



**A new courtroom for and by  
minors in appellate asylum  
procedures at the Belgian  
Council for Alien Law  
Litigation**



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## Thank you!

The design of a new courtroom for minors at the Belgian Council for Alien Law Litigation (CALL) is the interim result of a co-creative research and design process. Many people have contributed to the success of this project. As coordinators of the project and authors of this report, we would like to take the opportunity to explicitly thank them.

First of all, we thank the young people – Imamdad, Mohammadullah, Izat, and Rahman – for their incredible commitment and willingness to share their experiential knowledge with us. We were also deeply touched and strengthened by the warm involvement of Griet Braeye, guardian of three of these young people, throughout the entire process. The young people have been appropriately compensated for their time thanks to the financial support of the [Freya Vander Laenen Fund](#), but Griet volunteered her time to collaborate on this process.

This project would not have been possible without the open and constructive collaboration with the CALL. We especially thank the first president, Marc Oswald, for embarking on this journey with us, and chamber presidents Marleen Maes, Marie Ryckaseys, Jean-François Hayez, and Gilles De Guchteneere for their support, belief in this project, and feedback on the first version of this report. A special word of thanks also to François Van Rooten, not only for his substantive involvement, but also for his kind suggestion to proofread and improve the French translation of this report. During the design process, the practical knowledge of Ali Afif, Laila Ben Ayad, Jeroen Crab, Carine De Cooman, and Mireille Gillade was invaluable, as was the feedback from magistrates and staff from all sections of the CALL who shared their reflections with us. The enthusiasm for the proposal to design a new courtroom was not only evident in identifying a suitable space at the CALL, but also in the logistical support, tips to align the proposal with the daily realities of the procedure, the creation of a platform for exchange with the entire Council, and – last but not least – granting the green light to launch the new hearing room during a test phase.

The interim input from our external partners was also invaluable. We would like to extend special thanks to Jolien de Baets ([OYO architects](#)) for her professional support in the design, and to Wim De Graeve and Lien Hemerijckx ([ABC-huis](#)) for providing not only their space but also their creative materials and unique expertise in participatory design with children and young people. Great thanks also go to Tijs Van Steenberg (HOGENT), Niels van Doesum (Leiden University), Irma De Baets (SOS Children's Villages), and Germa Lourens and Kaat Hogendoorn (NIDOS) for their refreshing insights and reflections on our journey. The fact that all these partners were willing to collaborate and consult with us voluntarily and for free demonstrates their great social commitment and belief in this project.

The project was initiated in the margins of Sara Lembrechts' doctoral research (UGent). Under the guidance of Prof. Ellen Desmet, she investigates how the asylum appeal procedure can be better aligned with the needs and human rights of children and young people. For this project, Sara collaborated with Ellen Van Vooren, a voluntary

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guardian, expert in children's rights, and facilitator of co-creative processes with children and young people. We, Sara and Ellen, carried out this project together and co-wrote this report. Ellen also volunteered her time and expertise.

We approached this design process based on the principles of co-creation, participation, and children's rights. This is because we believe that innovative solutions to complex social challenges are found where diverse voices and perspectives come together. The experiences of children and young people who have personally experienced an asylum appeal procedure at the CALL form our starting point, but not without giving other perspectives an equally prominent place. Every key stakeholder's voice was sought, heard and valued. Thanks to the joint efforts and the openness to share ideas and feedback, we have achieved a beautiful interim result. We are pleased to present that result to you in this report. We hope to continue the journey toward a permanent courtroom in this spirit. Together with you, we look forward to seeing how the spatial redesign of the courtroom can further impact children and young people in asylum appeal procedures.

Happy reading,

Sara en Ellen

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## Summary

This co-creative project aims to design a **new courtroom** where judges of the Council for Alien Law Litigation (CALL) can hear minors. Why is a separate, child-friendly space needed in a procedure that is mainly written? In an asylum appeal procedure, minors and their lawyer are heard during a hearing at the CALL. To align with the legally binding human rights of children and young people and the Council of Europe's guidelines on child-friendly justice (2010), the hearing room must meet several conditions. The space must be safe (protection), support minors (provision), and allow them to be openly seen and heard by the judge (participation).

**Empirical research** shows that a personal meeting with the judge is a crucial moment for many young people in their asylum procedure. However, the current spatial setting at the CALL does not meet their needs and rights. This makes it particularly difficult for young applicants to develop the calm and trust needed to share their story with the judge during the hearing. This lack of calm and trust hinders a fair, efficient, objective, and "child-friendly" legal process.

Together with young people who have experienced an appellate asylum procedure and who have in the meanwhile been recognised as refugees by the CALL, we are proposing a **design** for a new courtroom. This design is based on the belief that the voice of young people should be an essential part of the asylum appeal process and takes into account human rights and the principles of child-friendly justice. Furthermore, the design addresses what young applicants themselves consider important, without losing the distinct and formal nature of the asylum procedure at the CALL. The design reflects the importance of a safe, calm, and reassuring space where young people feel as supported and comfortable as possible to engage in a conversation with the judge about their asylum request.

During a **pilot phase**, the new hearing room at the CALL will be tested and evaluated. Our hypothesis is that a carefully designed space that considers the needs and rights of children and young people can contribute to a higher quality of interaction between all parties involved, particularly between the judge and the young person. Furthermore, we hope that the introduction of this hearing room can be a stepping stone toward more **child-friendly asylum justice**, in which the human rights of children and young people are safeguarded both procedurally and substantively. We see a **pioneering role** for the CALL in this regard.

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# 1. Introduction

## Why is a child-friendly courtroom necessary in the appellate asylum procedure?

1. **Minors can be heard by the judge:** Although the procedure of full judicial review is mainly written, minors can be heard by the judge during an oral hearing.
2. **Right to a child-friendly environment:** During their meeting with the judge, minors have the right to a child-friendly environment, which ensures their human rights. This right is enshrined in the UN Convention on the Rights of the Child, the Belgian Constitution, the EU Charter, the Council of Europe's Guidelines on Child-Friendly Justice, and relevant (mainly European) case law.
3. **Enhancing self-worth:** The child's right to be heard is primarily intended to enhance children and young people's self-worth and give them the feeling that they matter. Even if being heard does not always directly contribute to finding the truth or a solution, the human interaction during the hearing is crucial for young people's perception of procedural fairness.
4. **Lack of confidentiality in the current courtroom:** Minors indicate that the current courtroom is not conducive to an open and confidential conversation with the judge. This undermines both the human rights of children and young people and the quality of the inquisitorial asylum appeal procedure..

### 1.1 Project aims

This co-creative project aims to design a **new courtroom** where judges of the Council for Alien Law Litigation (CALL) can hear minors in accordance with their human rights. The focus of the project is on hearings involving unaccompanied minor foreigners in the asylum procedure.

Although the asylum appeal procedure is mainly written, the asylum appeals are subject to procedures of full judicial review, which often include a hearing where the parties and their representatives appear in person (Article 39/60 of the Belgian Aliens Act). The hearing serves several functions. First, a magistrate with full jurisdiction has **inquisitorial authority**. During the hearing, the judge can ask questions necessary to reach a well-founded decision. Second, a hearing provides an opportunity for the parties to present their **oral comments**. Statements made during the hearing can supplement the written case file in the form of a complementary note (*aanvullende nota* or *note complémentaire*). Third, human interaction during the hearing plays a crucial role in the experience of **procedural or interactional justice**. Research, particularly in social psychology, shows that not only the outcome of a decision but also the manner in which the decision is made contributes to the perception



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of fairness in a procedure.<sup>1</sup> In an asylum appeal procedure, the perception of being seen, heard, and taken seriously in interaction with the judge also contributes to the extent to which applicants can accept a judge's decision and move forward with their lives.

Elsewhere,<sup>2</sup> we have already described that hearing children and young people can be considered a very important part of a magistrate's duties and responsibilities: "[t]his importance is not so much about truth-finding or the significance the child's opinion may have for resolving the specific dispute, but primarily the fact that hearing children contributes to their **sense of self-worth and of mattering**. Research has found that when children and young people are unable to participate in a meaningful way, this can lead to psychological and behavioral problems. In this context, the responsibility of adults must be emphasised, as they too often control whether and how children can exercise their rights."

Our hypothesis is that a carefully designed space that takes into account the needs and rights of children and young people can contribute to a **higher quality of interaction** between all parties involved, particularly between the judge and the young applicant for international protection. This interaction is a crucial link in achieving a fair, efficient, objective, and "child-friendly" legal process. Thus, the new hearing room can serve as a springboard for a stronger embedding of children's and young people's human rights in the asylum appeal procedure, both procedurally and substantively.

## 1.2 Scientific foundation

The design of a new hearing room for and by children and young people in asylum appeal procedures builds on the findings of the legal-ethnographic **doctoral research** by Sara Lembrechts.<sup>3</sup> In her study, Sara examines how the procedural human rights of children and young people can be incorporated into an asylum appeal procedure before the CALL. By combining research methods from law, pedagogy, and anthropology, she seeks to understand how the asylum appeal process works for children and young people, with a particular focus on the interaction between the judge and the minor.

Between August 2021 and December 2023, Sara spent about 500 hours at the CALL, where she attended public hearings with minors and had behind-the-scenes conversations with judges, clerks and staff from all levels of the

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<sup>1</sup> See for example: Cathérine Van de Graaf (2021), The value of fair procedure: All's well that ends well? How social psychologists and legal theorists should sit down and talk. *International Journal of Procedural Law*, 11(2), 374–394; Marijke Van Buggenhout (2024), *Paper borders: children and young people inside the Belgian asylum procedure. A multi-voiced and performative study* [PhD thesis], VUBPRESS.

<sup>2</sup> Evelyn Merckx & Sara Lembrechts (2023), *Rechter, hoor je mij? Richtlijnen voor kindvriendelijk horen*, Leuven: LeA Uitgevers, p. 2 (own translation).

<sup>3</sup> The research is supervised by Professor Ellen Desmet (Migration Law Research Group, UGent) and financed by the Flemish Scientific Research Fund (FWO G015520N, 2020-2025).

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Council. In addition, she interviewed children, young people, and their support networks about the course of the asylum appeal procedure for both accompanied and unaccompanied minors. She paid attention to both what works well and where opportunities exist for better alignment with the needs and rights of children and young people. The experiences of children and young people (ages 9–17, n=15) and young adults (ages 18–24, n=3) who themselves experienced a procedure at the CALL as minors are central to the research, along with the perspectives of (former) magistrates (n=29). Additionally, the views of (foster) parents and support figures (n=11), guardians (n=11), lawyers (n=13), clerks (n=10), and staff from management, the registry, and reception (n=7) were also considered.

Empirical research shows there is **tension** between the written nature of the procedure and the importance of a personal encounter with the judge for minor applicants. For young people, the hearing is crucial in shaping how they reflect on their procedure, regardless of the outcome of the decision. Many young people report friendly, correct, and empathetic contact with the judge but struggle with the lack of privacy, insufficient information, and the often limited opportunity to express their own voice and experience during the hearing. Furthermore, Sara’s research indicates that the current spatial setup does not allow for the calm and trust needed for young people to openly share their story with the judge during an appellate asylum hearing.<sup>4</sup>

The need for **an adapted courtroom** where children and young people can be heard by asylum judges in line with their human rights and the principles of child-friendly justice (see 1.3) is one of the key recommendations from Sara’s empirical research. This recommendation aligns with findings from the scientific literature on legal procedures involving children and young people,<sup>5</sup> particularly empirical studies on experiences with and practices

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<sup>4</sup> These findings will be reported in more detail in Sara’s PhD (expected in September 2025).

<sup>5</sup> See for example: Ton Liefwaard (2019), Access to Justice for Children: Towards a Specific Research and Implementation Agenda, *The International Journal of Children’s Rights*, 27(2), 195-227 (available in [open access](#)); Jill Berrick et al. (2018), International Perspectives on Child-responsive Courts, *International Journal of Children’s Rights*, 26(2), 251-277; Karen Saywitz et al. (2010), Interviewing children in custody cases: Implications of research and policy for practice, *Behavioral Sciences & the Law*, 28(4), 542-562 and the references therein.

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in the Flemish Family Court,<sup>6</sup> Dutch family and juvenile justice law,<sup>7</sup> and youth courts in eleven European countries (including Belgium and the Netherlands).<sup>8</sup>

### 1.3 A children's rights perspective as a starting point

In addition to having a scientific basis in literature and empirical research, an adapted courtroom also has a legal foundation within children's rights. Children's rights are the human rights of children and young people. These rights have both a legal and relational significance. On the one hand, children's rights are enshrined in **legal instruments** such as the Convention on the Rights of the Child. On the other hand, they take shape in the **interaction** that children and young people experience with others and their environment. A children's rights perspective invites us to understand the world of children and young people, with their human rights as the starting point, while not overlooking other relevant interests.

