



E-ViVi

*Enhancing Videorecorded
Interviews and Virtual Hearings
in Europe*

Recommendations for establishing ground rules for remote hearings involving children



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Introduction

About remote hearings

A remote hearing is when a person participates in a court process in real time via video link, rather than being physically present in the courtroom. This can include hearings where individuals join from different locations or from different rooms within the same building. In these recommendations, the term ‘remote hearing’ is used throughout. In other contexts, similar practices are commonly labelled, ‘online hearings’, ‘virtual hearings’ or ‘video-link hearings’.

While the use of remote hearings in criminal proceedings increased significantly during and after the COVID-19 pandemic, to date, there is little research-based knowledge from Europe on the effects of remote hearings. While some studies examine differences in credibility assessments between in-person and remote hearings, there is little empirical research on how remote hearings affect communication and interactional dynamics between judges, prosecutors, and lawyers with defendants, complainants, witnesses, and victims.

See the [*Background paper on the use of remote hearings and recorded pretrial interviews as evidence in court*](#) for a more detailed literature review.

See the [*Remote hearings in criminal court proceedings with adult parties*](#) policy brief for general good practice guidance on the organisation and execution of remote hearings.

Remote hearings with children

Practitioner experience suggests that remote hearings can support children’s participation in criminal proceedings by reducing practical barriers, avoiding unnecessary travel, and providing an environment that feels safer and more familiar than a courtroom.

Many of the safeguards that support children’s participation during in-person hearings remain equally important in remote hearings. However, participating remotely can change how children communicate with the court and with other participants. It may affect the child’s ability to understand the proceedings, communicate effectively, exercise their procedural rights, or participate meaningfully. It may also impact how professionals detect if the child is affected by distress, confusion, or influence.

Remote participation therefore requires additional procedural considerations, including on the organisation of the remote environment, the use of technology, communication between participants, confidential communication between the child and their lawyer, and responding if difficulties arise during the hearing. Elements such as how questioning is conducted, who is present with the child, and how distress is managed, should be addressed systematically.

The recommendations in this document identify key safeguards and procedural arrangements that should be considered before a remote hearing involving a child. While many of these recommendations are relevant regardless of the child’s procedural status, some may require adaptation depending on whether the child participates as a victim, witness, or a child suspected or accused of a criminal offence.

See the publication [*Guidance for lawyers on audio-visual recording of interviews and remote hearings with child victims and witnesses in criminal proceedings*](#) for more details on specific safeguards and procedural arrangements for child victims of violence in remote hearings.

See the publication [*Guidance for lawyers on audio-visual recording of interviews and remote hearings with children suspected or accused of criminal offences*](#) for more details on specific

safeguards and procedural arrangements for children who are suspected or accused of a criminal offense.

See the publication [*Norms and provisions for audio visual recording of interviews and remote hearings with children in criminal proceedings*](#) for more details on the applicable legal frameworks for remote hearings involving children.

See the publication [*Remote court hearings with children – Key findings from the Barnahus Network*](#) for more details on the current practice of remote hearings involving children in Europe and in Barnahus.

About ground rules

In the context of remote hearings, ground rules are the procedural arrangements, safeguards and agreed expectations established before a court hearing to support the child's effective participation and the fair conduct of the proceedings. In some jurisdictions, ground rules are an established part of court procedure, while in others the same issues may be addressed through different procedural mechanisms or on a case-by-case basis.

By establishing shared expectations before the hearing begins, ground rules can help promote effective participation, support fair trial rights, reduce avoidable disruption, and ensure that the child's rights and needs remain central throughout the proceedings. They can provide a shared understanding of how the hearing will be conducted, how the child's rights and needs will be addressed, and how professionals will respond if difficulties arise. They should be in line with any existing interagency agreements which may describe the roles and responsibilities for remote hearings.

