

FOCUS GROUPS GUIDE

ENGLISH VERSION AND PARTNER'S LANGUAGES VERSION

CHILD-FRIENDLY JT

The right of minors to information, translation and interpretation in criminal proceedings: development of child-friendly tools

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INDEX

ENGLISH VERSION.....	4
SPANISH VERSION.....	31
GREEK VERSION.....	61
CROATIAN VERSION	88
BULGARIAN VERSION.....	114
ITALIAN VERSION.....	143

FOCUS GROUPS GUIDE

ENGLISH

FOCUS GROUPS GUIDE

Introduction

The present document will serve as a working guide for conducting a study regarding the knowledge children in conflict with the law have concerning their rights as well as any other relevant information about criminal proceedings. The study is carried out using focus groups. The guide contains instructions for professionals regarding how to best carry out these focus group sessions, as well as tools for statistical data collection.

This study is part of the activities planned in the European project 'Child-friendly JT: The right of minors to information, translation and interpretation in criminal proceedings: development of child-friendly justice tools'.

The main objectives of the project are to contribute to the correct implementation of Directive 2012/13/EU, Directive 2010/64/EU, Directive 2013/48/EU and Directive 2016/800, and to promote child friendly justice by improving the knowledge minors in conflict with the law, as well as their parents/holders of parental responsibility, have concerning their rights and any other relevant information in criminal proceedings, through the use of a language adapted to their stage of development. The Project is coordinated by Fundación Diagrama (Spain) and carried out in collaboration with Udruga MOST (Croatia), Social Activities and Practices Institute (SAPI) (Bulgaria), Hope for Children (Cyprus), Istituto Don Calabria (Italy) and the International Juvenile Justice Observatory (Belgium).

This guide has been translated to Spanish, Croatian, Bulgarian, Greek and Italian, with the aim to carry out this study in all states belonging to the consortium, except Belgium.

Guidelines

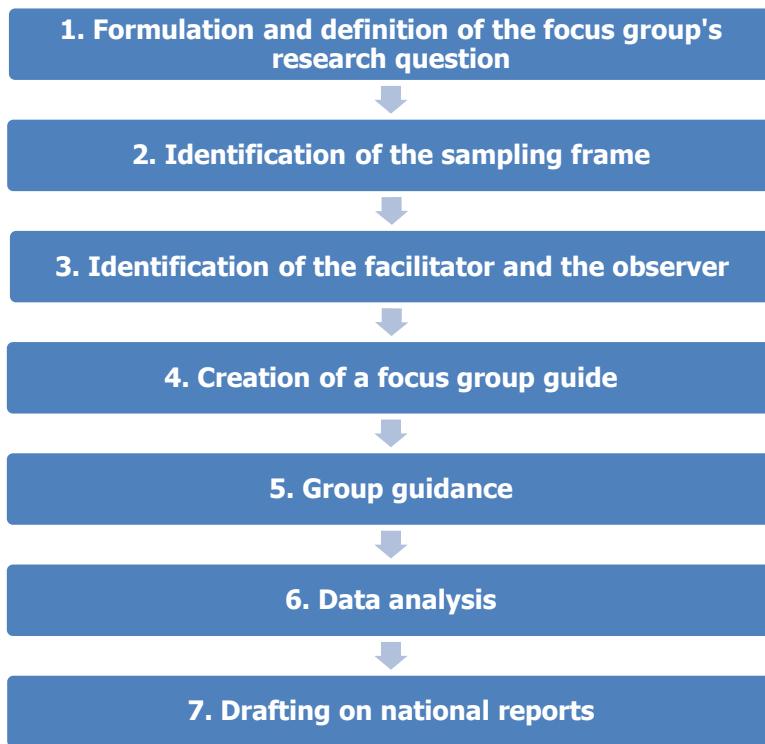
A focus group can be defined as a conversation carefully planned and designed to obtain information about a specific area of interest in a non-directive atmosphere. The discussion is relaxed, comfortable and satisfactory for the participants, as they are able to expose the ideas and comments they have in common, learning and influencing each other¹.

¹ Krueger Richard A., *Focus-group interviewing : New strategies for business and industries*, 1991.



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The present project will be conducted following 7 of the steps identified by Stewart, Shamdasani and Rook² (2007) in the creation and development of focus groups:



1. Formulation and definition of the focus group's research question

The first step necessary to conduct a focus group consist on define the purpose of the study. This is critical as it defines how all subsequent activities will proceed³.

In this case, the purpose of the creation of several focus groups is to analyse the knowledge of children, who are serving a judicial sentence, regarding their rights, in order to identify any deficits or misunderstandings there might be.

2. Identification of the sampling frame

Once the purpose of the focus group has been defined, the study population and sample have to be defined⁴. The sample will be formed by individuals with the adequate

² Stewart David W., Shamdasani Prem N. and Rook Dennis W., *Focus groups: Theory and practice*, 2007.

³ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

⁴ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

characteristics for the purpose of the research⁵. Under no circumstances should this sample be considered representative, or statistically representative.

The participants to this specific project should have the following characteristics:

Characteristics of the focus group participants

- They must have been arrested by the police.
- They must be serving a judicial sentence.
- They must be between 14 and 21 years old as, even though a child is usually a person below the age of 18⁶, **many children end their judicial measures at a later age**.
- We must have an informed consent signed by the child, as well as another one signed by holders of parental responsibility if the child is under 18 years old.

Once the sample is selected, two focus groups per country will be conducted in Italy, Croatia, Cyprus, Bulgaria and Spain. Each group will be formed by approximately 10 children who volunteered, as research shows that a focus group is most effective when formed between 7 and 12 participants⁷. The group will be as heterogeneous as possible in order to promote the exchange of ideas and opinions. Moreover, each group should comprise both boys and girls, whenever circumstances permit.

It is important to bear in mind that during the focus group, educators or any other person in charge of the children must not be present, as their presence might influence the children's answers.

All data concerning the characteristics of the participants (as mentioned above) will have to be collected in Annex 1.

⁵ Finch, H. and Lewis, J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, London, pp. 170-198, 2003.

⁶ United Nations Convention on the Rights of the Child (CRC), 1989; Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 2016.

⁷ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

3. Identification of the facilitator and the observer

As specified by S. Lamnek in *Gruppendifiskussions*⁸, the **facilitator**'s main task is to formally manage the focus group without imposing his/her opinions or ideas. However, it is important that the facilitator has sufficient knowledge regarding the issue about to be discussed, as it will allow him/her to easily manage the focus group, as well as to invigorate it when necessary.

In this sense, the facilitator of the group must have knowledge and training regarding the rights that children in conflict with the law are entitled to during a judicial proceeding. Facilitators must have specific training in:

- The juvenile justice system of their country (especially regarding the judicial proceeding and its phases).
- The European directives concerning the rights of accused or arrested children: Directive 2016/800, Directive 2012/13, Directive 2010/64 and Directive 2013/48/EU.

Moreover, this person will also benefit from information regarding the most popular techniques used during the carrying out focus groups (Annex 2), as well as from specific guidelines that will help him/her to properly conduct the focus group (Annex 3).

On the other hand, the **observer** will be the one responsible to take notes during the focus group.

In respect to this specific project, the notes of the observer will have to focus on the following aspects:

- Attitudes and behaviours of the participants during the focus group.
- Fulfilment/infringement of the rules established by the facilitator at the beginning of the focus group (Annex 3).
- Personality profiles detection of the focus group participants (Annex 2).
- Remarkable statements of the participants.
- Knowledge level of the participants about the issue discussed.
- Level of agreement/disagreement of the participants while addressing the focus group's established topics.
- Level of implication in the specified activities.

⁸ Lamnek Siegfried, *Gruppendifiskussions*, 1998.

Furthermore, the observer will be in possession of the focus group toolkit (Annex 3), which needs to be followed by the facilitator.

If possible, the facilitator and the observer should visit beforehand the location where the focus group will be carried out, to make sure that it is an appropriate and child-friendly place.

"It is also important to organize the materials early. It can impact focus group discussion if the facilitator is anxious because materials are missing or purchased at the last minute. If the facilitator is anxious, this may make the participants uncomfortable and limit discussion"⁹. The specific materials that will be needed in this project will be the following ones:

- Sheets of paper and pencils/pens.
- Focus group guide.
- Voice recorder/mobile phone. Prior to the focus group, the required permission must be requested to the Public Administration to record it.
- Participants list.
- Signature sheet.
- Informed consents to participate to the study.
- Watch.
- Refreshments/water.

4. Creation of a focus group guide

The focus group guide will facilitate an effective group discussion, as it will help the facilitator to focus the discussion on the most important issues and to determine the ones which need to be further discussed¹⁰. However, these guidelines are flexible and may vary, adapting themselves to the evolution of the focus group in question. Furthermore, the facilitator can rely on assistance from the observer.

It is particularly important that all the questions are asked and expressed in a clear, accessible and child-friendly manner and language.

⁹ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

¹⁰ Feijóo, S. and Paré, M. H., *El grup de discussió i l'observació participant*, 2010.

Both the facilitator and the observer will be in possession of Annex 3, a document presenting both a situation with corresponding questions, as well as data collection charts.

5. Group guidance

The facilitator should follow this sequence to properly guide the focus group:

1. Welcome, acknowledgements and introduction of the facilitator and the observer.
2. Participants' introduction (name and age).
3. Rules of participation: confidentiality, recording, shifts, roles, etc.
4. Short explanation about the discussion main issues.
5. Beginning of the discussion.
6. Introduction of questions based on the group rhythm.
7. Closing and acknowledgements.

The toolkit provided in Annex 3 will need to be followed step by step by the professionals in charge of carrying out the focus groups.

6. Data analysis

Once the focus group finishes, the data gathered by the facilitator, the observer's notes and the voice recording will be analysed. This information will allow the facilitator and the observer to know if children who are serving a judicial sentence know the rights to which they are entitled during a criminal proceeding.

7. Drafting of national reports

The excel database presented in Annex 4 should then be completed, every country being able to gather the information concerning the focus groups they conducted. This excel database will allow each country to analyse the data gathered in an easy and quick way, leading to the drafting of a national report. All databases should then be unified as one and analysed as a whole to elaborate an overall report gathering data obtained in the participating countries.



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ANNEX 1. FOCUS GROUP DATA**Group information**

FOCUS GROUP NUMBER	
DATE	
START TIME	
END TIME	
LOCATION	
NUMBER OF PARTICIPANTS	

Participants' information

	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
P1							
P2							
P3							
P4							
P5							
P6							
P7							
P8							
P9							
P10							



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ANNEX 2. FOCUS GROUP FACILITATION TECHNIQUES

Before the focus group starts, it is important to remember that:

- The facilitator should be empathic, close and neutral.
- The facilitator should allow all children participation, facilitating everyone's contribution and identifying possible leaders who tend to monopolize the discussion, in order to give the floor to the most introverted participants.
- The facilitator should use a terminology clear to all participants.
- The facilitator should speak in a manner that is simple and clear to children, adapting the language to the participants' age and socio-cultural context.
- The facilitator should use open questions to avoid closed answers.
- The facilitator should conduct the discussion from the general to the specific.
- The participation is voluntary and it is subject to the reception and signature of the informed consent.

The facilitator should use some verbal techniques to encourage the adequate development of the focus group and maintain all participants active:

VERBAL TECHNIQUES TO MAINTAIN THE GROUP ACTIVE	
ECHO	To repeat the last word or sentence.
PARAPHRASE	To express an idea or opinion previously mentioned, using different words.
CONFRONTATION	To point out any inconsistencies or contradictions which might arise during the discussion.
SILENCE	To remain silent for a few seconds to give the group the opportunity to talk.
SUMMARY	To summarize what has been said about a concrete issue.
INSISTENCE	To repeat the last question formulated.
INVITATION	To invite a member of the group to participate.
REFORMULATE	To repeat a question or concept which the participants did not understand, using different words.
REDIRECT	To re-direct the discussion when it becomes unproductive or is stagnating.
RESPECT	To show respect to all participants.



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Besides the verbal techniques, Nagle and Williams suggest in their *Methodology brief: Introduction to focus groups*¹¹ that it is also necessary for the facilitator to use non-verbal communication techniques to support the efficiency of the verbal ones. One of the most used techniques in this case is the eye-contact. The facilitator will use eye-contact with the participants who are defending their opinions, as well as with those who are not participating in the discussion, in order to include them.

Finally, the facilitator should pay attention to the personality of each participant of the focus group, as he/she can adapt the techniques mentioned above to every one of them. The *Methodology brief: Introduction to focus groups*¹² furthermore sets out a list of the different types of people who can usually be identified during a focus group:

- **"Experts:** These are individuals that generally know more about the topic than anyone else in the room. They either attempt to dominate discussion or do not participate because of their extensive knowledge. Whichever applies, remind them on the value of getting everyone's input.
- **Dominant Talkers:** Look for these individuals in the "small talk" at the beginning. If they are dominating the discussion, use non-verbal communication or draw attention away from them in a subtle way by moving to the opposite side of the room and drawing eye contact towards you from the other participants.
- **Shy Participants:** Use eye-contact and statements such as "I don't want to leave you out of the conversation, what do you think about this issue?"
- **Ramblers:** Use eye-contact and body language. Remind them that it is important to get everyone's input. Also use guiding statements such as "What is specific thing you are trying to say?" or statements such as "We need to keep the group moving but can you tell me more about that after the group?"

¹¹ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

¹² Nagle Barry, Williams Nichelle, 2013, *op. cit.*

ANNEX 3. FOCUS GROUP TOOLKIT

1. Welcome, acknowledgements and introduction of the facilitator and the observer.

"Hello everyone! My name is _____ (facilitator) and his/hers is _____ (observer). Today we would like to talk with you about what you know about the rights you have along a judicial proceeding. We will read you a fictitious situation of a child who has committed a crime and we will ask you some related questions about this child in the different phases of a judicial proceeding".

2. Participants' introduction.

"Before starting with the activity, we would like you to introduce yourselves in order for us to know you better. You could tell us your name, age as well as your favourite hobby".

3. Participation rules.

- *"All conversations happening during this focus group will stay strictly be confidential.*
- *There are no good or bad answers, all answers are equally valid.*
- *Anytime one of you wishes to talk, please ask for permission by raising your hand.*
- *As you know, we will be recording the focus group Session. Everything recorded will be confidential and we will be the only ones able to listen to it, in order to analyse it. If any of you disagree, please say it".*

4. Short explanation of the discussion theme emphasizing that the group results will be useful to improve the treatment of children in conflict with the law within the juvenile justice system.

"We ask you to actively participate and to be totally sincere about the opinions and comments you make. We are really interested in knowing what you think about these issues, as with your collaboration we will be able to improve the juvenile justice system and help future adolescents in a similar situation".

5. Discussion start.

"We are going to describe the case of a child who has committed a crime. I will read you the story and I will ask you some questions related to the rights that this person could have at this stage of the judicial proceeding. You are asked to answer and comment these questions giving your opinion. Do you have any questions before we start?"



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FIRST PHASE: Police arrest

David is a 16 year old boy and is not a very good student. Still, he usually never misses class. But these last few weeks, instead of going to high school, he has been spending time in a park with a group of boys. In doing so, he has been ignoring his old friends and has started to commit little acts of vandalism, such as painting graffities, etc., without ever being caught by the police. But last weekend, David got into a fight in a disco: he beat another boy of his age and sent him to the hospital. The security staff of the disco restrained David and the police later arrested him.

RIGHTS	YES	NO	COMMENTS
<p>Right of children to know what they are being accused of:</p> <ul style="list-style-type: none"> - Should someone explain to David what he is being accused of? Who? How? - Should David be informed about the general aspects of the proceeding, such as the different procedural steps or the role of the authorities involved? - Should someone make sure that David has understood everything which has been explained to him? What might happen if David does not understand the explanations given to him? 			
<p>Right of the holders of parental responsibility to be informed:</p> <ul style="list-style-type: none"> - Should someone tell David that he has the right to call his parents to tell them what has happened? Who? How? - Should someone call David's parents to explain them what their son has done? Who? How? - Should David's parents be informed of the charges laid against their son? Should someone explain to them the most important aspects of the proceeding? Should someone make sure they have 			

understood everything they have been told?		
Right of children to remain silent: - Should someone explain to David that he has the right to remain silent? Who? Where? How? - What does "remain silent" mean? - Do you believe that David understands what "remain silent" means? Why? - Do you believe that a synonym should be used instead? Which one? Why?		
Right to a lawyer: - Does David have the right to a lawyer? - Should David have the right to be defended by a lawyer? If so, should he have to pay for it? How? Why? - How would he communicate with him/her? - Does he have the right to complain if he does not understand what has been said to him? Could he request that in writing?		
Right of children to privacy with their lawyers: - Does David have the right to talk to his lawyer before the police questioning? What for? Should his lawyer tell him what will happen during the police questioning? - If someone wants to know what David and his lawyer have privately talked about, does he have the right to ask David? Would David need to answer or does he have the right to remain silent?		

<p>Right of children to translation and interpretation:</p> <p>- If David were a foreigner and could not speak the language of the country in which he is being prosecuted:</p> <ul style="list-style-type: none">○ Should someone make sure that David understands the language?○ Should someone talk to him in a language that he is able to understand? Who? <p>- If David could not hear or talk:</p> <ul style="list-style-type: none">○ Should someone make sure that David understands what he is being told during his arrest?○ Should someone communicate to him in a way that he understands? Who?		
<p>Right to have access to their judicial file:</p> <p>- Does David have the right to see the information of his judicial file? Whom should he ask for it? Why?</p> <p>- Does David's lawyer have the right to see the information of David's judicial file? Whom should he ask for it? How? Why?</p> <p>- If David wanted to see his judicial file but someone did not allow him to do so, could he complain about it? To whom? How?</p>		
<p>Right of children to make a statement in the presence of their lawyers and holders of parental responsibility:</p> <p>- Does David have the right to have his lawyer with him when he makes a statement? Should someone explain that to him? Who? How?</p>		

<ul style="list-style-type: none"> - Does David's lawyer have the right to speak during the police questioning? What could he/she say? - Could David's parents be present during their son's police questioning? If so, should someone tell David? Who? Should someone also explain this to David's parents? - Do David's parents have the right to talk during the police questioning? What should/could they say? 		
<p>Right of children to have a letter of rights:</p> <ul style="list-style-type: none"> - Should someone explain David his rights? Who? How? (spoken, written or both) Where? - Should someone make sure that David understands the rights he is entitled to? Should someone talk to him in a clear and understandable language? - Could you please give me an example of the rights David is entitled to? 		
<p>Right of children deprived of liberty to be kept separate from detained adults after their arrest:</p> <ul style="list-style-type: none"> - When David is arrested and is taken to the police station, if there is a cell occupied by a person older than 18, should he be put in the same cell? What if this person were a child under 18 years old? Why? - And if in the police station there was only one cell and it is occupied by a person older than 18, should David be put into the same cell than this person? What if this were an underage person? Why? 		

Right of children to be put under arrest for no longer than 48 hours: - How long can David be put under arrest? What if there is a weekend in the middle of this period of time?		
Right to use audio-visual means: - Do you believe that David's questioning should be recorded? Why? By whom? What for? - Could someone publish the recording without David's permission? And with David's permission? Why?		
Right of children to medical care: - If David is hurt while he is in the cell, does he have the right to receive medical attention? Should he go out to the hospital? Should the doctor come to his cell? Should someone let David's parents know what is going on? Why? - What if it were something serious? Should David be sent to a hospital?		

Observations

SECOND PHASE: Trial

Today is the date of David's trial. He attends the hearing.

RIGHTS	YES	NO	COMMENTS
<p>Right of children to individual evaluation:</p> <ul style="list-style-type: none"> - Before attending the trial, should someone evaluate David? Who? Where? How many times? What questions should be asked to him? - Should someone evaluate David's parents? Who? Where? How many times? What should be asked to them? 			
<p>Right of children to be present and to participate during the trial:</p> <ul style="list-style-type: none"> - Should David have the right to be present at his own trial? Can David engage whenever he wants? Does David have the right to give his opinion? Can David talk to his parents? Can David talk to his lawyer? How? Why? - If David were not present at his trial, would the trial still take place? Or should it be postponed? - Who should talk during David's trial? What should be said during the trial? In which order? - Should David be able to understand everything that is being said during his trial? Should the speakers use a child-friendly language? What is especially important for him to understand? (What he is being accused of, the judicial sentence, etc.). 			

<p>Right of children to be accompanied by their holders of parental responsibility and their lawyers:</p> <ul style="list-style-type: none"> - Should David's parents be present during the trial? Why? Where should they be seated? Should they have the right to talk during the trial? - Before entering the courtroom, should David's lawyer explain him what will happen there? How? Where? Should he make sure that David understands everything that is being told to him? - After the trial, should David's lawyer explain to him everything that was discussed during the trial in a comprehensible language? Should he make sure that David understands everything that he is being told? How would he/she explain that to him? - If the trial is about to take place and David's lawyer has not yet arrived, should the trial still take place or should it be postponed? Should they wait for the lawyer to arrive? Why? 		
<p>Right of children to appeal the sentence:</p> <ul style="list-style-type: none"> - If David does not agree with his sentence, could he appeal it? How? To and with whom? 		
<p>Right of children to a non-public trial:</p> <ul style="list-style-type: none"> - Could David have a non-public trial, with only the presence of his parents? Could he request for there not to be anyone? - Could David's hearing be held in absence of his parents? In which circumstances? 		

Right of children to appeal if their rights have not been respected: - Could David appeal if he thinks some of his rights have not been respected? Could his parents do it for him? And his lawyer? How? To whom?		
Right of children to privacy: - Does mass media (television, newspapers, etc.) have the right to talk about David's private life? Could David file a complaint it? Could his parents do it for him? And his lawyer? How? Why? To whom?		

Observations

THIRD PHASE: Sentence execution

The judge imposes a judicial sentence upon David.

RIGHTS	YES	NO	COMMENTS
<p>Right of children to individual evaluation:</p> <ul style="list-style-type: none"> - When David begins to serve his sentence, should someone evaluate him? Who? What for? 			
<p>Right of children to family communication:</p> <ul style="list-style-type: none"> - What sentence do you think the judge should impose upon David? Why? For how long? - If David were in a detention centre, should he be able to communicate with his parents? How? (Telephone, face to face, etc.) How often? And with other family members? Why? 			
<p>Right of children to medical care:</p> <ul style="list-style-type: none"> - If David were in a detention centre, should a doctor examine him when he first arrives? - Could he ask to be seen by the doctor? How often? How? - If David were to go out of the detention centre to be examined by an external doctor, how would that happen? Would he been accompanied by someone? By whom? Would he go handcuffed? - Does David's lawyer have the right to ask for a doctor to see David? How should he do that? 			

<ul style="list-style-type: none"> - Do David's parents have the right to ask for a doctor to see their son? If so, how should they do that? 		
<p>Right of children to education:</p> <ul style="list-style-type: none"> - If David were in a detention centre, should he have the right to study inside the centre? Could he study in a different place (outside of the center for example)? Does he have an obligation to study? What if he does not want to? What options does he have? (Vocational training, secondary school, etc.). - If David were serving another type of sentence, could he continue studying? Would he be obliged to study? What if he did not want to? What options would he have? (Vocational training, secondary school, etc.). 		
<p>Right of children to religious freedom:</p> <ul style="list-style-type: none"> - If David were a catholic believer and were in a detention centre, could he ask to see a priest? Could he attend Mass? Would he be able to leave the centre or would the Mass take place inside the centre? - What if David were Muslim? Could he celebrate Ramadan? - What if David were serving another type of sentence? 		
<p>Right of children to have access to programs related to social reintegration:</p> <ul style="list-style-type: none"> - If David were serving a detention sentence, should he attend workshops? Would that be compulsory or optional? - If David were serving another type of sentence, should he attend workshops? Would that be compulsory or optional? 		

Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations:

- If David were detained, should someone tell him about his rights and obligations and his centre's internal regime regulations? Who? Should he have the right to have this information in writing? Should someone make sure he understood everything? Who? How?

Observations

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ANNEX 4. EXCEL DATABASE

DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS							
FOCUS GROUPS GENERAL INFORMATION							
	FOCUS GROUP 1			FOCUS GROUP 2			
7 DATE							
8 START TIME							
9 END TIME							
10 LOCATION							
11 NUMBER OF PARTICIPANTS							
12							



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13								
14	PARTICIPANTS GENERAL INFORMATION							
15								
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
17	P1							
18	P2							
19	P3							
20	P4							
21	P5							
22	P6							
23	P7							
24	P8							
25	P9							
26	P10							
27								
28								
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
30	P1							
31	P2							
32	P3							
33	P4							
34	P5							
35	P6							
36	P7							
37	P8							
38	P9							
39	P10							
40								
41								



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42			
43	PARTICIPANTS STATEMENTS		
44	FIRST PHASE. POLICE ARREST		
45			
46			
47			
48	RIGTHS	FOCUS GROUP 1	FOCUS GROUP 2
49	Right of children to know what they are being accused of	YES/NO	COMMENTS
50	Right of the holders of parental responsibility to be informed		
51	Right of children to remain silent		
52	Right to a lawyer		
53	Right of children to privacy with their lawyers		
54	Right of children to translation and interpretation		
55	Right to have access to their judicial file		
56	Right of children to make a statement in the presence of their lawyers and holders of parental responsibility		
57	Right of children to have a letter of rights		
58	Right of children deprived of liberty to be kept separate from detained adults after their arrest		
59	Right of children to be put under arrest for no longer than 48 hours		
60	Right to use audio-visual means		
61	Right of children to medical care		
62			



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SECOND PHASE. TRIAL				FOCUS GROUP 1		FOCUS GROUP 2	
				YES/NO	COMMENTS	YES/NO	COMMENTS
67	RIGTHS						
68	Right of children to individual evaluation						
69	Right of children to be present and to participate on the trial						
70	Right of children to be accompanied by their holders of parental responsibility and their lawyers						
71	Right of children to appeal the sentence						
72	Right of children to a non-public trial						
73	Right of children to appeal if their rights have not been respected						
74	Right of children to privacy						
75							
76							
THIRD PHASE. SENTENCE EXECUTION				FOCUS GROUP 1		FOCUS GROUP 2	
79	RIGTHS			YES/NO	COMMENTS	YES/NO	COMMENTS
80	Right of children to individual evaluation						
81	Right of children to family communication						
82	Right of children to medical care						
83	Right of children to education						
84	Right of children to religious freedom						
85	Right of children to have access to programs related to social reintegration						
86	Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations						
87							
88							



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SPANISH

**FUNDACIÓN DIAGRAMA INTERVENCIÓN
PSICOSOCIAL (SPAIN)**

GUÍA PARA GRUPOS DE DISCUSIÓN

Introducción

El presente documento servirá como guía de trabajo para el desarrollo de un estudio sobre los conocimientos de los/as menores en conflicto con la ley en relación a sus derechos y cualquier otra información relevante acerca de los procedimientos judiciales. El estudio es llevado a cabo a través de grupos de discusión. La guía contiene instrucciones para los/as profesionales relacionadas con cómo desarrollar las sesiones con los grupos de discusión, así como las herramientas para la recogida estadística de datos.

Este estudio es parte de las actividades planteadas dentro del proyecto europeo "Child-friendly JT: Derecho de los menores a la información, traducción e interpretación en procedimientos judiciales: Desarrollo de herramientas para una justicia más amigable".

Los objetivos principales del proyecto son: contribuir a la correcta implementación de la Directiva 2012/13/UE, la Directiva 2010/64/UE, la Directiva 2013/48/UE y la Directiva (UE) 2016/800; promover una justicia más amigable a través de la mejora de los conocimientos de los/as menores en conflicto con la ley, así como de sus progenitores o titulares de la patria potestad acerca de sus derechos y cualquier otra información relevante sobre los procedimientos judiciales, mediante el uso de un lenguaje adaptado a su etapa evolutiva. El Proyecto está coordinado por Fundación Diagrama (España) y se desarrolla en colaboración con Udruga MOST (Croacia), Social Activities and Practices Institute (SAPI) (Bulgaria), Hope for Children (Chipre), Istituto Don Calabria (Italia) y el International Juvenile Justice Observatory (Bélgica).

La guía ha sido traducida al español, al croata, al búlgaro, al griego y al italiano con la finalidad de desarrollar el estudio en todos los estados que conforman el consorcio, excepto Bélgica.