During a meeting between a minor applicant for international protection and an asylum judge, children's rights become relevant in many areas. **Legally**, the development of a new courtroom fits within the legally binding framework of children's rights<sup>9</sup> and (international) guidelines<sup>10</sup> concerning the legal status of children and young people in contact with the law. Children and young people have the **right to be heard** in matters that concern them, and that opinion should be given due weight in accordance with the age and maturity of the child or young person (Article 12, paragraph 1 of the Convention on the Rights of the Child; Article 24, paragraph 1 of the EU Charter; Article 22 bis, paragraph 2 of the Belgian Constitution). This right to be heard applies especially during legal procedures (Article 12, paragraph 2 of the Convention on the Rights of the Child), of which the appellate

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<sup>6</sup> Evelyn Merckx & Sara Lembrechts (2023), *Rechter, hoor je mij? Richtlijnen voor kindvriendelijk horen*, Leuven: LeA Uitgevers, 104p.; Evelyn Merckx (2023), *Child-Friendly Justice in Child Custody and Contact Cases After Parental Separation: An empirical-evaluative study of Belgian law and Flemish practice*. Den Haag: Boom Juridisch, 947p.; Kinderrechtencommissariaat (2022), *Het kind weegt te licht – Kinderen hebben spreekrecht in de familierechtbank* (Dossier Spreekrecht) (available [here](#) in Dutch).

<sup>7</sup> Marielle Brunning et al. (2020), *Kind in proces: van communicatie naar effectieve participatie*, Nijmegen: Wolf Legal Publishers (available in [open access](#) in Dutch); Wikke Monster (2020), 'A design of justice. The courtroom of the future', *The Conscious Lawyer* 2020, pp. 58-61; Stephanie Rap (2021), Design of Justice. De jeugdrechtbank van de toekomst, *Tijdschrift voor Jeugd en Kinderrechten*, 2021, afl. 4, pp. 94-107; Kaat Hogendoorn (2022), *Ontwerp jouw toekomst – Kindvriendelijke rechtspraak en de invloed van gerechtsgebouwen en zittingszalen op de participatie van kinderen in juridische procedures*. Scriptie ter verkrijging van de Master Jeugdrecht, Universiteit Leiden (available in [open access](#) in Dutch) and the references therein.

<sup>8</sup> Stephanie Rap & Ido Weijers (2014), *The Effective Youth Court – Juvenile Justice Procedures in Europe*, Den Haag: Eleven International Publishing, 240p, pp. 207-210.

<sup>9</sup> With the main legal basis in this context being Article 12 UN Convention on the Rights of the Child, Article 24 EU Charter and Article 22bis Belgian Constitution, complemented by case law of the Court of Justice and the European Court of Human Rights (see Wouter Vandenhoele, Gamze Erdem Türkelli & Sara Lembrechts (2024) *Children's Rights: A Commentary on the Convention on the Rights of the Child and its Protocols*, Edward Elgar Publishing, and more specifically the references in the commentary on arts 12 and 40 UN Convention on the Rights of the Child).

<sup>10</sup> And in particular Council of Europe (2010), *Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice* (available [here](#)) and UN Committee on the Rights of the Child (2009), *General Comment 12 on the right of the child to be heard* (available [here](#)).

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asylum procedure is an example. It is important to emphasise that the right to be heard by the judge is not primarily aimed at fact-finding, but rather ensures that the minor can participate and feel heard, seen, and taken seriously by the person who will decide on their life.<sup>11</sup>

The **best interests** of children and young people must always be a primary consideration during an appellate asylum procedure (Article 3, paragraph 1 of the Convention on the Rights of the Child; Article 24, paragraph 2 of the EU Charter; Article 22 bis, paragraph 4 of the Belgian Constitution). The Council of Europe's Guidelines on Child-Friendly Justice concretise these rights, for example, by emphasizing that legal procedures involving minors must take place in an adapted space that is "non-intimidating" and "child-sensitive" and that considers the best interests of the child. The Guidelines further recognise that it is often – and also in the context of CALL – impossible to adapt the entire building, but that separate spaces for minors also contribute to a child-friendly setting.<sup>12</sup> The UN Committee on the Rights of the Child acknowledges this need, stating that "[a] child cannot be heard effectively where the environment is intimidating, hostile, insensitive, or inappropriate for her or his age. [...] Particular attention needs to be paid to the [...] design of courtrooms [...]."<sup>13</sup>

Children's rights are often described as the "3 Ps" – in English referring to the rights of protection, provision, and participation. Although this simplified representation somewhat diminishes the complexity of children's rights,<sup>14</sup> this subdivision can help to understand how the human rights of children and young people, alongside a legal obligation, also represent a **relational framework** for interaction in the new courtroom:

- **Protection:** We design a courtroom where children and young people feel safe. The courtroom fosters trust, protects against additional trauma, and guarantees the privacy of minor applicants so that they can feel heard, seen, and respected.
- **Provision:** We design a courtroom that is accessible, supportive, and inclusive, also following the principles of 'universal design'.<sup>15</sup> The design and infrastructure meet what children and young people consider important.
- **Participation:** We design a courtroom where everyone, regardless of age, gender, abilities, or background, has equal opportunities to be heard and to participate.

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<sup>11</sup> See also: Stephanie Rap (2022), 'A Test that is about Your Life': The Involvement of Refugee Children in Asylum Application Proceedings in the Netherlands, *Refugee Survey Quarterly*, 41(2), 298–319.

<sup>12</sup> See Council of Europe, n10, Explanatory Memorandum paras 122 and 123; see also Rap, 2021, n7, p. 97.

<sup>13</sup> See Committee on the Rights of the Child (2009), n10, para 34. In the context of juvenile (criminal) law, this recommendation is further concretised in UN Committee on the Rights of the Child (2019), *General Comment 24 on children's rights in the child justice system*, para 46 (available [here](#)): "[...] Proceedings should be conducted in an atmosphere of understanding to allow children to fully participate. Developments in child-friendly justice provide an impetus towards [...] child-friendly layouts of interviewing spaces and courts [...]."

<sup>14</sup> See for example: Wouter Vandenhoe, Gamze Erdem Türkelli & Sara Lembrechts (2024), n9.

<sup>15</sup> More information can be found [here](#).

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However, the interests of children and young people cannot be viewed separately from the interests of others and their environment. Therefore, when applying a children's rights perspective, we also seek to balance other perspectives, including:

- **Efficiency and effectiveness:** We design a courtroom that contributes to effective jurisprudence, where space, time, material, and resources are utilised in the most efficient way possible to achieve the goal of a fair procedure.
- **Sustainability and safety:** We design a courtroom using materials that have minimal environmental impact and that meet standards of (fire) safety.
- **Cost-effectiveness:** We design a courtroom that can be realised with a limited budget.

While the interests of children and young people cannot be separated from the interests of others and their environment, children's rights and child-friendly justice do provide a legal basis for answering why minors require a separate courtroom (and consequently a somewhat **differentiated treatment** during the appellate asylum procedure). As the Council of Europe's Guidelines demonstrate, justice rarely starts from the perspective and needs of children and young people, and the Belgian appellate asylum procedure is no exception. Additional adjustments are thus necessary to ensure that children and young people can enjoy their rights on an equal footing with adults. Moreover, it is essential for minors to be heard in a child-friendly environment to **assess the credibility** of their testimony as applicants. Adjustments that enable minor applicants to better understand the context of their procedure, and to ensure that the procedure – regardless of the outcome – contributes to the holistic development of a child or young person, are therefore unquestionably justified. Additionally, it is crucial, particularly for minors, to build trust in the judiciary, in a democratic society, and in the rule of law.

#### 1.4 The CALL's commitment

The CALL has shown commitment on at three levels. First, in 2021, the CALL agreed to grant Sara Lembrechts access for fieldwork as part of her doctoral research at Ghent University.<sup>16</sup> Secondly, the CALL internally committed to exploring interventions that would better align the appellate asylum procedure with the human rights of minor applicants. Thirdly, there is an external commitment to the *Joint Child Friendly Justice Project* of the European Union and the Council of Europe.

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<sup>16</sup> The agreement between the CALL and UGent was sealed in a Memorandum of Understanding, signed by the First President and the researcher on 21 May 2021.

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The CALL's internal commitment is reflected in its 2023 annual report, where the CALL promises to explore the possibilities of a new, separate courtroom for minors.<sup>17</sup> The **interpreters' room** was identified as a multifunctional space where hearings with minors could also take place. From the beginning, the Council emphasised the importance of incorporating the perspectives of children and young people who have experienced a hearing at the CALL. Convinced by the proposed **co-creative approach** (April 2024), the Council gave the green light to start the design process (May-June 2024). The CALL was actively involved in this process and was regularly updated on the progress. On July 4, the design proposal resulting from this process was presented at a **Council Lunchtime Event**. About sixty magistrates, attachés, and staff members attended the presentation and subsequently visited the test setup of the new courtroom in the interpreters' room. Those who wished could also leave (anonymous) **feedback** using a bilingual form with a printed sketch of the space. Both personal reactions and written suggestions indicated that the idea of the new courtroom was generally received with enthusiasm and interest at the CALL. The questions and suggestions received during and after the presentation have been addressed in this report (see below at 4.2).

Following the presentation on July 4, the Council expressed its ambition to launch a **pilot project**. Starting in November 2024, volunteer judges will test the new courtroom for several months in cases involving unaccompanied minors. Initially, hearings are planned to begin at 1:00 or 1:30 p.m. and end before the reception closes at 4:00 p.m. Since the afternoons at the Council are generally quieter than the mornings, this ensures more peace and calm in the corridors, with minimal interference with the work of the interpreters (who also use the multifunctional room). In the first phase, the aim is to handle no more than five cases per hearing. During and after this pilot phase, the functioning of the courtroom will be evaluated, and the design may be adjusted based on feedback from various users (including young people, judges, and other stakeholders). This evaluation will determine what is needed to proceed to the **final implementation** of the new courtroom.

The Council has also committed externally as a key stakeholder in the "joint European Union – Council of Europe **Child-Friendly Justice project**."<sup>18</sup> Building on the Guidelines on Child-Friendly Justice,<sup>19</sup> this project aims to improve the protection of (the human rights of) children and young people when they come into contact with legal procedures. A series of 18 indicators will be tested across five different contexts.<sup>20</sup> One of the five focus

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<sup>17</sup> Apart from the new courtroom, the various examples of child-friendly judgments also demonstrate a commitment on the part of the Council to tailor proceedings more to children and young people. On this, see also: Sara Lembrechts (2023), *Child-Friendly Judgments in Belgian Asylum Appeals*. London: Refugee Law Initiative (available [here](#)).

<sup>18</sup> This project runs from 1 January 2024 to 31 March 2026. The European Commission and the Council of Europe identified Belgium (alongside Poland and Slovenia) as one of the three focus countries to assess to what extent the Guidelines are implemented and complied with in national, regional and local procedures. The High Council for Justice is coordinating the Belgian component of the project. For more information, see [here](#).

<sup>19</sup> See reference at n10.

<sup>20</sup> An overview of the indicators specifically relevant to the development of the new courtroom is included in Annex 1 to this report.

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areas is “effective safeguards for children in **asylum and migration** procedures”, while the other four focus on family law, juvenile justice, training for legal professionals who work with children, and special institutions and mechanisms for all children. The new courtroom for minor applicants for international protection has been identified as an inspiring practice for other legal fields and Member States, particularly in how the Guidelines’ content has been implemented at the national level through a co-creative process. More broadly,<sup>21</sup> participation in this project offers the Council an opportunity to further focus on child-friendly justice within the Belgian asylum and migration context, and to take a **pioneering role** within the EU, the Council of Europe and beyond.

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<sup>21</sup> For instance in the continued efforts on formulating child-friendly summaries in judgments; see also n17.

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## 2. Project overview

### 2.1 Research questions

This process was guided by two central research questions. First, **substantively**: how can we design a courtroom at the CALL in such a way that it safeguards the human rights of children and young people? Second, **procedurally**: how can we create a design that takes into account the interests of all stakeholders, while prioritizing the interests of children and young people? The children's rights perspective we adopt invites us to take the experiences of children and young people as a starting point for answering these questions, while still giving due consideration to other perspectives.

