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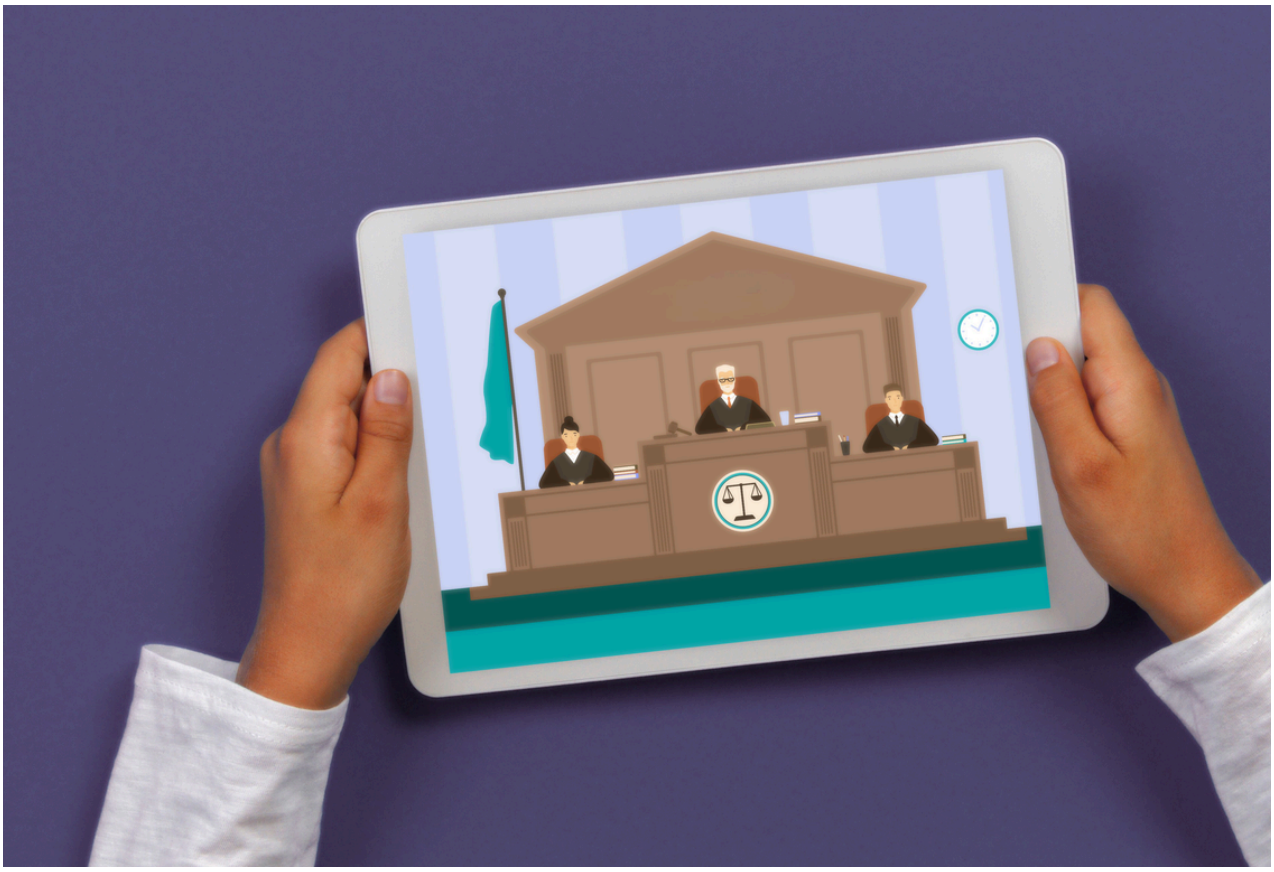
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A set of guidelines on remote hearings for children

Guideline 1: For the judiciary and justice practitioners

Guideline 2: For social workers and people working with children in conflict with the law

Guideline 3: For children in the criminal justice system



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These guidelines draw on the national-level research and groundwork conducted by consortium partners in Ireland, Romania, Spain, and Ukraine. Building upon this country-specific foundation, the material was synthesized into these practical guidelines through the insightful research and subject-matter expertise of lead author Dr. Oscar O'Mara.

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Contents

Overview 03

Introduction 4
Using this guide 5
Glossary of key terms 6
Key themes & gaps 8

Guideline 1: For the judiciary and justice practitioners 14

Part I: Developing child-centred digital justice processes 16
Part II: Putting principles into practice 26

Guideline 2: For social workers and people working with children in conflict with the law 36

Part I: Supporting children in digital justice processes 39
Part II: Advocacy, learning, and accountability in digital justice 51

Guideline 3: For children in the criminal justice system 56

Guidance for children who are involved in remote hearings



Procedural Rights of Children in the Digital Age (PPRO-Child) guidelines

Remote hearings (1) are increasingly used in child justice systems as a means to promote efficiency, reduce delays, and manage limited resources. However, for children involved in criminal proceedings as suspects or defendants, remote hearings can produce disproportionately harmful outcomes (2). Evidence (3) shows that remote hearings often undermine children's ability to understand what is happening, to communicate effectively with their legal representatives, and to participate meaningfully in decisions that profoundly affect their lives. For children with communication difficulties, neurodiversity, experiences of trauma, or limited access to digital technology, these risks are intensified, raising serious concerns about fairness and the protection of procedural rights.

States have a heightened obligation to safeguard the rights of children in conflict with the law, including the right to be heard, to receive effective legal assistance, and to have their best interests treated as a primary consideration. When remote hearings are introduced without adequate safeguards, they risk entrenching existing inequalities, obscuring power imbalances, and normalising practices that prioritise administrative convenience over child-centred justice (4). Addressing these challenges is essential to ensure that digitalisation strengthens, rather than weakens, due process and the legitimacy of child justice systems.

These guidelines have been created within the scope of the EU-funded project, Protecting Procedural Rights of Children in the digital age (PPRO-Child) project. They provide practical guidance on the use of remote hearings in child justice proceedings, with a focus on protecting procedural rights, promoting meaningful participation, and preventing discrimination.

These guidelines are designed to support European countries, their justice administration, and justice practitioners in implementing existing legal standards that protect the procedural rights of children in conflict with the law. They pay particular attention to remote hearing proceedings and the challenges and opportunities presented by digitalisation. They should be interpreted alongside relevant instruments and frameworks [see *Key resources* below]. Together, these tools and guidelines offer a comprehensive framework to support policymakers and practitioners in developing child-centred digital justice practices that place the best interest of the child at the core.

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(1) The term 'remote hearings' is used to describe proceedings where the child appears via audio-video link to a physical courtroom, or where all participants appear fully online. It is part of a wider move towards digitalisation of proceedings, which include initiatives ranging from artificial intelligence transcription services, digital evidence management, public access systems to the use of artificial intelligence in online dispute resolution.

(2) Foussard, C., Vigil, A., & Perez, M. (2023) Impact on child justice in a world of digital courts: Perspectives from the bench. Intersections. East European Journal of Society and Politics, 9(2), 29–53.

(3) PRI (2025) Upholding children's rights in remote hearings in child justice systems: Lessons from four jurisdictions (Ireland, Romania, Spain, Ukraine) https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/

(4) Child-centred justice is a rights-based, solution-oriented approach to justice that places the child at the centre of coordinated multi-agency responses. It is a systemic approach, not merely a procedural one, emphasising the effective participation and empowerment of children in both individual justice processes and in the broader design and evaluation of justice systems (Foussard, C., Dyer, F., & Davidson, J. (2026) Towards child-centred justice as a system-level paradigm shift: conceptualising a new framework through the Scottish whole system approach)

KEY RESOURCES

- Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings,
- the European Commission for the Efficiency of Justice Guide on the use and development of remote hearings (2025);
- the European Commission for the Efficiency of Justice Guidelines on videoconferencing in judicial proceedings (2021);
- Council of Europe, Guidelines of the Committee of Ministers... on child- friendly justice (Adopted 17 November 2010);
- United Nations Convention on the Rights of the Child, (International Covenant on Civil and Political Rights, and Convention on the Rights of Persons with Disabilities;
- The Consultative Council of European Judges (CCJE) Opinion No. 26 on the use of digital (assistive) technology in judicial proceedings and the implications for judges (2023); and
- UNICEF's Assessing child rights impacts in relation to the digital environment.

USING THIS GUIDE

How to use these guidelines

These guidelines are designed to support your professional decision-making when working with children in remote or hybrid criminal hearings. They offer practical tools, structured questions, and evidence-based considerations to help you assess whether a remote format is appropriate, how to safeguard a child's rights, and how to conduct hearings and support children in navigating such hearings in a way that maintains fairness, dignity, and meaningful participation.

You can use the guidelines in several ways:

- As a planning tool when deciding whether a child should appear remotely, including assessing vulnerability, comprehension, and the suitability of the child's environment.
- As a reference before and during hearings, to check understanding, adapt communication, and ensure that technology does not distort your interpretation of the child's behaviour or engagement.
- As a training and reflection resource, it supports judicial education, multidisciplinary collaboration, and continuous improvement in digital literacy and practice.
- As a framework for consistency, helping courts and practitioners align their approaches across cases and jurisdictions.

They are not a substitute for legislation or binding procedural rules. The guidelines should be read alongside national law, local practice directions, and your own professional judgement. Their purpose is to strengthen the application of children's rights in remote hearings, not to prescribe rigid outcomes. They are most effective when used flexibly, with attention to the best interests (5) and needs of the individual child, the specific context, and the expertise of the wider professional team.

As remote hearings continue to evolve, these guidelines should be revisited regularly. New research, technological developments, regulatory innovation and feedback from children, practitioners and other actors will shape future updates. Your experience and observations are essential to ensuring that remote hearings remain fair, safe, and centred on the rights and needs of children.

Glossary of key terms

CHILD
Any person under the age of 18.

CHILD-CENTRED
An approach that prioritises the rights, needs, and best interests of the child in all decisions and processes, ensuring proceedings are adapted to the child rather than expecting the child to adapt to the system.

DIGITAL EXCLUSION
When a person lacks reliable internet access, suitable devices, or the digital skills needed to participate effectively in online proceedings.

DIGITAL NATIVE
A term commonly used to describe young people assumed to be naturally comfortable with technology. This assumption is misleading and masks significant inequalities in access and ability.

EQUALITY IMPACT ASSESSMENT
A structured evaluation of whether a policy, practice, or technology disadvantages particular groups, used to identify and address discrimination before implementation.

(5) United Nations (1989) Convention on the Rights of the Child. https://www.ohchr.org/en/instruments-mechanisms/instruments/convention-rights-child, According to the General Comment No. 14 (2013), UN Committee on the Rights of the Child defines the best interests of the child as a primary consideration in all decisions affecting children, requiring authorities to assess and prioritise what will most effectively safeguard the child's rights and well-being. It involves a case-by-case evaluation that takes into account the child's views, identity, safety, development, and overall circumstances.

MEANINGFUL/EFFECTIVE PARTICIPATION
Genuine involvement of a child in proceedings such that their views are heard, respected, and capable of influencing outcomes. Drawing on the Lundy Model of Child Participation, meaningful participation requires four conditions to be met: safe and accessible **space** for children to express views; active **support** for children's voice; a genuine **audience** among decision-makers; and real **influence** on decisions, with feedback provided to children on how their views were considered (EU Children's Participation Platform, 2024). Save the Children's Nine Basic Requirements further specify that participation must be transparent, voluntary, respectful, relevant, child-friendly, inclusive, supported by training, safe, and accountable – standards applicable to children's participation in legal proceedings (6).

NEURODIVERGENCE
Variation in how a person's brain processes information, including conditions such as ADHD, autism, Developmental Language Disorder (DLD), on its own or associated with other conditions, dyslexia, which may affect how a child experiences and engages with proceedings.

PARTICIPATION BARRIER
Any factor, technological, environmental, communicative, or procedural, that prevents a child from fully understanding or meaningfully engaging in their hearing.

PROCEDURAL FAIRNESS
The principle that legal processes must be conducted in a way that is transparent, comprehensible, and genuinely accessible to all parties, including children.

REMOTE HEARING
A court or legal proceeding conducted wholly or partially via audio-video link or other digital technology, rather than in a shared physical space.

STRUCTURAL DISCRIMINATION
Disadvantage embedded in systems, policies, or institutions that produces unequal outcomes for certain groups, even without deliberate intent to discriminate.

VULNERABILITY
A state of heightened risk of harm or disadvantage arising from a child's individual circumstances or characteristics – including poverty, disability, language barriers, trauma, or neurodivergence – as well as from systemic failures to accommodate their needs. Vulnerability is not a fixed property of a child but is produced and compounded by environments and processes that are not designed with their needs in mind.

