

RIGHTS OF CHILDREN*

in contact with criminal justice and mainly
in relation to individual assessment

*those below the age of 18

Children's rights in criminal proceedings

Official proceedings are always full of concepts that may be new to you. That is why we have tried to explain to you in this leaflet in simple terms what you are entitled to. But don't be afraid to ask questions if you don't understand something.

 **Everyone has rights,
no matter how old they are.**

These rights therefore apply both to people aged 15-18, who are criminally liable and to those under the 15 years of age who are not yet criminally liable.

You can exercise your rights even if someone from the police, a public prosecutor, a judge, or even a social worker or probation officer speaks to you.



SOME OF THE RIGHTS YOU MIGHT WANT TO EXERCISE ARE:

- ▶ **YOU HAVE THE RIGHT** to be heard and to take an active part in the proceedings, you have the right to express your views and your views should be taken seriously into account.
- ▶ **YOU HAVE THE RIGHT** not to testify (that is, you don't have to talk about things you don't want to talk about - for example, when it's too difficult for you or you feel like endangering someone close to you - mom, dad, siblings, etc.).
- ▶ **YOU HAVE THE RIGHT** to information about criminal proceedings / proceedings on an allegedly illegal act [*in Czech: čin jinak trestný*]- that is, about what to expect. Feel free to ask anything you would like to know about the proceedings.

► **YOU HAVE THE RIGHT** to be represented by a lawyer (attorney) from the first contact with the police.

- **A lawyer is very important during the questioning by the police:** the lawyer can advise and assist you throughout the investigation of whether you have committed a criminal offense in order to protect your rights.
- **If you are under 15,** you must remind the police officers of your right to have a lawyer. Your parents or other close relatives can help you choose one.
- **If you are over 15,** the police must provide you with a lawyer. You can choose one yourself. If you don't, it's chosen by the court (so if you don't know one, don't have one of your own, or don't know which one to choose, you can leave it to the court).



DON'T BE AFRAID TO SPEAK UP - you can ask about anything you don't understand. Don't worry, you can't ask a stupid question... On the contrary, your voice and your involvement are important, and neither the prosecutor nor the court can decide without you. In addition, you can influence how the whole procedure turns out. So it's not good to just wait for the result of the proceedings. Of course, you can choose to do this, but if you are not active, the decision will be made without you and you will not influence how it is finally decided and what measure will be imposed on you.



It is clear that you may not have an exact idea of how to get involved, but who can help you are:

- a lawyer
- your parents
- someone from your surroundings whom you trust
- a social worker

Individual assessment

- During the proceedings, most often at the very beginning, the so-called individual assessment is prepared - it is most often drawn up by a social worker.
- Individual assessment helps those who will decide about your case (prosecutor, judge) to get to know you. If they come to the conclusion that you have actually committed an illegal act/a crime, then they can come up with measures as "tailor-made" as possible

(that is, to make them as comfortable as possible for you). However, this is still a measure, so the final decision may not be as you imagine. However, it may be such that it prevents you as little as possible from what you like to do, for example, from the studies you would be interested in.

- ▶ The purpose of an individual assessment is not to investigate or punish, but rather to help you and give you space to talk about how you see it. It's not so much about what happened - the police are investigating. You don't have to be afraid to talk openly with the social worker about:
 - What are your plans for the future, e.g. if you plan to go somewhere to school and where. Your other expectations and dreams are also important.
 - What you enjoy and are interested in. It does not have to be an official hobby, for example, that you go to a club. What matters is what makes you happy.
 - What you have problems with, what annoys you, or what you are worried about.
- ▶ It is also important to pay attention to what you would need when contacting the police, the public prosecutor or the judge. Don't be afraid to talk about what you are worried about or what you don't understand and what you would need to feel better about it all. You can say this to the social worker, or directly to the police, the prosecutor, or the judge. The police, the prosecutor or the court may not be able to accommodate everything, but it is always a good idea to ask. Maybe it will be something that will not be a problem at all and it can help you feel at least a little better in a difficult situation. For example, you may need to ensure that someone close to you accompanies you. The police, the public prosecutor or the court may be able to accommodate your wishes and needs, at least to some extent. However, this does not mean that you have to talk about anything you would prefer not to. Don't feel compelled to talk about anything that you feel uncomfortable about revealing.
- ▶ The social worker will usually also look for other news about you, e.g. from school or from a doctor. They need to report to the court as accurately as possible about how you are doing, so that they can make the right decision. When you are involved in the whole process, they will not have to look for information as much as if you do not cooperate.

PRÁVA

Of course, you have the right to read the report (even if you do not cooperate) and you have the right to comment on what is written in it. What you say about the report should be recorded by the social worker in the report. If the social worker does not do so, you can give your opinion to the police, the public prosecutor or the court - a lawyer, parent, or even another social worker will help you with that.

Glossary

CRIMINAL LIABILITY: is from the age of 15 in the Czech Republic and Slovakia and it means that for illegal things that a person commits, they can be tried and sent to prison. Even children under the age of 15 are responsible for their illegal acts and can be brought to justice for them. However, they cannot be sent to prison.

CRIMINAL PROCEEDINGS: is a procedure for solving a criminal offense, ie from the investigation of the fact that it was committed to the judgment of the court. For children under the age of 15, court proceedings are called «otherwise criminal proceedings».

LAWYER (OR ATTORNEY): in this text, it means the person who represents the suspect of having committed a crime. He knows the law and his role is to protect the rights of the person he represents.

PUBLIC PROSECUTOR: represents the State because crimes are generally considered to be offences against the public and therefore against the State. They oversee whether the police are doing the right thing, in some cases deciding not to go to court, otherwise they are proposing to the court what action should be imposed on a suspect.

SOCIAL WORKER: worker of the so-called «social worker», ie the body of social and legal protection of children. The social worker from the office is usually present, for example, at your interrogation, other acts in which you participate in the police, or at court proceedings. Usually it is he / she who prepares a report on you for the public prosecutor or the court. For this reason, he will want to meet you on his own and talk. His / her task is not to investigate what happened, he is more interested in how you live, what you enjoy, what you need, etc.

PROBATION OFFICER (PROBATION AND MEDIATION SERVICE OFFICER): His / her role is different before and after the court decision. Before the court decides, they can try to contact you with an offer of cooperation, or you can also try to contact him / her (your parents can help you with that, or maybe a lawyer, or a social worker from «low threshold», etc.). If you really do commit a crime and regret it, it can help you find ways to fix what happened. Sometimes there may be an encounter with the victim, but only if you and the victim agree (so-called mediation). Or there may be a discussion of what to do next, in a joint meeting with your parents, etc. (so-called restorative group conferences). Following

a court decision, the probation officer is often the one who is to supervise how you are doing to meet the obligations or restrictions imposed. At the same time, the officer can help and advise you with what you are currently dealing with, eg at school, in the family, when looking for a job, etc.

MEASURE - a measure is a collective term for obligations or restrictions that a court may impose on you if it finds that you have actually committed an illegal act. The measures may be varied - for example, you may be required to live with your parents, pay a reasonable amount of money at once or in installments, submit to a program for children and young people, visit a probation officer on a regular basis (so-called probation supervision), or for example, the obligation to remain in a children's home with a school or educational institution, or in prison (in the case of children over 15 years of age). Some measures can be imposed on children above the age of 15 before a court decision, but only if they themselves agree. These are measures that do not involve placement in an institution or in prison. Otherwise, the measure must always be decided by a court. There is always an option to appeal against such a decision of a court. A lawyer or someone you trust can help you write the appeal.

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