

# Easily understandable court rulings for children and adolescents in vulnerable situations

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## Abstract

This paper presents an analysis of judicial decisions that are easy to understand for children and adolescents when their legal rights have been violated. The study took into account legal concepts such as unofficial agency in constitutional actions, the fundamental rights of minors and the methodological aspects of judicial decisions that are easy to understand. The study used a bibliographic-documentary methodology along with critical analysis techniques. The authors concluded that easy-to-understand judgments significantly impact society as they protect the right to information for this vulnerable population, facilitate citizen participation and restore the humanity of justice system operators. The study also found that these circumstances strengthen the construction of the social fabric.

## Keywords

Children's rights; children in emergency situations; fundamental rights.

## Tesauro

International Children's Rights Thesaurus, Unicef.

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## Providencias judiciales de fácil comprensión para niños, niñas y adolescentes en vulnerabilidad

### Resumen

Se realiza un análisis sobre las providencias judiciales de fácil comprensión para niños, niñas y adolescentes cuyos bienes jurídicos más preciados han sido vulnerados, para lo cual se consideran instituciones jurídicas técnicas como la agencia oficiosa en la acción de tutela, los derechos fundamentales de los menores de edad y aspectos metodológicos de las providencias judiciales de fácil comprensión. Se emplea una metodología bibliográfica-documental con análisis crítico. Se concluye que las sentencias de fácil comprensión poseen un gran impacto en la sociedad, toda vez que garantizan la protección del derecho a la información de la población vulnerable, materializan la participación ciudadana y devuelven el carácter humano a los operadores encargados de administrar justicia, circunstancias que fortalecen a la construcción del tejido social.

### Palabras clave

Derechos de los niños; niños en situaciones de vulnerabilidad; derechos fundamentales.

## Decisões judiciais facilmente compreensíveis para crianças e adolescentes em situações vulneráveis


### Resumo

É feita uma análise das decisões judiciais de fácil compreensão para crianças e adolescentes cujos bens jurídicos mais preciosos tenham sido violados, para os quais são consideradas instituições jurídicas técnicas como a agência informal na ação tutelar, os direitos fundamentais dos menores e os aspectos metodológicos das decisões judiciais de fácil compreensão. É utilizada uma metodologia bibliografia-documentária com análise crítica. Conclui-se que as decisões fáceis de compreender têm um grande impacto na sociedade, uma vez que garantem a proteção do direito à informação da população vulnerável, materializam a participação dos cidadãos e restauram o carácter humano dos operadores encarregados de administrar a justiça, circunstâncias que reforçam a construção do tecido social.

### Palavras-chave

Direitos da criança; crianças em situação de vulnerabilidade; direitos fundamentais.

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## Introduction

With the section entitled *Synthesis of the ruling for the child*, the Eighth Review Chamber of the Constitutional Court marked a milestone in the history of the administration of justice in the Republic of Colombia, issuing *Ruling T-262* (Corte Constitucional, 2022), addressed to a child. This ruling was written in an easy-to-read format, explaining the decision taken by this high court in simple language. In this way, it sought to guarantee the rights of children and adolescents involved in a judicial process to know the stages, proceedings, and judicial decisions regarding protecting the most relevant legal assets.

One of the Constitutional Court's primary functions is to protect the fundamental rights of all citizens when they are violated or threatened. In particular, jurisprudence has defined that portion of the population as subjects of special constitutional protection, that is, those persons who find it difficult to effectively access the fundamental rights enshrined in the Constitution due to their vulnerability.

Under this understanding, the child, through his legal representative or an unofficial agent, can take constitutional action to protect his fundamental rights. In the case of the judgment under study, the child acted through an unofficial agent, a circumstance that clearly shows the importance of the selfless action of this legal figure, even more so in the fundamental rights of a minor.

The importance of the empathetic language of *Ruling T-262* (Corte Constitucional, 2022), issued by the Constitutional Court, is highlighted in this work so that adequate judicial protection is more safeguarded when the holder of the right can understand the terms of a judgment, which ultimately decides rights that are requested under the garb of the judicial branch, thus bringing the jurisdiction closer to the parties. A study is made to fulfill the purpose presented of the performance of the unofficial agent, an analysis of the easy understanding of the judgments that protect the rights of children and adolescents, and a review of the methodological aspects of the judicial decisions that are easy to comprehend.

Previously, the question has arisen as to whether inclusive language is used in the rulings issued in the Colombian judicial system or whether, on the contrary, these are produced exclusively in technical legal language that may hinder the understanding of the decisions made by the authorities in charge of administering justice. For the authors of this article, the use of exclusively technical language generates conditions of inequality concerning people who, due to their state of vulnerability, face many obstacles to enjoying adequate access to justice.

