



E-ViVi

*Enhancing Videorecorded
Interviews and Virtual Hearings
in Europe*

Guidance for lawyers on audio- visual recording of interviews and remote hearings with child victims and witnesses in criminal proceedings



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Published September 2026 in Stockholm

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Introduction

Audio-visual recording (AVR) of interviews is an established practice in criminal proceedings, particularly in cases involving child victims and witnesses. Remote hearings have also become more widespread, especially since the COVID-19 pandemic. 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 child victims and witnesses. A separate guidance is provided covering the use of AVR interviews and remote hearings with children suspected or accused of criminal offences.

When properly implemented, AVR and remote hearings can enhance the quality and reliability of evidence, support child-friendly procedures, reduce repeated questioning, protect children from intimidation and re-traumatisation, and facilitate participation despite geographical barriers. They can also help ensure that children receive information, are heard, and are able to exercise their rights effectively throughout the proceedings. However, they may also present limitations, including potential intimidation caused by recording equipment, reduced immediacy, challenges to effective participation, and difficulties in assessing non-verbal communication.

Lawyers representing child victims and witnesses 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.

This guidance is primarily intended for lawyers representing child victims and witnesses. Depending on national law, some recommendations may also be relevant to prosecutors and other legal professionals with responsibilities towards child victims and witnesses. Readers should apply the recommendations in accordance with their role and national procedural framework.

➔ 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 child victims and witnesses involved in criminal proceedings, to support their recovery and participation, and to prevent secondary victimisation and 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 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.⁴

Alongside the European Convention on Human Rights, key European instruments provide specific protections for child victims and witnesses in criminal proceedings, including⁵:

- [Directive 2023/0250\(COD\) on victims' rights](#);
- [Directive 2011/93/EU on combating the sexual abuse and sexual exploitation of children](#);
- [Directive 2011/36/EU on preventing and combating trafficking in human beings](#).

Lawyers representing child victims and witnesses should be familiar with the principles of child-friendly justice and adapt their practice accordingly. They should recognise child victims as rights-holders and ensure that children receive information, support, protection, 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, participation, and support.

Lawyers working with children should also possess a basic understanding of child development, child psychology, trauma, and age-appropriate communication. 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, and recollection of events.⁶

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

- Informing the child;

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/>

- 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 involved in criminal proceedings 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 taken into account.⁷ This may cause emotional harm, create confusion about what is expected of them, undermine trust in the justice process, and affect their willingness or ability to participate.

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 child victims and witnesses 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, protective measures, 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.

⁷ To gain a better understanding of children's perceptions of their participation in criminal justice, see, for example : FRA. *European Union Agency for Fundamental Rights, Child-Friendly Justice – Perspectives and Experiences of Children Involved in Judicial Proceedings as Victims, Witnesses or Parties in 9 EU Member States, 2017*

- 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.

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 requesting a break, raising concerns, or discussing practical arrangements. The aim is to promote the child's confidence, reduce anxiety, and support effective participation throughout the proceedings.

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. Some children may have experienced traumatic events, including violence, abuse, neglect, exploitation, or other adverse experiences. 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. Failure to take these factors into account may undermine the child's ability to participate effectively, hinder communication, and lead to misunderstandings about the child's behaviour, needs, and experiences.

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, disability, trauma history, cultural and linguistic background, family circumstances, views, and any risks of intimidation, retaliation, or secondary victimisation.

- 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, seek relevant information from the child and those supporting them, consider seeking input from appropriate professionals, and advocate for suitable assessment arrangements.
- 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. Where appropriate, coordinate with professionals already known to the child, avoid unnecessary repetition, and limit the number of professionals with whom the child must engage.
- 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, and trauma-informed practice, including the impact of trauma on memory, behaviour, communication, and participation. Encourage similar competence among other professionals involved in the proceedings.
- ☐ Ensure that the child understands the matters on which they may be questioned and what is expected of them during the proceedings.
- ☐ Ensure that the child's individual circumstances and needs are understood and appropriately taken into account by all professionals involved in the proceedings.

Recorded interviews – procedure-specific safeguards and guidance

Audio-visual recording (AVR) is commonly used for investigative interviews with child victims and witnesses, including during preliminary and judicial investigations, pre-trial hearings, and the taking of statements intended for evidential purposes. In some jurisdictions, its use may extend to questioning by the parties, cross-examinations, or other judicial proceedings conducted before trial, including where recorded interviews are intended to be admitted as evidence at a later stage. When conducted to a high standard and used with appropriate procedural safeguards, a recorded interview may reduce repeated questioning and allow the child's account to be used later in the proceedings.

