

KNOW YOUR RIGHTS

GUIDE FOR MINORS WHO ARE SUSPECTED,
ACCUSED OR CONVICTED OF AN OFFENCE



TEMPLATE FOR ORGANISATIONS WHO WISH TO
ADAPT THIS GUIDE TO THEIR NATIONAL CONTEXT



 *Instruction for the writer: translate and complete the following text:*

*This Guide was developed implementing the project Legal aid for children in criminal proceedings: developing and sharing best practices (LA Child). The project is funded by the Justice program of the European Union (2014–2020). The content of this guide does not necessarily reflect the position of the European Commission and thus does not imply in any way its endorsement of the views expressed in this report. Any inaccuracies or errors in this document may only be attributed to the authors of this guide. © 2020-2021, “LA CHILD” project. www.lachild.eu
The present version was adapted based on the common template by:*

.....

HOW TO ADAPT THIS GUIDE TO YOUR NATIONAL CONTEXT?

We invite you to use the present Guide as a template in order to develop a “Guide for minors who are suspected, accused or convicted of an offence” which is adapted to your national context. Throughout the document you will find dedicated spaces to enter information on the rights of these children and “instructions for the writer”. These instructions will guide you through the development of this document adapted to children.

First of all, you should open this PDF using Adobe or any other software which enables you to modify a PDF document. Secondly, complete the document following step-by-step the “instructions for the writer” - these are all written in italic and preceded by a small symbol representing a writer’s pen. Finally, delete all the “instructions for the writer” and leave only information which young people will read. The font, colour and size of the text to be used is either that of the text to be replaced or that of the lines of dots that indicate that you should include text. You will certainly need to download fonts.

You can find detailed step-by-step instructions and example of finalized Guides on the project website: <https://lachild.eu/the-projects/la-child/guidelines-on-legal-aid-for-children/>

Instructions for the writer:

- You must replace the titles on the cover page. The titles should be tailored to young people. If you think they already are adapted to your national context, you can translate the English titles, but keep in mind that a more suitable title might be more appropriate to fit the local context. On the cover page, replace the sentence “Template for organisations who wish to adapt this guide to their national context” by the name of your country and its flag.
- After reading this page, delete it entirely (not only the text, you have to delete the page itself).
- We strongly recommend all professionals who would like to adapt this document to their national context to:
 - draft it using the step by step guide available on the website of the project www.lachild.eu;
 - submit it for a review to a lawyer working with children on a daily basis, who will comment on your draft and help you verify that the information you give to children fit with the practices;
 - submit it to children in conflict with the law to collect their input and advice on it;
 - finalise it and send it to the LA Child project partners:
info@defensedesenfants.be


 *Instruction for the writer: translate the following introduction.*


Finding yourself in the position of being a suspect, accused or convicted of an offence is a hard moment in life. This is especially true if you are not yet an adult. Many questions and doubts arise, and a feeling of insecurity is typical. You are not very familiar with the institutions which approach you, the procedures might seem complicated, you do not know what the future will bring, and how you can be sure that your rights are observed?


This Guide seeks to bring you some clarity. In particular, it explains your right to a lawyer – a person who can help you understand the legal rules applicable to your situation.





1. WHAT ARE MY RIGHTS?


 *Instructions for the writer: Here, some important children's rights are reiterated. We advise the writer to translate them in their language and adapt it to their national context if needed.*


 **Right to equal treatment (without any discrimination):** No matter where you live, whether you are a boy or girl, what language you speak, or what your religion is, etc. - you have the right to be respected and to have all the rights listed below respected.


 **Protection of privacy:** You have a right to privacy. Your legal situation is nobody's business but your own. Whether you are arrested or in court, no one is allowed to post any information related to your name or any of your personal information about you or family, nor any picture on social media, on the Internet or in the newspapers.

 **Protection of the best interests of the child:** When adults take decisions about you, they should consider how it can affect you and your life and do what is in your "best interests". When a decision is being made, your rights must be strictly respected, and all your needs and your situation must be taken into account.

 **Right to information:** You have the right to be informed of your rights and regarding the decisions which can affect you in a way which enables you to fully understand it all.


 **Right to participation:** You have the right to be heard and express freely your views regarding decisions which affect you. Adults must take them seriously.

 **Right to a lawyer:** You have the right to have a lawyer who will assist and represent you – you'll find more information page 8.