Understanding the legal decisions of children and adolescents in vulnerable situations is an area of growing interest within legal and social science studies. Several researchers have recently addressed the need to make judicial processes more accessible and understandable to this population. This line of research responds to a global call for children's rights that ensure not only the protection but also the active participation of children in matters that directly affect their lives.

It is essential to highlight the work of several scholars who have significantly contributed to this study area. First, Berrick *et al.* (2018) conducted a comparative analysis of court systems in Europe and the United States, highlighting how simplifying court proceedings' language and visual presentation can improve minors' comprehension. Their study suggests that adopting these practices improves minors' experience within the justice system and fosters greater trust in the administration of justice.

In Asia, Martin (2018) research on access to justice for vulnerable children highlights the cultural and linguistic barriers that further complicate the understanding of legal processes in the Philippines due to the policy of an English-dominant legal system.

Finally, in the Anglo-Saxon field, the study by Frederick *et al.* (2024) focuses on the importance of children's and families' perspectives and understanding of the juvenile court criminal proceedings in which they are involved. This study was conducted because many children and families had difficulty understanding court proceedings, particularly the formal and legal language, and fully appreciated the crucial implications of decisions for their future lives.

These studies underscore the growing awareness of the need to make justice systems more accessible and understandable to children and youth. Although they differ in geographical and methodological approach, they all point to a common conclusion: adapting legal practices to children's cognitive and emotional needs to ensure their effective participation and protection within the justice system.

Historically, the legal system has been criticized for its technical language and complex procedures, which pose significant barriers to children's understanding. Previous research has documented how these barriers can negatively impact children's perceptions of justice and the effective exercise of their rights. Studies, such as those conducted by Unicef and various NGOs, have advocated for reforms prioritizing children's right to be heard and understood within the legal framework.

Recently, significant efforts have been made in several judicial systems worldwide to adapt judicial communications and decisions to a younger audience. Examples of these efforts include simplifying legal language, introducing specialized mediators to facilitate communication between the justice system and minors, and developing guides and information materials specifically designed for children and adolescents.

Some emblematic cases, such as *Ruling T-262 2022* of the Constitutional Court of Colombia, have marked essential milestones by adopting clear and accessible language in their rulings aimed at minors. These and other examples illustrate a progressive shift towards including child-friendly judicial practices, recognizing the importance of their understanding in the judicial process.

Despite these advances, there is a significant research gap in assessing the impact of these practices on perceptions of justice and the lives of affected children. Most studies have focused on legal and normative analysis, leaving out the perspective of minors and their lived experiences of the justice system. This manuscript seeks to fill this gap by exploring how easily understood judicial decisions can contribute to a greater sense of justice and empowerment among children and adolescents in vulnerable situations.

The analysis of the state of the art reveals a growing trend towards adapting the justice system to the needs of minors, although it also highlights the need for more empirical research on the impact of these practices. Our study is situated in this context, proposing a theoretical and practical analysis of easily understandable judicial decisions. In doing so, it contributes to an evolving field of study and points to future directions for research that can strengthen the intersection between justice, law, and child protection.

## Methodology

This paper is bibliographic-legal since it is based on the theoretical and analytical study of judicial decisions that are easy to understand for children and adolescents in vulnerable situations, complemented by a review of documents whose thematic catego-

ries were related to the legal and doctrinal framework of unofficial agency, the fundamental rights of children and methodological aspects of jurisprudence, for which three selection criteria were applied to the research of information: *Relevance*, according to the importance of the objectives set; *Depth*: the available sources were reviewed; and *Timeliness*, in terms of the most recent research, findings and advances.

The research was based on the qualitative paradigm because it presupposed elaborating a reflexive analysis of the reality implicit in the legal world's responses to the need to humanize the juridical technique.

In order to locate relevant judicial decisions, the research used the VLEX database, a comprehensive and updated source of legal documents covering the whole of Latin America. Specific search criteria guided the selection of judicial decisions from VLEX:

*Keyword searches*: Terms related to *child-friendly judicial decisions*, *vulnerable youth and the law*, and *legal decisions understandable to minors* were used. The goal was to filter out decisions that directly addressed or were relevant to the study's focus on the accessibility of legal processes for minors.

*Jurisdictional Scope*: Given the study's goal of gaining a broad understanding of Latin American legal systems, decisions from different countries in the region were considered, allowing for a diverse and representative analysis.

*Recency*: Priority was given to decisions issued within the last six years to ensure that the study reflects current practices and interpretations of child-friendly jurisprudence.

The analysis of the collected judicial decisions and academic papers employed a qualitative technique central to examining the thematic and conceptual content of the judicial decisions and academic literature, facilitating the identification of patterns, themes, and gaps in the discourse on child-friendly jurisprudence. Judicial decisions from different jurisdictions were compared to understand regional differences and commonalities in making legal processes understandable to minors.

