



Protecting Procedural Rights of Children in the Digital Age



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National RNA Report

Protecting the procedural rights of children in the digital age - PPRO Child project -

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Executive summary

The national research report evaluates the digitization of criminal justice in Romania, particularly its impact on minors involved in criminal proceedings. Through interviews, focus groups, and institutional analysis, the study identifies critical issues and opportunities concerning the use of videoconferencing for juvenile defendants.

The analysis considered the notion of digitization of criminal justice in a broad sense, everything that means the involvement of digitization in a criminal trial. In this regard, the following are taken into account: participation in court sessions through videoconference, hearings of minors in a special room equipped with audio - video recording of the statement, audio - video recording of the statement of minors and juveniles at the police stations and prosecutor's offices, electronic access to the criminal court file, video and or audio recording of court sessions.

The research included analysis of judicial practice in Romania, analysis of legislation and legislative amendments, reports, guides, specialized articles, interviews and focus groups.

The analysis of the reports, announcements, specialized articles, judicial practice and guides were identified on the official websites of the Romanian authorities and institutions (Ministry of Justice, Superior Council of Magistracy, Public Ministry, National Penitentiary Administration) and legal websites.

The group of persons interviewed is diverse and includes minors at the time of the perpetration of the offense and professionals in the field (social workers, psychologists, staff from authorities and institutions in the field, lawyers, magistrates, civil society).

Digital participation in court (via videoconferencing) has become more common, especially post-COVID, but is not uniformly implemented or regulated. Minors experience significant emotional and communication challenges during online hearings, including lack of clarity about their rights, minimal interaction with judges, poor technical conditions, and absence of privacy or emotional support. Online hearings can feel impersonal, rushed, and intimidating for minors, often resulting in reduced capacity for self-expression and understanding of the judicial process.

Some minors reported advantages, such as reduced anxiety and better ability to speak when not in a physical courtroom. Professionals noted variability in practice, lack of consistent pre-trial preparation, and challenges in ensuring confidentiality and equal treatment. Technical and procedural inconsistencies, inadequate hearing environments, and limited access to trusted support exacerbate the risk of procedural rights violations.

We recommend that (1) the right of minors to be heard clearly and fully, with the option to choose between physical or online participation; (2) Where online participation takes place, a minor's emotional state should be assessed, and communication of legal rights and court procedures should be



clear and simple before proceedings; (3) Require the presence of a lawyer, legal representative, and a trusted adult or professional (e.g., psychologist or social worker) during hearings; (4) provide pre-hearing psychological preparation and emotional support during the session; (5) Conduct hearings in friendly, non-intimidating environments; (6) Use secure, high-quality digital platforms with stable connections and good audio-visual access; (7) Improve privacy and setting of the videoconference rooms to reduce external disturbances and protect confidentiality; (8) Include technical staff support during sessions to resolve issues immediately; (9) Develop standard protocols and training for those participating in child-sensitive digital hearings involving minors; (10) Continuously monitor and update practices to reflect the best interests and developmental needs of children.

Context

The Romanian judicial system is facing an increasingly complex challenge regarding juvenile delinquency, with an increasing trend. Available data indicate the need for systemic interventions and integrated prevention and reintegration approaches.

From the statistical data found for the period 2014 - 2020 the following results:

The statistical data on children sentenced each year shows a significant decrease of almost 75% in the number of children sentenced since 2016 compared to 2015 and the entire previous period. Out of the total of 704 children sentenced in 2019, boys are again in the majority, accounting for over 90%, as in each of the previous years.¹⁶⁵ In the period 2014-2020 the number of children who received a non-custodial educational measure varied significantly, from 194 out of 3126 children who received a sentence in 2014, to 522 out of 913 children in 2016, to 261 out of 828 children in 2018 and to 450 out of 704 children in 2019. There is an upward trend, after an initial decrease from 810 cases in 2014, of measures of placement in a detention center or educational center, from 377 in 2015 to 567 in 2018.¹⁶⁶ According to data collected by the Ministry of Justice (2020), all deprived children in prisons, educational centers and detention centers receive psychosocial support services. The number varied from 316 in 2014-2015 to 407 in 2016, 329 in 2017, 276 in 2018 and 301 in 2019.¹

Considering that the statistical data are from the period 2014 -2020, no data after this time is available and official data does not provide an accurate and disaggregated number of minors entering the

¹ <https://lege5.ro/App/Document/ge2dkojqgg2ta/anexa-la-hotararea-guvernului-nr-969-2023-privind-aprobarea-strategiei-nationale-pentru-protectia-si-promovarea-drepturilor-copilului-copii-protejati-romania-sigura-2023-2027-din-12102023>



criminal justice system in 2023-2024. This underlines the need for better statistical monitoring and reporting.

The types of offences involving minors are both simple and complex, thus there is a diversity of forms of juvenile delinquency. That is why it is necessary to continue prevention programs, to further develop psychosocial support services and to continue the implementation of age-appropriate reintegration programs.

In Romania we find the following educational and detention centers for minors:

- Braila - Tichilești Detention Center
- Craiova Detention Center
- Buzias Educational Center
- Targu Ocna Educational Center

The Romanian legal system has experienced a development in recent years of digitization of criminal justice and has implemented several measures to modernize the IT system and the training of professionals, but the non-unitary practice and this research report shows that the participation of minors in criminal trials by videoconference of the accused minors still presents several challenges.

