



CHILD PARTICIPATION IN JUVENILE JUSTICE IN IRAQ-KURDISTAN

National Report for AIMJF's Comparative and Collaborative Research.

La participación de los niños en la justicia juvenil en Irak - Kurdistan

Informe nacional para la investigación comparativa y colaborativa de la AIMJF

La participation des enfants à la justice juvénile en Irak - Kurdistan

Rapport national pour la recherche comparative et collaborative de l'AIMJF

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Abstract: The paper is part of a collaborative research organized by the International Association of Youth and Family Judges and Magistrates (AIMJF/IAYFJM) on child participation in juvenile justice. The article explains the legal, institutional and procedural aspects of child participation in the Justice System in Iraq-Kurdistan.

Resumen: El documento es parte de una investigación colaborativa organizada por la Asociación Internacional de Juventud y Familia (AIMJF) sobre la participación de adolescentes en la justicia juvenil. El artículo explica los aspectos legales, institucionales y procesales de la participación infantil en el sistema de justicia en Irak - Kurdistan

Résumé : Le document fait partie d'une recherche collaborative organisée par l'Association Internationale des Magistrats de la Jeunesse et de la Famille (AIMJF) sur la participation des enfants à la justice juvénile. L'article explique des aspects légaux, institutionnels et procéduraux de la participation des enfants dans le système de justice en Irak - Kurdistan.

Introduction

The International Association of Youth and Family Judges and Magistrates (IAYFJM or AIMJF, in the French and Spanish acronym) represents worldwide efforts to establish links between judges from different countries, promoting transnational judicial dialogue, in order to provide better conditions for a qualified attention to children based in a human rights approach.

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To do so, AIMJF organizes research on international problems facing the operation of the courts and various laws relating to youth and family and training programs.

The aims of this research are to identify similarities and discrepancies among countries and to develop a cartography of how child participation in juvenile justice is organized worldwide.

This national report is based on a questionnaire prepared by AIMJF.

Iraq-Kurdistan submitted two perspectives of its reality, one in English and another one in Arabic. Both are published together to enable a more complete understanding of this region. The Arabic version is followed by a Google translation into English.

Questionnaire:

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1. General description of the procedure and system

What is the name of the court in your country that has jurisdiction over wrongful acts committed by children?

Does the name differ from different regions in your country? Does this court have jurisdiction to hear other cases?

The name of the court: Presidency of the Juvenile Court (and it is the same in different areas, in addition to issues of guardianship).

1.1 What is the minimum age for criminal responsibility?

The minimum age for criminal responsibility: those who have completed eleven years of age.

1.2 Until what age is the child subject to the jurisdiction of the Juvenile Court?

Is it possible to treat a child under the age of 11 as an adult? If the answer is yes, in what cases and in what way?

A child under the age of eighteen is subject to the jurisdiction of this court. There is no provision in our legislation for the possibility of treating a child as an adult.

1.4 Does this court retain jurisdiction regardless of age at the time of sentencing if the crime was committed before the age of 11? Yes

1.5 Can you describe the general steps of the procedure?

The juvenile police are in civilian dress and the juvenile is present without handcuffs, and the room is without any regular class.

The lawyer, the guardian and the public prosecutor were present.

1.6 What opportunities does the child have for listening in the entire procedure?

The child is present throughout the procedure.

1.7 Are there differences in how to act according to age or other criteria? Please specify.

There are differences according to the age of the child in terms of punishment, while it is more severe for a boy who has completed fifteen years of age

The penalty shall be lighter for a boy who has completed eleven years of age and has not reached fifteen years of age

2. The judicial hearing:

2.1. Is it obligatory for the child to participate in the session or is it optional? Is the child invited to the session?

The hearings are obligatory for the child, as he may not be tried in absentia.

2.2 Is this summons to appear front of the court with the parent representing the child, or does the child receive a separate summons, and is all this made in a child-friendly language? Can you add a copy of this document?

The summons is sent to the child as well as his guardian separately, and it is in an official and it is not in a child-friendly format.

