



PARADIGMA: Časopis za teoriju i praksu socijalnog rada, specijalne edukacije i rehabilitacije

Paradigma je naučni časopis koji objavljuje radove iz oblasti politikologije, socijalne politike, socijalnog rada, sociologije, komunikologije i iz drugih oblasti koje pripadaju polju društvenih nauka.

Izdavač: Akademija za humani razvoj, Beograd

Za izdavača: prof. dr Vladimir Ilić

Glavni urednik: prof. dr Vladimir Ilić, Beograd

Odgovorni urednik: prof. dr Milorad Đurić

Izvršni urednik: doc. dr Ivana Ristić

Redakcija:

Prof. dr Vesna Dukanac, Akademija za humani razvoj, Beograd

Prof. dr Veselin Medenica, Akademija za humani razvoj, Beograd

Prof. dr Neda Milošević, Akademija za humani razvoj, Beograd

Prof. dr Saša Stepanović, Akademija za humani razvoj, Beograd

Prof. dr Sanja Đurđević, Akademija za humani razvoj, Beograd

Prof. dr Ljiljana Manić, Akademija za humani razvoj, Beograd

Doc. dr Ana Grbić, Akademija za humani razvoj, Beograd

Doc. dr Emina Borjanić Bolić, Akademija za humani razvoj, Beograd

Prof. dr Miroslav Brkić, Fakultet političkih nauka Univerziteta u Beogradu

Prof. dr Zoran Vesić, Fakultet političkih nauka Univerziteta u Beogradu

Prof. dr Jasna Veljković, Fakultet političkih nauka Univerziteta u Beogradu

Prof. dr Đorđe Stojanović, Institut za političke studije, Beograd

Doc. dr Ivana Milosavljević Đukić, Centar za zaštitu odojčadi, dece i omladine, Beograd

Prof. dr Milica Bošković, Fakultet za diplomatiju i bezbednost, Beograd

Prof. dr Tamara Džamonja, Filozofski fakultet Univerziteta u Beogradu

Doc. dr Izumrud Agalarovna Kerimova, Moskva

Prof. dr Suada Buljubašić, Fakultet političkih nauka, Sarajevo

Prof. dr Ljudmila Vladimirovna Tarabakina, Moskva

Prof. dr Uglješa Janković, Fakultet političkih nauka, Podgorica

Prof. dr Branka Stamatović Gajić, Institute for International Health and Education (IIHEUS), Albany, USA

Prof. dr. Svetlana Trbojević, University of St Cyril and Methodius, Faculty of Philosophy, Institute of Social Work and Social Policy, North Macedonia

Prof. dr Berrine Baydik, University of Ankara, Turkey

Sekretar redakcije: Jelena Đukić

Lektura i korektura: Nataša Nikolić (srpski jezik) i Aleksandra Pavić Panić (engleski jezik)

Tehnički urednik: Petar Matić

Dizajn korica: prof. dr. Milorad Đurić, Petar Matić

Tiraž: 100 primeraka

Štampa: NM Libris

Časopis izlazi jedanput godišnje

Sadržaj

Jovana Janić

Primena augmentativne i alternativne komunikacije kod dece sa
teškim oblikom verbalne apraksije 5

Aleksandra M. Malešević, Jelena D. Milisavljević

Vreme i razlog uključivanja dece sa autizmom na
kognitivno-bihevioralni tretman..... 17

Vojislav Jovanović

Potruga za ličnošću i personom:
Naznake porekla termina u srpskom jeziku 29

Aleksandra M. Petrović

Problem identiteta i (auto)poetika Rastka Petrovića 43

Ilija Lazić

Pedagogija održivog razvoja - vaspitanje i obrazovanje za održivu
životnu sredinu 53

Milica Sutova

Practical challenges in applying Article 12 of the Convention on the
Rights of the Child in judicial proceedings in North Macedonia 69

Milica Sutova¹,
Faculty of Law, Goce Delcev University,
Stip, North Macedonia

Pregledni naučni rad
Primljen: 05.01.2025.
Prihvaćen: 22.01.2025.
37.034:503.06

PRACTICAL CHALLENGES IN APPLYING ARTICLE 12 OF THE CONVENTION ON THE RIGHTS OF THE CHILD IN JUDICIAL PROCEEDINGS IN NORTH MACEDONIA

Abstract: The Convention on the Rights of the Child has significantly contributed to strengthening the procedural status of children in judicial and administrative proceedings affecting them. This development calls for an examination of the way children are heard in divorce proceedings and of whether the applicable procedures comply with the principle of the best interests of the child. This paper analyses the model applied in the Republic of North Macedonia under the Family Law and identifies shortcomings in the existing legal framework. Methodologically, the study combines a doctrinal analysis of the Convention, the Committee's General Comments, and the relevant Macedonian family and civil-procedure legislation with an examination of selected domestic judicial decisions. It further applies a functional comparative method to selected European legal systems, assessing them according to whether the hearing is guaranteed as a right, whether fixed age thresholds or individual assessments of the child's capacity are applied, whether the child is heard directly or indirectly, and whether the competent authority is required to explain the weight accorded to the child's views. On this basis, the paper identifies regulatory and practical gaps and formulates *de lege ferenda* proposals aimed at introducing clearer and child-sensitive procedural safeguards. The proposed reforms seek to ensure more consistent implementation of Article 12 of the Convention, strengthen the effective participation of children in divorce proceedings, and enhance legal certainty for the child.

Keywords: *12 of the Convention on the Rights of the Child; right of the child to be heard; best interests of the child; divorce proceedings; Macedonian family law.*

¹ milica.sutova@ugd.edu.mk; ORCID: <https://orcid.org/0009-0009-2972-1091>

Introduction

One of the fundamental principles of contemporary legal systems is the legal protection of children's rights, within which particular importance is attributed to the child's right to be heard in proceedings affecting him or her. As a key international instrument, Article 12 of the Convention on the Rights of the Child enshrines the child's right to freely express his or her views and to have those views duly considered in accordance with the child's age and maturity. This right constitutes an essential element of the concept of the child as a subject of rights, rather than merely an object of protection. This effective implementation of Article 12 plays a significant role in ensuring the effective legal protection of the child, particularly in judicial and administrative proceedings.

