

# Norms and provisions for audio-visual recording of interviews and remote hearings with children in criminal proceedings



**Publisher:** HEUNI and the Barnahus Network

**Author:** H       Paillard

**Editors:**

Olivia Lind Haldorsson, Barnahus Network

Shawna von Blixen-Finecke, Barnahus Network



This work is licensed under the Creative Commons Attribution-NonCommercial-NoDerivatives 4.0 International License.

Would you like to translate this document? Please contact the Barnahus Network to find out more about format, attribution and copyright.

*Published 9 June 2026 in Stockholm*

## Table of content

|                                                                                                                             |           |
|-----------------------------------------------------------------------------------------------------------------------------|-----------|
| <b>Introduction</b> .....                                                                                                   | <b>2</b>  |
| <b>Key Findings</b> .....                                                                                                   | <b>3</b>  |
| International and regional norms .....                                                                                      | 3         |
| Audiovisual recording and remote participation of suspect and accused children in domestic criminal proceedings .....       | 5         |
| Audiovisual recording and remote participation in the context of international judicial cooperation.....                    | 6         |
| Audiovisual recording and remote participation in the context of international crime investigations and prosecutions .....  | 7         |
| <b>Selected national case studies</b> .....                                                                                 | <b>7</b>  |
| <b>Discussion</b> .....                                                                                                     | <b>9</b>  |
| <b>Conclusion</b> .....                                                                                                     | <b>9</b>  |
| <b>Bibliography</b> .....                                                                                                   | <b>11</b> |
| <b>Appendix 1: Table of key provisions from international and regional legal and non-legal instruments.</b>                 | <b>13</b> |
| Provisions applicable to all children involved in domestic criminal proceedings (victim, witness, suspect, defendant) ..... | 13        |
| Provisions applicable to child victims or/and witnesses involved in domestic criminal proceedings .....                     | 14        |
| Provisions applicable to child suspects and defendants involved in domestic criminal proceedings .....                      | 17        |
| Provisions applicable to children in the context of international judicial cooperation .....                                | 18        |
| Provisions applicable to children in the context of international criminal justice .....                                    | 20        |
| <b>Appendix 2: Children's perspectives</b> .....                                                                            | <b>21</b> |
| <b>Appendix 3: Case Studies Continued</b> .....                                                                             | <b>23</b> |

## Introduction

Each year, millions of children come into contact with justice system as victims, witnesses, suspects, or defendants. At both regional and international levels, a range of legal and non-legal norms<sup>1</sup> establish or promote safeguards for children involved in criminal proceedings, including the video-recording of interviews and the use of remote hearings<sup>2</sup>. The norms are diverse, and the provisions vary and address these issues from different perspectives. This paper compares and analyses key international and regional norms and provisions related to the audio-visual recording of interviews and remote hearings involving children. It aims to identify existing gaps and potential areas for improvement, with a view to promoting child sensitive justice. The paper focuses on obligations and safeguards applicable when children - defined as individuals under the age of 18 - are involved as victims, witnesses, suspects, or defendants. The analysis draws on legal frameworks, guidelines, standard procedures and other non-binding norms collected through open-source research. In addition, a legal sprint organised by *Reed Smith* in June 2025 brought together about 80 lawyers to

---

<sup>1</sup> In this paper, the term “norms” refers to both legal norms (including laws, directives, treaties and conventions) and non-legal norms (including guidelines, codes of conduct, manuals, and recommendations)

<sup>2</sup> In this paper, the term “interview” refers to both the forensic and non-forensic interviews of children (individuals below 18 years of age) as part of judicial proceedings, including interviews conducted during flagrante delicto investigations, preliminary investigations, and pre-trial investigations. The term “hearing” refers to a judicial session before a judge or tribunal in which children may participate and provide testimony.

gather information that has informed the national case studies. The paper identifies norms that promote children's rights and well-being, and integrates children's views and perspectives. It considers both the advantages and potential drawbacks of using technology in child interviewing and remote hearings.

## Key Findings

### International and regional norms<sup>3</sup>

Few international legal norms explicitly recommend the use of audiovisual recording for interviews with children or remote hearings. The United Nations Convention on the Rights of the Child (UNCRC), a key global instrument, sets out only broad principles, such as the right of children to be heard in judicial proceedings and to be treated with dignity.<sup>4</sup> The United Nations Committee on the Rights of the Child provided guidance for State parties in 2019, taking note of child-friendly layouts of interviewing spaces and courts.<sup>5</sup>

International legal norms that specifically promote or permit the use of cameras in child interviewing and hearings are primarily found in the context of international judicial cooperation or international criminal justice, where cross-border participation of parties and witnesses is essential. Other international norms addressing the use of such techniques focus on safeguards against human rights violations during the interrogation of suspects and on the promotion of child-friendly justice.

At the regional level, provisions related to these techniques when children are involved are more frequent, both in legal and non-legal norms. They often apply to offense-specific contexts (e.g., child sexual exploitation, trafficking) or to certain categories of parties to proceedings only (e.g. victim, defendants). At regional level, the Council of Europe Guidelines on Child-Friendly Justice and recommendations from the European Union Agency for Fundamental Rights address the use of audiovisual recordings for all children, regardless of their role as victim, witness, suspect, or defendant.<sup>6</sup> Regional legal norms that frame judicial cooperation also mandate remote hearings.<sup>7</sup>

### Audiovisual recording of interviews and remote hearings of child victims and witnesses in domestic criminal proceedings

Some legal norms provide for audiovisual recording of interviews and hearings for child victims and witnesses. The measures serve as protective safeguards to uphold children's rights. Audiovisual recording is generally considered an option rather than an obligation and is rarely subject to strict conditions, except that its use should respect the child's best interests, in line with international standards emphasising the principle of "do no harm."

---

<sup>3</sup> A complete and detailed list of reviewed norms and the relevant provisions is provided in Appendix 1. The Norms are discussed in the sections below, depending on the status of beneficiaries targeted by the provisions or the context in which the norms apply (e.g. judicial cooperation)

<sup>4</sup> UN Convention on the Rights of the Child (CRC), Art.12, 40

<sup>5</sup> Committee on the Rights of the Child, General Comment No. 24 (2019) on children's rights in the child justice system, CRC/C/GC/24, 18 September 2019, pt 46 – related to the effective participation of children above the minimum age of criminal responsibility to the justice process)

<sup>6</sup> Council of Europe Guidelines on Child-Friendly Justice (Committee of Ministers), Pt 59; European Agency for Fundamental Rights (FRA), Child friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in 9 EU Member States, Opinions 3 & 12

<sup>7</sup> EU Convention on Mutual Assistance in Criminal Matters, Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters, Budapest Convention on Cybercrime, Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence, Chisinau Convention and 2011 revised Scheme, Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and its Protocol, ASEAN Treaty on Mutual Legal Assistance in Criminal Matters

The most cited justification for audiovisual recording is the trauma caused by multiple, repetitive interviews, where children must repeatedly answer the same questions. Accordingly, norms often stress the importance of avoiding repeated interviews before implementing recording measures (see below).

Another widely recognised rationale for using recordings in court is to prevent direct contact between the accused and the child victim or witness. Remote hearings also support this protective goal. Most norms that provide for recording further include additional safeguards, such as conducting interviews with specially trained professionals, using child-appropriate interview rooms and protocols, avoiding direct contact with the accused, and ensuring children are informed about the process and their rights (see below).

