

DOI: 10.53116/pgafnr.7702

# Recent Trends in the Argumentation of the European Court of Human Rights on Children’s Rights

Ágnes Lux\*

\* Research Fellow, HUN-REN Centre for Social Sciences, Institute for Legal Studies, Budapest, Hungary; Associate Professor, Eötvös Loránd University, Faculty of Social Sciences, Department of Human Rights and Politics, Budapest, Hungary, e-mail: [Lux.Agnes@tk.hun-ren.hu](mailto:Lux.Agnes@tk.hun-ren.hu)

Submitted: 20 September 2024 | Accepted: 5 June 2025 | Published online: 27 June 2025

**Abstract:** The European Convention on Human Rights (ECHR) is a key human rights treaty ratified by all EU member states and beyond. Although it does not focus specifically on children, it includes relevant provisions and obliges states to protect the rights of all individuals, including children. Moreover, the UN Convention on the Rights of the Child (UN CRC) is ratified by all ECHR member states, which presumably contributed to the greater focus to the increase of child rights reasoning. This paper explores how ECHR provisions – particularly Article 8 on the right to privacy and family life, Article 3 on the prohibition of torture and other forms of cruel, degrading treatment, and Article 14 on non-discrimination – and recent European Court of Human Rights (ECtHR) rulings contribute to the wider protection of children’s rights, analysing their use as rhetorical arguments in legal reasoning.

**Keywords:** children, children’s rights, European Court of Human Rights (ECtHR), European Convention on Human Rights, UN Convention on the Rights of the Child (UN CRC), legal reasoning

## 1. Introduction

The Council of Europe’s (CoE) most important human rights treaty, the European Convention on Human Rights (ECHR) signed in Rome on 4 November 1950, entered into force in 1953, is seen as one of the most successful systems for the enforcement of human rights in the world (Kilkelly, 2016). It has been ratified (together with its additional protocols) by all the Member States of the European Union (and beyond), which are also parties to the UN Convention on the Rights of the Child (UN CRC) – which was the first comprehensive, legally binding international treaty to guarantee full recognition

to the rights of children –, contains relevant provisions on children, even though it does not focus specifically on children (see Florescu et al., 2015).

The CoE has been ahead of the EU in pioneering and proactively protecting children's rights. A milestone in its policy agenda setting was the regional coordination of the Pinheiro report (2006) on the global phenomenon of violence against children, including formulating recommendations. In 2005, the CoE Heads of State and Government Summit in Warsaw decided on a three-year framework program and strategy entitled “Building a Europe with Children for Children” (extended several times, most recently in February 2022), which also provided the basis for the CoE's commitment to a comprehensive, integrated, cross-policy approach to promote and mainstream children's rights. Beyond these strategies and policy developments, CoE adopted several child-rights-related conventions,<sup>1</sup> and soft law instruments, e.g. in 2010 the *Guidelines on Child-Friendly Justice* (Council of Europe, 2010), which were developed in this context and have had several legislative and enforcement implications for the development of domestic law and regional laws (see e.g. the EU legislation aiming to strengthen the rights of children involved in judicial proceedings<sup>2</sup>).

While the ECHR contains few express references to children (it mentions them only twice) (Kilkelly, 2010) and does not explicitly define the child, Article 1 obliges states to ensure the rights and freedoms of “everyone” within their jurisdiction (“The High Contracting Parties shall secure to *everyone* within their jurisdiction the rights and freedoms defined in [...] this Convention”). The specific references to children (rather to “minors”) of the ECHR and its Protocols can be found in some provisions. This paper will examine the most relevant articles for a children's rights perspective and outline the recent trends in the argumentation of the European Court of Human Rights (ECtHR). In doing so, it examines how far references to ECHR articles function as argumentative topics in the classical rhetorical sense.<sup>3</sup>

## 2. The most relevant articles of the ECHR concerning children

Among the general provisions, beyond Article 1 of the ECHR, it is worth mentioning that all other general provisions of the ECHR apply to “everyone”, including children.

<sup>1</sup> See, among others, CoE Convention on Preventing and Combating Violence Against Woman and Domestic Violence (CETS No. 210), the European Convention on the Adoption of Children (CETS No. 202: 27 November 2008/2011), CoE Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (CETS No. 201: 2007/2010), Convention on Contact concerning Children (ETS No. 192: 2003/2005), Convention on Cybercrime (ETS No. 185: 2001/2004), European Convention on the Exercise of Children's Rights (ETS No. 160: 1996/2000), European Convention on the Legal Status of Children Born out of Wedlock (ETS No. 085: 1975/1978). For the relevant legal instruments see [https://www.coe.int/t/dg3/children/keyLegalTexts/conventionsonchildrensrightsList\\_en.asp](https://www.coe.int/t/dg3/children/keyLegalTexts/conventionsonchildrensrightsList_en.asp)

<sup>2</sup> See Directive 2012/29/EU establishing minimum standards on the rights, support and protection of victims of crime or Directive 2016/800/EU on procedural safeguards for children suspected or accused in criminal proceedings.

<sup>3</sup> On the role of rhetorical topics in general see Rubinelli (2006), Meyer (2014); in a legal context see Könczöl (2009).

Article 3 has to be mentioned with its clear relevance in cases related to child abuse, as it prohibits torture, inhuman and degrading treatment or punishment.

Those two provisions which have a specific scope or children as addressees are as follows: Article 5(1)(d) says the detention of a *minor* by lawful order for the purpose of educational supervision or his lawful detention for the purpose of bringing him before the competent legal authority; and Article 6 which recognises the rights to a fair trial limits the right to a public hearing if it is in the best interests of the *juvenile*.

As Ursula Kilkelly remarks, most of these (in a way) child-related provisions have generated little case law, but Article 8, which guarantees the right to the respect for family life, has been most frequently invoked in children's cases (Kilkelly, 2016), as this paper will present.

Similarly, Article 14, which guarantees the enjoyment of the conventional human rights and freedoms "without discrimination on any ground", is quite frequently called upon in conjunction with other provisions, and is also an important provision in certain types of discrimination cases involving children and young people, the best known of which are the so-called "segregation cases".

Article 2 of Protocol 1 to the Convention provides the right to education, stating that no person shall be denied this right and requires States to respect the religious and philosophical convictions of parents in the education of their children. The respect of the dominance of parental role in the care and education of the child is also reflected in Article 5 of Protocol 7 to the Convention, which guarantees parental equality, during marriage and in case of dissolution, and recognises the State's right to take measures considered necessary in the interests of the child.

### 3. Recent interpretation of the ECHR by the ECtHR in light of the UN CRC<sup>4</sup>

However, as Kilkelly remarks "due mainly to the strict terms of the mentioned provisions with mention the minors/juveniles, the scope of this jurisprudence has been limited in nature. The other generally worded provisions have provided the ECHR with greater flexibility and so, ironically, those provisions that make no reference to children have provided greater potential to have children's rights protected" (Kilkelly, 2010, p. 248). There are two key provisions here to be mentioned: Article 8 on the right to family and private life and Article 3 on the absolute prohibition of torture and other degrading, inhuman treatment, the ECtHR's approach to both provisions in children's cases has been very similar.