The child's right to express his or her views represents the first and fundamental step of the concept of the child's participation in proceedings, upon which the child's participatory rights are built. The legal status of the child is preceded by two key factors that constitute the source of legal regulation concerning children, namely: the principle of the best interests of the child and the child's right to participation (Vlašковић, 2014, p. 243). Regarding the participatory rights of the child, the basic general rule is the child's right to express his or her views, which is regulated by the Convention on the Rights of the Child at two levels: a general level and a specific, procedural level. Through this Convention, the fundamental rights of the child were regulated for the first time (United Nations, 1989, art. 12(1)). In procedural terms, it is emphasised that the child must be given an opportunity to be heard in all judicial and administrative proceedings affecting his or her interests, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of the national legislation (United Nations, 1989, art. 12(2)).

Determining the best interests of a child is not a simple task in proceedings in which the child's rights and interests must be balanced against the rights and interests of other participants. In civil judicial proceedings, the best interests of the child must be considered together with other rights of the child, such as the right to be heard, the right to protection from violence, and the right not to be separated from his or her parents, among others. When addressing litigation proceedings concerning family-law relations, it must be borne in mind, first and foremost, that the general rules of civil procedure—designed as standard rules for resolving classic property-law disputes—do not correspond to the specific nature of family-law relations (Stanković, 2013, p. 582).

In other words, in proceedings concerning the exercise of parental rights, certain deviations from general civil procedure exist (Stanković, 2013, p. 583). These are reflected in the limited application of the principle of disposition, the predominance of the inquisitorial principle, the exclusion of the public, and the urgency of the proceedings. In such proceedings, which constitute special types of civil litigation, particular importance is attached to the application of the principle of equity, bearing in mind that the court is obliged to be guided by the best interests of the child.

Accordingly, the analysis proceeds from the international framework of Articles 3 and 12 of the Convention to the child's procedural position in civil proceedings, before examining the shortcomings of the Macedonian family legislation and judicial practice. The final part uses comparative law not merely descriptively, but as a basis for identifying concrete *de lege ferenda* safeguards suitable for incorporation into the Family Law of the Republic of North Macedonia.

The domestic case-law analysis covers selected judgments delivered by the Basic Civil Court in Skopje and the Basic Court in Štip. The judgments were selected according to subject-matter criteria, namely divorce proceedings concerning the determination of the parent with whom the child will reside, the child's upbringing and maintenance, and the regulation of personal relations with the other parent. As the judgments are not publicly accessible, they are used as illustrative rather than representative examples and are examined according to whether the child was afforded an opportunity to be heard, whether the child's capacity was individually assessed, whether the court relied on reports from the Centre for Social Work, and whether the judgment explained the weight accorded to the child's views. The selected comparative jurisdictions represent different regulatory approaches to child participation, including fixed age thresholds and individual assessments of the child's capacity, as well as direct and indirect forms of hearing. Their legislation is examined through a common functional framework, focusing on the legal basis of the right to be heard, the applicable age or capacity criteria, the method of hearing, and the obligation to explain the weight according to the child's views.

1. The Concept of the Best Interests of the Child

The idea that the child's well-being and interests should be accorded particular weight in legal and institutional decision-making developed gradually during the nineteenth and early twentieth centuries, even before the concept of the best interests of the child gained broader recognition in legal doc-

trine and practice (Zermatten, 2010, p. 492). The personal well-being of the child also influenced the children's protection practice even before its terminological and normative consolidation of the principle, whereas its modern legal meaning was shaped through the 20th century international instruments (Musgrove & Swain, 2010, p. 36).

The Declaration on the Rights of the Child of 1959 determined, in principle 2, the best interests of the child as the paramount consideration when adopting laws for his or her special protection and development. The 1989 Convention on the Rights of the Child gave the principle a broader horizontal scope. Pursuant to Article 3(1), in all actions concerning children, the best interests of the child must be primary consideration. Thus, the principle evolves from a standard primarily focused on well-being into a general principle of decision-making based on children's rights, applicable in legislative, administrative, and judicial proceedings, as well as in the work of public and private social welfare institutions (United Nations General Assembly, 1959, principle 2; United Nations, 1989, art. 3(1)).

General Comment No. 14 further elaborates this obligation by defining the best interests of the child as a threefold concept: a substantive right, a fundamental interpretative legal principle, and a procedural rule. Consequently, the application of Article 3 (1) cannot be reduced either to predetermined substantive legal solutions or solely to formal procedural rules. Rather, it requires an individualised substantive assessment of the relevant circumstances, conducted in a procedure that ensures the child's participation, the proper establishment of the facts, an assessment of the potential consequences, and an explanation of how the child's best interests were identified, assessed, and weighed (Committee on the Rights of the Child, 2013, paras. 6, 43–45, 85–99).

The child's best interest's principle is also significant in resolving conflicts between different rights and interests. Fulchiron (1997, p. 31) distinguishes a control function, through which the manner of exercising parental rights and duties is assessed, and a solution function, through which the decision for their determining and regulating is directed. Still, determining the best interest as a "the paramount consideration" does not mean that it suppresses automatically and absolutely all other relevant rights and interests; the competent authority must give it high priority significance and explain clearly its weighing in this specific case (Committee on the Rights of the Child, 2013, paras. 36–40). The content of the best interests cannot be determined *in abstracto*, or statically, but it is determined through wider circumstantial factors and individual, i.e. family factors. The first group encompasses the social, cultural and institutional environment in which the child lives, along with the quality of care, protection, health and educational condition. The second

group includes views, age, maturity, identity, vulnerability and developmental needs of a specific child, its relations with the parents, other members of the family and persons looking after him or her, as well as the ability of those persons to meet his or her emotional, psychological, educational and cultural needs. This division is an analytical, not a normatively determined or hierarchical, classification (Committee on the Rights of the Child, 2013, paras. 48–79; Ferreira, 2010, pp. 208–211; Heaton, 2009, pp. 9–15).

The individual nature of the concept requires that the weight of each factor is determined according to its specific impact on a certain child, not through the application of a predetermined list. Therefore, the assessment must be directed to the child and to taking into consideration his or her own perspective, immediate family environment and circumstances in which that child lives. At the same time, different legal, religious and cultural environments can influence the interpretation of quality care and upbringing. For example, Zevulun et al. (2019, pp. 339–340, 342–343) found substantial agreement between Western-European and Western-Balkan assessors when the BIC-Qratings were dichotomized as sufficient or insufficient, while differences remained in relation to two distinct conditions: “respect” for the child in the wider social environment and “interest”, referring to the interest and engagement shown by parents or caregivers in the child’s wishes and activities. It can therefore be concluded that the best interests of the child are not an unchangeable standard. The term is subject to change. This means that the doctrine and case-law should develop this notion. One of the benefits of this principle is its flexibility and adjustment to cultural, social and economic differences of different legal systems within spatial and time meaning. Due to that, this principle is universally accepted and useful.

