

PROTECTION OF JUVENILE RIGHTS IN CIVIL PROCEEDINGS OF THE REPUBLIC OF BELARUS

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1. Ratification of the UN Convention on the Rights of the Child

2. Ensuring compliance with international standards and principles in the area of childhood in the Republic of Belarus

4. Establishment of domestic institutions dealing with children's issues

3. Taking the necessary measures to protect the rights of the child

5. Adoption of the National Action Plan for the Improvement of the Situation of Children and Protection of their Rights 2017-2021



JUVENILE JUSTICE

criminal proceedings

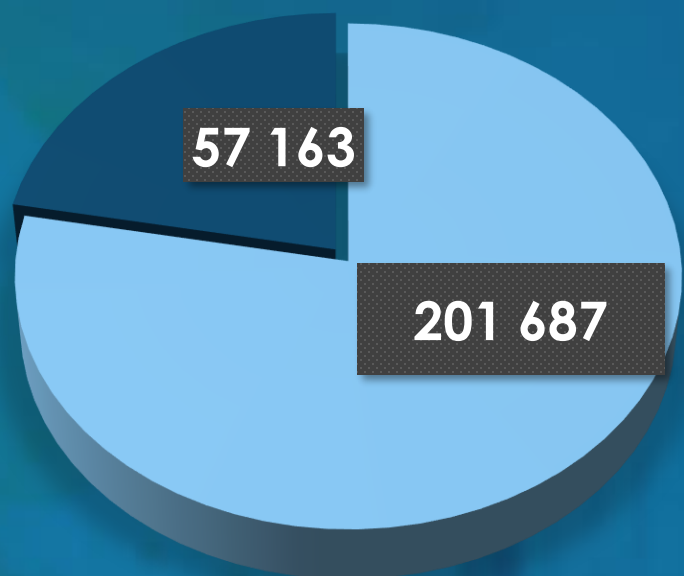
**administrative
proceedings**

civil proceedings

! *One of the priority areas of the courts is the consideration of cases related to the protection of children.*

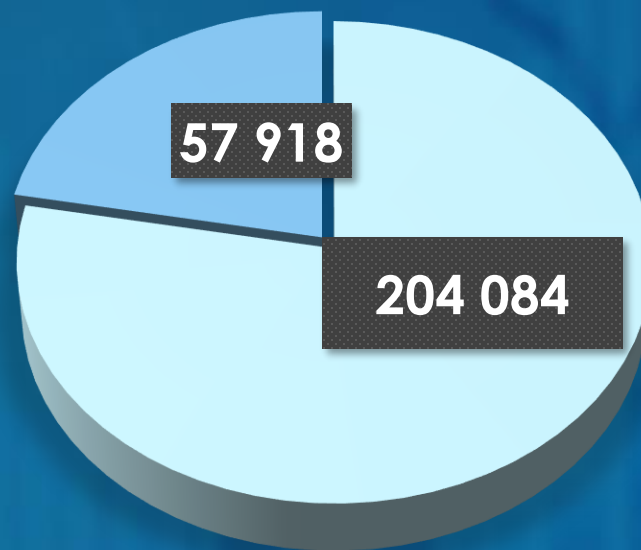
CONSIDERATION OF CASES INVOLVING JUVENILES BY THE GENERAL COURTS OF THE REPUBLIC OF BELARUS