Article 8 is by far the most litigated provision from a child's perspective and the related ECtHR's case law has touched on many areas of family law (e.g. birth registration, adoption, international child abduction, children in alternative care, placement procedures) (Kilkelly, 1999), but it also appeared in juvenile justice cases and moreover in child abuse cases as well.

<sup>4</sup> For a summary of relevant cases see ECtHR Press Unit (2023) and (2024a).

One of the major contributions of the ECtHR to the protection of children's rights is its case law on the legal recognition of family ties. Established quite early in 1979, in the ground-breaking case *Marckx v. Belgium*,<sup>5</sup> a line of case law has encouraged the promotion of a child-centred approach to the legal recognition of family relationships, underpinned by the positive obligation to respect family life.

There has been rich research over the last decades exploring the impact of child rights perspectives on the jurisprudence of the ECtHR which developed an extensive jurisprudence on children's rights, including even more frequent (and increasing) references to the UN CRC (see, e.g., Kilkelly, 1999; 2010; 2015; Helland & Hollekim, 2023; Helland, 2024). Earlier studies have shown that the UN CRC is not a primary source of reference for the ECtHR (O'Donnell, 1995, p. 261). The most significant connection between the UN CRC and the ECtHR appears to be the principle of the child's best interests (Sormunen, 2020), which, albeit indirectly, stems from Article 3 of the UN CRC. Since the UN CRC entered into force in the early 1990s, the ECtHR has adopted a more child-focused perspective in its rulings. Recently, the ECtHR increasingly recognises children as legal subjects with their own rights which it must address directly (Breen et al., 2020).

Trond Helland and Ragnhild Hollekim published in 2023 the results of their qualitative and quantitative research about how has the use of the UN CRC as a legal argument within the ECHR changed over time (Helland & Hollekim, 2023). Their quantitative findings show no statistically significant evidence that the UN CRC has a substantial influence on ECtHR decisions, nor could they identify clear correlations between invoking the UN CRC as a legal argument and the outcomes of judgments. However, as they note, the qualitative analysis indicates that the UN CRC is actively used in the ECtHR's deliberations, supporting the view that it plays a meaningful role in shaping the development of children's rights within the ECtHR (Helland & Hollekim, 2023, p. 233).

A full review of the Strasbourg case law is beyond the purpose and scope of this paper, but only highlights what can be considered "typical" cases. A number of interpretive approaches have been instrumental in the development of the ECHR case law in children's cases, including the development of procedural obligations and the emphasis on effective rights protection. The ECtHR has also sought to rely, increasingly, on other children's rights instruments, notably the UN CRC, in order to ensure that its judgments reflect current standards in children's rights.

As ECtHR judgments are binding on States Parties, in the absence of a similar mechanism at the UN level, the ECtHR can be seen as a body capable of upholding children's rights as enshrined in the UN CRC. It is also evident from this gradually increasing trend that the ECtHR still has been rather cautious in its reasoning when referring to the UN CRC (Helland, 2024).

A good example is *Paradiso and Campanelli v. Italy*<sup>6</sup> in 2017, which dealt with the issue of international surrogacy (see Pap, 2023, pp. 37–38). The parents who brought the application – who had no genetic link to the baby – applied to the Court in their name and on behalf of a baby born through a surrogate. In this case, the ECtHR rejected the

<sup>5</sup> *Marckx v. Belgium*, Judgement of 13 June 1979, no. 6833/74.

<sup>6</sup> *Paradiso and Campanelli v. Italy*, Judgement of 24 January 2017, no. 25358/12.

parents' claim to act as the baby's representative because of the lack of a genetic/biological link, and the child did not become a party to the proceedings. This did not, however, prevent the ECtHR from finding a violation of Article 8 for failure to respect the child's right to identity. The ECtHR based its reasoning on the provisions of Article 7 of the UN CRC. Despite the ultimately favourable outcome for the child and the references to the UN CRC, the ECtHR's argumentation is troubled by the lack of recognition of the child as a party. This illustrates the ECtHR's struggle to incorporate the declared protection of children's rights into its practice on the one hand, but on the other, children face serious obstacles in accessing courts, including the ECtHR. The case of *M and M v. Croatia*<sup>7</sup> dealt with the assessment of a parental custody dispute and allegations of domestic violence. The ECtHR found a violation of Article 3 by the State's failure to promptly investigate allegations of abuse made by the mother and child. It also found a violation of Article 8 because the child custody procedure was too lengthy, and the child was not involved in the decision-making process regarding the child custody. The ECtHR discussed at length, in some detail, the failure of the domestic authorities to hear the child in the parental custody proceedings, in which the ECtHR relied heavily on Article 12 of the UN CRC, which enshrines the right of the child to be heard, and incorporated these guarantees into the procedural dimension of Article 8.<sup>8</sup>

### 3.1. Violence against children

Corporal punishment as a sadly still vivid "classic" form of physical abuse of children has been discussed in several decisions. One of the earliest "children's rights" decisions was in the 1978 case *Tyrer v. United Kingdom*,<sup>9</sup> in which a 15-year-old boy in the Isle of Man was subjected to corporal punishment by police officers for abusing a senior pupil. The ECtHR ruled that such punishment constituted "institutionalised violence" in breach of Article 3. In *A. v. United Kingdom*,<sup>10</sup> an allegedly "difficult" nine-year-old child was kicked repeatedly and with considerable force by his stepfather, causing bruising and pain. The stepfather was tried for assault but was acquitted because English law at the time allowed for "reasonable punishment".

The ECtHR also ruled in this case that children and other vulnerable persons in particular are entitled to protection against such forms of ill-treatment<sup>11</sup> and found a violation of Article 3. In the eye of the ECtHR, these tragedies were caused by the failure of

<sup>7</sup> *M and M v. Croatia*, Judgement of 3 September 2015, no. 10161/13.

<sup>8</sup> See also *Sahin v. Germany* [GC], Judgement of 8 July 2003, no. 30943/96.

<sup>9</sup> *Tyrer v. United Kingdom*, Judgement of 25 April 1978, no. 5856/72.

<sup>10</sup> *A v. United Kingdom*, Judgement of 23 September 1998, no. 25599/94.

<sup>11</sup> For an assessment of corporal punishment under Article 3, see also *Tlapak and Others v. Germany*, Judgement of 22 March 2018, nos. 11308/16 and 11344/16, *Wetjen and Others v. Germany*, Judgement of 22 March 2018, nos. 68125/14 and 72204/14.

public authorities to act in the field of domestic violence, several cases<sup>12</sup> have revealed violations of Article 2 (the right to life) and Article 3 (prohibition of inhuman or degrading treatment), in addition to violations of Article 13 (the right to effective remedy),<sup>13</sup> or in many cases of Article 6 (the right to fair trial).<sup>14</sup> Similarly, active (in forms of active violence against children) or passive child abuse (i.e. neglect), has also been found to constitute a violation of Article 3 in ECtHR practice in several cases, and in many cases also in addition to a violation of Article 13 guaranteeing access to an effective remedy (e.g. the child protection or social services or other authority responsible for the protection of children concerned failed to investigate the case or take appropriate action).<sup>15</sup> Just as an illustration giving, the case *R.B. v. Estonia*<sup>16</sup> concerned the failure to conduct an effective criminal investigation into the applicant's allegations of sexual abuse by her father. The applicant was about four and a half years old at the relevant time. Her complaint concerned procedural deficiencies in the criminal proceedings as a whole, including the failure of the investigator to inform her of her procedural rights and duties, and the reaction of the Supreme Court to that failure resulting in the exclusion of her testimony and the acquittal of her father on procedural grounds. The ECtHR held that there had been significant flaws in the domestic authorities' procedural response to the applicant's allegation of rape and sexual abuse by her father, which had not sufficiently taken into account her particular vulnerability and corresponding needs as a young child so as to afford her effective protection as the alleged victim of sexual crimes. Accordingly, without expressing an opinion on the guilt of the accused, the ECtHR concluded that the manner in which the criminal law mechanisms as a whole had been implemented in the present case, resulting in the disposal of the case on procedural grounds, had been defective to the point of constituting a violation of the respondent State's positive obligations under Article 3 (prohibition of inhuman or degrading treatment) and Article 8 (the right to respect for private and family life).

