



E-ViVi

*Enhancing Videorecorded
Interviews and Virtual Hearings
in Europe*

Guidance for lawyers on audio- visual recording of interviews and remote hearings with children suspected or accused of criminal offences



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Published September 2026 in Stockholm

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Introduction

Audio-visual recording (AVR) of interviews is used in many jurisdictions as an important safeguard in criminal proceedings involving children suspected or accused of criminal offences, although the extent and manner of its use vary. Remote hearings may be used in some jurisdictions and at certain stages of proceedings, particularly where practical or protective considerations justify their use. While both involve the use of technology, they are distinct procedures and raise different legal and practical considerations.

This handbook addresses both, distinguishing between their respective functions and safeguards. It provides guidance on their appropriate use in proceedings involving children suspected or accused of criminal offences. A separate guidance is provided covering the use of AVR interviews and remote hearings with [child victims and witnesses](#).

When properly implemented, AVR and remote hearings can strengthen procedural safeguards, enhance the quality and reliability of evidence, support child-friendly procedures, and facilitate participation despite geographical barriers or other practical constraints. They can also help ensure that children receive information, are heard, and are able to exercise their rights effectively throughout the proceedings. AVR may provide important protection against procedural irregularities and contribute to the transparency and reviewability of interviews. However, AVR and remote hearings may also present limitations, including potential intimidation caused by recording equipment, reduced immediacy, challenges to effective participation and communication with legal counsel, difficulties in assessing non-verbal communication, and, in some circumstances, risks to the fairness of proceedings.

Lawyers representing children suspected or accused of criminal offences play a central role in safeguarding children's rights and interests in this context. The lawyer's role is not to facilitate the investigation but to safeguard the child's rights, interests and procedural fairness throughout the proceedings. This handbook provides guidance on assessing the benefits and risks of AVR and remote hearings and on taking appropriate measures to protect children's rights, wellbeing, and effective participation throughout criminal proceedings. While some considerations overlap, important distinctions exist between AVR and remote hearings, which are reflected where relevant.

The handbook focuses on considerations specific to AVR and remote hearings, while acknowledging that general principles of child-friendly justice remain applicable and may require particular attention in these contexts.

The guidance should be applied in accordance with applicable national legal frameworks and procedural rules, which may vary across jurisdictions.

➔ Key definitions of terms used in the document are available in the appendix.

General principles and safeguards

Irrespective of the use of AVR and remote hearings, a child-friendly justice approach requires the consistent application of appropriate safeguards. This is essential to ensure full respect for the rights¹, needs, and best interests² of children suspected or accused of criminal offences, to safeguard their right to a fair trial and effective participation, and to prevent avoidable harm.

According to the Council of Europe, child-friendly justice should be accessible, age-appropriate, speedy, diligent, adapted, and focused on the needs of the child, while respecting the right to due process, the right to participate in and understand the proceedings, the right to private and family life, and the right to integrity and dignity.³ Child-friendly justice is guided by core principles, including the child's right to participate, the primacy of the best interests of the child, equal treatment with appropriate protection for vulnerability, dignity, and the rule of law applying equally to children and adults.⁴

Alongside the European Convention on Human Rights, which guarantees the right to a fair trial under Article 6, key European instruments provide specific protections for children suspected or accused of criminal offences, including⁵:

- [Directive \(EU\) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings](#);
- [Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings](#);
- [Directive 2012/13/EU on the right to information in criminal proceedings](#);
- [Directive \(EU\) 2016/343 on the strengthening of certain aspects of the presumption of innocence and of the right to be present at the trial in criminal proceedings](#).

Lawyers representing children suspected or accused of criminal offences should be familiar with the principles of child-friendly justice and adapt their practice accordingly. They should recognise children as rights-holders and ensure that they receive information, legal assistance, and opportunities to participate that are tailored to their individual circumstances and needs. This is particularly important when AVR and remote hearings are used, as these procedures, despite their recognised benefits, may create additional distance from justice practitioners and introduce challenges to communication, effective participation, confidential communication with legal counsel, and the overall fairness of proceedings.

Lawyers working with children should also possess a basic understanding of child development, child psychology, trauma, and age-appropriate communication.⁶ They should be able to recognise how developmental stage, trauma, disability, neurodivergence, cultural background, and other individual circumstances may affect a child's understanding, behaviour, participation, communication, recollection of events, and decision-making. Lawyers should

¹ Appendix II provides an excerpt of children's rights in criminal justice with reference to key European Legal Provisions.

² The best interests of the child must be a primary consideration in all actions and decisions concerning the child. This is an international legal obligation under Article 3 of the UN Convention on the Rights of the Child. It requires that decisions be based on an individual assessment of the child's interests. The concept is context-specific and must be determined on a case-by-case basis. For more information on the best interests of the child and how they are determined in the context of criminal justice, see *Barnahus Quality Standards, Summary, Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, Council of the Baltic Sea States, 2019: Standard 1.1, pp.25-30*

³ See: <https://www.coe.int/en/web/children/child-friendly-justice>

⁴ Guidelines of the Committee of Ministers of the Council of Europe on Child-friendly Justice, Council of Europe, 2010, p.10. These principles are aligned with the United Nations Economic and Social Council's 2005/20 Guidelines on Justice in Matters Involving Child Victims and Witnesses of Crime

⁵ Other relevant instruments are listed in Appendix II.

⁶ Suggested readings:

- Academic literature from [Elizabeth S. Scott](#), [Laurence Steinberg](#), and [Thomas Grisso](#)
- *How Children Develop* <https://www.macmillanlearning.com/ed/uk/product/How-Children-Develop--7th-edition/p/1319545068>
- *Children's Rights and Children's Development: An Integrated Approach* <https://nyupress.org/9781479825486/childrens-rights-and-childrens-development-an-integrated-approach/>

also be aware that children may be more susceptible than adults to suggestion, manipulation, pressure, misunderstanding of possible judicial outcomes, or compliance with authority, which may, in some circumstances, increase the risk of inaccurate or false confessions.

Where AVR or remote hearings are used, lawyers should pay particular attention to:

- Informing the child;
- Hearing the child's concerns and views and giving them due consideration;
- Adapting their professional practice to the child's individual circumstances and needs, including the way they communicate and engage with the child;
- Verifying that general and procedure-specific safeguards are maintained throughout the criminal proceedings.

Informing, listening, considering the child's views

Children suspected or accused of criminal offences may experience stress, uncertainty, and a loss of control due to complex procedures, unfamiliar legal terminology, intimidating environments, and limited information about the progress of their case. They may also feel that their views are not heard or considered. This may cause emotional harm, create confusion about what is expected of them, undermine trust in the justice process, and affect their ability to participate effectively in the proceedings.

Children suspected or accused of criminal offences may be particularly vulnerable during criminal proceedings. Developmental factors, stress, unfamiliar environments, and power imbalances between children and authorities may affect their understanding, decision-making, and behaviour. Some children may be more susceptible to suggestion, pressure, or compliance with perceived expectations, while others may find it difficult to express disagreement, ask questions, or exercise their rights effectively. These vulnerabilities underline the importance of ensuring that children are properly informed, listened to, and supported throughout the proceedings.

Lawyers representing children suspected or accused of criminal offences play an important role in ensuring that children receive timely, clear, and understandable information, are able to express their views, and are supported throughout the proceedings. Children should be enabled to participate in matters affecting them in accordance with their age, maturity, and individual circumstances, and their views should be duly considered.

- ☐ Provide information and explanations as frequently and in as much detail as necessary, including information about the progress of the case, upcoming procedural steps, the roles of different professionals, the child's rights, available support services, the use of recorded interviews and remote participation, and what the child can expect at each stage of the proceedings.
- ☐ Ensure that information is provided in a manner that is appropriate to the child's age, maturity, language, and individual circumstances. Use clear, simple, and empathetic language and, where appropriate, visual aids or other child-friendly materials.
- ☐ Ensure that the child is given genuine opportunities to express their views, including regarding the use of technology, recorded interviews, remote participation, and practical arrangements affecting their participation, and ensure that those views are duly considered.

- Continue checking the child’s understanding, views, and instructions throughout the proceedings. Children’s decisions and preferences may change as they receive further information, reflect on the proceedings, or gain confidence in their lawyer. Important decisions should therefore be revisited where appropriate rather than relying solely on instructions given at an earlier stage. Do not assume that agreement, apparent cooperation, or affirmative responses necessarily indicate understanding or informed decision-making.
- Support the child to make informed decisions about the exercise of their procedural rights. Effective legal assistance may include advising the child on whether and how to exercise rights available under national law, including the right to remain silent, while ensuring that any decisions are informed, voluntary, and based on the child’s own instructions.
- Encourage all professionals involved in the proceedings to adopt practices consistent with these principles.

Building trust and establishing a respectful and supportive professional relationship with the child is essential. Lawyers should, whenever possible, meet the child before any interview or hearing to introduce themselves, explain their role, discuss the child’s rights, and answer questions. Initial discussions should focus on helping the child feel comfortable and understand what to expect from the proceedings.

