



Upholding children's rights in remote hearings in child justice systems:

Lessons from four jurisdictions: Ireland, Romania, Spain, Ukraine

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Protecting procedural rights of children in the digital age

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Implemented in Ireland, Romania, Spain and Ukraine, the PPRO-Child project aims to ensure that digital judicial practices in the child justice system do not compromise access to justice or procedural safeguards of children suspected or accused of a crime in the administration of justice, with a focus on remote hearings.

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Acknowledgements and research team

This research was carried out within the framework of the “Protecting Procedural Rights of Children in the Digital Age” project, funded by the European Union’s Justice (JUST) Programme, implemented by Penal Reform International and Terre des hommes Romania and Hungary, and Fundación Tierra de Hombres España (1). The project seeks to deepen understanding of how children’s rights can be effectively protected in the rapidly evolving digital environment, with particular attention to remote hearings, and develop solutions aiming to safeguard children’s procedural rights. This study is a collaborative effort to capture the experiences and perspectives of children and justice professionals across three European Union member states and Ukraine providing a foundation for improving child-sensitive practices in remote hearings.

The research methodology was developed and led by Dr. Oscar O’Mara, with Professor Nessa Lynch providing guidance in an advisory capacity during the methodological design phase. At the national level, the research was coordinated by Dr. O’Mara and implemented by national experts: Dr. Claire Raissain in *Ireland*, Av. Daniela Zaharia Manescu in *Romania*, Victor Herrera in *Spain*, and Polina Klykova, with the support of *Article 3*, in *Ukraine*.

The project consortium—Penal Reform International (PRI) and Terre des hommes Romania, Hungary, and Fundación Tierra de hombres España—played a crucial role in ensuring the research’s practical relevance and in facilitating connections across a strong network of practitioners and institutions.

Above all, this research owes its depth and authenticity to the children and justice professionals who generously shared their time, perspectives, and experiences. Their openness and honesty brought real meaning to this study, turning data into understanding and challenges into lessons. In many ways, this is their work—reflecting their experiences, their realities, and their hopes for a system that protects and listens to every child.

This report is intended to support everyone engaged in shaping child-friendly justice—from policymakers and practitioners to researchers and advocates—by offering grounded insights and practical reflections that can inform future action on the application of remote hearings.



Visit the project website

(1) This report is published as part of the project *Protecting Procedural Rights of Children in the Digital Age* (PPRO-Child P101160525) Funded by the JUST Programme (JUST-2023-JACC-EJUSTICE). The European Commission’s support for the production of this publication does not constitute an endorsement of the contents which reflects the views only of the authors, and the Commission cannot be held responsible for any use which may be made of the information contained therein.

Executive summary

Remote hearings and children's rights

- This research was conducted within the scope of the PPRO Child - Protecting Procedural Rights of Children in the Digital Age Project, funded by the JUST programme of the European Union, implemented by Penal Reform International and Terre des Hommes Romania and Hungary, and Fundación Tierra de Hombres España. This project's primary aim is to address the implications of digital practices, specifically remote hearings, on children's procedural rights.
- The term 'remote hearings' is used to describe proceedings where the child appears via audio-video link to a physical courtroom, or where all participants appear fully online.
- Remote hearings have been in use in criminal justice systems globally for some time, but the use of remote hearings significantly increased during the COVID-19 pandemic, for public health reasons. In the post-pandemic period, the use of remote hearings has continued, albeit at a lesser level. The use of remote hearings is now more likely to be justified on the grounds of efficiency, budget, or convenience.
- Previous research has identified that remote hearings have risks to children's rights and may amplify existing inequalities and injustices in child justice proceedings.

Research aims

- The purpose of this study was to conduct empirical research in partnership with children and justice sector professionals across Ireland, Romania, Spain, and Ukraine.
- Our focus is remote hearings within child justice and criminal justice systems, because of the risks to human rights and the severity of the consequences of criminal proceedings. Our focus is on the children in conflict with the law, rather than child victims or witnesses, though we acknowledge and consider that children in conflict with the law have often been victimised themselves (double status victim-offender). We use European standards (such as Directive 2016/800) and standards for children's human rights (such as the UN Convention on the Rights of the Child).
- We want to understand the experiences of children and justice sector professionals with remote hearings and how these impact children's rights. We also want to understand what specific impacts arise from the use of technology, and which arise from entrenched issues within child and criminal justice systems. Lastly, we want to understand whether and how technology could be used to uphold a children's rights centred approach, particularly in relation to reducing trauma and stress, or facilitating effective and meaningful participation.

Executive summary

Key findings

Our key findings are divided into three principal categories and are based on interviews and surveys from children and adult justice professionals in four jurisdictions.

- We found that remote hearings impacted **four interconnected areas of rights** that, whilst analytically distinct, demonstrated considerable overlap in children's reports of their lived experiences of remote hearings.
- **The right to a fair trial** (which is underpinned and interlinked with the right to effectively and meaningfully participate in proceedings and the right to information) was a particular concern. Children consistently reported limited understanding of their rights and difficulty communicating with legal professionals. Many felt remote hearings were confusing and impersonal, likening them to "watching a YouTube video".
- **The right to participation** fundamentally underpinned other rights, as children's rights to privacy and non-discrimination were consistently compromised when they lacked clear, age-appropriate explanations of proceedings. Similarly, the right to participation intersected closely with privacy concerns, as children's reluctance to speak freely in remote settings often stemmed from their inability to secure confidential communication with legal representatives or their discomfort with unknown individuals potentially listening to proceedings.
- **The right to non-discrimination** permeated all other themes, with neurodivergent children and those experiencing digital poverty facing compounded barriers across information access, meaningful participation, and privacy protection. These intersections were particularly evident when children described feeling simultaneously excluded from proceedings (participation), confused about their role (information), exposed in unsuitable settings (privacy), and disadvantaged by their individual circumstances (non-discrimination). The overlapping nature of these rights violations suggests that remote hearings create cascading effects, where the compromise of one right inevitably undermines others.
- We found **amplification of existing issues in child justice systems**. In particular, digital court environments often exacerbate children's difficulties in participating meaningfully in legal proceedings.
- We found **deficiencies in justice system facilities and technology facilities** which impacted children's rights. Children lacked confidential spaces to participate safely and felt exposed or excluded from private conversations with lawyers.
- We found that in **some circumstances**, a well conducted and child centred **remote hearing could ameliorate stress and trauma or facilitate effective participation for children**.

Executive summary

Recommendations

The recommendations arising from this project are discussed in more detail in the body of the report but are extracted here.

- **Recommendation 1** – Systems must have clear and rights-centred parameters and safeguards for when remote hearings are justified.
- **Recommendation 2** – Remote hearings must only be used when in child's best interests and after an individualised assessment of the child's circumstances.
- **Recommendation 3** – Specific procedural modifications are required to safeguard children's human rights where remote hearings are justified.
- **Recommendation 4** – Remote hearings must only be used where appropriate physical environment, digital platforms and systems that ensure child rights can be upheld are available.
- **Recommendation 5** – Remote hearings must not be used in circumstances where it will further disadvantage groups of children, such as disabled children (2) and children who need language support (3).
- **Recommendation 6** – Provide specific training for justice sector professionals .
- **Recommendation 7** – Monitoring, evaluation, and continuous improvement

The way forward

- Although we are focussed on one aspect of the digitalisation of justice, we believe that our findings are of wider application in assessing the impact of digitisation on children, and other vulnerable groups in criminal justice systems.
- With expansion of the digitisation of justice on the EU agenda for the next five years, including the training of justice sector professionals, this research and the PPRO-Child project raises awareness of how such initiatives impact children's rights and the efficiency and fairness of proceedings.

(2) Both terms "children with disabilities" and "disabled children" are used in different contexts and valued by child rights and disability rights advocates. In this report, we use "disabled children" to align with the identity-first language preferred by many disability activists, which recognises disability as an integral part of a person's identity rather than something separate from it. We also acknowledge and respect the United Nations' use of "children with disabilities", as reflected in key instruments such as the Convention on the Rights of Persons with Disabilities (CRPD).

(3) Children who need language support refers to children who are not fluent in the language in which the hearing or procedure is conducted.

I. Contextualising the research

This section contextualises the research by setting out the framework for children's human rights and the procedural safeguards for children under European Union law, especially Directive 2016/800 and national laws (referred to collectively in this report as 'children's rights'). This section provides contextual information on the development of digital justice systems, including remote hearings, and reviews previous literature on the topic of children's human rights in remote hearings in child justice systems.

The digitalisation of justice – remote hearings

Technology and digitalisation are increasingly embedded in all aspects of society, and this includes the justice system. Technologies such as predictive technologies, surveillance technologies, artificial intelligence and various forms of automation are increasingly embedded in justice systems worldwide (4). In the specific context of court systems, digitalisation initiatives range from artificial intelligence transcription services, digital evidence management, public access systems to the use of artificial intelligence in online dispute resolution (5). These technologies offer the promise of efficiency and accuracy, but as we conclude in this report, decisions about adoption and expansion of digitalisation should be centred firmly in human rights.

The term 'remote hearings' means situations where children participate in court proceedings through means of technology. This includes situations ranging from a child joining a physical court hearing through a video-conferencing link, to a fully virtual hearing where all participants participate online. The COVID-19 pandemic catalysed an already increasing trend towards remote hearings and virtual proceedings. In many European countries, remote hearings were introduced to address issues of physical distance and travel restrictions in order not to cause undue delay in legal procedures (6). Since then, remote hearings have been expanded to address court backlogs, delays, and physical proximity (7).

Children may participate virtually in a wide range of court processes such as family justice and care proceedings, refugee status hearings and other civil or administrative law matters, but in criminal justice proceedings the potential consequences are most severe, particularly in the context of children's deprivation of liberty. This is why the criminal proceedings aspect is the focus of our research.

Children's human rights in child justice systems

The project consortium—Penal Reform International (PRI) and Terre des hommes Romania, Hungary, and Fundación Tierra de hombres España Spain—played a crucial role in ensuring the research's practical relevance and in facilitating connections across a strong network of practitioners and institutions.

Above all, this research owes its depth and authenticity to the children and justice professionals who generously shared their time, perspectives, and experiences. Their openness and honesty brought real meaning to this study, turning data into understanding and challenges into lessons. In many ways, this is their work—reflecting their experiences, their realities, and their hopes for a system that protects and listens to every child.

This report is intended to support everyone engaged in shaping child-friendly justice—from policymakers and practitioners to researchers and advocates—by offering grounded insights and practical reflections that can inform future action on the application of remote hearings.

Internationally and regionally, the term 'child' refers to those aged less than 18 years (8), and this is the terminology we use in this report. Children are guaranteed the human rights set out in international instruments such as the International Covenant on Civil and Political Rights, the European Convention on Human Rights and other general human rights instruments.

(4) See e.g. Low, N. *Use of digital, scientific and other technologies by the police and wider criminal justice system*. (UK Parliament, 2024) available at <https://doi.org/10.58248/HS77>. Loo, J., & Findlay, M. (2022, March). *Digitalised justice: the new two tiers?*. In *Criminal Law Forum* (Vol. 33, No. 1, pp. 1-38). Dordrecht: Springer Netherlands.

(5) Townend, J., & Welsh, L. (2023). *Justice System Modernisation, Digitalisation and Data*. In *Observing Justice* (pp. 40-64). Bristol University Press.

(6) Chronowski, N., Szentgáli-Tóth, B., & Bor, B. (2024). *Resilience of the judicial system in the post-Covid period: The constitutionality of virtual court hearings in the light of the COVID-19 pandemic*. *Hungarian Journal of Legal Studies*, 64(3), 413-434.

(7) Fekete, G. (2021). *Videoconference Hearings after the Times of Pandemic*. *EU and comparative law issues and challenges series (ECLIC)*, 5, 468-486.

(8) Article 1, *United Nations Convention on the Rights of the Child*. Article 3 of the *EU Directive 2016/800*.