<sup>12</sup> Association Innocence en Danger and Association Enfance et Partage v. France, Judgement of 4 June 2020, nos. 15343/15 and 16806/15, Penati v. Italy, Judgement of 11 May 2021, no. 44166/15, D.M.D. v. Romania, Judgement of 3 October 2017, no. 23022/13, Kurt v. Austria, Judgement of 15 June 2021, no. 62903/15, A.E. v. Bulgaria, Judgement of 23 May 2023, no. 53891/20.

<sup>13</sup> Kontrová v. Slovakia, Judgement of 31 May 2007, no. 7510/04.

<sup>14</sup> See also the cases of *E.S. and Others v. Slovakia*, Judgement of 15 September 2009, no. 8227/04, *D.P. and J.C. v. The United Kingdom*, Judgement of 26 November 2002, no. 33218/96, *M.C. v. Bulgaria*, no. 39272/98, *Bulgaria*, Judgement of 24 January 2012, no. 49669/07, *C.A.S. and C.S. v. Romania*, Judgement of 20 March 2012, no. 26692/05, *R.I.P. and D.L.P. v. Romania*, Judgement of 10 May 2012, no. 27782/10, *I.G. v. The Republic of Moldova*, Judgement of 15 May 2012, no. 53519/07, *P. and S. v. Poland*, Judgement of 30 October 2012, no. 57375/08, *O'Keeffe v. Ireland*, Judgement of 28 January 2014, no. 35810/09, *M.G.C. v. Romania*, Judgement of 15 March 2016, no. 61495/11, *G.U. v. Türkiye*, Judgement of 18 October 2016, no. 16143/10, *M.P. v. Finland*, Judgement of 15 December 2016, no. 36487/12, *V.C. v. Italy*, Judgement of 1 February 2018, no. 54227/14, *A. and B. v. Croatia*, Judgement of 20 June 2019, no. 7144/15, *Stankūnaitė v. Lithuania*, Judgement of 29 October 2019, no. 67068/11, *N.Ç. v. Türkiye*, Judgement of 9 February 2021, no. 40591/11, *B. v. Russia*, Judgement of 7 February 2023, no. 36328/20.

<sup>15</sup> *A. Z. and Others v. The United Kingdom*, Judgement of 10 May 2001, no. 29392/95, *E. and Others v. The United Kingdom*, Judgement of 26 November 2002, no. 33218/96, *V. K. v. Russia*, Judgement of 7 March 2017, no. 68059/13.

<sup>16</sup> *R.B. v. Estonia*, Judgement of 22 June 2021, no. 22597/16, and see also *G.U. v. Turkey*, Judgment of 18 November 2016, no. 16143/10.

However, other cases of violation of different rights have also raised children's rights issues, such as the case *Juppala v. Finland*,<sup>17</sup> which concerned a grandmother who was convicted of defamation of her son-in-law after taking her three-year-old grandson to the doctor and expressing suspicions that the father had hit the child. The ECtHR found a violation of Article 10 (freedom of expression) and ruled that it must be ensured that a good-faith suspicion of child abuse can be freely expressed through an appropriate reporting procedure without fear of criminal prosecution or of being liable to pay compensation for the damage suffered or the costs incurred. In the applicant's case, the interference with freedom of expression was not sufficiently justified and therefore did not meet any "pressing social need".

"Violence is often a hallmark of human trafficking", as Stöckl et al. (2021) stated. The ECHR does not explicitly address trafficking in human beings, but in practice over the past decades, the ECtHR has interpreted Article 4 of the ECHR to include the prohibition of trafficking in child-related cases as well.<sup>18</sup>

The case *VI. v. The Republic of Moldova*<sup>19</sup> concerned the placement of a child with mild intellectual disability in a psychiatric care facility. The placement, which was scheduled to last three weeks, was extended for a further four months without any visits by anyone and was treated with neuroleptics and antipsychotics. The applicant alleged that her accommodation and treatment, as well as the hospital conditions, the behaviour of the medical staff and other patients amounted to ill-treatment amounting to Article 3. He also complained that the investigation into his allegations was inconclusive and claimed that social stigma and discrimination against people with psychosocial disabilities and the lack of alternative care arrangements were to blame. In the present case, the ECtHR held that there had been a violation of Articles 3 and 13 because of the lack of an effective investigation and the applicant's placement and treatment in a psychiatric hospital against his will, a violation of Article 14 in conjunction with Article 3.

Interestingly, Article 8 (the right to respect for private life) was violated in a child sexual abuse case *Söderman v. Sweden*<sup>20</sup> which was concerned with the attempted covert filming of a 14-year-old girl by her stepfather while she was naked, and her complaint that the Swedish legal system, which at the time did not prohibit filming without someone's consent, had not protected her against the violation of her personal integrity. The ECtHR held that there had been a violation of Article 8. It found in particular that Swedish law in force at the time had not ensured protection of the applicant's right to respect for private life – whether by providing a criminal or a civil remedy – in a manner that complied with the ECHR. The act committed by her stepfather had violated her integrity and had been aggravated by the fact that she was a minor, that the incident took place in her home, and that the offender was a person whom she was entitled and expected to trust.

Also in cases related to the protection of children from being targeted by paedophiles via the Internet, Article 8 (the right to respect private life) were violated.

<sup>17</sup> *Juppala v. Finland*, Judgement of 2 December 2008, no. 18620/03.

<sup>18</sup> *Rantsev v. Cyprus and Russia*, Judgement of 7 January 2010, no. 25965/04, V.C.L. and *A.N. v. the United Kingdom*, Judgement of 16 February 2021, nos. 77587/12 and 74603/12.

<sup>19</sup> *VI. v. The Republic of Moldova*, Judgement of 26 March 2024, no. 38963/18.

<sup>20</sup> *Söderman v. Sweden*, Judgement of 12 November 2013, no. 5786/08.

In *K.U. v. Finland*,<sup>21</sup> the ECtHR considered that posting the ad (in a name of a 12-year-old boy stating that he was looking for an intimate relationship with a boy) was a criminal act which made a minor a target for paedophiles. The legislature should have provided a framework for reconciling the confidentiality of Internet services with the prevention of disorder or crime and the protection of the rights and freedoms of others, and in particular children and other vulnerable individuals.

