



BALTIC JOURNAL OF LAW & POLITICS

A Journal of Vytautas Magnus University

VOLUME 15, NUMBER 2 (2022)

ISSN 2029-0454



Cit.: *Baltic Journal of Law & Politics* 15:2 (2022): 152-173

<https://content.sciencedirect.com/view/journals/bjlp/bjlp-overview.xml>

DOI: 10.2478/bjlp-2022-0014

ACCESSIBILITY OF LEGAL AID TO CHILDREN IN CONFLICT WITH THE LAW: BRINGING THE GENERAL CONCEPT TO PRACTICE

Agnė Limantė

Chief Researcher

Lithuanian Centre for Social Sciences, Law Institute (Lithuania)

Contact information

Address: Ankstoji g. 1A, LT-01109 Vilnius, Lithuania

Phone: +370 5 2497591

E-mail address: agne.limante@teise.org

Rūta Vaičiūnienė

Senior Researcher

Lithuanian Centre for Social Sciences, Law Institute (Lithuania)

Contact information

Address: Ankstoji g. 1A, LT-01109 Vilnius, Lithuania

Phone: +370 5 2497591

E-mail address: ruta.vaiciuniene@teise.org

Tautvydas Žėkas

Researcher

Lithuanian Centre for Social Sciences, Law Institute (Lithuania)

Contact information

Address: Ankstoji g. 1A, LT-01109 Vilnius, Lithuania

Phone: +370 5 2497591

E-mail address: tautvydas.zekas@teise.org

Received: June 27, 2022; reviews: 2; accepted: December 29, 2022.

ABSTRACT

This paper analyses the concept of accessibility of legal aid for children in conflict with the law, searching for its essential elements in international standards and national practices. By analysing the comparative empirical data on legal regulation in different European jurisdictions, the authors of the paper discuss what it means for legal aid to be accessible to children and what could be done to strengthen it. The paper argues that the goal of improving access to legal aid for children in conflict with the law should be approached from various directions, including the provision of information on legal aid in a child-friendly and age-appropriate manner, the strengthening of children's legal education, the dissemination of child-friendly materials, and the training and specialisation of legal aid lawyers and other professionals.

KEYWORDS

The right to be informed, child-friendly legal aid, children's rights, children in conflict with the law, participation in the proceedings, youth justice

INTRODUCTION

It is widely accepted that the right to legal or other appropriate assistance is one of the most crucial prerequisites for children's access to justice and an essential component of fair and child-friendly treatment. Due to their young age and vulnerability, children are often unaware of their rights and the availability of support services. Moreover, children have limited knowledge and experience of the law and the institutional structures which makes it difficult for them to understand the complex legal framework and to recognise the legitimacy of laws and legal procedures, which, as a result, limits their ability to adequately protect their rights.¹ In such a situation, it is the legal representation and assistance for children and an emphasis on their legal capacity and empowerment that ensure child-friendly, child-sensitive, and inclusive proceedings.²

However, in the case of children, the otherwise self-standing right to legal assistance could be seen as an 'incomplete right'. In most cases, children do not have a source of income and thus cannot afford to hire a lawyer to defend them (and often, their parents or caregivers are unable or unwilling to assist); therefore, their right to legal aid becomes critical.³ Parents can also be a significant hindrance to children's participation at times since they may have a variety of reasons for not allowing their children to participate.⁴ Furthermore, the notion of children's autonomy comes up in this context, which means that children should be offered 'autonomy support' to help them negotiate the legal system.⁵ According to many research findings, children are highly reliant on adults and their decisions. Moreover, children's wishes and opinions are only taken into account if the authorities agree with them.⁶ All this allows

¹ A'Court and Arthur cite several research studies in this regard. See Bethany A'Court and Raymond Arthur, "The Role of Lawyers in Supporting Young People in the Criminal Justice System: Balancing Economic Survival and Children's Rights," *Journal of Social Welfare and Family Law* 42, no. 4 (1 October 2020) // <https://doi.org/10.1080/09649069.2020.1837517>.

² Aoife Daly and Stephanie Rap, "Children's Participation in Youth Justice and Civil Court Proceedings"; in: Ursula Kilkelly and Ton Liefwaard, eds., *International Human Rights of Children International Human Rights* (Springer Nature, 2018) // https://doi.org/10.1007/978-981-10-3182-3_14-1; Ton Liefwaard, "Access to Justice for Children: Towards a Specific Research and Implementation Agenda," *The International Journal of Children's Rights* 27, no. 2 (10 May 2019) // <https://doi.org/10.1163/15718182-02702002>; Ton Liefwaard, Stephanie Rap, and Apollonia Bolscher, *Can Anyone Hear Me? Participation of Children in Juvenile Justice: A Manual on How to Make European Juvenile Justice Systems Child-Friendly* (International Juvenile Justice Observatory, 2016).

³ Agnė Limantė, Rūta Vaičiūnienė, and Jolanta Apolevič, "Child-Friendly Legal Aid and Individual Assessment of Children in Conflict with the Law: Building the Basis for Effective Participation," *International Journal of Environmental Research and Public Health* 19, no. 1 (21 December 2021) // <https://doi.org/10.3390/ijerph19010017>.

⁴ Stephanie Rap and Katrien F. M. Klep, "Child Participation as the Holy Grail: Effective and Meaningful Participation in Judicial Proceedings?"; in: Claire Boost, Andrea Broderick, Fons Coomans, and Roland Moerland, eds., *Myth or Lived Reality: On the (In)Effectiveness of Human Rights* (The Hague: T.M.C. Asser Press, 2021) // <https://doi.org/10.1007/978-94-6265-447-1>.

⁵ Aoife Daly, "No Weight for 'Due Weight'? A Children's Autonomy Principle in Best Interest Proceedings," *The International Journal of Children's Rights* 26, no. 1 (7 March 2018) // <https://doi.org/10.1163/15718182-02601012>.

⁶ Stephanie Rap, Denise Verkroost, and Mariëlle Bruning, "Children's Participation in Dutch Youth Care Practice: An Exploratory Study into the Opportunities for Child Participation in Youth Care from Professionals' Perspective," *Child Care in Practice* 25, no. 1 (2 January 2019) //

claiming that children strongly need legal or other appropriate assistance to enjoy their right to access justice. Such assistance should be free of charge (guaranteed by the state), engaging, empowering, and thus effective.