Directrices

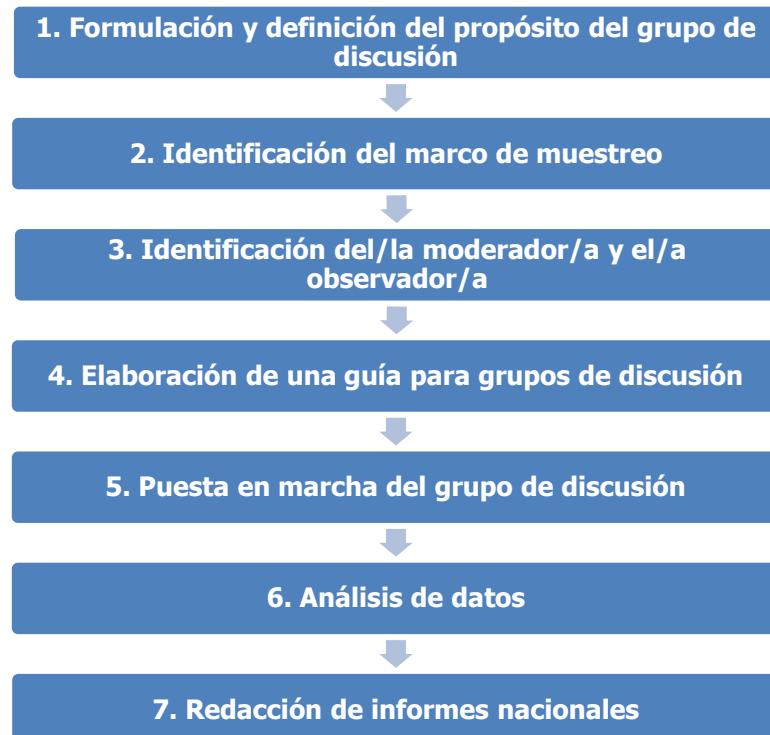
El grupo de discusión puede definirse como una conversación planificada cuidadosamente y diseñada para la obtención de información relativa a un área de interés específica en un ambiente no directivo. El debate es relajado, cómodo y satisfactorio para todos/as los/as participantes, ya que podrán exponer las ideas y



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comentarios que tienen en común, intentando aprender de los/as demás a la vez que se intenta convencerlos/as¹.

El presente proyecto será llevado a cabo siguiendo 7 de los pasos identificados por Stewart, Shamdasani y Rook² (2007) para la creación y puesta en marcha de grupos de discusión:



1. Formulación y definición del propósito del grupo de discusión

El primer paso necesario para la puesta en marcha de un grupo de discusión consistirá en definir la finalidad del estudio. Esto resulta esencial, pues determinará el desarrollo de las actividades sucesivas³.

En este supuesto, el propósito de la creación de los distintos grupos de discusión será el análisis de los conocimientos de los/as menores que están cumpliendo una medida judicial, acerca de sus derechos, con el fin de identificar cualquier déficit o error de comprensión que pudiera existir en ellos/as.

¹ Krueger Richard A., *Focus-group interviewing : New strategies for business and industries*, 1991.

² Stewart David W., Shamdasani Prem N. y Rook Dennis W., *Focus groups: Theory and practice*, 2007.

³ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

2. Identificación del marco de muestreo

Una vez fijado el propósito del grupo de discusión, tendrán que definirse la población y la muestra del estudio⁴. La muestra estará conformada por individuos con características adecuadas al propósito de la investigación⁵. No obstante, la muestra no será representativa o estadísticamente representativa bajo ninguna circunstancia.

Los/as participantes de este proyecto en concreto, deberán contar con las siguientes características:

Características de los/as participantes del grupo de discusión

- Haber sido arrestado/a por la policía.
- Estar cumpliendo una medida judicial.
- Tener entre 14 y 21 años, pues, aunque se considera menor a la persona que tiene menos de 18 años⁶, **muchos/as terminan de cumplir sus medidas judiciales a una mayor edad**.
- Contar con autorización firmada con el consentimiento informado del/la menor y de los titulares de la patria potestad si el/la menor tuviera menos de 18 años.

Una vez seleccionada la muestra, se podrán en marcha dos grupos de discusión por país en Italia, Croacia, Chipre, Bulgaria y España. Cada grupo estará formado por aproximadamente 10 menores que se presten voluntarios/as, ya que, como muestran los estudios, los grupos de discusión son más efectivos si están conformados por entre 7 y 12 participantes⁷. El grupo habrá de ser lo más heterogéneo posible con el fin de fomentar el intercambio de ideas y opiniones. Además, siempre que las circunstancias lo permitan, todos los grupos deberán contar con chicos y chicas.

Es importante tener en cuenta que a la discusión no podrán asistir ni educadores/as ni cualquier otra persona a cargo de los/as menores, pues su presencia podría influenciar las respuestas de los/as mismos/as.

⁴ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

⁵ Finch, H. y Lewis, J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, London, pp. 170-198, 2003.

⁶ United Nations Convention on the Rights of the Child (CRC), 1989; Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 2016.

⁷ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

Todos los datos relativos a las características de los/as participantes (según lo mencionado más arriba), habrán de recogerse en el Anexo 1.

3. Identificación del/la moderador/a y el/a observador/a

Tal y como especifica S. Lamnek en *Gruppendiskussions*⁸, la principal tarea del/la **moderador/a** es dirigir formalmente el grupo de discusión sin imponer sus ideas u opiniones. Es importante, sin embargo, que el/la moderador/a tenga los conocimientos suficientes acerca del asunto de debate, pues ello le permitirá gestionar fácilmente el grupo, así como darle dinamismo cuando sea necesario.

En este sentido, el/la moderador/a tendrá que contar con formación y experiencia en materia de derechos de los/as menores en conflicto con la ley durante el proceso judicial. Así, los/as moderadores/as deberán contar con formación específica en:

- El sistema de justicia juvenil de su país (especialmente en lo relativo al proceso judicial y sus fases)
- Las directivas europeas en materia de derechos de los/as menores acusados/as o detenidos/as: Directiva (UE) 2016/800, Directiva 2012/13/UE, Directiva 2010/64/UE y Directiva 2013/48/UE.

Asimismo, esta persona se beneficiará de la información relativa a las técnicas más utilizadas en el desarrollo de grupos de discusión (Anexo 2), así como de unas directrices que le ayudarán a dirigir adecuadamente el grupo de discusión (Anexo 3).

Por su parte, el/la **observador/a** será el/la responsable de tomar notas durante el desarrollo del grupo de discusión.

En relación a este proyecto específicamente, las notas del/la observador/a habrán de centrarse en los siguientes aspectos:

- Actitudes y comportamiento de los/as participantes durante el grupo de discusión.
- Cumplimiento/incumplimiento de las reglas fijadas por el/la moderador/a al principio del grupo de discusión (Anexo 3).
- Detección del perfil de personalidad de los/as participantes (Anexo 2).
- Intervenciones destacables de los/as participantes.

⁸ Lamnek Siegfried, *Gruppendiskussions*, 1998.

- Nivel de conocimiento de los/as participantes sobre el asunto de debate.
- Nivel de acuerdo/desacuerdo entre los/as participantes cuando se abordan los temas fijados para el grupo de discusión.
- Nivel de implicación en las actividades especificadas.

El/La observador/a, además, dispondrá de una herramienta para grupos de discusión (Anexo 3), la cual deberá ser seguida por el/la moderador/a.

Cuando sea posible, tanto el/la moderador/a como el/la observador/a deberán visitar de antemano el lugar donde se desarrollará el grupo de discusión, para asegurarse de que se trata de un sitio adecuado para los/as menores.

"También es importante preparar el material con antelación, ya que puede repercutir negativamente sobre el desarrollo del grupo de discusión que el/la moderador/a esté nervioso/a por la falta de material o porque éste se haya adquirido en el último momento. Si el/la moderador/a está nervioso/a, esto puede hacer que los/as participantes se sientan incómodos/as y se limite el debate"⁹ (traducción propia). Los materiales necesarios para este proyecto serán los siguientes:

- Folios de papel y lápices/bolígrafos.
- Guía para grupos de discusión.
- Grabadora de voz/teléfono móvil. Antes de la puesta en marcha del grupo de discusión, deberá solicitarse a la Administración Pública el permiso requerido para grabarlo.
- Lista de participantes.
- Hoja de firmas.
- Autorizaciones con el consentimiento informado para participar en el estudio.
- Reloj.
- Agua/refrescos.

4. Elaboración de una guía para grupos de discusión

La guía para grupos de discusión contribuirá a que los grupos de discusión sean efectivos, pues ayudará al/la moderador/a a centrar el debate en los asuntos más importantes y a determinar aquellos que necesitan mayor discusión¹⁰. Estas directrices,

⁹ Nagle Barry, Williams Nichelle, *Methodology Brief: introduction to focus groups*, 2013.

¹⁰ Feijóo, S. y Paré, M. H., *El grup de discussió i l'observació participant*, 2010.



no obstante, serán flexibles y podrán variar e ir adaptándose a la evolución del grupo de discusión en cuestión. Asimismo, el/la moderador/a podrá contar con la ayuda del/la observador/a.

Es especialmente importante que todas las preguntas se planteen a través de un lenguaje claro, accesible y amigable.

Tanto el/la moderador/a como el/la observador/a estarán en posesión del Anexo 3, documento en el que se describe una situación, se plantean las preguntas correspondientes a dicha situación y se presentan unas tablas para la recogida de datos.

5. Puesta en marcha del grupo de discusión

El/La moderador/a deberá seguir estos pasos para una orientación adecuada del grupo de discusión:

1. Bienvenida, agradecimientos y presentación del/la moderador/a y del/la observador/a.
2. Presentación de los/as participantes (nombre y edad).
3. Reglas de participación: confidencialidad, grabación, turnos, roles, etc.
4. Breve explicación acerca de los principales temas de debate.
5. Comienzo del debate.
6. Planteamiento de cuestiones en función del ritmo del grupo.
7. Cierre y agradecimientos.

La herramienta recogida en el Anexo 3 tendrá que seguirse punto por punto por los/as profesionales encargados/as de llevar a cabo los grupos de discusión.

6. Análisis de datos

Una vez concluido el grupo de discusión, los datos recogidos por el/la moderador/a, las notas tomadas por el/la observador/a y las grabaciones de voz, serán analizadas. Esta información permitirá al/la moderador/a y al/la observador/a saber si los/as menores que están cumpliendo una medida judicial, conocen los derechos que se les asisten durante el proceso judicial.

7. Redacción de informes nacionales

La tabla de Excel contenida en el Anexo 4 deberá completarse con la información que cada país extraiga de los grupos de discusión que lleve a cabo. Esta base de datos permitirá a cada país analizar de manera fácil y rápida los datos recogidos, lo que llevará a la redacción del correspondiente informe nacional. Posteriormente, todas las bases de datos deberán unificarse y ser analizadas como un todo con el fin de elaborar un informe global que recoja los datos obtenidos por todos los países participantes.



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ANEXO 1. DATOS DEL GRUPO DE DISCUSIÓN**Información sobre el grupo**

NÚMERO DEL GRUPO DE DISCUSIÓN	
FECHA	
HORA DE INICIO	
HORA DE FINALIZACIÓN	
LUGAR	
NÚMERO DE PARTICIPANTES	

Información sobre los participantes

	GÉNERO	EDAD	NACIONALIDAD	TIPO DELICTIVO	MEDIDA IMPUESTA	TIEMPO DE LA MEDIDA	ANTECEDENTES
P1							
P2							
P3							
P4							
P5							
P6							
P7							
P8							
P9							
P10							

ANEXO 2. TÉCNICAS PARA LA MODERACIÓN DE GRUPOS DE DISCUSIÓN

Antes del inicio del grupo de discusión, es importante recordar que:

- El/La moderador/a deberá ser empático/a, cercano/a y neutral
- El/La moderador/a deberá permitir que todos/as los/as menores participen, fomentando la intervención de todos/as ellos/as e identificando posibles líderes que puedan monopolizar el debate con el fin de dar la palabra a los/as participantes más introvertidos/as.
- El/La moderador/a deberá utilizar una terminología clara para todos/as los/as participantes.
- El/La moderador/a deberá hablar de manera sencilla y clara a todos/as los/as menores, adaptando el lenguaje a la edad y contexto socio-cultural de los/las participantes.
- El/La moderador/a deberá utilizar preguntas abiertas para evitar respuestas cerradas.
- El/La moderador/a deberá dirigir el debate yendo de lo general a lo específico.
- La participación será voluntaria y estará condicionada a la autorización firmada con el consentimiento informado.

El/La moderador/a deberá utilizar una serie de técnicas de comunicación que fomenten el adecuado desenvolvimiento del grupo de discusión y mantengan activos/as a todos/as los/as participantes:

TÉCNICAS DE COMUNICACIÓN VERBAL PARA MANTENER ACTIVO EL GRUPO	
ECO	Repetir la última palabra o frase.
PARÁFRASIS	Expresar una idea u opinión mencionada previamente, con otras palabras.
CONFRONTACIÓN	Subrayar cualquier inconsistencia o contradicción que pudiera identificarse durante la discusión.
SILENCIO	Permanecer en silencio durante unos segundos para dar al grupo la oportunidad de hablar.
RESUMEN	Resumir lo que se hubiera dicho sobre un asunto concreto.
INSISTENCIA	Repetir la última pregunta formulada.
INVITACIÓN	Invitar a un/a miembro del grupo a que participe.



REFORMULACIÓN	Repetir una pregunta o concepto que los/as participantes no hubieran comprendido, utilizando otras palabras.
REDIRECCIÓN	Redirigir el debate cuando éste se vuelva improductivo o se estanque.
RESPETO	Mostrar respeto hacia todos/as los/as participantes.

Junto a estas técnicas de comunicación verbal, Nagle y Williams apuntan en su *Methodology brief: Introduction to focus groups*¹¹ que también puede ser necesario para el/la moderador/a el uso de técnicas de comunicación no verbal que refuerzen la eficacia de las verbales. Una de las técnicas más utilizadas en estos casos es el contacto visual. El/la moderador/a utilizará el contacto visual con los/as participantes que estén defendiendo sus opiniones, así como con aquellos/as que no estén participando en el debate, con el fin de incluirlos/as en el mismo.

Finalmente, el/la moderador/a deberá prestar atención a la personalidad de todos/as los/as participantes en el grupo de discusión, para así poder adaptar las técnicas antes mencionadas a cada uno/a de ellos/as. En *Methodology brief: Introduction to focus groups*¹² se establece, además, una lista con los diferentes tipos de persona que pueden identificarse durante los grupos de discusión:

- **"Expertos/as:** Son individuos que generalmente saben más del tema que cualquier otra persona en la sala. Intentarán, o bien dominar el debate, o bien no participar a causa de su amplio conocimiento. En cualquier caso, habrá que recordarles el valor de lograr aportaciones de todo el mundo.
- **Interlocutores/as Dominantes:** Habrá que identificarlos/as en la charla de inicio. Si están monopolizando el debate, habrá que utilizar la comunicación no verbal o desviar la atención de los/as mismos/as de manera sutil, desplazándose al lado contrario de la sala y dirigiendo el contacto visual de los/as demás participantes hacia uno/a mismo/a.
- **Tímidos/as:** Habrá que utilizar el contacto visual y frases como "No quiero dejarte fuera de la conversación. ¿Qué opinas sobre este asunto?"
- **Divagadores/as:** Habrá que utilizar el contacto visual y el lenguaje corporal. Se les deberá recordar que es importante lograr aportaciones de todo el mundo. También

¹¹ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

¹² Nagle Barry, Williams Nichelle, 2013, *op. cit.*

habrá que utilizar frases para dirigir sus intervenciones como "¿Qué estás intentando decir específicamente?" o frases como "Necesitamos que el debate siga avanzando, pero después puedes contarme más sobre esto" (traducción propia).



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ANEXO 3. HERRAMIENTA PARA LOS GRUPOS DE DISCUSIÓN

1. Bienvenida, agradecimientos y presentación de moderador/a y observador/a.

"¡Hola a todos y todas! Mi nombre es _____ (moderador/a) y éste/ésta es _____ (observador/a). Hoy nos gustaría hablar con vosotros/as acerca de lo que sabéis sobre los derechos que tenéis a lo largo de un proceso judicial. Os vamos a leer una situación ficticia sobre un menor que ha cometido un delito y os vamos a hacer algunas preguntas acerca de este menor en las diferentes fases de un proceso judicial".

2. Presentación de los/as participantes.

"Antes de comenzar con la actividad, nos gustaría que os presentarais para así poder conoceros mejor. Podéis decir vuestro nombre y edad, así como vuestro hobby favorito".

3. Reglas de participación.

- *"Todas las conversaciones mantenidas durante este grupo de discusión serán estrictamente confidenciales.*
- *No hay respuestas correctas ni incorrectas, todas son igualmente válidas.*
- *Cuando alguno/a de vosotros/as quiera hablar, por favor, pedid permiso levantando la mano.*
- *Como sabéis, vamos a grabar la sesión del grupo de discusión. Todas las grabaciones serán confidenciales y sólo nosotros/as podremos escucharlas con el fin de analizarlas. Si cualquiera de vosotros/as no está de acuerdo, por favor, decídnoslo".*

4. Breve explicación acerca del tema de debate haciendo énfasis en que los resultados de la discusión serán de utilidad para mejorar el tratamiento de los/as menores en conflicto con la Ley en el marco del sistema de justicia juvenil.

"Os vamos a pedir que participéis activamente y que seáis completamente sinceros/as en las opiniones y comentarios que hagáis. Estamos realmente interesados/as en saber qué pensáis sobre estos temas, pues con vuestra colaboración seremos capaces de mejorar el sistema de justicia juvenil y ayudar así a futuros/as adolescentes en una situación similar".

5. Comienzo del debate

"Os vamos a describir la situación de un menor que ha cometido un delito. Yo os voy a leer la historia y os voy a plantear algunas preguntas acerca de los derechos que esta persona podría tener en esa fase del proceso judicial. Os pedimos que respondáis y comentéis estas cuestiones dando vuestra opinión. Antes de empezar, ¿tenéis alguna pregunta?"



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PRIMERA FASE: Detención

David es un chico de 16 años que no es muy buen estudiante. Aun así, nunca suele faltar a sus clases. Pero estas últimas semanas, en lugar de ir al instituto, ha estado pasando el tiempo en el parque con un grupo de chicos. Al hacer esto, el chico ha estado ignorando a sus viejos amigos y ha empezado a realizar pequeños actos vandálicos, como grafitis, etc., sin ser sorprendido por la policía. Pero la semana pasada, David se vio involucrado en una pelea en una discoteca: golpeó a otro chico de su edad y lo mandó al hospital. El personal de seguridad de la discoteca retuvo a David y más tarde la policía lo detuvo.

DERECHOS	SÍ	NO	COMENTARIOS
<p>Derecho de los/as menores a saber de qué se los/as acusa:</p> <ul style="list-style-type: none"> - ¿Debería explicarle alguien a David de qué se le acusa? ¿Quién? ¿Cómo? - ¿Debería ser informado David sobre los aspectos generales del proceso judicial, como las distintas fases procesales o el papel de las autoridades implicadas? - ¿Debería asegurarse alguien de que David ha comprendido todo lo que se le ha explicado? ¿Qué podría pasar si David no comprende las explicaciones dadas? 			
<p>Derecho de los titulares de la patria potestad a estar informados:</p> <ul style="list-style-type: none"> - ¿Debería decirle alguien a David que tiene derecho a llamar a sus padres para contarles lo que ha sucedido? ¿Quién? ¿Cómo? - ¿Debería llamar alguien a los padres de David para explicarles lo que ha hecho su hijo? ¿Quién? ¿Cómo? - ¿Deberían ser informados los padres de David sobre los cargos que recaen sobre su hijo? ¿Debería explicarles alguien los 			

aspectos más importantes del proceso? ¿Debería asegurarse alguien de que han comprendido todo lo que se les ha dicho?		
Derecho de los/as menores a permanecer en silencio: - ¿Debería explicarle alguien a David que tiene derecho a permanecer en silencio? ¿Quién? ¿Dónde? ¿Cómo? - ¿Qué significa "permanecer en silencio"? - ¿Crees que David comprende lo que significa "permanecer en silencio"? ¿Por qué? - ¿Crees que debería utilizarse un sinónimo en su lugar? ¿Cuál? ¿Por qué?		
Derecho a un/a abogado/a: - ¿Tiene David derecho a un/a abogado/a? - ¿Debería tener David derecho a ser defendido por un/a abogado/a? Si es así, ¿tendría que pagarla/a él mismo? ¿Cómo? ¿Por qué? - ¿Cómo puede comunicarse con él/ella? - ¿Tiene derecho a quejarse si no comprende lo que se le ha dicho? ¿Podría pedir que se lo dieran por escrito?		
Derecho de los/as menores a privacidad con su abogado/a: - ¿Tiene David derecho a hablar con su abogado/a antes del interrogatorio policial? ¿Para qué? ¿Debería decirle su abogado/a lo que sucederá durante el interrogatorio? - Si alguien quiere saber sobre qué han hablado David y su abogado/a en privado, ¿tiene derecho a preguntarle a David?		

¿Tendría David que responder o tendría derecho a permanecer en silencio?		
Derecho de los/as menores a traducción e interpretación: - Si David fuera extranjero y no hablara el idioma del país en el que está siendo procesado: ○ ¿Debería asegurarse alguien de que David comprende el idioma? ○ ¿Debería hablarle alguien en un idioma que sea capaz de comprender? ¿Quién? - Si David no pudiera oír o hablar: ○ ¿Debería asegurarse alguien de que David comprende lo que se le dice durante la detención? ○ ¿Debería comunicarse alguien con él en una forma que sea capaz de comprender? ¿Quién?		
Derecho de los/as menores a acceder a su expediente judicial: - ¿Tiene David derecho a consultar la información de su expediente judicial? ¿A quién debería pedírselo? ¿Por qué? - ¿Tiene su abogado/a derecho a consultar la información del expediente judicial de David? ¿A quién debería pedírselo? ¿Cómo? ¿Por qué? - Si David quisiera consultar su expediente judicial y alguien se lo impidiese, ¿podría quejarse al respecto? ¿A quién? ¿Cómo?		
Derecho de los/as menores a declarar en presencia de su abogado/a y los titulares de su patria potestad: - ¿Tiene David derecho a que su abogado/a esté con él cuando vaya a		

<p>declarar? ¿Debería explicarle alguien esto a David? ¿Quién? ¿Cómo?</p> <p>- ¿Tiene el/la abogado/a de David derecho a intervenir durante el interrogatorio policial? ¿Qué podría decir?</p> <p>- ¿Podrían los padres de David estar presentes durante el interrogatorio de su hijo? Si es así, ¿debería decírselo alguien a David? ¿Quién? ¿Debería explicar alguien esto a los padres de David?</p> <p>- ¿Tienen los padres de David derecho a intervenir durante el interrogatorio policial? ¿Qué deberían/podrían decir?</p>		
<p>Derecho de los/as menores a tener una declaración de derechos:</p> <p>- ¿Debería explicarle alguien sus derechos a David? ¿Quién? ¿Cómo? (oralmente, por escrito o ambos) ¿Dónde?</p> <p>- ¿Debería asegurarse alguien de que David comprende los derechos que se le reconocen? ¿Debería hablarle alguien en un lenguaje claro y comprensible?</p> <p>- ¿Podrías, por favor, darme un ejemplo de los derechos que se le reconocen a David?</p>		
<p>Derecho de los/as menores privados de libertad a estar separados/as de los adultos en su misma situación, durante la detención:</p> <p>- Cuando David es detenido y llevado a comisaría, si hubiera una celda ocupada por una persona mayor de 18 años, ¿se le debería poner en la misma celda? ¿Y si esta persona tuviera menos de 18 años? ¿Por qué?</p> <p>- Y si en comisaría sólo hubiera una celda y ésta estuviera ocupada por una persona mayor de 18 años, ¿se debería poner a</p>		

David en la misma celda? ¿Y si esta persona fuera menor de edad? ¿Por qué?		
Derecho de los/as menores a no permanecer detenidos/as más de 48 horas: - ¿Durante cuánto tiempo puede David permanecer detenido? ¿Y si hubiera un fin de semana de por medio?		
Derecho a utilizar medios audiovisuales: - ¿Crees que el interrogatorio de David debería grabarse? ¿Por qué? ¿Por quién? ¿Para qué? - ¿Podría alguien publicar las grabaciones sin el permiso de David? ¿Y con el permiso de David? ¿Por qué?		
Derecho de los/as menores a asistencia médica: - Si David resulta herido mientras está en su celda, ¿tiene derecho a recibir asistencia médica? ¿Debería ser llevado al hospital? ¿Debería ir el médico a su celda? ¿Debería informar alguien a los padres de David? ¿Por qué? - ¿Y si fuera algo serio? ¿Debería David ser llevado al hospital?		

Observaciones

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SEGUNDA FASE: Juicio

Hoy es el día del juicio de David. El menor asiste a la vista.

DERECHOS	SÍ	NO	COMENTARIOS
<p>Derecho de los/as menores a una evaluación individual:</p> <ul style="list-style-type: none"> - Antes de asistir al juicio, ¿Debería evaluar alguien a David? ¿Quién? ¿Dónde? ¿Cuántas veces? ¿Qué preguntas deberían hacérsele? - ¿Debería evaluar alguien a los padres de David? ¿Quién? ¿Dónde? ¿Cuántas veces? ¿Qué debería preguntárseles? 			
<p>Derecho de los/as menores a estar presentes y participar en su propio juicio:</p> <ul style="list-style-type: none"> - ¿Debería tener David derecho a estar presente en su propio juicio? ¿Puede David intervenir en el momento que quiera? ¿Tiene David derecho a dar su opinión? ¿Puede David hablar con sus padres? ¿Puede David hablar con su abogado/a? ¿Cómo? ¿Por qué? - Si David no estuviera presente en su juicio, ¿aun así debería celebrarse el juicio? ¿O debería aplazarse? - ¿Quién debería intervenir durante el juicio de David? ¿Qué debería decirse durante el juicio? ¿En qué orden? - ¿Debería David ser capaz de comprender todo lo que se dijera durante el juicio? ¿Deberían utilizar los intervenientes un lenguaje adaptado al menor? ¿Qué es especialmente importante que comprenda? (De qué se le acusa, la sentencia judicial, etc.). 			

Derecho de los/as menores a estar acompañados/as de los titulares de la patria potestad y su abogado/a: - ¿Deberían estar los padres de David presentes durante el juicio? ¿Por qué? ¿Dónde se les debería sentar? ¿Deberían tener derecho a intervenir durante el juicio? - Antes de entrar a la sala de vistas, ¿el/la abogado/a de David debería explicarle lo que va a ocurrir allí? ¿Cómo? ¿Dónde? ¿Debería asegurarse de que David comprende todo lo que se le ha dicho? - Después del juicio, ¿el/la abogado/a de David debería explicarle todo lo que se ha discutido durante el juicio en un lenguaje comprensible? ¿Debería asegurarse de que David comprende todo lo que se le ha dicho? ¿Cómo se lo explicaría? - Si el juicio está a punto de celebrarse y el/la abogado/a de David no aparece, ¿aún así debería celebrarse el juicio o debería aplazarse? ¿Deberían esperar a que el/la abogado/a llegase? ¿Por qué?		
Derecho de los/as menores a recurrir la sentencia: - Si David no está de acuerdo con su sentencia, ¿podría recurrirla? ¿Cómo? ¿Ante quién?		
Derecho de los/as menores a un juicio a puerta cerrada: - ¿Podría tener David un juicio a puerta cerrada (sin público), con la única presencia de sus padres? ¿Podría pedir que no hubiera nadie presente? - ¿Podría celebrarse la vista de David en ausencia de sus padres? ¿En qué circunstancias?		

Derecho de los/as menores a recurrir si se hubieran vulnerado sus derechos: - ¿Podría David recurrir si considera que alguno de sus derechos se ha vulnerado? ¿Podrían hacerlo sus padres por él? ¿Y su abogado/a? ¿Cómo? ¿Ante quién?			
Derecho de los/as menores a la vida privada: - ¿Tienen los medios de comunicación (televisión, periódicos, etc.) derecho a hablar sobre la vida privada de David? ¿Podría David presentar una queja al respecto? ¿Podrían hacerlo sus padres por él? ¿Y su abogado/a? ¿Cómo? ¿Por qué? ¿Ante quién?			

Observaciones

TERCERA FASE: Cumplimiento de la medida

El/La juez, en su sentencia, impone una medida judicial a David.