Over the years a number of projects have been implemented at the level of the judiciary system, which have led to the completion and modernization of IT resources, the provision of adequate technical infrastructure for police units, prosecutor's offices, courts, the improvement of communications, the digitalization of documents, ensuring accessibility of services by persons with disabilities, etc.

These include:

- The project "Virtualization and centralization of system-specific applications - Ministry of Justice, through the Directorate of Information Technology, implementation of 16 months (October 2022 - February 2024), was based on, among other things, the completion and improvement of existing IT and data communication resources at the level of the judicial system, by equipping the courts with specific data communication, processing and storage infrastructure, and on the other hand, to increase the quality, availability and security of IT services and solutions specific to the judicial system, both internal.²

² <https://www.just.ro/comunicat-de-presa-privind-inchiderea-proiectului-virtualizarea-si-centralizarea-aplicatiilor-specifice-sistemului-judiciar/>



- On December 13, 2024, the Ministry of Justice started the implementation of the project "Support for the operational implementation of the electronic case management system ECRIS V", financed by the Recovery and Resilience Mechanism, within Component no. 7 "Digital transformation", Investment no. 4 "Digitizing the judicial system" of the National Recovery and Resilience Plan.

The project, planned to run from December 13, 2024 to March 31, 2026, is implemented by the Ministry of Justice (project leader) and the Prosecutor's Office of the High Court of Cassation and Justice (project partner).

Creation of technical conditions necessary for operationalization of the electronic case management system ECRIS V, by providing specific IT and data communication infrastructure.³

Technological extension and security of the electronic messaging solution on the internet (19 June 2023 - 19 June 2026);⁴

Equipping the structures of the Public Ministry (Prosecutor's Office, DIICOT, DNA, territorial prosecution units) with the necessary IT equipment in compliance with the measures to prevent and combat the effects of the COVID-19 pandemic & Integrated storage and secure access to data of the Prosecutor's Office (January 17, 2023 - January 17, 2026)⁵.

The judgments sitting of the panel for deciding an appeal in the interest of the law, of the panel for rulings on points of law and of the United Chambers may exceptionally also be heard by videoconferencing.

Court sessions are recorded by the court by video or audio technical means.

With the COVID pandemic in 2020, some courts have predominantly implemented that the participation in court sessions is conducted remotely rather than with physical presence. This practice has continued over the years and continues today.

The Ministry of Justice has implemented several significant initiatives [1]:

- Project "Virtualization and centralization of applications specific to the judicial system"
- Funded by the National Recovery and Resilience Plan (PNRR)
- Component C7 "Digital Transformation"

In the year 2023, 51 hearing rooms for minors have been developed nationwide in the courts within the projects implemented by Romania. The hearing rooms are equipped with furniture designed to create a

³ <https://www.just.ro/comunicat-de-presa-privind-inceperea-proiectului-sprijinirea-operationalizarii-sistemului-electronic-de-management-al-cauzelor-ecris-v/>

⁴ <https://www.mpublic.ro/ro/content/ump-pnrr-proiect-5>

⁵ <https://www.mpublic.ro/ro/content/ump-pnrr-proiect-2>



safe space, as well as with audio-video equipment that allows both real-time connection with the courtroom in videoconferencing system and audio-video recording of the hearing, used for hearing children in civil cases or child victims in criminal cases.

Legislative aspects

The Romanian legislation provides a number of special provisions for the protection of minors in criminal proceedings, with the aim of ensuring a distinct and less severe approach compared to adults. The main aspects are regulated in the Criminal Procedure Code and the Criminal Code. In addition to these, there are also a number of normative acts in which we find aspects regulating either the participation of minors defendants/injured persons in criminal proceedings or the execution of educational measures.

The Romanian legislation pays special attention to the protection of minors in the criminal process, emphasizing educational measures, confidentiality and minimizing the negative impact of court proceedings on them.

From the point of view of the organization of courts, court sessions are recorded by the court by video and/or audio technical means.

Within the courts, depending on the complexity and the number of cases, specialized divisions or specialized panels for different cases, including criminal and juvenile cases, operate. Specialized juvenile and family sections or panels will be organized within the courts.

The Romanian Criminal Code regulates minority in a separate chapter.

According to the current legislation, criminal liability for minors is differentiated according to age. Minors under the age of 14 are not criminally liable. A minor who is between 14 and 16 years of age is criminally liable only if it is proved that he or she committed the act with discernment. Minors who have reached the age of 16 are liable to criminal prosecution according to the law.

Educational measures, which are autonomous criminal law sanctions, are applied to minors in order to prevent and correct criminal behavior.

Educational measures are non-custodial or custodial, the measure to be applied by the court to be chosen according to the criteria established by the Criminal Code.⁶

⁶ Art. 115 Criminal Code



Non-custodial educational measures are: civic training; supervision; weekend detention and daily attendance.

Custodial educational measures are: placement in an educational center and placement in a detention center.

An important role in the Romanian legislation for the evaluation of the minor is the *Evaluation Report*⁷. This report has an important role also in the choice of educational measures. It is drawn up during criminal investigation, during the trial and during the execution of educational measures.

The evaluation report will include reasoned proposals regarding the nature and duration of the social reintegration programs that the minor should follow, as well as other obligations that may be imposed by the court. The assessment report is based on the discussions that are necessary to be held with minors. According to the legislation in force and the specifics of the activity and the purpose of the interviews and the evaluation report, the discussions with minors are only physically conducted.