## International norms

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography obliges States to protect victims from re-victimisation and consider their best interests, without explicitly requiring recording hearings as an appropriate measure.<sup>8</sup> Although neither the UNCRC, nor its Protocols, nor the UN Committee on the Rights of the Child establish a general principle regarding the audiovisual recording of interviews with children, the Committee recommends, in its Observations to some Member States, the audiovisual recording of interviews, and the systematic acceptance of such recordings as evidence in proceedings.<sup>9</sup> Other non-legal norms (UNODC/UNICEF Model Law, ECOSOC Guidelines, ISO IWA 49<sup>10</sup>) encourage the use of video recording as a measure to reduce repeated interviews. ISO IWA 49 standards further specifies that recordings should take into consideration technical, procedural and ethical standards, to ensure sufficient quality for admissibility in court, thus proposing a link that is rarely raised between the quality of the video and its admissibility as evidence. In addition, ECOSOC Guidelines recommend conducting examinations in court out of sight of the alleged perpetrator for safety reasons.<sup>11</sup>

## Regional norms

European and EU norms, including the Lanzarote Convention and Directives 2011/36/EU, 2011/93/EU, and 2012/29/EU, go further by mandating or encouraging audiovisual recording of interviews and allowing their admissibility in court, as well as remote testimony to avoid direct contact between victim and alleged perpetrator.<sup>12</sup> Regionally recognised guidelines such as the Council of Europe's Guidelines on Child Friendly Justice and the Barnahus Quality Standards reinforce the justifications for using recorded interviews and remote hearings.<sup>13</sup> Similarly, in Africa, the Great Lakes Pact's

---

<sup>8</sup> Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Art.8

<sup>9</sup> e.g. : Committee on the Rights of the Child, Concluding observations on the fifth periodic report of France, CRC/C/FRA/CO/5, 23 February 2016, pt 84 (c), Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Georgia, CRC/C/GEO/CO/5-6, 25 June 2024, pt 23 (f) & (g) ; Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Bulgaria, CRC/C/BGR/CO/6-7, 15 March 2024, pt 26 (f) & (g)

<sup>10</sup> UNODC, UNICEF, Justice in Matters involving Child Victims and Witnesses – Model law, Art.16; UN Economic and Social Council (ECOSOC) Guidelines on Justice in Matters involving child victims and witnesses, Pt 31(a); International Organisation for Standardisation (ISO) International Workshop Agreement IWA 49:2025 - Multidisciplinary and interagency response services for children who are victims of violence - Requirements and recommendation, 2025, pt 4.11.2

<sup>11</sup> ECOSOC Guidelines, Pt 31(b)

<sup>12</sup> Council of Europe (Lanzarote) Convention on Child Sexual Exploitation and Abuse, Art.35 & 36.2 (b); Directive 2011/36/EU on Trafficking in Human Beings, Art.15.4; Directive 2011/93/EU on the Sexual Abuse and Exploitation of Children, 20.4 & 20.5 (b); Directive 2012/29/EU (Victims' Rights Directive), Art.24.1 (a), 23.3 (b)

<sup>13</sup> Barnahus Quality Standards, summary – Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, Standard 4; CoE Guidelines on Child Friendly Justice, Pts.9, 59, and Pt.58 of Explanatory Memorandum. See also FRA Opinions: Child friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties, Opinions 3 & 12

Protocol on Sexual Violence mandates video-based collection of evidence.<sup>14</sup> In the Middle East and North Africa, UNICEF Regional Office's Guidelines consider audio-visual recordings as accurate records of original evidence. It doesn't promote their use in court but allows the use of live video-links.<sup>15</sup>

## **Audiovisual recording and remote participation of suspect and accused children in domestic criminal proceedings**

Norms recommending the use of audio-visual recording of interviews for child suspects<sup>16</sup> and defendants are rarer. In the reviewed norms, recording in such circumstances is primarily viewed as a means of protecting the suspected or accused person from potential abuse and violations of their rights during interrogation. These provisions are generally more stringent; however, protection measures for child suspects and defendants are less comprehensive, as the norms do not include the same interview-related safeguards as the ones mentioned above for victims and witnesses.

### **International norms**

Among the norms reviewed, only non-legal ones recommend the audiovisual recording of interviews with suspects and defendants, i.e. the Méndez International Principles on Effective Interviewing (Méndez Principles), and some of the UN Human Rights Committee's Observations.<sup>17</sup> The Committee recommends this practice to be systematic and refers to the Méndez Principles. Although the interview-related safeguards proposed by the Principles are limited, they include the following noteworthy recommendation: both the interviewing person and the interviewee should be visible in the video frame, in order to avoid any possible misinterpretation during subsequent proceedings.<sup>18</sup> Furthermore, if recording equipment is available but not used, the specific reasons and justifications for this decision should be documented.<sup>19</sup>

### **Regional norms**

The EU Directive 2016/800/EU on procedural safeguards for children makes audio-visual recordings of interviews with child suspects and defendants mandatory. However, this measure must be proportionate (lawyer present or not, child deprived of liberty or not...), provided that the child's best interest is a primary consideration.<sup>20</sup> Proportionality, in this provision, refers to whether other safeguards provide sufficient protection against potential misconduct. For example, deprivation of liberty is a very serious restriction of rights and should remain the exception when the accused is a child. In such cases, recording should be mandatory (while it may remain optional if the child is not deprived of liberty).<sup>21</sup>

---

<sup>14</sup> Great Lakes Region Pact, Protocol on Sexual Violence against Women and Children, Art.6

<sup>15</sup> Regional Guidelines on Collaboration between actors involved in cases of child victims and child witnesses of crime - Application of protective measures for child victims/witnesses of crime involved in criminal proceedings, UNICEF Regional Office for the Middle East and North Africa, Guidelines 6, 8, 9

<sup>16</sup> This document uses the term "child suspects" to refer to children who are suspected or accused of a crime. The term describes a child's legal status and should not be understood as implying guilt.

<sup>17</sup> Principles on Effective Interviewing for Investigations and Information Gathering, 2021; United Nations Human Rights Committee Concluding Observations on periodic reports of Montenegro, 2025, and Serbia, 2024

<sup>18</sup> Méndez Principles, Pts 176-177

<sup>19</sup> Méndez Principles, Pt 99

<sup>20</sup> Directive 2016/800/EU on procedural safeguards for children, Art 9.1

<sup>21</sup> <https://eucrim.eu/articles/directive-procedural-safeguards-children-criminal-proceedings/#fnref49>

## Audiovisual recording and remote participation in the context of international judicial cooperation

Many international judicial cooperation norms encourage the use of technology to facilitate participation in legal proceedings, particularly when parties are in different countries. These legal norms mandate or permit testimony through videoconferencing. They rarely propose the use of audiovisual recording although the latter may be an option in some of these norms. The provisions apply to victims, witnesses, suspects, and defendants – both children and adults - and govern mutual legal assistance in transnational crime investigations. In judicial cooperation-related legal norms, videoconferencing is considered a practical solution to overcome geographical barriers, and a protective measure against threats and retaliation, reflecting the origins of many of these norms in efforts to combat organised crime.

### International norms

The UN Convention against Transnational Organised Crime (UNTOC) and the recently adopted UN Cybercrime Convention allow the use of video conferencing for hearings when in-person testimony is not possible or desirable, suggesting that each party's individual circumstances should be assessed and their vulnerabilities taken into account. These legal norms also permit witness testimony via video link as a protective measure.<sup>22</sup> Such measures are limited to investigations on transnational organised crime (UNTOC), including child trafficking and the smuggling of child migrants, and cybercrime (UN Cybercrime Convention), including offences related to online child sexual abuse or child sexual exploitation material.

