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Watching justice from afar: Children's experiences in remote criminal hearings

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Abstract

Children in criminal justice systems are inherently vulnerable, yet digitalisation of court proceedings is accelerating without adequate consideration of their human rights. This research examines how remote hearings impacts children's human rights in four European jurisdictions. Drawing upon interviews and surveys with children and justice professionals across Romania, Ireland, Spain, and Ukraine, we find that remote hearings systematically disadvantage children experiencing poverty, neurodivergence, language barriers, and other vulnerabilities. Children report feeling excluded, confused, and exposed during remote proceedings, comparing experiences to "watching a YouTube video" rather than participating in legal processes. The pervasive myth of "digital natives" obscures profound disparities in device ownership, connectivity,

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The research methodology was developed and led by Dr Oscar O'Mara, with Professor Nessa Lynch providing advisory guidance during the methodological design phase. National research was coordinated by Dr O'Mara and implemented by national experts: Dr Claire Raissian in Ireland, Av. Daniela Zaharia Manescu in Romania, Victor Herrera in Spain, and Polina Klykova, with the support of Article 3, in Ukraine. The project consortium contributed to the research's practical relevance and facilitated engagement with practitioners and institutions across the participating countries.
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digital literacy, and safe access among children—disparities intensified along intersecting lines of race, socioeconomic status, and disability. Considering the broader moves towards digitalisation of justice systems, we contend that digitalisation without comprehensive equality impact assessments entrenches structural discrimination and produces injustice.

Key words

Remote hearings, children's rights, digital justice, procedural fairness.

Resumen

Los menores que se encuentran en el sistema de justicia penal son intrínsecamente vulnerables; sin embargo, la digitalización de los procedimientos judiciales se acelera sin tener debidamente en cuenta sus derechos humanos. Esta investigación analiza cómo las audiencias a distancia afectan a los derechos humanos de los menores en cuatro jurisdicciones europeas. A partir de entrevistas y encuestas a menores y profesionales de la justicia en Rumanía, Irlanda, España y Ucrania, hemos constatado que las audiencias a distancia perjudican sistemáticamente a los menores que se enfrentan a situaciones de pobreza, neurodiversidad, barreras lingüísticas y otras vulnerabilidades. Los menores afirman sentirse excluidos, confundidos y expuestos durante los procedimientos a distancia, y comparan sus experiencias con «ver un vídeo de YouTube» en lugar de participar en procesos jurídicos. El mito generalizado de los «nativos digitales» oculta profundas disparidades en cuanto a la posesión de dispositivos, la conectividad, la alfabetización digital y el acceso seguro de los menores —disparidades que se intensifican en función de la intersección de factores como la raza, la situación socioeconómica y la discapacidad—. Teniendo en cuenta la tendencia generalizada hacia la digitalización de los sistemas judiciales, sostenemos que la digitalización sin evaluaciones exhaustivas del impacto en la igualdad afianza la discriminación estructural y genera injusticia.

Palabras clave

Audiencias a distancia, derechos de los menores, justicia digital, equidad procesal.

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1. Introduction

Digitalisation of justice systems refers to the transformation of justice processes, including court and tribunal hearings, through the use of technology (Townend and Welsh 2023). This ranges from relatively incremental changes, such as replacing paper-based processes with electronic systems, to innovations that alter how legal proceedings are conducted and may affect the exercise of fundamental rights. Digitalisation is commonly associated with benefits including efficiency, timeliness and accessibility (Sossin and Thompson 2021). At the same time, digitalisation changes the conditions under which people encounter justice. Questions of access, communication, participation, privacy and procedural fairness therefore become questions not only about the technology itself, but about how justice is experienced through it.

In this article, we focus on 'remote hearings', which we define as situations where court hearing is conducted entirely online, or in which key participants, including the person who is the subject of the hearing, participate through video or audio-link. Remote hearings have been in use for a considerable timeframe, but their use expanded rapidly during the COVID-19 pandemic, when emergency measures accelerated the adoption of remote and hybrid hearings across criminal, civil and administrative jurisdictions (Fekete 2021, Porter *et al.* 2021). The subsequent embedding of remote hearings in routine justice practice has been accompanied by policy arguments concerning efficiency, cost, convenience and institutional resilience. These developments also raise a more fundamental question: whether a mode of participation that may be administratively efficient impacts children's human rights, particularly the right to effective and meaningful participation.

We examine children's[1] experiences of participating in remote criminal hearings across four jurisdictions: Ireland, Romania, Spain and Ukraine. Drawing on empirical research with children and justice professionals, we examine how remote hearings impact children's capacity to understand proceedings, communicate with legal representatives and other participants, be heard, and participate meaningfully in decisions affecting them. We focus on three interrelated dimensions of experience: material and digital inequality, neurodivergence and communication needs, and privacy and dignity. The analysis asks when and how remote participation enables meaningful participation in justice and when it creates or compounds barriers to participation for children already experiencing structural disadvantage. We argue that the effects of remote hearings cannot be understood from the technological format alone. They depend on the conditions in which remote participation takes place and on the circumstances and needs of the child.

Children's participation in justice proceedings is shaped by longstanding structural and procedural difficulties. Research has documented children's limited understanding of legal language and procedure, the intimidating nature of formal justice environments, and the pronounced power asymmetries between children and adult professionals (Liefaard 2015, Rap 2016, Van den Brink 2022, Charles *et al.* 2024). Even within specialist

[1] The term 'child' refers to those under the age of 18 years, as defined by Article 1 of the United Nations Convention on the Rights of the Child (UNCRC). Article 3 of EU Directive 2016/800 also defines 'child' as a person below the age of 18.

child justice settings, procedures may be insufficiently adapted to children's developmental capacities, resulting in forms of participation that are closer to passive compliance than informed engagement. These challenges are compounded by the circumstances of many children in conflict with the law. Neurodevelopmental conditions, neurodiversity, speech and language difficulties, learning disabilities, mental ill-health, and histories of trauma and adversity are disproportionately represented among justice-involved children (Hughes *et al.* 2020, Williams *et al.* 2021, McVilly *et al.* 2023). These characteristics intersect with wider experiences of poverty, care involvement, educational exclusion and social disadvantage, shaping children's capacity to understand proceedings, communicate their views and navigate relationships with justice professionals.

The introduction of remote hearings changes the conditions in which these existing participation challenges are encountered. A growing socio-legal literature on video-mediated justice demonstrates that technological connection does not reproduce the interactional conditions of physical presence. Remote proceedings can alter opportunities for visual and auditory communication, informal interaction, relational connection, and the interpretation of non-verbal cues, with implications for perceptions of presence, fairness and procedural legitimacy (Kamber 2022, Rossner and Tait 2023). Research across criminal, family and child justice contexts similarly identifies constraints on communication between defendants and legal representatives and reduced opportunities for the informal interactions through which trust and understanding can develop (Lynch and Kilkelly 2021, Nixon *et al.* 2024). For children, these changes may be consequential because participation already depends on adults adapting legal processes to children's developmental and communicative needs. Remote appearances may make it more difficult for professionals to assess children's understanding, vulnerability and communication needs.