### 2.2 Involved stakeholders

**Young people:** Young applicants for international protection are experts by virtue of their lived experience. Young people who have gone through the asylum procedure themselves play a crucial role in this project. So far, four Afghan boys between the ages of 14 and 18 have shared their personal experiences and perspectives. They initiated the design of the new courtroom and refined the test setup to better align it with what minors in similar situations find important. Their perspectives have been supplemented by the experiences of other young people, interviewed during Sara Lembrechts' doctoral research on the current courtroom setting.<sup>22</sup> However, this perspective still requires further exploration, which we aim to achieve during the test phase by paying special attention to diverse viewpoints regarding gender, country of origin, language, age, and other relevant factors.

**Judges:** Asylum judges make decisions that have a profound impact on the lives of children and young people. Before, during, and after the hearing, judges play a crucial role in ensuring the protection of the human rights of minors. It is also important that judges feel comfortable performing their duties in the new courtroom.<sup>23</sup> For this reason, judges have been closely involved in the co-creative project to evaluate and provide feedback on the design. With their specialised practical knowledge, they can advise on ensuring that the space is suitable for legal processes, contributes to legal protection, and creates a fair environment for minor applicants.

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<sup>22</sup> Sara spoke to 8 accompanied and 10 unaccompanied children and adolescents, of whom 4 were girls and 14 boys. Most were from Afghanistan (n=13), 2 were from Iran, 2 from Egypt and 1 from El Salvador. The youngest participant was 9 years old, the oldest was 24 at the time of the interview but 17 at the time of the proceedings.

<sup>23</sup> Personal communication with immigration judge Amsterdam District Court, 24 April and 6 June 2024. As an illustration, see discussion on whether or not to wear a toga during the (juvenile) hearing, as discussed in Rap & Weijers, n8, 207-208 and Bruning, n7, 145 en 228-229.



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**CALL staff:** Staff from reception, the registry, the interpreting service, the facilities department, and members of management are familiar with the administrative and practical aspects of the appeal procedure for minors. In their role, they help ensure that the new courtroom can be integrated into the daily functioning and mission of the Council.

**Actors in the asylum procedure and child rights advocates:** As part of the advisory group involved in Sara's research, a lawyer, a guardian, a protection officer from the CGRS, and a representative from the Flemish Ombudsperson for Children's Rights shared their reflections (and enthusiasm) on June 20<sup>th</sup> regarding the initial design of the new courtroom during an online exchange. They also discussed further alignment options as the design undergoes testing.

**External Experts:** Experts in environmental psychology, developmental psychology, and architecture were consulted. Their expertise has been used to further refine the design proposal, created in collaboration with young people, judges, and CALL staff, in accordance with insights from their respective disciplines.

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## 3. Methodology

### 3.1 Co-creation

The methodology of this project is based on co-creation,<sup>24</sup> a process that emphasises the importance of **collaboration and inclusion** in designing and developing solutions, processes, or products. This approach involves actively engaging various actors, such as users, experts, and other stakeholders, throughout the creative process. The goal of this collaboration is to achieve a common objective through shared responsibility, mutual knowledge exchange, and respect.

What sets co-creation apart from traditional approaches is its emphasis on **equality** and the recognition of diverse perspectives. In a co-creative process, different voices come together to collectively identify problems, generate ideas, explore solutions, and make decisions. This leads to innovative and effective outcomes that are better aligned with the needs, preferences, and contexts of all stakeholders.

Co-creation typically involves multiple **phases**, such as identifying societal needs, creating a shared vision, co-designing solutions, testing and evaluating prototypes, and implementing the final products or processes.

The **result** of co-creation is not only a tangible product or solution but also a strengthened sense of ownership and involvement among all participants. This increases the likelihood of successful implementation and acceptance of the proposed solution, as it was developed in collaboration with and tailored to the people for whom it is intended.

### 3.2 Children's rights

Children's rights are a common thread throughout our approach. This means that in all phases of the project (i.e., in the design of the space, but also in the preparation, implementation of methods, reporting, and any subsequent publications), we seek a workable balance between protection, provision, and participation for all involved. In our collaboration with children and young people, we give concrete meaning to their human rights by ensuring various **principles** in all parts of the project:<sup>25</sup>

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<sup>24</sup> For more background on cocreative processes, see, amongst others, Ellen Van Vooren & Sara Lembrechts (2021), Involving children and young people in policymaking : a children's rights-based approach to co-creative practice in REFLECTOR, in L. Van Praag (ed.) *Co-creation in migration studies : the use of co-creative methods to study migrant integration across European societies*. CeMIS Migration and Intercultural Studies, pp 247-278.

<sup>25</sup> These principles are based on how the UN Committee on the Rights of the Child describes a children's rights-based participatory process in its General Comment 12, n10 (and in particular para 134).

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- **Transparency:** Young people are well-informed about the scope of the project and what is expected of them (for example, through the flyer and the accompanying explanation at the start of the first workshop and in between if they had questions). This report is also shared with the CALL and, in an adapted form, with the participating young people.
  - **Voluntariness:** Young people are never forced to participate or say anything.
  - **Respect:** Young people and their opinions are respected.
  - **Relevance:** The topics discussed allow young people to truly use their experience from the appellate asylum procedure, coupled with a commitment from the CALL to discuss their findings and try out the suggestions.
  - **Adapted environment:** The workshops take place in locations tailored to the capacities, age, maturity, and needs of the young participants; the workshops were carefully prepared so that young people could also feel comfortable during a workshop at the CALL premises.
  - **Inclusion:** The principle of non-discrimination is applied. We ensured a variety of activities, taking into account language use, accessibility, and the inclusion of diverse backgrounds and experiences. Young people had the option to be supported by an interpreter, but none of the young people required one.
  - **Support through training:** We invest in expert guidance. Both Sara and Ellen have backgrounds in children's rights and conducting research with children and young people.
  - **Safety:** The integrity of the young people is safeguarded at all times.
  - **Responsibility:** By engaging young people in this project, we take responsibility for properly following up on their input. In this sense, it is essential that agreements are made about follow-up and evaluation. We believe it is important to tell children and young people how their input was interpreted and used, and if necessary, they should be given the opportunity to challenge and influence the analysis of the results. The young people also have the right to clear feedback on how their participation affected the outcomes. Where applicable, children and young people have the opportunity to participate in follow-up processes or activities. We also supervise and evaluate the participation of young people, with their involvement.
  - **Best interest of the child:** Since the best interest of the child is a primary consideration, it has high priority in the decisions made throughout the process.
  - **Privacy and informed consent:** Young people gave informed consent to participate in the process. To report on this process, we make an audio recording for transcription and document activities with photos and/or videos. This is done with attention to privacy and (non)recognisability. We separately request informed consent to use specific images and respect the personal choice of the young people to be or not be visible in the images. All images used in this publication have been chosen in close dialogue with participants.

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- **Compensation:** The young people receive compensation for sharing their time and expertise, in the form of a 25€ gift voucher per workshop at a store of their choice. Their transportation costs and catering are also covered. This is made possible thanks to financial support from the Freya Vander Laenen Fund (UGent).<sup>26</sup>

### 3.3 Research methods

We use various methods to bring the research questions to life and make them as concrete as possible. From the researcher's perspective, the methods are also interesting: How can we, in a caring, respectful, and thorough way, ask young people what they find important? How can we ensure that young people experience themselves as experts of their own experiences during the workshops? In line with the rights of children and young people, we ensure that not only are they approached as **knowledgeable experts**, but we also make space for any **feelings** of injustice, frustration, stress, or uncertainty, to the extent that these feelings arise among the young people as a result of this project. In the following sections of this report, you will find descriptions of several of the methods used, including photovoice, peer interviewing, the game “Dixit”, collage-making, scriptwriting and acting, and simple drawing in a sand table.

### 3.4 In-depth questions

Children and young people often say that **meeting with an asylum judge** is a significant but also challenging moment for them. We explore this with the following questions:

- How do you look back on your meeting with the judge? What did you find positive or went well? What did you find difficult? How did you feel? Is there anything you would have preferred to be different?
- How can the space help make the interaction with the judge go as smoothly as possible?
- Think of a space where you feel safe, at home, or comfortable. What makes you feel safe, at home, or comfortable in that space? It's possible that a child or young person may not feel well during the hearing. Where could this child or young person find support? What could help them feel safe?

The conversation with the judge takes place in a **courtroom**. Currently, the courtrooms at the CALL are not tailored to children and young people. Hearings with children and young people are held in the same space as hearings with adults.

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<sup>26</sup> See [here](#) (in Dutch).

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- What do you remember from the first time you saw the courtroom? What do you not like about it? What aspects are okay for you? Is there something that should definitely be kept in the new courtroom, or do you think it would be better to start from scratch?
  - How do you imagine the ideal courtroom? Who should stand or sit where?

Before your turn comes, you usually have to **wait** for a while.

- What do you think of the waiting area at the CALL? How can the waiting area help you feel as calm as possible and experience the least amount of stress?

As a child or young person, you have **human rights**. For example, you have the right to safety, support, and to be heard in matters that are important to you. Adults who make decisions about you must take your best interests into account. They must take your perspective seriously.

- What kind of space is needed to make that happen?
- How can we design the courtroom so that you feel (1) safe, (2) heard, and (3) supported?
- What feeling would you like to have when you leave the hearing? What is needed to achieve that feeling?

## 3.5 Project activities

### 3.5.1 Recruitment of young people

We sought 6 young people between the ages of 14 and 21 who had personally gone through an appellate asylum procedure at the CALL, either as unaccompanied minors or as minors accompanied by their parents. We approached these young people through our own network, including Fedasil, the Guardianship Service, and individual contacts with lawyers, guardians, and young people themselves.<sup>27</sup> Six unaccompanied Afghan minors signed up, and 4 of them actually participated in one or two sessions. Before starting the co-creative process, the researchers, together with the young person's guardian and/or social worker, assessed whether the CALL procedure had ended positively for these young people and whether there was enough mental "bandwidth" to reflect on their own experiences (at least to some extent) and creatively think about possible changes for the future. The participating young people were between 14 and 18 years old, and all had undergone an asylum procedure at the Dutch-speaking section of the CALL in the past year. All of them had in the meanwhile been recognised as refugees by the CALL.

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<sup>27</sup> The invitation we distributed to this effect, in Dutch and French, can be found in Annex 2.

### 3.5.2 Course of the co-creation process

In the first workshop on May 29, we **got to know** the young people and worked with them to understand their experiences in the current courtroom. We invited them to the creative environment of the ABC House to translate their **experiences** into images, words, and an initial design that addressed what they found important. The young people shared what they found positive and challenging about their meeting with the judge and created a **design** in a sand table with their initial ideas. Topics such as privacy, waiting, stress, uncertainty, lack of information, positioning, and the qualities of the judge were discussed.



**Image 1 – Young people at work during the first co-creative workshop at the ABC House © authors, 29 May 2024**

Equipped with these findings, we consulted **experts** in environmental psychology and developmental psychology. We also reviewed additional literature<sup>28</sup> and used this expertise to further refine the design proposal.

In the second workshop, held on June 26, we created a **test setup** in the current interpreters' room based on the ideas from the first workshop, supplemented with expert input and literature. Two Afghan boys, who had also participated in the first workshop, attended this session. Their guardian and a delegation of four people from the CALL also joined. When the young people saw the test design for the first time, they were very enthusiastic.

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<sup>28</sup> Cláudia Andrade et al. (2016). Is It the Place or the People? Disentangling the Effects of Hospitals' Physical and Social Environments on Well-Being, *Environment and Behavior*, 48(2), 299-323; Donna Koller & Meredith Farley (2019). Examining elements of children's place attachment, *Children's Geographies*, 17(4), 491-500; Rebecca Nathanson & Karen Saywitz (2003). The Effects of the Courtroom Context on Children's Memory and Anxiety, *The Journal of Psychiatry & Law*, 31(1), 67-98; Yucel Severcan (2015). The Effect of Children's Participation in Planning and Design Activities on their Place Attachment, *Journal of Architectural and Planning Research*, 32(4), 271-293.



During the workshop, we continued exploring the **most suitable arrangement**, paying attention to both concrete elements such as furniture, decoration, and the positioning of different roles, as well as more abstract aspects like atmosphere, lighting, smell, temperature, and sound. We used materials available at the CALL, complemented by examples of elements we had collected from magazines or brought from home. Together with the young people, we **adjusted** the design where necessary.