Although the principle of the best interests of the child is one of the foundations of international children’s rights law, it remains a complex concept, particularly where the child’s interests do not coincide with those of the parents, the family, the State, or other rights-holders. The competent authority must therefore identify and properly assess all relevant interests, give due weight to the child’s views, evaluate the potential consequences of each available solution, and provide a reasoned explanation demonstrating that the decision serves the child’s best interests. Without the effective implementation of Article 12, the decision-maker cannot obtain and duly consider the child’s own perspective, which constitutes an indispensable element of any genuinely individualised assessment of the child’s best interests. Understood in this way, the principle is not merely a general rhetorical formula, but a method of legal reasoning that links the substantive assessment of the child’s circumstances to the procedural legitimacy of the decision (Committee on the Rights of the

Child, 2013, paras. 36–40, 43–45, 85–99).

2. The Procedural Legal Status of the Child and His or Her Representation in Civil Judicial Proceedings

Article 12 of the United Nations Convention on the Rights of the Child (CRC) constitutes one of the four general principles of the Convention and plays a central role in the interpretation and implementation of all other rights guaranteed therein. It recognises the right of every child capable of forming their own views to express those views freely in all matters affecting them and requires that such views be given due weight in accordance with the child's age and maturity. Importantly, Article 12(2) requires that the child be provided with an opportunity to be heard in any judicial or administrative proceedings affecting them, either directly or through a representative or an appropriate body, in a manner consistent with the procedural rules of national law. By recognising children as holders of rights whose views must be sought and duly considered, Article 12 contributes to the transformation of the child's legal status from that of a passive object of protection into that of an active subject and participant in decision-making processes affecting their life.

Representation in civil judicial proceedings and the procedural legal status of the child increasingly underscore the necessity of ensuring effective protection of children's rights within judicial processes. This section elaborates on the evolving procedural position of the child in relation to legal capacity and representation, as well as the impact of international standards on strengthening the child's role in civil proceedings.

From birth, the child possesses legal personality and legal capacity, understood as the capacity to hold rights and obligations. These concepts must be distinguished from party capacity, which concerns whether the child may participate as a party to proceedings, procedural capacity, which concerns whether the child may independently undertake procedural acts, and representation, which determines who may perform such acts on the child's behalf where full procedural capacity is absent. None of these procedural categories determines the existence or scope of the child's autonomous right under Article 12 of the Convention.

Article 12 confers on the child a personal participatory right to express their views and to have those views given due weight, irrespective of whether the child has full procedural capacity or formally participates in the proceedings as a party, participant, or witness. The absence of full procedural capacity may require the child to be represented for the purpose of undertaking procedural acts, but it does not justify excluding the child from being heard.

Moreover, hearing the child under Art. 12 should not be equated with the evidentiary examination of a party or witness, since its purpose is to secure the child's effective participation in a decision-making process that affects them. The decision-maker must proceed from the presumption that the child is capable of forming their own views and must assess that capacity individually, without relying exclusively on age or on predetermined categories of children. The child remains free to decide not to exercise the right to be heard. Where concerns arise regarding pressure, potential harm, or the suitability of direct hearing, the appropriate response is to adapt the method, environment, frequency, and professional support to the child's particular circumstances. An assessment by the Centre for Social Work may assist the court in selecting an appropriate method of participation, but it cannot, by itself, constitute a general ground for denying the child the opportunity to be heard; any conclusion that the child is unable to form or communicate views in the particular matter must be based on an individualized and reasoned assessment (Committee on the Rights of the Child, 2009, paras. 15–16, 20–24, 28–30, 32–38, 44, 51–52).

After the conclusion of judicial proceedings in which the child has directly expressed his or her view, the court need to act in accordance with the principle of the best interests of the child and, in that regard, to provide feedback to the child regarding how the decision was made and how the child's views influenced the outcome (Committee on the Rights of the Child, 2009, para. 45). Such feedback constitutes a guarantee that the child's views were not elicited merely as a formality but were taken seriously. The Committee further notes that this information may provide grounds for the child to pursue legal remedies (Committee on the Rights of the Child, 2009, para. 45).

It should be noted that the Committee on the Rights of the Child does not prescribe a specific method for conveying information to the child. Feedback may be provided either directly or appropriately through the child's representative; however, the court must ensure that the information communicated to the child is accurate, comprehensible, and provided in a timely manner. These general requirements provide the normative framework against which the Macedonian legislative and institutional model must be assessed.

2.1. The Domestic Normative Framework in Macedonian Legislation: Judicial Proceedings and the Role of the Centre for Social Work

Against this international framework, the Macedonian legal framework remains fragmented and insufficiently proceduralized. Under the Family Law, neither the content of the principle of the best interests of the child nor a comprehensive methodology for its assessment is explicitly regulated; instead, the

determination is largely left to the discretion of the court. Although more recent legislation, including Article 5 of the Law on Child Protection of the Republic of North Macedonia (2013, art. 5) and Article 17(3) of the Law on Social Protection of the Republic of North Macedonia (2019, art. 17(3)), recognises the child's right to have their views taken into account in accordance with their age and maturity, the Family Law Act, as the *lex specialis* governing family relations, does not provide a comprehensive framework for the effective exercise of the child's right to be heard.

Furthermore, the Centre for Social Work has a particularly prominent role in family disputes, as it may propose evidence and provide expert opinions on which the court often relies, as provided in Articles 80 (2) and 249 of the Family Law of the Republic of North Macedonia (1992, arts. 80(2), 249). This creates a model in which the child's views frequently reach the court indirectly, raising the key question whether such institutional representation provides safeguards equivalent to an explicit obligation imposed on the court to secure the child's effective participation. Although international standards permit such representation, they emphasize that the selected method must not create a conflict of interest and must effectively convey the child's authentic views.

This regulatory gap is reflected in the case law examined, which appears uneven. As noted above, the analysis examined 30 judgments (in the publicly available decisions examined) delivered between 2017 and 2025 by the Basic Civil Court in Skopje and the Basic Court in Štip in family-law disputes, specifically divorce proceedings in which the courts also determined the parent with whom the child would reside. The reviewed decisions generally rely on reports from Centers for Social Work and do not consistently indicate whether the child was directly heard, how the child's views were obtained, or what weight was attributed to them. This risks reducing the child's right to participation to a procedural formality rather than ensuring substantive participation in decisions concerning their future.

