

# EU strengthens rights of children in criminal proceedings

On 21 April 2016, the Council adopted the final text of a directive strengthening rights of children in criminal proceedings. The directive provides a number of procedural safeguards for children (i.e. individuals below 18) who are suspected or accused of having committed a criminal offence. The directive includes additional safeguards compared to those that already apply to suspected and accused adults.

A core provision of the directive relates to assistance from a lawyer. Member states should make sure that suspected or accused children are assisted by a lawyer, where necessary by providing legal aid, unless assistance by a lawyer is not proportionate in the light of the circumstances of the case. Other important provisions of the directive concern the provision of information on rights, the right to have an individual assessment, to a medical examination, and to audio-visual recording of questioning. It also provides special safeguards for children during deprivation of liberty, in particular during detention.

This final adoption of the directive follows a political agreement between the two legislators in December 2015 and the subsequent approval by the European Parliament on 9 March 2016. Once published in the EU Official Journal, member states will have three years to transpose the provisions into their national laws. Denmark, the UK and Ireland have opted out of this directive and will not be bound by it.

## Background

Since 2009, the work in the European Union on strengthening procedural rights for suspects and accused persons in criminal proceedings has been carried out on the basis of the roadmap, which was adopted by the Council on 30 November 2009. The roadmap sets out a gradual approach towards establishing a full catalogue of procedural rights for suspects and accused persons in criminal proceedings.

Four directives have already been adopted on the basis of the roadmap: Directive 2010/64/EU on the right to interpretation and translation, Directive 2012/13/EU on the right to information, Directive 2013/48/EU on the right of access to a lawyer, and Directive 2016/343/EU on the presumption of innocence and the right to be present at the trial.

[Text of the Directive](#)