Building a constructive relationship begins from the first interaction with the child. Showing consideration through small gestures, such as asking whether the child would like a glass of water, needs to use the restroom, or has any immediate concerns, may help reduce anxiety and promote engagement.

Children should be treated with respect, patience, and sensitivity. Where possible, they should be given appropriate choices and a sense of control over matters affecting their participation, such as where to sit, requesting a break, raising concerns, or discussing practical arrangements. The aim is to reduce anxiety, support understanding, and enable the child to participate effectively and make informed decisions throughout the proceedings.

Lawyers should remain aware that establishing trust and rapport does not mean encouraging the child to disclose information or to speak beyond what they wish to say. Nor should rapport-building create pressure to cooperate or increase compliance with perceived expectations. Rather, it is intended to create conditions in which the child understands the proceedings, feels respected, and is able to exercise their rights effectively and make informed decisions.

Adapting practices to the child

Children perceive and respond to their environment according to their developmental stage, personal history, emotional state, cultural and linguistic background, gender, disability, and other individual circumstances. These factors influence how children understand and communicate about time, relationships, authority, locations, distances, and judicial proceedings.

Children suspected or accused of criminal offences may be particularly vulnerable to stress, pressure, and power imbalances during criminal proceedings. Developmental factors and unfamiliar environments may affect their understanding, decision-making, and behaviour. Some children may be more susceptible to suggestion, manipulation, misunderstanding of possible judicial outcomes, compliance with perceived expectations, or pressure from authority figures, and may find it difficult to express disagreement, ask questions, or exercise their rights effectively.

Developmental immaturity may affect not only how children communicate and understand information, but also how they assess risks, consider long-term consequences, resist pressure, and make legally significant decisions. Lawyers should therefore take particular care to ensure that the child's decisions and instructions are informed, voluntary, and based on genuine understanding rather than acquiescence, confusion, or a desire to please authority figures. In some circumstances, these factors may increase the risk of inaccurate statements or false confessions. Failure to take these aspects into account may undermine the child's effective participation, hinder communication, and lead to misunderstandings about the child's behaviour, needs, and evidence.

Children suspected or accused of criminal offences may also be victims of violence, abuse, exploitation, neglect, trafficking, or other harmful or traumatic experiences, whether related to the offence under investigation or not. Trauma may affect memory, communication, concentration, emotional regulation, and behaviour, and may result in reactions that are misinterpreted as evasiveness, aggression, indifference, or lack of engagement. Lawyers should remain attentive to this possibility and consider whether the child may require additional safeguards, support, or referral through victim-support pathways. Victimisation does not diminish the child's procedural rights or responsibilities as a suspect or accused person. Rather, it may be essential to ensure an individualised, child-friendly, and trauma-informed response, which may make it easier for the child to participate in the criminal justice process.

An individual assessment is a structured process aimed at identifying the child's specific circumstances, needs, vulnerabilities, strengths, and support requirements to determine what adaptations, safeguards, and protective measures may be necessary throughout the proceedings. The assessment should take account of the child's age, maturity, developmental stage, communication abilities, cognitive functioning, disability, trauma history, cultural and linguistic background, family circumstances, views, and any factors that may affect the child's understanding of the proceedings, decision-making, or ability to participate effectively.

- ☐ Verify that an individual assessment of the child's circumstances, needs, capacities, and support requirements, including those relevant to the use of digital technologies, is conducted and that its findings, as well as the child's views, inform decisions throughout the proceedings. Where no individual assessment has been carried out, consider advocating for one and, where appropriate, seeking support from relevant professionals.
- ☐ Where necessary to safeguard the child's rights and effective participation, actively request procedural adaptations, protective measures, or other accommodations available under national law. These may include adaptations to communication, scheduling, questioning, the hearing format, the location of proceedings, breaks, the involvement of interpreters or other support persons, or other measures identified through the individual assessment.
- ☐ Ensure that your practice and engagement with the child are adapted in accordance with the findings of the individual assessment. Verify that all relevant professionals are aware of any identified needs and that appropriate adaptations and safeguards are discussed and implemented.
- ☐ Use language that is clear, simple, and adapted to the child's age, maturity, and communication needs. Where appropriate, use visual aids, timelines, diagrams, visual mappings of the process, or other child-friendly tools to explain procedures, participants, roles, and upcoming steps.

- Acquire knowledge and skills relating to child development, child psychology, trauma, trauma-informed practice, and factors affecting children's decision-making and participation, including suggestibility, compliance, and the risk of inaccurate or false confessions. Encourage similar competence among other professionals involved in the proceedings.
- Ensure that the child understands the matters on which they may be questioned, the choices available to them, and what is expected of them during the proceedings.
- Ensure that the child's individual circumstances and needs are understood and appropriately considered by all professionals involved in the proceedings, to support a fair and informed assessment of the child's communication, participation, and evidence.

Recorded interviews – procedure-specific safeguards and guidance

Audio-visual recording (AVR) is used in investigative interviews involving children suspected or accused of criminal offences, particularly during police questioning and pre-trial investigations. In some jurisdictions, the recording of interviews with children suspected or accused of criminal offences is mandatory or strongly encouraged as an important procedural safeguard, while in others its use depends on the type of offence, the age of the child, or the stage of the proceedings.

Recorded interviews may strengthen procedural safeguards, enhance transparency, and provide important protection for children involved in criminal proceedings. At the same time, they may create additional challenges, ranging from practical barriers to participation to potential interferences with children's rights. These may include intimidation caused by recording equipment, misunderstandings arising from communication difficulties, reduced participation, technical failures, and risks to the integrity, reliability, admissibility, or evidential value of recorded interviews and testimony. Additional safeguards should therefore be carefully considered whenever recorded interviews are used.

The core principles and safeguards outlined in this document address many of the risks faced by children suspected or accused of criminal offences. The document provides general guidance on the use of AVR involving children suspected or accused of criminal offences. While the recommendations seek to be applicable across different procedural stages, additional adaptations may be required depending on the purpose of the procedure, the child's individual circumstances, and the applicable legal framework in your jurisdiction.

In pre-trial investigations

Recorded interviews with children suspected or accused of criminal offences should comply with applicable international and European legal instruments, as well as evidence-based interviewing standards and protocols. Structured interviewing approaches, including adaptations of the NICHD Protocol and related evidence-based models, may help facilitate communication, obtain accurate and reliable information, minimise inappropriate influence, and safeguard the child's procedural rights.⁷ Child interviewing standards also recommend broader safeguarding measures, including:

- Interviews conducted by specialised and adequately trained professionals;
- High-quality audio-visual recording (AVR) and, where appropriate, live observation of interviews;
- Child-friendly interview settings that are safe, comfortable, non-intimidating, and free from unnecessary distractions;
- Adaptation of interview techniques to the child's age, developmental stage, communication needs, disabilities, cultural and linguistic background, and other individual circumstances;

⁷ See the policy brief for the Child Forensic Interviews: Recommendations by the European Association of Psychology and Law,

[https://heuni.fi/documents/47074104/0/PolicyBrief_EAPL+2024+Child+Forensic+Interviewing+\(2\).pdf/30956dd9-5ce0-cb07-902a-15572f5be7a4?t=1716537376546](https://heuni.fi/documents/47074104/0/PolicyBrief_EAPL+2024+Child+Forensic+Interviewing+(2).pdf/30956dd9-5ce0-cb07-902a-15572f5be7a4?t=1716537376546)

See also the [Recommendations for Interviewing Child Suspects](#).

- Respect for procedural safeguards, including the child's right to information, access to legal assistance, protection against self-incrimination, and measures to ensure the integrity and admissibility of evidence.

High-quality recording is a particularly important safeguard. Camera and microphone placement, image and sound quality, visibility of participants, and recording of the interview in its entirety are essential to preserve the integrity, reliability, and evidential value of the interview. Poor recording quality may make it difficult to assess the child's communication, the conduct of the interview, and compliance with interviewing standards and procedural safeguards. In some jurisdictions, deficiencies in the recording may also affect the admissibility or weight of the evidence.

- ☐ Familiarise yourself with current evidence-based interviewing standards and protocols, including structured interviewing approaches and guidance specifically developed for interviewing children suspected or accused of criminal offences.
- ☐ Verify that interviewers are appropriately trained and that interviews are conducted in accordance with recognised child interviewing standards and protocols.
- ☐ Verify that the technical quality of the recording is sufficient to accurately capture the interview, including the child's verbal and non-verbal communication, the interviewer, any other persons present, and any interview aids used.

Justifications for using AVR

The principal justifications for the use of AVR are:

- To protect the child from coercion, intimidation, inappropriate questioning, or other procedural irregularities by creating a complete and reviewable record of the interview.
- To safeguard the child's procedural rights, including the right to legal assistance and the right to challenge the accuracy of written records or accounts of the interview.
- To preserve the integrity, reliability, and evidential value of the child's statements by accurately documenting both the child's responses and the way questions were asked.
- To enhance transparency and accountability by enabling courts and parties to review the interview in its entirety, and assess whether procedural safeguards and interviewing standards were respected.
- To reduce disputes regarding what was said during the interview and how the child was treated.