Article 3 and Article 8 were violated in the case *E.S. and Others v. Slovakia*.<sup>22</sup> In 2001, the applicant left her husband and lodged a criminal complaint against him for ill-treating her and her children and sexually abusing one of their daughters. He was convicted of violence and sexual abuse two years later. Her request for her husband to be ordered to leave their home was dismissed, however; the court finding that it did not have the power to restrict her husband's access to the property (she could only end the tenancy when divorced). The applicant and her children were therefore forced to move away from their friends and family and two of the children had to change schools. The ECtHR found that Slovakia had failed to provide the applicant and her children with the immediate protection required against her husband's violence.

Mistreatment or abuse by teachers against children is usually called for in Article 3.<sup>23</sup> But, Article 8 was abused in *F.O. v. Croatia*,<sup>24</sup> where the applicant, a student in a public high school at the relevant time, was subjected to several insults by his teacher. He complained about this harassment, and the inadequate response of the relevant domestic authorities. The ECtHR held that there had been a violation of Article 8, finding that the State authorities had failed to respond with requisite diligence to the applicant's allegations of harassment at school.

It is clear that Article 2 (the right to life) is seriously violated in cases of violent acts committed in school premises with tragic consequences, such as in the case of *Kayak v. Turkey*,<sup>25</sup> in which the applicant's 15-year-old son and brother were stabbed by a pupil in front of the school. The case *Derenik Mkrtchyan and Gayane Mkrtchyan v. Armenia*<sup>26</sup> concerned the death of the applicants' grandson and son respectively, at the age of ten, in 2010 following a fight in the classroom in his school.

Servitude and forced or compulsory labour happened in the case *Siliadin v. France*.<sup>27</sup> The applicant, a Togolese national having arrived in France in 1994 with the intention to study, was made to work instead as a domestic servant in a private household in Paris. Her passport confiscated, she worked without pay, 15 hours a day, without a day off, for several years. The applicant complained about having been a domestic slave. However, the ECtHR found that the applicant had not been enslaved, but she had been held in servitude, in violation of Article 4 (prohibition of slavery, servitude, forced or compulsory labour).<sup>28</sup>

<sup>21</sup> *K.U. v. Finland*, Judgement of 2 December 2008, no. 2872/02.

<sup>22</sup> *E.S. and Others v. Slovakia*, Judgement of 15 September 2009, no. 8227/04.

<sup>23</sup> *V.K. v. Russia*, Judgement of 7 March 2017, no. 68059/13.

<sup>24</sup> *F.O. v. Croatia*, Judgement of 22 April 2021, no. 29555/13.

<sup>25</sup> *Kayak v. Turkey*, Judgement 10 July 2012, no. 60444/08.

<sup>26</sup> *Gayane Mkrtchyan v. Armenia*, Judgement of 30 November 2021, no. 69736/12.

<sup>27</sup> *Siliadin v. France*, Judgement of 26 July 2005, no. 73316/01.

<sup>28</sup> See as well *C.N. and V. v. France*, Judgement of 11 October 2012, no. 67724/09.



### 3.2. Family ties – Children in care

The violation of Article 8 has been established in several cases of placement in alternative care (related to child abuse) since the 1990s, stating, in line with the provisions of the UN CRC, that the placement of a child in alternative care should be considered a temporary measure and that the aim is to allow the child to be taken home if it is in the best interests of the child (referring to Article 3 of the UN CRC).<sup>29</sup>

The right of the child to respect for family life under Article 8 is protected by (EU and) Strasbourg case law, which covers a number of interrelated rights, such as: the right to parental care; the right to contact with both parents; the prohibition of separation from the parent (unless this is in the best interests of the child) and the right to family reunification. But enforced disappearance of children is also assessed under Article 8 of the ECHR.

From the aspect of the UN CRC 'best interests' principle, the case *Chbibi Loudoudi and Others v. Belgium*<sup>30</sup> needs to be mentioned, which concerned the procedure in Belgium for the adoption by the applicants of their Moroccan niece, who had been entrusted to their care by *kafala*. The applicants complained in particular of the Belgian authorities' refusal to recognise the *kafala* agreement and approve the adoption of their niece, to the detriment of the child's best interests, and of the uncertain nature of her residence status. The ECtHR held that there had been no violation of Article 8 concerning the refusal to grant the adoption and the child's residence status. It found in particular that the refusal to grant adoption was based on a law which sought to ensure, in accordance with the Hague Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption,<sup>31</sup> that international adoptions took place in the best interests of the child and with respect for the child's private and family life, and that the Belgian authorities could legitimately consider that such a refusal was in the child's best interests, by ensuring the maintaining of a single parent–child relationship in both Morocco and Belgium (i.e. the legal parent–child relationship with the genetic parents).

Related to the family reunification rights in *Sen v. the Netherlands*,<sup>32</sup> the ECtHR held that there had been a violation of Article 8. The parents complained of an infringement of their right to respect for their family life, on account of the rejection of their application for a residence permit for their daughter, a decision which prevented her from joining them in the Netherlands. They had two other children, who were born in 1990 and 1994 respectively in the Netherlands and have always lived there with their parents. Being required to determine whether the Dutch authorities had a positive obligation to authorise the third applicant to live with her parents in the Netherlands, having regard, among other things, to her young age when the application was made, the ECHR noted that she had spent her whole life in Turkey and had strong links with the linguistic and cultural

<sup>29</sup> Scozzari and Giunta v. Italy, Judgement of 13 July 2000, nos. 39221/98 and 41963/98, Jessica Marchi v. Italy, Judgement of 27 May 2021, no. 54978/17, *K.A. v. Finland*, Judgement of 14 January 2003, no. 27751/95.

<sup>30</sup> Chbibi Loudoudi and Others v. Belgium, Judgement of 16 December 2014, no. 52265/10.

<sup>31</sup> Convention of 29 May 1993 on Protection of Children and Co-operation in Respect of Intercountry Adoption (<https://www.hcch.net/en/instruments/conventions/full-text/?cid=69>).

<sup>32</sup> Sen v. The Netherlands, Judgement of 21 December 2001, no. 31465/96, and see also Tuquabo-Tekle and Others v. the Netherlands, Judgment of 1 December 2005, no. 60665/00.

environment of her country in which she still had relatives. However, there was a major obstacle to the rest of the family's return to Turkey. The first two applicants had settled as a couple in the Netherlands, where they had been legally residents for many years, and two of their three children had always lived in the Netherlands and went to school there. Concluding that the Netherlands had failed to strike a fair balance between the applicants' interest and their own interest in controlling immigration.

In cases related to tragically negligent or abusive care of children,<sup>33</sup> reference is regularly made to Article 2 (the right to life) or 3 (prohibition of torture), but in the case of *Scozzari and Giunta v. Italy*, Article 8 was violated. In this case the applicants' two sons/grandsons were placed in a children's home by court order, where – as the national court was aware – two of the principal leaders and co-founders had been convicted of sexual abuse of three disabled people in their care. Prior to his placement in the home, the eldest boy had been a victim of sexual abuse by a paedophile social worker. The ECtHR held, notably, that there had been a violation of Article 8 (the right to respect for family life), concerning the uninterrupted placement of the boys in the home. It noted in particular that the absence of any time-limit on the care order, the negative influence of the people responsible for the children at the home and the conduct of social services were in the process of driving the first applicant's children towards an irreversible separation from their mother and long-term integration within the home.

