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Committee on Civil Liberties, Justice and Home Affairs

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AMENDMENTS 48 - 178

Draft report

Caterina Chinnici

(PE541.593v01-00)

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

(COM(2013)0822 – C7-0428/2013 – 2013/0408(COD))

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United in diversity

EN

Amendment 48
Traian Ungureanu

Proposal for a directive
Recital 4

Text proposed by the Commission

(4) *The Stockholm Programme*²¹ put a strong focus on the strengthening of the rights of individuals in criminal proceedings. *In its point 2.4, the European Council invited the Commission to put forward proposals setting out a step by step approach*²² to strengthening the rights of suspects or accused persons.

²² OJ C 291, 4.12.2009, p.1.

Amendment

(4) *On 30 November 2009, the Council adopted the Roadmap for strengthening the procedural rights of suspected and accused persons* in criminal proceedings (*‘the Roadmap’*). *Taking a step-by-step approach, the Roadmap calls for the adoption of measures regarding the right to obtain translation and interpretation, the right to receive information on rights and information about the charges, the right to receive legal advice and legal aid, the right to communicate with relatives, employers and consular authorities, and establishing special safeguards for suspected or accused persons who are vulnerable. The Roadmap emphasises that the order of the rights is indicative, implying that it may be changed according to priorities. It is designed to operate as a whole; only when all its components are implemented will its benefits be felt in full.*

²² OJ C 291, 4.12.2009, p. 1.

Or. en

Justification

Consistency with the previous adopted measures of the Roadmap should be maintained.

Amendment 49
Traian Ungureanu

Proposal for a directive
Recital 4 a (new)

Text proposed by the Commission

Amendment

(4a) On 10 December 2009, the European Council welcomed the Roadmap and made it part of the Stockholm programme - An open and secure Europe serving and protecting citizens (point 2.4). The European Council underlined the non-exhaustive character of the Roadmap, by inviting the Commission to examine further elements of minimum procedural rights for suspected and accused persons, and to assess whether other issues, for instance the presumption of innocence, need to be addressed, in order to promote better cooperation in that area.

Or. en

Justification

Consistency with the previous adopted measures of the Roadmap should be maintained.

Amendment 50
Nathalie Griesbeck

Proposal for a directive
Recital 6 a (new)

Text proposed by the Commission

Amendment

(6a) In all legal cases involving children, Member States should uphold the principle that the best interests of the child should be taken into consideration first.

Or. fr

Amendment 51
Pál Csáky, Kinga Gál

**Proposal for a directive
Recital 6 a (new)**

Text proposed by the Commission

Amendment

(6a) Member States should ensure that in all proceedings, children are treated with care, sensitivity and respect for their age, special needs, maturity and level of understanding and take into consideration any communication difficulties they may have. Criminal proceedings involving children should be carried out in a non-intimidating and child-sensitive way.

Or. en

**Amendment 52
Pál Csáky, Kinga Gál**

**Proposal for a directive
Recital 6 b (new)**

Text proposed by the Commission

Amendment

(6b) Member States should ensure that children who are suspects or accused are treated equally, with special attention to vulnerable children.

Or. en

**Amendment 53
Pál Csáky, Kinga Gál**

**Proposal for a directive
Recital 7 a (new)**

Text proposed by the Commission

Amendment

(7a) Member States are encouraged to provide children involved in criminal

proceedings with appropriate support and assistance in their efforts to reintegrate in society, in particular by taking measures to prevent suspected or accused children from discrimination in access to education and labour market and to prevent them from marginalisation.

Or. en

Amendment 54
Gérard Deprez, Louis Michel

Proposal for a directive
Recital 8

Text proposed by the Commission

(8) This Directive should apply to children meaning persons under the age of 18 at the time when they become suspected or accused of having committed an offence, *regardless of their age during the criminal proceedings until the final judgment.*

Amendment

(8) This Directive should apply to children meaning persons under the age of 18 at the time when they become suspected or accused of having committed an offence, *at each stage of the proceedings, until they reach the age of 21.*

Or. fr

Justification

The Directive seeks to establish special safeguards for children because they are considered vulnerable. Once they reach the age of 21 vulnerability is no longer a relevant factor.

Amendment 55
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 8 a (new)

Text proposed by the Commission

Amendment

(8a) Member States are encouraged to set the minimum age of criminal

responsibility of children at an age level which best reflects their emotional, mental and intellectual maturity.

Or. en

Amendment 56
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 9

Text proposed by the Commission

(9) This Directive should also apply in respect of offences which have been committed after the age of 18 years **by the same suspect or accused person and which** are jointly investigated and prosecuted as they are inextricably linked to offences **where criminal proceedings started against that person before the age of 18.**

Amendment

(9) This Directive should also apply in respect of offences which have been **allegedly** committed after the **suspect or accused person had reached** the age of 18 years, **where such offences** are jointly investigated and prosecuted as they are inextricably linked to offences **to which this Directive is applicable.**

Or. en

Amendment 57
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Recital 10

Text proposed by the Commission

(10) When, at the time a person becomes a suspect or accused person in criminal proceedings, that person is above the age of 18, Member States are encouraged to apply the procedural safeguards foreseen by this Directive until this person reaches the age of 21.

Amendment

deleted

Or. en

Amendment 58

G rard Deprez, Nathalie Griesbeck, Louis Michel, Marielle de Sarnez

Proposal for a directive

Recital 10

Text proposed by the Commission

(10) When, *at the time* a person becomes a suspect or accused person in criminal proceedings, *that person is above* the age of 18, *Member States are encouraged to apply the procedural safeguards foreseen by* this Directive until this person reaches the age of 21.

Amendment

(10) When a person *over the age of 18* becomes a suspect or accused person in criminal proceedings *for an offence committed while under* the age of 18, this Directive *should apply* until this person reaches the age of 21.

Or. fr

Amendment 59

Nathalie Griesbeck

Proposal for a directive

Recital 11

Text proposed by the Commission

(11) Member States should determine the age of children on the basis of the children's own statements, checks of their civil status, documentary research, other evidence and, if such evidence is unavailable or inconclusive, on the basis of a medical examination.

Amendment

(11) Member States should determine the age of children on the basis of the children's own statements, checks of their civil status, documentary research, other evidence and, if such evidence is unavailable or inconclusive, on the basis of a medical examination. *A medical examination should be carried out as a last resort and in strict compliance with the child's rights, physical integrity and human dignity.*

Or. fr

Amendment 60

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) This Directive should be implemented taking into account the provisions of Directive 2012/13/EU and Directive 2013/48/EU. **Information with regard to minor offences should be provided under the same conditions as provided for by Article 2(2) of Directive 2012/13/EU.** However, **this Directive provides further complementary safeguards with regard to information to be provided to the holder of parental responsibility and mandatory access to a lawyer in order to take into account the specific needs of children.**

Amendment

(12) This Directive should be implemented taking into account the provisions of Directive 2012/13/EU and Directive 2013/48/EU. However, **information should also be provided with regard to minor offences, taking into account the specific vulnerabilities of children.**

Or. en

Amendment 61
Jean Lambert

Proposal for a directive
Recital 12

Text proposed by the Commission

(12) This Directive should be implemented taking into account the provisions of Directive 2012/13/EU and Directive 2013/48/EU. **Information with regard to minor offences should be provided under the same conditions as provided for by Article 2(2) of Directive 2012/13/EU.** However, this Directive provides further complementary safeguards with regard to information to be provided to the holder of parental responsibility and mandatory access to a lawyer in order to take into account the specific needs of children.

Amendment

(12) This Directive should be implemented taking into account the provisions of Directive 2012/13/EU and Directive 2013/48/EU. However, this Directive provides further complementary safeguards with regard to information to be provided to the holder of parental responsibility and mandatory access to a lawyer in order to take into account the specific needs of children.

Or. en

Justification

The range of minor offences in which the right to information would be excluded is not clear, but could include proceedings with significant consequences for the child. The limitation of the scope needs to be rediscussed in the context of children.

Amendment 62 **Pál Csáky, Kinga Gál**

Proposal for a directive **Recital 13 a (new)**

Text proposed by the Commission

Amendment

(13a) Children should be informed promptly and directly about their rights with regard to the proceedings, the charges brought against them, the possible consequences and about the available remedies. The information should be provided in writing and orally in a manner adapted to their age and maturity and in a language that they understand.