Recorded interviews may create additional challenges, ranging from practical barriers to participation to potential interferences with children's rights. These may include re-victimisation, breaches of privacy or confidentiality, 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 child victims and witnesses involved in criminal proceedings. The document provides general guidance on the use of AVR involving child victims and witnesses. 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 protection needs, and the applicable legal framework in your jurisdiction.

In pre-trial investigations

Forensic interviews with child victims and witnesses should comply with applicable international and European legal instruments, as well as evidence-based child interviewing standards and protocols. These include structured interviewing approaches, such as the [NICHD Protocol](#) and similar evidence-based interviewing models, which are designed to facilitate the child's participation, obtain accurate and reliable information, minimise interviewer influence, and reduce the risk of re-victimisation.⁸

Child interviewing standards also recommend broader safeguarding measures, including:

- A limited number of interviews;
- Interviews conducted by specialised and adequately trained professionals;
- High-quality audio-visual recording (AVR) and 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;
- Respect for procedural safeguards, including measures to ensure the integrity and admissibility of evidence and the rights of all parties involved in the proceedings.

⁸ 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)

High-quality recording is a particularly important safeguard. Camera and microphone placement, image and sound quality, visibility of participants, and the 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 child interviewing standards and protocols, including structured interviewing approaches such as the NICHD Protocol and related models. General guidance on child development, communication, and child-friendly engagement may also assist in supporting the child's participation and understanding.
- 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 preserve the quality, integrity, and evidential value of the child's account by capturing it as early as possible and under appropriate conditions, thereby reducing the risk of memory distortion, contamination, or loss of detail over time.
- To reduce the need for repeated questioning, which may cause distress, contribute to secondary victimisation, and affect the child's ability to recall events consistently.
- To protect the child from intimidation, retaliation, secondary victimisation, and re-traumatisation, including by reducing or avoiding direct contact with the accused where appropriate.
- To facilitate the child's participation in criminal proceedings while limiting the need for court appearances where these may cause unnecessary stress or harm and where the child's evidence can be effectively presented through the recording.
- To provide a reliable and reviewable record of the interview, enabling the court and the parties to assess both the child's account and the manner in which the interview was conducted.

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 AVR, including:

Benefits for the child

- 👉 It allows the defence and prosecution to review the child's account without subjecting the child to repeated questioning, thereby reducing the risk of secondary victimisation.
- 👉 When embedded in a multidisciplinary and interagency setting, recorded interviews may support coordinated decision-making and reduce the need for the child to repeatedly recount their experiences in order to access justice, protection, or support services.

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 capturing the child's account as close as possible to the events in question, reducing the risk of memory loss, contamination, or distortion over time.
- 👉 When conducted in a multidisciplinary and interagency setting, the child feeling safe and supported by the setting and the professionals may lead to the child giving a more complete and accurate account of their experiences.
- 👉 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 provides insight into the child's physical and emotional state at the time of the interview, whereas children testifying in person in court are seen only as they are at the time of the hearing (and may have changed considerably in the meantime).
- 👉 More professionals can observe the interview without needing to be physically present in the interview room, facilitating oversight and, where appropriate, multidisciplinary cooperation.

Potential risks and limitations affecting the child

- 👉 The use of recording equipment may be intimidating or distressing for some children and may increase the risk of re-traumatisation or secondary victimisation, particularly where the offence itself involved the use of cameras or recording technology.
- 👉 Children may fear that recorded interviews will be viewed by the accused or otherwise disclosed beyond those directly involved in the proceedings. This concern may be particularly pronounced in cases involving online sexual abuse, exploitation, or image-based offences, where children may already have experienced a loss of control over personal images or information. Such fears may affect the child's willingness to participate openly.
- 👉 Delays in conducting or using recorded interviews may reduce evidential value and may affect the child's perception that their concerns are being taken seriously.

Potential risks and limitations affecting proceedings and evidence

- 👉 Recorded interviews may reduce the child's emotional presence and create a sense of distance for decision-makers. As a result, the child's experiences, vulnerability, distress, and the emotional impact of the events described may not be perceived or understood in the same way as during direct testimony. The physical size of the child and their inherent vulnerability may be less apparent.
- 👉 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, and recording angles may influence how the child's behaviour, emotions, and vulnerability are perceived. Certain features may be exaggerated, minimised, or taken out of context.
- 👉 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 and may increase the likelihood that the child will need to participate in further questioning, potentially causing additional distress and possible secondary victimisation.
- 👉 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 child victims and witnesses are interviewed, the use of AVR interviews may raise legal questions relating to:

- The reliability, integrity, and admissibility of evidence;
- Compliance with applicable child interviewing standards and protocols, including relevant national guidance and procedural safeguards;
- The effective exercise of defence rights, including the opportunity to challenge and test evidence through appropriate procedural safeguards.

