

Introducing Child-Friendly Justice: Concepts, Rights, and Participation

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Children encounter the justice system in many ways and through various entry points, yet few environments are less suited to their needs than a courtroom. Children can be affected by judicial proceedings either directly, when they stand in courtrooms as victims, witnesses or defendants; or indirectly, when the outcome of judicial proceedings affects their young lives. The legal contexts that affect children are multiple, and most commonly include family cases, such as divorce or adoption, as well as criminal justice and administrative proceedings, for example those concerning nationality or immigration. While encountering the justice system, children often face an adult-oriented environment that fails to accommodate their specific circumstances and needs. The main barriers for children within the justice system include the non-existence or only a partial existence of the right to access justice, exacerbated by the lack of legal capacity to act on their own; the diversity in and complexity of legal procedures, as well as the risk of discrimination on various grounds, and secondary victimization.¹ The concept of child-friendly justice has emerged as a corrective to this reality: an endeavour to adapt justice to the needs of children and ensure that children can meaningfully participate in judicial proceedings that affect them. According to the 2010 Guidelines of the Committee of Ministers of the Council of Europe (CoE), ‘child-friendly justice’ is justice that guarantees the effective implementation of the children’s rights at the highest attainable level, especially 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’.²

1 Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, adopted on 17 November 2010 and explanatory memorandum, CM/Del/Dec(2010)1098/10.2abc-app6, Preamble.

2 Ibid., Point II (c).

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Beyond procedural guarantees, child-friendly justice represents a paradigm shift – from viewing children as passive objects of protection to recognizing them as active rights-holders whose views and experiences should shape judicial processes. Effective child-friendly justice is inherently interdisciplinary, requiring close cooperation between legal professionals, psychologists, educators, and social workers to ensure that children’s participation is genuinely meaningful and sensitive to their developmental stage. The concept also aligns with global policy commitments, such as Sustainable Development Goal 16.3, which calls for equal access to justice for all, including children.

Following the adoption of the 2010 Guidelines of the Committee of Ministers on child-friendly justice, the Member States of the CoE have made significant efforts, both in their domestic legislation and judicial practice, to make their justice systems more child-friendly and child-centred. The European Court of Human Rights (ECtHR) has recently established that domestic courts have a positive obligation to examine *ex officio* the appropriateness of hearing children in proceedings concerning their rights, noting that ‘there is a consensus among States parties regarding the obligation to provide children with a real and effective opportunity to express their views, either directly or otherwise, and to assist them in doing so through various child-friendly mechanisms and procedures.’³

Despite significant normative advances, the practical realization of child-friendly justice remains uneven. Many jurisdictions face persistent challenges in resourcing, training, and ensuring that participation is meaningful rather than merely formal.

The present book aims to familiarize readers with the theory and practice of the children’s participation in civil, criminal and administrative court proceedings, both at the international level, and in the domestic legal systems of selected Central European states, based on a comparative legal analysis. The international legal framework governing children’s participation in justice system is shaped, on the one hand, by children’s participatory rights enshrined in Article 12 of the UN Convention on the Rights of the Child⁴, and, on the other, by various instruments adopted under the auspices of the Council of Europe, the European Union, and the Hague Conference on Private International Law. Developments in international human rights law and international private law have led to the emergence of domestic legal standards on child’s participation in court proceedings and the implementation of the child’s right to be heard in matters affecting them.

The volume is organized in three parts. Part I situates the book’s focus on domestic legal frameworks guaranteeing the participatory rights of children in connection with civil, administrative and criminal judicial proceedings. It comprises national reports from eight Central and Eastern European countries (Croatia, Czechia,

3 ECtHR, *MP and Others v. Greece*, judgement of 9 September 2025, application No. 2068/24, para. 100.

4 *Convention on the Rights of the Child*, adopted in New York on 20 November 1989 by General Assembly resolution 44/25, UN Treaty Series No. 27531.

Hungary, Poland, Romania, Serbia, Slovakia, Slovenia) and one Western European country (France), written by *Ivana Kunda and Martina Smojver, Veronika Kissová, Adrienn Nagy, Wojciech Lis, Zsolt Fegyveresi, Marko Knežević, Peter Koromhász, Lina Burkelc Juras and Magalie Nord-Wagner*. All national reports are based on a standardized questionnaire to enable a comparative legal analysis which outlines the current regulatory approaches in the region. The questionnaire asked the authors of the national reports to examine how children's participation rights are guaranteed and implemented within their national legal systems. It aimed to clarify whether access to civil, administrative, and criminal proceedings is guaranteed for children, and if so, whether any age thresholds apply. It further asked whether the access to court by children is linked to a 'sufficient level of understanding' or to 'the capability to form his or her own opinion'. In addition, the questionnaire requested information on the form and scope of children's access to civil, administrative, and criminal proceedings, particularly in connection with their right to be heard and their legal representation. It asked whether national procedural laws include specific rules for hearing minors and what these rules entail in each type of proceeding. The availability of legal counsels or child attorneys for minors in different types of proceedings was also to be examined. The questionnaire further explored how child-friendly justice principles are implemented in practice, including the use of child-appropriate language, the existence of child-friendly hearing methods and courtrooms, and the availability of specialised training for judges. Authors of the national reports were asked to describe the general approach of the domestic courts, supported by the relevant constitutional or judicial interpretations. Finally, the questionnaire examined how the child's right to express their views is ensured during enforcement procedures, remedial justice and non-litigious proceedings, including any age thresholds that determine when a child's opinion must be considered.

