



Fact Sheet:

Remote Hearings and Children's Rights

Spain



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This document is produced by Penal Reform International (PRI), in collaboration with PPRO project partners: Terres des Hommes Hungary, Terres des Hommes Romania, and Fundación Tierra de hombres España.

Implemented in Ireland, Romania, Spain and Ukraine, the PPRO-Child project will work to ensure that digital judicial practices do not compromise children's access to justice or procedural safeguards in the administration of justice.





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Published in 2025

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1. Country context

Relevant legal and political context:

Spain has a decentralised administrative system with significant jurisdiction granted to Autonomous Communities over child protection and juvenile justice. It is currently facing pressure due to a recent migration crisis, particularly involving unaccompanied foreign minors arriving in the Canary Islands.

This has strained the juvenile justice and protection systems, offering a unique context for evaluating the application of digital technologies in these systems.

2. Legal framework and policy

A map of Europe with a callout pin over Spain. The pin is orange and yellow with the Spanish flag. To the right of the map, there is a yellow rounded rectangle containing the text 'Age of criminal responsibility' in bold black font. Below this, the text '14 y.o.' is displayed in a large, bold, dark blue font. A thin yellow horizontal line is positioned below '14 y.o.'. Underneath the line, the text 'Under Organic Law 5/2000' is written in a smaller, dark blue font.

Age of criminal responsibility

14 y.o.

Under Organic Law 5/2000

Legal provisions for digital hearings (AVL / Videoconferencing):

Law 18/2011, the Criminal Procedure Law, and indirect provisions within Organic Law 5/2000 allow for telecommunication use respecting minors' procedural rights.

Regulations specific to children:

Emphasis on the best interests of the child and effective participation; General Comments from the UN CRC, Ibero-American instruments, and EU Directive 2016/800 apply.

Adoption timeline and drivers:

COVID-19 pandemic accelerated digital hearing usage. Also influenced by EU policy alignment and decentralised regional pilot efforts.

3. Application of remote hearings

Stages where remote hearings are used:

Investigative statements, preliminary hearings, review hearings, mediation, and follow-up interviews.

Decision-making on use:

Judicial discretion is applied; remote formats are often used to expedite processes, particularly during emergencies or for logistical efficiency.

Location of children during hearings:

Detention centres, youth protection centres, court-appointed digital spaces; some hearings occurred from minors' homes or centers without acoustically prepared rooms.

4. Children's rights in practice



Participation & dignity

Adolescents report emotional variability; some feel safer, others feel alienated by the virtual format. Professional support and familiarisation improve outcomes.



Protection & support

Presence of legal defense is mandatory; professionals advocate for emotional support systems during digital hearings.



Access to information

When children received prior guidance, understanding and satisfaction improved. However, gaps in communication were noted, particularly in remote settings.



Justice & fair trial guarantees

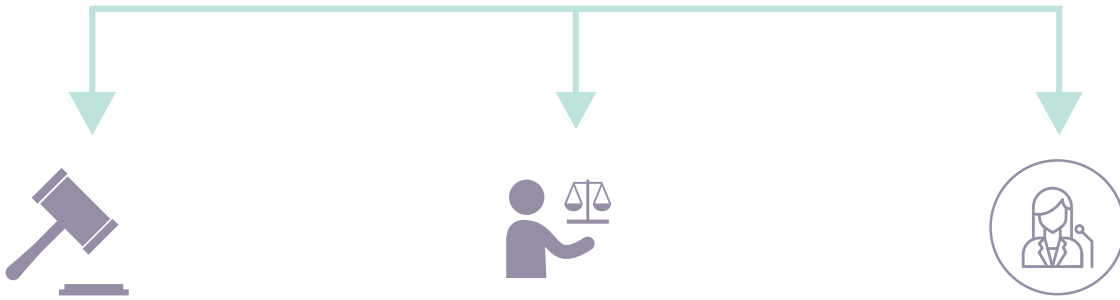
Technical disruptions impact fairness; inability to communicate effectively with lawyers or follow proceedings can compromise defense rights.



Equality & non-discrimination

Vulnerable youth, particularly migrants and low-income children, face disproportionate technological barriers.