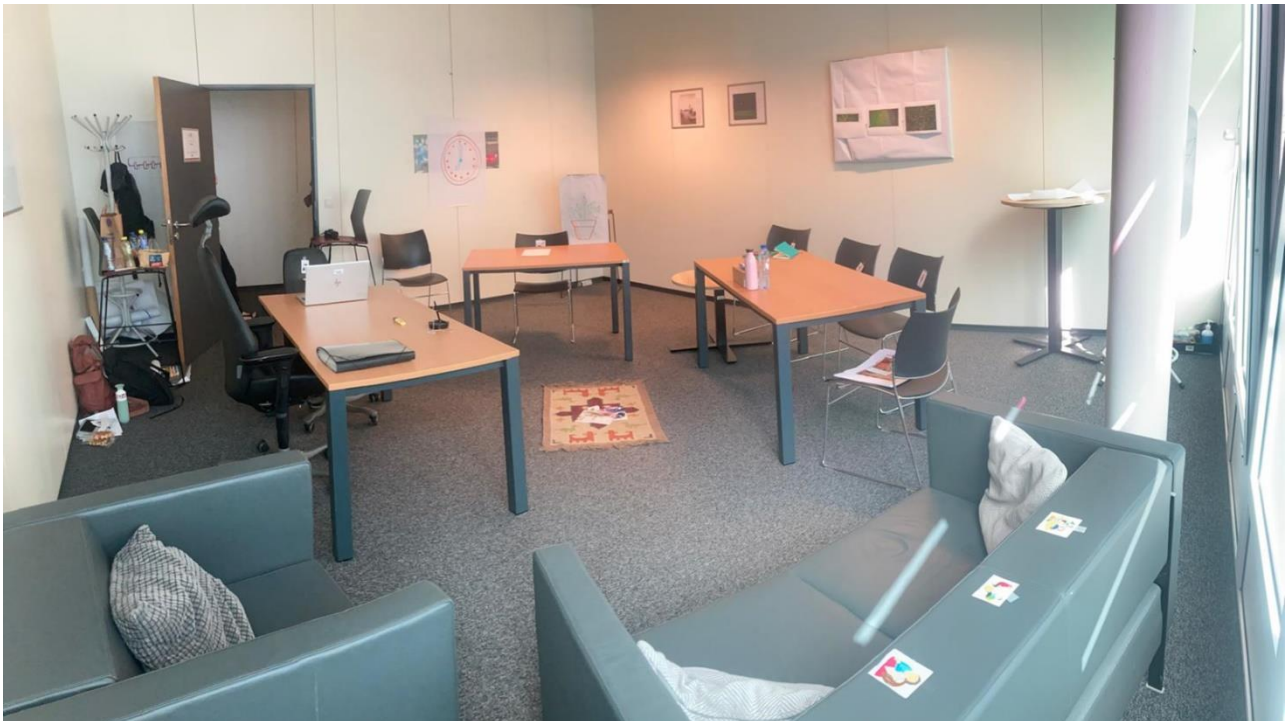
*Image 1 – Young people at work during the second co-creative workshop at the CALL © authors, 26 June 2024*

That **interim design** was presented to a delegation from the CALL that afternoon. Marleen Maes, Marie Ryckaseys, Ali Afif, and Laila Ben Ayad provided feedback on the proposal from their respective positions within the Council. Together, we made additional adjustments, building on the ideas of the young people, which ultimately led to the **current test setup**.



*Image 2 – Young people, judges, and CALL staff in dialogue about the design of the new courtroom © authors, 26 June 2024*

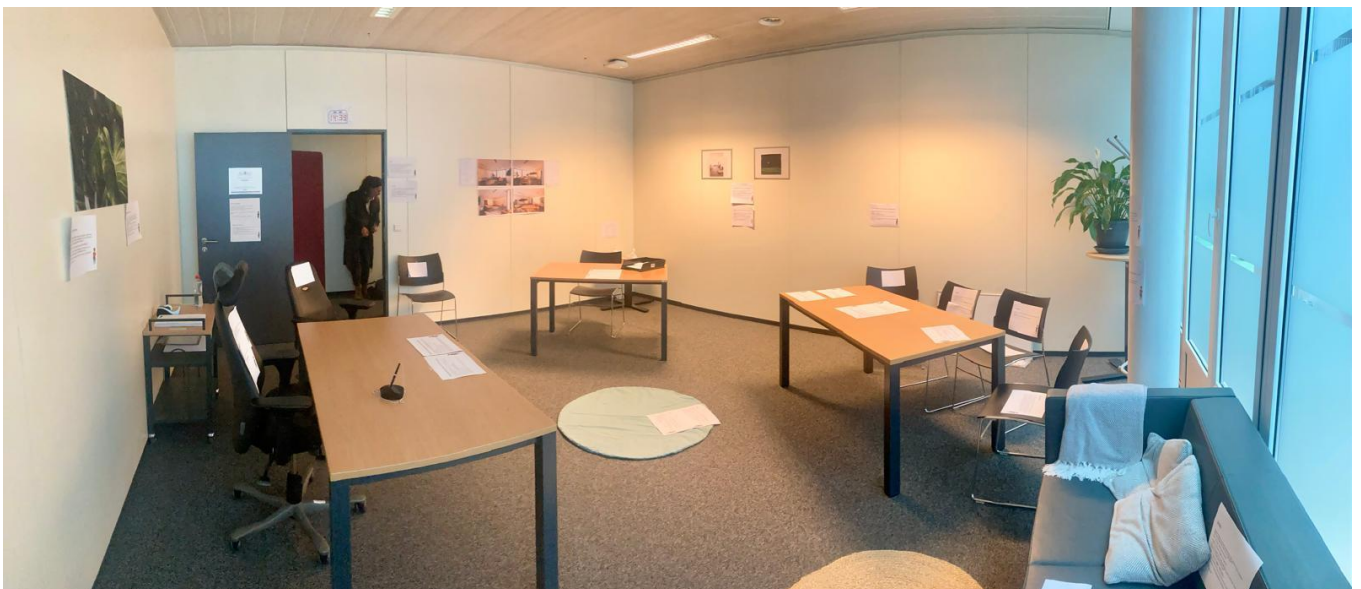
We view this proposal as a **successful compromise** – one that not only addresses the needs and priorities of the young people as much as possible, but also adheres to the procedural protocols that the CALL is accustomed to follow.



*Image 3 – Interim design after the second co-creative workshop © authors, 26 June 2024*



We then presented this design to a professional architectural firm, OYO Architects. They created a 3D rendering of how the space could look, taking into account the design proposals from the young people, judges, and experts, but without being limited to the furniture currently available at the Council.



**Image 4 – Test setup after refinement at the Council’s Lunch Event © authors, 4 July 2024**

Together with judges and staff, we gathered several decorative items (a plant poster, real plants, two rugs, cushions, and a blanket) to add to the existing furniture at the CALL. This helped bring the design to life even further. On July 4, we presented this refined test setup at the CALL during a **Council Lunch Event**. The attendees, about sixty in total, were given information about the research, the design process, and the final result. They were also able to share their findings and feedback with us on-site via a bilingual feedback form. The feedback we have received so far is already being incorporated into this report (see below at 4.2).

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## 4. Results

### 4.1 Insights of young people

We have fully transcribed the workshops to gather a set of insights shared with us by the involved stakeholders. During the workshops, we learned that young people are looking for a space that exudes trust, offers support, takes them seriously, maintains sufficient distance, and is clear. In the test setup, we take these principles into account.

#### 4.1.1 A space that radiates calm and trust

It is very important for young people that the space radiates calm, tranquility, and serenity. They prefer a low-stimulus environment where they are minimally distracted by noise or visual stimuli. They find it important to be able to focus on what they see as the core of the procedure—their conversation with the judge. To have a meaningful conversation, they need to feel safe, with respect for their privacy being crucial in allowing them to speak with trust. A slightly ajar door and a limited number of people present can make a world of difference. The presence of fellow countrymen, in particular, is a significant stress factor for many of them, which can be alleviated by having ‘fewer chairs’ in the room.

*Ellen: "What's your first impression of the room? Are there any things that stand out?"*  
*Young person 1: "Yes, there are fewer chairs."*  
*Ellen: "Fewer chairs than in the [regular courtroom], you mean?"*  
*Young person 1: "Yes."*  
*Young person 2: "Yes, here it's much better. Because everything, privacy, it stays here. You can say everything here."*

[Conversation upon entering the test setup at the start of workshop 2]

#### 4.1.2 A space that offers support

Young people also sought elements that could support them during their hearing. They find support both in the furniture—specifically, the presence of a table to rest their hands on when they feel stressed—and personally in the presence of their guardian and a support figure or trusted person. Sitting next to their guardian is very important to them. It's acceptable to them that the support figure doesn't have a verbal role during the hearing. As long as the support figures are positioned so that the young person can see them and make eye contact, non-

*Young person: "You know what I like best? My lawyer here, and my guardian right next to me."*  
*Sara: "That's what you like best."*  
*Young person: "Yes, my guardian, now I feel better, next to my guardian."*

[Conversation during the tryout of the test setup in workshop 2]

verbal communication is enough. In the current hearing room, support figures can be present but must sit behind the young person, making non-verbal support nearly impossible during the session.

#### 4.1.3 A space that takes them seriously

Young people take the procedure very seriously. A tailored space does not need to be a 'childish' space, but the hearing room should offer a welcoming atmosphere without being excessive. We discussed photos of other rooms in legal settings designed with child-friendliness in mind. From the photos, the young people picked out a coat rack and a plant as examples of elements that contribute to a welcoming atmosphere without drastically altering the room's tone. Regarding decor, they preferred plants and simple decoration with earthy tones over a geopolitical world map or colorful prints, which they felt would be unnecessarily distracting. However, they suggested that if the space were also used for younger children, some colorful elements (like a small ball or cushion) could work well.

*Young person 1: "I don't really mind the colour."*

*Young person 2: "It shouldn't be orange or yellow though."*

*Young person 3: "This [points at the colourful paintings in the picture of the family court in Ghent] in my opinion is more something for young children. For me that doesn't really fit here."*

[Brainstorming about the design of the courtroom in workshop 1]

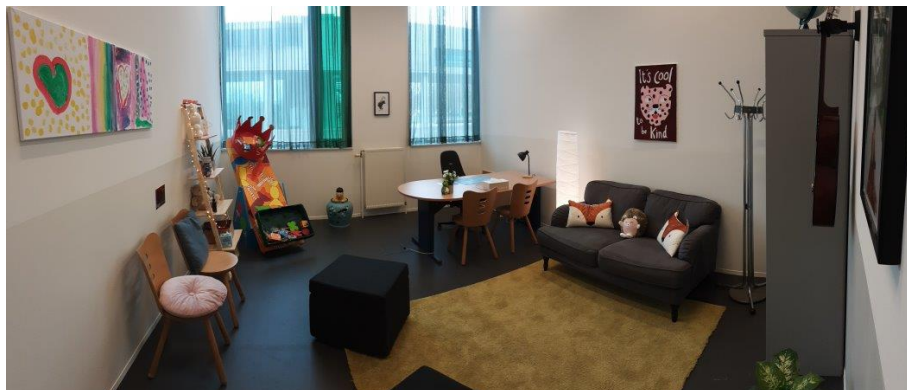


Image 5 – Space in the family court in Ghent where judges engage with (young) children, © Sara Lembrechts, 29 February 2024

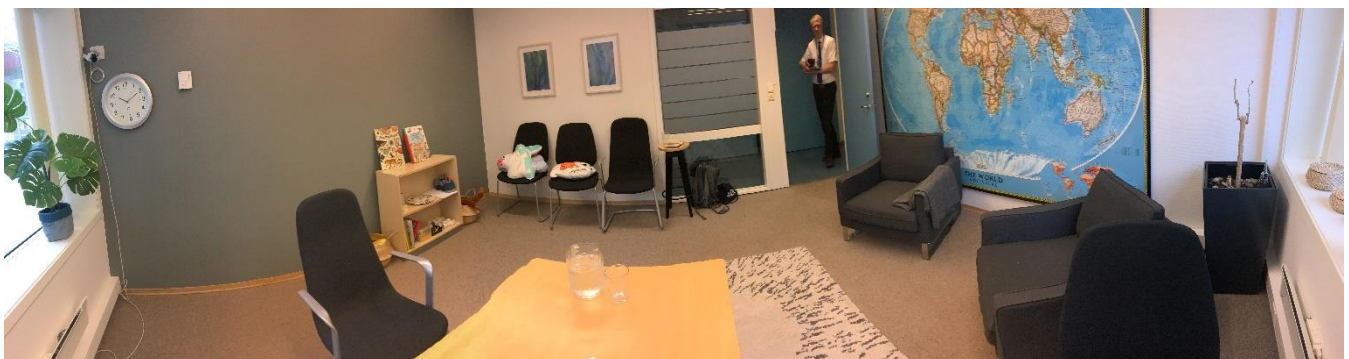


Image 6 – Space where minors are heard by the Immigration Appeals Board (UNE) in Oslo, Norway, © Sara Lembrechts, 16 June 2023

#### 4.1.4 A space that maintains sufficient distance

Throughout the process, we discussed various design options, looking at setups where judges and young people sit at the same table as well as layouts that maintain more distance by using separate tables. The young people unanimously preferred a layout that maintains more distance from the judge and the representative of the CGRS but allows for proximity to their support figures. They saw this best reflected in a setup with three separate tables, where their trusted person is always visible. We explored which positioning works best to align the tables for the CGRS, the judge, and the young people.