Part II of the book explores the relevant international and European frameworks underpinning the child's right to participate in judicial proceedings. The first chapter, written by *Márta Benyusz*, examines Article 12 of the UN Convention on the Rights of the Child, which establishes the child's right to express their views in all matters affecting them, and to be provided the opportunity to be heard in any judicial and administrative proceedings affecting them. The chapter also discusses the interpretation of children's participatory rights provided by the UN Committee on the Rights of the Child. The second contribution in this section, by *Barbara Tóth*, offers an outline the Council of Europe's legal standards and the case-law of the European Court of Human Rights concerning children's participation in judicial proceedings. The third chapter, by *Agnieszka Tomczewska*, focuses on the Hague Conference on Private International Law's contribution to child protection, especially with regard to the 1996 Hague Convention on jurisdiction, applicable law, recognition, enforcement, and cooperation in matters of parental responsibility and child protection, as well as the 1980 Hague Convention on the civil aspects of international child abduction. This contribution discusses how the legal mechanisms contained in the two Hague Conventions of 1996 and 1980 contribute to the protection of the rights of the child in

cross-border situations. In her final contribution to this part, *Zsuzsa Wopera*, presents certain legal instruments adopted under the auspices of the European Union (EU) that support the children's right to participate in judicial proceedings affecting them, along with the relevant jurisprudence of the Court of Justice of the EU. The chapter primarily focus on the EU legal instruments relating to family law cases with cross-border implications in the field of judicial cooperation in civil matters.

Part III of the book consists of a single contribution by *Kata Zsófia Prém*, which provides a synopsis of the examination of the domestic legal frameworks of the countries covered by the questionnaire. It highlights the key conclusions, the most significant common approaches and differences, as well as best practices concerning children's participation in civil, administrative, and criminal court proceedings, set against the backdrop of the relevant international and European legal frameworks.

While much of the existing literature focuses on Western European or international standards, this volume offers a unique Central European comparative perspective, enriching the discourse with regional insights and practical examples. The countries of this region share deep-rooted traditions, which place the child and the family at the heart of society, values, and policy making. These cultural foundations have shaped the legal and institutional approaches, resulting in normative regulations that afford children special attention.

The present volume, entitled *Child Friendly Justice. The Participation and the Rights of the Child in Court Proceedings From a Central European Comparative Perspective*, forms part of a book series of eleven volumes⁵ that provide the curriculum for the International and Comparative Children's Rights (ICCR) LL.M. programme. The series aims to offer a holistic picture on children's rights. It covers both the universal and the regional levels of human rights protection, provides an understanding of children's social and personality development, and examines issues relating to children in conflict with the law as well as interdisciplinary and child-friendly communication. It also gives an overview on national implementation through private law and public law from a Central European perspective, including the child protection systems and justice systems of the countries concerned. Furthermore, it addresses the relationship between religion and children's rights, and the challenges faced by child protection and child rights-based approaches in digital age.

5 The curriculum of the ICCR LL.M is based on an interdisciplinary and legal cross-border research of several countries (primarily Croatia, Czech Republic, Hungary, Poland, Romania, Serbia, Slovakia, Slovenia) and consists of the following eleven books: *International Children's Rights*; *The Rights of the Child in Regional Human Rights Systems*; *Social and Personality Development is Childhood*; *The Rights of the Child in Private Law – Central-European Comparative Perspective*; *The Rights of the Child in Public Law – Central European Comparative Perspective*; *Religion and Children's Rights*; *Child Protection Systems – Central European Comparative Perspective*; *Children in Digital Age – Central European Comparative Perspective*; *Child-Friendly Justice: The Participation and the Rights of the Child in Court Proceedings – Central European Comparative Perspective*; *Interdisciplinary and Child-Friendly Communication*; *Children in Conflict with the Law*.

This book is primarily addressed to the participants of the ICCR LL.M. programme. However, it may also be useful for lawyers who deal with children's rights in their everyday practice or academic research, as well as for other professionals working with children. The volume, which provides an overview of the requirements of child-friendly justice and their implementation in practice, should be read together with the other volumes in the series to offer a comprehensive picture of the rights of the child and to the international and domestic challenges in their implementation.

Ultimately, the volume aims to contribute to a justice system in which every child is heard, respected, and empowered – not despite their age, but because of it.

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Editors