Academic papers relevant to the subject matter were rigorously searched using the Scopus database, a comprehensive and widely recognized source for scholarly articles. This approach enabled the identification of recent and pertinent research articles, reviews, and case studies that address the accessibility of judicial processes for children and adolescents and the role of unofficial agents in legal actions. Each selected paper underwent a critical review process to assess the current state of research on the topic, evaluate

methodological approaches employed by different scholars, and synthesize key findings that bear significance to the study's objectives. Special attention was paid to studies that offered insights into the effects of easy-to-understand judicial rulings and the participatory rights of minors in legal proceedings.

Integrating the Scopus database in our search strategy ensured the inclusion of high-quality academic contributions, enhancing the breadth and depth of our literature review. This step was instrumental in identifying the thematic areas that are well-explored and those that require further investigation, thereby helping to delineate the research gap this study aims to address. By employing both the VLEX database for legal documents and the Scopus database for academic papers, this approach adheres to the qualitative research paradigm while enriching the study's foundation. It ensures a robust integration of empirical legal documents and scholarly insights, laying a solid groundwork for the ensuing analysis and discussion.

## Results

### Antecedents of easy-to-understand judicial decisions in Latin America

After a documentary review, it was determined that Mexico was the pioneer country in Latin America in issuing rulings in easy-to-understand language when, in 2013, the First Chamber of the Supreme Court of Justice of the Nation of Mexico resolved the constitutional action in review 159/2013 (AR159/13, Suprema Corte de Justicia de la Nación, 2013), protecting the fundamental rights of an adolescent with Asperger's syndrome, who had appealed the ruling that declared him incapable. The Supreme Court of Justice of Mexico gave reason to the young man since the right to exercise his will and make decisions was restricted (Gralewski, 2017). In addition to the traditional ruling, a complementary ruling was drafted in an easy-to-read format, addressed to the young person, which begins as follows: «Upon analyzing your case, the Court decided that you, Ricardo Adair, are right» and continues explaining the decision following the discernment capacity of this young person.

In Peru, in 2015, the Judge of the Third Family Court issued a transcendental ruling by adapting it to an easy-to-read, clear, direct, and simple format so that two brothers, 45 and 47 years old, both with a diagnosis of paranoid schizophrenia can adequately understand and comprehend its content, thus protecting their fundamental rights and re-

cognizing the legal capacity of both in similar conditions as other people (Poder Judicial del Perú, 2015).

In Argentina, a ruling of the Civil, Commercial and Family Court of 4th Nomination of Villa María, Province of Córdoba, in 2017, also incorporates within the ruling a section in a clear and elemental language where it is explained to a 45-year-old woman about the declaration of incapacity due to mental health impairment and why she will be hospitalized and will be restricted to carry out legal acts alone or independently because if she wishes, these must be celebrated under support systems (Gralewski, 2017).

In this court ruling, after informing the woman where she would be interned and making it clear that her relatives could visit her there, the magistrate tells her in simple language that if she needs anything, she can ask the people in the home or her relatives and that can also ask to speak to a lawyer or the Judge, in case she has any doubts about her process.

Finally, in the Colombian case, the Eighth Review Chamber of the Constitutional Court, considering that the actor in the process is a minor, decided to write a summary of the issue addressed to the child in an easily understandable language to communicate the decision to protect his rights (García, 2022). In this specific case, the eight-year-old child requested, through an unofficial agency, the protection of his fundamental rights to social security to live with dignity. The request for protection was motivated by the defendant's refusal, Seguros Alfa S. A., to change the bank account in which the survivor's pension of the child's mother, who had died in 2015, was deposited. Pension to which the child is entitled according to Colombian legislation, but this money was deposited in a bank account of the child's father, who is deprived of liberty to pay a court conviction for sexual abuse of the minor and without delivering the alimony quota, nor any sum of money destined to the child's maintenance, which had as origin the pension of his mother.

Thus, *Ruling T-262* (Corte Constitucional, 2022) restores the human character of the High Courts, the assurance and guarantee of the fundamental rights of children and adolescents, allowing them to participate from an early age in matters or decisions in which they are involved. In addition, the Constitutional Court makes known to all children and adolescents in Colombia that their rights must be protected, that no one can harm them and that the people in charge of their care must do everything to make them happy. Undoubtedly, with this ruling, the Constitutional Court sets a precedent in how



decisions made by administrative and judicial authorities are made known, not only to children and adolescents but to the entire population in general.

### The unofficial agency in the constitutional action

In the constitutional judgment, the intervention of the Family Commissioner of Pereira, Risaralda, in her capacity as unofficial agent, is mentioned concerning the plaintiff. This circumstance is highly relevant since the judgment under review reiterates the role of the unofficial agent, both in the narration of the facts and in the petition included in the constitutional action.