 *Instructions for the writer: translate the text in the speech bubble*

**JUSTICE SHOULD BE ADAPTED
TO CHILDREN'S SPECIFIC
SITUATION AND NEEDS!**

2. WHAT ARE MY RIGHTS WHEN I AM IN A POLICE STATION?

 *Instructions for the writer: taking into account your national law regarding the rights of children in conflict with the law, respond to the following questions or translate the text. Remember that each answer must be written in a language adapted to teenagers.*

If the police interrogate you as a suspect, you might be in two different situations:



you are interrogated by the police but you can leave if you want. You are free.

Or




you are interrogated by the police and you are in custody, you have been arrested. You are deprived of liberty.




If you are not sure if you are free to leave or not, ask the police officer or your lawyer.


CAN I CALL MY PARENTS OR ANOTHER PERSON?

 *Instructions for the writer: by answering this question you must answer to the following: how and where can I inform my parents that I have been arrested? The right might be different if the child is deprived of liberty or not - provide a clear and precise answer addressing these two situations if different.*

CAN I HAVE MY PHONE BACK AND ACCESS THE INTERNET?


 *Instructions for the writer: The answer might be different if the child is deprived of liberty or not, provide a clear and precise answer addressing these two situations if different.*

WHY AM I HERE?

 *Instructions for the writer: translate the present answer, if your national legislation says something different or more you can add a sentence/modify this one when translating it.*

You have the right to be advised of the offence concerning which you will be interrogated. If you do not know it, you can ask the police officer.


AM I OBLIGED TO RESPOND TO ALL THE QUESTION THE POLICE ASK ME?

 *Instructions for the writer: translate the present answer, if your national legislation says something different or more you can add a sentence/modify this one when translating it.*

No, if you cannot or do not want to, you are not obliged to respond to the questions the police ask you. If you do not know the answer to the question


they ask, do not make up an answer. You have the right to remain silent!

SHOULD I / CAN I SPEAK WITH A LAWYER?

 *Instructions for the writer: answer shortly and send to the next pages which specifically refers to the lawyer.*


.....

I DO NOT SPEAK VERY WELL SHOULD I / CAN I SPEAK WITH A LAWYER?

 *Instructions for the writer: answer shortly and indicate how the child can access an interpreter and if it is free or not.*


.....

CAN I LEAVE?

 *Instructions for the writer: translate the present answer, if your national legislation says something different or more you can add a sentence/modify this one when translating it.*


If you are not detained, you are allowed to leave the police station if you want to. If you are not sure if you are detained or not, ask the police officer or your lawyer (if you already have one).

HOW LONG CAN THEY KEEP ME DETAINED IN THE POLICE STATION?

 *Instructions for the writer: Answer shortly to this question and explain if the child can be detain longer where he/she can be send.*


.....

CAN I SEE A DOCTOR?

 *Instructions for the writer: answer shortly and indicate how the child can have access a doctor and if it is free or not. The answer might be different if the child is deprived of liberty or not, provide a clear and precise answer addressing these two situations if different.*

.....

YOU HAVE OTHER RIGHTS DURING THE HEARING

 *Instructions for the writer: shortly and using bullet points, write what are the other rights of the child during police hearing in your country.*


.....

.....



3. CAN I HAVE A LAWYER? (IS IT FREE?)


CAN I HAVE A LAWYER?

 *Instructions for the writer: translate the following information and/or adapt it to your national context.*

Yes! If you are under 18 (or were under 18 when the offence occurred) and you are suspected or accused of an offence, you have the right to have a lawyer at every stage of the procedure.

- You have the right to meet a lawyer before being questioned by the police and your lawyer must be present during the hearing
- You have the right to meet your lawyer before every hearing with the youth judge. Your lawyer must be present whenever you meet a judge.

WILL I NEED TO PAY FOR THE LAWYER OR IS IT FREE?

 *Instructions for the writer: answer shortly but also in the more precise way you can.*


.....

I DO NOT HAVE A LAWYER, HOW CAN I FIND ONE?

 *Instructions for the writer: answer shortly but also in the more precise way you can.*

.....


I THINK I HAVE A LAWYER, HOW CAN I REACH HIM/HER?

 *Instructions for the writer: answer shortly but also in the more precise way you can.*

.....