The implications of remote participation are not uniform. Research with children and other participants demonstrates that virtual proceedings can reduce travel, unfamiliar environments and anxiety, and may offer advantages for some children who find physical court environments intimidating or overwhelming (Landström and Granhag 2010, Mulcahy and Tsalapatanis 2022, Foussard *et al.* 2023). At the same time, studies of virtual child justice have identified difficulties with comprehension, communication with legal representatives, privacy, confidentiality, technical disruption and access to appropriate devices, connectivity, and support (Porter *et al.* 2021, Foussard *et al.* 2023, Nixon *et al.* 2023, 2024). Research with child witnesses also indicates that the mode through which children participate can affect how they experience proceedings and how adult observers perceive them (Landström and Granhag 2010). Remote justice cannot be understood simply as a less or more effective substitute for physical presence. Its effects depend on the interaction between the procedural format, the purposes of the hearing, and the circumstances of the child.

One important dimension of this interaction is digital inequality. Digital disadvantage extends beyond access to a device or internet connection to encompass digital literacy, language and communication difficulties, disability, housing conditions, access to private space and the availability of appropriate support (Mulcahy and Tsalapatanis 2022). These factors are unevenly distributed and may be especially significant for

children involved in criminal justice, who are more likely to experience poverty, unstable housing, care involvement and educational exclusion. The assumption that children are uniformly comfortable and capable online can obscure important differences in their capacity to participate. Wider evidence suggests that apparently universal digital justice interventions can have uneven consequences across social and demographic groups (Harris 2023). For children whose participation is already constrained by developmental, social or institutional circumstances, remote hearings impose another level of risk and challenge.

This suggests a shift in analytical focus from whether remote hearings are inherently beneficial or harmful towards the conditions under which they enable meaningful participation. A remote hearing may reduce one barrier while creating another: avoiding travel may reduce anxiety while participation from home may compromise privacy; familiar surroundings may support some children while creating distraction for others; and a less intimidating environment may facilitate communication for one child while making it harder for professionals to recognise communication difficulties in another. Remote hearings can redistribute the conditions under which children participate in justice, with consequences shaped by material circumstances, communication and cognitive needs, relationships with legal professionals and the environments from which participation takes place.

Despite growing research on digital justice, important empirical gaps remain. Much child-focused research has emerged from pandemic-era adaptations within individual jurisdictions or particular child justice settings, while children's own accounts remain less prominent than professional assessments of virtual proceedings. There is also limited evidence examining how the technological format of a remote hearing interacts with children's material circumstances, communication and cognitive needs, relationships with legal professionals, and opportunities for privacy. Evidence spanning different European jurisdictions is particularly limited. Our study addresses this gap through an experience-led analysis of remote criminal hearings across Ireland, Romania, Spain, and Ukraine. It examines how children experience remote participation and the conditions that enable or constrain their capacity to understand proceedings, communicate, be heard, and participate meaningfully.

Although the study encompasses four jurisdictions with distinct legal, institutional and social contexts, its purpose is not to provide a systematic comparison or ranking of national systems. Rather, it uses a cross-jurisdictional thematic approach to identify experiences and conditions that recur across different contexts. We examine country-specific differences where they materially affect interpretation of the findings, while focusing the main analysis on experiences shared across jurisdictions. This approach reflects the study's experience-led focus: the central unit of analysis is the child's encounter with remote justice, rather than the national system in which that encounter takes place.

The study does not seek to assess the macro-level circumstances that have shaped the development or use of remote hearings in each jurisdiction. For example, it does not examine the effects of the war in Ukraine or the longer-term legacy of the COVID-19 pandemic on remote justice. These circumstances form part of the context in which remote hearings are experienced and are considered where they are relevant to

interpretation, but they are not themselves objects of analysis. This distinction allows the study to examine a common question across diverse settings: what is it like for a child to participate, or attempt to participate, in criminal proceedings through a remote connection?

The research makes three contributions. First, it provides empirical evidence of children's experiences of remote criminal hearings across four jurisdictions, an area in which children's perspectives remain comparatively underrepresented. Second, it shows how apparently procedural features of remote hearings can interact with material deprivation, neurodivergence and communication needs to shape substantive opportunities for participation. Third, by examining experiences that recur across different jurisdictions while attending to meaningful contextual differences, it develops an experience-led account of remote justice that complements system-level and technology-focused analyses. We suggest that the legitimacy of remote hearings should be assessed by their capacity to support meaningful participation and the effective exercise of children's rights, rather than by technological functionality or procedural efficiency alone.

2. The human rights framework for children in criminal justice systems

The assessment of children's experiences in criminal justice proceedings must be grounded in the human rights framework. Children are rights-holders who are entitled to the protections contained in general human rights instruments, including the International Covenant on Civil and Political Rights (ICCPR) and the European Convention on Human Rights (ECHR), alongside the additional protections arising from their status as children. The United Nations Convention on the Rights of the Child (CRC) provides the primary international framework for children's rights. Four principles are of particular relevance to child justice: the best interests of the child (Article 3), the right to be heard and to have views given due weight (Article 12), non-discrimination (Article 2), and the specific procedural and substantive protections applicable to children in conflict with the law (Article 40). These principles establish children as active rights-holders within justice proceedings rather than passive recipients of adult decision-making.

Article 40 of the CRC requires procedural safeguards while promoting children's dignity and worth and supporting their reintegration into society. The Committee on the Rights of the Child (2021) has further developed these requirements in General Comment No. 24 on children's rights in the child justice system, which emphasises that procedures should be adapted to children's age, maturity, developmental needs and circumstances. The Council of Europe's *Guidelines on Child-Friendly Justice* (2011) similarly require justice systems to be accessible, age-appropriate and adapted to children's capacity to understand and participate in proceedings. These standards are complemented by the rights of children with disabilities under the Convention on the Rights of Persons with Disabilities (CRPD), including requirements relating to accessibility, equality and effective participation.

Within the European Union, Directive (EU) 2016/800 establishes procedural safeguards for children who are suspects or accused persons in criminal proceedings. These include safeguards concerning legal assistance, information, individual assessment, parental or

other appropriate support, privacy and effective participation. The Directive provides an important European benchmark for assessing child-centred criminal justice, although its territorial application varies across the jurisdictions examined in this study. Ireland did not opt into the Directive, while Ukraine is not an EU Member State. The Directive is therefore considered here as part of the wider European rights framework rather than as a uniform source of directly applicable obligations across all four jurisdictions.