2.3 Are there separate ways and entrances for children and other persons (professionals, victims and witnesses) into the room where the child hearing takes place?

No

2.4 Is there a designated waiting room for the child, separate from other persons (especially victims and witnesses in the same case; ie adults)? Can you share a picture of this place, if any?

Not found



2.5 If the police bring children from places of detention, are they released separately from adults? Do they have to wait in cells and if so under what conditions, such as single or group cells, separated from adults and so on?

Children are detained separately from adults. They have to wait in the cell.

2.6. Is there a space where the children and their support persons can meet confidentially before and after the hearing?

Not found

2.7 Where is the hearing? Is it in a precinct courtroom or in another room? If so please specify. If several options apply, what situation will determine the difference in approach?

The hearing will take place in the courthouse (chambers)

2.8. Are there differences in terms of location between the auditory environment compared to the family court (or child protection, or the child victim/witness?)

Yes

2.9 Are there differences in the meeting room compared to the regular criminal courtroom for adults?

The general shape of the hall is more like a regular courtroom.

2.10. Are the hearings audio or video recorded? Does this option exist?

No.

2.11. What are the issues that may not be shared in the judicial session? If there are differences according to the case, please specify

The general public and any person who is not a party to the lawsuit.

2.12. Can you share a picture of the hearing room, with a description of where each person is seated?) or provide a drawing.

Not possible

2.13. Are there any information materials for children to explain who will attend and how the hearing will take place? Can you please mention them?

There is no media material to explain who will attend the session and how the session will take place.



2.14. Who usually hears the child in juvenile justice proceedings? Is it the judge or other professional? If it is another professional, does the child have the right to be heard by the judge? And in what circumstances? The Judge.

2.15. Are there guidelines or a protocol on how to interact with the child? Could you please share it?

No special protocols.

2.16. Could you describe the ceremony, please? (Some guiding questions below)

2.16.1. Does the judge wear a gown/wig during the session? Would it be different in family court than in a criminal court for adults? Can you share a picture?

The judge does not wear a mantle or a wig. It is different from the family court.

2.16.2 Are the public prosecutor and the defense attorney required to wear a gown or special clothing?

The public prosecutor and the attorneys of the party to the case do not wear any gowns or special clothes.

2.16.3. Who else is allowed to attend the sessions?

The child's guardian or social worker attend the meeting when his guardian was not present.

2.16.4. Are there clothing restrictions that allow the child, his parents, or staff professionals to enter the hearing room?

There are no restrictions on the clothes of the child and his parents.

2.16.5. When a child is deprived of his liberty, does he wear normal clothes or a uniform? What kind of safety measures can be adopted? And if it is according to the law, please share the verdict, and will it be visible to anyone, and will the child be deprived of liberty?

2.16.6 Is the judge in the hearing room when the child enters?

When the child enters, the judge is present in the hearing room and he is the decision maker.

2.16.7. Should the child stand up? The child should stand up.

2.16.8 Was someone required to allow the child (or other person present) to be seated? Yes, the judge.

2.16.9. Should the child remain standing during the hearing? The child must remain standing during the hearing.

2.16.10. Is there any kind of solemn discourse or specific information/interpretation provided to the child?

Who are the persons who have the opportunity to speak? What's going on at this moment?

Yes, there is information during the start of the session and informing provided to the child in the juvenile court with the presence of the judge, members, and the public prosecutor, as well as the names of the complainants and the referral decision.

2.16.11. Did the child have to perform any kind of obligation or call to speech?

No.

2.16.12. Who asked the questions to the child: a child, a psychologist, or not? Will the child respond appropriately?

Are the questions asked directly or through a third person such as a lawyer?

The one who asks the questions is the judge and the child answers directly in the presence of his lawyer.

2.16.13. Is it permissible for a child to consult his defense lawyer or his family during the hearing?

Yes

2.16.14. Who is entitled to address the child, only the judge, the parties, the public prosecutor and the defense attorney, or the parties only, the public prosecutor and the defense attorney? Is there an arrangement for those who interact with the child?