### Regional norms

There is a wide array of regional agreements on judicial cooperation; those presented here constitute only a small, representative selection. The EU Convention on Mutual Assistance in Criminal Matters and Directive 2014/41/EU both allow remote hearings when in-person testimony is not possible or desirable, strictly requiring the accused's consent. In addition, the conditions under which audiovisual recordings are implemented must comply with human rights standards.<sup>23</sup> The Budapest Convention on Cybercrime and its Protocol mandate video or audio conferencing for taking testimony and statements in cybercrime cases. Particular safeguards are recommended for suspect and accused persons, as well as child witnesses<sup>24</sup> Cybercrime-related norms are generally at the forefront of technology-related safeguarding measures.

Other regional legal norms such as the Chisinau Convention , the Ibero-American Convention, and ASEAN agreements, also enable videoconferencing for victims, witnesses, suspects, and defendants, in accordance with national laws, when the latter are located in another state.<sup>25</sup> Complementing tools recommend the adoption of protection measures<sup>26</sup>, in particular for protected witnesses and minor victims of violence<sup>27</sup>, such as voice and image distortion.

---

<sup>22</sup> UNTOC, Art. 18 & 24 (b); UN Convention on Cybercrime, Art.40.18 & 33.2 (b)

<sup>23</sup> EU Convention on Mutual Assistance in Criminal Matters, Art.10; Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters, Art.24.1, 24.2 (a), 24.5 (e).

<sup>24</sup> Budapest Convention on Cybercrime, Art.11 & Interpretating comments Pt 190; Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence, Art 11 & 12

<sup>25</sup> Chisinau Convention (Commonwealth) and 2011 revised Scheme, Art. 6, 105; § 14, Revised Scheme); Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and it's Protocol, Art. 1, 2; ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, Art. 11.3, 15.7

<sup>26</sup> Chisinau Convention (Commonwealth) 2011 revised Scheme, § 14

<sup>27</sup> Guide on Videoconferencing of the Ibero-American Network

## Audiovisual recording and remote participation in the context of international crime investigations and prosecutions

Audiovisual recording of interviews and the use of remote hearings have long been established in International Criminal Justice. Standards and safeguards developed for interviewing child victims are particularly protective, given that child survivors of international crimes—such as conflict-related sexual violence or genocide—are extremely vulnerable and often located in hard-to-reach areas. The International Criminal Court (ICC) Statute allows in-camera proceedings to protect child victims, witnesses, and, in exceptional cases, defendants. Under the ICC Policy on Children, audiovisual recording of interviews with children is mandatory, and video-link testimony is permitted to prevent direct contact with alleged perpetrators.<sup>28</sup> The Murad Code, which provides guidelines for professionals documenting conflict-related sexual violence, further emphasises that remote interviews require specialised skills - a consideration not highlighted in other norms - and strict confidentiality.<sup>29</sup>

## Selected national case studies<sup>30</sup>

### Cyprus<sup>31</sup>

Recent amendments in 2019 to both the Witness Protection and Domestic Violence Laws significantly enhanced child participation mechanisms. Specifically, courts can now authorise audio-visual recordings of child hearings outside traditional court settings, utilising specially adapted facilities such as the Children's House in Nicosia. This development aligns Cyprus with European best practices, including Barnahus, creating a more supportive environment for child victims and witnesses, particularly in sensitive or serious cases. Safeguards include legal representation, adult supervision, and limits on interview duration, though there is no unified, publicly available national protocol for interviewing child suspects.

While recent amendments and the introduction of an e-justice platform have enabled remote hearings, mainly during the evidence phase, there are no comprehensive or consistent provisions for broader remote participation by children at all stages of proceedings. The use of live links is largely limited to allowing children to be heard without being physically present in court, and further legislative development is needed to ensure systematic and child-friendly remote participation throughout the proceedings.

### Germany<sup>32</sup>

**Audio-visual recordings:** During police interviews and investigations, it is mandatory to audio-visually record interviews of suspects under 18 years of age. For child witnesses and victims, the police must consider whether to record the interview, with the child's or their guardian's consent required if the child is not deemed sufficiently mature. In pre-trial and main trial proceedings, the German Code of Criminal Procedure generally requires that hearings of persons under 18, particularly those who are victims of certain serious offences (such as sexual offences or crimes against life), be recorded by a judge via audio-visual means if this better safeguard their interests. The use of such recordings is

---

<sup>28</sup> ICC Policy on children, Pt 116 (g), 122, & 149 (b)

<sup>29</sup> Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence, Principles 5.4, 7.4, 7.8, 9.4

<sup>30</sup> Information in this section is extracted from the findings of a legal sprint organised in June 2025 by *Reed Smith*, which brought together about 80 lawyers. Information on the other countries reviewed can be found in Appendix 3

<sup>31</sup> Reed Smith report, p.36

<sup>32</sup> Reed Smith report, p.95-96

subject to strict procedural safeguards, including limitations on duplication and distribution, and the requirement that recordings are only used for the purposes of criminal prosecution and truth-finding. (...) For child defendants, while their vulnerability is recognised and addressed through various safeguards under the Juvenile Court Act, the principle of physical presence in court is fundamental, and remote hearing is not generally permitted. For child witnesses and victims, the law is more flexible, allowing for audio-visual recordings to reduce the need for repeated interviewing and to protect the child from the stress of direct confrontation with the accused. Additional procedural adjustments, such as the presence of support persons, language simplification, and child-friendly environments, are recommended to further facilitate the child's effective participation.

**The use of live links or remote hearing:** [this] is more restricted and is primarily available to child witnesses and victims rather than defendants. The fundamental principle is that defendants, including children, must be physically present during their trial, with no specific exceptions for remote participation. However, for vulnerable witnesses - including children - Section 247a of the German Code of Criminal Procedure permits remote hearing during the main trial if there is a risk of serious detriment to the witness's wellbeing. This provision allows the court to protect the interests of child witnesses and victims by enabling them to give evidence without being physically present in the courtroom, thus minimising potential trauma. In pre-trial proceedings, judges may also conduct separate remote hearings of witnesses without the presence of the accused or their counsel, further safeguarding the interests of child witnesses and victims. These measures are complemented by requirements for expedited proceedings and the presence of support persons where necessary. However, there are no corresponding provisions for child defendants to participate remotely in their own hearings or interviews. Overall, while audio-visual recordings are widely used across all stages for children in various capacities, remote participation is reserved for the protection of vulnerable witnesses and victims, reflecting a careful balance between the rights of the accused and the protection of children involved in criminal proceedings.

### Spain<sup>33</sup>

**Audio-visual recordings:** Spanish law makes audio-visual recording the standard for child interviews and hearings in criminal proceedings. During investigations, the Criminal Procedure Act (CPA) requires judges to record minors' interviews on video, with specialist support and questions relayed through the judge or psychologist. For children under fourteen or those deemed especially vulnerable, Organic Law 8/2021 designates these recordings as pre-constituted evidence, allowing their use during the trial without recalling the child. Child suspects are similarly protected under Organic Law 5/2000, which mandates recorded interviews with counsel present and age-appropriate communication.

The use and weight of recordings depend on the stage and the child's role. In pre-trial, recording is nearly always mandatory to prevent repeated interviews. At trial, the use of recordings is generally allowed unless the court finds remote hearing essential. For victims and witnesses, recordings are the norm; for child defendants, recordings support fairness but do not override their right to speak in court. After trial, the recording is part of the case file, and children are not required to participate further.