In a separate chapter, the **Criminal Procedure Code** regulates the procedure in cases involving juvenile offenders, so that special procedures are regulated for criminal cases in which the offenses were committed by minors.⁸

These include:

- The trial of cases involving minors shall be conducted as a matter of priority and urgency.
- The trial session is non-public, with the possibility for certain people to attend only with the permission of the court.
- When the accused is a minor under the age of 16, the court may order his/her removal from the hearing if certain evidence may have a negative influence.
- The hearing of the minor shall be given only once, and rehearing shall be allowed only in duly justified cases.
- If a minor admits the accusation, the consent of the legal representative is also required.
- The minor defendant may not personally withdraw a declaratory appeal.

In the course of criminal proceedings, the procedure in cases of juvenile offenders shall also apply to persons who have reached the age of 18 years up to the age of 21 years, if they were minors at the time of acquiring the status of suspect, where the judicial body considers it necessary, taking into account all the circumstances of the case, including the maturity and vulnerability of the person concerned.

Whenever the judicial authority is unable to determine the age of the suspect or defendant and there are reasons to believe that he or she is a minor, that person shall be presumed to be a minor.⁹

⁷ Art. 116 Criminal Code

⁸ Art. 506 -510 Criminal Procedure Code



Where there are several accused in the same case, some of whom are minors and some of whom are adults, and it is not possible to separate them, the provisions relating to the procedure in cases involving juvenile offenders shall apply to the juvenile accused in these cases.

Where the suspect or accused person is a minor, the prosecuting authority shall summon the parents or, where appropriate, the guardian, tutor, curator or person in whose care or supervision the minor is temporarily in, and the general directorate for social assistance and child protection of the locality where the hearing takes place, to any hearing or confrontation of the suspect or accused person.¹⁰

When performing any other act of criminal prosecution to which the suspected or accused minor is summoned, the parents or, where appropriate, the guardian, curator or person in whose care or supervision the minor is temporarily placed, shall be summoned, if the judicial authority considers that their presence is in the best interests of the minor and is not such as to prejudice the proper conduct of the criminal proceedings.

If the parents or, where applicable, the guardian, trustee or person in whose care or supervision the minor is temporarily placed, cannot be found or their presence would harm the best interests of the minor or the conduct of the criminal proceedings, the summons shall be served on another adult who is designated by the minor and accepted in that capacity by the judicial authority.

If the minor fails to designate another adult in accordance with the legal provisions or if the designated adult is not accepted by the judicial authority, the summons shall be served on another person chosen by the judicial authority, considering the best interests of the minor.

Where the suspect or the accused is a minor who has reached the age of 16, the persons referred to above shall be summoned only if the prosecuting authority considers it necessary.

Failure of the legally summoned people to attend the hearing or interview of the minor shall not prevent such measures from being taken.

In cases with juvenile suspects or accused persons, before the first hearing, they are informed of their rights and obligations. Given that the legislation does not differentiate, it follows that all rights, procedural guarantees, procedures and principles apply to minors under criminal investigation, including the way they participate in the criminal proceedings, whether physically or online.

Their rights include the following:¹¹

- The capacity in which he/she is being heard, the offense under criminal law for which he/she is suspected of having committed or for which criminal proceedings have been instituted, and the legal classification of the offense.

⁹ Art. 504 Criminal Code

¹⁰ Art. 505 Criminal Procedure Code.

¹¹ Art. 505 ind. 1 Criminal Procedure Code.

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- The appointment of an ex-officio lawyer if he/she does not have a lawyer of his own choice, when the suspect or defendant is a minor, when he/she is in a detention center or an educational center, when he/she is detained or arrested, even in another case, when he/she has been ordered to be placed under a medical confinement, even in another case, and in other cases provided for by law;
- The information on the main stages of the criminal proceedings.
- the right of the parents or, where applicable, the guardian, trustee or person in whose care or supervision the minor is temporarily placed or another adult who is designated by the minor and accepted as such by the judicial authority, to receive the same information communicated to the minor.
- the right to protection of privacy, in accordance with the law;
- the right to be accompanied by parents or, where appropriate, guardian, curator or person in whose care or supervision the minor is temporarily placed, or by another adult who is designated by the minor and accepted in that capacity by the judicial body, during the various stages of the proceedings under this law;
- the right to be assessed through the assessment report;
- the right to medical assessment and medical assistance if they are to be subject to a custodial pre-trial detention measure;
- the preventive measures that may be applied to them, as well as the right to have the preventive measure involving deprivation of liberty applied exceptionally in accordance with the law, the period for which it may be ordered and the maximum duration of the preventive measure involving deprivation of liberty, the conditions for its extension and maintenance, and the right to have the measure reviewed periodically, in accordance with the law;
- the right to be present at the trial;
- the right to appeal in accordance with the law.
- the right to inspect the file, in accordance with the law;
- the right to propose the taking of evidence under the conditions laid down by law, to raise objections and to make submissions;
- the right to make any other requests relating to the resolution of the criminal and civil aspects of the case;
- the right to have the free assistance of an interpreter when he/she does not understand, does not express himself/herself well or cannot communicate in the Romanian language;
- the right to have recourse to a mediator, in cases permitted by law;
- the right to be informed of his/her rights;



All communications to the juvenile suspect or defendant shall be in simple and accessible language appropriate to the age of the juvenile. All this information shall also be communicated to the parents or, where applicable, to the guardian, curator or person in whose care or supervision the minor is temporarily placed, or, where applicable, to another adult indicated by the minor in accordance with the law, or to a person chosen by the judicial body, taking into account the best interests of the minor. An accused who has committed the offense while a minor shall be tried according to the procedure applicable in cases involving juvenile offenders, if he or she has not reached the age of 18 at the time the court is seized. If, at the time the case was brought before the court, the accused had reached the age of 18 but was a minor at the time he became a suspect, the court hearing the case may, when considering the case, decide to apply the procedure for cases involving juvenile offenders, where it considers it necessary, taking into account all the circumstances of the case, including the maturity and vulnerability of the person concerned.