5. Professional perspectives



Judges and prosecutors

Appreciate efficiency gains but stress loss of immediacy and emotional observation. Prefer in-person hearings for legitimacy and nuanced understanding.

Lawyers / advocates

Highlight challenges in maintaining confidential, effective communication during digital hearings.

Social / child protection workers

Recognise digital format reduces travel and enables continuity, but stress need for psychosocial support and proper technical setups.

6. Technology and infrastructure

Availability and quality of IT equipment

Varies significantly across regions; urban centers are better equipped. Remote/rural provinces often lack infrastructure.

Connection and audio/visual issues

Common complaints include sound issues, disconnections, and poor video quality, impacting minors' participation.

Dedicated spaces for children

Some centers lack dedicated rooms; minors participate from unsuitable spaces, affecting privacy and emotional well-being.

Post-pandemic continuation of use

Telecommunication remains in use for non-trial procedures (e.g., reviews, coordination), but in-person trials are preferred for main hearings.

7. Challenges and gaps identified

Legal and administrative

Absence of uniform national protocol; differences across Autonomous Communities.

Technical

Inadequate devices, poor connectivity, limited dedicated hearing spaces.

Training and preparedness

Need for ongoing training for professionals and minors.

Institutional coordination

Significant disparities in digital capacity and preparedness exist between Autonomous Communities, affecting the quality and accessibility of remote hearings and hindering effective inter-agency collaboration. While some regions (e.g., Madrid, Andalusia, Castile and León) have piloted structured digital solutions, others face limitations in infrastructure, coordination protocols and consistent support services.

8. Good practices / innovations

Pilot programmes

CIMI Tierras de Oria (Andalusia) reduced review waiting times by 35% using telematic systems.

Pre-trial preparations and support systems

In Castilla y León, emotional support measures includes psychosocial accompaniment during hearings.

Localised solutions

Madrid's *'Justice Folder'* and *'Electronic Court File Viewer'* improve digital access; La Rioja's small-scale, high-proximity approach ensures strong personal interaction.



9. Key data and figures

As of May 2025, available data on child justice processes remains limited at a national level.

This section summarises key findings and gaps in the current research related to children's involvement in legal proceedings.

Number of trials:

23,662 criminal cases where a minor was accused of a crime in 2023 (8.4% decrease from 2022). This includes 32.5% injuries, 18.8 robberies, 9.5 thefts, and 424 cases of sexual assault.

Use of AVL:

Despite absence of national quantitative data; Madrid, Castilla y León, and Andalusia have piloted various applications.

Madrid: operates fully equipped audiovisual hearing rooms linking protection centers with juvenile courts, supported by legal and psychological staff.

Castilla y León: trial sessions in both judicial and protection center spaces, with onsite technical assistance.

Andalucía: combines digital mediation with pilot juvenile hearings, integrating mediation services and emotional support.

Survey/interview participation data:

- 204 surveys were conducted: 75 with minors in conflict with the law, 129 with minors in protection procedures.
- 89 interviews were conducted: 70 with professionals and 19 with minors across 4 autonomous communities.

Socio-demographic Profile:

- Predominantly males aged 14–17.
- This group faces high vulnerability due to factors like family breakdown, early school dropout, involvement in youth gangs, and problem

10. Recommendations



Legal/policy reform suggestions

- Develop a unified national protocol for digital hearings in juvenile justice.
- Ensure alignment with procedural guarantees and the emotional rights of adolescents.



Infrastructure and technology

- Conduct regular audits of equipment and internet stability across regions.
- Provide adolescents with safe, quiet, and private digital hearing spaces when homes are unsuitable.



Hybrid model adoption

- Promote a hybrid approach that maintains the efficiency of digital tools while preserving the emotional connection of in-person hearings.
- Evaluate its effectiveness through continuous feedback from adolescents and professionals.



Procedural safeguards tailored to children

- Implement protocols to facilitate empathetic, participatory communication with adolescents.
- Ensure repeated and clear contact between adolescents and their legal representatives.



Training and capacity-building

- Establish continuous and specialised training in digital tools and emotional management for all juvenile justice professionals.
- Create age-appropriate educational materials and protocols for adolescents.



Emotional and psychological support

- Guarantee pre-, during, and post-hearing psychological accompaniment.
- Tailor communication strategies and support to individual needs and vulnerabilities.