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The voice of the child: training manual on child-friendly justice

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Citation

Liefwaard, T., Marchetti, L. S., & Campos, A. L. (2026). *The voice of the child: training manual on child-friendly justice*. Leiden: Leiden University. Retrieved from <https://hdl.handle.net/1887/4307642>

Version: Publisher's Version

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Note: To cite this publication please use the final published version (if applicable).



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The Voice of the Child: Training Manual on Child-Friendly Justice

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Leiden, 7 July 2026

Citation

Liefwaard, T., Marchetti, L.S. & Campos, A.L. (2026), *The Voice of the Child: Training Manual on Child-Friendly Justice*, Leiden: Leiden University.

Co-funded by the European Union. Views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or the Directorate-General for Justice and Consumers. Neither the European Union nor the granting authority can be held responsible for them.

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1. Introduction

1.1. The Voice of the Child project

In February 2024, the EU project entitled ‘The Voice of the Child’ was launched by a consortium formed by the European Judicial Training Network (EJTN), Golden Monkey Enterprises, the Center for International Legal Cooperation (CILC, The Netherlands), the Studiecentrum Rechtspleging (SSR, The Netherlands), the Instituut voor Gerechtelijke Opleiding (IGO, Belgium), the National Institute of Justice (NIJ, Bulgaria), Scuola Superiore della Magistratura (SSM, Italy) and Leiden University (The Netherlands). Funded by the European Commission, this two-year initiative gives expression to the EU Strategy on the Rights of the Child through the production of three unique films focusing on child hearings. The films were filmed in court houses in Belgium, Bulgaria and Italy. They feature real family law and child protection cases involving hearings with children and parents, and include interviews with the judges involved. Each film focuses on one or more specific topics related to the concept of child-friendly justice; a children’s rights concept that aims to protect the right of children to effective participation in decision-making affecting them. These films are developed for educational purposes: for training magistrates, court staff and future judicial professionals.

The films were produced by Dutch filmmaker Pieter Fleury and his team, in close collaboration with judges from the Court of First Instance in Antwerp (Belgium), the Regional Court of Varna (Bulgaria) and the Minority Court of Trento (Italy). The three films are complemented by the 2022 Dutch film *De Stem van het Kind*, which laid the foundation for the project’s development. The use of all four films is supported by this manual, allowing trainers and film users of the films to learn from the existing differences and similarities in child-friendly justice practices within European jurisdictions. At the same time, the films should not be understood as representative of the justice systems or judicial practices of the countries in which they were filmed. They show specific cases in specific courts and are intended to support reflection, discussion and learning.

This training manual, which is grounded in state-of-the-art knowledge on child-friendly justice, was developed by a team from Leiden Law School, Leiden University, led by Professor Ton Liefwaard. The manual accompanies the films and is available to judicial training institutions across Europe through the European Judicial Training Network.

1.2. Purpose of the manual

This training manual aims to strengthen the judiciary’s capacity to protect the right of children to effective participation and uphold child-friendly justice principles. It is designed to support judges and other professionals working in and with the judiciary in their daily work concerning cases involving children, by fulfilling two main objectives:

- 1) to provide guidance for judges and other judicial professionals on steps that should be taken in their daily practice to improve children's access to justice; and
- 2) to provide a tool for institutions responsible for training judges and other judicial professionals in implementing curricula on child-friendly justice.¹

The guidance is based on international, Council of Europe and European Union legal standards as well as state-of-the-art academic work in the field of children's rights.

This training course applies a specialised instructional approach that uses 'The Voice of the Child' films to support learning and reflection. The video recordings of real cases in family law and child protection cases, which feature children speaking with judges, illustrate and support discussions and critical understanding of the challenges and nuances associated with children's involvement in judicial proceedings. The films do not represent or suggest ideal approaches or best practices. Instead, they present *de facto* real-life judicial interactions that portray a variety of approaches taken by judges when engaging with children. These examples are intended to prompt reflection, discussion and critical analysis among participants, helping them identify what supports or hinders a truly child-friendly justice process and what could be done to enhance children's opportunities for effective participation in judicial decision-making that affects them either directly or indirectly. In the same spirit, the standards and tools presented in this training manual are intended to guide realistic, incremental improvements in practice. Child-friendly justice can be challenging in real-world settings due to time, resources and procedural constraints.

The manual provides background information, methodological guidance and training exercises to support trainers in their mission to educate and train judges and other judicial professionals, particularly in the context of family law and child protection. It is expected to achieve the following objectives:

General objective

- To strengthen the knowledge and capacity of judges and other judicial professionals to contribute to child-friendly justice systems that fully respect and comprehensively uphold the rights of the child – including procedural safeguards, participation, dignity and protection against discrimination – in a manner that is accessible, age-appropriate, responsive and centred on the best interests and evolving capacities of the child, in accordance with international standards and the rule of law.

Specific objectives

- To raise awareness of what child-friendly justice entails.
- To promote a rights-based approach in judicial proceedings involving children, ensuring that their best interests are a primary consideration in every case.

¹ European Union 2017.

- To ensure that judges and other judicial professionals recognise and uphold the right of children to participate meaningfully in legal proceedings, including the right to be heard and to understand the process.
- To equip judges and other judicial professionals with tools and strategies for making justice systems accessible, understandable and responsive to the needs, age and maturity of each child.
- To promote timely, child-sensitive and coordinated responses in the handling of cases involving children.
- To reinforce the obligation to respect children's dignity, privacy and integrity throughout the judicial process.
- To strengthen the role of training institutions in embedding these principles into ongoing professional development programmes for judges and other judicial professionals.

1.3. Intended audience

This manual is primarily designed for judges and other professionals working for the judiciary within EU Member States.² It can, however, also serve as a basis for broader discussion among legal professionals on how to make justice systems accessible to children. The manual can be adapted to advanced and specialised university teaching.³ Although the films linked to the manual focus on family law and judicial procedures surrounding child protection, the manual could provide a basis for training in adjacent judicial procedures affecting children.

1.4. About the methodology

The manual was developed by a team at Leiden Law School, Leiden University, under the leadership of Professor Ton Liefwaard, Professor of Children's Rights, Head of the Department of Child Law and Health Law and expert in the field of child-friendly justice. He was supported by two researchers: Ms Laura Marchetti and Ms Ana Luisa Campos, both graduates of the Master of Laws Programme: Advanced Studies in International Children's Rights at Leiden University, who contributed to the research and the drafting of the manual. All team members have considerable professional experience, either in or in relation to judicial practice in Europe and beyond.

The manual development process included working sessions with the Dutch filmmaker Pieter Fleury and his team. These exchanges allowed for in-depth discussions of the films, the opportunity to ask targeted questions and critical reflection on the issues raised. In parallel, the team systematically reviewed the

² The manual can also promote awareness raising and capacity building beyond EU Member States, for example within Council of Europe Member States.

³ This includes using the manual as part of the teaching in Leiden University's Master of Laws: Advanced Studies in International Children's Rights (LL.M.) programme, the (Dutch) Child Law (LL.M.) master's programme and other specialised university-level teaching programmes.

existing literature, international standards and best practices on child-friendly justice. Drafts were discussed internally to ensure coherence and practical relevance for the intended audience. This combined approach aimed to guarantee both the manual's academic rigour and its firm foundation in real-world judicial contexts.

The manual has, furthermore, been reviewed by the EJTN, specifically by Prof. Charles-Eric Clesse, adjunct director of the Belgium Institute for Judicial Training (*Instituut voor Gerechtelijke Opleiding / Institut de Formation Judiciaire*).

2. Training course structure

2.1. Format and duration

The training course is designed to be delivered over two full consecutive days, amounting to approximately 15 hours in total (7.5 hours per day, including breaks), of which 12 hours are dedicated to active training time across eight modules.

While most modules can be delivered as standalone sessions – allowing trainers to adapt the content to different contexts – all sessions are designed to be linked to ‘The Voice of the Child’ films, which together serve as the cornerstone of the training course.

Ideally, the training course would take place over the course of two full days, with both morning and afternoon sessions scheduled. Day 1 serves as a foundational day, combining two theoretical modules with a film screening to provide participants with a foundational understanding of child-friendly justice. On Day 2, the focus shifts to an in-depth exploration of topics that are central to the concept of child-friendly justice, allowing for more detailed, focused engagement with key themes in the area. The full programme schedule, along with a detailed explanation of the modules covered in the training course, is provided below.

2.2. Module overview

Day 1 training agenda: Laying the foundations: Child-friendly justice		
Time	Module	Content
09.00 – 09.30		Welcome, introduction to the trainers and participants, outline of the two-day agenda – 30 minutes
09.30 – 10.30	1	Children’s rights overview and child-friendly justice framework (part 1) – 60 minutes
10.30 – 10.45		Break – 15 minutes
10.45 – 12.15	2	Child-friendly justice framework (part 2) – 90 minutes
12.15 – 13.30		Lunch – 75 minutes
13.30 – 15.00	3	Film screening – 90 minutes
15.00 – 15.15		Break – 15 minutes
15.15 – 16.30	4	Reflection following the film screening – 75 minutes
16.30 – 16.45		Day 1 close – 15 minutes
Day 2 training agenda: Unpacking core issues in child-friendly justice		
Time	Module	Content
09.00 – 10.30	5	Best interests of the child – 90 minutes
10.30 – 10.45		Break – 15 minutes
10.45 – 12.15	6	The right to a fair trial and the principle of equality of arms – 90 minutes
12.15 – 13.30		Lunch – 75 minutes
13.30 – 15.00	7	Provision of information, communication and language – 90 minutes
15.00 – 15.15		Break – 15 minutes
15.15 – 16.15	8	Other relevant child-friendly elements: physical environment, clothing and preventing undue delays – 60 minutes
16.15 – 16.45		Training close and evaluation form – 30 minutes

2.3. How to use the manual and films

This manual serves as a training tool on child-friendly justice and children's access to justice. The themes addressed in the manual are informed by the scenarios presented in 'The Voice of the Child' films, as well as the key legal and practical considerations underpinning these concepts.

Authorised Person (AP): Every institution that delivers this training course must designate an AP. The AP is responsible for managing access to the film materials, ensuring that all confidentiality and data protection requirements are followed, and supporting trainers in securely handling the full films and selected excerpts.

In the case of universities wishing to use the training materials, each university and/or faculty, shall designate a faculty member as the AP, who is responsible for requesting access to and supervising the use of the training materials. The AP shall submit a formal request to Leiden University via jeugdrecht@law.leidenuniv.nl to be licensed for a streaming service. Once access has been approved, the AP can be connected to the streaming service for single streaming sessions.

Preparation for trainers: This manual is designed to give trainers flexibility in choosing which film to use during the training course. Before delivering the training course, trainers are encouraged to study the bibliographic references listed in Section 4 and watch all four films in full.

Trainers' profile and expertise: The training course should preferably be delivered by trainers with a solid understanding of child-friendly justice and children's rights, as well as the legal and procedural context of the jurisdiction in which the training takes place. This is particularly important since the implementation of child-friendly justice principles vary depending on national legislation, court structures and practices, procedural rules and available support services. Trainers should therefore be able to connect the international and European standards presented in this manual to the realities of domestic judicial practice.

Where possible, training institutions are encouraged to use an interdisciplinary training team. Such a team may include trainers with legal, judicial, psychological, developmental or behavioural expertise and with experience concerning child participation, child protection, family law, family support, cultural diversity or communication with children. An interdisciplinary approach can enrich the training by allowing participants to examine child-friendly justice from legal, developmental, psychological, cross-cultural and practical perspectives. It can also enhance more nuanced and critical discussions concerning the challenges that arise in real cases and are portrayed in the films.

Training course structure and film use: On Day 1, participants watch one film in its entirety to gain an overall understanding of the issues addressed throughout the course. On Day 2, selected excerpts from the films are used to support the discussion of specific topics (Modules 5-8). Trainers may choose to use the same film across both training days, meaning that all excerpts shown on Day 2 are taken from the film viewed

in full on Day 1. Alternatively, they may opt to screen one film on Day 1 and draw on excerpts from one or more of the other films during Day 2.

The training draws on four films:

1. 'Equality of Arms' – Antwerp, Belgium
2. 'The Law, the Child and the Judge' – Varna, Bulgaria
3. 'The Right to be Loved' – Trento, Italy
4. 'The Voice of the Child' – The Hague, The Netherlands

To enable flexibility in how the training course is delivered, the manual identifies the excerpts from each film that are most relevant to the topics covered on Day 2. If a trainer chooses only to draw on excerpts from the film screened on Day 1, they can focus on the excerpts flagged for that film. If, instead, a trainer wishes to use excerpts from other films as well, each excerpt is followed by a short contextual note that the trainer can use to explain the scene's background to participants and support their understanding. Accordingly, trainers are encouraged to select in advance both the film to be screened on Day 1 and the excerpts to be used throughout Day 2.

Module content and use: Each module is designed to function as a practical session plan. Depending on the module, it includes:

- **Duration and session type** (e.g. lecture, guided discussion, screening, group reflection).
- **Learning objectives** to clarify the purpose of the session.
- **Session description** outlining the flow of the module and suggested facilitation steps.
- **Theoretical content (for trainers)** summarising the core legal principles, standards and references that underpin the session.
- **Suggested didactic approach** offering facilitation options and methods.
- **Reflection questions** to guide discussion and link film observations to children's rights standards.
- **Key takeaways** to support the consolidation of learning at the end of the module.
- **Film excerpts** to prompt reflection and support discussion of the specific topics covered on Day 2.

Confidentiality note: All film materials, including the full versions and any selected excerpts or individual scenes used during the training, are strictly confidential and may not be recorded, shared, reproduced or distributed. The authorised person is responsible for ensuring compliance with the confidentiality requirements relating to the material.

Licensing note: This manual is produced by and remains the intellectual property of Leiden University and the authors. Any decisions regarding open access or broader publication will be made separately. The films are provided under a licence granted by the filmmaker and may only be used within the context of this training course and in accordance with the applicable licence terms.

Use of the manual without access to the films: While ‘The Voice of the Child’ films are an important methodological component of this training course, the manual can also be used where access to the films is not available. It may serve as a standalone training resource for judicial training institutions, judges, and judicial and other professionals working on child-friendly justice and children’s participation in judicial proceedings.

Where the films or selected excerpts cannot be used, trainers may still rely on the theoretical content, reflection questions, practical exercises and key takeaways included in each module. In such case, film-based discussions may be replaced by anonymised case examples, hypothetical scenarios, national case law or participants’ own professional experiences, provided that confidentiality, privacy and data protection requirements are fully respected.

The absence of film access should therefore not prevent the use of the manual for training, reflection or professional development purposes.

3. Training modules

3.1. Day 1 - Laying the foundations: Child-friendly justice

3.1.1 Day overview

Morning: Children's rights overview and a child-friendly justice framework

Composed of two modules, this introductory session aims to provide a shared grounding in the international children's rights framework and present the concept of child-friendly justice and the core concepts that surround it. The first part offers an overview of the international children's rights framework, with specific attention for the Convention on the Rights of the Child (CRC), the role of the Committee on the Rights of the Child in providing guidance on the right of children to effective participation and child-friendly justice and the CRC's interaction with European human rights law and children's rights law.

The second part of the morning session turns more specifically to child-friendly justice. The session positions the CRC as the cornerstone of discussions on children's participation in legal proceedings, reflecting on the meaning of the child as a rights holder and the connection between this concept and Article 12 of the CRC. Subsequently, the session unpacks the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (the Guidelines). In particular, this part explores the various opportunities for children's involvement in judicial proceedings as presented by the Guidelines – before, during and after judicial proceedings – and reflects on the main elements of a child-friendly justice framework during each of these phases.

Afternoon: Film screening followed by reflection

In the afternoon session, participants watch a 'The Voice of the Child' film and reflect on the practical application of the concepts learned during the morning. This session is designed to bridge theory and practice by encouraging participants to critically observe how child-friendly practices are and are not reflected in real judicial interactions. To support this process, after the screening participants receive a short Observation Guide that they can use to take structured notes concerning what they have observed. This tool helps participants engage more actively with the material and prepare for the group discussion that follows the screening, and also builds up towards Day 2 of the training course. The session concludes with a facilitated discussion, inviting participants to share what stood out to them, raise questions and exchange their reflections on how the film relates to their own professional experiences.

3.1.2 Module descriptions

Welcome and training opening

Duration: 30 minutes

Type: Interactive introduction session

Before Module 1 begins, the trainers open the training course by welcoming the participants and outlining the objectives and structure of the two-day programme. This introduction helps create a collegial, reflective atmosphere, encouraging active participation from the outset.

Participants are invited to introduce themselves and share their professional background and experience in handling cases involving children. The trainers then present ‘The Voice of the Child’ as a project, explaining how the film serve as the core methodological component throughout the training, by encouraging discussion and reflection on real judicial interactions.

This introductory session concludes with a brief overview of the training agenda and highlights how theoretical discussions, film observation and collective reflection are combined to support the participants’ learning journey.

Facilitation note – Setting expectations for the reflective use of the films and manual

At the start of the training, trainers are encouraged to clearly frame the purpose and scope of the course by addressing the following points:

- The films are intended as tools for professional reflection and discussion. They show real judicial interactions in complex cases and do not present model practices, preferred approaches or “the right way” to conduct child hearings. Their purpose is to assist participants in identifying learning points, questions and insights that can inform their professional work.
- The purpose of the film-based modules is not to assess individual professionals or practices, but to enhance reflection on broader themes addressed in the training, including children’s participation, professional communication, procedural safeguards and practical challenges regarding the implementation of child-friendly justice in judicial settings.
- The training should be understood as part of a broader process of continuous professional development in child-friendly justice. Trainers are encouraged to direct participants to further specialised training opportunities on issues such as child-sensitive interviewing techniques, legal or other appropriate assistance for children, trauma-informed approaches, communication with children in vulnerable situations and other related topics.

Module 1: Children's rights overview and a child-friendly justice framework (Part 1)

Duration: 60 minutes

Type: Theoretical (introductory lecture with brief discussions)

Learning objectives:

- To provide an overview of the international children's rights framework, including the Convention on the Rights of the Child and the role of the Committee on the Rights of the Child.
- To introduce the concept and core principles of child-friendly justice.

Session description:

This session first of all provides an overview of the international children's rights framework and introduces the concept of child-friendly justice. The CRC is presented as the cornerstone of all discussions, emphasising the recognition of children as rights holders and highlighting Article 12 on the right to be heard. Subsequently, the session explores the concept of child-friendly justice as presented in the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice (the Guidelines).