### 3.3. Vulnerable children – Children at risk

“Children are vulnerable because they cannot choose the social and physical environments in which they were born and grow up” (Li, 2022). This vulnerability is not a permanent state, and can be multifaceted and is influenced by various factors, e.g. social and environmental circumstances impacting the family, parental or family trauma, parental capacity, experience of child abuse and neglect, or if the child belongs to a minority group.<sup>34</sup>

In their judgment in *Popov v. France*, the ECtHR states that “the child's extreme vulnerability is the decisive factor and takes precedence over considerations relating to the status of illegal immigrant [...]. [C]hildren have specific needs that are related in particular to their age and lack of independence, but also to their asylum-seeker status. The [European] Court [of Human Rights] would, moreover, observe that the Convention on the Rights of the Child encourages States to take the appropriate measures to ensure that a child who is seeking to obtain refugee status enjoys protection and humanitarian assistance, whether the child is alone or accompanied by his or her parents [...]” (para. 91).<sup>35</sup>

<sup>33</sup> *Nencheva and Others v. Bulgaria*, Judgement of 18 June 2013, no. 48609/06.

<sup>34</sup> Concerning vulnerability, see also Arora et al. (2015), Bagattini (2019), Etzetel (2020).

<sup>35</sup> *Popov v. France*, Judgement of 19 January 2012, nos. 39472/07 and 39474/07.

### 3.3.1. Children in migration situation

One of the particularly vulnerable groups of children are unaccompanied minors (UAMs),<sup>36</sup> whose situation, reception and care conditions have been assessed by the ECtHR, especially from the second half of the 2000s. In these cases, violations of Articles 3 and 8 are also typically invoked.<sup>37</sup> The case *Khan v. France*<sup>38</sup> concerned the failure of the French authorities to take care of an UAM before and after the dismantling of the temporary refugee camps set up in the southern part of the *lande de Calais* ("Calais desert"). Large numbers of people seeking asylum in the United Kingdom had been living there for years in tents or huts in overcrowded conditions without basic sanitation. In particular, the applicant complained that the authorities had failed to fulfil their obligation to protect UAMs and that they had failed to enforce the order for his temporary placement in a child welfare centre. It also found a violation of Article 3 that the French authorities had failed to take the necessary measures, thus placing the applicant in a situation amounting to degrading treatment, who lived for several months in this virtual slum in an environment totally unsuitable for his status as a child. In *Darboe and Camara v. Italy*,<sup>39</sup> a Gambian and a Guinean national arrived in Italy on makeshift boats and allegedly applied for asylum as UAMs, and were placed in a reception centre for adults. The ECtHR found that the state was in breach of Article 8 due to the lack of procedural guarantees for the minor and the questionable age-determination procedure. Moreover, the UAM was unable to lodge an asylum application and was placed in an overcrowded adult reception centre for more than four months. In particular, the Court noted that at the time of the contested practice, national and EU law already provided a number of guarantees for UAM asylum seekers which recognised the best interests of the child and the overriding importance of the principle of the presumption of the minor status of unaccompanied children who require special protection and who must be accompanied by a guardian and provided with adequate assistance during the asylum procedure. In this case, the ECtHR also found a violation of Article 3 in relation to the duration and conditions of the first applicant's stay in the adult reception centre, and a violation of Article 13 in conjunction with Articles 3 and 8. Similar reasoning was also used in *O.R. v. Greece*.<sup>40</sup>

<sup>36</sup> An unaccompanied minor (sometimes "unaccompanied child" or "separated child") is a child without the presence of a legal guardian. The UN Committee on the Rights of the Child defines *unaccompanied minors and unaccompanied children* as those "who have been separated from both parents and other relatives and are not being cared for by an adult who, by law or custom, is responsible for doing so". The Committee defines *separated children* as those "who have been separated from both parents, or from their previous legal or customary primary caregiver, but not necessarily from other relatives. These may, therefore, include children accompanied by other adult family members" UN Committee on the Rights of the Child, General Comment No. 6 (2005), paras. 7 and 8; see also Rinaldi (2023).

<sup>37</sup> *Rahimi v. Greece*, Judgement of 5 April 2011, no. 8687/08, *Mohamad v. Greece*, Judgement of 11 December 2014, no. 70586/11.

<sup>38</sup> *Khan v. France*, Judgement of 28 February 2019, no. 12267/16.

<sup>39</sup> *Darboe and Camara v. Italy*, Judgement of 21 July 2022, no. 5797/17.

<sup>40</sup> *O.R. v. Greece*, Judgement of 23 January 2024, no. 24650/19.

Article 2 (the right to life) was obviously relevant in the case of *M.H. and Croatia*, where the applicants were a family of 14 Afghan citizens (a man, his two wives, and their 11 children). The case concerned the death of the first and second applicants' six-year-old daughter, who was hit by a train after allegedly having been denied the opportunity to seek asylum by the Croatian authorities and ordered to return to Serbia via the tracks. It also concerned the applicants' detention while seeking international protection.

Several cases involve the problematic detention of migrant children, concerning the fact itself and the conditions of detentions.<sup>41</sup> In some cases, very young children are kept in detention, as it happened in the case of *Mubilanzila Mayeka and Kaniki Mitunga v. Belgium*, which concerned the nearly two months long detention at a transit centre for adults run by the Aliens Office near the Brussels airport of a five-year old Congolese national travelling alone to join her mother who had obtained refugee status in Canada, and her subsequent removal to her country of origin. In this case the ECtHR found the unaccompanied, very young child's rights guaranteed in Article 3 violated, finding that her detention had demonstrated a lack of humanity and amounted to inhumane treatment.<sup>42</sup>

In cases<sup>43</sup> related to deprivation of liberty and challenging the lawfulness of detention, reference is regularly made to Article 5 (para. 1, the right to liberty and security, and para. 4, the right to have the lawfulness of detention decided speedily by a court). The case *Muskhadzhiyeva and Others v. Belgium*<sup>44</sup> concerned the detention for more than a month of three underage children and their mother in a closed transit centre. Similarly, *R.R. and Others v. Hungary*,<sup>45</sup> was related to the confinement of an asylum-seeking family, including three minor children, in the Röszke transit zone on the Hungarian border with Serbia in April–August 2017. The applicants complained, in particular, of the fact and the conditions of their detention in the transit zone, the lack of a legal remedy to complain of the conditions of detention, and the lack of judicial review of their detention. The ECtHR found that the applicants' stay in the transit zone had amounted to a *de facto* deprivation of liberty. It considered that without any formal decision of the authorities and solely by virtue of an overly broad interpretation of a general provision of the law, the applicants' detention could not be considered to have been lawful. In particular, considering the applicant children's young age, the applicant mother's pregnancy and health situation and the length of the applicants' stay in the conditions in the transit zone, the Court held that there had been a violation of Article 3 as well.

<sup>41</sup> *Muskhadzhiyeva and Others v. Belgium*, Judgement of 19 January 2010, no. 41442/07, *Kanagaratnam v. Belgium*, Judgement of 13 December 2011, no. 15297/09, *S.F. and Others v. Bulgaria*, 7 December 2017, no. 8138/16; see also Burgund Isakov et al. (2023).

