights of the Child talks about this right, in this case article 6. The participants who identify the number of the article and have it on their bingo card will cross it out.

The game is won by the one who crosses out all the numbers on the bingo card.

Example of a bingo card:

1			38	5		45	19
22	2		51		4		
	27	34		13	7		12

* **Video suggestion** (only in Spanish) – The Optional Protocol to the Convention on the Rights of the Child on a Communication Procedure: Conoce el III Protocolo de la Convención sobre los Derechos del Niño, Save the Children España, www.youtube.com/watch?v=lrYVW8h1lbU

Being a Child

Activities for Theme 1

SESSION 1

1. Review - The Hats (10 minutes)

The purpose of this activity is to review the ideas discussed during the previous session.

Participants are divided into 4 groups and they discuss for 5 minutes one of the following topics.

Red Hats	The rights of the child (name them, give a few details)
Green Hats	Infringement of the rights (how can we defend our rights)
Purple Hats	Classification of the rights (explain)
Orange Hats	Rights of the Child and the laws (what is the connection)

Each group will then present the main ideas of their discussion and the others can add ideas based on what they remember from the previous session.

2. Open discussion – What does it mean to be your age? (5 minutes)

Encourage the teenagers to participate in an open discussion about the following topics:

- What can we do at our age? What we cannot do and why? What right do we have?
- What responsibilities do we have at our age? Are these different than a few years ago? What about the future, what do we expect to change in relation to our responsibilities?

3. Guess the country – At what age can I drive? (10 minutes)

Participants work in pairs to associate the legal provisions on driving with the name of the country. For this, they receive the following sheet:

At what age can I DRIVE		in
14 years old 16 years old 18 years old 20/21/24 years old	for a 50cc moped (driving licence AM, without passengers); for a motorized quad-cycle (driving licence A1/B1); for ordinary vehicles; for special vehicles.	which country?
15 years old 16 years old 18 years old 20 years old	for moped 50cc; for motorcycle 125cc; for a car; for motorcycle 500cc.	which country?
16 years old 17 years old 18 years old	for a 50cc moped; with a learning license (L) together with an adult; to drive alone if you passed in theory and practice examination.	which country?
16 years old 18 years old 20 years old 21 years old	for a moped, quad-cycle and 125 cc motorcycle; for a car; for an intermediary motorcycle; for any type of motorcycle.	which country?
16 years old 17 years old 17 years old 24 years old	for a 50cc moped; for a car; for a 125cc motorbike; any size motorbikes.	which country?

Choose from the following countries



Romania



Spain



Italy



UK



Belgium

Give the pairs 5 minutes to guess. Then, discuss the situation of each country and give the answers (the correct order is: Italy, Spain, Belgium, Romania and the UK). After each country see how many pairs had guessed right.

Encourage reflexion by asking the participants:

- Why some countries seem more permissive then others?
- Why, in each country, there is a distinction between the different forms of motor vehicles? Are there different dangers associated with different forms of motor vehicles?

4. Parliamentary debate – the legal age for having a job (30 minutes)

Organise the participants in three groups. Each group represents a different political party preparing for a parliamentary debate on the age at which a teenager can have a job:

Party 13 – wants to give teenagers the right to have a job at 13 years old.

Party 15 – wants to give teenagers the right to have a job at 15 years old.

Party 16 – wants to give teenagers the right to have a job at 16 years old.

Each party has to prepare:

- A. The justification – one or more reasons why they are in favour of the respective age.
- B. The conditions that need to be included in the law proposal in order to ensure that the work will not affect the other rights teenagers have.

Draw straws to decide the order in which the three parties speak.

The parties have 10 minutes to prepare for the debate.

Each party is given the right to have two interventions of no more than 2 minutes each: in the first intervention they will present their arguments, while in the second intervention they can argue some of the ideas supported by the ‘rival’ parties. After the first intervention, the parties have 2 minutes to prepare for their second intervention.

After the debate, reflect on the activity:

- Ask the participants which party they would have preferred to belong to (which age they would have wanted to support) if they had the choice. Ask them to raise their hands and count their ‘votes’.
- Present the table ‘At what age can I have a part time job’ (page 14) and discuss the different conditions (safeguards) put in place in the different countries. Are some of these conditions similar to the ones they thought of in the context of their parliamentary debate?

5. Evaluation time (5 minutes)

In groups of 4 or 5, the participants list:

- what things they learnt during this session
- what they liked about the session
- what they didn’t like

They present their list to the whole group.

In addition, the participants will be given the option to write on a piece of paper their thoughts and suggestions, to be taken into account for the next sessions. The pieces of paper will remain anonymous and are collected by the facilitator.

SESSION 2

1. Review of the previous session – The news story (15 minutes)

Ask for volunteers who want to play the role of reporter. Choose 3 or 4 reporters who will work together to prepare a news story. For this they have to conduct interviews and to find out what has happened during the previous session. They have 6 minutes to investigate the story, 3 to prepare and 2 minutes to deliver the story to the public. Next, allocate 4 minutes for the involvement of the public, in order to make sure the truth is revealed.

2. Open discussion – At what age can I vote? (10 minutes)

Ask the participants what is the age for voting in their country. Talk with them about the cases of Italy and the UK (see the table At what age can I vote, page 15).


- What is their opinion about having different voting ages depending on the topic of the vote?
- Should the voting age be lowered or increased for certain topics?
- Are there some issues or topics that they would like to be allowed to cast their vote?

3. Stress measurement² (10 minutes)

Organise the participants in three groups. Each group receives the “pressure/stress measurement sheet”, on which they have to indicate the level or pressure/stress that they think is felt in different areas of daily life (such as relationship with parents, school, career etc.), by people from one of the following three age groups:

- a) children 3 years younger than them;
- b) teenagers of their age;
- c) teenagers or young people 3 years older.

Once the sheets are filled-in, collect them and analyse them with all the participants: What are the main differences? What generates these differences? What areas are associated with a lower/higher level of pressure no matter the age?

AREAS (pressure/stress in relation to...)	Level of pressure/stress										
	low										high
	0	1	2	3	4	5	6	7	8	9	10
parents											
siblings											
friends											
school/studies											
household responsibilities											
leisure time											
sport											
earning your own money											
career											
health											
other (indicate) _____											

² Activity developed from M. Maggi, "Affection and sexuality in a changing school", Ed Berti, 2005.

4. Open discussion – Consent (10 minutes)

Involve the teenagers in an open discussion about the following issues:

- What consent means? Can you think about situations when your consent is asked for?
- What do you think about a consent given after being pressured? Is it valid?

Introduce the table “At what age can I consent to sex” (see page 15) and ask the participants:

- What is your opinion on the Italian law?
- Why do you think there is such a big age difference across the countries?

5. Role play – Finding the right balance (10 minutes)

Ask volunteers to take the following roles: a mother, a father, a teenager girl (Anna), a gymnastics trainer.

Take the teenager girl aside and explain her role: Anna is a very good at gymnastics, but her trainer is really hard on her. There were situations when she felt totally exhausted and started crying, but her trainer shouted at her, in front of other kids, and asked her to keep going, to become the best. She is afraid of her trainer.

Take the gymnastics coach aside and explain his/her role: he/she believes that Anna could have a great career as a gymnast, but for this she needs to train harder and more often. He/she knows that sometimes he/she can be considered harsh, but he/she believes that kids need to be pushed to perform to their potential.

Take both parents aside and explain their roles: they want to see their daughter happy and succeeding in life.

The acting situation: at the end of a contest in which she came in the 3rd, Anna decides to talk about her situation with her parents. Her trainer is present. The time for the role play is 10 minutes.

At the end of the role play, ask the other teenagers to reflect on the situation. What will they say if they were Anna/her parents/her trainer?

[Variations: if more time is available, you could invite other teenagers to get involved in the play, either by replacing some of the characters (their own choice) or by being a new character, such as a friend of Anna, another trainer etc.]

6. Conclusion – Finding the right balance (5 minutes)

Summarise the topics of the session and highlight that:

- A right balance needs to be found between the important elements of child development and growing responsibility.
- No law will tell us what the ‘right balance’.
- What will guide teenagers and adults in finding the right balance is the understanding that all children’s rights are equally important and that children should be involved as active participants in taking the decisions that concern them.

Other possible activities:

*Film suggestion: “Race to Nowhere” (85 minutes) is a film (USA, 2010) that challenges current thinking about how children prepare for success, by presenting stories of American students who have been pushed to the brink by over-scheduling, over-testing and the relentless pressure to achieve.

See more at www.racetonowhere.com

*Which of the following situations involve child labour? (15 minutes)

Work in group of 4 or 5 participants and debate if the following situations are child labour and why:

- Washing dishes or cleaning your room while outside the weather is nice.
- Babysitting or washing the car of an acquaintance for five euro.
- Working in the fields, picking fruits for all of October.
- Working in the fields during the weekends.
- Working in your parents shop afterschool.
- Selling merchandise on the streets.

Next, each group will present their views to the whole group.

The Right to Protection from Violence

Activities for Theme 2

SESSION 1

1. What I SEE, THINK and FEEL (5 minutes)

Write on three sheets of the flipchart the following statements:



For each of them, ask the participants to write words/phrases they think of when they hear the word 'violence': What I see when I hear 'violence'? What I think about violence? What I feel about violence?

[If the number of participants is too high, sticky notes could be used, in order to avoid crowding]

2. To better understand violence (7 minutes)

This exercise has two steps.

Step 1 – From the lists of words collected during the previous exercise, ask the participants to help you sort the words (you can circle them with a different colour or, if sticky notes have been used, by moving them) that fit into the following categories:

- forms or types of violence
- places or situations where violence occurs
- causes of violence
- consequences of violence

Give participants the chance to add new words to each category, with the view of describing as well as possible what violence means.

Step 2 – Ask the participants to help you circle the words that refer or apply to:

- people who are victims
- people who could be violent with children and teenagers

Conclude the exercise by asking the teenagers if they want to add other ideas to these new lists.

Make sure that you encourage the participants to also think about the more subtle forms of violence.

3. The survey 'What I stand for' (7 minutes)

The aim of this exercise is to get participants to express themselves and defend their viewpoint with arguments. Draw a line down the centre of the floor (using chalk, adhesive tape, a piece of string etc.). On each side of the line, put two large signs marked 'I agree' and 'I disagree'. Ask all the participants to stand along the line facing you; this is the 'neutral area'.

Read one by one the sentences below and ask the teenagers to stand on the side of the line that best represents their opinion about each statement. The further they go from the centre of the line, the more they agree or disagree with the statement.

After each sentence, start an open discussion about their choices, giving them the time to defend their viewpoints. After hearing the arguments, ask them if they want to reposition themselves.

The sentences are:

- What happens in the family stays in the family. Even the violence.
- Negative incentives are sometimes needed.
- A mild smack can be necessary sometimes, especially when children refuse to comply with the boundaries set by their parents.
- Violence is normal in a relationship and forgiving a partner after violence is proof of love.
- If the people who should intervene in cases of violence do not act, then the reported situation is not a case of violence.
- There are situations when violence is necessary.
- There are situations when violence is acceptable.