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

What the European Court of Human Rights says:

The Court accepts the use of AVR interviews as evidence, recognises their importance in protecting child victims, and does not consider their use, in itself, to be incompatible with Article 6 of the Convention (right to a fair trial). The Court does not prescribe rules on admissibility but assesses whether proceedings as a whole were fair, including whether adequate opportunities existed to challenge the evidence and whether sufficient counterbalancing safeguards were in place. Recorded interviews should generally not constitute the sole or decisive evidence against the accused (see, for example, *P. v. Greece*, no. 78085/12, 14 May 2020).

<https://www.echr.caselaw.com/en/echr-decisions/the-sentencing-decision-which-was-based-not-only-on-the-testimony-of-a-minor-witness-but-also-on-other-evidence-did-not-violate-the-overall-legal-nature-of-the-criminal-proceedings/?utm>

See also: https://icct.nl/sites/default/files/import/publication/guide_art_6_criminal_eng.pdf?utm_source=chatgpt.com (Points 537 and 519)

How to use AVR and what role you can play

Your role in planning, observing, and reviewing a recorded interview will vary according to national law and procedure. Where a recommendation falls outside your responsibilities, use it to identify a matter to raise with the interviewer, prosecutor, court, or other relevant authority.

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 have concerns about being recorded, while others may be distressed by the prospect of the recording being viewed later by persons involved in the proceedings. Whether they are victims or witnesses, failing to take these factors into account may undermine participation, increase the risk of secondary victimisation, and affect the quality of the information obtained.

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

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 the availability of crisis or psychosocial support where necessary.

Particular attention may be required in cases involving online sexual abuse, exploitation, or image-based offences. In such cases, children may be less concerned about the recording itself than about the possibility that the accused may see the recording and thereby identify them or gain access to their image. These concerns should be explored and addressed through clear information about who may access the recording, for what purposes, and what safeguards are in place to protect the child's privacy and safety.

Where national law does not require the use of AVR, and the child expresses significant concerns about the procedure, consider whether an assessment is needed of the potential impact of AVR and available alternatives on the child's rights, wellbeing, participation, protection needs, and the overall conduct of the proceedings. Such an assessment may also take account of factors including the timely preservation of evidence, the risk of delays, the possibility of repeated questioning, and the potential impact on the quality and availability of evidence at a later stage.

- ☐ 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.

Preparation of the child

- ☐ Explain the AVR process and next steps, including:
 - who will be present during the interview or may observe it remotely;
 - 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, including whether the accused and their legal representatives may be permitted to view it in accordance with applicable procedural safeguards;
 - what measures are in place to protect the child's privacy, confidentiality, and safety;

- whether the child may view the recording.
- For children who express fear or doubt about appearing on camera because it may compromise their privacy, these fears should be addressed through clear information about who may access the recording, for what purpose, and what protective measures are in place to safeguard the child's identity, privacy, and safety.

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 address any concerns about privacy, disclosure of identity, or later use of the recording.

Location

Multidisciplinary, integrated services, such as Barnahus, are the preferred option as they provide high-quality adapted equipment and child-friendly environments, which support both children's participation and the evidential value of interviews. However, such services are not available in all locations.

Other examples of potentially suitable child-appropriate locations with recording equipment include:

- NGO or third-sector organisations that provide child-focused services and may have suitable interview facilities and recording equipment;
- Hospital-based acute response services;
- Dedicated law enforcement interview rooms, sometimes referred to as blue rooms, green rooms, or child-friendly interview rooms.

Not all jurisdictions or agencies have access to such facilities. Where they are not available within the authority responsible for the interview, it may be possible to request that the interview take place in alternative premises offering more appropriate facilities.

- 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 protection requirements, as well as the need for recorded interviews that accurately capture the interview and are suitable for evidential purposes.
- Where the interview location is within a court or another justice-sector building, assess and manage the risk that the child may encounter the accused or anyone who may cause distress or intimidation. Consider arrival and departure arrangements, routes through the building, waiting areas, breaks, and access to facilities.

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 improved access to justice, reduced stress for children, 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, participation, or recollection of events. If not properly addressed, these issues may affect the quality, reliability, integrity, or admissibility of the evidence.

Prior to the recorded interview, ensure that:

- ☐ The recording equipment is functioning properly and has been tested in advance where necessary.
- ☐ The recording clearly captures the child, the interviewer, any other persons present, and any interview aids or materials used during the interview.⁹
- ☐ 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 vulnerability 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 coaching.
- ☐ 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.
- ☐ Video recording may allow relevant professionals to observe the interview remotely while limiting the number of persons physically present in the room.
- ☐ 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.

