E-ViVi
Enhancing Videorecorded Interviews and Virtual Hearings in Europe

Norms and provisions for audio-visual recording of interviews and remote hearings with children in criminal proceedings



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Published June 2026 in Stockholm

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Introduction

Each year, millions of children come into contact with justice system as victims, witnesses, suspects, or defendants. At both regional and international levels, a range of legal and non-legal norms[1] establish or promote safeguards for children involved in criminal proceedings, including the video-recording of interviews and the use of remote hearings[2]. The norms are diverse. The provisions vary, and address these issues from different perspectives.

This paper compares and analyses key international and regional norms and provisions related to the audio-visual recording of interviews and remote hearings involving children. It aims to identify existing gaps and potential areas for improvement, with a view to promoting child sensitive justice. The paper focuses on obligations and safeguards applicable when children - defined as individuals under the age of 18 - are involved as victims, witnesses, suspects, or defendants. The analysis draws on legal frameworks, guidelines, standard procedures and other non-binding norms collected through open-source research.

The paper identifies norms that promote children's rights and well-being, and integrates children's views and perspectives. It considers both the advantages and potential drawbacks of using technology in child interviewing and remote hearings.

Key Findings

International and regional norms[3]

Few international legal norms explicitly recommend the use of audiovisual recording for interviews with children or remote hearings. The United Nations Convention on the Rights of the Child (UNCRC), a key global instrument, sets out only broad principles, such as the right of children to be heard in judicial proceedings and to be treated with dignity.[4] The United Nations Committee on the Rights of the Child provided guidance for State parties in 2019, taking note of child-friendly layouts of interviewing spaces and courts.[5]

International legal norms that specifically promote or permit the use of cameras in child interviewing and hearings are primarily found in the context of international judicial cooperation or international criminal justice, where cross-border participation of parties and witnesses is essential. Other international norms addressing the use of such techniques focus on safeguards against human rights violations during the interrogation of suspects and on the promotion of child-friendly justice.

At the regional level, provisions related to these techniques when children are involved are more frequent, both in legal and non-legal norms. They often apply to offense-specific contexts (e.g., child sexual exploitation, trafficking) or to certain categories of parties to proceedings only (e.g. victim,

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[1] In this paper, the term "norms" refers to both legal norms (including laws, directives, treaties and conventions) and non-legal norms (including guidelines, codes of conduct, manuals, and recommendations)

[2] In this paper, the term "interview" refers to both the forensic and non-forensic interviews of children (individuals below 18 years of age) as part of judicial proceedings, including interviews conducted during flagrante delicto investigations, preliminary investigations, and pre-trial investigations. The term "hearing" refers to a judicial session before a judge or tribunal in which children may participate and provide testimony.

[3] A complete and detailed list of reviewed norms and the relevant provisions is provided in Appendix 1. The Norms are discussed in the sections below, depending on the status of beneficiaries targeted by the provisions or the context in which the norms apply (e.g. judicial cooperation)

[4] UN Convention on the Rights of the Child (CRC), Art.12, 40

[5] Committee on the Rights of the Child, General Comment No. 24 (2019) on children's rights in the child justice system, CRC/C/GC/24, 18 September 2019, pt 46 – related to the effective participation of children above the minimum age of criminal responsibility to the justice process)

defendants). At regional level, the Council of Europe Guidelines on Child-Friendly Justice and recommendations from the European Union Agency for Fundamental Rights address the use of audiovisual recordings for all children, regardless of their role as victim, witness, suspect, or defendant.[6] Regional legal norms that frame judicial cooperation also mandate remote hearings.[7]

Audiovisual recording of interviews and remote hearings of child victims and witnesses in domestic criminal proceedings

Some legal norms provide for audiovisual recording of interviews and hearings for child victims and witnesses. The measures serve as protective safeguards to uphold children's rights. Audiovisual recording is generally considered an option rather than an obligation. It is rarely subject to strict conditions, except that its use should respect the child's best interests, in line with international standards emphasising the principle of "do no harm."

The most cited justification for audiovisual recording is the trauma caused by multiple, repetitive interviews, where children must repeatedly answer the same questions. Accordingly, norms often stress the importance of avoiding repeated interviews before implementing recording measures (see below).

Another widely recognised rationale for using recordings in court is to prevent direct contact between the accused and the child victim or witness. Remote hearings also support this goal. Most norms that provide for recording further include additional safeguards, such as conducting interviews with specially trained professionals, using child-appropriate interview rooms and protocols, avoiding direct contact with the accused, and ensuring children are informed about the process and their rights (see below).

