

**CHILDREN'S PARTICIPATION IN DECISION-MAKING FOLLOWING PARENTAL
SEPARATION OR DIVORCE:
COMPARATIVE INTERNATIONAL PERSPECTIVES**

Introduction

The Childwatch International Study Group on Children and the Law has been established to explore how children's rights are respected in law across different countries. In 2005, the Study Group identified children's participation rights in family law systems as an internationally relevant area of children's rights requiring further critical examination. In Phase One of the project, a questionnaire on children's participation in family law proceedings was distributed to all Childwatch Key Institutions which resulted in a research report being produced in May 2007. A first meeting of the study group was then held in Prague in September 2008 where the second phase of the study was developed. This phase continues our work on children's participation in family law decision-making processes related to post-separation care arrangements. However, we are now particularly interested in the models of participation (formal and informal) in current practice around the world and the factors that facilitate or constrain children's participation rights. This includes an analysis of the mechanisms, structures and resources required to more effectively implement children's participation rights into practice.

2009 Questionnaire

This new questionnaire will enable deeper understanding and analysis of the current situation, internationally, regarding child participation in decision-making following parental divorce. The questionnaire focuses on the following issues:

- the current legal situation; •
- changes in the implementation of existing legal arrangements; •
- proposals for law reform; •
- the scope and nature of the public debate; and •
- successful models of participation developed in various countries. •

We also seek to deepen our knowledge and understanding of factors assisting and/or preventing social change in this area. The study group will use the data and information gathered through this questionnaire for comparative analyses and as the basis for our presentation at the *Children's Rights at a Cross-Roads: A Global Conference on Research and Children's Rights* being held in Addis Ababa, Ethiopia, later this year. We hope to bring new partners on board at this conference and at the Childwatch Key Institutions Meeting which follows. In 2010 the study group will be looking to develop an empirical study related to children and the law – this will be built on the questionnaire data and other conceptual and literature review work we are currently undertaking. **All Childwatch KIs will be offered the opportunity to participate in this project.**

Given that the aim of the current phase of this project is to probe several legal systems in great detail, completing this questionnaire will require a time investment. We

would be grateful if you could try to locate the requested information on this topic, ensuring that the picture about the situation in your country is as complete as possible. The inclusion of judicial decisions, reports, articles, or legislation on the subject would be greatly appreciated. Since children's participation in legal decision-making processes is now undergoing change in many countries, we would appreciate it if you could also provide detailed information on current proposals or new initiatives, and on the associated public and academic discussion.

You will find it helpful if you read through the entire questionnaire before answering it.

In this questionnaire **Private Family Law Proceedings** refers to disputes between parents/guardians concerning their children (i.e. guardianship, residence/custody, contact/ access/visitation following parental separation).

Thank you so much for your willingness to participate in this project. We look forward very much to receiving your completed questionnaire **by 31 July 2009**. This should be emailed to Professor Anne Graham – email: agraham@scu.edu.au

Kind regards

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