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DIGITALISATION OF CROATIAN CIVIL JUSTICE: WHAT ABOUT CHILD PARTICIPATION IN THE PROCEEDINGS?

Summary: *The aim of the paper is to explore the implementation-practical meaning of the provision of the Croatian Family Act on the appropriate application of the general provisions of the Civil Procedure Act on electronic delivery, holding hearings remotely or presenting evidence using appropriate audiovisual devices, and on audio recording of hearings in family and status court proceedings. The second part of the paper analyses the provisions of the Civil Procedure Act on electronic communication in proceedings, taking into account the procedural position of the child as a party to family and status court proceedings. Based on European standards of child-friendly justice, comparative law systems and criminal justice practice, the presentation of evidence via videoconference and methods of directly exercising the child's fundamental right to be heard are discussed. The fourth part of the paper contains a discussion on the recording of the process of exercising the child's right to express an opinion and the use of recordings as evidence for the purposes of that and other court proceedings, taking into account examples from the comparative law context and the novelties of Croatian law on audio recording of hearings in civil court (contentious) proceedings.*

The analysis shows that the use of modern technologies in the exercise of the procedural rights of the child should be given additional attention, taking into account the characteristics of family law matters. The family law normative and institutional framework, pro futuro, should explicitly regulate the issues of the use of audiovisual devices and their impact on the fundamental right to a fair trial of all parties in the proceedings, as well as the issues of recording interview with the child, the use of recordings as evidence for the purposes of that and other official (court and administrative) proceedings.

Keywords: *digitalisation, participation rights of the child, civil justice.*

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