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New questions about children's rights

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Children's rights are an immanent part of the political-legal-cultural agenda both at national and at international levels, especially since the adoption of the UN Convention on the Rights of the Child (UN CRC) in 1989. Before that landmark event, the first two international documents dedicated to children's rights, the so-called 'Geneva Declaration of the Rights of the Child' adopted by the League of Nations in 1924 and another one adopted by the UN General Assembly in 1959, still reflected a welfare approach rather than a participatory attitude involving the recognition of the socially active legal status of children. The UN CRC is clearly a milestone that raised attention to children's issues and rights and the particular features of the childhood experience by promoting the treatment and representation of children as people with power and their own rights. With the UN CRC, international law first addresses the rights of the child in a single catalogue, introducing a new timeframe for negotiating children's rights (Ashton et al., 1992; Freeman, 2012; Freeman & Veerman, 1992). The Convention radically altered the picture of children and childhood by defining minimum standards of care, development, upbringing and social participation, which all children (those under the age of 18) are entitled to (Alston & Tobin, 2005; Vuckovic-Sahovic et al., 2012; Williams & Invernizzi, 2011; Reynaert, 2015). Protecting childhood became imperative, and the idea of the 'global child' was born (UNICEF, 2009; Allison & Adrian, 2008). Not only did the UN CRC create legislative trends, but it also impacted research and practice, and children's rights 'gained an established place in society' (Hanson, 2012, p. 64).

Even though the UN CRC represents a unique achievement in terms of the advancement of children's rights, the document is ageing (Freeman, 2017; Veerman, 2010), and the Optional Protocols, the General Comments, and the State Parties' responses to the UN CRC Committee through ongoing jurisprudence demonstrate that new issues have arisen over the more than 30 years since the adoption of the UN CRC: these include digital media, sustainable development goals, climate change and environmental damage, child activism, and political rights, amongst others. However, not only are these new issues appearing in scholarship but 'established' issues (e.g. violence against children, rights of migrant and

refugee children, children living with disabilities, those belonging to any kind of minority, and child poverty) have also attracted renewed attention and inspired the production of new knowledge on children's rights and childhood in general (see Hillis et al., 2017; Holt et al., 2008; Løvlie, 2023; Pereda & Díaz-Faes, 2020; Brittle & Desmet, 2020; Bhabha, 2009; Vaghri et al., 2019; Lansdown, 2022; Bessell, 2022; Biggeri & Cuesta, 2021). Everyday life also opens up new perspectives for research, such as the various consequences of the Covid-19 pandemic on children's rights (see, e.g. the thematic special issue of *Child Abuse and Neglect* dedicated to research on 'Protecting children from maltreatment during COVID-19' [Katz & Fallon, 2021], and the work of scholars who have written on various topics that link the pandemic and children's rights [Raman et al., 2020; Maalla M'jid, 2020; Jørgensen, 2022; MacLachlan et al., 2022]).

Further questions have emerged in the wake of the development of artificial intelligence. Nowadays, the digitalisation of justice systems is an important objective aimed at making the latter fit for the digital age. However, providing modern access to justice in an increasingly digitalised environment can also make it more child-centred. It is already a clear international and European requirement that justice for children should aim to ensure that the best interests of all children under 18 years of age, irrespective of their status, are served by the justice system in accordance with other international norms and standards. Although not advancing as rapidly as other e-government initiatives, electronic justice (or e-justice) practices have been developed and implemented to make justice services and their administration more open, accessible, effective, efficient, and less expensive for all (Abdulvaliev, 2017; Kramer et al., 2018; Martínez & Abat, 2009; Mal'ko et al., 2020; Velicogna et al., 2020).

Strategies have been adopted to challenge the 'stubbornly consistent' (McMellon & Tisdall, 2020, p. 157) resistance to child participation, and new ways of involving children (based on co-production and activism) are gaining followers in the children's rights field (Templeton et al., 2020; Gillet-Swan, 2018). Other scholars question discourses and 'norms of behaviour' in academia, reflecting on which kinds of knowledge are silenced (Spyros, 2018), which are being used to consolidate power relations, and how knowledge production about childhood and children can reframe children's positions from the bottom of the pecking order to the top (Kellett et al., 2004; Cluver et al., 2021). This approach refocuses on children and their representation, breaking with the predominant adult-centric perspective and its misunderstandings and misrepresentations, recognising and respecting the personhood of the child. This turn is also reflected in the preferences of governmental and non-governmental players, who are increasingly engaging in co-productive forms of engaging children and pleading for a political awakening with respect to them.