4. Bullying (10 minutes)

Form 4 or 5 groups. Give to each group a page with the following features:

- It most frequently happens between peers.
- It can include many things, such as name calling, ridiculing, and humiliating someone, excluding somebody from an activity or game or ignoring them, but it can even involve physical violence such as hitting and kicking.
- The behaviour is repeated or systematic and long-term, not spontaneous or an isolated incident. It is the calculated and purposeful harassment of a targeted person, which can, in extreme cases, take place over a year or more. Though common, this behaviour is not innocent, but unpleasant, threatening and unacceptable.
- It creates a power imbalance – the aggressor has the power, while the victim can't defend themselves or stop the aggression. Sometimes, the aggressors are themselves victims of other aggressors.
- The aggressor doesn't usually act alone. There are often people at the side who witness and encourage it or allow it to happen. The 'reward' for the aggressors is that others find them strong and are afraid of them.
- Some aggressors tend to act in insidious ways and they ignore a peer or gossip. Others tend to use physical violence.

Each group will read these features and will have to:

- Give a name to the behaviour described.
- Think if they encountered it and in which settings.

Each group presents their conclusion and an open discussion follows around the issues:

- Romania has no word for bullying. Is it important to give a special name to this behaviour? Why?
- Is bullying a distinct form of violence? Why?
- Are people behaving differently when they bully other people online? If yes, how and why?

5. Can I prevent violence? (15 minutes)

The exercise has three steps.

Step 1 – What can make you violent?

The participants talk in pairs about what could make them act in a violent manner. They are asked to write down these situations.

Step 2 – What could encourage you to avoid or prevent violence?

For the next step, they have to analyse each of these situations in order to find ways to avoid the violent behaviour. They write down their solutions, too.

Step 3 – What skills we need?

For the next step, read a list of skills useful in the context of preventing and fighting against violence (see the list from page 21). After you read out each skill, ask the teenagers to raise their hand in case they too identified or talked about it.

Evaluate which skills appeared the most in the talks between the teenagers, but also which were least frequent. Invite the whole group to reflect and share their thoughts about it.

6. Conflict solving (15 minutes)

The exercise has two parts and aims at supporting the participants to find non-violent ways of resolving interpersonal conflicts.

PART 1 – Role play: two participants will role play a conflict inspired by their daily life, without reaching a solution (argument between classmates, teasing etc.).

PART 2 – Steps of conflict-solving:

a) Identifying the needs: Each person in conflict should say what his /her needs are, without blaming or accusing the other person.

- b) Defining the problem: The group can help to define the problem, by taking into account the needs of both roles and without blaming either of them. The people in conflict must agree with the definition of the problem.
- c) Brainstorming - possible solutions: Anyone in the group can propose a way to solve this problem. These should all be written down. The aim of this step is to come up with as many solutions as possible.
- d) Evaluating the solutions: Each party in conflict goes through the list of possible solutions, explaining which ones would or would not be acceptable.
- e) Deciding on the best solution: Make sure both parties agree and acknowledge their efforts in working out the solution.

Conclude the activity by highlighting: our reactions to one another when there are differences between us; the importance of looking for nonviolent solutions instead of blaming others and causing conflict; that each of us has the power to prevent violence.

7. Evaluation – The plane (2 minutes)

Ask the participants to think about a word that describes session 1 – How would you characterise this session? Choose only one word.

Ask them to stand up.

Make a paper plane and throw it to a teenager who has to write on it the word they thought about. He/she then throws the plane to another teenager who is furthest away and, then sits down. The next teenager does the same thing. Continue until there is no one standing up and the paper airplane has everyone's chosen word written on it.

SESSION 2

1. Review – The flipchart story (5 minutes)

Display the flipchart pages used during the previous session and together with the teenagers tell the story of the previous session:

- What have we talked about? What were the main ideas?
- What activities did we do? What have we learnt from these activities?

2. Static rights versus changing laws (20 minutes)

Divide the teenagers into 4 groups. Each group has to work with a different child's statement:

- Statement for group 1:

"My father used to hit my little brother. Once I tried to defend him and my father hit me too. My father says that I am 'stupid and dull.' That's the way he talks to me at home. Sometimes I hate my father. My mother knows how he treats me, but she says that I have to listen to my father, because he is my father he knows what's best for me."

■ Statement for group 2:

"I'm shouted at and sometimes even smacked when I do something wrong or when my room is messy. My older sister beats me."

■ Statement for group 3:

"I am being harassed by a classmate who started rumours about me being gay. I wanted to get help when these rumours turned into online blackmail. This girl created a fake profile for me and from this profile she faked conversations between me and others. She has been threatening me with sending these links to all our classmates."

■ Statement for group 4:

"I have been harassed and threatened by my ex. It all started a couple of months ago, right after we split up. Not a week goes by without a horrible sms. "

This exercise has two steps.

Initially, each group receives a sheet or card with the table "What does the law say about protecting children against violence?" (see page 20). From the available information, they have to see if the situation described in the statement is prohibited in Belgium, Italy, Romania, Spain and the UK. (8 minutes)

For the next step, each group receives a card with the CRC articles related to protection (see page 17) and they are asked to discuss if the situation described in the statement is prohibited by the CRC. (2 minutes)

Each group will present their conclusions, also mentioning:

- Did they find the task difficult and if so, why?
- What is the difference between the CRC and the legislation of the different countries?

3. Safety plan (25 minutes)

Working in the same groups as before, teenagers are asked to come up with a 'safety plan' for the situation they received. The safety plan should refer to the following:

- What rights does the child have in relation to the statement they are looking at?
- What emotions might this child experience and how should they manage these feelings?
- How should the child react if he/she is subjected again to the same situation of violence?
- Who should the child ask for advice and support (people, specialists, institutions)? What type of support is available?
- What obstacles might they encounter in seeking help? How could these obstacles be overcome?

Each group will write their conclusions on a flipchart page which they will present to the others.

4. Conclusions – seeking help (10 minutes)

Summarise the input of the groups and, in addition, highlight the following:

- The first step can be to ask for help from a trusted person.
- In emergency situations, police should be called.
- Violence is a complex issue that, in many cases, might require the intervention of more than one institution. By contacting one institution or service, other institutions might have to be alerted.
- Be persistent and don't give up. If the person or organisation contacted seems insensitive to the violent situation, don't give up.
- Social services can provide social and psychological support, or even shelter in severe cases.
- Health services might be needed in some cases of violence.
- School counsellors and teachers have important roles in supporting the child to overcome the difficult period; they also can be active in reducing school violence.
- NGOs or charities can also be contacted and provide some excellent support.
- The person who is violent might receive help and treatment and not just punishment. Some children continue to accept the violence because they are frightened that the aggressor will go to prison.
- There is a wealth of information and help online. Help-line and hotline are keywords when searching online. In recent years, many help-lines and hotlines can also be reached through instant messaging, email or online conference services.
- There are some tips to pay attention to when contacting help-lines and hotlines:
 - Check the times when they are available.
 - Check if you need phone credit or if they need to be called from certain networks.
 - Choose the contact method that is best for you.

Indicate to the participants they can find a list with relevant support organisations and institutions in the appendices of their manual.

5. Evaluation time - What I THINK and FEEL (5 minutes)

Participants receive post-its of two different colours, on which to write what they think and feel in relation to the session. Collect the post-its and display them on two different walls (one for thoughts, the other one for feelings). Together with the whole group try to organise the post-its, in order to determine the most frequent thoughts and the predominant feelings. Take the time to also discuss those feelings and thought that appeared less frequent.

SESSION 3

1. Review – The flipchart story (5 minutes)

Display the flipchart pages used during the previous session and together with the teenagers tell the story of the previous session:

- What have we talked about? What were the main ideas?
- What activities did we do? What have we learnt from these activities?

2. Domestic violence – laws and support (25 minutes)

The teenagers will work in 4 or 5 groups.

The exercise has two steps.

During the first 10 minutes they are asked to:

- a) Write a definition of ‘domestic violence’
- b) List the support that they consider necessary for the victims –What might the victims need? Where the support should come from? etc.
- c) List the support they consider necessary for the aggressor – What might the aggressor need? Where should the support come from? etc.

Afterwards, give each group the tables:

“What the laws say about domestic violence?” (see page 20) and

“What support in cases of domestic violence can be found in the laws” (see page 24).

Ask them to look at them and to decide with which of the five countries’ legislation their lists resemble the most and the least. Give them 7 minutes to reach a conclusion.

Start an open discussion about:

- Is domestic violence a matter of gender? Has any group defined it from this perspective? Should the focus be on women as in Spanish legislation? Why do you think it was that Spain put the focus on women?
- Is there a type of support the teenagers consider more important?
- Look at the ‘Right to ask’ (UK) and explore the balance of the two rights – to protection and to privacy. What do you think the reason was for such a measure?

3. Forum theatre (25 minutes)

Ask volunteers to take the following roles: a mother, a father, a teenager. They are given the following statement of the teenager: *“My father was a boy, like me. He saw my grandfather beating my grandmother and calling her horrible things. My father did the same to my mother. But this ends with me!”*.

Ask them to act, in line with the situation described by the statement, an evening in the family home.

Inform the teenagers about the rules of the forum theatre:

- Anyone can stop the play in order to suggest different actions for the characters
- The original players can step out and ask someone else to take over
- Anyone can join the play by adding themselves as new characters or by taking over the initial roles when they are asked and if they want to do so
- In order to stop the play, they have to say “freeze”
- If the audience considers that some actions are unrealistic, they can say “magic” and the characters must change their actions accordingly.

After 10 minutes of playing, inform the teenagers that they must conclude the play and give them 2 more minutes to do so.

Start a discussion about:

- How did they feel as spectators, actors, or when they gave suggestions to characters?
- How useful was the knowledge gained in the previous exercises/sessions?
- Was there something that they would have liked to bring into the play but they couldn't?

4. Evaluation time (5 minutes)

Draw a backpack and a rubbish bin on the board.



The backpack represents what teenagers have learnt and will leave with after the sessions about protection from violence (these could be things related to the session, but also to skills, knowledge, attitudes). The rubbish bin is what they want to leave behind (these could be things related to the session, but also to their own prejudices, beliefs or attitudes). Each teenager receives two post-it notes (preferably of different colours) – on one of them to write what they want to take in their backpack, and on the other one what they want to throw at the bin. Afterwards, ask them to stick their notes on the board. When all notes are collected, let the teenagers know that they might share any of their comments with the whole group, if they want to do so.

Other activities

Awareness raising spots:

- Violence breeds violence, Save the Children Romania (45"). See vimeo.com/7344771
- Julie's story, Safer Internet (2'45"). See youtu.be/mbO8eUzm6Mk
- Cyberbullying: there is a way out! (2'25"). See youtu.be/dkG00Czb4ho

The Running

Divide the teenagers into 2 groups: one group of trainers and one of runners who will take part in a competition. Ask them to form pairs of one runner and one trainer (in case of an odd number of participants, one of them will be the referee). Setup the starting point and the finish line.

Take the runners aside and tell them that they have to listen to their trainer's advice and to:

- Take two steps forward when their trainer uses positive incentives
- Take one step forward when their trainer uses neutral comments.
- Take two steps back when their trainer uses a negative approach.
- Stay still in case their trainer remains silent.

Separately, explain to the trainers that their role is to give directions to their runner, in order for their athlete to win the competition.

Repeat the running exercise several times, to allow the participants to understand and play according to the rules.