DERECHOS	SÍ	NO	COMENTARIOS
<p>Derecho de los/as menores a una evaluación individual:</p> <ul style="list-style-type: none"> - Cuando David comience el cumplimiento de la medida, ¿debería evaluarlo alguien? ¿Quién? ¿Para qué? 			
<p>Derecho de los/as menores a comunicarse con su familia:</p> <ul style="list-style-type: none"> - ¿Qué medida crees que debería imponer el/la juez a David? ¿Por qué? ¿Por cuánto tiempo? - Si David estuviera en un centro de internamiento, ¿debería poder comunicarse con sus padres? ¿Cómo? (Teléfono, cara a cara, etc.) ¿Con qué frecuencia? ¿Y con qué otros familiares? ¿Por qué? 			
<p>Derecho de los/as menores a asistencia médica:</p> <ul style="list-style-type: none"> - Si David estuviera en un centro de internamiento, ¿a su llegada debería examinarlo un/a médico? - ¿Podría pedir que lo vieran un/a médico? ¿Con qué frecuencia? ¿Cómo? - Si David fuera a salir del centro de internamiento para ser examinado por un/a médico externo/a, ¿cómo sería la salida? ¿Iría acompañado de alguien? ¿De quién? ¿Iría esposado? 			

<ul style="list-style-type: none"> - ¿El/La abogado/a de David tiene derecho a pedir que un/a médico lo vea? ¿Cómo podría hacerlo? - ¿Los padres de David tienen derecho a pedir que un/a médico vea a su hijo/a? Si es así, ¿cómo podrían hacerlo? 		
<p>Derecho de los/as menores a educación:</p> <ul style="list-style-type: none"> - Si David estuviera en un centro de internamiento, ¿debería poder estudiar dentro del centro? ¿Podría estudiar en un lugar distinto (fuera del centro, por ejemplo)? ¿Tiene el deber de estudiar? ¿Y si no quiere? ¿Qué opciones tiene? (Formación profesional, educación secundaria, etc.). - Si David estuviera cumpliendo otro tipo de medida, ¿podría seguir con sus estudios? ¿Tendría el deber de estudiar? ¿Y si no quiere? ¿Qué opciones tendría? (Formación profesional, educación secundaria, etc.). 		
<p>Derecho de los/as menores a libertad religiosa:</p> <ul style="list-style-type: none"> - Si David fuera católico y estuviera en un centro de internamiento, ¿podría pedir ver a un cura? ¿Podría ir a misa? ¿Podría salir fuera del centro o debería celebrarse en el centro la misa? - ¿Y si David fuera musulmán? ¿Podría celebrar el ramadán? - ¿Y si David estuviera cumpliendo otro tipo de medida? 		
<p>Derecho de los/as menores a acceder a programas para su reinserción social:</p> <ul style="list-style-type: none"> - Si David estuviera cumpliendo una medida de internamiento, ¿debería asistir a talleres? ¿Sería algo obligatorio u opcional? 		

- Si David estuviera cumpliendo otro tipo de medida, ¿debería asistir a talleres? ¿Sería algo obligatorio u opcional?			
Derecho de los/as menores a recibir información escrita sobre sus derechos y obligaciones y sobre el reglamento de régimen interno del centro de internamiento: - Si David estuviera internado, ¿debería hablarle alguien sobre sus derechos y obligaciones y el reglamento de régimen interno de su centro? ¿Quién? ¿Tendría derecho a recibir esta información por escrito? ¿Debería asegurarse alguien de que el menor comprende todo? ¿Quién? ¿Cómo?			

Observaciones

ANEXO 4. BASE DE DATOS DE EXCEL

The screenshot shows a Microsoft Excel spreadsheet titled "Database Child-Friendly JT: Focus Groups". The table structure is as follows:

	A	B	C	D	E	F	G	H
1	DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS							
2								
3								
4	FOCUS GROUPS GENERAL INFORMATION							
5								
6		FOCUS GROUP 1			FOCUS GROUP 2			
7	DATE							
8	START TIME							
9	END TIME							
10	LOCATION							
11	NUMBER OF PARTICIPANTS							
12								



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13								
14	PARTICIPANTS GENERAL INFORMATION							
15								
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
18	P1							
19	P2							
20	P3							
21	P4							
22	P5							
23	P6							
24	P7							
25	P8							
26	P9							
27	P10							
28								
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
31	P1							
32	P2							
33	P3							
34	P4							
35	P5							
36	P6							
37	P7							
38	P8							
39	P9							
40	P10							
41								



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42			
43	PARTICIPANTS STATEMENTS		
44	FIRST PHASE. POLICE ARREST		
45			
46			
47			
48	RIGTHS	FOCUS GROUP 1	FOCUS GROUP 2
49	Right of children to know what they are being accused of	YES/NO	COMMENTS
50	Right of the holders of parental responsibility to be informed		
51	Right of children to remain silent		
52	Right to a lawyer		
53	Right of children to privacy with their lawyers		
54	Right of children to translation and interpretation		
55	Right to have access to their judicial file		
56	Right of children to make a statement in the presence of their lawyers and holders of parental responsibility		
57	Right of children to have a letter of rights		
58	Right of children deprived of liberty to be kept separate from detained adults after their arrest		
59	Right of children to be put under arrest for no longer than 48 hours		
60	Right to use audio-visual means		
61	Right of children to medical care		
62			



SECOND PHASE. TRIAL					
RIGTHS	FOCUS GROUP 1		FOCUS GROUP 2		
	YES/NO	COMMENTS	YES/NO	COMMENTS	
Right of children to individual evaluation					
Right of children to be present and to participate on the trial					
Right of children to be accompanied by their holders of parental responsibility and their lawyers					
Right of children to appeal the sentence					
Right of children to a non-public trial					
Right of children to appeal if their rights have not been respected					
Right of children to privacy					
THIRD PHASE. SENTENCE EXECUTION					
RIGTHS	FOCUS GROUP 1		FOCUS GROUP 2		
	YES/NO	COMMENTS	YES/NO	COMMENTS	
Right of children to individual evaluation					
Right of children to family communication					
Right of children to medical care					
Right of children to education					
Right of children to religious freedom					
Right of children to have access to programs related to social reintegration					
Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations					



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FOCUS GROUPS GUIDE
GREEK
HOPE FOR CHILDREN (CYPRUS)

ΟΔΗΓΟΣ ΟΜΑΔΑΣ ΕΣΤΙΑΣΗΣ

Εισαγωγή

Το παρόν έγγραφο θα χρησιμοποιηθεί σαν οδηγός για τη διεξαγωγή μελέτης σχετικά με τη γνώση των παιδιών που έρχονται σε σύγκρουση με το νόμο και θα εξετάσει το βαθμό που αντιλαμβάνονται οι νεαροί τα δικαιώματά τους και κάθε άλλη σχετική πληροφορία όσον αφορά τις ποινικές διαδικασίες. Η έρευνα διεξάγεται χρησιμοποιώντας ομάδες εστίασης. Ο οδηγός περιλαμβάνει οδηγίες για τους επαγγελματίες σχετικά με τον τρόπο με τον οποίο μπορούν να εκτελέσουν καλύτερα αυτές τις συνεδρίες ομάδων εστίασης, καθώς και εργαλεία για τη συλλογή στατιστικών στοιχείων.

Η έρευνα αυτή αποτελεί μέρος των δραστηριοτήτων που σχεδιάστηκαν μέσα από το Ευρωπαϊκό πρόγραμμα Child Friendly JT: *To δικαιώματα των ανήλικων στην ενημέρωση, μετάφραση και διερμηνεία σε ποινικές διαδικασίες: Ανάπτυξη εργαλείων δικαιοσύνης φιλικών προς τα παιδιά».*

Οι κύριοι στόχοι του προγράμματος είναι να συμβάλουν στην ορθή εφαρμογή των Οδηγιών 2012/13/ΕΕ, 2010/64/ΕΕ και 2016/800 και να προωθήσουν τη φιλική προς τα παιδιά δικαιοσύνη βελτιώνοντας τη γνώση των ανήλικων που έρχονται σε σύγκρουση με το νόμο καθώς και των γονέων/κηδεμόνων, σχετικά με τα δικαιώματά τους και για οποιανδήποτε άλλη σχετική πληροφορία σε ποινικές διαδικασίες, χρησιμοποιώντας γλώσσα προσαρμοσμένη στο στάδιο ανάπτυξής τους. Το πρόγραμμα συντονίζεται από το Fundación Diagrama (Ισπανία) και πραγματοποιείται σε συνεργασία με το Udruga MOST (Κροατία), Social Activities and Practices Institute (SAPI) (Βουλγαρία), «Hope for Children» CRC Policy Center (Κύπρος), Istituto Don Calabria (Ιταλία) και το Παρατηρητήριο Δικαιοσύνης των ανηλίκων (Βέλγιο).

Ο παρόν οδηγός έχει μεταφραστεί στα Ισπανικά, Κροατικά, Βουλγάρικα, Ελληνικά και Ιταλικά με σκοπό την πραγματοποίηση αυτή της έρευνας σε όλα τα κράτη που ανήκουν στην συνεργασία, εκτός από το Βέλγιο.

Κατευθυντήριες γραμμές

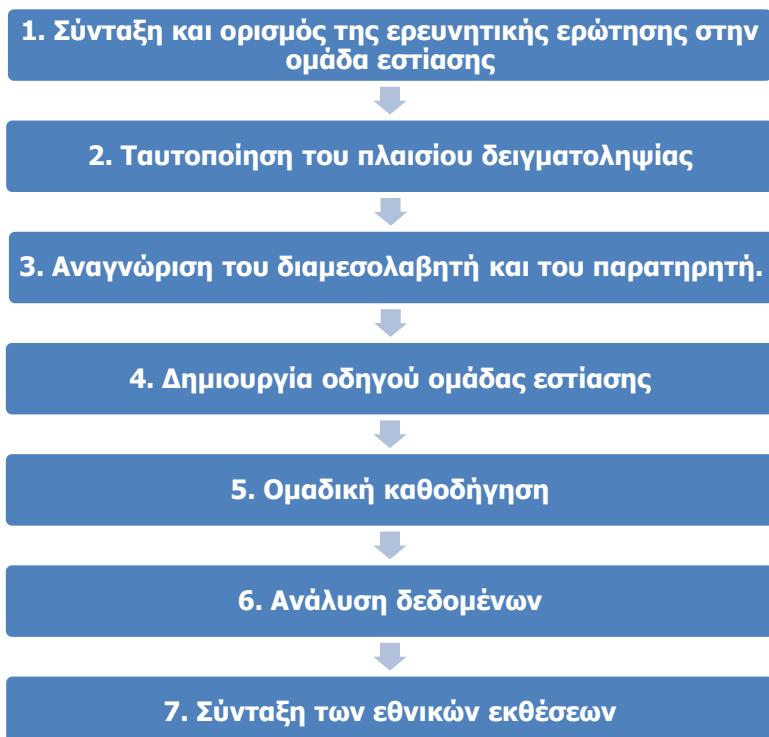
Μια ομάδα εστίασης μπορεί να οριστεί ως μια συνομιλία προσεκτικά προγραμματισμένη και σχεδιασμένη για τη συλλογή πληροφοριών σχετικά με ένα συγκεκριμένο πεδίο ενδιαφέροντος σε μια μη κατευθυνόμενη ατμόσφαιρα. Η συζήτηση είναι χαλαρή, άνετη



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και επαρκής για τους συμμετέχοντες, καθώς είναι σε θέση να εκθέσουν τις κοινές ιδέες και σχόλια, να μάθουν και να επηρεάσουν ο ένας τον άλλο¹.

Το παρόν πρόγραμμα θα βασιστεί σε 7 φάσεις όπως έχουν προσδιοριστεί από τους Stewart, Shamdasani και Rook² (2007), για την συγκρότηση και διεξαγωγή των ομάδων εστίασης:



1. Σύνταξη και ορισμός της ερευνητικής ερώτησης της ομάδας εστίασης

Το πρώτο απαραίτητο βήμα για τη διεξαγωγή μιας ομάδας εστίασης συνίσταται στον καθορισμό του σκοπού της έρευνας. Αυτό είναι κρίσιμο καθώς καθορίζει τον τρόπο με τον οποίο θα συνεχιστούν όλες οι επόμενες δραστηριότητες³.

Σε αυτή την περίπτωση, ο σκοπός της δημιουργίας πολλών ομάδων εστίασης είναι να αναλυθεί η γνώση των παιδιών, που εκτίουν δικαστική ποινή, σχετικά με τα δικαιώματά τους, προκειμένου να εντοπιστούν τυχόν ελλείματα ή παρανοήσεις που μπορεί να υπάρχουν.

¹ Krueger Richard A., *A Focus-group interviewing: New strategies for business and industries*, 1991.

² Steward David W., Shamdasani Prem N. and Rook Dennis W., *Focus groups: Theory and Practice*, 2007.

³ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

2. Ταυτοποίηση του πλαισίου δειγματοληψίας

Μόλις καθοριστεί ο σκοπός της ομάδας εστίασης, οι συμμετέχοντες στην έρευνα καθώς και το δείγμα πρέπει να καθοριστούν⁴. Το δείγμα θα σχηματιστεί από άτομα με τα κατάλληλα χαρακτηριστικά για το σκοπό της έρευνας⁵. Σε καμία περίπτωση αυτό το σύνολο χαρακτηριστικών δεν αποτελεί αντιπροσωπευτικό δείγμα ούτε μπορεί να αποτυπωθεί στατιστικά.

Ως εκ τούτων, οι συμμετέχοντες πρέπει να συγκεντρώνουν τα παρακάτω χαρακτηριστικά:

Χαρακτηριστικά των συμμετεχόντων στην ομάδα εστίασης

- Πρέπει να έχουν συλληφθεί από την αστυνομία.
- Πρέπει να εκτίουν δικαστική ποινή.
- Πρέπει να είναι μεταξύ 14 και 21 ετών, καθώς, αν και ένα παιδί είναι συνήθως ένα άτομο κάτω των 18 ετών⁶, **πολλά παιδιά τερματίζουν τα δικαστικά τους μέτρα σε μεταγενέστερη ηλικία.**
- Πρέπει να έχουμε συνειδητή συναίνεση υπογεγραμμένη από το παιδί καθώς και συναίνεση από τους κατόχους γονικής μέριμνας αν το παιδί είναι κάτω των 18 ετών.

Μόλις επιλεγεί το δείγμα, θα διεξαχθούν δυο ομάδες εστίασης ανά χώρα, στην Ιταλία, την Κροατία, την Κύπρο, τη Βουλγαρία και την Ισπανία. Κάθε ομάδα θα σχηματισθεί από περίπου 10 παιδιά που θα προσφερθούν εθελοντικά, καθώς η έρευνα δείχνει ότι μια ομάδα εστίασης είναι πιο αποτελεσματική όταν σχηματίζεται μεταξύ 7 και 12 συμμετεχόντων⁷. Η ομάδα θα είναι όσο το δυνατόν πιο ετερογενής για να προωθήσει την ανταλλαγή ιδεών και απόψεων. Επιπλέον, κάθε ομάδα πρέπει να περιλαμβάνει τόσο αγόρια όσο και κορίτσια, αν και εφόσον το επιτρέπουν οι περιστάσεις.

Είναι σημαντικό να έχουμε κατά νου ότι κατά τη διάρκεια της ομάδας εστίασης, οι εκπαιδευτικοί ή οποιοσδήποτε άλλος υπεύθυνος για τα παιδιά δεν πρέπει να είναι παρόντες, καθώς η παρουσία τους μπορεί να επηρεάσει τις απαντήσεις των παιδιών.

⁴ Nagle Barry, Williams Nichelle, *Methodology Brief: Introduction to focus groups*, 2013.

⁵ Finch, H. and Lewis J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, London, pp. 170-198, 2003.

⁶ United Nations Convention on the Rights of the Child (CRC), 1989; Directive (EU) 2016/800 του Ευρωπαϊκού Κοινοβουλίου και του Συμβουλίου σχετικά με τις διαδικαστικές εγγυήσεις των παιδιών που είναι ύποπτοι ή κατηγορούμενοι σε ποινικές διαδικασίες, 2016.

⁷ Nagle Barry, Williams Nichelle, *Methodology Brief: Introduction to focus groups*, 2013.



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Όλα τα δεδομένα που αφορούν τα χαρακτηριστικά των συμμετεχόντων (όπως προαναφέρθηκε) θα πρέπει να συλλέγονται στο παράρτημα 1.

3. Αναγνώριση του διαμεσολαβητή και του παρατηρητή

Όπως διευκρινίζεται από τον S. Lamnek στο Gruppendiskussions⁸, ο κύριος στόχος του διαμεσολαβητή είναι να διαχειριστεί επίσημα την ομάδα εστίασης χωρίς να επιβάλλει τις απόψεις ή τις ιδέες του. Ωστόσο, είναι σημαντικό ο διαμεσολαβητής να έχει επαρκείς γνώσεις σχετικά με το θέμα που πρόκειται να συζητηθεί, καθώς θα του επιτρέψει να διαχειριστεί εύκολα την ομάδα εστίασης, καθώς και να την αναζωογονήσει όταν είναι απαραίτητο.

Υπό αυτή την έννοια, ο διαμεσολαβητής της ομάδας πρέπει να έχει γνώση και κατάρτιση σχετικά με τα δικαιώματα που δικαιούνται τα παιδιά που έρχονται σε σύγκρουση με το νόμο κατά τη διάρκεια της δικαστικής διαδικασίας. Οι διαμεσολαβητές πρέπει να έχουν ειδική κατάρτιση σχετικά με:

- Το σύστημα δικαιοσύνης των ανηλίκων στη χώρα τους (ιδιαίτερα όσο αφορά τη δικαστική διαδικασία και τις φάσεις της).
- Τις ευρωπαϊκές οδηγίες σχετικά με τα δικαιώματα των κατηγορουμένων ή συλληφθέντων παιδιών: Οδηγία 2016/800, Οδηγία 2012/13, Οδηγία 2010/64 και Οδηγία 2013/48/EE.

Επιπλέον, το άτομο αυτό θα επωφεληθεί επίσης από τις πληροφορίες σχετικά με τις πιο δημοφιλείς τεχνικές που χρησιμοποιούνται κατά τη διεξαγωγή ομάδων εστίασης (Παράρτημα 2), καθώς και από συγκεκριμένες κατευθυντήριες γραμμές που θα τον/την βοηθήσουν να διεξάγει σωστά την ομάδα εστίασης (Παράρτημα 3).

Από την άλλη πλευρά, ο **παρατηρητής** θα είναι αυτός που θα είναι υπεύθυνος για τη λήψη σημειώσεων κατά τη διάρκεια της ομάδας εστίασης.

Όσο αφορά το συγκεκριμένο πρόγραμμα, οι σημειώσεις του παρατηρητή θα πρέπει να επικεντρωθούν στις ακόλουθες πτυχές:

- Στάσεις και συμπεριφορές των συμμετεχόντων κατά τη διάρκεια της ομάδας εστίασης.
- Εκπλήρωση/παραβίαση των κανόνων που καθορίζει ο διαμεσολαβητής στην αρχή της ομάδας εστίασης (Παράρτημα 3).
- Ανίχνευση προφίλ προσωπικοτήτων των συμμετεχόντων στην ομάδα εστίασης (Παράρτημα 2).

⁸ Lamnek Siegfried, *Gruppendiskussions*, 1998.

- Αξιοσημείωτες δηλώσεις των συμμετεχόντων.
- Γνώση των συμμετεχόντων σχετικά με το θέμα που συζητήθηκε.
- Επίπεδο συμφωνίας/διαφωνίας των συμμετεχόντων, ενώ αντιμετωπίζει τα θεμελιώδη θέματα της ομάδας εστίασης.
- Επίπεδο εμπλοκής σε συγκεκριμένες δραστηριότητες.

Επιπλέον, ο παρατηρητής θα έχει στην κατοχή του/της το εργαλείο ομάδας εστίασης (παράρτημα 3), το οποίο πρέπει να ακολουθήσει ο διαμεσολαβητής.

Εάν είναι δυνατόν, ο διαμεσολαβητής και ο παρατηρητής θα πρέπει να επισκεφθούν εκ των προτέρων το χώρο όπου θα γίνει η ομάδα εστίασης, για να βεβαιωθούν ότι είναι κατάλληλος και φιλικός προς τα παιδιά.

"Είναι επίσης σημαντικό να οργανωθεί το υλικό νωρίς. Μπορεί να επηρεάσει τη συζήτηση της ομάδας εστίασης εάν ο διαμεσολαβητής είναι ανήσυχος επειδή κάποια υλικά λείπουν ή αγοράζονται την τελευταία στιγμή. Αν ο διαμεσολαβητής είναι ανήσυχος, αυτό μπορεί να κάνει τους συμμετέχοντες να νιώσουν άβολα και να περιορίσει τη συζήτηση"⁹. Τα συγκεκριμένα υλικά που θα χρειαστούν σε αυτό το έργο θα είναι τα ακόλουθα:

- Κόλλες χαρτιού και μολύβια/στυλό.
- Οδηγός ομάδας εστίασης.
- Μαγνητόφωνο/κινητό τηλέφωνο. Πριν από την ομάδα εστίασης, η απαιτούμενη άδεια πρέπει να ζητηθεί από τη Δημόσια Διοίκηση για να την καταγράψει.
- Λίστα συμμετεχόντων.
- Έντυπο υπογραφής.
- Ενημερωμένες συγκαταθέσεις για συμμετοχή στην έρευνα.
- Ρολόι.
- Αναψυκτικά/νερό.

4. Δημιουργία οδηγού ομάδας εστίασης

Ο οδηγός της ομάδας εστίασης θα βοηθήσει για μια αποτελεσματική ομαδική συζήτηση, καθώς θα διευκολύνει τον διαμεσολαβητή να εστιάσει τη συζήτηση στα πιο σημαντικά θέματα και να καθορίσει αυτά που πρέπει να συζητηθούν περαιτέρω¹⁰. Ωστόσο, αυτές οι κατευθυντήριες γραμμές είναι ευέλικτες και ενδέχεται να διαφέρουν, προσαρμόζοντάς τις στην εξέλιξη της εν λόγω ομάδας εστίασης. Επιπλέον, ο διαμεσολαβητής μπορεί να βασιστεί στη βοήθεια του παρατηρητή.

⁹ Nagle Barry, Williams Nichelle, *Methodology Brief: Introduction to focus groups*, 2013.

¹⁰ Feijóo, S. and Paré, M. H., *El grup de discussió i l'observació participant*, 2010.



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Είναι ιδιαίτερα σημαντικό να ζητούνται και να εκφράζονται όλα τα ερωτήματα με σαφή, ξεκάθαρο και φιλικό προς το παιδί τρόπο και γλώσσα.

Τόσο ο διαμεσολαβητής όσο και ο παρατηρητής θα έχουν το Παράρτημα 3, ένα έγγραφο που παρουσιάζει μια περίπτωση με αντίστοιχες ερωτήσεις, καθώς και διαγράμματα συλλογής δεδομένων.

5. Ομαδική καθοδήγηση

Ο διαμεσολαβητής πρέπει να ακολουθήσει αυτήν την σειρά βημάτων για να καθοδηγήσει σωστά την ομάδα εστίασης:

1. Καλωσόρισμα, ευχαριστίες και σύσταση του διαμεσολαβητή και του παρατηρητή.
2. Σύσταση των συμμετεχόντων (όνομα και ηλικία).
3. Κανόνες συμμετοχής: εμπιστευτικότητα, ηχογράφηση, ωράριο, ρόλοι κλπ.
4. Σύντομη εξήγηση για τα βασικά θέματα συζήτησης.
5. Έναρξη της συζήτησης.
6. Εισαγωγή ερωτήσεων με βάση τον ρυθμό της ομάδας.
7. Κλείσιμο και ευχαριστίες.

Ο οδηγός που παρέχεται στο παράρτημα 3 θα πρέπει να ακολουθηθεί βήμα προς βήμα από τους επαγγελματίες που είναι υπεύθυνοι για τη διεξαγωγή των ομάδων εστίασης.

6. Ανάλυση δεδομένων

Μόλις τελειώσει η ομάδα εστίασης, θα γίνει ανάλυση των δεδομένων που συγκεντρώθηκαν από τον διαμεσολαβητή, των σημειώσεων του παρατηρητή και των ηχογραφήσεων. Οι πληροφορίες αυτές θα επιτρέψουν στον μεσολαβητή και στον παρατηρητή να καταλάβουν εάν τα παιδιά που εκτίουν ποινή γνωρίζουν τα δικαιώματά τους κατά τη διάρκεια ποινικής διαδικασίας.

7. Σύνταξη των εθνικών εκθέσεων

Στη συνέχεια θα πρέπει να ολοκληρωθεί η βάση δεδομένων στην excel που παρουσιάζεται στο Παράρτημα 4, αφού κάθε χώρα να είναι σε θέση να συγκεντρώσει τις πληροφορίες σχετικά με τις ομάδες εστίασης που έχουν διεξαχθεί. Αυτή η βάση δεδομένων θα επιτρέψει σε κάθε χώρα να αναλύσει τα δεδομένα που συγκεντρώθηκαν με έναν εύκολο και γρήγορο τρόπο, οδηγώντας στη σύνταξη μιας εθνικής έκθεσης. Όλες οι βάσεις δεδομένων θα πρέπει εν συνεχείᾳ να ενοποιηθούν σε μια και να αναλυθούν στο σύνολό τους για να εκπονηθεί μια συνολική έκθεση συλλογής δεδομένων που λήφθηκαν από τις συμμετέχουσες χώρες.



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ΠΑΡΑΡΤΗΜΑ 1. ΔΕΔΟΜΕΝΑ ΟΜΑΔΑ ΕΣΤΙΑΣΗΣ

Πληροφορίες ομάδας

ΑΡΙΘΜΟΣ ΟΜΑΔΑΣ ΕΣΤΙΑΣΗΣ	
ΗΜΕΡΟΜΗΝΙΑ	
ΩΡΑ ΕΝΑΡΞΗΣ	
ΩΡΑ ΛΗΞΗΣ	
ΤΟΠΟΘΕΣΙΑ	
ΑΡΙΘΜΟΣ ΣΥΜΜΕΤΕΧΟΝΤΩΝ	

Πληροφορίες συμμετεχόντων

	ΦΥΛΟ	ΗΛΙΚΙΑ	ΕΘΝΙΚΟΤΗΤΑ	ΕΙΔΟΣ ΕΓΚΛΗΜΑΤΟΣ	ΕΙΔΟΣ ΠΟΙΝΗΣ	ΧΡΟΝΟΣ ΠΟΙΝΗΣ	ΠΟΙΝΙΚΟ ΜΗΤΡΩΟ
Σ1							
Σ2							
Σ3							
Σ4							
Σ5							
Σ6							
Σ7							
Σ8							
Σ9							
Σ10							



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ΠΑΡΑΡΤΗΜΑ 2. ΤΕΧΝΙΚΕΣ ΔΙΕΥΚΟΛΥΝΣΗΣ ΟΜΑΔΑΣ ΕΣΤΙΑΣΗΣ

Πριν ξεκινήσει η ομάδα εστίασης, είναι σημαντικό να θυμάστε ότι:

- Ο διαμεσολαβητής πρέπει να δείχνει κατανόηση, να είναι προσεκτικός και ουδέτερος.
- Ο διαμεσολαβητής θα πρέπει να επιτρέπει τη συμμετοχή όλων των παιδιών, διευκολύνοντας τη συνεισφορά όλων και εντοπίζοντας πιθανούς «αρχηγούς» που τείνουν να μονοπωλούν τη συζήτηση, προκειμένου να δώσουν το λόγο στους πιο εσωστρεφείς συμμετέχοντες.
- Ο διαμεσολαβητής θα πρέπει να χρησιμοποιεί σαφή ορολογία σε όλους τους συμμετέχοντες.
- Ο διαμεσολαβητής θα πρέπει να μιλά με τρόπο απλό και σαφή για τα παιδιά, προσαρμόζοντας τη γλώσσα στην ηλικία των συμμετεχόντων και στο κοινωνικό-πολιτιστικό τους πλαίσιο.
- Ο διαμεσολαβητής θα πρέπει να χρησιμοποιεί ανοικτές ερωτήσεις για να αποφύγει τις κλειστές απαντήσεις.
- Ο διαμεσολαβητής θα πρέπει να διεξάγει τη συζήτηση από το γενικό στο συγκεκριμένο.
- Η συμμετοχή είναι εθελοντική και υπόκειται στην παραλαβή και υπογραφή της ενημερωμένης συγκατάθεσης.