The quality of the Family Commissioner as an unofficial agent specifies him as a person with technical and professional qualities for the defense of the minor. We must remember that the *Code of Childhood and Adolescence* states in Article 86 that one of the functions of the Commissioner is to attend to the children about reestablishing their rights (Law 1098; Congreso de Colombia, 2006).

Article 10 of Decree 2591 (Presidencia de la República de Colombia, 1991), concerning this legal institution, allows, in turn, the intervention of the unofficial agent in the *Tutela* constitutional action when the holder of the same is not in conditions to promote his defense, a circumstance that we can see reiterated when the Constitutional Court in *Ruling T-072* (Corte Constitucional de la República de Colombia, 2019), states that the unofficial agent to act on behalf of another, must comply with two requirements such as 1) state it in the request and 2) that the holder of the right cannot do it by himself due to physical or mental circumstances.

If we go to the general concept of unofficial agent, Azula (2016), Díaz (2008), and Tamayo (2004), understand it as the acting of a person on behalf of another without having received a mandate or power. Also, article 2304 of Law 84 (Congreso de Colombia, 1873), which established the *Colombian Civil Code*, states that unofficial agency is exercised with a lack of mandate expressly agreed by the parties.

The intervention of the unofficial agent in the *Colombian General Code of Process* instituted by Law 1564 (Congreso de Colombia, 2012) allowed for both to file and to answer the claim; however, requires the ratification of the person by whom it was acted within the following thirty (30) days, under penalty of some consequences, such as the termination of the process for the one who presents it or to be understood as not answered the claim (Meza-Godoy *et al.*, 2021).

The relevance of this issue stems from the unique and widespread protection afforded to minors under the *Political Constitution of Colombia* (Asamblea Nacional Constituyente, 1991). In this case, the Family Commissioner acted as an unofficial agent in the constitutional tutela action without requiring ratification. With qualifications and knowledge in constitutional and legal terms regarding the rights of minors, one can effectively argue for the protection of their fundamental rights. This action can result in a technically sound ruling, yet empathetic towards the rights of the minor. The language used in the final part of the ruling should be simplified for better understanding.

This final part is significant because the judges understand in this ruling that the claims or rights incorporated in a *Tutela* constitutional action are of the parties and not of the lawyers or their representatives; in that sense, who should mainly understand the *ratio decidendi* is the actor, the holder of the right independent of the third party that in this case is called unofficial agent, and who structured in a technical way the constitutional claim, deriving in plausible protection of the adequate judicial protection of the minor.

It should be noted that the *ratio decidendi* in terms of López (2019) should be understood as «those sections of the judgment that, after full consideration by the Court based on the accused rules, keep the unity of meaning, are inseparably linked, with the dispositive or resolute part of the judgment» (p. 224). Such a statement becomes a vital element of the ruling and the understanding of the recognized right above the *obiter dictum* that is also part of the judgment.

The expression *obiter dictum* designates all those passages of the judgments in which, by the argumentative abundance of the jurisprudential law, things are said in passing or incidentally, without constituting the core of the legal issue that is being resolved, i.e., the *obiter dictum* is an auxiliary, non-binding criterion. At the same time, the *ratio decidendi* is part of the ruling that becomes the indispensable basis of the *decisum* or resolute part of the sentence.

For all of the above, if the Judge of the Republic approaches the *ratio decidendi* to the plaintiff in the constitutional action, establishing an understandable communication to the plaintiff, we highlight the role of the Constitutional Jurisdiction as protector of Fundamental Rights, even more so in the presence of prevalent rights such as that of children as mentioned in Art. 44 of the *Political Constitution* (Asamblea Nacional Constituyente, 1991).

## Easy-to-understand ruling: A fundamental right of children and adolescents

Article 3, paragraph 1 of the *Convention on the Rights of the Child* enshrines the Principle of the Best Interest of the Child, one of the guiding principles regarding the rights of children and adolescents. It enjoys international recognition, is universal, and is therefore considered a general principle of law (Cavallo, 2008). This article of the *Convention on the Rights of the Child* aims to ensure that the principle of the child's best interests is observed in all judicial decisions and administrative measures involving children and adolescents. Their best interests must prevail over any other that may arise (Hernández & Romero, 2019; Ravetllat & Pinochet, 2015).

The application of this principle ensures the enjoyment of the rights of children and adolescents, which must be applied in all matters where a child is involved, regardless of whether it is an administrative or judicial matter or whether it is a case of criminal, civil, family or administrative law since all operators must resolve and guide their decision according to what is in the best interest of the child (López-Contreras, 2015; Ravetllat-Ballesté, 2016).

The child's best interest is a legal right protected by the legal system, which also contemplates children's right to be heard and express their opinions freely on all matters affecting them (Arrieta-López & Carrasquilla-Díaz, 2021; Gómez-Urrutia & Jiménez-Figueroa, 2015; Guerrero, 2002).