Attendance

From both a child-centred and technical perspective, presence in the interview room should be limited to those whose presence is strictly necessary for the conduct of the interview. In general, it is only the interviewer who should be present in the interview room. Where necessary, an interpreter may also be present. This helps maintain a child-friendly environment while also supporting the quality of the recording and ensuring that the focus remains on the child and the interview process.

Relevant professionals, including the child's lawyer, should be provided an opportunity to observe the interview from another room where permitted by law and procedure. National law may also permit a support person to attend or observe the interview. However, this should be carefully assessed in light of the child's best interests, protection needs, and the potential impact on the interview process and the child's evidence. If a support person is permitted, the child should have a say in the matter.

- ☐ 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

⁹ 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>

unnecessary interruptions, distracting movements, or behaviours that may interfere with the interview or compromise the quality of the recording.

- ☐ Monitor whether the presence of any additional person affects the child's participation, communication, or the quality of the interview.
- ☐ Where an interpreter is involved, ensure that the child has an opportunity to become familiar with the interpreter and establish rapport before the interview begins.
- ☐ Multiple cameras and views may be necessary to obtain a recording that accurately captures the interview and meets evidential requirements, including capturing all participants in the room, even when the only participants are the interviewer and the child.

During the Recorded Interview

Because recorded interviews are often intended to reduce the need for future questioning and may be relied upon at later stages of the proceedings, particular attention should be paid to the quality of the interview and the safeguards applied throughout. This includes compliance with evidence-based interviewing standards and protocols, the child's ability to participate effectively, and the technical quality of the recording.

Whenever possible, difficulties should be identified and addressed during the interview itself. Avoiding the need for further interviews is generally in the best interests of the child and helps reduce the risk of secondary victimisation.

During the interview, you should therefore continuously ensure that:

- ☐ The quality of the recording is maintained, including that:
 - ☐ The child can be clearly seen and heard;
 - ☐ The recording captures the child, the interviewer, any other persons present, and any interview materials used;
 - ☐ The interview is recorded in its entirety;
 - ☐ Technical issues are promptly identified and documented;
 - ☐ Background noise or other disturbances do not compromise the quality of the recording.
- ☐ The child's ability to participate effectively is maintained, including that:
 - ☐ The child remains engaged and able to follow the interview;
 - ☐ The child is not showing signs of significant distress, fatigue, confusion, or disengagement;
 - ☐ Appropriate breaks are offered where necessary;
 - ☐ Any adaptations identified through the individual assessment continue to be respected.
- ☐ The interview should be paused, interrupted, or, where necessary, terminated if:
 - ☐ It becomes apparent that the child can no longer participate effectively;
 - ☐ The child is experiencing significant distress, or the recording process itself appears to be causing harm;
 - ☐ Confidentiality, privacy, or the security of the recording cannot be guaranteed;
 - ☐ Unauthorised persons are observing the interview or have been provided access to the recording or video link;
 - ☐ Technical failures prevent effective participation or compromise the quality or integrity of the recording.
- ☐ If you consider that the interview is being conducted inappropriately or that significant issues remain unaddressed, raise the concern immediately so that corrective action can

be taken during the interview. A further interview should generally be avoided and should only be considered in exceptional circumstances where significant deficiencies cannot otherwise be remedied and where a further interview is necessary and in the child's best interests.

Following the Recorded Interview

Transcription

In some jurisdictions, a written transcript of the interview may be required or may serve as a useful complement to the recording. Transcripts may also be important where recorded interviews are unavailable, partially unusable, translated, or relied upon at later stages of the proceedings.

- ☐ Request a transcript where necessary or useful for the effective representation of the child.
- ☐ Verify that the transcript accurately reflects the content of the recording.
- ☐ Where required by national law, verify that the transcript has been completed and authenticated in accordance with applicable procedural requirements.

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 relevant safeguards protecting the child's privacy and confidentiality.
- ☐ 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, facilitate the child's access to the recording if they wish to view it.

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 account, the conduct of the interview, and the overall quality of the evidence.

Assess the technical quality and completeness of the recording, including image quality, sound quality, camera angles, visibility of relevant participants, and any interruptions or deficiencies.

- ☐ Verify that appropriate safeguards are in place to preserve the integrity, authenticity, confidentiality, and security of the recording, including protection against unauthorised access, alteration, copying, or disclosure.
- ☐ Verify that decision-makers have reviewed the recording before determining whether additional questioning or a further interview is necessary. Where additional questioning is proposed, carefully consider whether it is necessary and compatible with the child's best interests.
- ☐ Review observations made by professionals who observed the interview 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.