The primary specific international instrument setting out the human rights of the child is the United Nations Convention on the Rights of the Child (the Convention). This Convention is almost universally ratified and increasingly incorporated in national legal systems. Relevant general principles of the Convention are:

- *Best interests*: the best interests of the child are a primary consideration in all decisions affecting them (Article 3 of the Convention).
- *Participation*: the child's effective participation must be assured in matters affecting them, and their views must be (9) taken into account in any decisions made (Article 12 of the Convention).
- *Non-discrimination*: the state must ensure that children are not discriminated against, such as children from ethnic minorities, indigenous peoples and children with disabilities (Article 2 of the Convention).

Under the Convention, children are rights-holders and should receive the same minimum standards of human rights protections as adult individuals and may have extra rights and protections based on their status as children. As an example, children have the same minimum standards of due process as adult suspects or defendants in a hearing, but their status as children will confer extra protections such as the hearing being closed to the public, or a child-specific timetable allowing for extra breaks.

Article 40 of the Convention deals specifically with child justice systems and sets out key principles and protections for children. In the 2019 General Comment on Children's Rights in Child Justice Systems (10), the Committee on the Rights of the Child provides contemporary guidance on the protection of rights in child justice systems. In the regional context, and the Council of Europe's Child Friendly Justice Guidelines are also highly relevant (11).

It is indisputable that children in child justice systems are vulnerable but the population of children in conflict with the law is much more likely to have a disability or mental health condition impacting their understanding and communication (12). Thus, the human rights of disabled people are relevant here, arising from the United Nations Convention on the Rights of Persons with Disabilities.

European Union law on procedural safeguards in child justice systems

In the specific European Union context, based on (EU) Directive 2016/800 (13), children who are suspects or accused persons in criminal proceedings are entitled to procedural safeguards designed to ensure their fair treatment and judicial protection. The Directive establishes minimum standards across EU Member States to ensure that the dignity, development potential, prospects for social reintegration of children are protected and recidivism is prevented, while maintaining the fairness and effectiveness of the criminal justice process. This Directive is largely based on international human rights standards and minimum rules for the administration of child justice (14).

Notably, Ireland and Denmark are not bound by the Directive, due to overarching exceptions on the application of justice related regulation to these jurisdictions (15), but it is fair to say that the Directive would still be a persuasive standard even across those Member States who have not agreed to be bound.

(9) UN General Assembly, *United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules")*, resolution adopted by the General Assembly, A/RES/40/33, 29 November 1985

(10) CRC/C/GC/24.

(11) *Guidelines of the Committee of Ministers of the Council of Europe on child friendly justice* (Adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies).

(12) Carolyn McKay and Kristin Macintosh, 'Remote Criminal Justice and Vulnerable Individuals: Blunting Emotion and Empathy?' *Tilburg Law Review* 2024, vol. 29(2), 125–143. Carolyn McKay & Kristin Macintosh, 'Digital Vulnerability: People-in-Prison, Videoconferencing and the Digital Criminal Justice System', 57(3) *Journal of Criminology* (2024). doi: <https://doi.org/10.1177/26338076231217794>.

(13) Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, <https://eur-lex.europa.eu/eli/dir/2016/800/oj/eng>.

(14) Such as the *Beijing Rules* and the *Council of Europe Child Friendly justice guidelines - Council of Europe, Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice*, adopted by the Committee of Ministers on 17 November 2010 at the 1098th meeting of the Ministers' Deputies. Available at: <https://rm.coe.int/16804b2cf>

(15) Protocol (No 21) On the Position of The United Kingdom And Ireland In Respect Of The Area Of Freedom, Security And Justice, OJ C 202, 7.6.2016, pp. 295–297; Consolidated version of the Treaty on the Functioning of the European Union.- Protocol (No 22) on the position of Denmark Official Journal 115, 09/05/2008 P. 0299 - 0303

The key principles

In summary, children have a set of established rights arising from international standards and regional standards from the European Union and the Council of Europe. Individual jurisdictions will have incorporated the Convention to various degrees and may have higher standards set out in national legislation.

Distilling the key principles from international and European Union standards which are applicable to remote hearings in child or criminal justice proceedings, the following are highly relevant to the area of remote hearings in child justice systems.

- 1) Children are **rights-holders** with the same minimum rights as adults, along with additional protections tailored to their specific needs.
- 2) Children's human rights in child and criminal justice systems apply **equally** whether the hearing or procedure is held in person, as a remote hearing, or in a fully online system.
- 3) The child has **fair trial rights**
 - i) The child's right to a fair trial, with procedures and institutions specially adapted to the needs of the child, and reasonably accommodating children with particular vulnerabilities.
 - ii) Timely information about their rights and the proceedings in simple, accessible language.
- 4) The child has the **right to a specialised and child-centred system**
 - i) Specialised staff and judges should be trained in children's rights and appropriate procedures.
 - ii) They should be people who can communicate well with children.
- 5) The child has the **right to legal assistance (Article 6 of Directive) and parental and other appropriate support (Article 5 of Directive)**
 - i) The right to have their parent or guardian informed of the situation, mandatory assistance by a lawyer without undue delay.
 - ii) An individual assessment to identify their specific needs regarding protection, education and social integration.
 - iii) Disabled children should be supported to participate.
- 6) The **privacy of the child (Article 14 of Directive)** must be upheld, for instance:
 - i) The name or identifying details of the child should not be reported in the media or be available to those without a direct input in the case.
 - ii) The trial or hearing should not be open to the public or professionals without a direct input in the case.
- 7) The child has the **right to be heard and to participate (Article 16 of Directive)**, for instance:
 - i) Children must be present at the hearing or trial.
 - ii) A room/space where the child can hear and see well.
 - iii) Appropriate supports such as translation or specialised disability support where the child needs such supports to participate meaningfully.

Children's rights in the context of digitalisation

Although remote hearings are not a novel idea, the use of fully online or hybrid participation is increasing as part of efforts to digitise justice systems (16). Concerning children's human rights and digitalisation, specific guidance on the implementation of children's human rights in the digital environment has been on the formal agenda since the United Nations Committee on the Rights of the Child (the Committee) held a 'General Day of Discussion' on 'Digital Media and Children's Rights' in 2011. This provided impetus for the development of a General Comment on Children's Rights in Relation to the Digital Environment which was released in 2021 (17). In this General Comment, the Committee expressed concern on the potential negative impacts of increasing use of technology on children's human rights (most notably privacy, freedom of expression and the right to development). These risks are amplified for groups of children such as ethnic minority children and girls. Equally, the Committee emphasised that technology can be a conduit for children to realise their rights in a range of spheres including freedom of expression, the right to play, the right to access to information, education, and access to justice (18). As foreshadowed, a goal of this research is to consider whether and how remote hearings could improve children's access to justice and upholding their procedural rights.

Further, the implementation of children's human rights within the private sector remains an elusive and complex endeavour, particularly given the digital environment's deep entanglement with corporate actors, interests and the dominance of a few powerful technology companies. This is of relevance in relation to the digitalisation of the justice system, as innovation often occurs in partnership with the private sector. A core difficulty lies in aligning human rights principles with a landscape where innovation and deployment of digital tools are largely steered by business imperatives (19). Although states bear the duty to regulate and ensure corporate accountability for harms affecting children, the global reach and structural opacity of major technology firms significantly complicate the efficacy of traditional human rights oversight and accountability mechanisms (20).

The research landscape for remote hearings

The existing issues in child justice proceedings

The protection of children's human rights within judicial proceedings has been extensively documented as a fundamental challenge facing contemporary justice systems. Research consistently identifies significant barriers to meaningful child participation in physical court processes, including inadequate child-friendly communication (21), limited understanding of legal proceedings (22) and insufficient recognition of children's evolving needs and capacities (23).

The evidence shows that children in conflict with the law disproportionately experience neurodevelopmental conditions (24) and are often subject to adverse childhood experiences (ACE). By the time they enter the justice system, they have histories of severe deprivations and trauma (e.g. domestic violence, discrimination, economic and social distress) (25).

(16) McKay, C. (2018). *The Pixelated Prisoner: Prison Video Links, Court 'Appearance' and the Justice Matrix*. Routledge.

(17) CRC/C/GC/25.

18 At [4].

(19) Kriebitz, Alexander, and Christoph Lütge. "Artificial intelligence and human rights: a business ethical assessment." *Business and Human Rights Journal* 5, no. 1 (2020): 84-104.

(20) Latonero, Mark. "Governing artificial intelligence: Upholding human rights & dignity." *Data & Society* 38 (2018).

(21) Morrison, J., Forrester-Jones, R., Bradshaw, J., & Murphy, G. (2019). *Communication and cross-examination in court for children and adults with intellectual disabilities: A systematic review*. *The International Journal of Evidence & Proof*, 23(4), 366-398.

(22) EU Agency for Fundamental Rights (2022) *Children as suspects or accused persons in criminal proceedings – procedural safeguards*. Publications Office of the European Union, Luxembourg.

(23) Clasby, B., Mirfin-Veitch, B., Blackett, R., Kedge, S., & Whitehead, E. (2022). *Responding to neurodiversity in the courtroom: A brief evaluation of environmental accommodations to increase procedural fairness*. *Criminal behaviour and mental health*, 32(3), 197-211.

(24) Hughes, Nathan et al. (2020) *Ensuring the rights of children with neurodevelopmental disabilities within child justice systems*. *The Lancet Child & Adolescent Health*, Volume 4, Issue 2, 163 - 166

(25) Terre des Hommes (2025) *Bridging the Gap: Helping Children in the Justice System with Mental Health and Support available at <https://childhub.org/en/child-protection-online-library/bridging-gap-helping-children-justice-system-mental-health-and-support>*

These experiences might be exacerbated by the treatment they receive during criminal proceedings and are closely linked to their prospects for reintegration. As was regularly raised in conversations with professionals working with children, children in the justice system are often those who have not previously been supported by other systems. This is the last net that can catch them, and every mistake made hereafter further undermines their trust in a social support system that was already failing them.

Amplification of existing issues by remote hearings

The available research, primarily from common law countries, highlights that remote hearings exacerbate existing barriers to children's participation in justice proceedings. In Scotland, research shows that remote hearings improved the emotional well-being of children by removing the need to travel and minimising the anticipation and (re-)traumatisation of court hearings. However, children felt there was a lack of agency and control, privacy concerns, and reported, overall, a disempowering experience (26). In England's family justice system, Ryan et al. highlighted challenges to remote hearing participation through communication difficulties, the inability to be 'sufficiently empathetic, supportive, and attuned to lay parties', and difficulties in providing appropriate support to those who were participating from their own homes, often alone, and with minimal support from legal representatives (27). In Ireland, 11 children from Oberstown Child Detention Campus were interviewed about their experience of court appearances via video conferencing during the COVID-19 pandemic. All but one reported struggling to understand proceedings, and one child explained that they felt like they were sitting 'looking at TV' (28).

A comparative study based on interviews with judges, magistrates, attorneys, and social workers from Argentina, Bangladesh, Canada, Mexico, the Netherlands, Thailand, the United Kingdom, Kenya, and the United States (n=30), identified similar difficulties with safeguarding children's right to privacy, difficulties in communicating with counsel and receiving useful advice from lawyers and other participants in the proceedings, and difficulties for children to feel that they can speak up in their proceedings (29). Remote hearings appear to intensify privacy concerns and participation barriers, whilst simultaneously limiting judicial capacity to assess children's understanding and emotional responses.

The digital divide

Another theme from research is the digital divide.

The digital divide operates at a systemic level through inadequate and unequal judicial infrastructure. National justice systems may fail to provide consistent technological capacity across different court locations, with significant disparities between urban and rural facilities (30). Urban courts may possess modern videoconferencing equipment, reliable broadband connections, and dedicated remote hearing spaces, whilst rural courts may struggle with outdated technology, unstable internet connectivity, and insufficient technical support. This geographical inequality extends beyond courtroom facilities to the spaces from which children participate—state-provided videoconferencing rooms vary dramatically in quality, with some jurisdictions offering purpose-built, child-friendly environments whilst others confine children to claustrophobic "booths" with poor ventilation and lighting. The absence of standardised national protocols and minimum technical quality standards means that a child's experience of digital justice depends largely on postcode rather than procedural fairness, creating a lottery of access that fundamentally undermines equality before the law.