Distilling the key principles from international and European human rights standards which are applicable to remote hearings in child or criminal justice proceedings, the following are highly relevant to child justice systems:

- Children are rights-holders with the same minimum human rights protections as adults, alongside additional protections tailored to their age, development and individual circumstances.
- The best interests of the child must be a primary consideration when determining how proceedings are conducted, including whether remote participation is appropriate for an individual child and a particular hearing.
- Children's existing human rights and procedural safeguards do not cease to apply when proceedings are conducted remotely. The use of digital technology must be consistent with the child's rights to fair treatment, effective participation and judicial protection.
- The child has fair trial rights, including proceedings and institutions adapted to children's age, maturity, developmental needs and capacity to understand and participate.
- The child has the right to be heard and to participate meaningfully in proceedings. Formal attendance or technological connection is insufficient where the child cannot understand what is happening, communicate effectively or have their views heard and given due weight.
- The child has the right to a specialised and child-centred justice system, including professionals trained in children's rights and in communicating appropriately with children.
- The child has the right to legal assistance and to parental or other appropriate support, including effective opportunities to communicate privately with their legal representative and receive additional assistance where required.
- Children have the right to non-discrimination and accessibility. The organisation and delivery of remote proceedings should not create or intensify disadvantage associated with disability, language, socioeconomic circumstances or other characteristics.
- The privacy and dignity of the child must be protected. Remote proceedings should safeguard confidentiality and prevent unauthorised access to information, images or communications involving the child.
- The child should be protected from inappropriate public exposure. Participation should take place in environments and through procedures that appropriately restrict access by persons without a legitimate role in the proceedings.

- Children with disabilities or additional communication and cognitive needs are entitled to appropriate accommodations that enable effective participation, including communication assistance, language support, accessible information and other reasonable adjustments.
- Digital technologies used in child justice should facilitate the exercise of children's rights rather than introduce new barriers to participation, privacy, equality or access to justice.

Taken together, these standards do not prescribe a single mode of hearing, nor do they establish that physical presence is always required. They establish a rights-based baseline that applies when justice is delivered through digital as well as physical means. The relevant question is therefore whether the mode of participation enables the child to understand proceedings, communicate, be heard and receive effective assistance while protecting equality, privacy and dignity.

This distinction is important for assessing remote hearings. A remote format may be compatible with children's rights where it facilitates meaningful participation and is supported by appropriate safeguards. Conversely, technological connection alone does not establish effective participation. Where remote participation interacts with material deprivation, disability, communication needs, lack of privacy or inadequate professional support in ways that prevent the child from exercising their rights, the formal availability of a hearing may coexist with substantive limitations on participation.

The human rights framework provides the normative lens through which the empirical findings in this study are interpreted. Rather than treating remote hearings as inherently compatible or incompatible with children's rights, we examine the conditions under which different forms of remote participation enable or constrain the exercise of those rights.

3. Approach and limitations

This study forms part of the European Commission-funded Protecting Children's Rights in Digital Justice project. It adopted a mixed-methods socio-legal approach combining surveys, semi-structured interviews and focus groups to examine children's experiences and procedural rights in remote criminal proceedings. The research was designed to foreground children's voices while also drawing on the perspectives of justice professionals with experience of remote hearings. National research teams conducted Rapid Needs Assessments (RNAs) in Ireland, Romania, Spain and Ukraine using a common research framework developed by the Lead Senior Researcher. The national findings were subsequently brought together through cross-jurisdictional thematic analysis.

The four jurisdictions provide different legal, institutional and social contexts in which remote hearings are used. These differences are relevant to interpreting the findings, but national comparison was not the primary object of the study. The research did not seek to explain differences in the adoption or prevalence of remote hearings between jurisdictions, nor did it examine the effects of the COVID-19 pandemic, armed conflict or geographical distance as independent phenomena. These circumstances are treated as contextual conditions within which remote justice is experienced. The analytical focus is instead on the conditions under which children participate in remote criminal

proceedings and how those conditions shape their experiences of understanding, communication, participation, privacy and support.

The study used a broad definition of remote hearings. This included situations in which a child participated in a physical court hearing through a video-conferencing link, as well as fully virtual hearings in which participants joined proceedings online. The focus was on criminal justice proceedings because of the potentially serious consequences for children, including deprivation of liberty. This approach recognises that remote participation can take different forms and that its implications may depend on the configuration of the hearing, the circumstances of the child and the support available.

3.1. Participants and data collection

The research combined quantitative and qualitative data. The project sought a minimum of 30 children or young people and 30 legal professionals per jurisdiction through the survey, alongside qualitative engagement with children, senior justice officials or judges, policymakers and other relevant stakeholders, including social workers and child psychologists. In practice, participation varied considerably between jurisdictions. The final dataset comprised 291 child survey respondents, of whom 94 reported experience of remote hearings, and 143 adult survey respondents, of whom 49 reported such experience. The qualitative component comprised 39 children and 100 adults interviewed or participating in focus groups. The jurisdictional distribution is shown in Table 1.

TABLE 1

Jurisdiction	**Children: survey**	**Children: interview/focus group**	**Adults: survey**	**Adults: interview/focus group**
Ireland	0	5	0	10
Spain	204 (75)	19	90 (31)	70
Ukraine	81 (16)	1	35 (9)	9
Romania	6 (3)	14	14 (6)	10
Other (e.g. UK)	0	0	4 (3)	1
Total	291 (94)	39	143 (49)	100

Table 1. Breakdown of interview and survey data by participant and jurisdiction, with experience of remote hearings indicated within brackets.

For the child survey, participants reported their age within one of two categories: 15–18 or 18–25 years. The study did not collect age as a continuous variable and therefore does

not report a mean or average age. Inclusion of participants aged 18–25 was intentional: this group was eligible to participate where they reported experience of a remote criminal hearing while they were under 18. The child sample therefore includes both participants who were under 18 at the time of data collection and young adults reporting retrospectively on their experience of child justice proceedings. This approach enabled the study to capture experiences of remote hearings involving children while recognising the practical and ethical constraints associated with recruiting children currently involved in criminal proceedings.

Adult survey participants comprised a range of professionals involved in child justice proceedings. The study engaged 23 lawyers, 9 judges, 55 social workers, 14 psychologists and 42 participants recorded under "Other" professional roles (n=143). The "Other" category reflects the range of additional professional and stakeholder perspectives involved in remote hearings, including prison staff, civil society actors, and technical staff. These participants provided perspectives on the use and implementation of remote hearings, including professional decision-making, communication with children, and the conditions affecting children's participation in digital proceedings. As with the child and young person sample, participants were recruited purposively based on their professional knowledge or direct experience of child justice and remote hearings; the adult sample was therefore not intended to be representative of the wider population of professionals working in child justice.

The qualitative research was conducted through semi-structured interviews and facilitated group discussions. Interviews with children explored their experiences of remote hearings, including communication with legal representatives, understanding of proceedings and opportunities to ask questions or speak privately with their lawyers. Professionals were asked about the drivers for remote hearings, decision-making around their use, and how information concerning proceedings and children's rights was communicated before and during hearings. Each national research team selected the data collection methods for which it had relevant experience, within the common research framework.

An anonymous online survey was conducted in March 2025 and remained open for 49 days. The survey comprised 22 multiple-choice and open-ended questions for children and a corresponding 22-question survey for adults. Questions addressed digital literacy, understanding of proceedings, consent, perceived advantages and challenges of remote hearings, and participants' personal characteristics. The survey was intended to extend the reach of the qualitative research and provide an anonymous means through which children and adults could report their experiences.