International instruments guarantee children the right to legal aid and call for its accessibility. National laws in Europe echo these principles. Nevertheless, access to complex legal systems for children is hampered by the fact that those are typically designed for adults. Children may be unaware of their rights and lack essential information due to a limited understanding of how to obtain (legal) assistance and what to expect from it.⁷ While the importance of accessibility of legal aid is often repeated in different documents and contexts, the meaning of this concept remains vague. This is particularly true with regard to the right of children in conflict with the law⁸ to access legal aid. In practice, what does it mean that legal aid should be accessible to children? Should children in conflict with the law be deemed to have access to legal aid if the legal aid system is established in national laws? Should there always be a mandatory representation of children in criminal proceedings? As legal aid is primarily concerned with the pre-trial investigation process, should special measures be taken to inform children of the availability of legal aid at the earliest stage of criminal proceedings? How should children be informed to properly obtain information about legal aid? The answers to such and similar questions have a significant impact not only on the scope of the concept of 'availability of legal aid' to children in conflict with the law but also on children's participation in the process, legal empowerment, and on making legal aid meaningful.

This article attempts to answer the above questions by using comparative empirical data on legal regulation in different European jurisdictions that originates from the EU co-funded Justice Programme project "Legal aid for children in criminal proceedings: developing and sharing best practices" (LA Child; JUST- AG-2019/JUST- JACC-AG-2019-802059). This project was implemented in three European countries from March 2020 to December 2021: Lithuania (Law Institute of the Lithuanian Centre for Social Sciences being the leading partner), Belgium (project partner: Defence for Children International – Belgium, DCI – Belgium), and Albania

<https://doi.org/10.1080/13575279.2018.1521382>; Susana Sanz-Caballero, "Towards a Uniform and Informed Interpretation of the Best Interests of the Child by the Judiciary: Inter-American and European Jurisprudence," *The International Journal of Children's Rights* 29, no. 1 (7 January 2021) // <https://doi.org/10.1163/15718182-28040009>.

⁷ Ton Liefwaard, "Access to Justice for Children," *supra* note 2; Stephanie Rap, "A Children's Rights Perspective on the Participation of Juvenile Defendants in the Youth Court," *International Journal of Children's Rights* 24 (2016).

⁸ For the purpose of this article, the definitions 'child in conflict with a law'/'juvenile'/'minor'/'young defendant' means a person who has reached the age of criminal responsibility but not the age of majority (under 18 years old), who is suspected or accused of having committed an offence under his or her national criminal law. (CRC/C/ GC/10, Introduction, §1) The age that needs to be taken into consideration to determine whether a child is in conflict with the law is no later than the age at the time of committing the offence.

(project partner: Center of Integrated Legal Services and Practices, CILSP).⁹ Moreover, the project was supported by DLA Piper, a global business law firm with lawyers located in more than 30 countries, which conducted pro bono national legal desk-research studies in 11 European countries. In particular, this article relies on the project's national reports on legal aid for children in conflict with the law, which cover 14 following countries: Albania; Austria; Belgium; the Czech Republic; Finland; France; Germany; Hungary; Ireland; Italy; Lithuania; Poland; Spain; and Sweden.¹⁰

1. THE RIGHT TO INFORMATION AND ACCESS TO LEGAL AID: FROM INTERNATIONAL STANDARDS AND LEGAL PREREQUISITES TO CHALLENGES OF PRACTICAL IMPLEMENTATION

Under international and EU law, a suspect or an accused person, and in particular a child¹¹, has the right to be informed of his or her rights, including access to legal aid. Appropriate information on procedural rights and guarantees is a key factor in ensuring the effectiveness of children's rights *per se*.

The UN Convention on the Rights of the Child¹² underlines that every child deprived of his or her liberty shall have the right to prompt access to legal and other appropriate assistance (Article 37(d)). This right is further elaborated in the 2012 United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems¹³ and the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice¹⁴. In the EU, Article 47 of the Charter of Fundamental Rights of the European Union¹⁵ ensures the right to legal aid while Article 24 focuses specifically on the rights of the child (noting that the child's best interests must be a primary consideration), and Directive 2016/1919 on legal aid¹⁶ regulates the right to legal aid in detail. The particular role of the lawyer is also highlighted in Directive

⁹ For more about the project and its deliveries, see: <https://lachild.eu> and <https://teise.org/en/lti-veikla/projektines-veiklos/teisine-pagalba-vaikams-baudziamajame-procese-gerosios-praktikos-formavimas-ir-sklaida-la-child/>.

¹⁰ The "LA CHILD" project's national reports are available at: <https://lachild.eu/the-projects/lachild/national-reports/>.

¹¹ Under international law, children in conflict with the law form a vulnerable group, therefore, specific attention should be given to their rights. See, e.g., Agnė Limantė and Artūras Tereškinas, "Definition of Vulnerable Groups"; in: Agnė Limantė and Dovilė Pūraitė-Andrikienė, ed., *Legal Protection of Vulnerable Groups in Lithuania, Latvia, Estonia and Poland*, European Union and Its Neighbours in a Globalized World 8 (Cham: Springer International Publishing, 2022) // https://doi.org/10.1007/978-3-031-06998-7_1.

¹² *United Nations Convention on the Rights of the Child*, 1989.

¹³ *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*, 2012.

¹⁴ Committee of Ministers of the Council of Europe, *Guidelines on Child-Friendly Justice* (Council of Europe Publ., 2011).

¹⁵ *Charter of Fundamental Rights of the European Union*, OJ C 326, 26.10.2012, p. 391–407.

¹⁶ *Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings*, OJ L 297, 4.11.2016, p. 1–8.

2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.¹⁷

The cornerstone criterion for legal aid to be effective and conform to quality standards is its accessibility. This is noted in the 2012 United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems¹⁸, which set global standards for legal aid. This document calls for legal aid to be accessible, effective, sustainable, and credible. This key requirement of accessibility is repeatedly underlined with regard to children's right to legal aid by stating that such legal aid should be accessible, age-appropriate, multidisciplinary, effective, and responsive to the range of legal and social needs faced by children and youth. According to the 2012 United Nations Principles and Guidelines, states should ensure that information on the right to legal aid and what such aid consists of, including the availability of legal aid services and how to access such services, and other relevant information, is made available to the community and the general public in local government offices as well as educational and other relevant institutions. States must ensure that police officers, prosecutors, judicial officers, and officials in any institution where persons are imprisoned or detained inform unrepresented persons about their rights to legal aid. Moreover, this instrument stipulates that information on legal aid must be provided before any interrogation and during any deprivation of liberty and should be available at police stations, detention centres, courts, and prisons.

