



Protecting the procedural rights of children in the digitalisation of justice

With a focus on remote hearings

Introduction

Technology has been deployed at nearly every stage of criminal justice systems worldwide, from policing and evidence-gathering to court management, the judiciary and detention facilities.¹ Governments globally are adopting digital tools² at an increasing speed. Although there are benefits, their unchecked or poorly regulated application is raising concerns, particularly for people at heightened risk of rights violations, including children.³

In Europe, these developments are underpinned by regional digitalisation policies seeking to improve accessibility and efficiency in justice systems.⁴ Regulatory frameworks, such as the EU Artificial Intelligence Act of 2024, seek to address certain human rights risks associated with the use of AI systems.⁵

“Risks of human rights violations are particularly acute for children, especially those suspected or accused of a crime, and vary according to their age and level of development.”



Nevertheless, the deployment of digital tools in justice systems – including electronic case management systems, remote hearings, and AI practices that fall outside the scope of the AI Act – continues to raise significant human rights concerns.⁶ There is a need for closer scrutiny, stronger safeguards and, where necessary, the prohibition of digitalisation practices that violate human rights or risk doing so.

These risks are particularly acute for children, especially those suspected or accused of a crime, and vary according to their age and level of development. In the absence of child-specific guidelines, digital tools may undermine child rights rather than enhance access to justice.

Efficiency within justice systems should not be conflated with high-quality outcomes. An overemphasis on administrative efficiency risks undermining access to justice, the quality of proceedings and the fairness of outcomes.⁷

The UN Committee on the Rights of the Child (CRC) has explained that while digital technologies may enhance coordination, transparency and timeliness of judicial proceedings, they pose serious risks for children – especially regarding meaningful participation and non-discrimination.⁸ Electronic case management systems can enhance the accessibility, efficiency and sustainability of judicial proceedings, but they also raise

significant risks for privacy and data protection rights.⁹ Also, remote hearings have been found to systematically undermine children's ability to participate effectively, and they also violate privacy protections, limit access to legal representation and create procedural unfairness.¹⁰

About this 10-point plan

This 10-point plan provides a framework on safeguarding the procedural rights of children accused or convicted of crimes in increasingly digitalised justice systems. It is not a comprehensive guide but serves as a useful reference in approaching this topic and its implications. Other resources should be referred to for more detail, including those developed by Penal Reform International (PRI) and partners.¹¹

This 10-point plan draws on research published by PRI and partners in 2025, *Upholding children's rights in remote hearings in child justice systems*,¹² which examines experiences of children suspected or accused of a crime during remote hearings in Ireland, Romania, Spain and Ukraine. It also benefits from the insights gathered at a European regional roundtable held in November 2025,¹³ and is complemented by desk research and expert feedback.

Points 1 to 3 and 8 to 10 focus on digitalisation practices more generally, such as the use of AI, while points 4 to 7 focus specifically on the use of remote hearings. While this guidance is developed specifically for EU member states, it is equally applicable beyond European jurisdictions.

- General digitalisation practices
- Remote hearings

01

Prohibit the use of AI-led or automated decision-making systems in child justice

Child justice systems should ban AI and automated decision-making for risk assessment, sentencing or case decisions, ensuring every child's case is guided by human judgement, individual assessment and due process.

The use of AI and automated decision-making tools in child justice – whether for predicting 'risk', informing use of alternatives to detention or shaping judicial outcomes – poses serious and unacceptable risks to children's rights. These include privacy concerns, the right to freedom and liberty (including net-widening), the right to a fair trial, and judicial independence and the integrity of legal processes, which are exacerbated where there is an absence of safeguards and impact assessments.

The UN Special Rapporteur on the independence of judges and lawyers has stated that AI systems used in judicial settings frequently reproduce and amplify

structural inequalities, because every technological tool reflects the worldview, assumptions and prejudices of its designers.¹⁴ For example, in Europe, an automated risk assessment tool was found to have classified experiences – such as changing schools, missing classes due to family instability or living in poverty – as indicators of future offending, disproportionately targeting marginalised communities.¹⁵

Recognising profound risks, the UN High Commissioner for Human Rights has recommended that states ban AI applications that cannot be operated in full compliance with human rights law and impose moratoriums on high-risk AI systems until robust safeguards exist.¹⁶ At the EU level, the AI Act prohibits certain harmful AI practices and identifies and strongly regulates those categorised as high-risk.¹⁷

Children's cases must be led by the human judgement of professionals trained in child justice, with individualised assessments and rigorous due process – not by algorithms that are incapable of understanding context or vulnerability.