This thematic issue emerged from the realisation that no up-to-date overview of children's rights issues exists in any academic journal in Central-Eastern Europe. This may also be the reason why we received a large number of responses to our call within a very short time. Our aim was to invite scholars to reflect on the many achievements of the implementation of the UN CRC at theoretical and practical levels and to take stock of the developments and issues that are still a challenge in terms of focusing on the rights of the child. The holistic field of children's rights involves multi-/interdisciplinary attitudes and expands the possible research perspectives. Empirical research from various

fields enriches our knowledge and public discourse on children and their rights. In this collection, the contributions from practitioners indicate the specific motivation of the editors, contributing new aspects and clear added value to this academic setting. In addition to papers from practising experts and theoretical researchers, scholars from various fields and countries are included, and we hope that the edition will serve as a mutual learning platform and basis for further professional and academic dialogue.

The paper by Agnes Lux seeks to map the implementation of children's right to a healthy environment by analysing the work of independent children's rights institutions (ICRIs) in the Visegrád-countries: Poland, Hungary, Czechia and Slovakia. The research found that the institutions vary in structure, legal frames, scope and competence, although the right to a healthy environment and issues related to climate change are not reflected that much in their work; they mainly undersell their relevance. However, the legal tools and the space for promotion, awareness-raising, and advising that can be achieved with non-judicial means are available. Accordingly, when we look at the V4 countries, one cannot identify why institutions do not deal much with climate issues. The positive note is that a stand-alone institution can better guarantee the promotion and protection of the rights of children in general (both in terms of visibility and also accessibility) – see the Ombudsman for Children in Poland and especially the Commissioner for Children in Slovakia.

Cedric Foussard, Mariana Perez Cruz and Angela Vigil in their contribution intend to understand judiciary professionals' perspectives on the use of digital hearings and the effect of their use on justice for children. This paper analyses the advantages and disadvantages of virtual hearings and their impact on children's ability to participate effectively and adequately understand judicial processes and the seriousness of justice-related outcomes. According to the majority of interviewees and participating experts, virtual trials should not replace in-person hearings, and, in general, no proceedings should be virtual if affected parties are to be examined. Similarly, virtual proceedings should not be conducted if the child's liberty or access to services is at stake. If the procedure does not affect the liberty of the child and witnesses do not have to be examined, a remote procedure may be an option. In sum, the current international standards on children's rights should advocate that in-person court proceedings should be the norm, while remote technologies could be used in support.

Gergana Nenova and Radostina Antonova deal with deinstitutionalisation in Bulgaria, a phenomenon that is further relevant at a European and global level. Like many other post-socialist states, following the transition to democracy, Bulgaria had to close its large institutions for children. The so-called de-institutionalization reform can be seen as an important part of the introduction of children's rights legislation in contemporary Bulgaria. The article brings together the results of three studies of deinstitutionalization conducted between 2011 and 2021 that explore the implementation of the reform and seek to explain how the consequences of this relate to the concept of children's rights. The article provides a historical overview of the reform in light of the concept and principles of children's rights. It presents empirical evidence that children's rights are being undermined in the new residential homes, which were meant to overcome the institutionalised model of care. Third, it links this evidence to critical perspectives on the child's rights paradigm.

Kathleen Manion and her co-authors, Laura Wright, Vanessa Currie and Laura Lee, summarise insights from a qualitative study drawing on participatory and creative methods, focusing on the question of ‘What do we know about the incidence and type of violence that children and young people are facing in and around school in Southeast Europe, as well as the children and young people that are most impacted by it?’ They also explore social and gender norms related to violence, including school-related gender-based violence (SRGBV) against children; the informal and formal mechanisms and child-led activities that protect children from violence and promote wellbeing; how children and young people feel able to prevent or respond to violence (and SRGBV specifically); and the ideas they had for prevention. Moreover, the authors send an important message, namely, ‘methods matter’ – so what matters is not only that children and young people are engaged, but *how* they are engaged in research processes.

Anita Burgund Isakov, Nevenka Žegarac, and Violeta Markovic discuss children’s experiences during their migratory routes in the Western Balkans. Their research includes in-depth interviews with unaccompanied children and those travelling with families residing in camps in Bosnia and Herzegovina on their experiences of violence while on the move and their understanding of the support networks on their journeys. The results show that all children, among their other troubles and deprivations, experience a range of severe violence and traumatic experiences. Children mainly report and recognise physical violence in the form of police pushbacks at borders and by smugglers.

With its contributions and the diverse inputs given in the different articles, this issue brings richness to the field of children’s rights. This special issue achieves its original goal of showcasing the work of various international scholars through presenting relevant and current topics in the field of children’s rights and offering a crossover between theory and practice

We, the editors, are pleased to recommend this issue, which we hope will inspire a critical reflection. We wish you all an insightful read.

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