

Translation of letter

From: Michael Lampel, President of the Austrian Bundesrat

To: President Barroso

Date: 13 February 2014

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At its meeting on 13 February 2014, the EU Committee of the Bundesrat, during the course of its discussions concerning the EU document

COM (2013) 822 final

Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

adopted the attached **Communication under Article 23f(4) of the Federal Constitution (B-VG)**.

COMMUNICATION
to the European Parliament and the Council
under Article 23f(4) of the Federal Constitution (B-VG)
of the EU Committee of the Bundesrat
of 13 February 2014

COM (2013) 822 final

Proposal for a Directive of the European Parliament and of the Council on procedural safeguards for children suspected or accused in criminal proceedings

This proposal for a Directive of the European Parliament and the Council aims to set common minimum standards throughout the European Union on the rights of children who are suspected or accused in criminal proceedings and of children subject to proceedings pursuant to Framework Decision 2002/584/JHA ('European arrest warrant proceedings').

In doing so, it promotes the application of the Charter, in particular Articles 4, 6, 7, 24, 47 and 48, relying on Articles 3, 5, 6 and 8 of the ECHR, as interpreted by the European Court of Human Rights, which, in its case-law sets standards on special safeguards for vulnerable persons, in particular children. This case-law provides inter alia that the fairness of proceedings and the right to a fair trial require a person's ability to understand the minimum stakes of the procedure and have the ability to participate and effectively exercise his rights and benefit from the protection of privacy.

The training referred to in the proposal for judicial and law enforcement authorities and prison staff dealing with cases involving children has an existing basis in Austrian law (Section 30 JGG [the Juvenile Justice Act]) and is therefore of particular interest. These people must ensure that proceedings are adapted to children's needs. This is to be achieved through training in child development and child psychology, by teaching pedagogical skills and communicating with children at all ages and stages of development, and through training in relation to children in situations of particular vulnerability.

Lastly, the Bundesrat EU Committee would like to point to two long-established and efficient institutions in Austria, the juvenile court assistance service and the probation service, and recommend that these be taken into account in future discussions on the document in question.

The Committee therefore welcomes the Commission's proposal.