Once the competition is over, ask the participants to reflect on the importance of communication, on how they felt when positive or negative approaches were used. Ask them to think about the link with preventing violence.

Who am I and where can I go?

Write each of the following words/phrases on 5 pieces of paper:

- parents
- school counsellor
- doctor
- social worker
- social services
- police
- help-line
- therapy programme for aggressors
- NGO

Place the pieces of paper on a table.

Divide the participants in 5 groups. Each group receives one the following situations:

- a) cyber-bullying
- b) corporal punishment
- c) humiliation coming from the partner
- d) paedophilia
- e) discrimination

In the first phase of the exercise, no one is allowed to speak to the members of the other groups.

The groups are asked to think who could offer support to a child who deals with the situation they are looking at. In turns, each group comes to the table and is allowed to select maximum 3 pieces of paper, reflecting the intervention they consider necessary in the situation they received. They are then asked to put the selected papers in an envelope.

In the next phase of the exercise, the groups switch envelopes and are informed what the five possible situations are. They have to figure it out, based on the pieces of papers, what situation was given to them by the other group.

[Variations: on the pieces of paper there could be written the exact names of some national institutions]

The museum of child's rights

The museum is created by teenagers themselves who become the statues/exhibits.

Form 4 or 5 groups. Give to each group the assignment to represent a situation of violence, such as: a group of teenagers assault another teenager on the street, a teenager is harassed by other schoolmates, or any other related situation.

Start with the first group. Allow them a few minutes to prepare, given that they will have to represent the situation as well as possible. The other groups are asked to figure it out what the situation is. When they reach the right answer, they are asked to suggest how they would change the representation in order for it to be in line with the rights of the child.

Continue with the remaining groups.

When the participants visited all the exhibitions at the museum of child's rights, encourage a discussion about how teenagers can get involved in order to change the situations of children's rights violations.

Is it violence?

Choose different scenes from movies and watch them together with the teenagers. After each scene, ask them to decide if the scene depicted a situation of violence.

The Rock and Water demonstration video

This video could provide an inspiration for facilitators who want to use physical exercise and discussions to increase social skills, cooperation and self-confidence in children and young people. The Rock and Water programme was developed by Dutch education specialist Freerk Ykema and it tackles problems such as aggression and peer pressure: youtu.be/9dWH_Pz-blo (48')

Mentoring programmes

A mentoring programme can be set-up in a variety of environments (school, community, protection centres etc.) and is designed for empowering children and young people to help each other overcome different problems. Young volunteers are supported to act as “buddies” for their peers. For example, they could help their peers improve their school performance, prepare for important life events (such as leaving a protection centre) or talk about personal problems (such as bullying or neglect).

In mentoring programmes, the supervision and support from adult specialists (teachers, social workers, school counsellors etc.) is absolutely necessary.

This type of programme can be found under different names, such as “Big Brother, Big Sister” or “Buddy” projects.

Teenagers in Contact with the Law

Activities for Theme 3

SESSION 1

1. The appeal hearing (40 minutes)

Scenario:

The family of 15 year-old Shakeelah are appealing against the exclusion of their daughter from school, for refusal to conform to school's new uniform regulations.

Order of events:

- In January, the school was evaluated and the inspection showed a “failing school, with serious problems”. The inspection highlighted problems such as: very poor attendance rate, low school results and bad student behaviour. As a consequence, a new school director was brought in.
- The new director declared that his priorities will be a tougher stance on bad behaviour and raising pupil's pride in their school: “We want our pupils to feel they belong to a good school and we shall shortly introduce a school uniform to reinforce this”.
- The new school uniform policy was voted on and accepted by the parents. 200 parents voted for the policy, 100 voted against and 50 said that they were not sure. The remaining 430 parents didn't reply to the poll.
- In June, a letter was sent to all parents informing them about the adoption of the new school uniform at the beginning of the new school year, in September.
- On the 5th of September, one of the teachers writes an internal memo about the fact that, the previous day, Shakeelah arrived at school wearing a jilbab as she and other Muslim students had done last year “She was the only student in my class and, as far as I know, in the school to do so”. The teacher noted down that the jilbab was in the standard grey of the new school uniform and it had the school badge attached.
- On the 6th of September, the teacher wrote a letter to Shakeelah's parents she reminded them of the new school uniform policy, highlighting that “although allowed under the previous school uniform policy, the jilbab is now not part of the official school uniform”. The teacher asks the parent to ensure that their child will go to school wearing the new uniform in future or otherwise, she will be sent home.
- On the 7th of September, Shakeelah's brother, on behalf of her family, sent a letter to the teacher, in which he demanded that the school withdraw their ban and allow Shakeelah to return to school. In the letter, he highlighted the fact that the jilbab is an important statement of their faith and that it would be an insult to their religion for Shakeelah, adding that it would be shameful for Shakeelah not to wear it. He also reminded the teacher that Shakeelah is “a respectful, hardworking and well behaved girl who has never caused any trouble at school before”.
- On the 14th of September, Shakeelah's family receives an answer to their appeal against her temporary exclusion from school. They are told that the school's governing body considered the case very carefully and recognised the depth and sincerity of Shakeelah and her family's beliefs and the importance of the traditional dress. At the same time, the school's governing body considered that requiring all pupils, irrespective of faith

or ethnic group, to wear the same uniform is not a significant or meaningful infringement of an individual's rights to hold and promote their own faith and beliefs. Therefore, the decision of the school's governing body was to reject the appeal and to reaffirm that the girl must conform to the school uniform policy or she will remain excluded from school.

- The family appealed the school governors' decision to a higher level and a hearing organised by a committee of the local education authorities is about to take place.

More background information:

According to the school uniform policy, girls' uniform consist of a white shirt and school tie, navy jumper, navy blazer with school logo, plain grey pleated knee length skirt, plain black or grey or flesh coloured tights and black sensible school shoes. Headscarves are permitted if they are black or dark blue.

The school governors also raised the following concerns about allowing Shakeelah to wear the jilbab:

- It will put pressure on other girls to wear similar clothes although they may not want to
- It makes it difficult to prevent the wearing of other non-uniforms items such as religious jewellery by other pupils
- It might cause Shakeelah to be 'picked on' or bullied
- It might cause health and safety issues in some areas of the schools such as laboratories

There are several articles of the UN Convention on the Rights of the Child that refer to children's right to freedom of religion and children's right to education:

- About the article 14 of the CRC:

Children have the right to freedom of thought, conscience and religion, as long as they are not stopping other people from enjoying their rights and freedoms, are not a threat to public safety, order, health or morals. Parents should help guide their children in these matters. As children mature and are able to form their own views, some may question certain religious practices or cultural traditions.

- About articles 28 and 29 of the CRC:

All children have the right to a primary education, which should be free. Children's education should develop each child's personality, talents and abilities to the fullest. It should encourage children to respect human rights and their own and others cultures. Education should also aim to develop children's respect for the values and culture of their parents.

Governments should take measures to encourage regular school attendance and to reduce the school drop-out. For children to benefit from education, schools must be run without the use of violence. Any form of school discipline should respect children's dignity.

The hearing of the committee formed by the local education authorities will take place as described below:

- The family presents their request and their reasons for the appeal (3 minutes)
- The school's representatives will argument/defend school's decision (3 minutes)

- The committee members ask questions to both Shakeelah’s family and school’s representatives, in order to better understand each party’s arguments (3 minutes)
- *Break for consultations within groups to prepare the answers (3 minutes)*
- The school responds (3minutes)
- The family responds (3 minutes)
- *Break for the committee members to reach an agreement (3 minutes)*
- The committee announce their decision and explain it (3 minutes)

Divide the participants into 3 groups and give each group a piece of paper with the above scenario. The groups have 15 minutes to analyse the information provided in the scenario and to prepare for the hearing. The hearing proceedings should last no more than 25 minutes.

The groups are:

Group 1: Shakeelah’s family;

Group 2: school’s representatives;

Group 3: committee members (make sure that this group has an odd number of participants, because each member has to cast his/her vote).

The committee will need to think about what they need to know and therefore what questions they need to ask in order to obtain their information and reach a right decision.

2. Open discussion and evaluation (10 minutes)

- How did you feel about being part of your group?
- What did you find difficult or challenging? As a group, how did you overcome these challenges?
- Is there someone who would have wanted to be part of another group? Which one and why?
- What skills does someone in your role need?
- What does this exercise tells us about children’s rights?
- Think about the local education authorities in your country. What is this institution called?
- Let’s imagine that either the teenager’s family or the school are not happy with decision the committee formed by the local education authorities. Can they appeal this decision to a higher level? To which institutions?
- Can you think about other situations in which teenagers and/or their families have to contact the authorities in order to make sure that children’s rights are respected or enforced? Could you give some examples of such authorities in your country?

SESSION 2

1. Public space – open discussion (10 minutes)

Start the session with an open discussion about:

- What do you understand by public space?
- What rules have to be respected in public spaces? Who makes these rules? Who makes sure that these are respected?
- What about if someone attends a concert or a sport event? What rules are in place and who makes them? Who makes sure that these are respected?

2. Public space – the public consultation (20 minutes)

Divide the teenagers in 4 groups and present the following scenario:

The municipality built the park in the picture at the request of local residents. Since it was built, the park has been used by people of all ages living nearby – parents with toddlers, dog owners, elderly people, children, teenagers and young adults.

Recently, complaints have been raised regarding the bad behaviour of some people in the park.

The municipality announces the intention to change the laws governing public spaces, including parks, and notifies all those interested that several public consultation meetings will be organised.



Give specific roles and assignments to the groups:

Group 1: Sometimes, in the evenings, you and your friends like to hang around in the park.

Assignment:

- A. What could the complaints be that are mentioned in the text above? Make a list.
- B. Your group of friends would like to participate in the public consultation because you too have some suggestions. What rules do you want to be set for parks?

Group 2: You are part of the local residents' association and you want to take part in the public consultation.

Assignment:

- A. What could the complaints be that are mentioned in the text above? Make a list.
- B. What rules do you want to be set for parks?

Group 3: You represent the municipality.

Assignment:

A. What could the complaints be that are mentioned in the text above? Make a list.

B. Given the important role of the municipality in maintaining the park, what rules do you think there should be in parks?

Group 4:

Scenario: You are part of the Police.

Assignment:

A. What could the complaints be that are mentioned in the text above? Make a list.

B. Given the important role of the Police in ensuring public order, what rules do you think there should be in parks?

Give the groups 10 minutes to prepare their assignments. Once they have finished, they have to present their work to the rest of the participants.

With the whole group analyse:

- Were there rules that were mentioned by all groups?
- How can you explain the common views on rules?
- How can you explain the differences of opinion?
- What does this exercise tell us about the laws governing the public space?
- What should these laws reflect?
- What is the purpose of these laws?

3. The summer trip (15 minutes)

Divide the participants into 4 or 5 groups and present to them the following scenario:

Together with a group of friends, you are offered the opportunity to spend your summer holiday in another country. You are asked to choose from four foreign countries. In order to choose, you are interested to know some of the laws of these four countries.

You will receive a table with laws, for information purpose. Keep in mind that this table refers to five countries and one of them is yours.

You have 10 minutes to talk with your friends about these laws.

A. Decide in which foreign country you want to spend your summer.

B. Can you figure out which of the 5 countries is yours?

After 10 minutes, each group will present their answers and an open discussion will start:

- Was it difficult to figure out which country was yours?
- How difficult was it for you to choose the foreign country in which to spend the summer? What influenced your decision?
- Would it help you to know the laws of a foreign country that you visit?