4. WHO IS MY LAWYER? WHAT IS HIS/HER ROLE?

 *Instructions for the writer: based on your national legislation and context, translate these bullet points or write new ones to explain to the youth who is the lawyer and what is his/her role. You can delete some frames if it is too much information. On the following page, translate the text in the speech bubble and on the card.*

**YOUR LAWYER REPRESENTS
YOU, NOT YOUR PARENTS**

**YOU CAN TRUST YOUR LAWYER.
HE/SHE IS OBLIGED TO KEEP
WHAT YOU SAY SECRET.**

**YOUR LAWYER MUST EXPLAIN
YOU WHAT YOUR RIGHTS ARE
AND WHAT WILL HAPPEN IN
THE PROCEDURE.**

**YOUR LAWYER HAS TO CHECK
THAT YOUR RIGHTS HAVE BEEN
RESPECTED. IF YOU THINK THEY
WERE NOT, YOU CAN SAY SO.**



**YOUR LAWYER WILL HELP YOU
PREPARE MEETINGS WITH THE
POLICE OR THE JUDGE AND
GIVE YOU ADVICE.**

**YOUR LAWYER IS YOUR
SPOKESPERSON: HE/SHE WILL
HELP YOU KNOW WHAT YOU
WANT TO SAY TO THE JUDGE
AND HELP YOU SAY IT.**

**IF YOU HAVE A QUESTION, YOU
CAN ASK HIM/HER.**

WHO IS MY LAWYER?

Name:

How can I contact him/her?

Phone/WhatsApp number:

Other:

CAN I CHANGE LAWYER?

*IT IS IMPORTANT FOR YOU TO COLLABORATE WITH YOUR
LAWYER!*


*BUT YOU HAVE THE RIGHT TO CHANGE LAWYER IF YOU DO
NOT TRUST YOUR LAWYER ANYMORE OR IF YOU HAVE A SERI-
OUS REASON TO BE UNHAPPY WITH HIS/HER WORK.*

*IN ORDER TO CHANGE LAWYER, YOU HAVE TO ASK TO THE
LEGAL AID OFFICE WHO FIRST APPOINTED YOUR LAWYER
(YOU CAN FIND THEIR PHONE NUMBER ON PAGE 20).*



5. WHO'S WHO?

PRESENTATION OF THE DIFFERENT PROFESSIONALS YOU WILL MEET

 *Instructions for the writer: based on your national legislation, make a simple presentation of the professionals of juvenile justice he/she may meet during the procedure. If it's possible, try to describe the actors depending on the order of appearance in the procedure. Make sure you are as concise and clear as possible. If necessary, you can enlarge the frames a little. Translate or adapt to your national context the description of the role of the parents or legal guardian.*

4 PROFESSIONALS YOU WILL MEET



The Police:.....

The Prosecutor:.....



The Youth Judge:.....

The Lawyer:.....

Find more information on the lawyer see page 10.




OTHER PEOPLE AND SERVICES YOU MAY MEET

 The Interpreter:.....

..... 




..... 

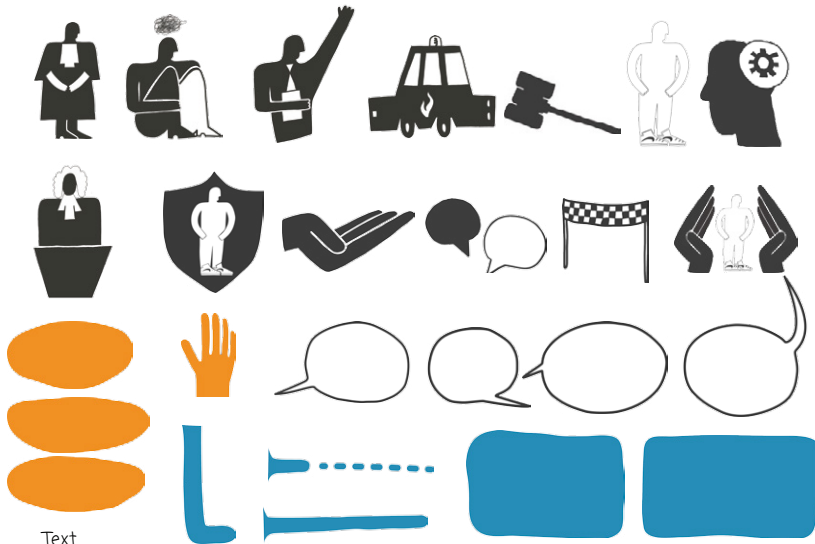
Your parents or legal guardian(s): They must be notified at the beginning of the procedure, i.e. at the time of your arrest and/or hearing. If you have caused damage, they will have to pay for it.