Article 12 of the *Convention on the Rights of the Child* recognizes the right of children and adolescents to express their opinions freely, in harmony with their age and degree of maturity, guaranteeing the child's participation in decisions. This right is based on the argument that children and adolescents are persons, giving them the right to participate in decisions that affect their lives (Arrieta-López *et al.*, 2019; Durán-Strauch, 2017; Hernández & Chumaceiro, 2019).

The participation of the different actors in society has evolved. In today's societies, the constant recognition of the fundamental rights of some minorities that had historically been ignored, excluded, or not recognized as subjects of law stands out, among which stand out people with diverse abilities, members of the LGTBIQ+ community, victims of the armed conflict and children and adolescents, who are also considered subjects of special constitutional protection in the Colombian judicial system (Arrieta-López, 2022; Martín *et al.*, 2022).

For this reason, the Constitutional Court of Colombia, as guarantor of the protection of the fundamental rights of children and adolescents, through numerous rulings, has guaranteed the effective enjoyment of their fundamental rights, such as health, education, free development of personality, and dignified life, among others.

However, we cannot ignore that the technical language used in the drafting of these judgments, on many occasions, makes it difficult to understand when the parties involved in the process do not have prior legal knowledge or any professional training in disciplines such as law, thus limiting adequate access to justice and ignoring the right of all persons to know the scope of judicial decisions, especially in those matters in which a child or adolescent is involved.

Easy-to-understand judicial decisions are a novel mechanism. Through simple communication, they interpret and explain the decisions made by the Judge within a judicial process, thus guaranteeing the right to due process to adequate judicial protection. On the other hand, it restores the human factor in legal practice by adapting the ruling to the parties' particular circumstances in litigation (García, 2022). Calcano (2021) defines this type of ruling as a way of judicially resolving a process that seeks to guarantee the participation of children and adolescents when it affects their legal sphere.

It is also understood that easy-to-read judicial decisions are the means of access to justice that people have and allow them to participate in society actively (Valdivia, 2020). De la Cabada (2021) mentions that the wording of judgments must be suitable so that the meaning of the decision is easily understood by anyone unfamiliar with legal language, avoiding excessive transcriptions and unnecessary data.

The Argentinian Political Constitution enshrines the right to due process, which refers to the power that individuals have to exercise their defense within a judicial process; in this order of ideas, one cannot speak of adequate access to justice when people do not know clearly and simply what their rights and obligations are within a process (González, 2018).

It is essential to mention that although this is a new figure in the Colombian judicial system in countries such as Mexico, Peru, and Argentina, it has already been implemented for several years, more precisely in the last decade.

Undoubtedly, with *Ruling T-262* (Corte Constitucional, 2022), a precedent is set in the way in which judicial decisions are made known to children and adolescents in our

country, as it ensures that the decision taken by the Judge of the Republic is easily understood and brings judges and persons of special constitutional protection even closer.

This way of deciding must become a duty, which is included in articles 4, 12, 13, and 17 of the *Convention on the Rights of the Child* that Colombia approved by Law 12 (Congreso de Colombia, 1991). Similarly, we can see it in other decisions, such as General Comment n.º 12 of the Committee on the Rights of the Child, which defends the right of children and adolescents to consider issues that concern or affect them (Lozano, 2022). This Committee has been evident in stating that States Parties must ensure that the child is heard and that when he/she participates in a judicial process, he/she receives precise information about how his/her participation will take place, its scope, and possible consequences. In testifying in any judicial process, the child must have information appropriate to his age and degree of discernment, avoiding making him feel disoriented or guilty of a situation he did not create (Gralewski, 2017).

Currently, in Colombia is under study by the Congress, the Project of Law 089 whereby the Format of Easy to Read Rulings is established, and other provisions are issued, which aims to positivize the right to know in a clear, express, and precise way the judicial decisions, however, the *Ruling T-262* (Corte Constitucional, 2022), we could understand it as a significant precedent to the issuance of such rule.

The starting point of this law is that judges and administrative authorities cannot express themselves as the standard population does, which creates an obstacle to understanding their decisions, thus preventing democratic participation and the materialization of rights. For this reason, the articles of Project of Law 089 seek to implement rulings in direct, simple, and precise language (Céspedes-Báez, 2022).

## Methodological aspects of easy-to-understand judicial rulings

The Constitutional Court of Colombia issues two types of judgments; the first is the so-called Constitutional Judgments, which are those in charge of ensuring constitutional supremacy, i.e., that no lower-ranking norm contradicts the constitutional mandates. Second, the *tutela judgments* aim to determine whether the matter to be dealt with violates or threatens a fundamental right. The drafting of this type of ruling begins by identifying the parties (plaintiff and defendant), mentioning the relevant facts and the legal problem, specifying whether the violation of the right is due to an action or omission of the defendant, stating the fundamental right that the court will study, the quality of the

person filing the action is identified, that is, if it is a person in a situation of vulnerability, the rules, and principles that the Judge will apply to solve the legal problem and the reasons that motivated the Constitutional Court to make the decision are specified (Pulido, 2008).

