

CASE STUDY – The Statement of the Minor – Guidance for Facilitators

Findings of the Court/ Important Aspects to be addressed

The case is based on the Case of the ECtHR, *Panovits v Cyprus*, 4268/04, 11 March 2009, <http://hudoc.echr.coe.int/eng?i=001-90244>

The Court found

- a violation of Article 6 §§ 1 and 3 (c) of the Convention on account of the lack of legal assistance in the initial stages of police questioning;
- a violation of Article 6 § 1 of the Convention due to the use of the applicant's confession in his main trial;
- no violation of Article 6 § 1 of the Convention due to the admission of "bad character" evidence in the applicant's main trial;

Legal Framework

Directive 2016/800/EU on procedural safeguards for children who are suspects or accused persons in criminal proceedings

Directive 2016/343/EU on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings

Guidance for facilitators

- The facilitator distributes the Case Studies to participants divided into in groups of 3 to 4.
- The participants should read the facts of the case, the background info and discuss the questions.
- After the participants have discussed the questions, the facilitator should present the findings of the court, eventually ask the follow-up question.
- The participants should discuss the findings and the follow-up question(s).
- The results of the working group will subsequently be presented in the plenum.



Breaking THE BARRIERS

TRANSNATIONAL PARTICIPATORY
JUDICIAL TRAINING ON PROCEDURAL RIGHTS

Note: Before starting, the participants should appoint one note taker and one person to present the results of their working group to the plenum.



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