The civil and family-law cases examined in North Macedonia reveal a significant gap between the principles enshrined in the Convention and their implementation in practice. To address the existing regulatory gaps, the author proposes introducing a dedicated set of provisions in the Law on Civil Procedure or the Family Law governing the procedure for hearing a child in civil and family disputes. This would promote more consistent judicial practice. Direct hearing of the child should be available as a statutory standard: a child capable of forming views should be given an opportunity to be heard directly by the court where this is appropriate and consistent with the child's wishes and circumstances. The opinion of the Centre for Social Work should remain

a form of expert evidence in the proceedings but should not substitute for the court's independent assessment of the child's right to be heard. In divorce proceedings involving a risk of parental manipulation or a conflict of interest, the court should be authorized to appoint an independent representative or special guardian (guardian ad litem), whose role and duties should be clearly defined by law.

In Macedonian family law, the prevalence of the indirect model of hearing through the Centre for Social Work and the absence of detailed, child-sensitive procedural rules in the Law on Civil Procedure weaken the effective realization of this fundamental right. As a general procedural law, the Law on Civil Procedure does not contain specific provisions regulating the hearing of children in civil proceedings. The procedure is conducted under the general rules on the examination of witnesses (Articles 223 et seq.) or parties (Articles 257 et seq.), which are not adapted to the developmental and communicative needs of children (Law on Civil Procedure of the Republic of North Macedonia, 2005, arts. 223, 257). This creates a regulatory gap and contributes to inconsistent judicial practice, as the manner in which the child is heard depends substantially on the sensitivity and training of the individual judge. To ensure full compliance with international standards, the above-mentioned *de lege ferenda* reforms are necessary. They would enable the child to become an active participant in proceedings that shape their future and would support judicial decisions based on a comprehensive assessment of the child's views and best interests. Reform in the Republic of North Macedonia should therefore be substantive, procedural, and institutional. Only then will the child's right to be heard function as a genuine right to participation rather than as an occasional procedural formality.

2.2. Identified Shortcomings in Macedonian Judicial Practice

An analysis of judicial practice in the Republic of North Macedonia indicates that Article 12 of the Convention on the Rights of the Child is not consistently applied and that children are not heard in proceedings in which decisions are made concerning their interests. The fact that this provision has not been implemented in the relevant *lex specialis* (namely, Family Law) does not absolve judicial authorities of their responsibility to apply it in practice. Two of the 30 judgments examined are discussed below as illustrative examples of the broader shortcomings identified in the case-law analysis: the first concerns the failure to afford the child an opportunity to express their views, while the second illustrates the failure to conduct child-related proceedings with the urgency required by the principle of the child's best interests.

In case *XIII P2-776/19* (Basic Civil Court in Skopje, n.d.-b), the court committed a substantial violation of the procedural provisions. This is due to the fact that the child was not afforded the opportunity to express his or her views, despite the proceedings directly concerning the determination of the child's rights. At the same time, the Court decided to entrust the child to the care, upbringing, and full maintenance of the mother. Consequently, the father was relieved of the obligation to provide maintenance, which is contrary to the interests of the child. This is particularly problematic given that the Court, acting as a party in a functional sense, is under an obligation to take due account of and give primary consideration to the best interests of the child. The obligation of parents to provide maintenance for their minor children is a joint responsibility of both parents, irrespective of which parent exercises parental responsibility or whether parental responsibility is exercised at all. In case *P2-494/17* (Basic Civil Court in Skopje, n.d.-a), the Basic Civil Court in Skopje dissolved marriage between the spouses in accordance with Article 40 of the Family Law. It may be observed from the judgment that the proceedings lasted for more than two and a half years, indicating that the court failed to be guided by the principle of the best interests of the child, particularly given that such proceedings are to be conducted as urgently. In doing so, the court breached the principle of expedition. This recalls the position of the European Court of Human Rights, according to which diligence is required from the competent authorities in all cases concerning personal relations and status, especially in legal systems where national legislation provides that certain judicial proceedings must be treated as urgent (*Borgese v. Italy*, 1998, para. 28).

The analysed judicial practice reveals that the challenges in implementing Article 12 are not limited to the absence of an explicit statutory obligation to hear the child. They also concern the manner in which courts exercise their procedural discretion. Three interrelated difficulties may be identified. First, courts do not consistently examine whether the child is capable of forming and expressing views, but may omit the hearing without providing an individualised and reasoned assessment. Second, direct judicial hearing remains exceptional and appears to be used predominantly in relation to older children, which risks transforming age into an informal threshold contrary to the requirement that capacity be assessed individually. Third, the absence of detailed procedural rules concerning the place, method, participants and documentation of the hearing increases judicial dependence on Social Care Centres and other experts, thereby producing divergent practices between individual courts. In addition, inadequate child-friendly premises, limited access to psychologists and insufficient specialised training of judges may discourage courts from hearing children directly. These deficiencies demonstrate that the

practical problem is not merely whether a child is formally given a voice, but whether the institutional conditions enable that voice to be obtained, interpreted and given demonstrable weight in the final decision (Sutova & Zembrzusi, 2024, pp. 124–126).

The cited decisions should be used as illustrations of recurring procedural risks rather than as proof of the frequency of a nationwide practice unless a broader representative sample is available. The analytical value of the cases lies in showing how the absence of an explicit hearing duty can affect judicial reasoning: the court may fail to assess the child's capacity individually, may rely exclusively on institutional reports, or may omit an explanation of the weight attributed to the child's views.

The objective is to recognize children as rights-holders and to respect their developing autonomy in accordance with their evolving capacities (Lansdown, 2005, p. 2). This requires that children be enabled to express their views freely, that those views be heard and given due weight, and that children be supported in progressively exercising greater agency and assuming responsibility as their capacities develop and mature.

Limited awareness of children's rights constitutes a significant obstacle to the effective implementation of Article 12. It may also indicate a failure to comply with Article 42 of the CRC, which requires States Parties to make the principles and provisions of the Convention widely known, by appropriate and active means, to adults and children alike (Lundy, 2007, p. 927; United Nations, 1989, art. 42). Children's abilities are often constrained by a lack of awareness among parents and guardians, as well as by their failure to create an environment conducive to the realization of children's rights. Therefore, it is recommended to enhance their awareness through targeted training programs aimed at enabling children to effectively exercise their rights.

3. The Influence of Age and Maturity in Proceedings Concerning the Rights of the Child

In the effective realization of the child's right to be heard in proceedings affecting his or her rights and interests, a fundamental issue concerns the determination of age and maturity. Contemporary standards increasingly emphasize that these elements must be assessed on an individual basis, considering the child's developmental capacities and specific circumstances, rather than relying on rigid age thresholds. This section of the paper examines the various concepts of maturity, the conditions necessary for meaningful child participation, and the extent to which domestic legislation is aligned with international standards, particularly those enshrined in Article 12 of the Con-

vention on the Rights of the Child.