The probation service, the parents of the minor or, where appropriate, the guardian, curator or person in whose care or supervision the minor is temporarily placed, shall be summoned to the hearing of the case, and the failure of any of these persons to appear shall not prevent the case from being heard. If none of the above-mentioned persons can be found or if their presence would affect the best interests of the minor or the conduct of the criminal proceedings, the summons shall be served on another appropriate adult who is designated by the minor and accepted in this capacity by the judicial authority. If the minor fails to designate another adult or if the designated adult is not accepted by the judicial authority, the summons shall be served on another person chosen by the judicial authority, taking into account the best interests of the minor. Under the same conditions, the parents or guardian, trustee or person in whose care or supervision the minor is temporarily placed may also be temporarily removed from the courtroom.

When persons are called back to the courtroom, the president of the panel shall inform them of the essential acts performed in their absence.

The hearing of the minor shall take place only once, and the judge may hear the minor again only in duly justified cases.

After analyzing the legislation, it was found that the aspects related to the remote hearing of minors are regulated mainly in the Criminal Procedure Code as amended by Law 217/2023, Law no. 254/2013 on the execution of punishments and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings and the Regulation on the application of the Law no. 254/2013



on the execution of punishments and measures involving deprivation of liberty ordered by judicial authorities during criminal proceedings of 10.03.2016, approved by GD 157/2016 on 11/04/2016.

The above-mentioned aspects from a legislative point of view apply to remote hearings, as the legislator does not make any distinction in this respect. Videoconferencing is not just a technical solution, but a complex procedural protection tool that requires extremely careful and sensitive implementation and a multidisciplinary approach.

Relevant for the online hearing are the provisions of Law 254/2013 on the execution of punishments and measures involving deprivation of liberty ordered by judicial authorities during the criminal trial. Thus, if a prisoner is to be heard in proceedings provided for by this Act by the staff or the judge supervising the deprivation of liberty in a prison other than the one in which the prisoner is held, the hearing may take place by videoconference. If a prisoner is to be heard in any judicial proceedings or proceedings under this Act, the hearing may take place by videoconference.

The hearing by videoconference is carried out in accordance with the rules of application of the Law 254/2013 on the execution of punishments and measures involving deprivation of liberty ordered by judicial authorities during the criminal trial. If the prisoner is assisted by a defense counsel, chosen or appointed ex officio, or if a translator or interpreter is needed, the prison administration will allow the access of the latter to the videoconference room, together with the person he/she represents. The above-mentioned aspects shall also apply as appropriate in the case of prisoners held in the outdoor sections of a penitentiary, remand and temporary detention facilities, educational or detention centers, as well as in other judicial proceedings in other matters, insofar as the hearing by videoconference is technically possible.¹²

Research Findings. Online participation in court sessions

The research was carried out through the following methods: interviews, focus group discussions, legislation analysis, studies, guides, statistics, court practice. The interviews were conducted with minors, young people and professionals in the field. The interviews contained both open-ended questions and direct questions adapted according to the experience of each one. The interviews were attended by 4 young people, who were minors at the time they were involved in the criminal trial. Two of the young people at the time of the interview were in custody in the detention and educational center and the other two were after the execution of the educational measure. As a demographic

¹² Art. 29 of Law 254/2013 on the execution of punishments and measures involving deprivation of liberty ordered by judicial bodies during criminal proceedings.



location, they were in the south of Romania. With two of the minors, the interviews were conducted face-to-face, with the other two conducted online.

10 people working with minors and young people investigated in criminal cases were interviewed, namely: people working in juvenile detention and educational centers, social worker, psychologist, person from the National Administration of Penitentiaries, magistrates, lawyers, social worker from the General Directorate of Child Assistance and Protection, Probation Service. Demographically, most of them work in the South of Romania, except for one person from the North of Romania.

The focus group meeting was held with a group of 10 minors and young people in the detention and educational center. During the discussions, open questions were used, and free discussions were encouraged.

During the last 5 years increased attention has been paid to the professional training of professionals dealing with cases involving minors involved in criminal cases, namely prosecutors, judges, lawyers, with a predominance for child victims. At the same time, during this period, legislative changes were implemented for minors in criminal trials, victims and accused minors. Guidelines were adopted regarding the hearing of minors and their participation in both civil and criminal trials for victims.

In this regard, see the *"Guide of good practices in the field of hearing techniques for minors"*¹³ elaborated in the framework of a project implemented by the Superior Council of Magistracy between 2014 and 2021. The priority area was the creation of premises for the provision of child-friendly, accessible and age-appropriate juvenile justice, respecting the child's rights to a fair trial, to participate in and understand the proceedings, the right to privacy and family life, and the right to integrity and dignity. The Guide is a useful support tool in the work of magistrates, both in civil matters, as well as in the rehearing of minors at the trial stage in criminal matters.

Together with the juvenile hearing chambers developed through the project funding, the Guide complements and supports the implementation of a juvenile-friendly justice appropriate to the psychological traits of minors.¹⁴ The Guide provides an overview on the manner and procedure of hearing a child in a civil case but also a child victim in a criminal case. We appreciate that many aspects of this guide are applicable and can be adapted to be considered and applied to minors in criminal cases as well.