The following table will be handed to each group.

Contact with the police and other law enforcement bodies	in
Only the law enforcement officers, police, gendarmes or local police (which is a department within the local/municipal authorities), have the authority to ask for a person's ID, no matter if an offence was committed or not. Thus, teenagers, as any other person, should give their identity, if asked. If they refuse or don't have their ID on them, the law enforcement officers can take them to the nearest police station, for identification purposes. Other agents who may have the authority to deal with certain categories of minor offences, such as taking the bus without a valid ticket, have to ask for the assistance of the law enforcement officers to identify those who won't or cannot present their ID.	Country 1
You have to give your name and address and to prove your identity if requested by a police officer. Police has the right to frisk you if they have reasonable grounds to think you have weapons or drugs.	Country 2
Only the Police can issue penalties to children. Minor offences are dealt with outside court. The police have powers to 'Stop and Question' and to 'Stop and Search' any person, including children and teenagers. If stopped by the police, you have to give your name and address, if asked. The police can question, but the person has the right not to answer. The police can 'Stop and Search' when they have 'reasonable grounds' to suspect someone of carrying illegal drugs, stolen property, weapons or something which could be used to commit a crime. Before searching, the police officers have to give their names and police station and reasons for the search. Police also have the powers to ask a person to remove his/her clothing. Only the coat, jacket or gloves can be asked to be removed in public. For removing any other clothes or anything that the person is wearing for religious reasons, such as a veil or turban, the police officer must be the same gender and must take him/her somewhere out of public view.	Country 3
You have the obligation to show your identity card when the police ask (you get it when you are 12 and always have to carry it). Police can ask for it only when they think you are connected to an offence. In addition to the police officers, the municipal authorities have the right to issue penalties for 'nuisance' or 'small crimes'. The municipal authorities have the power to directly respond to public matters such as small vandalism, dropping rubbish or noise at night. Thus, teenagers can get a municipal administrative sanction called 'GAS fines'. The rules regarding the GAS fines differ from one municipality to another.	Country 4
It is mandatory to have an identity card, from the age of 14. From this age, teenagers must show their ID card to the police, if asked. Police can ask for ID only when they have reasons to believe that the person is connected to an offence. Police officers must show their police badge or card.	Country 5

The order of the countries in the above table is:

1. Romania, 2. Italy, 3. England and Wales, 4. Belgium and 5. Spain

4. Evaluation time (5 minutes)

Prepare two large envelopes - on one draw a happy face and, on the other one, a sad face.

Ask the participants to write on a piece of paper what they liked during this session and on another piece of paper what they didn't find interesting. Once they finish, use the two envelopes to collect their views.

SESSION 3

During this session, the facilitator will have a more active role than before, due to the complexity of the topic. The facilitator needs to be highly familiarised with the information from chapter 3, pages 25-35.

1. Introductory discussion – children and the court (5 minutes)

Can children and teenagers go to court? When?

Supporting questions:

- What happens if a child breaks the law?
- What happens if a child is a victim of an offence?
- What if a child witnessed an offence?
- What if a child goes to court if their parents don't agree with important decisions regarding them?

Inform the participants that they will find out more about these topics, however you will start with children breaking the law.

2. Open discussion – Discernment (5 minutes)

[Important note for the facilitator: during this exercise, make sure that you don't mention the age criteria; it's ok if the participants mention it]

- When can children be charged with an offence?
- Inform the participants that, in every country, a child who breaks the law will be charged with the offence if he/she is considered mature enough to be held accountable for an offence.
- What does it mean 'mature enough to be held accountable for an offence'?
- How can we tell that a child is mature enough? How can maturity be measured?

3. Short debate – Age and discernment (15 minutes)

Divide the participants in debating groups of 4 or 6 people.

In each debating group there will be a 'for' team and an 'against' team

Let them know that you'll give them a statement - the 'for' team must argue supporting the statement, while the 'against' team must argue against it.

They have 5 minutes to debate.

The statement is:

“Age is a good indicator of a child’s maturity and should be used to determine if a child will be held accountable for an offence.”

After 10 minutes stop the debate and, together with the teenagers, make a list of pros and cons.

Ask the participants to disregard their previous role (as members in ‘for’ or ‘against’ team). Read the statement again and ask those in favour to raise their hands; count the hands. Ask those against to raise their hands; count them too.

Ask if there is anyone who is neither for nor against.

4. Open discussion – The minimum age for criminal liability (5 minutes)

[Important note for the facilitator: during this exercise, make sure that you don’t mention what the minimum age of criminal liability is in any of these 5 countries, even if the participants ask you]

Inform the teenagers that each country has set a minimum age under which a child is presumed too immature to be held accountable for an offence. Above this age, a child is considered criminally liable.

Child offenders below the minimum age of liability, won’t be held accountable for the offence, but may well be included in a social or educational programme, with a view to prevent them from reoffending.

Let’s see what happens when children above the criminal liability age break the law.

- Do children and teenagers who break the law get punished?
- Does it matter if they were not aware that what they did was an offence?
- What happens if they are found guilty? What punishment do you think they might face? Are these sanctions similar to those for adults?

Inform the participants that the younger the child offender is, the less harsh the sanctions are.

5. Where do I stand? – The minimum age for criminal liability (20 minutes)

Step 1: Each participant is asked to guess what the minimum age for criminal liability is in their country and to write it on a piece of paper or a sticky note.

Step 2: Once everyone has written down their guess, ask them to show it to the others and to form groups based on the age they suggested (for example, all who suggested 9 years old should form a small group, all who suggested 11 should form another group etc.).

Step 3: Organise the groups in ascending order (for example, the group who suggested 10 should be placed after the one who suggested 9. Ask them to imagine what it is like to be that age.

For the next steps, you need to have the information presented in the table “At what age can I BE CHARGED WITH AN OFFENCE and how will I be sanctioned” (see page 28).

Step 4: Start with your country. Indicate the age limits, i.e. the minimum criminal liability, by using a piece of string. Indicate that those who are on one side of the piece of string are not yet criminally liable, while the rest are. Also say what sanctions might be faced.

Step 5: Tell the participants that they will be ‘teleported’ to another country. Check the table for the situation in one of the four other countries and move the piece of string accordingly. Ask the participants what country they think it is. Give them the right answer.

Repeat this step until you have given the age limits in all the four countries.

If they are interested to find out more about the sanctions they might face in different countries, give them some brief points from the table.

Step 6: Open discussion

- Some of you ‘travelled’ without moving, thus without changing the age you represented. You travelled from one side of the thread to the other. How did you feel? How did you feel in relation to the others who didn’t move?
- Some of you stayed on the same side of the thread. How did you feel? How did you feel about the others who moved?
- What have you learnt from this exercise?

[If you organise the activity in a room, you might change steps 2 to 5, by asking the children to stand up when the age is called out.]

6. Evaluation (2 minutes)

Ask the participants to think about a word that describes session 3 – How would you characterise this session? Choose only one word.

Ask them to stand up.

Make a paper plane and throw it to a teenager who has to write on it the word they thought about. He/she then throws the plane to another teenager who is furthest away and, then sits down. The next teenager does the same thing. Continue until there is no one standing up and the paper airplane has everyone’s chose word written on it.

SESSION 4

During this session, the facilitator will have an active role, due to the complexity of the topic. The facilitator needs to be highly familiarised with the information from chapter 3, pages 25-35.

1. Review (2 minutes)

Start with a review of the previous session. Ask the participants:

- What do you remember from our previous discussion?
- What do you remember from the exercise about the minimum criminal liability age, where some of you ‘travelled’ without moving?

2. Read the following statement to the whole group (3 minutes):

“They hang around the streets near my school and they pick on the younger ones, taking their phones or money. The other day they pushed a kid off his bike. He got hurt quite badly. Lately, I have been thinking if I should call the police next time they attack someone else. I sort of think it’s my duty to do so, but I don’t know what will happen if they find out it was me. I am honestly more concerned for my younger brother, because he could be next and I don’t want him to get hurt. What should we do when we see this type of thing? Is it our duty to report it or should we try to stay out of it?”

Start an open discussion about:

- How would you answer this teenager’s question?
- Does it matter if this teenager is female or male?

3. Let’s imagine that the teenager decides to report it and let’s see what will happen next.

The facilitator briefly presents the steps until an offence is sanctioned (2 minutes).

4. Group work – To see, to think, to feel, to need (20 minutes)

Form 3 groups.

- Group 1 has to think generally about a child who is witness to a crime.
- Group 2 has to think about a child offender.
- Group 3 has to think about a child victim.

Each group will think about the situation of the child they represent and they have to write on different pieces of paper (or flipchart pages) what they imagine this child sees, thinks, feels and needs during the proceedings.



The groups have 10 minutes to prepare their answers and then they will present them to the rest of the participants.

Start an open discussion (make sure to explore all the roles children can have – victims, witnesses and offenders):

- Where will the child (victim/witness/offender) go?
- What institutions will they encounter?
- Who might the child witness meet during the process? What about the child victims? What about a child offender?

[Write, on a separate list, the people that children might meet during the proceedings, starting from the answers of the participants]

- What is the role of these specialists? How will might these specialists behave?
- Besides specialists, what might the role of parents/family members be?
- How might a child (victim/witness/offender) feel during the proceedings? Are there common feelings, no matter the role of the child?
- What might be particularly difficult for the child? Think about the formal settings, the strange language and unfamiliar words, possible intimidation, sometimes repeated hearings, the child's lack of confidence, the child's feelings of shame, guilt or fear.

As a conclusion, highlight how important it would be if a child was informed about what might happen. Highlight how important it is to ask for support. See pages 33-35 for more details.

Keep the pieces of paper/flipchart pages for everyone to see, for the next exercises.

5. Let's talk more about the situation of child and teenage offenders (5 minutes)

In most countries, teenagers are put on trial in special courts. They are usually in non-public sessions and efforts are made to protect the child's identity and image. These types of measures protect the teenage offenders.

- Why do you think this happens?
- Why might teenage offenders need protection?
- What might be particularly difficult for teenage offenders?
- Besides the examples mentioned, what else could help teenage offenders to overcome these difficulties?

6. Let's talk more about the situation of child and teenage witnesses (5 minutes)

- What might be particularly difficult for a child/teenage witness?
- What could help a teenager to overcome these difficulties?
- What skills might a teenager need in order to overcome these difficulties?
- If called, can a child witness refuse to give evidence?

Clarify the situation: it depends from country to country. For example, in Belgium and Italy, a child witness can refuse to give evidence, while in Romania, Spain and the UK they can't. You can use the table from page 27.

- Is it fair that in some of the countries a witness is obliged to give evidence, while in others there is no such obligation? Do you think that a minimum age for giving evidence is needed?

7. Let's talk more about the situation of the child victim (5 minutes)

- What might be particularly difficult for a child/teenage witness?
- What could help a teenager to overcome these difficulties? [Protection]
- What skills might a teenager need in order to overcome these difficulties?
- Is the age of the child victim important? If so, why?

Highlight the impact age has on the severity of the sanction – e.g. in relation to some offences, the younger the child victim is, the harsher the sanctions for the offender are.

