1. Record Nr.

Titolo

Rewriting children's rights judgments: from academic vision to new practice / / Edited by Helen Stalford, Kathryn Hollingsworth and Stephen Gilmore

Pubbl/distr/stampa

Portland, Oregon:,: Hart Publishing,, 2017

ISBN

1-78225-928-7
1-78225-926-0
1-78225-927-9

Descrizione fisica 1 online resource (615 pages) : illustrations

Disciplina 342.4108/772

Soggetti Children - Legal status, laws, etc - Great Britain

Children's rights - Great Britain

Lingua di pubblicazione Inglese

Formato Materiale a stampa

Livello bibliografico Monografia

Note generali Includes index.

Nota di bibliografia Includes bibliographical references and index.

Nota di contenuto Part I: Children's Rights Judgments: From Academic Vision to New

Practice -- 1. Introducing Children's Rights Judgments -- Helen Stalford, Kathryn Hollingsworth and Stephen Gilmore -- 2. Judging Children's Rights: Tendencies, Tensions, Constraints and Opportunities -- Helen Stalford and Kathryn Hollingsworth -- 3. Towards Children's Rights Judgments -- Kathryn Hollingsworth and Helen Stalford -- Part II: Children's Rights and Family Life -- 4. Re X and Y (Foreign Surrogacy) [2008] EWHC 3030 (Fam) -- Commentary: Emma Walmsley -- Judgment: Jo Bridgeman -- 5. Case C-167 -- 12 CD v ST [2014] ECR I-000 18 March 2014 -- Commentary: Connie Healy -- Judgment: Eugenia Caracciolo di Torella -- 6. Re C v XYZ County Council [2007] EWCA Civ 1206 -- Commentary: Brian Sloan -- Judgment: Claire

Fenton-Glynn -- 7. Gas and Dubois v France (Application no. 25951 -- 07) ECtHR 15 March 2012 -- Commentary: Ursula Kilkelly -- Judgment:

Lydia Bracken -- 8. P-S (Children) [2013] EWCA Civ 223 --

Commentary: David Lane -- Judgment: Jane Williams -- 9. Hoge Raad ECLI:NL:HR:2014:3535 5 December 2014 -- Commentary: Ton Liefaard and Marielle Bruning -- Judgment: Ton Liefaard and Marielle Bruning -- 10. AAA v Associated Newspapers Ltd [2013] EWCA Civ 554 --

Commentary: Thomas DC Bennett -- Judgment: Kirsty Hughes -- Part

III: Children's Rights and Medical Decision-making -- 11. Re W (A Minor)(Consent to Medical Treatment) [1993] Fam 64 -- Commentary: Emma Nottingham -- Judgment: Stephen Gilmore -- 12. F v F [2013] EWHC 2683 (Fam) -- Commentary: Julie Doughty -- Judgment: Emma Cave -- 13. Re T (A Minor) (Wardship: Medical Treatment) [1997] 1 FLR 502 -- Commentary: Noam Peleg -- Judgment: Michael Freeman -- 14. Re A (Conjoined Twins) [2000] EWCA Civ 254 -- Commentary: Jonathan Herring -- Judgment: Amel Alghrani -- Part IV: Children's Rights and Public Authorities -- 15. R (on the Application of Castle) v Commissioner of Police for the Metropolis -- [2011] EWHC 2317 (Admin) -- Commentary: Fiona Donson -- Judgment: Aoife Daly -- 16. Collins v Secretary of State for Communities and Local Government [2013] EWCA Civ 1865 CA -- Commentary: Stephen Cottle --Judgment: Simon Hoffman -- 17. Government of the Republic of South Africa and Others v Grootboom 2001 (1) SA 46 (CC), 2000 (11) BCLR 1169 (CC) -- Commentary: Aoife Nolan -- Judgment: Anashri Pillay --18. Valsamis v Greece (Application No 21787 -- 93) ECtHR, 18 December 1996 -- Commentary: Jenny Driscoll -- Judgment: Laura Lundy -- 19. R (On the Application of Begum) v Head-teacher and Governors of Denbigh High School [2006] UKHL 15 -- Commentary: Nuno Ferreira -- Judgment: Maria Federica Moscati -- 20. S v Special Educational Needs and Disability Tribunal (SENDIST) and Oxfordshire County Council [2005] EWHC 196 (Admin) -- Commentary: Seamus Byrne -- Judgment: Neville Harris -- 21. Canadian Foundation for Children, Youth and the Law v Canada (Attorney General) 2004 SCC 4 -- Commentary: Lucinda Ferguson -- Judgment: Sonja Grover -- Part V: Children's Rights and Criminal Justice -- 22. Roper v Simmons 543 US 551 (2005) -- Commentary: Emily Buss -- Judgment: Barbara Bennett Woodhouse -- 23. R v JTB [2009] UKHL 20 -- Commentary: Kathryn Hollingsworth -- Judgment: Ray Arthur -- 24. The Prosecutor v Thomas Lubanga Dyilo International Criminal Court, Trial Chamber I, Case No ICC-01 -- 04-01 -- 06 14 March 2012 -- Commentary: Conrad Nyamutata -- Judgment: Trevor Buck -- 25. Faroog Ahmed v Federation of Pakistan PLD 2005 Lahore 15 -- Commentary: Urfan Khalig -- Judgment: Abdullah Khoso -- 26. The Case of John Hudson December 1783, trial of John Hudson (t17831210-19) -- Commentary: Sue Farran and Rhona Smith -- Judgment: Sue Farran and Rhona Smith -- Part VI: Children's Rights and International Movement -- 27. RCB as Litigation Guardian of EKV, CEV, CIV and LRV v The Honourable Justice Colin James Forrest [2012] HCA 47 -- Commentary: Rhona Schuz --Judgment: Brian Simpson -- 28. Povse v Austria (Application no 3890 -- 11) ECtHR 18 June 2013 -- Commentary: Ruth Lamont -- Judgment: Lara Walker -- 29. Case C-34 -- 09 Zambrano v Offi ce national de l'emploi (ONEm) [2011] ECR I-01177 8 March 2011 -- Commentary: Charlotte O'Brien -- Judgment: Helen Stalford -- 30. Antwi and others v Norway (Application No 26940 -- 10) ECtHR 14 February 2012 --Commentator: Ellen Nissen -- Judgment: Maria Papaioannou -- 31. Defence for Children International (DCI) v Belgium (Complaint No 69 --2011) ECSR 23 October 2012 -- Commentator: Gamze Erdem Turkelli -- Judgment: Wouter Vandenhole

Sommario/riassunto

This important edited collection is the culmination of research undertaken by the Children's Rights Judgments Project. This initiative involved academic experts revisiting existing case law, drawn from a range of legal sub-disciplines and jurisdictions, and redrafting the judgment from a children's rights perspective. The rewritten judgments shed light on the conceptual and practical challenges of securing children's rights within judicial decision-making and explore how developments in theory and practice can inform and (re-)invigorate the

legal protection of children's rights. Collectively, the judgments point to five key factors that support a children's rights-based approach to judgment writing. These include: using children's rights law and principles; drawing on academic insights and evidence; endorsing child friendly procedures; adopting a children's rights focused narrative; and using child-friendly language. Each judgment is accompanied by a commentary explaining the historical and legal context of the original case and the rationale underpinning the revised judgment including the particular children's rights perspective adopted; the extent to which it addresses the children's rights deficiencies evident in the original judgment; and the potential impact the alternative version might have had on law, policy or practice. Presented thematically, with contributions from leading scholars in the field, this innovative collection offers a truly new and unique perspective on children's rights