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Civil Society Committee on the Rights of the Child (CSC-RC)

Comité de la Société Civile sur les Droits de l'Enfant (CSC-DE)

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2022 June 21<sup>st</sup> 9:30-12:30 Webinar

**Evaluation and determination of the best interests of the child  
in parental separation and care proceedings**

Exchange of views and knowledge among specialists and professionals

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**Webinar report**

**Speakers' presentations, highlights, main exchanges between participants  
(videos and documents)**

By Michel Grangeat & Ruth Allen

**Introduction of the webinar**

**Welcome speech by Ruth Allen, CSC-RC bureau, CINGO standing committee, International Federation of Social Workers (IFSW) United Kingdom.**

[Video](#) [7minutes]

**The role of the conference of INGOs by Gerhard Ermischer, President of the Conference of INGOs.**

[Video](#) [9 minutes]

How the conference of INGOs facilitates the participation of organised civil society in the work of the Council of Europe.

**The objectives of the CJ/ENF-ISE by Seamus Carroll, Chair of the Committee of Experts on the Rights and the Best interests of the Child in Parental Separation and in Care Proceedings (CJ/ENF-ISE).**

[Video](#) [6 minutes]

How the best interests of the child and his/her rights are **protected by law, policy and practice** in situations of parental separation and care proceedings; and **how to improve the child rights' consideration** by family stakeholders.

**The UN Committee on the Rights of the Child standards by Benoît Van Keirsbilck, UN Committee on the Rights of the Child.**

[Video](#) [21 minutes] [Highlights](#) [3 minutes]

Four principles should be considered: 1/ Maintaining the child's **relationships** with each parent and key adults. 2/ Giving /more weight to **adolescents' views**. 3/Hearing the children and improving their **participation** in all matters affecting their life. 4/ Accessible and **child-friendly complaint mechanisms** that can be started by the children themselves.

**Presentation of the workshops and speakers by Ruth Allen.** [Video](#) [7 minutes]

## Workshops in parallel

### Workshop1/ To what extent are the recommendations from UN CRC CG 14 and 20 implemented in the activities of family professionals?

Speaker: **Benoît Van Keirsbilck**, Committee on the Rights of the Child

Facilitator: **Katerina Melissari**, Child Protection Coordinator, Hope For Children – CRC Policy Center – Cyprus

#### Introduction by Benoît Van Keirsbilck who asks for questions from the audience.

##### Intervention by Ioannis Paparigopoulos, Lawyer in Greece (ICSP). [Video](#) [8 minutes]

Hearing the voice of the child through multidisciplinary methods occurs in criminal justice (when the child has been the victim); on the contrary, in civil cases (when the child is heard because his/her parents are separating), in Greece and other countries the judge alone is in charge of hearing the child, doing the hearing in camera, in secret, without any assistance.

##### Intervention by Katerina Melissari. [Video](#) [3 minutes]

The same gap between legal and civil proceedings occurs in Cyprus. The report of the child hearing in criminal legal procedures (often child abuse by a parent) could be used in some cases in parallel civil procedure (parental separation). People are asking for implementing multidisciplinary methods in both cases and clear protection of children's privacy (safeguarding the confidentiality of children's views).

##### Intervention by Peter Tromp (ICSP). [Video](#) [2 minutes]

Peter expresses strong concerns about situations where one parent (often the parent with whom the child lives most) influences the child against the other parent and seeks to spoil their relationship.

#### Concluding intervention by Benoît Van Keirsbilck

##### [Video](#) [14 minutes]

There is (should be) no age-limit for hearing the view of a child – even a very young child can be heard. The capacity of the adults and professionals to know what to do with the child opinion is crucial. In addition, it is important **to clarify the kind of information needed by the professionals**; it seems irrelevant to ask the child with whom parent he/she prefer to live. The hearing must not lead to put the child at the centre of the dispute.

The child holds the right to be heard by the judge. Nevertheless, the judge might need **information from a multidisciplinary team of specialists**. The child should be supported by a specialist (e.g., a lawyer or social worker) who is not involved in the parental dispute. The child holds the right to choose the person who will carry his/her voice.

Adults as well as children are influenced by emotions and other people during the parental separation. The specialists and judges who assess the best interest of the child **should be trained to be able to reach the opinion of the child beyond his/her emotions** and to distinguish his/her true opinion from the possible influence of a parent.