8. Conclusions – protection and support (2 minutes)

Make a summary of the protection mechanisms/measures suggested by the participants.

Inform the participants about some of the protection measures developed by countries (see pages 33-35).

It is very important to make sure that teenagers who come into contact with the law, no matter if victims, witnesses or offenders, are aware that protection measures are available. They need to be encouraged to ask for information about their case, their rights and the protection measures that are available to them. Moreover, they need to be empowered to ask for such protection measures.

9. Family law (10 minutes)

Remind the participants that sometimes, when parents do not agree about decisions regarding their children, teenagers can go to court. Teenagers have the right to be heard in relation to matters affecting them and so sometimes they will be asked to give their view in court

Children will work in pairs. Point them to the table "At what age can I be heard by the court in relation to family issues" (see page 27) and to the text of the article 12 of the Convention:

You have the right to express your views freely in all matters concerning you. Your views will be taken into account in accordance with your age and maturity. You shall be heard in any judicial or administrative proceedings affecting you, directly or through a representative. (Article 12)

Ask them to work in pairs for 5-7 minutes

Assignment:

A. Look at the situation for your country and decide if it respects the text of the article 12 of the Convention.

B. Look at the remaining 4 countries. Which one is the most different from your country? Why?

Ask the teenagers if any pair wants to share their findings with the rest of the group.

10. Evaluation (5 minutes)

Draw a backpack and a rubbish bin on the board.



The backpack represents what teenagers have learnt and will leave with after the sessions about protection from violence (these could be things related to the session, but also to skills, knowledge, attitudes). The rubbish bin is what they want to leave behind (these could be things related to the session, but also to their own prejudices, beliefs or attitudes). Each teenager receives two post-it notes (preferably of different colours) – on one of them to write what they want to take in their backpack, and on the other one what they want to throw at the bin. Afterwards, ask them to stick their notes on the board. When all notes are collected, let the teenagers know that they might share any of their comments with the whole group, if they want to do so.

Other activities

Case study – Protection of child offenders

Note:

- Under Romanian law, children younger than 14 cannot be charged with a crime and
- special measures should be taken to ensure the protection of child offender's identity

Case study:

A national newspaper published an article under the title “The criminal-child, students’ ‘fear”. It explains how parents from a small town threaten to move their children from the school if the young T.G. is enrolled there.

The full name of the 14 year-old boy and his un-blurred photo were published in the article, as well as information about him committing a murder the previous year.

In this case, the crime was committed when the boy was 13. The intense media attention given to the case resulted in rejection by the community. Another child said: “I agree to be T.’s class-mate, but my father doesn’t agree”.

There were 574 Google results when searching the first name of the child or the expression “criminal child” .

In groups, discuss the case of the young T.G.:

- Is the reaction of the community fair?
- What could have been done differently in this case?



Annexes

ANNEX 1 – Legislation and support in relation to violence against children

Legislation



Belgium (Flanders region)

All types of abuse, violence and neglect of children, that take place at home, in the family, schools and other institutions, religious places, sport-centres, neighbourhood, or at leisure places are prohibited. However, the “educational smack” is not prohibited in the family environment and parents can lightly smack their children. Nevertheless, if the child is severely injured, the authorities might intervene and it’s up to the court to decide if parents went too far and if they have to suffer consequences.

Belgium legislation about cyber space violence punishes the ‘online grooming’ with one to five years of prison.

Each child’s moral, physical, mental and sexual integrity has to be respected. This is written in the Constitution.

All the persons, including doctors, who discover a situation of abuse, have to report it to the authorities (police-prosecutor). They can be prosecuted if they don’t comply with this obligation to talk.

Domestic violence also is prohibited by law (it became a serious crime) and the victims are offered protection: the aggressor can be immediately evacuated from the house, can be obliged to keep a minimum distance or to follow a counselling programme; the rest of the family receives free counselling and support services.

In the penal law some articles are punishing the spreading of pornographic sites on internet

Children dealing with problems have the right to obtain specific help (youth help). Youth help is available to every child who needs care, and the government has the duty to act and ensure the safety of the children.

Children can receive volunteer or judicial help (youth court) for a placement in an institution.

In Belgium, any form of discrimination can be prosecuted. Also, in school-regulations it is mentioned that every youngster has the right to have his own identity and that there will be no discrimination.

Support

Central number for emergency centre, for Flanders: number 1712 (every day, from 9.00 to 17.00; free of costs).

In Flanders there are ‘Trust-centres’ (Vertrouwenscentra) for children who are abused by family or by people outside the family. Teams of specialist doctors, psychologists, therapists and social workers offer help to children and their family. They collaborate with police and youth prosecutor so that the last one can intervene when the aggressor does not stop.

There is the child for help-telephone-line for free for youngsters in the great cities of Flanders. Adults listen to children and give advice.

TELE-Reception is a telephone support network where volunteers listen to all type of problems day and night, 7days a week.


There is a child-ombudsperson (Kinderrechtencommissariaat) in Flanders for the Flemish Community and a French ombudsperson for the French Community of Belgium. They listen to the complaints, try to involve in the helping circuit and also try to influence the parliament and global society with writing advices and articles in the different newspapers.


TEJO, www.tejo.be, is an initiative in Antwerp to solve the problem of long waiting lists for children in need for psychological support and gives free based therapy, anonymous and for free.


In addition, don’t forget about: Centres for Global Welfare (CAW); Centres for coaching students at school (CLB); Youth Advise Centres (JAC); Centres for Mental Health (CGG); Public Centres for welfare in society (OCMW); Victim aid centres by police, court or global welfare centres (Slachtofferhulp); self-support groups; and doctors and psychologists.


Websites:

www.jongerenwelzijn.be; www.vlaanderen.be/jeugd hulp;
www.agentschapjongerenwelzijn.be; www.osbj.be;
www.steunpunt.be; www.kindermishandeling.be ;
www.kinderrechtencommissariaat.be;
www.caw.be; www.tejo.be; www.sensoa.be;
www.tele-onthaal.be; www.awel.be;
www.vlaanderen.be/rechtspostie/;
www.vertrouwenscentrum.be; www.co3.be;
www.4wvg.vlaanderen.1712.be;
www.woonverbodpedofielen.be;
www.slachtoffer-hulp.be; www.kinderrechtencoalitie.be;
www.kinderrechten.be; www.ocmw.be;
www.yarvlaanderen.be; www.gelijkekansen.be

Legislation	Support
<p data-bbox="185 206 325 259"> Italy</p> <p data-bbox="185 295 759 385">In Italy, each person has the right to be protected within the family. This right is developed in the Constitution.</p> <p data-bbox="185 421 798 577">There isn't a law prohibiting explicitly the use of violence against children, nevertheless offences such as injuries, beatings, insults, violence or threats are prohibited by law, fact that protects all persons, including children.</p> <p data-bbox="185 613 804 770">Several laws have been approved to protect children, for example, there is a law on paedophilia and sexual exploitation. There also are some provisions aimed to protect children from the abuse of correction and discipline means (art. 572 of the criminal code).</p> <p data-bbox="185 806 715 833">The violent parent is removed from the home.</p> <p data-bbox="185 869 730 994">There is a National Commission responsible with coordinating the interventions in cases of mistreatment, abuse and sexual exploitation of children.</p> <p data-bbox="185 1030 772 1187">Bullying is a crime and also a civil offence. It might refer to such acts as: insults, teasing, defamatory rumours, false accusations, racism, robberies, extortion, threats, aggressions, private violence, exclusion from the game or damage to objects.</p> <p data-bbox="185 1223 791 1312">Bullying also is a civil offence. The victims of bullying can receive compensations; for this they have to contact a lawyer and to start a civil lawsuit.</p> <p data-bbox="185 1348 820 1473">If the aggressor is an adult, then he/she bears the responsibility. If the aggressor is a child, then he/she bears a part of the responsibility, sharing it with his/her parents or teachers and the school.</p> <p data-bbox="185 1509 810 1568">The aggressor can pay compensation to the victim or can even go to jail.</p> <p data-bbox="185 1603 810 1760">The cyber-bullying is the other face of the bullying; its actions are cyber-harassment or cyber-stalking. In these cases, it is more challenging to identify and punish the aggressor; nevertheless cyber-bullying is a crime and support exists.</p> <p data-bbox="185 1796 817 2047">Italy has a law for the protection against discrimination motivated by racial, ethnic, national or religious conditions (Law 205/1993).The following article of the Italian Constitution applies regardless of age, sex and nationality: "The Republic recognizes and guarantees the inviolable rights of person, as an individual or in social groups where he/she expresses his/her personality".</p>	<p data-bbox="829 206 1232 232">The police and judicial authorities.</p> <p data-bbox="829 268 1430 358">The free of charge phone number "114 Emergency of Minors" to report emergencies and dangerous situations involving children.</p> <p data-bbox="829 394 1455 582">The service is active 24 hours and it is managed by "Telefono Azzurro" (Blu Telephone), a national not for profit organization. A qualified professional receives the request for help, provides psychological support and immediately alerts the services and local institutions.</p> <p data-bbox="829 618 1378 676">"Telefono Azzurro" has another phone number: 199151515.</p> <p data-bbox="829 712 1327 770">MOIGE – Movimento Italiano Genitori (Italian Movement of Parents): 800933377</p> <p data-bbox="829 806 1410 963">To report bullying and to receive support: website www.smontailbullo.it and a specific number 800669696 (active from Monday to Friday, hours: 10:00 – 13:00 and 14:00 – 19:00). Qualified professionals will advise you what to do.</p> <p data-bbox="829 999 1442 1057">You can report even writing an e-mail to the address bullismo@istruzione.it</p> <p data-bbox="829 1093 1461 1191">There are several websites that provide advices to prevent the cyber-bullying (advices for children and for parents); e.g.: www.informagiovani-italia.com</p> <p data-bbox="829 1227 1474 1285">www.citta-invisibile.it (Psychology site dedicated to the protection and to the safe web surfing by minors)</p> <p data-bbox="829 1321 1442 1379">In case of child pornography, you can make a report even through the web:</p> <p data-bbox="829 1415 1270 1473">Polizia di Stato (State Police) www.denunceviaweb.poliziadistato.it</p> <p data-bbox="829 1509 1372 1568">HOT114 (site that cooperates with the Police): www.hot114.it</p> <p data-bbox="829 1603 1430 1662">On the site you can find some templates that you'll have to fill in order to report the problem.</p> <p data-bbox="829 1697 1461 1948">Report discrimination to the Contact Centre of UNAR, the National Office against Racial Discrimination, at www.unar.it or at the phone number 800901010. The Contact Centre provides the specific procedure that should be initiated in each case. The case is closed when it is re-established the principle of equality or through compensation or through the elimination of discrimination.</p>