(26) Nixon, C., Deacon, K., James, A., Waugh, C., & McGarrol, S. (2024). *Virtual Hearings and Their Impact on Children's Participation in Decisions About Their Care and Protection*. In *Care and Coronavirus* (pp. 191-207). Emerald Publishing Limited.

(27) Ryan, M., Harker, L., & Rothera, S. (2020). *Remote hearings in the family justice system: reflections and experiences*. Nuffield Family Justice Observatory.

(28) Lynch, N. & Kilkelly, U. (2021). 'Zooming In' on Children's Rights During a Pandemic: Technology, Child Justice and COVID-19. *The International Journal of Children's Rights*, 29(2), 286- 304. <https://doi.org/10.1163/15718182-29020010>

(29) Foussard, C., Vigil, A., & Perez, M. (2023). *Impact on child justice in a world of digital courts: Perspectives from the bench*. *Intersections. East European Journal of Society and Politics*, 9(2), 29-53.

(30) Adisa, O., James, S. and Newman, D. (2023) *Rural access to justice and beyond: dimensions of access as a criterion for understanding lay users' satisfaction with remote justice*. In: *Access to Justice in Rural Communities Global Perspectives*. Bloomsbury, London, England. ISBN 9781509951659

There is a long-established relationship between educational disadvantage and youth offending (31), with children in contact with the criminal justice system demonstrating significantly lower educational attainment and higher rates of school exclusion than their peers. Digitalisation of justice proceedings compounds these pre-existing inequalities through digital poverty. Children already marginalised by limited educational opportunities now face additional barriers through inadequate internet access, low digital literacy, and lack of appropriate technology hardware. Across Europe, the level of households' internet access ranges from 64% in Bulgaria and 97% in the Netherlands (32). In the UK, 45% (3.69M) households with children do not meet minimum digital living standards, for having one or more of the following aspects of digital living: accessible internet, adequate equipment, the appropriate skills and knowledge. During the COVID-19 pandemic, families experiencing poverty were unable to purchase materials and equipment, such as laptops or computers, for schoolwork (33). These issues severely limit children's digital literacy and understanding to participate meaningfully in criminal justice proceedings that may require sustained internet connection, document review, online hearings, and private consultation with legal representatives.

Children in contact with the criminal justice system are disproportionately affected by digital poverty, creating a cascading effect wherein social disadvantage leads to justice system involvement, which is then compounded by digital exclusion from meaningful participation in their own proceedings. Evidence suggests this divide between the digitally connected and digitally excluded will continue widening (34), particularly as justice systems increasingly assume universal digital access and competency that simply does not exist amongst the most vulnerable populations.

Children with additional vulnerabilities

As previously mentioned, children with communication disorders are disproportionately represented in criminal proceedings. Anecdotal evidence suggests that such disorders are often identified by judges and professionals during in-person hearings, leading to referrals for support services. However, when children appear remotely and have limited interaction with legal counsel, these issues may go unnoticed, potentially undermining their right to a fair trial.

Remote hearings can amplify these barriers to participation. This was reported by several judges in a judicial study carried out by Terre des hommes, who had concerns about whether children appearing virtually could comprehend proceedings or allegations (35). A study of the operation of the English youth justice system during the pandemic found that virtual community panel meetings suffered from panel members not being able to see the non-verbal communication and dynamics between children and their families (36). This was also mentioned by a number of judges in the interview study, that online proceedings made it difficult to accurately assess a child or family member's demeanour (37). A Scottish study of child justice during the pandemic (which interviewed mainly adult professionals, but did talk to a small number of children) reported an increased level of formality, as participants took defined turns to speak in proceedings rather than the more natural conversational style (38).

(31) Lankester, M. et al. (2025) *The Association Between Academic Achievement and Subsequent Youth Offending: A Systematic Review and Meta-Analysis*. *Journal of Developmental and Life-Course Criminology* (2024) 10:477-500; Department for Education and Ministry of Justice. (2023) *Education, children's social care and offending*. <https://www.gov.uk/government/publications/education-childrens-social-care-and-offending>

(32) Eurostat (2016). *Internet Access and Use Statistics - Households and Individuals*, available at <https://ec.europa.eu/eurostat/statistics-explained/>

(33) Clemmow et al. (2025) *Evidence Review on Poverty and Youth Crime and Violence Prepared*. Youth Endowment Fund. Available at: <https://youthendowmentfund.org.uk/wp-content/uploads/2025/08/YEF-Poverty-Evidence-Review-Technical-Report-August-2025.pdf>

(34) Gomes, A. & Dias, J.G. (2025) *Digital Divide in the European Union: A Typology of EU Citizens*. *Soc Indic Res* 176, 149-172 (2025). <https://doi.org/10.1007/s11205-024-03452-2>

Allmann, K. (2022) *UK Digital Poverty Evidence Review 2022*. Digital Poverty Alliance <https://digitalpovertyalliance.org/uk-digital-poverty-evidence-review/>

(35) Foussard, C., Vigil, A., & Perez, M. (2023). *Impact on child justice in a world of digital courts: Perspectives from the bench*. *Intersections. East European Journal of Society and Politics*, 9(2), 29-53.

(36) Reported in Hampson, K., Case, S., & Little, R. (2022). *The pains and gains of COVID-19—Challenges to Child First justice in the pandemic*. *Youth Justice*, 14732254221075209.

(37) Foussard, C., Vigil, A., & Perez, M. (2023). *Impact on child justice in a world of digital courts: Perspectives from the bench*. *Intersections. East European Journal of Society and Politics*, 9(2), 29-53.

(38) Porter, R. B., Gillon, F., Mitchell, F., Vaswani, N., & Young, E. (2021). *Children's Rights in Children's Hearings: The Impact of covid-19*. *The International Journal of Children's Rights*, 29(2), 426-446.

Support amongst justice sector professionals

Generally, adult justice professionals' experiences of remote hearings are mixed. Peplow and Phillips identified how remote hearings in the United Kingdom bring greater efficiencies, but in-person proceedings are considered more representative and positive at an individual level. Remote hearings pose challenges to participation and communication (39). In an American context, participants felt more able to talk when court was conducted in person. Although 47% of survey respondents (n=891) supported virtual court services, judges and participants said that rapport and connections decreased in the virtual setting, and the quality of the information shared deteriorated (40). Further concerns have been raised in Belgium, Hungary, Spain and, among other jurisdictions, Australia, with scholars identifying technical connectivity issues, ineffective communication, procedural injustice, feelings of unfairness, and loss of social cues in remote hearings (41).

Whilst many court services and bar associations justify the increased use of remote hearings based on efficiencies (42), scholars have questioned this. Briscoe et al. analysed two years (2020-2022) of efficiency (the duration of hearings and cases) and effectiveness data in England and Wales and concluded there are 'little meaningful differences found in efficiency or effectiveness when remote hearings are used' (43). Nevertheless, information is sparse regarding the experiences of children with remote hearings.

Could remote hearings uphold children's rights?

Generally, there is consensus among scholars and civil society and human rights experts that, whilst in-person appearances are not a 'gold standard' and short online court hearings for administrative purposes may reduce stress, remote hearings can exacerbate in-person courtroom issues for children (44). The literature concludes that replacing in-person court hearings with remote hearings is not a long-term solution, but suggests recommendations for addressing these issues, including promoting the importance of informed consent, confidentiality, and building trust when using remote hearings with children. However, there is little guidance on how to promote children's rights in remote hearings.

While remote hearings may pose risks to children's rights, there are potential benefits. The pandemic catalysed implementation of remote hearings, and so there are lessons to be learned on how such processes may lead to better outcomes and processes for children.

Studies to date show examples of children, family members and justice professionals report some positive experiences with remote hearings (45). There may be less stress for children in utilising a virtual justice process instead of attending for short hearings. Normally, a child in custody travelling for a very short court administrative hearing may need to be searched, travel in a van, spend time in court cells and travel back. There may be negative effects of children in conflict with the law aggregating at court locations, particularly where children's cases are heard in adult courtrooms (46). Joining the hearing remotely means much less disruption for the child and benefits the state in terms of staffing and resourcing. Nonetheless, there must be caution in state authorities advocating for remote hearings on the basis of staff convenience and fiscal benefits. The child's rights are paramount.

(39) Peplow, D., & Phillips, J. (2023). Remote parole oral hearings: More efficient, but at what cost?. *Criminology & Criminal Justice*, 17488958231163278.

(40) Kunkel, T., Ray, B., & Bryant, K. (2022) Adoption of Virtual Services in Judicially Led Diversion Programs, https://www.ncsc.org/...data/assets/pdf_file/0027/72747/Adoption-of-Virtual-Services-in-Judicially-Led-Diversion-Programs-Final-Findings.pdf

(41) Legg, M., & Song, A. (2021). The courts, the remote hearing and the pandemic: from action to reflection. *University of New South Wales Law Journal*, The, 44(1), 126-166.

(42) HMCTS (2024) Remote hearings - driving efficiencies and flexibility in the court room, England and Wales, <https://rm.coe.int/2024-remote-hearings-ecn-webinar-8-england-and-wales/1680af5417>

(43) Briscoe, K., Rose, E., & Pehkonen, I. (2023). The impact of remote hearings on the Crown Court. Ministry of Justice UK

(44) Walsh, T. (2018) "Video Links in Youth Justice Proceedings: When Rights and Convenience Collide", *Journal of Judicial Administration*, 27(4), 161-181

(45) Lynch, N., & Kil Kelly, U. (2021). "Zooming In" on Children's Rights During a Pandemic: Technology, Child Justice and Covid-19. *The International Journal of Children's Rights*, 29(2), 286-304.

(46) Nolan, D. (2020). 'Spend time with me': Children and young people's experiences of COVID-19 and the justice system. www.cycj.org.

Similarly, children and families may have to take time off education and work, and incur costs, to be present for a hearing. This impacts the welfare of the child and the family, and may be particularly difficult for families in poverty, where attendance incurs costs such as travel and lost wages (47). The ability to join remotely mitigates these effects. Remote hearings may allow family to participate, e.g. where some of the child's family is based a far distance from the physical location.

Children and professionals report that for some children, there is less stress and trauma for the child when they appear virtually, as they feel that they are not "on show" in the physical location. A Judge in the Netherlands reported that children appearing before them over a video-conferencing platform appeared more relaxed as they were calling in from a familiar location and did not have to wait around at the court location (48). Other judges reported that remote hearings appeared to work well in family violence or child abduction cases, as the child did not have to meet or face the alleged abuser (49).

Remote hearings may reduce delays and allow matters to be resolved in proportion to a child's sense of time (as required by the Convention). Justice processes experienced major delays during the pandemic, impacting greatly on children's rights (50). Where minor matters can be resolved virtually in a shorter amount of time, or where experts such as social workers, forensic psychiatrists and psychologists can appear remotely, proceedings may move faster (51).

(47) Foussard, C., Vigil, A., & Perez, M. (2023). *Impact on child justice in a world of digital courts: Perspectives from the bench*. *Intersections. East European Journal of Society and Politics*, 9(2), 29-53.

(48) *Ibid.*

(49) *Ibid.*

(50) Dyer, F., Lightowler, C., & Vaswani, N. (2022). *Exacerbating, illuminating and hiding rights issues: COVID-19 and children in conflict with the law*. *The International Journal of Human Rights*, 1-16.

(51) Foussard, C., Vigil, A., & Perez, M. (2023). *Impact on child justice in a world of digital courts: Perspectives from the bench*. *Intersections. East European Journal of Society and Politics*, 9(2), 29-53.

II.

The research in four jurisdictions

Overview

The primary aims of the research are:

- Understand the challenges children face in accessing justice and protecting their rights in remote hearings.
- Gather insights from justice professionals and children with lived experience.
- Identify practical and feasible solutions to address identified problems.

Therefore, this Part reports the findings of a four jurisdictional study (Ireland, Romania, Spain and Ukraine) on remote hearings.