The judge could use several tools to assess the child best interests. The child could be heard in camera directly by the judge, but in a child-friendly setting, and always with the support of a professional (often a lawyer) specifically trained and trusted by the child. The report of the hearing should **balance the right to the parties to be informed and the right of the child to be protected** from any harm by exposure to either of the parties.

Regarding the possible influence of the residential parent on the child's opinion, a solution should be to develop mediation. This is a procedure through which the parents work with a professional who reminds the

parents that the best interests of the child is (often) to maintain good relationships between each parent requiring parental cooperation. **Mediation could resolve many difficulties.** In case of violence or abuse, we need expertise and multidisciplinary methods to assess the best interests of the child in relation to parental relations and contact.

## **Workshop 2/ The case of young children: elements to evaluate BIC of toddlers and infants (under 5-year-old).**

Speaker: **Fabien Bacro**, Psychologist, university of Nantes, co-author of the consensus article 'Attachment goes to court: child protection and custody issues'

Facilitator: **Dagmar Kopčanová**, – Educational psychologist and researcher – EUROCEF – Slovakia

**Introduction by Dagmar Kopčanová.** [Video](#) [2 minutes]

### **Presentation by Fabien Bacro.**

[Video](#) [21 minutes] and [presentation slides](#)

Fabien presents attachment theory and key research findings in order to improve our understanding of this phenomenon, to counter misinformation, and **to guide the use of attachment theory and research in decisions about the custody arrangements of children from separated families.** The presentation is based on a consensus article Fabien has co-authored with sixty-nine other attachment scholars (Forslund et al., 2021). He addresses the obstacles associated with the use of attachment theory in reference to the concept of the best interests of the child, outlining the major misunderstandings about it, and identifying the main causes that have prevented its proper use in family courts. He makes recommendations for improving the application of attachment theory and research in decision making.

**Highlights from Fabien Bacro presentation.** [Video](#) [4 minutes]

Three fundamental principles emerged from the collective work underlying the consensus article: (1) **the child's need for relationships** with familiar and non-aggressive attachment figures; (2) the importance of the **stability of these relationships** and "good enough" care; and (3) the beneficial role of developing and maintaining "**networks**" of **multiple attachment relationships**.

**Intervention by Dagmar Kopčanová and response by Fabien Bacro.** [Video](#) [6 minutes]

Dagmar asks about the methods used to reach a consensus with **so many researchers**. She was also concerned about the involvement of researchers from diverse countries such as Slovakia where fathers are not accustomed to rearing their children since the law on shared parenting is recent.

Fabien pointed out that some disagreements remain and are specified in the article.

**Intervention by Stéphanie Hebrard, family judge in France.** [Video](#) [5 minutes]

Stephanie shared her experience as a judge assessing the best interests of the child when parents are in conflict. In such cases, she explains how difficult it is to balance the right of the child, on one hand, to maintain strong relationship and contact with both parents and, on the other hand, the right for safety and health. For her, a solution consists to state, at the early stage of the judicial proceedings, that the child needs to be cared for by both parents and that the judge will guarantee this role, as well as the other parent. Doing so it is possible to introduce temporary provisions.

She is concerned by the increasing number of parental separation when the child is very young, even a baby. These conflictual separations do not focus on the child's rights. The role of the judge is to raise the parents' awareness of their responsibility to ensure the best interests of their child.

### **Interventions by Dagmar and Eva, from Defence of Children International.**

Dagmar shares her experience in accompanying the parents during their separation. Eva Gangneux, from DCI-Belgium, raises the importance of child participation but wonders how to hear the voice of very young children. [Video](#) [5 minutes]

Fabien explains that researchers have developed specific instruments to assess young children well-being, attachment or emotional security, even babies. [Video](#) [2 minutes]

### **Exchange of views between Dagmar, psychologist from Slovakia, and Joseph, family lawyer from Germany, on the concept of ‘primary caregiver.’** [Video](#) [6 minutes]

Dagmar raises the possibility of a very young child staying overnight with the parent who is not the primary carer. In her experience, depending on the child and the family, a suitable solution needs to be put in place, but parents need to be supported to become more generous with the other parent and their child, which is difficult in the emotionally charged context of the couple's separation.

Joseph disagrees with the ‘primary caregiver’ theory because, at least in his western European context, both parents are caregivers, even if one parent had spent more time with the child than the other. It is clear that the age of the child is important since, in his experience, until the age of one, a child cannot be separated from one parent for more than one or two nights.