¹³ https://www.juridice.ro/wp-content/uploads/2024/06/A2.3-Ghid-audiere-minori_site_final.pdf

¹⁴ Extract press release of the Superior Council of Magistracy Facebook of June 6, 2024.



As it results also from the content of the Guide, according to the current legislation in Romania, the hearing of minors must be carried out in compliance with several principles, among which are:

- Ensuring a safe and friendly environment
- Minimizing psychological trauma
- Protecting the rights and best interests of the minor

Regarding the manner of the hearing, it can be realized by videoconference, by using technical means of communication or at the place where the minor benefits from protective measures, if applicable.

Research Challenges

To carry out this research report, there were a number of challenges: difficulties in identifying current statistical data on the number of minors and young people currently in detention centers and educational centers and data on online participation in court hearings. The lack of identification of these data was due to the non-publication of this current information by the responsible institutions and the lack of statisticians regarding online participation in court hearings. There were also difficulties and challenges in identifying minors and young people who participated online in court hearings. These were due either to the fact that they are in detention centers or because most of those who participated online in court hearings were during the COVID pandemic, they were assisted by a court-appointed lawyer, thus being difficult to identify and contact. There were also challenges in identifying and interviewing a prosecutor, a criminal investigation body that hears online at the criminal investigation stage, since in most cases the defendants are heard physically and not online. At most, their statements are audio-video recorded.

Data findings

As a result of the research conducted, the analysis of studies conducted in the field, guides, legislation, interviews and case law analysis, several challenges, advantages and disadvantages were identified in the participation in remote court sessions (via videoconference) by minors and young people under investigation in criminal cases.

Minors:

Interviews with young people who have been involved in criminal trials during their minority period provide valuable and authentic insight into how they perceive online participation in court. Their



experiences reflect both significant challenges and certain advantages, but especially the lack of an approach tailored to their real needs.

Given that the voices are many, the prevailing views on the disadvantages of online participation in court sessions show same disadvantages.

Most young people interviewed described online hearing as dehumanizing and impersonal. They mentioned that they do not feel listened to or understood, and the connection with the judge or the other participants is almost non-existent. Moreover, the procedure is perceived as "rushed", lacking empathy and formalized in a way that makes them feel insecure.

- **Environment & Technical Conditions**

Participants reported frequent technical difficulties: poor sound, incomplete image, connection interruptions, which led to confusion and frustration.

The opinion was expressed that *"In the online I heard absolutely nothing. (...) You just have a picture, you don't have many frames to see. The image was only on the lawyer to the courtroom, somehow we didn't see the judge, the prosecutor. I think more shots would be good. It is observed that there is a technical problems (poor sound, interruptions, limited image) that create uncertainty and excitement.*

This lack of visibility and eye contact generated uncertainty about what was happening in the courtroom and accentuated the feeling of isolation.

These aspects were also mentioned by some of the interviewed professionals.

"(...) The room should somehow be more comfortable. I mean, somehow it gives off that feeling of anxiety. If we're all talking about a monitor, we're all talking about a screen, an online session, it wouldn't hurt to have a vase with a flower next to the monitor, it wouldn't hurt to have a regular chair that he has when he's out. Let this penitentiary thing be eliminated and not for the defendant's comfort, to be a plus to his relaxation, to say more easily what he thinks and feels".

It shows the need for more child-friendly rooms, more suitable to help eliminate the emotions and tension that the minor feels during the online hearing.

- **Representation & Support**



The interviewed young people indicated *the need for the minor to participate online from a friendly room and in the presence of a person he trusts and/or a specialist, who can support the minor*. This need was underlined by the professionals interviewed.

"(...) I think it would be okay to have one of the professionals who takes care of him be the one he prefers. Between teacher, social worker, psychologist, sports teacher, priest and so on, at least one of his choice that he would like, who could talk to him before to reassure him."

During the interviews with the four young people and the discussions held during the focus group, the minors and young people expressed their opinion on the existence of advantages to participate online in the court hearing.

In this regard, it was shown that if they participate online they have less emotions, freer expression. Saving of resources (time, transportation).

At the same time, it was found that there is no possibility to speak with the lawyer in confidentiality and the necessary time is not allocated until the start of the court hearing. – *"Let people talk. Let the lawyer privately talk to the people. He shouldn't be there to listen to everything."*

There are other people in the videoconferencing room which reduces privacy and two out of three young people interviewed showed that they were not alone.

- **Information & Consent**

With reference to the questions related to the explanation of rights before the court hearing, the explanation of the online procedure *"Someone from the detention center sat with him and explained his rights "The lawyer informed him about the rights". while another young interviewee showed that he was not presented with his rights. He read about rights, he informed himself."*

It follows that some had logistical support (explanations about the process), but not all. Access to information about rights is unequal - some have received explanations from the lawyer, others have informed themselves. The need for clear and accessible pre-trial information is highlighted.

Also from the content of the interviews conducted with young people, it resulted in the need for the defendant to have the opportunity to choose whether to participate online or physically in the trial. *"I think it would be somewhat of a plus for the young people concerned if they had a choice."*



This aspect is relevant from the perspective of the fact that the opinions of the interviewees, both young people and professionals in the field, regarding the online or physical participation in a court hearing, are different depending on certain invoices. These factors include the analysis of the minor's vulnerability, the impact on him or her through physical presence in the courtroom, the type of crime for which he or she is being investigated, the minor's behavior and psychological impact on him/her, the eye contact with the judge, etc.