Theoretical content (for trainers):

A. International children's rights

The Convention on the Rights of the Child: the foundation of the international framework for children

The international framework on children's rights is built around the United Nations Convention on the Rights of the Child (the Convention or CRC) adopted by the United Nations General Assembly on 20 November 1989.

The CRC represents the culmination of a broader evolution in the legal understanding of childhood and confirms a paradigm shift away from treating children primarily as objects of protection or extensions of parental authority. It affirms children as independent rights holders and frames childhood as a legally relevant status that requires both protection and agency.⁴

All States have ratified the CRC, with the exception of the United States. This near-universal ratification means that the Convention sets global normative standards for children's rights that are binding on States and highly relevant for all actors in the children's rights field, including parents, legal guardians, extended family, communities, institutions, organisations working with children and private actors.⁵ It also means that the CRC provides a legally binding framework concerning children's rights for all European countries, including all EU Member States.

⁴ Children's Rights Legislative Reform.

⁵ Vandenhoe et al 2024.

Structure and substantive scope of the Convention

The Convention on the Rights of the Child is structured in three parts:

- Part I (Articles 1-41) defines who is a child, sets out general principles and obligations and contains a detailed catalogue of specific rights and corresponding State duties.
- Part II (Articles 42-45) regulates the monitoring system and establishes the Committee on the Rights of the Child as the treaty body responsible for supervising implementation.
- Part III (Articles 46-54) includes final and procedural clauses in line with general treaty law.

In terms of content, the CRC is comprehensive in scope – covering civil, political, economic, social and cultural rights – and is often described using the ‘three Ps’ of children’s rights:

- Provision: rights that require States to ensure children’s basic needs are fulfilled, such as the rights to food (Article 27), health care (Article 24), education (Articles 28 and 29), recreation and play (Article 31).
- Protection: rights that protect children from harmful acts and practices, such as protection from commercial or sexual exploitation (Article 34), physical or mental abuse (Articles 19 and 39), and involvement in armed conflict (Article 38).
- Participation: rights that enable children to be heard and have a say in decisions affecting their own lives.⁶

The rights set out in the CRC are interrelated, interdependent and indivisible. This means that the effective enjoyment of any one right often depends on the realisation of others and that implementation should be approached holistically rather than through isolated measures.⁷

In addition, the CRC embodies a set of general principles that guide the interpretation and implementation of all other provisions. These are commonly identified as:

- Non-discrimination and equality (Article 2);
- The best interests of the child as a primary consideration in all actions concerning children (Article 3(1));
- The right to life, survival and development (Article 6); and
- Respect for the views of the child (Article 12), also known as the ‘participation principle’.⁸

Although it is not commonly listed among the four general principles of the CRC, Article 5 is particularly relevant as it reflects the principle of children’s evolving

⁶ Hammarberg 1990.

⁷ Children’s Rights Legislative Reform.

⁸ Vandenhoe et al 2024.

capacities, which is described as the process of maturation and learning through which children progressively acquire competencies, understanding and increasing levels of agency to take responsibility and exercise their rights.⁹ This provision is to be seen in relation to the role of the child's parents and extended family in guiding the child in the exercise of their rights (see also Article 18 of the CRC).

State obligations and children's access to justice

In addition to setting out substantive rights and general principles, the CRC also imposes clear obligations on States Parties to respect, protect and fulfil children's rights. To respect means refraining from interfering with or denying the enjoyment of those rights; to protect means taking appropriate measures to prevent and respond to rights violations by third parties; and to fulfil means adopting positive actions – through laws, policies, services and remedies – to facilitate and ensure the effective enjoyment of children's rights in practice.¹⁰

These obligations imply that children must have practical avenues to claim their rights and obtain redress when violations occur. Although the CRC does not explicitly set out a standalone right to an effective remedy or access to justice¹¹ (understood as the ability to obtain a just and timely remedy for rights violations as put forth in national and international norms and standards), it is implied that children, like any other human beings, possess such rights.¹²

For children, access to justice includes, at a minimum, access to relevant information, the right to be heard, fair trial guarantees and effective remedies, all secured without discrimination. It also requires structural and proactive measures to remove barriers that prevent children from asserting their rights and obtaining meaningful redress.

States must ensure effective, child-sensitive procedures for children and their representatives, including child-friendly information, advice and advocacy (including support for self-advocacy) and access to independent complaints mechanisms and the courts, with the necessary legal and other assistance. Where rights violations occur, appropriate reparation should be available, including compensation and, where needed, measures to promote children's physical and psychological recovery, rehabilitation and reintegration, as required by Article 39 of the CRC.¹³

The role of the Committee on the Rights of the Child

Monitoring the implementation of the CRC and its Optional Protocols¹⁴ is entrusted to the Committee on the Rights of the Child (the Committee or CRC Committee), the international treaty body established under Article 43 of the Convention.

⁹ Committee on the Rights of the Child 2016.

¹⁰ Children's Rights Legislative Reform.

¹¹ United Nations Human Rights Council 2008.

¹² Liefwaard 2024; United Nations Human Rights Council 2013.

¹³ Committee on the Rights of the Child 2003.

¹⁴ The Convention is complemented by three Optional Protocols: the first two expand its scope in specific areas and the third establishes a complaints mechanism: 1) The Optional Protocol to the CRC

Based on Article 45(d) of the CRC, the CRC Committee may make recommendations on issues that it considers to require further attention by States Parties. It typically does so through General Comments,¹⁵ which set out the Committee's authoritative guidance on the interpretation and implementation of specific rights and principles under the Convention and its Optional Protocols. General Comments are also cited in decisions by regional and domestic courts.¹⁶ As of February 2026, the Committee has adopted 26 General Comments, many of which are directly relevant for judicial practice and understanding how to operationalise children's rights in domestic legal systems.¹⁷

Finally, under the Optional Protocol to the CRC on a Communications Procedure (OPIC) adopted in 2011, the Committee is competent to consider individual communications and inter-state communications and to conduct inquiries.¹⁸ This Protocol allows children (or their representatives) to file individual complaints at international level when rights protected under the Convention and its Optional Protocols are allegedly violated and no effective remedy is available at national level.

B. Child-friendly justice

Article 12 of the CRC and the right to be heard

The concept of child-friendly justice is firmly rooted in international children's rights law, and in particular in the Convention on the Rights of the Child.¹⁹ A central provision in this respect is Article 12, which provides that:

1. States Parties shall assure to the child who is capable of forming his or her own views the right to express those views freely in all matters affecting the child, the views of the child being given due weight in accordance with the age and maturity of the child.
2. For this purpose, the child shall in particular be provided the opportunity to be heard in any judicial and administrative proceedings affecting the child, either directly, or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law.

on the Sale of Children, Child Prostitution and Child Pornography (OPSC), adopted in 2000 and in force since 2002, strengthens States' obligations to prevent and combat serious forms of exploitation; 2) The Optional Protocol to the CRC on the Involvement of Children in Armed Conflict (OPAC), also adopted in 2000 and in force since 2002, raises the level of protection for children from recruitment and use in hostilities; 3) The Optional Protocol to the CRC on a Communications Procedure (OPIC), adopted in 2011, allows children (or their representatives) to bring individual complaints to the international level when rights protected under the Convention and its Optional Protocols are allegedly violated and no effective remedy is available at the national level.

¹⁵ Doek 2018.

¹⁶ Children's Rights Legislative Reform.

¹⁷ A 27th General Comment is expected in the course of 2026 and will address children's access to justice and effective remedies. This General Comment is likely to become relevant for this training course as well, but has not yet been included.

¹⁸ Children's Rights Legislative Reform.

¹⁹ Liefwaard 2016.

The right of the child to be heard is one of the four general principles of the CRC and is seen as one of the most innovative provisions of the Convention,²⁰ marking a fundamental shift in the way children are perceived under international human rights law.

The reference in Article 12(1) to a child who is ‘capable of forming his or her own views’ should not be understood as a limitation on the right to be heard, but as a duty on authorities to assess and support the child’s capacity to express their views as far as possible. Rather than presuming that a child is unable to form an opinion, decision-makers should assume that the child has this capacity, and it is not for the child to prove it.

Age alone should not operate as a barrier to participation. In family law cases, in particular, judges should actively verify that children are effectively included in the process and are absent only where they have themselves declined to participate or where involvement is genuinely not possible due to the child’s maturity or understanding.²¹

In 2009, the Committee provided further guidance and recommendations that reflect the emergence of child-friendly justice as a concept aimed at enabling children to engage with and effectively participate in justice proceedings about or affecting them.²² In its General Comment No. 12 on the right of the child to be heard, the Committee noted that:

The realization of the right of the child to express her or his views requires that the child be informed about the matters, options and possible decisions to be taken and their consequences by those who are responsible for hearing the child, and by the child’s parents or guardian. The child must also be informed about the conditions under which she or he will be asked to express her or his views. This right to information is essential, because it is the precondition of the child’s clarified decisions.²³

The Committee also noted that:

A child cannot be heard effectively where the environment is intimidating, hostile, insensitive or inappropriate for her or his age. Proceedings must be both accessible and child-appropriate. Particular attention needs to be paid to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of court rooms, clothing of judges and lawyers, sight screens, and separate waiting rooms.²⁴

The evolution of child-friendly justice has also been reflected in the development of standards concerning children in conflict with the law. Article 40 of the CRC

²⁰ Cantwell 1992.

²¹ Council of Europe 2010.

²² Liefwaard 2020.

²³ Committee on the Rights of the Child 2009.

²⁴ Ibid.

acknowledges the child's right to effective participation in criminal justice proceedings, ensuring that those alleged to have committed, or recognised as having infringed, the penal law are treated in a manner consistent with their dignity, young age, lack of full maturity and assumed lesser culpability, with the primary aim of facilitating their reintegration into society.²⁵

The Committee on the Rights of the Child, through its General Comment No. 10 on children's rights in juvenile justice (2007), provided guidance to states on establishing juvenile justice systems consistent with the CRC. Although later replaced by General Comment No. 24 on children's rights in the child justice system (2019), General Comment No. 10 remains a significant milestone in the evolution of the concept of child-friendly justice, recognising that for 'a child alleged as, accused of, or recognised as having infringed the penal law, the right to be heard is fundamental for a fair trial' (para. 44) and emphasising that juvenile justice proceedings 'should be conducted in an atmosphere of understanding, to allow the child to participate and to express herself/himself freely' (para. 46).

Development within the European human rights system

While the notion of child participation originated in the CRC, it was within the European human rights system that the concept of child-friendly justice has been further developed.²⁶

The European Court of Human Rights (ECtHR), interpreting the European Convention on Human Rights (ECHR) has played a pivotal role in this evolution. In its case law, the ECtHR has recognised that the right of the child to be heard forms part of the best interests of the child assessment under Article 8 of the ECHR, which protects the right to private and family life in cases related to international child abduction, child protection and access and custody.²⁷ The ECtHR has further acknowledged the right to effective participation as an element of the right to a fair trial under Article 6 of the ECHR, with explicit reference to Article 40 of the CRC, enshrining the right of children to a fair trial.²⁸

In the *T. and V. v the United Kingdom* case, the Court ruled that 'it is essential that a child charged with an offence is dealt with in a manner which takes full account of his age, level of maturity and intellectual and emotional capacities and that steps are taken to promote his ability to understand and participate in the proceedings'.²⁹ The judgment also underlined the importance of the courtroom atmosphere and the child's emotional state for the child's cooperation with the proceedings. In the Court's words: '[...] it is highly unlikely that the applicant would have felt sufficiently uninhibited, in the tense courtroom and under public scrutiny, to have consulted with them during the trial or, indeed, that, given his immaturity and his disturbed emotional state, he

²⁵ Liefwaard 2020.

²⁶ Liefwaard 2016.

²⁷ Fenton-Glynn 2020.

²⁸ *T. and V. v the United Kingdom* 1999.

²⁹ *Ibid.*

would have been capable outside the courtroom of cooperating with his lawyers and giving them information for the purposes of his defence.’³⁰ However, according to the European Court, ‘this does not mean that it is required that a child tried in court for a criminal offence should understand or be capable of understanding every point of law or evidential detail’.³¹ Effective participation presupposes ‘a broad understanding of the nature of the trial process and of what is at stake’.³²

Guidelines on child-friendly justice

The European and international recognition that children have the right to be heard in judicial and administrative proceedings provided the foundation for the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice (the Guidelines) adopted in November 2010.³³

The Guidelines address the place and role of the child in judicial proceedings, as well as the child’s views, rights and needs in those proceedings and in alternatives to them. According to this legal instrument aimed to provide guidance to all Council of Europe member states, child-friendly justice refers to:

Justice systems which guarantee the respect and the effective implementation of all children’s rights at the highest attainable level, bearing in mind the principles listed below and giving due consideration to the child’s level of maturity and understanding and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child, respecting the rights of the child including the rights to due process, to participate in and to understand the proceedings, to respect for private and family life and to integrity and dignity.³⁴

The content of the Guidelines is built on the basis of five categories of fundamental principles (in short: five fundamental principles of the Guidelines):

A. Participation

1. The right of all children to be informed about their rights, to be given appropriate ways to access justice and to be consulted and heard in proceedings involving or affecting them should be respected. This includes giving due weight to the children’s views bearing in mind their maturity and any communication difficulties they may have in order to make this participation meaningful.
2. Children should be considered and treated as full bearers of rights and should be entitled to exercise all their rights in a manner that takes into account their capacity to form their own views and the circumstances of the case.³⁵

³⁰ T. and V. v the United Kingdom 1999.

³¹ Liefwaard 2020.

³² S.C. v the United Kingdom 2004.

³³ Liefwaard 2016.

³⁴ Council of Europe 2010.

³⁵ Ibid.

B. Best interests of the child

1. Member states should guarantee the effective implementation of the right of children to have their best interests be a primary consideration in all matters involving or affecting them.
2. In assessing the best interests of the involved or affected children:
 - a. their views and opinions should be given due weight;
 - b. all other rights of the child, such as the right to dignity, liberty and equal treatment should be respected at all times;
 - c. a comprehensive approach should be adopted by all relevant authorities so as to take due account of all interests at stake, including psychological and physical well-being and legal, social and economic interests of the child.
3. The best interests of all children involved in the same procedure or case should be separately assessed and balanced with a view to reconciling possible conflicting interests of the children.
4. While the judicial authorities have the ultimate competence and responsibility for making the final decisions, member states should make, where necessary, concerted efforts to establish multidisciplinary approaches with the objective of assessing the best interests of children in procedures involving them.³⁶

C. Dignity

1. Children should be treated with care, sensitivity, fairness and respect throughout any procedure or case, with special attention for their personal situation, well-being and specific needs, and with full respect for their physical and psychological integrity. This treatment should be given to them, in whichever way they have come into contact with judicial or non-judicial proceedings or other interventions, and regardless of their legal status and capacity in any procedure or case.
2. Children shall not be subjected to torture or inhuman or degrading treatment or punishment.³⁷

D. Protection from discrimination

1. The rights of children shall be secured without discrimination on any grounds such as sex, race, colour or ethnic background, age, language, religion, political or other opinion, national or social origin, socio-economic background, status of their parent(s), association with a national minority, property, birth, sexual orientation, gender identity or other status.
2. Specific protection and assistance may need to be granted to more vulnerable children, such as migrant children, refugee and asylum-seeking children, unaccompanied children, children with disabilities, homeless and street children, Roma children, and children in residential institutions.³⁸

³⁶ Ibid.

³⁷ Ibid.

³⁸ Ibid.

E. Rule of law

1. The rule of law principle should apply fully to children as it does to adults.
2. Elements of due process such as the principles of legality and proportionality, the presumption of innocence, the right to a fair trial, the right to legal advice, the right to access to courts and the right to appeal, should be guaranteed for children as they are for adults and should not be minimised or denied under the pretext of the child's best interests. This applies to all judicial and non-judicial and administrative proceedings.
3. Children should have the right to access appropriate independent and effective complaints mechanisms.³⁹

Suggested didactic approach:

- Lecture using slides to introduce the CRC, the Committee and the Guidelines
- Short trainer-led discussion to link these concepts to participants' own jurisdictions and court practices

Reflection questions:

- What does it mean, in concrete terms, to treat children as rights holders in judicial practice?
- How do judges currently ensure that children can be heard in proceedings that affect them?
- Looking at the five fundamental principles of the Guidelines, which principle do you think is strongest in your current practice and which is most challenging to implement?

Key takeaways:

- The CRC provides the global foundation for children's rights and establishes participation as a core principle through Article 12.
- The concept of child-friendly justice builds on the CRC and has been further developed through ECtHR case law and the Guidelines on Child-Friendly Justice.
- The five fundamental principles of the Guidelines (participation, best interests of the child, dignity, protection from discrimination and rule of law) offer a practical lens for reviewing and improving judicial practice involving children.

Break – 15 minutes

³⁹ Ibid.

Module 2: A child-friendly justice framework (Part 2)

Duration: 90 minutes

Type: Theoretical and reflective continuation of Module 1

Learning objectives:

- To deepen understanding of the child-friendly justice framework introduced earlier.
- To examine the Council of Europe Guidelines on Child-Friendly Justice and their practical application.
- To identify opportunities for children's involvement before, during and after judicial proceedings.
- To reflect on how courts can operationalise these principles effectively.

Session description:

Building on Module 1, this session unpacks the Guidelines on Child-Friendly Justice adopted by the Committee of Ministers of the Council of Europe in 2010. Participants analyse how the Guidelines aim to secure children's meaningful participation at each stage of judicial proceedings – before, during and after – and discuss how judges and other professionals can embed these elements in their own practice.

Suggested didactic approach:

- Interactive lecture supported by case examples and group reflection. Participants identify (i) one practice in their court that aligns with the Guidelines; and (ii) one gap or barrier, and then propose a realistic improvement.
- Trainer-led synthesis connecting the CRC and the Guidelines with judicial practice.