## **Workshop 3/ Promoting the rights and well-being of older children and adolescents experiencing the care system and separation from parents: good practice in resources, support and empowerment.**

Speakers: **Carolyne Willow**, Director, Article 39, United Kingdom

**Rebekah Pierre**, Professional Officer, British Association of Social Workers, United Kingdom

Facilitator: **Ruth Allen**, International Federation of Social Workers (IFSW) and British Association of Social Workers, United Kingdom

**Speakers introduction.** [Video](#) [1 minute]

### **Presentation by Carolyne Willow.**

[Video](#) [14 minutes]

In England, there is an increasing number of 16- and 17-year-olds in care; they represent 23% of all children in care. **Several thousand 16- and 17-year-olds in care are placed in properties where they do not receive care or consistent supervision.** Most of these establishments are created for profit and provide only accommodation, without care. NGOs sought to persuade the government to ensure that every child in care receives care where they live in settings which are state registered and inspected. However, the government chose to change the law to guarantee care only for children under sixteen. She explains the formation, goals and main impact to date of the national #KeepCaringTo18 campaign and reflects on challenging discriminatory age-based legislation through the courts.

The example of concerns about the English care system as it impacts older children highlights the importance of care systems in all nations recognising **the need for continuity in the transition from childhood to adulthood, hearing the voice of older children/young people within care proceedings** who are beginning to navigate pre-adult choices and decisions, and who can be subject to ‘adultification’ – ascribing adult expectations of self-determination and meeting own needs to persons at a young age.

**Highlights from Carolyne’s presentation.** [Video](#) [4 minutes]

### Presentation by Rebekah Pierre.

[Video](#) [22 minutes]

Rebekah shares **her experience as a homeless 16–17-year-old adolescent** who has to live in a hostel with no care and no money. Her experience is compared to those of other children living in ‘care-less’ accommodation, in which they are put at risk by the welfare system.

**Highlights from Rebekah’s presentation.** [Video](#) [3 minutes]

### Synthesis of the two presentations by Carolyne Willow.

[Video](#) [4 minutes]

**No child in the care of the state should be placed in these neglectful ‘care-less’ environments.**

The fact that the law makes these neglectful environments possible for these ‘invisible’ children and that the government has refused to provide equal protection for all children in care despite the NGO campaign is the sign that these policy makers agree with these provisions, or at least tolerate that situation.

**Exchanges of views with Tammy Mayes** (International Parent Advocacy, ATD Fourth World) and **question by Ruth** about the policy regarding adolescents in care and **responses by Carolyne and Rebekah.** [Video](#) [10 minutes] document [\[pdf\]](#)

**There seem to be contradictory standards and expectations for children’s well-being and protection:** the first for children in our own “normal” families; the second for young children in care; the third and most inferior for adolescents in care. Adolescents in care are expected to be autonomous and independent in dealing with their daily life. Yet such high and demanding expectations are not required from adolescents in families in wider society, even often for young adults as they transition into adulthood. Loving and practical support over years from childhood from parents/care givers into the years of early adulthood are known to be necessary.

**Intervention by ATD 4<sup>th</sup> world.** Ruth and **Kaydence Drayak**, co-founder and co-director of Teen Advocacy, UK, emphasized main recommendations provided by ATD 4<sup>th</sup> world. [Video](#) [6 minutes] document [\[pdf\]](#)

The child welfare system deals with complex situations involving many professionals and specialities. There is a need for joint training of social workers and other childcare professionals through facilitated sessions with children and young people.

Maintaining the quality of relationships should be the main objective. Protecting the contacts with siblings, the extended family and social environment is crucial.

Kaydence communicated via her phone - as many young people do when they do not have access to a computer. So, the connection is bad. Institutions should better address ways of discussing with young people who are far from the usual means of communication of these institutions.

### Workshop 4/ The defence of children and their possibility of recourse and support in cases of violence against their needs in parental separation and care proceedings.