Or. en

Amendment 63 **Timothy Kirkhope** on behalf of the ECR Group

Proposal for a directive **Recital 16**

Text proposed by the Commission

Amendment

(16) Children should not be able to waive their right of access to a lawyer because they are not able to fully understand and follow criminal proceedings. Therefore, the presence or assistance of a lawyer should be mandatory for children.

(16) Children should not be able to waive their right of access to a lawyer because they are not able to fully understand and follow criminal proceedings. Therefore, the presence or assistance of a lawyer should be mandatory for children. ***However, in the event of a child refusing the presence of a lawyer, exceptions should be provided***

for given that a full consultation and evaluation have taken place and that the best interests of the child are taken into account.

Or. en

Amendment 64
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 16 a (new)

Text proposed by the Commission

Amendment

(16a) Where the child has to be assisted by a lawyer in accordance with this Directive but no lawyer is present, the competent authorities should postpone the questioning of the child for a reasonable period of time. However, in exceptional circumstances and only during the pre-trial stage, where there is an urgent need to avert serious adverse consequences for the life, liberty or physical integrity of the child, the competent authorities may immediately proceed with the questioning.

Or. en

Amendment 65
Nathalie Griesbeck

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) In some Member States an authority other than a public prosecutor and a court having jurisdiction in criminal matters has competence for imposing penalties other than deprivation of liberty in relation to relatively minor offences. That may be the case, for example, in relation

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to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require the competent authorities to ensure mandatory access to a lawyer. Where the law of a Member State provides for the imposition of a penalty regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, mandatory access to a lawyer should therefore apply only to the proceedings before that court following such an appeal or referral. In some Member States proceedings involving children may be dealt with by public prosecutors who may impose penalties. In such proceedings children should have mandatory access to a lawyer.

Or. fr

Justification

Not automatically ensuring mandatory access to a lawyer in the case of minor offences would be wrong. There are no offences without consequences for children that would justify not upholding their rights.

Amendment 66
Jean Lambert

Proposal for a directive
Recital 17

Text proposed by the Commission

Amendment

(17) In some Member States an authority other than a public prosecutor and a court having jurisdiction in criminal matters has competence for imposing penalties other than deprivation of liberty in relation to relatively minor offences. That may be the case, for example, in relation

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to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require the competent authorities to ensure mandatory access to a lawyer. Where the law of a Member State provides for the imposition of a penalty regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, mandatory access to a lawyer should therefore apply only to the proceedings before that court following such an appeal or referral. In some Member States proceedings involving children may be dealt with by public prosecutors who may impose penalties. In such proceedings children should have mandatory access to a lawyer.

Or. en

Justification

The range of minor offences in which the right to information would be excluded is not clear, but could include proceedings with significant consequences for the child. The limitation of the scope needs to be rediscussed in the context of children.

Amendment 67

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Recital 17

Text proposed by the Commission

(17) In some Member States an authority other than a public prosecutor and a court having jurisdiction in criminal matters has competence for imposing penalties other than deprivation of liberty in relation to relatively minor offences. That may be the

Amendment

(17) In some Member States an authority other than a public prosecutor and a court having jurisdiction in criminal matters has competence for imposing penalties other than deprivation of liberty in relation to relatively minor offences. That may be the

case, for example, in relation to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require the competent authorities to ensure mandatory access to a lawyer. Where the law of a Member State provides for the imposition of a penalty regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, mandatory access to a lawyer should **therefore apply only** to the proceedings before that court following such an appeal or referral. In some Member States proceedings involving children may be dealt with by public prosecutors who may impose penalties. In such proceedings children should have mandatory access to a lawyer.

case, for example, in relation to traffic offences which are committed on a large scale and which might be established following a traffic control. In such situations, it would be unreasonable to require the competent authorities to ensure mandatory access to a lawyer. **However,** where the law of a Member State provides for the imposition of a penalty regarding minor offences by such an authority and there is either a right of appeal or the possibility for the case to be otherwise referred to a court having jurisdiction in criminal matters, mandatory access to a lawyer should **in any case apply** to the proceedings before that court following such an appeal or referral. In some Member States proceedings involving children may be dealt with by public prosecutors who may impose penalties. In such proceedings children should have mandatory access to a lawyer.

Or. en

Amendment 68

Proposal for a directive

Recital 18

Text proposed by the Commission

(18) In some Member States certain minor offences, in particular minor traffic offences, minor offences in relation to general municipal regulations and minor public order offences, are considered to be criminal offences. It would be disproportionate to require the competent authorities to ensure mandatory access to a lawyer in respect of such minor offences. Where the law of a Member State provides that deprivation of liberty cannot be imposed as a penalty in respect of minor offences, the right to mandatory

Amendment

deleted

access to a lawyer should therefore apply only to proceedings before a court having jurisdiction in criminal matters.

Or. fr

Justification

Not automatically ensuring mandatory access to a lawyer in the case of minor offences would be wrong. There are no offences without consequences for children that would justify not upholding their rights.

Amendment 69
Jean Lambert

Proposal for a directive
Recital 18

Text proposed by the Commission

Amendment

(18) In some Member States certain minor offences, in particular minor traffic offences, minor offences in relation to general municipal regulations and minor public order offences, are considered to be criminal offences. It would be disproportionate to require the competent authorities to ensure mandatory access to a lawyer in respect of such minor offences. Where the law of a Member State provides that deprivation of liberty cannot be imposed as a penalty in respect of minor offences, the right to mandatory access to a lawyer should therefore apply only to proceedings before a court having jurisdiction in criminal matters.

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Or. en

Justification

The range of minor offences in which the right to information would be excluded is not clear, but could include proceedings with significant consequences for the child. The limitation of the scope needs to be rediscussed in the context of children.

Amendment 70
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 18

Text proposed by the Commission

(18) In some Member States certain minor offences, in particular minor traffic offences, minor offences in relation to general municipal regulations and minor public order offences, are considered to be criminal offences. It *would* be disproportionate to require the competent authorities to ensure mandatory access to a lawyer in respect of such minor offences. Where the law of a Member State provides that deprivation of liberty cannot be imposed as a penalty in respect of minor offences, the right to mandatory access to a lawyer *should* therefore apply only to proceedings before a court having jurisdiction in criminal matters.

Amendment

(18) In some Member States certain minor offences, in particular minor traffic offences, minor offences in relation to general municipal regulations and minor public order offences, are considered to be criminal offences. It *might* be disproportionate to require the competent authorities to ensure mandatory access to a lawyer in respect of such minor offences. Where the law of a Member State provides that deprivation of liberty cannot be imposed as a penalty in respect of minor offences, the right to mandatory access to a lawyer *might* therefore apply only to proceedings before a court having jurisdiction in criminal matters.

Or. en

Amendment 71
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 18 a (new)

Text proposed by the Commission

Amendment

(18a) Member States should, in accordance with the basic principles of their legal systems, take the necessary measures to ensure that competent national authorities are entitled not to prosecute or impose penalties on child victims of trafficking in human beings for their involvement in criminal activities which they have been compelled to

commit as a direct consequence of being subject to trafficking.

Or. en

Amendment 72
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 18 b (new)

Text proposed by the Commission

Amendment

(18b) Member States should consider preventing criminalisation of children for acts which are not considered an offence or not penalised if committed by an adult.

Or. en

Amendment 73
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Recital 20

Text proposed by the Commission

Amendment

(20) In order to ensure the personal integrity of a child who is arrested or detained, the child should **have access to a medical examination**. The medical examination should be carried out by a physician.

(20) In order to ensure the personal integrity, **welfare and health** of a child who is arrested or detained, the child should **be able to access medical care and be examined where necessary**. The medical examination should be carried out by a physician.

Or. en

Amendment 74
Anna Maria Corazza Bildt

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In order to ensure the personal integrity of a child who is arrested or detained, the child should have access to a medical examination. The medical examination should be carried out by a physician.

Amendment

(20) In order to ensure the personal integrity of a child who is arrested or detained ***and to assess his or her physical and mental state***, the child should have access to a medical examination. The medical examination should be ***as non-invasive as possible and*** carried out by a ***qualified*** physician.

Or. en

Amendment 75
Dennis de Jong
on behalf of the GUE/NGL Group

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In order to ensure the personal integrity of a child who is arrested or detained, the child should have access to a medical examination. The medical examination should be carried out by a physician.