Theoretical content (for trainers):

A. General elements of child-friendly justice:⁴⁰ applying the Guidelines

- *Information and advice:* The Guidelines identify timely, continuous and child-appropriate information as a foundational element of child-friendly justice. Children should receive information directly, in language that they can understand, throughout the process, and not only through their parents and representatives. Information should enable meaningful participation and should be supported, where possible, by child-friendly materials and services.
- *Protecting private and family life:* Children's privacy and personal data must be protected throughout proceedings. This includes restricting access to sensitive records and, where appropriate, holding hearings or evidence-taking in camera, while ensuring procedural fairness. Confidentiality obligations apply

⁴⁰ As far as relevant for the purpose of this training course.

to professionals, subject to lawful exceptions where disclosure is necessary to protect the child from harm.⁴¹

- *Safety*: The Guidelines require active measures to protect children from harm throughout proceedings, including intimidation, reprisals and secondary victimisation. They also recognise that safeguards may need to be strengthened in high-risk situations, for example, where the alleged perpetrator is a parent, family member or primary caregiver. Where necessary and compatible with domestic law and judicial independence, professionals working with children may be subject to vetting to ensure suitability to work with children.
- *Training professionals*: Child-friendly justice depends on professional capacity and expertise. The Guidelines call for interdisciplinary training for all professionals working with and for children, focusing on children's rights, children's needs across different age groups and procedures adapted to children. Professionals who have direct contact with children should also be trained in communicating with children at different ages and developmental stages, including children in situations of particular vulnerability.
- *Multidisciplinary approach*: The Guidelines encourage structured cooperation between professionals (for example, judges, lawyers, psychologists, social workers, police and physicians) to ensure a comprehensive understanding of the child and their legal, psychological, social, emotional, physical and cognitive situation. They also recommend establishing a common assessment framework to support decision-making that best serves the child's interests, while respecting confidentiality and the child's right to private and family life.

Example – Barnahus as a multidisciplinary and child-friendly model⁴²

Barnahus is a multidisciplinary model developed to provide a coordinated, child-friendly response to children who are, or may be, victims or witnesses of violence. It functions as a child-friendly setting where relevant professionals – including law enforcement, criminal justice actors (prosecutors, judges etc.), child protection services, medical professionals and mental health professionals – cooperate under one roof to assess the child's situation and decide on appropriate follow-up.

The model is based on the idea that children should not have to navigate several disconnected services or repeat their account unnecessarily to different professionals. Instead, criminal justice, child protection, medical and mental health

⁴¹ See also General Comment No. 24 on children's rights in the child justice system (2019), para. 67.

⁴² Barnahus is most directly relevant in cases involving child victims and witnesses of violence. However, its underlying principles are also useful for broader reflection on child-friendly justice in family law and child protection proceedings. These principles include multidisciplinary cooperation, child-sensitive premises, timely intervention, coordinated case management, individual assessment of the child's needs, access to medical and psychological support, protection of the child's privacy and efforts to avoid unnecessary repetition of interviews or hearings. See also: <https://barnahus.eu/>

responses are coordinated around the child. In Barnahus, a forensic interview may be carried out by a specialised professional in a child-friendly setting and, where national law permits, audio-visually recorded so that it can be used as evidence in court. As part of the same child-friendly and coordinated response, the model also uses trauma-informed questionnaires. Taken together, these measures can help to limit repeated questioning, reduce the risk of secondary victimisation or retraumatisation and support both the child's protection and the procedural safeguards of the parties.

B. Child-friendly justice before judicial proceedings⁴³

The Guidelines encourage the use of alternatives such as mediation, diversion and alternative dispute resolution when these serve the child's best interests, while emphasising that such alternatives must never become a barrier to a child's access to justice. Children should be fully informed and consulted about the option of court proceedings versus the alternatives, including the consequences of each. They should be able to obtain legal advice and other assistance to support an informed choice, and their views should be taken into account. Alternatives to judicial proceedings must also guarantee legal safeguards and protection of children's rights.

Timely, child-appropriate information is a foundational element of child-friendly justice. Children should receive information directly, in language they can understand, throughout the process, and not only through their parents and representatives. Information should enable meaningful participation and be supported, where possible, by child-friendly materials and services. Providing information to children before judicial proceedings is considered a key element of child-friendly justice. Information in this regard should also include information on what a child can expect during and after the proceedings.

C. Child-friendly justice during judicial proceedings

- *The right to be heard and express views:* Children have the right to be heard in matters affecting them, in ways adapted to their age, maturity and communication needs, and their views must be given due weight (see also Article 12 CRC). Being heard is a right, not a duty, and children should not be excluded solely on the basis of age. Decisions affecting children should be reasoned and explained in language that they can understand, including where their views were not followed. Depending on the child's wishes and best interests, consideration may be given to whether the child is heard directly by the judge or through an appointed expert; however, the Committee on the Rights of the Child encourages hearing children directly wherever possible and giving the child the option to indicate whether or not they prefer to be heard

⁴³ Other elements are addressed in depth below, namely: avoiding undue delays, the organisation of the proceedings, a child-friendly environment and child-friendly language.

directly by the judge (i.e. the decision-maker).⁴⁴ Together with the right to a fair trial (Article 6 ECHR), the child's right to be heard provides the legal foundation for the child's right to participate effectively in decision-making affecting them (see Module 1).

- *Legal counsel and representation:* Children should have access to their own legal counsel and representation in their own name, especially where there is or could be a conflict of interest with parents or other parties. The Guidelines stress access to free legal aid under the same or more lenient conditions as for adults. They also place strong emphasis on specialist competence; lawyers representing children should be trained and knowledgeable on children's rights and capable of communicating with children at their level of understanding.
- *Access to court and the judicial process:* As bearers of rights, children should have access to remedies to address violations of their rights.⁴⁵ Domestic law should facilitate children's access to court where appropriate. Children must have sufficient understanding of their rights and the availability of remedies, based on properly provided legal advice. Obstacles to access (such as costs and lack of legal counsel) should be removed, and statutory or other limitations should be reviewed where necessary to ensure that children can realistically bring claims after reaching majority.
- *Avoiding undue delay:* Proceedings involving children should be treated as urgent and handled with particular diligence, especially in family law cases where delay can harm relationships and wellbeing. Where necessary, courts may consider interim measures and ensure timely enforceability in line with the law.
- *Organisation of the proceedings, a child-friendly environment and child-friendly language:* Proceedings should be organised in such a way that intimidation is reduced and children's understanding and participation are supported, including through child-sensitive communication and appropriate practical arrangements. The Guidelines also encourage child-sensitive interview methods (including recording and, where appropriate, hearings in camera) and the development of specialised procedures and units for children in contact with the law and legal procedures.

⁴⁴ General Comment No. 12 on the right of the child to be heard (2009), para. 35: After the child has decided to be heard, he or she will have to decide how to be heard: 'either directly, or through a representative or appropriate body'. The Committee recommends that, wherever possible, the child must be given the opportunity to be heard directly in any proceedings

⁴⁵ This point relates to the broader concept of children's access to justice and the Committee on the Rights of the Child's work on General Comment No. 27 on children's access to justice and to an effective remedy.

- *Evidence and statements from children:* Children's interviews and statements should, as far as possible, be taken by trained professionals in conditions that are adapted to the child's age, maturity, understanding and communication needs. Where children provide statements, procedures should minimise stress and repeated questioning, and be adapted to the child's age and needs while preserving procedural fairness. Safeguards should also aim to prevent additional hardship, such as confrontation with an alleged perpetrator, where this would expose the child to harm or inhibit testimony (in the event that a child is an official witness). This may also be relevant if a child is not a formal witness, but an interested party in a family law or child protection case.

D. Child-friendly justice after judicial proceedings

After proceedings, decisions should be explained to children in language adapted to their level of understanding and accompanied by information on possible next steps, including appeal options and independent complaint mechanisms. Authorities should facilitate the timely execution of decisions affecting children, and children should be informed (as appropriate, including through their representatives) of available remedies if decisions are not enforced. Support services should be available following highly conflictual proceedings and, where relevant, children should have access to appropriate healthcare, social and therapeutic support.

Reflection questions:

- At which stages in the proceedings (before, during, after) do you see the greatest barriers to child-friendly practices within your jurisdiction, and why?
- Which stakeholders are relevant for the implementation of child-friendly justice in the context of family law and child protection proceedings?

Key takeaways:

- The Guidelines provide a practical roadmap for applying child-friendly justice across proceedings, grounded in participation, dignity, protection and the rule of law.
- Participation must be enabled before, during and after proceedings through timely information provision, appropriate support, legal representation where needed and child-sensitive opportunities to be heard.
- Children's privacy and safety are core safeguards; confidentiality and protective measures should be built into courtroom practices and case management.
- Effective implementation depends on professional training and multidisciplinary collaboration, supported by institutional procedures and resources.

Lunch

Module 3: Film screening

Duration: 90 minutes

Type: Observational session (film screening and guided note-taking)

Learning objectives:

- To observe real judicial interactions involving children through the film ‘The Voice of the Child’.
- To identify examples of communication, behaviour and context that support or hinder child-friendly justice.
- To record structured observations in preparation for the group reflection.

Session description:

This module is dedicated to the screening of a ‘The Voice of the Child’ film, which is a key learning component of the training course. The film presents real-life interactions between judges and children, with different communication styles and approaches.

Trainers introduce the film before the screening (see Annex I, Country-specific legal background), explaining that the objective is not to evaluate or judge the individuals who feature in the film but to reflect on how professional behaviour, communication and context affect the child’s experience of justice. Participants are encouraged to watch the film carefully and critically. After the screening, they receive a two-column observation guide to reflect on practices that illustrate child-friendly justice and aspects that appear to be missing, problematic or in need of improvement.

Notes from this session will form the basis of discussions on Day 2.⁴⁶

Suggested didactic approach:

- Brief 5-10 minute introduction to the film given by the trainers (context, learning focus)
- Film screening (60-70 minutes)
- Individual note-taking using the observation guide
 - o Allow participants to fill in the observation guide immediately after the film (5-10 minutes); they can take a break once this is complete

Trainer’s facilitation notes:

- Remind participants to focus on both verbal and non-verbal cues.
- Encourage attention to the child’s emotions, comprehension and engagement.
- Note any procedural, environmental and circumstantial aspects that influence the interaction.

Reflection questions for note-taking:

- Guiding questions for reflection and discussion in the Observation Guide (See Annex II).

Break – 15 minutes

⁴⁶ See Annex II (Observation Guide) for more information and instructions for this module.

Module 4: Reflection following the film screening & Day 1 close

Duration: 90 minutes

Type: Interactive group reflection and wrap-up

Learning objectives:

- To analyse observations from the film through collective reflection.
- To identify key lessons and strategies for promoting child-friendly justice in judicial practice.
- To consolidate the day's learning and set expectations for Day 2.

Session description:

The final module of Day 1 builds directly on the film viewed in Module 3. Participants work in small groups to share their observations and identify key themes regarding judicial communication, empathy, procedural conduct and environmental factors influencing children's participation. The groups summarise their observations using the observation guide and propose concrete recommendations for judicial practice. The trainers then facilitate a plenary discussion to connect the observations with the principles learned during the morning session and close the day with collective reflection.

Suggested didactic approach:

- Small group discussions (30-40 minutes)
- Plenary discussion of key observations and proposed actions (30 minutes).
- Facilitated synthesis and wrap-up (20 minutes)

Trainer's facilitation guide:

- Invite groups to review their notes and identify 2-3 key observations.
- During the plenary discussion, note down emerging themes on a flip chart (e.g. communication tone, child comfort, professional attitude).
- Ask guiding questions, such as:
 - o Which patterns did you notice in the judges' interactions with children and parents?
 - o Which behaviours and choices seemed to empower or disempower the children?
 - o How could these lessons be applied in your own court practice?
- End with collective reflection on the day's overall learning experience.
- Present a short preview of Day 2, highlighting that the second part of the course will involve in-depth analysis of four core components: the best interests of the child, a fair trial and equality of arms, the provision of information, communication and language and other relevant child-friendly elements (such as physical environment, clothing and preventing undue delays).

Reflection questions:

- What surprised or inspired you the most during today's sessions?
- How can judges translate these observations into daily practice?
- Which systemic or procedural barriers might need to change?

3.2. Day 2 - Unpacking core issues in child-friendly justice

3.2.1. Day overview

Day 2 is structured around four thematic modules, each providing an in-depth exploration of a core component of the child-friendly justice framework. The day begins with a 90-minute module on the best interests of the child. Following a 15-minute break, participants attend a 90-minute session focused on the right to a fair trial and the principle of equality of arms. In the afternoon, two additional modules are delivered. The first addresses the provision of information, communication and language and lasts 90 minutes. The final module of the day focuses on other relevant child-friendly elements, including physical environment, judicial clothing and preventing undue delays and runs for 60 minutes. The day concludes with a 30-minute closing session, which involves completing an evaluation form designed to gather feedback on the training course's content, methodology and organisation, and to assess participants' learning outcomes and identify areas for improvement.

3.2.2. Module description

Module 5: The best interests of the child

Duration: 90 minutes (45-minute theoretical lecture and 45-minute practical exercise)

Type: Lecture with practical exercise

Learning objectives:

- To understand the meaning of the best interests of the child under Article 3(1) of the CRC and as recognised in the Guidelines on Child-Friendly Justice and European Court of Human Rights case law.
- To understand the connection between the best interests of the child and the child's right to be heard.
- To explore 'best interests' as a threefold concept – substantive right, interpretative principle and rule of procedure – based on General Comment No. 14 of the CRC Committee.
- To identify common challenges in assessing and determining the best interests in judicial decisions and decision-making processes.

Session description:

Module 5 starts by focusing on the best interests of the child. Article 3(1) of the CRC sets out that in all actions concerning children, including actions undertaken by courts of law, the best interests of the child shall be a primary consideration. Yet, the concept of the best interests of the child is often misunderstood and frequently improperly applied. As a minimum, the concept is subject to various subjective interpretations. The films within this project show this very clearly (see film excerpts below). In this context, this module explores the concept of the best interests of the child to foster a

more comprehensive understanding of it. It follows the Committee on the Rights of the Child's framework, which positions the best interests of the child as a threefold concept (General Comment No. 14 on the right of the child to have his or her best interests taken as a primary consideration) and specifically examines the best interests of the child as a rule of procedure. Ultimately, it provides theoretical and practical considerations in assessing and determining the best interests of the child in judicial decisions.

Suggested didactic approach:

- Lecture using slides that introduce the concept of the best interests of the child and international and regional standards
- Practical exercise
- Trainer-facilitated plenary synthesis of practical challenges and good practices

Theoretical content (for trainers):

A. General information on the best interests of the child

The right of the child to have their best interests assessed and taken into account as a primary consideration in all actions or decisions that concern them is considered one of the fundamental values of the CRC.⁴⁷ Although references to the best interests of the child predate the Convention and can be found in earlier instruments such as the 1959 Declaration of the Rights of the Child (Principles 2 and 7) and the Convention on the Elimination of All Forms of Discrimination against Women (Articles 5(b) and 16(1)(d)),⁴⁸ it was with the adoption of the CRC in 1989 that the principle was consolidated as a freestanding principle in binding international law.⁴⁹

As such, it is regarded as one of the four general principles of the Convention for interpreting and implementing all of the rights of the child, and understood as a 'dynamic concept that requires an assessment appropriate to the specific context'.⁵⁰

Article 3(1) of the CRC

In all actions concerning children, whether undertaken by public or private social welfare institutions, courts of law, administrative authorities or legislative bodies, the best interests of the child shall be a primary consideration.

The Committee on the Rights of the Child has highlighted:

The concept of the child's best interests is complex, and its content must be determined on a case-by-case basis. It is through the interpretation and implementation of article 3, paragraph 1, in line with the other provisions of the Convention, that the legislator, judge, administrative, social or educational authority will be able to clarify the concept and make concrete use thereof. Accordingly, the

⁴⁷ Committee on the Rights of the Child 2013.

⁴⁸ Ibid.

⁴⁹ Kilkelly 2016.

⁵⁰ Committee on the Rights of the Child 2013.

concept of the child's best interests is flexible and adaptable. It should be adjusted and defined on an individual basis, according to the specific situation of the child or children concerned, taking into consideration their personal context, situation and needs. For individual decisions, the child's best interests must be assessed and determined in light of the specific circumstances of the particular child. For collective decisions – such as by the legislator –, the best interests of children in general must be assessed and determined in light of the circumstances of the particular group and/or children in general. In both cases, assessment and determination should be carried out with full respect for the rights contained in the Convention and its Optional Protocols.⁵¹

Conceptual challenges

The CRC's drafting history reveals limited debate over the meaning of the 'best interests of the child', with Article 3(1) adopted with little controversy.⁵² The lack of meaningful discussion about its definition has led to controversy in its practical application. The concept of the best interests of the child has been described as an 'amorphous concept that can be stretched to mean anything that someone else thinks is good for you',⁵³ a 'rationalization by decision-makers justifying their judgments about a child's future, like an empty vessel into which adult perceptions and prejudices are poured',⁵⁴ and a principle that 'lacks transparency'.⁵⁵ As Fenton-Glynn notes, 'unlike rights, which must be explicitly set out and justified, interests can mean anything, or nothing, and are often not clearly articulated. They can thus be hijacked by others, and used to camouflage other, often adult-centred considerations in decision-making'.⁵⁶ Also expressing concern regarding the use of the best interests of the child concept, Skelton highlights that 'best interests become a problem when the concept is invoked pointlessly, that is, when reference to a right would or should suffice'.⁵⁷

Against a backdrop of extensive scholarly criticism regarding the use of the best interests of the child, Nigel Cantwell provides a clearer articulation of its role. The children's rights expert points out that this principle should be a 'basis for decision-making when human rights were missing' and enumerates circumstances in which 'assessing best interests can be useful, not to say vital':⁵⁸

- Choosing between two or more potential solutions that are, a priori, all consistent with the human rights of the child concerned;
- Determining outcomes when there is real or apparent conflict between the requirements of two or more rights;

⁵¹ Ibid.

⁵² Kilkelly 2016.

⁵³ Fenton-Glynn 2019.

⁵⁴ Rodham 1973.

⁵⁵ Fenton-Glynn 2019.

⁵⁶ Ibid.

⁵⁷ Skelton 2019.

⁵⁸ Cantwell 2017.

- Addressing issues not covered by existing rights;
- Envisaging temporary (reversible) measures in an emergency situation, with reassessment programmed and undertaken as soon as is feasible;
- Dealing with situations where the interests of other parties might otherwise jeopardise or unduly influence outcomes for the child – as, for example, when courts of law rely on ‘best interests’ considerations to determine custody and access conditions in situations of parental divorce;
- Examining the justification for derogating from specific rights where this is explicitly foreseen in the CRC if deemed to be in the child’s best interests: removing a child from parental care and the family environment (Articles 9(1) and 20(1) CRC) or denying contact with parents (Article 9(3) CRC).

It is therefore possible to conclude that two principal challenges characterise the use of the concept of the best interests of the child: safeguarding against its deployment in ways that erode rights and articulating its application within a rights-based framework.

The best interests of the child as a threefold concept

The CRC Committee underlines that the best interests of the child is a threefold concept: a substantive right, an interpretative legal principle and a rule of procedure:⁵⁹

a) **A substantive right:** The right of the child to have his or her best interests assessed and taken as a primary consideration when different interests are being considered in order to reach a decision on the issue at stake, and the guarantee that this right will be implemented whenever a decision is to be made concerning a child, a group of identified or unidentified children or children in general. Article 3, paragraph 1, creates an intrinsic obligation for States.