Legislation	Support
<p data-bbox="124 208 312 259"> Romania</p> <p data-bbox="124 297 695 421">All types of abuse, violence, exploitation and neglect of children (including cyber-bullying, humiliating behaviours, labour exploitation, forced begging etc.) are prohibited.</p> <p data-bbox="124 456 687 517">Any person (including any child) or institution can report the cases of violence.</p> <p data-bbox="124 553 676 676">Any professional who, during his/her job, enters in contact with children and notices or suspects that a child is subjected to violence is obliged to report the situation to the authorities!</p> <p data-bbox="124 712 676 801">Domestic violence is prohibited by law. The victims of violence are entitled to protection and shelter:</p> <p data-bbox="124 837 671 927">* free care (including medical care and shelter), free counselling and support services (including free legal support) for the victims</p> <p data-bbox="124 963 663 1187">* protection order: temporary evacuation of the aggressor from the house or limiting the aggressor's access to the entire or parts of the house; limited contact (keeping a minimum distance; limiting the phone contacts); obliging the aggressor to go through a counselling programme or a rehab programme.</p> <p data-bbox="124 1223 695 1794">All forms of discrimination are prohibited. The legal definition of discrimination covers: any difference, exclusion, restriction or preference based on race, nationality, ethnic origin, language, religion, social status, beliefs, gender, sexual orientation, age, disability, chronic disease, HIV positive status, belonging to a disadvantaged group or any other criterion, aiming to or resulting in a restriction or prevention of the equal recognition, use or exercise of human rights and fundamental freedoms in the political, economic, social and cultural field or in any other fields of public life (Governmental Ordinance No 137/2000). There are for sanctions for cases when, based on the above mentioned criterion, a person or a group of persons is denied the access to public or private education, public health system, culture and leisure.</p>	<p data-bbox="711 201 1225 230">The cases of violence should be reported to:</p> <ul data-bbox="711 266 1370 517" style="list-style-type: none"> • the General Departments of Social Work and Child Protection (Direcția Generală de Asistență Socială și Protecția Copilului), in each county; Check the one in your area: www.copii.ro/directii.html • the Police • the emergency number 112 <p data-bbox="711 553 1385 642">Child Helpline: 116.111 (it's a free short-number, but it can only be called from Telekom network, between 08 am -12 pm), for receiving advice and reporting cases.</p> <p data-bbox="711 678 932 707">For Internet safety</p> <p data-bbox="711 743 927 772">*For asking advice</p> <p data-bbox="711 808 1370 1032">Internet helpline (between 10am and 17pm): 0744 300 476 or 0762 639 300 or 0722 753 744 (normal tariff); 031.80.80.000 (free if called from a Digi Tel and Digi mobil); E-mail: helpline@sigur.info; YM: helpline_sigurinfo; Skype: helpline.sigur.info</p> <p data-bbox="711 1068 871 1097">*For reporting</p> <p data-bbox="711 1133 1166 1193">Tel: 021 310 31 16; Fax 021 312 71 16 Email: raportare@safernet.ro</p> <p data-bbox="711 1229 1401 1319">Some NGOs active in the area of violence: Save the Children (any type of violence), FOCUS (internet safety); SensiBlue Foundation, APFR, ARTEMIS (domestic violence)</p> <p data-bbox="711 1355 1385 1444">Any person who considers that he/she was discriminated may file a complaint to the National Council on Combating Discrimination:</p> <p data-bbox="711 1480 1370 1541">E-mail: support@cncd.org.ro; Phone: +4 021 312.65.78; +4 021 312 65 79; Fax: +4 021 312 65 85</p> <p data-bbox="711 1576 1315 1637">Address: Piata Walter Maracineanu nr 1-3, sector 1, 010155 Bucuresti</p> <p data-bbox="711 1673 1370 1733">(The headquarters of the Council is in Bucharest and two regional offices were opened in Targu Mures and Buzau)</p> <p data-bbox="711 1769 1385 1924">A NGOs active in cases of violation of the rights of children with disabilities is the European Centre for the Rights of Children with Disabilities (Centrul European pentru Drepturile Copiilor cu Dizabilități): www.cedcd.ro/contact; e-mail: office@cedcd.ro</p> <p data-bbox="711 1960 1315 2020">Other NGOs active in the field of human rights: CRJ, APADOR-CH, Accept (for issues related to LGBT)</p>

Legislation	Support
<p data-bbox="193 210 341 259"> Spain</p> <p data-bbox="193 297 743 421">Spain has a law regarding domestic violence, which also offers protection to children: children have the right to social, psychological and educational support.</p> <p data-bbox="193 459 754 707">Courts are empowered to hold closed door hearings before trial and evict men from their homes; suspend parental rights, child custody, or visitation rights; and bar men from possessing weapons. However, these measures can be taken by the court if specific conditions are met (Ley Orgánica 1/2004 de Medidas de Protección Integral contra la Violencia de Género).</p> <p data-bbox="193 745 730 835">If anybody suffers or observes violence, he/she must report it to the authorities (police; the emergency number 112).</p> <p data-bbox="193 873 663 931">Violence against children is punished, for example:</p> <ul data-bbox="193 969 751 1697" style="list-style-type: none"> • Child maltreatment (any form) is punished with prison between 6 months to 3 years. • Sexual violence against children are sanctioned with prison between 1 and 20 years, depending on the type of sexual violence and the age of the child. • Those who possess materials (photos, videos, digital images etc.) depicting child pornography (with children, under 18 years old) are punished with 1 year in jail. • The production, selling and distribution of such materials is prohibited and is punished with up to 8 years of prison in case children were younger than 13, and with up to 4 years of prison in case the children were under 18. • Punishments also apply in case of morphing the materials so that they appear to depict children. 	<p data-bbox="778 203 1015 230">PUBLIC SERVICES</p> <p data-bbox="778 266 1067 293">Emergency number: 112</p> <p data-bbox="778 329 1457 421">Police: GRUME: is a special police group that works with children. They work in collaboration with public and private institutions related to the problems of children.</p> <p data-bbox="778 459 956 486">www.policia.es</p> <p data-bbox="778 521 1182 548">Ombudsman: Defensor del Pueblo</p> <p data-bbox="778 584 1466 645">900 10 10 25 (free line) and 91 432 79 00 (available 24 h); registro@defensordelpueblo.es; www.defensordelpueblo.es</p> <p data-bbox="778 745 952 772">Internet safety</p> <p data-bbox="778 808 1457 869">Guardia Civil has a specialised group that fights against child pornography on the internet: www.gdt.guardiacivil.es</p> <p data-bbox="778 904 1445 996">Special police group combating sexual exploitation on the internet and child pornography: denuncias.pornografia.infantil@policia.es</p> <p data-bbox="778 1032 1425 1059">Centre for Internet Safety: www.centrointernetsegura.es</p> <p data-bbox="778 1095 1393 1155">SOME NGOs THAT CAN HELP YOU IF YOU NEED ADVICE OR TO REPORT VIOLENCE:</p> <p data-bbox="778 1191 1353 1252">Any form of abuse: Fundación Anar, 900 202 010 (anonymous, free, available 24 hours);</p> <p data-bbox="778 1288 1445 1413">Helplines designed to offer support in cases such as child pornography on internet, cyber-bullying, racial hatred, school bullying etc: e-mail: contacto@protegeles.com; phone : 0034.91.74.00.019</p> <p data-bbox="778 1449 1278 1476">www.protegeles.com/lineas_de_ayuda.asp</p> <p data-bbox="778 1512 1461 1572">Discrimination against LGBT people: Federación Estatal de Lesbianas, Gays, Transexuales Y Bisexuales.</p> <p data-bbox="778 1608 1228 1635">www.felgtb.org/consultas-y-denuncias</p> <p data-bbox="778 1671 1434 1731">Discriminations on the basis of nationality: SOS Racismo are present in almost every city.</p> <p data-bbox="778 1767 1445 1794">www.sosracismomadrid.es/web/sos-racismo-en-espana/</p>

Legislation	Support
<p data-bbox="124 208 244 259"> UK</p> <p data-bbox="124 297 735 327">Domestic violence is a crime and should be reported.</p> <p data-bbox="124 360 683 421">Children can also be indirect victims of domestic violence.</p> <p data-bbox="124 454 735 613">Domestic violence is any incident or pattern of incidents of controlling, coercive, threatening behaviour, violence or abuse between those aged 16 or over who are, or have been, intimate partners or family members regardless of gender or sexuality.</p> <p data-bbox="124 647 719 707">The abuse can encompass, but is not limited to: psychological, physical, sexual, financial, emotional.</p> <p data-bbox="124 741 751 900">'Right to Ask' (as from March 2014): a person can ask police to check whether a new or existing partner has a violent past. If records show that the person may be at risk of domestic violence from a partner, the police will consider disclosing the information.</p> <p data-bbox="124 934 703 1025">The police and magistrates have the tools to put in place protection in the immediate aftermath of a domestic violence incident:</p> <ul data-bbox="124 1059 727 1218" style="list-style-type: none"> • The perpetrator can be banned with immediate effect from returning to a residence and from having contact with the victim for up to 28 days, allowing the victim time to consider their options and get the support they need. <p data-bbox="124 1319 751 1440">The law doesn't specifically requires professionals to report suspicions about child abuse, nevertheless, the NSPCC advises professionals to do so and not to wait to be certain.</p>	<p data-bbox="770 203 1366 295">All schools must have a designated child protection person. This person can be approached in the first instance.</p> <p data-bbox="770 329 1370 389">Health sector organisations have designated nurses and doctors who deal with child protection issues.</p> <p data-bbox="770 423 1347 483">Anyone who has a concern about the welfare of a child should contact either:</p> <ul data-bbox="770 517 1331 775" style="list-style-type: none"> • their local authority child protection team - a telephone number including an out-of-hours contact should be publicly available • the NSPCC on 0808 800 5000 e-mail: help@nspcc.org.uk or text 88858 • in case of an emergency, the police <p data-bbox="770 808 1342 900">Referrals made to the NSPCC and the police are passed on, as appropriate, to local authority child protection teams.</p> <p data-bbox="770 934 1401 1155">ChildLine is a private and confidential service for children and young people up to the age of 19. Young People can contact a ChildLine counsellor about anything - no problem is too big or too small. The calls are free and there are options for 1-2-1 chats online or by email. http://www.childline.org.uk/</p> <p data-bbox="770 1189 1377 1379">Young Scot is a website set up specifically for young people to learn about and understand their rights in all sorts of contexts including Bullying, Text Bullying and Internet safety and It is full of things that young people want to know about and should know about. https://www.youngscot.org/info/your-rights-the-law</p> <p data-bbox="770 1413 1401 1760">Get Help, Get Connected: is the UK's free, confidential helpline service for young people under 25 who need help, but don't know where to turn. Young people can be in contact by free phone, text, email, webchat. This website is supported by a well-known Phone business. There is also a supporting phone app. ('You can also find help on our FREE Get Connected app. Download it now for iOS - iPhone/iPad - or android'). Specific areas covered include bullying, harassment, gender and sexual identity. http://www.getconnected.org.uk/get_help/</p>

The Single Equality Act 2010 and the Public Duty (to create a fairer and more equal society) mean that schools and other public bodies have to be more proactive and to go beyond non-discrimination by advancing equality.


Schools have the duty to prevent and tackle all forms of bullying, including homophobic bullying and they cannot discriminate on grounds of sexual orientation or perceived sexual orientation against a student or teacher.