(6) The Lundy Model of Child Participation https://eu-for-children.europa.eu/about/lundy-model_en
The Nine Basic Requirements For Meaningful and Ethical Children's Participation, Save the Children
https://childhub.org/sites/default/files/library/attachments/basic_requirements-english-final.pdf

Key themes & gaps

Across policy and academic sources, **three consistent patterns** emerge:

1. **The law is strong on rights but weak on practice**
   European Union Directives, UN Committee on the Rights of the Child guidance, and other materials articulate procedural safeguards, but provide limited guidance on how rights should be operationalised in digital settings with children.

2. **Digital justice guidance is adult-centric**
   Most remote hearing toolkits and judicial guidance assume adult cognitive capacity, communication skills, emotional regulation, and digital literacy. Children are rarely treated as a distinct user group.

3. **Diverse children's voices are largely absent**
   While child-friendly documents exist, they are rarely connected to criminal procedure or digital court processes. Children's lived experiences of digital hearings are largely missing from legal and technical design guidance, as are differences based on location, gender, ethnicity, and neurodiversity.

Shared principles for remote hearings involving children

Children's rights must be fully realised in digital settings

Across all roles, the starting point is that children's procedural rights—especially, participation, representation, privacy, and non-discrimination—must be realised. Remote hearings must never violate these rights or make them harder to exercise. Every professional involved shares responsibility for ensuring that digital processes uphold the same (or higher) standard of fairness as in-person hearings.

Children are a distinct group with distinct needs

Digital justice cannot assume adult communication skills, emotional regulation, or digital literacy. All actors must recognise that children experience remote hearings differently and require tailored communication, pacing, support, and safeguards to their rights. This includes neurodivergent children, children with communication needs, and those facing digital poverty, language barriers, or trauma. Equally, there are specific needs of girls, trans and gender non-conforming children. These should always be taken into account in the decision-making processes.

Technology must not shape outcomes or distort perceptions

Remote formats must never influence how a child's behaviour, silence, affect, or engagement is interpreted. Technology should not alter professional judgement, credibility assessments, or legal decision-making. Its role should be to enhance the child's experience, participation, and the exercise of their fair trial rights—never to compromise it, never to replace human support, and never to justify efficiency-driven shortcuts.

Children's voices and lived experiences must guide design and practice

Children's perspectives—across gender, ethnicity, neurodiversity, geography, care status, and digital access—must inform how remote hearings are designed, explained, and conducted. Their feedback should shape guidance, training, and safeguards. Participation does not mean coping alone; children must be supported to express concerns, ask questions, and challenge unfairness.

Multidisciplinary collaboration is essential to safe and fair digital justice

Effective remote hearings require the combined expertise of legal professionals, social workers, psychologists, interpreters, neurodiversity specialists, and carers. No single profession can fully assess a child's vulnerability, comprehension, or digital environment. Collaboration ensures that risks —such as unsafe locations, coercion, distress, or misunderstanding—are identified early and acted upon.

Clear communication, transparency, and shared understanding are non-negotiable

All children must receive simple, honest explanations of what a digital hearing is, who is present, what will happen, and what they can ask for. Practitioners, including social workers must use child-friendly language, check *informed* understanding, and ensure children know their rights— including the right to privacy, support, and confidential legal advice. Transparency builds trust and reduces fear, confusion, and disengagement.

Role-specific considerations

AUDIENCE Criminal justice practitioners (judges, lawyers, court staff)

AUDIENCE NEEDS

- *Clear, operational guidance on applying children's rights in remote hearings*
- *Decision-making frameworks for when remote hearings are appropriate, including clarity on professional responsibility in technology-mediated hearings*
- *Practical tools to assess vulnerability, comprehension, and participation, including working with neurodivergent children in digital settings*
- *Methods in ensuring child-friendly remote court hearings*

KEY RISKS IDENTIFIED

- *Procedural dilution: rights formally respected but substantively weakened*
- *Over-reliance on efficiency rationales (backlogs, convenience)*
- *Misinterpreting silence, disengagement, or behaviour as non-cooperation*
- *Inadequate privacy and legal consultation during remote hearings*
- *Judicial overconfidence in technology (and its 'neutrality') without sufficient training*

GAPS

- *Concrete guidance on child-friendly judicial communication online*
- *Integration of multidisciplinary voices, ie, child psychology, social workers, and neurodiversity support into judicial protocols*
- *Clear limits on judicial discretion in digital settings involving children*
- *Evidence-based guidance on how judges should check understanding and consent*
- *Missing voice of children with lived experience of remote criminal hearings (and differences between urban/ rural, gender, ethnicities, neurodivergence)*
- *Clear guidance for lawyers on how to prepare a child for a remote hearing, how to support during and after*
- *Learning and improvement opportunities, sharing of promising practices*

AUDIENCE Social workers / child-centred practitioners

AUDIENCE NEEDS

- *Clear explanations of how digital justice works in practice*
- *Tools to identify when digital processes harm children*
- *Advocacy levers to challenge inappropriate use of remote hearings*
- *Guidance on supporting children before, during, and after remote hearings*
- *Clarity on their role as professional advocates within justice processes*

KEY RISKS IDENTIFIED

- *Social workers excluded from hearings or marginalised in digital processes*
- *Children attending hearings from unsafe, inappropriate, or surveilled spaces*
- *Children's distress or disengagement goes unnoticed*
- *Digital poverty and language barriers compound disadvantage*
- *Professional uncertainty about when and how to intervene*

GAPS

- *Practical guidance for non-legal professionals navigating remote hearings*
- *Clear pathways for raising concerns or escalating safeguarding issues*
- *Recognition of social workers' advocacy role in digital justice*
- *Trauma-informed guidance tailored to online justice contexts*
- *Families and carers supporting children through digital hearings*

AUDIENCE

Children & young people

AUDIENCE NEEDS

- *Simple, clear explanations of what digital justice is*
- *Reassurance about rights, privacy, and support*
- *Guidance on what they can ask for and say no to (and when)*
- *Information on who can help them and how*

KEY RISKS IDENTIFIED

- *Confusion about what is happening and why (e.g. believe that online hearings are mandatory)*
- *Feeling invisible, powerless, or disconnected*
- *Quick to disengage and feel disconnected from what is happening around and about them*
- *Fear of speaking up or asking for help*
- *Misunderstanding privacy, recording, and who is watching*

GAPS

- *Clear messaging that participation does not mean coping alone*
- *Tools that help children recognise when something is unfair*
- *Children with communication needs and neurodiversity*
- *Voices of children in care, detention, precarious living situations, or digitally excluded households*

ADDITIONAL EXPERTISE REQUIRED

- *Child Clinical Psychologist*
- *Social Worker (Youth Justice / Child Protection)*
- *Family Support Practitioner*

Essential principles

*No substitution of **rights** for efficiency:*

Efficiency goals (reducing backlogs, saving time, convenience, response to emergencies) must never justify a breach of children's rights. Where remote hearings risk diluting participation, comprehension, or access to confidential legal advice, in-person hearings should be preferred. Any efficiency gains are acceptable only where rights are fully preserved or enhanced.

***Enhancement**, not mere substitution, of children's experience:*

Remote technology should only be used where it can maintain or improve the child's experience of justice, for example, by reducing travel, avoiding intimidating environments, or enabling the presence of trusted adults, without weakening rights. Where technology cannot meet this standard, in-person hearings should be the default.

*Structured **assessment** of vulnerability and **suitability**:*

Before deciding on a remote hearing, practitioners should use structured tools (7) to assess the child's vulnerability, comprehension, communication needs, and digital environment. This assessment should be recorded, revisited if circumstances change, and open to challenge by defence, prosecution, and child representatives.

***Non-discrimination** and **equality** of experience:*

Remote hearings must not exacerbate existing inequalities linked to socio-economic status, geography (urban/rural), gender, ethnicity, disability, or neurodivergence. Decisions about remote participation must consider digital access, connectivity, and the child's environment, whether it be at home or a detention facility. Where digital exclusion (when a person lacks reliable internet access, suitable devices, or the skills to participate effectively online) or unsafe environments exist, remote hearings should not be used.

Working across systems to support the child

Protecting children's rights in digital justice processes requires multi-stakeholder collaboration amongst all actors, including legal professionals, social workers, civil society organisations, child psychologists, speech and language therapists and digital actors, such as court IT staff, to work together in a coordinated, child-centred way. Collaboration must be proactive, structured, and focused on the best interests of the child, rather than driven by institutional silos or procedural convenience.

Practitioners should ensure that decisions are informed by a holistic understanding of the child, including their development, communication needs, wellbeing, family context, specific characteristics like gender, belonging to a minority group, and any experiences of trauma. This means moving beyond viewing the child as a "case" and instead recognising them as an individual whose suspected criminal behaviour as well as their ability to participate is shaped by multiple, interconnected factors.

Effective collaboration involves:

- Legal professionals ensuring that procedures, communication, and decision-making enable meaningful participation and uphold procedural rights
- Social workers, child protection practitioners, and other child-focussed intermediaries providing insight into the child's circumstances, vulnerabilities, and support needs

(7) For example, FOCUS on my needs: Working together for children in criminal proceedings, Terre des hommes, https://childhub.org/en/series-of-child-protection-materials/focus-my-needs-working-together-children-criminal-proceedings

- Psychologists and mental health professionals identifying trauma, emotional distress, and psychological risks, and advising on appropriate safeguards
- Speech and language therapists and communication specialists supporting children with communication difficulties and ensuring information is accessible (including translation and interpretation if needed)
- Education professionals and youth practitioners contributing knowledge of the child's learning profile, cognitive development, and behavioural needs
- Technology and digital specialists ensuring that platforms and processes are accessible, inclusive, and safe for children

To work effectively, practitioners must:

- Share relevant information within appropriate confidentiality boundaries
- Be clear about roles and responsibilities
- Coordinate support before, during, and after hearings eg. translation and interpretations if needed, and through case conferences/roundtables or through another appropriate platform
- Actively and collectively identify and address gaps or risks in support

At all times, collaboration should be guided by a single principle: **every decision and action must prioritise the child's best interests, which should be assessed and based on their ability to understand, participate, and their right to be treated fairly.** This requires professionals not only to contribute their own expertise, but also to listen to others, challenge assumptions, and adapt their practice to ensure that the justice process works for the child, not the other way around.

1.

Guideline 1: For the judiciary and justice practitioners

Part I: Developing child-centred digital justice processes
Part II: Putting principles into practice



PART I & PART II

OVERVIEW

Guideline 1: For the judiciary and justice practitioners

Best practices for designing and implementing digital justice processes affecting children, including virtual hearings.

Digital justice is now a routine part of criminal proceedings across Europe, and children in conflict with the law are increasingly required to participate in hearings delivered through video or online platforms. While these technologies may offer benefits—such as reducing travel, avoiding intimidating environments, and enabling quicker case progression—they also introduce new and significant risks.

Research across four European jurisdictions in 2025 (8) shows that remote hearings can weaken children's procedural rights, affect their ability to participate meaningfully, and exacerbate misunderstandings about their behaviour, engagement, or credibility. Children often join hearings from environments that are unsafe, noisy, or monitored by others, which can compromise privacy and influence what they feel able to say. Digital platforms can also make it harder for practitioners to recognise distress, confusion, or coercion. Research indicates that children's behaviour and demeanour on screen is frequently misinterpreted, and that technology can distort perceptions of credibility, engagement, or cooperation. These challenges disproportionately affect children in custody, including those with neurodiversity and communication issues, those living in rural areas or coming from marginalised communities.

International and European standards provide a strong foundation for protecting children's rights in the context of digitalisation of justice. The UN Convention on the Rights of the Child, General Comment No. 24, the Council of Europe Guidelines on Child-Friendly Justice, and the EU Directive on procedural safeguards for children all emphasise the right to meaningful participation, privacy, legal representation, and non-discrimination. However, the gap in practice and reported violations of children's right to a fair trial show the strong need for practical guidance on how such rights should be upheld in digital environments.

Clear operational guidance is needed to ensure that remote hearings do not dilute children's rights and that technology is used only in ways that maintain or enhance fairness, dignity, and meaningful participation.

This guidance is evidence-based, drawing on research with practitioners, social workers, and children suspected, accused or convicted of a criminal offence with remote criminal hearing

(8) PRI (2025) Upholding children's rights in remote hearings in child justice systems: Lessons from four jurisdictions (Ireland, Romania, Spain, Ukraine) https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/

experience. It reflects multidisciplinary insights from social workers, child psychologists, youth justice and neurodiversity specialists, and legal professionals, including judges, prosecutors and lawyers. Its purpose is to help practitioners make informed, defensible decisions about when and how remote hearings should be used with children, and how to ensure that technology does not distort professional judgement or the fairness of proceedings.

These guidelines are designed to inform judicial practice directions, court protocols, training curricula, and professional standards. They offer an interpretive and operational framework for applying children's rights in digital settings, but they do not replace national legislation, procedural rules, or judicial discretion. Instead, they provide structured support to help practitioners apply existing law in a way that protects children's best interest, well-being, and their procedural rights, including meaningful participation, privacy, legal representation, and non-discrimination.