- ☐ Where relevant in your jurisdiction, advocate for the use of recorded interviews where face-to-face confrontation would not be in the child's best interests. Remote participation or other protective measures may also be considered where appropriate.
- ☐ Where a forensic medical examiner was unable to observe the interview, consider whether review of the recording may assist in targeting examinations and avoiding unnecessary repetition, including intrusive procedures.
- ☐ 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 relevant, request that experts assessing harm, recovery, or compensation review the recording in addition to any transcript.
- ☐ Where concerns arise regarding the conduct of the interview, the child's communication, or the interpretation of the child's responses, consider seeking input from relevant professionals with expertise in child interviewing, child development, communication, trauma, interpretation, 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, or reliability of the interview.

Remote participation – procedure-specific safeguards and guidance

Remote hearings may be used for child victims and witnesses at the investigation stage, including cross-border interviews, follow-up interviews, and other forms of questioning conducted remotely. They may also be used at the pre-trial stage for hearings involving statements or questioning by the parties, and during trial hearings before the court.

Remote hearings are one of several procedural tools that may support both child protection and effective participation. Their appropriateness should be assessed in light of 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 re-victimisation, breaches of privacy or confidentiality, misunderstandings arising from communication difficulties, reduced participation, technical failures, and risks to the integrity, reliability, admissibility, or evidential value of testimony. 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 safe, appropriate, and accessible for child victims and witnesses, and that their rights are effectively safeguarded. These arrangements should be agreed in advance and address all relevant aspects of the hearing, including technical requirements, practical arrangements, protective measures, the presence of support persons, confidentiality and privacy safeguards, 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 child victims and witnesses involved in criminal proceedings. The document provides general guidance on the use of remote hearings involving child victims and witnesses. 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 protection needs, and the applicable legal framework in your jurisdiction.

Justifications for using remote hearings

Remote hearings may be used at different stages of criminal proceedings and for different purposes. These may include investigative interviews, follow-up questioning, cross-border cooperation, pre-trial hearings, questioning by the parties, cross-examinations, and trial hearings. The reasons for using remote participation, as well as the associated risks and safeguards, may vary depending on the purpose of the hearing, the child's individual circumstances, and the procedural stage at which it takes place. Specific safeguards are often required, including seeking the child's consent and informing them of their rights prior to the hearing - including the right not to testify.

The principal justifications for the use of remote hearings are:

- To avoid or reduce direct contact between the child and the accused, thereby reducing the risk of intimidation, retaliation, secondary victimisation, or re-traumatisation.
- To support the child's participation by reducing the stress and anxiety associated with appearing in a formal courtroom setting.
- To enable the child to give evidence while benefiting from appropriate protective and support measures.

- To facilitate timely proceedings and reduce delays that may negatively affect both the child's wellbeing and the quality of evidence.
- To facilitate participation where attendance in person would be difficult, inappropriate, or likely to cause unnecessary burden, including in cross-border proceedings or where significant travel would be required.

Remote hearing provisions for child victims and witnesses often apply in cases involving sexual abuse, exploitation, trafficking, or other forms of serious violence.

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. The potential benefits are most likely to be realised when remote participation is based on an individual assessment, reflects the child's views and needs, and includes appropriate support and safeguards, including:

Benefits for the child

- 👉 It may allow the child to participate from a more familiar, child-friendly, and adapted environment.
- 👉 It may reduce anxiety, stress, and the risk of re-traumatisation associated with appearing in court or encountering the accused.
- 👉 It may reduce the risk of intimidation and retaliation, particularly where additional protective measures are implemented, such as voice or image distortion or concealment of the child's location.
- 👉 It may enable children to participate while benefiting from support and protective measures that may not be available in a courtroom setting.
- 👉 It may reduce the burden associated with travel, cross-border participation, or lengthy waiting times.

Benefits for proceedings and access to justice

- 👉 It may support more timely access to justice and the child's right to be heard by facilitating participation if geographical, logistical, health-related, or other practical barriers would otherwise prevent or delay involvement.
- 👉 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.
- 👉 In some circumstances, remote participation may allow questioning or cross-examination to take place at an earlier stage, reducing delays and the need for additional hearings.

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. These factors may affect the child's ability to participate effectively and should be considered when planning remote proceedings.
- 👉 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.
- 👉 Remote participation may increase risks relating to privacy, confidentiality, and personal data protection.
- 👉 Where the child's lawyer, support person, or other trusted adult is not physically present with the child, access to support and assistance may be affected.

Potential risks and limitations affecting proceedings and evidence

- 👉 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 coaching, external influence, intimidation, or the presence of unauthorised persons.
- 👉 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.
- 👉 It may restrict the child's access to timely and confidential legal assistance when the child and their lawyer are not physically present in the same location.
- 👉 Reduced immediacy of interaction may affect the assessment of evidence and may require additional safeguards to ensure the overall fairness and reliability of the proceedings.