Ο διαμεσολαβητής θα πρέπει να χρησιμοποιήσει ορισμένες τεχνικές επικοινωνίας για να ενθαρρύνει την κατάλληλη ανάπτυξη της ομάδας εστίασης και να διατηρήσει ενεργούς όλους τους συμμετέχοντες:

ΤΕΧΝΙΚΕΣ ΕΠΙΚΟΙΝΩΝΙΑΣ ΓΙΑ ΤΗΝ ΕΝΕΡΓΗ ΔΙΑΤΗΡΗΣΗ ΤΗΣ ΟΜΑΔΑΣ	
ΗΧΩ	Επανάληψη της τελευταίας λέξης ή πρότασης.
ΠΑΡΑΦΡΑΣΗ	Η έκφραση μιας ιδέας ή γνώμης που αναφέρθηκε προηγουμένως, χρησιμοποιώντας διαφορετικές λέξεις.
ΑΝΤΙΠΑΡΑΘΕΣΗ	Η επιστήμαση τυχόν ασυνεπειών ή αντιφάσεων που μπορεί να προκύψουν κατά τη διάρκεια της συζήτησης.
ΣΙΩΠΗ	Να παραμείνετε σιωπηλοί για λίγα δευτερόλεπτα για να δώσετε στην ομάδα την ευκαιρία να μιλήσει.
ΠΕΡΙΛΗΨΗ	Να γίνει μια περιληψη για το ότι έχει ειπωθεί για ένα συγκεκριμένο ζήτημα.
ΕΠΙΜΟΝΗ	Η επανάληψη της τελευταίας ερώτησης που διατυπώθηκε.
ΠΡΟΣΚΛΗΣΗ	Πρόσκληση ενός μέλους της ομάδας για να συμμετάσχει.
ΑΝΑΔΙΑΤΥΠΩΣΗ	Η επανάληψη μιας ερώτησης ή μιας ιδέας που οι συμμετέχοντες δεν κατάλαβαν, χρησιμοποιώντας διαφορετικές λέξεις.
ΕΠΑΝΑΠΡΟΣΔΙΟΡΙΣΜΟΣ	Επαναπροσδιορισμός της συζήτησης όταν γίνεται αντιπαραγωγική ή μένει στάσιμη.
ΣΕΒΑΣΜΟΣ	Η ένδειξη σεβασμού σε όλους τους συμμετέχοντες.



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Εκτός από τις τεχνικές επικοινωνίας, οι Nagle και Williams προτείνουν στο *Methodology brief: Introduction to focus groups¹¹* ότι είναι επίσης απαραίτητο για τον διαμεσολαβητή να χρησιμοποιεί μη λεκτικές τεχνικές επικοινωνίας για να υποστηρίξει την αποτελεσματικότητα των λεκτικών. Μία από τις πιο συνήθης τεχνικές στην περίπτωση αυτή είναι η οπτική επαφή. Ο διαμεσολαβητής θα χρησιμοποιήσει οπτική επαφή με τους συμμετέχοντες που υπερασπίζονται τις απόψεις τους, καθώς και με όσους δεν συμμετέχουν στη συζήτηση, προκειμένου να συμπεριληφθούν.

Τέλος, ο διαμεσολαβητής θα πρέπει να δώσει προσοχή στην προσωπικότητα του κάθε συμμετέχοντα της ομάδας εστίασης, καθώς μπορεί να προσαρμόσει τις τεχνικές που αναφέρονται παραπάνω σε κάθε μία από αυτές. Το *Methodology brief: Introduction to focus groups¹²* παρουσιάζει επιπλέον έναν κατάλογο των διαφορετικών τύπων ανθρώπων που μπορούν συνήθως να εντοπιστούν κατά τη διάρκεια μιας ομάδας εστίασης:

- **Εμπειρογνώμονες:** Πρόκειται για άτομα που γενικά γνωρίζουν περισσότερα για το θέμα από οποιονδήποτε άλλο στο δωμάτιο. Προσπαθούν είτε να κυριαρχήσουν στη συζήτηση είτε να μην συμμετάσχουν λόγω της εκτεταμένης γνώσης τους. Οποιοδήποτε ισχύει, υπενθυμίζετε τους την αξία της συμμετοχής όλων.
- **Κυριαρχοί ομιλητές:** Αναζητήστε αυτά τα άτομα στην "ψιλοκουβέντα" στην αρχή. Αν κυριαρχούν στη συζήτηση, χρησιμοποιήστε μη λεκτική επικοινωνία ή απομακρύνετε την προσοχή σας από αυτά με διακριτικό τρόπο: μετακινηθείτε στην αντίθετη πλευρά του δωματίου και επιχειρήστε οπτική επαφή από τους άλλους συμμετέχοντες.
- **Ντροπαλοί συμμετέχοντες:** Χρησιμοποιήστε οπτική επαφή και δηλώσεις όπως "Δεν θέλω να σας αφήσω έξω από τη συζήτηση, τι πιστεύετε για αυτό το ζήτημα;"
- **Πολύλογοι:** Χρησιμοποιήστε την οπτική επαφή και τη γλώσσα του σώματος. Υπενθυμίστε τους ότι η συμμετοχή όλων είναι σημαντική. Χρησιμοποιήστε επίσης καθοδηγητικές δηλώσεις όπως "Τι είναι το συγκεκριμένο πράγμα που προσπαθείτε να πείτε;" ή δηλώσεις όπως "Πρέπει να κρατήσουμε την ομάδα να κινείται, αλλά μπορείτε να μου πείτε περισσότερα γι' αυτό μετά την ομάδα";

¹¹ Nagle Barry, Williams Nichelle, *Methodology Brief: introduction to focus groups*, 2013.

¹² Nagle Barry, Williams Nichelle, 2013, *op. cit.*



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ΠΑΡΑΡΤΗΜΑ 3. ΟΔΗΓΟΣ ΟΜΑΔΑΣ ΕΣΤΙΑΣΗΣ

1. Καλωσόρισμα, ευχαριστίες και σύσταση του διαμεσολαβητή και του παρατηρητή.

«Γεια σας! Το όνομά μου είναι _____ (διαμεσολαβητής) και αυτός/ή είναι ο/η _____ (παρατηρητής). Σήμερα θα θέλαμε να μιλήσουμε μαζί σας για τι γνωρίζετε για τα δικαιώματα που έχετε κατά τη διάρκεια μιας δικαστικής διαδικασίας. Θα σας διαβάσουμε μια φανταστική υπόθεση ενός παιδιού που έχει διαπράξει ένα έγκλημα και θα σας ρωτήσουμε ορισμένες ερωτήσεις σχετικά με αυτό το παιδί στις διάφορες φάσεις μιας δικαστικής διαδικασίας.»

2. Σύσταση των συμμετεχόντων.

«Πριν αρχίσουμε με τη δραστηριότητα, θα θέλαμε να συστηθείτε για να σας γνωρίσουμε καλύτερα. Θα μπορούσατε να μας πείτε το όνομά σας, την ηλικία καθώς και το αγαπημένο σας χόμπι.»

3. Κανόνες συμμετοχής.

- «Όλες οι συνομιλίες που πραγματοποιούνται κατά τη διάρκεια αυτής της ομάδας εστίασης θα παραμείνουν απολύτως εμπιστευτικές.
- Δεν υπάρχουν καλές ή κακές απαντήσεις, όλες οι απαντήσεις είναι εξίσου έγκυρες.
- Όποτε ένας από εσάς επιθυμεί να μιλήσει, παρακαλώ ζητήστε άδεια σηκώνοντας το χέρι σας.
- Όπως γνωρίζετε, η συζήτηση αυτή θα ηχογραφηθεί. Όλα τα καταγεγραμμένα στοιχεία θα είναι εμπιστευτικά και θα είμαστε οι μόνοι που θα μπορέσουν να τα ακούσουν, προκειμένου να τα αναλύσουν. Αν κάποιος από εσάς διαφωνεί, παρακαλώ πείτε το.»

4. Σύντομη εξήγηση για τα βασικά θέματα συζήτησης υπογραμμίζοντας ότι τα αποτελέσματα θα είναι χρήσιμα για τη βελτίωση της αντιμετώπισης των παιδιών που έρχονται σε σύγκρουση με το νόμο στα πλαίσια του συστήματος δικαιοσύνης ανηλίκων.

«Σας ζητάμε να συμμετάσχετε ενεργά και να είστε απόλυτα ειλικρινείς σχετικά με τις απόψεις και τα σχόλια που κάνετε. Μας ενδιαφέρει πραγματικά να γνωρίζουμε τι σκέφτεστε για αυτά τα ζητήματα, καθώς με τη συνεργασία σας θα μπορέσουμε να βελτιώσουμε το σύστημα δικαιοσύνης ανηλίκων και να βοηθήσουμε μελλοντικούς



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εφήβους σε παρόμοια κατάσταση ».

5. Έναρξη της συζήτησης.

«Θα περιγράψουμε την υπόθεση ενός παιδιού που έχει διαπράξει έγκλημα. Θα σας διαβάσω την ιστορία και θα σας κάνω ορισμένα ερωτήματα σχετικά με τα δικαιώματα που θα μπορούσε να έχει αυτό το άτομο σε αυτό το στάδιο της δικαστικής διαδικασίας. Σας ζητείται να απαντήσετε και να σχολιάσετε αυτές τις ερωτήσεις δίνοντας τη γνώμη σας. Έχετε κάποιες ερωτήσεις προτού ξεκινήσουμε;»



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ΠΡΩΤΟ ΣΤΑΔΙΟ: Αστυνομική σύλληψη

Ο Ντέιβιντ είναι ένα 16χρονο αγόρι και δεν είναι πολύ καλός μαθητής. Παρόλα αυτά, συνήθως δεν χάνει ποτέ τα μαθήματα. Άλλα αυτές τις τελευταίες εβδομάδες, αντί να πηγαίνει στο σχολείο, περνάει το χρόνο του σε ένα πάρκο με μια ομάδα αγοριών. Με αυτόν τον τρόπο, αγνοεί τους παλιούς του φίλους και έχει αρχίσει να διαπράττει μικρές πράξεις βανδαλισμού, όπως η ζωγραφική γκράφιτι στους τοίχους κ.λπ., χωρίς ποτέ να τον πιάσει η αστυνομία. Άλλα το περασμένο Σαββατοκύριακο ο Ντέιβιντ μπλέχτηκε σε ένα καυγά σε μια δισκοθήκη: χτύπησε ένα άλλο αγόρι της ηλικίας του και τον έστειλε στο νοσοκομείο. Το προσωπικό ασφαλείας της δισκοθήκης ακινητοποίησε τον Ντέιβιντ και η αστυνομία τον συνέλαβε αργότερα.

ΔΙΚΑΙΩΜΑΤΑ	ΝΑΙ	ΟΧΙ	ΣΧΟΛΙΑ
<p>Δικαίωμα των παιδιών να γνωρίζουν για τι κατηγορούνται:</p> <ul style="list-style-type: none"> - Πρέπει κάποιος να εξηγήσει στον Ντέιβιντ για τι κατηγορείται; Ποιος; Πώς; - Πρέπει να ενημερωθεί ο Ντέιβιντ για τις γενικές πτυχές της διαδικασίας, όπως τα διάφορα διαδικαστικά βήματα ή για το ρόλο των εμπλεκομένων αρχών; - Πρέπει κάποιοι να βεβαιωθούν ότι ο Ντέιβιντ έχει καταλάβει όλα όσα του έχουν εξηγηθεί; Τι θα μπορούσε να συμβεί αν ο Ντέιβιντ δεν καταλάβει τις εξηγήσεις που του δόθηκαν; 			
<p>Δικαίωμα των δικαιούχων γονικής μέριμνας να ενημερώνονται:</p> <ul style="list-style-type: none"> - Πρέπει κάποιος να πει στον Ντέιβιντ ότι έχει το δικαίωμα να καλέσει τους γονείς του για να τους πει τι συνέβη; Ποιος; Πώς; - Πρέπει κάποιος να καλέσει τους γονείς του Ντέιβιντ για να τους εξηγήσει τι έχει κάνει ο γιος τους; Ποιος; Πώς; - Πρέπει οι γονείς του Ντέιβιντ να ενημερώνονται για τις κατηγορίες εναντίον του γιου τους; Πρέπει κάποιος να τους εξηγήσει τις πιο σημαντικές 			



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<p>πτυχές της διαδικασίας; Πρέπει κάποιος να βεβαιωθεί ότι έχουν καταλάβει όλα όσα έχουν ειπωθεί;</p>			
<p>Δικαίωμα των παιδιών να παραμένουν σιωπηλοί:</p> <ul style="list-style-type: none"> - Πρέπει κάποιος να εξηγήσει στον Ντέιβιντ ότι έχει το δικαίωμα να παραμείνει σιωπηλός; Ποιος; Πού; Πώς; - Τι σημαίνει "παραμένω σιωπηλός"; - Πιστεύεις ότι ο Ντέιβιντ καταλαβαίνει τι σημαίνει "παραμένω σιωπηλός"; Γιατί; - Πιστεύεις ότι πρέπει να χρησιμοποιηθεί ένα συνώνυμο; Ποιο απ' όλα? Γιατί; 			
<p>Δικαίωμα σε δικηγόρο:</p> <ul style="list-style-type: none"> - Έχει ο Ντέιβιντ το δικαίωμα σε δικηγόρο; - Πρέπει ο Ντέιβιντ να έχει το δικαίωμα να υπερασπιστεί από έναν δικηγόρο; Εάν ναι, πρέπει να πληρώσει για αυτό; Πώς? Γιατί; - Πώς θα επικοινωνούσε μαζί του / της; - Έχει το δικαίωμα να παραπονεθεί αν δεν καταλάβει τι του έχουν πει; Θα μπορούσε να το ζητήσει εγγράφως; 			
<p>Δικαίωμα των παιδιών στην ιδιωτικότητα με τους δικηγόρους τους:</p> <ul style="list-style-type: none"> - Έχει ο Ντέιβιντ το δικαίωμα να μιλήσει με τον δικηγόρο του πριν από την αστυνομική ανάκριση; Για ποιο λόγο? Πρέπει ο δικηγόρος του να του πει τι θα συμβεί κατά τη διάρκεια της αστυνομικής ανάκρισης; - Αν κάποιος θέλει να ξέρει τι έχουν συζητήσει ιδιωτικά ο Ντέιβιντ και ο δικηγόρος του, έχει το δικαίωμα να το ζητήσει από τον Ντέιβιντ; Ο Ντέιβιντ θα πρέπει να απαντήσει ή έχει το δικαίωμα να παραμείνει σιωπηλός; 			

<p>Δικαίωμα των παιδιών στη μετάφραση και διερμηνεία:</p> <ul style="list-style-type: none"> - Αν ο Ντέιβιντ ήταν ξένος και δεν μπορούσε να μιλήσει τη γλώσσα της χώρας στην οποία διώκεται: <ul style="list-style-type: none"> • Πρέπει κάποιος να βεβαιωθεί ότι ο Ντέιβιντ καταλαβαίνει τη γλώσσα; • Πρέπει κάποιος να του μιλήσει σε μια γλώσσα που είναι σε θέση να καταλάβει; Ποιος; - Αν ο Ντέιβιντ δεν μπορούσε να ακούσει ή να μιλήσει: <ul style="list-style-type: none"> • Πρέπει κάποιος να βεβαιωθεί ότι ο Ντέιβιντ καταλαβαίνει τι του λένε κατά τη σύλληψή του; • Πρέπει κάποιος να επικοινωνεί μαζί του με τον τρόπο με τον οποίο καταλαβαίνει; Ποιος; 		
<p>Δικαίωμα πρόσβασης στο δικαστικό φάκελο:</p> <ul style="list-style-type: none"> - Έχει ο Ντέιβιντ το δικαίωμα να δει τις πληροφορίες του δικαστικού του φακέλου; Από ποιον πρέπει να το ζητήσει; Γιατί; - Ο δικηγόρος του Ντέιβιντ έχει το δικαίωμα να δει τις πληροφορίες του δικαστικού φακέλου του Ντέιβιντ; Από ποιον πρέπει να το ζητήσει; Πώς; Γιατί; - Αν ο Ντέιβιντ ήθελε να δει το δικαστικό του φάκελο αλλά κάποιος δεν του επέτρεπε να το κάνει, θα μπορούσε να διαμαρτυρηθεί γι' αυτό; Σε ποιον; Πώς; 		
<p>Δικαίωμα των παιδιών να προβούν σε δήλωση στην παρουσία των δικηγόρων τους και των δικαιούχων γονικής μέριμνας:</p> <ul style="list-style-type: none"> - Έχει ο Ντέιβιντ το δικαίωμα να έχει μαζί του τον δικηγόρο του όταν κάνει μια δήλωση; Πρέπει κάποιος να του το εξηγήσει αυτό; Ποιος; Πώς; 		

<ul style="list-style-type: none"> - Ο δικηγόρος του Ντέιβιντ έχει το δικαίωμα να μιλήσει κατά τη διάρκεια της αστυνομικής ανάκρισης; Τι θα μπορούσε να πει; - Θα μπορούσαν οι γονείς του Ντέιβιντ να είναι παρόντες κατά τη διάρκεια της αστυνομικής ανάκρισης του γιου τους; Εάν ναι, πρέπει κάποιος να το πει στον Ντέιβιντ; Ποιος; Πρέπει κάποιος να το εξηγήσει αυτό και στους γονείς του Ντέιβιντ; - Οι γονείς του Ντέιβιντ έχουν το δικαίωμα να μιλήσουν κατά τη διάρκεια της αστυνομικής ανάκρισης; Τι πρέπει / θα μπορούσαν να πουν; 			
<p>Δικαιώματα των παιδιών να έχουν ένα έγγραφο δικαιωμάτων:</p> <ul style="list-style-type: none"> - Πρέπει κάποιος να εξηγήσει στον Ντέιβιντ τα δικαιώματά του; Ποιος; Πώς; (προφορικά, γραπτά ή και τα δύο) Πού; - Πρέπει κάποιος να βεβαιωθεί ότι ο Ντέιβιντ καταλαβαίνει τα δικαιώματά του; Πρέπει κάποιος να του μιλήσει σε μια σαφή και κατανοητή γλώσσα; - Μπορεί να μου δώσεις ένα παράδειγμα των δικαιωμάτων του Ντέιβιντ; 			
<p>Το δικαίωμα των παιδιών που στερούνται της ελευθερίας να κρατούνται ξεχωριστά από τους συλληφθέντες ενήλικες, μετά τη σύλληψή τους:</p> <ul style="list-style-type: none"> - Όταν ο Ντέιβιντ συλλαμβάνεται και μεταφέρεται στο αστυνομικό τμήμα, εάν υπάρχει ένα κελί που καταλαμβάνεται από άτομο ηλικίας άνω των 18 ετών, ο Ντέιβιντ πρέπει να τεθεί στο ίδιο κελί με αυτόν; Τι γίνεται αν το άτομο αυτό ήταν ένα παιδί κάτω των 18 ετών; Γιατί; - Αν στο αστυνομικό τμήμα υπήρχε μόνο ένα κελί και αυτό καταλαμβάνεται από άτομο ηλικίας άνω των 18 ετών, θα έπρεπε ο Ντέιβιντ να τεθεί στο ίδιο κελί με αυτό; Τι θα έπρεπε να γίνει αν αυτός ήταν ανήλικος; Γιατί; 			

<p>Δικαίωμα των παιδιών να κρατούνται υπό σύλληψη για χρονικό διάστημα που δεν υπερβαίνει τις 48 ώρες:</p> <ul style="list-style-type: none"> - Για πόσο χρονικό διάστημα μπορεί ο Ντέιβιντ να κρατείται υπό σύλληψη; Τι γίνεται αν υπάρχει ένα Σαββατοκύριακο στη μέση αυτής της χρονικής περιόδου; 			
<p>Δικαίωμα χρήσης οπτικοακουστικών μέσων:</p> <ul style="list-style-type: none"> - Πιστεύετε ότι η ανάκριση του Ντέιβιντ πρέπει να καταγραφεί; Γιατί; Από ποιον; Για ποιο λόγο; - Μπορεί κάποιος να δημοσιεύσει την οπτικογράφηση χωρίς την άδεια του Ντέιβιντ; Και με την άδεια του Ντέιβιντ; Γιατί; 			
<p>Δικαίωμα των παιδιών σε ιατρική περίθαλψη:</p> <ul style="list-style-type: none"> - Εάν ο Ντέιβιντ τραυματιστεί ενώ βρίσκεται στο κελί, έχει δικαίωμα να λάβει ιατρική βοήθεια; Πρέπει να πάει στο νοσοκομείο; Πρέπει ο γιατρός να έρθει στο κελί του; Πρέπει κάποιος να ενημερώσει τους γονείς του Ντέιβιντ για τι συμβαίνει; Γιατί; - Κι αν ήταν κάτι σοβαρό; Πρέπει ο Ντέιβιντ να μεταφερθεί στο νοσοκομείο; 			

Παρατηρήσεις:



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ΔΕΥΤΕΡΟ ΣΤΑΔΙΟ: Δίκη

Σήμερα είναι η ημερομηνία της δίκης του Ντέιβιντ. Ο Ντέιβιντ παρακολουθεί την ακρόαση.

ΔΙΚΑΙΩΜΑΤΑ	ΝΑΙ	ΟΧΙ	ΣΧΟΛΙΑ
<p>Δικαίωμα των παιδιών σε ατομική αξιολόγηση:</p> <ul style="list-style-type: none"> - Πριν πάει στη δίκη, θα πρέπει κάποιος να αξιολογήσει τον Ντέιβιντ; Ποιος; Που; Πόσες φορές; Τι ερωτήσεις πρέπει να του θέσει; - Πρέπει κάποιος να αξιολογήσει τους γονείς του Ντέιβιντ; Ποιος; Που; Πόσες φορές; Τι ερωτήσεις πρέπει να του θέσει; 			
<p>Δικαίωμα των παιδιών να παρευρίσκονται και να συμμετέχουν κατά τη διάρκεια της δίκης:</p> <ul style="list-style-type: none"> - Πρέπει ο Ντέιβιντ να έχει το δικαίωμα να παρίσταται στη δική του δίκη; Μπορεί ο Ντέιβιντ να συμμετάσχει όποτε θέλει; Έχει ο Ντέιβιντ το δικαίωμα να δώσει τη γνώμη του; Μπορεί ο Ντέιβιντ να μιλήσει στους γονείς του; Μπορεί ο Ντέιβιντ να μιλήσει με τον δικηγόρο του; Πώς; Γιατί; - Αν ο Ντέιβιντ δεν ήταν παρών στη δίκη του, η δίκη θα συνέβαινε ακόμα; Ή μήπως πρέπει να αναβληθεί; - Ποιος πρέπει να μιλήσει κατά τη δίκη του Ντέιβιντ; Τι πρέπει να ειπωθεί κατά τη διάρκεια της δίκης; Με ποια σειρά; - Θα πρέπει ο Ντέιβιντ να καταλάβει όλα όσα ειπώθηκαν κατά τη δίκη του; Πρέπει οι συμμετέχοντες να χρησιμοποιούν μια γλώσσα φιλική για τα παιδιά; Τι είναι ιδιαίτερα σημαντικό για αυτόν να καταλάβει; (Για τι κατηγορείται, η δικαστική ποινή κ.λπ.). 			

<p>Δικαίωμα των παιδιών να συνοδεύονται από τους κατόχους γονικής μέριμνας και τους δικηγόρους τους;</p> <ul style="list-style-type: none"> - Θα έπρεπε οι γονείς του Ντέιβιντ να είναι παρόντες κατά τη διάρκεια της δίκης; Γιατί; Πού πρέπει να κάθονται; Πρέπει να έχουν το δικαίωμα να μιλούν κατά τη διάρκεια της δίκης; - Πριν να μπουν στην αίθουσα του δικαστηρίου, θα πρέπει ο δικηγόρος του Ντέιβιντ να του εξηγήσει τι θα συμβεί εκεί; Πώς; Πού; Πρέπει να βεβαιωθεί ότι ο Ντέιβιντ καταλαβαίνει όλα όσα του λέει; Πώς; - Μετά τη δίκη, θα έπρεπε ο δικηγόρος του Ντέιβιντ να του εξηγήσει όλα όσα συζητήθηκαν κατά τη διάρκεια της δίκης σε κατανοητή γλώσσα; Πρέπει να βεβαιωθεί ότι ο Ντέιβιντ καταλαβαίνει όλα όσα του λέει; Πώς θα του το εξηγήσει; - Εάν πρόκειται να λάβει χώρα η δίκη και ο δικηγόρος του Ντέιβιντ δεν έχει ακόμη φτάσει, πρέπει να διεξαχθεί η δίκη ή πρέπει να αναβληθεί; Πρέπει να περιμένουν να έρθουν οι δικηγόροι; Γιατί; 		
<p>Δικαίωμα των παιδιών να ασκήσουν έφεση κατά της απόφασης:</p> <ul style="list-style-type: none"> - Αν ο Ντέιβιντ δεν συμφωνεί με την ποινή του, θα μπορούσε να κάνει έφεση; Πώς; Σε ποιον και με ποιον; 		
<p>Δικαίωμα των παιδιών σε μη δημόσια δίκη:</p> <ul style="list-style-type: none"> - Θα μπορούσε ο Ντέιβιντ να έχει μια μη δημόσια δίκη, μόνο με την παρουσία των γονέων του; Θα μπορούσε να ζητήσει να μην είναι κανένας; 		

<p>- Θα μπορούσε η ακρόαση του Ντέιβιντ να πραγματοποιηθεί εν απουσίᾳ των γονέων του; Σε ποιες περιπτώσεις;</p>			
<p>Δικαιώματα των παιδιών να ασκήσουν έφεση αν δεν έχουν τηρηθεί τα δικαιώματά τους:</p> <p>- Θα μπορούσε ο Ντέιβιντ να ασκήσει έφεση αν πιστεύει ότι ορισμένα από τα δικαιώματά του δεν έχουν γίνει σεβαστά; Θα μπορούσαν οι γονείς του να το κάνουν γι' αυτόν; Και ο δικηγόρος του; Πώς; Σε ποιον;</p>			
<p>Δικαιώματα των παιδιών στην ιδιωτικότητα:</p> <p>- Τα μέσα μαζικής ενημέρωσης (τηλεόραση, εφημερίδες κ.λπ.) έχουν το δικαίωμα να μιλούν για την ιδιωτική ζωή του Ντέιβιντ; Μπορεί ο Ντέιβιντ να καταθέσει μια καταγγελία; Θα μπορούσαν οι γονείς του να το κάνουν γι' αυτόν; Και ο δικηγόρος του; Πώς; Γιατί; Σε ποιον?</p>			

Παρατηρήσεις:

ΤΡΙΤΟ ΣΤΑΔΙΟ: Εκτέλεση ποινής

Ο δικαστής επιβάλλει δικαστική ποινή στον Ντέιβιντ.