In Europe, the requirement to provide immediate information on the possibility of legal aid is also enshrined in the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice¹⁹, which state that children should be informed about their rights from their first contact with the justice system or other competent authorities (IV A, 1(d)). The European Court of Human Rights (the ECtHR) in *Panovits v. Cyprus* further specified that states have a positive obligation to inform child suspects that they can access a lawyer, free of charge if necessary, and ensure that they understand this right.²⁰

EU law provides further guidance on access to information on legal aid. The Directive 2012/13/EU on the right to information in criminal proceedings lays down minimum rules with respect to the information on the rights of suspects or accused

¹⁷ Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children who are suspects or accused persons in criminal proceedings, OJ L 132, 21.5.2016, p. 1–20.

¹⁸ United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems, 2012.

¹⁹ Committee of Ministers of the Council of Europe, *supra* note 14.

²⁰ *T v. UK*, ECtHR, 16 December 1999, appl. no. 24724/94, para. 84; *Panovits v. Cyprus*, ECtHR, 11 March 2009, appl. No. 4268/04, para. 72. ECtHR also has stressed the fundamental importance of providing access to a lawyer where the person in custody is a minor. See *Salduz v. Turkey*, ECtHR, 27 November 2008, appl. no. 36391/02, para. 60; *Sahin v. Germany*, ECtHR, 8 July 2003, application No. 30943/96.

persons.²¹ Article 2 of this Directive establishes that suspects or accused persons should be provided with information on their rights “from the time persons are made aware by the competent authorities that they are suspected or accused of having committed a criminal offence”. Article 3 further specifies that the “Member States shall ensure that suspects or accused persons are provided promptly with information concerning at least the following procedural rights, as they apply under national law, in order to allow for those rights to be exercised effectively: (a) the right of access to a lawyer; (b) any entitlement to free legal advice and the conditions for obtaining such advice; <...>.”

The first directive which exclusively addressed the situation of suspected or accused minors is the Directive 2016/800 on procedural safeguards for children who are suspects or accused persons in criminal proceedings.²² The Directive emphasises the most important rights for children in conflict with the law, such as the right to information, the right to appropriate legal assistance, and the right to legal aid. The Directive 2016/800 indicates that Member States shall ensure that when children are made aware that they are suspects or accused persons in criminal proceedings, they are informed promptly about their rights in accordance with the Directive 2012/13 and about general aspects of the conduct of the proceedings. In addition, according to paragraphs 1 and 2 of Article 6 of the Directive 2016/800, children who are suspects or accused persons in criminal proceedings have the right of access to a lawyer in accordance with the Directive 2013/48 on the right of access to a lawyer.²³ However, Member States can deviate from certain obligations outlined in the Directive based on the circumstances of the case (for example, the seriousness and complexity of the alleged offence). This means that in some cases, the right to legal assistance might not be granted to child suspects who are being interrogated by the police or in the case of certain evidence-gathering acts that may have an impact on the child. As a result, as noted by Rap and Zlotnik, in Europe, the right to get legal assistance and be represented by a lawyer – at the very least – is not fully guaranteed to every child suspect and accused.²⁴

²¹ Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings, OJ L 142, 1.6.2012, p. 1–10.

²² Directive (EU) 2016/800, supra note 14. It should be highlighted that there is a strong influence of the UN Convention on the Rights of the Child and of the Guidelines of the Committee of Ministers of the Council of Europe on Child-Friendly Justice on the content of the Directive 2016/800, for instance, one might note its frequent references to the “best interests” of the child.

²³ Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty, OJ L 294, 6.11.2013, p. 1–12.

²⁴ Stephanie Rap and Daniella Zlotnik, The Right to Legal and Other Appropriate Assistance for Child Suspects and Accused. Reflections on the Directive on Procedural Safeguards for Children Who Are Suspects or Accused Persons in Criminal Proceedings, *European Journal of Crime, Criminal Law and Criminal Justice* no. 26 (2018).

To ensure children's access to justice, the aforementioned international standards-based obligations should be implemented throughout all stages of the juvenile justice process, from arrest to post-trial detention. After being arrested or during the first interrogation at the police station, the first contact with the justice system is one of the most critical moments in ensuring the provision of information and access to legal aid.²⁵ Therefore, it is critical to define who is responsible for providing information and to establish guidelines and protocols on how and when to inform and what can assist children in making informed decisions and fully participating in the proceedings. The manner in which information is provided is crucial in protecting children's rights; here, a child-friendly approach tailored to the child's age, maturity level, and developmental stage plays the central role.

Currently, professionals responsible for informing children at first contact vary by country, as do the channels through which information is provided. These channels range from online material guiding professionals on how and what information to provide to children to oral explanations given to children about their rights or specially developed information booklets for children of different age groups and language backgrounds. Furthermore, different countries may choose different methods (models) of providing information to children about legal aid and access to justice.²⁶

In some cases, the so-called fragmented approach is adopted, when officials such as police officers, prosecutors, and judges are primarily involved in providing legal aid information to children. The fact that the function of providing information to a child is performed by those entities with the best legal knowledge is a positive aspect. However, having too many professionals involved in the process can lead to an uncoordinated process and the provision of too much, too little, contradicting or even misleading information.

Another more coordinated approach is oriented toward informing through a single professional (a support person) who is responsible for processing various information and presenting it to a child (and his or her parents) in a clear manner. Since the effectiveness of the provision of information is primarily dependent on one person, the responsibility of this person and his or her attitude and competence could be viewed as both an advantage and a disadvantage in this approach.²⁷

Despite widespread efforts to protect children's rights, children's access to justice, and particularly access to effective legal assistance, remains difficult for various reasons. In many cases, judges, prosecutors, lawyers, and other

²⁵ Ton Liefwaard, Stephanie Rap, and Apollonia Bolscher, *Can Anyone Hear Me?*, *supra* note 2.

²⁶ See the national reports prepared when implementing the "LA CHILD" project. Available at: <https://lchild.eu/the-projects/la-child/national-reports/>.