*Sara: "A completely different setup would be if everyone sat at one table. For example, a round table. What would you think of that? Is that better, or not as good?"*

*Young person 1: "I don't think that would be better, one table. I like this [separate tables] better."*

*Sara: "Can you explain why you prefer that setup?"*

*Young person 1: "Well, here, we're all sitting at one table."*

*Sara: "Is that too close, maybe?"*

*Young person 1: "Yes. But that's just my opinion."*

*Young person 2: "I would also choose this option."*

[Conversation during the tryout of the test setup in workshop 2]

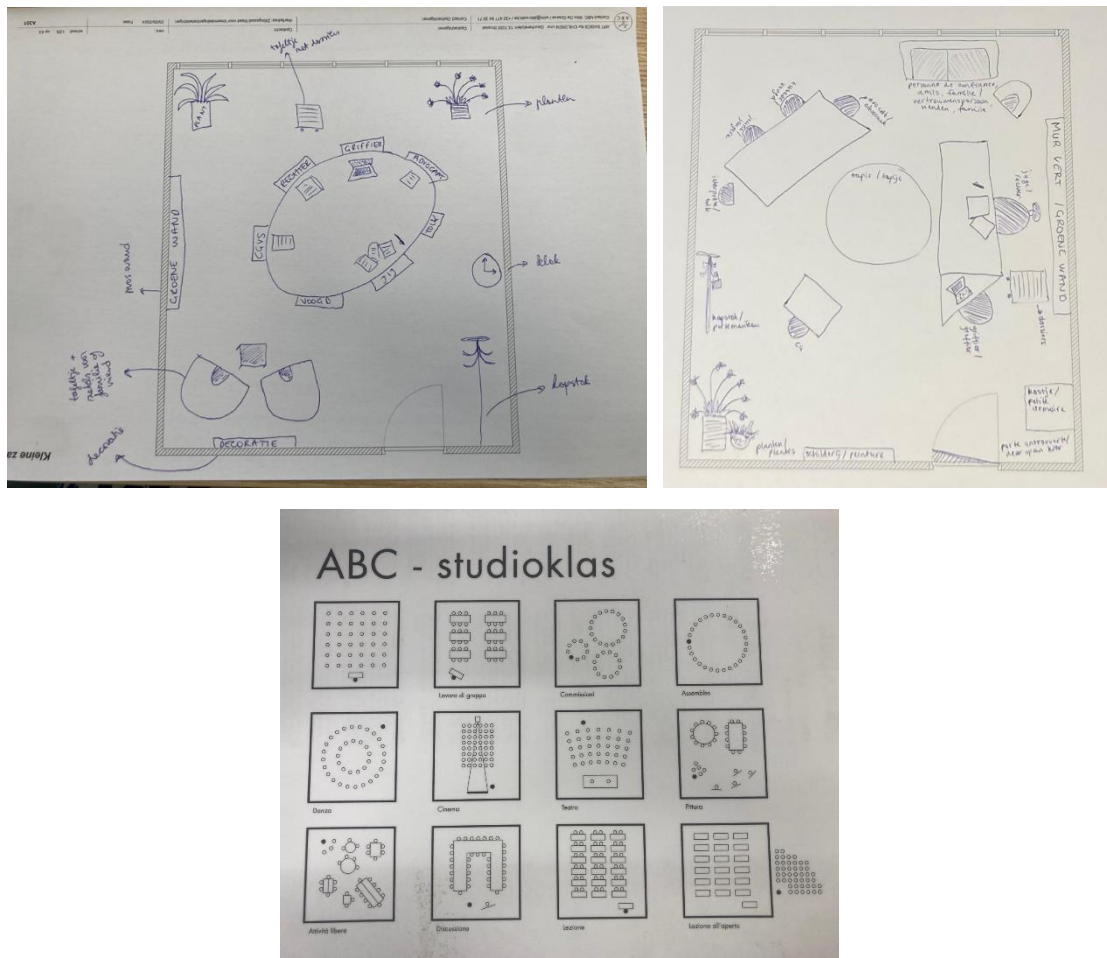


Image 7 – Possible design options, © authors (1 and 2), May – June 2024; ABC-House (3), date unknown



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#### 4.1.5 A space that is clear

In their design for the new hearing room, young people found information very important. We aim to create a design that is **informative and self-explanatory**. The choice of the current layout immediately clarifies the different roles of those involved. In an initial version of the design, testing revealed that the CGRS was positioned too close to the judge, giving young people the wrong impression that they were aligned. This was corrected during adjustments by shifting the tables slightly and switching the positions of the judge and the clerk. One of the young people also suggested placing a round rug in the center, which visually enhances the sense of connection.

*Guardian: "I think it's good that the young person can see the judge well from this position."*

*Young person: "From here, I can see everyone clearly."*

[Conversation during the tryout of the test setup in workshop 2]

### 4.2 Insights from judges and CALL staff

#### 4.2.1 Considering protocol habits and safety regulations

For judges and CALL staff, it is important that protocol habits and safety regulations are followed. For instance, it is customary for the applicant (young person, guardian, interpreter and lawyer) to sit to the right of the judge and the defendant (CGRS) to the left. The clerk, as a neutral figure, is better positioned not directly next to the judge but closer to the door. The current test setup addresses this feedback. In the initial layout proposed by the young people, the applicant was seated on the left, the CGRS on the right, and the judge was seated next to the clerk at a table farthest from the door. During the adjustment round in the second workshop, this setup was mirrored to ensure alignment with protocol, while maintaining all other spatial choices made by the young people.

#### 4.2.2 Public hearings?

Another key aspect is the public nature of the hearings. In general, hearings at the CALL are public, with the possibility of treating certain cases **behind closed doors**. Limiting the presence of other petitioners and parties during the hearings is very important for young people. The presence of **fellow countrymen**, whose views and perspectives may differ from those of the minor, often causes stress and uncertainty. Reducing the presence of others can also help protect the privacy, rights, and best interests of children and young people. This can significantly contribute to a sense of calm, peace, and comfort before, during, and after their hearing. Increased vigilance in deciding who can attend hearings involving minors aligns with practices developed in other areas of

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law involving children and youth. These practices show that protecting privacy doesn't necessarily require fully closed hearings, though that remains an option.<sup>29</sup>

As a compromise, the initial proposal suggested leaving the door slightly ajar. This has the added benefit of reducing noise from the hallway, as the courtroom is located near the reception area, which experiences high foot traffic during busier times of the day. However, there was no consensus on whether a door left ajar meets the requirement of public hearings, or at what angle the door should be open. Therefore, it was proposed that **judges themselves decide** whether to keep the door fully open, fully closed, or partially open during the hearing. This decision could also be discussed with the young person and their guardian at the start of the session.<sup>30</sup>

One judge noted that the **current layout** of the courtrooms does offer some protection for petitioners against the (unwanted) gaze of passersby in the hallway, as petitioners are seated with their back to the open door during the proceedings, making them unrecognisable to outsiders.

Based on this feedback, there was consideration of whether a **screen** in the hallway could uphold the requirement of public access while still providing sufficient privacy. The setup shown in the photos below demonstrates that the addition of a screen could allow the door to remain fully open without the young person being visible from the hallway. These screens might also help reduce outside noise.



**Image 9 – Striking a balance between public access to justice and young people's privacy © authors, 4 July 2024**

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<sup>29</sup> For more interpretation on the trade-off between public access to justice and the best interests of the child, see Sara Lembrechts (2024), *Safeguarding the rights of minors during a public hearing in asylum cases at the CALL*, note based on ongoing research, shared with the CALL on 24 March 2024.

<sup>30</sup> During the presentation, a question came up about the extent to which *in camera* proceedings have already been invoked in cassation in other countries. For the time being, we have no information on this. Law students at UGent are invited in the autumn of 2024 to write a master's thesis on the field of tension between openness of the hearing, the (human and children's) right to privacy and the right to a fair trial for applicants in a vulnerable situation, with a special focus on minor applicants for international protection. If the topic is chosen, the student, under the guidance of Prof. Ellen Desmet and Sara Lembrechts, can take on this research and the results can be shared with the CALL.

### 4.2.3 A different position for the CGRS?

During various stages of the design process, including the feedback round on July 4, the question arose whether the CGRS' position near the door could be improved. The representative is usually **present throughout the entire hearing**, while young people, guardians, lawyers (and sometimes interpreters) come and go more frequently. Therefore, it might make more sense for the representative of the CGRS to sit farther from the door, with the young people seated closer. Additionally, it could be beneficial for the young person not to have to walk past the CGRS upon entering, considering the potential negative association with the refusal decision that is being appealed. For some young people, sitting closer to the door might also provide reassurance.

We tested this setup by first switching the positions of the judge and the CGRS, and then by swapping the CGRS and the young person. However, in both scenarios, we found that an important principle for the young people could not be fulfilled: the ability to always maintain **eye contact with their trusted person** seated on the couch. This highlights the spatial limitations in accommodating all concerns. The room is relatively small, and the position of the door and a pillar is fixed, making other positioning options impossible. Within these constraints, the current setup seems to be the most appropriate option.



*Image 8 – Test setup where the tables changed position (not retained) © authors, 4 July 2024*

### 4.2.4 The waiting room for families instead of the interpreters' room?

Another issue concerns the lack of **electricity** in the interpreters' room. It is nearly impossible to provide electrical outlets in this space. This could be problematic for the clerk, who needs to take notes during 4 to 5 hearings. It also means that air fresheners or additional electric lamps cannot be installed. The room currently used as the waiting room for families is equipped with electricity. An additional benefit of this waiting room is **its orientation and position in the building**. It faces a quiet, enclosed green area and is located further down the hall, resulting in less foot traffic. The interpreters' room, on the other hand, is located near the entrance gate, where people regularly pass by. While it is advantageous that the interpreters' room is close to the main waiting area, this

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location can also bring more noise and chaos from outside. These challenges are addressed in the other room. However, the waiting room **lacks a door**. We are currently exploring budget-friendly solutions for this issue.



Image 9 – *Alternative space for the new courtroom* © authors, 4 July 2024

#### 4.2.5 A different shape of the tables?

During the workshop on June 26 and the presentation on July 4, feedback was received regarding the current table arrangement, which was perceived as illogical. The setup is largely determined by **angular shapes**, both in the rectangular form of the tables and the triangular positioning in the space. The variation in table sizes was also felt to be pressuring. The round rug, however, is viewed as a positive addition. Suggestions were made to consider tables with rounded corners or even to move away from rectangular tables entirely in favor of more organic shapes. More discrete table legs could also make a difference. Conversely, there is another viewpoint that judges may benefit from having a privacy panel at the front of the table, as is currently provided in the existing courtrooms.

#### 4.2.6 Support for judges hearing minors?

It is important to acknowledge that hearings in the proposed space can be **confronting** for judges. Throughout the empirical research in general, and in response to the child-friendly design of the courtroom in particular, some judges have noted that hearings with minors sometimes require more engagement from them. These hearings and the subsequent decisions can demand a greater emotional involvement from the judge. When the usual distance between the judge and the applicant is reduced, the judge and the minor come closer together as individuals.<sup>31</sup> This increased vulnerability is a valid and understandable concern. Therefore, it is crucial to ensure that judges who will lead these hearings are adequately supported from the outset of the testing phase. For example, it might be beneficial to provide specialised practical training before the test phase,<sup>32</sup> where judges and

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<sup>31</sup> See also reference in n17.

<sup>32</sup> See Annex 4 for concrete suggestions on what such training could look like.



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staff can learn how to conduct hearings with children and young people, what to expect from minors at different developmental stages, and how to handle trauma and vulnerabilities specific to the asylum context. Additionally, during the test phase and upon the use of the courtroom, a system of extra support for judges and staff in managing the psychological and relational implications of a child-friendly hearing could be considered, such as through peer review and peer support.