When addressing the age and maturity of the child, it must be borne in mind that these elements can be assessed only on an individual basis, considering the information available, the child's experiences, environment, and the relevant social and cultural expectations. Maturity, however, refers to the child's ability to understand and accept the consequences of expressing a particular view. The capacity for reasoning and understanding consequences as a standard is increasingly reflected in international instruments and national legislation.

There is no minimum age for a child to exercise his or her rights; even infants can communicate views through the means available to them, which develop and evolve as they grow (Barafi et al., 2026, p. 2). According to the child's views it increases progressively with the child's maturity, while age alone does not have an independent or decisive role. The Committee on the Rights of the Child opposes the establishment of a fixed age threshold as a prerequisite for the exercise of the child's right to express his or her views in all proceedings concerning the child's rights and interests. An age limit does not adequately reflect a child's level of understanding, since only a small number of children demonstrate a high degree of maturity at an early age.

At the same time, the environment in which the child is heard should not be uncomfortable, hostile, insensitive, or inappropriate for the child's age. Procedures must be accessible and adapted to the child. In this regard, it is necessary to ensure appropriately trained personnel, a child-friendly courtroom setting, suitable attire of people participating in the proceedings, separate waiting rooms for children, and similar measures.

Once a competent authority determines that the child should be heard, a decision must be made as to how the hearing will take place: directly or indirectly, through a representative or an appropriate body. The United Nations Committee on the Rights of the Child recommends that, whenever possible, the child be given the opportunity to be heard directly on any proceedings. It is noteworthy that Article 12 CRC "has acted as a catalyst for the (further) development of the child's right to participate domestically and internationally" (Mol, 2019, p. 245). A child's representative may be a parent, a lawyer, or another person, including a professional from the Centre for Social Work. However, it should be borne in mind that in many cases (civil, criminal, or administrative proceedings) there is a risk of a conflict of interest between the child and his or her representative, who is most often one or both parents. CRC, is worth emphasizing that the representative must not confuse his or her role with the obligation contained in Article 3 of the CRC that the child's best interests must be a primary consideration. This concern is especially acute in high-

conflict divorce and international child-abduction proceedings, in which parents may be unable to represent the child's interests objectively (Mol, 2019, p. 245). If the child is heard through a representative, it is of essential importance that the child's views be accurately conveyed to the decision-making authority by the representative. The representative must be aware that he or she represents the interests and views of the child, and not those of other people. Representation must be carried out "in a manner" consistent with the procedural rules of national law.

In this context, the domestic legal framework provides only limited regulations. The same applies in proceedings determining the parent with whom the child will reside following divorce. Specifically, Article 80 of the Macedonian Family Law does not impose an obligation to hear the minor child or to take the child's views into account when dissolving a marriage and deciding with which parent the child will live. This constitutes one of the most serious shortcomings of Macedonian family law, which is not fully harmonized with Article 12 of the CRC.

Therefore, the shortcomings of the legislative framework are twofold: first, the Family Law, as the *lex specialis*, does not provide for a general rule requiring that every child capable of forming and expressing a view be heard, and on the other hand, the procedural legislation (meaning the Law on Civil Procedure), does not provide sufficient safeguards regarding the preparation of the child, the conduct of the hearing, the documentation, the provision of feedback, and the justification for any child's departure from the views expressed by him or her. These legal gaps are a reason for comparative analysis of European countries and solutions for amendments of the current legal framework *de lege ferenda*.

4. The Child's Views in Judicial Proceedings in European Countries

The legal systems included in the comparative analysis were selected purposively. France, Italy, Spain, the Netherlands, Austria, the Czech Republic, Greece, and Norway were included in order to examine variations in the legal and procedural approaches to children's participation in proceedings affecting them. The analysis focuses on the legal basis of the child's right to be heard, the application of fixed age thresholds or an individual assessment of the child's capacity, the method by which the child is heard, and the obligation to explain the weight accorded to the child's views.

The analysis also includes Serbia, Croatia, and Montenegro, not only because of their geographical and historical proximity to North Macedonia, but also because of the practical relevance of their legislative solutions to the

reform of North Macedonian family law. The availability of relevant, reliable, and sufficiently accessible legal materials constituted an additional selection criterion. The comparison is therefore functional and problem-oriented and does not purport to provide either an exhaustive overview or a representative account of European legal systems as a whole.

Comparative analysis of European legal systems of the countries under analysis shows a significantly more developed approach to the child's right to be heard in proceedings affecting his or her rights and interests, particularly when compared to the approach identified in our domestic legal framework. A number of jurisdictions demonstrate that this right is not merely formally recognised, but is also supported by clear procedural guarantees, including statutory obligations to hear the child and to take due account of the child's views in the decision-making process. In this context, this section of the paper examines selected European models, highlighting the diverse legislative solutions and practices aimed at ensuring the meaningful participation of the child in judicial proceedings.

The comparative analysis includes four legal criteria: (1) whether the hearing is regulated normatively as the child's right or is surrendered to the discretionary evaluation of the court; (2) whether the law provides for a fixed age threshold or requires individual assessment of his or her developmental capacities; (3) whether the child is heard directly by the judge or indirectly, through an expert or a legal representative; and (4) whether the decision-maker is required to explain the weight accorded to the child's views and the extent to which those views influenced the decision (Committee on the Rights of the Child, 2009, paras. 15, 19–21, 28–37, 44–45, 51–52). The Council of Europe Guidelines on Child-Friendly Justice support this functional approach (Council of Europe, 2010). They relate to civil, administrative and criminal proceedings and require that the procedures be accessible, adequate to age, fast, efficient and adapted to the needs of the child, while ensuring legal protection of participation, information, privacy, representation and multidisciplinary support.

As previously emphasized, unlike the Republic of North Macedonia, European legal systems attach great importance to the child's right to express his or her views before all judicial and other authorities when decisions are taken that are significant for the child's rights, interests, and future. In French law, the application of Article 12 of the Convention on the Rights of the Child (the right of the minor child to be heard and to be expressed in all judicial and administrative proceedings affecting him or her) is transposed through Article 388–1 of the French Civil Code (Code civil, 1804, art. 388–1). This article was introduced into the Civil Code by the 1993 Reform (Law No. 93–22) and

was later supplemented and clarified by several amendments. In *France*, there is no fixed age. A child capable of reasoning may be heard in any procedure that concerns him/her; if the child himself/herself requests a hearing, this is his/her right. In 2025, with the amendment of Article 338–1 of the Code of Civil Procedure (Code de procédure civile, 1975, art. 338–1), the obligation to inform the child of the right to be heard by a lawyer was strengthened and requires that the information about this right be given to the child by the person or service to which the child is entrusted, and that the notification of the right be attached to the court summons. Where the request comes from the child, refusal may be based only on a lack of capacity for judgment or on the fact that the procedure does not concern the child, and the reasons must be stated in the decision (Code de procédure civile, 1975, art. 338–4). Mallevaey (2022, p. 71) places these safeguards in the broader context of the increasing judicialisation of family relationships.

