

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

*Article 12*

**Specific treatment in the case of deprivation of liberty**

1 Member States shall ensure that children who are detained are held separately from adults, unless it is considered to be in the child's best interests not to do so.

2 Member States shall also ensure that children who are kept in police custody are held separately from adults, unless:

- a it is considered to be in the child's best interests not to do so; or
- b in exceptional circumstances, it is not possible in practice to do so, provided that children are held together with adults in a manner that is compatible with the child's best interests.

3 Without prejudice to paragraph 1, when a detained child reaches the age of 18, Member States shall provide for the possibility to continue to hold that person separately from other detained adults where warranted, taking into account the circumstances of the person concerned, provided that this is compatible with the best interests of children who are detained with that person.

4 Without prejudice to paragraph 1, and taking into account paragraph 3, children may be detained with young adults, unless this is contrary to the child's best interests.

5 When children are detained, Member States shall take appropriate measures to:

- a ensure and preserve their health and their physical and mental development;
- b ensure their right to education and training, including where the children have physical, sensory or learning disabilities;
- c ensure the effective and regular exercise of their right to family life;
- d ensure access to programmes that foster their development and their reintegration into society; and
- e ensure respect for their freedom of religion or belief.

The measures taken pursuant to this paragraph shall be proportionate and appropriate to the duration of the detention.

Points (a) and (e) of the first subparagraph shall also apply to situations of deprivation of liberty other than detention. The measures taken shall be proportionate and appropriate to such situations of deprivation of liberty.

Points (b), (c), and (d) of the first subparagraph shall apply to situations of deprivation of liberty other than detention only to the extent that is appropriate and proportionate in the light of the nature and duration of such situations.

6 Member States shall endeavour to ensure that children who are deprived of liberty can meet with the holder of parental responsibility as soon as possible, where such a meeting is compatible with investigative and operational requirements. This paragraph shall be without prejudice to the nomination or designation of another appropriate adult pursuant to Article 5 or 15.