

PRESIDÊNCIA DA REPÚBLICA

Decreto do Presidente da República n.º 3/2014 de 27 de janeiro

O Presidente da República decreta, nos termos do artigo 135º, alínea b) da Constituição, o seguinte:

É ratificada a Convenção Europeia sobre o Exercício dos Direitos das Crianças, adotada em Estrasburgo, em 25 de janeiro de 1996, aprovada pela Resolução da Assembleia da República n.º 7/2014, em 13 de dezembro de 2013.

Assinado em 16 de janeiro de 2014.

Publique-se.

O Presidente da República, ANÍBAL CAVACO SILVA.

Referendado em 22 de janeiro de 2014.

O Primeiro-Ministro, *Pedro Passos Coelho*.

ASSEMBLEIA DA REPÚBLICA

Resolução da Assembleia da República n.º 7/2014

Aprova a Convenção Europeia sobre o Exercício dos Direitos das Crianças, adotada em Estrasburgo, em 25 de janeiro de 1996

A Assembleia da República resolve, nos termos da alínea i) do artigo 161.º e do n.º 5 do artigo 166.º da Constituição, aprovar a Convenção Europeia sobre o Exercício dos Direitos das Crianças, adotada em Estrasburgo, em 25 de janeiro de 1996, cujo texto, na versão autenticada em língua inglesa e respetiva tradução para língua portuguesa, se publica em anexo.

Aprovada em 13 de dezembro de 2013.

A Presidente da Assembleia da República, *Maria da Assunção A. Esteves*.

EUROPEAN CONVENTION ON THE EXERCISE OF CHILDREN'S RIGHTS

Preamble

The member States of the Council of Europe and the other States signatory hereto:

Considering that the aim of the Council of Europe is to achieve greater unity between its members;

Having regard to the United Nations Convention on the rights of the child and in particular article 4 which requires States Parties to undertake all appropriate legislative, administrative and other measures for the implementation of the rights recognised in the said Convention;

Noting the contents of Recommendation 1121 (1990) of the Parliamentary Assembly on the rights of the child;

Convinced that the rights and best interests of children should be promoted and to that end children should have the opportunity to exercise their rights, in particular in family proceedings affecting them;

Recognising that children should be provided with relevant information to enable such rights and best interests

to be promoted and that due weight should be given to the views of children;

Recognising the importance of the parental role in protecting and promoting the rights and best interests of children and considering that, where necessary, States should also engage in such protection and promotion;

Considering, however, that in the event of conflict it is desirable for families to try to reach agreement before bringing the matter before a judicial authority;

have agreed as follows:

CHAPTER I

Scope and object of the Convention and definitions

Article 1

Scope and object of the Convention

1 — This Convention shall apply to children who have not reached the age of 18 years.

2 — The object of the present Convention is, in the best interests of children, to promote their rights, to grant them procedural rights and to facilitate the exercise of these rights by ensuring that children are, themselves or through other persons or bodies, informed and allowed to participate in proceedings affecting them before a judicial authority.

3 — For the purposes of this Convention proceedings before a judicial authority affecting children are family proceedings, in particular those involving the exercise of parental responsibilities such as residence and access to children.

4 — Every State shall, at the time of signature or when depositing its instrument of ratification, acceptance, approval or accession, by a declaration addressed to the Secretary General of the Council of Europe, specify at least three categories of family cases before a judicial authority to which this Convention is to apply.

5 — Any Party may, by further declaration, specify additional categories of family cases to which this Convention is to apply or provide information concerning the application of article 5, paragraph 2 of article 9, paragraph 2 of article 10 and article 11.

6 — Nothing in this Convention shall prevent Parties from applying rules more favourable to the promotion and the exercise of children's rights.

Article 2

Definitions

For the purposes of this Convention:

a) The term «judicial authority» means a court or an administrative authority having equivalent powers;

b) The term «holders of parental responsibilities» means parents and other persons or bodies entitled to exercise some or all parental responsibilities;

c) The term «representative» means a person, such as a lawyer, or a body appointed to act before a judicial authority on behalf of a child;

d) The term «relevant information» means information which is appropriate to the age and understanding of the child, and which will be given to enable the child to exercise his or her rights fully unless the provision of such information were contrary to the welfare of the child.