Methodology and approach

This research employs a mixed-methods approach of interviews, surveys, and focus groups to ensure a holistic understanding of the issues affecting children's rights and needs. These methods elevate the voices and experiences of children involved in justice processes. Their views are central to the project and the research. The primary objective of this research is to understand the impact of remote hearings on children's procedural rights and identify their specific needs in this regard. National researchers conducted a national Rapid Needs Assessment (RNA) in their jurisdiction. These assessments have been thematically analysed and triangulated to produce this report. Triangulation involves combining findings from different data sources to ensure validity and reliability. Comparing data collected across different jurisdictions reveals changes, trends, and developments consistent over time and place. In practice, this involved grouping text from interviews, surveys, and policy documents across the national RNAs into themes. This minimises potential bias towards one medium or dataset over another to develop themes that are consistent and prevalent across different jurisdictions.

Table 1:

Breakdown of interview and survey data by participant and jurisdiction

Location	Children – Surveys (with remote hearing experience)	Children – Interview & Focus Group Participants	Adults – Surveys (with remote hearing experience)	Adults – Interviews
Ireland	–	5	–	10
Spain	204 (75)	19	90 (31)	70
Ukraine	81 (16)	1	35 (9)	9
Romania	6 (3)	14	14 (6)	10
Other (e.g. UK)	–	–	4 (3)	1
TOTAL	291 (94)	39	143 (49)	100

The research employs a mixed-methods approach, combining quantitative and qualitative data collection methods to ensure a holistic understanding of the issues affecting children's rights and needs. These methods elevate the voices and experiences of children involved in justice processes. Their views are central to this project.

Methodology and research design was carried out by the Lead Senior Researcher – Dr Oscar O'Mara.

Research design and methodology was overseen by advisory group including the project consortium and Professor Nessa Lynch of University College Cork, Ireland.

Researchers used several data collection methods. Each country team was asked to either carry out an online survey, conduct semi-structured interviews, or carry out focus groups provided that they have previous experience. The survey targeted a minimum of 30 legal professionals and 30 children or young people per jurisdiction to capture broad trends and experiences. Complementing this, semi-structured interviews with at least five senior justice officials or judges, five children or young people, and five policymakers or other key stakeholders in each country, was aimed.

For analysis, researchers were guided to use Braun and Clarke's six-step thematic analysis approach. They were instructed to identify key themes and patterns across the survey and interview data, then share their findings with the lead researcher. The lead researcher was responsible for combining and reviewing all results from the four countries, comparing them, and ensuring that the analysis remained consistent, accurate, and methodologically sound.

Ethical principles were integrated throughout the methodology and provided as a separate annex. Participation was based on informed consent, with children's participation requiring parent or caregiver approval and the option for a parent or caregiver to be present during interviews. All participants had a 14-day window to withdraw from the study. Confidentiality and anonymity were rigorously maintained through de-identification and pseudonymisation, and no identifying information is retained in published results. Data are stored securely with restricted access, and third-party or AI transcription services are not permitted. Recordings are deleted once verified transcripts are uploaded and anonymised. A no-harm principle underpins all research activities, and researchers were provided with safeguarding procedures to protect children, especially those with additional vulnerabilities. These measures collectively ensured ethical integrity, participant safety, and data protection throughout the research process. Finally, all researchers were required to follow PRI and Tdh's policies on Preventing Sexual Exploitation and Abuse (PSEA).

Findings of the research were first shared with key justice stakeholders and child rights advocates through a series of workshops and other events realised at the World Congress on Justice with Children which was held in Madrid on 2-4 June 2025 (52). Project representatives, including Dr. Oscar O'Mara, Dora Kiss, and Professor Nessa Lynch, shared results from the research conducted in Spain, Ukraine, Romania, and Ireland, and shared learnings on how remote and digital justice processes affect children's procedural rights and participation. The sessions featured contributions from experts such as Astrid Podsiadlowski (EU Agency for Fundamental Rights), and Aitor Cubo (Spanish Ministry of Justice), Louise Forde (Brunel Law School), alongside youth representatives including Anisa Alla, Daniel Rodríguez Fernández De Marcos, and Alexandru. Discussions explored both challenges and opportunities in digital child justice, highlighting the need for inclusive, rights-based approaches and practical policy recommendations.

Semi-structured interviews were conducted with stakeholders from four countries and led by national researchers. These were developed to identify, explore and refine emerging themes regarding the experience of online hearings. A purposive sampling method was used to identify a list of potential participants who could add in-depth or alternative knowledge to the subject matter. Candidates were recruited voluntarily, and no financial incentives were provided. In every interview, the national researcher was required to talk through the information sheet with each participant (and guardian in case of a child participant), obtain written consent, and record demographic data for each interview: age, ethnicity, gender, and role. Informed consent of the child had to be verified by using simple language matched to the child's age and cognitive ability.

Purposive sampling is a non-probability-based technique widely used in qualitative research for the identification and selection of information-rich cases for the most effective use of limited resources. This involves identifying and selecting individuals or groups of individuals who are knowledgeable about or experienced with a phenomenon of interest. In contrast, probabilistic or random sampling is used to ensure the generalisability of findings by minimising the potential for bias in selection and to control for the potential influence of known and unknown confounders. To conduct the interview, national researchers used an interview guide with open-ended questions. Every interview was recorded and transcribed verbatim and saved securely in a private digital file with access controlled by the Lead Researcher. Children were asked questions about their experiences, such as 'Could you talk to your lawyer privately before or during the online hearing?' And 'how easy was it to ask your lawyer questions when you were confused?' Adults were asked about the decision-making process, 'What are some of the key drivers and motivations for conducting virtual hearings?' and their experiences, 'How is information about the proceedings and their rights communicated to children before and during remote hearings?' The interviews varied significantly in length, from under 10 minutes with some children to over an hour with some adults. Together with survey and focus group data, these provide rich sources of data about remote hearings.

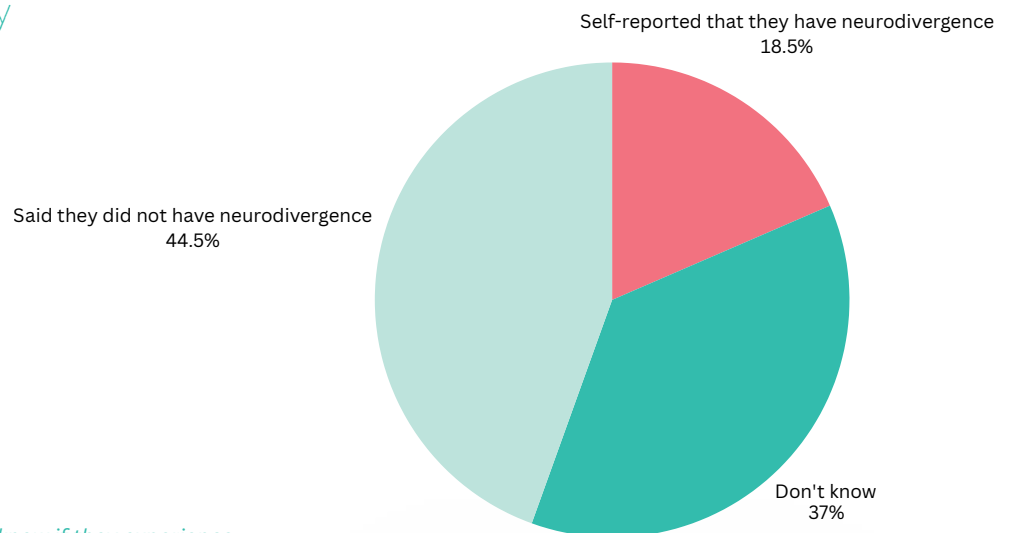
An online survey was sent out to national researchers in March 2025 and completed anonymously by 435 respondents over 49 days. Respondents were justice-involved children and adults, including lawyers, judges, social workers, and psychologists. The voluntary survey consisted of 22 multiple-choice and open-ended questions for children and 22

(52) Protecting the Procedural Rights of Children in the Digital Age at the 5th World Congress on Justice with Children, <https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/>; please find more information at <https://justicewithchildren.org/en/world-congress-justice-children-2025>

questions for adults.

Both surveys addressed digital literacy, understanding, consent, remote hearing challenges and advantages, and personal characteristics. The surveys were useful for extending the reach of data collection and providing an anonymous form of communication for hard-to-reach participants to voice their thoughts. Analysis identified shared themes and different experiences of children and adults to form insights. However, the approach lacked nuance and context. Aside from input gaps and errors, over 37% of Ukrainian children 'don't know' if they experience neurodiversity. Equally, over 85% of child respondents reported being white. Just 2.5% (5) of Spanish respondents were 'Gitano/a' (Romani) and 11% (31) of the total sample self-reported being of mixed ethnicity. This study is unable to analyse intersectional differences between different social groups and ethnicities because of the small sample size.

Graph 1: Neurodiversity Awareness (Ukraine sample)



Over one-third of Ukrainian children don't know if they experience neurodiversity.

The analysis focused on identifying common themes across the dataset based on the aims. Initially, an iterative approach to theme formulation and analysis without employing pre-determined codes facilitated a more sensitive approach to understanding primary data. It followed Braun and Clarke's (2021) method of thematic analysis to identify and develop patterns in the data. This process of (1) familiarisation; (2) coding; (3) initial theme generation; (4) theme development and review; (5) refining, defining, and naming themes; and (6) writing up, facilitated systematic engagement with the data (53). The research focus was on emergent and anticipated themes based on the interests of the project brief. The themes were 'checked' by comparing and analysing interviews and surveys to validate and 'check' inferences.

The national contexts

The research was conducted in four jurisdictional contexts: Ireland, Romania, Spain, and Ukraine, with complementary data collection from other European states. National Researchers in the four focus countries followed a Research Framework developed by the Lead Senior Researcher that guided how to assess the use of digital justice, and the needs of children suspects or accused persons in criminal proceedings by collecting and analysing first-hand data from key stakeholders, such as justice professionals and children with lived experience of criminal proceedings.). With this foundation, the findings enable a cross-jurisdictional analysis of how remote hearings affect the rights and needs of children in criminal proceedings and how to safeguard them.

(53) Braun, V., & Clarke, V. (2021). One size fits all? What counts as quality practice in (reflexive) thematic analysis?. *Qualitative research in psychology*, 18(3), 328-352.

A full description of each system is outside the scope of this report, but we give brief sketches below of relevant aspects of the systems and the circumstances in which remote hearings are authorised (54).

Ireland

Ireland is a common law system. Ireland's child justice system deals with children in conflict with the law aged from 10 -18 years and is governed by the Children Act (2001)(55). Most instances of children coming to notice for offending are resolved through diversionary processes, meaning that only a minority of children will face a formal court hearing. The number of children in detention is comparatively low and there is one national detention centre in Oberstown, located north of the capital city Dublin (56). The Government's Youth Justice Strategy describes that the system should be child-centred, and welfare based and grounded in the UN Convention on the Rights of the Child, with a focus on early intervention and prevention, and diversion from formal criminal justice proceedings (57).

The Children Act 2001 governs procedures for child justice, requiring 'in-camera' (private) hearings and child-appropriate language. Remote hearings of evidence were permitted under the Criminal Evidence Act 1992 but were not in common usage. During the pandemic, a law was passed to authorise more extensive use of remote hearings across the entire justice system (58). This law continues to be in force.

In Ireland, remote hearings for children are primarily used in cases where a child is detained in Oberstown. Oberstown is the place of detention for children remanded in custody awaiting trial or sentence, so remote hearings are particularly used for simple procedural matters, such as administrative updates. These hearings take place via audio-video link from a designated booth within the detention facility which links to the physical courtroom in the Children Court.

Romania

The Romanian child justice systems deals with children over the age of 14 years until 18 years, though there is a special procedure to assess the liability of children aged between 14 and 16. The primary purpose of the system is to be educational, but punishment measures can be imposed where an educational measure is not considered sufficient. There are specialised courts for child cases.