Benefits, potential risks, and limitations

It is important to be aware of, and address to the maximum extent possible, the potential benefits, risks, and limitations associated with the use of recorded interviews.

Benefits for the child

- 👉 It provides an objective and reviewable record of the interview, reducing reliance on summaries or recollections.
- 👉 It protects the child against coercion, intimidation, inappropriate questioning, and other procedural irregularities.
- 👉 It may reduce disputes about what was said during the interview and how the child was treated.
- 👉 It may strengthen the child's access to effective legal assistance and facilitate review of the proceedings at later stages, including on appeal.

Benefits for evidence and proceedings

- 👉 It provides a contemporaneous, complete, and reviewable record of the interview, including both the child's account and the questions asked by the interviewer.
- 👉 It preserves primary evidence by accurately documenting the child's account at an early stage of the proceedings.
- 👉 It allows courts and parties to review not only what was said but also how the interview was conducted, supporting transparency and scrutiny of interviewing practices.
- 👉 It allows procedural safeguards and compliance with interviewing standards to be assessed retrospectively.

Potential risks and limitations affecting the child

- 👉 The use of recording equipment may be intimidating or distressing for some children and may increase anxiety or inhibit communication.
- 👉 Children may not fully understand how recordings will be used, who may have access to them, or how long they will be retained. This may affect their willingness to participate openly.
- 👉 Children may feel pressure to appear cooperative or consistent once a recording exists, particularly if they misunderstand its purpose or evidential value.
- 👉 Delays in reviewing or using recorded interviews may undermine the child's trust in the proceedings and reduce their understanding of the process.

Potential risks and limitations affecting proceedings and evidence

- 👉 Recorded interviews may not capture all aspects of non-verbal communication. Body posture, gestures, movement, interactions within the room, and other contextual factors may be partially obscured or lost.
- 👉 Camera framing, image quality, lighting, and recording angles may influence how the child's behaviour, emotions, and communication are perceived.
- 👉 Where recorded interviews do not clearly show all persons present, including the interviewer, it may be more difficult to assess the fairness of the interview process, the possibility of influence, or compliance with interviewing standards.

Technical, privacy and evidential risks

- 👉 Technical failures, including poor audio or video quality, may compromise the integrity, reliability, admissibility, or evidential value of the interview.
- 👉 Questions may arise regarding the authenticity, completeness, or integrity of recorded interviews, particularly where recording procedures, storage arrangements, or chain-of-custody safeguards are inadequate.
- 👉 If recorded interviews are mishandled, there may be risks to the child's privacy, confidentiality, personal data, and safety.

Legal considerations

Where children suspected or accused of criminal offences are interviewed, the use – or absence – of AVR interviews may raise legal questions relating to:

- The reliability, integrity, and admissibility of evidence;
- Compliance with interviewing standards and procedural safeguards applicable to children suspected or accused of criminal offences;
- Respect for the child's procedural rights, including the right to information, the right of access to a lawyer, the right to remain silent, the privilege against self-incrimination, and the right to effective participation;

- The voluntariness and reliability of statements, including whether developmental factors, vulnerability, suggestibility, pressure, or the conduct of the interview may have affected the child's responses;
- The effective exercise of defence rights, including the opportunity to review, challenge, and test evidence through appropriate procedural safeguards.

The absence of AVR may itself raise concerns regarding the fairness of the proceedings and the protection of the child's procedural rights. Where interviews are recorded, the recordings may serve important procedural functions, including:

- Challenging the accuracy or completeness of written records of the interview;
- Identifying potential breaches of procedural rights or inappropriate interviewing practices;
- Enabling courts and parties to review both the child's statements and the way the interview was conducted.

What the European Court of Human Rights says:

The European Court of Human Rights does not consider the absence of AVR to constitute, in itself, a violation of the right to a fair trial under Article 6 of the European Convention on Human Rights. However, the absence of a recording may weigh against the State when combined with other procedural deficiencies. The Court assesses the overall fairness of the proceedings, taking into account factors such as access to legal assistance, the conditions and fairness of police questioning, the protection.

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

Note: Underlying principles and related key EU legal provisions can be found in Appendix II.

How to use AVR and what role you can play

Prior to the recorded interview

Assessment of appropriateness

Children's developmental stage, personal history, emotional state, cultural and linguistic background, disability, and other individual circumstances may influence how they experience an audio-visually recorded interview. Some children may find recording equipment intimidating or perceive the recording as an additional source of pressure. Others may fear that statements made during the interview will be replayed repeatedly or used against them in ways they do not fully understand. Failing to take these factors into account may undermine effective participation, increase anxiety, affect the child's understanding of their rights, and ultimately influence the quality and reliability of the information obtained.

The use of AVR should therefore be adapted to the child's individual circumstances, needs, and procedural safeguards.

A child's discomfort with being audio-visually recorded should first and foremost be regarded as a situation requiring careful assessment and appropriate adaptations. This may include additional preparation, enhanced information, child-friendly arrangements, appropriate support, and, where relevant, psychosocial or therapeutic support.

Children suspected or accused of criminal offences may also have experienced violence, abuse, exploitation, neglect, or other adverse experiences. Such experiences may affect how they engage with the interview process and should be considered when assessing the appropriateness of AVR and any adaptations required.

Where national law does not require the use of AVR, and the child expresses significant concerns about the procedure, rely on the individual assessment conducted (see the section on "Adapting practices to the child") to assess the potential impact of AVR and available alternatives on the rights of the child, including:

- the child's wellbeing, participation, procedural safeguards,
- the overall fairness of the proceedings, including the accuracy of the interview record,
- and the risk of later disputes about what was said.

Advocate for the option that best aligns with the best interests of the child.

- ☐ If AVR is not used where it is available, appropriate, or required by law, seek clarification regarding the reasons and consider whether additional safeguards are necessary based on the individual assessment.

Preparation of the child

- ☐ Explain the AVR process and next steps, including:
 - who will be present during the interview or may observe it remotely, and if criminal justice actors will be in plain clothes or uniforms;
 - when and for what purposes the recording may be used;
 - how the recording will be protected and stored;
 - who may have access to the recording;
 - how long the recording may be retained;
 - the child's rights during the interview, including the right to legal assistance and, where applicable under national law, the right to remain silent and the privilege against self-incrimination.

- Verify that the child understands this information by asking them to explain it in their own words. Clarify misunderstandings and repeat explanations as often as necessary.
- Explain that the recording is intended to safeguard both the child's rights and the integrity of the proceedings, including by providing an accurate record of what happened during the interview.

Note: Children should receive this information before the interview in a manner that is clear, age-appropriate, and accessible. Particular care should be taken to ensure that the child understands their rights and the purpose and possible consequences of the recording.

Location

Barnahus, hospital-based services, or dedicated child interview rooms may benefit children suspected or accused of criminal offences, as they may be vulnerable, exposed to trauma, or have experienced victimisation. Child-friendly environments may improve communication, reduce anxiety, and contribute to higher-quality interviews.

However, in practice, such settings are still rarely used for suspected or accused children, who are more commonly interviewed in police premises or in the offices of prosecutors or judges. Less appropriate equipment and storage setups, such as webcams or standard office recording systems, are also often used.

Where dedicated child-friendly facilities are not available, efforts should nevertheless be made to ensure that the interview environment is adapted to the child's age, maturity, and individual circumstances.

- Advocate for the use of a child-friendly location that provides both an appropriate environment and high-quality recording facilities. Consider the child's individual needs and any vulnerabilities, as well as the need for recordings that accurately capture the interview and are suitable for evidential purposes.

Note: Depending on the child's age, developmental stage, and individual circumstances, some children may benefit from visiting the location and becoming familiar with the environment, equipment, and professionals involved before the interview takes place.

Technical aspects

The use of technology can bring important benefits, including strengthened procedural safeguards, improved transparency, and more child-friendly proceedings. At the same time, it may introduce risks, such as breaches of confidentiality or personal data protection, poor audio-visual quality affecting communication and assessment of the interview, and technical interruptions that disrupt the child's concentration or participation. If not properly addressed, these issues may expose the child to harm, and affect the quality, reliability, integrity, or admissibility of the evidence.