There are clear boundaries to what these guidelines can do. They cannot resolve every technological or procedural challenge, and they do not prescribe rigid rules for every case. They should be used alongside national legal requirements, professional judgement, multidisciplinary input, and monitoring and evaluation. Because digital justice continues to evolve, the guidelines should be periodically reviewed and updated in light of new evidence, technological developments, and feedback from children and professionals. Their value lies in supporting a consistent, child-centred approach that strengthens fairness and safeguards in every digital process involving a child.

PART I

Part I: Developing child-centred digital justice processes

When and whether to use remote hearings with children

Deciding whether a child should participate in a hearing remotely is a significant judicial responsibility. While digital tools are now embedded in many justice systems, **in-person hearings should remain the default** option wherever possible, particularly where they better support the child's participation, understanding, and wellbeing. Remote hearings should only be used when they are clearly in the child's best interests and when they do not compromise the fairness or integrity of proceedings.

Justice professionals should consider both the child's informed views and their long-term best interests. These two considerations may not always align. A child may consent to a remote hearing because it feels easier in the moment, yet an in-person hearing may offer stronger safeguards, better communication, or a more accurate assessment of their needs. Conversely, a child may express discomfort with remote participation for reasons that require sensitive exploration and reasonable adjustments. Practitioners must balance the child's expressed preferences with a

careful, evidence-based assessment of what will best protect their rights, safety, and future outcomes.

To support transparency and procedural fairness, decisions about the mode of hearing must be clearly reasoned, recorded, and accessible to the child and their support workers. This includes documenting why a remote format was chosen, what alternatives were considered, how the child's views were taken into account, and what safeguards were put in place. Such documentation strengthens accountability, supports appeal or review processes, and helps children understand how decisions affecting them were made—an important principle of procedural justice.

Two core principles guide this decision-making:

Fairness: Technological neutrality in judicial reasoning:
Technology must never influence how a child's behaviour, credibility, or engagement is interpreted. Remote participation must not advantage or disadvantage the child in terms of legal assessment, sentencing, or outcome. The mode of hearing should not shape the substance of justice.

Legality: Clear limits on discretion and documented reasoning:
Transparent criteria must guide judicial discretion to order remote participation. Decisions should be reviewable, consistent, and grounded in the child's rights. Recording the rationale ensures fairness, supports learning across cases, and helps build a more child-centred digital justice system. More information is available in our 10-point plan: Protecting the procedural rights of children in the digitalisation of justice (9).

Safeguarding children's rights within remote hearings

Remote hearings involving children must be conducted in ways that protect their rights, support comprehension, and enable meaningful participation.

Clear procedural structure before, during, and after hearings
Remote hearings are not discrete events beginning when participants connect digitally and ending when the call disconnects. Rather, they constitute continuous processes that span from the initial decision to conduct proceedings remotely through to post-hearing follow-up and support. Each stage—the assessment of whether remote participation is appropriate, preparation and orientation before the hearing, active support during proceedings, and debriefing and implementation of outcomes afterwards—directly affects whether children can exercise their procedural rights and whether justice genuinely serves their best interests. Fragmented approaches that focus

(9) Penal Reform International (2026) 10 point plan: Protecting the procedural rights of children in the digitalisation of justice https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/

exclusively on the live hearing whilst neglecting preparation or follow-up systematically fail children, leaving them confused about what will happen, unable to participate effectively during proceedings, and without adequate support to understand or comply with outcomes. Child-centred justice requires coordinated attention across the entire timeline of remote proceedings, ensuring continuity of support and protection of rights at every stage.

Before	During	After
A predictable, well-prepared process reduces anxiety and supports participation. Courts should ensure that:	Judicial leadership is essential to creating a safe, comprehensible, and empowering environment:	Post-hearing support is essential for comprehension and emotional safety:
• Where feasible and it does not unduly delay the hearing, children should be informed at least five days in advance when a remote hearing is planned. • A child-friendly glossary of legal terms is shared with the child and their support worker. • A shared checklist is completed by the court, legal representatives, and support professionals outlining the child's needs, communication preferences, and any required adjustments. • All staff and child legal representatives, including parents and/or caregivers are notified in advance when a remote hearing will occur, allowing enough time to prepare the room, equipment, and support arrangements. • Judges receive a short pre-hearing synopsis summarising the child's background, needs, and what supports are effective ("this is what works"). This should be prepared by social workers, youth justice staff, or other relevant professionals.	• The courtroom should be live five minutes early, with the judge visible on screen to reduce uncertainty. • The camera should clearly show who is speaking and who is present in the room. • The judge should greet the child directly, follow a brief introductory script, and confirm who is in the room with them. • A professional should help orient the child ("This is who is here, this is what will happen"). • The judge should check in regularly, using plain language and asking open questions such as: "What do I need to know today that will help you take part?" • Comfort breaks should be scheduled and offered proactively. • Children should have protected time with family or a trusted adult where appropriate. • A guardian or support worker should be within the child's line of sight if the child wishes. At the end, the judge should clearly explain the outcome and next steps, and remain on screen until the child has fully exited the hearing.	• The child should leave the room only once the screen is blank. • A support worker should accompany the child to a child-friendly space for an initial debrief. • Support for language and communications needs should be provided • A short, positive grounding activity (a treat, a break, or a supportive conversation) can help regulate emotions. • The child should receive clear, simple explanations of what happened and what will happen next. A feedback loop should be established: • **Individual**: immediate reflections from the child. • **Institutional/ court-level:** weekly themes for practice improvement. • **National**: monthly insights for policy development. • Contact with the child's legal representative should occur within 48 hours. • Annual evaluations and regular updates to Standard Operating Procedures (SOPs) should incorporate children's lived experience.

Meaningful participation and comprehension

Article 12 of the UN Convention on the Rights of the Child establishes children's fundamental right to express their views freely in all matters affecting them and to have those views given due weight in accordance with their age and maturity. This right extends explicitly to judicial and administrative proceedings, requiring that children be provided with the opportunity to be heard either directly or through a representative. The UN Committee on the Rights of the Child emphasises that meaningful participation requires more than formal procedural allowance for children to speak; it demands that proceedings be conducted in ways that enable children to genuinely understand what is occurring, to communicate their perspectives effectively, and to influence decisions affecting their lives. Directive (EU) 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings reinforces these requirements, mandating that information be provided in simple, accessible language and that individual assessments identify children's specific needs regarding participation. Remote hearings create additional barriers to comprehension and participation through technological mediation, diminished non-verbal communication, and environments that may inhibit children's willingness or ability to engage. Practitioners should implement active measures to ensure that digital formats enhance rather than undermine children's procedural rights to meaningful participation.

Children must be able to understand, follow, and meaningfully participate in proceedings. Practitioners should ensure:

- *Communication is accessible, age-appropriate, and comprehensible: Use plain language tailored to the child's developmental level, avoiding legal jargon and technical terminology; ensure all participants communicate in ways children can understand rather than expecting children to decode adult professional language.This could include taking advice on the best way to structure sentences and questions from linguists and speech and language therapists.*
- *Understanding is actively verified throughout proceedings: Regularly check comprehension through open-ended questions that reveal actual understanding rather than yes/no questions that allow children to conceal confusion.*
- *Children have secure, confidential access to legal advice: Provide reliable mechanisms for private lawyer-client consultation before, during, and after hearings, using breakout rooms, secure messaging, or adjournments to ensure children can communicate freely with their legal representatives without being observed or overheard by others.*
- *Reasonable adjustments are implemented proactively: Systematically accommodate neurodivergent children and those with communication, language, sensory, or cognitive differences through adapted communication methods, additional processing time, visual supports, movement breaks, or alternative participation formats, treating these as standard entitlements rather than exceptional accommodations requiring special justification.*

- *Participation barriers are identified and addressed: Monitor whether technological limitations, communication approaches, procedural complexity, or other factors prevent effective participation, and adapt proceedings to remove barriers rather than blaming children for inability to engage in formats designed without consideration of their needs. For example, if a child is struggling to follow proceedings due to poor audio quality or an unfamiliar digital interface, the hearing should be paused, technical support provided, and the format reconsidered — including whether in-person attendance would better serve the child's right to participate.*

Where a barrier cannot be removed, practitioners must explain this honestly and clearly to the child in age-appropriate language, emphasising that the difficulty is not a reflection of their capability or conduct. Children should never be left feeling that they have failed the process; rather, they must understand that the process has an obligation to meet their needs.

Protection of privacy, safety, support, and confidential legal consultation

Children's rights to privacy, safety, and confidential legal advice are fundamental safeguards that must be rigorously protected in remote hearings. The physical distance and technological mediation of remote proceedings create unique vulnerabilities that require heightened vigilance from practitioners. Unlike in-person hearings, where courtroom security and physical separation provide baseline protections, remote formats expose children to risks of surveillance, coercion, and privacy violations in the spaces from which they participate. Judges and lawyers should exercise active oversight to ensure that remote hearings meet or exceed the privacy and safeguarding standards of in-person proceedings, recognising that children's capacity to participate meaningfully depends fundamentally on feeling safe, supported, and able to communicate confidentially with their legal representatives.

Courts should ensure:

1. *The child's physical environment is assessed for safety, privacy, and **free from coercion**: Conduct pre-hearing assessments to verify that the space is free from individuals who might intimidate, monitor, or influence the child, including perpetrators of abuse, coercive family members, or others who pose safeguarding risks.*

2. *No unauthorised person can overhear or observe the hearing: Implement measures to **prevent eavesdropping**, including ensuring doors are closed, verifying who else is present in the child's location, and using visual checks during hearings to confirm the child is alone or accompanied only by approved support persons.*

3. *Children have uninterrupted access to **confidential legal advice** before, during, and after the hearing: Establish secure methods for private consultation, such as breakout rooms, temporary adjournments, or encrypted messaging, ensuring lawyers can communicate with child clients without being seen or heard by judges, prosecutors, or other participants.*

4. ***Family, caregiver, and/ or guardian involvement*** *is actively supported when this is in their best interests: Recognise that children usually benefit from family or guardian support throughout legal proceedings and make reasonable accommodations to enable families to attend remotely or in- person, provide practical assistance with technology, and support the child's wellbeing before, during, and after hearings.*

5. *Children can* ***signal*** *distress or* ***request*** *breaks privately: Provide mechanisms such as chat functions, hand signals, or pre-arranged codes that allow children to communicate needs to their lawyer or the court without publicly announcing distress or confusion.*

6. *Detention facilities and institutions comply with* ***privacy*** *requirements: Where children participate from detention or care settings, verify that staff understand their obligations to provide private spaces, that institutional surveillance systems (cameras, listening devices) are not monitoring confidential consultations, and that children are not wearing restraints or institutional clothing that undermines their dignity.*

7. *The child's image and voice are protected from recording or distribution: Clearly* ***communicate prohibitions*** *on recording, screenshotting, or sharing content from hearings, implement technical restrictions where possible, and establish consequences for violations that compromise children's privacy.*

8. *Parents and guardians receive* ***clear guidance*** *about their supportive role: Provide families with information about how they can appropriately support their child (offering emotional reassurance, helping with technology, being physically present if the child wishes) whilst respecting boundaries around confidential legal advice and the child's right to autonomous decision-making with their lawyer.*

9. ***Children are never left isolated*** *during remote proceedings: Ensure that even when families cannot be present, social workers, support workers, or other responsible adults are available to sit with the child, provide comfort during distressing moments, and assist with practical needs without interfering with the legal process.*

10. ***Post-hearing support*** *is arranged in advance: Coordinate with families, social workers, or other support persons to ensure the child will have someone available immediately after the hearing to provide debriefing, emotional support, and help understanding and processing what occurred.*

Minimum standards for rooms, equipment, and platforms

The environments in which children participate in remote hearings, both physical and digital, have a direct impact on their ability to understand, engage, and feel safe. Poorly designed spaces can increase stress, confusion, and disengagement, particularly for children with neurodivergent needs or communication difficulties. These standards are therefore not about comfort alone—they are essential to fairness and meaningful participation.

1 **Create calm, private, and child-friendly spaces**
Children should join hearings from environments that support focus and reduce stress.

- Quiet, private rooms with minimal noise and interruptions
- Neutral, calming décor with soft or natural lighting
- Comfortable temperature and good ventilation
- Free from visual clutter or distracting backgrounds

Key point: A calm environment helps children concentrate and feel secure.

2 **Ensure reliable, high-quality technology**
Technology should support, not hinder, participation.

- Clear audio and video (facial expressions must be visible)
- Stable internet connection with pre-hearing testing
- Backup systems in case of failure
- Immediate access to technical support

Key point: Poor technology can prevent children from understanding or being heard.

3 **Use simple and accessible digital platforms**
Platforms should be easy for children to navigate and follow.

- Clear display of all participants (with names)
- Visual cues to show who is speaking
- Simple controls (e.g. mute, raise hand)
- Avoid complex or cluttered layouts

Key point: Children should be able to follow the hearing without confusion.

4 **Support neurodivergent and sensory needs**
Spaces and systems should adapt to different ways children process information.

