

MiRI Minor's Right to Information in EU civil actions



The Project is co-funded by the Action Grants to support transnational projects to promote judicial cooperation in civil and criminal matters JUST/JCOO/AG/2018 of the European Union under Grant agreement No 831608.

The application and development of international and of EU instruments in the area of civil cooperation in civil matters is strictly connected with aspects related to fundamental rights of the child.

However, the child's fundamental right to participate and express his/her views in civil proceedings cannot be effectively exercised (either directly or indirectly) if the child does not receive adequate knowledge and support. While EU regulations in matters of parental responsibility and other related matters introduced some important procedural changes that impact upon children involved in family proceedings, the very same instruments did not impose any change to domestic child consultation procedures. As a consequence, given the fragmentation in substantive law of the different MSs, significant divergence exists between the Member States in procedures for giving adequate information to children.

The MiRI Project wishes to specifically address these problems. The goal of the research activity is to contribute to the correct implementation of the EU instruments of family law (in matters such as parental responsibility, child

abduction, placement), in a way which is respectful of the children's right to receive information on the legal proceedings affecting them. The Project aims at identifying national current practices regarding the right of the child to be informed in civil proceedings, so as to identify common best practices and create guidelines that might or should be applied in all EU Member States, also with the objective of harmonizing and integrating their national systems, both from a procedural and substantive perspective, as much as possible.

The main expected result of the Project is the enhancement and effective implementation of children's rights in civil proceedings, in the application of the instruments of EU law. The development of common best practices on the children's right to information will lead to a judicial system respectful of the rights of the child to receive adequate information on proceedings in which he/she is involved: this will ensure an effective child's participation.

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Main project activities:

Collection of relevant domestic and supranational legislation, case law and practices in Italy, France, Spain, Portugal, Latvia, Bulgaria

Focus on the role of social services

Organization of best practices exchange conferences in Italy, Bulgaria, Spain, Latvia

Development of a database of legislation, case law, best practices, and case studies available for practitioners

Final guidelines on cross-border best practices
Final conference in Rome



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