### 4.3 Insights from experts

From **environmental psychologists**,<sup>33</sup> we learned that considerable research confirms how a green, natural environment contributes to the well-being of people within a space. This aligns with what the young people themselves indicated as a positive change. Therefore, the design prominently features natural elements, such as plants and an easy-to-maintain moss wall. Research also shows that a space should initially provide clear information about what is expected of you upon entry. We have aimed for the design to be self-explanatory, but we welcome feedback on this during the testing phase.

A **developmental psychologist** with expertise in early childhood (0-6 years), who also supports a child-friendly space at Klein Kasteeltje,<sup>34</sup> mentioned that if the space were to be used for younger children in families, elements such as a soft blanket or a place where they can hide could make a significant difference. Such materials could be stored in a small cabinet and brought out only when it is known that young children will be present during the hearing.

**Architects** highlighted the importance of acoustics for effective communication. Sound-absorbing materials, ceilings, and wall panels can manage sound levels and reduce echoes, making conversations clearer and less disruptive. They also discussed aesthetics and comfort. Comfortable facilities contribute to a positive interaction experience. Well-chosen colors, textures, and materials can promote a sense of well-being and engagement, which in turn can enhance the quality of interaction.

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<sup>33</sup> See also n28.

<sup>34</sup> For more information about this space, see [here](#) (in Dutch).

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## 5. Translating results into a test design

In the final design we chose and refined, we aim to acknowledge and address all the findings outlined above. This decision is based on a **thorough analysis**. Initially, we explored what could be achieved with the existing furniture and layout of the CALL. Although this test setup provided valuable insights into the positioning and potential layout of the new courtroom, it became clear that the current furniture did not adequately reflect the essence and objectives of the co-creative process. Therefore, we present a proposal for a more optimal scenario that considers both budgetary and substantive considerations. This scenario is designed to create a more effective and inspiring environment that maximally supports the professionalism and engagement within the CALL.

### 5.1 Checklist of spatial conditions

Collectively, these results lead to the following ‘checklist’ of conditions that the space must meet. If these concerns are addressed, we can consider the space to be **in alignment** with both protocol and safety requirements, as well as with what is important to young people to feel safe, supported, and heard.

This checklist can guide all subsequent phases towards a final design:

- ✓ Young people can sit at a table during the hearing.
- ✓ Young people sit next to their guardian.
- ✓ The interpreter sits diagonally opposite the young person, rather than standing behind them.
- ✓ Young people can make eye contact with their support person(s).
- ✓ Only those strictly necessary are present in the room.
- ✓ The judge decides whether a session should be held behind closed doors.
- ✓ Regardless of whether the door is open or closed, young people are not openly visible from the corridor.
- ✓ Young people can take off their coats and hang them on a coat rack.
- ✓ Other attendees also sit on chairs; tables are provided only for the judge and the parties (not for attaches and support persons who do not provide oral contributions during the hearing).
- ✓ Young people do not sit at the same table as the judge, clerk, and the CGRS.
- ✓ There is an appropriate distance between the different tables so that everyone can see and hear each other without sitting too close.
- ✓ The clerk sits near the door, not directly next to the judge.
- ✓ The judge is not seated next to (or at the same level as) the CGRS.
- ✓ The judge, lawyer, and representative of the CGRS have enough space to place their files.
- ✓ The space is designed to be low-stimulation but pleasant (e.g., with plants, green decorative elements like a moss wall or a poster, earthy tones, soft textures, a round rug).
- ✓ If a clock is provided, it should preferably be a discreet, digital clock that is visible and readable to everyone.
- ✓ When scheduling hearings, consideration is given to maintaining as much quiet as possible in the corridors (e.g., by scheduling in the afternoons, with partially closed doors, or in a room further down the corridor that overlooks greenery and experiences less traffic).

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## 5.2 Checklist of objects

To meet the proposed solution emerging from the co-creation process, the room must include the following items:

- ✓ 3 tables (preferably in an organic shape that is not too angular and modular so the space can also be used polyvalently):
  - 1 small table for the representative of the CGRS
  - 1 table with an adjoining 'triangle' for the judge and clerk
  - 1 long table for the young person, guardian, and interpreter, extended with an extra table for the lawyer
- ✓ 9 chairs (preferably made from natural materials with a pleasant, natural texture):
  - 1 chair for the judge
  - 1 chair for the clerk
  - 7 chairs for the young person, guardian, lawyer, interpreter, CGRS, and any attaches
- ✓ 2 armchairs (preferably made from natural materials, such as treated wool):
  - 1 single seat
  - 1 two-seater
- ✓ 3 USB lights (one on each table)
- ✓ 1 round rug (preferably in natural colors and easy-to-maintain material)
- ✓ A few plants and potentially a moss wall (preferably real plants, to be discussed with attaches, or possibly artificial)
- ✓ 1 coat rack (this is available and does not need to be purchased)
- ✓ 1 digital clock (preferably a discreet digital wall model)
- ✓ 1 whiteboard and markers (either wall-mounted or a flipchart on a stand)
- ✓ 3 file carts (for the judge/clerk, CGRS, and lawyer)
- ✓ 1 small cabinet or cart for tissues/water/cups/small toys/room layout (preferably on wheels)

To reflect the **desired atmosphere and material choices**, we will use the 3D images provided by OYO architects.

Note: the table sizes in these images do not match the desired sizes for the new hearing room. The images are purely for visual inspiration; details will need to be adjusted in the final design.



*Image 10 – 3D-sketch of interim design choices © OYO, 2 July 2024*

## 6. Future directions

### 6.1 Design

To begin the testing phase, several design choices will need to be made. **OYO architects** have sent us some ideas to visualise the different objects in the space (tables, chairs, seating, carpets, etc.) (see Image 13). The architects considered the received feedback and explored whether more harmony and coherence could be achieved through a different (less angular) design of the tables, and whether additional focus could be placed on the idea of a modular space that can be used in various ways. According to OYO architects, modular tables made of natural materials, with rounded corners and subtle table legs, are preferred.

The photos are intended purely as **inspiration**. The young people preferred not to use a round setup for discussions with the various parties involved. Therefore, we will not use this round setup literally in the test design, but the photos can give an impression of what a modular setup might look like. Additionally, these tables have the advantage of being easily rearranged into an alternative setup when the multifunctional space of the interpreters' room is used for other purposes.



*Image 13 – Impressions of options for modular furniture © OYO, 5 July 2024*

### 6.2 Scenarios for purchase

To begin the testing phase, it is not necessary to align the new courtroom's design completely and in all details with the proposed plan. However, it is essential to provide a minimum set of elements that can ensure the atmosphere of trust and safety in the new courtroom. The priority is elements that **directly contribute to a child-friendly interaction and a homely atmosphere** in the courtroom. This includes, for example, the appropriate shape and arrangement of the modular tables, the carpet, the coat rack, and the plants. Additionally, the setup during the testing phase must be **practical** and the space optimally arranged to effectively conduct the procedure. This includes the presence of a small cabinet for materials, USB lighting, and file carts. Other elements (such as the whiteboard, moss wall, and digital wall clock) can be adjusted or added in a later phase.

It is partly possible to use the **existing materials at the CALL** (i.e., coat rack, small cabinet, file carts) during the testing phase. To ensure that users can experience the child-friendly courtroom as accurately as possible during the test phase, we propose, in consultation with OYO architects, to purchase a limited number of **new, adapted materials**. These pieces of furniture should meet the child-friendly requirements of the design in terms of shape (preferably organic with rounded corners), color (preferably earth tones), and material (preferably natural elements). This includes the modular tables with rounded corners, the round carpet, the plants (if not already available at the CALL), and the USB lighting on the tables.

Since the choice of shape, color, and material will significantly impact the **experience of the space**, the selection of chairs and seating will also greatly influence the atmosphere. While the chairs and sofas currently available at the CALL are practically usable, they do not align with the underlying principles of the child-friendly design. When in doubt about whether to purchase new, adapted materials, it is important to consider whether the existing materials adequately meet the desired comfort and the atmosphere of trust and safety that the new courtroom needs to achieve the goal of child-friendly justice.

<b>Priority items</b>	<b>This item is already available at the CALL</b>	<b>The available item meets the needs of the child-friendly design proposal</b>	<b>This item, we suggest to consider buying new, in line with the child-friendly design proposal</b>
<b>Modular tables with rounded corners and seating for 7 people (arranged as 2+1+4 or 2+1+3+1)</b>	No	N/a	Yes
Round carpet (1 or 2 pieces)	No	N/a	Yes
USB table lighting (3 pieces)	No	N/a	Yes
Large plants (min. 2 pieces)	No (tbc)	N/a	Yes (tbc)
Armchairs (1 single seat, 1 two-seater)	Yes	No	Yes
Chairs (min. 9 pieces)	Yes	No	Yes
Coat rack (1 piece)	Yes	Yes	No
Small cabinet (1 piece)	Yes	Yes	No
File carts (3 pieces)	Yes	Yes	No

Purchases can be made according to 3 scenarios:

**6.2.1 Scenario 1: Public procurement**

The Council is obligated to first explore the possibilities within **existing framework contracts** when making purchases. The advantages of this scenario are transparency in the procurement process, cost control, and compliance with regulations. The CALL already works with suppliers such as Kinnarps, Pami, Bedimo, and

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Robberechts. Within their respective catalogs,<sup>35</sup> we can explore which items best match the proposals of the child-friendly design in terms of material, form, and color, while also aligning with principles of sustainability, comfort, and fair pricing.

### 6.2.2 Scenario 2: Other suppliers

For purchases under €2500, it is also possible to look beyond the framework contracts. **IKEA** products are generally affordable, versatile for various needs and styles, and modular. **Second-hand** items offer many advantages in terms of cost savings and sustainability, but they are less straightforward due to hygiene regulations.

### 6.2.3 Scenario 3: Custom design

The **ABC-House**, with whom we have collaborated throughout this project and whose expertise we can continue to consult moving forward, has its own carpentry workshop where they create custom furniture. They can produce a custom design that fully meets the expectations from the co-creative process. This scenario is less feasible for setting up the test room, as it carries a higher cost and the conditions of an external collaboration could unnecessarily delay the process. However, this scenario could become relevant when making final design choices after the temporary test setup has been evaluated during the pilot phase, and possibly if additional budgetary options are created through new subsidies.

## 6.3 Process evaluation

We are considering conducting a **process evaluation** with the young people, guardians, judges, and CALL staff who have participated in this co-creative process. Actors involved in refining the design during the test phase will also be part of this evaluation. The results will be shared with the CALL afterwards.

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<sup>35</sup> It may also be worthwhile to discuss this proposal in its entirety with the suppliers, as they may not necessarily present all the available options in their catalogue.



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## 7. Recommendations during the test phase

The Council has already given the green light to proceed with a **test phase** of the design proposal in the fall of 2024. During a yet-to-be-determined period, the multi-purpose room will be used by a group of volunteer judges to hold hearings with minors. During this phase, the functioning of the courtroom will be **evaluated**, and the design may be **adjusted** in accordance with feedback from various users.

At the start of the test phase, it is best to **inform** young applicants, guardians, lawyers, and the CGRS about the hearing in the new test room. If we can rely on the cooperation of the court registry, the most efficient and systematic way to do this would likely be through an additional paragraph in the summons letter. Being correctly informed about the modalities of the hearing ensures greater predictability and certainty, especially for the claimant, and also takes into account the human rights of children and young people to **be adequately informed** about the legal procedures they encounter. We are happy to assist in determining the best way to convey this information.

In addition, it is desirable to systematically **survey users**. This primarily concerns young people, guardians, judges, and court clerks. Additionally, lawyers, CGRS representatives, interpreters, reception staff, those responsible for scheduling hearings, and other stakeholders such as the Children's Rights Commissioner should be involved in this test phase. A small group of representatives from these professional groups was briefly surveyed in the presence of Marleen Maes as part of Sara's PhD research. During the test phase, they could also be consulted through a focus group. Insights from other experts and professionals may also be considered where possible.<sup>36</sup> We are happy to discuss this evaluation in consultation with the CALL.

We also want to ensure the **integrity and respect** for the young people who contributed to the design process during the test phase. In the case of significant changes to the current design, where the proposed 'checklist of spatial conditions' is compromised, we will seek the opinions of the four young people who were involved in the design process.

Moreover, Sara's PhD research indicates that cases involving minors can sometimes be more **emotionally taxing** for judges than other cases. During the test phase, we also want to pay particular attention to how the new space can, besides ensuring the child's well-being, enhance the well-being of the judge (and more broadly other involved parties) and whether additional adjustments may be needed, which could be double-checked with young people.