In Romania, remote hearings for children are increasingly common post-COVID and are facilitated via videoconferencing from detention or educational centres to courts. Although national legislation (Criminal Procedure Code and Law 254/2013) permits remote hearings and enshrines many procedural rights for children, implementation is inconsistent. Remote hearings are available for various stages, from police investigations to court proceedings, but there are no uniform standard or guideline regulating the remote format for children. The ability to choose between remote and in-person participation is theoretically available but inconsistently offered in practice. The system lacks a formal mechanism to assess a child's vulnerabilities before opting for a remote format. The Ministry of Justice has made technological improvements, yet disparities remain in practice across courts.

(54) For more information, please see country-specific factsheets at: <https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/>

(55) Children aged 10 and 11 can only be held liable for murder, manslaughter or serious sexual offending, and only in specified circumstances. Thus, in practice, the minimum age of criminal responsibility is 12.

(56) This facility has a capacity of 40 male and six female children.

(57) Department of Justice, Home Affairs and Migration, Youth Justice Strategy 2021-2027. Available at <https://www.gov.ie/en/department-of-justice-home-affairs-and-migration/publications/youth-justice-strategy-2021-2027/>

(58) Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020.

Spain

Spain is a civil law system, with a constitution which has several provisions regarding children's rights. The age of criminal responsibility is 14 years, and the upper age limit of the child justice system is 18 years.

Spain features a decentralised juvenile justice system with significant regional variations in digital technology implementation. The country experienced accelerated digitalisation during COVID-19, leading to increased virtual hearings and the development of specialised digital platforms. The system varies considerably across autonomous communities: Madrid employs platforms like Electronic Judicial File Viewer and 'Carpeta Justicia'; La Rioja maintains a hybrid model with predominantly face-to-face hearings complemented by digital resources; Castilla y León relies heavily on digital technologies due to geographic dispersion; and the Central Juvenile Court uses digital technologies selectively for serious cases.

Ukraine

Ukraine's is a civil law system. The minimum age of criminal responsibility in Ukraine is 16 years. However, children aged 14 and above can be held criminally liable for certain serious offences, such as violent robbery or murder (59). Ukraine is not a member of the European Union, but it is a member of the Council of Europe and has ratified the Convention. (60a).

While audio-visual links (AVL) have been legally available since 2012 through the Criminal Procedure Code, their widespread adoption occurred following the 2022 invasion by Russia, which necessitated remote participation for internally displaced children (IDPs) and those abroad. The system utilises hybrid hearings where judges remain physically present in the courtroom while children may connect from various locations, including detention centres, homes, or different cities. Decision-making is discretionary, with judges determining remote participation based on advocate or prosecutor motions. The research context involves significant displacement and ongoing conflict affecting children's access to justice.

Limitations of the study

This study faced several interconnected challenges that influenced the scope and depth of findings. The complexity of the different judicial systems, characterised by significant regional variability and compounded by widespread institutional mistrust and tensions between autonomous communities and central government, created barriers to achieving comprehensive representation across different jurisdictions. These systemic challenges were further complicated by resource allocation difficulties and the additional burden of managing unaccompanied children, which affected the availability and engagement of key stakeholders.

Methodological constraints impacted data collection and participant recruitment. The reliance on voluntary participation, whilst ethically appropriate, resulted in notable gaps in representation. Most critically, only a few children currently involved with probation agreed to participate, thereby limiting insights into how children living outside detention settings experience remote justice proceedings. This absence of voices represents a significant limitation in understanding the full spectrum of children's experiences with digital justice systems.

Logistical and technological barriers compounded these recruitment challenges, particularly affecting vulnerable groups with limited access to digital technologies. The virtual data collection methods (e.g. online survey), necessary for translation and data analysis purposes, may have influenced the depth and frankness of responses due to the sensitive nature of the topics discussed. Participants' digital literacy, confidence levels, and privacy concerns in virtual settings potentially affected the quality of data gathered.

(59) Access to Justice for Children – country fact sheet – Ukraine.

(60a) Access to Justice for Children – country fact sheet – Ukraine.

The study encountered substantial difficulties in accessing current statistical data regarding online court hearing participation. Responsible institutions do not collect or publish this information, and no systematic records exist regarding online participation rates. Additionally, identifying and contacting children and adults who had participated in online hearings proved challenging, as many children were either in detention facilities or had been released since pandemic-era proceedings, making direct contact difficult. Equally, there was a sense among national researchers that the pool of adults with experience of remote hearings for children was small, but those interviewed had vast experience and provided useful insights.

Despite targeted efforts to ensure gender diversity among participants, only a very limited number of interviews were conducted with girls, and none with children who openly identified as gender non-conforming or with diverse gender identities. The main reason for this limitation is the extremely low number of girls in detention or in contact with the child justice system in the participating countries. While adult women constitute approximately 4–5% of individuals in the criminal justice system, girls represent an even smaller proportion (60), not exceeding a few girls being detained per year in some countries, such as Ireland. Reaching gender-non-conforming children proved even more challenging due to their very limited representation in justice settings and the sensitivity surrounding disclosure. Furthermore, as the research specifically sought to engage children who had direct experience with remote hearings, this criterion further narrowed the potential participant pool. This limited gender diversity among participants should therefore be acknowledged as a constraint of the research.

Professional representation presented both strengths and limitations. Whilst adult professionals interviewed demonstrated high commitment to children's rights and strong alignment with child-friendly justice standards, their voluntary participation may have created a selection bias towards those already sensitised to these issues. This potentially limited exposure to other problematic practices that might occur more broadly within the system. Time constraints prevented deeper investigation into individual concerns and limited the development of thoroughly grounded, practice-oriented recommendations. The inability to secure ethics approval for interviewing judiciary members within the project timeframe and using more ethnographic methods further restricted insights into judicial perspectives and experiences on remote hearings for children.

The semi-structured interview format, whilst allowing for in-depth exploration of individual experiences and adaptive questioning, was conducted only once with each participant. This prevented the opportunity to return to earlier respondents with emerging themes or arguments that developed through subsequent interviews, limiting the iterative refinement of understanding that might have been achieved through methods such as the Delphi technique.

Finally, cultural and socioeconomic factors' influence on digital justice experiences requires specific future research to provide a more detailed understanding and develop strategies to mitigate potential inequalities and systemic biases within remote hearing processes.

In summary, this study represents an analysis of the thoughts and experiences of a specific group of participants within particular contexts, rather than a comprehensive systematic analysis of remote hearings across every European jurisdiction. The findings reflect shared issues and experiences amongst those interviewed and surveyed, offering valuable insights into how children and professionals navigate digital justice systems. However, the research constitutes a snapshot study that captures perspectives at a particular moment in time, within specific geographical and institutional parameters. The conclusions drawn should therefore be understood as indicative of experiences within the studied contexts, highlighting areas of concern and promising practices, whilst recognising that broader generalisations across diverse European justice systems would require more extensive comparative research encompassing varied legal frameworks, technological infrastructures, and cultural contexts.

(60) <https://www.prisonstudies.org/>

III.

Thematic insights

The thematic analysis revealed three interconnected areas of rights that, whilst analytically distinct, demonstrated considerable overlap in children's lived experiences of remote hearings.

The **right to effectively and meaningfully participate in proceedings** (which encompasses the right to representation and to information) fundamentally underpinned the other two rights, as children's **rights to privacy and non-discrimination** were consistently compromised when they lacked clear, age-appropriate explanations of proceedings. Similarly, the right to participation intersected closely with privacy concerns, as children's reluctance to speak freely in remote settings often stemmed from their inability to secure confidential communication with legal representatives or their discomfort with unknown individuals potentially listening to proceedings. The **right to non-discrimination** permeated all other themes, with neurodivergent children and those experiencing digital poverty facing compounded barriers across information access, meaningful participation, and privacy protection. These intersections were particularly evident when children described feeling simultaneously excluded from proceedings (participation), confused about their role (information), exposed in unsuitable settings (privacy), and disadvantaged by their individual circumstances (non-discrimination). The overlapping nature of these rights violations suggests that remote hearings create cascading effects, where the compromise of one right inevitably undermines others.

The right to effective and meaningful participation

What is required?

“

"I just feel like I'm not really a part of it, like I'm sitting there watching a YouTube video or something."

- Child, Ireland

Participation is a right of itself, but in the criminal context, is a foundation of fair trial rights. Under the EU Directive 2016/800, being present, being able to effectively participate in the trials, and having the opportunity to be heard are at the core of this right. Under the Convention, children have the right to express their views, feelings, and wishes in all matters affecting them, along with the right to have these views taken into account, particularly within the scope of criminal proceedings.

Children have the right to have a lawyer or legal representative, a right to assistance by a lawyer who advocates for their best interests in legal proceedings, ensuring the right to a fair trial, the right to be heard, and that the child's best interests remain a primary consideration throughout proceedings. This should provide crucial support and advocacy to help them understand their rights and navigate complex judicial processes. However, this protection depends on whether children first receive adequate information about their rights and general aspects of the conduct of the proceedings in a simple and accessible language (61). This is a responsibility that extends beyond individual lawyers to encompass broader state obligations.

Article 4 of Directive (EU) 2016/800 places a clear duty upon member states to ensure that children are promptly informed about their rights.

What is required?

Both child and adult participants experienced technical problems with sound and image quality, communication difficulties, including children unable to see and hear the judge, feeling unable to ask questions or communicate with their lawyer, and feelings of insecurity. Children reported difficulties in understanding and participation.

Both child and adult participants associated remote hearings with a negative sense of *"distance"*, *"coldness"*, *"misunderstanding"*, and *"anxiety"*. They reported how a lack of preparation, absence of a trusted adult,

(61) Article 4 on the Right to information - in EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings

and insufficient emotional support, which negatively impacted children's ability to express themselves. As one child explained, *"They treat us like we aren't involved."* (Child, Spain) Many children interviewed report that they felt like the remote hearing was happening to them, not with them.



9 in 10 legal professionals

say that remote hearings 'decrease' their ability to form connections with children

A disconnect emerged between professional perceptions of remote hearings and children's experiences, revealing how administrative convenience for adults translated into procedural exclusion for children. Lawyers and judges reported considering remote hearings as "efficient" and "easy" affairs, defined by their "procedural speed", though acknowledging "serious limitations" for children.



"Digital hearings offer procedural speed, but I see serious limitations in capturing adolescents' real emotions and needs"

- Adult, Spain



"It functions to speed the system up, but it doesn't function to deliver a better system for the children."

- Adult, Ireland

Whilst some adult justice professionals reported benefitting from the administrative streamlining offered by remote hearings, children reported feeling detached and confused by the rapid, impersonal nature of remote hearings. Children consistently reported being unable to follow the proceedings or understand their role, with one child reporting:



"You don't know when you're meant to talk or not ... it was over so fast, I didn't even know it started"

- Child, Ireland

Children reported not being able to speak to their lawyers before their remote hearing, and that nobody explained what to expect. Equally, adults reported there was no training for legal professionals in child-friendly communication, trauma-informed approaches, or how to use digital platforms. Children described feeling confused, alienated, and excluded from proceedings. This confusion was compounded by technical barriers that prevented children from participating even when they attempted to engage, as one child from Romania described:



"When I wanted to say something, the videoconference closed on me, and the judge got to tell me then that you can take him... I went back to my room and I was thinking. How come I didn't get a chance to say anything? Why does he do that to me? What's happening? What's happening?"

- Child, Romania

Failure to provide adequate explanation and support left children reporting feeling abandoned within and after proceedings. "Very rarely" does the judge explain what is going to happen in a remote hearing, and many children "felt quite nervous" during the online hearing because they "didn't quite understand what was happening, and no one seemed to understand how I felt" (Child, Spain).

“

**There is no voice of the child.
I actually thought “this is terrible”.**

-Adult, Ireland

The quantitative data reinforces these qualitative findings, with almost one-quarter (23.4%) of children rating their understanding of remote hearings a 1 or 2 out of 5. Unable to comprehend the process unfolding around them, many children reporting feeling the proceedings didn't “feel real”, an indicator of their disconnect from the process.

Findings show that remote hearings often exacerbate in-person courtroom issues and that children generally preferred “real” in-person hearings to “feel more connected to what is actually going on” and “like we are heard. Please don't cut it.” (Spain, Child) They felt unable to speak freely and disconnected in remote hearings, like “watching a YouTube video”. This highlights how children feel excluded from participating online in the justice process.

