

Roundtable

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REPUBLIC OF SLOVENIA
MINISTRY OF JUSTICE

Building a Europe
for and with children



The best interests of the child in civil proceedings

A Strategy and National Action Plan (NAP)

Dr Susanna Greijer, child protection expert
Independent consultant

Global objective

To significantly improve the protection of **children's rights** in the justice system, confirming Slovenia's commitment to ensure the **best interests of the child** in civil proceedings

Specific objectives

1

- ▶ To reach a system in which the rights of the child are systematically and consistently upheld, with a particular focus on the best interests of the child

2

- ▶ To carry out substantive reforms to the legal framework governing civil court proceedings involving children and align the Slovenian legal framework with relevant international legal provisions

3

- ▶ To implement concrete initiatives and actions which tangibly improve children's experiences within civil court proceedings

Six chapters

1

**RIGHTS
OF THE
CHILD**

2

**BEST
INTERESTS OF
THE CHILD**

3

**CHILD
PARTICIPATION**

4

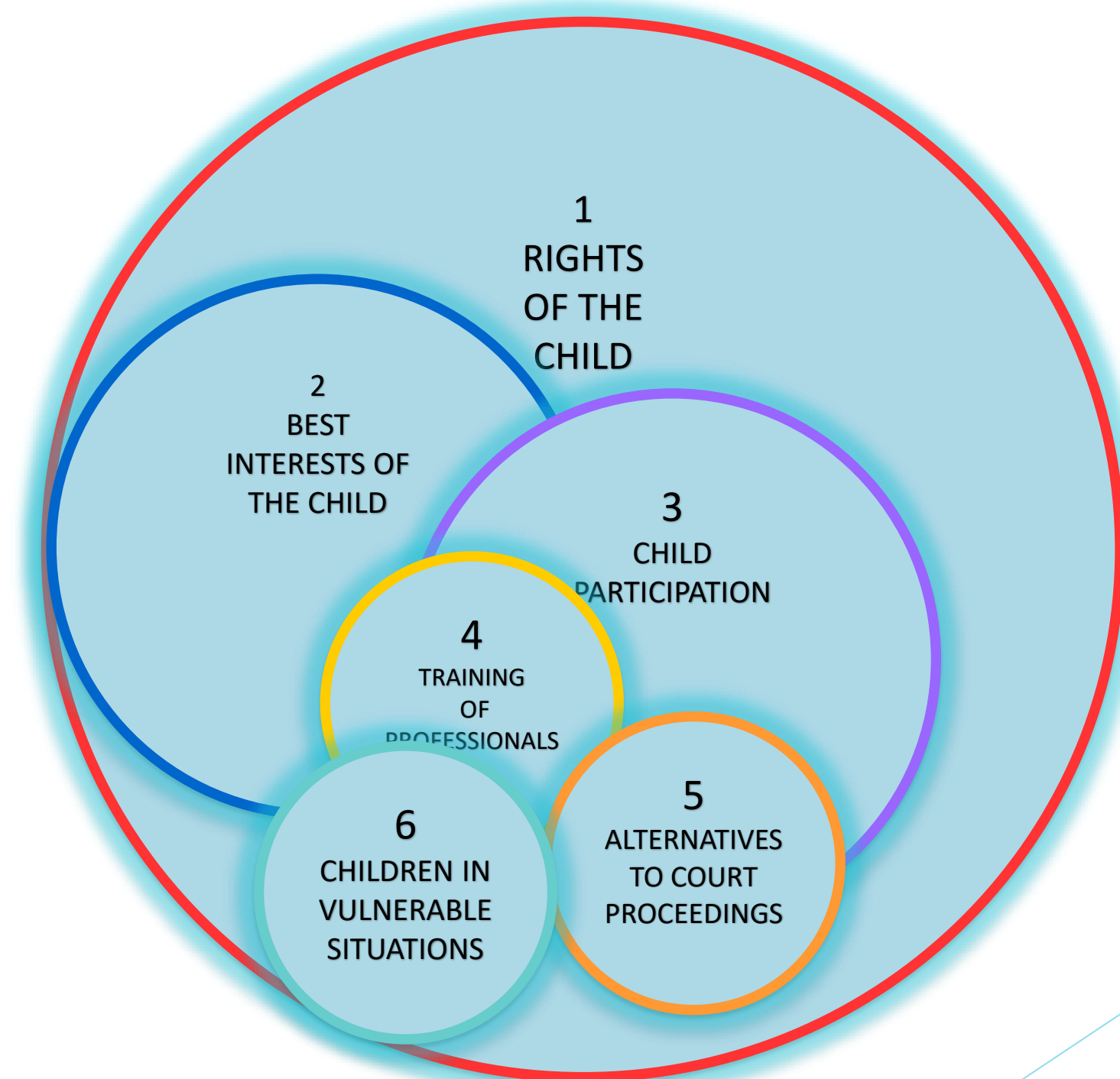
**TRAINING
OF
PROFESSIONALS**

5

**ALTERNATIVES
TO COURT
PROCEEDINGS**

6

**CHILDREN IN
VULNERABLE
SITUATIONS**



STRUCTURE & CONTENT

- ▶ The Strategy provides the overview and sets forth the **vision for change** in broad terms. It declares a **set of commitments** for each thematic area.
- ▶ The National Action Plan follows the same thematic structure and order as the Strategy and is presented in the form of a **table** with specific objectives, **concrete actions**, responsible entities, priority levels, and a **set of indicators**.