(b) **A fundamental, interpretative legal principle:** If a legal provision is open to more than one interpretation, the interpretation which most effectively serves the child’s best interests should be chosen. The rights enshrined in the Convention and its Optional Protocols provide the framework for interpretation.

(c) **A rule of procedure:** Whenever a decision is to be made that will affect a specific child, an identified group of children or children in general, the decision-making process must include an evaluation of the possible impact (positive or negative) of the decision on the child or children concerned. Assessing and determining the best interests of the child requires procedural guarantees. Furthermore, the justification of a decision must show that the right has been explicitly taken into account. In this regard, States parties shall explain how the right has been respected in the decision, that is, what has been considered to be in the child’s best interests; what criteria it is based on; and how the child’s interests have been weighed against other considerations, be they broad issues of policy or individual cases.

⁵⁹ Committee on the Rights of the Child 2013.

The best interests dimension as a rule of procedure is regarded as ‘the added value’ of Article 3 of the CRC, as it provides ‘a mechanism for weighing the child’s rights, for enabling the effective delivery of all rights to children’.⁶⁰

B. Operationalising the best interests of the child

The concept is operationalised through the process of assessing and determining what constitutes the best interests of the child. The CRC Committee notes that the ‘best interests assessment’ consists of evaluating and balancing all of the elements necessary to make a decision in a specific situation, for a specific child, and that it requires the child’s participation. On the other hand, the ‘best interests determination’ describes the formal process with strict procedural safeguards designed to determine the child’s best interests on the basis of the best interests assessment.⁶¹

According to the Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, in assessing the best interests of the involved or affected children:

- a. Their views and opinions should be given due weight;
- b. All other rights of the child, such as the right to dignity, liberty and equal treatment should be respected at all times;
- c. A comprehensive approach should be adopted by all relevant authorities so as to take due account of all interests at stake, including psychological and physical well-being and legal, social and economic interests of the child.⁶²

The CRC Committee also recognises that giving due weight to the child’s views is the foremost consideration when assessing and determining the child’s best interests.⁶³ This highlights the interdependence of Articles 3(1) and 12 of the CRC: the principle of the best interests of the child can only be effectively implemented if the guarantees of Article 12 (the right of the child to be heard) are respected. The two provisions are considered to serve complementary roles: Article 3 aims to realise the child’s best interests and Article 12 provides the methodology to hear the child, including the assessment of their best interests.⁶⁴

In the case of *N.TS and others v Georgia*,⁶⁵ the European Court of Human Rights highlighted the key role that hearing the child’s views plays in carrying out a proper best interests assessment:

ii. The assessment of the best interests

81. Turning now to the second aspect of the proceedings, namely whether the domestic courts took adequate account of the best interests of the children, the two

⁶⁰ Kilkelly 2016.

⁶¹ Committee on the Rights of the Child 2013.

⁶² Council of Europe 2010.

⁶³ Committee on the Rights of the Child 2013.

⁶⁴ Ibid.

⁶⁵ *N.TS. and Others v Georgia* 2016.

main reasons behind the decision of the domestic courts to return the boys to their father were the following: first, it was within their best interests to be reunited with their father, and second, the maternal family was having a negative influence on the boys. The Court accepts the above motivation of the domestic courts. Indeed, the mutual enjoyment by parent and child of each other's company constitutes a fundamental element of family life and it is within the best interests of the children to be allowed to develop in a sound and harmonious environment. However, while making its own assessment of the best interests, the domestic court failed to give adequate consideration to an important fact: the boys did not want to be reunited with their father.

82. On this point the Court refers to several reports which concluded that the negative attitude of the maternal family towards G.B. was a factor in shaping the boys' relationship with their father. But, whatever the manipulative role played by the maternal family, the evidence before the domestic courts concerning the hostile attitude of the children towards their father was unambiguous. The latest conclusion of the social workers dated 4 January 2012, noted the particularly severe alienation of the children from their father (see paragraphs 27-28 above).

83. Further, the Court attaches particular weight to the reports of various psychologists who throughout the proceedings referred to the potential danger to the boys' psychological health in the event of their forced return to G.B. (see paragraphs 14-15, and 29 above). In such circumstances, ordering such a radical measure without considering a proper transition and preparatory measures aimed at assisting the boys and their estranged father in rebuilding their relationship appears to be contrary to their best interests (see, Z.J., cited above, §§ 99 and 103; compare also with Plaza, § 86, Hokkanen, § 61, and M. and M., § 186, all cited above).

iii. Conclusion

84. In the view of the Court, the combination of flawed representation, and as a consequence the failure to duly present and hear the views of the boys, undermined the procedural fairness of the decision-making process in the instant case. This was exacerbated by inadequate and one-sided consideration of the boys' best interests, in which their emotional state of mind was simply ignored. This leads the Court to conclude that there was a violation of the boys' right to respect for their family and private life, as guaranteed by Article 8 of the Convention.

Factors relevant to the assessment

Assessing the child's best interests is a unique activity that should be undertaken in each individual case, in the light of the specific circumstances of each child.⁶⁶ Beyond the child's views, the assessment should encompass other critical factors, namely:

1. the child's views;
2. the child's identity;
3. preservation of the family environment and maintaining relationships;
4. the child's care, protection and safety;
5. the situation of vulnerability;

⁶⁶ Committee on the Rights of the Child 2013.

6. the child's right to healthcare;
7. the child's right to education.⁶⁷

The European Court of Human Rights decision in *Neulinger and Shuruk v Switzerland* highlighted key considerations in assessing the best interests of the child, emphasising the need to balance all of the relevant factors in the assessment.⁶⁸ The Court also stressed the importance of clear judicial reasoning by the domestic authorities so that it can review the reasons underlying the judgment:

134. In this area the decisive issue is whether a fair balance between the competing interests at stake – those of the child, of the two parents, and of public order – has been struck, within the margin of appreciation afforded to States in such matters (see *Maumousseau and Washington*, cited above, § 62), bearing in mind, however, that the child's best interests must be the primary consideration (see, to that effect, *Gnahoré v. France*, no. 40031/98, § 59, ECHR 2000-IX), as is indeed apparent from the Preamble to the Hague Convention, which provides that "the interests of children are of paramount importance in matters relating to their custody". The child's best interests may, depending on their nature and seriousness, override those of the parents (see *Sahin v. Germany* [GC], no. 30943/96, § 66, ECHR 2003-VIII). The parents' interests, especially in having regular contact with their child, nevertheless remain a factor when balancing the various interests at stake (*ibid.*; see also *Haase v. Germany*, no. 11057/02, § 89, ECHR 2004-III, and *Kutzner v. Germany*, no. 46544/99, § 58, ECHR 2002-I, and the numerous authorities cited therein).

135. The Court notes that there is currently a broad consensus – including in international law – in support of the idea that in all decisions concerning children, their best interests must be paramount (see the numerous references in paragraphs 49-56 above, and in particular Article 24 § 2 of the European Union's Charter of Fundamental Rights). As indicated, for example, in the Charter, "[e]very child shall have the right to maintain on a regular basis a personal relationship and direct contact with both his or her parents, unless that is contrary to his or her interests".

136. The child's interest comprises two limbs. On the one hand, it dictates that the child's ties with its family must be maintained, except in cases where the family has proved particularly unfit. It follows that family ties may only be severed in very exceptional circumstances and that everything must be done to preserve personal relations and, if and when appropriate, to "rebuild" the family (see *Gnahoré*, cited above, § 59). On the other hand, it is clearly also in the child's interest to ensure its development in a sound environment, and a parent cannot be entitled under Article 8 to have such measures taken as would harm the child's health and development (see, among many other authorities, *Elsholz v. Germany* [GC], no. 25735/94, § 50, ECHR 2000-VIII, and *Maršálek v. the Czech Republic*, no. 8153/04, § 71, 4 April 2006).

138. It follows from Article 8 that a child's return cannot be ordered automatically or mechanically when the Hague Convention is applicable. The child's best interests,

⁶⁷ *Ibid.*

⁶⁸ *Neulinger and Shuruk v Switzerland* 2010.

from a personal development perspective, will depend on a variety of individual circumstances, in particular his age and level of maturity, the presence or absence of his parents and his environment and experiences (see the UNHCR Guidelines, paragraph 52 above). For that reason, those best interests must be assessed in each individual case. That task is primarily one for the domestic authorities, which often have the benefit of direct contact with the persons concerned. To that end they enjoy a certain margin of appreciation, which remains subject, however, to a European supervision whereby the Court reviews under the Convention the decisions that those authorities have taken in the exercise of that power (see, for example, *Hokkanen v. Finland*, 23 September 1994, § 55, Series A no. 299-A, and *Kutzner*, cited above, §§ 65-66; see also *Tiemann v. France and Germany (dec.)*, nos. 47457/99 and 47458/99, ECHR 2000-IV; *Bianchi*, cited above, § 92; and *Carlson*, cited above, § 69).

139. In addition, the Court must ensure that the decision-making process leading to the adoption of the impugned measures by the domestic court was fair and allowed those concerned to present their case fully (see *Tiemann*, cited above, and *Eskinazi and Chelouche v. Turkey (dec.)*, no. 14600/05, ECHR 2005-XIII). To that end the Court must ascertain whether the domestic courts conducted an in-depth examination of the entire family situation and of a whole series of factors, in particular of a factual, emotional, psychological, material and medical nature, and made a balanced and reasonable assessment of the respective interests of each person, with a constant concern for determining what the best solution would be for the abducted child in the context of an application for his return to his country of origin (see *Maumousseau and Washington*, cited above, § 74).

The CRC Committee provides further guidance on balancing the various elements of the best interests assessment:⁶⁹

80. It should be emphasized that the basic best-interests assessment is a general assessment of all relevant elements of the child's best interests, the weight of each element depending on the others. Not all the elements will be relevant to every case, and different elements can be used in different ways in different cases. The content of each element will necessarily vary from child to child and from case to case, depending on the type of decision and the concrete circumstances, as will the importance of each element in the overall assessment.

81. The elements in the best-interests assessment may be in conflict when considering a specific case and its circumstances. For example, preservation of the family environment may conflict with the need to protect the child from the risk of violence or abuse by parents. In such situations, the elements will have to be weighed against each other in order to find the solution that is in the best interests of the child or children.

82. In weighing the various elements, one needs to bear in mind that the purpose of assessing and determining the best interests of the child is to ensure the full and effective enjoyment of the rights recognized in the Convention and its Optional Protocols, and the holistic development of the child.

⁶⁹ Committee on the Rights of the Child 2013.

83. There might be situations where "protection" factors affecting a child (e.g. which may imply limitation or restriction of rights) need to be assessed in relation to measures of "empowerment" (which implies full exercise of rights without restriction). In such situations, the age and maturity of the child should guide the balancing of the elements. The physical, emotional, cognitive and social development of the child should be taken into account to assess the level of maturity of the child.

84. In the best-interests assessment, one has to consider that the capacities of the child will evolve. Decision-makers should therefore consider measures that can be revised or adjusted accordingly, instead of making definitive and irreversible decisions. To do this, they should not only assess the physical, emotional, educational and other needs at the specific moment of the decision, but should also consider the possible scenarios of the child's development, and analyse them in the short and long term. In this context, decisions should assess continuity and stability of the child's present and future situation.

Context-specific guidance from the Council of Europe

The Council of Europe also provides guidance on assessing the child's best interests, specifically in cases involving parental separation (Recommendation CM/Rec(2025)4 on the protection of the rights and best interests of the child in parental separation proceedings)⁷⁰ and cases involving a child in care proceedings (Recommendation CM/Rec (2025)5 on the protection of the rights and best interests of the child in care proceedings).⁷¹ As shown below, when outlining the factors to be included in a best interests assessment, the Council of Europe lists specific considerations for each context, indicating that the relevant factors vary according to the child's situation.

CM/Rec(2025)4 on the protection of the rights and best interests of the child in parental separation proceedings:

III. Assessment of the child's best interests

10. The best interests of the child should be regarded as a primary consideration or, where required by law, as the paramount consideration.

11. When assessing the best interests of a child, consideration should be given to the circumstances of the case and all factors relevant to securing the rights of the child and meeting his or her needs. These factors should include, but are not limited to:

- a. the child's age, level of maturity and evolving capacities;
- b. the child's views where he or she has chosen to express them or, for a child who is unable to form or express his or her own views, the child's perspective;
- c. appropriate preservation of the child's family and social environment;
- d. the willingness and ability of each parent, without discrimination on any ground, to care for and meet the needs of the child, including the willingness

⁷⁰ Council of Europe 2025.

⁷¹ Council of Europe 2025.

- of one parent to allow the child to have meaningful personal relations with the other parent or other persons who are important to the child;
- e. the history of the child's upbringing and care;
- f. the protection of the child from physical or psychological harm, or from being subject to or exposed to abuse, neglect or violence;
- g. any situation of vulnerability or risk, and sources of protection and support;
- h. the child's developmental, emotional, educational and health-related needs;
- i. considerations relating to the child's right to preserve and develop his or her identity;
- j. the child's usual day-to-day activities and hobbies.

12. The content and weight of each factor vary in each specific case depending on the circumstances. If the assessment of the factors taken into account in a case leads to conflicting conclusions, they should be carefully balanced, with due consideration also being given to any possible short-, medium- and long-term consequences for the child.

13. In proceedings in which more than one child is affected, or likely to be affected, the best interests of each child should be assessed individually.

14. Where justified in the circumstances of the case, the competent authorities should be able to call on the relevant services and expertise, using a multidisciplinary approach to assess the needs of the child and the level of conflict between the parents.

15. In proceedings involving a parent or a child with a disability or with special or additional needs or vulnerabilities, appropriate arrangements should be in place to enable the meaningful participation of the parent or the child in the proceedings.

16. In making decisions on custody and contact rights, the competent authority should give effect to the child's rights and the principle that a child should have as much direct contact with each parent as is consistent with his or her best interests. Sufficient time should be allocated to enable the child to maintain and develop a meaningful relationship with each parent, in accordance with the best interests of the child.

17. The young age of a child should not be a decisive factor in depriving the child of the right to establish and maintain contact with his or her parents.

18. Where unrestricted contact is not in the best interests of the child, the possibility of supervised direct contact or other forms of contact with the parent concerned should be considered. The possibility that, in some cases, having no contact or suspending contact might be in the best interests of the child, should also be recognised.

CM/Rec(2025)5 on the protection of the rights and best interests of the child in care proceedings:

III. Assessment of the child's best interests

11. The best interests of the child should be regarded as a primary consideration or, where required by law, as the paramount consideration, and should be assessed and determined individually in all decisions and actions taken within the scope of this recommendation.

12. When assessing the best interests of a child, consideration should be given to the circumstances of the case and all factors relevant to securing the rights of the child and meeting his or her needs, taking duly into account any possible short-, medium- and long- term consequences for the child. These factors should include, but are not limited to:

- a. the child's age, level of maturity and evolving capacities;
- b. the child's views where he or she has chosen to express them or, for a child who is unable to form or express her or his own views, the child's perspective;
- c. the benefit of stability for the child, including appropriate preservation of the child's family and social environment or, where applicable, the benefit of a new environment in alternative care;
- d. the benefit to the child of having meaningful personal relations with his or her parents, siblings and other persons who are significant to the child;
- e. the willingness and ability of each parent, without discrimination on any ground, to care for and meet the needs of the child;
- f. the history of the child's upbringing and care;
- g. the protection of the child from physical or psychological harm, or from being subject to or exposed to abuse, neglect or violence;
- h. any situation of vulnerability or risk, and sources of protection and support;
- i. the child's developmental, emotional, educational and health-related needs;
- j. considerations relating to the child's right to preserve and develop his or her identity, including, but not limited to, the child's religious, cultural and linguistic background;
- k. the child's usual day-to-day activities and hobbies.

13. The content and weight of each factor vary in each specific case depending on the circumstances. If the assessment of the factors taken into account in a case leads to conflicting conclusions, they should be carefully balanced, with due consideration also being given to any possible short-, medium- and long- term consequences for the child.

14. In proceedings in which more than one child is affected, or likely to be affected, the best interests of each child should be assessed individually.

15. The competent authorities should be able to call on the relevant services and expertise using a multidisciplinary approach to assess the needs of the child. Multidisciplinary and interagency services can provide important assistance in assessing the best interests of the child.

16. In proceedings involving a parent or a child with a disability or with special or additional needs or vulnerabilities, appropriate arrangements should be in place to enable the meaningful participation of that parent or child in the proceedings.

17. In making decisions on care proceedings and contact rights, the competent authority should give effect to the child's rights and the principle that a child should have as much direct contact with each parent, and other persons having family ties with the child or being otherwise significant to the child, as is consistent with his or her best interests.

18. The young age of a child should not be a decisive factor in depriving the child of the right to establish and maintain contact with his or her parents.

19. Where unrestricted contact is not in the best interests of the child, the possibility of supervised contact or other forms of contact should be considered. The possibility that, in some cases, having no contact or suspending contact might be in the best interests of the child should also be recognised.

Concluding remarks

Understanding the best interests of the child concept in its three dimensions requires recognising that the child's right to have their best interests assessed and taken into account as a primary consideration gives rise, in practice, to a procedural obligation on decision-makers. Through the best interests assessment and determination procedure, the child's best interests in each situation can be identified. The term therefore lacks a precise definition, as it requires detailed analysis of the circumstances surrounding the particular child in a particular case. It also follows that the term should be used with caution and should not replace rights-based language. In other words: when possible, rights should be explicitly invoked rather than relying on the generic reference to the best interests of the child.

Practical exercise – Mapping the best interests of the child in judicial practice (45 minutes):

Objective: To enable participants to critically reflect on how the best interests of the child concept is understood and applied in their own judicial practice, with particular attention to assessment methods, child participation and systemic constraints.

Exercise overview: This is a guided individual reflective exercise, structured in two phases. Phase 1 may take place at the beginning of the session, allowing participants to recall their existing understanding and practices regarding the best interests of the child. Phase 2 should take place at the end of the session, inviting participants to reflect on how their initial views compare with the knowledge and ideas gained during the module.

Phase 1: Individual reflection mapping (15 minutes)

Each participant receives a reflection worksheet⁷², which is divided into four sections. Participants are invited to complete it individually.

Section A – Conceptual understanding

- What do you understand by the term ‘best interests of the child’?

Section B – Assessment practices

- Which concrete practices do you apply to assess the child’s best interests?
- Which factors do you include and prioritise in that assessment?