The child is addressed by the judge and the questions of the parties are directed to him by the judge.

2.16.15 If there are other professionals such as social workers or probation officers attending the session, what is their role? Is it permissible for them to talk to the child?

None of the other professionals are present in the court sessions.

2.16.16 if a professional made a report during the hearing session, is it permissible for the child to intervene or correct the information or conclusions? Yes, it is permissible.

2.17 Do you consider the hearing to be formally organized, or is it more open to dialogic interaction with the child? Is the hearing to be formally organized?

2.17.1 How do you moderate the tone of the dialogue and the general attitude of the listener? Should the child answer sternly to questions or is he or she allowed to speak freely about what happened? Does the interaction focus on the wrongful act? In addition, is it open to contextualizing the child's behavior, his or her family's situation, educational process, social experiences and expressing some aspects of his personality, what encourages such dialogue and what hinders it in your opinion?

The tone of the dialogue is official, but it allows the child to speak freely while answering questions and it is based on the illegal act in addition to his question about his family and school status. The one who encourages such dialogue is the judge and the public prosecutor.

2.17.2 Is it appropriate for the judge to give a strict opportunity for each party to speak according to the rules in order to make a decision or a moment that allows for some kind of less formal interaction with the child with some kind of comments about the pros and cons of his or her behavior as part of plea bargain negotiations, restorative justice, or some other alternative? For trial. (Remark: Restorative approaches are possible in Iraq, according to Ursina Weidkuhn)

The judge should give a less formal opportunity for the parties to interact with the child about the pros and cons of his behavior in order to reach the appropriate decision.

2.17.3 Is it permissible for the judge or any other professional to make any recommendation regarding the manner in which the child should behave? Yes, it is permissible.

2.18 Is the child entitled to the same legal and procedural guarantees as the adult during the hearing? And what are the differences.

The child enjoys more legal and procedural guarantees than the adult during the hearing session in terms of the presence of his guardian during the court and also the confidentiality of the court session in order to preserve his privacy as he is a minor.

2.19 What forms of special protection are available to prevent trauma to the child due to the nature of the hearing, which are not available in ordinary adult criminal courts?

The session hall is less formal in terms of appearance than the halls of general criminal courts for adults. The judge, the public prosecutor and the lawyer don't wear official gown to reduce fear and the minor is not or handcuffed.

3.1. General questions about the improvement of juvenile courts:

3.1 In your country, do judges, prosecutors and defense lawyers benefit from the initial and continuous training on children's rights in juvenile justice, specifically on children's meeting sessions in this context?

Yes, but they are relatively few, and they are usually affiliated with international organizations specialized in protecting children's rights.

3.2 Do you want to add anything else in this topic?

Intensifying courses on the protection of children's rights in the juvenile justice system inside and outside the region.

3.3 Are there ongoing reform proposals regarding any of the above-mentioned issues? No, there are not.

3.4 Are there any suggestions for improvement on your part?

Opening courses for judges, prosecutors and police working in the field of juveniles inside and outside the country.

Author: Judge Tofiq Namiq Raza from Sulaymaniyah Court in KRI/Kurdish Region of Iraq), in Arabic language

بحث مقارن وتعاوني حول مشاركة الأطفال في عدالة

الأحداث

اجابة القاضي توفيق نامق رضا في محكمة السليمانية على الاسئلة حول استبيان

1. وصف عام للإجراء والنظام

اسم المحكمة في بلدي ذات الولاية القضائية على الأفعال غير المشروعة التي يرتكبها الأطفال في 1.1 مركز محافظات في إقليم كردستان الاسم لا يختلف؛ المحكمة تقوم بتحقيق يسمى محكمة تحقيق الأحداث . اما المحكمة التي تقوم بمحاكمة هي محكمة الاحداث

اما في الاقضية والنواحي اذا كانت عقوبة الجريمة ثلاث سنوات محكمة تحقيق الموجودة تقوم بتحقيق و محكمة الجناح الموجودة في تلك المناطق تقوم بمحاكمة