Speaker: **Theoni Koufonikolakou**, Chair of ENOC and Deputy Ombudswoman for Children’s Rights – Greece

Facilitator: **Michel Grangeat**, Professor Emeritus University Grenoble Alpes – EUROCEF – France

### Presentation by Theoni Koufonikolakou.

[Video](#) [30 minutes]

**In care proceedings** separation from the parents is considered and should be applied by the state as a measure of last resort and only if considered necessary for the child’s best interests, while **in parental**

**separation** the role of the state is secondary to that of the separating parents and focuses or should be primarily focused on ensuring that the rights of the child will be respected at all times in the context of the agreement or relationship of the separating parents.

**Highlights** on the differences and commonalities between parental separation and care proceedings with regard to child's rights. [Video](#) [3 minutes]

This presentation attempts -under the spectrum of the UNCRC and its general comments- to highlight **the manifold aspects of defining and assessing the child's best interests** in parental separation and care proceedings, as well as to underline provisions, measures and practices that aim at addressing the child's needs for support and recourse in cases of violations.

**Highlights** on the four core principles that guide the actions of ombudspersons and family justice professionals. [Video](#) [3 minutes]

**Highlights** on the UNCRC articles regarding child's rights in parental separation and care proceedings. [Video](#) [3 minutes]

**Highlights** on the full participation of the child in the BIC assessment (child's hearing) and on maintaining the child's relationships and family environment and on the violations of these rights both in parental separation and care proceedings. [Video](#) [3 minutes]

Emphasis is placed on the **empowerment of the child** through -amongst others- child friendly information, the right of the child to be heard, the safeguards and guarantees that can prove essential in our collective efforts to minimize the traumatic impact of separation, and the necessity of periodical reviewing or revising decisions concerning children and following up of cases by community social services.

**Highlights** on the improvement of the participation of the child in society as a right holder, particularly through education at school and informal activities. [Video](#) [2 minutes]

**Highlights** on the importance of timeliness in family cases, of regularly reviewing court decisions, and of effectively assessing the best interests of the child by referring to factual circumstances and making explicit how the different elements had been weighed. [Video](#) [3 minutes]

Furthermore, reference is made to existing deficiencies and shortcomings -as identified by Independent Children's Rights Institutions - of our child protection systems that in some cases contribute to the child's secondary victimization. The presentation explores **ways of establishing effective mechanisms and procedures for complaints, remedy or redress for children**.

**Conclusion focusing on recommendations and steps to move forwards.** [Video](#) [4 minutes]

**Intervention by Michel Grangeat.** [Video](#) [6 minutes]

Michel firstly raises the importance of clarifying the way in which the best interests of the child are assessed, of considering the views of children according to their maturity, particularly considering the opinion of adolescents. Secondly, he stresses the paramount importance of maintaining children's relationships in both parental separation and care proceedings. In the case of parental separation, allowing the child sufficient time with each parent should facilitate the development of stronger bonds. Thirdly, he wonders how to establish a complaint mechanism available to children who disagree with or suffer from the court decision; he raises the fact that the ombudspersons cannot intervene where court proceedings are ongoing. He wonders whether, in fact, the child is left alone to deal with court decisions.

**Responses by Theoni Koufonikolakou.** [Video](#) [10 minutes]

Theoni emphasises the importance of **empowering children at an early stage**, including through education, child-friendly information and participation in practical activities.

## Workshop 5/ The participation of children and, specifically, adolescents in expressing their views in situation of parental separation or in care proceedings.

Speaker: **Nuala Mole**, Director at The AIRE Centre, Consultant for CJ/ENF-ISE

Facilitator: **Margaret Tuite**, Defence for Children International (DCI), Belgium

Due to an unexpected technical difficulty at home, Margaret was not able to facilitate the workshop. We are extremely grateful to Nuala who took on both the role of speaker and facilitator. Thank also to Lusine from the NGO-Unit who look after the technical aspects of the event and adapted the application to the new situation.

### Presentation by Nuala Mole.

[Video](#) [22 minutes] Written version [\[pdf\]](#)

The UNCRC recognises that all children have rights from birth to 18 – that is from neonates through infants, young children, to adolescents and young persons but those rights are not homogenous and the UNCRC refers to “evolving capacities” “age and maturity”. **The CRC Committee has referenced the principle of “evolving capacities” more than eighty times in nineteen of its General Comments(GC’s)**

The UNCRC committee has adopted two particularly relevant GC’s focussing on the extremities of the range of childhood: **GC 7** on early childhood and **GC 20** on adolescents. In the context of family environment and alternative care GC 20 (at para 50) specifically links the rights of adolescents to states obligations under the CRC Arts 18 (parental responsibilities and state assistance) and 27 (the right to a standard of living adequate for the child’s development)

Additional mention might have been made of Art 5 – the right to parental direction and guidance consistent with a child’s evolving capacities. This provision affirms the role of the family in a child’s life but also makes clear that **this is a right of the child- not of the parents** and relates primarily to direction and guidance in exercising and enjoying.