Purpose and scope

These recommendations identify key procedural adaptations and safeguards that should be considered and agreed upon in advance of a remote hearing involving a child. They are guided by the principles of effective participation, fair trial rights, the best interests of the child, respect for dignity, and trauma-informed practice. These principles apply to all children participating in criminal proceedings, while the specific procedural safeguards required may differ according to the child's role in the proceedings.

The recommendations are intended for use by professionals involved in planning, authorising, conducting or supporting remote hearings involving children. Depending on the jurisdiction, responsibility for agreeing and applying ground rules may rest with different actors, including judges, prosecutors, defence lawyers, lawyers representing children, court staff, multidisciplinary services, and other professionals supporting the child. The specific mechanisms for establishing and applying ground rules will also vary depending on the legal system, the type of proceedings, and the professionals involved. Accordingly, these recommendations are not intended to prescribe the responsibilities of individual professionals or replace jurisdiction-specific legal requirements or professional guidance.

The recommendations are intended to be used when:

- reviewing organisational procedures;
- preparing for a remote hearing involving a child;
- agreeing on procedural arrangements between relevant actors;
- reflecting on practice following a hearing.

Recommendations for establishing ground rules for remote hearings involving children

Individual assessment and suitability

An individual assessment should form the basis for decisions regarding the use of remote hearings and for the adaptations required to support the child's effective participation. It is a key safeguard for ensuring that the best interests of the child are a primary consideration throughout the proceedings and that procedural arrangements are tailored to the child's individual circumstances, rights, and needs.

The assessment should be conducted as early as possible and reviewed whenever the child's circumstances or the nature of the proceedings change. It should identify the child's strengths, capacities, support needs, and vulnerabilities, and determine the procedural adaptations, reasonable accommodations, and safeguards necessary to support the child's effective participation. It should also assist in determining whether remote participation is appropriate in light of the purpose of the hearing, the procedural stage, the child's individual circumstances, and the safeguards that can be provided.

The individual assessment should take a holistic and multidisciplinary approach, where appropriate, drawing on the information that is already available, while ensuring that the child is given an opportunity to express their views on how they wish to be heard, and that those views are given due weight in accordance with the child's age and maturity.

Ground rules, and the way they are explained to the child, should therefore reflect the findings of the individual assessment and take account of:

- the child's age, developmental stage, cognitive abilities, language, cultural background, communication and accessibility needs, emotional state, and any disability, neurodivergence, trauma, or other circumstances that may affect participation;
- the child's strengths, capacities, vulnerabilities, and possible support needs;
- the child's views, questions, and possible concerns regarding participation in a remote hearing;
- whether remote participation is appropriate and in the best interests of the child, taking into account the purpose of the hearing, the procedural stage, its potential benefits, and any risks or limitations in the particular case;
- whether the child requires additional protection or support because they have experienced violence, abuse, neglect, exploitation, trafficking, coercion, criminal exploitation, or other forms of victimisation, irrespective of their procedural status;
- any procedural adaptations, reasonable accommodations, protective measures, or support required to enable the child's effective participation, taking into account their procedural status and the applicable legal safeguards.

For each case, ask:

- *What are this child's strengths, capacities and support needs?*
- *What factors may affect their ability to participate effectively?*
- *Is remote participation appropriate in this case?*
- *What adaptations, safeguards or support will this child require?*

Information, participation, and support

Objective: To support the child's effective participation by ensuring that they receive appropriate information, can exercise their procedural rights, and receive the preparation and support required to participate effectively.

Effective participation

Ground rules should clarify how the child will be supported to:

- understand the purpose and process of the hearing;
- ask questions or indicate when they do not understand;
- indicate when they do not know the answer to a question;
- request breaks when needed;
- communicate confidentially with their lawyer, where this forms part of the child's procedural rights;
- exercise their procedural rights, including the right to remain silent.

For each case, ask ...