Some young people received explanations about the procedure from the lawyer or the staff of the center, while others said that they were not informed at all about their rights or how the hearing would go.

This aspect is important in terms of respecting their rights, effective access to these rights, to be prepared before the start of the hearing.

"No one tells you what the procedure is in court." This results in a lack of information about how the process is going.

From the discussions held in the Focus Group and from the individual interviews with young people, it follows that video sessions are short, rushed and lack empathy and this leads to a feeling of loneliness, to a fear of not being listened to.

"(...) it seemed strange to me, because I didn't know that I could communicate with the judge through a TV set. (...) And I kept thinking, why didn't he call me in front of the court so that I could express myself better? And they made me speak by video conference. (...) And they took my statement for 5 minutes or so, the lawyer got to say two words"

"They won't let me express everything that's in my heart. He won't let me."

"And when I wanted to say something, the videoconference closed on me and the judge got to tell me then that you can take him."

He told the supervisor here he could take me. He said he could take me back to my room. And I didn't get a chance to say anything."

And so on and on. 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? What's happening? I picked up the phone."

I called the lawyer to see what's going on? Why is this happening? (...)"

(...) I have another opinion. I want to say other things. He can say other things. I don't agree with him."

"Well, the judge, should hear the people, the children, what he wants to say when the judge says the last word. You can give me the last word."



- Participation & Expression

"But to express yourself freely would be through a videoconference."

"(...) And 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 physical presence I didn't have the courage to say so many things".

This results in a less intimidating procedure compared to the one with physical presence in the courtroom. Convenience and simplicity (especially for those with speech difficulties).

Greater sense of security for vulnerable people.

As an advantage of the physical presence in the courtroom and not online participation, the opinion *"to be more ok for the judges and for the whole panel of the court, it would be physical" Because it looks better in front of the court. "I mean, the judge can analyze you better". –*

It follows that the existence of a direct contact with the judge creates an emotional connection and the opportunity to be better heard. Physical presence is more "real" and allows for more authentic communication.

They feel more understood, more human in court. Advantage for those in good mental state and wanting human interaction. Eye to eye connection and courtroom atmosphere adds to credibility and impact. "

The young people emphasized the need for a friendly, warm space that does not induce anxiety. The presence of a trusted person, such as a psychologist, educator or social worker, is considered essential. Despite the disadvantages, some young people have admitted that online listening has allowed them to be more relaxed and express themselves more easily, being in a less intimidating environment.

This perception was more common in those who feel anxious in social situations or in the presence of the authorities.

Many of the testimonies reflect a deep emotional affectation related to the way they were treated during the online hearings. The feeling of powerlessness, lack of control, but also exclusion from one's own process are recurring themes.

Professionals:



As a result of the interviews with professionals in the field, it emerged that minors/juveniles in conflict with criminal law who participate online in court sessions should benefit from the same procedural rights and guarantees as those who participate physically.

- **Consistence of Practice**

As a result of the interviews conducted, there were large differences between the courts regarding the respect of rights in online hearings and the way in which the online hearing is carried out, as a procedure.

Some courts respect the rights of minors online, but in many cases they are ignored or reduced.

In the absence of a unitary protocol, the application of the rights and technical conditions varies from one case to another.

There are courts that consider and fully respect the rights of defendants who go online. They respect their right to choose whether they wish to participate online or physically, they are informed of their rights and of the procedure, they are heard and are not interrupted, they respect their right to have confidential contact with their lawyer for the purpose of withdrawing the court panel from the courtroom.

- **Information & Consent**

" You must ensure all his rights" (judicial professional)

"If the defendant, after receiving the summons, expresses his desire to participate by videoconference, he will participate by videoconference, if not, he is brought to the courtroom. It is at the sole discretion of the defendant (...)"

The respect for the rights of the defendant minor during the online hearing is shown to the same extent as the respect for the right of the defendant minor present in the courtroom.

It is shown that participation in the online court hearing remains at the choice of the minor defendant.

It was also supported the utility of online participation in court sessions, but with the mention of giving the right to minors/juveniles to choose whether to participate online or by videoconference, to be analyzed on a case by case basis and from the point of view of vulnerability if it is necessary, useful and beneficial for the minor and the smooth conduct of the criminal trial.



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It was pointed out that there needs to be a preparation of the minor prior to the hearing, which there is, but it is not a uniform practice. The need to communicate with the minor using accessible, clear, easy to understand language. *"I don't know to what extent the procedure by which they are prepared before and after is carried out, (...) I think there should be an introduction and a conclusion, a prior preparation in which it will take place, what will happen, what rights it has, what obligations it has, what will happen, what the consequences can be (...)"* (person from the National Administration of Penitentiaries).