This right assumes an enhanced role when parents separate and the child may be – and often is- receiving different “direction and guidance” from each parent- and additionally from stepparents or a new social parent. Art 5 anticipates that when a child reaches a sufficient level of maturity and capacity to exercise his or her rights independently **there will no longer be a need or a justification for parental direction and guidance.**

Important too for adolescents are Arts 8 (the preservation of identity) art 9 (the right not to be separated from parents, and Arts 13, (freedom of expression) 14 (freedom of thought conscience and religion and 15 (freedom of association and peaceful assembly) Art 9(1) and (2) are **particularly important both for situations of parental separation and for the taking of children into care** (see also UN guidelines specifically paras 47 and 57).

**Highlights** on the special position of adolescents and the link between their capacities and their right to parental guidance. [Video](#) [3 minutes]

At this point the importance of Art 12 (hearing the child’s views) increases exponentially. **The older a child, the more weight is to be given to their own views** when making both the best interests assessment and the best interests determination which are the necessary prior steps to their best interests being made a primary consideration in all administrative and judicial decision making.

The adolescent child’s growing autonomy may have **an impact on a wide range of situations and decisions.** – relocation and choice of residence, schooling, (and the choice to continue education or not) personal identity and relationships, employment, consent to medical treatment – all of which can be subject to disputes between separated parents and between those parents and the children.

Irrespective of the legal frameworks regulating each of these issues, and of the age at which the adolescent’ autonomy in these matters is recognised, hearing the views of the adolescent and giving them due weight

becomes increasingly important. Some **thoughtful judgment** have been delivered after the views of the affected children have been heard (see e.g. <http://www.bailii.org/ew/cases/EWFC/HCI/2017/48.html> where the judge -having heard the 14 year old child separately from his parents and step-parents gave his judgment in the form of a letter directly to the child saying expressly “as this case is about you and your future”.

**Highlights** on the increasingly importance **to hearing the views of adolescents and giving them due weight** in all matters affecting them. In addition, it remains important **to explain the decision** of the court to the child in an appropriate language. [Video](#) [3 minutes]

GC 20 notes that adolescents leaving care need special support and preparation for transition. What is equally important is that children between the ages of 15 and 18 who are in “alternative care” are **actually receiving the “care” to which their placement entitles them.**

**Highlights on runaway adolescents.** [Video](#) [2 minutes]

**Children may run away from the family home**, sometimes when a new partner arrives, **or from an institution** where they are placed by administrative decision, often when they do not receive appropriate and acceptable care and support in that institution. ECTHR found a violation in MD v Malta as there was no possibility to go to court to contest a care order after it had been made, even up to the age of eighteen. The DGD recently held by UNCRC Committee examined alternative care in detail.

**Highlights on decisions of the ECHR.** [Video](#) [7 minutes]

The **Hague Convention on Child Abduction 1980** only applies to children up to the age of sixteen. It cannot be applied to order the return of an older child. Even for children under that age, it expressly provides for a child’s objection to being returned as a ground for refusing a return under Art 13 (if the child is old enough). The 1996 Hague Convention on Parental Responsibility and Child Protection applies to children up to the age of eighteen. The new **BiIB Regulation coming into force on 1st August 2022** will require the child is heard (listened to) before recognition is given to a national decision

The ECTHR and adolescents in situations of parental separation (PS): PS can occur by choice or by administrative action such as imprisonment or deportation, and the consequences for the child can be dictated by judicial authorities. Or their endorsement of administrative action. **Concepts such as custody, contact and access are increasingly inappropriate as adolescents get older.**

**Intervention by Ian Maxwell** from Shared Parenting Scotland about the law in Scotland. [Video](#) [5 minutes]

Emphasis is placed on the need for qualified and specially trained professionals to hear the child.

**Exchanges between Sandra Inês Feitor, Lawyer and PhD in Law, Portugal and Nuala** on the legal representation of the child. [Video](#) [3 minutes] document [\[pdf\]](#)

Sandra Inês showed that the Portuguese practices are diverse, some of which do not allow the child to be properly heard. Nuala confirmed that the rights of the child are often overridden and forgotten with respect to the parents’ rights.