Prior to the recorded interview, ensure that:

- ☐ The audio-visual recording equipment is functioning properly and has been tested in advance where necessary.
- ☐ No background noise would compromise the quality of the recordings.
- ☐ The recording clearly captures the child, the interviewer, any other persons present, and any interview aids or materials used during the interview.⁸
- ☐ Camera positioning allows relevant verbal and non-verbal communication, interactions, and the overall conduct of the interview to be observed throughout.
- ☐ Where possible, more than one camera should be used. A wider view may assist in showing the interview environment and all persons present, while a closer view may better capture the child's communication, facial expressions, and gestures. Multiple cameras may also provide additional safeguards in the event of technical failure.
- ☐ Cameras should be positioned in a neutral and consistent manner that does not distort perceptions of the child. Consideration should be given to camera angle, framing, lighting, and background, as these factors may influence how the child's communication, emotions, and behaviour are perceived.
- ☐ The interviewer should be visible in the recording. This may assist in assessing the fairness of the interview, compliance with interviewing standards, and any concerns regarding influence or inappropriate questioning.
- ☐ Where a lawyer is present in the interview room, the recording should, where possible, also capture their presence, as this may assist in demonstrating that legal assistance was effectively provided.
- ☐ It may be important for the recording to capture the entire room, or for the room to be shown at the beginning of the interview, to demonstrate that the child has not been coached and that the interview has not been interfered with.
- ☐ Recorded interviews are securely stored and protected against unauthorised access, alteration, or misuse.

Note: You may request additional protective measures where necessary and legally available, such as image or voice distortion, concealment of location, or other measures designed to protect the child's identity and privacy.

⁸ The use of such techniques (drawings, dolls, etc.) is debated and generally not recommended by child-interviewing standards. For more information see Korkman, J. et al. (2025) 'White paper on forensic child interviewing: research-based recommendations by the European Association of Psychology and Law', *Psychology, Crime & Law*, 31(8), pp. 987–1030. doi: 10.1080/1068316X.2024.2324098. <https://www.tandfonline.com/doi/full/10.1080/1068316X.2024.2324098>

Attendance

Depending on national law and the procedural framework governing the interview, a lawyer and/or another trusted adult or support person may be required or permitted to attend or observe the interview. The presence of a lawyer is an important procedural safeguard and, where required by law, should not be restricted by technical or organisational considerations.

From both a child-centred and technical perspective, the number of persons physically present in the interview room should nevertheless be limited to those whose presence is strictly necessary. Many participants may make the environment more intimidating for the child and may also compromise the quality of the recording.

Video recording may allow relevant professionals to observe the interview remotely while limiting the number of persons physically present in the room.

- ☐ Attend the interview where required or appropriate under national law.
- ☐ Verify that you can communicate confidentially with the child before the interview and, where necessary, during the interview.
- ☐ Ensure that you, and any other persons present, avoid conduct that may distract the child or compromise the quality of the recording. Ensure that everyone present understands their role and avoids unnecessary interruptions or behaviour that may interfere with the interview.
- ☐ Monitor whether the presence of any additional person affects the child's participation, communication, or the quality of the interview.
- ☐ If AVR is not used or permitted, request a justification where appropriate, or request postponement where recording is mandatory.
- ☐ If an interpreter and/or support person is permitted to be present in the interview room, ensure that they are briefed in advance regarding their role. They should avoid unnecessary interruptions, distracting movements, or behaviours that may interfere with the interview or compromise the quality of the recording.
- ☐ Where an interpreter is involved, ensure that the child has an opportunity to become familiar with the interpreter before the interview begins and understands the interpreter's role.
- ☐ Ensure that multiple cameras and views are used where necessary to obtain a recording that accurately captures the interview and meets evidential requirements, including capturing all participants in the room, even where only the interviewer and the child are present.

During the Recorded Interview

Recorded interviews may provide important procedural safeguards for children suspected or accused of criminal offences by creating a complete and reviewable record of the interview. At the same time, children may find the interview stressful or intimidating. Developmental factors, unfamiliar environments, power imbalances, and the use of recording equipment may affect the child's understanding, communication, and ability to participate effectively.

The interview should therefore be conducted in a manner that safeguards the child's rights, supports effective participation, and ensures the integrity and reliability of the evidence.

During the interview, you should ensure that:

- ☐ The quality of filming and recording is maintained:
 - ☐ The child can properly be seen and heard.

- The camera clearly captures the child, the interviewer, any other persons present, and any materials used during the interview, so that relevant verbal and non-verbal communication can be observed.
- The interview is properly recorded from beginning to end.
- Background noises (e.g. typing, doors opening or closing) do not compromise the quality of the recording.
- Any technical issue is documented.
- The child's understanding and effective participation are safeguarded:
 - The child understands the purpose of the interview and the recording.
 - The child understands their rights throughout the interview, including the right to legal assistance and, where applicable under national law, the right to remain silent.
 - The child can communicate confidentially with their lawyer where required.
 - The child is not showing signs of confusion, excessive stress, fatigue, disengagement, or acquiescence (for example repeated automatic agreement, silence, passivity, or apparent attempts to please the interviewer).
 - Appropriate breaks are taken whenever necessary.
- The conduct of the interview is appropriate:
 - The interviewer follows recognised interviewing standards and protocols.
 - Questions are adapted to the child's age, maturity, communication abilities, and individual circumstances.
 - Rapport-building and communication techniques are used in a manner that safeguards the child's rights and autonomy. While rapport-building is an important component of child-friendly and evidence-based interviewing, it should not inadvertently increase suggestibility, create pressure to cooperate, encourage admissions, or influence the child's decisions about whether and how to answer questions.
 - The interview is conducted in a manner that does not create undue pressure, intimidation, or unfair influence.
- The interview should not continue if the child's rights, procedural safeguards, or the integrity of the recording cannot be guaranteed. The interview may be paused or terminated if:
 - The child does not understand the process and further explanations do not resolve the difficulty.
 - It becomes clear that the child can no longer participate effectively because of confusion, distress, fatigue, or other factors.
 - Unauthorised persons are watching remotely or have been provided with access to the recording or video link.
 - Confidentiality cannot be guaranteed.
 - Equipment, including remote attendance systems where used, is not functioning properly.
 - The child's right to legal assistance cannot be effectively exercised.
- If you consider that the interview is being conducted inappropriately or that significant issues remain unaddressed, raise the concern promptly so that it may be addressed during the interview. A further interview should only be requested where necessary, proportionate, and in the child's best interests, considering the importance of avoiding repeated questioning while ensuring that the child's rights and the fairness of the proceedings are fully protected.

Note: Remember that children suspected or accused of criminal offences may also have experienced trauma, violence, abuse, exploitation, or other adverse experiences. They may also have been subject to coercion, intimidation and threats. Such experiences may affect their behaviour, communication, and participation during the interview and should not automatically be interpreted as signs of unreliability or lack of credibility. The child may also need protection and specific adaptations.

Following the Recorded Interview

Transcription

In some jurisdictions, just as the AVR itself, a written transcript of the interview may be mandatory, and the interviewee's signature may be required. Transcripts may also serve as a useful complement to the recording where interviews are translated, relied upon at later stages of the proceedings, or where technical problems affect the recording.

Recorded interviews are an important safeguard of the child's procedural rights, as they allow later review of both the content of the interview and the manner in which it was conducted. Lawyers should therefore carefully review both the recording and any accompanying documentation.

- ☐ Request a transcript where necessary or useful for the effective representation of the child.
- ☐ Check whether the transcript faithfully reflects what is recorded.
- ☐ Verify that the transcript has been signed by investigators and other required persons, where this is mandatory under national law.

Support to the child

- ☐ Provide an opportunity to debrief with the child and, where appropriate, their support person following the interview. Explain what took place, answer any questions the child may have, and identify any concerns that may require further attention.
- ☐ Explain how the recording will be used, including the next procedural steps, expected timelines, who may have access to the recording, and any safeguards in place to protect its integrity, confidentiality, and appropriate use.
- ☐ Repeat, where necessary, the purpose of the recording and the child's procedural rights, including the right to legal assistance and any rights relevant to the next stage of the proceedings.
- ☐ Verify that the child understands the information provided and offer further explanations in a child-friendly and age-appropriate manner. Some children may require information to be repeated at a later stage or presented using visual aids or other supportive communication tools.
- ☐ Where appropriate and permitted under national law, facilitate the child's access to the recording if they wish to view it and if doing so is considered beneficial and in the child's best interests.

Working with recorded interviews

Recorded interviews should be accessible to authorised lawyers in accordance with applicable law and procedural safeguards. They provide an opportunity to accurately review the child's statements, the conduct of the interview, and the overall quality and reliability of the evidence.

You should carefully review recordings, paying attention not only to what was said, but also to how the interview was conducted, the child's understanding and participation, the questions

asked, and the context in which statements were made. Be careful not to focus exclusively on interviewing techniques; consider the interview as a whole and its implications for the child's rights and the fairness of the proceedings.