International norms

The Optional Protocol to the CRC on the Sale of Children, Child Prostitution, and Child Pornography obliges States to protect victims from re-victimisation and consider their best interests, without explicitly requiring recording hearings as an appropriate measure.[8] Although neither the UNCRC, nor its Protocols, nor the UN Committee on the Rights of the Child establish a general principle regarding the audiovisual recording of interviews with children, the Committee recommends, in its Observations to some Member States, the audiovisual recording of interviews, and the systematic acceptance of such recordings as evidence in proceedings.[9] Other non-legal norms (UNODC/UNICEF Model Law, ECOSOC Guidelines, ISO IWA 49[10]) encourage the use of video recording as a measure to reduce repeated interviews. ISO IWA 49 further specifies that recordings should take into consideration technical, procedural and ethical standards, to ensure sufficient quality for admissibility in court, thus proposing a link that is rarely raised between the quality of the video and its admissibility as evidence.

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[6] Council of Europe Guidelines on Child-Friendly Justice (Committee of Ministers), Pt 59; European Agency for Fundamental Rights (FRA), Child friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in 9 EU Member States, Opinions 3 & 12

[7] EU Convention on Mutual Assistance in Criminal Matters, Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters, Budapest Convention on Cybercrime, Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence, Chisinau Convention and 2011 revised Scheme, Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and it's Protocol, ASEAN Treaty on Mutual Legal Assistance in Criminal Matters

[8] Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography, Art.8

[9] e.g. : Committee on the Rights of the Child, Concluding observations on the fifth periodic report of France, CRC/C/FRA/CO/5, 23 February 2016, pt 84 (c), Committee on the Rights of the Child, Concluding observations on the combined fifth and sixth periodic reports of Georgia, CRC/C/GEO/CO/5–6, 25 June 2024, pt 23 (f) & (g) ; Committee on the Rights of the Child, Concluding observations on the combined sixth and seventh periodic reports of Bulgaria, CRC/C/BGR/CO/6-7, 15 March 2024, pt 26 (f) & (g)

[10] UNODC, UNICEF, Justice in Matters involving Child Victims and Witnesses – Model law, Art.16; UN Economic and Social Council (ECOSOC) Guidelines on Justice in Matters involving child victims and witnesses, Pt 31(a); International Organisation for Standardisation (ISO) International Workshop Agreement IWA 49:2025 - Multidisciplinary and interagency response services for children who are victims of violence - Requirements and recommendation, 2025, pt 4.11.2

In addition, United Nations Economic and Social Council (ECOSOC) Guidelines recommend conducting examinations in court out of sight of the alleged perpetrator for safety reasons.[11]

Regional norms

European and EU norms, including the Lanzarote Convention and Directives 2011/36/EU, 2011/93/EU, and 2012/29/EU, go further by mandating or encouraging audiovisual recording of interviews and allowing their admissibility in court, as well as remote testimony to avoid direct contact between victim and alleged perpetrator.[12] Regionally recognised guidelines such as the Council of Europe's Guidelines on Child Friendly Justice and the Barnahus Quality Standards reinforce the justifications for using recorded interviews and remote hearings.[13]

Similarly, in Africa, the Great Lakes Pact's Protocol on Sexual Violence mandates video-based collection of evidence.[14] In the Middle East and North Africa, UNICEF Regional Office's Guidelines consider audio-visual recordings as accurate records of original evidence. It doesn't promote their use in court but allows the use of live video-links.[15]

Audiovisual recording and remote participation of suspect and accused children in domestic criminal proceedings

Norms recommending the use of audio-visual recording of interviews for child suspects[16] and defendants are rarer. In the reviewed norms, recording in such circumstances is primarily viewed as a means of protecting the suspected or accused person from potential abuse and violations of their rights during interrogation. These provisions are generally more stringent; however, protection measures for child suspects and defendants are less comprehensive, as the norms do not include the same interview-related safeguards as the ones mentioned above for victims and witnesses.

International norms

Among the norms reviewed, only non-legal ones recommend the audiovisual recording of interviews with suspects and defendants, i.e. the Méndez International Principles on Effective Interviewing (Méndez Principles), and some of the UN Human Rights Committee's Observations.[17] The Committee recommends this practice to be systematic and refers to the Méndez Principles. Although the interview-related safeguards proposed by the Principles are limited, they include the following noteworthy recommendation: both the interviewing person and the interviewee should be visible in the video frame, in order to avoid any possible misinterpretation during subsequent proceedings.[18] Furthermore, if recording equipment is available but not used, the specific reasons and justifications for this decision should be documented.[19]