3.2. Ethical approach and safeguarding

Ethical principles were integrated throughout the research methodology and were set out in a separate project annex. Participation was based on informed consent. For children, participation required approval from a parent or caregiver, who could also be present during an interview. Participants were provided with a 14-day period in which to withdraw from the study. Confidentiality and anonymity were protected through de-identification and pseudonymisation, with identifying information excluded from published findings. Data were stored securely with restricted access; third-party or AI

transcription services were prohibited, and recordings were deleted once transcripts had been verified, uploaded and anonymised. The research operated according to a no-harm principle and included safeguarding procedures for children and participants with additional vulnerabilities. Researchers were also required to comply with Penal Reform International and Terre des hommes policies on Preventing Sexual Exploitation and Abuse.

The project did not obtain institutional research ethics approval. Within the project timeframe, the team was unable to secure ethics approval required to interview members of the judiciary, which also limited the extent to which judicial perspectives could be explored. This constraint is distinguished from the ethical safeguards applied to participant recruitment, consent, confidentiality, safeguarding and data management throughout the research.

3.3. Analysis

The national RNAs were analysed thematically and subsequently triangulated across the four jurisdictions. National researchers were guided by Braun and Clarke's six-step approach to thematic analysis: familiarisation with the data, coding, generation of initial themes, development and review of themes, refinement and naming of themes, and writing up. The analysis began iteratively without a fixed set of codes, allowing themes to emerge from the primary data while remaining informed by the research questions and project objectives. Emerging themes were checked across interviews, surveys and policy material to test the consistency of interpretations.

The Lead Senior Researcher subsequently combined and reviewed findings from the four national RNAs. This involved examining evidence across interviews, surveys and policy documents and identifying recurring themes, points of divergence and context-specific experiences. The purpose was to identify patterns that appeared across different jurisdictions and data sources while retaining attention to differences that materially affected interpretation.

The quantitative survey findings are presented descriptively rather than as representative estimates of national populations. Survey percentages indicate the distribution of responses within the study sample and are interpreted alongside qualitative accounts rather than used to establish population prevalence or direct national comparisons. This is important given the substantial variation in participation between jurisdictions.

3.4. Limitations

Several limitations constrain interpretation of the findings. First, the study used purposive, non-probability sampling. This enabled the research teams to recruit participants with relevant experience and knowledge, including children who had participated in remote hearings and professionals with substantial experience of child justice. However, the resulting samples cannot be assumed to represent children or justice professionals within the participating jurisdictions. The pool of adults with direct experience of remote hearings involving children was also relatively small, although those who participated reported substantial experience. Access to children was

challenging in some settings, including where children had been detained or had subsequently been released from the justice system.

Second, participation varied substantially across jurisdictions. The survey sample was largest in Spain and Ukraine, while the qualitative sample provided a different distribution of participants across countries. The research does not support systematic statistical comparison between national populations. The purpose of the cross-jurisdictional design is instead to identify experiences and conditions that recur across different institutional and legal contexts.

Third, the survey data provide less contextual depth than the qualitative material. Some measures also depended on participants' understanding of concepts that may not be consistently recognised across age groups or jurisdictions. For example, 37% of Ukrainian child respondents reported being unsure whether they were neurodiverse, while 18.5% self-reported neurodiversity. This limits the interpretation of self-reported neurodiversity as a precise measure of developmental or cognitive characteristics.

Fourth, the sample does not permit meaningful analysis of intersectional differences. More than 85% of child respondents identified as white, only five Spanish respondents (2.5% of the Spanish sample) identified as Gitano/a (Romani), and 31 respondents (11% of the relevant sample) identified as being of mixed ethnicity. The sample was too small to examine systematically how remote hearings are experienced at the intersection of ethnicity, socioeconomic circumstances, disability or neurodivergence, gender and other characteristics. The research team also reported limited participation by girls and there were no child respondents who openly identified as gender non-conforming or with diverse gender identities.

Fifth, the study relies primarily on participants' reported experiences and perceptions rather than direct observation of hearings. The findings therefore provide evidence about how children and professionals experienced and interpreted remote participation. They do not independently establish the quality of communication, comprehension or decision-making within individual hearings. The single-interview design also meant that researchers could not return systematically to participants to explore themes that emerged later in the analysis.

Finally, the study focuses on children in conflict with the law and does not include child victims or witnesses, whose experiences and procedural rights may differ. The research should be understood as a snapshot of experiences within the participating jurisdictions and at the time of data collection, rather than as a comprehensive assessment of remote hearings across the region. The findings identify recurring experiences and areas of concern across the study contexts while recognising that broader generalisation would require larger samples and more systematic comparative research.

The study does not assume that remote hearings are inherently incompatible with children's rights. The research itself identified circumstances in which well-conducted, child-centred remote hearings could reduce stress, avoid travel and facilitate participation for some children. Its purpose is instead to examine the conditions under which remote participation supports or constrains meaningful participation and the exercise of children's procedural rights. The analysis focuses on the design and implementation of remote hearings, rather than technology as such.

4. Key findings

4.1. Participation as 'spectatorship' rather than engagement

Article 16 of Directive (EU) 2016/800 identifies effective participation in trials and the opportunity to be heard as important procedural safeguards for children in criminal proceedings. The CRC and wider children's rights framework similarly establish children's participation and the opportunity to express their views as central to child-centred justice. The findings suggest, however, that formal presence in a remote hearing does not necessarily translate into meaningful participation. Children reported technical problems with sound and image quality, difficulties seeing or hearing participants, uncertainty about when to speak, and difficulties communicating with their lawyers. These experiences raise questions about whether children can understand proceedings, communicate their views and exercise their procedural rights effectively when participating remotely, raising the possibility that children are effectively absent from proceedings in contravention of Articles 8 and 9 of Directive 2016/343.

Across the four jurisdictions, children described remote hearings as confusing, impersonal and difficult to navigate. One Irish child articulated this experience particularly clearly: "I just feel like I'm not really a part of it, like I'm sitting there watching a YouTube video or something." The comparison captures a distinction between being present in a proceeding and experiencing oneself as an active participant in it. Children described uncertainty about who was present, what was happening at different stages and when they were expected to speak. Adults and children also associated remote hearings with "distance", "coldness", "misunderstanding" and "anxiety". Lack of preparation, limited emotional support and the absence of trusted adults could further constrain children's ability to express themselves.

The quantitative findings add an important qualification to this picture. Among the 94 children in the survey who reported direct experience of remote hearings, 35 (37.2%) said that remote hearings were easier to participate in than in-person hearings. This should not be interpreted as evidence that remote hearings present a more rights compliant form of participation. The comparison is between two modes of participation, both of which can present significant challenges for children. A child may find a remote hearing easier or less stressful to navigate because it reduces anxiety, travel or exposure to an unfamiliar courtroom while still having limited opportunities to understand proceedings or influence what happens within them. In this sense, "easier" is not synonymous with "better", and ease of participation provides only a limited indication of whether participation is meaningful.

Other findings illustrate this distinction. Almost one-third of children (31.9%) reported difficulty understanding the remote hearing process, while 41.5% did not feel able to speak freely during remote proceedings. Only 2.1% reported feeling more heard in remote hearings than in-person hearings. Taken together, these findings suggest that remote participation may reduce some of the practical or emotional barriers associated with physical attendance without necessarily improving children's substantive participation. The very small proportion who felt more heard is significant in this respect: a hearing can be experienced as easier to attend while providing little additional opportunity for a child to communicate, be understood, or influence proceedings.