Under *Italian law*, a child can be heard at the age of 12, or even younger if they have the capacity to reason (*capacità di discernimento*). A significant turning point was brought by the “Cartabbia” reform (Legislative Decree No. 149/2022), which, by introducing articles 473-bis.4 and 473-bis.5 in the Code of Civil Procedure, regulated the hearing process, with an emphasis on immediacy, privacy and audiovisual recording. These provisions established an obligation to evaluate the views according to the maturity of the child, prescribed an obligation to provide a specific explanation if the hearing is omitted, and set out specific exceptions when this is not in the child’s best interests (Codice di procedura civile, 1940, arts. 473-bis.4–473-bis.5). In *Spain*, the law provides that a child who has attained a certain age and level of maturity has the right to be informed and to express his or her views on all matters concerning the child’s rights and interests (Organic Law 1/1996 on the Legal Protection of Minors, 1996, art. 9). If parents fail to inform the child or to take the child’s views into account when deciding on matters of significance, this is considered a negligent exercise of parental responsibility. Spanish law further provides that a child who has reached the age of 12 must be heard when a decision is made regarding the parent with whom the child will live if the parents live separately or are divorced. Article 770, Rule 4, of the Law on Civil Procedure governs the procedural aspects of hearing the child (Law 1/2000 on Civil Procedure, 2000, art. 770).

According to the *Dutch* Code of Civil Procedure, the court may not render a decision before hearing a minor who has reached the age of 12 in matters concerning the child’s rights and interests (Dutch Code of Civil Procedure, 1986, art. 809(1)). The court may afford minors under the age of twelve an opportunity to express their views in such manner as it considers appropriate.

In *Austria*, the court shall personally hear minors in proceedings concerning care and upbringing or personal contact. The minor may also be heard by the child and youth welfare agency, the family court support service, the juvenile court support services or in another appropriate manner, such as experts, if the minor has not yet reached the age of ten, if his development or state of health so requires, or if the expression of a serious and independent view from the minor cannot otherwise be expected (Federal Act on Court Procedure in Non-Contentious Matters, 2003, sec. 105).

The *Czech* model combines the presumption of sufficient maturity from the age of 12, established in Article 867 of the Civil Code of the Czech Republic (2012, art. 867), with the flexible procedural mechanism provided for in section 100(4) of the Civil Procedure Code of the Czech Republic (1963, sec. 100(4)), under which the child may be heard either directly by the court or indirectly through an appropriate representative or competent authority, without relieving the court of its ultimate responsibility to ensure that the child's views are properly ascertained and considered (Čilečková, Chrenková, & Kornel, 2024, p. 80).

Greek law does not prescribe a mandatory minimum age for a child to be heard, unlike the legislation of certain other countries. Instead, the judge assesses the circumstances of each case *in concreto*, determining whether the child possesses a sufficient degree of maturity and capacity for discernment to form and express his or her own views (Greek Civil Code, 1984, art. 1511(4)).

In *Norway*, when the court decides on parental rights and duties, custody, or the maintenance of personal contact, a child who has reached the age of seven must be heard (Children Act, 1981, art. 31). Furthermore, the Norwegian Children Act of 1981 provides that a child who has reached the age of 12 "shall be given considerable weight" in decisions concerning his or her rights and interests (Children Act, 1981, art. 31). Under Norwegian law, the judge hears the minor without the presence of the parents or their legal representatives and may appoint a professional to conduct the hearing where justified.

By contrast, in the Family Law of the Republic of North Macedonia, Article 12 of the Convention on the Rights of the Child has not been consistently implemented, which constitutes one of the fundamental shortcomings of the Macedonian family legislation. As a result, the legal solutions in this area are inconsistent. For certain matters, the Family Law provides for the child's right to be heard upon reaching a certain age when competent authorities decide on the child's rights and interests, while in other situations such a solution is not envisaged.

Without engaging in a detailed elaboration of the various approaches, it can nevertheless be noted that differences are also evident among countries

in the region. Legislative reforms have been undertaken whereby family laws provide for an obligation to take the child's views into account. For example, under the Family Act of the Republic of *Serbia*, a child who has reached the age of 10 may freely and directly express his or her views in any judicial or administrative proceedings concerning the child's rights (Family Act of the Republic of Serbia, 2005, art. 65(4)). Under the *Croatian* Family Act, every child has the right to be informed, to receive advice, and to express his or her views in all proceedings concerning his or her rights or interests. The child's views are taken into account in accordance with his or her age and maturity (Family Act of the Republic of Croatia, 2015, art. 86(2)).

In our view the right to express views should not be limited by age, but by the child's ability to form views, which depends on the child's individual developmental capacities.

By contrast, in Montenegro, amendments to the Family Law adopted in 2016 removed the age restriction that previously granted the child the right to express views only if older than 10 years of age. Under the current legal framework, this right is recognized for every child who can form views (Family Act of Montenegro, 2007, art. 67). Through these amendments, the legislation has been harmonized with the contemporary concept of the child's evolving capacities and with the position of the Committee on the Rights of the Child that no fixed age limit should be set with regard to the child's ability to form views; rather, such ability should be assessed in each individual case, taking into account the child's age and maturity.

Comparative analysis shows that no foreign model should be directly transposed; any legislative solution must be adapted to the domestic doctrinal and procedural framework, as well as to judicial practice. The constraint of age thresholds provides certain advantages on the one hand; however, on the other, it carries the risk of excluding younger children who are capable of forming their own views (which depend on various factors and must be assessed on a case-by-case basis). On the other hand, broad judicial discretion allows for individualization, but it can produce inconsistent practice if the law does not provide for general rules. Therefore, a balanced solution in the Macedonian legislation is required, which will combine the capacity of each child, individualized assessment without minimum age, an obligation of courts that ensures certainty that each child has been given an equal possibility to give his or her view and reasoned explanation concerning the weight given to the child's views.