Legal considerations

Where child victims and witnesses participate remotely, legal questions may arise regarding:

- The child's ability to understand and participate effectively in the proceedings;
- The adequacy of safeguards protecting the child from intimidation, retaliation, secondary victimisation, or undue stress;
- The ability of the defence to effectively challenge and test the evidence;
- The detection of external influence, coaching, or interference;
- 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 as long as it does not undermine the fairness of the trial under European Convention on Human Rights Article 6. The Court focuses 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 concerns during trial hearings where credibility assessments are crucial. (...). Overall, the Court tends to view remote participation as a restriction of procedural rights rather than a fully equivalent alternative to in-person participation.”¹ In addition:

- The Court considers that resorting to remote hearings must pursue a legitimate aim (such as security, combating serious crime, or improving the efficiency of justice) (Alppi v. Finland, 2023; Marcello Viola v. Italy, 2006; Marcello Viola v. Italy, 2006)
- The lack of concrete justification makes the measure incompatible with Article 6 (Medvedev c. Russia, 2017)

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?utm>

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

Your role in planning, observing, and reviewing a remote hearing will vary according to national law and procedure. Where a recommendation falls outside your responsibilities, use it to identify a matter to raise with the interviewer, prosecutor, court, or other relevant authority.

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 effective participation, increase the risk of secondary victimisation, and affect the quality and reliability of the child's evidence. The use of remote hearings should therefore be tailored to the child's individual circumstances, needs, and protection requirements.

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

Remote participation may be particularly suitable where it:

- Reduces the risk of intimidation, retaliation, secondary victimisation, or re-traumatisation;
- Avoids burdensome travel or facilitates cross-border participation;
- Enables the child to participate from a safe and supportive environment;
- Prevents delays that may negatively affect the child's wellbeing or the quality of evidence.

However, remote participation may be less appropriate where:

- The child is unable to participate effectively through remote means due to age, developmental stage, communication difficulties, disabilities, trauma-related needs, limited literacy, or limited digital literacy;
- Adequate technical, privacy, confidentiality, or support arrangements cannot be guaranteed;
- The child expresses significant concerns about remote participation that cannot be adequately addressed;
- The nature of the hearing requires a level of interaction, support, or assessment that cannot reasonably be achieved remotely.

In such situations, consideration should be given to alternative arrangements, including participation from a specialised child-friendly facility, the use of additional support measures, or, where necessary, an in-person hearing.

When assessing appropriateness, consider not only the potential impact of remote participation on the child, but also whether delays associated with alternative arrangements may affect the child's wellbeing, participation, or the quality of evidence.

Establishing ground rules

Establishing clear ground rules¹⁰ and procedural arrangements helps ensure that remote hearings are safe, effective, and adapted to the child's needs. Explaining these arrangements to the child may also reduce uncertainty and anxiety.

Ground rules should be agreed in advance with all relevant actors and address technical requirements, participants' roles, questioning arrangements, available support measures, communication arrangements, and who will assist the child during the hearing.

- ☐ Where possible, participate in establishing these ground rules and procedural arrangements.
- ☐ Ensure they clearly define roles and responsibilities, the course of the hearing (including breaks), speaking arrangements, evidence-sharing procedures, confidentiality measures, and practical arrangements for communication with the child.
- ☐ Ensure they incorporate all relevant safeguarding measures and key recommendations addressed throughout this chapter.
- ☐ Clarify responsibilities for safeguarding the child before, during, and after the hearing.
- ☐ Ensure that all necessary protection measures are addressed, including those not specific to remote participation, such as trauma-related considerations and support arrangements.
- ☐ Where legally permissible and appropriate, consider whether questioning arrangements should be agreed in advance to minimise confusion, distress, secondary victimisation, or inappropriate questioning.
- ☐ 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 challenging, requiring additional preparation and planning.

- ☐ Prepare a structured approach and detailed notes.
- ☐ Plan key issues to be addressed and identify any points that may require clarification during the hearing.
- ☐ Arrange opportunities to communicate privately with the child during the hearing if necessary.
- ☐ Ensure that psychological or other appropriate support is available during the preparatory meeting with the lawyer, where needed.

¹⁰ See also the [Recommendations for establishing ground rules for remote hearings involving children](#).