Children also reported difficulty interrupting proceedings, asking questions or seeking clarification in virtual environments, particularly where hearings were tightly controlled by adult professionals. Muted microphones, delays and the absence of clear visual cues made it difficult for some children to identify appropriate moments to speak. One Spanish child explained, "They treat us like we aren't involved." An Irish child similarly stated: "You don't know when you're meant to talk or not… it was over so fast, I didn't even know it started." These accounts illustrate how technical and interactional features of remote hearings can affect children's ability to exercise agency within proceedings.

Preparation and access to legal support were further barriers. Most children (65%) reported that they had not spoken to their lawyers before the remote hearing, while participants also reported inadequate explanation of what to expect. Technical problems could prevent children from participating even when they attempted to speak. One Romanian child described: "When I wanted to say something, the videoconference closed on me, and the judge got to tell me then that you can take him… I went back to my room and I was thinking. How come I didn't get a chance to say anything? Why does he do that to me? What's happening?" Almost one-quarter of children (23.4%) rated their understanding of remote hearings at 1 or 2 out of 5. These findings indicate that the conditions surrounding a remote hearing, including preparation, technical reliability and access to legal support, are central to whether formal participation becomes meaningful participation.

The experiences reported by children were reflected in professional accounts. Nine in ten legal professionals reported that remote hearings decreased their ability to form connections with children. One Irish professional observed: "It functions to speed the system up, but it doesn't function to deliver a better system for the children." A Spanish professional similarly stated: "Digital hearings offer procedural speed, but I see serious limitations in capturing adolescents' real emotions and needs." These accounts are consistent with research showing that remote modalities can alter perceptions of presence, communication and interaction in legal proceedings (Kamber 2022, Rossner and Tait 2023). They also complement evidence from research with child witnesses showing that children can experience reduced nervousness in remote or mediated settings, while adults may assess children differently depending on the mode through which testimony is presented (Landström and Granhag 2010).

The findings point to a distinction between ease, presence and meaningful participation. Remote hearings were experienced as easier than in-person hearings by around one-third of children with direct remote-hearing experience, demonstrating that remote participation can remove some barriers associated with physical attendance. Yet only 2.1% felt more heard, while substantial proportions reported difficulty understanding the process or speaking freely. Remote participation should therefore be assessed by what children are able to do within the proceeding, rather than by whether participation is experienced as easier or more efficient than an alternative that may itself be difficult to navigate. The central question is whether the child can understand what is happening, communicate effectively, be heard, and participate meaningfully in decisions affecting them.

4.2. Digital inequality and material deprivation

Digital inequality emerged as an important condition shaping children's ability to participate in remote hearings. The issue extended beyond whether children had access to a device or internet connection. Children also varied in their confidence using digital technologies, their ability to navigate unfamiliar platforms and their access to suitable spaces from which to participate. These differences matter because remote hearings transfer aspects of participation from a physical justice environment to a technological and domestic environment in which children have unequal resources and capabilities.

Children reported participating from a range of environments, including homes, detention facilities and other institutional settings. Some lacked reliable connectivity, appropriate devices or private spaces. Others relied on shared or borrowed equipment. Such conditions could create practical difficulties while also affecting concentration, confidentiality and children's sense of security. The physical environment from which a child participates therefore becomes part of the conditions under which justice is experienced.

These barriers are significant in the context of wider digital inequality. In the United Kingdom, 42% of children, equivalent to approximately six million children, lack either home broadband or a laptop or desktop computer (Allmann 2022). Within EU countries, 15% of children in the most disadvantaged households lack a computer at home for schoolwork, compared with 1% in the wealthiest households (UNICEF 2024). Digital exclusion intersects with existing socioeconomic inequalities. For children already experiencing poverty, unstable housing, institutionalisation or other forms of disadvantage, a requirement to participate in justice through digital technology may introduce additional conditions that they are less able to control.

The study also identified differences in children's confidence using digital technologies. Ukrainian children reported an average confidence score of 2.5 out of 5, compared with 3.46 among Spanish children and 4 among Romanian children. These differences should not be interpreted as measures of national digital competence, given the composition and size of the study samples. They nevertheless demonstrate that children participating in remote hearings do not have uniform levels of confidence or familiarity with digital technologies.

This distinction is important because everyday use of digital technology does not necessarily provide the skills required for participation in legal proceedings. Although 83% of young people aged 16–29 across the EU used the internet to participate in social media networks in 2023 (Eurostat 2024), familiarity with social media does not establish the ability to navigate a formal videoconference, understand who has control over the interaction, identify when to speak, manage technical problems or maintain confidential communication. The concept of the "digital native" can therefore obscure rather than resolve questions of digital capability.

Wider European data reinforce this point. In Romania and Bulgaria, 54% and 48% respectively of 16–29-year-olds lacked basic digital skills, compared with 16% in Spain and 6% in Finland; the EU average was 29% (Eurostat 2024). These figures cannot be directly transferred to the children participating in this study, but they provide relevant context for understanding why assumptions about universal digital competence are

problematic. Digital capability is unevenly distributed across populations and cannot be inferred from age alone.

The findings suggest that these inequalities can become more consequential when digital technology is the medium through which children encounter justice. A child who lacks confidence with technology may already find a remote hearing difficult to understand. Technical problems, unfamiliar interfaces, rapid exchanges between professionals and uncertainty about when to speak can compound that difficulty. This connects with the wider literature on digital justice, which identifies access to equipment, connectivity, digital skills, language, disability and the availability of private space as dimensions of digital exclusion (Mulcahy and Tsalapatanis 2022). Research on virtual children's hearings similarly identifies technical problems, inadequate access to devices and internet connectivity, and the absence of appropriate private spaces as barriers to children's participation (Porter *et al.* 2021, Nixon *et al.* 2023).

Digital inequality therefore operates at several levels. Material access determines whether a child can connect reliably; digital confidence and competence affect whether they can navigate the technology; and the environment in which participation takes place affects whether they can communicate privately, concentrate and feel secure. These dimensions can interact with other forms of disadvantage. A child who is already uncertain about legal proceedings may be further disadvantaged if they are also unfamiliar with the technology through which those proceedings are delivered.

The findings caution against treating digital access as a binary question of whether a child can "get online". Meaningful digital participation requires the resources and capabilities necessary to use technology effectively within the particular context of a legal proceeding. This is consistent with the argument developed in the literature that digital justice can produce uneven consequences across social groups (Mulcahy and Tsalapatanis 2022, Harris 2023). The issue is less whether children can access a digital hearing than whether the conditions of access enable them to participate on sufficiently equal terms.

From a rights perspective, this places responsibility on justice institutions to identify and address digital barriers before a remote hearing begins. Assessment should consider access to an appropriate device and reliable connection, the child's confidence and ability to use the relevant technology, the suitability and privacy of the physical environment, and any additional communication or accessibility needs. Where these conditions cannot be secured, the availability of a remote connection should not be treated as evidence that effective participation is possible.