The implementation of this model requires coordinated amendments to the Family Law and the Law on Civil Procedure. These amendments should regulate when the child is to be heard directly by the court and when profes-

sionally assisted indirect hearing is appropriate, guarantee independent representation in cases involving a conflict of interests, and require a reasoned explanation of the weight accorded to the child's views and their influence on the final decision. Such safeguards would ensure the effective and consistent implementation of Article 12 of the United Nations Convention on the Rights of the Child in Macedonian legislation.

5. Conclusion

This study demonstrates that the implementation of Article 12 of the Convention on the Rights of the Child in North Macedonian family proceedings remains incomplete at both substantive and procedural levels. The Family Law Act, as a *lex specialis*, does not regulate the fundamental right of every child who is capable of giving an opinion in the proceedings that are decide on his/her interests, while the Law on Civil Procedure does not contain procedural rules (absence of procedural rules) that regulate the hearing of children in civil proceedings. In practice, this regulatory gap sustains a predominantly indirect model in which the child's views are conveyed through the Centre for Social Work rather than secured through a clearly defined judicial duty.

The illustrative review of 30 decisions delivered between 2017 and 2025 by the Basic Civil Court in Skopje and the Basic Court in Štip does not establish the frequency of a nationwide practice, but it reveals recurring procedural risks. The decisions do not consistently indicate whether the child was heard, how the child's capacity was assessed, how their views were obtained, or what weight those views carried; the examined cases also illustrate the consequences of insufficient procedural urgency. These findings confirm that the expert contribution of the Centre for Social Work, although indispensable, cannot be equated with the child's authentic views or substitute for the court's own assessment. Articles 3 and 12 are therefore mutually reinforcing: an individualized assessment of the child's best interests requires meaningful participation, while participation must be organized in a manner that protects the child's welfare and evolving capacities.

Ratification of the Convention entails an international obligation for the State to secure the rights it guarantees; however, the specific procedural duties of domestic courts must be made operational through clear domestic rules and the constitutional framework governing the effect of ratified treaties. The comparative analysis supports a mixed model adapted to the North Macedonian legal system. Fixed age thresholds promote certainty but may exclude younger children capable of forming views, whereas unstructured judicial discretion permits individualization but risks inconsistent practice. Therefore,

coordinated amendments to the Family Law and the Law on Civil Procedure should establish the following guarantees:

1. A general right to age-appropriate information, advice, free expression and due consideration of views for every child capable of forming them, without a fixed minimum age, thereby remedying the fragmented protection in the Family Law and drawing on the capacity-based Croatian, Montenegrin and Greek approaches.

2. An express duty for the court to assess the child's capacity individually against clear criteria, with professional assistance where necessary, thereby addressing the informal use of age as a threshold and drawing on the Greek *in concreto* assessment and the French capacity-based standard.

3. Direct hearing by the judge as the preferred method, conducted in a child-friendly environment, with professionally assisted indirect hearing used only when justified by the child's wishes, development, health or other individual circumstances, as illustrated by the Austrian, Czech and Norwegian models.

4. Independent representation or the appointment of a special guardian where a conflict of interests exists, together with a statutory duty to convey the child's authentic views accurately, building on the Czech use of an appropriate representative and the Norwegian possibility of appointing a professional.

5. Specific reasons whenever a hearing is omitted, a mandatory record of how the child's views were obtained and assessed, an explanation of the weight accorded to them and of any departure from them, and timely child-friendly feedback, reflecting the French and Italian reason-giving safeguards.

These reforms would preserve the multidisciplinary role of the Centre for Social Work as experts support that complement, rather than substitutes for, the court's responsibility. They would also transform the child's right to be heard from an inconsistently applied procedural possibility into an effective and reviewable guarantee of participation in decisions that shape the child's family life.

Thus, the reform in Republic of North Macedonia should be substantive, procedural, and institutional. Only then, the child's right to be heard will function as a genuine right to participation rather than an occasional procedural formality.

References

Barafi, J., Zakaria, A., Fekry Moussa, A., & Abdullatif, A. (2026). The child's right to be heard during administrative and judicial proceedings: An

- analytical study of international and comparative law. *Access to Justice in Eastern Europe*, 9(1), 84–115. <https://doi.org/10.33327/AJEE-18-9.1-a000172>.
- Basic Civil Court in Skopje. (n.d.-a). *Case P2-494/17* [Unpublished judgment].
- Basic Civil Court in Skopje. (n.d.-b). *Case XIII P2-776/19* [Unpublished judgment].
- Borgese v. Italy*, Application No. 21630/93, European Court of Human Rights (February 26, 1998). <https://hudoc.echr.coe.int/eng?i=001-58139>.
- Children Act (Act No. 7 of 8 April 1981 relating to Children and Parents). (1981). Norway. <https://www.regjeringen.no/en/documents/the-children-act/id448389/>.
- Cilečková, K., Chrenková, M., & Kornel, M. (2024). Fulfilment of the Convention on the Rights of the Child in the practice of Czech courts. *Kontakt*, 26(1), 77–82. <https://doi.org/10.32725/kont.2024.013>.
- Civil Code of the Czech Republic (Act No. 89/2012 Coll., art. 867). (2012). <https://e-sbirka.gov.cz/sb/2012/89?zalozka=text>.
- Civil Procedure Code of the Czech Republic (Act No. 99/1963 Coll., sec. 100(4)). (1963). <https://e-sbirka.gov.cz/sb/1963/99?zalozka=text>.
- Code civil [Civil Code] (art. 388–1). (1804, as amended 2025). France.
- Code de procédure civile [Code of Civil Procedure] (arts. 338–1 and 338–4). (1975, as amended 2025). France. https://www.legifrance.gouv.fr/codes/article_lc/LEGIARTI000006427150.
- Codice di procedura civile [Code of Civil Procedure] (arts. 473-bis.4 and 473-bis.5). (1940, as amended by Legislative Decree No. 149/2022). Italy. <https://www.normattiva.it/uri-res/N2Ls?urn:nir:stato:regio.decreto:1940-10-28;1443>.
- Committee on the Rights of the Child. (2009). *General comment No. 12 (2009): The right of the child to be heard* (CRC/C/GC/12). United Nations. <http://www.refworld.org/legal/general/crc/2009/70207>.
- Committee on the Rights of the Child. (2013). *General comment No. 14 (2013) on the right of the child to have his or her best interests taken as a primary consideration* (Art. 3, para. 1) (CRC/C/GC/14). United Nations.
- Council of Europe. (2010). *Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*. Council of Europe Publishing.
- Dutch Code of Civil Procedure (art. 809(1)). (1986, consolidated 2026). Netherlands. https://wetten.overheid.nl/BWBR0001827/2026-07-14#BoekDerde_TiteldeelZesde_Artikel809.
- Family Act of Montenegro (art. 67). (2007, as amended 2020). <https://www.paragraf.me/propisi-crnegore/porodicni-zakon.html>.