Preparing the child

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

- ☐ Identify what information should be provided to the child before the preparatory meeting and hearing so that they have sufficient time to understand the process and identify any questions or concerns.
- ☐ Provide information in a format appropriate to the child's age, capacities, literacy, language, and communication needs. Do not assume that verbal explanations alone are sufficient. Utilise visual aids and other appropriate means of communication.
- ☐ Schedule longer preparation meetings where necessary and, where possible, conduct them in person.
- ☐ Enable the child to express their views, concerns, and preferences regarding the remote hearing and take these into account wherever possible.
- ☐ Clearly explain the agreed arrangements and hearing process, including:
 - the order of the hearing;
 - who will be present;
 - who may speak and when;
 - how to ask questions or seek clarification;
 - what is expected of the child;
 - how and when the child may communicate privately with you.
- ☐ Discuss any concerns regarding privacy, confidentiality, identity protection, or disclosure of location, and raise these issues during planning where appropriate.
- ☐ Explain practical aspects of remote participation, such as camera use, microphones, speaking clearly, and what to do if technical problems arise. 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 feel uncomfortable or distressed;
 - that technical problems are affecting participation.

Location

Locations used for remote hearings should be child-friendly, safe, appropriately equipped, and suitable for the purpose of the hearing. Locations should be selected with particular attention to the child's safety, wellbeing, privacy, and ability to participate effectively, while minimising stress and the risk of secondary victimisation or re-traumatisation. The setting should be quiet, secure, and free from distractions, interruptions, or the presence of persons who may influence, intimidate, or pressure the child.

A child victim should not participate from a place associated with the offence, the alleged offender, or previous traumatic experiences. Rooms from where the child receives therapeutic support are also discouraged. Consider also whether the environment is appropriate to the child's age, maturity, and individual circumstances.

Remote hearings should preferably take place from official venues or locations that:

- Allow the lawyer and child to participate from the same location;
- Are neutral and free from associations likely to cause distress or anxiety;
- Are child-friendly, comfortable, and adapted to the child's needs;
- Ensure privacy, confidentiality, and protection against disruption or inappropriate attendance;
- Meet all technical requirements necessary for effective participation.

Possible locations include Barnahus, court-based conference facilities, child and/or youth protection centres, law firm premises, hospital-based facilities, other specialised child-friendly facilities.

Private settings, such as the child's home, risks creating lasting negative associations for the child linked to their home, depending on outcome of the court case. They should only be used as a last resort, and where privacy, confidentiality, freedom from external influence, and appropriate technical conditions can be ensured. The use of the child's own bedroom is not recommended.

- ☐ Advocate for a location that best supports the child's participation, wellbeing, safety, and protection needs.
- ☐ Where possible, participate from the same location as the child.
- ☐ If the proposed location is unsuitable, raise concerns promptly and request alternative arrangements.

Where the remote location is within a court or another justice-sector building, assess and manage the risk that the child may encounter the accused or anyone who may cause distress or intimidation. Consider arrival and departure arrangements, routes through the building, waiting areas, breaks, and access to facilities.

Technical aspects

Technology can support remote hearings by facilitating participation, improving access to justice, and enabling protective measures for children. At the same time, it may introduce risks relating to privacy, confidentiality, data protection, communication, participation, and the overall quality of the proceedings. Appropriate preparation and safeguards are therefore essential.

- ☐ 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.
- ☐ Verify, where possible, that the platform, equipment, and communication arrangements are accessible and adapted to the child's age, digital literacy, language, disability, and other individual needs.
- ☐ Ensure that ground rules include technical support contacts, contingency plans, and procedures for addressing technical failures.
- ☐ Request additional protective measures where necessary and legally available, such as image or voice distortion or concealment of the child's location.
- ☐ Ensure that both you and the child understand how to use the platform and any relevant functions.
- ☐ Conduct a practice session where possible.
- ☐ Verify that the platform provides appropriate security measures and complies with applicable data-protection requirements.

- ☐ Confirm that notifications, pop-ups, background noise, and other distractions have been eliminated as far as possible.
- ☐ Ensure that the child cannot receive unauthorised guidance or consult unauthorised materials during testimony.
- ☐ Ensure that a secure and confidential communication channel is available if you are not participating from the same location as the child.
- ☐ Verify that interpretation services and accommodations for disabilities or other specific needs are available where required.
- ☐ Check that any agreed identity-protection measures are functioning correctly.

Attendance

- ☐ When you are not physically present with the child, ensure that an authorised adult is available to provide practical assistance in the event of technical difficulties or other problems.
- ☐ 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.
- ☐ Ensure that everyone present understands their role and the applicable confidentiality requirements.

During remote participation

Remote participation can facilitate children's access to justice, support protective measures, and allow participation in a more familiar and child-friendly environment. At the same time, it may affect the quality and reliability 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 recollection. These factors may increase stress, affect participation, and influence how evidence is received and assessed.