1.2 الحد الأدنى لسن المسؤولية الجنائية من اكمل ١١ الحادية عشرة من العمر

1.3 من اكمل سن ١١ حادية عشرة عند ارتكاب الجريمة يخضع الطفل لاختصاص محكمة الأحداث ، لا تنص 1.3 تشريعاتنا على إمكانية أو التزام محتمل بمعاملة طفل دون سن 18 عاماً كشخص بالغ

1.4 نعم تحتفظ هذه المحكمة بالاختصاص بغض النظر عن السن وقت صدور الحكم إذا كانت الجريمة قد ارتكبت 1.4 . قبل سن 18 .

1.5 :وصف الخطوات العامة للإجراء كالتالي

١. بحال المتهم الحدث في الجنايات والجناح المهمة إلى مكتب الدراسات الشخصية لبحث ودراسة حالة المتهم.

٢. تكون المحاكمة سرية مع وجود ولي الامر بالحدث مع وجود محامي المتهم الأصلي أو المنتدب من قبل المحكمة .

٣. لا يوجد قفص الاتهام في محكمة الاحداث

٤. لا يلبس القاضي والأعضاء الكسوة الخاصة بالمحاكمة

1.6 الفرص المتاحة للطفل للاستماع في الإجراءات برمتها تكون جميع الإجراءات بحضور أمتهم قانون لا 1.6 .يسمح بمحاكمة الحدث غيابيا

1.7 في التحقيق والمحاكمة ليس هناك اختلافات في كيفية التصرف حسب العمر أو معايير أخرى ولكن عند 1.7 إيداع الجناح تكون مكان ايداعهم حسب سنهم في مدرسة تاهيل الصبيان او الفتيان او الشباب البالغين

2. جلسة استماع قضائية

2.1 نعم هو إلزامي للطفل أن يشارك في الجلسة في بعض الأحيان اذا كان هناك حرج للحدث أنها اختيارية 2.1 .يخرج خارج الجلسة ويجب المام الحدث بالاجراء الذي تم في غيابه نعم ان الطفل مدعو للجلسة

2.2 / نعم هذه الدعوة للظهور ، بغض النظر عن طريقتها ، تتم مع الوالد /الممثل أم أن الطفل لايتلقى دعوة 2.2 .استدعاء منفصلة

2.3 لا توجد سبل ومداخل منفصلة للأطفال والأشخاص الآخرين (المهنيين والضحايا والشهود (إلى الغرفة التي 2.3 يُسمع فيها الطفل

2.4 ليس هناك غرفة انتظار معينة مخصصة للطفل ، منفصلة عن الأشخاص الآخرين (خاصة الضحايا والشهود 2.4 . في نفس القضية

2.5 إذا أحضرت الشرطة الأطفال من أماكن الاحتجاز ، نعم يتم نقلهم بمعزل عن البالغين ، لا يتعين عليهم الانتظار في الزنانات ، إذا كان الأمر كذلك تحت أي ظروف (مثل الخلايا الفردية أو الجماعية ، يتم الانفصال عن البالغين وما إلى ذلك).

2.6 نعم توجد مساحة يستطيع فيها الطفل والأشخاص الداعمون له الاجتماع بسرية قبل وبعد جلسة الاستماع.

2.7 . جلسة الاستماع في قاعة المحكمة .

2.8 لا توجد اختلافات من حيث المكان بين البيئة السمعية مقارنة ببيئة السمعية في الأسرة) أو حماية (الطفل ، أو الطفل الضحية /الشاهد).

2.9 لا توجد اختلافات فيما يتعلق بقاعة الاستماع مقارنة بقاعة المحكمة الجنائية العادية) للبالغين (غير سرية الجلسة وعدم وجود قفص الاتهام وعدم لبس الكسوة الخاصة).

2.10. جلسات الاستماع الصوت أو الفيديو غير مسجلة. هذا الخيار غير موجود.

2.11. الجلسة سرية لا يمكن المشاركة في الجلسة القضائية غير أطراف القضية إذا كانت هناك اختلافات . حسب الحالة .