- ☐ Request access to the AVR of the interview. Depending on the jurisdiction, access may only be granted where the accuracy of the written record of the child's interview is challenged or subject to authorisation by the prosecutor or judge.
- ☐ Review the recording carefully, paying attention not only to what was said, but also to how the interview was conducted. Review for matters that may affect interpretation, reliability, or fairness, including the child's understanding of questions, signs of confusion, fatigue, suggestibility, acquiescence, communication difficulties, the conduct of the interviewer, interpretation issues, and compliance with procedural safeguards.
- ☐ Assess the technical quality and management of the recording, including its completeness, camera angles, visibility of persons present, image and sound quality, and – where relevant in your jurisdiction – whether the whole room was recorded or shown at the beginning of the interview. Assess whether the recording appears authentic, complete, and unaltered.
- ☐ Verify that the recording is securely stored and protected against unauthorised access, alteration, copying, misuse, or inappropriate dissemination, and that safeguards exist to preserve its authenticity, integrity, and chain of custody.
- ☐ Review whether the child's procedural rights were respected throughout the interview, including the right to legal assistance, the right to information, the right to remain silent where applicable, and the right to participate effectively.
- ☐ Consider whether the child's developmental stage, vulnerabilities, trauma history, communication needs, the way rapport was built, or possible suggestibility may have affected the voluntariness, reliability, or interpretation of their statements.
- ☐ Where appropriate, encourage decision-makers to review the recording before determining whether additional questioning or a further interview is necessary and compatible with the child's best interests.
- ☐ Review observations made by professionals who observed the interview, if any, and, where relevant, seek expert input to help identify potential concerns regarding interview quality, communication, interpretation of the child's responses, or compliance with interviewing standards.
- ☐ If relevant in your jurisdiction, advocate for the use of recorded interviews with additional protection measures (such as anonymisation) where the child's identity should be protected to prevent retaliation or intimidation. Remote participation or other protective measures may also be considered where appropriate.
- ☐ Before trial, carefully review the recording and consider whether it should be presented to the court.
- ☐ Before trial, confirm that the recording can be played using the court's equipment and that the image and sound quality will be sufficient for the court and all relevant participants.
- ☐ Where permitted and appropriate, advocate for the admission and use of the recording as evidence.
- ☐ Where the recording reveals significant procedural shortcomings or concerns regarding the conduct of the interview, raise these concerns promptly and seek appropriate remedies in accordance with national law.
- ☐ Depending on the nature and seriousness of the concerns identified, appropriate responses may include requesting further clarification, seeking additional procedural safeguards, challenging the reliability, weight or admissibility of the evidence, requesting expert assessment, seeking a further interview where necessary and

proportionate, requesting adjournment, or pursuing any other remedy available under national law.

- Where concerns arise regarding the conduct of the interview, the child's communication, the interpretation of the child's responses, or the voluntariness and reliability of statements, consider seeking input from relevant professionals with expertise in child interviewing, child development, communication, trauma, interpretation, suggestibility, false confessions, or other relevant fields.

Note: Recorded interviews do not always capture all aspects of a child's communication. Where available, review factual observations made by professionals who observed the interview and consider whether additional expert input may assist in identifying issues relevant to the interpretation, quality, reliability, or fairness of the interview.

Remote participation – procedure-specific safeguards and guidance

Remote hearings may be used at different stages of criminal proceedings involving children suspected or accused of criminal offences. Depending on national law and practice, they may be used at the investigation stage, including for cross-border interviews, or other investigative measures; at the pre-trial stage following formal charges, including hearings concerning procedural matters or diversion measures; and, in exceptional circumstances, during trial proceedings.

Remote hearings are one of several procedural tools that may facilitate participation when attendance in person is difficult or impossible. Importantly, remote participation should be understood as a procedural adaptation rather than a substitute for the child's right to be present and participate effectively in the proceedings. Their appropriateness should always be assessed considering the child's individual circumstances, the purpose of the hearing, the procedural stage, and the safeguards that can be provided.

Remote hearings may create additional challenges, ranging from practical barriers to participation, to potential interferences with children's rights. These may include limitations on effective participation, breaches of privacy or confidentiality, misunderstandings arising from communication difficulties, technical failures, and risks to the fairness, integrity, reliability, or evidential value of the proceedings. Additional safeguards should therefore be carefully considered whenever remote hearings are used.

The use of remote hearings requires the establishment of clear ground rules and procedural arrangements to ensure that proceedings are accessible, fair, and appropriate for children suspected or accused of criminal offences, and that their rights are effectively safeguarded. These arrangements should be agreed in advance. They should address all relevant aspects of the hearing, including technical requirements, practical arrangements, confidentiality and privacy safeguards, communication with legal counsel, and the availability of appropriate assistance before, during, and after the hearing.

The core principles and safeguards outlined in this document address many of the risks faced by children suspected or accused of criminal offences. The document provides general guidance on the use of remote hearings involving children suspected or accused of criminal offences. While the recommendations seek to be applicable across different procedural stages, additional adaptations may be required depending on the purpose of the procedure, the child's individual circumstances and vulnerabilities, and the applicable legal framework in your jurisdiction.

Justifications for using remote hearings

Remote hearings are primarily considered a procedural adaptation that allows participation when physical attendance is difficult or impossible because of logistical, geographical, health-related, or other legitimate reasons. Possible reasons include restrictions on travel due to health conditions, deprivation of liberty, geographical distance, security concerns, or cross-border proceedings.

Decisions to use remote hearings should therefore be based on an individual assessment of whether the arrangement enables the child to understand the proceedings, communicate effectively with their lawyer, exercise their procedural rights, and participate meaningfully. Remote participation should not be used where it would undermine these rights or where an in-person hearing is necessary to ensure the overall fairness of the proceedings.

Specific safeguards are often required, including informing the child of their rights prior to the hearing and, where required by national law, seeking the child's consent or ensuring that the decision to proceed remotely is properly justified.

As reflected in the case-law of the European Court of Human Rights, in-person hearings should generally be preferred for children suspected or accused of criminal offences to safeguard fair trial rights and effective participation. Remote hearings should not become the default option solely for reasons of convenience, cost, or efficiency.

Caution may be required for hearings involving credibility assessments, complex evidence, detention, sentencing, or other decisions with significant consequences for the child. In such situations, in-person participation or additional safeguards may be more appropriate.

The principal justifications for the use of remote hearings are:

- To facilitate participation where attendance in person would be difficult, inappropriate, or impossible.
- To avoid unnecessary delays and support timely proceedings.
- To reduce the burden associated with travel, transfers from detention facilities, or cross-border participation.
- To enable participation while benefiting from an adapted and child-friendly environment.
- To facilitate access to justice where geographical, logistical, or health-related barriers would otherwise prevent participation.

Benefits, potential risks and limitations

It is important to be aware of, and address to the maximum extent possible, the potential benefits, risks, and limitations that may arise in the context of using remote hearings, including:

Benefits for the child

- 👉 It may allow the child to participate from a more familiar, child-friendly, and adapted environment.
- 👉 It may reduce the burden associated with travel, lengthy waiting times, or transfers from detention facilities.
- 👉 It may reduce anxiety associated with unfamiliar court environments and facilitate participation for some children.
- 👉 It may enable participation while benefiting from support and assistance that may not be available in a courtroom setting.

Benefits for proceedings and access to justice

- 👉 It may support more timely access to justice and prevent delays where geographical, logistical, health-related, or other practical barriers would otherwise prevent or delay participation.
- 👉 Where properly conducted, remote hearings may facilitate participation and communication for some children.
- 👉 High-quality audio-visual technology may support observation of the child's facial expressions and reactions by all parties involved.
- 👉 Remote hearings may facilitate cross-border proceedings

Potential risks and limitations affecting the child

- 👉 Remote participation may make it more difficult for some children to understand who is present, follow interactions between participants, or fully engage with the proceedings.
- 👉 Remote hearings may disadvantage children with limited digital literacy, limited literacy, language barriers, or limited access to technology. Some children may find it difficult to use digital platforms, navigate technical instructions, understand on-screen information, or troubleshoot technical problems, particularly where they do not receive adequate support from trained adults.
- 👉 Judicial practitioners may find it more difficult to assess whether the child is able to participate effectively or whether breaks, adjustments, or additional support are required.
- 👉 Remote hearings may be particularly challenging for children with sensory, communication, developmental, or other specific needs.
- 👉 Long or poorly managed remote hearings may contribute to fatigue, stress, disengagement, or reduced participation.
- 👉 Where the child's lawyer is not physically present with the child, effective access to confidential legal assistance and support may be affected.

Potential risks and limitations affecting proceedings and fair trial rights

- 👉 Remote hearings may compromise procedural integrity if unauthorised persons are present, the child can access outside guidance, or the location from which the child participates is distracting or unsuitable.
- 👉 Remote participation may limit observation of non-verbal communication, interactions within the room, and other contextual factors relevant to understanding the child's communication and participation.
- 👉 Remote hearings may make it more difficult to detect coercion, intimidation, coaching, external influence, or other procedural irregularities.
- 👉 Technical failures, including poor audio or video quality, connection interruptions, or equipment malfunctions, may affect communication, participation, the overall quality and fairness of the proceedings.
- 👉 Where the child is the only participant appearing remotely, they may be disadvantaged in understanding the dynamics of the hearing and engaging effectively with the proceedings. This may affect the principle of equality of arms.
- 👉 Reduced immediacy of interaction may affect the assessment of credibility, participation, and evidence, and may require additional safeguards to ensure the overall fairness of the proceedings.