Section C – Hearing the child

- How do you currently hear children in proceedings?
- How does that help you to assess the best interests of the child?

Section D – Constraints

- Which procedural, institutional or systemic barriers limit individualised assessments and effectively hearing children?
- How do these constraints influence your decision-making?

Phase 2: Collective reflection (30 minutes at the end of the session)

The trainer facilitates a structured plenary discussion, inviting participants to reflect on how their initial understanding and practices compare with the ideas gained throughout the session. Participants are encouraged to share their key learnings, shifts in perspective, remaining challenges and innovative practices. The trainer uses a flip chart to note down the common themes and support collective learning.

Key takeaways:

- The best interests of the child is a dynamic and broad concept that covers three different dimensions: a substantive right, an interpretative legal principle and a rule of procedure.
- To properly assess and determine the best interests of the child, the child must be heard and their opinions given due weight.
- Assessing and determining the best interests of the child is a case-by-case process that requires rigorous examination of the child’s particular circumstances and a thorough justification of the reasoning behind the final conclusion.
- International and European standards provide detailed guidance on the elements to be considered when assessing and determining the best interests of the child.

⁷² See Annex III – Individual reflection worksheet: Identifying the best interests of the child in judicial practice.

Film excerpts (to be selected by trainers)		
Film	Excerpts	Context of the scene
Equality of Arms Belgium	09:20 – 13:13	The judge seeks to understand who T., aged 15, should live with. This scene shows how the judge engages with her to understand her perspective on her family situation.
	18:58 – 25:00	The judge speaks with M., aged 17, about where she would like to live following her parents' divorce. The scene highlights M.'s concern about what will be included in the case file.
	33:21 – 42:45	I., aged 15, and her 9-year-old brother live with their mother, and there appears to have been a conflict involving their father. The judge becomes aware of this while speaking with I. and clarifies what happened when speaking with her brother. The following scene shows the judge at the hearing with the children's parents.
The Law, the Child and the Judge Bulgaria	1:28 – 2:28	The civil judge reads Article 15 of the Law for the Protection of Children. The article states that in any administrative court proceeding concerning the rights or interests of a child, it is mandatory to hear children over the age of ten, unless it affects the interests of the child negatively.
	43:50 - 55:52	The judge speaks with H., aged 14, to understand his views on re-establishing contact with his biological father, who has been absent for 12 years.
The Right to be Loved Italy	05:44 – 08:05	D., aged 14, has been in alternative care for nine years. In the scene, the judge explains to the child that there must be a commitment to good behaviour if she is to return to live with her mother.
	15:37 – 16:43	H., aged 14, lives with his parents. He is facing some difficulties, so the possibility of placing him in a children's home for treatment is being discussed. In this scene, the judges discuss the best solution for the child.
	23:32 – 29:06	D., aged 15, lives in alternative care and wants to return to live permanently with his mother. In the scene, the judge explains how the child's views are given due weight in accordance with the child's age and maturity.
	54:15 – 56:09	The parents of C., aged 16, and P., aged 12, are separated. The children live in SOS Children's Villages with their father, and there are concerns about the father's compliance with the intervention programme. In this scene, the judge seeks to hear P.'s views.

	58:28 – 1:09:27	C., aged 16, and P., aged 12, have separated parents and live in SOS Children's Villages with their father. There are concerns about the father's compliance with the intervention programme. In this scene, the judges discuss how to proceed with the intervention.
The Voice of the Child The Netherlands	18:18 – 27:43	J., aged 12, has separated parents. A contact arrangement was established under which he would spend one week with each parent, but he is currently no longer in contact with his father. His father wants to re-establish contact. The scene combines the judge's reflections on the tensions in the case and the importance of hearing the child with moments from the conversation with J.
	28:04 – 28:59	The judge reflects on the challenges involved in making long-term decisions concerning children.
	28:59 – 32:18	The judge speaks with K., aged 17, who lives with his father and does not want to re-establish contact with his mother because of the continuous conflict and mistreatment.
	36:20 – 42:37	A., aged 11, has separated parents. A. and his sisters are at court to be heard regarding their relationship with their father. The judge speaks with A. and listens to his views on the situation.
	42:37 – 44:11	The judges reflect on what it means to hear children in judicial proceedings.

Break – 15 minutes

Module 6: The right to a fair trial and the principle of equality of arms

Duration: 90 minutes (50-minute theoretical lecture and 40-minute practical exercise)

Type: Lecture with practical exercise

Learning objectives:

- To understand the procedural meaning of the right to a fair trial in child protection and family law proceedings, including its dual perspective (parents as parties and children as rights holders).
- To clarify how Article 6 of the European Convention on Human Rights (ECHR) and Article 8 of the ECHR frame procedural fairness in child-related proceedings.
- To understand the principle of equality of arms and how it applies in civil and child protection contexts.
- To reflect on how children's statements and sensitive information can be handled in a way that preserves fairness between the parties while safeguarding the child's privacy, dignity and safe participation.

Session description:

This module examines procedural fairness in child protection and family law cases. It introduces the right to a fair trial as a core element of child-friendly justice, highlighting its dual perspective: protecting parents' procedural rights as parties while enabling children to participate effectively and safely. It then explores equality of arms as a practical tool for identifying and addressing procedural imbalances, with a focus on to handling children's statements and other sensitive information in a way that preserves party fairness while safeguarding the child's privacy, dignity and protection needs. The module also considers the right of children to legal or other appropriate assistance and how independent representation may support both children's effective participation and procedural fairness in proceedings where interests may conflict.

Suggested didactic approach:

- Interactive lecture introducing the concept, as well as international and regional standards
- Practical exercise
- Trainer-facilitated plenary synthesis of practical challenges

Theoretical content (for trainers):

A. The right to a fair trial

The right to a fair trial is one of the core guarantees within child-friendly justice. In proceedings concerning children, this guarantee has a dual perspective: it protects the procedural rights of the adult parties (most often the parents or legal guardians in family law and child protection cases) and also requires procedures that enable

children, who are rights holders and whose rights are impacted by the decisions taken, to participate effectively and safely.

At international level, the right to a fair trial is reflected in Article 10 of the Universal Declaration of Human Rights:

Everyone is entitled in full equality to a fair and public hearing by an independent and impartial tribunal, in the determination of his rights and obligations and of any criminal charge against him.

Article 14 of the International Covenant on Civil and Political Rights also prescribes that:

1. All persons shall be equal before the courts and tribunals. In the determination of any criminal charge against him, or of his rights and obligations in a suit at law, everyone shall be entitled to a fair and public hearing by a competent, independent and impartial tribunal established by law. The press and the public may be excluded from all or part of a trial for reasons of morals, public order (ordre public) or national security in a democratic society, or when the interest of the private lives of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice; but any judgement rendered in a criminal case or in a suit at law shall be made public except where the interest of juvenile persons otherwise requires or the proceedings concern matrimonial disputes or the guardianship of children.

The Human Rights Committee has emphasised that ‘the equality before the courts and tribunals and to a fair trial is a key element of human rights protection and serves as a procedural means to safeguard the rule of law’.⁷³

Within the European human rights system, Article 6(1) of the European Convention on Human Rights provides that:

1. In the determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgment shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interests of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so require, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

From a children’s rights perspective, the 2013 report of the United Nations High Commissioner for Human Rights highlighted that ‘while all the fair trial guarantees provided in the International Covenant on Civil and Political Rights are equally applicable to children, the Convention on the Rights of the Child additionally provides a list of fundamental safeguards to ensure fair treatment of children, including the right to information, expeditious decisions, prompt access to legal assistance and to

⁷³ United Nations Human Rights Committee 2007.

prompt decisions by the court'.⁷⁴ Importantly, the Resolution on the rights of the child adopted in 2014 by the Human Rights Council recalled that 'children are entitled to the same legal guarantees and protection as are accorded to adults, including all fair trial guarantees, while enjoying at the same time the right to special protection because of their status as children'.⁷⁵

In **family law and child protection proceedings**, the fair trial discussion must include not only children, but also parents, who are typically the primary parties. In many such cases, the relevant legal provision is Article 8 of the ECHR (right to respect for private and family life):

1. Everyone has the right to respect for his private and family life, his home and his correspondence.
2. There shall be no interference by a public authority with the exercise of this right except such as is in accordance with the law and is necessary in a democratic society in the interests of national security, public safety or the economic well-being of the country, for the prevention of disorder or crime, for the protection of health or morals, or for the protection of the rights and freedoms of others.

Article 8 does not set out explicit procedural rules. However, the ECtHR has consistently held that the decision-making process leading to an interference in family life must be fair and must afford due respect to the interests safeguarded by Article 8.⁷⁶ This is particularly relevant in child protection proceedings, where measures can be far-reaching and sometimes irreversible (e.g. long-term placement decisions or adoption without parental consent). In such contexts, a key question is whether the parents were involved in the decision-making process to an extent that adequately safeguarded their interests. This entails keeping them informed of relevant developments and ensuring that they have the opportunity to meaningfully participate in decisions affecting them.⁷⁷ According to the ECtHR:

'[...] what therefore has to be determined is whether, having regard to the particular circumstances of the case and notably the serious nature of the decisions to be taken, the parents have been involved in the decision-making process, seen as a whole, to a degree sufficient to provide them with the requisite protection of their interests. If they have not, there will have been a failure to respect their family life and the interference resulting from the decision will not be capable of being regarded as "necessary" within the meaning of Article 8 (art. 8).'⁷⁸

On the other hand, children are rights holders in these proceedings, and international and European standards emphasise that children should be enabled to participate in a manner that is effective and safe, including through child-appropriate information provision, the opportunity to be heard and safeguards for privacy and dignity. In the

⁷⁴ United Nations Human Rights Council 2014.

⁷⁵ Ibid.

⁷⁶ *McMichael v the United Kingdom* 1995.

⁷⁷ European Union Agency for Fundamental Rights 2022.

⁷⁸ *W. v the United Kingdom* 1988.

ECtHR's Article 8 case law, this has been articulated as a procedural requirement that the child must be sufficiently involved in decision-making relating to their private and family life, in a manner consistent with their age and maturity. The Court has said the following:

Having regard to Article 12 of the Convention on the Rights of the Child [...], the Court finds that the same considerations apply mutatis mutandis in any judicial or administrative proceedings affecting children's rights under Article 8 of the European Convention on Human Rights. In particular, in such cases it cannot be said that the children capable of forming their own views were sufficiently involved in the decision-making process if they were not provided with the opportunity to be heard and thus express their views.⁷⁹

Importantly, the Court's approach recognises that children's views are relevant but not determinative; children should not be given an unconditional 'veto', and decision-making must balance all of the relevant rights and interests, including the parents' interests in family life:⁸⁰

The Court reiterates that children are entitled to be consulted and heard on matters affecting them. In particular, as children mature and, with the passage of time, become able to formulate their own opinions, the courts should give due weight to their views and feelings, as well as to their right to respect for their private life (see *Petrov and X v. Russia*, no. 23608/16, § 108, 23 October 2018). At the same time, those views are not necessarily immutable, and their objections, which must be given due weight, are not necessarily sufficient to override the parents' interests, especially in having regular contact with their child. The right of a child to express his or her own views should not be interpreted as effectively giving an unconditional veto power to children without any other factors being considered and an examination being carried out to determine their best interests. What is more, if a court based a decision on the views of children who were palpably unable to form and articulate an opinion as to their wishes – for example, because of a conflict of loyalty and/or their exposure to the alienating behaviour of one parent – such a decision could run contrary to Article 8 of the Convention [...].⁸¹

Practical implications for judges: In family law and child protection proceedings, a 'fair trial' requires ensuring that:

- parents, as parties, can meaningfully participate (information, access to relevant material, ability to challenge evidence, effective representation and a reasoned decision); and
- children, as rights holders, can participate effectively and safely (appropriate information, a real opportunity to express views and privacy and protection safeguards).

⁷⁹ *M. and M. v Croatia* 2015.

⁸⁰ European Court of Human Rights 2025.

⁸¹ *Zelikha Magomadova v Russia* 2019.

These two dimensions directly lead to a practical dilemma: how do courts handle children's statements (including the degree of confidentiality and how these statements are reflected in the file and in the reasoning), while also safeguarding the procedural rights of the parents? This is the central issue explored in the following section.

B. The principle of equality of arms

Equality of arms is a core element of the right to a fair trial and, in principle, applies to both civil and criminal cases.⁸² This requirement, in the sense of a 'fair balance' between the parties, means that each party must have a reasonable opportunity to present its case, including evidence, under conditions that do not place them at a substantial disadvantage vis-à-vis the other party (see *Dombo Beheer B.V. v the Netherlands*, para. 33).⁸³ This concept works in conjunction with the adversarial principle, which requires that parties can know and comment on the evidence and observations relied on by the decision-maker. The ECtHR has said that:

[...] it is to be recalled that the principle of equality of arms does not depend on further, quantifiable unfairness flowing from a procedural inequality. It is a matter for the parties to assess whether a submission deserves a reaction and it is inadmissible for one party to make submissions to a court without the knowledge of the other and on which the latter has no opportunity to comment.⁸⁴

In family law and child protection proceedings, parents (or legal guardians; hereinafter mainly referred to as 'parents') are typically the formal parties. Equality of arms therefore focuses first on whether each parent (or the relevant authority) can meaningfully participate on an equal footing: receiving the case material, responding to allegations and challenging evidence. At the same time, children may be involved and have different procedural positions in these proceedings (party, interested person, represented person, etc.), but overall, they are rights holders whose participation and protection must be accounted for.

A practical consequence of this is that equality of arms in many of these cases is not only 'parent vs. parent' (or 'parent vs. authority'), but often a **three-way procedural challenge**; ensuring party equality while integrating child participation with appropriate safeguards. The Council of Europe Guidelines on Child-Friendly Justice explicitly combine participation and due process with protection of privacy, integrity and dignity (see Module 2). This challenge is most visible in how courts handle:

- what the child said to the judge (or an expert); and
- whether what the child said is summarised, disclosed, or withheld from other parties, and in particular, the parents.

⁸² European Court of Human Rights 2013.

⁸³ Ibid 2013

⁸⁴ APEH Üldözötteinek Szövetsége and Others v Hungary 2020.

From a fairness perspective, if material is used to influence the decision, parents typically need a meaningful opportunity to respond. However, from a child's perspective, disclosure may risk pressure, retaliation, loyalty conflict or withdrawal from participation, which could undermine the child's rights and best interests. A workable approach is to distinguish:

- what must be disclosed so that parties can meaningfully respond to the substance that the court bases its decision on; from
- what may be protected (identifying details or sensitive material) where disclosure would create a real risk to the child, paired with judicially controlled safeguards and clear reasoning.

This approach aligns with child-friendly justice standards that combine children's participation rights with privacy and dignity protections, and with the ECtHR's requirement that children be sufficiently involved in Article 8 decision-making without undermining overall procedural fairness.

Suggested practical exercise (40 minutes):

Given the nuanced nature of the principle of equality of arms, it is important to recognise that there is no single 'correct' approach to its application within the children's rights perspective. Legal systems balance the requirements of equality of arms and the child's right to special protection in different ways, each of which has distinct implications for the child's experience of the justice process. The films reflect the diversity of the approaches taken by courts within European jurisdictions.

To support a deeper understanding of these dynamics and foster critical engagement with the principle, trainers are encouraged to facilitate a reflective exercise that enables participants to reflect on how this issue is addressed within their own jurisdiction and consider the potential consequences of the different approaches for children.

The suggested exercise consists of two complementary components. Part 1 involves a small group discussion aimed at exploring current practices and identifying key considerations, while Part 2 consists of a positioning exercise designed to prompt critical reflection and discussion. Further details on each component are provided below.

Part 1: Small group discussion (25 minutes)

Participants are divided into small groups (3-5 participants) and invited to discuss the following guiding questions:

- How are a child's views and statements currently handled in judicial proceedings within your jurisdiction?
- Which rules and practices govern the disclosure of the child's views and statements to the parties?
- Which legal principles are relied on to justify these practices?
- What are the risks and practical implications of these practices for the child, particularly in terms of protection, privacy and participation?

Participants are encouraged to draw on their professional experience and everyday practices. The objective of this phase is not to reach consensus, but to identify the range of considerations, tensions and challenges involved.

Part 2: Positioning exercise (15 minutes)

Following the group discussion, the trainer presents the following statement:

‘The child’s right to protection should always prevail over the full disclosure of what the child has shared with the court to the parties.’

Participants are invited to position themselves along a continuum (for example, from ‘strongly agree’ to ‘strongly disagree’). Once positioned, participants are asked to explain their reasoning, referring to:

- legal norms and procedural rules applicable within their jurisdiction;
- professional responsibilities and constraints;
- the potential impact of the different approaches on the child’s rights and experience of the justice process.

The trainer facilitates the discussion, encouraging participants to reflect on:

- whether and how their position has changed following the initial group discussion;
- the extent to which current practices adequately balance fairness to the parties with child-specific safeguards;
- situations in which flexibility or judicial discretion may be necessary to ensure child-friendly justice.

Key reflection outcome:

Through this combined exercise, participants are encouraged to deepen their understanding of the inherent tensions in applying the principle of equality of arms, critically assess existing practices and reflect on how legal and procedural choices can either reinforce or undermine children’s involvement in judicial proceedings.

C. Children’s rights to legal and other appropriate assistance

Legal assistance and representation is relevant to procedural fairness in child-related proceedings. For parents as parties, effective representation may affect whether they can meaningfully engage with the case file and expert evidence. For children, independent representation may be particularly important where there is, or may be, a conflict of interests with parents or other parties.

Children involved in judicial proceedings face numerous challenges. The 2013 report of the United Nations High Commissioner for Human Rights explains that ‘as children are usually at a disadvantage in engaging with the legal system, whether as a result of inexperience or lack of resources to secure advice and representation, they need access to free or subsidised legal and other appropriate assistance to effectively engage with

the legal system. Without such assistance, children will largely be unable to access complex legal systems that are generally designed for adults'.⁸⁵

The right to a fair trial and the principle of equality of arms underpin the recognition that children, like adults, are entitled to legal assistance. As such, both can only effectively be upheld if legal assistance is provided to children on an equal footing with the adults involved in the judicial proceeding. Although the CRC includes the right to have 'legal or other appropriate assistance in the preparation and presentation of his or her defence' under the guarantees established in Article 40(2)(b)(ii) – a provision that addresses the context of children in conflict with the law – the right of children to legal assistance is, overall, grounded in the fundamental principle of the rule of law⁸⁶ and 'is perceived as one of the most crucial prerequisites for children accessing justice and an essential element of fair and child-friendly treatment'.⁸⁷ The Guidelines on Child-Friendly Justice note that:

[...] the application of the rule of law with respect to children necessitates, inter alia, enforcement of the right to the presumption of innocence and the right to a fair trial, including independent legal assistance, effective access to a lawyer or other institution or entity which according to national law is responsible for defending children's rights.⁸⁸

In General Comment No. 14, on the right of the child to have his or her best interests taken as a primary consideration, the CRC Committee noted the following:

The child will need appropriate legal representation when his or her best interests are to be formally assessed and determined by courts and equivalent bodies. In particular, in cases where a child is referred to an administrative or judicial procedure involving the determination of his or her best interests, he or she should be provided with a legal representative, in addition to a guardian or representative of his or her views, when there is a potential conflict between the parties in the decision.⁸⁹

The Guidelines on Child-Friendly Justice put forward critical advice regarding legal counsel and representation for children:

37. Children should have the right to their own legal counsel and representation, in their own name, in proceedings where there is, or could be, a conflict of interest between the child and the parents or other involved parties.
38. Children should have access to free legal aid, under the same or more lenient conditions as adults.