- **Representation & Support**

It was considered useful and necessary that the minor who is going to participate in the criminal trial, especially by videoconference, to be assisted by a psychologist, social worker or other person in whom he trusts and gives him security. It was also noted in the support of several people the need for the lawyer chosen or appointed by the court to be in the room with the minor when he is heard online and not in the courtroom. *"So, I think that, in all situations in which minors are heard, they should have their lawyer present. (...) As well as the other key people or support. (...) the psychologist, the legal representative, and so on. (NGO representative).*

Regarding the aspects related to the communication of rights, information on the conduct of the online court hearing, the way in which the court hearing is held online, confidential access to the lawyer, during the interviews it was shown that:

"(...) Very few magistrates tell them what is the procedure to follow, what is going to happen in the case. Somehow, this is the role of the lawyer of each defendant. But due to the way these hearings are conducted, namely in public hearing, following cases one after the other, practically, either they do not have access to talk to the defendant before this videoconference takes place, so you cannot contact him beforehand, you are not allowed. (Lawyer)

"Very rarely does the judge, the president of the session, explain what is going to happen in a courtroom. Very, very rarely, it depends on each panel of judges." (Lawyer)

Another lawyer interviewed shows that *" (...) It seems to me that these hearings violate almost all rights, especially since the digital system does not allow a sufficiently good accuracy of the interactions neither between us as lawyers in court, not between us and the minor defendants, meaning that a traditional trial at least gives the defendant the opportunity to understand what it is about, Why is he there and even if he doesn't actually understand the terms, at least to hear so that I can explain those terms to him."*



(...) Confidentiality is respected, if he tells him that I could not get along with the lawyer, I want to be present so that I can be there to talk to the lawyer, he is granted this term (...) (justice professional).

It follows that not all courts respect these rights and procedures, so concerns have been raised that minors/juveniles under criminal investigation do not know why they are not brought to the courtroom, they are not allowed to express themselves, the online session lasts very little time, they cannot talk in confidentiality with their lawyer, their rights are not applied properly, sometimes not at all, there is no good connection.

- **Participation & Expression**

As some of them feel more comfortable online, as they stay in a known, safe area and can express themselves more easily. In this regard, one of the interviewed lawyers mentioned that *"(...) At least in this case, he was never asked for the opinion, on the contrary we requested that he be brought to one of the deadlines, we even requested that for the next preventive measure verification, we ask the court to physically present the defendant, however we are talking about an act of robbery that will have consequences on him. And the court said that it was not necessary, that the entire meeting was done very well through videoconference."*

There have been situations in which the online participation of the minor in the court sessions has been used due to the COVID pandemic but also due to the lack of transportation. The presence of the minor in the courtroom due to the logistics of having to be transferred to another detention center with which he/she is not familiar, means consumption of resources, transportation, etc. "

Some researchers want to physically participate in the trial because they either have the possibility to see the family, or because they have the possibility to express themselves more freely, they can speak more, and the court can make a judgment on them and on the case.

"From what I know from their experiences, they most of the time claim that they would have liked to have been there instead. Because they are closer to their homes, to their families. (...) And probably in court there are also relatives, parents, families who support them and are closer. On this occasion they can see each other and feel safer than in the online environment where they are alone, somehow only in front of a camera. " (social worker)



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"On the other hand, I understand that if the place of detention or the place where it is judged were actually a considerable distance between the two, this convenience would be a benefit to the child. But with an effective technique to be able to hear each other in real time, to be able to hear each other well and to be able to participate effectively. (Lawyer)

Related to this aspect, professionals in the field have also mentioned that it is important to be physically present in the courtroom and to be in contact with the court, especially when giving a statement. *"(...) At certain moments, the discussion, to see the person in its entirety, to see all his reactions, to perceive including the gaze or for these aspects is not enough through videoconferencing."* (Lawyer)

- **Adaptation to Individual Needs**

From the point of view of minors with certain disabilities or speech problems, it is useful and necessary to analyze whether it is necessary for them to participate online in court sessions. If this were the case, the presence of a social worker, a psychologist doing psychotherapy, a therapist next to them during the hearing would help during the hearing. The courtroom has a formality that is emotionally likely to intimidate him.

Regarding the physical or online participation of minor defendants with disabilities, it is stated that *"I don't think that being in the courtroom would help. On the other hand, if it were so, the presence of a social worker, a psychologist who does psychotherapy, a therapist next to him during the hearing, even when there is a video conference, would be much more beneficial than being present in the courtroom. Because the courtroom has a certain formalism that is likely to inhibit them."* (professional judicial)

"To be online but in terms of minors, at least those who have severe educational deficiencies, a diagnosis of delay in mental development (...)." (Psychologist in the detention center).

Many of the minors come from disadvantaged backgrounds so they do not have access to technology or do not know how to use it, aspect ce a rezultat inclusive in cadrul interviurilor. *"On the other hand, the people who are with us, unfortunately, the vast majority are with a very low level of education, even in the centers they go to school, but the age they are in does not correspond to the class they are in because part of their entire path has gone through things like they did not have access to education, They were unable to attend school for various reasons. "* (staff from the National Administration of Penitentiaries).



Also, one of the interviewed lawyers reported that *"There is no special treatment for children with disabilities or children from different social backgrounds, specific to the situation in which they find themselves, meaning that it seems to me that their rights are not respected at all."*

It is shown that there is no systematic assessment of the minor's vulnerability before establishing the type of participation. Learning difficulties, disabilities or emotional state are not always considered. The need to adapt the participation of minors with cognitive or emotional deficiencies in court hearings and the presence of specialists during the hearing was shown.

- **Consistence of Practice**

The need for a concrete procedure on how online participation in court sessions takes place was addressed, as the practice is not uniform. *"A Protocol must be drawn up and in which both the Ministry of Justice and possibly even clear rules of procedure must participate (...)." (professional justice).*

- **Environment & Technical Conditions**

Concerns were expressed about the quality of the connection and the presence in the room where defendants are brought for videoconferencing of several defendants.

