



Protecting Procedural Rights of Children in the Digital Age

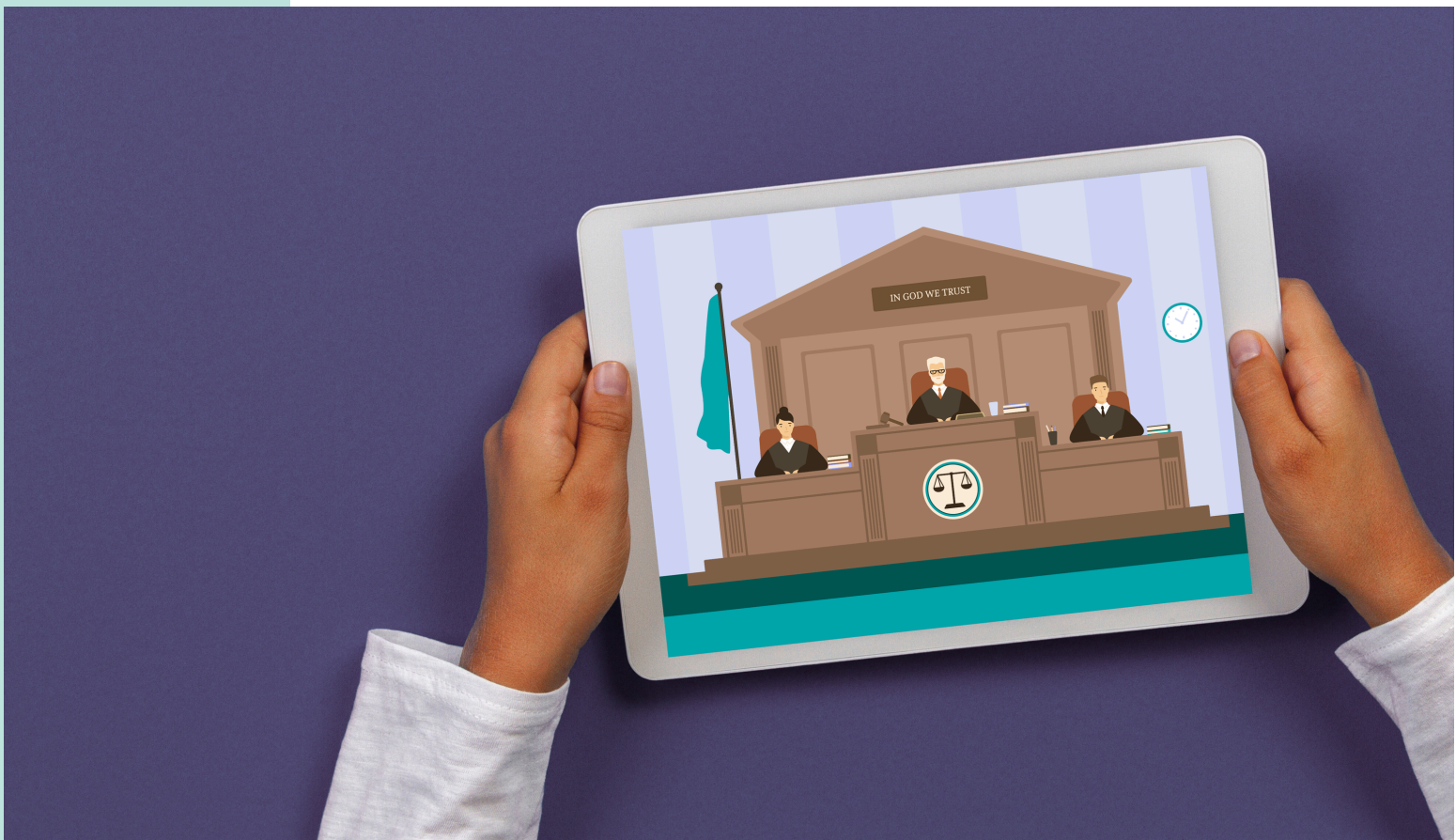


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Fact Sheet:

Remote Hearings and Children's Rights

Ireland



Remote Hearings and Children's Rights

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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1. Country context

Timeframe of assessment:

2020–2025

Implementing Organisations / Research Leads:

PPRO Child Project / Interviews with children in Oberstown and 8 professionals

Background and Context :

Remote hearings were introduced in Ireland in 2020 as part of a modernisation strategy by the Courts Service. However, the use of remote hearings accelerated during the COVID-19 pandemic and has become widespread in Ireland in the past five years, including for cases involving children. However, while children's rights in the child justice system are already precarious, remote hearings pose further significant challenges to their procedural rights in this context.