Legal considerations

Where children suspected or accused of criminal offences participate remotely, legal questions may arise regarding:

- The child's ability to understand the proceedings and participate effectively;
- The child's ability to communicate confidentially and effectively with their lawyer throughout the hearing;
- The adequacy of safeguards protecting the child from undue pressure, coercion, intimidation, or external influence;
- The possibility that procedural irregularities, coaching, or interference may go undetected;
- The impact of reduced immediacy of interaction on the assessment of the child's statements, credibility, and participation;
- The principle of equality of arms between the defence and the prosecution, in particular where only the child participates remotely;
- The overall fairness and reliability of the proceedings.

What the European Court of Human Rights says

The European Court of Human Rights accepts the use of videoconferencing in criminal proceedings if it does not undermine the fairness of the trial under Article 6 of the European Convention on Human Rights. The Court focuses in particular on whether the accused can participate effectively, communicate confidentially with their lawyer, and properly follow the proceedings.

While videoconferencing is generally acceptable, particularly for pre-trial or procedural hearings, it may raise greater concerns during hearings where credibility assessments are crucial or where the consequences for the accused are particularly significant. The Court therefore does not regard remote participation as automatically equivalent to in-person participation but assesses whether the proceedings as a whole remain fair.

Note: An analysis is available in Appendix II and at the following link:

<https://ks.echr.coe.int/documents/d/echr-ks/hearings-via-video-link>

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.

Note: Underlying principles and related key EU legal provisions can be found in Appendix II.

How to use remote hearings and the role you can play

Prior to remote participation

Assessment of appropriateness

Children's developmental stage, personal history, emotional state, cultural and linguistic background, disability, digital literacy, and other individual circumstances may influence how they experience remote participation. These factors may affect the child's understanding of the proceedings, ability to engage with technology, communication, and overall participation.

Failing to take these factors into account may undermine the child's effective participation, procedural rights, and the overall fairness of the proceedings. The use of remote hearings should therefore be tailored to the child's individual circumstances, needs, vulnerabilities, and conducted in full respect of the child's procedural rights.

Before requesting or agreeing to a remote hearing, consider whether remote participation is appropriate considering the purpose of the hearing, the procedural stage, the child's individual circumstances, and the safeguards that can realistically be provided.

Remote participation may be particularly suitable where it:

- Facilitates participation despite geographical, logistical, or health-related barriers;
- Better supports the child's well-being than in-person participation;
- Avoids unnecessary travel or transfers from detention facilities where these would negatively affect the child;
- Enables the child to participate from an appropriate and supportive environment;
- Prevents unnecessary delay while maintaining procedural safeguards.
- Reduces the risk of intimidation, coercion, retaliation, or further trauma.

However, remote participation may be less appropriate where:

- The child is unable to participate effectively through remote means because of age, developmental stage, communication difficulties, disability, limited literacy, or limited digital literacy;
- Adequate technical, privacy, confidentiality, or legal safeguards cannot be guaranteed;
- Confidential communication between the child and their lawyer cannot be ensured;
- The hearing involves issues requiring close assessment of credibility, decisions with significant consequences, or other matters where in-person participation would better safeguard the child's rights;
- The child expresses significant concerns about participating in person that cannot be adequately addressed.

In such situations, consideration should be given to alternative arrangements, including participation from an appropriate child-friendly facility with the lawyer present, additional procedural safeguards, or, where necessary, an in-person hearing.

Where national law requires the child's consent for remote participation, ensure that consent is informed and voluntary. Where consent is not required, verify that the decision to proceed remotely is properly justified and is not based solely on considerations of cost, convenience, or administrative efficiency. Ensure the child's views are taken into account.

Hybrid hearings, in which only the child participates remotely while the remaining participants are physically present in the courtroom, may disadvantage the child and should therefore be carefully assessed. Where appropriate, advocate for arrangements that minimise any imbalance between the parties.

Establishing ground rules

Establishing clear ground rules⁹ and procedural arrangements helps ensure that remote hearings are fair, effective, and adapted to the child's needs. Explaining these arrangements to the child may reduce uncertainty and improve participation. The ground rules should be agreed in advance and address technical requirements, participants' roles, communication arrangements, the manner in which any questioning will be conducted, confidentiality, and practical arrangements for legal assistance.

- ☐ Where possible, participate in establishing these ground rules.
- ☐ Ensure they clearly define roles and responsibilities, the order of the hearing (including breaks), speaking arrangements, evidence-sharing procedures, confidentiality requirements, and arrangements for confidential communication between the child and their lawyer.
- ☐ Ensure they incorporate the safeguards and recommendations set out throughout this chapter.
- ☐ Clarify responsibilities for safeguarding the child before, during, and after the hearing, and ensure that all relevant safeguards, including those not specific to remote participation, are addressed.
- ☐ Clarify who may communicate directly with the child and for what purpose. Where possible and compatible with national law and the child's procedural rights, limit direct communication to those whose involvement is necessary. This should not restrict confidential communication between the child and their lawyer.
- ☐ Consider whether displaying all participants continuously could distract or distress the child and whether another legally permissible arrangement would better support participation, while ensuring that the child knows who is present and can see and hear those with whom they need to communicate.

Note: Depending on national law, the child or their representative may be required to approve or sign the agreed arrangements.

Preparing your strategy

Remote participation may make communication, observation, and concentration more difficult and requires careful preparation.

- ☐ Prepare a structured strategy and detailed notes.
- ☐ Identify the key issues to be addressed and any matters that may require clarification during the hearing.
- ☐ Plan opportunities to communicate privately with the child during the hearing where necessary.
- ☐ Where identified through the individual assessment, ensure that appropriate psychological or other support is available before, during, and after the hearing, without compromising confidential communication between the child and their lawyer or other procedural rights.

Preparing the child

Remote participation may reduce opportunities for reassurance, informal communication, and observation of non-verbal behaviour. Some children may also find the technology or hearing process confusing or intimidating. Care should therefore be taken to prepare the child and ensure they understand the proceedings.

⁹ See also the [Recommendations for establishing ground rules for remote hearings involving children](#).

- ☐ Provide information before the preparatory meeting and hearing in a format adapted to the child's age, capacities, literacy, language, disability, and communication needs.
- ☐ Schedule longer preparation meetings where necessary and, where possible, conduct them in person.
- ☐ Enable the child to express their views and concerns regarding remote participation and take these into account wherever possible.
- ☐ Clearly explain:
 - the order of the hearing;
 - who will participate;
 - who may speak and when;
 - how to ask questions or seek clarification;
 - what will be expected of the child;
 - how and when confidential communication with you will be possible.
- ☐ Explain the practical use of the technology and, where appropriate, conduct a practice session.
- ☐ Agree on simple ways for the child to indicate:
 - that they do not understand;
 - that the pace is too fast;
 - that they need a break;
 - that they are unable to hear or see properly;
 - that technical problems are affecting participation.
- ☐ Discuss any concerns regarding privacy, confidentiality, identity protection, or disclosure of the child's location, and ensure that appropriate safeguards are agreed before the hearing. Particular attention may be required where there are suspicions or concerns about intimidation, retaliation, exploitation, gang involvement, trafficking, or other safeguarding risks.

Location

Remote hearings should preferably take place from locations that support the child's effective participation, privacy, dignity, and fair trial rights.

The chosen location should:

- Allow the lawyer and child to participate from the same location whenever possible;
- Be neutral and not undermine the presumption of innocence;
- Be appropriate to the child's age and circumstances;
- Provide privacy and confidentiality;
- Prevent unauthorised attendance or interference;
- Meet all necessary technical requirements.

Possible locations include court-based conference facilities, law firm premises, specialised child-friendly facilities, such as Barnahus, dedicated hearing rooms for children.¹⁰

Avoid locations that may prejudice perceptions of the child or reinforce assumptions of guilt, including clearly identifiable detention facilities where suitable alternatives are available.

- ☐ Advocate for the location that best supports the child's effective participation.
- ☐ Where possible, participate from the same location as the child.

¹⁰ In exceptional circumstances, and only where adequate procedural, technical, privacy and security safeguards can be ensured, another suitable location could be considered, such as a private setting.

- ☐ If the proposed location is unsuitable, raise concerns promptly and request alternative arrangements.

Technical aspects

Technology should facilitate, rather than hinder, the child's participation and procedural rights.

- ☐ Verify that an end-to-end technical test involving all participating locations has been completed sufficiently in advance to identify and resolve problems, and that essential checks of internet connectivity, audio, video, and equipment are repeated shortly before the hearing.
- ☐ Ensure the technology is appropriate to the child's age, communication needs, disability, and digital literacy.
- ☐ Ensure that ground rules include technical support contacts, contingency plans, and procedures for addressing technical failures.
- ☐ Ensure that the child and lawyer understand how to use the platform and, where appropriate, conduct a practice session.
- ☐ Verify that appropriate security measures protect confidentiality and comply with applicable data-protection requirements.
- ☐ Ensure that distractions are minimised.
- ☐ Ensure that the child cannot receive unauthorised guidance or consult unauthorised materials during testimony.
- ☐ Ensure that confidential communication with the child remains possible throughout the hearing where you are not physically together.
- ☐ Verify that interpreters and any required accommodations, including for disabilities and special needs are available.
- ☐ Check that any agreed identity-protection measures are functioning correctly.