- Allow movement, breaks, or use of fidget tools
- Avoid overwhelming sensory input (noise, lighting, smells)
- Provide comfortable seating and flexible positioning

Key point: Some children need adjustments to participate at all.

5 **Promote dignity and respect**
The setting should reflect the seriousness of proceedings without being intimidating.

- Avoid visibly punitive or institutional environments (e.g. cells, custody areas)
- Ensure the child is not seen in a way that undermines their dignity
- Create a space that feels safe, respectful, and appropriate

Key point: The environment should support fairness, not reinforce stigma or fear.

6 **Ensure comfort and physical wellbeing**
Children need to be physically comfortable to stay engaged.

- Appropriate seating and desk space
- Clear view of the screen without strain
- Access to water and breaks
- Suitable temperature and fresh air

Key point: Discomfort can reduce attention and participation.

7 **Protect privacy and confidentiality**
Children must feel safe to participate openly.

- No unauthorised people present in the room
- Backgrounds should not reveal personal or sensitive information
- Secure platforms to prevent intrusion or data breaches

Key point: Privacy is essential for trust and fair participation.

8 **Provide accessibility for children with additional needs**
Digital systems must work for all children.

- Closed captioning where needed
- Compatibility with assistive technologies (e.g. screen readers)
- Adjustable text size, contrast, and display settings
- Keyboard navigation options

Key point: Accessibility should be built in, not added later.

9 **Ensure inclusive communication (including interpretation)**
All children must be able to understand and be understood.

- High-quality interpretation services where needed
- Interpreters visible on screen where helpful
- Extra time for interpreted communication

Key point: Language barriers must not limit participation.

10 **Plan for technical problems**
Systems should be in place to avoid disruption or unfairness.

- Backup devices or alternative connections (e.g. phone)
- Clear plan for what happens if technology fails
- Ensure children are not penalised for technical issues

Key point: Technical failures should not disadvantage the child.

Well-designed physical and digital environments are fundamental to fair and effective participation. When spaces and systems reflect children's needs, dignity, and abilities, remote hearings are more likely to support, not undermine, their rights.

PROMISING PRACTICE

The design research led by the Designing Out Crime Research Centre (DOC) at the University of Technology Sydney (UTS)—in collaboration with **Justice NSW** and a multidisciplinary team of designers, criminologists, legal researchers, and architects—has developed a human-centered, co-design framework to improve Audio-Visual Link (AVL) experiences across adult and juvenile justice jurisdictions. This project stands out as a **promising practice in promoting procedural justice, equity of experience, and meaningful participation for defendants appearing in court via remote video links from custody.**

Rather than treating remote video technology purely as a cost- or time-saving administrative tool, this multi-disciplinary project applies co-design and forensic/environmental psychology to prioritize procedural rights, defendant comprehension, and human dignity within digital court proceedings.

Gender-sensitive approaches in remote hearings

Gender considerations are critical in remote hearings involving children, yet they are frequently overlooked in digital justice implementation. Inequalities based on gender are prevalent globally, with girls and women typically experiencing less power than boys and men in most spheres of life. These power imbalances are often intensified in criminal justice settings, which mirror wider societal inequalities whilst failing to recognise gender-specific needs and vulnerabilities.

Digitalisation introduces additional gendered dimensions that practitioners should understand and address. Digital poverty and low digital literacy disproportionately affect women and girls globally (10), with women more likely to experience digital poverty and lack basic digital skills. This gender gap is driven by lower income, limited access to technology, and sociocultural barriers, with fewer women using mobile internet than men worldwide. When criminal justice systems adopt remote formats, they risk systematically disadvantaging girls already facing barriers to digital access and participation.

Beyond access, gendered patterns in technology usage create distinct challenges. For girls from communities where cultural or religious norms restrict their autonomy, remote participation may expose them to additional family control, surveillance, or coercion that would not occur in public courtrooms.

Key gender-sensitive considerations for practitioners in remote hearings:

- *Assess digital access barriers: Recognise that girls may lack adequate technology, internet connectivity, or digital literacy due to gendered poverty, limited educational opportunities, or family restrictions on technology use.*

- *Ensure **privacy**: Verify that girls have private spaces free from family surveillance or control, recognising that cultural norms may subject girls to greater monitoring than boys.*

- *Apply **trauma-informed** approaches: Recognise that girls in conflict with the law disproportionately experience high rates of mental health difficulties and gender-based violence, sexual abuse, exploitation, and trauma, with research indicating that pathways into criminalisation for girls are frequently rooted in experiences of violence and abuse; ensure that remote proceedings do not exacerbate mental health crises and that appropriate psychological support is available before, during, and after hearings.*

(10) World Bank Group (2025) What Works to Advance Women's Digital Literacy? A Review of Good Practices and Programs. https://openknowledge.worldbank.org/entities/publication/6c1c1818-1085-4036-8a4d-c64c0dbb7f40

Consider courtroom composition and representation: Be conscious that all-male or male-dominated courtrooms may create additional barriers for girls and young women, particularly those who have experienced male-perpetrated violence or abuse, and that remote formats may intensify feelings of isolation, powerlessness, or inability to speak freely when facing exclusively male authority figures on screens.

*Address **safety** concerns: Be alert to girls' fears and experiences of online harassment, image-based abuse, or having their participation in proceedings shared beyond the courtroom, and provide reassurance about privacy and security measures.*

*Provide additional **support**: Offer extra time and technical assistance for girls who may have lower digital literacy due to gendered barriers to skills development and technology access.*

*Use **inclusive** language: Avoid gendered assumptions and ensure communication respects diverse gender identities and cultural backgrounds.*

***Prioritise in-person** hearings for gender minorities: Recognise that transgender, non-binary, and gender diverse young people face disproportionate risks of abuse, neglect, torture, and ill-treatment in detention and institutional settings; remote formats prevent judges from directly observing physical signs of harm, making it essential that proceedings involving gender minorities are conducted in-person wherever possible to enable detection of injuries, signs of mistreatment, or indicators of distress that cannot be adequately assessed through screens.*

Consider intersecting disadvantages: Recognise that girls from ethnic minorities, immigrant backgrounds, those living in poverty, or girls with disabilities face compounded barriers requiring additional accommodations.

By understanding and actively addressing these gendered dimensions, practitioners can help ensure that remote hearings do not systematically disadvantage girls or compound the gender inequalities that already pervade criminal justice systems.

PART II

Part II: Putting principles into practice

The procedural structure and communicative approach practitioners adopt during remote hearings fundamentally determine whether children can participate meaningfully or whether they become passive, confused observers of processes happening to them rather than with them. Technical compliance with procedural requirements—ensuring all participants are connected, recording

commenced, and legal formalities observed—does not constitute child-friendly practice if children cannot understand what is occurring, feel too intimidated or confused to speak, or lack adequate support to exercise their rights.

This section provides practical guidance on how judges and lawyers should conduct remote hearings to protect children's procedural rights, support their comprehension and participation, and ensure proceedings are genuinely fair rather than merely technically compliant. These practice considerations can be applied in jurisdictions with differing procedural rules and can be adapted within existing legal frameworks to make remote hearings more accessible and child-centred.

Trauma-informed and neurodivergent-inclusive practice

A significant proportion of children in contact with the criminal justice system have experienced trauma, adverse childhood experiences (ACEs), or chronic stress. Many are also neurodivergent, such as autistic children and children with ADHD, learning disabilities, communication disorders, or sensory processing differences. Research across Europe (11) shows that these factors strongly influence how children understand, communicate, and cope during remote hearings.

Adverse experiences can affect attention, memory, emotional regulation, and the ability to trust adults in authority. A child may appear withdrawn, confused, avoidant, or overly compliant. In remote hearings, these signs are harder to detect, and technology can amplify misunderstandings. For example, a child who looks away from the screen may be interpreted as disengaged, when in fact they are overwhelmed or trying to regulate their emotions.

Neurodivergent children may struggle with rapid turn-taking, unclear audio, visual overload, or unpredictable changes in routine. They may need more processing time, clearer explanations, or alternative communication methods. Remote formats can intensify sensory stressors, such as echo, lag, or multiple faces on screen, which can increase anxiety and reduce participation.

International laws and standards (UNCRC, General Comment No. 24, Council of Europe Guidelines on Child-Friendly Justice) emphasise that children must be able to participate effectively. This requires recognising how trauma and neurodiversity shape behaviour and communication, and adapting practice accordingly.

Trauma-informed and neurodivergent-inclusive practice means creating conditions where children feel safe, understood, and able to take part. Research and practitioner experience highlight several

(11) PRI (2025) Upholding children's rights in remote hearings in child justice systems: Lessons from four jurisdictions (Ireland, Romania, Spain, Ukraine) https://www.penalreform.org/where-we-work/europe/procedural-rights-of-children-in-the-digital-age/

effective approaches:

Prepare the child and reduce uncertainty

Children's anxiety, confusion, and inability to participate effectively in legal proceedings often stem from not knowing what to expect, what is expected of them, or how the process will unfold. This uncertainty is significantly heightened in remote hearings where children lack familiarity with digital platforms, cannot observe the physical courtroom environment that provides contextual cues about formality and procedure, and may have no prior experience of legal proceedings to draw upon. Neurodivergent children, children with anxiety disorders, and younger children are particularly affected by unpredictability, as their ability to regulate emotions and maintain attention depends heavily on clear structure, advance warning of what will happen, and concrete understanding of their role. Preparation is essential to enabling children's meaningful participation.

Practitioners should:

- *Explain the hearing step-by-step using **simple, concrete language:** Describe what will happen in chronological order using age-appropriate vocabulary, **avoiding legal jargon** and abstract concepts; for example, "First, I will introduce everyone and explain why we are here. Then your lawyer will speak. Then the prosecutor will speak. Then I may ask you some questions" rather than "We will proceed with submissions followed by examination."*

- *Provide **visual aids** or short written summaries where helpful: Create simple diagrams showing the sequence of events, use flowcharts to illustrate decision-making processes, or provide written schedules the child can refer to during the hearing; ensure materials are genuinely **child-friendly and accessible** rather than simplified adult documents that retain complex terminology.*

- *Allow the child to see the digital platform beforehand and **practise** using it: Arrange practice sessions where children can log into the platform, experiment with muting and unmuting, test the function, see how multiple participants appear on screen, and become comfortable with the interface without the pressure of live proceedings.*

- *Offer **predictable routines and clear signposting**: Use consistent phrases to mark transitions between stages (e.g., "Now we are moving to the next part where..."); tell children in advance how long each section is expected to last; and provide warnings before potentially distressing or challenging moments ("In a few minutes, I'm going to ask you some questions about what happened").*

- *Check the child's understanding of preparation materials: Do not assume that because materials were provided, the child understood them; ask **open-ended questions** that reveal comprehension (e.g., "Can you tell me what you think will happen first?") rather than yes/no questions that allow children to hide confusion. Ensure that the format of any informative content is accessible for people with disabilities and neurodivergency.*

- *Coordinate preparation across all professionals involved: Ensure lawyers, social workers, and court staff provide **consistent information** rather than contradictory explanations that increase confusion; verify that preparation has actually occurred rather than assuming other professionals have fulfilled this responsibility.*

- *Revisit preparation immediately before the hearing: Recognise that information provided days or weeks earlier may have been forgotten or misunderstood; offer a brief reminder of what will happen, who will be present, and what the child should do if they feel confused or need a break.*

Create a safe and supportive environment

Children's capacity to participate meaningfully depends fundamentally on feeling physically and emotionally safe. When children are frightened, anxious about their surroundings, worried about who might overhear them, or lacking trusted support, their cognitive resources are consumed by managing threat responses rather than being available for understanding complex legal information and making important decisions. Remote hearings create unique safety challenges because practitioners cannot directly observe or control the environments from which children participate, yet environmental safety remains a prerequisite for fair proceedings.

