



# Fair trials for children: MEPs amend rules to establish strong EU-wide standards

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**Draft EU rules to ensure that children suspected or accused of a crime are assisted by a lawyer at all stages of criminal proceedings in any EU country were approved by the Civil Liberties Committee on Thursday. MEPs also made sure that children will be individually assessed by qualified staff, can be heard and state their views in a trial and are kept separate from adult inmates, even, in some cases, after they are 18 years old.**

An estimated one million children come into formal contact with the police and judiciary in the EU each year (i.e. 12% of the total EU population facing criminal justice). However, their legal protection varies from country to country. Due to these disparities, in practice many children do not have access to a lawyer in the EU.

“The key aim of this directive is to protect the rights of minors whilst respecting the nature and function of legal proceedings in all member states. It lays down a 'catalogue of rights' for young people facing legal proceedings anywhere in the EU. This is a big step forward towards building a framework for fair trials for children”, said rapporteur Caterina Chinnici (S&D, IT), in a committee debate.

## Children to be assisted by a lawyer at all stages

The draft directive would make the assistance of a lawyer mandatory for children at all stages of criminal proceedings in any EU country. MEPs inserted provisions throughout the text to ensure that the child's best interests are always taken into account.

## Other fair trial safeguards

MEPs strengthened the safeguards envisaged for children in the Commission proposal, such as: the right to be promptly informed in a simple language about the charges against them, the conduct of the proceedings and their rights. They also added a specific provision on their right to effective remedies and the following requirements, among others:

- once arrested, the child has the right to meet with the holder of the parental responsibility or another appropriate adult promptly and in any event prior to questioning,
- children should be entitled to participate fully in the trial, including being given the opportunity to be heard and to express their views, and
- children must be detained separately from adults and "may, when they reach the age of 18 years, continue to be detained separately from adults unless it is considered to be in their best interests or in the best interests of other detained children not to do so";
- these rights would apply "irrespective of the child's or his or her parent's or legal guardian's race, colour, sex, sexual orientation, language, religion, political or other opinion, nationality, ethnic or social origin, property, disability, birth or other status".

## Next steps

The committee vote gives the rapporteur a mandate to start negotiations with the Council with a view to reaching an agreement on the proposed directive. Three-way talks between the Parliament, the Council and the Commission (“trialogues”) should start soon.

# Press release

## **Note to editors**

*The draft is part of a package of proposals to further strengthen procedural safeguards for citizens in criminal proceedings, which includes one on the presumption of innocence and another on legal aid. The previous Parliament passed three other EU laws that are part of a "roadmap" for strengthening procedural rights: a directive on the right to interpretation and translation, a directive on the right to information and a directive on the right of access to a lawyer. The UK and Ireland may opt in to the draft law if they so wish, while Denmark has a blanket opt-out.*

*Result of the vote on the decision to open negotiations: 50 votes in favour, 2 against and one abstention*

*In the chair: Claude Moraes (S&D, UK)*

#fairtrials #children

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