02

Ensure a robust legal framework on digital justice practices in line with international standards

States should adopt a robust national legislative framework specifying the conditions of use of any digital tools in justice procedures involving children, in line with the principles of legality, necessity and proportionality, and the best interest of the child. This should include rules on lawful use of digital processes (see point 5), mandatory monitoring, review and redress mechanisms, guidance on vulnerability and human rights impact assessments, and support to be provided to children.

In many countries, the use of remote hearings in children's cases has developed in a piecemeal, inconsistent way. Decisions about when to hold hearings online, under what conditions and who qualifies are

made differently depending on the court, the judge or the region. Hearings concerning critical matters, such as decisions on detention or sentencing, are sometimes decided remotely.¹⁸

Our research found that in many instances, remote hearings were implemented despite poor connectivity and inadequate physical conditions in a context where no regulatory standards or protocols were in place. As a result, procedural safeguards such as the right to be heard, to fully understand and to meaningfully participate, and the right to have secure and private communication with legal counsel, are left to discretionary decision-making.¹⁹

A robust legal framework is essential to regulate digital practices in child justice systems and ensure compliance with the principles of legality, necessity and proportionality, and to guarantee uniform protections across all regions and institutions. Such a framework should be evidence-based and place the child's best interest²⁰ and safeguarding children's procedural and human rights at its core.

03

Use digitalisation to transform child justice for the better – prevent inequality, not entrench it

The design and implementation of all digital justice tools should be based on equality and human rights. Comprehensive child-rights impact assessments at every stage of the life cycle²¹ of digitalisation are required to ensure no child is discriminated against by technology.

Digitalisation is not inherently harmful. Rather, it has the potential to improve lives – provided it is implemented within a strong regulatory framework, has adequate resources and preserves human connection.

Technologies introduced without an equality lens often amplify existing disparities, especially for racialised and socio-economically marginalised groups.²² Digital tools introduced into child justice systems must be designed to reduce inequality and not mirror larger systemic issues such as discrimination.

It is often assumed that all children are equally confident and fluent in technology. This belief masks widening disparities in digital access, literacy, device ownership and safe connectivity across Europe and beyond.²³ Many children, especially those experiencing poverty, instability in their home lives, neurodivergence, disability or trauma, lack the tools or support needed to navigate digital systems.²⁴

Children who are foreign nationals or migrant face unique barriers with language, making digital interfaces, instructions and legal communication even more challenging. Girls and young women often have less digital access and opportunities, particularly when they are from migrant, minority or low-income backgrounds. An intersectional children's rights impact assessment is therefore essential at every stage of digital transformation and should be informed directly by children's experiences.

Digital tools may be used to complement existing justice services and to identify, prevent and remedy injustices within existing justice practices. Initiatives such as the Barnahus model, which is tailored for children who are victims or witnesses of crime, demonstrate the promising and effective use of technology.²⁵ Similar approaches can be developed for children suspected or accused of a crime, aligned with their specific needs (see point 6).

04

Provide strong procedural safeguards for remote hearings and ensure physical hearings are the norm

Ensure strong safeguards are in place for children in remote hearings. Limit their application to procedural and administrative matters, adapt existing protections, and ensure the right to request a new trial if procedural rights are violated. Remote hearings should not be used as a default option, and no decision regarding their use should be made without freely given and fully informed consent.

The right to be present before a judge in criminal proceedings²⁶ is a fundamental procedural guarantee and can be interpreted as requiring physical presence, subject only to limited restrictions and accompanied by strong safeguards.²⁷ For children any such restrictions must be stringent and include broader protective measures.

States should remain vigilant in preserving the positive role of human involvement in judicial proceedings and ensure that existing safeguards continue to apply in digital settings or are appropriately adapted to meet at least the minimum required standards. As stated by the CRC, the lack of in-person contact with children, 'may have a negative impact on rehabilitative and restorative justice measures built on developing relationships with the child'; hence, governments should provide 'in-person contact to facilitate children's ability to meaningfully engage'.²⁸ Furthermore, signs of torture and ill-treatment cannot be observed in a remote hearing and a person's ability to complain of ill-treatment may be compromised if they are heard remotely.²⁹

No decision to conduct a remote hearing involving a child accused or suspected of a crime should be made without the child's freely given and fully informed

Unfamiliarity with the technological format

Many children consistently reported heightened anxiety and uncertainty preceding and following remote hearings, stemming from unfamiliarity with the technological format, and expressed distress regarding outcomes they perceived as incomprehensible and procedurally unfair. According to our findings, remote hearings were used for sentencing, detention decisions and contested fact-finding hearings. While the outcomes were life-changing, children said that they didn't feel part of the proceedings, 'like I'm sitting there watching a YouTube video or something'.

consent, in consultation with legal representation (also see **point 5**). Steps must be taken to ensure that any acceptance of a remote hearing is not due to in-person hearings failing to meet child-friendly justice standards or because children are influenced by authorities.