Gender is another dimension that warrants consideration, although the study cannot confidently examine gender differences in children's experiences of remote hearings. Of the 291 children who completed the survey, 56 were female (19.2%); among the 94 children who reported direct experience of a remote hearing, only 16 were female (17.0%). The small number of female participants means that the study does not provide a sufficiently robust basis for comparing the experiences of girls and boys, and the findings presented above should not be interpreted as gender-neutral simply because gender differences could not be examined.

Wider evidence nevertheless indicates that digital inequalities can have gendered dimensions. Eurostat data for 16–29-year-olds show that 73% of young women and 69% of young men had at least basic digital skills in 2023 (Eurostat 2024). These figures do not indicate lower digital skills among young women. They instead illustrate that patterns of digital inequality vary across populations and should be considered alongside other dimensions of disadvantage. For children involved in criminal justice, this includes socioeconomic circumstances, migration status, disability, institutionalisation and access to appropriate support. The limited representation of girls in the present study therefore represents an important evidential gap. Where girls constitute a smaller proportion of the children encountered by justice professionals, their experiences and needs may receive less attention in the design and evaluation of remote justice processes. Future research should examine whether gender interacts with digital access, confidence, privacy, communication and other conditions of participation, rather than assuming that findings derived predominantly from male participants apply equally across genders.

Digitalisation consequently has the potential to redistribute existing inequalities within child justice systems. For children with adequate technology, confidence and support, remote participation may remove some practical barriers. For children experiencing material deprivation or low digital confidence, the same format may add another layer of complexity to an already difficult process. The relevant policy question is therefore whether the digital conditions of participation are sufficiently supported to enable the individual child to understand, communicate and be heard.

4.3. Neurodiversity and invisible disadvantage

Children involved in criminal justice proceedings have diverse developmental, cognitive, communication and support needs. In this section, we use 'neurodivergence' to refer to children who experience differences in cognition, communication, attention, learning or sensory processing, while recognising that these experiences are heterogeneous and may include diagnosed neurodevelopmental conditions and other forms of neurodisability. This terminology is preferable to treating 'neurodiversity' as a single category of condition. The available evidence indicates substantial variation in the prevalence and type of neurodevelopmental and related needs among children involved in justice systems (Hansen *et al.* 2018, Fleming *et al.* 2020, Sacco *et al.* 2024).

The scale of these needs provides important context for considering remote participation. Studies included in the project evidence base report substantial variation in neurodevelopmental and related conditions among children, with estimates ranging from 4.7% in Scotland (Fleming *et al.* 2020) to 55.7% in Norway (Hansen *et al.* 2018) and a pooled estimate of 15.5% in a European systematic review of mental disorders among children and adolescents (Sacco *et al.* 2024). These figures are not directly comparable and should not be interpreted as a single estimate of 'neurodiversity' among children in conflict with the law. They nevertheless indicate the diversity and potential scale of developmental, cognitive and communication needs that justice systems may need to accommodate.

The present study similarly identified variation in children's self-reported neurodivergence. Among the relevant survey respondents, 19.1% of children in Spain

and 18.5% in Ukraine self-reported experiencing neurodivergence. In Ukraine, however, 37% reported that they did not know whether they experienced neurodivergence. This uncertainty limits the extent to which the survey can be interpreted as a measure of prevalence and illustrates the difficulty of relying on self-identification for concepts that children may understand differently according to age, diagnosis, language or context.

The findings suggest that remote hearings can place additional demands on children whose communication, attention or processing needs are not adequately recognised or supported. Professionals described children with low educational attainment, special educational needs, and attention difficulties struggling to concentrate, follow questions, and respond confidently during remote proceedings. Children also described difficulties where proceedings moved quickly or where they needed to ask questions to understand what was happening. One Spanish child explained:

> For me, I've got learning difficulties, and it can be hard to understand things. I need to be able to ask questions, and things can go too quickly. Being there slows things down a bit. I can speak to my lawyer.

The issue was not necessarily the presence of technology itself, but the interaction between the demands of the remote format and the child's individual needs. Screen-mediated communication can make it harder to identify confusion, hesitation or distress, while rapid exchanges, reduced contextual cues and limited opportunities for informal clarification may increase the demands placed on children who require more time or support to process information.

Where accommodations were lacking—simplified explanations, visual supports, regular breaks, or trusted intermediaries—remote hearings risked excluding neurodivergent children altogether. This exclusion manifested invisibly as silence, withdrawal, or apparent acquiescence, behaviours frequently misinterpreted as understanding or agreement. Adults provided numerous examples of children with low educational attainment, special educational needs, and attention deficits unable to concentrate or focus during remote hearings. They could not listen to questions or confidently respond. In every studied jurisdiction, remote hearings failed to protect the rights of children with additional needs.

These barriers commenced before hearings began. When children received assistance from court staff or legal professionals, they rated their understanding of remote hearings between 2.38 (Ukraine) and 4 (Spain) out of 5. When assistance was withheld, understanding decreased by 22-50%. In Ukraine, children's knowledge of the hearing process without assistance measured just 1.3 out of 5. Children without neurodiversity found it easier (37.7%) to participate online compared to neurodiverse children (22.7%). Those receiving clear, detailed pre-hearing explanations demonstrated greater satisfaction and confidence in process fairness.

These findings are consistent with wider research identifying the importance of preparation, communication and appropriate support in virtual justice settings. Research on digital exclusion has shown that disability and communication needs can interact with technological barriers, while research on virtual children's hearings has identified inadequate preparation, technical difficulties and limited support as barriers to participation (Porter *et al.* 2021, Mulcahy and Tsalapatanis 2022, Nixon *et al.* 2023). The present findings extend this literature by showing how these issues can affect children's

understanding of remote criminal proceedings and their capacity to participate within them.

The consequences may be difficult to observe. A child who is silent, withdraws from an interaction or appears to agree may be perceived as having understood the proceedings when they have instead struggled to process what has been said. Adults in the study described children who were unable to concentrate or confidently respond to questions. In these circumstances, apparent compliance or passivity cannot safely be treated as evidence of understanding. The absence of visible disruption may conceal rather than resolve difficulties with participation.

Communication with legal representatives was also important. Fewer than 35% of children in Spain and Ukraine reported being able to speak privately with their lawyer, while 70.6% of Spanish children who preferred in-person hearings attributed this preference to better communication and representation with their lawyers. For children who require additional explanation, processing time or assistance to communicate their views, limitations on confidential or effective communication with legal representatives may compound existing barriers to participation. One Ukrainian adult observed stark differences in children's presentation:

> Some kids come from loving homes—they're open, confident, communicative. Others are completely shut down. Some come from orphanages or live on the streets. They come in, already, you know, so stiff, so clamped down, and they don't even make any contact.

For already marginalised children, remote formats amplified existing communicative and relational barriers.