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<sup>36</sup> The results of a short survey among 20 youth lawyers can already be found in Annex 3.



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The courtroom will primarily be tested in cases involving **unaccompanied minors**. However, we can also consider the scenario that the courtroom might eventually be used for families with children between 0 and 18 years old, and potentially even for adult applicants, whether in situations of heightened vulnerability or not. If desired, we can also assess during the test phase to what extent the courtroom meets the needs of these individuals. On this point, it is also important to note that unaccompanied minors are often, though not always, teenage boys, and that they often, but not always, come from Afghanistan, at least during the period of Sara's research. In that sense, the four participants in our co-creative process share some characteristics with other minors in the appellate asylum procedure. However, we cannot claim that their perspective is representative. Representativeness is not the aim of qualitative research, and certainly not of participatory research, where the goal is more to achieve **saturation**. To reach this saturation, particular attention must be paid during the test phase to various groups of children and young people who may view the courtroom differently than the participating youth from our study.

Finally, the test phase provides a favorable opportunity to invest in **training for judges**, particularly in how to engage with children and young people during a hearing. This type of support and the associated specialisation of judges and CALL staff repeatedly emerged as a gap in Sara's broader PhD research. If desired, we are happy to collaborate to develop, in cooperation with external partners, a training program that meets the CALL's expectations.<sup>37</sup>

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<sup>37</sup> A proposal for a possible training format can be found in Annex 4.

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## 8. Conclusions

This report describes the co-creative process undertaken by the authors, together with young refugees, asylum judges, and staff of the Council for Alien Law Litigation (CALL), to propose a new design for a courtroom where **CALL judges can hear minors**.

Throughout the entire process, from design to implementation, the **rights of the child** to protection, provision, and participation have been the guiding principles. The result is designed to (1) reflect what young people themselves consider important, (2) align with children's rights, and (3) take into account the agreements and regulations within the CALL's daily operations. This has created a space that radiates calm and trust, offers support, takes young applicants seriously, and provides clarity. At the same time, the protocols of the CALL are followed, and there is room to ensure that principles such as the transparency of justice are not compromised.

This proposal demonstrates that it is possible to create a design that incorporates **various perspectives and interests**, bringing together the views of young people, judges, and the CALL in a creative design that all stakeholders can support. We look forward to the evaluation and to seeing how this design, in collaboration with all involved parties, will be implemented in practice.

The co-creative process is part of a **broader research project** on the extent to which the procedural rights of minor applicants for international protection are (or can be) safeguarded in the appellate asylum procedure at the CALL. The CALL is also exploring ways to move towards more child-friendly asylum justice, both procedurally and substantively. The co-creative design of the new courtroom, along with other initiatives such as creating child-friendly summaries of judgments and distributing an informational video about the procedure, is a crucial step toward more child-friendly asylum justice at the CALL. We are eager to see how and to what extent the new courtroom will serve as a springboard in this endeavor.

Finally, we view the developments surrounding this new courtroom as a unique opportunity to position the CALL as a **pioneer in child-friendly (asylum) justice** in Belgium, Europe, and even beyond. We are convinced that the design of the new courtroom can serve as an inspiration to help numerous asylum and other legal institutions shape child-friendly (asylum) justice in their daily operations.

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## Annex

### 1. Relevant indicators of the *Child Friendly Justice Assessment Tool* of the European Union and the Council of Europe

The European Union and the Council of Europe will evaluate child-friendly justice in Belgium, including in the asylum appeal procedure, using 18 indicators.

The following indicators are particularly relevant in the context of the new courtroom at the CALL:

<b>INDICATOR 2</b>	<i>The language used throughout the proceedings is adapted to children in such a way that they can understand it.</i>	<i>This includes translation and use of clear language.</i>
<b>INDICATOR 9</b>	<i>Child participation mechanisms and spaces enabling children to exercise their right to access justice are in place.</i>	
- <b>INDICATOR 9A</b>	<i>Children exercise their right of access to justice and information.</i>	<i>This includes information about the reason for the proceedings, the child's rights during the proceedings, the procedure itself, possible outcomes and remedies. It also includes access to a free lawyer in their own name, adequate preparation for the hearing, and opportunities to give and receive feedback after the hearing.</i>
- <b>INDICATOR 9B</b>	<i>Children are heard in a child friendly environment.</i>	<i>This includes rooms where hearings take place that are designed and configured in a child-friendly way and are actually used; non-intimidating dress code of legal professionals; avoidance of multiple hearings.</i>
<b>INDICATOR 14</b>	<i>Children benefit from effective and meaningful participation in proceedings.</i>	<i>This includes policies and procedures that ensure effective and meaningful participation and that ensure children's views and perspectives are represented; treatment with respect for the child's age, special needs, level of reasoning and ability to concentrate. It also includes allowing the child to be accompanied by a person they trust and collecting children's feedback on this.</i>

## 2. Invitation – Uitnodiging

### UNE NOUVELLE SALLE D'AUDIENCE POUR LES MINEURS EN PROCÉDURE D'ASILE AU CCE

**TU TE JOINS À NOUS ?**  
As-tu entre 14 et 21 ans ?  
As-tu vécu une procédure d'asile au Conseil du Contentieux des Étrangers (CCE) lorsque tu avais moins de 18 ans ?  
Veux-tu réfléchir avec nous à une nouvelle façon d'aménager la salle d'audience du CCE ?  
Bienvenue !

**QU'ALLONS-NOUS FAIRE ?**  
Ensemble, nous allons explorer comment une salle d'audience adaptée aux mineurs pourrait être conçue. Nous élaborerons une proposition que nous présenterons aux juges d'asile du CCE. Ensuite, le CCE examinera la proposition.

**QUE PEUX-TU ATTENDRE ?**

- Nous organisons deux ateliers à Bruxelles. Tu décides toi-même ce qui est réalisable pour toi. Tu peux venir une fois ou deux fois.
- Tu recevras un remboursement de tes frais de transport public. Pendant les ateliers, il y aura quelque chose à manger et à boire.
- Pour chaque atelier, tu recevras un bon cadeau d'une valeur de 25 € dans un magasin de ton choix.

**MODALITÉS PRATIQUES**

**Brainstorm créatif**  
29 mai 2024, 14:30-16:30h  
ABC-huis, Gauchetstraat 13, Bruxelles

**Concevoir et proposer**  
12 juin 2024, 14:30-16:30h  
ABC-huis, Gauchetstraat 13, Bruxelles  
R.V.V., Gauchetstraat 92-94, Bruxelles

Nous nous retrouvons au Carrefour dans le gare de Bruxelles-Midi aux heures indiquées ci-dessus entre 14:00 et 14:20h.

**S'INSCRIRE OU SAVOIR PLUS?**  
SARA.LEMBRECHTS@UGENT.BE  
0474339113

**LES MINEURS AU CCE**

- Si tu n'es pas d'accord avec la décision du CCE, tu peux introduire un recours au CCE.
- Le CCE t'invite à une audience. Tu peux y être entendu par un juge en matière d'asile. Celui/elle-ci prend une nouvelle décision.
- Actuellement, les audiences avec des mineurs se déroulent à peu près de la même manière que les audiences avec des adultes.

**CONCEVOIR UNE NOUVELLE SALLE D'AUDIENCE**

La salle d'audience au CCE n'est pas adaptée aux besoins des enfants et des jeunes. Le CCE souhaite changer cela.

En écoutant les enfants et les jeunes ayant vécu eux-mêmes une procédure d'asile, le CCE souhaite aménager une nouvelle salle d'audience qui répond à ce que les enfants et les jeunes considèrent comme important.

**EN SAVOIR PLUS?**

Sara Lembrechts fait les projets. Si ton avis est différent de la position des auteurs, nous te proposons d'être en appel au CCE.

Pour nos ateliers, nous recevons en collaboration avec Elise Van Wassen, une spécialiste de conseil aux mineurs, experte en droits de l'enfant et spécialisée en matière de procédures de réfugiés.

**EN SAVOIR PLUS?**

Pour nos questions, contactez le groupe. Les membres d'adhésion à nos ateliers ont droit à :

Le projet est financé par le service Régional de Pratiques Juridiques (Service Régional de Pratiques Juridiques) de l'UGent. Contact : Sara Lembrechts, s.lembrechts@ugent.be

### EEN NIEUWE ZITTINGSAAL VOOR KINDEREN EN JONGEREN IN ASIELPROCEDURES OP DE RVV

**DOE JE MEE?**  
Ben jij tussen 14 en 21 jaar oud?  
Heb jij een asielprocedure op de Raad voor Vreemdelingenbetwistingen (RVV) meegemaakt toen je nog geen 18 was?  
Wil je mee denken over hoe we de zittingssaal op de RVV anders kunnen inrichten? Welkom!

**WAT GAAN WE DOEN?**  
Samen onderzoeken we hoe een zittingssaal op maat van kinderen en jongeren er kan uitzien. We maken een ontwerp dat we voorstellen aan de assistent-rechts van de RVV. Dan gaat de RVV met het voorstel aan de slag.

**WAT KAN JE VERWACHTEN?**

- We komen 2 of 3 keer samen in Gent en Brussel. Jij beslist zelf wat haalbaar is voor jou.
- Je ontvangt een vergoeding voor je kosten van openbaar vervoer.
- Tijdens de workshops voorzien we eten en drinken.
- Per workshop krijg je een cadeautje ter waarde van 25€ van een winkel naar keuze.

**PRAKTISCH**

**Kennismaking**  
12 mei 2024, 12-14u  
OOPT, Tullinlaan 1, 9000 Gent  
Algemeen managers Sara Palawa  
Steinstraat 108, 9000 Gent

**Creatieve brainstorm**  
29 mei 2024, 14:30-16:30u  
ABC-huis, Gauchetstraat 13, Brussel

**Ontwerpen en voorstellen**  
12 juni 2024, 14:30-16:30u  
ABC-huis, Gauchetstraat 13, Brussel  
R.V.V., Gauchetstraat 92-94, Brussel

**SCHRIJF JE IN VOOR 10 MEI 2024**  
SARA.LEMBRECHTS@UGENT.BE  
0474339113

**KINDEREN EN JONGEREN OP DE RVV**

- Als je niet akkoord bent met de beslissing van het COVVS, kan je in beroep gaan bij de RVV.
- De RVV nodigt jou uit voor een zitting. Daar kan je gehoord worden door een assistent-rechts. Die neemt een nieuwe beslissing.
- Op dit moment verlopen zittingen met kinderen en jongeren ongeveer op dezelfde manier als zittingen met volwassenen.

**EEN NIEUWE ZITTINGSAAL ONTWERPEN**

De zittingssaal op de RVV is niet ingericht op maat van kinderen en jongeren. Dat wil de RVV veranderen.

Door te luisteren naar kinderen en jongeren die zelf een asielprocedure hebben meegemaakt, wil de RVV een nieuwe zittingssaal inrichten die tegemoet komt aan wat kinderen en jongeren belangrijk vinden.

**MEER WETEN?**

Sara Lembrechts doet het project. Si ton avis est différent de la position des auteurs, nous te proposons d'être en appel au CCE.

Pour nos ateliers, nous recevons en collaboration avec Elise Van Wassen, une spécialiste de conseil aux mineurs, experte en droits de l'enfant et spécialisée en matière de procédures de réfugiés.

Voor onze vragen, neem contact op met het project. De leden van ons team hebben recht op :

De project wordt gefinancierd door de Service Regionale van Juridische Praktijken (Service Regionale van Juridische Praktijken) van de UGent. Contact: Sara Lembrechts, s.lembrechts@ugent.be

## 3. Online survey of youth lawyers

On 27 August 2024, Sara Lembrechts gave an online webinar commissioned by the Order of Flemish Bars (OVB) to some 50 experienced youth lawyers on the position of children and young people in Belgian asylum proceedings. About 20 of them completed an online survey on their experience with the interaction between judges and children and young people in the context of family and youth court proceedings. From the survey, we learn that juvenile lawyers are very keen on the idea of an adapted courtroom for hearing minors, even if the atmosphere and spatial layout of the courtroom is not a priority for everyone at the moment.

The youth lawyers surveyed unanimously agree or fully agree that young people should be heard behind closed doors as much as possible. They say the biggest advantage of hearing behind closed doors is that it is easier for young people to open up in front of the judge. However, there are also advantages for the court. The youth lawyers surveyed cite as the second advantage that the judge can better connect to the young person in a closed courtroom, and as the fourth advantage that the hearing is more efficient. Moreover, in their own professional practice, the youth lawyers surveyed noticed that the atmosphere and spatial layout of a courtroom have an impact on communication in that room. According to them, the atmosphere and design of a courtroom can contribute to child-friendly justice. Opinions are more divided on whether this also applies to the right to a fair trial.