ΔΙΚΑΙΩΜΑΤΑ	ΝΑΙ	ΟΧΙ	ΣΧΟΛΙΑ
<p>Δικαίωμα των παιδιών σε ατομική αξιολόγηση:</p> <p>- Όταν ο Ντέιβιντ αρχίζει να εκτίει την ποινή του, πρέπει κάποιος να τον αξιολογήσει; Ποιος; Για ποιο λόγο?</p>			
<p>Δικαίωμα των παιδιών στην οικογενειακή επικοινωνία:</p> <p>- Ποια ποινή νομίζετε ότι ο δικαστής θα πρέπει να επιβάλει στον Ντέιβιντ; Γιατί; Για πόσο καιρό?</p> <p>- Εάν ο Ντέιβιντ ήταν σε κέντρο κράτησης, θα μπορούσε να επικοινωνήσει με τους γονείς του; Πώς; (Τηλέφωνο, πρόσωπο με πρόσωπο κ.λπ.) Πόσο συχνά; Και με άλλα μέλη της οικογένειάς του; Γιατί;</p>			
<p>Δικαίωμα των παιδιών σε ιατρική περίθαλψη:</p> <p>- Αν ο Ντέιβιντ ήταν σε κέντρο κράτησης, θα έπρεπε να τον εξετάσει ένας γιατρός όταν φτάσει για πρώτη φορά;</p> <p>- Μπορεί να ζητήσει ο ίδιος να εξεταστεί από ένα γιατρό; Πόσο συχνά; Πώς;</p> <p>- Αν ο Ντέιβιντ βγει από το κέντρο κράτησης για να εξεταστεί από εξωτερικό γιατρό, πώς θα συμβεί αυτό; Θα συνοδευόταν από κάποιον; Από ποιον; Θα πάει με χειροπέδες;</p>			

<ul style="list-style-type: none"> - Ο δικηγόρος του Ντέιβιντ έχει το δικαίωμα να ζητήσει έναν γιατρό για να εξετάσει τον Ντέιβιντ; Πώς πρέπει να το κάνει αυτό; - Οι γονείς του Ντέιβιντ έχουν το δικαίωμα να ζητήσουν γιατρό για να εξετάσει τον γιο τους; Εάν ναι, πώς πρέπει να το κάνουν αυτό; 			
<p>Δικαίωμα των παιδιών στην εκπαίδευση:</p> <ul style="list-style-type: none"> - Αν ο Ντέιβιντ ήταν σε κέντρο κράτησης, θα πρέπει να έχει το δικαίωμα να λάβει εκπαίδευση στο κέντρο; Θα μπορούσε να λάβει εκπαίδευση σε διαφορετικό μέρος (εκτός του κέντρου για παράδειγμα); Έχει την υποχρέωση να σπουδάσει; Τι γίνεται αν δεν το θέλει; Τι επιλογές έχει; (Επαγγελματική κατάρτιση, δευτεροβάθμια εκπαίδευση κ.λπ.). - Αν ο Ντέιβιντ εκτίει άλλου τύπου ποινής, θα μπορούσε να συνεχίσει να σπουδάζει; Θα ήταν υποχρεωμένος να σπουδάσει; Τι κι αν δεν το θέλει; Τι επιλογές θα είχε; (Επαγγελματική κατάρτιση, δευτεροβάθμια εκπαίδευση κ.λπ.). 			
<p>Δικαίωμα των παιδιών στη θρησκευτική ελευθερία:</p> <ul style="list-style-type: none"> - Αν ο Ντέιβιντ ήταν πιστός καθολικός και ήταν σε κέντρο κράτησης, θα μπορούσε να ζητήσει να δει έναν ιερέα; Θα μπορούσε να παρευρεθεί στη λειτουργία; Θα ήταν σε θέση να εγκαταλείψει το κέντρο ή η λειτουργία θα γινόταν στο κέντρο; - Τι γίνεται αν ο Ντέιβιντ ήταν Μουσουλμάνος; Θα μπορούσε να γιορτάσει το Ραμαζάνι; - Τι θα συνέβαινε αν ο Ντέιβιντ εξέτιε άλλου είδους ποινής; 			

<p>Δικαίωμα των παιδιών να έχουν πρόσβαση σε προγράμματα που σχετίζονται με την κοινωνική επανένταξη:</p> <ul style="list-style-type: none"> - Εάν ο Ντέιβιντ εκτίει ποινή κράτησης, μπορεί να συμμετέχει σε εργαστήρια; Θα ήταν υποχρεωτικό ή προαιρετικό; - Αν ο Ντέιβιντ εξέτιε άλλου είδους ποινής, θα μπορούσε να συμμετέχει σε εργαστήρια; Θα ήταν υποχρεωτικό ή προαιρετικό; 			
<p>Δικαίωμα των παιδιών να λαμβάνουν γραπτές πληροφορίες σχετικά με τα δικαιώματα και τις υποχρεώσεις τους και σχετικά με τους εσωτερικούς κανονισμούς του κέντρου κράτησης:</p> <ul style="list-style-type: none"> - Αν ο Ντέιβιντ βρισκόταν υπό κράτηση, θα έπρεπε να τον ενημερώσει κάποιος για τα δικαιώματά του και τις υποχρεώσεις του και τους εσωτερικούς κανονισμούς του κέντρου; Ποιος; Έχει το δικαίωμα να έχει αυτές τις πληροφορίες γραπτώς; Πρέπει κάποιος να σιγουρευτεί ότι ο Ντέιβιντ κατάλαβε τα πάντα; Ποιος; Πώς; 			

Παρατηρήσεις:

ΠΑΡΑΡΤΗΜΑ 4. ΒΑΣΗ ΔΕΔΟΜΕΝΩΝ

Database_Child-friendly-focusgroups

DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS							
FOCUS GROUPS GENERAL INFORMATION							
	FOCUS GROUP 1			FOCUS GROUP 2			
7 DATE							
8 START TIME							
9 END TIME							
10 LOCATION							
11 NUMBER OF PARTICIPANTS							
12							



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13								
14	PARTICIPANTS GENERAL INFORMATION							
15								
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
18	P1							
19	P2							
20	P3							
21	P4							
22	P5							
23	P6							
24	P7							
25	P8							
26	P9							
27	P10							
28								
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
31	P1							
32	P2							
33	P3							
34	P4							
35	P5							
36	P6							
37	P7							
38	P8							
39	P9							
40	P10							
41								



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42			
43	PARTICIPANTS STATEMENTS		
44			
45	FIRST PHASE. POLICE ARREST		
46			
47			
48	RIGTHS	FOCUS GROUP 1	FOCUS GROUP 2
49	Right of children to know what they are being accused of	YES/NO	COMMENTS
50	Right of the holders of parental responsibility to be informed		
51	Right of children to remain silent		
52	Right to a lawyer		
53	Right of children to privacy with their lawyers		
54	Right of children to translation and interpretation		
55	Right to have access to their judicial file		
56	Right of children to make a statement in the presence of their lawyers and holders of parental responsibility		
57	Right of children to have a letter of rights		
58	Right of children deprived of liberty to be kept separate from detained adults after their arrest		
59	Right of children to be put under arrest for no longer than 48 hours		
60	Right to use audio-visual means		
61	Right of children to medical care		
62			



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SECOND PHASE. TRIAL				
RIGTHS	FOCUS GROUP 1		FOCUS GROUP 2	
	YES/NO	COMMENTS	YES/NO	COMMENTS
Right of children to individual evaluation				
Right of children to be present and to participate on the trial				
Right of children to be accompanied by their holders of parental responsibility and their lawyers				
Right of children to appeal the sentence				
Right of children to a non-public trial				
Right of children to appeal if their rights have not been respected				
Right of children to privacy				
THIRD PHASE. SENTENCE EXECUTION				
RIGTHS	FOCUS GROUP 1		FOCUS GROUP 2	
	YES/NO	COMMENTS	YES/NO	COMMENTS
Right of children to individual evaluation				
Right of children to family communication				
Right of children to medical care				
Right of children to education				
Right of children to religious freedom				
Right of children to have access to programs related to social reintegration				
Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations				



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FOCUS GROUPS GUIDE
CROATIAN
NGO MOST (CROATIA)

PRIRUČNIK ZA PRIMJENU FOKUS GRUPA

Uvod

Ovaj dokument će poslužiti kao priručnik za provođenje istraživanja o tome koliko su djeca, koja su u sukobu sa zakonom, upoznata sa svojim pravima, kao i s bilo kakvim drugim informacijama o kaznenim postupcima. Istraživanje se provodi u fokus grupama. Priručnik sadrži upute o tome kako na najbolji način odraditi spomenute fokus grupe. Također sadrži pomagala za prikupljanje statističkih podataka, a namijenjen je stručnim osobama.

Istraživanje je dio aktivnosti planiranih u europskom projektu "Child-friendly JT: Pravo maloljetnika na informiranje, prevođenje i tumačenje u kaznenom postupku: razvoj pravosudnih alata za djecu."

Glavni ciljevi projekta su doprinijeti ispravnoj provedbi Direktive 2012/13/EU, Direktive 2010/64/EU, Direktive 2013/48/EU i Direktive 2016/800, i promicati pravosuđe prilagođeno djeci. To se postiže unapređivanjem informiranosti maloljetnika koji su u sukobu sa zakonom, kao i informiranosti njihovih roditelja/nositelja roditeljske odgovornosti, u vezi njihovih prava i drugih pitanja koji se tiču kaznenih postupaka, a sve to koristeći jezik koji je prilagođen njihovoj dobi. Projekt provodi Fundación Diagrama (Španjolska) u suradnji s Udrugom MOST (Hrvatska), Social Activities and Practices Institute (SAPI) (Bugarska), Hope for Children (Cipar), Istituto Don Calabria (Italija), te International Juvenile Justice Observatory (Belgija).

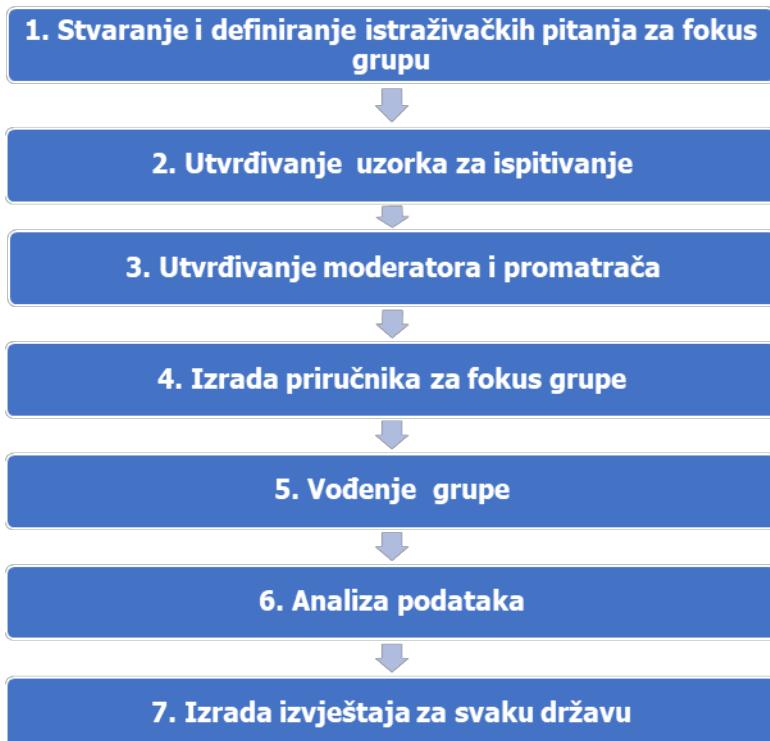
Ovaj priručnik je preveden na španjolski, hrvatski, bugarski, grčki i talijanski jezik sa ciljem da se istraživanje proveđe u svim zemljama koje su dio udruženja, osim Belgije.

Smjernice

Fokus grupu se može definirati kao detaljno isplaniranu raspravu kojoj je cilj dobivanje informacija o određenim interesnim područjima ali na indirektni način. Razgovor je opušten, ugodan i zadovoljavajući za sudionike koji imaju mogućnost izraziti svoje ideje i primjedbe koje su im zajedničke, jer na taj način uče i utječu jedan na drugoga.

Ovaj projekt će se provoditi kroz 7 koraka koje su naveli Stewart, Shamdasani i Rook¹(2007) u stvaranju i razvoju fokus grupa:

¹Stewart David W., Shamdasani Prem N. and Rook Dennis W., *Focus groups: Theory and practice*, 2007.



1. Stvaranje i definiranje istraživačkih pitanja za fokus grupu

Prvi korak u provođenju fokus grupe je definiranje namjene istraživanja. To je od iznimne važnosti jer određuje kako će se nastavljati iduće aktivnosti².

U ovom slučaju, svrha formiranja nekoliko fokus grupe je istražiti koliko su djeca koja imaju izrečenu odgojnu mjeru upoznata sa svojim pravima, a sa ciljem prepoznavanja bilo kakvog nedostatka ili nesporazuma koji se može pojaviti.

2. Utvrđivanje uzorka za ispitivanje

Nakon utvrđivanja namjene istraživanja, potrebno je odrediti osobe i uzorak za istraživanje³. Uzorak će se sastojati od pojedinaca koji imaju osobine potrebne za istraživanje⁴. Ovaj uzorak se nikako ne smije smatrati reprezentativnim, niti statističkim primjerom.

Sudionici ovog projekta trebaju imati sljedeće karakteristike:

²Nagle Barry, Williams Nichelle, *MethodologyBrief : introduction to focus groups*, 2013.

³Nagle Barry, Williams Nichelle, *MethodologyBrief : introduction to focus groups*, 2013.

⁴Finch, H. and Lewis, J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, London, pp. 170-198, 2003.

Karakteristike sudionika fokus grupe

- Moraju biti privedeni od strane policije.
- Moraju biti na izvršavanju odgojne mjere.
- Moraju imati između 14 i 21 godinu, iako se djetetom uglavnom smatra osoba mlađa od 18 godina, **mnoga djeca završe svoju odgojnu mjeru u kasnijim godinama.**
- Moramo imati informirani pristanak koji je potpisalo dijete, tj. nositelj roditeljske odgovornosti za djecu mlađu od 18 godina.

Nakon što se odredi uzorak, po dvije fokus grupe će se provoditi u Italiji, Hrvatskoj, Cipru, Bugarskoj i Španjolskoj. U svakoj grupi će biti desetak djece koja su se dobrovoljno prijavila, obzirom da istraživanja pokazuju da se najveći učinak postiže u fokus grupama koje imaju između 7 i 12 sudionika⁵. Grupa će biti što je više moguće heterogena sa ciljem promicanja razmjene ideja i mišljenja. Štoviše, u svakoj grupi će biti i dečki i djevojke, koliko to okolnosti dopuste.

Važno je imati na umu da tijekom fokus grupe, učitelji, edukatori ili neke druge osobe koje su zadužene za brigu o toj djeci ne smiju biti prisutni, jer bi njihovo prisustvo moglo utjecati na odgovore koje daju djeca.

Svi podaci koji se tiču karakteristika sudionika (spomenuto gore) trebaju biti prikupljeni u Prilogu 1.

3. Utvrđivanje moderatora i promatrača

Kao što je naveo S. Lamnek u *Gruppendiskussions*⁶, glavna zadaća **moderatora** je da vodi fokus grupu bez nametanja vlastitih ideja. Važno je da moderator ima dostatno znanje u vezi teme o kojoj se raspravlja jer će mu to omogućiti da s lakoćom upravlja fokus grupom, a isto tako i da bude potpora kada je to potrebno.

U tom smislu, moderator grupe treba biti sposoban i educiran u vezi prava koja djeca koja su počinila kazneno djelo, imaju tijekom kaznenog postupka. Moderator treba biti sposoban za:

- Maloljetnički pravosudni sustav njihove zemlje (osobito vezano za sudske procese i njegove faze)

⁵Nagle Barry, Williams Nichelle, *MethodologyBrief : introduction to focus groups*, 2013.

⁶Lamnek Siegfried, *Gruppendiskussions*, 1998.

- Europske direktive koje se odnose na prava optužene ili privedene djece: Direktiva 2016/800, Direktiva 2012/13, Direktiva 2010/64 and Direktiva 2013/48/EU.

Štoviše, ta osoba će također imati koristi od informacija koje se tiču tehnika koje su se najviše koristile u fokus grupama (Prilog 2), kao i od određenih smjernica koje će mu/joj pomoći da pravilno provede fokus grupu (Prilog 3).

S druge strane, **promatrač** će biti zadužen za pisanje bilješki tijekom fokus grupe.

U ovom projektu, u svojim bilješkama promatrač će se fokusirati na:

- Stavove i ponašanja sudionika tijekom fokus grupe.
- Poštivanje/kršenje pravila koja je udredio moderator na početku fokus grupe (Prilog 3).
- Otkrivanje profila osobnosti kod sudionika fokus grupe (Prilog 2).
- Upečatljive izjave sudionika.
- Razina znanja sudionika o temi o kojoj se razgovara.
- Razina slaganja/neslaganja sudionika oko utvrđenih tema fokus grupe.
- Razina povezivanja u određenim aktivnostima.

Nadalje, promatrač će imati pomoćne alate za praćenje fokus grupe (Prilog 3), kojih se treba pridržavati i moderator.

Ukoliko je moguće, moderator i promatrač bi trebali prije istraživanja posjetiti lokaciju gdje će se održati fokus grupe, da se uvjere da je to mjesto prilagođeno djeci.

*"Važno je unaprijed pripremiti materijale. Ako se materijali zagube ili se pripremaju u posljednji trenutak, to može izazvati anksioznost kod moderatora, što može za posljedicu imati utjecaj na cijelu diskusiju unutar fokus grupe. Sudionicima može postati nelagodno ako osjete nervozu kod moderator te na taj način mogu ograničiti razgovor."*⁷ Materijali potrebni za ovaj projekt su:

- Listovi papira i kemijske/olovke.
- Priručnik za primjenu fokus grupe.
- Diktafon/mobitel. Prije nego se kreće s fokus grupom, potrebno je zatražiti dopuštenje nadležne institucije za snimanje.
- Lista sudionika.

⁷Nagle Barry, Williams Nichelle, *MethodologyBrief : introduction to focus groups*, 2013.

- Potpisna lista.
- Informirani pristanak za sudjelovanje u istraživanju.
- Sat.
- Osvježenje/voda.

4. Izrada priručnika za primjenu fokus grupe

Priručnik za primjenu fokus grupe će olakšati grupni razgovor i također će pomoći moderatoru da razgovor usredotoči na najvažnije teme te da utvrdi one o kojima treba dalje raspravljati⁸. Međutim, ove smjernice su fleksibilne i mogu varirati, prilagođavajući se razvoju fokus grupe. Moderator se može osloniti na pomoć pomagača.

Iznimno je važno da su sva pitanja postavljena jasno, da su pristupačna i na jeziku koji je prilagođen djeci.

Moderator i promatrač će imati kod sebe Prilog 3 koji sadrži i opisanu situaciju s pripadajućim pitanjima za razgovor, kao i tablice za prikupljanje podataka.

5. Vođenje grupe

Moderator bi se trebao držati ovog redoslijeda kako bi na pravilan način mogao voditi fokus grupu:

1. Dobrodošlica, zahvala te predstavljanje moderatora i promatrača.
2. Upoznavanje sudionika (ime i dob).
3. Pravila sudjelovanja: povjerljivost, snimanje, promjene, uloge, itd.
4. Kratko objašnjenje o glavnim temama rasprave.
5. Početak rasprave.
6. Uvod u pitanja obzirom na ritam grupe.
7. Završna riječ i zahvala.

Pomoćni alati koji se nalaze u Prilogu 3 trebaju biti korišteni korak po korak od strane stručnih osoba koje provode fokus grupu.

⁸Feijóo, S. and Paré, M. H., *El grup de discussió i l'observacióparticipant*, 2010.

6. Analiza podataka

Nakon završetka fokus grupe, podaci koje je prikupio moderator, zajedno s bilješkama promatrača i audio snimkama će se analizirati. Dobiveni rezultati će omogućiti moderatoru i promatraču da dobiju uvid u to znaju li djeca koja su na izvršavanju odgojne mjere svoja prava koja im pripadaju tijekom kaznenog postupka.

7. Izrada izvještaja za svaku državu

Excel tablica iz Priloga 4 treba biti popunjena. Svaka država treba sakupiti informacije iz fokus grupe koje su provele. Ta tablica će omogućiti svakoj zemlji da analizira prikupljene podatke na jednostavan i brz način, kako bi se uz pomoć toga izradio izvještaj. Nakon toga se svi podaci trebaju prikupiti i objediniti, te proučiti kao cjelina kako bi se dobio uvid u sveukupne podatke svih zemalja sudionika.

PRILOG 1. SKRIPT ZA FOKUS GRUPU**Karakteristike grupe**

BROJ FOKUS GRUPE	
DATUM	
VRIJEME POČETKA	
VRIJEME ZAVRŠETKA	
MJESTO ODRŽAVANJA	
BROJ SUDIONIKA	

Karakteristike sudionika

	SPOL	DOB	NACIONALNOST	VRSTA K.D.	VRSTA MJERE	VRIJEME PROVEDENO U INSTITUCIJI	BROJ K.D. (JEDNO K.D. ILI RECIDIV)
P1							
P2							
P3							
P4							
P5							
P6							
P7							
P8							
P9							
P10							

PRILOG 2. TEHNIKE ZA VOĐENJE FOKUS GRUPE

Prije početka fokus grupe važno je prisjetiti se da:

- Moderator treba biti empatičan, neutralan.
- Moderator treba svoj djeci dopustiti da sudjeluju i pomagati svima. Također treba smiriti moguće vođe grupe koji nastoje voditi glavnu riječ da bi na taj način dao prostora introvertiranim sudionicima.
- Moderator bi trebao govoriti na način koji je jednostavan i razumljiv djeci te ga prilagođavati sudionicima ovisno o njihovoj dobi i socio-kulturološkoj pozadini.
- Moderator bi trebao koristiti otvorena pitanja jer će na taj način izbjeći dobivanje zatvorenih odgovora.
- Moderator bi trebao voditi raspravu od općenitih pitanja prema konkretnim.
- Sudjelovanje je dobrovoljno te je potrebno potpisati informirani pristanak.

Moderator bi trebao koristiti određene verbalne tehnike kako bi potaknuo adekvatan razvoj fokus grupe. Također bi se trebao potruditi da svi sudionici budu aktivni:

VERBALNE TEHNIKE KOJIMA JE CILJ POTAKNUTI AKTIVNOST GRUPE	
JEKA	Ponavljanje zadnje riječi u rečenici.
PARAFRAZIRANJE	Iskazivanje već spomenute ideje ali na drugi način, koristeći druge riječi.
SUPROSTAVLJANJE	Ukazivanje na bilo kakve proturječnosti ili kontradiktornosti koje se mogu pojaviti tijekom diskusije.
TIŠINA	Ostati u tišini nekoliko trenutaka kako bi grupa dobila priliku za izražavanje mišljenja.
SAŽETAK	Sažimanje onog što je bilo rečeno o određenoj temi.
USTRAJANJE	Ponavljanje posljednjeg postavljenog pitanja.
POZIVANJE	Pozivanje člana skupine na sudjelovanje.
PREFORMULIRANJE	Ponavljanje pitanja ili pojma kojeg sudionici nisu razumjeli koristeći drugačije riječi.
PREUSMJERAVANJE	Preusmjерavanje rasprave kada prestane biti produktivna ili kada zastaje.
POŠTOVANJE	Pokazivanje poštovanja prema svim sudionicima.

Osim spomenutih verbalnih tehnika, Nagle i Williamssuggest u svojoj knjizi *Methodology brief: Introduction to focus groups*⁹ navode da moderator može koristiti i neverbalnu komunikaciju kako bi pospješio verbalnu. Neverbalna tehnika koja se najčešće upotrebljava je kontakt očima. Moderator će je koristiti kod sudionika koji čvrsto brane svoja mišljenja kao i kod onih koji ne sudjeluju u raspravi, da ih uključi.

Naposljetku, moderator bi trebao obratiti pozornost na osobnost svakog sudionika fokus grupe i na taj način prilagoditi gore spomenute tehnike svakome ponaosob. Knjiga *Methodology brief: Introduction to focus groups*¹⁰ navodi nekoliko različitih tipova osobnosti koji se mogu prepoznati tijekom fokus grupe:

- **"Stručnjaci:** Ovo su pojedinci koji najčešće znaju više od ostalih u vezi teme o kojoj se raspravlja. Uglavnom pokušavaju dominirati u razgovoru ili ne žele sudjelovati jer misle da znaju previše. Kako god bilo, podsjetite ih na važnost tuđeg mišljenja.
- **Dominantni govornici:** Potražite ove pojedince odmah na početku dok se upoznajete. Ako dominiraju u razgovoru, upotrijebite neverbalnu komunikaciju ili odvucite pažnju s njih na način da se pomaknete na suprotnu stranu prostorije da bi ostali sudionici gledali u vašem smjeru.
- **Sramežljivi sudionici:** Gledajte ih u oči i govorite im rečenice poput: "Ne želim da budeš zapostavljen u raspravi, što ti misliš o ovoj temi? "
- **Latalice:** Koristite kontakt očima i govor tijela. Podsjetite ih na važnost sudjelovanja svih pojedinaca. Također se koristite izrazima poput: "Što točno želiš reći?" ili "Trebamo nastaviti s raspravom, ali možeš mi to što želiš reći nakon fokus grupe?"

⁹Nagle Barry, Williams Nichelle, *MethodologyBrief : introduction to focus groups*, 2013.

¹⁰Nagle Barry, Williams Nichelle, 2013, *op. cit.*

PRILOG 3. FOKUS GRUPA

1. Dobrodošli! (Upoznavanje moderatora i promatrača).

"Pozdrav svima! Moje ime je _____ (moderator), a ovo je _____ (promatrač). Danas bi s vama htjeli razgovarati o vašim pravima vezano za sudske procese. Pročitat ćemo vam izmišljeni događaj o djetu koje je počinilo kazneno djelo i postavit ćemo vam pitanja u vezi različitih faza spomenutog sudskog procesa."

2. Upoznavanje sudionika.

"Prije početka aktivnosti, željeli bismo da se svatko predstavi. Možete nam reći svoje ime, koliko imate godina i koji vam je najdraži hobi".

3. Pravila za sudionike.

- "Sve što se kaže unutar ove fokus grupe je strogo povjerljivo"
- Ne postoje točni ili pogrešni odgovori, svaki odgovor je jednak vrijedan.
- Kad netko poželi nešto reći, molim vas, pitajte za dopuštenje podizanjem ruke.
- Kao što vam je poznato, ovi razgovori se snimaju. Sve što se zabilježi je povjerljivo i mi smo jedini koji će imat pristup tim snimkama, radi analize istih. Ako se netko ne slaže s tim, molim da se izjasni".

4. Ukratko objasniti temu o kojoj se raspravlja s naglaskom na to da će ukupni rezultat biti koristan u poboljšanju brige o djeci koja su u sukobu sa zakonom.

"Molimo vas da aktivno sudjelujete i da budete iskreni u vezi vaših mišljenja i komentara. Zanima nas kakav je zaista vaš stav o ovim problemima da bi uz vašu suradnju utjecali na maloljetničko pravosudni sustav i na taj način pomogli mladima koji se nekad u budućnosti nađu u takvoj situaciji".

5. Početak rasprave.

"Predstavit ćemo vam slučaj djeteta koje je počinilo kazneno djelo. Pročitat ću vam priču i postavit ću vam neka pitanja vezana za prava koja ta osoba ima u ovoj fazi sudskog postupka. Vi ćete na ta pitanja odgovoriti i komentirati ih dajući svoje mišljenje. Imate li kakvih nejasnoća prije nego počnemo?"



PRVA FAZA: Uhićenje

David je 16-ogodišnji dječak koji nije baš dobar učenik. Ipak, rijetko izostaje s nastave. Posljednjih nekoliko tjedana, umjesto da ide u srednju školu, vrijeme je provodio u parku s grupicom dječaka. Počeo je ignorirati svoje "stare" prijatelje te je radio sitne vandalizme kao što su pisanje grafita i sl., a da ga pritom policija nije uhvatila. Međutim, prošli vikend David je sudjelovao u fizičkom sukobu u noćnom klubu: pretukao je dječaka njegove dobi i ovaj je bio hospitaliziran. Zaštitari su zaustavili Davida i policija ga je kasnije uhitala.

PRAVA	DA	NE	KOMENTARI
<p>Pravo djece da znaju za što ih se optužuje:</p> <ul style="list-style-type: none"> - Treba li netko objasniti Davidu za što je optužen? Tko? Na koji način? - Treba li David biti informiran o glavnim obilježjima postupka, kao što su npr. različiti proceduralni koraci te o ulozi autoriteta? - Treba li se netko pobrinuti da David razumije sve što mu je objašnjeno? Što se može dogoditi ako David ne shvati što mu se pokušava objasniti? 			
<p>Pravo nositelja roditeljske odgovornosti da budu informirani:</p> <ul style="list-style-type: none"> - Treba li netko reći Davidu da ima pravo na telefonski poziv roditeljima da im kaže što se dogodilo? Tko? Na koji način? - Treba li netko nazvati Davidove roditelje da im objasni što je njihov sin učinio? Tko? Na koji način? - Trebaju li Davidovi roditelji biti informirani o optužbama protiv njihovog sina? Treba li im netko objasniti najvažnije aspekte postupka? Treba li se netko pobrinuti da oni shvate sve što im je rečeno? 			