The study nevertheless identifies an important counter-pattern. Remote hearings were not experienced as uniformly disadvantageous by neurodivergent children. Among children who self-reported neurodivergence, 18.2% reported that remote hearings reduced stress, compared with 8.7% of children without neurodivergence. One Romanian child explained:

> [In-person]. When I saw all the people around, I was intimidated, I couldn't speak as I would have spoken alone, to express myself properly... I always chose videoconferencing because it was easier to express myself. That is, I knew I was there alone, that no one was watching me except the judge. In person, I didn't have the courage to say so many things.

For such children, the physical courtroom itself may create substantial barriers. Reduced exposure to other people, greater familiarity with the participating environment and physical distance from the courtroom may reduce anxiety and make it easier to express themselves.

Reduced stress should not, however, be treated as synonymous with meaningful participation. A hearing may feel less intimidating or demanding while still limiting a child's ability to understand proceedings, communicate with their lawyer, respond to questions or make their views heard. The finding reinforces the distinction identified above between ease of participation and meaningful participation: remote hearings may improve one dimension of a child's experience while constraining another.

This divergence is important. It demonstrates that neurodivergence cannot be treated as a simple predictor of whether remote participation is appropriate. The relevant issue is the interaction between the child's individual needs and the characteristics of the hearing environment. Directive (EU) 2016/800 mandates that Member States respect and guarantee children's rights without discrimination based on disability, ensuring children with disabilities enjoy full human rights and fundamental freedoms equally with other children. However, children constitute a heterogeneous group experiencing differences in capability, motivation, support, and access. Online hearings must account for these differences to protect children from discrimination. A format that reduces sensory or social pressures for one child may increase cognitive, communicative or technological demands for another. This is consistent with the wider literature on digital justice, which cautions against assuming that online participation has uniform effects across people with different disabilities, communication needs and circumstances (Mulcahy and Tsalapatanis 2022).

Given the disproportionate prevalence of neurodevelopmental disorders and communication difficulties amongst children in conflict with the law, justice systems face a critical design choice. When the majority of children involved in criminal proceedings experience some form of neurodivergence or communication impairment, designing remote hearings for the "average" child effectively designs for a minority.

The findings support an individualised approach to remote participation. Children with communication, cognitive, or developmental needs should not be expected to adapt themselves to a standardised digital procedure. Before a remote hearing, justice professionals should establish whether the child understands what will happen, what support they require, whether they can communicate effectively through the chosen format and whether appropriate accommodations are available.

Remote hearing systems should be designed so that clear explanations, appropriate pacing, opportunities for clarification, accessible information and confidential communication with legal representatives are routine features of participation. This is consistent with the principle of non-discrimination in children's rights law: equal treatment may require different forms of support where children have different needs.

The evidence does not support a conclusion that remote hearings are inherently unsuitable for neurodivergent children. It supports a more conditional conclusion. Remote participation can create additional barriers where children's communication, cognitive or developmental needs are unrecognised or unsupported, while offering meaningful advantages for some children who experience physical court environments as intimidating or overwhelming. The appropriate question is consequently whether the specific hearing arrangement enables the individual child to understand, communicate, be heard and participate effectively, with the accommodations required to achieve those conditions. Anything less constitutes systemic discrimination, creating an invisible disadvantage that undermines the fundamental right to fair trial and meaningful participation in justice.

4.4. Privacy, exposure, and dignity

Privacy is a further condition of meaningful participation. In criminal proceedings, children are afforded specific protections concerning privacy under Article 16 of the UN

Convention on the Rights of the Child (CRC), Article 40, General Comment No. 24 on children's rights in the child justice system, and Article 14 of Directive (EU) 2016/800. These protections include safeguarding children's privacy and confidentiality during criminal proceedings. Remote participation does not remove these obligations, but it can change the conditions under which privacy must be secured.

Children in the study reported participating in remote hearings from a range of environments, including their homes, prison booths and state-provided videoconferencing rooms. Some described small or poorly ventilated spaces, long periods of waiting, distraction and a lack of privacy. One Spanish child stated:

> There was no quiet place in my home to participate in the hearing, which made me feel even more uncomfortable.

Privacy concerns also extended beyond the physical environment. One in five surveyed children expressed acute discomfort about being seen or heard by unknown individuals during remote proceedings. Children were uncertain about who might be present or listening during proceedings, making them more cautious about what they said. As one Ukrainian child explained:

> Being directly in the courtroom means I can have a confidential conversation with a lawyer, I'm not afraid to ask a question or feel like I will be misunderstood. Online, I don't get that. You don't know who's listening.

Similar concerns were reported elsewhere: "Sometimes there's people around you and that can be difficult to speak openly" (Romania), while a Spanish child described being more careful because there were "lots of people I didn't know why they were there."

These concerns have direct implications for legal representation. Only around one in three children reported being able to speak privately with their lawyer. The finding is consistent with wider evidence from the study where fewer than 35% of children in Spain and Ukraine felt able to speak privately with their lawyer, while 70.6% of Spanish children who preferred in-person hearings identified better communication and representation with lawyers as the reason. Privacy operates as a condition of participation. A child who cannot communicate confidentially with their lawyer may be physically present in the hearing while having limited opportunity to ask questions, seek advice or contribute to decisions concerning their case.

The findings illustrate how remote justice can redistribute exposure rather than simply reduce it. For some children, remote participation may create distance from the social and sensory pressures of a courtroom. For others, it can bring the justice process into a home or institutional setting where privacy cannot be assumed. This distinction is important because the benefits identified in Section 4.3 cannot be separated from the conditions in which remote participation occurs. A format that reduces anxiety for one child may increase feelings of exposure or constraint for another.

For children already subject to surveillance and control, remote hearings intensified feelings of exposure. Rather than creating distance from intimidating physical courtrooms, digital formats extended the courtroom into children's private or institutional spaces, blurring boundaries between justice processes and everyday life. This privacy deficit prevented confidential consultation before and during hearings, effectively transforming children from active participants in their defence to passive

observers—passengers of justice rather than empowered rights-holders capable of directing their legal representation.

5. Learnings and policy implications

The findings suggest that remote hearings redistribute the conditions under which children participate in justice. The same technological format may reduce anxiety, travel or other practical burdens for some children while creating barriers to communication, comprehension, privacy or effective participation for others. The policy question is therefore not whether remote hearings should exist, but when their use is compatible with meaningful participation and the effective exercise of children's rights.

5.1. Remote participation should be individually justified

The appropriateness of remote participation should be assessed in relation to the purpose and circumstances of each hearing and the needs of the individual child. The evidence indicates that the consequences of remote participation depend on factors including the child's age and developmental stage, communication needs, disability or neurodivergence, language, access to appropriate technology and private space, relationship with legal representatives, and the availability of trusted support.

This supports a move away from default use of remote hearings towards an individualised assessment of suitability. Such an assessment should consider the nature and consequences of the hearing, the child's ability to understand and participate, the practical conditions in which participation would take place, and the safeguards available to address identified needs. The more consequential the hearing, the stronger the justification required for remote participation and the greater the need to demonstrate that meaningful participation and procedural safeguards can be maintained.