Remote hearings perpetuate issues that children reported in in person hearings “It's always the same, online or in-person, it's a process. I barely ever talk.” (Spain, Child) Children felt like passengers in criminal proceedings, unable to influence the outcome or provide important context for their behaviour. Thus, whilst in-person hearings were preferred, some participants still asked for a review of the general court process:

“

“Why does it have to be this way?”

- Adult, Romania

“

**“The whole thing feels wrong.
Why aren't we asked about that?”**

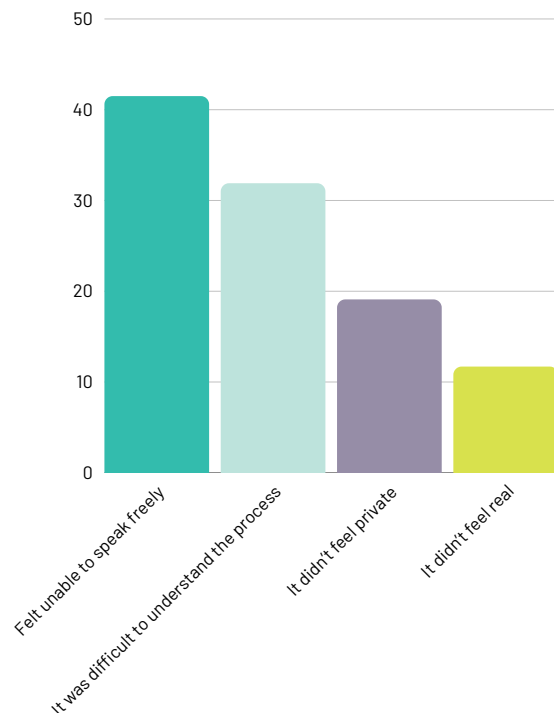
- Child, Spain

However, mirroring findings from physical proceedings⁶² this research reveals that states are systematically failing to discharge this obligation, leaving children to navigate complex legal proceedings without the foundational knowledge necessary for meaningful participation.

Almost one-third of children entered into remote hearings without knowledge of their rights or the process.

Graph 2: What do you think are the bad things about remote/ virtual hearings?

(Child surveys)



Only
35%
speak with a lawyer

Fewer than 35% of children in Spain and Ukraine felt they were able to speak with their lawyer privately, and most felt unable to ask questions to better understand the process.

70.6%
prefer to speak in person

For the 71% of Spanish children who prefer criminal hearings to be held in person, 70.6% explained that this was for better communication and representation with lawyers.

Children report rarely consulting legal representatives before or during remote hearings, highlighting how these technological barriers translate into tangible gaps in legal representation. Fewer than 35% of children in Spain and Ukraine felt they were able to speak with their lawyer privately, and most felt unable to ask questions to better understand the process. For the 71% of Spanish children who prefer criminal hearings to be held in person, 70.6% explained that this was for better communication and representation with lawyers. As one child explained:

“

“For me, I’ve got learning difficulties, and it can be hard to understand things. I need to be able to ask questions, and things can go too quickly. Being there slows things down a bit. I can speak to my lawyer.”

– Child, Spain

For disabled children or those with matters impacting communication, children reported that in-person hearings provided space and time for communication that was absent from remote hearings. Children felt better represented and able to speak with their legal representative in person. Children reported that outcomes of remote hearings felt procedurally unfair.

“

“The judge spent 45 minutes reading out the child’s rights in that kind of voice... while the judge was reading, the child literally fell asleep... 45 minutes... in language completely incomprehensible to children, about rights and obligations.”

– Adult, Ukraine

Procedural unfairness was exacerbated by the non-child-friendly language used in hearings, which was often overly technical and inaccessible. Children said, they “try to understand what they’re (legal professionals) saying, but sometimes it’s a bit hard when they use some words” (Ireland, Child). Legalese was a barrier for children to understand the hearing process, and adults generally admitted that proceedings are delivered in complex language without due regard for the child. Poor sound quality and delivery in remote hearings further hindered understanding. Unable to ask questions and without clarity on the process or meaning of legal terms, some children report having insufficient access to information or not feeling fully represented.

Relatedly, professionals said that remote hearings inhibited their access to and sharing of information during proceedings. A Magistrate from the United Kingdom (63) explained that:

“

“Where the legal counsel is not in the same physical space with the child, communication and information between them is often compromised. Either they haven’t prepared and so there is some confusion, or the lawyer can’t share what they need with the judge. Basically, it’s just often bad practices. There isn’t an easy way for the adults to work together in the room, and the child is left a bit oblivious. They probably expect it to be smooth, but it never is online.”

Most adult justice professionals reported significant difficulties in accessing relevant information, accurately assessing the credibility of testimonies and expert opinions, and communicating with others involved in the process due to technical limitations inherent to the digital environment

Only **18.4% of professionals**

(n=9) said that ‘all participants’ were visible and audible in remote hearings.

79.6%

79.6% of professionals reported issues with accessing and sharing information during a remote hearing.

Some adults stated that remote hearings ‘save time’. Indeed, this ‘efficiency’ argument is one of the main motivations for jurisdictions to invest in and implement remote hearings (64). However, other adult participants suggested that online hearings were consistently inefficient:

“

“Immediacy is somehow lost online. It is anything but agile”

– Adult, Spain

“

“People think it’s quicker but it’s not and never seems to be. You’ve got the same procedures and preparation, but now you’ve got to get everyone online. I don’t see how it can become more efficient.”

– Adult, Spain

(63) From an online interview conducted by lead researcher Dr Oscar O’Mara and the PRI team with Magistrate G. Allen on 1 April 2025.

(64) HMCTS (2024) Remote hearings - driving efficiencies and flexibility in the court room, England and Wales [Online]

Professionals had to overcome technical issues, barriers to information-sharing, and still ensure confidentiality, privacy, and clear communication. In one jurisdiction, the judge and court staff had to physically leave a courtroom to enable a lawyer to privately consult with a child who joined remotely.

Interviews with children and professionals revealed how the failure to conduct adequate individual needs assessments and as a result failure to adopt appropriate procedural accommodations in remote hearings creates a cascade of procedural unfairness that risks violations of Article 7 of Directive (EU) 2016/800. Children consistently reported heightened anxiety and uncertainty preceding remote hearings, stemming from unfamiliarity with the technological format, and expressed distress regarding outcomes they perceived as incomprehensible. As one adult professional observed, children frequently cried after remote hearings, not knowing “what they agreed to” (Adult, Ireland), illustrating how the absence of proper individual assessment leads to inadequate preparation, information provision, and support. Had comprehensive individual assessments been conducted as mandated by Article 7, taking into account each child's ‘personality and maturity’ and establishing their ‘individual characteristics and circumstances’ to introduce appropriate procedural accommodations, children would have had better chance to receive tailored pre-hearing preparation addressing their specific technological literacy, age-appropriate explanations of virtual court procedures, and enhanced legal representation adapted to their developmental needs and comprehension levels. The systematic failure to assess individual support and procedural accommodation needs before remote hearings meant that children entered proceedings without the personalised preparation and support necessary to navigate the complex intersection of legal processes and digital technology, resulting in widespread confusion and a sense of impersonality that fundamentally undermined their procedural rights.

However, children reported the potential for remote hearings to speed up proceedings and avoid delays, thereby upholding the fair trial right to have matters resolved without undue delay. “When it works, it’s good, it can be quick.” This highlights that remote hearings are a significant opportunity to reduce the prolonged exposure to trauma that characterises physical court processes for child participants. As one respondent observed,

“

“Sometimes it’s (remote hearings) easier and shorter than being at court. You don’t have to hang about, travel, be surrounded by people you don’t know. That can be a good thing. But not always.”

– Child, Spain

The right to privacy

What is required to uphold children’s human rights?

Within the context of criminal proceedings, children are afforded specific protection concerning their privacy, requiring all hearings to be conducted ‘behind closed doors’ and the case law to be anonymised (65), (66). Therefore, authorities are required to protect the child's physical integrity, wellbeing and privacy during remote hearings. This includes a child’s right to keep certain things private and confidential, such as personal information and thoughts.

What children experienced

“

“There was no quiet place in my home to participate in the hearing, which made me feel even more uncomfortable.”

– Child, Spain

(65) UNCRC, Articles 16 and 40; General Comment No.24 (2019) on children's rights in the child justice system, paras 66, 67.

(66) Article 14 – Right to protection of privacy in EU Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings

Children reported experiencing hearings in insecure or inappropriate settings, undermining their confidentiality and safety. Many children reported joining remote hearings from various locations, including their homes, prison 'booths', or state-provided videoconferencing rooms. They described waiting for hours in a small room or "box" with minimal natural light, poor ventilation, and increasing anxiety. Subsequently, when the remote hearings started, they felt "distracted" and "losing concentration" because they were not in a "healthy" or "private" place. As two children explained,

“

"Don't do it (remote hearings). The rooms are claustrophobic and you're just waiting and waiting. You don't know what's going on and then you're straight into it. Just don't do it."

- Child, Spain

“

"When it (remote hearings) works, it's good, it can be quick. When it doesn't, it is more frustrating. You can be there for a while, just waiting in a small space, and that makes it worse."

- Child, Romania

Whilst it is unclear whether these spaces met indoor environmental quality standards, children's accounts of being confined for extended periods in poorly ventilated, claustrophobic spaces with inadequate lighting reveal how remote hearing infrastructure may fail to meet basic standards for child welfare, creating conditions that exacerbate stress and anxiety rather than providing the safe, private space required for fair proceedings.

Nevertheless, technological failures create additional waiting periods. When remote systems function seamlessly, they offer the prospect of reducing both the duration and intensity of a child's engagement with criminal proceedings. When remote hearings are not properly implemented, they can make the experience "worse", exacerbating the psychological impact of their involvement in the justice system.

Beyond these implementation challenges, remote hearings introduce structural barriers that persist even when the technology functions effectively. The erosion of privacy and confidentiality in remote hearings creates a fundamental barrier to effective legal representation, systematically undermining children's right to confidential consultation with their lawyers. Children consistently raised concerns about being "surrounded by people you don't know" during remote hearings, which directly compromised their right to privacy. Further, it impairs their ability to engage in private communication with their legal representatives. This lack of confidentiality manifested in multiple ways: children were unable to separate themselves from the virtual courtroom environment to consult privately with their lawyers, whilst simultaneously being uncertain about who might be present in their physical surroundings and learn about the details of their criminal proceeding and alleged offense or accessing their digital communications. The testimonies reveal how this privacy deficit fundamentally alters their right to maintain personal information disclosed along with their lawyer-client relationship. As one child explained,

“

"Being directly in the courtroom means I can have a confidential conversation with a lawyer, I'm not afraid to ask a question or feel like I will be misunderstood. Online, I don't get that. You don't know who's listening."

- Ukraine

This sentiment was echoed across jurisdictions, with children reporting that,

“

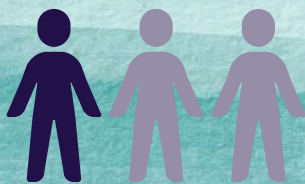
"Sometimes there's people around you and that can be difficult to speak openly."

- Child, Romania

“

"There were lots of people I didn't know why they were there. I wanted to be more careful."

- Child, Spain



Only 1 in 3 children

feels able to speak with their lawyer privately

The quantitative data reinforces these qualitative findings, with only around one in three children (n=33) feeling able to speak with their lawyer privately, reflecting the systematic failure of remote hearings to guarantee the confidential legal consultation that is essential to meaningful representation. This privacy deficit prevented children from consulting confidentially before and during hearings. The inability to engage in private legal consultation effectively transforms children from active participants in their defence to passive observers of proceedings, rendering them what can only be described as passengers of justice rather than empowered rights-holders capable of directing their legal representation.