Amendment

(20) In order to ensure the personal integrity of a child who is arrested or detained, ***to assess his or her general physical and mental state and any medical needs, and to determine whether he or she should be subjected to questioning, investigative or evidence-taking measures, or any special measures taken or envisaged concerning him or her***, the child should have access to a medical examination. The medical examination should be carried out by a physician.

Or. en

Amendment 76
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 20

Text proposed by the Commission

(20) In order to ensure the personal integrity of a child who is arrested **or detained, the** child should have access to a medical examination. The medical examination should be carried out by a physician.

Amendment

(20) In order to ensure the personal integrity of a child who is **deprived of liberty, including being arrested, detained or imprisoned, to assess his or her general physical and mental state, and any medical needs, and to determine whether he or she should be subjected to questioning, investigative or evidence-taking measures, or any special measures taken or envisaged concerning him or her,** that child should have access to a medical examination. The medical examination should be carried out by a physician.

Or. en

Amendment 77
Pál Csáky, Kinga Gál, Monika Hohlmeier

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) **In order** to ensure sufficient protection of children who are not always able to understand the content of interviews to which they are subject, to avoid any challenge of the content of an interview and thereby undue repetition of questioning, questioning of children should be audio-visually recorded. **This does not include questioning necessary to identify the child.**

Amendment

(21) **Bearing in mind that children are particularly vulnerable, questioning may be perceived to be traumatic, therefore it is essential that questioning be carried out by trained professionals taking into consideration the children's age, maturity, level of understanding and any communication difficulties they may have. Questioning should take place in the presence of a lawyer and, where so requested by the child and/or where that is in the best interest of the child, the holder of parental responsibility and, where necessary, specialist professionals. Thorough documentation and audio-visual**

*recording of interviews are a vital safeguard serving both to guarantee that interviews will be conducted properly and to ensure sufficient protection of children who are not always able to understand the content of interviews to which they are subject. **In order** to avoid any challenge of the content of an interview and thereby undue repetition of questioning, questioning of children should **therefore** be audio-visually recorded.*

Or. en

Amendment 78
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Recital 21

Text proposed by the Commission

(21) In order to ensure sufficient protection of children who are not always able to understand the content of interviews to which they are subject, to avoid any challenge of the content of an interview and thereby undue repetition of questioning, questioning of children should be audio-visually recorded. This does not include questioning necessary to identify the child.

Amendment

(21) In order to ensure sufficient protection of children who are not always able to understand the content of interviews to which they are subject, to avoid any challenge of the content of an interview and thereby undue repetition of questioning, questioning of children should **where necessary, proportionate, and possible**, be audio-visually recorded. This does not include questioning necessary to identify the child.

Or. en

Amendment 79
Pál Csáky, Kinga Gál, Monika Hohlmeier

Proposal for a directive
Recital 22

Text proposed by the Commission

(22) However, it would be disproportionate to require the competent authorities to ensure audio-visual recording in all circumstances. Due account should be taken of the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred. If a child is deprived of liberty before conviction, any questioning of the child should be audio-visually recorded.

Amendment

(22) However, it would be disproportionate to require the competent authorities to ensure audio-visual recording in all circumstances, ***in particular in cases of minor offences***. Due account should be taken of the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred. If a child is deprived of liberty before conviction, any questioning of the child should be audio-visually recorded.

Or. en

Amendment 80
Nathalie Griesbeck

Proposal for a directive
Recital 23

Text proposed by the Commission

(23) Such audio-visual records should be accessible only to the judicial authorities and the parties to the proceedings.
Moreover, the questioning of children should be carried out in a manner that takes into account their age and level of maturity.

Amendment

(23) Such audio-visual records should be accessible only to the judicial authorities and the parties to the proceedings.

Or. fr

Justification

This amendment should be read in conjunction with the proposed amendment to Article 9 of the Directive, which should contain the second sentence of this Recital 23.

Amendment 81
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Children are in a particularly vulnerable position in relation to detention. Special efforts should be undertaken to avoid deprivation of liberty of children given the inherent risks for their physical, mental and social development. The competent authorities should consider alternative measures and impose such measures whenever this is in the best interests of the child. This may include the obligation to report to a competent authority, a restriction on contact with specific persons, a requirement to undergo therapeutic treatment or treatment for addiction and participation in educational measures.

Amendment

(25) Children are in a particularly vulnerable position in relation to detention. Special efforts should be undertaken to avoid deprivation of liberty of children given the inherent risks for their physical, mental and social development **and given that it seriously hampers their reintegration in society. Therefore, deprivation of liberty should be used only as a measure of last resort and for the shortest appropriate period of time.** The competent authorities should consider alternative measures and impose such measures whenever this is in the best interests of the child. This may include the obligation to report to a competent authority, a restriction on contact with specific persons, a requirement to undergo therapeutic treatment or treatment for addiction and participation in educational measures.

Or. en

Amendment 82
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Recital 25

Text proposed by the Commission

(25) Children are in a particularly vulnerable position in relation to detention. Special efforts should be undertaken to avoid deprivation of liberty of children given the inherent risks for their physical, mental and social development. The competent authorities should consider alternative measures and impose such

Amendment

(25) Children are in a particularly vulnerable position in relation to detention. Special efforts should be undertaken to avoid deprivation of liberty of children given the inherent risks for their physical, mental and social development. The competent authorities should consider alternative measures and impose such

measures whenever this is in the best interests of the child. This may include the obligation to report to a competent authority, a restriction on contact with specific persons, a requirement to undergo therapeutic treatment or treatment for addiction and participation in educational measures.

measures whenever this is in the best interests of the child ***and where suitable given the nature of the crime, and the threat to both the public and the child's safety***. This may include the obligation to report to a competent authority, a restriction on contact with specific persons, a requirement to undergo therapeutic treatment or treatment for addiction and participation in educational measures.

Or. en

Amendment 83
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Recital 26

Text proposed by the Commission

(26) When deprivation of liberty is imposed on children, they should benefit from special protection measures. In particular they should be held separately from adults unless it is considered in the child's best interest not to do so, in accordance with Article 37(c) of the United Nations Convention of the Rights of the Child. When a detained child reaches the age of 18 years, there should be ***the possibility to continue the separate detention where warranted, taking into account the individual circumstances of the case***. Particular attention should be paid to the way detained children are treated given their inherent vulnerability. Children should have access to educational facilities according to their needs.

Amendment

(26) When deprivation of liberty is imposed on children, they should benefit from special protection measures. In particular they should ***always*** be held separately from adults unless ***in exceptional circumstances*** it is considered in the child's best interest not to do so, in accordance with Article 37(c) of the United Nations Convention of the Rights of the Child. When a detained child reaches the age of 18 years, there should be ***a transitional period into adult*** detention. Particular attention should be paid to the way detained children are treated given their inherent vulnerability. Children should have access to educational facilities according to their needs.

Or. en

Amendment 84
Pál Csáky, Kinga Gál, Monika Hohlmeier

Proposal for a directive
Recital 26 a (new)

Text proposed by the Commission

Amendment

(26a) Children deprived of liberty should have in particular the right to maintain regular and meaningful contact with parents, family and friends through visits and correspondence, unless exceptional restrictions are required in the best interests of the child and in the interests of justice.

Or. en

Amendment 85
Nathalie Griesbeck

Proposal for a directive
Recital 28

Text proposed by the Commission

Amendment

(28) Children should be judged in the absence of the public in order to protect their privacy and to facilitate their re-integration into society. In exceptional cases the court ***may decide that a hearing should be held publicly after it has taken due account of*** the best interests of the child.

(28) Children should be judged in the absence of the public in order to protect their privacy and to facilitate their re-integration into society. ***Only*** in exceptional cases ***should*** the court ***be allowed, taking into*** account the best interests of the child, ***to hold a hearing in public. Member States should seek to protect the privacy of children in connection with criminal proceedings and their outcome, having regard also to breaches that might be committed through the media, including the internet, and to facilitate the re-integration into society of children involved in criminal proceedings, to that end taking steps to prevent discrimination and marginalisation.***

Or. fr

Justification

This amendment follows on from Amendment 17 proposed by the rapporteur. The word 'exceptional' in the Commission's original proposal should be kept.