2. Legal framework and policy



Age of criminal responsibility

12 y.o.

Exception for 10–11 years in serious offenses

Legal provisions for digital hearings (AVL / Videoconferencing):

Section 22 of the Civil Law and Criminal Law (Miscellaneous Provisions) Act 2020 (does not explicitly cover children)

Legislation Specific to Children:

Children Act 2001: s.88(4) – child-friendly explanation of decisions; s.91 – parent/guardian attendance is mandatory unless excused.

Adoption timeline and drivers:

Accelerated adoption during COVID-19; continued use for efficiency despite concerns for children's rights.

3. Application of remote hearings

Stages where remote hearings are used:

Detention reviews, remand hearings; not recommended for sentencing or pleas.

Decision-making on use:

Admin-driven, with limited judicial discretion tailored to children's needs.

Location of children during hearings:

Primarily in remote booths within Oberstown Detention Campus.

4. Children's rights in practice



Participation & dignity

Children often feel alienated, passive, and unable to speak or understand the process.



Protection & support

'Appropriate adults' present, but not trained intermediaries; minimal emotional support.



Access to information

Limited legal explanation; no systematic opportunity to consult solicitors.



Justice & fair trial guarantees

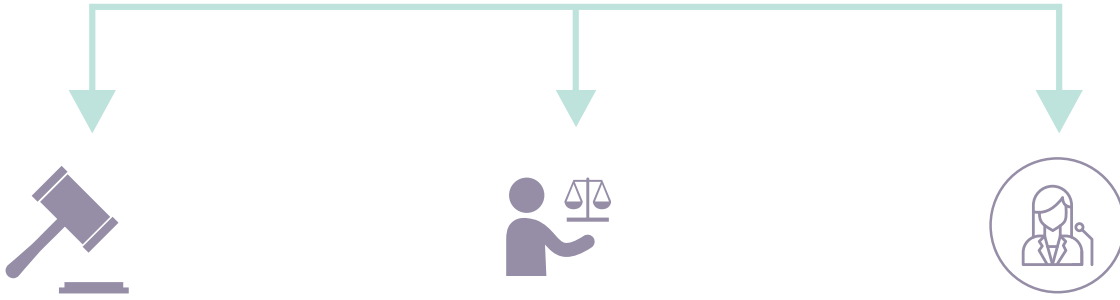
Rights to legal consultation, comprehension, and participation are not consistently upheld.



Equality & non-discrimination

Children with neurodevelopmental conditions are disproportionately affected.

5. Professional perspectives



Judges and prosecutors

Feedback not directly gathered due to ethics constraints.

Lawyers / advocates

Concerned over communication gaps and lack of child preparation.

Social / child protection workers

Report systemic issues in rural courts, concerns over psychological impacts.

6. Technology and infrastructure

Availability and quality of IT equipment

Courtrooms mostly equipped; rural courts face severe gaps.

Connection and audio/visual issues

Delays and poor quality frequently disrupt proceedings.

Dedicated spaces for children

Small, windowless 'booths' in Oberstown not suited to lengthy hearings.

Post-pandemic continuation of use

Continued use despite negative outcomes; children prefer in-person.

7. Challenges and gaps identified

Legal and administrative

No clear legal provision for child-specific safeguards in remote hearings.

Technical

Uneven quality between rural and urban courts; lack of interaction tools.

Training and preparedness

Judges and legal professionals lack standard training in remote child justice.

Institutional coordination

Practice highly dependent on individual professionals; no national standards.

8. Good practices / innovations

Pilot programmes

None mentioned explicitly.

Pre-trial preparations and support systems

Informal efforts by 'visits' team and supportive professionals.

Localised solutions

Conditional support for hybrid models depending on the case and child's need.



9. Key data and figures

Number of juvenile offenses / trials:

Not specified..

Use of AVL in juvenile cases:

Only Oberstown residents (5 children interviewed).

Survey/interview participation data:

5 children (aged 15–17), 8 professionals.

Socio-demographic profile of children involved:

All were Irish males, aged 15–17; most had learning difficulties.

10. Recommendations



Procedural safeguards tailored to children

- Require individual assessments.
- Mandate solicitor access.
- Enable parental involvement through digital/physical presence.



Training and capacity-building

- Regular, rights-based training for judges and legal professionals.



Infrastructure and improvement

- Create standards for booths and remote participation tools.
- Provide real-time communication functions.



Emotional and psychological support

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