The lack of environmental controls meant that children's privacy was routinely violated by unknown individuals who might be present in their physical location or overhearing conversations, whilst simultaneously exposing them to physical discomfort and psychological distress of being confined in facilities. The identity of these unknown individuals and whether they hold a role in the proceedings were not addressed as part of the research. However, the answer to these questions will not change the result of them adversely impacting children's right to privacy along with their right to representation and participation. This dual violation of both privacy rights and wellbeing demonstrates how remote hearings create a false economy of convenience that prioritises administrative efficiency over fundamental protections for children's dignity, safety, and procedural rights, ultimately undermining the very foundations of child-centred justice.

“

“Virtual environments can hinder the confidentiality of information, as well as the privacy of it, not knowing who may be sharing the physical space or listening to the conversation in some cases. You don't know who is where and what is going on around them.”

– Adult, Spain

Children and adult professionals emphasised the urgent need to protect children's privacy. Recommendations should address privacy in both physical and digital infrastructures, including provision of child-sensitive, non-intimidating spaces that feel private and safe, preparation and digital orientation to help children use online platforms confidently, and private virtual spaces for lawyers and clients before, during, and after hearings.

The right to non-discrimination:

What is required?

Both the framework for children's human rights, and the Directive (EU) 2016/800 sets out that Member States should respect and guarantee the children's rights, without discrimination based on any ground such as race, colour, sex, sexual orientation, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability or birth. Children with disabilities should have the full enjoyment of all human rights and fundamental freedoms on an equal

basis with other children (67). However, children are not a homogenous group and experience differences in capability, motivation, support, and access. Remote hearings should account for these differences to protect children from discrimination.

What children experienced

Both the framework for children's human rights, and the Directive (EU) 2016/800 sets out that Member States should respect and guarantee the children's rights, without discrimination based on any ground such as race, colour, sex, sexual orientation, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability or birth. Children with disabilities should have the full enjoyment of all human rights and fundamental freedoms on an equal



19.1% of children in Spain

18.5% of children in Ukraine

self-reported experiencing "neurodiversity".

37%

of Ukrainian children reported not knowing.

Many children in conflict with the law report neurodiversity and neurodevelopmental disorders. Studies estimate that between 4.7% in Scotland (68) to 55.7% in Norway (69) experience impaired emotional regulation, cognition or behaviour. One systematic literature review estimates a pooled prevalence rate of 15.5% across Europe (70).

In this study of 282 children, 19% of children in Spain and 18.5% of children in Ukraine self-reported experiencing neurodiversity (over two-thirds (37%) of Ukrainian children reported not knowing). In Ireland, one professional estimated that "90% have massive speech and language difficulties or developmental delays." This indicates the widespread and diverse needs of children across Europe and the disproportionate prevalence of neurodiversity among children in contact with the criminal justice system.

These structural inequalities significantly impact children's understanding and experiences of remote hearings. For children who experience neurodiversity and/ or low digital literacy, remote hearings presented another barrier to communication and participation.

“

"Some kids come from loving homes – they're open, confident, communicative. Others are completely shut down. Some come from orphanages or live on the streets. They come in, already, you know, so stiff, so clamped down, and they don't even make any contact."

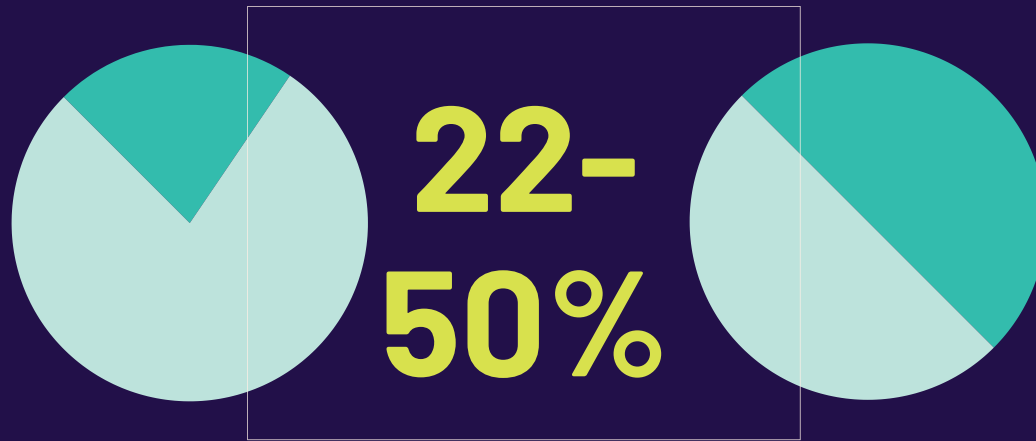
– Adult, Ukraine

(67) Article 7 of the UN Convention On The Rights Of Persons With Disabilities (CRPD) <https://social.desa.un.org/issues/disability/crpd/convention-on-the-rights-of-persons-with-disabilities-crpd>

(68) Fleming M, Salim EE, Mackay DF, Henderson A, Kinnear D, Clark D, et al. Neurodevelopmental multimorbidity and educational outcomes of Scottish schoolchildren: a population-based record linkage cohort study. *PLoS Med.* 2020;17:10.

(69) Hansen BH, Oerbeck B, Skirbekk B, Petrovski BÉ, Kristensen H. Neurodevelopmental disorders: prevalence and comorbidity in children referred to mental health services. *Nord J Psychiatry.* 2018;72(4):285–91.

(70) Sacco, R., Camilleri, N., Eberhardt, J., Umla-Runge, K., & Newbury-Birch, D. (2024). A systematic review and meta-analysis on the prevalence of mental disorders among children and adolescents in Europe. *European child & adolescent psychiatry*, 33(9), 2877–2894.



Children experience a decrease in understanding of the remote hearing process **without assistance**.

Adults provided various examples of children with low educational attainment, special educational needs, and attention deficits, unable to concentrate or focus on what is happening in a remote hearing. They could not listen to questions or confidently respond to questions. In every studied jurisdiction, remote hearings failed to protect the rights of children with additional needs.

These barriers to participation began before the remote hearing. When children received assistance from court staff or legal professionals, on average, they rated their 'ease' of understanding remote hearings between 2.38 (Ukraine) to 4 (Spain) out of 5. When assistance was withheld, understanding was reduced by 22-50%. In Ukraine, a child's knowledge of the hearing process without assistance was measured at 1.3 out of 5. Children without neurodiversity also found it easier (37.7%) to participate online compared to neurodiverse children (22.7%). Those who received clear and detailed explanations before the remote hearing showed greater satisfaction and confidence in the fairness of the process.

“

“Sometimes I prefer to be in front of the judge to communicate myself better, and sometimes I prefer (to be) in front of the camera, maybe because of the stress.”

- Male, Romania

This inequality highlights the importance of supporting children before, during, and after hearings, and the risk of conducting serious and complex proceedings online, where children cannot seek assistance in person. These findings support extant findings on neurodivergence among children, where the Equality and Human Rights Commission (EHRC) note the 'high prevalence of impairments of this type among defendants', with remote hearings creating distress for those with learning or cognitive impairments (71).

However, the remote hearings offered a positive experience for some children. For 18.2% of neurodiverse children, remote hearings reduced stress, compared with 8.7% for children without neurodiversity. As one Romanian child explained,

“

“(In-person) When I saw all the people around, I was intimidated, I couldn't speak as I would have spoken alone, to express myself properly (...) I always chose videoconferencing because it was easier to express myself. That is, I knew I was there alone, that no one was watching me except the judge. In person, I didn't have the courage to say so many things”

(71) EHRC (October, 2019) 'Written evidence submitted by the Equality and Human Rights Commission', available at <https://data.parliament.uk/writtenevidence/committeeevidence.svc/evidencedocument/public-accounts-committee/transforming-courts-and-tribunals-progress-review/written/106341.html>

Children who experience low confidence and anxiety towards public speaking said that it felt easier to express themselves in remote hearings. Fewer people and a more restricted social environment provided more confidence. For some, the camera instilled a sense of safety.

Overall, children highlighted how remote hearings saved some time with not having to travel, and some felt safer due to the physical distance from others, but only 2.1% of children said that they 'feel more heard'.

Significantly, children have different levels of digital literacy and access to the internet. This digital divide is widening as many children experience digital poverty (72). In the UK, 42% of young people (6 million) do not have either home broadband or a laptop/desktop computer (73). In EU countries, 15 % of children in the most disadvantaged households lacked a computer at home to do schoolwork compared to only around 1% in the richest households (74). Whilst the digital world is ubiquitous and essential, many children are discriminated against as digital exclusion exacerbates other socio-economic and educational inequalities.

Digital exclusion further impacts how children use the internet differently. In this study of remote hearing experiences, Ukraine children rated their 'confidence' with using digital technologies at an average of 2.5 (out of 5), compared with 3.46 among Spanish children and 4 from Romania. This reflects how many children are 'limited users', meaning that they predominantly use the internet for a specific activity, such as social media, and not much else. In 2023, 83% of young people aged 16-29 used the internet to participate in social media networks in the EU. However, in Romania and Bulgaria, 54% and 48% of 16-29-year-olds do not have basic digital skills (75), compared with 16% in Spain and 6% in Finland. The EU average is 29% (76). There are also differences by gender, where young females (73%) have higher basic digital skills than males (69%), speaking to how digital divides exacerbate pre-existing inequalities.

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"It saves travelling, but I'd rather go in when something big happens."

- Child, Ireland

These findings reveal how children require a more tailored approach to criminal proceedings and highlight the importance of assessing the applicability of online/remote formats of participation as part of the individual needs assessment of the child as well as the best interest assessment.

Protecting children's rights requires careful attention to their individual needs and preferences. Children in Romania, Ireland, and Ukraine preferred a hybrid format, where remote hearings can be used for procedural updates. However, over two-thirds of children in Spain feel their rights and effective participation are best guaranteed as part of an in-person judicial process.

Experiences differ across jurisdictions, but children and professionals agreed that, for substantive decisions such as testimony and sentencing, in-person court attendance upholds children's right to a fair trial better than remote hearings. Children consistently expressed that physical presence in court better enabled them to exercise their fair trial rights, feeling more "involved", present, and "connected" to decisions about them in ways that remote hearings could not, in their current format, replicate. This preference for in-person proceedings reflects children's intuitive understanding that meaningful participation in their legal proceedings, a cornerstone of fair trial rights, requires their full engagement, which only physical presence currently provides.

(72) The inability to interact with the online world fully, when, where and how an individual needs to. (Allmann, 2022)

(73) Allmann, K. (2022) UK Digital Poverty Evidence Review 2022. Digital Poverty Alliance [Online]

(74) UNICEF (2024) Digital technologies, child rights and well-being: The State of Children in the European Union 2024 [Online]

(75) Basic digital skills refers to people performing at least one activity in five areas, in the 3 months preceding the survey: information and data literacy skills, communication and collaboration skills, digital content creation skills, safety skills and problem-solving skills.

(76) Eurostat (2024) Young people - digital world, https://ec.europa.eu/eurostat/statistics-explained/index.php?title=Young_people_-_digital_world#Context

IV.

Conclusions and **7 key recommendations**

The recommendations and analysis here are based on the thematic insights from our four jurisdictional study and a review of the literature and children's rights standards. We also draw on discussions amongst the project consortium members, and discussion in spaces where the initial research results were presented, such as at the World Congress on Justice with Children, which was held in Madrid in June 2025.

Recommendation 1 – Systems must have clear and rights-centred parameters and safeguards for when remote hearings are justified.

The findings of **this study do not support a complete prohibition of remote hearings for child justice**. This format may be necessary in times of public health crises, natural disasters and other emergencies. In ordinary times, justice systems should have clearly defined parameters for use, which must be centred on the human rights of children, rather than in efficiency or fiscal concerns.

States should have clear and rights-centred parameters for when remote hearings should be used, set out in legislation or in policy or practice manuals. Rules or guidance should be compliant with the standards for children's rights. **In tightly defined circumstances, shorter, more administrative hearings**, such as pre-trial processes (where there is no decision to be made on whether someone is detained or not), **the benefits of a remote hearing may outweigh the risks**. However, this must be based **firmly on a child-rights-centred approach**, in line with the best interests of the child principle being applied in an individual case to decide that the stress of a journey from detention to a physical courtroom would outweigh any risks. **Children**, in consultation with their legal representatives or support people, should **always be able to request an in-person hearing**.