<sup>42</sup> See also the very young children involved in cases as follows e.g. *A.B. and Others v. France*, Judgement of 12 July 2016, no. 11593/12, *M.D. and A.D. v. France*, Judgement of 22 July 2021, no. 57035/18, *N.B. and Others v. France*, Judgement of 31 March 2022, no. 49775/20, *H.M. and Others v. Hungary*, Judgement of 2 June 2022, no. 38967/17.

<sup>43</sup> *A.M. and Others v. France*, Judgement of 12 July 2016, no. 24587/12.

<sup>44</sup> *Muskhadzhiyeva and Others v. Belgium*, Judgement of 19 January 2010, no. 41442/07.

<sup>45</sup> *R.R. and Others v. Hungary*, Judgement of 2 March 2021, no. 36037/17.

### 3.3.2. Child-centred justice

Children's rights in the context of juvenile justice proceedings concern children accused of, prosecuted for, or sentenced for having committed criminal offences, as well as children who participate in judicial proceedings as victims and/or as witnesses. The ECHR fair trial guarantees are laid down in Article 6, which generates the most extensive case law of the ECtHR well beyond the limits of this paper, but some relevant cases can be called here as well. As a general rule, proceedings should ensure that the child's age, level of maturity and emotional capacities are taken into account, as it was said in *T. v. the United Kingdom*,<sup>46</sup> which concerned a high-profile case of the murder of a two-year-old by two ten-year-olds. They were committed to public trial under significant media attention.

It is important to note that the legally non-binding, but still remarkable CoE *Guidelines on Child-Friendly Justice* are directly relevant to children who are suspected or accused, as the guidelines represent a milestone in ensuring that judicial proceedings, including criminal justice, take into account the specific needs of children. They build on existing ECtHR case law and other European and international legal standards, such as the UN CRC.

In *Maslov v. Austria*,<sup>47</sup> notable among juvenile justice cases for its reference to the UN CRC, the ECtHR held that the obligation to take into account the best interests of the child (paramount) in the case of expulsion measures against a juvenile offender includes an obligation to facilitate the child's reintegration, in accordance with Article 40 of the UN CRC. In the view of the ECtHR, reintegration cannot be achieved by breaking the child's family or social ties through expulsion. The UN CRC was therefore one of the grounds for finding that expulsion constitutes a disproportionate interference with the applicant's rights under Article 8.

## 3.4. Discrimination of children

"Segregation cases" are of particular importance not only from the point of view of discrimination law, but also because of their implications for children's rights. In *D.H. and Others v. The Czech Republic*<sup>48</sup> the ECtHR found a violation of Article 14 in conjunction with Article 2 of Protocol 1 to the Convention by the disproportionate placement of Roma children in special schools for children with learning difficulties, which was unjustified. Roma children were thus provided with an education that exacerbated their difficulties and compromised their personal development, rather than being helped by the 'system' to integrate and socialise in the mainstream (and better quality) education system. Similar reasoning is followed by the court in *Oršuš and Others v. Croatia*.<sup>49</sup>

<sup>46</sup> *T. v. the United Kingdom*, Judgement of 16 December 1999, no. 24724/94.

<sup>47</sup> *Maslov v. Austria*, Judgement of 23 June 2003, no. 1638/03.

<sup>48</sup> *D.H. and Others v. the Czech Republic* [GC], Judgement of 13 November 2007, no. 57325/00.

<sup>49</sup> *Oršuš and Others v. Croatia* [GC], Judgement of 6 March 2010, no. 15766/03.

Among the cases of discrimination on the grounds of disability, in *Çam v. Turkey* and *G.L. v. Italy*<sup>50</sup> the ECtHR found a violation of Article 14 in conjunction with Article 2 of Protocol 1 to be well founded. In the first case, a music academy refused to admit an eligible pupil on the grounds of visual impairment, where the ECtHR noted that discrimination on the grounds of disability also extends to the denial of a reasonable accommodation to facilitate access to education for persons with disabilities (for example, adapting teaching methods to make them accessible to blind or visually impaired pupils). In the second case, a pupil with autism spectrum disorder was denied the special support required by law for the first two years of primary school. The authorities made no effort to assess his real needs and thus did not provide personalised support to enable him to continue his primary school education in conditions as equivalent as possible to those enjoyed by other children in the same school.

### 3.5. Other children's rights cases

A particularly high number of children are affected by cases involving violations of Article 8. This was the ECtHR's assessment of the issue of birth registration of children when it considered whether its refusal could raise a question under Article 8. The ECtHR held that the name, as a "means of identifying persons within the family and the community", falls within the scope of the right to respect for private and family life enshrined in Article 8.<sup>51</sup> Similarly, the ECtHR has regarded the right to identity and personal development as part of Article 8, arguing that the details of an individual's identity and the interest in "obtaining the information necessary to ascertain the truth concerning important aspects of the individual's personal identity"<sup>52</sup> allows the right to know one's origin to fall within the scope of Article 8.

Although the ECHR does not guarantee the right to nationality, case law has held that arbitrary denial of nationality because of its impact on the private life of the individual may also fall within the scope of Article 8.<sup>53</sup>

In its case law,<sup>54</sup> the ECtHR has also dealt with children's freedom of thought and religion, particularly in the context of the right to education.

*Vavříčka and Others v. The Czech Republic*<sup>55</sup> concerned the Czech legislation on compulsory vaccination and its consequences for the applicants who refused to comply with it. The first applicant had been fined for failure to comply with the vaccination duty in relation to his two children. The other applicants had all been denied admission to nursery school for the same reason. The applicants all alleged, in particular, that the various consequences for them of non-compliance with the statutory duty of vaccination had been

<sup>50</sup> *G.L. v. Italy*, Judgement of 10 September 2020, no. 59751/15.

<sup>51</sup> *Guillot v. France*, Judgement of 24 October 1993, no. 22500/93.

<sup>52</sup> *Odièvre v. France* [GC], Judgement of 13 February 2003, no. 42326/98.

<sup>53</sup> *Genovese v. Malta*, Judgement of 11 October 2011, no. 53124/09.

<sup>54</sup> See e.g. *Dogru v. France*, Judgment of 4 December 2008, no. 27058/05, *Kervanci v. France*, Judgment of 4 December 2008, no. 31645/04, *Grzelak v. Poland*, Judgment of 15 June 2010, no. 7710/02.

<sup>55</sup> *Vavříčka and Others v. The Czech Republic*, Judgement of 8 April 2021 (Grand Chamber).

incompatible with their right to respect for their private life. The ECtHR held that there had been no violation of Article 8, finding that the measures complained of by the applicants, assessed in the context of the national system, had been in a reasonable relationship of proportionality to the legitimate aims pursued by the respondent State (to protect against diseases which could pose a serious risk to health) through the vaccination duty.

Interview without parental consent was the subject of the case *I.V.T. v. Romania*,<sup>56</sup> where the ECtHR found the violation of Article 8. This case concerned a television interview of a minor, without parental consent or adequate measures to protect her identity. The interview, which concerned the death of a schoolmate, had resulted in her being bullied and had caused her emotional stress. The ECtHR held that there had been a violation of Article 8 (the right to respect for private life), finding that the domestic appellate courts in this case had only superficially balanced the question of the applicant's right to private life and the broadcaster's right to free expression. They had not properly taken into account the fact that she had been a minor, failing in their obligation to protect her right to private life.