²⁷ European Union Agency for Fundamental Rights, *Child-Friendly Justice. Perspectives and Experiences of Professionals on Children's Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States* (Luxembourg: Publications Office of the European Union, 2015).

professionals lack the necessary training to work with children as training is rarely compulsory, systemic, and continuous.²⁸ However, professionals who interact with children should have specialised knowledge and abilities in order to provide information on legal aid and legal aid itself in a child-friendly manner. In addition, many practical challenges arise when working with children on a daily basis. Such are, for instance, how to provide the child with the information in an age-appropriate manner or how to strike the right balance between informing children properly and not overloading them with information, as an overload of information can increase children's anxiety.²⁹ Therefore, as suggested by Rap and Zlotnik, only by training lawyers in juvenile justice and requiring them to specialise one can expect that they will be able to make a significant contribution to successful involvement in the legal aid process and throughout criminal proceedings.³⁰

It should also be noted that children are not always accepted or seen as holders of rights³¹ but rather as subjects dependent on adults, who may not always act in the best interests of the child. This means that, in general, children's access to justice is usually dependent on the assistance of adults, who may not be aware of their children's rights or know how to best support them.³² Parents have considerable leeway in determining what they believe is in their child's best interests. In terms of legal action, essentially, the question is whether taking legal action on behalf of the child, in the parents' opinion, serves the child's best interests.³³ Parents are usually the first to receive information about court proceedings and play an important role in disseminating it. Even when the same information is provided directly to their children, parents are frequently expected to function as the primary informant, explaining the material to them. This practice, however, is a contentious issue among professionals, who emphasise the importance of delegating responsibility for informing children to a professional who can assess a child's level of knowledge and comprehension, so that parents are not solely responsible for informing and supporting the child.³⁴ Provision of information to parents should not be an

²⁸ See the national reports prepared when implementing the "LA CHILD" project. Available at: <https://lachild.eu/the-projects/la-child/national-reports/>. This is also confirmed by the recent FRA report: European Union Agency for Fundamental Rights, *Children as Suspects or Accused Persons in Criminal Proceedings: Procedural Safeguards* (LU: Publications Office, 2022), // <https://data.europa.eu/doi/10.2811/970469>. See also, as regards the UK, Ali Wigzell, Amy Kirby, and Jessica Jacobson, *The Youth Proceedings Advocacy Review: Final Report* (London, UK: Bar Standards Board, 2015) // <http://www.icpr.org.uk/publications-team/courts,-sentencing-and-attitudes-to-justice/the-youth-proceedings-advocacy-review-final-report.aspx>.

²⁹ European Union Agency for Fundamental Rights, *supra* note 27.

³⁰ Stephanie Rap and Daniella Zlotnik, *supra* note 24.

³¹ For a long time, children, similar to women, were considered a man's property and were subject to the protection of a male family member. This perception started changing in the 20th century, and the adoption of the UN Convention on the Rights of the Child in 1989 signalled international recognition of children as legal rights holders.

³² Susana Sanz-Caballero, *supra* note 6.

³³ Ton Liefaard, Stephanie Rap, and Apollonia Bolscher, *Can Anyone Hear Me?*, *supra* note 2.

³⁴ European Union Agency for Fundamental Rights, *supra* note 27.

alternative to communicating the information to a child, which underscores that parents can represent their child, but cannot bypass the child's active involvement.³⁵

Naturally, each existing practice or model chosen for providing information and ensuring access to legal aid has advantages and disadvantages, challenges and contentious issues. However, there is no dispute that all practices and methods should serve the best interests of a child, ensure adequate support, and adjust to children's needs when participating in criminal proceedings.

2. LEGAL AID ACCESSIBILITY AND THE RIGHT TO INFORMATION ON LEGAL AID IN SELECTED EUROPEAN JURISDICTIONS

Present study

Relying on empirical data gathered during desk research conducted as part of the "LA CHILD" project, this section of the paper examines legal aid accessibility and the right to legal aid information in 14 European jurisdictions. The goal of the "LA CHILD" project desk research was to evaluate national regulations and practices on providing legal aid for children in conflict with the law in a number of different European countries (Albania; Austria; Belgium; the Czech Republic; Finland; France; Germany; Hungary; Ireland; Italy; Lithuania; Poland; Spain; and Sweden). The desk research was based on a standard questionnaire that was developed by the "LA CHILD" project team to help understand the various models of legal aid provision to children in conflict with the law, as well as the main challenges faced in different jurisdictions and the best approaches to achieving effective and efficient legal aid for children.³⁶

2.1. MANDATORY REPRESENTATION OF CHILDREN IN CRIMINAL PROCEEDINGS

In national laws on criminal procedures and related instruments in Europe, legal aid for children in conflict with the law usually receives special attention. Importantly, states frequently establish mandatory representation for children in conflict with the law without applying means tests.

For instance, in Belgium, legal aid in youth justice cases is completely free of charge for children. Furthermore, children may not waive their right to legal representation. Similarly, in Lithuania, the Code of Criminal Procedure provides for

³⁵ Committee of Ministers of the Council of Europe, *supra* note 14. Similar view is expressed in the UNICEF "Guidelines on Child-Friendly Legal Aid", where it is stated that whilst it is likely that parents will also need to receive information on their children's legal cases, communication with parents should not be a substitute for informing the children as well. UNICEF, "Guidelines on Child-Friendly Legal Aid" (2018) // <https://www.unicef.org/eca/media/5171/file>.

³⁶ The full national reports are available on the "LA CHILD" project website: www.lachild.eu.

the mandatory involvement of a lawyer in the examination of cases where the suspect or accused is a child. The waiver of the lawyer is restricted for children, and the pre-trial investigation officer, prosecutor, and court are not obliged to accept the waiver of the lawyer by a child. Children in France, Spain, and Poland are generally entitled to legal aid because their defence by a lawyer in criminal proceedings is mandatory. In Albania, the law stipulates that a lawyer must always assist children in conflict with the law.

In the opinion of the authors of this paper, the rule of mandatory representation of children in conflict with the law is a very positive practice. It is further strengthened where the waiver of a right to a lawyer is limited. In cases where a state provides for a mandatory defence of a child in conflict with the law, the right of a child to have a lawyer is implemented, and, at least formally, accessibility of legal aid is guaranteed. What is important in such situations, however, is to further enhance the child's participatory rights by explaining to the child the possibility of contacting the lawyer, having the situation explained, the scope of assistance available from the lawyer, and the possibility of changing the lawyer in case of his or her limited availability or insufficient assistance. Otherwise, even if access to legal aid is formally ensured, the right to legal aid might remain only partially guaranteed because a lack of awareness limits the child's ability to properly enjoy this important procedural right. The mandatory representation is also critical in light of the aforementioned children's reliance on adults, particularly parents, whose legal action taken on behalf of the child does not always serve the child's best interests.