Practitioners should:

- *Check that the child is joining from a **private, calm, and safe space:** At the beginning of proceedings, the judge/ prosecutor should ask the child directly (and their lawyer privately) whether they feel safe and private; conduct visual checks of the background visible on camera to identify potential concerns; and be alert to verbal or non-verbal signs that the child feels unsafe or monitored.*

- *Ensure a **trusted adult or support professional is available** if the child wants them: Judges and lawyers should verify before the hearing begins whether the child wishes to have a parent, guardian, social worker, or other support person present; facilitate their presence when appropriate whilst ensuring they understand they should not interfere with the child's confidential legal consultations or coach the child's responses.*

- *Allow the child to keep **grounding objects** (fidget tools, comfort items) off-camera: Explicitly give permission for children to use stress balls, fidget toys, or other objects that help them self-regulate, making clear these are appropriate and will not be viewed negatively; recognise that movement and tactile stimulation help many neurodivergent children maintain attention.*

- *Position support appropriately: When trusted adults are present with the child, ensure they are **positioned where the child can see them** for reassurance but where they cannot signal, gesture, or otherwise influence the child's testimony or responses; address any concerns about inappropriate coaching immediately.*

- *Monitor throughout proceedings: **Remain alert to changes** in the child's environment (unexpected interruptions, people entering the room, background noise) and address these immediately; if the child's safety or privacy appears compromised, pause proceedings until concerns are resolved.*

- ***Respect** children's requests for support or breaks: When children indicate they need a trusted adult present, time alone with their lawyer, or a pause in proceedings, treat these requests as legitimate needs rather than disruptions; avoid creating an environment where children feel they will be judged negatively for expressing vulnerability or needs.*

- *Address intimidation or coercion immediately: If practitioners observe or suspect that individuals in the child's location are attempting to influence, intimidate, or monitor the child inappropriately, **intervene decisively**, potentially requiring alternative arrangements for the remainder of proceedings.*

Recognise signs of distress or overload

Children experiencing overwhelming anxiety, cognitive overload, or emotional distress cannot participate meaningfully in legal proceedings, regardless of technical procedural compliance. Unlike in-person hearings, where judges can observe children's full body language, facial expressions, and physical responses to stress, remote formats provide only limited visual information through camera frames that may show only faces or upper bodies. This makes recognising distress more challenging whilst simultaneously increasing the likelihood that children will experience distress due to the additional stressors of remote participation. Practitioners should develop heightened sensitivity to subtle indicators of difficulty and respond proactively rather than waiting for children to explicitly request help.

Practitioners should:

- *Watch for changes in **tone, posture, silence, or agitation**: Notice if the child's voice becomes quieter, higher-pitched, or shaky; if they move off-camera or turn away from the screen; if they become notably silent after previously engaging; if they begin fidgeting intensely, repeatedly touching their face, or displaying other stress behaviours; or if they seem to "freeze" and stop responding.*

- ***Offer breaks proactively**, not only when requested: Many children, particularly younger ones or those experiencing trauma responses, cannot recognise when they need breaks or feel unable to request them; schedule breaks at regular intervals (e.g., every 30-45 minutes for younger children, every hour for adolescents) and offer additional breaks when signs of fatigue or stress emerge.*

- ***Pause proceedings if the child appears confused**, overwhelmed, or unable to follow: When children display glazed expressions, stop making eye contact, begin answering questions tangentially or inconsistently, or show other indicators of cognitive overload, stop the hearing immediately; provide a break, check understanding, and resume only when the child has recovered capacity to participate.*

- *Distinguish between different types of distress: **Recognise** that silence might indicate overwhelming anxiety, dissociation, or confusion rather than refusal to cooperate; that fidgeting might reflect ADHD, sensory needs, or nervousness rather than disrespect; and that emotional outbursts might indicate trauma responses rather than manipulation.*

- ***Consult with support professionals** present with the child: If social workers, psychologists, or other professionals are supporting the child, create opportunities for them to communicate concerns about the child's state without disrupting proceedings, such as through private messages to the judge or designated court staff.*

- *Be prepared to **adjourn if necessary**: Recognise that continuing proceedings when a child is in significant distress is both procedurally unfair and potentially harmful; be willing to adjourn and reschedule rather than forcing continuation when the child cannot meaningfully participate.*

Ensure meaningful participation

Procedural compliance—technically allowing a child to be present during a hearing—does not constitute meaningful participation if children cannot understand proceedings, feel too intimidated to speak, lack adequate legal support, or are prevented by communication barriers, cultural factors, or disability from effectively exercising their rights. The UN Convention on the Rights of the Child establishes children's right to express their views and have those views given due weight, a right that extends to all legal proceedings affecting them. Remote hearings should be structured to enable genuine participation rather than mere passive presence.

Practitioners should:

- ***Ask the child** how they prefer to communicate: Begin by establishing whether the child feels comfortable speaking aloud, would prefer to type responses in chat, wants to communicate through their lawyer, or has other preferences; respect these preferences rather than imposing uniform expectations.*

- ***Confirm they can see and hear clearly**: Do not assume that because video is transmitting, the child can actually see relevant participants or documents; ask directly whether they can see everyone who is speaking, whether they can read any documents being discussed, and whether audio quality is adequate; make adjustments immediately if problems are identified.*

- *Provide opportunities for **private consultation** with their lawyer at any time: Establish at the outset that the child can request to speak privately with their lawyer whenever needed; implement mechanisms such as chat functions, hand signals, or verbal requests; and respond immediately to such requests by creating breakout rooms, calling recesses, or otherwise facilitating confidential consultation.*

- ***Avoid interpreting behaviour on screen as lack of cooperation** without exploring underlying causes: When children appear disengaged (looking away from camera, not responding promptly, seeming distracted), investigate whether this reflects technological problems, communication difficulties, neurodevelopmental differences, cultural communication norms, or other factors rather than assuming intentional non-cooperation or disrespect.*

- *Enable children to **contribute substantively** to decisions affecting them: Create genuine opportunities for children to express their views on procedural matters (such as whether they need breaks, prefer certain communication methods, or want support persons present), on substantive legal issues where their perspective is relevant, and on outcomes being considered; demonstrate that their views receive serious consideration rather than being perfunctorily solicited then ignored.*

- ***Explain*** *how the child's input will be considered: Help children understand how their participation matters—what decisions judges should make, what factors will be considered, and how the child's own views and circumstances will influence outcomes—so they understand their participation has purpose rather than being ritualistic.*

- ***Address power imbalances actively****: Recognise that children face inherent power imbalances when participating in proceedings dominated by adult legal professionals; take steps to equalise power where possible by using accessible language, sitting at the child's eye level (in terms of camera positioning), adopting a conversational rather than interrogatory tone, and demonstrating respect for the child's dignity and agency.*

- ***Create a concluding opportunity for the child to speak****: Before ending proceedings, where procedural rules permit, explicitly ask whether the child has anything they want to say, any questions they want to ask, or anything they feel the court should know; provide adequate time for responses rather than rushing through this as a formality.*

By implementing these practice considerations systematically rather than selectively, practitioners can significantly improve the fairness, comprehensibility, and child-centredness of remote hearings. However, practitioners should also recognise that even exemplary practice within remote formats cannot fully compensate for the inherent limitations and disadvantages these formats create for many children. Where practice adjustments prove insufficient to enable meaningful participation, practitioners should be prepared to acknowledge that remote hearings are inappropriate for the specific child and case, and should advocate for or order in-person proceedings regardless of administrative inconvenience.

Skills, training, oversight, and continuous improvement

Digital justice for children remains an evolving field where evidence about effective practices, harmful impacts, and children's experiences continues to develop. What we understand today about remote hearings and children's rights will be refined, challenged, and expanded by ongoing research, practice experience, and, most importantly, children's own accounts of how these processes affect them. Practitioners cannot rely on initial training, established assumptions, or static protocols in a domain characterised by rapid technological change and emerging understanding of developmental, neurological, and social factors affecting children's digital participation. An evidence-led, learning-oriented approach is essential, requiring practitioners to engage in continuous professional development, actively seek feedback from children and families, monitor outcomes systematically, and adapt practices based on what evidence reveals about effectiveness and fairness rather than what administrative convenience or technological optimism suggests.

Professional competence and continuous training

Judges, lawyers, and court staff require specialised knowledge and skills to conduct child-friendly remote hearings that protect procedural rights whilst accommodating diverse developmental needs, communication styles, and vulnerabilities. The skills required for effective practice with children in remote settings cannot be assumed or improvised; they should be systematically developed through evidence-based training and maintained through ongoing professional development.

Justice systems should ensure:

- *Mandatory initial training for all practitioners working with children in digital justice contexts: Comprehensive programmes covering child development and age-appropriate communication; neurodiversity and how ADHD, autism, dyslexia, and other conditions affect participation in remote formats; trauma-informed practice and recognising signs of distress, dissociation, or re-traumatisation; gender-sensitive approaches recognising how girls and boys may experience digital justice differently; cultural competence and understanding how ethnicity, language, and cultural background affect children's engagement with justice systems.*

- *Regular refresher training and exchange of good practice reflecting evolving evidence and practice: Annual or biannual updates incorporating new research findings about children's experiences of remote hearings, emerging good practices identified through practice evaluation, technological developments affecting how remote hearings function, and changes to legal standards or procedural requirements affecting children's rights in digital contexts.*

- *Specialised training on communicating online with neurodivergent children: Detailed guidance on adapting communication for children with ADHD (providing structure, managing attention, allowing movement), autism spectrum conditions (using literal language, providing predictability, understanding different social communication patterns), speech and language impairments (allowing processing time, using visual supports, recognising receptive versus expressive difficulties), and learning disabilities (simplifying language, checking comprehension, avoiding assumptions about literacy).*

- *Confidence in technology grounded in training and evidence: Training should critically examine how digital platforms can undermine as well as support children's rights, challenging assumptions about efficiency, accessibility, or universality of digital participation.*

- *Training on recognising the suitability of remote hearings for each child: Practitioners should develop skills in assessing when digital formats will compromise children's rights or meaningful participation, and in advocating for or ordering in-person proceedings when remote formats prove inadequate regardless of administrative preference.*

Accountability, monitoring, and evidence-based adaptation

Systematic monitoring of remote hearings' impact on children's rights, participation quality, and case outcomes demonstrates institutional commitment to accountability and continuous improvement. Justice systems can strengthen their protection of children's rights by collecting robust evidence about how rights are upheld in practice, using this data to identify what works well and where improvements are needed. Monitoring should be rigorous, transparent, and designed to recognise both successful practices worth replicating across jurisdictions and emerging challenges requiring timely intervention and support.

Courts and justice systems should:

- *Collect disaggregated data on remote hearing usage and outcomes: Track the number and proportion of hearings conducted remotely versus in- person, broken down by hearing type (procedural versus substantive), child characteristics (age, gender, ethnicity, disability status, neurodivergence), geographic location, and case outcomes; analyse whether remote hearings correlate with different outcomes than in-person proceedings (conviction rates, sentence types, case durations, appeal rates).*

- *Monitor participation quality through structured observation: Implement observation protocols where trained evaluators (potentially including young people with lived experience) observe remote hearings and systematically assess: whether children demonstrated understanding of proceedings; whether they had adequate opportunities to participate; whether communication was age-appropriate and accessible; whether privacy and confidentiality were protected; whether adequate support was provided; and whether any rights violations occurred.*

- *Gather feedback from all participants: Systematically collect reflections from children, families, lawyers, judges, social workers, and other professionals involved in remote hearings to understand different stakeholders' perspectives on what worked well and what created barriers or harm.*

- *Identify patterns of inequality or discrimination: Analyse data to determine whether remote hearings disproportionately disadvantage particular groups of children (girls, ethnic minorities, neurodivergent children, those in poverty, rural residents, non-native speakers) and whether these disparities reflect and exacerbate existing inequalities in justice system treatment.*

- *Evaluate compliance with procedural safeguards: Assess whether mandatory requirements such as pre-hearing preparation, confidential legal consultation, appropriate physical environments, and post-hearing support are consistently implemented or are being routinely bypassed due to resource constraints or administrative convenience.*

- *Commission independent evaluations: Engage external researchers without institutional investment in defending existing practices to conduct rigorous evaluations of remote hearing impacts, ensuring findings are publicly available and transparently inform policy development.*

- *Establish clear accountability when standards are not met: Create consequences for systematic failures to protect children's rights in remote hearings, including remedial action plans for courts or practitioners who consistently fail to implement required safeguards, and mechanisms for children to obtain remedies (such as rehearings or appeals) when their rights were violated.*

- *Publish monitoring findings transparently: Make data and evaluation results publicly available, not only to demonstrate accountability but also to enable civil society organisations, researchers, and advocates to identify problems, propose solutions, and hold systems accountable for protecting children's rights.*

- *Use evidence to drive iterative improvement: Establish regular review cycles (annually or biennially) where monitoring data, research findings, and stakeholder feedback inform revisions to remote hearing protocols, with a presumption in favour of changes that strengthen children's rights and meaningful participation even when these create additional procedural complexity or reduce administrative efficiency.*

2.

Guideline 2:
For social workers and people working with children in conflict with the law

Understanding digital justice developments, risks, opportunities, and advocacy levers.

Part I: Supporting children in digital justice processes

Part II: Advocacy, learning, and accountability in digital justice

PART I & PART II

Guideline 2: For social workers and people working with children in conflict with the law

Understanding digital justice developments, risks, opportunities, and advocacy levers

Digital justice is changing how children experience the criminal justice system. Increasingly, hearings that once took place in a courtroom now happen through video or online platforms. These developments can create opportunities—such as reducing travel, avoiding intimidating environments, and allowing trusted adults to be present. But they also introduce new risks, especially for children who may struggle with technology or digital literacy, live in unsafe or chaotic home environments, experience neurodivergence or communication difficulties, have trauma histories that are triggered by domestic settings, or face family surveillance and control that would not occur in public courtrooms.