Attendance

- ☐ Whenever possible, participate from the same location as the child.
- ☐ Where this is not possible, ensure that an authorised adult is available to provide practical assistance in the event of technical difficulties, while respecting the child's confidentiality and procedural rights.
- ☐ Verify that all authorised participants, including interpreters and support persons, have received the correct access details.
- ☐ Confirm that no unauthorised persons are present or able to observe the hearing, intimidate or influence the child.
- ☐ Ensure that everyone present understands their role, confidentiality obligations, and the importance of avoiding any influence over the child's participation.

During remote participation

Remote participation can facilitate children's access to justice and enable children suspected or accused of criminal offences to participate in proceedings despite geographical, logistical, or other barriers. At the same time, it may affect the quality and fairness of the hearing if not carefully managed. A child participating remotely may be uncertain about how the hearing will unfold, find it more difficult to remain focused, or become unsettled by technical interruptions that disrupt concentration, communication, or understanding of the proceedings. These factors may affect effective participation, communication, and the assessment of evidence.

Remote participation should be managed in a way that safeguards both the child's procedural rights and their individual vulnerabilities. This is particularly important if there are suspicions

and concerns that the child has been exposed to violence, exploitation, trafficking, coercion, manipulation, intimidation, or other forms of victimisation.

Compliance with child-friendly justice principles and standards on engaging with children is therefore particularly important in remote settings. In addition, the hearing itself must be of high quality, both in form and content, to ensure that the child is not disadvantaged by the remote format.

Adapted participation

- ☐ Verify that the child is able to effectively communicate confidentially with their lawyer throughout the hearing, including where technical or procedural restrictions are in place.
- ☐ Follow the arrangements agreed with the child during the preparation phase, including agreed methods for requesting clarification, breaks, or private communication.
- ☐ Ensure that documents, evidence, and other materials are shared in a manner that the child can understand and access.
- ☐ Ensure that the procedural arrangements governing the hearing, including rules on speaking, muting, turn-taking, questioning, and communication with counsel, do not hinder the child's ability to understand the proceedings, express themselves freely, or participate effectively.
- ☐ Monitor whether the child is able to understand the proceedings, follow the hearing, and participate effectively throughout. Raise concerns immediately where the remote format begins to undermine these rights.
- ☐ Ensure that the child's non-verbal communication can be adequately observed and that any confusion about, or difficulties arising from, the remote process are not misinterpreted.
- ☐ As remote participation may reduce the immediacy and impact of oral advocacy, consider adapting your communication style, emphasising key points clearly and avoiding unnecessary complexity.

Technical quality and fairness

- ☐ Ensure the child can clearly see and hear all relevant participants and can be clearly seen and heard throughout the hearing.
- ☐ Ensure the equipment functions properly from beginning to end, and that any technical difficulties are promptly identified and documented.
- ☐ Verify that camera positioning, framing, lighting, and sound quality do not disadvantage the child or distort perceptions of the child's communication, emotions, or participation.
- ☐ Verify that the technical setup follows the same principles as recommended for recorded interviews, where possible, including a wider view of the room together with a closer view of the child, allowing relevant interactions, non-verbal communication, and contextual factors to be observed.
- ☐ Ensure that relevant participants, including the person questioning the child, are visible where appropriate to permit proper assessment of the hearing and any concerns regarding procedural fairness or undue influence.
- ☐ Ensure that clear identification of participants is available throughout the hearing.
- ☐ Verify that background noise, notifications, interruptions, and other distractions do not compromise the quality of the hearing.
- ☐ Ensure that secure and confidential communication channels remain available throughout the hearing.

Continuous monitoring of participation and safeguards

- Conduct a visual check of the child's surroundings for indications of unauthorised persons, coaching, intimidation, interference, or other external influences.
- Monitor whether the child understands the proceedings and can participate effectively despite the remote format.
- Monitor whether the child shows signs of fatigue, confusion, disengagement, distress, or other indications that participation is becoming ineffective.
- Remain alert to indications that the child may be acting under pressure, coercion, intimidation, exploitation, trafficking, or other forms of external control that could affect the child's ability to participate freely or exercise their procedural rights.
- Request breaks, adjustments, or other procedural measures where necessary to safeguard the child's effective participation.
- Object to questioning that is confusing, repetitive, leading, misleading, coercive, unnecessarily rapid, intimidating, or otherwise inappropriate to the child's age, maturity, communication needs, or level of understanding.
- Where a victim or witness participates remotely, verify that the child suspect or accused is able to exercise their defence rights effectively, including by ensuring that any necessary questions are put through the appropriate procedural mechanisms. Consider also whether any additional procedural steps are required to safeguard the fairness of the proceedings.

Responding to concerns during the hearing

Whenever possible, concerns should be identified and addressed at an early stage of the hearing. Clarification, procedural adjustments, breaks, technical corrections, or other remedial measures will often resolve difficulties without disrupting the proceedings. Interruption or termination of the hearing should generally be considered only where the issue cannot be adequately remedied and continued participation would compromise the child's procedural rights, effective participation, or the overall fairness of the proceedings.

Where concerns arise, seek corrective action as early as possible. The hearing should not continue where the child's rights, procedural safeguards, or agreed arrangements are no longer being respected. A pause, interruption, or, where necessary, termination of the hearing should be considered where:

- The child can no longer participate effectively;
- The child is unable to understand the proceedings despite appropriate clarification or adjustments;
- Technical problems impair communication, participation, or the reliability of the proceedings;
- Technical issues prevent a reliable assessment of the child's participation or statements;
- Unauthorised persons are present or confidentiality cannot be guaranteed;
- There are indications of coaching, intimidation, coercion, trafficking, exploitation, or other external influence affecting the child's ability to participate freely;
- Confidential communication between the child and their lawyer cannot be maintained or restored within a reasonable time;
- The agreed procedural arrangements or other essential safeguards are not being respected.

Following remote participation

- ☐ Ensure that any technical difficulties, interruptions, confidentiality concerns, safeguarding concerns, or other significant issues that arose during the hearing are documented and, where necessary, brought to the attention of the relevant authority.
- ☐ Where required by national law or procedure, verify that an accurate record or verbatim transcript of the hearing has been prepared, particularly where remote participation was used during investigative or pre-trial proceedings.
- ☐ Consider whether any procedural concerns arising during the hearing require follow-up, including requests for clarification, additional procedural safeguards, renewed questioning, or objections relating to the fairness of the proceedings.
- ☐ Reflect on the hearing and identify any lessons learned or improvements that may strengthen future remote participation.

Support to the child

- ☐ Debrief the child after the hearing. Many children remain uncertain or confused following remote proceedings. Explain what took place, any decisions that were made, the next procedural steps, expected timelines, and what the child should expect next. Where appropriate, use visual summaries, written explanations, timelines, or other child-friendly communication tools to support understanding.
- ☐ If the hearing was recorded, explain again the purpose of the recording, how it may be used during the proceedings, who may have access to it, and what safeguards are in place to protect confidentiality and data security.
- ☐ Check that the child understands the outcome of the hearing, the role of the different participants, and any future procedural steps. Offer further explanations in a child-friendly manner where necessary. Some children may need information to be repeated at a later stage when they are better able to process what has occurred.
- ☐ Where concerns arise regarding the child's wellbeing, safety, or vulnerability—including where there are indications that the child may have been subjected to violence, intimidation, coercion, trafficking, exploitation, or other forms of abuse—consider whether referral to appropriate protection, health, psychological, social, or other support services is required, in accordance with national law and the child's wishes, where relevant.

Appendix I – Key definitions

For the purposes of this document, the following terms are used as defined below:

Audio-visual recording (AVR) of interviews: the recording of sound and images during evidence-gathering interviews with children in criminal proceedings.

Child suspected or accused of a criminal offence: Any person under the age of 18 who is suspected or accused of having committed a criminal offence, in accordance with Directive (EU) 2016/800. The term also includes children who may simultaneously be victims of crime or exploitation, recognising that these circumstances may require additional procedural safeguards and support.

Child: any person under 18, as defined by Article 1 of the UN Convention on the Rights of the Child.

Effective participation: The ability of a child to understand the proceedings, communicate with their lawyer, express their views, exercise their procedural rights, and participate meaningfully in decisions affecting them, taking into account the child's age, maturity, developmental stage, communication abilities, and individual circumstances.

Lawyer: a legal practitioner authorised under national law to represent and defend children in criminal proceedings (including attorneys, solicitors, barristers, and advocates).

Procedural safeguards: Legal rights, guarantees, and protective measures designed to ensure that criminal proceedings involving children are fair, child-friendly, and compatible with children's rights, including the right to effective participation, legal assistance, privacy, and a fair trial.