The scope of remote hearings should be clearly defined and should only be used for procedural or administrative matters. They should not be used for substantive decisions affecting the child's liberty, or where guilt or innocence is being determined. These include, at a minimum, plea hearings, hearings related to judicial control of detention upon arrest, detention hearings where decisions are made about whether the child should be tried as an adult, and sentencing hearings.³⁰

Even for limited procedural matters, remote hearings should be based on judicial assessment of the child's best interest. The right to a new in-person hearing should be ensured – including access to legal aid – at any stage if procedural safeguards are compromised.

05

Establish guidelines and standard operating procedures for remote hearings involving children that are child-centred and human-rights compliant³¹

Develop protocol(s) for the use of remote hearings and provide clear, accessible guidance on all stages of the process tailored to the needs and responsibilities of all

stakeholders involved. Adopt a systematic individual assessment process to determine whether a remote hearing is in the best interests of the child.

Inconsistent application of remote hearing procedures across and within jurisdictions³² leaves children accused or suspected of a crime uncertain, unsupported and at risk of rights violations – which is exacerbated for those in vulnerable situations. Structured Standard Operating Procedures are essential to ensuring that every child receives the same baseline protections regardless of where or how their hearing is conducted.

Before the hearing

Any decision regarding a remote hearing of a child should be based on an individual assessment (in the EU, in line with Article 7 of Directive (EU) 2016/800). This should be holistic including developmental stage, linguistic and educational capacity, levels of digital literacy, mental health status, disability, trauma-related experiences, etc.

Children should have confidential pre-hearing consultations with their legal representatives to understand the process, discuss the case and ask questions freely. Child-friendly preparatory materials must be provided in advance. The adequacy of the physical environment should be checked, including checks of the technology³³ and verification of whether the child can access and use the platform and understand what the hearing entails.

During the hearing

Judges or trained intermediaries should provide clear, age-appropriate explanations of each stage of the proceedings, while the court should conduct regular

check-ins to assess comprehension, the child's ability to continue, and sound and visual quality.³⁴ Children must be afforded regular opportunities to ask questions, with judges explicitly explaining this right, and accessible communication tools should allow the child to signal confusion or request clarification or breaks (see **point 6**). Gender-sensitive and culturally appropriate approaches should be applied to address the barriers experienced by different groups.

The physical presence of legal representatives is recommended as the standard. If this is not possible, private communication with legal representatives must be facilitated and safeguarded.

After the hearing

The child must receive a confidential debrief with their legal representative. A post-hearing assessment should document any technical or procedural issues to improve future processes, and follow-up on the relevant case as necessary. Emotional and psychological support should be made available to help the child process the experience.

06

Design remote hearings to protect procedural safeguards and empower children's participation

Governments should design remote hearings so that, at a minimum, they fully protect procedural safeguards, and at best, they actively empower children and ensure their best interests are protected. This can be achieved by using clear, child-friendly digital tools, reliable technology, and trusted adult support to keep them engaged, safe and empowered.

Children often find remote hearings confusing, alienating and disempowering, especially when systems are digitised without regard for their needs, backgrounds or vulnerabilities. To tackle this, governments should bring together a wide range of expertise (see **point 10**) for multidisciplinary design processes, including the expertise of children. Drawing on the philosophy of 'user-centred' or 'inclusive design',

designers and policymakers should develop, iterate and test systems in collaboration with children who have first-hand experience.

Remote hearings should be designed to actively support children's understanding and participation. Accessible, real-time interaction features, such as 'raise hand' buttons, and visual cues should be incorporated to indicate when the child is being addressed and to promote engagement. Hearings can include pre-determined and clear participation moments. Assistive technology can complement existing interpretation services³⁵ and help children better understand the proceedings. Real-time contextual support could explain legal language during proceedings and clear signposting could help children navigate complex procedures.

Technology must be accompanied by meaningful human interaction and support. Child-friendly language is equally, if not more, important in remote hearings than in in-person hearings, and must be used by judges and other professionals. A trusted adult – such as a social worker, or other trained professional – should be present to provide reassurance and guidance.

07

Design child-centred, private physical locations for remote hearings

Remote hearings should take place in safe, calm, private and child-friendly spaces with secure access to legal counsel. Adaptations are necessary for children who are neurodiverse, have a disability or are non-native speakers.

The physical environment profoundly shapes children's behaviour, stress levels and cognitive functioning.³⁶ Yet remote hearings are often conducted from spaces that undermine fairness and wellbeing. Purpose-built, child-centred rooms must be a core feature of a child-centred justice system. Infrastructure must embody the values of safety, dignity and participation, supporting meaningful engagement rather than reinforcing intimidation or exclusion.