Amendment 86

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Children should be judged in the absence of the public in order to protect their privacy and to facilitate their re-integration into society. In exceptional cases the court ***may decide that*** a hearing should ***be held publicly after it has taken due account of the best interests of the child.***

Amendment

(28) Children should be judged in the absence of the public in order to protect their privacy and to facilitate their re-integration into society. ***Only*** in exceptional cases, ***if in the best interests of the child, should*** the court ***be allowed to hold*** a hearing ***in public. Member States should seek to protect the privacy of children in connection with criminal proceedings and their outcome, having regard also to breaches that might be committed through the media, including the Internet. Member States should facilitate the re-integration into society of children involved in criminal proceedings, and should actively take steps in order to prevent discrimination and marginalisation of these children.***

Or. en

Amendment 87

Pál Csáky, Kinga Gál

Proposal for a directive

Recital 28

Text proposed by the Commission

(28) Children should be judged in the

Amendment

(28) Children should be judged in the

absence of the public in order to protect their privacy and to facilitate their re-integration into society. In exceptional cases ***the court may decide that a hearing should be held publicly after it has taken due account of the best interests of the child.***

absence of the public in order to protect their privacy and to facilitate their re-integration into society. ***Only*** in exceptional cases, ***when in the best interest of the child, should the court be allowed to hold a hearing in public. Such a decision should be open for appeal by the child.***

Or. en

Amendment 88
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 28 a (new)

Text proposed by the Commission

Amendment

(28a) Member States should ensure that no information or personal data is made available or published, particularly in media, which could reveal or indirectly enable the disclosure of the child's identity, including the image or the name of the child or the child's family. Member States should seek to prevent the violation of privacy of children in connection with criminal proceedings and their outcome by the media, including via the Internet, also through taking appropriate measures.

Or. en

Amendment 89
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 28 b (new)

Text proposed by the Commission

Amendment

(28b) Member States should ensure that

when records or documents containing personal and sensitive data of children are transferred, this transfer is in line with relevant data protection legislation.

Or. en

Amendment 90
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 28 c (new)

Text proposed by the Commission

Amendment

(28c) Member States should consider ensuring that the protection of privacy as set out in this Directive extends after the child reaches the age of 18 and throughout his or her lifetime, avoiding stigmatization, prejudgments and/or enhancing future sentencing.

Or. en

Amendment 91
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Recital 29

Text proposed by the Commission

Amendment

(29) In order to ensure appropriate assistance and support of children, the holder of parental responsibility or another appropriate adult should have access to the court hearings involving the suspected or accused child.

(29) In order to ensure appropriate assistance and support of children, the holder of parental responsibility, **legal guardian**, or another appropriate adult should have access to the court hearings involving the suspected or accused **child if believed to be in the best interests of the child**.

Or. en

Amendment 92
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Recital 30

Text proposed by the Commission

(30) The right of an accused person to appear in person at the trial is based on the right to a fair trial provided for in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms, *as interpreted by the European Court of Human Rights.*

Amendment

(30) The right of an accused person to appear in person at the trial is based on the right to a fair trial provided for in Article 6 of the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Or. en

Amendment 93
Pál Csáky, Kinga Gál

Proposal for a directive
Recital 30 a (new)

Text proposed by the Commission

Amendment

(30a) Member States should ensure that children have the right to appear in person and to participate in the trial and that they are enabled to actively participate, including by giving them the opportunity to be heard and to express their views when they are deemed to have a sufficient understanding of the procedure. Judges should give due consideration to the child's views and opinion in accordance with the child's age and maturity. Children should be provided with all necessary information on how to use their right to be heard effectively.

Or. en

Amendment 94

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) In order to monitor and evaluate the effectiveness of this Directive, there is a need for collection of data by the Member States with regard to the implementation of the rights set out in this Directive. Relevant data include data recorded by the judicial authorities and by law enforcement authorities and, as far as possible, administrative data compiled by healthcare and social welfare services as regards the rights set out in this Directive, *in particular in relation to the number of children given access to a lawyer, the number of individual assessments carried out, the number of interviews audio-visually recorded and the number of children deprived of liberty.*

Amendment

(33) In order to monitor and evaluate the effectiveness of this Directive, there is a need for collection of data by the Member States with regard to the implementation of the rights set out in this Directive. Relevant data include data recorded by the judicial authorities and by law enforcement authorities and, as far as possible, administrative data compiled by healthcare and social welfare services as regards the rights set out in this Directive.

Or. en

Amendment 95

Tomáš Zdechovský

Proposal for a directive

Recital 33

Text proposed by the Commission

(33) In order to monitor and evaluate the effectiveness of this Directive, there is a need for collection of data by the Member States with regard to the implementation of the rights set out in this Directive. Relevant data include data recorded by the judicial authorities and by law enforcement

Amendment

(33) In order to monitor and evaluate the effectiveness of this Directive, there is a need for collection of data by the Member States with regard to the implementation of the rights set out in this Directive. Relevant data include data recorded by the judicial authorities and by law enforcement

authorities and, as far as possible, administrative data compiled by healthcare and social welfare services as regards the rights set out in this Directive, ***in particular in relation to the number of children given access to a lawyer, the number of individual assessments carried out, the number of interviews audio-visually recorded and the number of children deprived of liberty.***

authorities and, as far as possible, administrative data compiled by healthcare and social welfare services as regards the rights set out in this Directive.

Or. en

Justification

The deleted text is repeated in verbatim in Article 20 (2) of the proposed Directive. Repetition of identical text on two places of the same legally-binding document , such as Directive, should be avoided according to the Guidelines of the Joint Practical Guide for drafting EU legislation.

Amendment 96 **Tomáš Zdechovský**

Proposal for a directive **Recital 34**

Text proposed by the Commission

(34) This Directive upholds the fundamental rights and principles as recognised by the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms, ***including the prohibition of torture and inhuman and degrading treatment, the right to liberty and security, respect for private and family life, the right to the integrity of the person, the rights of the child, integration of persons with disabilities, the right to an effective remedy and to a fair trial, the presumption of innocence and the rights of defence.*** This Directive should be implemented in accordance with those

Amendment

(34) This Directive upholds the fundamental rights and principles as recognised by the Charter of Fundamental Rights of the European Union and the European Convention for the Protection of Human Rights and Fundamental Freedoms. This Directive should be implemented in accordance with those rights and principles.

rights and principles.

Or. en

Justification

The deleted text is superfluous as it recounts the contents of the Charter and Convention. It is as well as confusing since it makes unclear how this Directive upholds the other rights contained in the Charter and the Convention. Would the rights in the deleted text be upheld by the Directive more than the others? Drafting of a legal text which creates legal confusion is not in line with the Guidelines of the Joint Practical Guide for drafting EU legislation.

Amendment 97

Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive

Recital 35

Text proposed by the Commission

(35) This Directive sets minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection. Such higher level of protection should not constitute an obstacle to the mutual recognition of judicial decisions that those minimum rules are designed to facilitate. The level of protection should never fall below the standards provided by the Charter of Fundamental Rights of the European Union or the European Convention for the Protection of Human Rights and Fundamental Freedoms, *as interpreted in the case law of the Court of Justice of the European Union and the European Court of Human Rights.*

Amendment

(35) This Directive sets minimum rules. Member States may extend the rights set out in this Directive in order to provide a higher level of protection. Such higher level of protection should not constitute an obstacle to the mutual recognition of judicial decisions that those minimum rules are designed to facilitate. The level of protection should never fall below the standards provided by **this Directive**, the Charter of Fundamental Rights of the European Union or the European Convention for the Protection of Human Rights and Fundamental Freedoms.

Or. en

Amendment 98

Timothy Kirkhope, Helga Stevens

on behalf of the ECR Group

Proposal for a directive
Recital 36

Text proposed by the Commission

(36) Since the objectives of this Directive, namely setting common minimum standards on procedural safeguards for children suspected or accused in criminal proceedings, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale of the measure, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve these objectives.

Amendment

(36) Since the objectives of this Directive, namely setting common minimum standards **across the European Union** on procedural safeguards for children suspected or accused in criminal proceedings, cannot be sufficiently achieved by the Member States, but can rather, by reason of the scale of the measure, be better achieved at Union level, the Union may adopt measures in accordance with the principle of subsidiarity as set out in Article 5 of the Treaty on the European Union. In accordance with the principle of proportionality as set out in that Article, this Directive does not go beyond what is necessary in order to achieve these objectives.

Or. en

Amendment 99
Gérard Deprez, Louis Michel

Proposal for a directive
Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive applies to children subject to criminal proceedings from the time when they become suspected or accused of having committed an offence and until the **conclusion of the criminal proceedings**.

Amendment

1. This Directive applies to children subject to criminal proceedings from the time when they become suspected or accused of having committed an offence, **at each stage of the proceedings**, and until **they reach the age of 21**.