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[11] ECOSOC Guidelines, Pt 31(b)
[12] Council of Europe (Lanzarote) Convention on Child Sexual Exploitation and Abuse, Art.35 & 36.2 (b); Directive 2011/36/EU on Trafficking in Human Beings, Art.15.4; Directive 2011/93/EU on the Sexual Abuse and Exploitation of Children, 20.4 & 20.5 (b); Directive 2012/29/EU (Victims' Rights Directive), Art.24.1 (a), 23.3 (b)
[13] Barnahus Quality Standards, summary – Guidance for Multidisciplinary and Interagency Response to Child Victims and Witnesses of Violence, Standard 4; CoE Guidelines on Child Friendly Justice, Pts.9, 59, and Pt.58 of Explanatory Memorandum. See also FRA Opinions: Child friendly justice – Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties, Opinions 3 & 12
[14] Great Lakes Region Pact, Protocol on Sexual Violence against Women and Children, Art.6
[15] Regional Guidelines on Collaboration between actors involved in cases of child victims and child witnesses of crime - Application of protective measures for child victims/witnesses of crime involved in criminal proceedings, UNICEF Regional Office for the Middle East and North Africa, Guidelines 6, 8, 9
[16] This document uses the term "child suspects" to refer to children who are suspected or accused of a crime. The term describes a child's legal status and should not be understood as implying guilt.
[17] Principles on Effective Interviewing for Investigations and Information Gathering, 2021; United Nations Human Rights Committee Concluding Observations on periodic reports of Montenegro, 2025, and Serbia, 2024
[18] Méndez Principles, Pts 176-177
[19] Méndez Principles, Pt 99

Regional norms

The EU Directive 2016/800/EU on procedural safeguards for children makes audio-visual recordings of interviews with child suspects and defendants mandatory. However, this measure must be proportionate (lawyer present or not, child deprived of liberty or not…), provided that the child's best interest is a primary consideration.[20] Proportionality, in this provision, refers to whether other safeguards provide sufficient protection against potential misconduct. For example, deprivation of liberty is a very serious restriction of rights and should remain the exception when the accused is a child. In such cases, recording should be mandatory (while it may remain optional if the child is not deprived of liberty).[21]

Audiovisual recording and remote participation in the context of international judicial cooperation

Many international judicial cooperation norms encourage the use of technology to facilitate participation in legal proceedings, particularly when parties are in different countries. These legal norms mandate or permit testimony through videoconferencing. They rarely propose the use of audiovisual recording, although the latter may be an option in some of these norms. The provisions apply to victims, witnesses, suspects, and defendants – both children and adults - and govern mutual legal assistance in transnational crime investigations. In judicial cooperation-related legal norms, videoconferencing is considered a practical solution to overcome geographical barriers, and a protective measure against threats and retaliation, reflecting the origins of many of these norms in efforts to combat organised crime.

International norms

The UN Convention against Transnational Organised Crime (UNTOC) and the recently adopted UN Cybercrime Convention allow the use of video conferencing for hearings when in-person testimony is not possible or desirable, suggesting that each party's individual circumstances should be assessed and their vulnerabilities taken into account. These legal norms also permit witness testimony via video link as a protective measure.[22] Such measures are limited to investigations on transnational organised crime (UNTOC), including child trafficking and the smuggling of child migrants, and cybercrime (UN Cybercrime Convention), including offences related to online child sexual abuse or child sexual exploitation material.

Regional norms

There is a wide array of regional agreements on judicial cooperation; those presented here constitute only a small, representative selection. The EU Convention on Mutual Assistance in Criminal Matters and Directive 2014/41/EU both allow remote hearings when in-person testimony is not possible or desirable, strictly requiring the accused's consent. In addition, the conditions under which audiovisual recordings are implemented must comply with human rights standards.[23] The Budapest Convention on Cybercrime and its Protocol mandate video or audio conferencing for taking testimony and statements in cybercrime cases. Particular safeguards are recommended for suspect and accused persons, as well as child witnesses[24] Cybercrime-related norms are generally at the fore-front of technology-related safeguarding measures.

[20] Directive 2016/800/EU on procedural safeguards for children, Art 9.1
[21] https://eucrim.eu/articles/directive-procedural-safeguards-children-criminal-proceedings/#fnref49
[22] UNTOC, Art. 18 & 24 (b); UN Convention on Cybercrime, Art.40.18 & 33.2 (b)
[23] EU Convention on Mutual Assistance in Criminal Matters, Art.10; Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters, Art.24.1, 24.2 (a), 24.5 (e).
[24] Budapest Convention on Cybercrime, Art.11 & Interpretating comments Pt 190; Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence, Art 11 & 12

Other regional legal norms such as the Chisinau Convention , the Ibero-American Convention, and ASEAN agreements, also enable videoconferencing for victims, witnesses, suspects, and defendants, in accordance with national laws, when the latter are located in another state.[25] Complementing tools recommend the adoption of protection measures[26], in particular for protected witnesses and minor victims of violence[27], such as voice and image distortion.