2.2. THE OBLIGATION OF AUTHORITIES TO INFORM THE SUSPECTED, ACCUSED, OR CONVICTED CHILD ABOUT THE AVAILABILITY OF LEGAL AID

Many countries in Europe assign primary responsibility for informing children about their rights, including the right to legal aid, to police officers or pre-trial investigation officers. This stems from their role as the child's first point of contact with the authorities. In some cases, other legal professionals (for instance, prosecutors, judges, lawyers, and court staff) also have a duty to inform a child in conflict with the law of his or her right to legal aid. Child protection services and NGOs might similarly play an important role in informing children, although the exact nature of this role is not always specified. In this section, we will look into the obligation of relevant public authorities to inform a child in conflict with the law on the availability of legal aid and how this is implemented in practice in the selected European states.

It should first be noted that the laws of all the European countries investigated when conducting research in the "LA CHILD" project foresee the right of a person

who has been arrested, suspected, or accused of a criminal offence to be informed immediately of his or her rights before the interrogation. In the case of children, national laws require the authorities involved in the proceedings to inform a child of his or her rights, including the right to the assistance of a lawyer, as soon as the child is deprived of his or her liberty.

In Lithuania, a pre-trial investigation officer, a prosecutor, and a court are obliged to explain to a suspect and accused person his or her right to have a lawyer from the moment of detention or from the first interrogation. Moreover, these officials have to provide the opportunity to exercise this right. The Letter of Rights to be served on each suspect contains an official statement that if the suspect does not have "sufficient funds to pay for a lawyer, he or she must receive free legal aid in accordance with the law governing the provision of state-guaranteed legal aid". A reference to access to free legal aid is also included in the notification form. In Albania, a prosecutor and a police officer or a court must take measures in strict accordance with the provisions of criminal procedure to inform a child immediately, directly, or through his or her parents (legal representatives) about the right to free legal aid, as well as about any other necessary assistance. In Belgium, when a child is deprived of his or her liberty and questioned as a suspect at a police station, he or she receives the Letter of Rights indicating the possibility of seeking legal assistance from a lawyer. Similarly, in Ireland, a court must inform the accused about the possible right to legal aid. In France, without mentioning legal aid, the Code of Criminal Procedure stipulates that a police officer or a supervising person must inform the detainee about his or her rights, including the right to a lawyer, immediately and in a language he or she understands.

It is obvious that police officers, prosecutors, and judges (courts) are those subjects that have the main responsibility for providing information to a child on his or her right to have a lawyer. As mentioned above, police officers, who are usually the first point of contact, play a critical role in informing children. For example, in Finland, police officers are sometimes the only professionals to hear a child officially. They usually contact parents to tell them how to prepare their child for the hearing (if a child is 15 years old or above, the police contact him or her personally). In Germany, police officers inform children – and usually also parents – about criminal proceedings in general, the rights and obligations of witnesses, and, if they are victims, about support services. In the United Kingdom, police officers can explain the video-recording procedures and, depending on a child's age and maturity, they may also describe further court processes. Prosecutors and judges also provide children with information. The extent to which they do this, however, varies. They

often assume that either parents, legal representatives, or police officers have already informed the child.

The research revealed that the need to inform children about their rights is a minimum requirement during proceedings in all analysed European countries. However, the "LA CHILD" project's research, similar to the FRA research,³⁷ confirmed that legal professionals may not always have the time or the training to inform a child appropriately. Moreover, judges often do not know the child well, as they may meet him or her for the first time at the hearing itself. Providing information in a child-friendly, age-appropriate manner, and not overloading children with information is also a challenge. It is, however, obvious that when a child is deprived of liberty, information on legal aid is even more dependent on the authorities, as they may be the only subjects who have direct contact with the child. Their role, proactiveness, and ability to provide the child with information on his or her rights in a comprehensible manner are of material importance.

2.3. PROVISION OF INFORMATION ON THE AVAILABILITY OF LEGAL AID IN OTHER CASES

In addition to the authorities' duty to inform children in conflict with the law on the availability of legal aid, there are also other institutions that provide children with such information. In particular, children who are willing to learn about the availability of legal aid and how to get it can contact various institutions and organisations, for instance, associations, NGOs, lawyers, social services, etc. These institutions and organisations providing first-line legal aid have an important role in informing children about their right to secondary legal aid.

As the "LA CHILD" research has revealed, the practice of first-line legal aid to inform of the availability of second-line legal aid is common in many countries studied. In France, for example, legal aid offices (*les bureaux d'aide juridictionnelle*) are used to inform litigants about legal aid, and the new "unique services for litigants" include not only general information on procedures but also information for individual clients on procedures specifically applicable to them. Under such a scheme, offices accept persons wishing to apply for legal aid. There are also some local initiatives related to children, such as in the Paris Bar Association, which has a children's section that answers all youth-related questions. In Belgium, the provision of legal aid to the public, including children, partly depends on legal aid commissions (the main first-line legal aid organisations) and other approved organisations providing first-line legal aid in the French-speaking community. They must ensure the dissemination of

³⁷ European Union Agency for Fundamental Rights, *supra* note 27.

information on the existence and conditions of legal aid. Lawyers also play an important role in informing children about secondary legal aid: in Belgium, lawyers are obliged to inform all children who may approach them about this matter. Every lawyer who assumes or knows that a client he or she is consulting meets the conditions for second-degree legal aid has an ethical duty to inform the client. In Spain, the Bar of each city is responsible for free legal aid and provides information on this matter.

Furthermore, across Europe, social services, various NGOs, and local associations provide information on legal aid for children. For instance, in Sweden, the social services during the legal process usually inform a child and his or her parents about the child's rights, including legal aid. In Germany, the Federal Association for the Protection of Children (*Der Kinderschutzbund*), made up of various local and regional associations, offers free legal advice from experienced lawyers.