Re-traumatisation: Refers to the recurrence or intensification of trauma-related distress triggered by experiences, environments, procedures or interactions that remind a child of previous traumatic events. In the context of Barnahus, re-traumatisation may occur when children are exposed to unnecessary repetition of interviews, intimidating procedures, inappropriate questioning, contact with alleged perpetrators, or other situations that recreate feelings of fear, helplessness or lack of control associated with the original trauma. This may affect children suspected or accused of criminal offences who have experienced violence, abuse, exploitation, intimidation, trafficking, or other adverse childhood experiences.

Re-victimisation: Refers to a child experiencing further violence, abuse, exploitation, coercion, neglect, or other forms of harm following an initial experience of victimisation. Re-victimisation may involve the same or different perpetrators and can occur when risks are not identified or addressed, protective measures are ineffective, or the child remains exposed to harmful situations. Children suspected or accused of criminal offences who have themselves been subjected to violence, trafficking, criminal exploitation, or other forms of abuse may be particularly vulnerable to re-victimisation.

Remote hearing: a hearing conducted as part of criminal proceedings before a judge or tribunal in which a child participates from a different location through technological means (e.g., video link or closed-circuit television), rather than appearing in person.

Secondary victimisation: Refers to additional harm experienced by a child as a result of responses by professionals, institutions, systems, or individuals during criminal investigations and judicial proceedings. It may occur when procedures, attitudes, questioning, delays, lack of support, or other responses cause the child further distress, undermine their dignity or rights, or negatively affect their effective participation.

Appendix II – Key European legal provisions

European law establishes important standards governing the treatment of children involved in criminal proceedings, including children suspected or accused of criminal offences and, where applicable, children who are also recognised as victims of crime. National legal frameworks remain essential, as they determine how these standards are implemented and applied in practice.

The table below provides an overview of key European legal provisions relevant to audio-visual recording of interviews, remote hearings, and other procedural safeguards.

Although this handbook focuses on children suspected or accused of criminal offences, lawyers should remain alert to the possibility that a child suspect may also be a victim of violence, abuse, trafficking, criminal exploitation, coercion, or other offences. In such circumstances, additional rights and safeguards arising under European victim protection instruments may also become applicable. For this reason, relevant victim-related instruments are included in the overview below.

More detailed information on children's rights and safeguarding measures can be found in:

- PROMISE – Compendium of Law and Guidance, European and International Instruments concerning Child Victims and Witnesses of Violence, Council of the Baltic Sea States Secretariat and Child Circle (Chapter III).
- FRA, Child-Friendly Justice – Perspectives and Experiences of Children Involved in Judicial Proceedings as Victims, Witnesses or Parties in 9 EU Member States (2017).

Name of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Child's status	Other safeguarding measures/rights (Excerpt)
European Convention on Human Rights, 1950 (ECHR)		Victim Witness Suspect Defendant	Right to a fair trial within a reasonable time, to be informed, to legal assistance, to examine witnesses against them, to obtain the attendance and examination of witnesses on their behalf, to be assisted by an interpreter. (Art.6) Right to respect for private life (Art.8)

Name of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Child's status	Other safeguarding measures/rights (Excerpt)
Directive 2026/0250(CO D)/EU (Victims' Rights Directive)	Interviews may be audio-visually recorded and such recorded interviews may be used as evidence in criminal proceedings (Art. 24.1 (a)) Measures shall be taken so that victims who are resident in another Member State can be heard and their participation in criminal proceedings can be facilitated by videoconferencing or other audiovisual transmission and distance communication technologies (Art 17(b)) 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 (e.g. for safety reasons) (Art. 23.3 (b))	Victim	Right to adapted information (Art.6, 10b) Right to interpretation and translation (Art.7) Right to access integrated victim support services at all times (Art.8, 9) Right to be heard (Art.10) Right to receive emotional support and adapted information on Court proceedings and premises (Art. 10a) Protection from secondary and repeated victimisation, intimidation and retaliation (incl. during questioning and testifying) (Art. 18, 18a). Avoiding contact between victim and their families and the offender, including through separate waiting areas in Court premises (Art. 19) Conducting interviews without unjustified delay and limited in number (Art.20) Right to protection of privacy and the non-disclosure of personal data (Art.21) Right to an individual assessment to identify their specific support and protection needs (Art.22) Conducting interviews with trained professionals (Art. 23.2 (b))

Name of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Child's status	Other safeguarding measures/rights (Excerpt)
Directive 2016/800/EU on Procedural Safeguards for Children	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 Defendant	Right to adapted information (Art.4) Right to be assisted by a lawyer (Art.6, 18) Right to an individual assessment to identify their specific needs (Art.7) Limited deprivation of liberty (Art.10) Right to protection of privacy (Art.14) Right to be present in-person at their trial and to participate (Art. 16) Conducting interviews with trained professionals (Art.20)
Directive 2016/343/EU on the Presumption of Innocence and the Right to be Present at Trial		Suspect Defendant	Presumption of innocence (Art. 3) Ensuring suspects and accused persons are not presented in court as guilty through the use of measure of physical restraint (Art. 5) Right to remain silent and not to incriminate oneself (Art. 7) Right to be present at trial (Art.8 (1)) Right to participate effectively to a new trial where the suspects or accused persons were not present at their trial and appropriate procedural safeguards were not respected (Art. 9)
Directive 2011/36/EU on Trafficking in Human Beings	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 Witness	Preventing secondary victimisation, avoid unnecessary repetition of interviews, minimise visual contact between victims and defendants, avoid giving evidence in open court if inappropriate (Art. 12 (4))

Name of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Child's status	Other safeguarding measures/rights (Excerpt)
Directive 2011/93/EU on the sexual abuse and exploitation of children	Measures shall be taken so that interviews may be video recorded, and such records may be used as evidence in court (Art 20.4) 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 Witness	Conducting interviews in designed or adapted premises (Art. 20.3 (b)) Conducting interviews with trained professionals (Art. 20.3 (c)) The number of interviews should be limited (Art. 20.3 (e)) Taking the necessary measures to protect the child's privacy, identity and image (Art. 20.6)
Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters	The person may be heard by videoconference or other audio-visual transmission where they are located in another State (Art. 24.1) Accused persons shall consent to it (Art 24.2 (a)) Information about their rights shall be provided prior to the testimony, including the right not to testify (Art. 24.5(e))	Victim Witness Suspect Accused	Protection of personal data (Art. 20)

Further reading

Background Paper on the Use of Remote Hearings and Recorded Pretrial Investigations as Evidence in Court, Heuni, 2025

Barnahus Quality Standards: Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, Child Circle / PROMISE, Barnahus Network, 2019.

Child-Friendly Justice – Perspectives and Experiences of Children Involved in Judicial Proceedings as Victims, Witnesses or Parties in 9 EU Member States, FRA. European Union Agency for Fundamental Rights, 2017

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Considérer la Parole de l'Enfant Victime, *Étude des Unités d'accueil Médico-Judiciaire*, ONED, 2014

European Best Practice Recommendations for Remote Hearings in Criminal Court Proceedings with Adult Parties, E-ViVi, Barnahus Network, Draft, 2026

European Court of Human Rights, Guidelines on Hearings by Videoconference

European Criminal Bar Association, Statement of Principles on the use of Video-Conferencing in Criminal cases in a Post-COVID-19 World, 2020

Guide relatif à la prise en charge des mineurs victimes, Direction des Affaires Criminelles et de Grâce (France), 2015

Guidelines on Videoconferencing in Judicial Proceedings, European Commission for the Efficiency of Justice (CEPEJ), Council of Europe, 2021.

Protecting Procedural Rights of Children in the Digital Age, Upholding children's rights in remote hearings in child justice systems: Lessons from four jurisdictions, Ireland, Romania, Spain, Ukraine, Penal Reform International, 2025

Recommendations for Ground Rules for Remote Hearings Involving Children, Focusing on Safeguarding and Trauma Prevention, Barnahus Network, Draft version, 2025

Summary of Existing Literature on Best Practices in Videorecorded Child Interviews, Focusing on Child Victims, Witnesses, and Suspects, Barnahus Network, Draft version, 2025

Technological Requirements for Videoconferencing Judicial Hearings: Enhancing the Credibility and Reliability of Remote Testimonies, Jorge Alberto Araujo

The National Institute of Child Health and Human Development (NICHD) Protocol

The National Institute of Child Health and Human Development (NICHD) Protocol for Young Suspects, Draft (revised version), 2026

The Trauma-Informed Code of Conduct for all Professionals working with Survivors of Human Trafficking and Slavery, Helen Bamber Foundation, 2018.

Legal Norms

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.

European Parliament and Council. Directive 2014/41/EU, regarding the European Investigation Order in criminal matters, 3 April 2014.



E-ViVi

*Enhancing Videorecorded
Interviews and Virtual Hearings
in Europe*

This document has been prepared as part of the project “Enhancing Video Recorded Interviews and Virtual Hearings in Europe’ (E-ViVi). This project is co-funded by the European Union. The views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or the JUST programme. Neither the European Union nor the granting authority can be held responsible for them.



Co-funded by
the European Union