Audiovisual recording and remote participation in the context of international crime investigations and prosecutions

Audiovisual recording of interviews and the use of remote hearings have long been established in International Criminal Justice. Standards and safeguards developed for interviewing child victims are particularly protective, given that child survivors of international crimes - such as conflict-related sexual violence or genocide - are extremely vulnerable and often located in hard-to-reach areas. The International Criminal Court (ICC) Statute allows in-camera proceedings to protect child victims, witnesses, and, in exceptional cases, defendants. Under the ICC Policy on Children, audiovisual recording of interviews with children is mandatory, and video-link testimony is permitted to prevent direct contact with alleged perpetrators.[28] The Murad Code, which provides guidelines for professionals documenting conflict-related sexual violence, further emphasises that remote interviews require specialised skills - a consideration not highlighted in other norms - and strict confidentiality.[29]

Discussion

Children's Perspective[30]

While audio-visual recording of child interviews is widely seen as positive practice, FRA[31] reports that cameras can make children feel uncomfortable, pressured, or unsafe, especially when they lack clarity on who will see the recording and why. This stress may be heightened in sexual exploitation cases.[32] The same report reveals that children often - but not always - prefer the use of recordings or remote hearings to in-person court hearings. However, key academics in the field note that the impact of remote hearings remains under-researched.[33] Children may not have the same perception and wishes about the use of technology in interviewing practices than adults. To ensure the best interest of each child, a pre-interview individual assessment should be conducted, giving due weight to the child's views. Children should receive information adapted to their specific needs and language about the different options available to them, including the technical equipment that will be used.

[25] Chisinau Convention (Commonwealth) and 2011 revised Scheme, Art. 6, 105; § 14, Revised Scheme); Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and it's Protocol, Art. 1, 2; ASEAN Treaty on Mutual Legal Assistance in Criminal Matters, Art. 11.3, 15.7
[26] Chisinau Convention (Commonwealth) 2011 revised Scheme, § 14
[27] Guide on Videoconferencing of the Ibero-American Network
[28] ICC Policy on children, Pt 116 (g), 122, & 149 (b)
[29] Global Code of Conduct for Gathering and Using Information about Systematic and Conflict-Related Sexual Violence, Principles 5.4, 7.4, 7.8, 9.4
[30] See Appendix 2 for more detailed information
[31] Child-friendly justice, Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, FRA, 2017
[32] Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, Pt 128
[33] Korkman, J. et al., White Paper on Forensic Child Interviewing: Research-based Recommendations by the European Association of Psychology and Law, 2024, p.22

Findings in research[34]

In recognising that some children experience discomfort with audio-visual recording, the broader research literature suggests that traditional courtroom testimony may also present significant challenges. Studies of child victims and witnesses have consistently documented anxiety associated with courtroom participation, including the intimidating nature of court settings, facing the accused, fear of not being believed, difficulties understanding courtroom questions, and concerns about making mistakes during cross-examination (Plotnikoff & Woolfson, 2005; 2009).

The available research also suggests that the impact of children's participation in criminal proceedings depends not only on whether they participate, but on how proceedings are organised. Reviews of the literature indicate that repeated testimony, lengthy proceedings, direct confrontation with the accused, and insufficient preparation may contribute to distress and poorer outcomes for some children (Quas et al., 2005; Quas & Goodman, 2012). Research on courtroom questioning also highlights concerns regarding children's ability to understand and respond to complex questioning, reinforcing the importance of procedures that support meaningful and effective participation. Studies of cross-examination have documented the frequent use of leading, repetitive and credibility-challenging questions, some of which may exceed children's developmental capacities (Andrews & Lamb, 2016; Andrews et al., 2015; Szojka et al., 2017).

These findings underscore the importance of procedural safeguards that minimise unnecessary burdens on children while supporting their ability to provide evidence and participate effectively in justice processes. They also provide important context for understanding the widespread promotion of recorded interviews and remote participation as safeguards intended to reduce repeated questioning, support effective participation and minimise the risk of re-traumatisation. The available evidence suggests that audiovisual recording should be understood as a component of a broader framework of safeguards for children in criminal justice processes. The key question is how safeguards can be implemented in a manner that best supports each child's rights, wellbeing, and effective participation.[35]

Challenges, limits, and key considerations

Audiovisual recording of child interviews and remote hearings are recognised and promoted in procedural safeguards for children involved in criminal proceedings. Challenges such as resources, technical issues, or uneven territorial access to such technologies highlight the importance of careful planning, preparation, training of staff, and adapting to the needs of each individual child.[36]

Consequently, audio-visual recordings are a component of a broader approach which is designed to minimise harm to children while preserving evidence that is of high evidentiary value and valid in Court. Recordings must be combined with other safeguards, such as trained interviewers, child-appropriate interviewing protocols and rooms, strict confidentiality and data protection rules, information obligations, limited number of people attending the interview, and the use of trained interpreters. Many of the norms cited in this study recommend such safeguarding measures, but none include all measures, and they are seldom legally binding.