2.12. نعم يمكنك مشاركة صورة من غرفة الاستماع ، مع تحديد مكان جلوس كل شخص .

2.13. ليس هناك أي مواد إعلامية للأطفال لشرح من سيحضر وكيف ستعقد جلسة الاستماع .

2.14. الذي عادة ما يسمع الطفل في إجراءات قضاء الأحداث هو القاضي ومعاون قضائي و أعضاء المحكمة . في قضايا الأحداث و أطراف القضية ويحق للطفل أن يستمع إليه القاضي وفي أي ظروف

2.15. لم افهم هل توجد إرشادات أو بروتوكول حول كيفية التفاعل مع الطفل؟ هل يمكنك مشاركتها من فضلك؟

2.16. هل يمكنك وصف المراسيم من فضلك؟ (بعض الأسئلة الإرشادية أدناه).

2.16.1. لا يرتدي القاضي عباءة /شعر مستعار أثناء الجلسة هل سيكون الأمر وفي محكمة جنائية للكبار و حولي ارتداء العباءة

2.16.2. يجب على المدعي العام ومحامي الدفاع عدم لبس رداء أو ملابس خاصة .

2.16.3. تم الايجابية على هذه السؤال اعلاه .

2.16.4. لا توجد قيود على الملابس تسمح للطفل أو والديه /والديها أو المهنيين غير القانونيين بالدخول إلى غرفة الاستماع .

2.16.5. عندما يُحرم الطفل من حرته ، يرتدي ملابس عادية .

2.16.6. نعم القاضي /صانع القرار داخل كومبيوتره في غرفة الاستماع .

2.16.7. لا يجب على الطفل الوقوف ويمكن الجلوس .

- 2.16.8. لا يتعين على شخص ما السماح للطفل (أو غيره من الحاضرين) بالجلوس هو مهام القاضي.
- 2.16.9. لا يجب أن يبقى الطفل وأفقًا أثناء جلسة الاستماع.
- 2.16.10. هناك أي نوع من الخطاب الرسمي أو المعلومات /التفسيرات المحددة المقدمة للطفل قبل أن تتاح له الفرصة للتحدث يسأل الحدث عنده محامي خاص به أم لا وإذا لم يوجد يتم انتداب محامي له على حساب خزينة الدولة و بعد ذلك يتم افهامه بالتهمة المسندة اليه.
- 2.16.11. قانون لا يسمح ان يقسم المتهم الحدث قبل وبعد الكلام.
- 2.16.12. يطرح الأسئلة على الطفل :قاضي بشكل مباشر.
- 2.16.13. يجوز للطفل استشارة محامي دفاعه أو عائلته أثناء الجلسة.
- 2.16.14. يحق للقاضي مباشرة مخاطبة الحدث اما المدعي العام ومحامي الدفاع و محامي المشتكي . وأطراف القضية عن طريق القاضي .
- لا يحضرون الجلسة غير الذي ذكرتهم اعلاه.
- 2.16.16. لا يوجد مثل ذلك.
- 2.17. تعتبر أن جلسة الاستماع منظمة بشكل رسمي مع ذلك هناك مجالاً لانفتاح على التفاعل الحواري مع الطفل.
- 2.17.1. يجب ان تكون نبرة الحوار والموقف العام للسمع واضح جدا ويسمح له أن يجيب الطفل على الأسئلة . بحرية عما حدث .
- يتم ذلك ويركز التفاعل على الفعل غير المشروع أو ، بالإضافة إلى ذلك ، وهو مفتوح لوضع سلوك الطفل في سياقه ، وحالة أسرته /أسرتها ، والعملية التعليمية ، والخبرات الاجتماعية ، والتعبير عن بعض جوانب شخصيته عند دراسته الشخصية في كتب الدراسة الشخصية .
- 2.17.2. هي مناسبة للقاضي وجوبي لإعطاء فرصة صارمة لكل طرف للتحدث ، وفقاً للقواعد ، من أجل اتخاذ قرار ، أم لحظة تتيح نوعاً من التفاعل الأقل رسمية مع الطفل مع نوع من التعليقات حول إيجابيات وسلبيات سلوكه /سلوكها كجزء من مفاوضات المساومة على الإقرار بالذنب أو العدالة التصالحية أو أي بديل آخر للمحاكمة.
- 2.17.3. يجوز للقاضي أو أي مهني الباحث الاجتماعي عند دراسة الشخصية للمتهم تقديم أي توصية بشأن الطريقة التي ينبغي أن يتصرف بها الطفل.
- 2.18. يتمتع الطفل أثناء جلسة الاستماع ، أكثر من الضمانات والضمانات القانونية والإجرائية التي يتمتع بها البالغ مثلاً المتهم الحدث لا يدخل القفص ويقف ولي الامر الحدث بصف وجانبه أثناء المحاكمة.
- 2.19. الحماية الخاصة المتاحة لمنع الصدمات التي يتعرض لها الطفل (بسبب طبيعة جلسة الاستماع) يتم . ذلك شرطة الاحداث الخاصة بهم .
3. أسئلة عامة حول تحسين محاكم الأحداث