These charts visually depict their answers (*eens* = agree, *eerder eens* = rather agree, *eerder oneens* = rather disagree, *oneens* = disagree, *ik weet het niet* = I don't know, *geen mening* = no opinion):

I think young people should be heard as much as possible behind closed doors.

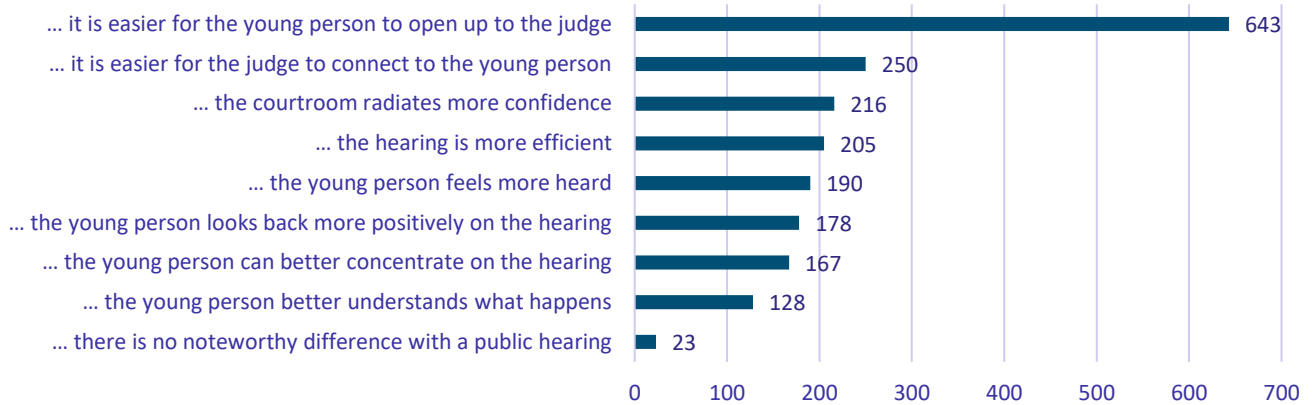
(19 answers)



What to you is the major difference between public hearings and *in camera* hearings? An *in camera* hearing...

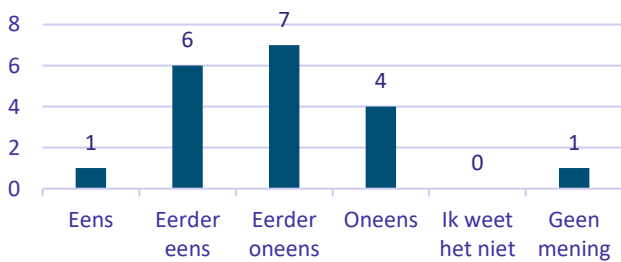
(divide 100 points over the different options)

(20 answers)



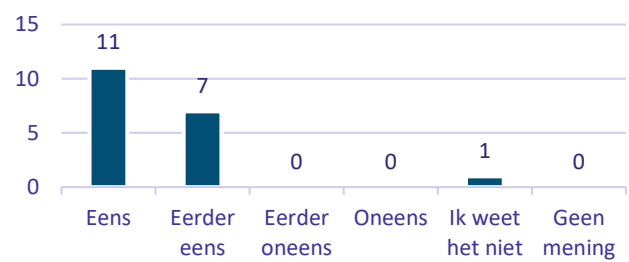
The atmosphere and spatial layout of a courtroom are not a priority for me.

(19 answers)



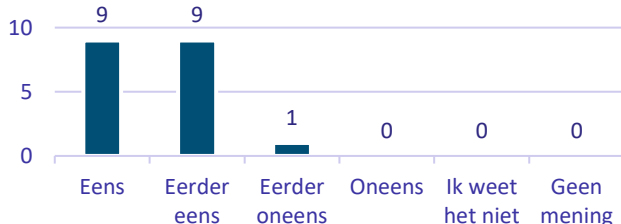
The atmosphere and layout of a courtroom affect the interaction in it.

(19 answers)



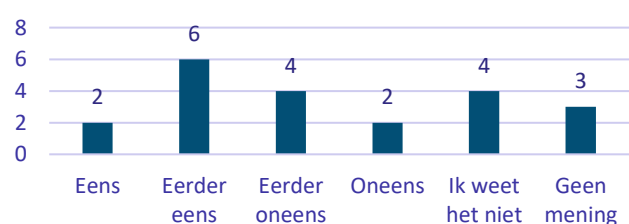
The atmosphere and layout of a courtroom can contribute to child-friendly justice.

(19 answers)



The atmosphere and layout of a courtroom can contribute to the right to a fair trial.

(21 answers)



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## 4. Specialised training for judges hearing children

The *Instituut voor Gerechtelijke Opleiding (IGO)* (Institute for Judicial Formation) offers a two-day training course on hearing minors in court - the 'HEARING' module for family and juvenile magistrates (code JUR-01103, see <https://www.igo-ifj.be/nl/content/igo-online>, in Dutch). Currently, no concrete dates have been announced when this training would be offered by the IGO. Sara Lembrechts attended this training in 2021. The module was then fully applied to family and juvenile law, with contributions on the legal framework regarding the hearing of minors in family matters (Prof. Em. Patrick Senaeve), the legal framework regarding the hearing of minors in the juvenile justice system (family and juvenile judge Luk Versteylen), developmental psychological aspects of the communication with children and adolescents (Prof. Dr. Lieve Dams), police insights regarding the hearing of minors (Benny Rogge & Ellen Van de Weghe of the local police force of Ghent) and role plays (supervised by the speakers and by family and juvenile judges Lieve De Buck, Mieke Dossche and Anelore Bruneel). In any case, it would be interesting to complement this training with a number of speakers who could make a good translation of the content to the asylum and migration context. Some suggestions (in a Dutch-speaking context):

- Psychological/pedagogical perspective: prof. [Ilse Derluyn](#) (UGent) of dr. [Caroline Spaas](#) (KU Leuven)
- Procedural justice perspective: dr. [Cathérine Van de Graaf](#)
- Perspective from the field: Minor Ndako ([David Lowyck](#)), a guardian (Griet Braeye) and/or someone associated with a healthcare institution ([Stephanie De Maesschalk](#) of UZ Gent or [Solentra](#) of UZ Brussels)
- Perspective from abroad: [Rein Odink](#) (Rechtbank Amsterdam), who has experience as a judge in both family and juvenile law and immigration law
- Perspective from the police force: the input from the police officers in the IGO training (building on their experience in TAM interrogations<sup>38</sup>) could also work very well for the asylum judge
- From the UGent and the expertise underlying this report: Prof Ellen Desmet, Sara Lembrechts and Ellen Van Vooren can also provide a training component. Sara's co-author of the book 'Rechter hoor je mij', [Evelyn Merckx](#), also has a lot of expertise on child-friendly justice in family court (she is, however, on maternity leave until January 2025)

In addition, the Council of Europe also offers online a free [English-language self-learning course](#), HELP, on child-friendly justice. This course can be completed in 9 hours and includes 7 modules:

- Module 1 Basics of child-friendly justice
- Module 2 The right to effective participation in justice systems
- Module 3 Diversion and restorative justice
- Module 4 Child-friendly justice before judicial proceedings
- **Module 5 Child-friendly justice during judicial proceedings**
- Module 6 Child-friendly justice after judicial proceedings
- Module 7 Violence against children and interdisciplinarity

Module 5 deals with practical guidelines for child-friendly justice during a hearing. Among other things, the documentation elaborates on limited publicity, appropriate communication, explanation of the different roles of those present, individual approach to the child, a child-friendly environment, presence of a trusted person, responsibility for effective participation on the part of the judge, and a decision understandable to the child:

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<sup>38</sup> TAM stands Audiovisual Technique for the Interrogation of Minors. On this, see (in Dutch): <https://www.politie.be/5998/nl/nieuws/tam-diepste-geheimen-naar-boven-halen>.



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## Practical Considerations During Trial

Here is an indicative list of practical considerations for officials (judges, prosecutors, advocates and court staff) that will allow the child to participate more effectively in a trial:

**Limited publicity:** Whenever children are being heard or giving evidence in judicial proceedings, this should preferably take place *in camera*. As a rule, only those directly involved should be present, provided that they do not obstruct children giving evidence (CoE [CFJ Guidelines](#)).

The UN Committee on the Rights of the Child recommends that all states parties introduce the rule that court and other hearings of a child in conflict with the law be conducted behind closed doors. If the verdict/sentence is pronounced in public at a court session, it should be done in such a way that the identity of the child is not revealed ([UN General Comment No. 24](#) (2019)).

**Communication with the child:** Professionals should adapt their language and more generally the way they communicate to the individual needs and level of understanding of each child. All communication principles and guidelines presented in Module 4 should also apply in judicial proceedings. Therefore, for example, professionals should encourage children to inform the court if they have any problem or want a break. This is the case regardless of the format of the interview with the child, be it in person or online (remotely). Some courts provide coloured “signal” cards for this purpose. However, as explained, professionals should not overly rely on the child alerting them, but should be vigilant to identify any potential miscommunication.

**Introduction and explanation of the roles of various persons involved:** Court officials are expected to introduce themselves, to address questions to the child and to inform the child of the identities of all other professionals involved in the proceedings and their respective role. They should also acquaint the child with the layout of the court. If the child is interviewed/questioned remotely, (s)he should be told how the live video link works and who can see whom.

**Individualisation of the process:** Judges should adapt the communication and evidence-giving procedures to the specific needs and situation of the child. Therefore, where relevant, they should ensure recesses during a child’s testimony, provision of sufficient time for the child to express himself/herself, and measures to avoid any disruption. Other measures, such as taking evidence remotely and screening the child and the alleged perpetrator or altering their voice, can also be taken. These protective measures are explained in detail in a subsequent section.

**Court setting:** A child-friendly court environment may also mean that no wigs or gowns or other official uniforms and clothing are worn. This can be implemented depending on the child’s age or the function of the official. Depending on the circumstances and on the views of the child, however, uniforms may help the child distinguish between different professionals and understand the relevance of their roles. It can also reinforce the child’s perception that the competent authority takes their matters seriously.

While the court setting may still maintain some formality, the behaviour of officials should be less formal and more child-friendly.

**Person of trust:** Being **accompanied** by a person whom they can trust can make children feel more comfortable and safe in the proceedings. This is why, regardless of the proceedings, the child should be accompanied and have a known neutral supporter, not directly involved in the case, present during their testimony. Where relevant, participation of experts in the hearing, such as of psychologists or medical and other experts, to assist court officials, is also important.

**Control of the questioning process and case management:** All professionals involved in judicial proceedings have a responsibility to respect the child’s rights and to manage appropriately the questioning of a child. However, the ultimate responsibility for ensuring that a child participates effectively in the process lies with judges. They should pay particular attention to setting the conduct and communication rules for other actors involved and to monitor their implementation.

**Explanation of decision:** child-friendly justice also implies that children **understand** the nature and scope of the **decision** taken, and its effects. While the judgment and the motivation thereof cannot always be recorded and explained in child-friendly wording, due to legal requirements, children should have those decisions explained to them, either by their lawyer or another appropriate person (parent, social worker, etc.).



## Case law Examples

In the case of *Blokhin v. Russia*, the EctHR stressed that the judicial authorities must take steps:

- to reduce as far as possible the child's feelings of intimidation and inhibition and
- to ensure that (s)he has a broad understanding of the nature of the proceedings and what is at stake. The EctHR clarified that this includes the understanding of the significance of any potential penalty as well as the child's right to defence.

In the cases of *T. v. the United Kingdom* and *V. v. the United Kingdom* [GC], the EctHR emphasised that criminal proceedings must be so organised as to respect the **principle of the best interests of the child**. It is essential that a child charged with an offence is dealt with in a manner which fully takes into account **his or her age, level of maturity and intellectual and emotional capacities**, and that steps are taken to promote his/her ability to **understand and participate in the proceedings**. When a child was charged with a serious offence attracting high levels of media and public interest, it is necessary to reduce feelings of intimidation and inhibition as far as possible. The EctHR found that the formality and ritual of the Crown Court must at times have seemed incomprehensible and intimidating to children and that certain modifications to the court room, in particular the raised dock which was designed to enable the applicants to see what was going on, had the effect of increasing their sense of discomfort during the trial, since they felt exposed to the scrutiny of the press and public.