Or. fr

Justification

The Directive seeks to establish special safeguards for children because they are considered vulnerable. Once they reach the age of 21 vulnerability is no longer a relevant factor.

Amendment 100

Elissavet Vozemberg

Proposal for a directive

Article 2 – paragraph 1

Text proposed by the Commission

1. This Directive applies to children subject to criminal proceedings from the time when they become suspected or accused of having committed an offence and until the conclusion of the criminal proceedings.

Amendment

1. This Directive applies to children subject to criminal proceedings from the time when they become suspected or accused of having committed an offence and until the conclusion of the criminal proceedings.
The point in time at which the offence is committed shall be decisive in determining whether the perpetrator is considered as a child.

Or. el

Amendment 101

Jean Lambert

Proposal for a directive

Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which ***started*** when they were children.

Amendment

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which ***relate to offences allegedly committed*** when they were children.

Or. en

Amendment 102
Caterina Chinnici

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which *started when they were children.*

Amendment

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children ***but are still under the age of 21*** in the course of those proceedings, which ***relate to offences allegedly committed before those persons had reached the age of 18.***

Or. en

Amendment 103
Gérard Deprez, Louis Michel, Nathalie Griesbeck, Marielle de Sarnez

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which started when they were children.

Amendment

3. When a person over the age of 18 becomes a suspect or accused person in criminal proceedings for an offence committed while under the age of 18, this Directive shall apply until that person reaches the age of 21.

Or. fr

Amendment 104
Pál Csáky, Kinga Gál

Proposal for a directive
Article 2 – paragraph 3

Text proposed by the Commission

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which ***started when they were children.***

Amendment

3. This Directive applies to suspects or accused persons subject to criminal proceedings referred to in paragraph 1, and to persons subject to European arrest warrant proceedings referred to in paragraph 2, who are no longer children in the course of those proceedings, which ***relate to offences allegedly committed before those persons had reached the age of 18.***

Or. en

Amendment 105
Angel Dzhambazki

Proposal for a directive
Article 2 – paragraph 4

Text proposed by the Commission

4. This Directive also applies to children other than suspected or accused who, in the course of questioning by the police or by another law enforcement authority, become suspects or accused persons.

Amendment

4. This Directive also applies to children other than suspected or accused who, in the course of questioning by the police or by another law enforcement authority, become suspects or accused persons. ***In this case, the Directive shall be deemed to apply from the start of the questioning.***

Or. bg

Amendment 106
Nathalie Griesbeck

Proposal for a directive
Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that children are informed ***promptly*** about their rights in accordance with Directive 2012/13/EU. They shall also be informed about the following rights within the same scope as Directive 2012/13/EU:

Amendment

1. Member States shall ensure that children are informed ***immediately*** about ***the proceedings under way and about*** their rights in accordance with Directive 2012/13/EU. They shall also be informed about the following rights within the same scope as Directive 2012/13/EU:

Or. fr

Amendment 107

Pál Csáky, Kinga Gál

Proposal for a directive

Article 4 – paragraph 1 – introductory part

Text proposed by the Commission

1. Member States shall ensure that children are informed promptly ***about their rights in accordance with Directive 2012/13/EU. They shall also be informed*** about the following rights within the same scope as Directive 2012/13/EU:

Amendment

1. Member States shall ensure that children are informed promptly ***and directly - in writing and orally, in a language and manner appropriate to their age and maturity – about the charges against them, the proceedings and their rights in accordance with*** Directive 2012/13/EU, ***including the following rights:***

Or. en

Amendment 108

Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive

Article 4 – paragraph 1 – point 1

Text proposed by the Commission

(1) their right to have the holders of parental responsibility informed as provided for in Article 5;

Amendment

(1) their right to have the holders of parental responsibility ***and legal guardians*** informed as provided for in Article 5;

Amendment 109
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Article 4 – paragraph 1 – point 7

Text proposed by the Commission

(7) their right that the holders of parental responsibility have access to the court hearings, as provided for in Article 15;

Amendment

(7) their right that the holders of parental responsibility **and legal guardians to** have access to the court hearings, as provided for in Article 15;

Amendment 110
Nathalie Griesbeck

Proposal for a directive
Article 4 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) their right to an effective remedy;

Justification

This complements Amendment 24 proposed by the rapporteur.

Amendment 111
Pál Csáky, Kinga Gál

Proposal for a directive
Article 4 – paragraph 1 – point 9 a (new)

Text proposed by the Commission

Amendment

(9a) their right to appeal.

Or. en

Amendment 112
Nathalie Griesbeck

Proposal for a directive
Article 4 – paragraph 1 – point 9 b (new)

Text proposed by the Commission

Amendment

(9b) their right of access to justice which is adapted to their needs, and to appropriate support services.

Or. fr

Amendment 113
Jean Lambert

Proposal for a directive
Article 4 – paragraph 2

Text proposed by the Commission

Amendment

2. Member States shall ensure that, where children are deprived of liberty ***the Letter of Rights given to them*** pursuant to Directive 2012/13/EU includes their rights under this Directive.

2. Member States shall ensure that, where children are deprived of liberty ***they shall be provided with a Letter of Rights*** pursuant to Directive 2012/13/EU, ***which*** includes their rights under this Directive ***as well as information on the charges against them in simple, age appropriate language, which takes into account his or her age and degree of maturity. Member States shall require that all steps are taken to ensure the child understands his or her rights and the nature of the charges, through verification and additional oral explanation, as necessary.***

Amendment 114
Nathalie Griesbeck

Proposal for a directive
Article 4 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the information provided for under paragraphs 1 and 2 is given orally or in writing, using appropriate methods in line with the age, maturity, knowledge and intellectual capacity of the child, in simple and accessible language which the child can understand and which takes account of cultural and gender differences.

Or. fr

Justification

This amendment is based on the Council of Europe Guidelines on child-friendly justice and on Article 3(2) of Directive 2012/13/EU.

Amendment 115
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Article 5 – paragraph 1

Text proposed by the Commission

Amendment

Member States shall ensure that the holder of parental responsibility of the child or, where that would be contrary to the best interests of the child, another appropriate adult, is provided with the information that the child receives in accordance with Article 4.

Member States shall ensure that the holder of parental responsibility ***or legal guardians*** of the child or, where that would be contrary to the best interests of the child, another appropriate adult, is provided with the information that the child receives in accordance with Article 4.

Amendment 116
Nathalie Griesbeck

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the child has the right to meet the holder of parental responsibility or appropriate adult as referred to in the first subparagraph as soon as possible after his or her arrest.

Or. fr

Amendment 117
Pál Csáky, Kinga Gál, Monika Hohlmeier

Proposal for a directive
Article 5 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

Member States shall ensure that the child has the right to meet with the holder of parental responsibility promptly following arrest or detention, and in any event prior to questions, and to request to have such adult present during questioning and all other investigative acts during the criminal proceedings, provided that this is in the best interest of the child.

Or. en

Amendment 118
Dennis de Jong
on behalf of the GUE/NGL Group

Proposal for a directive
Article 5 a (new)

Text proposed by the Commission

Amendment

Article 5a

Member States shall ensure that the child has the right to meet with the holder of parental responsibility, or the appropriate adult where deemed necessary in accordance with Article 5(1), promptly following arrest or detention.

Or. en

Amendment 119
Jean Lambert

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that children are assisted by a lawyer ***throughout*** the criminal proceedings in accordance with Directive 2013/48/EU. The right to access to a lawyer cannot be waived.

1. Member States shall ensure that children are assisted by a lawyer ***at every stage of*** the criminal proceedings in accordance with Directive 2013/48/EU. The right to access to a lawyer cannot be waived.

Or. en

Amendment 120
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 6 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that children are assisted by a lawyer throughout the criminal proceedings ***in accordance with***

1. Member States shall ensure that children are assisted by a lawyer throughout the

Directive 2013/48/EU. The right to access to a lawyer cannot be waived.

criminal proceedings.

Or. en

Amendment 121

Pál Csáky, Monika Hohlmeier, Kinga Gál

Proposal for a directive

Article 6 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are assisted by a lawyer **throughout** the criminal proceedings in accordance with Directive 2013/48/EU. The right to access to a lawyer cannot be waived.