In the area of international child abduction, the obligations are imposed by Article 8, which is quite an evolving field in terms of child-rights-related cases before the ECtHR.<sup>57</sup> The ECtHR gives the UN CRC a quite prominent place in its assessments of such cases, and repeatedly emphasises that the obligations provided in Article 8 must be interpreted in the light of the requirements, among others (e.g. international legal documents), of the UN CRC.<sup>58</sup> It is not only in child abduction cases that the ECtHR has made such an emphasis. In *Emonet and Others v. Switzerland*,<sup>59</sup> the ECtHR stated that the positive obligations under Article 8 in respect of adoption "must be interpreted in light of the [CRC]", and in *Maumousseau and Washington v. France*,<sup>60</sup> it declared that the same must be done with the positive obligation under Article 8 to reunite parents with their children.

## 4. Conclusion

The ECtHR has established that the ECHR must be interpreted as a living instrument, allowing it to remain relevant considering evolving social and legal standards. However, the ECHR, as originally drafted, contains only limited direct references to children and individuals under the age of 18. It was adopted decades before the UN CRC, during a period when civil and political rights were the primary focus. From a contemporary perspective, both instruments may appear somewhat outdated. Nonetheless, the increasing number of cases involving children – as well as the growing academic interest – demonstrates that the ECHR continues to serve as a vital tool for the protection of children's human rights.

<sup>56</sup> *I.V.T. v. Romania*, Judgement of 1 March 2022, no. 35582/15.

<sup>57</sup> See e.g. *Ignaccolo-Zenide v. Romania*, Judgement of 25 January 2000, no. 31679/96, *Cavani v. Hungary*, Judgment of 28 October 2014, no. 5493/13, *Iglesias Gil and A.U.I. v. Spain*, Judgement of 29 April 2003, no. 56673/00; see also ECtHR Press Unit (2024b).

<sup>58</sup> See *Voica v. Romania*, Judgement of 7 July 2020, no. 9256/19, para. 51.

<sup>59</sup> *Emonet and Others v. Switzerland*, Judgement of 13 December 2007, no. 39051/03, para. 65.

<sup>60</sup> *Maumousseau and Washington v. France*, Judgement of 6 December 2007, no. 39388/05, para. 66.

There is a growing sense of a children's rights ethos, and scope for related arguments in ECtHR jurisprudence, thanks in large part to the UN CRC, but also the space gaining of the child rights attitude in societies and in national jurisprudences as well. The increase is visible, but not consistent in judgments referring to the UN CRC over the past decade, as Helland and Hollekim (2023) found in their extensive research.

While the CoE, as an international organisation is not a party to the UN CRC, all of its Member States are, and thus it holds a prominent position at the European level. The ECHR establishes common legal obligations for member states and shapes how European institutions develop and implement children's rights. As Fenton-Glynn (2020, p. 394) states "while it is understandable why the ECtHR does not always follow the CRC, the Court cannot ignore it".

In our world characterised by polycrisis on the one hand, and a series of technical revolutions on the other (see most recently Dzuráková, 2022; Foussard et al., 2023; Bán-Forgách et al., 2024), children are especially vulnerable because of their evolving capacities and sensitivity,<sup>61</sup> dependences on our adult world but they aspire to be active agents in the present and future of our societies. It can be exemplified by the struggle of young climate activists in demonstrations in the global North and South, but also their fight for justice in the courts (see the growing number of youth climate cases before the ECtHR and other regional human rights courts: Lux, 2025; Savaresi et al., 2024; Nolan, 2024), and also non-judicial remedies (see the submissions of young people to the UN Committee on the Rights of the Child), which we must take seriously and to give them every opportunity to agree to the granting of their participatory rights under the ECHR and the UN and European children's rights framework that will build on it, not just in theory, or by way of sporadic references to their rights in certain judgements.

## Acknowledgments

The research for this paper was supported by the National Research, Development and Innovation Office (grant ID: NKFIH FK 138346, 'Legal Argumentation in the 21<sup>st</sup> Century'), and a Bolyai János Research Scholarship of the Hungarian Academy of Sciences.

## References

- Arora, S. K., Shah, D., Chaturvedi, S. & Gupta, P. (2015). Defining and Measuring Vulnerability in Young People. *Indian Journal of Community Medicine*, 40(3), 193–197. Online: <https://doi.org/10.4103/0970-0218.158868>
- Bagattini, A. (2019). Children's Well-being and Vulnerability. *Ethics and Social Welfare*, 13(3), 211–215. Online: <https://doi.org/10.1080/17496535.2019.1647973>

<sup>61</sup> See, in the context of post-war societies, Brucato (2023).