In the form of a traditional ruling, which incorporates a section containing the summary of the decision for the child, the Constitutional Court exceptionally explains, in clear and straightforward language, the decisions taken concerning the case of *Ruling T-262* (Corte Constitucional, 2022).

This section begins by explaining to the child what the Constitutional Court is, how it is formed, and its function to protect the rights of children and adolescents in Colombia. They also make it clear to the child that they are aware of his situation and state that they know that his grandparents are in charge of his custody and of the episodes of abuse to which his biological father subjected him.

They continue telling the child that although his mother is not with him, they know that she left him some money, coming from the survivor's pension so that he could cover his basic needs, such as studying, eating, playing, and having fun. However, since he was not receiving this money, this group of judges would make decisions to protect the right to receive the money left to him by his mother, who died in a traffic accident in 2015.

Also, it is made clear to the child that the money will be received by his grandmother, who will administer it until he reaches the age of majority in Colombia, which is 18 years old. In addition, it is made clear to him that it is okay for him to live with the people who are currently in charge of his custody and that another judge will be in charge of deciding if he will see his father again, clarifying the child that he will have the opportunity to determine whether or not he wants this meeting. On the other hand, it mentions to the child that the Family Commissioner's Office, who acted as an unofficial agent in the *Tutela* constitutional action, will look after him and provide him with anything he may need.

Finally, the Constitutional Court closes this intervention, thanking the child for his courage and telling him that it is essential for them to know what he feels, his worries and fears, stressing that at all times and places, he can ask for respect from all the people around him and that they cannot harm him, they have the responsibility to do everything possible for him to be a happy child. This strong affirmation will indeed remain in the heart of the child protagonist of this case, just as the powerful anonymous phrase states:

«Whoever writes in the heart of a child writes for life». Thus, it is clear that easily understandable rulings should be adopted in all judicial proceedings so that all the legal subjects know the decisions that affect them.

We can affirm, then, that legal texts or writings are not easy to read, and being a fundamental right to have all the information within a judicial process, if the judicial operators do not fulfill this right, it could entail some responsibility to the State (Rositto, 2015).

Legal professionals can write documents using technical terms due to the training given in undergraduate programs at all universities worldwide (Abdel-Wahab, 2012). However, not all can translate or explain this technical language to legal subjects who do not know this discipline. It must be acknowledged that the elaborate legal language, technical terms, and the textual citation of laws and judgments are the bread and butter of legal documents. For this reason, judgments should be written in simple words, respecting the necessary technical language, but understandable to all citizens, without the need for prior knowledge of the law (García, 2022).

## Discussion

The role of the unofficial agent in *Tutela's* constitutional actions becomes of utmost relevance by allowing third parties who do not represent the holder of the right to act on their behalf to protect their fundamental rights, provided that they cannot do it alone. This procedural figure is devoid of ratification as it occurs in the General Code of the Process to file or answer the claim, a fact understood by the altruistic umbrella and protection of fundamental rights, predicating the constitutional action of *Tutela*.

The fundamental right that all children and adolescents have to know the stages and judicial decisions of the processes in which they are part must be extended to all matters in which they intervene. That is to say, not only should easy-to-read legal rulings derived from a judicial process be issued, but also in the administrative processes of restitution of rights carried out by the Family Police Stations and in the adoption processes carried out by the Colombian Institute of Family Welfare (Instituto Colombiano de Bienestar Familiar), the right to information of children and adolescents should be guaranteed, issuing administrative acts that are easy to read and understand, adjusted to the discernment capacity of the child or adolescent.

Easy-to-read and understand rulings significantly impact society since they guarantee the protection of the right to information of the vulnerable population, materialize citizen participation and return the human character to the operators in charge of administering justice, circumstances that strengthen the construction of the social fabric.

Our study, *Easily understandable court rulings for children and adolescents in vulnerable situations*, shares similarities with and diverges from several key works and judicial practices across Latin America, as identified in the introduction. The essence of this manuscript echoes the pioneering efforts of Mexico, Peru, Argentina, and Colombia in crafting judiciary decisions that cater to the understanding of minors, a reflection of a broader continental move towards more inclusive legal practices.

Similar to the efforts in Mexico and subsequent initiatives in Peru and Argentina, this work underscores the transformative power of easy-to-understand rulings in safeguarding children's rights to information and participation in legal processes. These efforts resonate with our findings on the pivotal role of the unofficial agent in tutela's constitutional actions, ensuring that minors are not just passive subjects of the legal system but active participants whose rights are protected and their voices heard.