**Intervention by Iris Amaldi from ATD 4<sup>th</sup> World.** [Video](#) [3 minutes] Document [\[pdf\]](#)

Iris emphasises the practical aspects of the hearing of adolescents, after collecting adolescents’ views. They reported facing many challenges in attending meetings with care institutions, social workers or judges: transport is not always easy or affordable; meetings on school time are stigmatising in the eyes of their classmates; online meetings are not always convenient for their own equipment. Sometimes they are too impressed by institutions and cannot talk; they need the support of a trusted friend or professional.



**Reaction by Nuala Mole** [Video](#) [3 minutes]

Nuala emphasised that the child's views should be considered more in both parental separation and care proceedings. Nevertheless, **there is a particular concern when children are separated from the parents after an administrative decision, such as imprisonment or deportation.**

**Workshop 6/ Education of parents to raise awareness of the consequences of parental separation on children and to help parents in cooperating.**

Speaker: **Galina Markova**, Doctor of Social Work, Director of the Know How Centre for Alternative Care for Children, New Bulgarian University.

Facilitator: **Bénédicte Colin** – Federation of Catholic Family Associations (FAFCE) – Belgium.

**Presentation by Galina Markova.**

[Video](#) [17 minutes] and [presentation slides](#)

Who are the parents who are **the most vulnerable** regarding family-child separation? Who is to “**blame**” for child-family separation: Parents? Communities? Social services? Policies? How can we **involve** parents in addressing family breakups?

Galina Markova addressed the questions above by presenting: 1/ the **findings of the study** on psychological characteristics of parents who place their children in institutions in **Bulgaria**, 2/ key environmental **influence** on parenting; 3/ **interventions** at individual, group, and community-based work for preventing parent-child separation and awareness-raising, such as discrimination faced by Roma mothers living in poor and marginalised community.

The key message of the presentation is that **positive change can happen** through a (new) experience that can happen **in a trusting relationship**. Specialists and institutions are responsible and privileged to form those.

**Highlights** on the effects of addressing the **community level** in implementing cooperation between parents, social workers and institutions. [Video](#) [3 minutes]

**Exchanges with Pierre Klein, from ATD 4<sup>th</sup> World.** [Video](#) [5 minutes]

Pierre noted that in most cases, when the child is accommodated in an institution, the parents will be forgotten and that is not the case in the approach reported in the presentation. Galina explained that a recent study by her team showed that it is difficult to involve parents from poor and marginalised areas, unlike parents of disabled children. Nevertheless, this seems to be easier with the newest generations who are becoming more active. Furthermore, cooperating with parents is becoming an obligation for NGOs and institutions.

**Exchanges with Bénédicte.** [Video](#) [5 minutes]

Bénédicte wondered how to keep the balance between support, empowerment and intrusion into the family's life. In the same recent study, Galina explained that all these actions require building a relationship of trust between the family and the social work professionals. All this takes time, at least a year. Without time it is impossible to achieve these complex objectives, namely, to break the circle of the family's dependence on the social system.

**Exchanges with Catarina Pral, Juvenile Justice Department of Portugal.** [Video](#) [6 minutes]

Catarina asked about the results of the experiment, particularly about reunification. Galina expressed good and bad results. Institutionalisation of children has been prevented in notable numbers of cases. Nevertheless, the lack of intersectional cooperation between parents, social services, school and health systems prevents a long-term and sustainable improvement. Reunification is more difficult than prevention because the children must overcome the severe trauma of being abandoned and because they have developed attachment links with their mates

in the small group home of the institution. The restoration of the relationship between the child and the family is gradual and difficult. The family should be supported in visiting the child to make the reunification possible.

**Exchanges** with Bénédicte about the issue of family reunification when one or both parents are living abroad. [Video](#) [3 minutes]

Galina noted that this is currently a growing and worrying concern which should be addressed at international level because parents face difficulties in settling in the more privileged countries and therefore cannot welcome their children.

**Exchanges** with Pierre Klein about the feeling of the child of being abandoned. [Video](#) [6 minutes]

Galina highlighted the lack of explanation given to the child about the placement procedure, its reasons and modalities. She reported on the experience of one of her students who had set up discussion groups on this subject with children arriving in the home and had succeeded in rebuilding the relationship between children and families.