**Remote hearing:** Remote hearing is used to protect children from intimidation or trauma when in-person attendance would be harmful. Article 448 CPA allows judges to hear children without face-to-face confrontation, and Article 731 bis extends this to trial courts. Organic Law 8/2021 encourages remote hearing for victims and witnesses in serious cases, supporting the "single interview" approach and requiring specialised staff and child-friendly settings. For child suspects, remote hearings are discretionary and used when necessary for the child's wellbeing.

---

<sup>33</sup> Reed Smith report, p.158-159

## Discussion

### Children's Perspective<sup>34</sup>

While audio-visual recording of child interviews is widely seen as positive practice, FRA<sup>35</sup> reports that cameras can make children feel uncomfortable, pressured, or unsafe, especially when they lack clarity on who will see the recording and why. This stress may be heightened in sexual exploitation cases.<sup>36</sup> The same report reveals that children often –but not always – prefer the use of recordings or remote hearings to in-person court hearings. However, key academics in the field note that the impact of remote hearings remains under-researched.<sup>37</sup> Children may not have the same perception and wishes about the use of technology in interviewing practices than adults. To ensure the best interest of each child, decisions whether to use technology should be based on a pre-interview individual assessment, giving due weight to the child's views. Children should receive information adapted to their specific needs and language about the different options available to them, including the technical equipment that will be used. used. used.

### Challenges, limits, and key considerations

Audiovisual recording of child interviews and remote hearings are recognised and promoted in procedural safeguards for children involved in criminal proceedings. However, challenges remain, including lack of resources, technical issues, or uneven territorial access to such technologies.<sup>38</sup> Technology-facilitated hearings can also generate specific traumatic experience for children, making specialised interviewing skills and adapted procedures critical.

Consequently, audio-visual recordings can only be one component of a broader protective framework designed to minimise harm to children while preserving evidence that is of high evidentiary value and valid in Court. Recordings must be combined with other safeguards, such as trained interviewers, child-appropriate interviewing protocols and rooms, strict confidentiality and data protection rules, information obligations, limited number of people attending the interview, and the use of trained interpreters. Many of the norms cited in this study recommend such safeguarding measures, but none include all measures, and they are seldom legally binding.

## Conclusion

International and regional frameworks recognise audiovisual recording and remote hearings as important tools for protecting children in criminal proceedings. Global norms tend to provide general principles. Standards and practice from international criminal justice and international judicial cooperation norms provide useful guidance that can inform other legal frameworks. The Council of Europe's and EU norms more frequently recommend these technologies, particularly for child victims of exploitation, and propose more comprehensive safeguards. They systematically specify that recorded interviews may be used as evidence in criminal proceedings, which is rarely included in norms from other regions. In contrast, norms addressing child suspects and defendants are more limited (including within EU legal frameworks), although they often propose more stringent provisions.

---

<sup>34</sup> See Appendix 2 for more detailed information

<sup>35</sup> Child-friendly justice, Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, FRA, 2017

<sup>36</sup> Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, Pt 128

<sup>37</sup> Korkman, J. et al., White Paper on Forensic Child Interviewing: Research-based Recommendations by the European Association of Psychology and Law, 2024, p.22

<sup>38</sup> From law to practice: Strengthening Procedural Rights in Police Custody, Audio visual recording, Irish Council of Liberties, p.14;

Children as suspects or accused persons in criminal proceedings, procedural Safeguards, FRA, 2022, pp.87-88

In such norms, recordings are framed primarily as stand-alone procedural safeguards rather than as part of a broader set of protective measures related to child interviewing. In EU norms concerning child suspects and defendants, remote hearings are generally not provided, except in the context of judicial cooperation. In such cases, these measures are not child-specific and are considered not as safeguards, but merely to overcome the constraints of distance.

In practice, children's perspectives indicate that recordings and remote hearings can cause discomfort or stress if not adequately explained, underscoring the importance of individual assessments, specialised interviewing skills and clear information obligations. To address these risks, a robust practice must be in place that ensure the currently provided procedural safeguards regarding audiovisual recording of interviews and remote hearings incorporates, inter alia, trained professionals, child-appropriate protocols and environments, and respect for the child's voice. Clear guidance is needed on the operational implementation of technology-facilitated interviewing and hearings.

# Bibliography

## Legal Norms

- ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, 29 November 2004.
- Convention on Legal Assistance and Conflicts of Law in Matters of Civil, Family and Criminal Law (The Kishinev Convention) of 7 October 2002, Commonwealth of Independent States.
- Council of Europe. Convention on Cybercrime (Budapest Convention), 23 November 2001.
- Council of Europe Second Additional Protocol to the Cybercrime Convention on Enhanced Cooperation and Disclosure of Electronic Evidence, 12 May 2022.
- Council of Europe, Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse (Lanzarote Convention) 25 October 2007.
- European Parliament and Council, Directive (EU) 2016/800 on Procedural Safeguards for Children Suspected or Accused in Criminal Proceedings, 11 May 2016.
- European Parliament and Council Directive 2012/29/EU Establishing Minimum Standards on the Rights, Support and Protection of Victims of Crime, 25 October 2012.
- European Parliament and Council Directive 2011/36/EU on Preventing and Combating Trafficking in Human Beings and Protecting its Victims, 5 April 2011.
- European Parliament and Council. Directive 2011/93/EU on Combating the Sexual Abuse, Sexual Exploitation of Children and Child Pornography, 13 December 2011.
- Ibero-American Network Convention on the Use of Videoconferencing in International Cooperation between Justice Systems and its Additional Protocol Related to Costs, Linguistic Regime, and Submission of Requests, 3 December 2010.
- International Conference on the Great Lakes Region Pact on Security, Stability and Development for the Great Lakes Region, Protocol on the Prevention and Suppression of Sexual Violence against Women and Children, 30 November 2006
- Rome Statute of the International Criminal Court, 17 July 1998.
- United Nations. United Nations Convention Against Transnational Organised Crime (UNTOC), 15 November 2000.
- United Nations, Convention Against Cybercrime, 24 December 2024.
- United Nations Additional Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organised Crime, 15 November 2000.
- United Nations Convention on the Rights of the Child, 20 November 1989.
- United Nations Optional Protocol to the Convention on the Rights of the Child on the Sale of Children, Child Prostitution and Child Pornography, 25 May 2000.

## Non-legal Norms

- CBSS & Child Circle, PROMISE Compendium of Law and Guidance – European and International Instruments concerning Child Victims and Witnesses of Violence, 2020.
- Child Circle / PROMISE, Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, 2019.
- Council of Europe, Guidelines of the Committee of Ministers on Child-Friendly Justice, 2010.
- Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence, 2022.
- International Criminal Court, Policy on Children, Office of the Prosecutor, 2023.
- Ibero-American Network. Guide to Good Practices on the Use of Videoconferencing of the Ibero-American Network for International Legal Cooperation – IberRed.
- International Criminal Court, Rules of Procedure and Evidence, 2013.

- International Organisation for Standardisation, International Workshop Agreement, ISO IWA 49:2025 on Child-Friendly multidisciplinary and interagency response services for children who are victims of violence – Requirements and recommendations, 2025
- Principles on Effective Interviewing for Investigations and Information Gathering, 2021.
- United Nations, UN Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime, ECOSOC Resolution 2005/20, 2005
- UNODC, Justice in Matters involving Child Victims and Witnesses of Crime, Model Law and Related Commentary, 2009.
- UNICEF MENARO, Regional Guidelines on Collaboration Between Actors in Cases of Child Victims and Child Witnesses of Crime, 2017.
- UNODC, Manual on Videoconferencing: Legal and Practical Use in Criminal Cases, 2017.