[34] For a list of resources, see the *Research on children's experience of the criminal justice systems* section of the bibliography.
[35] See also key recommendation 5 of the *White paper on forensic child interviewing: research-based recommendations* by the European Association of Psychology and Law https://www.tandfonline.com/doi/epdf/10.1080/1068316X.2024.2324098?needAccess=true
[36] From law to practice: Strengthening Procedural Rights in Police Custody, Audio visual recording, Irish Council of Liberties, p.14; Children as suspects or accused persons in criminal proceedings, procedural Safeguards, FRA, 2022, pp.87-88

Conclusion

International and regional frameworks recognise audiovisual recording and remote hearings as important tools for protecting children in criminal proceedings. Global norms tend to provide general principles. Standards and practice from international criminal justice and international judicial cooperation norms provide useful guidance that can inform other legal frameworks.

The Council of Europe's and EU norms more frequently recommend these technologies, particularly for child victims of exploitation, and propose more comprehensive safeguards. They systematically specify that recorded interviews may be used as evidence in criminal proceedings, which is rarely included in norms from other regions.

In contrast, norms addressing child suspects and defendants are more limited (including within EU legal frameworks), although they often propose more stringent provisions. In such norms, recordings are framed primarily as stand-alone procedural safeguards rather than as part of a broader set of protective measures related to child interviewing. In EU norms concerning child suspects and defendants, remote hearings are generally not provided, except in the context of judicial cooperation. In such cases, these measures are not child-specific and are considered not as safeguards, but merely to overcome the constraints of distance.

Research on children's experiences of criminal proceedings demonstrates that challenges associated with courtroom participation - including difficulties understanding questioning, repeated testimony, direct confrontation with the accused, and other sources of stress - have provided an important evidence for the development of recorded interviews and remote participation measures. The available evidence suggests that audiovisual recording should be understood as a component of a broader framework of safeguards for children in criminal justice processes.

In practice, children's perspectives indicate that recordings and remote hearings can cause discomfort or stress if not adequately explained, underscoring the importance of individual assessments, specialised interviewing skills and clear information obligations. To address these risks, a robust practice must be in place that ensure the currently provided procedural safeguards regarding audiovisual recording of interviews and remote hearings incorporates, inter alia, trained professionals, child-appropriate protocols and environments, and respect for the child's voice. Clear guidance is needed on the operational implementation of technology-facilitated interviewing and hearings.

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Appendix 1: Table of key provisions from international and regional legal and non-legal instruments

Related to audio-visual recording of interviews and remote hearings with children in pre-trial and trial-related criminal proceedings

Name of the instrument	Geographic scope of implementation	Nature of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Status	Beneficiary	Examples of other safeguarding measures
Provisions applicable to all children involved in domestic criminal proceedings (victim, witness, suspect, defendant)						
UN Convention on the Rights of the Child (CRC)	GLOBAL	Legal norm	Children have the right to be heard directly or through an appropriate body in judicial procedures (Art.12) The child considered to have infringed the penal law must be treated with dignity (Art 40)	Victim Witness Suspect Defendant	Children	
Council of Europe Guidelines on Child-Friendly Justice (Committee of Ministers)	EUROPE	Guidelines, recommendations	Interview methods, such as video or audio-recording or pre-trial hearings in camera, should be used and considered as admissible evidence (Pt 59) Specific arrangements should be made for gathering evidence (e.g. audio, video or TV link	Victim Witness Suspect Defendant	Children	Avoid contact between the victim and the alleged perpetrator (Guidelines 68, 69)
FRA Opinions	EUROPEAN UNION	Guidelines, recommendations	Hearings should be video recorded (including pre-trial hearings) and recordings should be legally admissible evidence in court (Opinions 3, 12) Live video links or pre-recorded testimony in hearings may be used to protect the child's identity. (Opinion 24)	Victim Witness Suspect Defendant	Children	Recordings need to be safely stored, and identities protected online (Opinion 24)