2017



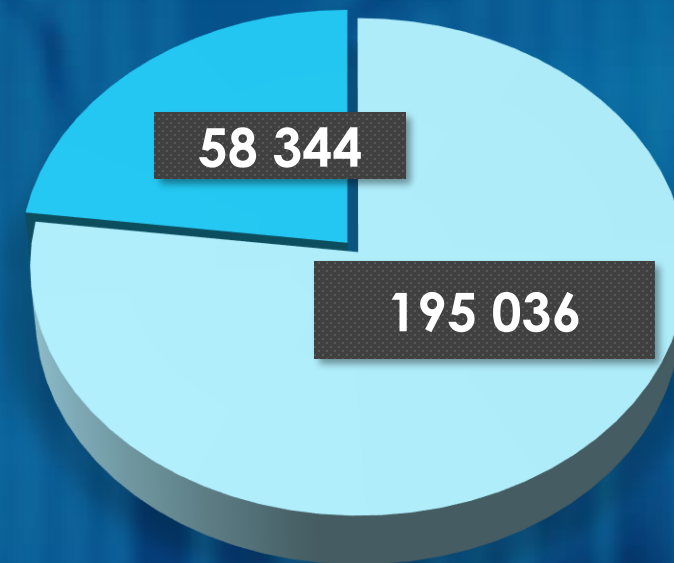
■ In total ■ Cases involving juveniles

2018



■ In total ■ Cases involving juveniles

2019



■ In total ■ Cases involving juveniles

ACCESS TO JUSTICE

<14

The rights and legal interests of juveniles under 14 are protected in court by their legal representatives (parents, adoptive parents or guardians).

≥14

The rights and legal interests of minors who have reached the age of 14 are safeguarded through personal recourse to the court by the child himself or herself, who is entitled to the assistance of lawyers and other representatives or his or her legal representatives.



An additional guarantee of the exercise of the constitutional right of juveniles to judicial protection is the power of the procurator, state bodies, legal entities and citizens to protect, on their own behalf, **the rights and interests of other persons** (including juveniles).

FORMS OF PROTECTION OF JUVENILES' RIGHTS BY STATE AUTHORITIES IN CIVIL PROCEEDINGS

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graph TD; A[FORMS OF PROTECTION OF JUVENILES' RIGHTS BY STATE AUTHORITIES IN CIVIL PROCEEDINGS] --> B[Submitting a claim in court for the protection of minors]; A --> C[Opinion on the case]; A --> D[Participation in court proceedings in cases involving juveniles];
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Submitting a claim
in court for the
protection of minors

Opinion on
the case

Participation in court
proceedings in cases
involving juveniles

PROSECUTOR'S ENGAGEMENT

Claims from prosecutors may be brought in the following cases:

- forfeiture of parental rights;
- taking a child away;
- the invalidation of the Maintenance Agreement, which violates the rights and legitimate interests of children;
- canceling the adoption.

The need for the participation of the prosecutor in the consideration of certain categories of cases:

- adoption of a child;
- the placement of a minor in a special educational institution or a special treatment and education institution;
- deprivation or restoration of parental rights;
- taking a child away;
- Adoption of a child or its cancellation.

OPINION OF THE TRUSTEESHIP AND GUARDIANSHIP AUTHORITY



- in cases of deprivation of parental rights;
- the removal of children from their parents or other persons;
- the restoration of parental rights;
- return of the taken child to the parents;
- the validity of the adoption and the correspondence of the child's interests to the establishment or cancellation of the adoption.

At the same time, the court may engage the guardianship and custody bodies to give an opinion on any case affecting the interests of children, if it considers it necessary.

TUTORSHIP AND GUARDIANSHIP AUTHORITY'S ENGAGEMENT

The trusteeship and guardianship authorities should be involved in the case when the following disputes are being considered by the court:



- related to the raising of children,
- adoption of children,
- restoring parental rights,
- deprivation of parental rights,
- canceling the adoption,
- emancipation cases.

TUTORSHIP AND GUARDIANSHIP AUTHORITY'S ENGAGEMENT



- 1) on division of inherited property to protect the interests of juveniles;
- 2) in cases related to the guardians' execution of transactions to dispose of the ward's property, division of property or allocation of shares, as well as any other transactions involving a reduction in the ward's property;
- 3) on transactions made by the parents of a child under the age of 14.

THE RIGHT TO EXPRESS AN OPINION



The opinion of a child who has reached the age of 10 when determining his or her place of residence must be taken into account :

- In determining his or her place of residence;
- in determining the communication of siblings, grandparents and great grandparents;
- to adopt the child;
- in the restoration of parental rights.

As a rule, the opinion (desire or consent) of a child who has reached the age of 10 is ascertained by the guardianship and trusteeship bodies. If necessary, it may also be ascertained by the court both during the preparation of the case for the trial and during the court hearing through a personal conversation.

**THANK YOU FOR YOUR
ATTENTION!**

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