**Intervention by Pierre Klein.** [Video](#) [3 minutes] document [pdf](#)

Pierre explained what ATD 4<sup>th</sup> World is and how it operates in 12 European countries, including Poland and Bulgaria. He expressed his pleasure in meeting Galina Markova and thanks to the workshop and opportunity to cooperate since the challenges are still high to bring the best interests of the child to the forefront.

## Conclusion

Two successive panel discussions with facilitators and speakers about the main contributions and conclusions of the six working groups.

### **Panel discussion 1: Raising public awareness (parents, medias, INGOs) on child rights and needs in parental separation and care proceedings (workshops 4, 5 & 6)**

Facilitator: **Ruth Allen**, CSC-RC.

**Interventions by Ruth Allen, Michel Grangeat, Theoni Koufonikolakou, Nuala Mole & Bénédicte Colin.** [Video](#) [16 minutes]

### **Panel discussion 2: Promoting a culture of child right amongst family justice professionals (workshops 1, 2 & 3)**

Facilitator: **Katerina Melissari**, CSC-RC.

**Interventions by Katerina Melissari, Benoît Van Keirsbilck, Dagmar Kopčanová, Ruth Allen & Tammi Mayes.** [Video](#) [21 minutes]

## **General conclusion by Michel Grangeat.**

[Video](#) [21 minutes] document [pdf](#)

Michel is Professor Emeritus at the University Grenoble Alpes, France – Chair of the Civil Society Committee on the Rights of the Child (CSC-RC) of the Conference of INGOs (CINGO) – Representative of the CINGO on the Committee of Experts on the Rights and the Best interests of the Child in Parental Separation and in Care Proceedings (CJ/ENF-ISE) of the Council of Europe – EUROCEF Member.

In proceedings affecting a child the judicial authority shall **act speedily to avoid any unnecessary delay** and procedures shall be available to ensure that its decisions are rapidly enforced.

National law should provide for a range of **child-friendly mechanisms or procedures** by means of which the views of the child may be effectively expressed and heard. This should include State support to youth groups aiming to collective action and advocacy (ex. young people in care or care leavers groups).

The hearing of a child's views should be conducted by **specifically trained and specialized professionals** who are sensitive to children's behaviour and expression and work in a multi-disciplinary manner. Safeguards should be in place to ensure that any expressed views are those of the child and are not the result of undue influence or duress

The **maturity of adolescents** must allow them to be better heard and to have their opinions better taken into account, in all areas concerning their lives. Nevertheless, means must be developed to try to take into account the views of very young children.

The decision by the court should contain a **clear and transparent reasoning**, explaining how the relevant factors have been assessed, verified and assigned weight; it should also explain how the views of the child have been heard and taken into consideration, wherever possible in a child-friendly language.

The decisions taken should be **reviewed at reasonable intervals** as the child develops and his or her capacity to express his or her views evolves. The BIC determination should indicate a mechanism for periodic review of the measures in the light of the child's evolving capacities and development.

The best interests determination, which should be based on the best interests assessment, should include an **assessment of the likely impact on the child's present and future situation**, giving due consideration to the rights and needs of the child, to the child's transition to adolescence, and to adulthood and independent life.

Age appropriate care for children experiencing state care and parental separation **should be maintained up to 18 and support should continue as needed into young adulthood**. Increasing self-determination and choice for older children and adolescents should not mean ignoring their rights as children and as young people entering adulthood often with additional stresses and disadvantages.

In case of parental separation, sufficient time, and preferably an equivalent amount of time with each parent, 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.

States should ensure that a range of services are in place **to strengthen and stabilise families and ensure the welfare of children**. Where necessary, the scope of pre-existing services should be strengthened to address a range of families with broader characteristics.

Mechanisms for reaching agreement should be available in advance of the court decision, including the expression of the child's views. **Child participation is essential**, both in cases of parental separation or placement, involving the child and family members.

Member States should ensure that **sufficient human and material resources** are allocated to the family justice system and social service institutions. Specific attention should be paid to preventive actions and early interventions. Even in difficult economic situations, these allocations should be maintained or increased if necessary. These resources should be **channelled and monitored** to better support the day-to-day interventions with children and families and to support multidisciplinary professional perspectives and methods.

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#### Closing of the webinar