Pravo djece na šutnju: - Može li netko objasniti Davidu da ima pravo na šutnju? Tko? Gdje? Kako? - Što znači "pravo na šutnju"? - Mislite li da David razumije što znači "pravo na šutnju"? Zašto? - Mislite li da bi se trebao koristiti radije sinonim za taj izraz? Koji? Zašto?		
Pravo na odvjetnika: - Ima li David pravo na pomoć odvjetnika? - Ima li David pravo na pomoć odvjetnika? Ako ima, treba li ga platiti? Kako? Zašto? - Kako će komunicirati s njim? - Ima li se pravo žaliti ako ne razumije ono što mu se govori? Može li zatražiti to napismeno?		
Pravo djece na povjerljivost komunikacije s odvjetnicima: - Ima li David pravo razgovarati sa svojim odvjetnikom prije policijskog ispitivanja? Zašto? Treba li mu odvjetnik reći što će se dogoditi za vrijeme policijskog ispitivanja? - Ako netko želi znati o čemu su pričali David i njegov odvjetnik, smije li to pitati Davida? Treba li David odgovoriti ili može šutjeti?		
Pravo djece na prevođenje i tumačenje: - Ako je David stranac i ne govori jezik zemlje u kojoj mu se sudi: ○ Treba li se netko pobrinuti da		

<p>David razumije jezik?</p> <ul style="list-style-type: none"> ○ Treba li netko s njim razgovarati na jeziku kojeg on razumije? Tko? <p>- Ako David ne čuje ili ne govori:</p> <ul style="list-style-type: none"> ○ Treba li se netko pobrinuti da David razumije što mu se govori za vrijeme privođenja? ○ Treba li netko s njim komunicirati na način da on to razumije? Tko? 		
<p>Pravo djece na uvid u svoj sudski spis:</p> <p>- Ima li David pravo vidjeti informacije iz svog sudskog spisa? Kome se treba obratiti u vezi toga? Zašto?</p> <p>- Ima li Davidov odvjetnik pravo uvida u njegov sudski spis? Koga treba pitati za dopuštenje? Na koji način? Zašto?</p> <p>- Ako David želi uvid u svoj sudski spis ali ne dobije dopuštenje, ima li pravo žaliti se? Kome se treba žaliti? Na koji način?</p>		
<p>Pravo djece da daju izjavu u prisutnosti svog odvjetnika i nositelja roditeljske odgovornosti:</p> <p>- Ima li David pravo na prisutnost odvjetnika dok daje izjavu? Treba li mu netko to objasniti? Tko? Na koji način?</p> <p>- Ima li Davidov odvjetnik pravo govoriti za vrijeme policijskog ispitivanja? Što bi on mogao reći?</p> <p>- Mogu li Davidovi roditelji biti prisutni za vrijeme policijskog ispitivanja njihovog sina? Ako je tome tako, treba li netko to reći Davidu? Tko? Treba li netko to objasniti i Davidovim roditeljima?</p> <p>- Smiju li Davidovi roditelji govoriti za vrijeme policijskog ispitivanja? Što trebaju/smiju govoriti?</p>		

<p>Pravo djece da dobiju pisanu obavijest o svojim pravima:</p> <ul style="list-style-type: none"> - Treba li netko Davidu objasniti koja su njegova prava? Tko? Na koji način? Napismeno, verbalno ili oboje? Gdje? - Treba li se netko pobrinuti da David razumije svoja prava? Treba li netko s njim razgovarati na jasnom i razumljivom jeziku? - Možete li mi dati primjer prava koja pripadaju Davidu? 		
<p>Pravo djece lišene slobode da budu odvojena od odraslih osoba u pritvoru:</p> <ul style="list-style-type: none"> - Nakon što je David uhićen i odveden u policijsku postaju, može li biti smješten u ćeliju s osobom koja je starija od 18 godina? Što ako se radi o osobi mlađoj od 18 godina? Zašto? - Što ako u policijskoj postaji postoji samo jedna ćelija, a u njoj se nalazi osoba starija od 18 godina, hoće li Davida staviti u tu ćeliju? A što ako se radi o maloljetnoj osobi? Zašto? 		
<p>Pravo djeteta da ga se u pritvoru drži ne više od 48 sati:</p> <ul style="list-style-type: none"> - Koliko dugo David može biti u pritvoru? Što ako se dogodi da je vikend usred tog vremenskog perioda? 		
<p>Pravo na korištenje audiovizualnih sredstava:</p> <ul style="list-style-type: none"> - Mislite li da bi trebalo snimati Davidovo ispitivanje? Zašto? Tko bi to trebao raditi? - Smije li netko objaviti Davidove snimke bez njegovog dopuštenja? A uz njegovo dopuštenje? Zašto? 		

Pravo djeteta na zdravstvenu zaštitu:

- Ako se David ozlijedi za vrijeme boravka u čeliji, ima li pravo na medicinsku zaštitu? Treba li ići u bolnicu? Treba li doktor doći u njegovu čeliju? Treba li netko obavijestiti Davidove roditelje o tome? Zašto?

- Što ako se radi o nečem ozbilnjom? Treba li Davida poslati u bolnicu?

Opažanja

DRUGA FAZA: Suđenje

Danas je Davidovo suđenje. On je prisutan.

PRAVA	DA	NE	KOMENTARI
<p>Pravo djece na pojedinačnu ocjenu:</p> <ul style="list-style-type: none"> - Treba li netko procijeniti Davida prije početka suđenja? Tko? Gdje? Koliko puta? Koja pitanja mu trebaju biti postavljena? - Treba li netko procijeniti Davidove roditelje? Tko? Gdje? Koliko puta? Koja pitanja im trebaju biti postavljena? 			
<p>Pravo djece da bude osobno nazočna na svom suđenju i da sudjelujuju u njemu:</p> <ul style="list-style-type: none"> - Treba li David imati pravo da osobno bude nazočan na svom suđenju? Može li se David uključiti kad god to poželi? Ima li David pravo izreći svoje mišljenje? Može li David razgovarati sa svojim roditeljima? Može li David razgovarati sa svojim odvjetnikom? Na koji način? Zašto? - Ako David ne bude prisutan na svom suđenju, hoće li se suđenje svejedno održati? Treba li biti odgođeno? - Tko će govoriti tijekom Davidovog suđenja? O čemu će se govoriti tijekom suđenja? Kojim redoslijedom? - Treba li David moći razumjeti sve što mu je rečeno tijekom suđenja? Trebaju li se Davidu obraćati na jeziku koji je prilagođen djeci? Što je naročito važno da David shvati? (Za što je optužen, sudska kazna, itd.) 			
<p>Pravo djece da budu u pratnji svojih nositelja roditeljske odgovornosti i odvjetnika:</p> <ul style="list-style-type: none"> - Trebaju li Davidovi roditelji biti prisutni 			

<p>tokom suđenja? Zašto? Gdje bi trebali sjediti? Imaju li pravo govoriti za vrijeme suđenja?</p> <ul style="list-style-type: none"> - Prije ulaska u sudnicu, treba li Davidu njegov odvjetnik objasniti što će se tamo dogoditi? Na koji način? Gdje? Treba li se pobrinuti da David razumije sve što mu je bilo rečeno? - Treba li Davidov odvjetnik nakon suđenja objasniti Davidu sve o čemu se raspravljalo na suđenju na njemu razumljivom jeziku? Treba li se pobrinuti da David shvati sve što mu je rečeno? Kako će mu to objasniti? - Ako suđenje počne, a Davidov odvjetnik još nije prisutan, treba li suđenje započeti ili treba biti odgođeno? Trebaju li čekati odvjetnika da dođe? Zašto? 		
<p>Pravo djece na žalbu na presudu:</p> <ul style="list-style-type: none"> - Ako se David ne slaže sa svojom presudom, može li se žaliti? Na koji način i kome? 		
<p>Pravo djece na suđenje koje je zatvoreno za javnost:</p> <ul style="list-style-type: none"> - Može li David imati suđenje koje je zatvoreno za javnost, na kojem su prisutni samo njegovi roditelji? Može li tražiti da nitko ne bude prisutan? - Može li se Davidovo saslušanje održati bez prisutnosti njegovih roditelja? U kojim okolnostima je to moguće? 		
<p>Pravo djeteta na žalbu u slučaju nepoštivanja njegovih prava:</p> <ul style="list-style-type: none"> - Može li se David žaliti ukoliko misli da se ne poštiju neka njegova prava? Mogu li njegovi roditelji to napraviti u njegovo ime? A njegov odvjetnik? Na koji način? Kome? 		

Pravo djeteta na privatnost:

- Imaju li masovni mediji poput televizije, novina i sl. pravo izvještavati o Davidovom privatnom životu? Može li David uložiti prigovor? Mogu li to napraviti njegovi roditelji u njegovo ime? A njegov odvjetnik? Na koji način? Zašto? Kome?

Opažanja

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TREĆA FAZA: Izvršavanje mjere

Sudac izriče odgojnu mjeru Davidu.

PRAVA	DA	NE	KOMENTARI
<p>Pravo djece na pojedinačnu ocjenu:</p> <ul style="list-style-type: none"> - Kad David kreće s izvršavanjem svoje odgojne mjere, treba li ga netko procijeniti? Tko? Radi čega? 			
<p>Pravo djece na komunikaciju s članovima obitelji:</p> <ul style="list-style-type: none"> - Što mislite, koliku kaznu bi sudac trebao odrediti Davidu? Zašto? Koliko dugo? - Može li David komunicirati sa svojim roditeljima dok je u odgojnoj ustanovi? Na koji način (telefonski, osobno itd.) Koliko često? A s ostalim članovima obitelji? Zašto? 			
<p>Pravo djece na zdravstvenu zaštitu:</p> <ul style="list-style-type: none"> - Treba li doktor pregledati Davida kada dođe u odgojnu ustanovu? - Može li on sam zatražiti liječnički pregled? Koliko često? Na koji način? - Ako bi David otišao na pregled izvan odgojne ustanove, kako bi se to izvelo? Bi li netko išao s njim? Tko? Bi li mu se stavile lisice? - Ima li Davidov odvjetnik pravo zatražiti da Davida pregleda doktor? Na koji način će to napraviti? - Imaju li Davidovi roditelji pravo zatražiti da ga pregleda doktor? Ako imaju, kako to mogu napraviti? 			

<p>Pravo djece na obrazovanje:</p> <ul style="list-style-type: none"> - Ima li David pravo na obrazovanje unutar odgojne ustanove? Može li se obrazovati na nekom drugom mjestu (na primjer negdje izvan ustanove)? Ima li obavezu učiti? Što ako on to ne želi? Koje su mu opcije (osposobljavanje, srednja škola...)? - Ako je David na izvršavanju neke druge mjere, može li nastaviti s obrazovanjem? Hoće li biti obavezan učiti? Što ako on to ne bude želio? Koje su mu opcije (osposobljavanje, srednja škola itd.)? 			
<p>Pravo djece na slobodu izbora u vezi vjerske (ne)pripadnosti:</p> <ul style="list-style-type: none"> - Ako je David katolik, može li on zatražiti da ga posjeti svećenik dok je u odgojnem domu? Može li otici na misu? Hoće li trebati ići na misu izvan ustanove ili će se ista održavati unutar odgojne ustanove? - Što ako je David musliman? Hoće li moći slaviti Ramazan? 			
<p>Pravo djece da imaju pristup programima socijalne reintegracije:</p> <ul style="list-style-type: none"> - Ako je David na izvršavanju odgojne mjere, može li sudjelovati u radionicama? Bi li iste bile obavezne ili neobavezne? - Ako je David na izvršavanju neke druge mjere treba li sudjelovati u radionicama? Bi li iste bile obavezne ili neobavezne? 			
<p>Pravo djece da dobiju pisani obavijest o svojim pravima i obavezama te pravilnik odgojne ustanove:</p> <ul style="list-style-type: none"> - Ako je David u odgojnoj ustanovi, treba li mu netko objasniti njegova prava i obaveze kao i pravilnik ustanove u kojoj se nalazi? Tko? Ima li pravo te informacije dobiti napisano? Treba li se netko pobrinuti da David shvati te informacije? Tko? Na koji način? 			

Opažanja

PRILOG 4. EXCEL DATABASE

The screenshot shows a Microsoft Excel spreadsheet titled "Database Child-Friendly JT: Focus Groups". The spreadsheet is organized into several sections:

- Row 1:** "DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS" (highlighted in blue)
- Row 4:** "FOCUS GROUPS GENERAL INFORMATION" (highlighted in blue)
- Row 6:** "FOCUS GROUP 1" and "FOCUS GROUP 2" (highlighted in grey)
- Rows 7 to 11:** Data entries for "DATE", "START TIME", "END TIME", "LOCATION", and "NUMBER OF PARTICIPANTS".
- Row 12:** An empty row.

The Excel ribbon at the top includes tabs for ARCHIVO, INICIO, INSERTAR, DISEÑO DE PÁGINA, FÓRMULAS, DATOS, REVISAR, and VISTA. The "INICIO" tab is selected. The formula bar shows "K87". The status bar indicates the file name "DataBase_Child-friendly-focusgroups".



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13								
14	PARTICIPANTS GENERAL INFORMATION							
15								
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
17	P1							
18	P2							
19	P3							
20	P4							
21	P5							
22	P6							
23	P7							
24	P8							
25	P9							
26	P10							
27								
28								
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
30	P1							
31	P2							
32	P3							
33	P4							
34	P5							
35	P6							
36	P7							
37	P8							
38	P9							
39	P10							
40								
41								



42			
43	PARTICIPANTS STATEMENTS		
44			
45	FIRST PHASE. POLICE ARREST		
46			
47			
48	RIGTHS	FOCUS GROUP 1	FOCUS GROUP 2
49	Right of children to know what they are being accused of	YES/NO	COMMENTS
50	Right of the holders of parental responsibility to be informed		
51	Right of children to remain silent		
52	Right to a lawyer		
53	Right of children to privacy with their lawyers		
54	Right of children to translation and interpretation		
55	Right to have access to their judicial file		
56	Right of children to make a statement in the presence of their lawyers and holders of parental responsibility		
57	Right of children to have a letter of rights		
58	Right of children deprived of liberty to be kept separate from detained adults after their arrest		
59	Right of children to be put under arrest for no longer than 48 hours		
60	Right to use audio-visual means		
61	Right of children to medical care		
62			



SECOND PHASE. TRIAL				FOCUS GROUP 1		FOCUS GROUP 2	
				YES/NO	COMMENTS	YES/NO	COMMENTS
67	RIGTHS						
68	Right of children to individual evaluation						
69	Right of children to be present and to participate on the trial						
70	Right of children to be accompanied by their holders of parental responsibility and their lawyers						
71	Right of children to appeal the sentence						
72	Right of children to a non-public trial						
73	Right of children to appeal if their rights have not been respected						
74	Right of children to privacy						
75							
76							
THIRD PHASE. SENTENCE EXECUTION				FOCUS GROUP 1		FOCUS GROUP 2	
				YES/NO	COMMENTS	YES/NO	COMMENTS
80	RIGTHS						
81	Right of children to individual evaluation						
82	Right of children to family communication						
83	Right of children to medical care						
84	Right of children to education						
85	Right of children to religious freedom						
86	Right of children to have access to programs related to social reintegration						
87	Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations						
88							



FOCUS GROUPS GUIDE
BULGARIAN
SOCIAL ACTIVITIES AND PRACTICES
INSTITUTE (BULGARIA)

РЪКОВОДСТВО ЗА ФОКУС ГРУПИ

Въведение

Настоящият документ ще послужи като работно ръководство за провеждане на изследване на знанията, които децата в конфликт със закона имат за своите права и по други въпроси, свързани с наказателното производство.

Изследването се извършва чрез провеждане на фокус групи. Ръководството съдържа инструкции, насочващи професионалистите как да проведат сесиите на фокус групите по подходящ начин, както и инструменти за набиране на статистически данни. Изследването е част от дейностите, планирани в европейски проект „Приятелско към децата правосъдие: Правото на непълнолетните на информация, писмен и устен превод в наказателното производство: създаване на приятелски към детето правосъдни инструменти“.

Основната цел на проекта е да допринесе за пълноценното прилагане на Директива 2012/13/EU, Директива 2010/64/EU, Директива 2013/48/EU и Директива 2016/800 и да подпомогне изграждането на правосъдие, съобразено с детето чрез подобряване на познанията, които непълнолетните в конфликт със закона и техните родители/носители на родителската отговорност имат относно своите права и по други сходни теми, свързани с наказателното производство, като се използва език, адаптиран към техния стадий на развитие. Проектът се координира от Fundación Diagrama (Испания) и се изпълнява в сътрудничество с Udruga MOST (Хърватия), Институт по социални дейности и практики (ИСДП) (България), Hope for Children (Кипър), Istituto Don Calabria (Италия) и Международна обсерватория за младежко правосъдие (Белгия).

Това ръководство е преведено на испански, хърватски, български, гръцки и италиански, за да се проведе изследването във всички страни, включени в обединението, с изключение на Белгия.

Ръководство

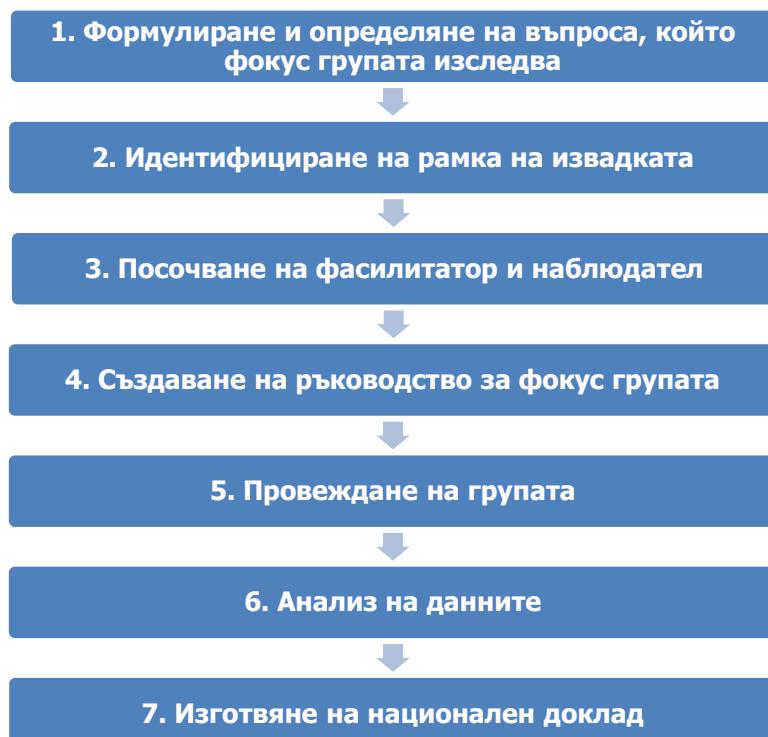
Фокус групата може да бъде определена като внимателно планиран разговор, насочен към получаване на информация по специфична интересуваща ни тема в незадължаваща обстановка. Обсъждането е спокойно, приятно и



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удовлетворяващо за участниците, като те всички излагат своите идеи и коментари и всеки оказва влияние на другите¹.

При работата в настоящият проект ще следваме седем стъпки, идентифицирани от Stewart, Shamdasani and Rook (2007), при формиране и развитие на фокус групи:



1. Формулиране и определяне на въпроса, който фокус групата изследва

Първата стъпка, необходима за провеждане на фокус група е да се определи целта на проучването. Тя е основополагаща, тъй като според нея се определя и как ще протекат следващите дейности.²

В този случай, целта на създаването на фокус групите е да бъде анализирано познаването от деца, изтърпяващи присъда, на техните права, за да бъдат идентифицирани пропуските или неразбирането в това познание.

¹ Krueger Richard A., *Focus-group interviewing : New strategies for business and industries*, 1991.

² Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

2. Идентифициране на рамка на извадката

След като е определена целта на групата, следва да се определи проучваното население и извадката³. Извадката се формира от индивиди, чиито характеристики съответстват на целите на проучването⁴. По никакъв начин тази извадка не може да бъде считана за представителна или статистически представителна.

Участниците в този конкретен проект трябва да притежават следните характеристики:

Характеристики на участниците във фокус групите

- Трябва да са били арестувани от полицията.
- Трябва да изтърпяват присъда, наложена от съд.
- Трябва да са на възраст между 14 и 21 г., въпреки че за дете се приема лице под 18 г.⁵, **много деца приключват наложените от съда мерки на по-късна възраст.**
- Трябва да имаме информирано съгласие, подписано от детето, както и такова, подписано от носителите на родителската отговорност, ако детето е под 18 г.

След като извадката бъде избрана, в Италия, Хърватия, Кипър, България и Испания ще се проведат по две фокус групи. Всяка група ще се състои от около 10 деца, които са се включили доброволно, доколкото проучванията сочат, че фокус групите са най-ефективни, когато имат от 7 до 12 участника⁶. Групите ще бъдат възможно най-хетерогенни, за да се подпомогне обмяната на идеи и мнения. Освен това, когато е възможно, във всяка група следва да участват и момчета, и момичета.

Важно е да се има предвид, че при провеждането на фокус групата не трябва да присъстват възпитатели или други лица, които отговарят за децата, тъй като тяхното присъствие може да повлияе на отговорите на децата.

³ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

⁴ Finch, H. and Lewis, J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, London, pp. 170-198, 2003.

⁵ United Nations Convention on the ПРАВА of the Child (CRC), 1989; Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 2016.

⁶ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

Всички данни, свързани с характеристиките на участниците (както са описани по-горе) ще бъдат представени в Анекс 1.

3. Избор на фасилитатор и на наблюдател

Както определя S. Lamnek в *Gruppendiskussions*⁷, основната задача на **фасилитатора** е формално да води фокус групата без да налага своите мнение и идеи. Все пак е важно фасилитаторът да има достатъчно знания по дискутираната тема, тъй като това ще го улесни при воденето на фокус групата и за да я активизира, ако е необходимо.

В този смисъл фасилитаторът трябва да има познания и обучение, свързано с правата на децата в конфликт със закона по време на съдебното производство. Фасилитаторите трябва да имат специализирано обучение по:

- Съдебната система във връзка с непълнолетните в своята страна (особено съдебно производство и неговите етапи).
- Европейските директиви, свързани с правата на обвиняеми или задържани деца: Директива 2016/800, Директива 2012/13, Директива 2010/64 и Директива 2013/48/ЕС.

Освен това, фасилитаторът разполага с информация за най-популярните техники, използвани при провеждане на фокус групи (Анекс 2), както и специализирани насоки, които ще го подпомагат в правилното провеждане на фокус групите (Анекс 3).

От друга страна, задължението на **наблюдателя** е да води записи по време на фокус групата.

По отношение на този конкретен проект, бележките на наблюдателя трябва да са насочени към следните аспекти:

- Нагласи и поведение на участниците по време на фокус групата.
- Изпълнение / нарушаване на правилата, установени от фасилитатора при започването на фокус групата (Анекс 3).
- Отчитане на личностните характеристики на участниците в групата (Анекс 2).
- Значими изявления на участниците.

⁷ Lamnek Siegfried, *Gruppendiskussions*, 1998.

- Ниво на познание на участниците по дискутираната тема.
- Степен на съгласие/несъгласие на участниците по отношение на разглежданите във фокус групата теми.
- Степен на въвлеченост в зададените дейности.

Освен това, наблюдателят има достъп до инструментариума (Анекс 3), предназначен за фасилитатора.

Ако е възможно фасилитаторът и наблюдателят посещават предварително мястото, където ще се проведат фокус групите, за да се уверят, че то е подходящо и съобразено с потребностите на децата.

"Също така е важно материалите да са подгответи навреме. Дискусията във фокус групата може да пострада, ако фасилитаторът е разтревожен, защото материалите липсват или са поръчани в последната минута. Ако фасилитаторът е тревожен, това кара участниците да се чувстват неудобно и възпрепятства дискусията"⁸. Материалите, необходими за проекта, са:

- Листове хартия и моливи/химикалки.
- Ръководство за фокус групи.
- Диктофон/мобилен телефон. Запис на фокус групите се осъществява с предварително изискано от публичните власти разрешение.
- Списък на участниците.
- Присъствен списък с подпис на участниците.
- Информирано съгласие за участие в изследването.
- Часовник.
- Безалкохолни/вода.

4. Създаване на ръководство за фокус група

Ръководството за фокус групи улеснява ефективната групова дискусия, като помага фасилитаторът да насочи дискусията към най-важните теми и да определи по кои от тях тя трябва да бъде продължена⁹. Все пак насоките са гъвкави и могат да се променят, като се адаптират съобразно развитието на фокус групата. Освен това фасилитаторът може да разчита на съдействие от страна на наблюдателя.

⁸ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

⁹ Feijóo, S. and Paré, M. H., *El grup de discussió i l'observació participant*, 2010.

Особено важно е въпросите да се задават и изразяват по ясен, достъпен и съобразен с децата начин и език.

И фасилитаторът, и наблюдателят разполагат с Анекс 3, документ, който представя едновременно както ситуация със съответни въпроси, така и таблици за набиране на данни.

5. Провеждане на групата

За да проведе групата успешно, фасилитаторът трябва да следва следната последователност:

1. Приветствие, изказване на благодарност и представяне на фасилитатора и наблюдателя.
2. Представяне на участниците (име и възраст).
3. Правила на участие: поверителност, запис, ред, роли и др.
4. Кратко разяснение за основните теми в обсъждането.
5. Начало на обсъждането.
6. Въвеждане на въпроси съобразно ритъмът на групата.
7. Приключване и изказване на благодарност.

Наличният в Анекс 3 инструментариум трябва да бъде следван стъпка по стъпка от професионалистите, отговорни за провеждане на фокус групите.

6. Анализ на данните

След приключване на фокус групите, данните, набрани от фасилитатора, бележките на наблюдателя и звукозаписът ще бъдат анализирани. Тази информация ще позволи на фасилитатора и на наблюдателя да разберат дали децата, изтърпяващи постановена от съда присъда, познават правата, които имат по време на наказателното производство.

7. Изготвяне на национален доклад

Трябва да се попълни базата данни във формат excel, представена в Анекс 4, като всяка страна трябва да събере информацията за проведените фокус групи. Тази база данни в excel ще позволи всяка страна да анализира набраната информация лесно и бързо и да създаде национален доклад. След това всички данни ще бъдат

обединени и анализирани заедно за изготвяне на общ доклад, който ще обобщава данните, набрани от участващите страни.

АНЕКС 1. ДАННИ ЗА ФОКУС ГРУПАТА**Информация за групата**

НОМЕР НА ГРУПАТА	
ДАТА	
ВРЕМЕ НА ЗАПОЧВАНЕ	
ВРЕМЕ НА ПРИКЛЮЧВАНЕ	
МЯСТО	
БРОЙ УЧАСТНИЦИ	

Информация за участниците

	ПОЛ	ВЪЗРАСТ	НАЦИОНАЛНОСТ	ПРЕСТЬПЛЕНИЕ ВИД	ПРИСЪДА ВИД	ПРИСЪДА ПРОДЪЛЖИ ТЕЛНОСТ	КРИМИНАЛНО ДОСИЕ
У1							
У2							
У3							
У4							
У5							
У6							
У7							
У8							
У9							
У10							

АНЕКС 2. ТЕХНИКИ ЗА ФАСИЛИТИРАНЕ

Преди започване на фокус групите е важно да запомним, че:

- Фасилитаторът е емпатиен, непринуден и безпристрастен.
- Фасилитаторът осигурява участието на всяко дете, като улеснява включването на всеки участник. Той отбелязва кои са водещите участници, които обсебват дискусията, и дава възможност за изява и на по-затворените.
- Фасилитаторът използва терминология, ясна за всички участници.
- Изказът на фасилитаторът е прост и ясен за децата, като езикът се адаптира към възрастта и социо-културния контекст на участниците.
- За да избегне затворени отговори, фасилитаторът използва отворени въпроси.
- Фасилитаторът води дискусията от общото към частното.
- Участието е доброволно, което се потвърждава с приемане и подписване на информирано съгласие.

Фасилитаторът използва някои вербални техники за поддържане на подходящо развитие на фокус групата и поддържа активността на всеки участник:

ВЕРБАЛНИ ТЕХНИКИ ЗА ПОДДЪРЖАНЕ НА АКТИВНОСТА НА ГРУПАТА	
ЕХО	Повтаряне на последната дума или изречение.
ПАРАФРАЗА	Изразяване с други думи на идея или мнение, изказани преди това.
КОНФРОНТАЦИЯ	Посочване на несъответствия или противоречия, възникнали по време на дискусията.
ЗАМЪЛЧАВАНЕ	Замълчаване за няколко секунди, за да се даде възможност на групата да говори.
ОБОБЩАВАНЕ	Обобщаване на казаното по определена тема.
НАСТОЯВАНЕ	Повтаряне на последния въпрос.
ПОДКАНЯНЕ	Подканяне към член на групата да се включи.
ПРЕФОРМУЛИРАНЕ	Повтаряне с други думи на въпрос или понятие, които не са били разбрани от участниците.
ПРЕНАСОЧВАНЕ	Пренасочване на дискусията, когато е непродуктивна или е в застой.