## Reports and Other Publications

- Association for the Prevention of Torture, United Nations, Regional and National References to the Principles on Effective Interviewing for Investigations and Information Gathering (Méndez Principles), 2025.
- European Parliament, Child Friendly Justice, Briefing, 2025.
- FRA. European Union Agency for Fundamental Rights, Children as Suspects or Accused Persons in Criminal Proceedings – Procedural Safeguards, European Union Agency for Fundamental Rights, 2022.
- FRA European Union Agency for Fundamental Rights & Council of Europe, Handbook on European Law Relating to the Rights of the Child, 2022.
- FRA. European Union Agency for Fundamental Rights, Child-Friendly Justice – Perspectives and Experiences of Children Involved in Judicial Proceedings as Victims, Witnesses or Parties in 9 EU Member States, 2017.
- Irish Council for Civil Liberties, ProRPC: From Law to Practice, Strengthening Procedural Rights in Police Custody, Audio-Visual Recording, Factsheet, 2023.
- Korkman, J. et al., White Paper on Forensic Child Interviewing: Research-based Recommendations by the European Association of Psychology and Law, 2024
- United Nations Committee on the Rights of the Child, Concluding observations on the fifth periodic report of France, CRC/C/FRA/CO/5, 23 February 2016; On the combined fifth and sixth periodic reports of Georgia, CRC/C/GEO/CO/5–6, 25 June 2024; On the combined sixth and seventh periodic reports of Bulgaria, CRC/C/BGR/CO/6-7, 15 March 2024
- United Nations Committee on the Rights of the Child, General Comment No. 24 (2019) on children’s rights in the child justice system, CRC/C/GC/24, 18 September 2019
- United Nations Human Rights Committee. Concluding Observations on periodic reports of Montenegro (UN Doc. CCPR/C/MNE/CO/2, 7 May 2025) and Serbia (UN Doc. CCPR/C/SRB/CO/4, 3 May 2024).

## Appendix 1: Table of key provisions from international and regional legal and non-legal instruments

Related to audio-visual recording of interviews and remote hearings with children in pre-trial and trial-related criminal proceedings

| Name of the instrument                                                                                                       | Geographic scope of implementation | Nature of the instrument    | Provisions related to audio-visual recording of interviews, remote hearings                                                                                                                                                                                             | Status                                    | Beneficiary | Examples of other safeguarding measures                                           |
|------------------------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|-------------|-----------------------------------------------------------------------------------|
| <b>Provisions applicable to all children involved in domestic criminal proceedings</b> (victim, witness, suspect, defendant) |                                    |                             |                                                                                                                                                                                                                                                                         |                                           |             |                                                                                   |
| UN Convention on the Rights of the Child (CRC)                                                                               | GLOBAL                             | Legal norm                  | Children have the right to be heard directly or through an appropriate body in judicial procedures (Art.12)<br><br>The child considered to have infringed the penal law must be treated with dignity (Art 40)                                                           | Victim<br>Witness<br>Suspect<br>Defendant | Children    |                                                                                   |
| Council of Europe Guidelines on Child-Friendly Justice (Committee of Ministers)                                              | EUROPE                             | Guidelines, recommendations | Interview methods, such as video or audio-recording or pre-trial hearings in camera, should be used and considered as admissible evidence (Pt 59)<br><br>Specific arrangements should be made for gathering evidence (e.g. audio, video or TV link                      | Victim<br>Witness<br>Suspect<br>Defendant | Children    | Avoid contact between the victim and the alleged perpetrator (Guidelines 68, 69)  |
| FRA Opinions                                                                                                                 | EUROPEAN UNION                     | Guidelines, recommendations | Hearings should be video recorded (including pre-trial hearings) and recordings should be legally admissible evidence in court (Opinions 3, 12)<br><br>Live video links or pre-recorded testimony in hearings may be used to protect the child's identity. (Opinion 24) | Victim<br>Witness<br>Suspect<br>Defendant | Children    | Recordings need to be safely stored, and identities protected online (Opinion 24) |

| Name of the instrument                                                                                   | Geographic scope of implementation | Nature of the instrument    | Provisions related to audio-visual recording of interviews, remote hearings                                                                                                                                                                                                                                                | Status                          | Beneficiary | Examples of other safeguarding measures                                                                                                                                                                     |
|----------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|-------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Provisions applicable to child victims or/and witnesses involved in domestic criminal proceedings</b> |                                    |                             |                                                                                                                                                                                                                                                                                                                            |                                 |             |                                                                                                                                                                                                             |
| Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography           | GLOBAL                             | Legal norm                  | Child victims must be protected, re-victimisation must be avoided, and their best interests must be taken into account during judicial proceedings. (Art 8)                                                                                                                                                                | Victim                          | Children    |                                                                                                                                                                                                             |
| UN Children's Rights Committee concluding observations on States' periodic reports                       | FRANCE, GEORGIA, BULGARIA (GLOBAL) | Guidelines, recommendations | Video-recording child interviews is recommended (Pt 84 (c) - France)<br><br>Videorecording of child interviews is recommended (Georgia) or should be set as a standard (Bulgaria), and systematically (Georgia) accepted as the main (Bulgaria) evidence in court (Pt pt 23 (f) & (g) – Georgia; Pt 26 (f)&(g) - Bulgaria) | Victim<br>Witness<br><br>Victim | Children    |                                                                                                                                                                                                             |
| UNODC/UNICEF - Model Law                                                                                 | GLOBAL                             | Guidelines, recommendations | Interview may be visually recorded; this shall be discussed with the support person, parents and the court (Art. 16)                                                                                                                                                                                                       | Victim<br>Witness               | Children    | Avoid direct contact between victim-witness & accused (Art. 11a)<br><br>Use specialised trained investigators (Art. 13)<br><br>Provide a support person who will be present at the interview (Art.15, 16.5) |
| ECOSOC Guidelines on Justice in Matters Involving Child Victims and Witnesses                            | GLOBAL                             | Guidelines, recommendations | Procedure should reduce the number of interviews, such as through the use of video recording (Pt 31 (a))<br><br>Examinations in court should be out of sight of the alleged perpetrator (Pt 31 (b))                                                                                                                        | Victim<br>Witness               | Children    | Avoid direct contact for safety reasons (Pt 34 (a))                                                                                                                                                         |