Name of the instrument	Geographic scope of implementation	Nature of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Status	Beneficiary	Examples of other safeguarding measures
Provisions applicable to child victims or/and witnesses involved in domestic criminal proceedings						
Optional Protocol to the CRC on the Sale of Children, Child Prostitution and Child Pornography	GLOBAL	Legal norm	Child victims must be protected, re-victimisation must be avoided, and their best interests must be taken into account during judicial proceedings. (Art 8)	Victim	Children	
UN Children's Rights Committee concluding observations on States' periodic reports	FRANCE, GEORGIA, BULGARIA (GLOBAL)	Guidelines, recommendations	Video-recording child interviews is recommended (Pt 84 (c) - France) Videorecording of child interviews is recommended (Georgia) or should be set as a standard (Bulgaria), and systematically (Georgia) accepted as the main (Bulgaria) evidence in court (Pt pt 23 (f) & (g) – Georgia; Pt 26 (f)&(g) - Bulgaria)	Victim Witness Victim	Children	
UNODC/UNICEF - Model Law	GLOBAL	Guidelines, recommendations	Interview may be visually recorded; this shall be discussed with the support person, parents and the court (Art. 16)	Victim Witness	Children	Avoid direct contact between victim-witness & accused (Art. 11a) Use specialised trained investigators (Art. 13) Provide a support person who will be present at the interview (Art.15, 16.5
ECOSOC Guidelines on Justice in Matters	GLOBAL	Guidelines, recommendations	Procedure should reduce the number of interviews, such as through the use of video recording (Pt 31 (a))	Victim Witness	Children	Avoid direct contact for safety reasons (Pt 34 (a))

Involving Child Victims and Witnesses			Examinations in court should be out of sight of the alleged perpetrator (Pt 31 (b))			
ISO IWA 49:2025 on services for child victims of violence	GLOBAL	Guidelines, recommendations	Interviews shall be audio-visually recorded to avoid repeated interviewing (Pt 4.11.2) Recording should take into consideration technical, procedural, and ethical standards, to ensure sufficient quality for admissibility in court (Pt 4.11.2) The recording should be securely safeguarded (Pt 4.11.2)	Victim	Children	Use interviewing protocols, Conduct interviews with trained professionals (Pt 4.11.1 & 4.11.5)
Lanzarote Convention on Child Sexual Exploitation and Abuse (CoE)	EUROPE	Legal norm	Measures shall be taken to videotape interviews. Such records may be accepted during the court proceedings (Art 35) Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies (Art.36 2 (b))	Victim Witness Victim	Children	Avoid contact between victim and suspect (Art 31.1) Conduct interviews with trained professionals (Art 35.1 (c))
Directive 2011/36/EU on Trafficking in Human Beings	EUROPEAN UNION	Legal norm	Measures shall be taken so that interviews may be video recorded, and such records may be used as evidence in court (Art 15.4)	Victim Witness	Children	
Directive 2011/93/EU on the sexual abuse and exploitation of children	EUROPEAN UNION	Legal norm	Measures shall be taken so that interviews may be video recorded, and such records may be used as evidence in court (Art 20.4) Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies (Art. 20.5 (b))	Victim Witness	Children	Conduct interviews with trained professionals (Art. 20.3 (c))

Directive 2012/29/EU (Victims' Rights Directive)	EUROPEAN UNION	Legal norm	Interviews may be audio-visually recorded and such recorded interviews may be used as evidence in criminal proceedings (Art. 24.1 (a)) Measures shall be taken so that the victim may be heard in the courtroom without being present, notably through the use of appropriate communication technologies (e.g. for safety reasons) (Art. 23.3 (b))	Victim	Children	Avoid contact between victim and offender (Art. 19.1) Conduct interviews with trained professionals (Art. 23.2 (b))
Barnahus Quality Standards	EUROPE	Guidelines, recommendations	Record forensic interviews with live observation; such recordings may be used as evidence in criminal court proceedings (Standard 4)	Victim Witness	Children	Prevent contact between victim and alleged offender (Standard 4)
Great Lakes Region Pact, Protocol on Sexual Violence against Women and Children	AFRICA's GREAT LAKES REGION	Legal norm	Evidence shall be given in camera or by video links (Art. 6)	Victim	Children and women	
UNICEF guidelines - Protective measures for Child victims/Witnesses (MENA Office)	MIDDLE EAST AND NORTH AFRICA	Guidelines, recommendations	An accurate record of the original evidence given should be kept (written statement or audio/video recording). This does not mean that recordings will be used in court (Guideline 6) but live au can be used in court (Guidelines 8 & 9)	Victim Witness	Children	Use of specialised trained interviewers (Guideline 6)