Compliance with general 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

- ☐ The child is able to 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.
- ☐ Documents, evidence, and other materials are shared in a manner that the child can understand and access.
- ☐ 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 understands the proceedings and remains able to participate meaningfully despite the remote format.

Technical quality and fairness

- ☐ The child can clearly see and hear all relevant participants and can be clearly seen and heard throughout the hearing.
- ☐ The equipment functions properly from beginning to end. Any technical difficulties are promptly identified and documented.
- ☐ Camera positioning, framing, lighting, and sound quality do not disadvantage the child or distort perceptions of the child's communication, emotions, or participation.
- ☐ Where possible, the technical setup should provide both a wider view of the room and a closer view of the child, allowing relevant interactions, non-verbal communication, and contextual factors to be observed.
- ☐ Relevant participants, including the person questioning the child, should be visible where appropriate to permit proper assessment of the hearing and any concerns regarding influence or procedural fairness.
- ☐ Clear identification of participants should be available throughout the hearing.
- ☐ Background noise, notifications, interruptions, and other distractions do not compromise the quality of the hearing.
- ☐ Secure and confidential communication channels remain available throughout the hearing.

Continuous monitoring of participation and safeguards

- ☐ Visually check the child's environment for indications of unauthorised persons, coaching, intimidation, or interference.
- ☐ Monitor whether the child shows signs of distress, fatigue, confusion, disengagement, or other signs that the child is becoming overwhelmed or having difficulty following the proceedings.
- ☐ Request breaks, adjustments, or other protective measures where necessary.
- ☐ Monitor whether remote participation is affecting the child's ability to communicate, concentrate, or participate effectively.
- ☐ Where permitted under national law, ensure that agreed questioning arrangements are respected.
- ☐ Object to questioning that is confusing, repetitive, intimidating, misleading, unnecessarily rapid, or inappropriate to the child's age, maturity, or level of understanding.

Responding to concerns during the hearing

Whenever possible, concerns should be identified and addressed at an early stage of the hearing. Clarification, 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 rights, wellbeing, participation, or the fairness and reliability 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 experiencing significant distress or fatigue;
- Technical problems impair communication, participation, or the quality of the evidence;
- Technical issues prevent a reliable assessment of the child's participation or evidence;

- Unauthorised persons are present or confidentiality cannot be guaranteed;
- Coaching, intimidation, interference, or external influence is suspected;
- Secure and confidential communication with the child cannot be maintained;
- The child appears confused about the proceedings and clarification or adjustments do not resolve the problem;
- The agreed procedural arrangements or 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 transcript of the hearing has been prepared.
- ☐ Reflect on the hearing and identify any lessons learned or improvements that may strengthen future remote participation.

Support to the child

- ☐ Debrief the child and, where appropriate, their legal guardians after the hearing. Children frequently report confusion, uncertainty, or unanswered questions following remote hearings.
- ☐ Explain what took place during the hearing, the next procedural steps, expected timelines, and any decisions that were made.
- ☐ Where appropriate, use visual summaries, written explanations, timelines, or other child-friendly communication tools to support understanding.
- ☐ Where the hearing was recorded, explain again the purpose of the recording, how it may be used, who may access it, and what safeguards are in place to protect the child's privacy, confidentiality, and safety.
- ☐ Ensure that the child has access to appropriate support during and after the hearing, including referral to assistance, protection, health, or psychosocial support services where necessary, particularly where the child participated from a non-official setting.
- ☐ Check whether the child understood the information provided and offer further explanations in a child-friendly manner where necessary. Some children may require information to be repeated at a later stage when they are calmer or better able to process what has happened.

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 victims and witnesses: Children (persons under 18 years of age) who have experienced, suffered, observed, been exposed to, or are otherwise affected by violence, abuse, exploitation, or other harmful acts. The terms *child victim* and *child witness* are used inclusively and reflect the position that children who witness violence can be harmed by that violence and should receive the same consideration, safeguards, and services as children who are direct victims. For the purposes of this document, whether a child is classified as a victim or a witness is not determinative of that child's entitlement to support, protection, participation, or a multidisciplinary response.

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).

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.

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-victimisation: Refers to a child experiencing further violence, abuse, exploitation or neglect after 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.

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 following the abuse or alleged abuse. 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 recovery and participation.

Appendix II – Key European legal provisions

European law establishes important standards for protecting children involved in criminal proceedings, including when audio-visual recorded interviews and remote hearings are used. 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 applicable to children involved in criminal proceedings.

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

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

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))
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

Compendium of Law and Guidance, European and International Instruments concerning Child Victims and Witnesses of Violence, PROMISE, Council of the Baltic Sea States Secretariat and Child Circle

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
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