The distinct approach taken by Colombia's Constitutional Court, as discussed in our analysis, to issue a child-friendly summary of *Ruling T-262* (Corte Constitucional, 2022) parallels the initiatives in the countries mentioned above, demonstrating a shared recognition of the need for the justice system to be accessible and understandable to minors. This landmark decision underscores the importance of such measures in strengthening social fabric and sets a precedent for other jurisdictions to follow.

However, this study diverges in its comprehensive examination of the role of the unofficial agent within the Colombian legal framework, a facet less explored in the comparative cases. The absence of a requirement for ratification by the beneficiary in the tutelar's constitutional actions, as observed in Colombia, presents a unique mechanism that, while sharing the altruistic spirit of protecting fundamental rights seen in other Latin American practices, introduces an innovative aspect of legal guardianship and representation.

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## References

- Abdel-Wahab, M. (2012). Cultural globalization and public policy: Exclusion of foreign law in the global village. En M. Freeman (Ed.), *Law and sociology* (pp. 76-125). Oxford University Press.
- Arrieta-López, M. (2022). Evolución del derecho humano a la paz el marco de las Naciones Unidas y de las Organizaciones de la Sociedad Civil. *Jurídicas CUC*, 18(1), 519-554. <https://doi.org/10.17981/juridcuc.18.1.2022.21>
- Arrieta-López, M., & Carrasquilla-Díaz, L. (2021). Bullying and cyberbullying: A legal and public policy perspective in Colombia. *Pertanika. Journal of Social Science and Humanities*, 29(4), 2135-2151. <https://doi.org/10.47836/pjssh.29.4.02>
- Arrieta-López, M., Linero-Racines, R., Sánchez-Montero, E., & Carrasquilla-Díaz, L. (2019). Aspectos jurídicos y neuropsicológicos del cyberbullying en el ámbito de las TIC en Colombia. *Opción*, 35(89-2), 985-1022.
- Asamblea Nacional Constituyente [República de Colombia]. (1991). *Constitución política de la República de Colombia*. <https://bit.ly/3CgAte4>
- Azula, J. (2016). *Manual de derecho procesal*. Temis.
- Berrick, J. D., Dickens, J., Pösö, T., & Skivenes, M. (2018). International perspectives on child-responsive courts. *The International Journal of Children's Rights*, 26(2), 251-277. <https://doi.org/10.1163/15718182-02602011>
- Calcaneo, A. (2021). *Aplicación de las sentencias en formato de lectura fácil*. Tribunal Electoral del Poder Judicial de la Federación. <https://www.te.gob.mx/blogEje/front/publicaciones/busqueda/206>
- Cabada, de la J. (2021, 6 de mayo). *Sentencias en formato de lectura fácil*. Justicia para todos. <https://forojuridico.mx/sentencias-en-formato-de-lectura-facil-justicia-para-todos/>
- Cavallo, G. (2008). El principio del interés superior del niño y la Corte Interamericana de Derechos Humanos. *Estudios Constitucionales*, 6(1), 223-247.
- Céspedes-Báez, L. (2022, 23 de septiembre). Lecturas fáciles y técnicas: retos para la comprensión del Derecho. *Ámbito Jurídico*. <https://bit.ly/3ycnUm3>
- Congreso de Colombia. (1873). *Ley 84, Código civil de los Estados Unidos de Colombia*. [http://secretariasenado.gov.co/senado/basedoc/codigo\\_civil.html#1](http://secretariasenado.gov.co/senado/basedoc/codigo_civil.html#1)