⁸⁵ United Nations General Assembly 2013.

⁸⁶ Council of Europe 2010.

⁸⁷ Liefwaard 2019.

⁸⁸ Council of Europe 2010.

⁸⁹ Committee on the Rights of the Child 2013.

39. Lawyers representing children should be trained in and knowledgeable on children's rights and related issues, receive ongoing and in-depth training and be capable of communicating with children at their level of understanding.

40. Children should be considered as fully fledged clients with their own rights and lawyers representing children should bring forward the opinion of the child.

41. Lawyers should provide the child with all necessary information and explanations concerning the possible consequences of the child's views and/or opinions.

42. In cases where there are conflicting interests between parents and children, the competent authority should appoint either a guardian ad litem or another independent representative to represent the views and interests of the child.

43. Adequate representation and the right to be represented independently from the parents should be guaranteed, especially in proceedings where the parents, members of the family or caregivers are the alleged offenders.

In conclusion, while international and regional standards have traditionally established the right of children to legal assistance in criminal cases, there is a growing recognition of this right in all judicial proceedings involving children. Legal assistance for children is especially critical in situations of conflicting interests and should be provided in a manner that supports the child in navigating the technical and legal aspects of the judicial process. To this end, professionals must specialise in children's rights and be able to communicate with the child and effectively represent the child's own views.

Reflection questions:

- What does the right to a fair trial require, in practice, in child protection and family law proceedings (for parents as parties and for children as rights holders)?
- In which practical situations does equality of arms become most relevant in your daily work?
- Where limits are placed on disclosure in order to protect a child, what is the minimum of information that needs to be shared so that the parties still have a meaningful opportunity to respond to the substance relied on?
- What are the main practical challenges in applying equality of arms in child-related proceedings within your jurisdiction, and which safeguards and case management techniques are used, or could be used, to address them?
- Which challenges arise in practice regarding the role of the child's representative (for example, presenting the child's views versus 'best interests' advocacy, communication with the child or interaction with other parties) and how are these handled?

Key takeaways:

- The right to a fair trial is a core guarantee in proceedings concerning children and has a dual perspective. It safeguards parents' procedural rights as parties and requires procedures that enable children to participate effectively and safely.
- Equality of arms is a specific element of fair trial guarantees. It requires a fair procedural balance so that each party can present its case and respond to the other side's evidence without being placed at a substantial disadvantage.
- When handling children's statements and other sensitive materials, courts should consider both sets of concerns: what the parties need in order to meaningfully respond, and which safeguards are needed to protect the child. The chosen approach should be transparent and reflected in the reasoning.
- Children may require legal or other appropriate assistance in order to effectively engage with proceedings that are typically designed for adults, and particularly where there is or may be a conflict of interest with parents or other parties.

Film excerpts (to be selected by trainers)		
Film	Excerpts	Context of the scene
Equality of Arms Belgium	09:20 - 15:44	The judge is seeking to understand who T., aged 15, should live with. After the child shares her perspective, the judge reads back what has been recorded, allowing the child to indicate what may or may not be included in the case file and shared with her parents.
	15:53 – 18:06	In this sequence of scenes, the judges reflect on how they manage the obligation to include in the case file all the information they use to reach a final decision.
	18:58 – 25:00	The judge speaks with M., aged 17, about her views on where she would like to live following her parents' divorce. The scene highlights M.'s concern about what will be included in the case file. At the same time, the judge tries to balance what information should be included in the case file to support her decision, without including details that could potentially harm M. and her siblings.
	42:51 - 51:39	The judge speaks with A., aged 12, who is often placed in the middle of her parents' conflicts. The judge later reflects on how to balance what should be included in the report of the child's hearing. Subsequently, the judge speaks with the parties at the hearing and explains the final decision reached regarding A.

	13:13 - 20:23	This sequence of scenes explores how judges construct and assess evidence in the proceedings. It shows the adult parties presenting the points they want the judge to consider, along with reflections on how adults engage with the process and the protocols the judges follow during hearings. The scenes also explain how the judge weighs the parties' statements as evidence against the interests of the children involved.
The Law, the Child and the Judge Bulgaria	41:19 - 43:44	The President of the Regional Court explains the reasoning behind the decision to hear the child directly, followed by scenes in which judges listen to and reflect on what is said by the adult parties in the hearing.
The Voice of the Child The Netherlands	44:11 – 45:26	A., aged 11, has separated parents. He and his sisters are at court to be heard regarding their relationship with their father. The judge speaks with A. and listens to his views on the situation. At the end of the conversation, the judge asks whether A. is comfortable with him sharing what he said with his parents.

Lunch

Module 7: Provision of information, communication and language

Duration: 90 minutes

Type: Interactive session using selected film excerpts

Learning objectives:

- To understand the role of information and communication in enabling children's participation in judicial processes.
- To explore how to communicate legal information in an age-appropriate manner.
- To reflect on the balance between informing, empowering and protecting children.
- To identify judicial techniques that enhance understanding and trust.

Session description:

This module focuses on information and communication as core elements of child-friendly justice, paying particular attention to the judge-child relationship. Participants discuss when, how and what information should be shared with children, and how judges should communicate in ways that are sensitive to each individual child's age, maturity and emotional state, while minimising the risk of harm. Special attention is paid to appropriate interview techniques.

Suggested didactic approach:

- Short video excerpts from 'The Voice of the Child' as starting points for discussion
- Guided reflection in small groups on communication and body language
- Plenary synthesis highlighting practical strategies

Theoretical content (for trainers):

A. Information as a prerequisite for meaningful participation

The provision of information to children is a core concern in the context of child-friendly justice. Children cannot effectively participate in judicial proceedings if they are not properly informed about the key issues at stake. Indeed, the Guidelines on Child-Friendly Justice identify 'information and advice' as the first general element of child-friendly justice and set out key considerations to ensure that children are promptly and adequately informed, from their first involvement with the justice system (i.e. before judicial procedures) and throughout the process (during and after judicial procedures) (see Module 2).

Providing information in small, digestible doses at each stage of the procedure can help alleviate the uncertainty and potential anxiety that children may feel about facing judicial actors in a formal setting that they may very well perceive as intimidating. When children are well informed, they tend to feel more secure, have greater confidence in themselves and in the judicial system and speak more freely, which

means that they can participate more in proceedings and have their views taken more seriously.⁹⁰

Empirical research also supports this approach. Studies suggest that involving children in decisions that affect them can support their development and help them understand the procedures that they are involved in. For instance, in family law and healthcare contexts, children and adolescents often report preferring to speak directly to the judge or professional because they want to be recognised as individuals and ensure their views are not misinterpreted. Participation can make children more likely to accept outcomes when reasons are explained in a way that they can understand, strengthen their confidence that their input matters and foster maturity and a sense of responsibility. By contrast, restricting children's autonomy may increase frustration and learned helplessness, while on the other hand, as children learn to participate in decision-making, their reasoning skills and ability to express their views increase.⁹¹

The Committee on the Rights of the Child has highlighted that all processes in which a child or children are heard and participate must be transparent and informative:

Children must be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely and their views to be given due weight, and how this participation will take place, its scope, purpose and potential impact.⁹²

Although it may not always be practical to provide comprehensive information at the very beginning of a child's contact with the competent authorities, information should be provided as soon as possible and updated throughout the process. In exceptional cases, certain information may need to be withheld where providing it would be contrary to the child's best interests.⁹³

The realization of the right of the child to express her or his views requires that the child be informed about the matters, options and possible decisions to be taken and their consequences by those who are responsible for hearing the child, and by the child's parents or guardian. The child must also be informed about the conditions under which she or he will be asked to express her or his views. This right to information is essential, because it is the precondition of the child's clarified decisions.⁹⁴

Children themselves highlight that participation matters because it allows them to share their perspectives and confide their troubles and feelings to someone.⁹⁵ They report feeling heard when professionals are positive and respectful, their statements are taken seriously and the outcome is comprehensible.⁹⁶ This is important to

⁹⁰ European Union Agency for Fundamental Rights 2015.

⁹¹ Rap 2016.

⁹² Committee on the Rights of the Child 2009.

⁹³ Council of Europe 2010.

⁹⁴ Committee on the Rights of the Child 2009.

⁹⁵ European Union Agency for Fundamental Rights 2017.

⁹⁶ Ibid.

guarantee a child's sense of procedural justice. Importantly, the child must be made aware that:

- a. their right to be heard does not involve an obligation (they have the right not to share their views during the proceedings);
- b. their views will not necessarily determine the court's decision; and
- c. children are not responsible for making the decision.

Children and adolescents' views should be taken seriously, but decisions must take those views into account alongside other relevant rights and considerations.⁹⁷ The CRC Committee has highlighted that all processes in which children are heard must be voluntary:

Children should never be coerced into expressing views against their wishes and they should be informed that they can cease involvement at any stage.⁹⁸

Judges should consider that a child's age and maturity influence their ability to understand, process and weigh the information received about proceedings. To this end, the information provided to them should take account of the child's age, maturity, personal history and psychological and mental state, among other factors.⁹⁹ Providing information to parents or responsible adults can be an alternative to communicating such information to children.¹⁰⁰ To this end, the CRC Committee has noted that States parties should:

[...] avoid tokenistic approaches, which limit children's expression of views, or which allow children to be heard, but fail to give their views due weight. It emphasizes that adult manipulation of children, placing children in situations where they are told what they can say, or exposing children to risk of harm through participation are not ethical practices and cannot be understood as implementing article 12.¹⁰¹

Yet, it should be highlighted that age alone cannot be a justification for excluding children from receiving adequate and relevant information and from enjoying their right to be heard altogether.

B. Information provision throughout proceedings: content, tone and clarity

Providing information should be understood as a shared responsibility among all professionals who interact with the child throughout the process (before, during and after). Information (including information about the expected timelines) should be provided at an early enough stage for the child to be prepared, and consistently, at regular intervals and when otherwise needed.

⁹⁷ Council of Europe 2010.

⁹⁸ Committee on the Rights of the Child 2009.

⁹⁹ European Union Agency for Fundamental Rights 2015.

¹⁰⁰ Council of Europe 2010.

¹⁰¹ Committee on the Rights of the Child 2009.

According to the CRC Committee, all processes in which a child is heard and participates must be child friendly:

Environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities.¹⁰²

Before hearings, it is important that the child understands:

- who will conduct the hearing and who will be present (and why);
- the date, time and location;
- the likely course and length of the hearing;
- the types of questions that may be asked;
- how questioning will be carried out;
- the option to refuse to share views or answer some questions;
- confidentiality policies related to sharing views;
- the importance and potential impact of sharing views;
- the consequences of various options and actions;
- the child's role, rights and duties;
- the available support (including counselling);
- behavioural guidelines (including breaks and the option to pause or stop the hearing).¹⁰³

For the child, it is important that they receive information on what the courtroom will look like, the different actors and their seating arrangements, the venue of the proceedings and the hearing itself, including whether their participation in the hearing is voluntary or compulsory.¹⁰⁴

Children also report that in family law contexts (including custody conflicts), background information about the case might be helpful. At the same time, they emphasise that too much detail (particularly about parental conflict) should be avoided. From their perspective, information should be tailored to the child's age and emotional situation, with younger children generally receiving less detail.¹⁰⁵

During hearings, the form of communication is as important as the content. According to a study conducted by the European Union Agency for Fundamental Rights, children consistently report more positive experiences when professionals treat them with respect and friendliness, show empathy, give them attention and offer

¹⁰² Ibid.

¹⁰³ European Union Agency for Fundamental Rights 2017.

¹⁰⁴ Ibid.

¹⁰⁵ Ibid.

breaks; conversely, children react negatively when adults appear unkind or unwelcoming, use child-unfriendly language, raise their voices or rush proceedings.¹⁰⁶

In terms of verbal communication, children value professionals who greet them, introduce themselves, begin with small talk and show empathy. Professionals should frame hearings as conversations between two persons of equal value, speak clearly and calmly, listen carefully and adopt an informal and relaxed attitude. Children stress the importance of patience, avoiding intimidation and ensuring that other actors involved in proceedings do not behave in a threatening or pressuring manner. They also recommend offering regular breaks, avoiding the presence of too many people or strangers and, where possible, ensuring that hearings are conducted by one professional and are not repeated unnecessarily.¹⁰⁷ In addition, to avoid comprehension problems, children appreciate it when professionals avoid complexity and legal jargon as much as possible and instead use child-friendly terminology adapted to their age, maturity and level of understanding¹⁰⁸ (see General Comment No. 12, paragraphs 34; 82; 134 (a) and 134 (e)).

Questioning should also be adapted to the child's age, maturity and emotional state and should aim to support understanding while minimising stress. Professionals should use clear, concrete language, ask one question at a time, avoid overly complex, repetitive or rapid questioning and allow sufficient pauses for the child to think and respond. Open-ended questions should be prioritised where possible, while leading, suggestive or confrontational questions should be avoided.¹⁰⁹

Non-verbal communication is equally significant. Children highlight the importance of eye contact, a calm tone and visible attentiveness, and are often critical of professionals who focus on writing rather than directly engaging with them. Some children appreciate it when professionals sit closer to them rather than on the bench.¹¹⁰ Hearing in chambers or in a separate room could also enable children to understand the proceedings better.

After hearings, children are entitled to be provided with clear feedback on how their participation has influenced any outcomes.¹¹¹ Children value feedback on their performance in court.¹¹²

In practice, however, children report that after hearings, it is their parents, rather than professionals, who are the primary source of information about outcomes. Children also report that they were sometimes unaware of the implications of decisions, and that this negatively affected their well-being, particularly in domestic violence cases.

¹⁰⁶ Ibid.

¹⁰⁷ Ibid.

¹⁰⁸ Ibid.

¹⁰⁹ Further specialised training regarding questioning techniques is recommended for participants before practical application. This falls outside the scope of this initial training programme.

¹¹⁰ European Union Agency for Fundamental Rights 2017.

¹¹¹ Committee on the Rights of the Child 2009; European Union Agency for Fundamental Rights 2017.

¹¹² European Union Agency for Fundamental Rights 2017.

Where information is lacking throughout the process, outcomes may feel unexpected, which can leave children disappointed by decisions.¹¹³ Therefore, it is essential that judges and other relevant professionals provide the child, directly where appropriate, with timely and age-appropriate post-hearing communication that:

- explains the decision and the reasons behind it ('what' and 'why');
- clarifies the practical implications for the child's daily life;
- outlines next procedural steps and the available avenues for questions, support or review; and
- makes clear, in a sensitive manner, how the child's views were considered, including where they were not followed.

C. Practical tools for child-friendly information

At all stages of the process, information should be delivered in a child-friendly manner. Professionals who interact with the child should speak slowly, check the child's understanding and immediately clarify when something is unclear.¹¹⁴

Children tend to perceive proceedings more positively when they receive information both orally and in writing, as this supports understanding and gives them the opportunity to ask questions until they feel satisfied.¹¹⁵

To make information more accessible, child-friendly and age-adapted materials can be particularly helpful, including short and simplified texts in. These materials may take the form of leaflets or cards,¹¹⁶ booklets containing pictures (for example, showing the hearing room and who will be present), cartoons or short films, flashcards and drawings.¹¹⁷

According to the CRC Committee, information about proceedings should be provided in ways that are appropriate to the child's age and capacities.¹¹⁸ This may require additional safeguards to ensure that information is accessible, understandable and child-friendly, and particularly for children who face barriers to comprehension or communication (e.g. children who do not speak the language used, children who struggle with complex language and children with disabilities who may require adapted formats or supported communication). Translation services should be available throughout the information process and information about proceedings should be made accessible and adequately explained.¹¹⁹ More specifically, the CRC Committee has also noted that children in immigration and asylum contexts:

[...] have to be provided with all relevant information, in their own language, on their entitlements, the services available, including means of communication, and the immigration and asylum process, in order to make their voice heard and to be given

¹¹³ Ibid.

¹¹⁴ Ibid.

¹¹⁵ Ibid.

¹¹⁶ Ibid.

¹¹⁷ Ibid.

¹¹⁸ Committee on the Rights of the Child 2009.

¹¹⁹ European Union Agency for Fundamental Rights 2017.

due weight in the proceedings. A guardian or adviser should be appointed, free of charge. Asylum-seeking children may also need effective family tracing and relevant information about the situation in their country of origin to determine their best interests. Particular assistance may be needed for children formerly involved in armed conflict to allow them to pronounce their needs. Furthermore, attention is needed to ensure that stateless children are included in decision-making processes within the territories where they reside.¹²⁰

Child-friendly judgments: Providing child-friendly information also includes communicating the court's decision in a way that the child can understand. The CRC Committee notes the following:

Since the child enjoys the right that her or his views are given due weight, the decision maker has to inform the child of the outcome of the process and explain how her or his views were considered. The feedback is a guarantee that the views of the child are not only heard as a formality, but are taken seriously. The information may prompt the child to insist, agree or make another proposal or, in the case of a judicial or administrative procedure, file an appeal or a complaint.¹²¹

The United Nations Human Rights Council also calls on States to remove barriers to children's access to justice, including by:

Ensuring that decisions are explained to the child in a way and in a language the child understands, in a manner appropriate to the child's age and maturity, and that an interpreter is provided free of charge if the child cannot understand or speak the language used in the proceedings.¹²²

More and more examples are emerging of how these standards are applied in practice. In Belgium, for instance, several asylum judges have begun incorporating child-friendly language into their judgments, often by adding short summaries at the beginning or end or by drafting decisions in simplified legal language to help children understand the reasoning and outcome of their cases.¹²³ In the United Kingdom, 'Re A: Letter to a Young Person' by Sir Peter Jackson is frequently cited as a landmark example; in a custody dispute involving a 14-year-old boy, the judge set out the decision in the form of a personal letter written in plain language.¹²⁴ Beyond Europe, similar approaches are emerging across Latin America, including easy-to-read custody and adoption decisions¹²⁵ and child-friendly summaries attached to constitutional judgments explaining reasons and practical consequences for children.¹²⁶

More structured institutional efforts have also emerged, providing practical guidance for judges. In 2025, the United Kingdom's Family Division of the Courts and Tribunals

¹²⁰ Committee on the Rights of the Child 2009.