|                                                                       |                |                             |                                                                                                                                                                                                                                                                                                                          |                                 |          |                                                                                                                            |
|-----------------------------------------------------------------------|----------------|-----------------------------|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|---------------------------------|----------|----------------------------------------------------------------------------------------------------------------------------|
| ISO IWA 49:2025 on services for child victims of violence             | GLOBAL         | Guidelines, recommendations | Interviews shall be audio-visually recorded to avoid repeated interviewing (Pt 4.11.2)<br><br>Recording should take into consideration technical, procedural, and ethical standards, to ensure sufficient quality for admissibility in court (Pt 4.11.2)<br><br>The recording should be securely safeguarded (Pt 4.11.2) | Victim                          | Children | Use interviewing protocols,<br><br>Conduct interviews with trained professionals (Pt 4.11.1 & 4.11.5)                      |
| Lanzarote Convention on Child Sexual Exploitation and Abuse (CoE)     | EUROPE         | Legal norm                  | Measures shall be taken to videotape interviews. Such records may be accepted during the court proceedings (Art 35)<br><br>Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies (Art.36 2 (b))              | Victim<br>Witness<br><br>Victim | Children | Avoid contact between victim and suspect (Art 31.1)<br><br>Conduct interviews with trained professionals (Art 35.1 (c))    |
| Directive 2011/36/EU on Trafficking in Human Beings                   | EUROPEAN UNION | Legal norm                  | Measures shall be taken so that interviews may be video recorded, and such records may be used as evidence in court (Art 15.4)                                                                                                                                                                                           | Victim<br>Witness               | Children |                                                                                                                            |
| Directive 2011/93/EU on the sexual abuse and exploitation of children | EUROPEAN UNION | Legal norm                  | Measures shall be taken so that interviews may be video recorded, and such records may be used as evidence in court (Art 20.4)<br><br>Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies (Art. 20.5 (b))  | Victim<br>Witness               | Children | Conduct interviews with trained professionals (Art. 20.3 (c))                                                              |
| Directive 2012/29/EU (Victims' Rights Directive)                      | EUROPEAN UNION | Legal norm                  | Interviews may be audio-visually recorded and such recorded interviews may be used as evidence in criminal proceedings (Art. 24.1 (a))<br><br>Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate                                     | Victim                          | Children | Avoid contact between victim and offender (Art. 19.1)<br><br>Conduct interviews with trained professionals (Art. 23.2 (b)) |

|                                                                                   |                              |                             |                                                                                                                                                                                                                                           |                   |                    |                                                                  |
|-----------------------------------------------------------------------------------|------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------|--------------------|------------------------------------------------------------------|
|                                                                                   |                              |                             | communication technologies (e.g. for safety reasons) (Art. 23.3 (b))                                                                                                                                                                      |                   |                    |                                                                  |
| Barnahus Quality Standards                                                        | EUROPE                       | Guidelines, recommendations | Record forensic interviews with live observation; such recordings may be used as evidence in criminal court proceedings (Standard 4)                                                                                                      | Victim<br>Witness | Children           | Prevent contact between victim and alleged offender (Standard 4) |
| Great Lakes Region Pact, Protocol on Sexual Violence against Women and Children   | AFRICA's GREAT LAKES REGION  | Legal norm                  | Evidence shall be given in camera or by video links (Art. 6)                                                                                                                                                                              | Victim            | Children and women |                                                                  |
| UNICEF guidelines - Protective measures for Child victims/Witnesses (MENA Office) | MIDDLE EAST AND NORTH AFRICA | Guidelines, recommendations | An accurate record of the original evidence given should be kept (written statement or audio/video recording). This does not mean that recordings will be used in court (Guideline 6) but live au can be used in court (Guidelines 8 & 9) | Victim<br>Witness | Children           | Use of specialised trained interviewers (Guideline 6)            |

| Name of the instrument                                                                                      | Geographic scope of implementation | Nature of the instrument    | Provisions related to audio-visual recording of interviews, remote hearings                                                                                                                                                               | Status               | Beneficiary         | Examples of other safeguarding measures                |
|-------------------------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|----------------------|---------------------|--------------------------------------------------------|
| <b>Provisions applicable to child suspects and defendants involved in domestic criminal proceedings</b>     |                                    |                             |                                                                                                                                                                                                                                           |                      |                     |                                                        |
| International Principles on Effective Interviewing                                                          | GLOBAL                             | Guidelines, recommendations | Audiovisual recording of the interview is recommended. and should include both the interviewer(s) and the interviewee in the video frame. (Pts 99, 176-177)                                                                               | Suspect<br>Defendant | Children and adults |                                                        |
| UN Children's Rights Committee General Comment n°24 (2019) on Children's Rights in the Child Justice System | GLOBAL                             | Guidelines, recommendations | Proceedings must be conducted in a manner that enables the child to understand and fully participate in the criminal process (Pt 46)<br><br>Good practices recommend child-friendly layouts of interviewing spaces and courts (Pt 46)     | Suspect<br>Defendant | Children            |                                                        |
| UN Human Rights Committee Concluding Observations on States' Periodic Reports                               | MONTENEGRO, SERBIA<br>(GLOBAL)     | Guidelines, Recommendation  | Police interrogations shall be systematically video and audio recorded (Pt 27 (d)) as a measure to protect against torture and other cruel, inhuman or degrading treatment or punishment (as preconised by the <i>Méndez Principles</i> ) | Suspect<br>Defendant | Children and adults |                                                        |
| Directive 2016/800/EU on Procedural Safeguards for Children                                                 | EUROPEAN UNION                     | Legal norm                  | Questioning a child must be subjected to audio-visual recording when proportionate (lawyer present or not, child deprived of liberty or not) (Art.9.1)                                                                                    | Suspect<br>Defendant | Children            | Conduct interviews with trained professionals (Art.20) |

| Name of the instrument                                                                        | Geographic scope of implementation | Nature of the instrument | Provisions related to audio-visual recording of interviews, remote hearings                                                                                                                                                                                                                                                   | Status                                    | Beneficiary         | Examples of other safeguarding measures                                                                                      |
|-----------------------------------------------------------------------------------------------|------------------------------------|--------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------|------------------------------------------------------------------------------------------------------------------------------|
| <b>Provisions applicable to children in the context of international judicial cooperation</b> |                                    |                          |                                                                                                                                                                                                                                                                                                                               |                                           |                     |                                                                                                                              |
| UN Convention on Transnational Organised Crime (UNTOC)                                        | GLOBAL                             | Legal norm               | Hearing by video conference shall be permitted if hearing in person is not possible or desirable (Art. 18)<br><br>Testimony of witnesses through video link shall be permitted as a protection measure (Art. 24 (b))                                                                                                          | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                              |
| UN Convention Against Cybercrime                                                              | GLOBAL                             | Legal norm               | Hearing by video conference shall be permitted if hearing in person is not possible or desirable (Art 40.18)<br><br>Testimony of witnesses through video link shall be permitted as a protection measure (Art 33.2 (b))                                                                                                       | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                              |
| EU Convention on Mutual Assistance in Criminal Matters                                        | EUROPEAN UNION                     | Legal norm               | Hearings by videoconference where it is not desirable or possible for the person to be heard in person shall be permitted.<br><br>For accused persons, consent to it is mandatory and conditions must comply with international human rights provisions (Art. 10)                                                             | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                              |
| Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters      | EUROPEAN UNION                     | Legal norm               | The person may be heard by videoconference or other audio-visual transmission where they are located in another State (Art. 24.1)<br><br>Accused persons shall consent to it (Art 24.2 (a))<br><br>Information about their rights shall be provided prior to the testimony, including the right not to testify (Art. 24.5(e)) | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                              |
| Budapest Convention on Cybercrime                                                             | EUROPE                             | Legal norm               | Video Conferencing shall be used for taking testimony and statements (Art.11)                                                                                                                                                                                                                                                 | Witness<br>Suspect<br>Defendant           | Children and adults | Particular safeguards may be required for suspect/accused persons (Art.11) or child witnesses (interpreting comments Pt 190) |