- Bán-Forgách, N., Mezei, K. & Halász, I. (2024). Artificial Intelligence and the Right of the Child. In Z. Mirjanic (Ed.), *Zbornik radova. Vol. 1: Međunarodni naučni skup "Izazovi i perspektive razvoja pravnih sistema u XXI vijeku"* (pp. 91–100). Pravni fakultet Univerziteta u Banjoj Luci.
- Breen, C., Krutzinna, J., Luhamaa, K. & Skivenes, M. (2020). Family Life for Children in State Care: An Analysis of the European Court of Human Rights' Reasoning on Adoption Without Consent. *The International Journal of Children's Rights*, 28(4), 715–747. Online: <https://doi.org/10.1163/15718182-28040001>
- Brucato, G. (2023). Children after War: From Moral Development Claims to Welfare and Agency Rights. *Hungarian Journal of Legal Studies*, 64(1), 115–133. Online: <https://doi.org/10.1556/2052.2023.00437>
- Burgund Isakov, A., Zegarac, N. & Markovic, V. (2023). Surviving their Journey: A Trauma-informed Approach to Migrant Children's Experiences of Violence on the Western Balkan Route. *Intersections. East European Journal of Society and Politics*, 9(2), 89–107. Online: <https://doi.org/10.17356/ieejsp.v9i2.1116>
- Cantwell, N. (2011). Are Children's Rights Still Human? In A. Invernizzi & J. Williams (Eds.), *The Human Rights of Children. From Visions to Implementation* (pp. 37–59). Routledge. Online: <https://doi.org/10.4324/9781315095769-4>
- Council of Europe (2010). *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice*. Council of Europe. Online: <https://search.coe.int/cm?i=09000016804b2cf3>
- Dzuráková, D. (2022). Implications of Digitalization during the Covid-19 Pandemics. *Institutiones Administrativis. Journal of Administrative Sciences*, 2(1), 36–47. Online: <https://doi.org/10.54201/iajas.v2i1.30>
- European Union Agency for Fundamental Rights (FRA) (2022). *Handbook on European Law Relating to the Rights of the Child*. European Union Agency for Fundamental Rights, Council of Europe. Online: <https://fra.europa.eu/en/publication/2022/handbook-european-law-child-rights>
- ECtHR Press Unit (2023, April). Factsheet – Children's Rights. *European Court of Human Rights*. Online: [https://www.echr.coe.int/documents/d/echr/fs\\_childrens\\_eng](https://www.echr.coe.int/documents/d/echr/fs_childrens_eng)
- ECtHR Press Unit (2024a, April). Factsheet – Protection of Minors. *European Court of Human Rights*. Online: [https://www.echr.coe.int/documents/d/echr/FS\\_Minors\\_ENG](https://www.echr.coe.int/documents/d/echr/FS_Minors_ENG)
- ECtHR Press Unit (2024b, April). Factsheet – International Child Abductions. *European Court of Human Rights*. Online: [https://www.echr.coe.int/documents/d/echr/FS\\_Child\\_abductions\\_ENG](https://www.echr.coe.int/documents/d/echr/FS_Child_abductions_ENG)
- ECtHR Press Unit (2024c, October). Factsheet – Unaccompanied Migrant Minors in Detention. *European Court of Human Rights*. Online: [https://www.echr.coe.int/documents/d/echr/FS\\_Unaccompanied\\_migrant\\_minors\\_detention\\_ENG](https://www.echr.coe.int/documents/d/echr/FS_Unaccompanied_migrant_minors_detention_ENG)
- Etzel, R. A. (2020). The Special Vulnerability of Children. *International Journal of Hygiene and Environmental Health*, 227. Online: <https://doi.org/10.1016/j.ijheh.2020.113516>
- Fenton-Glynn, C. (2020). *Children and the European Court of Human Rights*. Oxford University Press. Online: <https://doi.org/10.1093/oso/9780198787518.001.0001>
- Florescu, S., Liefwaard, T. & Bruning, M. (2015). Children's Rights and the European Convention on Human Rights. *NJCM-Bulletin*, 40(4), 451–453. Online: <https://hdl.handle.net/1887/39663>
- Foussard, C., Vigil, A. & Perez, M. (2023). Impact on Child Justice in a World of Digital Courts: Perspectives from the Bench. *Intersections. East European Journal of Society and Politics*, 9(2), 29–53. Online: <https://doi.org/10.17356/ieejsp.v9i2.1143>
- Helland, T. (2024). *Criticism and Response: Exploring the Development of Children's Human Rights in Case Law from the European Court of Human Rights and the Norwegian Supreme Court*. PhD Thesis, University of Bergen. Online: <https://hdl.handle.net/11250/3146438>
- Helland, T. & Hollekim, R. (2023). The Convention on the Rights of the Child's Imprint on Judgments from the European Court of Human Rights: A Negligible Footprint? *Nordic Journal of Human Rights*, 41(2), 213–233. Online: <https://doi.org/10.1080/18918131.2023.2204634>
- Jacobsen, A. F. (2016). Children's Rights in the European Court of Human Rights – An Emerging Power Structure. *The International Journal of Children's Rights*, 24(3), 548–574. Online: <https://doi.org/10.1163/15718182-02403003>

- Kilkelly, U. (1999). *The Child and the European Convention on Human Rights*. Ashgate.
- Kilkelly, U. (2010). Protecting Children's Rights under the ECHR: The Role of Positive Obligations. *Northern Ireland Legal Quarterly*, 61(3), 245–261. Online: <https://doi.org/10.53386/nilq.v61i3.453>
- Kilkelly, U. (2015). The CRC in Litigation under the ECHR. In T. Liefwaard & J. E. Doek (Eds.), *Litigating the Rights of the Child. The UN Convention on the Rights of the Child in Domestic and International Jurisprudence* (pp. 193–209). Springer. Online: [https://doi.org/10.1007/978-94-017-9445-9\\_12](https://doi.org/10.1007/978-94-017-9445-9_12)
- Kilkelly, U. (2016). *The Child and the European Convention on Human Rights*. Routledge. Online: <https://doi.org/10.4324/9781003579427>
- Könczöl, M. (2009). What There is Left and How It Works: Ancient Rhetoric and the Semiotics of Law. *International Journal for the Semiotics of Law*, 22, 399–410. Online: <https://doi.org/10.1007/s11196-009-9117-5>
- Li, J. (2022, March 21). “Children Are Very Vulnerable.” Interview. *WZB Mitteilungen*, 175. WZB Berlin Social Science Center. Online: <https://wzb.eu/en/article/children-are-very-vulnerable>
- Linhares, J. M. A. (2025). The Four Doors to *Panjuridi(ci)sm* and the Question about the Limits of Law: Returning to a Rarely Frequented *Topos*. In A. M. Gaudêncio (Ed.), *Exploring the Boundaries of Law*. Springer. Online: [https://doi.org/10.1007/978-3-031-69990-0\\_2](https://doi.org/10.1007/978-3-031-69990-0_2)
- Lux, Á. (2025). Successful Unsuccessful Children's Rights Climate Cases? Lessons Learned from the Sacchi and Agostinho Cases or the Power of a Non-judicial Body. *Católica Law Review*, 9(1), 57–81. Online: <https://doi.org/10.34632/catolicallawreview.2025.17792>
- Meyer, M. (2014). What Is the Use of Topics in Rhetoric? *Revue internationale de philosophie*, 270(4), 447–462. <https://doi.org/10.3917/rip.270.0447>
- Nolan, A. (2024). Children and Future Generations Rights before the Courts: The Vexed Question of Definitions. *Transnational Environmental Law*, 13(3), 522–546. Online: <https://doi.org/10.1017/S2047102524000165>
- O'Donnell, K. (1995). Protection of Family Life: Positive Approaches and the ECHR. *Journal of Social Welfare and Family Law*, 17, 261–279. Online: <https://doi.org/10.1080/09649069508413659>
- Pap, M. (2023). The Right to Respect for Private and Family Life of Children Born through International Surrogacy in the Case Law of the European Court of Human Rights. *Hungarian Journal of Legal Studies*, 64(1), 32–47. Online: <https://doi.org/10.1556/2052.2023.00421>
- Pinheiro, P. S. (2006). *The World Report on Violence against Children*. United Nations. Online: <https://tinyurl.com/3atxxbvj>
- Rinaldi, P. (2023). The Winding Access to Legal Status for Unaccompanied Migrant Minors in Spain. *Hungarian Journal of Legal Studies*, 64(1), 48–70. Online: <https://doi.org/10.1556/2052.2023.00426>
- Rubinelli, S. (2006). The Ancient Argumentative Game: τόποι and *loci* in Action. *Argumentation*, 20, 253–272. Online: <https://doi.org/10.1007/s10503-006-9010-2>
- Savaresi, A., Nordlander, L. & Wewerinke-Singh, M. (2024, April 12). Climate Change Litigation before the European Court of Human Rights: A New Dawn. *GNHRE*. Online: <https://gnhre.org/?p=17984>
- Sormunen, M. (2020). Understanding the Best Interests of the Child as a Procedural Obligation: The Example of the European Court of Human Rights. *Human Rights Law Review*, 20(4), 745–768. Online: <https://doi.org/10.1093/hrlr/ngaa034>
- Stöckl, H., Fabbri, C., Cook, H., Galez-Davis, C., Grant, N., Lo, Y., Kiss, L. & Zimmerman, C. (2021). Human Trafficking and Violence: Findings from the Largest Global Dataset of Trafficking Survivors. *Journal of Migration and Health*, 4. Online: <https://doi.org/10.1016/j.jmh.2021.100073>