¹²¹ Ibid.

¹²² United Nations Human Rights Council 2014.

¹²³ Lembrechts 2023.

¹²⁴ Stalford and Hollingsworth 2020.

¹²⁵ Judiciary of the Dominican Republic 2025; Supreme Court of Justice of Paraguay 2022.

¹²⁶ Constitutional Court of Colombia 2022.

Judiciary published a toolkit to help judges feel more confident in writing to children and young people.¹²⁷ The toolkit was co-developed with the Family Justice Young People's Board and drew on input from children and young people, judges, researchers, academics, social workers, clinical psychologists, communication experts and other professionals working with children and the courts. It covers children's experiences of legal proceedings and how judges writing to them may influence those experiences, the different purposes that writing to children may serve in different circumstances, key considerations for judges when writing to children and examples of language, tone and format drawn from previous letters that judges have written to children.

D. Ensuring safe participation: privacy, confidentiality and protection

Beyond clarity and accessibility, children also need reassurance about how their views will be handled. Uncertainty about what happens to what they say can create fear and undermine trust. That is, again, related to adequate information provision to children. When children lack clear information about the process and consequences, they may feel uncertain about what they can and cannot say, as well as about the outcomes and next steps. This may contribute to experiencing a reduced sense of protection, particularly if the child does not know how their views may affect the decision.¹²⁸

Privacy-related concerns also strongly affect a child's sense of safety. Lack of data protection and confidentiality may cause fear. Children generally seem to prefer being able to choose who is present in the hearing and value speaking to judges alone, without their parents.

In the study by the European Union Agency for Fundamental Rights, some children were critical of the fact that they were unable to access their files or did not know whether their statements were recorded.¹²⁹ Others reported that copies of what they had shared with the court were provided to their parents and that they were required to justify decisions to them:

Children sometimes complained about confidentiality breaches by professionals and the court, who did not respect their requests not to share their views. Children stressed that this negatively affected their relationships with parents and relatives, as well as influencing the proceedings' outcome.¹³⁰

Particular attention should be paid to keeping sensitive information anonymous or confidential (for example, by avoiding sharing home addresses with parents with whom a child does not usually have contact).¹³¹ (See Module 6 on equality of arms.)

According to the CRC Committee, participation must be safe and sensitive to risk:

¹²⁷ Family Division of the Courts and Tribunal Judiciary and Family Justice Young People's Board 2025.

¹²⁸ European Union Agency for Fundamental Rights 2017.

¹²⁹ Ibid.

¹³⁰ Ibid.

¹³¹ Ibid.

In certain situations, expression of views may involve risks. Adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child-protection strategy which recognizes the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed.¹³²

How to ensure safe participation in practice

- Conduct a brief risk screening before inviting a child to share their views, focusing on potential retaliation, family pressure, ongoing violence or other safety concerns and whether participation could expose the child's identity.
- Explain confidentiality and its limits in child-friendly terms, e.g. what will be shared, with whom and when disclosure is required for safety (see also General Comment No. 12, paragraphs 25, 41, 43 and 134 (a)).
- Offer choices on how the child can express their views (directly or through a trusted representative, verbally or non-verbally, in writing, with communication support) and make it clear that participation is voluntary and can stop at any time (see also General Comment No. 12, paragraphs 16; 21-1; 22; 23; 35-37 and 134 (b)).
- Create a safe setting (private, calm, non-intimidating and child appropriate), avoid repeated questioning and use appropriately trained staff and child-friendly methods (see also General Comment No. 12 paragraphs 24; 34; 43; and 134 (g-h)).

Reflection questions:

- What key information do you always explain to children before the hearing?
- Which concrete communication and questioning techniques help you build trust and reduce stress?
- How do you adapt information and communication when there are language, communication or comprehension barriers?
- How do you explain the outcome (including reasons, practical implications and next steps) and confidentiality in child-friendly terms?
- Which small, realistic changes could be implemented immediately to make your court more child-friendly?

Key takeaways:

- Information and communication are not accessories but core rights within child-friendly justice.
- Judges must adapt communication styles to each child's maturity and context, and this requires training and support.

¹³² Committee on the Rights of the Child 2009.

- Child-friendly communication should include a clear, age-appropriate explanation of:
 - whether the hearing is recorded and how;
 - who will have access to the child's statements and under which conditions;
 - whether and how the content may be shared with parents and other parties;
 - how the judge will use the information in decision-making;
 - which confidentiality limits apply and which safeguards are in place.

Film excerpts (to be selected by trainers)		
Film	Excerpts	Context of the scene
Equality of Arms Belgium	3:51 - 6:07	The scenes illustrate how judges start the conversation with children: introducing themselves, explaining what the process will be like, and using different approaches to build a connection and help the child feel more comfortable and at ease.
	52:08 - 56:12	The judge speaks with L., aged 15, who shares her difficulties with her mother and stepfather. The judge also reflects on the importance of making the child feel at ease to speak openly.
The Law, the Child and the Judge Bulgaria	20:38 - 27:49	The scene shows a conversation between the judge and D., aged 17. The purpose of the hearing is to determine whether D. should continue living at the Social Centre or return to live with his mother.
	33:16 - 41:01	In the Blue Room (special hearing room for children), the judge and the social worker speak with D., aged 9. The purpose of the conversation is to understand how the family arrangements should be structured after D.'s father is released from prison.
	56:37 - 1:07:27	The scene shows a judge speaking with M., aged 12, and a social worker in the Blue Room (special hearing room for children). The judge asks M. several questions to understand his views on his family situation.
The Right to be Loved Italy	13:38 – 15:35	H., aged 14, lives with his parents. He is facing some difficulties, so the possibility of placing him in a children's home for treatment is being discussed.
	20:42 – 22:40	In the scene, the judge explains to S., aged 10, what the interview is about and gives the child space to speak.
	23:32 – 29:06	D., aged 15, lives in alternative care and wants to return to live permanently with his mother. In the scene, the judge explains the purpose of his questions.

	37:44 – 39:26	D., aged 15, lives in alternative care and wants to return to live permanently with his mother. D. was heard by the judge, who then heard from his mother, the mother's partner, and other professionals without D. being present. In the scene, the mother explains to D. how they will proceed in his case.
	49:32 – 50:15	C., aged 16, and P., aged 12, have separated parents and live in SOS Children's Villages with their father. There are concerns about the father's compliance with the intervention programme. The scene shows how the judge asks C. light, informal questions.
The Voice of the Child The Netherlands	3:19 – 6:31	The sequence of scenes shows different approaches taken by the judges as they invite children from the waiting room to attend their hearings.
	6:32 – 6:55	In the scene, the judge asks B., aged 17, about his part-time job.
	6:56 – 7:25	R., aged 8, lives with her mother and has occasional contact with her father. In the scene, the judge provides the child with coloured pencils and introduces the other person in the room.
	7:46 – 9:34	N., aged 11, lives with her father and spends some weeks and weekends with her mother. Her parents want to change the contact arrangement, but in different ways. N. would like to spend more time with her mother.
	10:45 – 15:09	The judge explains that she always begins hearings with children by asking an open-ended question. The scene then shows part of the conversation with R., aged 8, who lives with her mother and has occasional contact with her father.
	19:55 – 27:43	J., aged 12, has separated parents. A contact arrangement was established under which he would spend alternate weeks with each parent, but he is currently no longer in contact with his father. His father wants to re-establish contact. In this scene, the judge begins by asking J. broader questions before moving on to more specific ones.
	32:57 – 34:27	The judge speaks with S., aged 12, who has not had contact with her father since she decided to end contact with him because of her father's personality.

Break – 15 minutes

Module 8: Other relevant child-friendly elements – physical environment, clothing and preventing undue delays

Duration: 60 minutes (30-minute theoretical lecture and 30-minute interaction with suggested questions)

Type: Interactive session and group reflection

Learning objectives:

- To identify physical and procedural factors that make a judicial setting more child-friendly.
- To reflect on the impact of courtroom design, professional attitude and procedural timeliness on the child's experience.
- To formulate practical recommendations for improving the environment and processes in cases involving children.

Session description:

This module explores the concept of child-friendly environments and the elements that constitute a child-sensitive setting and procedure. As stated in the CRC General Comment No. 12, a child cannot be heard effectively where the environment is intimidating, hostile, insensitive or inappropriate for their age. Proceedings must be both accessible and child-appropriate and particular attention needs to be paid to the design of the courtroom, judges' and lawyers' clothing and separate waiting rooms.¹³³ In this module, through an interactive session, participants have the opportunity to bring together the knowledge acquired during the training course and reflect on how courtrooms should be designed and how judges should dress to facilitate children's effective participation in judicial proceedings involving them. In addition, children do not perceive or experience time in the same way as adults, and so delays in decision-making can have particularly negative effects on their development. For this reason, this module also reflects on the importance of prioritising procedures that affect children and completing them as quickly as possible.¹³⁴

Suggested didactic approach:

- Film-based discussion: show film excerpts to prompt reflection on how environment, attire and procedural pace affect the child's comfort, understanding and willingness to engage.
- Small group reflection: participants are divided into three groups and asked to reflect on one of the following aspects:
 - o the physical courtroom and hearing environment;
 - o judicial clothing and symbols of authority;
 - o procedural organisation and timeliness in cases involving children.
- In light of the considerations raised, each group identifies concrete examples from their own practices and formulates one realistic improvement that could be implemented within their institutional context.

¹³³ Committee on the Rights of the Child 2009.

¹³⁴ UNICEF 2022.

- Plenary synthesis: the groups report back and the trainer facilitates a discussion linking the participants' observations to child-friendly justice principles, highlighting both low-cost adaptations and systemic changes.

Theoretical content (for trainers):

A. Enabling environments for effective participation

A child cannot be heard effectively where the setting is intimidating, hostile, insensitive or inappropriate to their age. The Committee on the Rights of the Child stresses that participation processes must be child-friendly:

Environments and working methods should be adapted to children's capacities. Adequate time and resources should be made available to ensure that children are adequately prepared and have the confidence and opportunity to contribute their views. Consideration needs to be given to the fact that children will need differing levels of support and forms of involvement according to their age and evolving capacities.¹³⁵

By way of illustration, the specific context of the child justice system, the Committee further clarifies that proceedings must be conducted in an atmosphere of understanding that enables children to fully participate:

[...] Proceedings should be conducted in an atmosphere of understanding to allow children to fully participate. Developments in child-friendly justice provide an impetus towards child-friendly language at all stages, child-friendly layouts of interviewing spaces and courts, support by appropriate adults, removal of intimidating legal attire and adaptation of proceedings, including accommodation for children with disabilities.¹³⁶

Children's own accounts strongly support this: where children positively assess the hearing location, they are more likely to experience proceedings as child-friendly overall – reporting that the physical environment helps them feel comfortable, safe and secure – and therefore participate more freely and fully.¹³⁷

The jurisprudence of the European Court of Human Rights echoes this approach, directly linking the child's ability to understand the proceedings and participate effectively with the guarantees of a fair trial under Article 6 of the European Convention on Human Rights. In *T. v the United Kingdom*, the Court emphasised that Article 6 requires a child accused of an offence to be dealt with in a manner that takes full account of the child's age, level of maturity and intellectual and emotional capacities and that steps must be taken to promote the child's understanding of and effective participation in the proceedings (paras. 84-85).

The Court further stressed that the right to a fair trial includes the right to effective participation, which, in the case of children, entails conducting proceedings in a way

¹³⁵ Committee on the Rights of the Child 2009.

¹³⁶ Committee on the Rights of the Child 2019.

¹³⁷ European Union Agency for Fundamental Rights 2017.

that reduces feelings of intimidation and inhibition to the greatest extent possible (paras. 83, 85-86).

Finally, the Court observed that certain features of a formal adult criminal trial (including courtroom ritual, layout and exposure to public scrutiny) may be incomprehensible and intimidating for a child. In this context, it concluded that such conditions can undermine a child's ability to participate effectively and may result in a violation of Article 6 § 1 (paras. 86-89).

B. Elements of a child-friendly courtroom and hearing room

The architectural surroundings of courthouses can be intimidating and make children feel uncomfortable. Where proceedings take place in traditional court buildings, court officials should, as far as possible, familiarise children with the setting in advance – such as the layout of the court and the identity and roles of the professionals involved – so that the environment becomes more predictable and less threatening. Even for adults, courthouses can feel oppressive; while it may be difficult to adapt existing facilities, child-sensitive preparation and interaction can significantly improve a child's experience within them. Where possible, court facilities should include dedicated child-sensitive rooms where the child can speak with the judge and that support calmer, more respectful communication.¹³⁸

Children themselves highlight that hearing rooms should, where possible, be located outside of traditional court buildings and should look child friendly; for instance, decorated with drawings, plants or flowers and designed to reduce feelings of intimidation.¹³⁹

However, they also note that 'child friendly' does not mean 'childish' in a uniform way; toys should be appropriate to the age group concerned and not be automatically provided to older children if they find them unsuitable.¹⁴⁰ Practical features that promote comfort and safety may include:

- comfortable seating arrangements;
- a visible clock;
- easily accessible toilets;
- water and refreshments.

Children report feeling more at ease when they see other children's drawings on the walls, as this signals that other children have been welcomed and listened to in the same space. By contrast, being required to share their views using a microphone and in front of a jury can make them feel exposed, uncomfortable and, at times, frightened. Children also suggest that they should be able to share their views while seated

¹³⁸ Council of Europe 2010.

¹³⁹ European Union Agency for Fundamental Rights 2017.

¹⁴⁰ Ibid.

comfortably; having to stand for extended periods while chairs are available can heighten both discomfort and anxiety.¹⁴¹

C. Judicial clothing and professional appearance (symbols of authority)

Children may feel uncomfortable or intimidated when professionals wear uniforms (e.g. police uniforms) or traditional legal attire (e.g. wigs and gowns). Many express a preference for more informal clothing and note that excessive formality can be frightening or off-putting.¹⁴² According to the Committee on the Rights of the Child:

[...] a child cannot be heard effectively where the environment is intimidating, hostile, insensitive or inappropriate for her or his age. Proceedings must be both accessible and child-appropriate. Particular attention needs to be paid to the provision and delivery of child-friendly information, adequate support for self-advocacy, appropriately trained staff, design of court rooms, clothing of judges and lawyers, sight screens, and separate waiting rooms.¹⁴³

The CRC Committee provides additional guidance in the context of juvenile justice, noting that removing intimidating legal attire can help enable children to participate effectively in proceedings.¹⁴⁴ In the same context, research suggests that formal attire can have different effects depending on the item and context. For example, when a legal professional wears a gown, it may convey to the young person that the hearing concerns a serious matter and that they are being taken seriously. It can therefore contribute to a more solemn tone in which professionals address the offence and its consequences directly. A wig may be different in nature, as it is more closely associated with tradition and courtroom performance.¹⁴⁵

Depending on the child's age and level of understanding, certain forms of official clothing may either increase anxiety or, conversely, help clarify professional roles (for example, by distinguishing a police officer from a social worker).¹⁴⁶

Since children's responses to symbols of authority vary, decisions about attire should be approached as part of a broader child-friendly strategy, rather than as fixed rules. Courts and professionals should assess, in each specific case, whether adjustments are appropriate. These adjustments can include removing or minimising particularly intimidating elements (such as wigs or gowns), reducing unnecessary rituals and ensuring that the child is prepared in advance for what professionals will look like and what their roles are. This kind of preparation can reduce feelings of surprise and fear and support the child's ability to communicate freely.

¹⁴¹ Ibid.

¹⁴² European Union Agency for Fundamental Rights 2017.

¹⁴³ Committee on the Rights of the Child 2009.

¹⁴⁴ Committee on the Rights of the Child 2019.

¹⁴⁵ Rap 2013.

¹⁴⁶ Council of Europe 2010.

D. Waiting areas and protected spaces

Waiting areas are particularly relevant for children. In many cases, there are no child-friendly waiting rooms in courts,¹⁴⁷ and waiting areas can expose children to unwanted encounters, particularly in high-conflict family situations or cases concerning violence.¹⁴⁸ It is therefore recommended that courts have protected waiting areas that are child friendly and properly equipped (with age-appropriate materials and comfortable seating) and that are not shared with other families.¹⁴⁹

During hearings, the judge should actively manage who is present, ensure that the hearing is not disrupted (for example, by limiting interruptions and unnecessary movement in and out of the room or by preventing such movements altogether) and prevent contact with parents or alleged perpetrators where this would inhibit the child or create safety risks.¹⁵⁰

These measures operationalise the Committee's requirement that participation must be safe and sensitive to risk, requiring precautions to minimise potential harm:

In certain situations, expression of views may involve risks. Adults have a responsibility towards the children with whom they work and must take every precaution to minimize the risk to children of violence, exploitation or any other negative consequence of their participation. Action necessary to provide appropriate protection will include the development of a clear child-protection strategy which recognizes the particular risks faced by some groups of children, and the extra barriers they face in obtaining help. Children must be aware of their right to be protected from harm and know where to go for help if needed.¹⁵¹

E. Length of hearings, repeating hearings and undue delays

Children do not experience time in the same way as adults. Lengthy proceedings, long waiting periods and repeated hearings can feel overwhelming and significantly reduce a child's ability (and willingness) to meaningfully engage. Delays may also heighten anxiety and uncertainty, especially when children do not know what will happen next or when decisions affecting their daily lives remain pending.

Cases involving children should be dealt with expeditiously and courts may consider adopting a system that prioritises such cases as part of their case management. This is particularly relevant in serious and urgent situations or where potentially irreversible consequences could arise if no immediate action is taken.¹⁵²

Children themselves recommend reducing the overall duration of proceedings by:

- shortening the period between hearings and the final decision;
- avoiding long waiting times and respecting schedules;

¹⁴⁷ European Union Agency for Fundamental Rights 2017.

¹⁴⁸ Ibid.

¹⁴⁹ Ibid.

¹⁵⁰ Council of Europe 2010.

¹⁵¹ Committee on the Rights of the Child 2009.

¹⁵² Council of Europe 2010.