Children's views should form part of this assessment. A child may prefer a remote hearing because it reduces travel, anxiety, exposure to an unfamiliar environment or the presence of other people. These preferences should be given meaningful weight while being considered alongside the child's ability to understand and participate in the proceeding, the nature and consequences of the hearing, the availability of confidential communication with legal representatives, and any support or accommodation required. Individual assessment can give effect to the child's right to be heard while considering that view alongside the other factors relevant to best interests and procedural rights.

5.2. Meaningful participation should be the decision criterion

The findings indicate that technological connection provides an inadequate measure of participation. Children described situations in which they were physically or virtually present but did not understand what was happening, know when they were expected to speak, communicate effectively with their lawyers, or feel able to influence proceedings. The description of remote participation as "watching a YouTube video" captures this distinction between formal presence and substantive participation.

Remote hearings should be evaluated against the conditions required for children to participate meaningfully. At a minimum, this requires that children understand the

purpose and progress of the hearing, know who is present and what their role is, have opportunities to ask questions and express their views, can communicate confidentially with their legal representatives, and receive appropriate assistance when they do not understand what is happening.

This has implications for how hearings are conducted. Child-friendly explanations should be provided before proceedings, comprehension should be checked rather than assumed, and children should be given clear opportunities to speak and ask questions. Technical arrangements should allow participants to see and hear one another adequately, while professionals should be attentive to signs of confusion, withdrawal or distress that may be less visible through a screen. A hearing should also be capable of being paused, adapted or moved to an alternative format where meaningful participation cannot be maintained.

The findings suggest that the legitimacy of remote hearings should be assessed through their capacity to support participation, rather than through measures such as technological functionality, completion of proceedings or administrative efficiency.

5.3. Equality and accessibility must be designed into remote justice

The findings demonstrate that access to a device or internet connection is only one component of digital participation. Children also require an environment in which they can participate privately and safely, sufficient digital competence to use the technology, accessible information, appropriate communication support and reliable technical assistance. These requirements are closely connected to the rights to non-discrimination, accessibility, privacy and effective participation established in the human rights framework.

Remote justice systems should assess the conditions of participation before a hearing takes place. This includes checking access to an appropriate device and reliable connection, identifying whether the child has a private and suitable space, assessing communication and language needs, and establishing whether disability-related or other accommodations are required. Where children participate from institutional environments, the physical setting should provide sufficient privacy, comfort and freedom from avoidable disruption.

Digital literacy should also be treated as a component of procedural accessibility. The ability to use social media or communicate online does not establish that a child can navigate a high-stakes legal proceeding. Preparation should address the specific skills required for remote participation, including using the platform, understanding how and when to speak, managing technical problems and maintaining confidential communication.

The same principle applies to neurodivergence and other communication needs. The findings indicate that remote formats can increase stress and communication difficulties for some children while reducing anxiety for others. Accommodations should be available as a routine part of hearing design rather than introduced only after difficulties become apparent. These may include simplified language, visual information, additional explanation, regular breaks, flexible pacing, communication assistance,

intermediaries, interpretation and guaranteed opportunities for private consultation with legal representatives.

The policy objective should be universal accessibility rather than designing remote proceedings around an assumed "average" child. Standard arrangements should be capable of accommodating a wide range of communication, cognitive, sensory and material circumstances, while retaining flexibility to determine when remote participation is unsuitable for an individual child.

5.4. Governance, monitoring and child involvement

The findings also expose a governance problem. The study was able to identify recurring experiences of communication difficulty, digital exclusion, inadequate privacy and uneven support, but its design does not permit conclusions about the prevalence of these experiences across national populations or about their effects on case outcomes. More systematic monitoring is therefore required.

Governments and justice institutions should collect data on the use of remote hearings involving children and monitor whether participation is experienced differently according to factors such as age, disability, communication needs, language, gender, ethnicity, hearing type and place of participation. Data should also capture technical failures, opportunities for confidential communication with legal representatives, the availability of accommodations and reasons for choosing remote participation. Such monitoring would make it possible to identify patterns that are difficult to detect through individual cases and provide an evidence base for reviewing policy.

Governance arrangements should establish clear professional responsibilities. Judges, lawyers, social workers and other professionals involved in child justice require guidance and training on assessing remote-hearing suitability, identifying barriers to participation and responding when remote participation is failing. Responsibility for overcoming technological or communication barriers should rest with the justice system rather than being transferred to children or their families.

Children should have a meaningful role in the design and evaluation of remote justice. The findings demonstrate the value of children's own accounts in identifying forms of exclusion that may be invisible to professionals. Child participation in digital justice reform should extend beyond consultation after systems have been designed. Children's experiences should inform the development, testing, and review of platforms, procedures and safeguards, alongside professional, legal, and technical expertise.

5.5. Scope of the policy implications

These recommendations should be interpreted within the limits of the study design. The research identifies recurring experiences and conditions across four jurisdictions, but it does not establish the independent effects of COVID-19, armed conflict, geographical distance, national digital infrastructure or particular legal arrangements. Nor does it provide a basis for ranking national systems or estimating the prevalence of particular experiences among children in each jurisdiction.

The cross-jurisdictional design is valuable because similar concerns emerged across different institutional and social contexts. At the same time, the differences between

jurisdictions demonstrate why remote participation cannot be assessed independently of the circumstances in which it occurs. Future research should examine how hearing type, legal context, institutional arrangements and individual characteristics interact to influence participation and outcomes.

The central policy implication is conditional rather than categorical: remote hearings should be used where their purpose is legitimate, their suitability for the individual child has been assessed, and the conditions required for meaningful participation and effective rights protection can be demonstrated.

6. Conclusion

This study shows that remote criminal hearings alter the conditions under which children encounter justice. Across Ireland, Romania, Spain and Ukraine, children and justice professionals described circumstances in which remote participation could reduce practical or emotional burdens, alongside circumstances in which it constrained communication, comprehension, privacy and effective participation. These effects were unevenly distributed and depended on the interaction between hearing arrangements, the circumstances of the child and the support available.

The findings challenge an understanding of remote justice in which technological connection is treated as equivalent to participation. A child can be present on screen while remaining uncertain about what is happening, unable to communicate privately with their lawyer, or unsure when and how to express their views. Meaningful participation requires attention to the conditions surrounding the technology: communication, preparation, privacy, accessibility, professional support and the child's individual circumstances.

Remote hearings should be assessed through their capacity to support children's procedural rights rather than through technological functionality or administrative efficiency alone. A child-centred approach requires individual assessment of suitability, meaningful consideration of the child's views, appropriate communication and disability support, confidential access to legal representation, and physical and digital environments that protect privacy and dignity. The evidence also indicates that remote participation can benefit some children, reinforcing the importance of assessment rather than assumptions about the value or harm of the format itself.

The four-jurisdiction design identifies recurring conditions of participation across different contexts, while the uneven samples and experience-led methodology limit conclusions about national differences, prevalence and causal effects. Further research is needed to establish how hearing type, legal context and institutional arrangements shape children's experiences and outcomes.

The contribution of this study is to place the child's experience of participation at the centre of that inquiry. Digital justice should be judged by whether children can understand, communicate, be heard and participate meaningfully in proceedings that affect their rights. Where those conditions cannot be secured, technological access alone cannot constitute effective participation.

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