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УВАЖЕНИЕ

Показване на уважение към всички участници.

В *Кратка методология: Въведение във фокус групите*¹⁰, Nagle и Williams посочват, че е важно фасилитаторът да използва освен вербалните техники и такива за невербална комуникация, за да се усили ефикасността на вербалните. Една от най-използваните техники в такъв случай е очният контакт. Фасилитаторът следва да използва очен контакт с участниците, които представят своето мнение, както и с онези, които не участват в дискусията, за да ги включи.

Накрая, фасилитаторът трябва да обърне внимание на личността на всеки участник във фокус групата, за да може да адаптира гореописаните техники към всеки един. Освен това в *Кратка методология: Въведение във фокус групите*¹¹ е изложен списък с различните типове хора, които могат да бъдат идентифицирани при провеждане на фокус група:

- **"Експерти:** Тези хора обикновено знаят по темата повече от другите в стаята. Те или се опитват да доминират в дискусията, или не участват заради по-големите си познания. И в двата случая им припомнете това, че приносът на всеки един е важен.
- **Доминиращи:** Преценете кои са те при въвеждащия разговор в началото. Ако те доминират дискусията, използвайте невербална комуникация или отвлечете вниманието на другите участници от тях и го привлечете към себе си, като се преместите в противоположния край на стаята.
- **Срамежливи:** Използвайте контакт с очите и изявления като напр. "Не бих искал/а да ви оставям извън обсъждането, какво мислите Вие по този въпрос?"
- **Говорещи извън темата:** Използвайте контакт с очи и езика на тялото. Напомнете им, че е важно всеки да даде свой принос. Използвайте и насочващи изявления като "Какво по-точно се опитвате да кажете" или изявления като "Групата трябва да продължи напред, бихте искали да ми кажете повече за това след приключване на групата?"

¹⁰ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

¹¹ Nagle Barry, Williams Nichelle, 2013, *op. cit.*

АНЕКС 3. ИНСТРУМЕНТАРИУМ ЗА ФОКУС ГРУПА

1. Приветствие, благодарности и представяне на фасилитатора и наблюдателя.

"Здравейте! Казвам се _____ (фасилитатор), а това е_____ (наблюдател). Днес искаме да поговорим с вас за това, което знаете за правата си по време на съдебно производство. Ще ви прочетем една измислена история за дете, което е извършило престъпление и ще ви зададем няколко въпроса за детето по време на различните етапи на съдебното производство."

2. Представяне на участниците.

"За да можем да ви опознаем по-добре, ще ви помоля да се представите преди да започнем с работата. Може да ни кажете името си, възрастта и любимото си занимание".

3. Правила за участниците.

- *"Всички разговори по време на фокус групата са напълно поверителни.*
- *Няма добри и лоши отговори, всички са еднакво правилни.*
- *Когато искате да говорите, моля поискайте разрешение като вдигнете ръка.*
- *Както знаете, сесията на фокус групата ще бъде записана. Всичко, което е записано, ще бъде поверително и само ние ще можем да го слушаме, за да можем да направим анализ. Ако някой от вас не е съгласен с това, моля кажете ни."*

4. Кратко разяснение на дискутираната тема, като се подчертава, че резултатът от групата ще бъде полезен за подобряване на отношението към децата в рамките на правосъдието за деца/младежи."

"Молим ви да участвате активно и да бъдете напълно откровени в мненията и коментарите си. Ние наистина искаме да знаем какво мислите по тези въпроси, защото с вашето съдействие ще можем да подобрим правосъдието за деца и младежи и да помогнем и на други деца и младежи, които след време ще се окажат в подобно положение".

5. Начало на дискусията.

"Ще опишем случай на дете, което е извършило престъпление. Аз ще ви прочета историята и ще ви задам някои въпроси, свързани с правата, които това дете може да има на всеки етап от съдебното производство. Моля ви да отговорите на тези въпроси и да ги коментирате, като казвате своето мнение. Имате ли някакви въпроси преди да започнем?"

ПЪРВИ ЕТАП: Полицейски арест

Давид е момче на 16 г., и не е много добър ученик. Все пак той рядко отсъства от училище. Но в последните няколко седмици вместо да ходи на училище (гимназия), той прекарва времето си в парка с група момчета. Така той не се среща с предишните си приятели и е извършил няколко прояви на дребно хулиганство, напр. рисуване на графити и т.н., като не е бил залавян от полицията. Но последният уикенд Дейвид се е сбил в дискотека: ударил е друго момче на неговата възраст и то е било прието в болница. Охраната на дискотеката е задържала Дейвид, по-късно той е арестуван от полицията.

ПРАВА	ДА	НЕ	КОМЕНТАРИ
<p>Право на децата, когато са обвиняеми:</p> <ul style="list-style-type: none"> - Трябва ли някой да обясни на Дейвид в какво е обвинен? Кой? Как? - Трябва ли Дейвид да получи информация относно основните аспекти на производството, например за различните процесуални стъпки и за ролята на участващите в производството органи? - Трябва ли някой провери дали Дейвид е разбрал всичко, което му е било обяснявано? Какво трябва да се направи, ако Дейвид не е разбрал обясненията, които са му дадени. 			
<p>Право на носителите на родителска отговорност да бъдат информирани:</p> <ul style="list-style-type: none"> - Трябва ли някой да каже на Дейвид, че той има право да се обади на родителите си и да им каже какво е станало? Кой? Как? - Трябва ли някой да се обади на родителите на Дейвид, за да им обясни какво е направил синът им? Кой? Как? 			

<p>- Трябва ли родителите на Дейвид да бъдат информирани за обвиненията, повдигнати срещу сина им? Трябва ли някой да им разясни най-важните аспекти в производството?? Трябва ли някой да се увери, че те са разбрали всичко, което им е казано?</p>		
<p>Право на децата да запазят мълчание:</p> <ul style="list-style-type: none"> - Трябва ли някой да обясни на Дейвид, че той има право да запази мълчание? Кой? Къде? Как? - Какво значи „да запази мълчание“? - Смятате ли, че Дейвид разбира какво значи „да запазиш мълчание“? Защо? - Смятате ли, че вместо това трябва да се използва синоним? Кой? Защо? 		
<p>Право на адвокат:</p> <ul style="list-style-type: none"> - Има ли Дейвид право на адвокат? - Трябва ли Дейвид да има право да бъде защитаван от адвокат? Ако е така, трябва ли да плаща за него? Как? Защо? - Как ще общува с адвоката си? - Има ли право да се оплаче, ако не разбира какво му е казано? Може ли да го направи писмено? 		

<p>Право на децата да се срещат насаме с адвоката си:</p> <ul style="list-style-type: none"> - Дейвид има ли право да говори с адвоката си преди разпита в полицията? За какво? Трябва ли адвокатът му да му каже как ще протече полицейският разпит? - Ако някой иска да знае какво са си говорили Дейвид и адвокатът му насаме, има ли право да пита Дейвид за това? Дължен ли е Дейвид да му отговори или има право да запази мълчание? 		
<p>Право на децата на устен и писмен превод:</p> <ul style="list-style-type: none"> - Ако Дейвид е чужденец и не разбира езика на страната, в която го съдят: <ul style="list-style-type: none"> ○ Трябва ли някой да провери дали Дейвид разбира езика? ○ Трябва ли някой да говори с него на език, който той разбира? Кой? - Ако Дейвид не може да чува или да говори: <ul style="list-style-type: none"> ○ Трябва ли някой да провери дали Дейвид разбира какво са му казали докато е бил в ареста? ○ Трябва ли някой да говори с него по начин, който той разбира? Кой? 		
<p>Право на достъп до съдебното досие:</p> <ul style="list-style-type: none"> - Дейвид има ли право да разгледа информацията от съдебното си досие? От кого да поисква това? Защо? - Адвокатът на Дейвид има ли право да разгледа информацията в съдебното му досие? От кого да поисква това? Как? Защо? 		

<p>- Ако Дейвид иска да разгледа съдебното си досие и някой не му разреши, той може ли да се оплаче? На кого? Как?</p>		
<p>Право на детето да прави изявления в присъствието на своя адвокат и на носителя на родителска отговорност:</p> <ul style="list-style-type: none"> - Има ли право Дейвид неговият адвокат да присъства, когато той прави изявление? Трябва ли някой да му обясни това? Кой? Как? - Авдокатът на Дейвид има ли право да говори? Какво би могъл да каже? - Могат ли родителите на Дейвид да присъстват на полицейския разпит? Ако да, трябва ли някой да го каже та Дейвид? Кой? Трябва ли някой да обясни това на родителите на Дейвид? - Имат ли право родителите на Дейвид да говорят по време на полицейския разпит? Какво трябва/могат да кажат те? 		
<p>Право на децата на декларация за правата:</p> <ul style="list-style-type: none"> - Трябва ли някой да разясни на Дейвид правата му? Кой? Как? (устно, писмено, по двата начина) Къде? - Трябва ли някой да провери дали Дейвид разбира правата, които има? Трябва ли някой да говори с него по ясен и разбирам начин? - Бихте ли ми дали пример за правата, които Дейвид има? 		

<p>Право на децата, лишени от свобода, при арест да бъдат настанени отделно от задържаните възрастни:</p> <ul style="list-style-type: none"> - Дейвид е арестуван и отведен в полицейското управление. Ако там има килия, в която е настанен човек по-възрастен от 18 г., може ли да настанят и Дейвид в същата килия? Ако този човек е дете под 18 г.? Защо? 		
<p>Право на децата да не бъдат в ареста за повече от 48 часа:</p> <ul style="list-style-type: none"> - Колко дълго може да остане в ареста Дейвид? Ако този период съвпадне с почивите дни? 		
<p>Право на използване на аудио-визуални средства:</p> <ul style="list-style-type: none"> - Смятате ли, че разпитът на Дейвид трябва да бъде записан? Защо? От кого? С каква цел? - Може ли някой да разгласи записът без разрешението на Дейвид? А с разрешението на Дейвид? Защо? 		
<p>Право на децата на медицинска помощ:</p> <ul style="list-style-type: none"> - Ако Дейвид се нараши, докато е в килията, има ли право на медицинска гримжа? Трябва ли да отиде до болницата? Трябва ли лекарят да дойде в килията? Трябва ли някой да каже на родителите на Дейвид какво става? Защо? - Какво ще последва, ако има нещо сериозно? Трябва ли Дейвид да бъде изпратен в болница? 		

Наблюдения

ВТОРА ФАЗА: Процес

Днес е денят на делото на Дейвид. Той присъства на съдебното заседание.

ПРАВА	ДА	НЕ	КОМЕНТАРИ
<p>Право на децата на личностна характеристика:</p> <ul style="list-style-type: none"> - Трябва ли някой да изготви характеристика на Дейвид, преди той да се яви на делото? Кой? Къде? Колко пъти? Какви въпроси трябва да му бъдат зададени? - Трябва ли някой да изготви оценка на родителите на Дейвид? Кой? Къде? Колко пъти? Какво трябва да го попитат? 			
<p>Право на децата да присъстват и да участват в съдебното заседание:</p> <ul style="list-style-type: none"> - Дейвид има ли правото да присъства на своя съдебното заседание? Може ли Дейвид да се намесва, когато пожелае? Дейвид има ли право да изказва мнението си? Може ли Дейвид да говори с родителите си? Може ли Дейвид да говори с адвоката си? Как? Защо? - Ако Дейвид не присъства на делото, то ще се проведе ли въпреки това? Или ще бъде отложено? - Кой следва да говори по време на делото на Дейвид? Какво трябва да се каже по време на делото? В каква последователност? - Трябва ли Дейвид да може да разбере всичко, което е казано на делото? Трябва ли езикът на говорещите да бъде ясен и разбирам за деца? Кое е особено важно да разбере Дейвид? (В какво е обвинен, съдебното решение и др.). 			

<p>Право на децата да бъдат придружени от носителите на родителската отговорност:</p> <ul style="list-style-type: none">- Трябва ли родителите на Дейвид да присъстват на съдебното заседание? Защо? Къде трябва да седят те? Трябва ли те да имат право да говорят по време на съдебното заседание?- Трябва ли адвокатът на Дейвид да му обясни какво ще се случи в съдебната зала, преди да влязат там? Как? Къде? Трябва ли той да се увери, че Дейвид е разбрал всичко, което му е казано?- Трябва ли след делото адвокатът на Дейвид да му обясни на разбираем език всичко, което е обсъждано по време на делото? Трябва ли той да провери дали Дейвид разбира всичко, което е било казано? Как ще му го обясни?- Ако предстои делото да започне, а адвокатът на Дейвид още не е дошъл, трябва ли делото да започне или трябва да бъде отложено? Трябва ли да се чака адвокатът да пристигне? Защо?		
<p>Право на децата на обжалване на присъдата:</p> <ul style="list-style-type: none">- Ако Дейвид не е съгласен с присъдата, може ли да я обжалва? Как? Пред кого и с кого?		
<p>Право на децата на процес при закрити врата:</p> <ul style="list-style-type: none">- Може ли делото на Дейвид да е при закрити врата и там да присъстват само неговите родители? Може ли той да поиска там да не присъства никой?- Може ли изслушването на Дейвид да се проведе при отсъствие на родителите му? При какви обстоятелства?		

Право на децата да подадат жалба, ако правата им не са били спазени: - Може ли Дейвид да обжалва, ако смята, че някои от правата му не са били спазени? Могат ли родителите му да направят това, вместо него? А адвокатът му? Как? Пред кого?			
Право на децата на личен живот: - Имат ли право медиите (телевизия, вестници и др.) да говорят за личния живот на Дейвид? Може ли Дейвид да подаде оплакване срещу това? Могат ли родителите му да го направят вместо него? А адвокатът му? Как? Защо? Пред кого?			

Наблюдения

ТРЕТА ФАЗА: Изпълнение на присъдата

Съдията налага присъда на Дейвид.

ПРАВА	ДА	НЕ	КОМЕНТАРИ
<p>Право на децата на личностна характеристика:</p> <ul style="list-style-type: none"> - Когато Дейвид започне да изтърпява присъдата си, трябва ли някои да му изготви характеристика? Кой? За какво е нужно това? 			
<p>Право на децата да общуват със семейството си:</p> <ul style="list-style-type: none"> - Според вас каква присъда ще наложи съдията на Дейвид? Защо? За колко време? - Ако Дейвид е в център за задържане, може ли да общува с родителите си? Как? (По телефон, на живо и др.) Колко често? А с други членове на семейството? Защо? 			
<p>Право на децата на медицинска грижа:</p> <ul style="list-style-type: none"> - Ако Дейвид е в център за задържане, трябва ли да бъде прегледан от лекар при пристигането си? - Може ли да поиска да бъде прегледан от лекар? Колко често? Как? - Ако се налага Дейвид да напусне центърът за задържане, за да бъде прегледан от външен лекар, как ще стане това? Ще го придружава ли някой? Кой? Ще бъде ли с белезници? 			

<ul style="list-style-type: none">- Има ли право адвокатът на Дейвид да иска той да бъде прегледан от лекар? Как ще го направи? - Родителите на Дейвид имат ли право да искат лекарски преглед за сина си? Ако да, как могат да го направят?		
<p>Право на децата на образование:</p> <ul style="list-style-type: none">- Ако Дейвид е в център за задържане, има ли право да учи вътре в центъра? Може ли да учи на други място (например извън центъра)? Задължен ли е да учи? Ако не иска? Какви възможности има? (професионално обучение, средно образование, и др.). - Ако Дейвид изтърпява друг вид наказание/присъда, ще може ли да продължи да учи? Ще бъде ли задължен да учи? Ако не иска? Какви възможности има? (професионално обучение, средно образование, и др.).		
<p>Право на децата на религиозна свобода:</p> <ul style="list-style-type: none">- Ако Дейвид е католик и е настанен в център за задържане, може ли да поиска да се види със свещеник? Може ли да посещава меса? Ще може ли да излиза от центъра, или месата трябва да се отслужи вътре? - Ако Дейвид е мюсюлманин? Може ли да отбележи Рамадан? - Ако Дейвид изтърпява друг вид присъда?		

<p>Право на децата на достъп до програми, свързани със социална интеграция:</p> <p>- Ако Дейвид изтърпява присъда лишаване от свобода може ли да посещава обучение? Това задължително ли е или по желание?</p> <p>- Ако Дейвид изтърпява друг вид присъда, може ли да посещава обучение? Това задължително ли е или по желание?</p>		
<p>Право на децата да получават писмена информация за своите права и задължения и за правилника за вътрешния ред в центъра за задържане:</p> <p>- Ако Дейвид е задържан, трябва ли някой да му каже какви са неговите права и задължения и какви са правилата за вътрешния ред в центъра? Кой? Има ли право да получи тази информация писмено? Някой трябва ли да се погрижи той да разбере всички? Кой? Как?</p>		

Наблюдения

АНЕКС 4. ДАННИ (формат excel)

The screenshot shows a Microsoft Excel spreadsheet titled "Database_Child-friendly-focusgroups". The ribbon menu is visible at the top, showing tabs for ARCHIVO, INICIO, INSERTAR, DISEÑO DE PÁGINA, FÓRMULAS, DATOS, REVISAR, and VISTA. The "INICIO" tab is selected. The main content area contains a table with the following structure:

DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS							
FOCUS GROUPS GENERAL INFORMATION							
	FOCUS GROUP 1			FOCUS GROUP 2			
7 DATE							
8 START TIME							
9 END TIME							
10 LOCATION							
11 NUMBER OF PARTICIPANTS							
12							



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13								
14	PARTICIPANTS GENERAL INFORMATION							
15								
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
18	P1							
19	P2							
20	P3							
21	P4							
22	P5							
23	P6							
24	P7							
25	P8							
26	P9							
27	P10							
28								
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	SENTENCE TYPE	SENTENCE TIME	CRIMINAL RECORDS
31	P1							
32	P2							
33	P3							
34	P4							
35	P5							
36	P6							
37	P7							
38	P8							
39	P9							
40	P10							
41								



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42			
43	PARTICIPANTS STATEMENTS		
44	FIRST PHASE. POLICE ARREST		
45			
46			
47			
48	RIGTHS	FOCUS GROUP 1	FOCUS GROUP 2
49	Right of children to know what they are being accused of	YES/NO	COMMENTS
50	Right of the holders of parental responsibility to be informed		
51	Right of children to remain silent		
52	Right to a lawyer		
53	Right of children to privacy with their lawyers		
54	Right of children to translation and interpretation		
55	Right to have access to their judicial file		
56	Right of children to make a statement in the presence of their lawyers and holders of parental responsibility		
57	Right of children to have a letter of rights		
58	Right of children deprived of liberty to be kept separate from detained adults after their arrest		
59	Right of children to be put under arrest for no longer than 48 hours		
60	Right to use audio-visual means		
61	Right of children to medical care		
62			



SECOND PHASE. TRIAL						
			FOCUS GROUP 1		FOCUS GROUP 2	
RIGTHS			YES/NO	COMMENTS	YES/NO	COMMENTS
68 Right of children to individual evaluation						
69 Right of children to be present and to participate on the trial						
70 Right of children to be accompanied by their holders of parental responsibility and their lawyers						
71 Right of children to appeal the sentence						
72 Right of children to a non-public trial						
73 Right of children to appeal if their rights have not been respected						
74 Right of children to privacy						
75						
76						
THIRD PHASE. SENTENCE EXECUTION			FOCUS GROUP 1		FOCUS GROUP 2	
RIGTHS			YES/NO	COMMENTS	YES/NO	COMMENTS
81 Right of children to individual evaluation						
82 Right of children to family communication						
83 Right of children to medical care						
84 Right of children to education						
85 Right of children to religious freedom						
86 Right of children to have access to programs related to social reintegration						
87 Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations						
88						



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FOCUS GROUPS GUIDE
ITALIAN
ISTITUTO DON CALABRIA (ITALY)

GUIDA PER LA REALIZZAZIONE DEL FOCUS GROUP

Introduzione

Il presente documento si propone come guida operativa per lo svolgimento di un'analisi sulla conoscenza che i minori in conflitto con la legge hanno dei loro diritti e degli altri importanti aspetti del procedimento penale. Lo studio verrà realizzato attraverso l'utilizzo dei focus group. La guida contiene istruzioni per gli operatori su come condurre nel miglior modo le sessioni dei gruppi, ma anche come strumento per la raccolta di dati statistici.

La ricerca fa parte delle attività programmate nell'ambito del progetto europeo "Child-friendly JT: il diritto dei minori all'informazione, alla traduzione ed all'interpretariato nel procedimento penale: strumenti per lo sviluppo di una giustizia child-friendly".

Gli obiettivi principali del progetto consistono nel contribuire all'attuazione delle direttive europee 2012/13/EU, 2010/64/EU, 2013/48/EU e 2016/800 e nel promuovere la giustizia child friendly, migliorando la conoscenza dei minori in conflitto con la legge (e quella dei loro genitori o esercenti la potestà genitoriale) dei loro diritti e delle altre informazioni utili nel procedimento penale, attraverso l'utilizzo di un linguaggio adeguato al loro livello di sviluppo. Il progetto è coordinato da Fundación Diagrama (Spagna) in collaborazione con Udruga MOST (Croazia), Social Activities and Practices Institute (SAPI) (Bulgaria), Hope for Children (Cipro), Istituto Don Calabria (Italia) ed il International Juvenile Justice Observatory (Belgio).

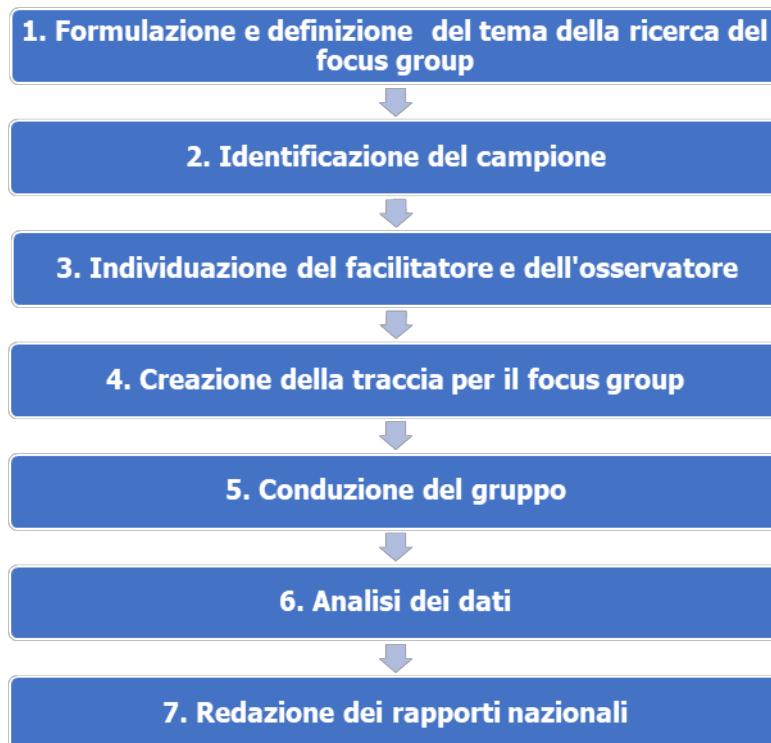
Questa guida è stata tradotta in spagnolo, croato, bulgaro, greco e italiano, con l'obiettivo di realizzare la ricerca in tutti i paesi appartenenti al consorzio, ad eccezione del Belgio.

Linee guida

Un focus group può essere definito come una conversazione accuratamente programmata e concepita per ottenere informazioni su di una specifica area di interesse in un contesto privo di orientamento. La discussione si svolge in modo rilassato e piacevole e mette a proprio agio i partecipanti che saranno così in grado di

esporre le idee e i commenti che hanno in comune, imparando e influenzandosi l'uno con l'altro.¹

Il progetto verrà condotto seguendo i sette passaggi individuati da Stewart, Shamdasani e Rook² (2007) nella creazione e nello sviluppo del focus groups:



1. Formulazione e definizione del tema di ricerca del focus group

Il primo passaggio necessario per condurre un focus group consiste nel definire lo scopo della ricerca. Questo passaggio è fondamentale perché in base ad esso verranno stabilite tutte le attività successive³.

In questo caso, lo scopo della creazione di diversi focus group è quello di analizzare la conoscenza che i minori in fase di esecuzione della pena hanno sui loro diritti, per identificare ogni eventuale carenza o fraintendimento.

¹ Krueger Richard A., *Focus-group interviewing : New strategies for business and industries*, 1991.

² Stewart David W., Shamdasani Prem N. e Rook Dennis W., *Focus groups: Theory and practice*, 2007.

³ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

2. Identificazione del campione

Una volta stabilito l'obiettivo del focus group, è necessario definire la popolazione ed il campione di studio⁴. Il campione sarà formato da individui con caratteristiche adeguate allo scopo della ricerca⁵. Il campione non deve essere considerato rappresentativo o statisticamente rappresentativo.

I partecipanti a questi specifico progetto dovranno avere le seguenti caratteristiche:

Caratteristiche dei partecipanti al focus group

- Devono essere/ essere stati arrestati dalla polizia.
- Devono essere in fase di esecuzione della pena.
- Devono avere tra i 14 e i 21 anni, anche se un minore è normalmente una persona di età inferiore ai 18 anni⁶, **molti ragazzi finiscono le loro misure giudiziarie ad un'età superiore**.
- E' necessario ottenere un consenso informato firmato dal minore, così come uno firmato ai genitori o dagli esercenti la potestà genitoriale, se il minore ha meno di diciotto anni.

Una volta selezionato il campione, verranno condotti due focus group per paese, in Italia, Croazia, Cipro, Bulgaria e Spagna. Ciascun Gruppo sarà formato approssimativamente da dieci ragazzi volontari, posto che la letteratura dimostra che un focus group è più efficace se è formato da partecipanti in un numero da 7 a 12⁷. Il Gruppo sarà più eterogeneo possibile per favorire lo scambio di idee e di opinioni. Inoltre, se possibile, ciascun gruppo dovrebbe essere composto da maschi e femmine.

E' importante ricordare che durante il focus group, gli educatori o qualsiasi altra persona responsabile dei minori non deve essere presente, perché la loro presenza potrebbe influenzare le risposte dei ragazzi.

⁴ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

⁵ Finch, H. e Lewis, J. *Focus Group Research in Qualitative Research in Practice: A Guide for Social Science Students*, Ritchie J. and Lewis J. eds, Sage Publications, Londra, pp. 170-198, 2003.

⁶ United Nations Convention on the Rights of the Child (CRC), 1989; Directive (EU) 2016/800 of the European Parliament and of the Council on procedural safeguards for children who are suspects or accused persons in criminal proceedings, 2016.

⁷ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

Tutti i dati relativi alle caratteristiche dei partecipanti (sopra indicate) dovranno essere raccolti nell'allegato 1.

3. Identificazione del facilitatore e dell'osservatore

Come specificato da Lamnek⁸ nella sua pubblicazione *Gruppendiskussions*, il compito principale del **facilitatore** è gestire il focus group in modo formale senza imporre la sua opinione o le sue idee. Tuttavia, è fondamentale che abbia una buona conoscenza del tema oggetto di discussione, ciò infatti gli consentirà di gestire il focus group più facilmente e di ravvivare la discussione ove necessario.

In questo senso, il facilitatore di questo progetto deve avere una buona conoscenza ed essere formato sui diritti dei minorenni all'interno dei procedimenti penali minorili. Nello specifico, è necessario che il facilitatore sia formato sui seguenti aspetti:

- Sistema penale minorile del proprio Paese (in particolare sul procedimento giudiziario e le sue fasi).
- Le diverse direttive europee sui diritti dei minori indagati e/o detenuti: Direttive 2016/800, Direttiva 2012/13 e Direttiva 2010/64.

Inoltre, il facilitatore sarà formato su quelle che sono le tecniche da utilizzare per moderare un FG (Allegato 2). A tale scopo, gli verrà fornita una guida specifica che lo aiuterà a condurre il focus group in modo appropriato (Allegato 3).