However, during the "LA CHILD" project's research, no nationwide information campaigns on legal aid for children were found in the countries surveyed. Nevertheless, some interesting practices to ensure that more children would have access to this information could be highlighted. For instance, in Finland, all Finnish secondary school students participate in lectures on the Finnish legal system during social studies lessons. In Albania, the Directorate of Free Legal Aid (the administrative body responsible for coordinating local legal aid services) is tasked to run information campaigns on the legal aid system and procedures. In Hungary, information is provided through leaflets and posters, which are publicised by state-funded organisations in certain institutions, informing children about possible ways to obtain legal aid when needed. In addition to that, information on the availability of legal aid can be found on websites in many countries. For instance, in Sweden, social services have a website with limited information on legal aid. In Austria and Belgium, information on legal aid for children is also available on the websites of organisations and institutions. In Spain, information on each autonomous community is available on its government website. In Lithuania, leaflets on legal aid for children can be found online and printed. However, those materials are child-friendly only to a limited extent. As a result, while information on legal aid accessibility is available in various formats in many countries, the primary focus should be on nationally provided legal education for children, which can ensure legal empowerment and more active and self-informed participation of children in criminal proceedings.

3. SUGGESTIONS FOR IMPROVEMENT: STRENGTHENING THE PROVISION OF INFORMATION ON THE AVAILABLE LEGAL AID IN A CHILD-FRIENDLY WAY

As revealed above, even though European states do have a requirement to inform a child in conflict with the law on the availability of legal aid, and in many cases, laws provide for a mandatory representation of children in conflict with the law (and in addition to that, the possibility of the first-line legal aid exists), further efforts could be made to improve the way in which information on legal aid is presented and the scope of that information. In particular, more attention should be given to the 'child-friendliness' of information and related materials.

3.1. INFORMING OF PROCEDURAL RIGHTS AND THE LETTER OF RIGHTS

The Directive 2012/13/EU on the right to information in criminal³⁸ proceedings requires that suspects or accused persons are provided promptly with information on the right of access to a lawyer and any entitlement to free legal advice and the conditions for obtaining such advice. The Directive requires that this information be given orally or in writing, "in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons". Under Recital 38 of the Directive 2012/13/EU, "the obligation to provide suspects or accused persons with information about their rights in simple and accessible language could be achieved by different means including non-legislative measures such as appropriate training for the competent authorities or by a Letter of Rights drafted in simple and non-technical language so as to be easily understood by a lay person without any knowledge of criminal procedural law". This is a particularly important guideline in the case of vulnerable persons, especially children in conflict with the law. Listing of rights in legal terms, without any additional explanation of their content or how to exercise them, makes it difficult for children to comprehend and use their rights in practice.

According to the research results of the "LA CHILD" project,³⁹ some European countries do have a rule that the right to legal aid must be explained to a child in a way that he or she can understand.⁴⁰ For example, laws in Germany lay down a

³⁸ Directive 2012/13/EU, *supra* note 21.

³⁹ See also the recent FRA report (p. 8; 33–48), where the research and interviews conducted by the FRA also confirm that children and adults often receive information in the same way, for example, in a standard letter of rights. European Union Agency for Fundamental Rights, *supra* note 28.

⁴⁰ With regard to the translation and interpretation, the research results of the "LA CHILD" project revealed that for both adults and children who do not understand the language of the procedure, laws in the countries studied provide that suspects and accused persons should be informed of their rights in a language they understand. As this does not seem to be a problematic issue, it is not analysed in more detail in this paper.

special rule for suspected and accused children, requiring that the instructions given to them must be commensurate with the child's level of development and education. In Ireland, the Children Act states that a child must be given information that he or she has a right to a lawyer and how this right can be exercised, and this should be done taking into account the child's age and level of understanding. In Finland, information should be presented to a child in a manner that is appropriate to his or her age and maturity. Such requirements can also be observed in the Czech Republic, Germany, Greece, Estonia, Hungary, and Portugal.⁴¹

However, in none of the fourteen states where the research of the "LA CHILD" project was carried out, we found the Letter of Rights adapted to children. The report on Belgium clearly stated that in Belgium, the Letter of Rights is the same whether it is given to an adult or a child and is not written in a child-friendly way. A similar situation was observed in Lithuania. In Albania, at the beginning of the conversation with the police officer of the court, a child is given the Letter of Rights. However, again, there is only one such document for both adults and children. This means that the Letter of Rights is not written in a child-friendly language in all these states. In addition to the fact that the adapted Letter of Rights rarely exists in European countries, it is often based directly on the actual wording of the relevant criminal law provisions and is drafted in technical forms containing legal jargon. As a result, it is complicated to comprehend even for many adults.

However, the FRA study identified a promising practice in the Netherlands, England, and Wales.⁴² The Dutch Letter of Rights considers individuals between the ages of 12 and 18 to be minors and is drafted taking into account the young age of the addressee of the document.⁴³ In England and Wales, an easy-read and illustrated version of the Letter of Rights is available for child suspects.⁴⁴ Moreover, in 2019, when implementing the EU Directive 2016/800, Estonia created a template for declaring the rights of children, which explains procedural rights in simple, child-friendly language.⁴⁵ This could be seen as a good practice that could inspire other countries to adopt such a model of preparing Letters of Rights specifically adapted for children.

⁴¹ European Union Agency for Fundamental Rights, *Rights of Suspected and Accused Persons across the EU: Translation, Interpretation and Information* (2016).

⁴² European Union Agency for Fundamental Rights, *supra* note 27.

⁴³ Available at:

<https://www.rijksoverheid.nl/onderwerpen/rechtspraak-en-geschiloplossing/documenten/brochures/2014/10/20/mededelingen-van-rechten-aan-de-verdachte>.

⁴⁴ Available at:

<https://www.gov.uk/government/publications/notice-of-rights-and-entitlements-easy-read>.

⁴⁵ European Union Agency for Fundamental Rights, *supra* note 28.

3.2. CHILD-FRIENDLY LEAFLETS ON THE RIGHT TO A LAWYER AND OTHER MEANS TO REACH CHILDREN

Other types of instruments that could be used to strengthen the accessibility of legal aid to children in conflict with the law are leaflets, guides, posters, and infographics informing children about the availability of legal aid, its scope, and the role of a lawyer. Such instruments, drafted in a child-friendly way and distributed to children in conflict with the law, enable them to learn about their rights and re-read the materials again when needed.

It is important to remember that such instruments should be written in accessible language, avoiding excessive use of technical terminology and explaining the most important more complicated though often used terms, and should be adapted to children. Also, in addition to the information on legal aid, they could explain the main procedural steps, present institutions involved, and provide other handy information. Several such instruments have been developed by researchers in children-rights orientated projects. As an example of a child-friendly leaflet on legal aid to children in conflict with the law, see the guide for minors "Know your Rights" developed by the "LA CHILD" project team⁴⁶ and leaflets developed by the "Child-Friendly JT" project⁴⁷.