Social workers play a crucial role in assessing these risks, supporting children throughout remote hearings, and challenging decisions that prioritise administrative convenience over children's rights and wellbeing. Your ongoing relationships with children, holistic understanding of their circumstances, and expertise in child development, trauma, and safeguarding give you professional authority that legal practitioners—whose engagement is time-limited and procedurally focused—cannot replicate. These guidelines are designed to help you understand how digital justice works in practice, recognise when remote formats are inappropriate or harmful for specific children, exercise your professional voice to advocate for children's needs, and ensure that children's rights, safety, and wellbeing remain at the centre of every decision about hearing format and procedural arrangements.

Whilst these guidelines are written primarily for social workers working with children in the criminal justice system, the principles and practices outlined are equally relevant for youth justice workers, probation officers supporting young people, child advocates, support workers in care settings, NGO practitioners working with children in conflict with the law, and other professionals who hold child-focused roles within or alongside justice systems. If you work closely with children navigating criminal proceedings, this guidance can support you in protecting their rights in increasingly digitalised environments.

Essential principles

Always assess whether digital justice is suitable for this child, in this situation.

Remote and hybrid hearings are not automatically appropriate for every child. Social workers and

civil society practitioners play a crucial role in recognising when digital participation may harm a child's rights, wellbeing, or ability to take part. This includes understanding when remote processes are being proposed, identifying red flags—such as digital poverty, neurodivergence, trauma, or communication difficulties—and advocating for in-person hearings where needed. If digital formats undermine children's rights, practitioners should speak up and request alternatives.

Support children's participation, understanding, and emotional safety throughout the digital process.

Children should never be left to navigate digital justice alone. Social workers and civil society practitioners help children understand what will happen before, during, and after a remote hearing, using clear, simple language. You support communication, comprehension, and emotional regulation, ensuring that children can express themselves and ask for help. This includes preparing children for who will be on screen, helping them manage stress, and ensuring they can speak privately with their lawyer. You can monitor for signs of distress, confusion, or coercion that may be harder to detect online. Your role is to uphold the child's dignity, safety, and agency at every stage.

You can protect the child's physical and digital environment, and use advocacy and collaboration to ensure fairness.

Where a child joins from matters. Social workers should check that the space is private, safe, and free from surveillance or intimidation. They should identify risks, such as family conflict or others listening in. When concerns arise, practitioners can use advocacy levers—raising issues with the court, requesting breaks, escalating safeguarding concerns, or challenging unsuitable digital arrangements. Collaboration with lawyers, psychologists, educators, and carers is essential to ensure the child's needs are understood and met. You can also contribute by monitoring patterns, supporting families, building digital literacy in a child-centred way, and gathering evidence from practice to inform wider reform. Children's own feedback should guide ongoing improvements.

Understanding digital justice and its implications for children

Digital justice refers to the growing use of technology in the justice system. For children and families, this usually means remote hearings (where people join court by video), online tools (such as digital forms or online case updates), and hybrid processes (where some people are in the courtroom and others join online). These changes can make justice feel very different from traditional, face-to-face court settings.

For many children, digital justice can be helpful. It can reduce travel, avoid intimidating court buildings, and allow trusted adults to be nearby. But it can also create new challenges. Children may

join hearings from busy or unsafe places, struggle with technology, or feel confused about who is watching and why. Families may not understand the process or know how to support their child. Social workers and community practitioners are often the first to notice when something is not right.

A common misconception is that children are “digital natives” who automatically cope well online. In reality, many children, especially those experiencing poverty, unstable housing, trauma, neurodivergence, or language barriers, find digital hearings harder, not easier. Being confident on social media is not the same as understanding a legal process on a video call.

These guidelines are designed to give you the clarity, confidence, and practical tools to support children effectively in digital justice settings, particularly remote hearings.

PART I

Part I: Supporting children in digital justice processes

Social workers and trusted responsible adults occupy a unique and irreplaceable position in safeguarding children's rights and wellbeing throughout digital justice proceedings. Social workers usually maintain ongoing relationships with children, allowing for a holistic understanding of their life circumstances, and can bridge the gap between formal legal processes and children's everyday realities.

Children involved in the criminal justice system often have complex needs that extend far beyond the legal dimensions of their cases. Research consistently demonstrates that these children experience disproportionately high rates of adverse childhood experiences, including trauma, abuse, neglect, family disruption, and exposure to violence. Many have undiagnosed or inadequately supported neurodevelopmental conditions such as ADHD, autism spectrum conditions, learning disabilities, and speech and language impairments. These intersecting vulnerabilities profoundly affect how children understand legal proceedings, communicate with legal professionals, process information under stress, and exercise their procedural rights—challenges that are significantly exacerbated in remote hearing formats.

Many children struggle to follow proceedings through a screen, particularly where legal language is complex and opportunities to ask questions are limited or unclear. The absence of physical presence can make it harder for children to build trust, read social cues, or feel that they are being heard, often leading to disengagement or apparent non-compliance. Communication with legal representatives may be restricted or lack privacy, undermining the child’s ability to make informed decisions. Children may also join hearings from environments that are noisy, institutional, or unsafe,

where confidentiality cannot be guaranteed. For those with trauma, neurodivergent needs, or communication difficulties, digital formats can heighten anxiety, reduce concentration, and increase the risk of misunderstanding. Without appropriate support, remote hearings risk becoming disorienting, isolating, and procedurally unfair experiences for children, reinforcing existing inequalities rather than mitigating them.

This section outlines practitioners' critical responsibilities in assessing the appropriateness of digital justice for individual children, empowering children to participate meaningfully, and ensuring the physical and digital environments in which remote hearings occur genuinely protect rather than further harm vulnerable young people.

Assessing whether digital justice is appropriate for a child

Social workers may be able to play a pivotal role in determining whether remote or hybrid proceedings genuinely serve a child's best interests. When digital justice processes are proposed, this should be approached as a structured assessment, with clear considerations:

1 **Consider the nature of the hearing**

- Is the hearing procedural or administrative (more suitable for remote formats)?
- Or is it serious/substantive (e.g. plea, sentencing, contested facts, detention)?

Key point: Serious matters should normally take place in- person unless there are exceptional circumstances.

2 **2. Using an appropriate risk assessment tool, assess the child's ability to participate effectively**
Consider whether the child will be able to:

- Understand what is happening?
- Communicate clearly?
- Ask questions and be heard?
- Access confidential legal advice?

Key point: If remote participation limits any of these, it may not be appropriate.

3 **Take account of age and development**
Younger children or those with developmental delays may:

- Struggle with abstract legal concepts
- Need face-to-face interaction to understand

Key point: Remote hearings may increase confusion and disengagement.

4 **Consider neurodiversity and communication needs**
For children with ADHD, autism, or sensory needs:

- Can they maintain sufficient attention to social interactions on screen?
- Are they affected by sensory overload (noise, visuals)?
- Do they rely on movement or physical space to regulate themselves?
- Will they struggle without non-verbal cues?

Key point: For some children, remote participation may be effectively inaccessible.

5 **Apply a trauma-informed assessment**
Consider whether the setting could:

- Trigger distress or re-traumatisation (e.g. joining from home where abuse occurred)
- Or reduce anxiety compared to court

Key point: There is no one-size-fits-all, decisions must prioritise the child's psychological safety.

6 **Identify practical and environmental barriers**
Does the child have:

- A suitable device (not just a phone)?
- Reliable internet access?
- A private, safe space to participate?

Key point: Lack of proper access can make participation unfair or ineffective.

7 **Assess digital literacy and support needs**
Can the child:

- Use the platform confidently?
- Handle technical issues?
- Use features (mute, chat, raise hand)?

Key point: Children should not be expected to manage digital systems alone.

8 **Consider equality and language barriers**
Will remote participation:

- Worsen existing inequalities (e.g. poverty, rural access)?
- Affect children from minority or migrant backgrounds?
- For non-native speakers: Will interpretation work effectively online?

Key point: Poor audio or tech issues can undermine understanding and fairness.

Social workers should take a step back and consider whether the proposed format genuinely supports the child's ability to participate safely, fairly, and meaningfully. This requires weighing all factors, including developmental needs, communication abilities, trauma history, and practical barriers, rather than defaulting to convenience or efficiency. Where remote participation risks undermining understanding, engagement, or wellbeing, social workers should actively advocate for adjustments or for the hearing to take place in -person.

Identifying red flags for harm or unfairness

Social workers play a key role in identifying red flags for harm or unfairness in remote hearings, and should remain alert to these risks before, during, and after proceedings:

1 **Child's views are ignored**

- The child expresses fear, anxiety, or a preference for an in-person hearing
- Their views are dismissed in favour of convenience

2 **Lack of understanding**

- The child does not understand what remote participation involves
- They are unclear about what will happen during the hearing

3 Unsafe or inappropriate environment

- No access to a private, safe space
- Presence of individuals who may monitor, influence, or intimidate the child

4 Technical barriers

- Poor internet connection or unreliable technology
- Use of inadequate devices (e.g. small screens)
- Inability to access confidential legal consultations

5 Communication difficulties

- No assessment of the speech, language and communication needs has been conducted
- Speech and language needs not supported
- Hearing impairments or poor audio quality
- Neurodevelopmental conditions affecting processing of digital information

6 Trauma-related risks

- The child's environment (home, institution) may trigger distress or re-traumatisation
- The format increases anxiety, withdrawal, or emotional dysregulation

What social workers should do:

1. ***Document concerns clearly***
   - *Record the specific risks and how they affect the child's participation and wellbeing*

2. ***Advocate for the child & raise concerns with:***
   - *The child's legal representative*
   - *The court*
   - *Relevant oversight or safeguarding bodies*

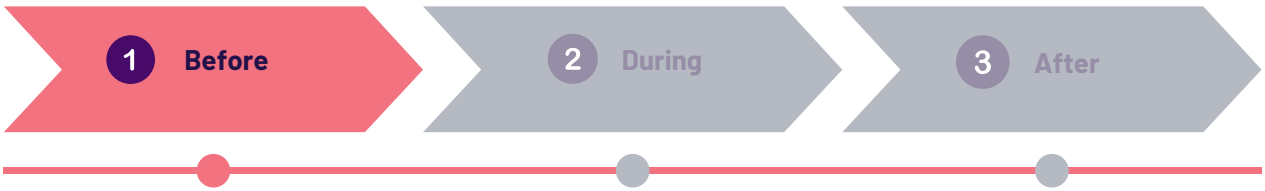
3. ***Recommend alternatives***
   - *Explain why in-person hearings or specific adjustments are necessary*
   - *Provide clear, evidence-based reasoning*

4. ***Escalate where necessary***
   - *If concerns are dismissed, take further action & refer to:*
   - *The UN Convention on the Rights of the Child*
   - *National child protection laws*
   - *Professional safeguarding duties*

Social workers should continuously assess these indicators throughout the process, ensuring that any risks to fairness, safety, or participation are identified early and acted upon to protect the child's rights.

Supporting children's participation, understanding, and wellbeing

Before, during and after a remote hearing, social workers can support children so they can participate as meaningfully as possible and that their wellbeing is protected throughout the process. This support should span three distinct phases: preparation before the hearing, active support during proceedings, and debriefing and follow-up after the hearing concludes.



1 Before the hearing: Building understanding and reducing anxiety

Social workers should invest substantial time preparing children for remote hearings, recognising that many children will have no prior experience with formal legal proceedings and that remote formats introduce additional layers of abstraction and confusion. This preparation should begin well in advance of the hearing date, allowing time for multiple conversations, practice sessions, and emotional processing. Social workers should explain what will happen during the remote hearing, including who will be present, what questions they might be asked, and what possible outcomes might result.

Children need concrete, practical information:

- Where will you be during the hearing?
- What device will you use?
- What will appear on the screen?
- Who will you see? How long will it last?
- What happens if the technology stops working?
- Can you ask questions?
- What if you need a break?
- What if you don't understand something?

Where possible, this should be provided in writing and through social stories.

Social workers should conduct technology familiarisation sessions where children can practice using the platform, experiment with muting and unmuting, test the "raise hand" function, and become comfortable seeing themselves on camera—an experience many children find deeply uncomfortable and distracting. For children with anxiety disorders, specific trauma histories, or neurodevelopmental conditions, this preparation should include developing concrete coping strategies: grounding techniques they can use if they become overwhelmed, fidget tools or stress

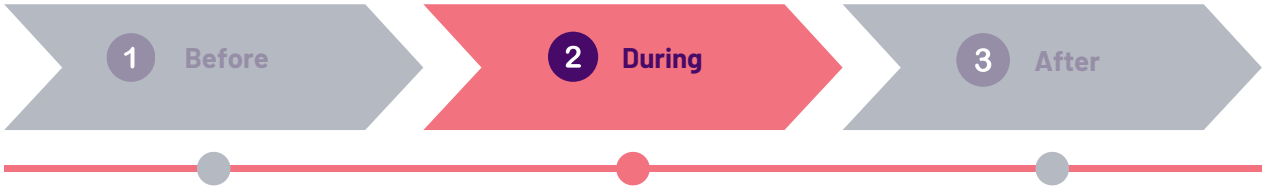
balls they can hold during the hearing, permission to take breaks, and identification of a signal they can give to indicate they need support.