3.1. في بلدي يستفيد القضاة والمدعون العامون ومحامو الدفاع نوعاً مامن التدريب الأولي والمستمر المحدد. على حقوق الأطفال في قضاء الأحداث وتحديداً على جلسات استماع الأطفال في هذا الإطار.

Google translation into English

Author: Judge Tofiq Namiq Raza from Sulaymaniyah Court in KRI/Kurdish Region of Iraq), in Arabic language

Comparative and collaborative research on children's participation in Adalah Events

Judge Tawfiq Namik Reza in the Sulaymaniyah Court answered questions about a questionnaire:

1. General description of the procedure and system

1.1 The name of the court in my country has jurisdiction over unlawful acts committed by children in the center of the provinces in the Kurdistan region, the name does not differ; the court conducts an investigation called the Juvenile Investigation Court, while the court that is trying is the Juvenile Court .

As for the districts and districts, if the penalty for the crime is three years, the existing court of inquiry conducts an investigation and the misdemeanor court in those areas conducts a trial.

1.2 Minimum age of criminal responsibility over 11 years of age.

1.3 Whoever has completed the age of 11 eleven at the time of the commission of the crime The child is subject to the jurisdiction of the juvenile court, our legislation does not provide for the possibility or potential obligation to treat a child under the age of 18 as an adult.

1.4 Yes, this court retains jurisdiction regardless of age at the time of sentencing if the crime was committed before the age of 18.

1.5 Describe the general steps of the procedure as follows:

1.The accused juvenile in important felonies and misdemeanors shall be referred to the Office of Personal Studies to examine and study the case of the accused.

2.The trial shall be held in camera with the presence of the guardian of the juvenile and the presence of the original or delegated lawyer of the accused by the court .

3. There is no dock in the juvenile court.

4. The judge and members shall not wear the clothing of the trial.

1.6 Opportunities for the child to be heard in the proceedings in full All proceedings shall be in the presence of the accused by law that does not allow the juvenile to be tried in absentia.

1.7 In the investigation and trial, there are no differences in how to act according to age or other criteria, but when the delinquent is placed, they are placed according to their age in the rehabilitation school for boys, boys or young adults.

2. Judicial hearing

2.1. Yes, it is mandatory for the child to participate in the session sometimes, if there is embarrassment for the juvenile that it is optional, he goes out of the session, and the juvenile must be aware of the procedure that took place in his absence, yes, the child is invited to the session.

2.2. Yes this invitation to appear, regardless of its method, is done with the parent/actor or the child does not receive a separate invitation / call.

2.3 There are no separate ways and entrances for children and other persons (professionals, victims, witnesses) to the room where the child is heard.

2.4 There is no designated waiting room for the child, separate from other persons (especially victims and witnesses in the same case).

2.5 If the police bring the children from places of detention, yes they are transferred separately from adults, they do not have to wait in cells, if so under any circumstances (e.g. individual or group cells, separation from adults etc.