It should also be noted that interactive and digital instruments should also be used upon availability. For instance, policy station applications could be developed to digitally deliver information to suspects at the police station.⁴⁸

3.3. THE SPECIALISATION OF LEGAL AID LAWYERS

Another related aspect relevant to the accessibility of legal aid is the ability of a child to approach a lawyer due to the created trust-based relationship.⁴⁹ This highly depends on how a legal aid lawyer approaches, communicates with, and provides services to his or her child client. If a lawyer is well qualified to work with a child, the lawyer will guide the child during the initial meeting by explaining to him or her his or her role and scope of services. In this way, the lawyer will help the child to understand the scope of available legal aid and encourage the child to build trust-based relationships with the lawyer. Indeed, the legal aid lawyer's competence and skills shown during the initial meetings with his or her child client and further communication significantly affect the accessibility and quality of legal aid services.

⁴⁶ Available at: <https://lachild.eu/the-projects/la-child/guidelines-on-legal-aid-for-children/>.

⁴⁷ Available at: <https://www.fundaciondiagrama.es/m/child-friendly-jt/leaflets>.

⁴⁸ For instance, possible use of such instruments was exploited in the projects led by the University of Nottingham. See: <https://www.nottingham.ac.uk/law/people/vicky.kemp>.

⁴⁹ Research conducted in the UK has revealed that children in conflict with the law place a particular weight on relationship-building. Ali Wigzell, Amy Kirby, and Jessica Jacobson, *supra* note 28.

A legal aid lawyer, understanding the vulnerable situation of a child in conflict with the law, should be able to explain to the child, in simple and clear terms, the scope of legal aid, the possibility for the child to get the situation clarified, to ask questions and to be given information in a child-friendly way. As noted in the recent FRA report,⁵⁰ it is also important to take into account the intellectual abilities and language skills of the child, adapting communication according to the needs and vulnerabilities of the persons concerned (the level of maturity, cultural and linguistic barriers, the level of literacy, and any disabilities).

In this regard, the specialisation of legal aid lawyers is important. Many legal acts in European countries require specialisation for professionals working with children in conflict with the law, including lawyers, judges, prosecutors, probation officers, and police officers. In some countries, a 'youth lawyer' category exists, which means that to provide legal aid to children, lawyers have to undergo specific training. Such 'youth lawyers' specialisation exists in Belgium, Finland, Albania, Italy and France. In many countries, however, there is no such special category of 'youth lawyers', and lawyers provide legal aid to children as well as to adults. This is the case for Lithuania, Germany, Austria, the Czech Republic, Ireland, and Poland. The research conducted as part of the "LA CHILD" project revealed several reasons why such a specialised category of 'youth lawyers' providing legal aid to children does not exist in some countries. In Lithuania, for example, the lack of such a specialisation is determined by the low workload associated with minors. Due to the specificity, complexity, and requirement for special knowledge or skills, cases involving minors are not appealing to advocates. Furthermore, there are no differences in payment when providing assistance to an adult or a minor. As a result, lawyers may be unmotivated to assist children and prefer to assist adults.

Overall, the specialisation of lawyers providing legal aid to children in conflict with the law should be encouraged and promoted. International standards stipulate that legal aid lawyers should complete certain initial and ongoing training in order to provide legal aid to a child. Such training should be multidisciplinary and allow professionals to gain knowledge and practical skills in areas such as child psychology, children's rights, communicating with children, and juvenile justice.⁵¹

⁵⁰ European Union Agency for Fundamental Rights, *supra* note 28, 8.

⁵¹ UN Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems provide that legal aid providers representing children should receive "basic interdisciplinary training on the rights and needs of children" and "ongoing and in-depth training and be capable of communicating with children at their level of understanding" (Guideline 11).

CONCLUDING REMARKS

For legal aid to be accessible to children, it is not enough just to formally pass on information about the availability of legal aid to a child. A crucial but challenging task is to ensure that the right to legal aid and its content are adequately explained to children. This requires complicated legal information to be conveyed in a language that children can comprehend. Therefore, a person providing information to a child, documents informing of procedural rights or other child-orientated materials should use clear and simplified language, avoid complicated legal terminology, and take into account the child's age. Child-friendly materials and visual aids should be used where possible, and modern interactive technologies should be employed where the situation allows.

There is a lack of child-orientated materials that would inform children in conflict with the law of their procedural rights. While there have been private initiatives, in particular through various research projects, state bodies so far have been slow in approving and using leaflets, guides, and other instruments tailor-made for children in conflict with the law. Moreover, particular attention should be paid to the need to develop and put into practice a child-friendly Letter of Rights as most countries use the same document for adults and young people. This would ensure that children are more aware of their rights, more involved in the process, and more confident in using legal aid services.

To increase access to legal aid services and improve the effectiveness of assistance for children, it is also necessary to enhance competencies of legal aid providers. Specialisation for legal aid lawyers should be encouraged. Lawyers working with children should receive targeted training on inter alia, juvenile justice, the vulnerability of children, their specific needs, and communication in a child-friendly and understandable manner.

Hence, the goal of improving access to legal aid for children in conflict with the law should be approached from various directions. One of the directions is the provision of information on legal aid in a child-friendly and age-appropriate manner, which should be considered not only as a mean to increased access to legal aid for children but also as a key to more effective children's engagement and participation in proceedings. Another direction is strengthening children's legal education through national campaigns incorporated in schooling programs and dissemination of child-friendly materials, which would allow children to deepen their understanding of the legitimacy of laws and legal procedures, as well as to foster their legal empowerment. Finally, training and specialisation of legal aid lawyers and other professionals could

contribute to the timely and effective provision of legal and further appropriate assistance to children in conflict with the law.