- Congreso de Colombia. (1991). *Ley 12 de 1991. Por medio de la cual se aprueba la Convención sobre los Derechos Del Niño adoptada por la Asamblea General de las Naciones Unidas el 20 de noviembre de 1989*. <https://bit.ly/4fgU8ok>
- Congreso de Colombia. (2006). *Ley 1098. Por la cual se expide el Código de la Infancia y la Adolescencia*. <https://bit.ly/4fgubob>
- Congreso de Colombia. (2012). *Ley 1564. Por medio de la cual se expide el Código General del Proceso y se dictan otras disposiciones*. <https://bit.ly/4dcjoEx>
- Corte Constitucional [República de Colombia]. (2019). *Ruling T-072, Exp. T-6.938.607*.
- Corte Constitucional [República de Colombia]. (2022, 15 de julio). *Sentencia T-262. Exp. T-8.518.878*. <https://www.corteconstitucional.gov.co/Relatoria/2022/T-262-22.htm>
- Díaz, J. (2008). El agente oficioso. *Temas Socio-Jurídicos*, 26(55).
- Durán-Strauch, E. (2017). Derechos de niños y niñas: del discurso a la política local. *Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud*, 15(2), 879-891. <https://doi.org/10.11600/1692715x.1520623062016>
- Frederick, J., Saunders, B., & Lansdell, G. (2024). Children's and families' perspectives and understanding of children's court criminal processes and consequences: A scoping review of qualitative grey literature. *Youth Justice*, o(o). <https://doi.org/m9ch>
- García, N. (2022) Sentencias de lectura fácil: un primer paso al legal design. *Lexir*. <https://lexir.co/2022/10/13/sentencias-de-lectura-facil-un-primer-paso-al-legal-design/>
- Gómez-Urrutia, V., & Jiménez-Figueroa, A. (2015). El conflicto trabajo-familia ante los derechos al cuidado de niños y niñas. *Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud*, 13(1), 137-150.
- González, G. (2018). Sentencias en lenguaje claro. *La Ley*, (1).
- Guerrero, I. (2002). El principio del interés superior del niño en las situaciones de crisis familiar: una perspectiva comparada en el ámbito de la Unión Europea. *Psicopatología Clínica Legal y Forense*, 2(3), 87-108.
- Gralewski, M. (2017, 28 de septiembre). Las sentencias de fácil lectura como un derecho de los justiciables. *Law&Trends*. <https://bit.ly/4fiNNRN>
- Hernández, J., & Romero, L. (2019). Pensión especial anticipada y el principio del interés superior del niño como derecho humano en Colombia. *Opción*, 35(90), 844-883.
- Hernández, J., & Chumaceiro, A. (2019). Una discusión epistemológica sobre gestión de la participación ciudadana. *Opción*, 34(87), 856-883.
- López, D. (2019). *El derecho de los jueces*. Legis.
- López-Contreras, R. E. (2015). Interés superior de los niños y niñas: definición y contenido. *Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud*, 13(1), 51-70.

- Lozano, A. (2022). *Proyecto de Ley 089. Por medio de la cual se establece el formato de sentencias de lectura fácil y se dictan otras disposiciones.*
- Martin, I. (2018) Linguistic challenges of an English-dominant legal system in the Philippines. *Asian Englishes*, 20(2), 134-146. <https://doi.org/gg5rd8>
- Martin, F., Arrieta-López, M., Ávila-Hernández, F., & Ramos, Y. (2022). Los límites del futuro: tecnociencia, ética y gobernanza de los bienes comunes. *Fronteiras. Journal of Social, Technological and Environmental Science*, 11(1), 333-344. <https://doi.org/m88j>
- Meza-Godoy, A., Arrieta-López, M., & Carrasquilla-Díaz, L. (2021). Análisis de las partes, apoderados y límites de la agencia oficiosa en la conciliación extrajudicial en Colombia. *Revista Republicana*, (31), 191-209. <https://doi.org/m88m>
- Poder Judicial del Perú. (2015). *Juez genera una buena práctica judicial al emitir sentencia de fácil lectura a favor de hermanos con discapacidad.*
- Presidencia de la República de Colombia. (1991). Decreto 2591. Por el cual se reglamenta la acción de tutela consagrada en el artículo 86 de la Constitución Política. [http://www.secretariassenado.gov.co/senado/basedoc/decreto\\_2591\\_1991.html#1](http://www.secretariassenado.gov.co/senado/basedoc/decreto_2591_1991.html#1)
- Pulido, F. (2008). Elementos relevantes para el análisis de las sentencias de la Corte Constitucional Colombiana. *Novum Jus*, 2(1), 125-152.
- Ravetllat-Ballesté, I. (2016). Pre-congresos mundiales por los derechos de la infancia y la adolescencia 2012-2014. *Revista Latinoamericana de Ciencias Sociales, Niñez y Juventud*, 14(2), 899-911.
- Ravetllat, I., & Pinochet, R. (2015). El interés superior del niño en el marco de la convención internacional sobre los derechos del niño y su configuración en el derecho civil chileno. *Revista Chilena de Derecho*, 42(3), 903-934.
- Rositto, S. (2015). ¿El lenguaje es inclusivo en los textos jurídicos?: la equiparación de oportunidades para todas las personas a través de la lectura fácil. En A. A. Ocampo-González (Coord.), *Lectura para todos: el aporte de la fácil lectura como vía para la equiparación de oportunidades* (pp. 265-276). Asociación Española de Comprensión Lectora.
- Suprema Corte de Justicia de la Nación [México]. (2013). *Amparo en revisión 159/2013 (AR 159/13)*. <https://bit.ly/4cRakUI>
- Tamayo, A. (2004). *Manual de obligaciones*. Temis.
- Valdivia, M. (2020). *Una mirada a las sentencias judiciales en lectura fácil a propósito del Decreto Legislativo 1384 sobre el reconocimiento de los derechos de las personas con discapacidad mental* [Tesis de grado, Universidad Autónoma del Perú]. Repositorio de la Universidad Autónoma del Perú. <https://hdl.handle.net/20.500.13067/974>