Disability UK: is a good place to seek help if the child you are working with has a disability. The legislation applies to and protects all children. There might be special advice or help for a child with a disability.
<http://www.disabilityrightsuk.org/how-we-can-help>

Brook is an organisation offering confidential information for under 25's, in person at a centre, or telephone, text, email ('You have the right to get all the information you need so that you can make informed choices about what's right for you. You also need to know when the law will make those choices for you. Here you can find information about how old you have to be to do certain things, what will happen if you do them anyway, where to turn to for help and where to complain if you aren't treated with the respect you deserve.'). The site offers various information, including on sexual health services, sex, relationships and your rights, confidentiality, discrimination.
<http://www.brook.org.uk/>

Stonewall is a professional lobbying group that campaigns for equality of gay men, lesbians and bisexual people through political and practical means. Their website provides information on all sorts of area such as hate crimes, coming out and bullying and harassment in schools.
<http://www.stonewall.org.uk/>

ANNEX 2 – Legislation and support in relation to the contact with the law and justice systems

Legislation	Support
<p> Belgium (Flanders region)</p> <p>Youngsters can have contact with the Youth police, a special unit in the police who are trained or educated (social assistants) to have easier contact with children and mediate with the family and the youngsters to solve problems.</p> <p>Youngsters have to pay fines together with their parents. Sometimes the prosecutor or the judge ask for alternative sanctions like restorative justice where youngsters participate in restorative mediations where they take finally responsibility for the things they did wrong and to apologize to the victim(s) and to work to collect some money to pay the damage they made.</p> <p>Youngsters can have a free specialised youth lawyer to defend them.</p> <p>There is a special youth prosecutor who defends the minor person and society in the court and gives advice to the youth judge. All the cases involving youngsters come before the Family court, since September 2014.</p> <p>Penal responsibility at 18. From 14 years a child can come before the youth court and get alternative sanctions or placed in an institution or child prison. The parents are civil responsible or the damage of their minor children. At 16 the youth judge can decide to bring a child before the penal court for adults, if pedagogical treatment is not working.</p> <p>Youngsters have civil responsibility from the age of 12 years old. From 12 years a child can be heard in the court, in civil cases (for example, in custody matters after divorce of the parents), but her/his views will be considered an advice that the judge is not obliged to follow.</p> <p>In civil cases, the youngster cannot be a judicial person before the court and they will always be represented by their parents before the court. Only in penal cases children can have a judicial position.</p>	<p>Youth police.</p> <p>Specialised youth lawyer.</p> <p>If you are a witness and you want to give evidence, special support measures will be taken. You'll be heard only once, in a police station and your story will be video recorded and showed in court. Only in exceptional situations, the judge might call you to court to present your story again. If this happens, psychological support is available for you and will be heard only in the presence of the judge and lawyers. Everyone else present in the court has to leave the room while you are heard.</p> <p>Websites:</p> <p>www.jeugdadvocaat.be</p> <p>www.comitévoorderechtenvanhetkind.be</p> <p>www.kinderrechtencommissariaat.be</p> <p>www.kinderrechtencoalitie.be</p> <p>www.decreet.rechtspositie.be</p>

Legislation	Support
<p data-bbox="193 398 323 454">  Italy </p> <p data-bbox="193 488 815 551">In event of the parents' divorce, the right of children to be maintained by both parents remains unchanged.</p> <p data-bbox="193 584 815 837">With regard to criminal matters, the Italian penal code has set the threshold for responsibility (the possibility of being drawn in the judgment in the context of a criminal trial) to 14 years, establishing a baseline of absolute ineligibility under this limit. The minor between fourteen and eighteen who commits a crime, is considered on the basis of his/hers ability to discernment and capacity to understand.</p> <p data-bbox="193 871 770 934">Child offenders can receive sanctions that are less severe than those provided for adults.</p> <p data-bbox="193 967 743 1061">The court may annul the offence after a certain probation time during which the child has demonstrated repentance and personal growth.</p> <p data-bbox="193 1095 823 1442">The law provided for minors the right to have the trial before a specialized organ (the Juvenile Court), the right of defence and self-defence, the right to emotional and psychological support guaranteed at every stage and level of the proceedings, the right to privacy (which implies the prohibition to publish and disseminate by any means, news or images which will allow the identification of the child involved in the proceedings; the disclosure of the identity of the author of a crime can be severely hinder the search for the building of a positive future social position).</p>	<p data-bbox="839 394 1461 517">The most important judicial authority for the protection of children is the juvenile court, with civil, criminal and re-educational responsibilities. The juvenile courts are based on the principle of specialisation.</p> <p data-bbox="839 551 1445 741">The juvenile court is composed of four members, older than 30 years of age: two of whom are judges and two lay members (one man and one woman social care experts, chosen from among persons with specialisation in biology, psychiatry, criminal anthropology, pedagogy or psychology).</p> <p data-bbox="839 775 1461 931">The section of the Juvenile Court of Appeal judges instead on appeals of the orders of the juvenile court. It judges with the intervention of five members: two lay experts with the above requirements in addition to the three judges of the section.</p> <p data-bbox="839 965 1430 1028">Every prosecutor's office at the juvenile court has a specialised section of the judicial police.</p> <p data-bbox="839 1061 1461 1319">Children, as all citizens, have the right to be defended. As established in the Article 24 of the Constitution, the defence is available to all those who wish to assert their legitimate rights and interests. As an inviolable right, the State must guarantee to the poor, through appropriate institutions, the appropriate resources for action and defence in front of each jurisdiction. The right to defence is in the category of inviolable rights.</p> <p data-bbox="839 1352 1461 1509">The public social services have the duty to support people in trouble to overcome all the negative conditions that impact on human development and on an acceptable living conditions; it has to cooperate with the juvenile court.</p>



Romania

In Romania, most of the acts against public order are considered minor offences. Minor offences fall under administrative law and not under the penal law. The minimum age of responsibility, in case of minor offences is 14 and the sanctions that may be applied in case of minor offences are: warning, payment of a fee, community work. The last sanction may not be applied to children under 16, while, in case of the fee, the upper and lower limits are reduced by 50% in cases with child offenders.

When it comes to minor offences/public order, the authority to ascertain the offence and apply the sanction usually belongs to law enforcement agents (police officers, gendarmerie officers), but other agents may also have this authority for certain category of offences (such as travelling the public transportation without a valid ticket, when this authority belongs to traffic controllers employed by the public transport operators).

Only law enforcement officers have the authority to ask for the ID of a person (be it a child or an adult and no matter if an offence was committed or not). Should the person refuse to present the ID (or not have the ID upon him/her), the law enforcement officers have the authority to lead the person to the nearer police station for identification purposes. Other agents that may be competent for certain categories of minor offences must ask for the assistance of the law enforcement officers in order to identify the offenders who won't or cannot present the IDs.

Children in conflict with the law

Children under the age of 14 are not criminally liable. Children between 14 and 16 years of age are criminally liable only if it is proven that they committed the penal act with discernment, while children older than 16 are criminally liable under the law (unless, same as for the adults, it is proven that at the time when the penal act was done, the offender did not have discernment).

With the new Penal Code (February 2014) a major improvement appears related to the consequences of the penal responsibility of children, namely the complete renunciation to punishments applicable to criminally liable minors in favour of educative measures. Therefore, under the new Penal Code, in case of a child who, at the time when the penal act was committed was between 14 and 18 years of age, a non-custodial educative measure is to be imposed. It is also possible to apply a custodial educative measure, but only in cases where the child had committed another penal offence for which an educative measure was applied and implemented or started to be implemented before committing the penal offence for which the child is on trial or/and the punishment established under the law for the penal offence committed is imprisonment for more than 7 years or life-time detention.

The Penal Procedural code provides for several safeguards for children in contact with the law:

- In case of children **victims**, the legal assistance is mandatory. If the child does not have their own attorney, an ex-officio one will be designated by the judicial authority.
- In case of children who take part in the penal trial as **witnesses**, the safeguards depend on the age of the child. For witnesses under 14, their hearing must take place in the presence of the parents/legal guardians, except when the latter are also taking part in the trial (as offenders, victims, witnesses etc.). In such cases, the child is assisted by a representative of the tutelary authority or by a close relative appointed by the judiciary. Upon the request of the child or by its own initiative, the court or the judicial body may request that a psychologist is present during the hearing. In case of all minor witnesses, the prosecutor or the court may decide to grant them the statute of vulnerable witness, which entails supplementary safeguards ranging from ensuring their safety during the trips to and from the hearing to having them heard without being present in the court room (through audio-video technique), or even protecting their identity.

The non-custodial educative measures are, in growing order of their respective gravity:

- The civic training stage: consists in the child's obligation to attend a program with a maximum length of 4 months, meant to helping him/her understand the legal and social consequences that he/she is facing when committing a penal offence and to make him/her responsible for his/her future behaviour. The probation service coordinates the organization of the civil training stages and also ensures the participation and the surveillance of the child during the training, without affecting child's schedule for school or vocational training. The surveillance: controlling and guiding the child in the framework of his/her daily programme for a period between 2 and 6 months, under the coordination of the probation service, in order to ensure the child's attendance in school or vocational training and to prevent his/her involvement in certain activities or the contact with certain persons that might affect the process of his/her rehabilitation.
- The weekend gate: consists in the child's obligation not to leave the house on Saturdays and Sundays, for a period of between 4 and 12 weeks, except for the case where, during this period, the child has an obligation to attend certain programmes or to do certain activities decided upon by the court. The weekend gate is coordinated by the probation service.
- The daily assistance: consists in the child's obligation to respect a schedule decided upon by the probation service and that includes the time table, the conditions under which the activities should be done and the interdictions imposed to the minor. The length of the daily assistance could be between 3 and 6 months and its implementation is coordinated by the probation service.

Beside the non depriving of freedom educative measures, the court may also impose to the minor specific obligations, generally similar to those that might apply to adult offenders to whom a non depriving of freedom sanction is imposed, but their content shall be adapted to the person of the child and the specificity of the penal offence committed. These obligations may be: to attend school courses or vocational training; not to cross without the agreement of the probation service the territorial boundary established by the court; to avoid certain places, sport or cultural events or other public gatherings decided upon by the court; not to approach or communicate with the victim or thereof family members, with other perpetrators of the offence or with other persons decided upon by the court; to be present at the probation service on the dates established by this service; to respect the control, treatment and medical care measures.

If the child disobeys ill-intentionally the conditions of executing the educative measure or the imposed obligations, the court may decide:

- Prolonging the educative measure, within the maximum limit provided under the law;
- Replacing the previously imposed measure with another harsher non-custodial educative measure;
- Replacing the educative measure previously imposed with the internment in a re-educative centre provided that the harsher non-custodial educative measure at its highest length had been imposed.

- In case of child **offenders**, the legal assistance is also mandatory. An ex-officio attorney is appointed by the relevant judicial authority whenever the child offender doesn't have a selected attorney. During the penal investigation (before the case reaches the court), for every procedure when the child is in contact with the investigators, the judicial body in charge must subpoena the parents/legal guardians as well as the general department of social work and child protection. However, if the above mentioned stakeholders, although legally subpoenaed, are not present, the procedure can take place. Similar safeguards are in place during the court procedures: the parents/legal guardians and the probation service must be subpoenaed, but their absence doesn't stop the court procedure.

The General Departments of Social Work and Child Protection (*Direcția Generală de Asistență Socială și Protecția Copilului*) act in each county and are entitled to offer support to children coming into contact with the law. Check the one in your area:
www.copii.ro/directii.html

The new Penal Code regulates two custodial educative measures:


- The internment in an educative centre: for a time length between one and 3 years.
- The internment in a detention centre for a time length between 2 and 5 years, or, exceptionally, between 5 and 15 years. The internment in a detention centre for a time length between 5 and 15 years may be applied only in case of severe penal offences punishable under the law with lifetime detention or prison of at least 20 years.