Name of the instrument	Geographic scope of implementation	Nature of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Status	Beneficiary	Examples of other safeguarding measures
Provisions applicable to child suspects and defendants involved in domestic criminal proceedings						
International Principles on Effective Interviewing	GLOBAL	Guidelines, recommendations	Audiovisual recording of the interview is recommended. and should include both the interviewer(s) and the interviewee in the video frame. (Pts 99, 176-177)	Suspect Defendant	Children and adults	
UN Children's Rights Committee General Comment n°24 (2019) on Children's Rights in the Child Justice System	GLOBAL	Guidelines, recommendations	Proceedings must be conducted in a manner that enables the child to understand and fully participate in the criminal process (Pt 46) Good practices recommend child-friendly layouts of interviewing spaces and courts (Pt 46)	Suspect Defendant	Children	
UN Human Rights Committee Concluding Observations on States' Periodic Reports	MONTENEGRO, SERBIA (GLOBAL)	Guidelines, Recommendation	Police interrogations shall be systematically video and audio recorded (Pt 27 (d)) as a measure to protect against torture and other cruel, inhuman or degrading treatment or punishment (as preconised by the *Méndez Principles*)	Suspect Defendant	Children and adults	
Directive 2016/800/EU on Procedural Safeguards for Children	EUROPEAN UNION	Legal norm	Questioning a child must be subjected to audio-visual recording when proportionate (lawyer present or not, child deprived of liberty or not) (Art.9.1)	Suspect Defendant	Children	Conduct interviews with trained professionals (Art.20)

Name of the instrument	Geographic scope of implementation	Nature of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Status	Beneficiary	Examples of other safeguarding measures
Provisions applicable to children in the context of international judicial cooperation						
UN Convention on Transnational Organised Crime (UNTOC)	GLOBAL	Legal norm	Hearing by video conference shall be permitted if hearing in person is not possible or desirable (Art. 18) Testimony of witnesses through video link shall be permitted as a protection measure (Art. 24 (b))	Victim Witness Suspect Defendant	Children and adults	
UN Convention Against Cybercrime	GLOBAL	Legal norm	Hearing by video conference shall be permitted if hearing in person is not possible or desirable (Art 40.18) Testimony of witnesses through video link shall be permitted as a protection measure (Art 33.2 (b))	Victim Witness Suspect Defendant	Children and adults	
EU Convention on Mutual Assistance in Criminal Matters	EUROPEAN UNION	Legal norm	Hearings by videoconference where it is not desirable or possible for the person to be heard in person shall be permitted. For accused persons, consent to it is mandatory and conditions must comply with international human rights provisions (Art. 10)	Victim Witness Suspect Defendant	Children and adults	
Directive (EU) 2014/41/EU regarding the European Investigation Order in criminal matters	EUROPEAN UNION	Legal norm	The person may be heard by videoconference or other audio-visual transmission where they are located in another State (Art. 24.1) Accused persons shall consent to it (Art 24.2 (a)) Information about their rights shall be provided prior to the testimony, including the right not to testify (Art. 24.5(e))	Victim Witness Suspect Defendant	Children and adults	

Budapest Convention on Cybercrime	EUROPE	Legal norm	Video Conferencing shall be used for taking testimony and statements (Art.11)	Witness Suspect Defendant	Children and adults	Particular safeguards may be required for suspect/accused persons (Art.11) or child witnesses (interpretating comments Pt 190) Protection of personal data and rules of law safeguards
Budapest Convention's Protocol on enhanced cooperation and disclosure of electronic evidence	EUROPE	Legal norm	Video and audio Conferencing shall be used for taking testimony and statements (Art.11, 12)	Witness Suspect Defendant	Children and adults	Protection of personal data and rules of law safeguards
Chisinau Convention and 2011 revised Scheme	COMMONWEALTH ON INDEPENDANT STATES (EURASIA)	Legal norm	Interrogation (audiovisual communication and recording) of parties with the use of video tools is permitted (Art. 6, 105; (§ 14, Revised Scheme)	Victim Witness Suspect Defendant	Children and adults	Measures for the protection of the person to be heard shall be agreed (§ 14, Revised Scheme)
Ibero-American Convention on the Use of Videoconferencing in International Cooperation, and it's Protocol	AMERICAS (IBERO-AMERICAN SUB-REGION)	Legal norm	Hearing via videoconferencing during a trial or preliminary investigations is permitted when the person is located in another state (Art. 1, 2)	Victim Witness Suspect Defendant	Children and adults	

Guide on Videoconferencing of the IberoAmerican Network	AMERICAS (IBERO-AMERICAN SUB-REGION)	Guidelines and recommendations		Victim Witness	Children and adults	Request for videoconferencing must inform if it is a protected witness or minor victims of violence or sexual abuse, and of possible additional measures (distortion of voice...)
ASEAN Treaty on Mutual Legal Assistance in Criminal Matters	SOUTHEAST ASIA	Legal norm	Videoconferencing is permitted for testimonies (Art. 11.3, 15.7)	Victim Witness Suspect Defendant	Children and adults	