Rooms should be calm, well-ventilated and non-intimidating, with comfortable furniture, natural light and colours chosen with input from children. Layouts should allow clear visibility of all participants and equipment. Minimum standards for lighting, ventilation, size, soundproofing, screen placement, camera angles and audio/video quality must be set, published and monitored regularly. Spaces should be designed collaboratively (see **point 10**), incorporating best practices from digital interface design to support understanding, participation and emotional safety.

Digital setups must capture the full context of the room, including all participants. Measures must be taken to ensure the child's privacy, both in the physical space from which they participate and within the digital platform, including protection against external intrusions, leaks, interception or security breaches.

08

Train and accredit staff, and continuously improve the use of digital tools used in child justice systems

Develop and roll-out mandatory and continuous training to all relevant judicial and justice professionals on child rights, child development, trauma-informed approaches and digital competencies.

Many judicial practitioners report that they lack adequate training, for instance in child-friendly communication and trauma-informed practice in digital settings.³⁷ This gap can undermine both meaningful participation and practitioners' confidence in using digital technologies.

Digital justice tools are only as effective as the professionals who operate them. Sustainable digital justice transformation requires comprehensive upskilling across all stakeholders, from judges and legal representatives to information technology support staff, through mandatory, ongoing education that integrates child development, child rights, trauma-informed practice and digital competencies. This is also essential to ensure that the judiciary can fulfill their oversight role in the development, deployment and use of digital technologies.³⁸

Trainings should examine both the opportunities and challenges posed by digital tools for children's rights, to promote their effective use while ensuring adequate safeguards.³⁹ These trainings should be monitored and continuously improved through the review of real-life cases and by gathering feedback from all parties involved, including the children themselves (see **point 9**).

09

Test, monitor, evaluate and report on digitalisation in child justice systems

Governments should test the proposed digitalised practice(s) prior to implementation, and collect and publish detailed, disaggregated data on all child-related

digital practices. For remote hearings, this information should be designed for effective monitoring of procedural safeguards and to identify inequalities so that lessons can be used to improve practice.

Currently, many jurisdictions operate with ad hoc practices in child-focused digital justice, with little transparency or oversight.⁴⁰ This results in scarce

and sporadic data on the life cycle of digital tools, and on their overall impact when used in child justice, including for children accused of or sentenced for a crime.

The important details of remote hearings, such as the frequency and type of hearings, available technical conditions (infrastructure), complaint mechanisms and the impact on children's rights (especially on children with diverse needs), are rarely collected or analysed.

To ensure digital justice is fair, effective and child-centred, governments must test each digital practice before its application and systematically collect and analyse disaggregated data on their application.⁴¹ Particular attention should be paid to the impact on vulnerable groups such as girls, gender-diverse children, or those from minority and racialised groups. Transparent reporting and annual publication of this data can enable continuous improvement.

10

Embed research and multidisciplinary expertise at all stages of digitalisation, ensuring the meaningful participation of children

Establish formal mechanisms for ongoing interdisciplinary and intergenerational collaboration throughout all stages of the digitalisation of child justice. Planning, implementing and monitoring stages should be evidence-based, developmentally appropriate and designed with the best interests of the child at the centre.

The impacts of digital justice practices on children – especially reduced human connection and lack of physical space – remain poorly understood.

All practices should be closely examined (see **point 9**) to assess their impact, identify emerging risks and support continuous improvement in digital justice systems. It is also crucial to approach the development of digital tools from a system-wide perspective and to understand how individual tools affect children's experiences, both separately and in their entirety.

This effort requires expertise from various fields, including child psychology, law, sociology, linguistics, policy, design and technology, to meet children's diverse needs. The meaningful participation of children⁴² is essential to ensure digitalisation is evidence-based, grounded in child development principles and responsive to the experiences of children. Specific efforts must be made to address the needs of under-researched groups of children, such as girls. Interdisciplinary collaboration should be embedded in the life cycle of the digital practice.

Endnotes

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11. Protecting Procedural Rights of Children in the Digital Age project page: www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age.
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33. A checklist prepared by CEPEJ for adults can be found at: *Guidelines on videoconferencing in judicial proceedings (6/2021)*, rm.coe.int/cepej-2021-4-guidelines-videoconferencing-en/1680a2c2f4.
34. See footnote 33, p. 12.
35. According to Articles 2 and 5 of the EU Directive 2010/64, children who do not speak or understand the official language should be provided with interpretation through translators and interpreters who are appropriately qualified by the state. This point should not be misconstrued; digital language services are not recommended to serve as their replacement.
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