Chapter 1: Rights of the child

- ▶ The 1st chapter of the Strategy + NAP relates to the rights of the child in general
- ▶ It focuses on general principles such as the principle of non-discrimination (article 2 CRC), the child's right to life and development (article 6 CRC), as well as on the rights of the child to family life and relations (articles 7-9 CRC)



1
RIGHTS
OF THE
CHILD

Chapter 1: Rights of the child

STRATEGY

- ▶ Findings:
 - ▶ General knowledge on the rights of the child in the context of civil proceedings, and on child-friendly justice in particular, is still missing
 - ▶ A lack of general information and awareness on the rights of the child, and a lack of prevention programmes, in particular for parents
- ▶ Commitment to **enhance prevention**, in particular through **information and awareness raising campaigns and programmes**



1
RIGHTS
OF THE
CHILD

Chapter 1: Rights of the child

NAP - Actions

- 1 Develop a **national online resource platform**, with clearly visible sections for a) parents and caregivers, b) children and c) professionals
- 2 Develop an **awareness raising campaign** on civil proceedings for the general public, with key messages directed towards families / parents / children
- 3 Develop and launch an **early prevention programme** to ensure future parents / parents of young children are better aware of the risks/needs of children
- 4 Conduct a **mapping of existing initiatives on positive parenting** at national and international level to strengthen/complement existing initiatives
- 5 Create **awareness raising materials** (brochures, web/online content etc.) for relevant professionals working with children and families
- 6 Continue building on existing family-based prevention programmes and **empower SWC staff and relevant NGOs to improve their work with parents**

1
RIGHTS
OF THE
CHILD

Chapter 2: Best interests of the child

- ▶ The general principle of the best interests of the child (article 3 CRC) is the focus of Chapter 2 of the Strategy and NAP



2
BEST
INTERESTS
OF
THE CHILD

Chapter 2: Best interests of the child

STRATEGY

- ▶ Findings:
 - ▶ Long duration of family law proceedings involving children, especially in high-conflict divorce cases
 - ▶ Shortage of professionals who can intervene as court experts in civil court proceedings
- ▶ Commitment to foster a **better understanding of the best interests of the child** in civil court proceedings, **improving best interests assessments**, **reducing delays**, and **enhancing the court expert witness system**



2
BEST
INTERESTS
OF
THE CHILD

Chapter 2: Best interests of the child

NAP - Actions (selection)

7

Develop a protocol for the determination of the best interests of the child with clear Guidelines for all relevant professionals

8

Increase the number of court experts, both in clinical psychology and other relevant profiles

9

Draft Guidelines for the preparation of an opinion on the best interests of the child

10

Change the legal regime for the exercise of contact under supervision of the SWC

13

Examine the possibility of issuing certain interim measures also in cases where the standard of “endangerment” of the child is not met, when in the best interests of the child

14

Regulate in more detail the conditions for the appointment of a guardian *ad litem*

2
BEST
INTERESTS
OF
THE CHILD

Actions 12, 15, 16 (medium priority actions)

Chapter 3: Child participation

- ▶ The general principle of child's right to be heard (article 12 CRC) is addressed in Chapter 3 of the Strategy and NAP



3
CHILD
PARTICIPATION

Chapter 3: Child participation

STRATEGY

► Findings:

- Consultation of children involved in civil court proceedings is still done on a case-by-case basis and without a clear and systematic procedure
- Children are not always consulted or informed, and independent representation is not necessarily granted
- Commitment to **enhance the effective participation** of children in civil proceedings in and outside of courts, strengthen the **elaboration of child-friendly information**, and **ensure appropriate representation for children** free of charge



3
CHILD
PARTICIPATION

Chapter 3: Child participation

NAP - Actions (selection)

- 17 Include **child-friendly information** about the rights of the child and civil court proceedings and decisions in a specifically dedicated section of the national online resource platform
- 18 Develop a **protocol for child interviews** in civil court proceedings, including clear guidance on interviewing techniques
- 19 Draft a Protocol of Recommended Practices to ensure the **right of the child to participate in civil court proceedings**
- 20 Ensure that all children have the right to **assistance to express their views in decisions that concern them**
- 23 Create information materials for children whose status is being decided in court proceedings
- 24 Prepare and adopt a legal basis for lists of specialised lawyers for children

