

Questions and Answers: Your rights if you are in conflict with the law

I. WHO IS THIS FOR?

These **Questions and Answers** are for children and their families. A child is anyone below the age of 18 years. This document explains what can happen if you are a child who is in conflict with the law and what your rights are.

II. WHAT DOES IT MEAN IF A CHILD IS “IN CONFLICT WITH THE LAW”?

A child is said to be “in conflict with the law” when they are suspected or accused of breaking the law. This means that the police or other authorities think the child may have done something that is not allowed by law. It does not mean that the child has been found guilty.

III. WHAT HAPPENS IF I AM IN CONFLICT WITH THE LAW?

If the police think you have done something illegal, this is what can happen:

1. When the police think you have done something illegal, they can **ask questions**.
2. Depending on the situation, the police may ask you to come to the station, or in some cases they may arrest you. This can happen even before a formal decision is made about your case.
3. From the first contact with the police, you have the **right to a lawyer**, who will explain and protect your rights.



4. You may also meet a **social worker** or a **probation officer**. They will want to understand more about you, your life, and how to support you.

5. Sometimes, your case can be dealt with **without going to court**. This is called **diversion**. For example, you might join a programme that helps you or agree to certain activities instead of going to trial.

6. If you are formally accused of a criminal offence, your case may go to court. A judge will listen to what the authorities say happened and will also hear your side. You have the right to understand the case against you, to respond, and to have a fair hearing before any decision is made. Your case should also be dealt with as quickly as possible.



The judge will then decide **whether you did what you are accused of or not**.

- If the judge decides that you did **not** do it, the case ends.
- If the judge decides that you **did** do it, they will then decide what should happen next.

This decision is called a **sentence**.

When deciding what should happen next, the judge must always think about **what is best for you as a child**.

This can be something to help you, like staying at home with support or supervision, or going to special programmes. But it can also be a consequence, such as paying a fine, doing work without pay, staying in a special school or home, or, in very serious cases, being sent to juvenile detention.

Taking away a child's freedom (for example, placing them in a closed facility) must **only be used as a last option, and for the shortest time possible**.

7. You can always **appeal**. This means asking another court to look at the decision again.





Right to stay silent



Right to be heard

IV. YOUR BASIC RIGHTS

• Will someone explain what is happening and what my rights are?

Yes. You have the right to be told **what is happening and what your rights are** from the start.

Someone must explain:

- why you are being stopped, arrested or detained,
- what you are accused of,
- and what evidence there may be against you.



You must also be **informed of your rights at each stage of the process**.

All this should be explained in a way that you can understand. Do not be afraid to ask questions — all your questions are important.

• Can I speak during the procedure?

Yes. You have the **right to be heard** and to share what you think and feel at all stages of the procedure, from the first arrest by the police. What you say matters and should be taken seriously.

• Do I have to answer every question?

No. You have the right to **stay silent**. This means you do not have to answer questions if you do not want to.

Before asking you questions, the police or other authorities should tell you that you have this right and explain what it means.

Your lawyer can help you understand the situation and advise you on whether it is better to answer questions or to stay silent at that moment.

- **Can I wait before answering questions or have someone with me?**

Yes. You have the right to **speak to a lawyer before answering questions** and to have your lawyer with you during questioning. In many cases, **a parent or another trusted adult** can also be there to support you.

Even after speaking with your lawyer, you can still decide whether to answer questions or remain silent. Your lawyer can help you understand what is best in your situation.



V. WHO CAN HELP ME?

- **Who can help me?**

Several people can help you. A lawyer, a social worker, your parents or another trusted adult can support you. You can also contact the children's ombudsperson (see below under question "*What is the ombudsperson and how can they help me?*").

- **What does a lawyer do?**

A lawyer speaks up for you and helps to protect your rights. They help you understand what is going on. You have the right to a lawyer from the first contact with the police.