BIBLIOGRAPHY

1. A'Court, Bethany, and Raymond Arthur. "The Role of Lawyers in Supporting Young People in the Criminal Justice System: Balancing Economic Survival and Children's Rights." *Journal of Social Welfare and Family Law* 42, no. 4 (1 October 2020): 498–515 // <https://doi.org/10.1080/09649069.2020.1837517>.
2. Committee of Ministers of the Council of Europe. *Guidelines on Child-Friendly Justice*. Council of Europe Publ., 2011.
3. Daly, Aoife. "No Weight for 'Due Weight'? A Children's Autonomy Principle in Best Interest Proceedings." *The International Journal of Children's Rights* 26, no. 1 (7 March 2018): 61–92 // <https://doi.org/10.1163/15718182-02601012>.
4. Daly, Aoife, and Stephanie Rap. "Children's Participation in Youth Justice and Civil Court Proceedings." In: Ursula Kilkelly and Ton Liefaard, eds. *International Human Rights of Children International Human Rights*. Springer Nature, 2018 // https://doi.org/10.1007/978-981-10-3182-3_14-1.
5. European Union Agency for Fundamental Rights. *Child-Friendly Justice. Perspectives and Experiences of Professionals on Children's Participation in Civil and Criminal Judicial Proceedings in 10 EU Member States*. Luxembourg: Publications Office of the European Union, 2015.
6. European Union Agency for Fundamental Rights. *Children as Suspects or Accused Persons in Criminal Proceedings: Procedural Safeguards*. LU: Publications Office, 2022 // <https://data.europa.eu/doi/10.2811/970469>.
7. European Union Agency for Fundamental Rights. *Rights of Suspected and Accused Persons across the EU: Translation, Interpretation and Information*. 2016.
8. Liefaard, Ton. "Access to Justice for Children: Towards a Specific Research and Implementation Agenda." *The International Journal of Children's Rights* 27, no. 2 (10 May 2019): 195–227 // <https://doi.org/10.1163/15718182-02702002>.
9. Liefaard, Ton, Stephanie Rap, and Apollonia Bolscher. *Can Anyone Hear Me? Participation of Children in Juvenile Justice: A Manual on How to Make European*

- Juvenile Justice Systems Child-Friendly*. International Juvenile Justice Observatory, 2016.
10. Limantė, Agnė, Rūta Vaičiūnienė, and Jolanta Apolevič. "Child-Friendly Legal Aid and Individual Assessment of Children in Conflict with the Law: Building the Basis for Effective Participation." *International Journal of Environmental Research and Public Health* 19, no. 1 (21 December 2021): 1–17 // <https://doi.org/10.3390/ijerph19010017>.
 11. Limantė, Agnė, and Artūras Tereškinas. "Definition of Vulnerable Groups": 3–27. In: Agnė Limantė and Dovilė Pūraitė-Andrikienė, eds. *Legal Protection of Vulnerable Groups in Lithuania, Latvia, Estonia and Poland*. European Union and Its Neighbours in a Globalized World 8. Cham: Springer International Publishing, 2022 // https://doi.org/10.1007/978-3-031-06998-7_1.
 12. Rap, Stephanie. "A Children's Rights Perspective on the Participation of Juvenile Defendants in the Youth Court." *International Journal of Children's Rights* 24 (2016): 93–112.
 13. Rap, Stephanie, and Katrien F. M. Klep. "Child Participation as the Holy Grail: Effective and Meaningful Participation in Judicial Proceedings?": 161–181. In: Claire Boost, Andrea Broderick, Fons Coomans, and Roland Moerland, eds. *Myth or Lived Reality: On the (In)Effectiveness of Human Rights*. The Hague: T.M.C. Asser Press, 2021 // <https://doi.org/10.1007/978-94-6265-447-1>.
 14. Rap, Stephanie, Denise Verkroost, and Mariëlle Bruning. "Children's Participation in Dutch Youth Care Practice: An Exploratory Study into the Opportunities for Child Participation in Youth Care from Professionals' Perspective." *Child Care in Practice* 25, no. 1 (2 January 2019): 37–50 // <https://doi.org/10.1080/13575279.2018.1521382>.
 15. Rap, Stephanie, and Daniella Zlotnik. "The Right to Legal and Other Appropriate Assistance for Child Suspects and Accused. Reflections on the Directive on Procedural Safeguards for Children Who Are Suspects or Accused Persons in Criminal Proceedings." *European Journal of Crime, Criminal Law and Criminal Justice* no. 26 (2018): 110–131.
 16. Sanz-Caballero, Susana. "Towards a Uniform and Informed Interpretation of the Best Interests of the Child by the Judiciary: Inter-American and European Jurisprudence." *The International Journal of Children's Rights* 29, no. 1 (7 January 2021): 54–77 // <https://doi.org/10.1163/15718182-28040009>.
 17. UNICEF. "Guidelines on Child-Friendly Legal Aid" (2018) //

<https://www.unicef.org/eca/media/5171/file>.

18. Wigzell, Ali, Amy Kirby, and Jessica Jacobson. *The Youth Proceedings Advocacy Review: Final Report*. London, UK: Bar Standards Board, 2015 // <http://www.icpr.org.uk/publications-team/courts,-sentencing-and-attitudes-to-justice/the-youth-proceedings-advocacy-review-final-report.aspx>.

LEGAL REFERENCES

1. *Charter of Fundamental Rights of the European Union*. OJ C 326, 26.10.2012, p. 391–407.
2. *Directive (EU) 2016/1919 of the European Parliament and of the Council of 26 October 2016 on legal aid for suspects and accused persons in criminal proceedings and for requested persons in European arrest warrant proceedings*. OJ L 297, 4.11.2016, p. 1–8.
3. *Directive (EU) 2016/800 of the European Parliament and of the Council of 11 May 2016 on Procedural Safeguards for Children Who Are Suspects or Accused Persons in Criminal Proceedings*. OL L 132, 2016 5 21, p. 1–20.
4. *Directive 2012/13/EU of the European Parliament and of the Council of 22 May 2012 on the right to information in criminal proceedings*. OJ L 142, 1.6.2012, p. 1–10.
5. *Directive 2013/48/EU of the European Parliament and of the Council of 22 October 2013 on the right of access to a lawyer in criminal proceedings and in European arrest warrant proceedings, and on the right to have a third party informed upon deprivation of liberty and to communicate with third persons and with consular authorities while deprived of liberty*. OJ L 294, 6.11.2013, p. 1–12.
6. *Panovits v. Cyprus*. ECtHR, 11 March 2009, appl. No. 4268/04.
7. *Sahin v. Germany*. ECtHR, 8 July 3003, application No. 30943/96.
8. *Salduz v. Turkey*. ECtHR, 27 November 2008, appl. no. 36391/02.
9. *T v. UK*. ECtHR, 16 December 1999, appl. no. 24724/94.
10. *United Nations Convention on the Rights of the Child*. 1989.
11. *United Nations Principles and Guidelines on Access to Legal Aid in Criminal Justice Systems*. 2012.