Actions 21, 22 (medium/lower priority actions)

3
CHILD
PARTICIPATION

Chapter 4: Training of professionals

- ▶ Chapter 4 of the Strategy focuses on the training of all relevant groups of professionals working with and for children involved in civil proceedings



4
TRAINING
OF
PROFESSIONALS

Chapter 4: Training of professionals

STRATEGY

- ▶ Findings:
 - ▶ A lack of sufficient competence with regard to the rights of the child and child-friendly interactions
 - ▶ All professionals working with and for children in civil court proceedings should be better trained on how to approach and interact with children, how to communicate with them in a child-friendly manner, and how to determine what is in the best interests of the child
- ▶ Commitment to **ensure that all professionals who interact with children** in the framework of civil court proceedings **have received at least a basic training in children's rights and the best interests of the child**, and that **professionals interviewing or hearing the child receive additional training** in how to do so in a child-friendly and evidence-based manner



4
TRAINING
OF
PROFESSIONALS

Chapter 4: Training of professionals

NAP - Actions (selection)

25

Strengthen the **multidisciplinary and interagency cooperation** between all relevant professionals working with civil proceedings involving children

28

Conduct a mapping of the content and relevance of existing training courses for professionals

29

Assess practice from other countries and determine which of the existing programmes would be best suited for the Slovenian national context

31

Develop a **training programme for Child Interviews in civil proceedings**, including evidence-based child interview protocols and techniques

32

Review existing **verified parenting programmes** and publish them on the national online resource platform

33

Identify and agree on the set of **skills, knowledge and competences** needed by judges, lawyers, and SWC staff working with civil proceedings involving children

4
TRAINING
OF
PROFESSIONALS

Actions 26, 27, 30 (medium priority actions)

Chapter 5: Alternatives to court

- ▶ Chapter 5 of the Strategy and NAP addresses alternatives to civil court proceedings



5
ALTERNATIVES
TO COURT
PROCEEDINGS

Chapter 5: Alternatives to court **STRATEGY**

- ▶ Findings:
 - ▶ More than 40% of all family law proceedings before courts are concerned with the amicable settlement of child custody between parents
 - ▶ Civil court proceedings are often lengthy due to the difficulty parents have to understand the negative impact of parental conflict on their children, and also their lacking understanding of how the involvement in court proceedings affects children
- ▶ Commitment to **reduce the number of cases that end up in civil court proceedings, enable alternative paths** and enhance **mediation initiatives** and **SWC competencies**



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ALTERNATIVES
TO COURT
PROCEEDINGS

Chapter 5: Alternatives to court

NAP - Actions

34

Promote mediation at national level, including through the National online resource Platform (action 1) in order for this option to become more widely known and used among the general public.

In particular, raise awareness of the various existing mediation options for separation and divorce (Bar Association, SWC, family mediators)

35

Equip and resource Social Work Centres (SWC) to provide the necessary guidance and support to families in situations of vulnerability and ensure the provision of more in-depth services where needed, such as family therapy and other educational and psychosocial programmes. (Gradually)

5

ALTERNATIVES
TO COURT
PROCEEDINGS

Chapter 6: Children in vulnerable situations

- ▶ Chapter 6 looks specifically at children in particularly vulnerable situations, for whom additional measures or safeguards may be needed



6
CHILDREN IN
VULNERABLE
SITUATIONS

Chapter 6: Children in vulnerable situations

STRATEGY

- ▶ Findings:
 - ▶ Civil courts have no protocol on how to take steps, at the very outset of court proceedings, to determine the level of risk of harm to the child
 - ▶ Children with specific needs are not necessarily entitled to special considerations in civil court decisions affecting them
- ▶ Commitment to **ensure additional safeguards and considerations** to uphold the best interests of children in particularly vulnerable situations, and to develop an **assessment protocol** enabling civil courts **to assess the level of risk of a child victim of domestic violence**

6
CHILDREN IN
VULNERABLE
SITUATIONS

Chapter 6: Children in vulnerable situations

NAP - Actions

36

Develop, together with relevant experts, a **tool for assessing the level of risk** of maltreatment/abuse/neglect of a child which can be used by civil court judges

37

Develop, together with relevant experts, a **protocol of recommended actions** in cases involving child victims of domestic violence or neglect

38

Enable **civil courts to take appropriate measures** in individual cases on the basis of the abovementioned tool and protocol, as well as on the basis of expert assessments

39

Enhance **cooperation between the different institutions** involved in dealing with domestic violence against/affecting children

40

Add a section in the **protocol for the determination of the best interests of the child** with clear **Guidelines** specifically dedicated to children in situations of vulnerability

6

CHILDREN IN
VULNERABLE
SITUATIONS

DISCUSSION & QUESTIONS

Time to start implementing!

THANK YOU

Dr Susanna Greijer, child protection expert

Independent consultant

sgreijer@pm.me