Amendment

1. Member States shall ensure that children are assisted by a lawyer **at every stage of** the criminal proceedings in accordance with Directive 2013/48/EU. The right to access to a lawyer cannot be waived. **However, in minor cases this assistance might be provided by a pedagogical authority where such pedagogical solution prevails over a conviction.**

Or. en

Amendment 122

Nathalie Griesbeck

Proposal for a directive

Article 6 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. The derogations provided for in Article 2(4) of Directive 2013/48/EU shall not apply to children.

Or. fr

Amendment 123

Mariya Gabriel

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. For that purpose children shall be individually assessed. The assessment shall take particular account of the personality and maturity of the child and their economic and social background.

Amendment

2. For that purpose children shall be individually assessed. The assessment shall take particular account of the personality and maturity of the child and their economic and social background.
Particular attention shall be given to the most vulnerable children, including victims of human trafficking.

Or. fr

Amendment 124
Pál Csáky, Kinga Gál

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. For that purpose children shall be individually assessed. The assessment shall take particular account of the personality and maturity of the child and their economic and social background.

Amendment

2. For that purpose children shall be individually assessed. The assessment shall take particular account of the personality and maturity of the child and their ***family***, economic, and social background, ***their living environment and any specific vulnerabilities.***

Or. en

Amendment 125
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Article 7 – paragraph 2

Text proposed by the Commission

2. For that purpose children shall be

Amendment

2. For that purpose children shall be

individually assessed. The assessment shall take particular account of the personality and maturity of the child and their *economic and social background*.

individually assessed. The assessment shall take particular account of the personality and maturity of the child and their *individual circumstances*.

Or. en

Amendment 126
Jean Lambert

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. The individual assessment shall take place at *an* appropriate stage *of the proceedings* and in any event before indictment.

Amendment

3. The individual assessment shall take place at *the earliest* appropriate stage, and in any event, before indictment.

Or. en

Amendment 127
Dennis de Jong
on behalf of the GUE/NGL Group

Proposal for a directive
Article 7 – paragraph 3

Text proposed by the Commission

3. The individual assessment shall take place at *an* appropriate stage of the proceedings and in any event before *indictment*.

Amendment

3. The individual assessment shall take place at *the earliest* appropriate stage of the proceedings and in any event before *questioning or the imposition of measures involving deprivation of liberty, whichever is earliest*.

Or. en

Amendment 128
Tomáš Zdechovský

Proposal for a directive
Article 7 – paragraph 4

Text proposed by the Commission

4. The extent and detail of the individual assessment may vary **depending** on the circumstances of the case, the seriousness of the alleged offence and the penalty which will be imposed if the child is found guilty of the alleged offence, whether or not the child has previously come to the attention of competent authorities in the context of criminal proceedings.

Amendment

4. **Whether or not the child has previously come to the attention of competent authorities in the context of criminal proceedings**, the extent and detail of the individual assessment may vary. **It may depend, in particular** on the circumstances of the case, the seriousness of the alleged offence and the penalty which will be imposed if the child is found guilty of the alleged offence, whether or not the child has previously come to the attention of competent authorities in the context of criminal proceedings

Or. en

Justification

Splitting the long sentence into two shorter ones makes the text more understandable. Moreover, the conditions determining the extent and the detail of the individual assessment should not be closed, but open to include other relevant aspects outside the three indicated categories, for example, whether the child in question did not previously fight with the forces of the ISIS.

Amendment 129
Nathalie Griesbeck

Proposal for a directive
Article 7 – paragraph 7

Text proposed by the Commission

7. Member States may derogate from the obligation in paragraph 1 when it is not proportionate to carry out an individual assessment taking into account the circumstances of the case and whether or not the child has previously come to the attention of Member State authorities in

Amendment

deleted

the context of criminal proceedings.

Or. fr

Justification

There cannot be any derogation from the right to have an individual assessment, given that juvenile justice is entirely based on the assessment of the child's personality with respect to the offence committed.

Amendment 130

Jean Lambert

Proposal for a directive

Article 7 – paragraph 7

Text proposed by the Commission

7. Member States may derogate from the obligation in paragraph 1 *when* it is *not proportionate to carry out an individual assessment taking into account the circumstances of the case and whether or not the child has previously come to the attention of Member State authorities in the context of criminal proceedings.*

Amendment

7. Member States may derogate from the obligation in paragraph 1 *only where* it is *necessary to do so in the best interests of the child.*

Or. en

Amendment 131

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Article 7 – paragraph 7

Text proposed by the Commission

7. Member States may derogate from the obligation *in paragraph 1 when it is not proportionate* to carry out an individual assessment *taking into account the circumstances of the case and whether or*

Amendment

7. Member States may derogate from the obligation to carry out an individual assessment *if the derogation is in the best interests of the child.*

not the child has previously come to the attention of Member State authorities in the context of criminal proceedings.

Or. en

Amendment 132
Anna Maria Corazza Bildt

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a medical examination with a view, in particular, to assessing the general mental and physical condition of the child with the aim to determine the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.

Amendment

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a medical examination with a view, in particular, to assessing the general mental and physical condition of the child with the aim to determine the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child. ***The medical examination shall be as non-invasive as possible and carried out by a qualified physician.***

Or. en

Amendment 133
Dennis de Jong
on behalf of the GUE/NGL Group

Proposal for a directive
Article 8 – paragraph 1

Text proposed by the Commission

1. ***In case of deprivation*** of liberty of a child, ***Member States shall ensure*** that the child has access to a medical examination with a view, in particular, to assessing the general mental and physical condition of

Amendment

1. ***Member States shall ensure, when a child has been deprived of liberty or whenever the best interests of the child so require, that the child has access without delay to a medical examination with a***

the child with the aim *to determine* the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.

view, in particular, to assessing the general mental and physical condition of the child with the aim *of determining any medical needs and, in particular*, the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.

Or. en

Amendment 134

Jean Lambert

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a medical examination *with a view, in particular, to assessing the general mental and physical condition of the child with the aim to determine the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.*

Amendment

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a *prompt* medical examination *to evaluate, protect and improve the child's physical and mental health and ensure that they receive appropriate treatment.*

Or. en

Justification

The primary objective of the medical examination should be the child's well being

Amendment 135

Pál Csáky, Kinga Gál

Proposal for a directive

Article 8 – paragraph 1

Text proposed by the Commission

Amendment

1. ***In case of deprivation of liberty of a child, Member States shall ensure*** that the child has access to a medical examination with a view, in particular, to assessing the general mental and physical condition of the child with the aim ***to determine*** the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.

1. ***Member States shall ensure, when a child has been deprived of liberty or when the proceedings or the best interest of the child so require,*** that the child has access ***without delay*** to a medical examination with a view, in particular, to assessing the general mental and physical condition of the child with the aim ***of determining any medical needs and*** the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against the child.

Or. en

Amendment 136

Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive **Article 8 – paragraph 1**

Text proposed by the Commission

Amendment

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a medical examination ***with a view, in particular, to assessing the general mental and physical condition of the child with the aim to determine the capacity of the child to face questioning or other investigative or evidence gathering acts or any measures taken or envisaged against*** the child.

1. In case of deprivation of liberty of a child, Member States shall ensure that the child has access to a medical examination ***and medical care in order to protect the welfare and health of*** the child.

Or. en

Justification

Carrying out a medical examination as a general practice in order to determine the capacity of a child to face questioning or other investigative or evidence gathering acts could have the adverse effect of distressing the child in question.

Amendment 137
Jean Lambert

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is audio-visually recorded, ***unless it is not proportionate taking into account the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred.***

Amendment

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is audio-visually recorded.

Or. en

Amendment 138
Pál Csáky, Kinga Gál, Monika Hohlmeier

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is audio-visually recorded, unless it is not proportionate taking into account the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred.

Amendment

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is ***thoroughly documented and, if in the best interest of the child,*** audio-visually recorded, unless it is not proportionate taking into account the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred.

Or. en

Amendment 139
Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive
Article 9 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is audio-visually recorded, unless it is not proportionate taking into account the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred.

Amendment

1. Member States shall ensure that any questioning of children by police or other law enforcement or judicial authority carried out prior to the indictment is, **where necessary and possible**, audio-visually recorded, unless it is not proportionate taking into account the complexity of the case, the seriousness of the alleged offence and the potential penalty that can be incurred.

Or. en

Amendment 140
Pál Csáky, Kinga Gál

Proposal for a directive
Article 9 – paragraph 2 a (new)

Text proposed by the Commission

Amendment

2a. Member States shall ensure that the questioning of children is carried out in a manner that takes account of their age, level of maturity and any other needs determined during the individual assessment conducted in accordance with Article 7.

