

COMMUNICATION
from the European Affairs Committee of the Federal Council
of 13 February 2014

to the European Parliament and the Council
pursuant to Article 23 f (4) of the Austrian Constitution

COM (2013) 822 final

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

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

The Directive is based on Articles 3, 5, 6 and 8 of the ECHR, as interpreted by the European Court of Human Rights, which in its case law sets standards on special safeguards for vulnerable persons, in particular children, and in doing so promotes the application of the Charter, in particular its Articles 4, 6, 7, 24, 47 and 48. According to the case law of the European Court of Human Rights, the fairness of proceedings and the exercise of the right to a fair trial require a person's ability to understand the essential stakes of the procedure and the ability to participate in the procedure, to effectively exercise his/her rights, and to benefit from the protection of privacy.

The training for employees of judicial authorities and law enforcement authorities as well as for prison staff dealing with cases involving children mentioned in the proposal is to be underlined as a matter of special importance, which is already reflected in Austrian legislation (Section 30 of the Act on Juvenile Courts). Such persons have to take care that the proceedings are adapted to the special needs of children. This goal is to be achieved through appropriate training in the fields of child development and child psychology, as well as through training focused on pedagogical skills and communication with children at all ages and stages of development and on children in situations of particular vulnerability.

In conclusion, the European Affairs Committee of the Federal Council wishes to draw attention to the juvenile court assistance and probation services, which are well established in Austria and have been working successfully for a long time. We recommend that these institutions be taken into consideration in the course of further negotiations on the proposal presented.

Thus, we explicitly welcome the proposal presented by the Commission.