Social workers should prepare children for the emotional experience of remote hearings, normalising feelings of nervousness, confusion, or anger whilst helping children develop realistic expectations. Many children harbour misconceptions about legal proceedings based on television or social media; social workers should gently correct these misunderstandings whilst validating children's fears and concerns. For children who have experienced trauma or who struggle with emotional regulation, social workers should coordinate with clinical psychologists or mental health professionals to ensure appropriate psychological support is in place before, during, and after the hearing.

Critically, social workers should ensure children understand their rights within remote proceedings:

- The right to speak and be heard;
- The right to ask questions when confused;
- The right to confidential consultation with their lawyer;
- The right to breaks;
- The right to have a support person present;
- And the right to complain if they feel their rights have been violated.

This rights-based preparation empowers children to advocate for themselves within proceedings rather than remaining passive, confused observers of processes happening to them rather than with them.



2 During the hearing: active presence and real-time support

During remote hearings, social workers can play a critical role in ensuring children can engage, understand, and feel supported in real time. The digital format can make it harder for professionals to recognise when a child is struggling—especially as screens limit visibility of body language, reduce opportunities for interaction, and can create a false impression that the child is coping. Children may appear calm or compliant while feeling confused, overwhelmed, or disengaged. Social workers should remain actively present, observant, and ready to intervene.

1 Be physically present where possible

Sit with the child during the hearing, and, where appropriate, provide:

- Emotional reassurance
- Practical support
- A consistent, trusted presence

Key point: Children should not face remote hearings alone—your presence provides stability and safety.

2 Monitor understanding and engagement in real time

Watch for signs the child is:

- Confused or not following proceedings
- Struggling to keep up with language or pace

Support by:

- Quietly explaining what is happening
- Translating legal language into simple terms

Key point: Do not assume understanding, check and support continuously.

3 Recognise signs of distress or overwhelm

Look for non-verbal indicators such as:

- Withdrawal or silence
- Glazed or unfocused expressions
- Escalating fidgeting or agitation
- Visible anxiety (e.g. tears, breathing changes)

For neurodivergent children:

- Be aware distress may present differently
- Use your knowledge of the child's individual needs

Key point: Distress is not always obvious, early recognition is essential.

4 Intervene when needed

Take action if the child is struggling:

- Request a break
- Ask for clarification or repetition
- Support communication with the child's lawyer
- In serious cases, advocate for the hearing to be paused or adjourned

Key point: Protecting the child's wellbeing and participation takes priority over keeping proceedings moving.

5 Support communication and participation

Help the child to:

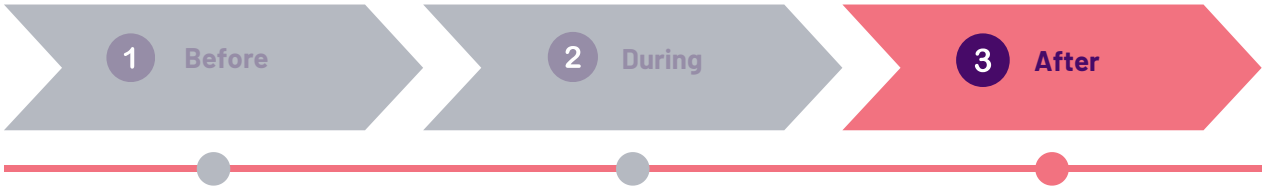
- Ask questions
- Express concerns
- Signal when they do not understand

For children with communication needs:

- Rephrase questions
- Allow extra processing time
- Support them to articulate responses

Key point: Children should be active participants, not passive observers.

Social workers should remain actively engaged throughout the hearing, ensuring that any signs of confusion, distress, or exclusion are identified and addressed immediately so that the child can participate safely, meaningfully, and on equal footing.



3 After the hearing: debriefing, processing, and follow-up

After a remote hearing, social workers play a key role in helping the child understand what happened, process their experience, and manage what comes next. Children may leave remote hearings with only a partial or superficial understanding of what has taken place. The physical distance, the use of screens, and the passive nature of watching proceedings online can make it difficult for children to fully engage, even if they appear to participate. As a result, children may seem attentive or responsive during the hearing but still leave confused about decisions, expectations, and next steps. Social workers should therefore not assume understanding, and should actively check, clarify, and revisit key information.

1 Provide a clear and supportive debrief

Give the child time and space to:

- Ask questions
- Talk about how they feel
- Say if they were confused or unsure

Explain outcomes in simple, practical terms

- What decision was made?
- What does this mean for you day-to-day?
- What happens next?

Where possible, provide a written debrief in simple, child friendly language so the child can process the information in their own time.

Key point: Always check understanding. Children may appear to follow proceedings but still not fully grasp what happened.

2 Support emotional wellbeing

Ask how the child felt during the hearing

- Validate their reactions (e.g. fear, confusion, frustration)
- Look for signs of distress, withdrawal, or overwhelm
- If needed, refer to psychological or specialist support

Key point: Remote hearings can feel isolating and overwhelming. Emotional support is essential.

3 Provide ongoing support

Stay in regular contact after the hearing and monitor:

- Wellbeing
- Understanding over time
- Ability to manage next steps

Help the child:

- Access services
- Navigate what happens next

4 Identify barriers to compliance

If the child is struggling, consider:

- Do they fully understand what is expected?
- Do they have the support they need?
- Are there practical barriers (e.g. home environment, access to services)?
- Are there developmental or emotional factors affecting them?

Advocate where needed:

- Raise concerns if expectations are unrealistic
- Prevent unfair or punitive responses

Key point: Difficulties following instructions may reflect confusion, lack of support, or unmet needs, not unwillingness.

Social workers should ensure that children are not left confused, unsupported, or set up to fail after a remote hearing, and should actively advocate for the support and adjustments needed to make outcomes fair, understood, and achievable.

Physical and digital spaces: What social workers need to look for

The environments in which children participate in remote hearings profoundly affect their ability to engage meaningfully, their sense of safety and dignity, and whether their rights to privacy and confidentiality can be protected. Social workers should conduct thorough assessments of both the physical spaces from which children will join remote hearings and the digital environments they will inhabit, identifying and addressing factors that might compromise children's wellbeing or procedural rights.

Assessing physical spaces

Social workers should evaluate whether the physical location designated for the child's remote participation meets minimum standards for safety, privacy, dignity, and comfort. This assessment should consider multiple dimensions:

- ***Safety and safeguarding concerns:*** *Is the space physically safe, free from hazards, adequately lit and ventilated? Are there individuals in proximity who pose risks to the child—including perpetrators of abuse, coercive family members, threatening peers, or others who might intimidate or harm the child? For children participating from home, social workers should assess whether the home environment is stable and safe or whether domestic violence, substance abuse, or other threats are present. For children in detention facilities, institutional care settings, or other supervised locations, social workers should verify that staff understand their responsibilities to ensure the child's safety and privacy and that institutional cultures of punishment or control do not harm the child's right to fair proceedings.*
- ***Privacy and confidentiality:*** *Can the child participate without being overheard by others who should not have access to the proceedings? Is there a private room with a door that closes, or will the child be in open spaces where conversations can be monitored? Are there adequate arrangements for the child to consult confidentially with their legal representative before and during the hearing, without risk of others listening? For children participating from shared living situations, whether family homes with multiple occupants, detention facilities, care homes, or temporary accommodation, ensuring privacy may be extremely challenging and may constitute a strong argument against remote participation entirely.*
- ***Dignity and appropriate environment:*** *Does the space convey respect for the child's dignity, or does it reinforce experiences of marginalisation, punishment, or institutional control? Children participating from detention facilities should never be required to appear in spaces that display prison infrastructure, cells, or other visual markers of incarceration in the background of their video feed, as this undermines their presumption of innocence and dignity. Similarly, children should not be required to wear institutional clothing, restraints, or other markers that prejudice their presentation to the court. The space should be neutral, calm, and appropriate for legal proceedings – not a cell, a crowded office, or a chaotic environment that distracts from or diminishes the seriousness of the proceedings.*
- ***Comfort and accessibility:*** *Is the space physically comfortable enough for the child to sit through proceedings that may last an hour or more? Are there appropriate seating, lighting, and temperature control? For neurodivergent children who require movement, are there opportunities for the child to stand, pace, or use fidget tools without being seen as disruptive? Are there accessible toilet facilities nearby? Is food and water available? These practical considerations profoundly affect children's capacity to maintain attention and participate effectively.*

Identifying unsafe, intimidating, or inappropriate spaces

Red flags indicating unsafe or inappropriate spaces include:

- The child expressing fear or discomfort about the proposed location;
- Evidence of coercive or threatening individuals in the environment;
- Lack of private rooms requiring the child to participate in open or shared spaces;
- Institutional settings that display punitive visual markers;
- Inadequate facilities for confidential legal consultation;
- Technical infrastructure that is inadequate, unreliable, or positioned in ways that violate the child's privacy (for example, screens visible to passersby);
- And spaces that are physically uncomfortable, poorly maintained, or otherwise convey lack of respect for the child's dignity.

When social workers identify these concerns, they should advocate for alternative arrangements—whether identifying different physical locations that better protect the child's rights, arranging for appropriate facilities to be prepared, or arguing that the inadequacy of available physical spaces constitutes grounds for in-person hearings rather than remote participation. This advocacy should be documented in writing, clearly explaining the specific risks or inadequacies identified and the potential harms to the child if remote participation proceeds in unsuitable conditions.

Assessing digital environments and technological adequacy

Beyond physical spaces, social workers should evaluate the adequacy of digital infrastructure and the child's capacity to navigate technological environments. This assessment should consider:

- ***Technology access and functionality:*** *Does the child have access to appropriate devices—not merely smartphones with small screens that make it difficult to see multiple participants or review documents, but tablets, laptops, or desktop computers with adequate screen size? Is the internet connection reliable, with sufficient bandwidth to maintain audio and video quality throughout extended proceedings? Has the equipment been tested in advance to verify it functions properly? Are there backup plans if technology fails during the hearing?*
- ***Digital literacy and confidence:*** *Does the child possess the skills necessary to use the chosen platform, knowing how to mute and unmute, use chat functions, raise their hand, or troubleshoot basic problems? For children with limited digital literacy, who will provide technical support during the hearing without compromising confidentiality? Is the child comfortable seeing themselves on camera, or does this create additional anxiety or distraction?*
- ***Platform security and privacy:*** *Is the digital platform secure, with adequate encryption to prevent unauthorised access? Have security settings been properly configured to prevent unwanted participants from joining? Is the platform's interface accessible and understandable for children, or is it designed for adult professional users with complex features that will confuse or overwhelm young participants?*

- ***Digital accessibility for neurodivergent children:*** *For children with specific learning differences, sensory sensitivities, or attention difficulties, does the digital environment accommodate their needs? Can audio levels be adjusted for children with auditory processing difficulties? Can visual layouts be simplified for children who experience sensory overload from complex screens? Are there options for breaks that accommodate neurodivergent children's attention spans?*

Social workers should recognise that inadequate digital infrastructure or the child's limited digital literacy are not minor practical inconveniences but fundamental barriers to realising their procedural rights.

Assessing digital environments and technological adequacy

When deficiencies in physical or digital environments are identified, social workers should coordinate with other stakeholders to remedy these before hearings proceed. This might involve: working with detention facilities or care settings to designate and prepare appropriate private spaces for remote participation; coordinating with IT support to test and optimise technology in advance; arranging for equipment to be provided to children who lack adequate devices; ensuring technical support personnel are available during hearings to troubleshoot problems; and briefing all adults who will be present with the child about their responsibilities to protect privacy, maintain appropriate behaviour, and support the child's wellbeing rather than monitoring or controlling them.

Throughout this process, social workers should document environmental conditions, interventions undertaken to improve them, and any remaining concerns that could not be remedied.

PART II

Part II: Advocacy, learning, and accountability in digital justice

Supporting children through remote hearings requires social workers to take an active, child-centred role: advocating for children's rights, supporting families, and contributing to continuous learning and improvement across the justice process. This includes creating strong feedback loops, where children's experiences inform practice, and where concerns are raised constructively to improve outcomes.

Working with families and carers

Social workers play a key role in helping families understand and effectively support children through remote hearings.

Provide clear, accessible information about:

- What will happen during the hearing
- What it means for the child and family
- How they can support the child

Use plain language and, where needed:

- Provide translation or interpretation
- Check understanding

Assess and support:

- Digital access and literacy
- Confidence in using technology

Help families understand their role:

- Offer emotional and practical support
- Respect the child's right to independent legal advice and participation

Key point: Families are important partners in supporting children, and clear communication helps them do this effectively.

Advocating for the child's best interests

Social workers have a responsibility to advocate for children when digital processes risk undermining their rights, participation, or wellbeing.