Or. en

Amendment 141
Dennis de Jong
on behalf of the GUE/NGL Group

Proposal for a directive
Article 9 – paragraph 3

Text proposed by the Commission

3. Paragraph 1 is without prejudice to the possibility to ask questions for the purpose of personal identification of the child without such audio-visual recording.

Amendment

3. Paragraph 1 is without prejudice to the possibility to ask questions ***solely*** for the purpose of personal identification of the child without such audio-visual recording.

Or. en

Amendment 142
Angel Dzhambazki

Proposal for a directive
Article 9 – paragraph 3 a (new)
Article 9

Text proposed by the Commission

Amendment

3a. A psychologist must always be present during the questioning of a child.

Or. bg

Amendment 143
Nathalie Griesbeck

Proposal for a directive
Article 9 – paragraph 3 a (new)

Text proposed by the Commission

Amendment

3a. Member States shall ensure that any questioning of children is carried out in a manner that takes into account their age and level of maturity.

Or. fr

Justification

The obligation to conduct the questioning of children in a manner that takes into account their age and level of maturity appeared in Recital 23. It should be included in an article.

Amendment 144

Timothy Kirkhope, Timothy Kirkhope, Helga Stevens

on behalf of the ECR Group

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that ***children are deprived*** of liberty ***before their conviction only as a measure of last resort*** and for the shortest appropriate period of time. Due account shall be taken of the age and individual situation of the child.

Amendment

1. Member States shall ensure that ***the deprivation*** of liberty ***of a child is limited as greatly as possible***, and for the shortest appropriate period of time. Due account shall be taken of the age and individual situation of the child, ***as well as the risk to both the safety of the child, and the safety of the public.***

Or. en

Amendment 145

Elissavet Vozemberg

Proposal for a directive

Article 10 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are deprived of liberty before their conviction only as a measure of last resort and for the shortest appropriate period of time. Due account shall be taken of the age ***and*** individual situation of the child.

Amendment

1. Member States shall ensure that children are deprived of liberty before their conviction only as a measure of last resort, ***a specific and detailed justification for this being given***, and for the shortest appropriate period of time, ***ensuring in every case respect for the human dignity and the rights of the child in custody.*** Due account shall be taken of the age, individual situation ***and personality*** of the child ***and the particular circumstances***

under which the offence was committed.

Or. el

Justification

Given that children are deprived of their liberty only as a last resort, the courts should, as far as possible, endeavour to impose this penalty only where absolutely unavoidable, giving specific and detailed reasons for so doing. In each case, respect for the human dignity and the rights of the child in custody must be ensured, due account being taken of the child's personality and the particular circumstances under which the offence was committed.

Amendment 146
Nathalie Griesbeck

Proposal for a directive
Article 10 – paragraph 1 a (new)

Text proposed by the Commission

Amendment

1a. Children who are deprived of liberty shall have the right to have immediate access to legal and any other appropriate assistance, as well as the right to challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and to have a swift decision taken on the matter.

Or. fr

Justification

This paragraph is in line with Article 37 of the International Convention on the Rights of the Child.

Amendment 147
Jean Lambert

Proposal for a directive
Article 10 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that any deprivation of liberty of children before their conviction is subject to a periodic review by a court.

Amendment

2. Every child arrested and deprived of his or her liberty should be brought before a competent court to examine the legality of their deprivation of liberty. Member States shall ensure that any deprivation of liberty of children before their conviction is subject to a periodic review, ***at reasonable intervals of time***, by a court. ***Every child deprived of liberty has the right to challenge the legality of the deprivation of liberty before a court or other competent, independent and impartial authority, and to a prompt decision on any such action.***

Or. en

Amendment 148
Mariya Gabriel

Proposal for a directive
Article 10 a (new)

Text proposed by the Commission

Amendment

Article 10a

Provisional detention

Member States shall ensure that children placed in provisional detention are kept separately from adults and convicted children.

Or. fr

Amendment 149
Angel Dzhambazki

Proposal for a directive
Article 11 – paragraph 2 – point b

Text proposed by the Commission

(b) restrictions of contact with *specific persons*,

Amendment

(b) restrictions of contact with *persons who may constitute a danger to the child's psychological or physical health*,

Or. bg

Amendment 150

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Article 11 – paragraph 2 – point e

Text proposed by the Commission

(e) participation in educational *measures*.

Amendment

(e) participation in educational *programmes*.

Or. en

Amendment 151

Angel Dzhambazki

Proposal for a directive

Article 11 – paragraph 2 – point e a (new)

Article 11

Text proposed by the Commission

Amendment

(ea) regular consultations with a psychologist, who shall prepare a report on each meeting.

Or. bg

Amendment 152

Jean Lambert

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are detained separately from adults, unless it is considered in the child's best interest not to do so. When a detained child reaches the age of 18 years, Member States shall provide the possibility to continue the separate detention where warranted, ***taking into account*** the individual ***circumstances of the detained person***.

Amendment

1. Member States shall ensure that children are detained separately from adults, unless it is considered in the child's best interest not to do so. When a detained child reaches the age of 18 years, Member States shall provide the possibility to continue the separate detention where warranted ***in the interest of both*** the individual ***who has become of age and of other children concerned***.

Or. en

Amendment 153
Angel Dzhambazki

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are detained separately from adults, ***unless it is considered in the child's best interest not to do so***. When a detained child reaches the age of 18 years, Member States shall provide the possibility to continue the separate detention where warranted, taking into account the individual circumstances of the detained person.

Amendment

1. Member States shall ensure that children are detained separately from adults. When a detained child reaches the age of 18 years, Member States shall provide the possibility to continue the separate detention where warranted, taking into account the individual circumstances of the detained person.

Or. bg

Amendment 154
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are detained separately from adults, unless it is considered in the child's best interest not to do so. When a detained child reaches the age of 18 years, Member States shall provide ***the possibility to continue the separate detention where warranted***, taking into account the individual circumstances of the detained person.

Amendment

1. Member States shall ensure that children are detained separately from adults, unless ***in exceptional circumstances*** it is considered in the child's best interest not to do so. When a detained child reaches the age of 18 years, Member States shall provide ***for a transitional period into adult detention facilities***, taking into account the individual circumstances of the detained person.

Or. en

Amendment 155
Pál Csáky, Kinga Gál

Proposal for a directive
Article 12 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children are detained separately from adults, ***unless it is considered in the child's best interest not to do so. When a detained child reaches*** the age of 18 years, ***Member States shall provide the possibility to continue the separate detention where warranted, taking into account the individual circumstances of the*** detained person.

Amendment

1. Member States shall ensure that children are detained separately from adults ***and may, when they reach*** the age of 18 years, ***continue to be detained separately unless it is considered to be in their best interests or in the best interests of other*** detained persons ***not to do so.***

Or. en

Amendment 156
Pál Csáky, Kinga Gál

Proposal for a directive
Article 12 – paragraph 2 – point d

Text proposed by the Commission

(d) foster the development of the child and *its* future integration into society.

Amendment

(d) ***ensure access to programmes that*** foster the development of the child and ***his or her*** future integration into society.

Or. en

Amendment 157

Timothy Kirkhope, Helga Stevens
on behalf of the ECR Group

Proposal for a directive

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) Ensure that the special requirements of those children with physical, sensory, and learning disabilities are provided for.

Or. en

Amendment 158

Caterina Chinnici

Proposal for a directive

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that all other rights of the child are protected

Or. en

Amendment 159

Pál Csáky, Kinga Gál

Proposal for a directive

Article 12 – paragraph 2 – point d a (new)

Text proposed by the Commission

Amendment

(da) ensure that all other rights of the child are protected.

Or. en

Amendment 160

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Article 12 – paragraph 2 - point d a (new)

Text proposed by the Commission

Amendment

(da) ensure the freedom of the child to manifest his or her religion or belief.

Or. en

Amendment 161

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a directive

Article 14 – paragraph 1

Text proposed by the Commission

Amendment

1. Member States shall ensure that criminal proceedings involving children take place in the absence of the public, unless, after due consideration of the best interest of the child, exceptional circumstances justify a derogation.

deleted

Or. en

Amendment 162

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive
Article 14 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that criminal proceedings involving children take place in the absence of the public, unless, **after due consideration of** the best **interest** of the child, **exceptional circumstances** justify a derogation.

Amendment

1. Member States shall ensure that criminal proceedings involving children take place in the absence of the public, unless **in exceptional circumstances** the best **interests** of the child justify a derogation.