Name of the instrument	Geographic scope of implementation	Nature of the instrument	Provisions related to audio-visual recording of interviews, remote hearings	Status	Beneficiary	Examples of other safeguarding measures
Provisions applicable to children in the context of international criminal justice						
ICC Rome Statute	GLOBAL (States Parties)	Legal norm	Any part of the proceedings can be conducted in camera as a protection measure (Art. 68 (2), 69 (2))	Victim Witness Defendant (as an exception to the principle of public hearings)	Children	
ICC Policy on children	GLOBAL (States Parties)	Court's Internal policy	Interviews with children must be audio-video recorded. so as to preserve evidence for use in court proceedings and to protect the child from stressful experience (Pt 116 (g)) Recordings may be used partly or entirely as an alternative to in-court testimony (Pt 122) Testimonies via video link in court are permitted to avoid direct contact with the alleged perpetrator (Pt 149 (b))	Victim Witness	Children	Informed consent of parents or another appropriate adult should be sought beforehand (Pt 60) Avoid direct contact between victim/witness and alleged perpetrator, unless the child requests otherwise (Best practice guidelines) Protection measures include using voice or image distortion (Pt 149 (c))
Murad code on gathering information on conflict-related sexual violence	GLOBAL	Guidelines, recommendations		Victim	Children and adult	Remote interviews require adapted interviewing skills and confidentiality of exchanges (Principles 5.4, 7.4, 7.8, 9.4)

Appendix 2: Children's perspectives

A FRA study on children's perspectives based on their own experience in judicial proceedings highlighted that children "generally found that the video cameras made them feel uncomfortable". Some reported feeling pressured, knowing that "someone [is] watching (...) on the other side of the camera" or stressed about how they'd look and sound in the recordings. While a few children "praised police officers for allowing them to hear the audio recording after the hearing", others found watching the recordings traumatising.[i] Such stress is often linked to a lack of understanding about the recording process, who will have access to the videos, when they will be used, and for what purpose.[ii]

Additional factors can increase vulnerability. As the Council of Europe Guidelines note, "in particular cases, such as sexual exploitation, video recordings for interviews may be traumatic for victims."[iii] This might be particularly relevant for child victims of sexual exploitation committed with the use of cameras or webcams – such as grooming, sextortion, live streaming, or production of child sexual abuse material – who may feel especially stressed or uncomfortable speaking in front of a camera.

Although some children appreciate the option to attend the trial in person[iv], most view in-person court hearings as a negative experience and prefer the use of recordings or remote hearings.[v] However, because the impact of remote hearings on children is not yet well documented, the European Association of Psychology recommends "to conduct in-situ interviews" (possibly using audiovisual recording[vi]) unless this is impossible (e.g. due to long distance or lack of trained professionals on site) until research further clarifies on "how and when online interviews should be conducted".[vii]

Children may therefore have different perceptions and preferences regarding the use of technology in interviewing compared to adults. The following table, based on FRA's study, illustrates this difference:

Professionals' view	***Children's view***
Controlling contact with defendant: procedural safeguards in place, such as the use of video recordings or video-links	Children emphasise the importance of controlling contact. Where applicable, they very much appreciate having a choice about the type of procedural safeguard used. Live video recordings, particularly the cameras, are often intimidating for children, even more so if they do not know exactly who is watching or listening. If information about the reason for/use of video-links and video recordings is not clear, children feel unsafe.
Protection of child's identity and privacy is mostly ensured	Children who are not informed about who can see a video recording don't feel safe.

Source: FRA[viii]

The reviewed norms and available research generally support the use of audio-visual recording as part of a broader child-protective interviewing framework. Individual assessments remain important, not only to determine which safeguards should be available, but also to determine how they should be implemented in a manner that best respects the child's needs, rights, views and circumstances. The considerations outlined above highlight the value of a highly specialised, coordinated approach which is tailored to the needs of each individual child and case.

[i] Child-friendly justice, Perspectives and experiences of children involved in judicial proceedings as victims, witnesses or parties in nine EU Member States, FRA, 2017, p.26, 87
[ii] FRA – Perspectives and experiences of children, p.33
[iii] Guidelines of the Committee of Ministers of the Council of Europe on child-friendly justice, 2010, Pt 128
[iv] FRA – Perspectives and experiences of children, p.33, 34
[v] FRA – Perspectives and experiences of children, p.33
[vi] Key Recommendation 5
[vii] Korkman, J. et al., White Paper on Forensic Child Interviewing: Research-based Recommendations by the European Association of Psychology and Law, Psychology, Crime & Law, 2024, p.22, 30, 32
[viii] FRA – Perspectives and experiences of children, p.56, 82, 102



E-ViVi

Enhancing Videorecorded Interviews and Virtual Hearings in Europe

This document has been prepared as part of the project “Enhancing Video Recorded Interviews and Virtual Hearings in Europe’ (E-ViVi). This project is co-funded by the European Union. The views and opinions expressed are, however, those of the author(s) only and do not necessarily reflect those of the European Union or the JUST programme. Neither the European Union nor the granting authority can be held responsible for them.

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Co-funded by the European Union