Remote hearings **should be prohibited for high-consequence hearings** such as trials or sentencing. The risks for participation and understanding are too great, and children may be disadvantaged and stigmatised through remote hearings. There may be exceptional circumstances, where a rights-based assessment is conducted, but generally the risks are too high.

Feedback and Reporting Mechanisms should be introduced, allowing children **to safely report violations** of their rights, with the **authority to recommend the renewal of a remote hearing**.

Recommendation 2 – Remote hearings must only be used when in child's best interests and after an individualised assessment of the child's circumstances

In the literature review in Part I of this report, we identified that previous research studies had shown that in some circumstances, **remote hearings might uphold the child's rights in terms of participation (particularly around avoiding unnecessary stress and trauma caused through transport and search processes), avoidance of delay, and access to justice**.

While some children with disabilities and those who experience communication difficulties in our study reported that they found **benefits in remote hearings in terms of reducing stress and improving opportunities to participate**, some reported the contrary. This further supports **the need for an individualised approach** in the application of remote hearings based on the characteristics, digital ability, maturity and the best interest of the child. That said, as the quotes mentioned above indicate, in-person hearings and **participation of family members are much more favourable** for children in conflict with the law.

Notwithstanding these potentially positive aspects, decisions to conduct a remote hearing must be based on robust children's rights-centred reasoning. For instance, if a remote hearing would uphold a child's fair trial right by contributing to matters being resolved without undue delay or reducing stress on a child, it may be permissible. But if it is solely justified based on fiscal concerns or staff convenience it would not be appropriate.

Therefore, **an inquiry into whether a child's participation to remote hearings is in their best interests should be incorporated into the individual assessment process**, and **online participation should remain an option** and not the standard.

Recommendation 3 – Specific procedural modifications are required to safeguard children's human rights where remote hearings are justified

Problems in participation may arise where remote hearings are conducted in the same manner as a physical hearing. Both hybrid and fully remote hearings **require judges, lawyers and professionals to adapt their communication style and procedures to support effective and meaningful participation**. Children need tailored support to uphold their rights within the remote hearing environment.

Thematic insights from this research demonstrate that the remote hearing format appears to **compromise judges' capacity** to conduct nuanced personal observation. In addition, the impersonal nature of remote hearings impedes a judge's ability to observe crucial non-verbal cues, assess emotional responses, and evaluate the child's comprehension of proceedings. This technological barrier to meaningful judicial observation **reduces children's capacity for self-expression** and understanding of the judicial process and prevents judicial staff from assessing the child's wellbeing. It further inhibits judges from noticing any physical injuries which may indicate ill-treatment (most common during pre-trial stages) and prevents judicial staff from making necessary referrals.

Procedural adaptations and technology solutions may be employed to mitigate risks to children's privacy. While a single lawyer can communicate with children and represent them simultaneously during in-person hearings, this is not the case for remote hearings. When lawyers are present in the courthouse, they do not have a direct and private communication with the child connecting remotely, hindering child's right to representation and information. However, most online video-conferencing platforms have a facility to have a **private or break-out virtual "room"** which can be used to ensure child's right **to consult their legal representative in private** (77). There is also a need to ensure that online platforms have enhanced **security settings** to protect children's privacy and prevent breaches, such as participants or observers recording and sharing recordings (78).

Although some judges are trained in child-friendly communications and trauma-informed approaches, these trainings are typically designed for in-person encounters. As captured above, **judicial professionals do not feel equipped for virtual interactions**, indicating the need for tailored training facilitating children's meaningful participation (see Recommendation 6).

There should be specialised assistance available to help children understand the proceedings and have a further explanation after the remote hearing has concluded. A practice example is the tailored and easily understood guidance produced by Talking Trouble during the pandemic in Aotearoa New Zealand, specifically for virtual participation. This assists children in understanding the context in which they are being asked to participate (79).

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- (77) Porter, R. B., Gillon, F., Mitchell, F., Vaswani, N., & Young, E. (2021). *Children's Rights in Children's Hearings: The Impact of covid-19*. *The International Journal of Children's Rights*, 29(2), 426-446.
- (78) Munro, L. B., & Riel, N. M. (2021). *Our Virtual Reality: Facing the Constitutional Dimensions of Virtual Family Court*. *Family Law Quarterly*, 54(3).
- (79) Talking Trouble (2021), *Effective communication in virtual or phone meetings and legal hearings*. <https://talkingtroublenz.org/covid-19-delta-resources-september-2021/>

Recommendation 4 – Remote hearings must only be used where appropriate physical environment, digital platforms and systems that ensure child rights can be upheld are available

Ensuring a safe and private physical environment is essential to protecting the procedural rights of children, even when hearings are conducted digitally. The location and environment of the spaces, the coordination of hearings, and the waiting times should be arranged to safeguard children's privacy, including soundproofing in bright and well-ventilated spaces. The room conditions – including size, lighting, furniture, acoustics, and air quality – should be adequate and child-friendly.

Inequities in resourcing and availability of technology can further disadvantage children who must participate in remote hearings.

Where remote hearings are used, there should be minimum technical standard for a rights-compliant remote hearing procedure. A remote hearing should not be held unless there are reliable, high-quality audio and video systems are available, and the technology has been tested and confirmed ready for use.

Building on Recommendation 3, systems must have **features that equip children to exercise their rights to legal assistance/representation** with appropriate privacy safeguards and should have **real-time interaction tools**. Platforms with features that enhance communication and understanding (e.g. a "raise hand" function or live definitions of legal terms) allow children to participate fully.

Recommendation 5 – Remote hearings must not be used in circumstances where it will further disadvantage groups of children, such as disabled children and children who need language support.

As our thematic insights demonstrate, children with additional needs due to digital literacy and experience, disabilities, communication disorders, or language barriers face additional risks. A key step is to **adjust existing individual assessment tools to capture the appropriateness of remote hearing per each child's needs** (See Recommendation 2).

Building on Recommendations 3 and 4, children must be supported and facilitated to be able to effectively and meaningfully participate, including aspects such as:

- **Individual needs assessment:** Screen for digital capacity, developmental, cognitive, and communication needs, and provide adjustments (e.g. procedural accommodations, such as the involvement of intermediaries).
- **Trusted adult presence:** Guarantee the real-life presence of a trusted adult (e.g., psychologist, social worker) throughout the process, as required by EU Directive 2016/800.
- **Psychological support:** Provide emotional preparation and in-session support, especially for children with neurodiverse or trauma-related needs.
- **Child-centred information:** Share clear, accessible pre-hearing materials to help children understand procedures and manage expectations.

Recommendation 6 – Provide specific training for justice sector professionals

While justice sector professionals such as judges and lawyers should already be competent in child rights centred practice and procedure, our study demonstrated that **specific training is required** to equip justice sector professionals to uphold children's rights in **digital settings**.

Training and guidance should **cover specific techniques and practices** to support effective and meaningful participation in the remote hearing environment, as well as practice guidelines on maintaining privacy in this context.

States utilising remote hearings should **regularly evaluate remote hearing practices and collect data to inform training curricula and capacity-building initiatives** of practitioners, supporting relevant reforms and innovation in child justice. The participation and views of children with diverse backgrounds must be an integral part of ongoing monitoring and evaluation.

Recommendation 7 – Monitoring, evaluation, and continuous improvement

As with any child justice initiative, any change or update to a national jurisdiction's policy or procedures in relation to the use of remote hearings for children, should be subject to monitoring and evaluation.

Practices and trends must be regularly evaluated to align with the **evolving best interests and developmental needs of children**. Systems should systematically **collect data** on the practice and outcomes of remote hearings **to inform future reforms and safeguard equity**.

It is essential that such evaluations consider **the distinct experiences of different groups of children**, including girls, children with neurodiversity, and those requiring translation or other forms of communication support, to ensure that policies and practices are inclusive and responsive to their specific needs.

Glossary

Audio-Visual Links (AVL)

Technology that enables remote participation in court proceedings through videoconferencing, allowing participants to join hearings virtually from another location rather than being physically present in the courtroom.

Child

A person under the age of 18 years, as defined by Article 1 of the United Nations Convention on the Rights of the Child (UNCRC). Article 3 of EU Directive 2016/800 also defines 'child' as a person below the age of 18.

Criminal Proceedings

Legal processes involving alleged criminal offences, including investigations, hearings, trials, and sentencing procedures where children may be involved as suspects or accused of crime, witnesses, or victims.

Fair Trial

The right to fair trial, as outlined in the European Convention of Human Rights guarantees that everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal. It includes the presumption of innocence and minimum rights for those charged with a criminal offence, such as being informed of the charges, having time to prepare a defence, legal assistance (free if necessary), the ability to question witnesses, and access to an interpreter if needed. Article 13 on Timely and diligent treatment of cases of Directive 2016/800 outlines that criminal proceedings involving children should be treated as a matter of urgency and with due diligence.

Hybrid Participation Format

A court proceeding that combines both in-person and remote participation elements, allowing flexibility in how different parties participate whilst maintaining judicial oversight.

In-person Hearings – Court proceedings where all participants, including the child, legal representatives, and judicial officers, are physically present in the same courtroom/venue.

Judicial Process

The formal system through which legal disputes are resolved, and justice is administered, encompassing all stages from initial proceedings through to final judgment.

Legal Representative

A qualified lawyer or legal representative who provides legal advice and representation to a client, advocating for their interests in legal proceedings. In the EU and continental/civil law systems the terminology advocate applies whilst in Ireland and the UK, this may be referred to as 'legal counsel'.

Legalese

Complex, technical legal language used by legal professionals that may be difficult for people without legal education, particularly children, to understand, often characterised by formal terminology and lengthy, complicated sentence structures.

Neurodiversity

The natural variation in neurological development and neurocognitive functioning among individuals, in certain cases manifesting in neurodisability, conditions such as autism, ADHD, dyslexia, and other developmental differences that affect learning, attention, and communication.

Procedural Fairness

The principle that legal processes should be fair and transparent, ensuring that individuals are treated justly and have the opportunity to be heard before decisions are made that affect their rights and interests. It's not just about the outcome of a decision, but about the process used to reach that decision.

Procedural Rights

Legal entitlements that ensure fair treatment within the justice system, including the right to legal representation, the right to be informed of charges, the right to participate meaningfully in proceedings, and the right to privacy. Directive 2016/800 of the EU outlines procedural safeguards for children who are suspects or accused persons in criminal proceedings.

Right to Information

The right of the child to receive clear, age-appropriate explanations about legal proceedings, their rights, and what to expect during the judicial process. Article 4 of Directive 2016/800 under children's right to information requires that children who are suspects or accused in criminal proceedings are promptly informed of their rights in clear, accessible language. This includes rights such as right to legal assistance, privacy, parental involvement, legal aid, medical examination, and alternatives to detention. Information must be provided orally, in writing, or both, and appropriately recorded.

Right to Non-discrimination

The principle that all children must be treated fairly and equally regardless of their background, abilities, or circumstances, with additional support provided to address individual needs. Directive 2016/800 sets out that Member States should respect and guarantee the rights set out in the Directive, without any discrimination based on any ground such as race, colour, sex, sexual orientation, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability or birth.

Right to Participation

The entitlement of children to express their views, feelings, and wishes in all matters affecting them, and to have those views given due consideration in legal proceedings. Under Article 16 of the Directive 2016/800, children have the right to be present at the trial and prescribes to Member States to take all necessary measures to enable children's effective participation in the trial, including giving them the opportunity to be heard and to express their views.

Right to Privacy

The protection of children's personal information and privacy throughout and in the aftermath of the proceedings.

Right to Representation

Children who are suspected or accused in criminal proceedings have the right to be assisted by a lawyer without undue delay, starting from the earliest of several key moments, such as before police questioning or upon deprivation of liberty. This legal assistance must enable effective defence, ensure confidential communication, and be provided during all critical procedural stages, with very limited and strictly regulated exceptions.

Sentencing

The judicial determination and imposition of punishment or other consequences following a conviction for a criminal offence.



Protecting Procedural Rights of Children in the Digital Age



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