What arrangements does this child need in order to:

- *understand the proceedings and what is expected of them?*
- *communicate effectively during the hearing?*
- *exercise their procedural rights?*
- *remain engaged throughout the hearing?*

Interpretation and communication support

Ground rules should clarify:

- how communication will take place and be supported, including e.g. pauses, clarification, and the interpreter's role, where interpretation or communication support is required;
- how interpreters or other communication support professionals will be prepared for their role;
- how information about the child's communication needs will be shared with relevant participants;
- how professionals will recognise and respond if the child is no longer able to participate effectively.

Preparation and follow-up

Ground rules should clarify:

- how the child will be prepared to participate in the hearing in a manner appropriate to their age, developmental stage, and communication needs;
- how the child will receive timely and appropriate information about the preparation and conduct of the hearing, and the next steps in the proceedings;
- what therapeutic, protective, or other support will be available following the hearing, according to the child's needs;
- who will maintain contact with the child regarding the progress and results of the proceedings;
- whether and how feedback from the child will be sought to improve future practice.

Communication and questioning

Objective: To ensure that communication and questioning are conducted in a manner that respects the child's dignity, promotes understanding, supports effective participation, upholds fair trial rights, and contributes to obtaining reliable evidence.

Questioning arrangements

Ground rules should establish:

- how questioning will be adapted to the child's age, developmental stage, communication abilities, and individual needs;
- that questions should be clear, developmentally appropriate, and asked one at a time;
- that sufficient time will be allowed for the child to understand and answer each question;
- that questioning should avoid confusion, unnecessary repetition, pressure, hostility, or intimidating behaviour;
- whether national law permits questioning arrangements, topics, or areas for clarification to be agreed in advance and, where relevant, how these should be conveyed to the child;
- if the line of questioning must be adapted in line with other judicial processes, such as a court-ordered credibility assessments, to ensure the testimony remains valid.

For each case, ask:

- *How should questioning be adapted to this child's age, developmental stage, and communication needs?*
- *What arrangements are needed to ensure that questioning remains fair, respectful, and appropriate throughout the hearing?*
- *How will concerns about questioning or communication be identified and addressed during the hearing?*

Communication arrangements

Ground rules should clarify:

- who may communicate directly with the child during the hearing, for what purpose;
- how to limit the number of people who may speak directly with the child to the minimum that is necessary;
- how any changes to the agreed arrangements during the hearing will be explained to the child;
- when and how the child will be reminded of their procedural rights and the agreed ground rules, both before and during the hearing;
- how participants will check that the child has understood their rights and the questions asked, and, where necessary, provide clarification before continuing;
- how information from the individual assessment, including any communication needs, procedural adaptations or reasonable accommodations, will be shared with relevant participants before the hearing;
- how confidential communication between the child and their lawyer will be facilitated, where this forms part of the child's procedural rights.

Responding to inappropriate questioning

Ground rules should clarify:

- what arrangements are in place to identify questioning or communication that is inconsistent with the agreed ground rules;
- who may intervene if questioning becomes inappropriate or the child is unable to participate effectively;
- what action may be taken if intervention is required, including the circumstances in which the hearing should be paused or otherwise adapted to protect the child's effective participation or the fairness of the proceedings.

Breaks and pacing

Ground rules should clarify:

- when breaks should be offered or requested;
- what indicators should prompt consideration of a break;
- who may request a break, and how;
- how the pace of the hearing will be adapted to the child's needs;
- how the hearing will resume following a break.

Remote environment and technology

Objective: To provide a remote environment that supports effective participation, protects privacy, and enables all parties to have confidence in the integrity of the proceedings.

Hearing environment

Ground rules should establish:

- where the child will participate from, and how that environment will support the child's individual needs;
- whether the location is neutral and free from associations that may cause distress, intimidation, secondary victimisation, or retraumatisation;
- what professional support will be available to the child before, during, and after the hearing;
- how the child's views will be considered when deciding who should accompany or support them during the hearing;
- who may be present with the child during the hearing, and what this person's role is;
- how to limit the number of people in the hearing room with the child to the minimum that is necessary to support their meaningful and safe participation;
- how the environment will support the child's comfort, concentration and effective participation;
- how unnecessary distractions and interruptions will be minimised;
- how the child will be protected from intimidation or unwanted contact before, during and after the hearing.