In this regard, it was mentioned *" There are always interruptions, always problems with the connection. It happened to me at one of the deadlines that we waited for an hour or so to be able to make the connection, given that the defendant is kept in a small room with four walls and is actually waiting to see if the connection is still made. No one explains to him why it takes and what the actual reason is." (Lawyer)".*

"The major disadvantage is that when the defendants are in the same room and made to participate in the videoconference, the protection that could be provided when you are in the courtroom when the defendant could request to be heard without the presence of the other defendants is not provided." (professional justice).

It was mentioned the need for the location where the minor is located and enters the court session online to be confidential, isolated so that no outside noise can interfere, more friendly and well connected. *"(...) We went to a few units to see where it happens... They are not always placed where they should be. (...) Obviously, they were placed where there was a place, where there was a connection. But if it happens to be right next to the food block, let's say there is a lot of noise around. It's hard to concentrate if you're still in front of a window that overlooks the courtyard." (person from the National Administration of Penitentiaries).*

The analysis grounded in precedent demonstrate that the current legal framework does not provide sufficient safeguards for the full protection of the procedural rights of minors being investigated in criminal cases in the context of the increasing use of digital technology, thus requiring the continuation and completion of measures taken to ensure that juvenile defendants are investigated in criminal cases with full respect for all procedural rights and guarantees, with a focus on their special and specific needs.

In this regard, we reproduce below some proposals designed as a result of the analysis carried out within this research, based on the opinions and experiences of the persons interviewed, the current legislation and the practice of the courts.

Procedural challenges:

As a result of discussions with minors and young people involved in criminal cases and with professionals who work with minors and had contact with online participation in court hearings and in relation to the above, if we were to summarize a series of difficulties specific to online hearings. These include the adaptation of minors and the system to the digital environment, potential barriers in effective communication and understanding of procedures, as well as difficulties in maintaining a safe and child-friendly environment.

Other challenges and difficulties have been technological intimidation and lack of familiarity with digital platforms; Limitation of the capacity for psychological evaluation and interpretation of nonverbal language; Technical problems that can interrupt the hearings; Difficulties in ensuring the confidentiality and security of personal data; Impossibility of monitoring the physical environment from which the minor participates; Low level of trust in the efficiency and fairness of virtual proceedings and lack of protection.

Recommendations

In the context of the digital transformations in the judicial system and the need to protect minors involved in legal proceedings, the online hearing raises various challenges. A clear and adapted framework is needed, which responds to the age particularities, the level of understanding and the psycho-emotional vulnerabilities of children.

In accordance with the principles of the best interests of the child and a fair trial from four essential perspectives: procedural, technical, psychological and legislative, the following recommendations are provided:



Procedural aspect:

1. Respect for procedural rights with emphasis on respecting the right to defense, the right to be heard and information on the rights and the manner of conducting the procedure. The information must be made in a clear, easily accessible language with the assurance of a consent adapted to the minor's ability to understand.
2. Individual hearing of minors, separately from other co-defendants and ensuring the possibility of free expression in a pressure-free setting.
3. Mandatory presence of the lawyer, legal representative and other support persons, such as: social worker, psychologist from the General Directorate and Child Protection, trustworthy/attachment person.

Psychological aspects

1. Assessing the minor's emotional state before and after the hearing and ensuring the minor's prior psychological preparation;
2. The presence of a psychologist, social worker or trusted person during the hearing and protecting the emotional state of the minor and avoiding traumatization;
3. Ensuring a safe, friendly and age-appropriate environment;

Technical aspects:

1. The use of specialized and secure and adapted platforms for the hearing of minors with respect for confidentiality and protection of personal data;
2. Ensuring a stable, quality connection and good visibility of all participants;
3. Continuous adaptation of the technical infrastructure and training of the specialists involved;
4. Respect for confidentiality and protection of personal data.

Legislative aspect

1. Continuous review and adaptation of the legal framework according to technological developments and the needs of minors.
2. Elaboration of specific methodological guides for the online hearing of minors.
3. Constant monitoring of the impact of new regulations on minors involved in criminal trials.



4. Continuous training of the personnel involved (magistrates, lawyers, psychologists, police officers, etc.).

The online hearing of minors must be carried out in a framework that ensures the protection of their rights, reduces stress and facilitates effective and empathetic communication. The rigorous application of these recommendations will contribute to strengthening an inclusive justice system that is sensitive to the needs of children and adapted to the current challenges of digitalization.



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Conclusion

The digitization of criminal justice is a complex process that requires a multidimensional approach, with a special focus on the protection and best interests of minors. The challenges are significant and the solutions must combine technology with human sensitivity age-specific procedural safeguards and ensuring that all rights of juvenile defendants are respected. Although steps have been taken in recent years to digitize criminal justice, additions and improvements to the current system and procedure are needed.

The research highlights the significant progress Romania has made in digitizing the criminal justice system and adapting procedures for minors involved in criminal cases.

Results reveal substantial gaps in ensuring that digital solutions, such as online hearings, fully protect the procedural rights, dignity, and emotional well-being of juvenile defendants.

While videoconferencing offers logistical advantages and, in some cases, a more comfortable setting for vulnerable minors, the current implementation lacks consistency, emotional sensitivity, and necessary procedural safeguards. Many minors are insufficiently informed, lack support during hearings, and face technical and environmental challenges that hinder their effective participation.

The report underlines the urgent need for standardized protocols, dedicated training for professionals, age-appropriate communication, and infrastructural improvements. A child-centered approach must guide every step of the digital justice process to ensure that technology enhances, rather than undermines, access to fair and humane justice for children.

The way forward requires a multidisciplinary effort combining legislative reform, psychological support systems, technical investment, and a strong emphasis on the best interest of the child.

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