

# WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis  
A collective work by CES



# WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

Coord.: José Reis  
A collective work by CES



Centro de Estudos Sociais  
Universidade de Coimbra



UNIVERSIDADE DE  
COIMBRA



Organização  
das Nações Unidas  
para a Educação,  
a Ciência e a Cultura



Universidade de  
Coimbra - Alta e Sã  
inscrita na Lista do Património  
Mundial em 2013



PROGRAMA OPERACIONAL COMERCIO E INOVAÇÃO



UNIÃO EUROPEIA

Fundo Europeu  
de Desenvolvimento Regional



Fundação  
para a Ciência  
e a Tecnologia

# WORDS BEYOND THE PANDEMIC: A HUNDRED-SIDED CRISIS

## Editor

José Reis

## Publisher

Centre for Social Studies  
University of Coimbra

## Scientific Review

Ana Cordeiro Santos, António Sousa Ribeiro, Carlos Fortuna, João Rodrigues,  
José Castro Caldas, José Reis, Pedro Hespanha, Vítor Neves

## Linguistic Revision

João Paulo Moreira

## Editorial Assistant

Rita Kacia Oliveira

## Design and Pagination

André Queda

December, 2020

This work is funded by ERDF Funds through the Competitiveness Factors Operational Programme - COMPETE and by National Funds through the FCT - Foundation for Science and Technology within the UIDB/50012/2020 project.

The data and opinions included in this publication are the exclusive responsibility of its authors.

## ISBN

978-989-8847-28-7

# CHILDREN'S ACCESS TO LAW AND JUSTICE

Patrícia Branco, Paula Casaleiro

Although children as a group seem less likely to be infected by COVID-19, according to World Health Organisation and UNICEF data (even though, by the end of 2020, up to 1.2 million children in 118 countries are expected to die from poor health care), their access to law and justice in the broad sense has been particularly affected, which makes them more vulnerable to the social and economic inequalities caused by the pandemic.

The context of public health, social and economic crisis threatens children's right to survival (their right to adequate care and food), development (right to education, health and socialisation), protection (right to be protected from abuse and exploitation), and participation (the right to express their own opinion).

For many children, access to justice was also affected by the exceptional and temporary measures in the justice field, with the suspension of non-urgent judicial cases – such as those regulating custody, visits, child support and parental responsibilities. These postponements may aggravate other problems and condition the right to survival and protection. At the same time, the measures taken to prevent contagion during and after the state of emergency also indirectly conditioned access to justice in cases of children at risk or in danger, by suspending the work of the various child and youth protection commissions and by closing schools, which are the main reporting entities.

In this context, while several sectors of society were represented in the discussion of preventive measures and pandemic containment, children found themselves confined,

unconfined, their right to education (tele)confining, without being able to make their voice and opinion heard at any time. Children thus emerged as one of the least visible groups of all.

Promoting children's access to rights and justice should, in our view, be based on three fundamental aspects:

1. Procedural digitalisation and dematerialisation, so as to avoid the suspension of cases and proceedings in critical areas and to facilitate access to justice for children and families;
2. Universal access to digital media and the Internet, so as to ensure the right of access to education and protection. Also, the creation of special support and information hotlines;
3. Promotion of children's participatory democracy, so as to implement their right to be heard in relation to their particular needs, with the involvement of children's, young people's and families' associations in defining measures directly affecting them (as in matters of a pedagogical nature or special educational needs, forms of sociability with family members and peers, and family support).

COVID-19 has not only exposed, but also aggravated, some of the already existing fragilities in the access of children to law and justice in Portugal. Thus, the importance of these measures extends beyond the pandemic crisis.