Raise concerns when:

- Remote hearings are not in the child's best interests
- When an assessment of the child's speech, language and communication needs has not taken place/ is not available
- Safeguards are not in place
- The child's needs are not being met

Communicate clearly with:

- Legal representatives
- Courts and relevant professionals

Provide:

- Written assessments
- Evidence-based recommendations
- Clear explanations of risks and required adjustments

Where needed:

- Request reviews, case discussions, or additional safeguards

Key point: Advocacy should be consistent, practical, and focused on ensuring children can participate safely and fairly.

Supporting fair processes and accountability

Social workers contribute to fair and accountable processes by ensuring that children's rights are upheld and that concerns are recognised and addressed.

Support children and families to:

- Understand their rights
- Raise concerns or ask questions
- Access complaints or review processes if needed

Keep clear records of:

- Concerns raised
- Actions taken
- Outcomes

Use this information to:

- Strengthen individual case support
- Identify patterns and areas for improvement

Key point: Accountability mechanisms are most effective when they are accessible, understood, and used to improve practice.

Building understanding and digital inclusion

Social workers help ensure that children are supported to engage meaningfully with digital justice processes, regardless of their level of digital access or confidence. Digital literacy – the ability to use digital devices, navigate online platforms, understand digital communication conventions, and protect oneself from online risks – is essential for participation in contemporary society. However,

the responsibility for developing children's digital literacy must never be placed on children themselves, particularly not as a prerequisite for accessing justice. It is unjust to exclude children from fair proceedings because they lack digital skills that education systems, families, or support services failed to provide. Social workers should advocate that digital justice systems accommodate varying levels of digital literacy rather than penalising children for deficits in skills development that reflect systemic failures rather than individual inadequacy.

Provide:

- Simple explanations of how remote hearings work
- Opportunities to familiarise children with platforms

Identify when additional support is needed:

- Limited digital literacy
- Lack of access to devices or connectivity

Advocate for:

- Adjustments to processes
- Simpler, more accessible systems

Key point: Digital systems should adapt to children, not the other way around.

Learning, feedback, and continuous improvement

Social workers play an important role in creating feedback loops that ensure children's experiences directly inform practice and system improvement.

Reflect on:

- What worked well
- What created challenges for children

Document:

- Patterns in children's experiences
- Barriers to participation
- Examples of effective practice

Seek feedback from children:

- What did they understand?
- Did they feel heard?
- What would help next time?

Share learning with:

- Colleagues and supervisors
- Professional networks and forums

Use feedback to:

- Advocate for changes in practice
- Improve future hearings and support

Key point: Continuous feedback and reflection are essential to improving how digital justice works for children.

Social workers play a central role in ensuring that remote hearings are fair, responsive, and centred on children's rights and needs, while actively contributing to learning, accountability, and ongoing improvement across the justice system.

3.

Guideline 3: For children in the criminal justice system

Guidance for children who are involved in remote hearings

Overview

Guideline 3: For children in the criminal justice system
Guidance for children who are involved in remote hearings

Sometimes, court hearings happen on a screen instead of in a courtroom. This is called a remote hearing, videolink, or online hearing.

- It might take place on a video call, a computer, or a tablet.
- You might see the judge, your lawyer, or other people on the screen.
- You might stay in one place (like custody, home, a care home, or another building) instead of going to court

These guidelines explain your rights and what you can ask for.

You should always talk about these guidelines with a trusted adult, like a parent, carer, guardian, social worker, or your lawyer. They can help you understand the words, answer your questions, and support you before, during, and after the hearing.

How digital justice might affect you

- "Digital justice" means court activities happening online or by video.
- Courts sometimes use video when people cannot travel or when it helps things move faster.
- You should always be told if your hearing will be online.
- You should never feel surprised or confused about what is happening.

Your rights (no matter what)

Whether your hearing is in- person or online, you have rights. This means things that **must** happen to keep you safe and treated fairly.

You have the right to:

- **Understand** what is happening and why
- **Be heard** – adults must listen to you
- **Ask questions** whenever you're confused
- **Speak privately** with your lawyer – no one else should hear
- **Feel safe and respected** – even on a screen
- **Say if something feels wrong** – adults should listen

You can tell someone if an online court doesn't feel right for you.
Adults should take this seriously.

Before the hearing	During the hearing	After the hearing
Someone should: ◆ Explain what will happen in **simple words** you understand ◆ Tell you **who** will be on the screen and **why** they're there ◆ Show you **how to use** the computer, tablet, or phone ◆ Let you **practise** using it if you want to **You can:** ✓ **Ask questions** before it starts ✓ Say if the place you're joining from **doesn't feel safe or private** ✓ Ask for things to be explained again or in a different way	**You should be able to:** ◆ **See and hear everyone clearly** ◆ **Ask for things to be repeated** or explained more simply ◆ **Ask for a break** if you feel upset, tired, confused, or need the toilet ◆ **Talk to your lawyer in private** whenever you need to (they can't tell other people what you say) **Say if something feels confusing or unfair** **Remember:** ✓ You can say **"I don't understand"** ✓ You can say **"Can you say that again?"** ✓ You can say **"I need a break"** ✓ You can say **"I want to talk to my lawyer"** **These are your rights. It's okay to ask.**	**Someone should:** ◆ Explain **what happened** and **what will happen next** ◆ Use **clear, simple words** (not complicated legal language) ◆ Give you time to **ask questions** ◆ Tell you **how to complain** if something felt wrong **You can:** ✓ Ask as many questions as you need ✓ Ask someone to explain again if you're still confused ✓ Talk about how you're feeling

If online court is hard for you

It's completely okay if you find online hearings:

- Confusing
- Stressful
- Tiring
- Scary
- Hard to concentrate on

Everyone is different. Some people:

- Find it hard to sit still for a long time
- Get overwhelmed by screens
- Need to move around to think clearly
- Find it harder to understand people on video
- Feel anxious about technology

You can ask for:

- **More time** to answer questions or understand things
- **Breaks** – as many as you need
- **Someone to sit with you** during the hearing
- Help with understanding or using the technology
- **A face-to-face hearing instead** – you can say online doesn't work for you and this should be listened to

Adults should listen and help you get what you need.

Your privacy and safety

Privacy means keeping things about you **private** – not shared with people who shouldn't know.

In remote hearings:

- **No one should listen or watch without permission**
- Your information should be **kept safe and secret**
- You should be in a **private space** where other people can't hear you
- What you tell your lawyer is **private** – they can't tell other people unless you say it's okay

If you don't feel private or safe, tell someone immediately.

Who can help you

You don't have to do this alone. These people can help:

- **Your lawyer** – they work for you and should explain everything
- **A social worker or youth worker**
- **A parent, carer, or guardian you trust**
- **A psychologist or counsellor**
- **A support worker**

If something feels wrong, confusing, or unfair, tell someone you trust.

If you don't know who to talk to, ask any adult helping you to find someone who can support you.

What if adults don't listen?

Sometimes adults don't listen or don't do what they should. **This is not your fault.**

If this happens, you can:

- Tell your lawyer – they should help fix it
- Tell your social worker or another trusted adult
- Contact organisations that help children

You have the right to be listened to and taken seriously.

Remember

This process is about you.
You have rights, even online.
Your voice matters.

Whether proceedings happen in a courtroom or on a screen, you deserve to be treated with dignity and respect.

You have the right to understand what's happening, to ask questions when you're confused, to speak to a lawyer privately, to have someone support you, and to have your voice heard.
Remote hearings should make justice more accessible for you, not more confusing or frightening.
If adults aren't explaining things clearly, if you don't feel safe, if the technology isn't working, or if you feel like no one is listening to you, these are not your failures. These are problems the adults and the system need to fix.

You are not alone in this. Organisations around the world work to protect children's rights in justice systems and can provide support, information, and advocacy. Your country may have local organisations, children's commissioners, Ombudsman for Children, or legal aid services specifically for young people.

Ask your lawyer, social worker, or a trusted adult to help you find support near you.
Your experience matters. If remote hearings didn't work well for you, if your rights weren't protected, or if you have ideas about how to make things better, speak up. Tell your lawyer, your social worker, a responsible adult, or use complaint mechanisms to report what happened.
Adults who make decisions about justice systems need to hear from young people like you about what actually works and what doesn't. You are the expert on your own experience.
Most importantly: you deserve justice that genuinely considers your best interests, your future, and your wellbeing – not just what's most convenient for courts or quickest for adults. You have the right to be seen, heard, understood, and treated fairly.

Don't let anyone, online or in- person make you feel like you don't matter or that your rights don't count. They do. You do.

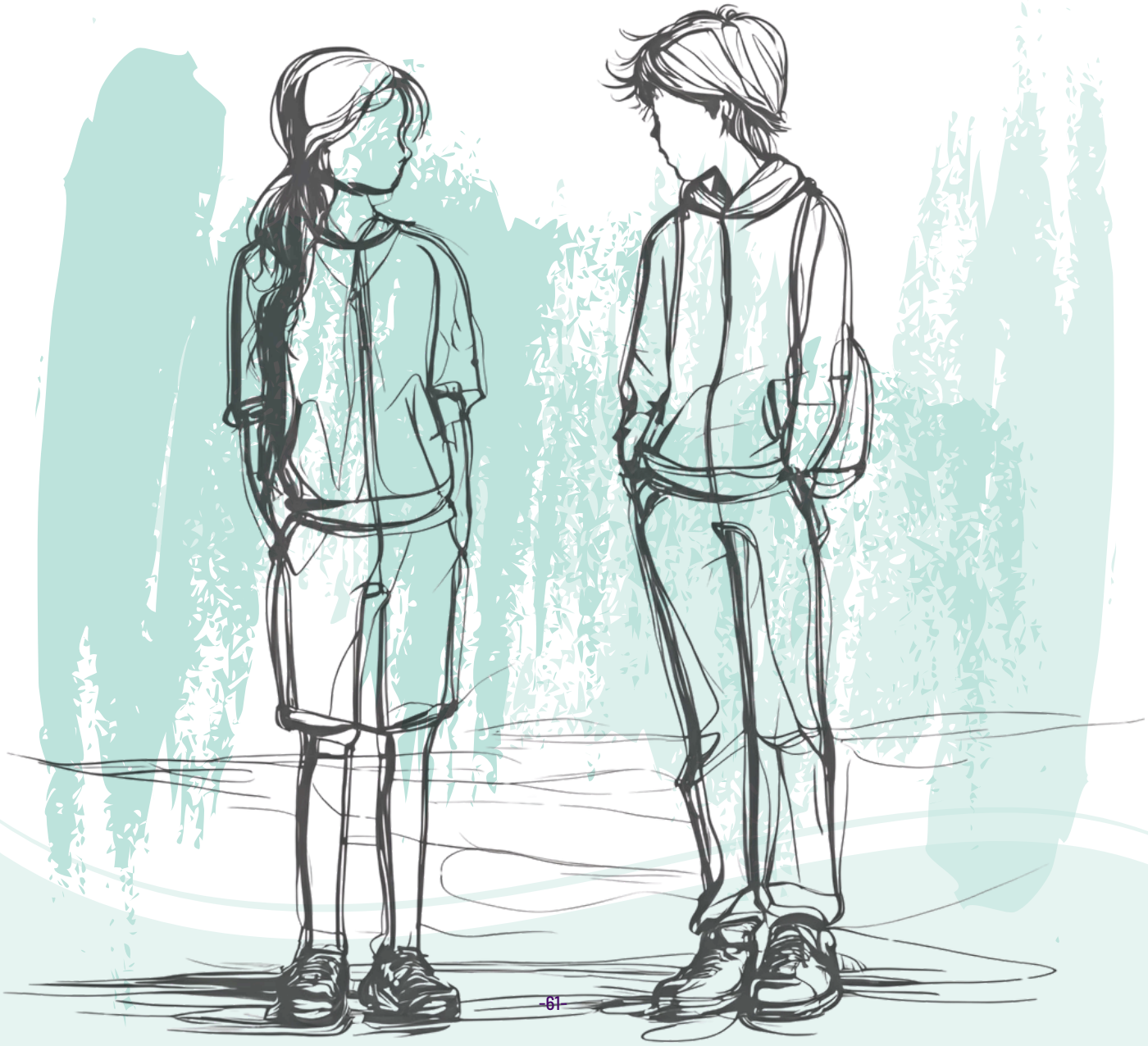
Questions to ask if you're unsure

If you're confused about your hearing, try asking these questions:

- "What is going to happen?"
- "Who will be there?"
- "What will I need to do?"
- "Can I have someone with me?"
- "What if I don't understand something?"
- "What if I need a break?"
- "How can I talk to my lawyer privately?"
- "What happens after the hearing?"
- "Who can I tell if something feels wrong?"

It's always okay to ask questions. Adults should answer in ways you can understand.

Remember: Always talk to a trusted adult – parent, carer, social worker, or lawyer – about this guide. They can help you understand your rights and make sure you get the support you need.



PENAL REFORM INTERNATIONAL

Protecting Procedural Rights of Children in the Digital Age

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