2.6. Yes, there is a space where the child and his or her supporters can meet confidentially before and after the hearing.

2.7. Courtroom hearing .

2.8. There are no differences in place between the auditory environment compared to the auditory environment in the family (or child protection, or child victim / witness).

2.9 There are no differences regarding the hearing room compared to the ordinary criminal court room (adults) other than the confidentiality of the hearing, the absence of the dock and the lack of wearing special cladding.

2.10. Audio or video hearings are not recorded. This option does not exist.

2.11. Hearing in camera Only the parties to the case can participate in the judicial session if there are differences depending on the case .

- 2.12. Yes you can share a photo from the listening room, specifying where each person sits.
- 2.13. There are no informational materials for children to explain who will attend and how the hearing will be held.
- 2.14. The child is usually heard in juvenile justice proceedings is the judge, judicial assistant, members of the court in juvenile cases and the parties to the case, and the child has the right to be heard by the judge and in what circumstances.
- 2.15. I did not understand Are there guidelines or protocol on how to interact with the child? Can you share it please?
- 2.16. Can you describe the decrees please? (Some guiding questions below)
- 2.16.1. The judge does not wear a cloak / wig during the hearing Will it be the order and in an adult criminal court and Julie wear the abaya
- 2.16.2. The prosecutor and defense lawyers must not wear a robe or special clothing.
- 2.16.3. This question has been answered above.
- 2.16.4. There are no clothing restrictions that allow the child, his / her parents or illegal professionals to enter the hearing room.
- 2.16.5. When a child is deprived of his liberty, he wears ordinary clothes .
- 2.16.6. Yes Judge / Decision Maker inside his computer in the hearing room .
- 2.16.7. The child should not stand and can sit.
- 2.16.8. No one has to allow the child (or other attendees) to sit is the function of a judge.
- 2.16.9. The child must not remain standing during the hearing.
- 2.16.10. There is any kind of official letter or specific information/ explanation given to the child before he has the opportunity to speak the juvenile asks whether he has his own lawyer or not and if he does not exist a lawyer is assigned to him at the expense of the state treasury and then he is informed of the charge against him.
- 2.16.11. A law does not allow the accused to swear a juvenile before and after speech.
- 2.16.12. Asks questions to the child: judge directly.
- 2.16.13. The child may consult his defense lawyer or family during the session.
- 2.16.14. The judge has the right to directly address the juvenile either the public prosecutor, the defense lawyer, the complainant's lawyer and the parties to the case through the judge .
- They do not attend the session other than the one I mentioned above.
- 2.16.16. None like that.

2.17. Consider that the hearing is formally organized, however there is room for openness to dialogic interaction with the child.

2.17.1. The tone of the dialogue and the general attitude of the hearing should be very clear and allow the child to freely answer questions about what happened.

This is done and the interaction focuses on the wrongful act or, in addition, it is open to contextualizing the child's behavior, the situation of his/ her family, the educational process, social experiences, and the expression of some aspects of his personality when his personal study in personal study books .

2.17.2. It is an occasion for the judge and mandatory to give a strict opportunity to each party to speak, according to the rules, in order to make a decision, or a moment that allows some kind of less formal interaction with the child with some kind of comment about the pros and cons of his / her behavior as part of plea bargaining negotiations, restorative justice or any other alternative to trial.

2.17.3. The judge or any professional social researcher when studying the personality of the accused may make any recommendation on the way in which the child should behave.

2.18 During the hearing, the child enjoys more than the legal and procedural guarantees and guarantees enjoyed by an adult, for example, the juvenile accused does not enter the cage and the juvenile guardian stands next to him during the trial.

2.19. Special protection available to prevent trauma to the child (due to the nature of the hearing) is done by their own juvenile police .

3. General questions about improving juvenile courts

3.1. In my country, judges, prosecutors and defence lawyers benefit to some extent from specific initial and continuing training on children's rights in juvenile justice and, in particular, on children's hearings in this context.