



**Supplementary Document to Clarifying Questions of the Hypothetical Case of the Twenty-Eighth Inter-American Human Rights Competition Elizabeth Abi-Mershed 2023**



### **Helena's Age**

1. Helena was born on November 17, 2012 (CQA No. 27). Helena's decision to perform the Candomblé initiation ritual took place on **December 17, 2020**, when Julia and Tatiana decided to live together (CQA No. 27). **Helena was 8 years old in 2020**. Helena turned 10 years old on November 17, 2022.
2. The following paragraphs of the HC were corrected, changing Helena's age from 10 to 8 years:
  - a) Para. 29
3. The following CQAs were modified, changing Helena's age from 10 to 8 years:
  - a) CQA No. 36

### **Chronology of the Internal Judicial Process in Mekines**

4. After Helena's initiation ritual in Candomblé on December 17, 2020, Marcos decided to report Julia and Tatiana for mistreating Helena to the Tutelary Council of Children in his region in Mekines (HC. Para. 30). Marcos was unhappy about Julia's relationship with Tatiana. Marcos filed the complaint on **January 03, 2021**, when the Regional Council for the Protection of Children resumed its functions after the Christmas and New Year holidays. The Regional Council for the Protection of Children acted promptly (CH. Para. 31) and filed a complaint for deprivation of liberty and injuries with the Criminal Chamber of the Local Court on **January 13, 2021**.
5. Although the Criminal Court did not find sufficient evidence to admit the complaint filed by the Council for the Protection of Children (CH. Para. 33), the civil court judge issued a decision on **May 5, 2021**, agreeing that custody of Helena should be transferred to Marcos. Julia filed an appeal (CH. Para. 34) on **May 21, 2021** May 21, 2021



- d) Para. 33
  - e) Para. 34
  - f) Para. 36
8. The following CQAs were modified by correcting the duration of the judicial process, changing it from 1 year and 3 months to **1 year and 4 months**, counted from the complaint filed by Marcos with the Council for the Protection of Children on **January 3, 2021**:
- a) CQA 5

### **The name of the Supreme Court of Justice**

9. Some sections of the CH paragraphs and the CQAs refer to the highest court and final instance of Mekínés as the Supreme Court of Justice. Other sections refer to this same judicial instance as the Federal Supreme Court - STF. As Mekínés is a state made up of a multiethnic society (CH. Para. 1), historically the court has had different names **for the same judicial instance**. When the CH and the CQAs refer to the Supreme Court of Justice and the Federal Supreme Court, they refer to the same judicial body.

### **The non-impact of chronological modifications on the substance of the case**

10. Considering that children's rights are one of the aspects that form part of the controversy to be discussed in the CH, it is necessary to clarify that the modification of Helena's age from 10 to 8 years old does not affect the substance of the arguments that may have been furthered by the Teams, whether they act for Victims or the State.
11. This is supported by what is established in CQA No. 28, from which it is derived that jurisprudentially, Mekínés has established that from the age of 8, the child's opinion is considered, and from the age of 12, the child has the right to choose. Therefore, **there are three standards: (i) Children under 8 years old; (ii) Children between 8 and 11 years old; and (iii) Children 12 years of age or older.**
12. Therefore, domestically, it is not relevant whether Helena was 10 or 8 years old, since regardless of her age, the protection standard would be the same.