|                                                                                                           |                                              |                                |                                                                                                                                                 |                                           |                     |                                                                                                                                                                                   |
|-----------------------------------------------------------------------------------------------------------|----------------------------------------------|--------------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------|-------------------------------------------|---------------------|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|                                                                                                           |                                              |                                |                                                                                                                                                 |                                           |                     | Protection of personal data and rules of law safeguards                                                                                                                           |
| Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence              | EUROPE                                       | Legal norm                     | Video and audio Conferencing shall be used for taking testimony and statements (Art.11, 12)                                                     | Witness<br>Suspect<br>Defendant           | Children and adults | Protection of personal data and rules of law safeguards                                                                                                                           |
| Chisinau Convention and 2011 revised Scheme                                                               | COMMONWEALTH ON INDEPENDANT STATES (EURASIA) | Legal norm                     | Interrogation (audiovisual communication and recording) of parties with the use of video tools is permitted (Art. 6, 105; § 14, Revised Scheme) | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults | Measures for the protection of the person to be heard shall be agreed (§ 14, Revised Scheme)                                                                                      |
| Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and it's Protocol | AMERICAS (IBERO-AMERICAN SUB-REGION)         | Legal norm                     | Hearing via videoconferencing during a trial or preliminary investigations is permitted when the person is located in another state (Art. 1, 2) | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                                                                                   |
| Guide on Videoconferencing of the IberoAmerican Network                                                   | AMERICAS (IBERO-AMERICAN SUB-REGION)         | Guidelines and recommendations |                                                                                                                                                 | Victim<br>Witness                         | Children and adults | Request for videoconferencing must inform if it is a protected witness or minor victims of violence or sexual abuse, and of possible additional measures (distortion of voice...) |
| ASEAN Treaty on Mutual Legal Assistance in Criminal Matters                                               | SOUTHEAST ASIA                               | Legal norm                     | Videoconferencing is permitted for testimonies (Art. 11.3, 15.7)                                                                                | Victim<br>Witness<br>Suspect<br>Defendant | Children and adults |                                                                                                                                                                                   |

| Name of the instrument                                                                    | Geographic scope of implementation | Nature of the instrument    | Provisions related to audio-visual recording of interviews, remote hearings                                                                                                                                                                                                                                                                                                                                 | Status                                                                                   | Beneficiary        | Examples of other safeguarding measures                                                                                                                                                                                                                                                                                 |
|-------------------------------------------------------------------------------------------|------------------------------------|-----------------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|------------------------------------------------------------------------------------------|--------------------|-------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <b>Provisions applicable to children in the context of international criminal justice</b> |                                    |                             |                                                                                                                                                                                                                                                                                                                                                                                                             |                                                                                          |                    |                                                                                                                                                                                                                                                                                                                         |
| ICC Rome Statute                                                                          | GLOBAL (States Parties)            | Legal norm                  | Any part of the proceedings can be conducted in camera as a protection measure (Art. 68 (2), 69 (2))                                                                                                                                                                                                                                                                                                        | Victim<br>Witness<br><br>Defendant (as an exception to the principle of public hearings) | Children           |                                                                                                                                                                                                                                                                                                                         |
| ICC Policy on children                                                                    | GLOBAL (States Parties)            | Court's Internal policy     | Interviews with children must be audio-video recorded. so as to preserve evidence for use in court proceedings and to protect the child from stressful experience (Pt 116 (g))<br><br>Recordings may be used partly or entirely as an alternative to in-court testimony (Pt 122)<br><br>Testimonies via video link in court are permitted to avoid direct contact with the alleged perpetrator (Pt 149 (b)) | Victim<br>Witness                                                                        | Children           | Informed consent of parents or another appropriate adult should be sought beforehand (Pt 60)<br><br>Avoid direct contact between victim/witness and alleged perpetrator, unless the child requests otherwise (Best practice guidelines)<br><br>Protection measures include using voice or image distortion (Pt 149 (c)) |
| Murad code on gathering information on conflict-related sexual violence                   | GLOBAL                             | Guidelines, recommendations |                                                                                                                                                                                                                                                                                                                                                                                                             | Victim                                                                                   | Children and adult | Remote interviews require adapted interviewing skills and confidentiality of exchanges (Principles 5.4, 7.4, 7.8, 9.4)                                                                                                                                                                                                  |

## Appendix 2: Children's perspectives

A FRA study on children's perspectives based on their own experience in judicial proceedings highlighted that children "generally found that the video cameras made them feel uncomfortable". Some reported feeling pressured, knowing that "someone [is] watching (...) on the other side of the camera" or stressed about how they'd look and sound in the recordings. While a few children "praised police officers for allowing them to hear the audio recording after the hearing", others found watching the recordings traumatising.<sup>i</sup> Such stress is often linked to a lack of understanding about the recording process, who will have access to the videos, when they will be used, and for what purpose.<sup>ii</sup>

Additional factors can increase vulnerability. As the Council of Europe Guidelines note, "in particular cases, such as sexual exploitation, video recordings for interviews may be traumatic for victims."<sup>iii</sup> This might be particularly relevant for child victims of sexual exploitation committed with the use of cameras or webcams – such as grooming, sextortion, live streaming, or production of child sexual abuse material – who may feel especially stressed or uncomfortable speaking in front of a camera.

Although some children appreciate the option to attend the trial in person<sup>iv</sup>, most view in-person court hearings as a negative experience and prefer the use of recordings or remote hearings.<sup>v</sup> However, because the impact of remote hearings on children is not yet well documented, the European Association of Psychology recommends "to conduct in-situ interviews" (possibly using audiovisual recording<sup>vi</sup>) unless this is impossible (e.g. due to long distance or lack of trained professionals on site) until research further clarifies on "how and when online interviews should be conducted".<sup>vii</sup>

Children may therefore have different perceptions and preferences regarding the use of technology in interviewing compared to adults. The following table, based on FRA's study, illustrates this difference:

| <i>Professionals' view</i>                                                                                                    | <i>Children's view</i>                                                                                                                                                                                                                                                                                                                                                                                                                                        |
|-------------------------------------------------------------------------------------------------------------------------------|---------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <i>Controlling contact with defendant: procedural safeguards in place, such as the use of video recordings or video-links</i> | Children emphasise the importance of controlling contact. Where applicable, they very much appreciate having a choice about the type of procedural safeguard used.<br><br>Live video recordings, particularly the cameras, are often intimidating for children, even more so if they do not know exactly who is watching or listening.<br><br>If information about the reason for/use of video-links and video recordings is not clear, children feel unsafe. |
| <i>Protection of child's identity and privacy is mostly ensured</i>                                                           | Children who are not informed about who can see a video recording don't feel safe.                                                                                                                                                                                                                                                                                                                                                                            |

Source: FRA<sup>viii</sup>

Based on these considerations, a case-by-case approach to the use of technology in child interviewing or hearings may be preferable to ensure the best interests of the child. Decisions could be guided by a pre-interview assessment of the child's vulnerability, considering the child's views and voice. Comprehensive protective child-interviewing frameworks may, in this sense, help build rapport and allow children to share their views and concerns.

<sup>i</sup> Child-friendly justice, Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, FRA, 2017, p.26, 87

- 
- ii FRA – Perspectives and experiences of children, p.33
  - iii Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, Pt 128
  - iv FRA – Perspectives and experiences of children, p.33, 34
  - v FRA – Perspectives and experiences of children, p.33
  - vi Key Recommendation 5
  - vii Korkman, J. et al., White Paper on Forensic Child Interviewing: Research-based Recommendations by the European Association of Psychology and Law, Psychology, Crime & Law, 2024, p.22, 30, 32
  - viii FRA – Perspectives and experiences of children, p.56, 82, 102

## Appendix 3: Case Studies Continued<sup>39</sup>

### England and Wales<sup>40</sup>

In England and Wales, children under 18 are automatically eligible for special measures in criminal proceedings, including the use of audio-visual recordings (e.g. pre-recorded interviews under sections 27 and 28 Youth Justice Criminal Evidence Act 1999 (or “YJCEA”) in accordance with the Police and Criminal Evidence Act 1984 (“PACE”)) and remote hearings (section 24 of the YJCEA). These measures apply mainly to child witnesses and victims, while child defendants are not entitled to pre-recorded interviews and may only participate via remote hearings in limited circumstances (e.g. under section 33A YJCEA or the Criminal Justice Act 2003 (“CJA”) if necessary for effective participation. Procedural protections vary by role and stage, with child witnesses benefitting most extensively from pre-trial and trial adaptations.