L'osservatore, invece, avrà il compito di raccogliere gli aspetti e/o i fatti rilevanti che accadranno durante il FG e altre informazioni che non possono emergere dalle registrazioni (es. livello di partecipazione di ogni partecipante, livello di accordo/disaccordo etc.).

Nello specifico, all'interno del nostro progetto, l'osservatore dovrà raccogliere il maggior numero di informazioni relative ai seguenti aspetti:

- Attitudini e comportamenti anomali dei partecipanti durante lo sviluppo dei focus group.
- Rispetto/infrazione delle regole stabilite dal facilitatore all'inizio del focus group (Allegato 3).

⁸ Lamnek, Siegfried, Gruppendiskussion, 1998.

- Analisi della personalità dei partecipanti al Focus Group (Allegato 2).
- Interventi significativi dei partecipanti.
- Livello di conoscenza dei partecipanti rispetto al tema oggetto di discussione.
- Livello di accordo/disaccordo dei partecipanti sui temi affrontati all'interno del focus group.
- Livello di coinvolgimento nelle attività specificate.

Inoltre, l'osservatore riceverà la guida per sviluppare un focus group del facilitatore (Allegato 3), in modo da consentirgli di cogliere tutti gli aspetti rilevanti sopra menzionati e di indicare al facilitatore eventuali temi non ancora trattati o che sarebbe utile sviluppare.

"Se possibile, sarebbe opportuno- visitare la location dove si svolgerà il focus group prima del suo svolgimento in modo da verificare che il posto sia appropriato ed adeguato. Inoltre, vanno preparati ed organizzati con il dovuto anticipo tutti i materiali necessari. Infatti, se il facilitatore si innervosisse per la mancanza di materiali, ciò potrebbe influenzare negativamente lo sviluppo del focus group stesso⁹". Il materiale necessario nel nostro caso sarà il seguente:

- Fogli e penne/pennarelli.
- Guida per la realizzazione di un focus group.
- Registratore/smartphone. Prima dello sviluppo del focus group, vanno richieste le autorizzazioni necessarie all'amministrazione competente in modo da registrarne gli sviluppi. Inoltre, tutti i minorenni partecipanti alla ricerca devono firmare il consenso informato.
- Lista partecipanti.
- Fogli firma.
- Consenso informato.
- Orologio.
- Acqua/bevande e stuzzichini.

4. Creazione di una guida per la realizzazione di un focus group

Avere una guida che ci supporta nella conduzione del focus group facilita la sua riuscita poiché aiuta il facilitatore ad orientare ed approfondire la discussione ed il dibattito sui temi chiave¹⁰. Tuttavia, tali linee guida non sono chiuse, possono invece essere

⁹ Nagle Barry, Williams Nichelle, *Methodology Brief : introduction to focus groups*, 2013.

¹⁰ Feijóo, S. e IParé, M. H., *El grup de discussió i l'observació participant*, 2010.

modificate ed adattate allo sviluppo del focus group stesso. Inoltre, il facilitatore potrà contare sul supporto dell'osservatore.

E' fondamentale altresì che le domande vengano poste in un linguaggio chiaro ed accessibile ai minorenni autori di reato.

Facilitatore ed osservatore utilizzeranno saranno in possesso dell'annex 3, un documento contenente studi di casi/situazioni e relative domande e il grafico per la raccolta dati.

5. Conduzione del gruppo

Per condurre in modo appropriato il focus group il facilitatore dovrebbe seguire la sequenza qui sotto indicata:

1. Benvenuto, ringraziamenti e presentazione del moderatore e dell'osservatore.
2. Presentazione partecipanti (nome e età).
3. Spiegazione delle regole che governano il FG: riservatezza, turnazione durante gli interventi, registrazione, ruoli, etc.
4. Breve introduzione al tema oggetto del FG.
5. Inizio della discussione (si vedano gli esempi descritti nell'Annex 3).
6. Introduzione delle domande sulla base dei ritmi del gruppo.
7. Chiusura e ringraziamenti.

Per questo progetto verrà seguita la traccia indicata nell' Allegato 3.

6. Analisi dei dati

Una volta terminato il focus group, verranno analizzati i dati raccolti dal facilitatore e gli appunti e le registrazioni raccolte dall'osservatore. Tali informazioni ci consentiranno di capire se i minorenni sottoposti a procedimento penale conoscono quelli che sono i loro diritti all'interno del procedimento penale minorile.

7. Stesura dei report nazionali

Ogni Paese compilerà poi il database in excel (si veda a tal proposito l' allegato 4) ed inserirà le informazioni raccolte durante i focus group. In questo modo, ogni Paese

potrà analizzare i dati raccolti in modo facile e veloce e produrre il report nazionale. Infine, i singoli database verranno poi inglobati in uno complessivo che consentirà la comparazione e l'analisi dei dati per una visione europea del tema oggetto della ricerca e la produzione di un report contenente i dati rilevanti ottenuti nei Paesi partecipanti.

ALLEGATO 1. DATI FOCUS GROUP**Caratteristiche del gruppo**

FOCUS GROUP NUMERO	
DATA	
INIZIO	
FINE	
LUOGO	
N. DI PARTECIPANTI	

Informazioni sui partecipanti

	SESSO	ETA'	NAZIONALITA'	TIPOLOGIA DI REATO	MISURA	TEMPO SPESO IN DETENZIONE	ESPERIENZA GIUDIZIARIA
P1							
P2							
P3							
P4							
P5							
P6							
P7							
P8							
P9							
P10							

ALLEGATO 2. TECNICHE PER LA CONDUZIONE DI UN FOCUS GROUP

Prima di iniziare il FG è importante considerare questi aspetti:

- Il moderatore deve essere empatico, amichevole e neutrale.
- Il facilitatore deve permettere che tutti i ragazzi partecipino, favorendo il contributo da parte di tutti, individuando quelle figure leader che cercano di manipolare la discussione e dando la parola ai ragazzi più introversi.
- Va utilizzato un linguaggio comprensibile.
- Il facilitatore deve parlare in modo semplice e chiaro adattando il linguaggio all'età ed ai contesti socio-culturali dei partecipanti.
- Vanno utilizzate domande aperte in modo tale da evitare risposte limitate o troppo sintetiche.
- E' necessario guidare il gruppo dal generale al particolare
- La partecipazione è su base volontaria ed è subordinata alla firma di un consenso informato.

Il facilitatore deve utilizzare alcune tecniche verbali per favorire un adeguato sviluppo del focus group e mantenere alto l'interesse e l'attenzione dei partecipanti:

TECNICHE PER MANTENERE ATTIVO IL GRUPPO	
RIPETERE	Ripetizione dell'ultima parola o frase.
PARAFRASARE	Esporre quanto detto con altre parole.
CONFRONTO	Mettere in luce le contraddizioni interne su un tema specifico.
SILENZIO	Rimanere in silenzio qualche secondo per poi dare la parola e l'opportunità di parlare.
SINTESI	Sintetizzare quanto detto/emerso su un tema specifico.
RIMARCARE	Ripetere l'ultima domanda fatta.
INVITARE	Invitare i membri a partecipare in modo aperto ed esplicito.
RIFORMULARE	Esporre con parole diverse domande o concetti che non sono stati compresi.
REINDIRIZZARE	Dirigere il dibattito su un altro tema quando quello attuale è inefficace o stagnante.
RISPETTARE	Mostrare rispetto per tutti i partecipanti.

Oltre alle tecniche verbali, Nagle e Williams, nella loro pubblicazione *Methodology, brief: introduction to focus groups*¹¹, suggeriscono l'utilizzo della comunicazione non verbale a supporto dell'efficacia del linguaggio verbale. Una delle tecniche maggiormente utilizzate in questo caso è il contatto visivo. Il facilitatore utilizzerà il contatto visivo con quei partecipanti che intervengono a difesa delle loro opinioni e con coloro che non partecipano alla discussione in modo da cercare di coinvolgerli.

Infine, il facilitatore farà attenzione alla personalità di ogni partecipante in modo da adattare le tecniche sopra menzionate a ciascuno di loro. Il testo *Methodology Brief: introduction to focus groups*¹², propone la seguente classificazione delle persone che solitamente partecipano al focus group:

- **"Esperti:** persone che hanno maggiore conoscenza dei temi trattati rispetto agli altri partecipanti. Tendono a controllare la conversazione o a non partecipare proprio per il loro livello di conoscenza dei temi trattati. Quale che sia la ragione, va loro ricordata l'importanza di ricevere gli input da parte di tutti.
- **Oratori dominanti:** persone che tendono a monopolizzare la discussione. Il facilitatore dovrà pertanto esser in grado di individuare i partecipanti con tali caratteristiche ed utilizzare la comunicazione non verbale, interrompendo il contatto visivo e dirigendolo verso gli altri partecipanti che non stanno intervenendo.
- **Partecipanti timidi:** il facilitatore deve cercare di coinvolgerli attraverso l'uso del contatto visivo e facilitando la comunicazione con domande come la seguente ad esempio "non voglio tagliarti fuori dalla conversazione, che ne pensi di quanto è emerso sino ad ora?"
- **Girovaghi:** il facilitatore dovrebbe utilizzare il linguaggio del corpo ed il contatto visivo con queste persone, va loro ricordata l'importanza sentire le opinioni di tutti. E' inoltre consigliabile utilizzare frasi del tipo: "cosa stai cercando di dire? Oppure "dovremmo continuare con il focus group ma ne possiamo parlare dopo, se lo desideri."

¹¹ Nagle Barry, Williams Nichelle, Methodology Brief: introduction to focus groups, 2013.

¹² Nagle Barry, Williams Nichelle, 2013, op. Cit.

ALLEGATO 3. TOOLKIT PER LO SVILUPPO DEL FOCUS GROUP

1. Accoglienza, ringraziamenti e presentazione del facilitatore e dell'osservatore.

"Ciao a tutti! Mi chiamo_____ (moderatore) e lui/lei è _____ (osservatore). Oggi vorremmo parlare con voi di quanto sapete rispetto ai diritti che avete nel procedimento penale. Vi presenteremo dei casi di fantasia riguardanti un ipotetico ragazzo come voi che ha commesso un reato e vi faremo alcune domande riguardanti le varie fasi del procedimento penale".

2. Presentazione partecipanti.

"Prima di iniziare con l'attività, vorremmo che vi presentaste in modo da conoscervi meglio. Potete dire il vostro nome, l'età e il vostro hobby preferito".

3. Regole per partecipare al focus group.

- *"Ciò che verrà detto in questa sede rimarrà confidenziale e non uscirà dal gruppo.*
- *Non ci sono risposte giuste o sbagliate, tutte le risposte sono valide.*
- *Se desiderate intervenire chiedete il permesso alzando la mano.*
- *Come sapete, registreremo il focus group. Le registrazioni rimarranno confidenziali e noi saremo gli unici che potranno ascoltarle per sviluppare la ricerca. Se non siete d'accordo ditecelo ora per favore".*

4. Breve introduzione al tema sottolineando che i risultati del gruppo saranno utili per migliorare la condizione dei minori autori di reato all'interno del sistema giustizia minorile.

"Vi chiediamo di partecipare ed essere sinceri rispetto alle vostre opinioni ed ai vostri commenti. Siamo veramente interessati a capire cosa pensate su questo tema. Grazie alla vostra collaborazione saremo in grado di migliorare il sistema penale minorile e aiutare altri adolescenti che si trovano nella vostra situazione".

5. Inizio della discussione.

"Andremo a descrivere il caso di un minore che ha commesso un reato. Vi leggerò la sua storia e vi farò alcune domande relative ai diritti che questa persona potrebbe avere a seconda della fase giudiziaria in cui si trova. Dovete rispondere e commentare alle mie domande dicendomi la vostra opinione. Tutto chiaro? Ci sono domande prima di iniziare?"



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PRIMA FASE: Arresto

David è un ragazzo di 16 anni e non è un bravo studente. Tuttavia, non ha mai perso una lezione. Nelle ultime settimane però, invece di andare a scuola (frequenta le superiori), è rimasto al parco con un gruppo di ragazzi che hanno marinato come lui. Inoltre, uscendo con queste persone, ha iniziato ad ignorare i vecchi amici e a commettere piccoli furti e atti di vandalismo (graffiti o rompere i bidoni) senza mai essere colto in flagrante dalla polizia. Lo scorso weekend, invece, sì è trovato coinvolto in una rissa in discoteca: ha picchiato un altro ragazzo della sua età mandandolo in ospedale. Naturalmente, la sicurezza lo ha fermato e la polizia lo ha arrestato.

DIRITTI	SI	NO	COMMENTI
<p>Diritto dei minori di conoscere le accuse a loro carico:</p> <ul style="list-style-type: none"> - Qualcuno dovrebbe spiegare a David quali sono le accuse a suo carico? Chi? Come? - David dovrebbe essere informato sugli aspetti generali del procedimento, quali sono ad esempio le diverse fasi dello stesso o il ruolo delle autorità coinvolte? - Qualcuno dovrebbe accertarsi che David abbia capito tutto di quanto gli è stato spiegato? Che cosa accadrebbe se David non avesse compreso quanto gli è stato spiegato? 			
<p>Diritto ad essere informato per il detentore della patria potestà:</p> <ul style="list-style-type: none"> - Qualcuno dovrebbe spiegare a David che può chiamare i suoi genitori per comunicare loro quanto accaduto? Chi? Come? - Qualcuno dovrebbe spiegare ai genitori di David cosa ha fatto il loro figlio? Chi? Come? Hanno usato un linguaggio comprensibile? - Qualcuno dovrebbe spiegare ai genitori di David quali sono le accuse a carico del 			

<p>figlio? Qualcuno dovrebbe spiegare loro quali sono gli aspetti principali del procedimento? Qualcuno dovrebbe accertarsi che abbiano compreso quanto è stato detto loro?</p>		
<p>Diritto di non rispondere:</p> <ul style="list-style-type: none"> - Qualcuno dovrebbe spiegare a David che ha il diritto di non rispondere ? Chi? Dove? Come? - Cosa significa non rispondere? - Credi che David possa capire cosa significa non rispondere? Perchè? - Credi si possa usare un sinonimo? Quale? Perchè? 		
<p>Diritto ad avere un avvocato:</p> <ul style="list-style-type: none"> - David ha diritto ad avere un avvocato? - David dovrebbe avere il diritto ad essere difeso da un avvocato? Se sì dovrebbe pagarlo? Quanto? Perché? - Come comunicherà con lui/lei? - Ha il diritto a reclamare se non comprende quanto gli viene detto? 		
<p>Diritto alla privacy col proprio avvocato:</p> <ul style="list-style-type: none"> - David ha il diritto di parlare al suo avvocato prima dell'interrogatorio da parte della polizia? A quale scopo? L'avvocato gli spiega qualcosa sull'interrogatorio? - Se qualcuno volesse sapere di cosa hanno parlato David ed il suo avvocato potrebbe chiederlo a David? David deve rispondere o ha il diritto a rimanere in silenzio? 		

<p>Diritto a traduzione ed interpretariato:</p> <p>- Se David fosse straniero e non fosse in grado di parlare la lingua del paese dove verrà processato:</p> <ul style="list-style-type: none">○ Qualcuno dovrebbe accertarsi che abbia compreso la lingua?○ Qualcuno dovrebbe parlargli in un linguaggio a lui comprensibile? Chi? <p>- Se David non potesse parlare o sentire:</p> <ul style="list-style-type: none">○ Qualcuno dovrebbe accertarsi che abbia compreso la lingua?○ Qualcuno dovrebbe parlargli in un linguaggio a lui comprensibile? Chi?		
<p>Diritto di accedere al file giudiziario:</p> <p>- David può accedere alle informazioni del suo fascicolo giudiziario? A chi può rivolgersi per farne richiesta? Perché?</p> <p>- L'avvocato di David può accedere alle informazioni del fascicolo giudiziario? A chi può rivolgersi per farne richiesta? Come? Perchè?</p> <p>- Se David volesse vedere il suo fascicolo giudiziario ma qualcuno non glielo permettesse potrebbe protestare? A chi deve inoltrare il reclamo? Come?</p>		
<p>Diritto a rilasciare dichiarazione in presenza dell'avvocato e del detentore della patria potestà:</p> <p>- David ha il diritto di avere il suo avvocato accanto quando fa una dichiarazione? Qualcuno dovrebbe spiegarglielo? Chi? Come?</p> <p>- L'avvocato di David può intervenire durante l'interrogatorio della polizia? Cosa potrebbe dire?</p>		

<ul style="list-style-type: none">- I genitori di David possono essere presenti durante l'interrogatorio? Qualcuno dovrebbe spiegarlo a David? Chi? Qualcuno dovrebbe spiegarlo ai genitori? - I genitori di David possono intervenire durante l'interrogatorio della polizia? Cosa potrebbero dire?		
<p>Diritto ad avere la carta dei diritti:</p> <ul style="list-style-type: none">- Qualcuno dovrebbe spiegare a David quali sono i suoi diritti? Chi? Come? (oralmente, per iscritto o entrambi) Dove? - Qualcuno dovrebbe accertarsi che David abbia capito quali sono i diritti di cui è portatore? Qualcuno dovrebbe parlargli in un linguaggio chiaro e comprensibile? - Potresti darmi un esempio di diritti di cui David è portatore in questa fase per favore?		
<p>Arresto da parte della polizia in una struttura separata:</p> <ul style="list-style-type: none">- Quando David è stato arrestato e portato alla stazione di polizia, se in una cella vi è una persona di età superiore ai 18 anni, David può essere collocato nella stessa cella con questa persona? E se ci fosse un minorenne? Perché? - Se nella stazione di polizia vi fosse solo una cella occupata da una persona di età superiore ai 18 anni David potrebbe essere messo nella stessa cella? E se ci fosse un minorenne? Perché?		
<p>Diritto ad essere in arresto per non più di 48 ore:</p> <ul style="list-style-type: none">- Per quanto tempo David verrà tenuto in arresto? Quanto potrebbe rimanere in stato di arresto? Che succede se c'è il finesettimana di mezzo?		

Diritto ad utilizzare strumenti audiovisivi: - Credi che l'interrogatorio di David possa essere registrato? Perché? Da chi? A quale scopo? - E' necessario il permesso di David per registrare l'interrogatorio? Perché? - Si può pubblicare l'interrogatorio senza il consenso di David? E con il suo consenso? Perchè?			
Diritto all'assistenza sanitaria: - Se David si ferisce mentre è in cella ha diritto all'assistenza medica? Deve andare all'ospedale? Il medico si reca in cella? Qualcuno informerà i genitori? Perchè? - E se si trattasse di qualcosa di serio? David verrebbe ricoverato in ospedale?			

Osservazioni

SECONDA FASE: Processo

Arriva la data del processo, David presenzia all'udienza.

DIRITTI	SI	NO	COMMENTI
<p>Diritto alla valutazione individuale:</p> <ul style="list-style-type: none"> - Prima del processo qualcuno valuterà David? Chi? Dove? Quante volte? Cosa gli chiederanno? - Qualcuno valuterà I genitori di David? Chi? Dove? Quante volte? Cosa chiederanno loro? 			
<p>Diritto ad essere presente e a partecipare al processo:</p> <ul style="list-style-type: none"> - David ha il diritto di partecipare al suo processo? Può partecipare quando vuole? Può dare il suo parere? Può comunicare con i suoi genitori? Può parlare con il suo avvocato? Come? Perchè? - Se David non fosse presente la stessa si terrebbe ugualmente o verrebbe posticipata? - Chi dovrebbe intervenire durante il processo di David? Cosa dovrebbero dire? In quale ordine? - David dovrebbe essere in grado di comprendere tutto ciò che viene detto durante il processo? I relatori dovrebbero usare un linguaggio a misura di bambino? Cosa è essenziale che capisca? (di cosa è accusato, la sentenza...). 			
<p>Diritto ad essere accompagnato dal detentore della potestà genitoriale e dall'avvocato:</p> <ul style="list-style-type: none"> - I genitori di David dovrebbero essere presenti durante il processo? Perché? Dove 			

<p>dovrebbero sedere? Dovrebbero avere il diritto di intervenire durante il processo?</p> <ul style="list-style-type: none"> - Prima di entrare in aula l'avvocato dovrebbe spiegare a David che cosa accadrà? Come? Dove? Dovrebbe accertarsi che capisca tutto? Come dovrebbe spiegarglielo? - Se il processo stesse per iniziare e l'avvocato dovesse ancora arrivare il processo si terrebbe ugualmente o verrebbe posticipato? Dovrebbero attendere l'arrivo dell'avvocato? Perché? 		
<p>Diritto di appellarsi alla sentenza :</p> <ul style="list-style-type: none"> - Se David non fosse d'accordo con la sentenza può appellarsi? Come? A chi? 		
<p>Diritto ad un processo a porte chiuse:</p> <ul style="list-style-type: none"> - David potrebbe avere un processo a porte chiuse alla sola presenza dei genitori? Può richiedere che non vi sia nessuno ad assistere? - L'udienza si può tenere in assenza dei genitori? In quali circostanze? 		
<p>Diritto di appello in caso i diritti non fossero rispettati:</p> <ul style="list-style-type: none"> - David potrebbe appellarsi se pensasse alcuni dei suoi diritti non sono stati rispettati? E i suoi genitori? E il suo avvocato? Come? A chi? 		
<p>Diritto alla privacy:</p> <ul style="list-style-type: none"> - I mass media (televisione, testate giornalistiche, etc.) hanno il diritto di parlare della vita privata di David? David potrebbe presentare reclamo? I genitori potrebbero farlo per lui? E il suo avvocato? Come? Perchè? A chi? 		

Osservazioni



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TERZA FASE: Esecuzione della pena

Il giudice impone a David una misura educativa

DIRITTI	SI	NO	COMMENTI
<p>Diritto alla valutazione individuale:</p> <ul style="list-style-type: none"> - All'inizio dell'esecuzione della sentenza qualcuno valuterà David? Chi? A quale scopo? 			
<p>Diritto a comunicare con i familiari:</p> <ul style="list-style-type: none"> - Che misura pensi che il giudice dovrebbe imporre a David? Perchè? Per quanto tempo? - Se David fosse collocato in un Istituto Penale Minorile dovrebbe poter comunicare con i suoi genitori? Come? (Telefono, vis a vis? Etc.) Quanto spesso? E con gli altri membri della famiglia? Perche? 			
<p>Diritto all'assistenza sanitaria:</p> <ul style="list-style-type: none"> - Se David fosse collocato in un Istituto Penale Minorile, dovrebbe essere visitato da un dottore al suo ingresso? - David può chiedere di essere visitato da un medico? Quanto spesso? Come? - Se David dovesse uscire dall'IPM per una visita medica come avverrebbe tutto cio'? Verrebbe accompagnato da qualcuno? Da chi? Andrebbe ammanettato? - L'avvocato di David ha il diritto di richiedere che il suo assistito sia visitato da un medico? Come? - I genitori di David hanno il diritto di richiedere che il figlio venga visitato da un medico? Come dovrebbero fare? 			

<p>Diritto all'istruzione:</p> <ul style="list-style-type: none"> - Se David fosse collocato in un Istituto Penale Minorile dovrebbe avere il diritto di studiare all'interno dell'istituto? Potrebbe studiare in un luogo diverso (fuori dall'istituto ad esempio) Ha l'obbligo di studiare? E se non volesse? Che opzioni potrebbe avere? (formazione, scuola secondaria etc..) - Se David fosse sottoposto ad un'altra misura potrebbe continuare a studiare? Sarebbe obbligato? E se non volesse? Che opzioni potrebbe avere? (formazione, scuola secondaria etc..) 		
<p>Diritto alla libertà di professione religiosa:</p> <ul style="list-style-type: none"> - Se David fosse cattolico e collocato in istituto penale minorile potrebbe chiedere di vedere un prete? Potrebbe andare a messa? Potrebbe andare ad assistere alla messa fuori dall'istituto o la stessa si terrebbe all'interno? - E se David fosse mussulmano? Potrebbe celebrare il Ramadam? - E se fosse sottoposto ad un altro tipo di misura? 		
<p>Diritto ad accedere a programmi di inclusione sociale:</p> <ul style="list-style-type: none"> - Se David fosse sottoposto a misura detentiva dovrebbe frequentare i laboratori previsti? Sarebbe obbligatorio o opzionale? - Se David fosse sottoposto ad un altro tipo di misura, dovrebbe frequentare i laboratori previsti? Sarebbe obbligatorio o opzionale? 		

Diritto a ricevere informazioni per iscritto relativamente ai diritti e agli obblighi di cui il minore è portatore e rispetto al regolamento interno dell'istituto penale minorile:

- Se David fosse sottoposto a misura detentiva, qualcuno dovrebbe spiegargli quali sono i diritti e gli obblighi di cui è portatore e il regolamento interno dell'IPM? Chi? Dovrebbe avere il diritto di ricevere il tutto per iscritto? Qualcuno dovrebbe accertarsi che comprenda tutto? Chi? Come?

Osservazioni

ALLEGATO 4. EXCEL DATABASE

The screenshot shows a Microsoft Excel spreadsheet titled "DataBase_Child-friendly-focusgroups (Template)". The ribbon menu is visible at the top, showing tabs for ARCHIVO, INICIO, INSERTAR, DISEÑO DE PÁGINA, FÓRMULAS, DATOS, REVISAR, and VISTA. The "INICIO" tab is selected. The toolbar below the ribbon includes options for cutting, copying, pasting, and applying styles like Calibri 11pt, bold, italic, and underline. The main worksheet contains the following data:

	A	B	C	D	E	F	G	H	I
1	DATABASE CHILD-FRIENDLY JT: FOCUS GROUPS								
2									
3									
4	FOCUS GROUPS GENERAL INFORMATION								
5									
6	FOCUS GROUP 1				FOCUS GROUP 2				
7	DATE								
8	START TIME								
9	END TIME								
10	PLACE NAME								
11	NUMBER OF PARTICIPANTS								
12									



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13							
14	PARTICIPANTS GENERAL INFORMATION						
15							
16	FOCUS GROUP 1	GENDER	AGE	NATIONALITY	CRIME TYPE	MEASURE TYPE	CRIMINAL RECORDS
17	P1						
18	P2						
19	P3						
20	P4						
21	P5						
22	P6						
23	P7						
24	P8						
25	P9						
26	P10						
27							
28							
29	FOCUS GROUP 2	GENDER	AGE	NATIONALITY	CRIME TYPE	MEASURE TYPE	CRIMINAL RECORDS
30	P1						
31	P2						
32	P3						
33	P4						
34	P5						
35	P6						
36	P7						
37	P8						
38	P9						
39	P10						
40							
41							



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42					
43	PARTICIPANTS STATEMENTS				
44					
45	FIRST PHASE. POLICE ARREST				
46					
47		FOCUS GROUP 1	FOCUS GROUP 2		
48	RIGTHS	YES/NO	COMMENTS	YES/NO	COMMENTS
49	Right to know the facts you are accused of				
50	Right to the holders of parental responsibility to be informed				
51	Right to remain silent				
52	Right to translation and interpretation				
53	Right to have access to the judicial file				
54	Right to declare in the presence of your lawyer and holders of parental responsibility				
55	Right to privacy with your lawyer				
56	Right to have a bill of rights				
57	Police arrest in separate adult facilities				
58	Right to be arrested no longer than 48 hours				
59	Right to use audiovisual means				
60	Right to medical care				
61					



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62								
63	SECOND PHASE. TRIAL							
64								
65			FOCUS GROUP 1		FOCUS GROUP 2			
66	RIGTHS		YES/NO	COMMENTS	YES/NO	COMMENTS		
67	Right to individual evaluation							
68	Right to be present and to participate on the trial							
69	Right to be accompanied by your holders of parental responsibility and your lawyer							
70	Right to appeal the sentence							
71	Right to not be public							
72	Right to appeal if your rights are not fulfilled							
73	Right to privacy							
74								



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THIRD PHASE. MEASURE EXECUTION				
RIGTHS	FOCUS GROUP 1		FOCUS GROUP 2	
	YES/NO	COMMENTS	YES/NO	COMMENTS
	Right to family communication			
	Right to medical care			
	Right to education			
	Right to religious freedom			
	Right to have access to programs related to social reintegration			
	Right to receive written information about your rights and obligations and about Center's Internal Regime Regulations			
	Right to individual evaluation			
COMMON RIGHTS TO THE THREE PHASES				
RIGHTS	FOCUS GROUP 1		FOCUS GROUP 2	
	YES/NO	COMMENTS	YES/NO	COMMENTS
	Right to free legal aid			
Right to a fast judicial proceeding				