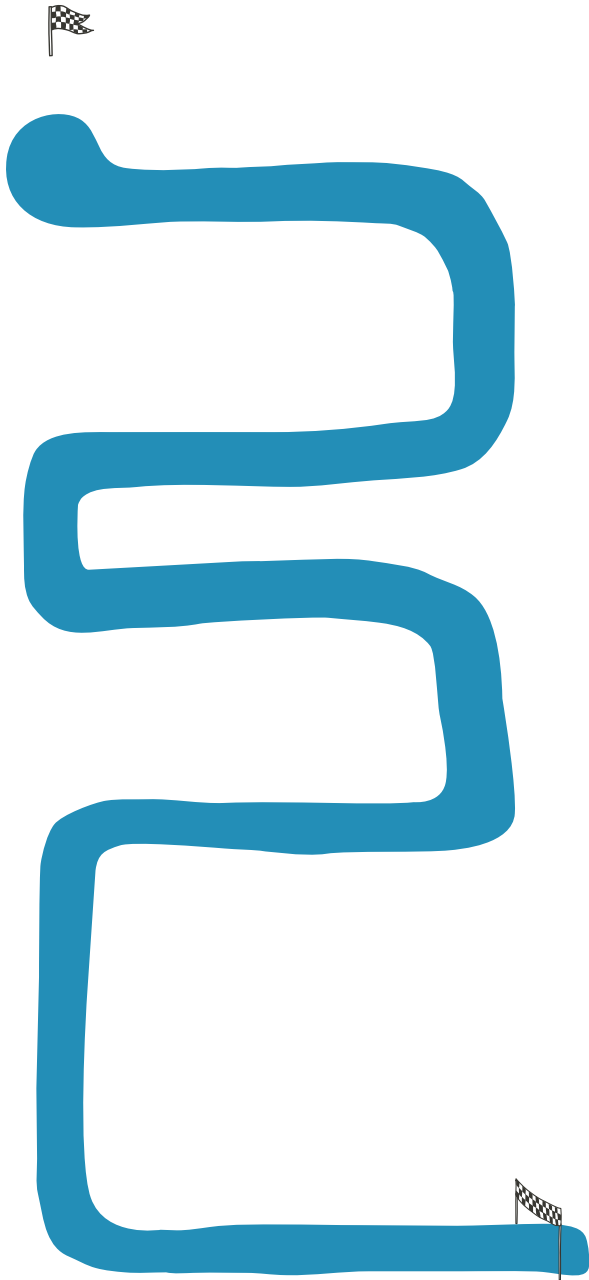


6. WHAT CAN HAPPEN NEXT?


PRESENTATION OF THE PROCEDURE AND POSSIBLE PENALTIES

 *Instructions for the writer: based on your national legislation, complete the following schema. This document aims at being read by young person themselves but we also think this particular page can be used by lawyers who want to explain the procedure and next steps to their young client. Here we propose a visual with only key information and further explanations on the following pages. Complete the path on the opposite page copying/pasting the symbols below: characters, road exits, speech bubbles. Use the "text" to indicate the name of the characters and some indications, be careful not to put too much information. When your schema is completed, delete the unused patterns from this page.*





EXPLANATIONS

 *Instructions for the writer: Use these two pages to explain the procedure in a simple and concise way. These explanations accompany your diagram*

.....

7. WHAT DOES ... MEAN? DICTIONARY



Instructions for the writer: based on your national legislation, give the definition of 3-5 words that are important.

.....

8. SOME CONTACT DETAILS YOU MAY NEED




Instructions for the writer: make a list of the key contacts that may be interesting for the child to know about. Indicate a website and a phone number.

.....

 *Instruction for the writer: delete the following sentence.*

**Registration number at the Royal Library of Belgium:
D/2021/14.132/5D. ISBN: 978-2-931126-11-0.**

LA CHILD

 *Instructions for the writer: translate and complete the following texts. You can add your logo but do not delete the ones already on the page.*

The template for this document was developed in English in the framework of the LA Child project coordinated by the Law Institute of the Lithuanian Centre for Social Sciences, Defence for Children International (DCI) – Belgium and the Centre of Integrated Legal Services and Practices (Albania).

The present [language] version for [country] was developed by

.....



The project is funded by the Justice Programme of the European Union (2014 – 2020)