### Finland<sup>41</sup>

Under Finnish law, children, especially witnesses or victims may participate in criminal proceedings via video-recorded interviews during pre-trial investigations, which can be admissible in court in lieu of hearings. Remote hearing is also permitted at trial and post-trial to minimise distress for children under 15 or in sensitive cases. Relevant legislation includes the Act on Criminal Investigations (805/2011) (“CIA”), Code of Judicial Procedure (4/1734-modernised) (“CJP”) and the Criminal Procedure Act (689/1997). Finland has also implemented the relevant EU directives, such as Directive 2012/29/EU-Victim Rights Directive, and Directive 2016/800/EU-Procedural safeguards for Children Suspected or Accused in Criminal Proceedings.

### France<sup>42</sup>

Pursuant to the French Code for Criminal Procedure (“FCCP”), Code de la justice pénale des mineurs (“CJPM”) and the French Civil Code:

(1) Audio-visual recordings: it is mandatory to use audio-video recordings at the police interview stage for child suspects, and for children who are victims of serious crimes (nothing is provided by law for witnesses and for victims of less serious crimes, but the same practices are often used for the latter). There is no specific provision in French law or policy which explicitly permits the recording of child suspects’ interviews and hearings (rationale for such a gap is the respect of the defendant’s right to a fair trial) but the court has a broad discretion to allow audio-video recordings of witnesses and victims in court hearings.

(2) Remote interviews and hearings: the physical presence of child suspects in custody is required for them being interviewed at the investigation stage; however, there is discretion for the judge in charge to allow remote interviews. In court, the judge may allow remote hearings – providing this is suitably balanced against the defendant’s right to a fair trial.

---

<sup>39</sup> Data extracted from Reed Smith report, gathering information from a legal sprint conducted in June 2025

<sup>40</sup> Reed Smith report, p.48

<sup>41</sup> Reed Smith report, p.64

<sup>42</sup> Reed Smith report, p.81

## The Netherlands<sup>43</sup>

The use of audiovisual interviews and remote hearings in the Netherlands is primarily governed by the Dutch Code of Criminal Procedure (“DCCP”) and the “Besluit videoconferentie” (“Videoconference Decree”). Broadly speaking, the decision as to whether to adopt these processes is at the discretion of the prosecution or judge, balancing the interests of the victim against the suspect’s right to a fair trial. Generally, Dutch law makes fewer distinctions as to whether the child is a suspect, defendant, witness or victim – there are additional safeguards available for witnesses and victims to reduce re-traumatisation. A child is a person under 18, with some additional safeguarding protections applying to those under 12. Children aged 16–17 may be tried as adults, depending on the circumstances.

## Poland<sup>44</sup>

In Poland, audio-visual recordings and remote hearings are both used as protective measures for children giving evidence in criminal proceedings, but they serve different purposes and are applied in distinct ways. Audio-visual recordings involve pre-recording a child’s interview—usually during the investigative phase—in a child-friendly environment to avoid repeated questioning and trauma. These recordings are then played back during the main trial, reducing the need for the child to appear in court in person. This method is especially common for child victims and witnesses and is governed by specific ministerial ordinances to ensure quality and admissibility.

On the other hand, remote hearings allow the child to give evidence in real-time from a location outside the courtroom, such as a separate room or a remote facility. This method protects the child from direct exposure to the defendant and the public while maintaining the possibility for live interaction and cross-examination during the trial. Live links are often used when the child’s live hearing is necessary but physical presence in court would cause distress. Both measures aim to minimise trauma and protect the child’s dignity, but recordings prioritise reducing repeated appearances, whereas live links focus on shielding the child during the actual hearing.

The age of criminal responsibility starts at 17. Children aged 13 to 17 can be subject to juvenile justice procedures, which are more protective and rehabilitative in nature. Children under 13 are not criminally responsible.

Use of audio-visual recording is:

- mandatory for victims and young witnesses (under 15);
- standard at pre-trial (especially for victims and witnesses) but is rarely used at trial or appeal; and
- optional for defendants.

Use of a live link (remote hearings) is:

- Discretionary for victims, witnesses and suspects but most often used to protect victims/witnesses and is rare for defendants.
- Used only when necessary, at trial, rarely post-trial.

---

<sup>43</sup> Reed Smith report, p.107

<sup>44</sup> Reed Smith report, p.121-122

## Republic of Ireland<sup>45</sup>

Overall, children (as victims or witnesses) can give evidence through audio-visual recorded interviews or remote hearings, depending on the stage of the criminal proceedings and their role. Key provisions include sections 14 to 16 of the Criminal Evidence Act 1992, the court's discretion in organising a Ground Rules Hearing, and the specialised Garda (i.e. the police in Ireland) interviewers and child-sensitive facilities.

Audio-visual recordings: videos of interviews with a child recorded at the pre-trial stage can be used as evidence in court. These interviews are typically conducted by a specially trained Garda (police officer) in a child-friendly setting. The child does not need to repeat their story in court. This method is especially used in sensitive cases like sexual offences or abuse. (Source: section 16 of the Criminal Evidence Act 1992)

Remote hearings: At the trial and post-trial stages, this method is more prevalent and children under 18 years of age can be heard remotely via video link, allowing them to testify from a location outside the courtroom. This is typically used in cross-examination, particularly if a pre-recorded interview has already been admitted. Further assistance like accompaniment by a support person can be issued should the court decide to proceed with a Ground Rules Hearing. (Source: section 14 of the Criminal Evidence Act 1992)

## Sweden<sup>46</sup>

In Sweden, audiovisual recordings are highly encouraged across all stages of the criminal proceedings, particularly for police interviews during the pre-trial investigation, as outlined in: (i) Förundersökningskungörelsen 1947:948 ("SFS") and (ii) Rättegångsbalken The Code of Judicial Procedure ("RB"). For child suspects/defendants, audiovisual interviews must be conducted with a legal counsel and guardian present, although the use of such recordings as trial evidence must be balanced against the preservation of fair trial rights (as such evidence may be used against them). Child victims and witnesses benefit more flexibly from audiovisual evidence, which may be admitted at trial, particularly when attendance would cause distress or otherwise be harmful to them and is commonly used particularly for children under 15.

Remote hearings in Sweden are regulated under RB and are permitted throughout criminal proceedings, if justified by the best interests of the child and again, only if such participation does not compromise the fairness of proceedings. Child victims and witnesses are more frequently allowed to be heard remotely to prevent re-traumatisation, with courts required to apply their discretion, to determine whether it is necessary, and ensure sufficient procedural safeguards. Child witnesses may also be heard remotely where vulnerability or logistical barriers make in-person hearing inappropriate. Across all roles, discretion is applied to ensure that the child's needs are balanced against ensuring trial fairness.

---

<sup>45</sup> Reed Smith report, p.142

<sup>46</sup> Reed Smith report, p.177