- Family Act of the Republic of Croatia (art. 86(2)). (2015, as amended 2023). <https://www.zakon.hr/z/88/obiteljski-zakon>.
- Family Act of the Republic of Serbia (art. 65(4)). (2005, as amended 2015). https://www.paragraf.rs/propisi/porodicni_zakon.html.
- Family Law of the Republic of North Macedonia (arts. 80(2) and 249). (1992, as amended 2025). *Official Gazette of the Republic of Macedonia*, Nos. 80/92, 9/96, 38/04, 33/06, 84/08, 67/10, 156/10, 39/12, 44/12, 38/14, 115/14, 104/15, and 150/15; *Official Gazette of the Republic of North Macedonia*, Nos. 53/21, 199/23, and 192/25.
- Federal Act on Court Procedure in Non-Contentious Matters (Außerstreitgesetz), sec. 105. (2003). Austria. <https://www.ris.bka.gv.at/NormDokument.wxe?Abfrage=Bundesnormen&Gesetzesnummer=20003047&Paragraf=105>.
- Ferreira, S. (2010). The best interests of the child: From complete indeterminacy to guidance by the Children's Act. *Tydskrif vir Hedendaagse Romeins-Hollandse Reg*, 73, 201–213.
- Fulchiron, H. (1997). De l'intérêt de l'enfant aux droits de l'enfant. In *Une convention, plusieurs regards: Les droits de l'enfant entre théorie et pratique*. Sion, Switzerland: Institut international des droits de l'enfant.
- Greek Civil Code (art. 1511(4), Presidential Decree No. 456/1984, as amended by Law No. 4800/2021). (1984). <https://www.kodiko.gr/nomothesia/document/720693/nomos-4800-2021>.
- Heaton, J. (2009). An individualised, contextualised and child-centred determination of the child's best interests, and the implications of such an approach in the South African context. *Journal for Juridical Science*, 34(2), 1–18. <https://doi.org/10.38140/jjs.v34i2.2992>.
- Lansdown, G. (2005). *Can you hear me? The right of young children to participate in decisions affecting them* (Working Paper in Early Childhood Development No. 36). The Hague, Netherlands: Bernard van Leer Foundation.
- Law 1/2000 on Civil Procedure (art. 770). (2000). Spain. <https://www.boe.es/eli/es/l/2000/01/07/1/con#a770>.
- Law on Child Protection of the Republic of North Macedonia (art. 5). (2013, as amended 2025). *Official Gazette of the Republic of Macedonia*, Nos. 23/13, 12/14, 44/14, 144/14, 10/15, 25/15, 150/15, 192/15, 27/16, 163/17, 21/18, and 198/18; *Official Gazette of the Republic of North Macedonia*, Nos. 104/19, 146/19, 275/19, 311/20, 294/21, 150/22, 236/22, 17/25, and 132/25.
- Law on Civil Procedure of the Republic of North Macedonia (arts. 223 and 257). (2005, as amended 2015). *Official Gazette of the Republic of Mace-*

- donia*, Nos. 79/2005, 110/2008, 83/2009, 116/10, and 124/15.
- Law on Social Protection of the Republic of North Macedonia (art. 17(3)). (2019, as amended 2025). *Official Gazette of the Republic of North Macedonia*, Nos. 104/19, 146/19, 275/19, 302/20, 311/20, 163/21, 294/21, 99/22, 236/22, 65/23, and 192/25.
- Lundy, L. (2007). "Voice" is not enough: Conceptualising Article 12 of the United Nations Convention on the Rights of the Child. *British Educational Research Journal*, 33(6), 927–942. <https://doi.org/10.1080/01411920701657033>.
- Mallevaey, B. (2022). Children's access to and participation in the family justice system in France: Limits, paradoxes and recommendations. In M. Paré, M. Bruning, T. Moreau, & C. Siffrein-Blanc (Eds.), *Children's access to justice: A critical assessment* (pp. 71–82). Cambridge, England: Intersentia. <https://doi.org/10.1017/9781839702488.006>.
- Mol, C. (2019). Maturity and the child's right to be heard in family law proceedings: Article 12 UNCRC and case law of the ECtHR compared. In K. Boele-Woelki & D. Martiny (Eds.), *Plurality and diversity of family relations in Europe* (pp. 237–254). Cambridge, England: Intersentia. <https://doi.org/10.1017/9781780689111.012>.
- Musgrove, N., & Swain, S. (2010). The "best interests of the child": Historical perspectives. *Children Australia*, 35(2), 35–37. <https://doi.org/10.1017/S1035077200001048>.
- Organic Law 1/1996 on the Legal Protection of Minors (art. 9). (1996). Spain. <https://www.boe.es/buscar/act.php?id=BOE-A-1996-1069>.
- Stanković, G. (2013). *Civil procedural law* (Vol. 1, 9th amended and supplemented ed.). Belgrade, Serbia: Megatrend University.
- Sutova, M., & Zembrzuski, T. (2024). Hearing a minor as an instrument of protecting the child's best interests in Polish and Macedonian procedural law. *Balkan Social Science Review*, 24, 111–133. <https://doi.org/10.46763/BSSR242424111>.
- United Nations. (1989). *Convention on the Rights of the Child*, November 20, 1989, 1577 U.N.T.S. 3.
- United Nations General Assembly. (1959). *Declaration of the Rights of the Child* (G.A. Res. 1386 (XIV), A/RES/1386(XIV)).
- Vlašковић, V. (2014). *Načelo najboljeg interesa deteta u porodičnom pravu* [The principle of the best interests of the child in family law] (Doctoral dissertation). Kragujevac, Serbia.
- Zermatten, J. (2010). The best interests of the child principle: Literal analysis and function. *The International Journal of Children's Rights*, 18(4), 483–499. <https://doi.org/10.1163/157181810X537391>.

- Zevulun, D., Post, W. J., Zijlstra, A. E., Kalverboer, M. E., & Knorth, E. J. (2019). The best interests of the child from different cultural perspectives: Factors influencing judgements of the quality of child-rearing environment and construct validity of the Best Interests of the Child Questionnaire (BIC-Q) in Kosovo and Albania. *Child Indicators Research*, 12(1), 331–351. <https://doi.org/10.1007/s12187-018-9543-6>.