- organising courts so as to prevent uncertainty and postponements;
- limiting repeated testimony (non-repetition, including through video recording).¹⁵³

The CRC Committee reinforces the need for timeliness in the context of child justice systems:

The Committee reiterates that the time between the commission of the offence and the conclusion of proceedings should be as short as possible. The longer this period, the more likely it is that the response loses its desired outcome.

The Committee recommends that States parties set and implement time limits for the period between the commission of the offence and the completion of the police investigation, the decision of the prosecutor (or other competent body) to institute charges, and the final decision by the court or other judicial body. These time limits should be much shorter than those set for adults, but should still allow legal safeguards to be fully respected. Similar speedy time limits should apply to diversion measures.¹⁵⁴

The Committee also links preventing delays to detention safeguards:

(...) The Committee, conscious of the practice of adjourning court hearings many times and/or for long periods, urges States parties to adopt maximum limits for the number and length of postponements and introduce legal or administrative provisions to ensure that the court or other competent body makes a final decision on the charges not later than six months from the initial date of detention, failing which the child should be released.¹⁵⁵

Reflection questions:

- Are proceedings involving children prioritised within your jurisdiction? If not, which barriers are there?
- Which small, realistic changes could be implemented now to make your court more child friendly?
- How can the urgency of cases involving children and the prevention of repetition be reconciled with procedural guarantees and the rule of law?

Key takeaways:

- A child-friendly approach does not necessarily require a fully informal setting in every case. The key is to ensure that, even when the setting remains relatively formal, professionals' behaviour and communication are consistently child friendly and respond to the child's needs.
- A child-friendly justice system requires that attention is paid to legal rights and procedures as well as the physical, symbolic and temporal dimensions of justice.

¹⁵³ European Union Agency for Fundamental Rights 2017.

¹⁵⁴ Committee on the Rights of the Child 2019.

¹⁵⁵ Ibid.

- Courtroom design, hearing room layout and waiting areas can either empower or intimidate children and directly affect their ability to meaningfully participate.
- Judicial clothing and professional appearance carry symbolic weight and should be adapted, where appropriate, to reduce fear and enhance effective and meaningful communication.
- Children experience time differently from adults. Undue delays, prolonged uncertainty and repeated hearings can significantly harm their wellbeing and development.
- Proceedings involving children should be handled with particular diligence and prioritised, while fully respecting due process and procedural safeguards.

Film excerpts (to be selected by trainers)		
Film	Excerpts	Context of the scene
Equality of Arms Belgium	1:26 - 3:05	The sequence of scenes shows the activity at the Court of First Instance of Antwerp, judges in robes, and the general atmosphere of the place.
	6:07 - 8:13	The scenes show the attire worn by the judges at the Court of First Instance of Antwerp when engaging with children.
	07:52 - 08:13	This scene offers a clear view of the room where children are received to speak with the judge in the Court of First Instance of Antwerp. The child, the judge, and the clerk are present in the room.
The Law, the Child and the Judge Bulgaria	2:47 - 5:07	The scene shows the activity inside the Varna Court and concludes with a reflection by a civil judge regarding the atmosphere of the setting.
	05:07 - 06:07	The father of D., aged 9, has been in prison since the child was born. D. has seen him a few times during his father's authorised leave from prison. The court proceedings concern how the father will re-establish contact after his release. In the scene, the hearing concerning D.'s father is about to begin when D. unexpectedly enters the room with his mother. The judge explains to the mother that this is not the day on which D. will be heard.
	09:41 - 12:15	The scene shows the judge leaving the courthouse and making her way to the Blue Room (special hearing room for children). The scene then shifts to a conversation between a 13-year-old child, the judge, and a social worker in the Blue Room.
	20:38 - 27:49 34:17 - 41:01 43:50 - 55:52 56:37 - 1:07:27	All these scenes take place either in the courtroom or in the Blue Room (special hearing room for children). When in the courtroom, judges remove their robes before meeting with

		children. In the Blue Room, the judges are already dressed in regular attire.
The Right to be Loved Italy	13:38 – 15:35	H., aged 14, lives with his parents. He is facing some difficulties, so the possibility of placing him in a children's home for treatment is being discussed.
	49:32 – 50:15	The parents of C., aged 16, and P., aged 12, are separated. The children live in SOS Children's Villages with their father, about whom there are concerns regarding his compliance with the intervention programme.

Training close

Duration: 40 minutes

Type: Closing reflective discussion (30 minutes) + evaluation (10 minutes)

At the end of Module 8, the trainers close the two-day programme with a brief collective reflection. Participants are invited to share their key observations, lessons learned and ideas on how the training content can be applied in their daily professional practice. The trainers then summarise the main takeaways from the course, thank participants for their active engagement, provide information on follow-up resources and guide participants to additional and more specialised training courses where available.

As part of this final exchange, trainers distribute the evaluation forms¹⁵⁶ to all participants. The aim of the evaluation is to collect feedback on the content, methodology and organisation of the training, assess participants' learning outcomes and identify areas for improvement. The trainers should inform participants that responses are anonymous and used solely to enhance future sessions. Participants are given approximately 10 minutes to complete the form individually.

The session concludes with a brief closing remark, encouraging participants to continue reflecting on how they can integrate child-sensitive and rights-based approaches into their professional practice and act as agents of change in promoting child-friendly justice.

¹⁵⁶ See References and resources below.

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4.3. Practical resources

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5. Annexes

Annex I – Country-specific legal background

This annex provides a short legal background of each of the jurisdictions in which the four films were made. Its purpose is to assist trainers situating each film within its national legal context and offering participants a clearer understanding of the legal and procedural setting reflected in each film.

Belgium

The Belgian film was shot at the Court of First Instance of Antwerp, Antwerp Division, Family Court Section. The Family Court has jurisdiction to hear family disputes, including, for example, divorce proceedings (including urgent and provisional measures), proceedings concerning child custody arrangements, parental authority, and financial claims regarding minor and adult children.

Articles 1004/1–1004/3 of the Judicial Code contain the provisions regarding the hearing of minor children. For example, Article 1004/1 provides that every minor has the right to be heard by a family court judge in matters affecting him or her, with the exception of claims regarding maintenance obligations and purely financial or property-related claims that do not directly affect the minor's assets. The minor also has the right to refuse to be heard.

The law distinguishes between minors under the age of twelve and minors who are twelve years old. A minor under the age of twelve is heard at his or her request, at the request of the parties, at the request of the public prosecutor, or ex officio by the judge. The family court judge has the option to refuse to hear a minor under the age of twelve, unless the request comes from the minor themselves or from the public prosecutor's office. A minor who is twelve years old is informed by the family court of their right to be heard, via a separate invitation sent to the addresses of both parents.

The regulations regarding the hearing of minor children by the family court were amended by the Act of March 28, 2024. At the Antwerp Family Court, Antwerp Division, several changes have been implemented since the filming of *The Voice of The Child*. For example, the rooms where children are heard have been adapted so that minors can be heard in smaller, child-friendly rooms. In addition, a court clerk is now always present during the hearing of the children.

Bulgaria

Under Bulgarian law, the participation of children in civil proceedings is regulated with a view to protecting their rights and interests, taking into account their age and

level of development. In principle, children do not have full legal capacity and participate in court proceedings through their legal representatives, most often their parents or guardians. Children up to 14 years of age are fully represented by them, while those between 14 and 18 years of age may perform procedural actions with the consent of their parents or guardians.

Bulgarian legislation provides special guarantees for the protection of the child's best interests. Where there is a conflict between the best interests of the child and those of his or her parents or guardians, the court appoints a special representative. In addition, the court is obliged to hear the child if he or she has reached the age of 10, unless this would harm the child's best interests. This assessment is made on a case-by-case basis, taking into account the child's individual characteristics. At a younger age, when the child has not reached the age of 10, the court hears him or her if it considers that the child is able to form and express an opinion, depending on his or her level of development.

The hearing is conducted in an appropriate manner, taking into account the age and mental state of the child. Before hearing the child, the court provides the necessary information to help him or her form an opinion and informs the child of the possible consequences of his or her wishes, of the opinion expressed, and of any decision of the judicial authority. A social worker from the Social Assistance Directorate at the child's current address must be present during the hearing and counselling of the child, and, where necessary, another appropriate specialist.

A key principle is the best interests of the child, which prevails over all other considerations in the proceedings. The court and all participants in the proceedings are obliged to act in a way that guarantees the child's protection, safety and well-being. In this way, Bulgarian law combines the child's participation in civil proceedings with adequate protection of his or her rights.

Italy

The video shows civil proceedings concerning the limitation of parental responsibility, governed by Articles 330 et seq. of the Civil Code.

In Italy, juvenile courts, in both civil and criminal proceedings, are always constituted as a judicial panel. The panel is composed of two professional judges, one of whom serves as chair, and two honorary judges. Honorary judges are professionals such as psychologists, psychiatrists, social workers and educators, appointed for a fixed term of three years.

The hearing may be presided by a professional judge, by an honorary judge delegated by that judge, or by both. In order to protect the child's well-being, the judges may decide to hear the child alone, without the presence of lawyers, social workers involved in the case, parents, or other persons participating in the proceedings. Lawyers may ask the judges to ask the child certain questions, and the

judges decide whether and how to do so. The public prosecutor, who usually initiates the civil proceedings, attends hearings only in the most sensitive cases.

Usually, only children over the age of twelve are heard. Younger children may be heard, at the discretion of the judge, if they are deemed capable of discernment. The child's interview is conducted in a way that safeguards the child's well-being and the authenticity of his or her responses. The child is represented in the proceedings by a procedural representative appointed by the court, who is usually a lawyer.

The Netherlands

The Dutch film was shot at the District Court of the Hague with judges from the Family Law Team. The family law judges of the District Court hear – in first instance – family law cases, including divorce proceedings, proceedings concerning child custody arrangements, parental authority, and alimony. Each case is handled by a single judge (*unus*).

Under Dutch law, minors who are twelve years or older have the right to be heard in family court proceedings (art. 809 Code of Civil Procedure). Minors who are younger than twelve years of age may be heard by the court. In practice, minors as of the age of eight will be invited by the court to speak directly to the judge who decides in the case or to inform the judge in writing (according to the Rules of procedure for family and juvenile courts). The judge can also hear minors who are younger than eight years. The judge hears the minor separately, before he or she hears the parents (i.e. the formal court hearing). Minors are not compelled to accept a court's invitation to be heard.

During the formal court hearing, the minor is not present. The judge briefly and factually summarises what the minor has stated. In addition to the parents and their lawyers, there will be a representative of the Child Care and Protection Board to advise the court on the minor's best interests.

The court can order the appointment of a guardian *ad litem* (*bijzondere curator*). It can do so *ex officio* or upon request of the parents, the minor or other interested parties. A guardian *ad litem* can assess the minor's best interests and advise the court accordingly, mediate between parents and represent the minor in legal proceedings. A guardian *ad litem* can have a legal or other relevant background and needs to follow a specialised training programme in order to be qualified to be appointed by the court.

Annex II – Observation guide

This Observation Guide is designed to accompany the screening of ‘The Voice of the Child’ films. Its purpose is to guide participants in observing, reflecting on and discussing the interactions between judges and children depicted in the videos.

Participants are encouraged to focus on both positive examples that support a child-friendly justice approach and aspects that may require improvement or critical reflection.

The films present a range of real and sometimes imperfect situations. The aim is to reflect on and learn from the practices illustrated in ‘The Voice of the Child’ films, identify challenges and strengths and discuss how to enhance the judiciary response towards children.

The questions are intended to help participants reflect more deeply on what they observed in the film and connect the film’s scenes with the child-friendly justice framework that they previously learned about. This exercise serves both as a consolidation of the day’s learnings and as preparation for the discussions scheduled for the following day.

(I) How to use the observation guide

1. Before the screening

Trainers display the Observation Guide on the screen to familiarise participants with its structure and content. The Observation Guide is not distributed at this stage. Trainers are encouraged to remind participants that the activity aims to promote informed discussion on the judiciary’s role in ensuring children’s effective participation and upholding the principles of child-friendly justice.

2. During the screening

Full attention is paid to the film. The objective is to observe the interactions as naturally as possible and experience the film without any interruptions.

3. After the screening

The Observation Guide is then distributed. Participants complete the table, noting both examples of good practices and areas for improvement. The notes should be used to support discussions and help participants reflect on how similar situations might arise in their own practice and which standards and strategies could improve outcomes for children.

(II) Guiding questions for reflection and discussion

1. General impressions

- What stood out for you in the film, in either a positive or negative way?
- Which moments seemed the most impactful for the child involved?

2. Judicial conduct

- What did the judge do well in their initial contact with the child?
- In what ways could the interaction between the child, the judge and the other judicial actors be improved?
- How did the judge manage to build (or fail to build) trust and understanding?

3. Information and communication

- Was the child adequately informed about the judicial proceedings and the judicial professionals' role?
- Did the judge adapt their explanations to the child's level of understanding?

4. Environment and setting

- How can the physical environment of the court affect the child's participation?
- Which adjustments could be made to the Court's layout or atmosphere to better support children?

5. Language and interviewing techniques

- Which interviewing techniques encouraged the child to open up to the judges' questions?
- Were there any techniques that hindered the child in elaborating on their responses?

6. Ethics

- Were the child's privacy and dignity protected throughout the session?

7. Personal reflections

- How do these scenes relate to your own practice?
- Which practical measures could be implemented in your court to foster a more child-friendly approach?

(III) Observation guide

Aspects observed	Practices supporting a child-friendly approach	Aspects missing or requiring improvement/reflection
Initial contact with the child		
Provision of information		
Courtroom environment		
Language and communication		

Interviewing techniques		
Judge's conduct and clothing		
Consideration of the child's emotions		
Presence and conduct of others in court		
Ethical and procedural standards		
Other aspects		
Overall impression:		

Annex III – Individual reflection worksheet: Identifying the best interests of the child in judicial practice

Instructions (for participants)

This worksheet is to be completed individually. Write brief notes based on your own judicial practice (however, do not include identifying details of real cases). You will return to these notes during the plenary discussion at the end of the session.

Participant name (optional): _____

Date: _____

Court/Jurisdiction (optional): _____

Section A – Conceptual understanding

1) What do you understand by the term ‘best interests of the child’?

Section B – Assessment practices

1) Which concrete practices do you apply to assess the child’s best interests?

2) Which factors do you include and prioritise in that assessment?

Section C – Hearing the child

1) How do you currently hear children in proceedings?

2) How does hearing the child help you assess the child's best interests?

Section D – Constraints

1) Which procedural, institutional or systemic barriers hinder individualised assessments and hearing the child effectively?

2) How do these constraints influence your decision-making?

Annex IV – Training evaluation form

Your feedback on this form will remain anonymous (unless you choose to provide your name) and will be used to improve future training courses.

Date: _____

Location: _____

Training days attended: ☐ Day 1 ☐ Day 2 ☐ Both

Name (optional): _____

Role/position (optional): _____

Country/jurisdiction (optional): _____

How to answer

Unless stated otherwise, please rate each item on a **scale from 1 to 5**:
1 = Strongly disagree | 2 = Disagree | 3 = Neutral | 4 = Agree | 5 = Strongly agree | N/A
= Not applicable

A. Overall quality

To what extent do you agree with the following statements?

1. The training course met my expectations.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
2. The training objectives were clear.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
3. The training course was relevant to my professional practice.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
4. In terms of content, there was a good balance between theory and practice.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
5. The pace and time allocations were appropriate.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

What was the most valuable aspect of this training course for you?

Which overall improvements should be made?

B. Learning outcomes (self-assessment)

Please rate your ability **after** the training:

6. I understand the key children's rights standards that are relevant to judicial proceedings (including the Convention on the Rights of the Child).
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
7. I can explain the core principles of child-friendly justice (including participation, best interests, dignity, non-discrimination and rule of law).
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
8. I can identify practical measures to strengthen children's effective participation in proceedings (information, communication and support).
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
9. I feel more confident in applying a 'best interests' assessment in judicial decision-making.
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
10. I can more easily recognise fair trial challenges for children (including equality of arms).
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐
11. I can identify environmental and procedural factors that affect children (space, attire, delays).
1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Name one concrete component that you will apply in your work over the next month:

C. Module-by-module feedback

Please rate each module that you attended:

Day 1

Module 1 – Children's rights & child-friendly justice framework (part 1)

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 2 – Child-friendly justice framework (part 2)

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 3 – Film screening ('The Voice of the Child')

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 4 – Group reflection after film

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Day 2

Module 5 – The best interests of the child

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 6 – Fair trial & equality of arms

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 7 – Information, communication & language

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Module 8 – Environment, clothing & prevention of undue delays

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Which module or modules should be expanded? Why?

Which module or modules could be shortened or redesigned? Why?

D. Film-based method

To what extent do you agree with the following statements?

12. The film supported meaningful reflection on real practice.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

13. The Observation Guide helped me reflect on the film in a structured way.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

14. The trainers' facilitation helped me connect scenes to standards and principles.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

15. The discussions remained respectful and I felt comfortable participating.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

How could the film component of the course be improved (length, guidance, discussion format)?

E. Trainers and facilitation

16. The trainers demonstrated expertise.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

17. The trainers communicated in a way that was clear and accessible.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

18. The trainers encouraged participation and managed the discussions well.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

19. The examples and exercises were relevant to practice.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

How did the trainers support your learning?

What could the trainers do differently next time?

F. Organisation and logistics

20. The venue/online setup was suitable.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

21. The timings were good and breaks were well planned.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

22. The materials (slides, handouts, Observation Guide) were useful.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Were there any logistical issues that we should fix?

G. Final comments

23. Overall, I would recommend this training course to colleagues.

1 ☐ 2 ☐ 3 ☐ 4 ☐ 5 ☐ N/A ☐

Topics that you would like to see in a follow-up session (advanced/specialised):

6. Summary

The Training Manual on Child-Friendly Justice offers practical and research-based guidance on child-friendly justice for judges and other judicial professionals working with children. Grounded in international, Council of Europe and European Union legal standards, as well as current academic knowledge on children's rights, the manual aims to strengthen the judiciary's capacity to uphold the rights of children, promote their meaningful participation, and ensure that justice processes are accessible, respectful, age-appropriate and responsive to their needs.

Through the use of The Voice of the Child films – video recordings of real-life judicial interactions with children in family law and child protection cases – the manual invites participants to reflect critically on what supports or hinders a truly child-friendly justice process and what could be done to enhance children's opportunities for effective participation in judicial decision making that affects them.

Primarily designed for judges and other professionals working within the judiciary in European Union Member States, the manual can also serve as a basis for broader discussion among legal professionals on how to make justice systems more accessible to children. It may also be adapted for advanced and specialised university teaching.