Or. en

Amendment 163
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the competent authorities take appropriate measures in criminal proceedings to protect the privacy of the child and family members, including their names and images. Member States shall ensure that the competent authorities do not publicly disseminate information that could lead to the identification of the child.

Amendment

2. Member States shall ensure that the competent authorities take appropriate measures in criminal proceedings to protect the privacy, **protection, and wellbeing** of the child and family members, including their names and images. Member States shall ensure that the competent authorities do not publicly disseminate information that could lead to the identification of the child.

Or. en

Amendment 164
Nathalie Griesbeck

Proposal for a directive
Article 14 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that the competent authorities take appropriate measures in criminal proceedings to protect the privacy of the child and family members, including their names and images. Member States shall ensure that the competent authorities do not publicly disseminate information that could lead to the identification of the child.

Amendment

2. Member States shall ensure that the competent authorities take appropriate measures in criminal proceedings to protect the privacy of the child and family members, including their names and images. Member States shall ensure that the competent authorities ***and non-state actors, such as the media***, do not publicly disseminate information that could lead to the identification of the child.

Or. fr

Amendment 165

Timothy Kirkhope

on behalf of the ECR Group

Timothy Kirkhope

Proposal for a directive

Article 15 – paragraph 1

Text proposed by the Commission

Member States shall ensure that the holder of parental responsibility or another appropriate adult as referred to in Article 5 have access to the court hearings involving the child.

Amendment

Member States shall ensure that the holder of parental responsibility ***and legal guardians*** or another appropriate adult as referred to in Article 5 have access to the court hearings involving the child, ***unless their presence is deemed to have an adverse effect upon the child or the criminal proceedings taking place.***

Or. en

Amendment 166

Nathalie Griesbeck

Proposal for a directive

Article 16 – title

Text proposed by the Commission

Right of children to appear in person at the trial aiming at assessing the question of their guilt

Amendment

Right of children to appear in person at, ***and take part in***, the trial aiming at assessing the question of their guilt

Or. fr

Justification

This complements Amendment 44 proposed by the rapporteur.

Amendment 167

Jean Lambert

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children ***are present at*** the trial.

Amendment

1. Member States shall ensure that children ***can participate in*** the trial ***and shall take all necessary steps to enable their understanding and full participation, including by giving them the opportunity to be heard and to express their views where this is in their best interests.***

Or. en

Amendment 168

Nathalie Griesbeck

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children ***are present at the*** trial.

Amendment

1. Member States shall ensure that children ***can take part in their trial and shall take all necessary steps to enable them to participate fully, including by giving them the opportunity to be heard and to freely***

express their views at all stages of the proceedings.

Or. fr

Justification

This complements Amendment 45 proposed by the rapporteur.

Amendment 169

Pál Csáky, Kinga Gál

Proposal for a directive

Article 16 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that children *are present at* the trial.

Amendment

1. Member States shall ensure that children *have the right to appear in person and to participate in* the trial *and shall take all necessary steps to enable them to participate fully, including by giving them the opportunity to be heard.*

Or. en

Amendment 170

Jean Lambert

Proposal for a directive

Article 16 – paragraph 2

Text proposed by the Commission

2. Member States shall ensure that where children were not present at the trial resulting in a decision on their guilt, they shall have the right to a *procedure* in which they have the right to participate and which allows a fresh determination of the merits of the case, including examination of new evidence, and which may lead to the original decision to be reversed.

Amendment

2. Member States shall ensure that where children were not present at the trial resulting in a decision on their guilt, they shall have the right to a *retrial* in which they have the right to participate and which allows a fresh determination of the merits of the case, including examination of new evidence, and which may lead to the original decision to be reversed.

Amendment 171
Jean Lambert

Proposal for a directive
Article 18 – paragraph 1

Text proposed by the Commission

Member States shall ensure that national law in relation to legal aid guarantees the effective exercise of the right to access to a lawyer as referred to in Article 6.

Amendment

Member States shall ensure that national law in relation to legal aid guarantees the effective exercise of the right to access to a lawyer as referred to in Article 6 **by making sure legal aid provided to children is accessible, age-appropriate, effective and responsive to the specific legal and social need of children. Children shall receive priority for legal aid and shall always be exempt from a means test.**

Justification

United Nations Principles and Guidelines on Legal Aid

Amendment 172
Traian Ungureanu

Proposal for a directive
Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that judicial and law enforcement authorities and **prison staff** who deal with cases involving children **are professionals specialising in the field of criminal proceedings involving children. They shall** receive **particular** training with regard to children's legal rights, **appropriate** interviewing techniques, child psychology,

Amendment

1. Member States shall ensure that judicial and law enforcement authorities and **staff of detention facilities** who deal with cases involving children receive **appropriate** training with regard to children's legal rights, interviewing techniques, child psychology, communication in a language adapted to the child and pedagogical skills.

communication in a language adapted to the child and pedagogical skills.

Or. en

Amendment 173

Pál Csáky, Kinga Gál

Proposal for a directive

Article 19 – paragraph 1

Text proposed by the Commission

1. Member States shall ensure that **judicial and law enforcement authorities and prison staff** who deal with cases involving children **are professionals specialising in the field of criminal proceedings involving children. They shall receive particular training** with regard to children's legal rights, appropriate interviewing techniques, child psychology, communication in a language adapted to the child and pedagogical skills.

Amendment

1. Member States shall ensure that law enforcement authorities, **staff of detention facilities, and other relevant professionals** who deal with cases involving children **receive adequate training at a level appropriate to their contact with children** with regard to children's **needs and** legal rights, appropriate interviewing techniques, child psychology, communication in a language adapted to the child and pedagogical skills, **as well as on rules of confidentiality.**

Or. en

Amendment 174

Timothy Kirkhope

on behalf of the ECR Group

Proposal for a directive

Article 19 – paragraph 3

Text proposed by the Commission

3. **Through their public services or by funding child support organisations,** Member States shall encourage initiatives enabling those providing children with support and restorative justice services to receive adequate training to a level appropriate to their contact with children

Amendment

3. Member States shall encourage initiatives enabling those providing children with support and restorative justice services to receive adequate training to a level appropriate to their contact with children and observe professional standards to ensure such services are

and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

provided in an impartial, respectful and professional manner.

Or. en

Amendment 175
Tomáš Zdechovský

Proposal for a directive
Article 19 – paragraph 3

Text proposed by the Commission

3. Through their public services or by funding child support organisations, Member States shall encourage initiatives enabling those providing children with support and restorative justice services to receive adequate training *to a level appropriate to their contact with children* and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Amendment

3. Through their public services or by funding child support organisations, Member States shall encourage initiatives enabling those providing children with support and restorative justice services to receive adequate training and observe professional standards to ensure such services are provided in an impartial, respectful and professional manner.

Or. en

Justification

The deleted text is superfluous since it is already covered by the word ‘adequate’.

Amendment 176
Jean Lambert

Proposal for a directive
Article 19 a (new)

Text proposed by the Commission

Amendment

Article 19a
Non-discrimination

1. Member States shall respect and ensure the rights set forth in this Directive as regards any child within their jurisdiction without discrimination of any kind, and 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.

2. Member States shall promote training of all professionals involved in the administration of juvenile justice, specifically in the light of particularly vulnerable groups of children, such as street children, children belonging to racial, ethnic, religious or linguistic minorities, migrant children, indigenous children, girls, children with disabilities and children who are repeatedly in conflict with the law, who may be victims of a lack of consistent policy and de facto discrimination. Their effective access to justice shall be ensured.

Or. en

Amendment 177
Timothy Kirkhope
on behalf of the ECR Group

Proposal for a directive
Article 20

Text proposed by the Commission

Amendment

Article 20

deleted

Data collection

1. Member States shall, by [...] and every three years thereafter, send to the Commission data showing how the rights set out in this Directive have been implemented.

2. Such data shall include in particular

the number of children given access to a lawyer, the number of individual assessments carried out, the number of interviews audio-visually recorded and the number of children deprived of liberty.

Or. en

Amendment 178

Dennis de Jong

on behalf of the GUE/NGL Group

Proposal for a directive

Article 20 – paragraph 2

Text proposed by the Commission

Amendment

2. Such data shall include in particular the number of children given access to a lawyer, the number of individual assessments carried out, the number of interviews audio-visually recorded and the number of children deprived of liberty.

deleted

Or. en