For each case, ask:

- *What environment will best support this child's participation?*
- *What arrangements are needed to ensure the child feels safe, comfortable, and free from influence?*
- *Does the technology allow this child to communicate effectively and access support when needed?*
- *How will all participants be confident that the hearing can proceed fairly and securely?*

Privacy, identity, and integrity

Ground rules should clarify:

- how the identity of all persons present at each remote location will be confirmed;
- how the privacy of the hearing will be maintained;
- how participants can confirm that the child is participating without coaching, intimidation, or other improper influence;
- that child will be visible to all participants throughout the hearing in a way that enables effective communication and observation;
- how participants will respond if the child can no longer be adequately seen or heard, or if the presence of other persons or other circumstances raise concerns about the integrity of the proceedings;
- what arrangements are in place to ensure that unauthorised persons cannot observe, record, or influence the proceedings.

Technical requirements

Ground rules should establish:

- that the technology, equipment, and link from the specific hearing room and courtroom will be tested well before the hearing, including by the child;
- who will provide technical support if difficulties arise during the hearing;
- that camera positioning, framing, and lighting allow the child's communication and participation to be observed accurately;
- how the audio-visual arrangements will enable the child to see and identify the participants who are communicating with them during the hearing;
- that the field of view is sufficient to identify persons present with the child and, where necessary, the wider environment;
- that all participants can see and hear one another clearly throughout the hearing;
- that any assistive technology or equipment identified through the individual assessment is available and functioning;
- how technical issues will be identified and resolved;
- what contingency arrangements are in place if the technology fails.

Communication and contingency arrangements

Ground rules should clarify:

- how participants at different locations will communicate with one another throughout the hearing, ensuring that the selected method is not distracting or disruptive;
- how the child will communicate with the court if they need assistance;
- how confidential communication between relevant participants will be facilitated where required by the applicable legal framework;
- how any changes to the hearing arrangements will be communicated to all participants.

Risk management

Objective: To ensure that agreed procedures are in place for responding to problems that may affect the child's participation or the fairness of the proceedings.

A risk management tool is provided in [annex I](#).

Recognising emerging difficulties

Taking into consideration the findings of the individual assessment of each child, ground rules should establish:

- how concerns about the child's participation or wellbeing may be identified during the hearing;
- what indicators, including those identified through the individual assessment, may suggest that the child
 - is no longer understands the proceedings or questions,
 - is unable to communicate effectively,
 - shows signs of distress, fatigue or overwhelm,
 - is affected by technical or environmental difficulties, or
 - appears to be subject to coaching, intimidation or other improper influence;
- how participants should communicate concerns during the hearing;
- how concerns raised by the child will be recognised and responded to.

For each case, ask:

- What difficulties might affect this child's participation during the hearing?
- How will those difficulties be recognised and responded to? By whom?
- What action should be taken if they cannot be resolved immediately?

Responding to difficulties

Ground rules should establish:

- who is responsible for deciding what action should be taken in response to concerns, including through pausing, adapting, or discontinuing the hearing;
- what adaptations may be made to address:
 - communication difficulties;
 - emotional distress;
 - technical failures;
 - environmental or safety concerns;
 - other barriers to effective participation;
- how those adaptations will reflect the child's individual assessment and evolving needs during the hearing;
- how the child's views will be sought before significant adaptations are made to the hearing, considering their age, maturity and the circumstances of the case;
- the circumstances in which the hearing should be paused, adapted or discontinued;
- how decisions about adapting or postponing the hearing will be communicated to all participants;
- how the child will be informed about any changes to the hearing.

Do not continue a remote hearing at all costs. Pause the hearing until the communication breakdown can be resolved.