Family law

As a general rule, the parental authority (the rights and obligations regarding the person and the propriety of the child) belongs to both parents and it must be exercised only for the best interest of the child. This rule applies no matter if the parents are married or not or if they live together or not. Cases when the parental authority belongs only to one of the parents are exceptions and must be based on a court decision in this sense. When the parents don't agree on how to exercise their parental authority, the court decides in the best interest of the child, after having heard the parents, the child and taking into account the conclusion of a social inquiry report.

When deciding upon the exercise of the parental authority (custody, visitation rights etc), the court has an obligation to hear the child over 10 years of age, but may decide to also hear the child younger than 10 if the court deems that this is necessary for reaching a just solution to the case.

In family law matters, in order to protect the child and ensure a child friendly environment for the procedure, the hearing of the child is not public and it doesn't take place in the court room, but in the council chamber (usually the office of the judge, since not many Romanian courts have separate council chambers). If necessary, the child may be assisted by a psychologist during the hearing.

Legislation	Support
<p data-bbox="193 210 341 259"> Spain</p> <p data-bbox="193 297 293 322">Civil law</p> <p data-bbox="193 360 1035 483">When there is a divorce decision made by a judicial authority (in accordance with the articles 90-106 of the Civil Code), this decision must include attribution of custody and visitation agreements for the sons and daughters of the other natural parent.</p> <p data-bbox="193 521 999 613">The law mentions that the judicial authority must take into account the child opinion if the child is more than 12 year old, (but in practice this does not always happen).</p> <p data-bbox="193 651 472 676">Contact with the police</p> <p data-bbox="193 714 1007 772">Children older than 14 years old must to show their ID card to police, if asked.</p> <p data-bbox="193 810 1002 869">If a child older than 14 commits and illegal act, he/she can be arrested by the police; the police notify the judge and parents.</p> <p data-bbox="193 907 992 1028">Children must be held in separate police facilities and their holding in cells must be avoided as much as possible. Furthermore, handcuffing children should be avoided, unless the situation is deemed to require such measure.</p> <p data-bbox="193 1066 1018 1158">Visits from children’s families/guardians/legal representatives must be allowed; however, adequate measures must be taken to make sure that these visits are not affecting police investigations.</p> <p data-bbox="193 1196 1023 1254">Child offenders have the right to a lawyer: children have 3 days at their disposal to name the lawyer, otherwise an ex-officio lawyer is appointed.</p> <p data-bbox="193 1292 970 1317">In Spain there are two special police groups that work with children.</p> <p data-bbox="193 1355 999 1447">1. GRUME – Department for children, within the National Police. They work hand in hand with public and private institutions related to the problems of children. GRUME have a double function:</p> <p data-bbox="193 1485 938 1543">a. Protection of child victims of any type of abuse, either physical (including sexual abuse) or psychological.</p> <p data-bbox="193 1581 1026 1731">b. Protection of juvenile offenders: They must ensure that the young offenders arrive safely and without injury to the curator/tutor/centre. All actions which may entail child’s deprivation of liberty must be carried out by these specialised juvenile units. As much as possible, child offenders must be transported in unmarked vehicles by officers in plain clothes.</p> <p data-bbox="193 1769 1026 1890">2. In some autonomous regions, the local police have a unit of Tutor agents (agente tutor), responsible for improving the school environment. Their actions range from preventing mistreatment, abuse, drug crimes to ensure road safety (preventing accidents, ensuring road education)..</p>	<p data-bbox="1051 203 1457 262">GRUME – Department for children, within the National Police</p> <p data-bbox="1051 300 1227 324">www.policia.es</p> <p data-bbox="1051 427 1410 452">EMERGENCY AND SECURITY</p> <p data-bbox="1051 490 1315 515">www.madrid.es/policia</p> <p data-bbox="1051 553 1145 577">Tel: 010</p> <p data-bbox="1051 616 1243 640">Emergency: 112</p> <p data-bbox="1051 743 1437 866">Children in contact with the law have the right to psychological support in any of the steps of the proceedings.</p> <p data-bbox="1051 904 1461 1055">The child offender can benefit of the presence of parents or of other person indicated by the child, if this judge gives his/her consent for this presence.</p> <p data-bbox="1051 1093 1453 1216">Juvenile Prosecutors act on behalf of the State in matters relating to children at risk, child victims and child offenders.</p> <p data-bbox="1051 1254 1453 1442">Juvenile courts have civil, criminal and re-educational responsibilities. Juvenile judges preside over the trial and take the final decision in cases involving children and they are experts in children’s rights.</p>

Children in conflict with the law

We have the organic law 5/2000 which regulates the criminal responsibility of minors. This law applies to children between 14 and 18 years old (thus, the criminal responsibility age is 14).

There are three groups of measures:

1. Custodial measures which may be imposed on children (children can thus be detained).

Custody is decided when other measures are considered insufficient, based on the child's criminal tendencies (as demonstrated in the offence) or based on the seriousness of the offences. The duration of custody varies and depends on the type of restrictions imposed by the judge.

All measures of custody must be followed by a period of probation.

There are several types of custody that can be imposed by the judge:

a. In a closed centre: the child is not allowed to leave the centre; measure only imposed when the child has committed a serious and violent crime.

b. In a semi-open centre: the child lives in the centre but might attend school or other activities outside the centre, in line with a socio-behavioural plan; the socio-behavioural plan is implemented in collaboration with community social services.

c. In an open centre: children are required to do all activities in the community, however, their residence is in the centre

d. Therapeutic custody (see below, number 3)

e. Weekend custody: child offenders must stay in their homes or in a centre over the weekend, where they have to perform some educational tasks imposed by the judge (the measure is usually imposed to those who committed offences during the weekend).

2. Non-custodial measures

a. Probation (*libertad vigilada*): The child offender is subjected to supervision and guidance, as well as to the obligation to attend educational or training activities, in order to overcome the factors that caused the commitment of the offence. Where appropriate, this measure also requires the child to comply with the socio-educational guidelines established by the public entity or the professional in charge of monitoring the measure (in accordance with an intervention programme approved by the juvenile judge). The child has to periodically meet the probation professional who assesses if the child has been behaving adequately; in addition, this professional offers assistance and guidance (in this regard, the specialist might work also with child's parents/guardians). During the probation period the child has to attend school and comply with any other obligations set by the judge (for example, to attend a professional training course, abstain from going to specific places etc.)

b. Attending a day centre: the child offender has to go to a day centre where he/she should participate in activities such as doing homework, sport etc., in the view of improving their social competences (the child continues to live at home).

c. Living with a different family, person or educative group: the child offender lives in a family-like environment (different family, person or educative group), with the view to develop the child's pro-social behaviour.

d. Community work/service: applicable in cases when child offenders have infringed the rights or wellbeing of the community, only with child's consent. The activities/work/services carried out by the child offender are not remunerated and may be especially related to the type of crime committed or to the damage inflicted by the child.

e. Socio-educative measures: child offenders have to do several educational activities, in order to achieve their rehabilitation (for example to attend an already existent community activity or to create/develop a new specific activity).

f. Restraining order: the interdiction to approach or contact the victim.

g. Cautioning (amonestación): the juvenile judge draws the attention of the child offender to the severity of the committed act and to the consequences the act had or could have had, urging the child not to commit such offences in the future.

h. Suspending child offender's licence to drive a motorcycle or motor vehicle, or the gun or hunting permit (if child offender has such administrative licences/permits).

i. Absolute disqualification (for terrorism crimes).

3. Therapeutic measures:

a. Therapeutic confinement (closed, semi-open or open): for child offenders suffering from mental/psychiatric problems, or for those with drug/alcohol addiction, who need a certain context to implement a therapeutic programme (either because their environment isn't adequate for treatment, or because there are risk factors that require custody in a closed or semi-closed or open centre).

b. Ambulatory treatment: child offenders must periodically attend a therapeutic centre and follow a specific plan to treat their problems (drug/alcohol related or mental/psychiatric); this measure is imposed only with the child's consent.

Legislation



UK

Law and rights

As a member of British society you have rights and responsibilities. There is information to help you understand about legal and civil rights and explain how you should be treated by the police and prison system. The laws governing the parts of the UK are different so ensure that you search for the relevant country.

The age of criminal responsibility in England and Wales is 10 years old. Children are treated differently from adults, are dealt with by youth courts and sent to special secure centres for young people.

Youth offending teams work with young people that get into trouble with the law, are arrested, or taken to court, and help them stay away from crime.

They also:

- run local crime prevention programmes
- help young people at the police station if they're arrested
- help young people and their families at court
- supervise young people serving a community sentence
- stay in touch with a young person if they're sentenced to custody

For further advice visit the GOV.UK website

<https://www.gov.uk/search?q=young+people+and+the+law#services-information-results>

Children in the care of the local authority

Many of the organisations recognise the additional vulnerability of those children who are being looked after by the local authority, in children's homes or in foster care.

Support

Citizens Advice – covering the following areas: general powers of the police, stop and account, stop and search, when can the police question you, powers of entry, your rights on arrest, police powers to deal with you without going to court, punishment.

http://www.adviceguide.org.uk/england/law_e/law

Brook - 'Everyone has rights. You have the right to get all the information you need so that you can make informed choices about what's right for you. You also need to know when the law will make those choices for you.' Areas: the Law, stop and search, being arrested.

<http://www.brook.org.uk/>

Get Connected - Crime, the law and your rights.

<http://www.getconnected.org.uk>

The Children's Legal Centre (England)

The website is full of information about your legal rights. It was created by Coram Children's Legal Centre, which is a charity that promotes children's rights and gives legal advice and representation to children and young people.

If you need legal advice on any topic, you can call the Child Law Advice Line (freephone) on 08088 020 008

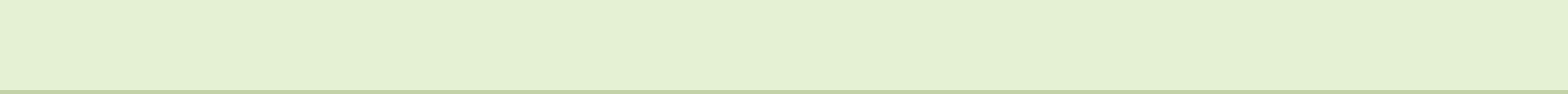
<http://www.lawstuff.org.uk/the-facts/crime-police-and-court>

Citizens Advice

The Advice Guide – offers particular information and support in relation to Children in care. Areas include also: what is a care order, where will a child in care live, how is a care order made, what happens once a care order has been made, complaints about the local authority, organisations.

<http://www.adviceguide.org.uk/england>

<http://www.adviceguide.org.uk/scotland.htm>





CHILDREN'S LEGAL EDUCATION ADAPTED RESOURCES

LISTED HERE ARE THE MEMBERS OF THE TEAM THAT PRODUCED THIS TOOLKIT:

- Save the Children member organisations in Romania and Spain, NGOs,
- San Saturnino, a social cooperative in Italy,
- Anglia Ruskin University, Cambridge and Artesis Plantijn University College, Antwerp
- the International Juvenile Justice Observatory based in Belgium

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The Team would be really pleased to hear what you think about this toolkit.
Let us know: info@clearproject.eu

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PARTNERS

