



Hearing isn't listening: How children want to be listened to in parental abduction court cases

May 29th - Press Release

"I thought that I would get the opportunity to tell my story and talk about the things that mattered to me. But it was nothing like that. The conversation was more like a cross-examination."
James, 11 years old

"I don't really have the feeling that they took my opinion into account. I mean, I am younger than a certain age, but that doesn't mean that I am invisible right..."
Rebecca, 14 years old

Approximately 130 000 international couples file for divorce annually in the EU. Children are involved in many of these cases. When a family conflict escalates, it may lead to an international child abduction.

Every year, thousands of children in the EU become victims of an international child abduction by a parent. This situation will, to a great extent, influence the daily lives of these children: the country they will live in, the language they will speak, the family members and relatives they will have regular contact with. All this has an influence on the wellbeing of these children.

While it is the right of every child to get the opportunity to be heard in court, under the UN Convention on the Rights of the Child (Art. 12), children are not always heard by judges.. This may be because the judge considers the child too young or too immature.

Research from 2017 revealed that children who had the opportunity to be heard in court didn't have a higher wellbeing than children who did not. These results were quite surprising. However, interviews with children who were previously abducted by a parent helped us understand the reasons why. Children who were heard by a judge were very unsatisfied about the way this was done. They complained that they were not prepared in advance for the hearing, the processes weren't adapted to their age or understanding, they didn't have the impression that the judge was actually listening to or interested in what they had to say and they didn't receive any feedback on the final decision or the weight that was given to their opinion to reach the final decision.

Missing Children Europe, Child Focus (Belgium), the Universities of Antwerp, Genoa and Ghent, Centrum IKO (the Netherlands) and MiKK e.V. International Mediation Centre for Family Conflict and Child Abduction (Germany) therefore decided to work on measures to improve the way that children are heard by judges, but also by mediators, in cross-border family disputes.

Additional research was also conducted in 17 EU Member States on how the best interests of the child were taken into consideration by judges. This research questioned if children had the opportunity to be



This project is co-funded by the Justice Programme of the European Union

MissingChildrenEurope 
MissingChildEu 
Rue de l'Industrie 10, 1000, Brussels, Belgium 
+32 2 894 74 84 
www.missingchildreneurope.eu 

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heard and what weight was given to their opinion. The research revealed that only in half of the proceedings for return after an international child abduction was the best interest of the child –either directly or indirectly- considered by the judge. The concept of the child’s best interest was used both as an argument for and against hearing children in these return proceedings. When the courts do hear children, they usually take the child’s views into account.

A psychological research additionally revealed that family resilience and a parent’s wellbeing have a considerable influence on a child’s wellbeing in child abduction cases.

The project partners, mentioned above, have brought together good practices related to appropriately listening to children in court cases affecting them which it has used as the basis for training legal professionals and mediators all over Europe, over the last two years.

Tomorrow, the results of this research titled Hear me out will be presented through a conference, brochure and research paper which can be found at the www.crossbordermediator.eu website

Research partners will next develop a set of recommendations to improve the wellbeing of children based on these findings and will continue their efforts to raise awareness of children’s needs and concerns in parental abduction cases that affect them.



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