Maintaining participation and procedural fairness

Ground rules should establish:

- how the child's procedural rights and wellbeing will be protected while difficulties are being addressed;
- how the fairness of the proceedings will be maintained if participation is interrupted;
- what arrangements will apply if the hearing cannot continue as planned;
- whether further preparation or revised ground rules will be required before the hearing resumes.

Recording and follow-up

Ground rules should establish:

- how significant interruptions, adaptations, or decisions made during the hearing will be documented;
- whether any further preparation, support, or procedural adaptations will be required before the hearing resumes or continues;
- when the agreed ground rules and, where necessary, the individual assessment should be reviewed or revised before any subsequent hearing.

Annex I: Risk management tool

Consider developing a risk assessment plan for each hearing. A template is provided below.

If for any reason you cannot apply one of the recommendations outlined in this document, consider what risks may follow, and consider including those in the risk management plan for each remote hearing.

Consider using the risk management plan and children's feedback as essential elements of your monitoring and evaluation routines, and also as a basis for promoting improvements to law, policy, and practice.

The examples below are illustrative and should be adapted to the circumstances of the individual child, the proceedings, and the applicable legal framework.

Risk management template

Risk	Likelihood	Impact	Planned response
1. The child becomes distressed	(case-by-case assessment)	May prevent the child from participating in the hearing, and thus their access to a fair trial.	• Consider assigning a specially trained support person. • Decide in advance who has the knowledge and authority to determine whether the hearing should continue, be paused or be discontinued. • Ensure it is clear who may intervene and how.
2. The child's special needs are limiting	(case-by-case assessment)	May give the judge and others the impression that they are not taking the hearing seriously, and thus may affect the child's access to a fair trial.	• Ensure that relevant participants have been informed in advance about the child's communication or participation needs. • Follow the previously agreed arrangements regarding breaks and other procedural adaptations.
3.			
...			

Annex II: The role of Barnahus

In jurisdictions where Barnahus are recognised as a venue for remote hearings, Barnahus can facilitate coordination between legal, child protection, physical and mental health professionals, supporting a more coherent and consistent approach to children's participation throughout criminal proceedings. In these cases, Barnahus provides:

- a child-friendly physical environment;
- a multidisciplinary framework that integrates safeguarding, psychological support, and procedural coordination;
- continuity between investigative and adjudicative stages;
- a platform enabling children to participate from a child-friendly environment, which may already be familiar to them.

The combined effect of the above can reduce the impact of transitioning from a child-centred investigative setting to a formal courtroom process, which may otherwise reintroduce stress and unpredictability.

Practitioners within Barnahus bring specialised expertise on child development, trauma, and communication, which can inform how children's participation in remote hearings is organised and supported. They can play a key role in identifying risks related to remote participation, including the environment, communication, neurodivergence, development, trauma, and other factors that may affect the child's ability to participate effectively.

Barnahus apply evidence-informed approaches to communication with children, which can support children's effective participation in remote hearings, and can contribute to conditions that promote the quality and reliability of their evidence. This provides a bridge between child-centred practice and traditional court procedures. It can support the practical implementation of safeguards during remote hearings.

In some jurisdictions, Barnahus can contribute to justifying the application of procedural safeguards, for example, by providing assessments or recommendations regarding the child's needs. Where their assessments are recognised, Barnahus can contribute to more consistent and systematic application of procedural safeguards, reducing reliance on ad hoc decision-making.

Where Barnahus are used as venues for remote hearings, they can also contribute to monitoring and evaluating practice. Information gathered through risk assessments, professional reflection, and children's feedback can help identify recurring challenges and inform improvements to organisational procedures, multidisciplinary cooperation and the wider justice system. The use of Barnahus for remote hearings requires careful consideration to ensure that its role as a safe, therapeutic, and supportive environment is not compromised.

Barnahus can use these recommendations to support structured discussions with justice professionals when planning remote hearings, establishing routines for remote hearings, and ensuring compliance. The recommendations can help to promote a shared understanding of children's participation needs, and contribute to the development of consistent, high-quality and rights-based practice.



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