- **Can my parents or someone I trust help me?**

Yes. You can ask a parent, another family member, or a trusted adult for help. You do not have to face this alone.

- **What does a social worker do?**

A social worker is there to support you and understand your situation – your life, what you enjoy, what worries you, and what may be difficult for you. They are not there to punish you. They may share information about your situation with the authorities to help them make decisions that are best for you.

- **What is the ombudsperson and how can they help me?**

If you think your rights have not been respected, you can talk to the **ombudsperson for children**. Their job is to make sure that children's rights are protected in every part of the process. They can listen to your complaint and may be able to help in some situations.



VI. WHAT IF I DO NOT UNDERSTAND WHAT IS HAPPENING OR NEED HELP TO COMMUNICATE?

Whenever the authorities consider you a child in conflict with the law, you still have the right to understand everything that is happening to you.

- If you do **not speak the language well**, you can ask for an **interpreter** – someone who will help translate everything into your language.
- If you **do not understand something**, you can ask for it to be explained in a **simple way**, or in a way that works best for you.

You can say things like:

"I do not understand. Can you explain it more simply, please?"

or

"I need help to understand. Can someone support me?"

- If you **have a disability**, you can ask for help. This might be someone who helps you communicate, like a **special teacher**, a **psychologist**, or another adult who understands your needs.



VII. INDIVIDUAL ASSESSMENT - WHAT IS IT?

- **What is an individual assessment?**

An individual assessment is a way for the authorities to better understand you and your situation. It usually results in a report about you, which looks at things like your family and living situation, whether you have any specific needs or difficulties, what kind of person you are, and how you understand things and make decisions.

- **Why is an individual assessment important?**

Its purpose is to help the authorities make **fair decisions that are right for you** at each stage of the process. For example, it helps them decide what support you may need, what kind of help or guidance is right for you, and what should happen if your case goes to court.

- **When does the individual assessment take place?**

The assessment should take place **as early as possible**, so that it can be used when decisions are made about your case.

- **Who will take part in my individual assessment?**

The individual assessment is organized by the authorities and carried out by trained professionals, such as social workers, probation officers, psychologists, or other specialists. Sometimes, more than one professional works together to better understand your situation.

You should be **closely involved in the assessment**, and your views should be taken seriously, but it is the responsibility of the authorities to arrange everything.

Where appropriate, other people may also be involved, such as your parents or another trusted adult, your lawyer, or other professionals who support you.



- **Can I say what I think about the report?**

Yes. You have the right to see the report and to say if something is missing or incorrect. What you say should be included in the report. Your lawyer can speak on your behalf and make those observations.

VIII. WHAT IF I AM NOT BEING TREATED FAIRLY OR KINDLY?

You have the right to be treated with **respect, dignity and fairness** at all times.

Everyone involved in your case must take into account your age, your situation, and what is best for you as a child. They should treat you in a way that helps you learn, grow and move forward, and never use violence or treat you badly.

If someone is being unfair, mean, or hurting you, tell someone you trust – a lawyer, another adult, a social worker, or even another judge.

You can also make a **complaint**. There are people whose job it is to protect your rights and make sure you are treated properly.

IX. HOW CAN I PREPARE FOR A MEETING OR COURT?

Speaking to the police or going to court can feel scary or confusing. Here are some tips to help you feel more prepared:

- **Ask questions:** You can always ask what will happen and who you will meet.
- **Ask for a lawyer:** You have the right to have a lawyer with you.
- **Talk to your lawyer:** They can explain what to expect and help you say what you want to say.
- **Write things down:** If it is hard to speak, you can write or draw how you feel or what happened.
- **Bring someone you trust:** In many cases, you can ask for a trusted adult to be with you.
- **Bring something that helps you feel safe or calm:** for example, a small object like a bracelet, a note from someone who supports you, or a notebook to write or draw if that helps you feel better.



- **Try to rest before the meeting:** Feeling tired or hungry can make it harder to think clearly, so ask for food or a break if you need it.

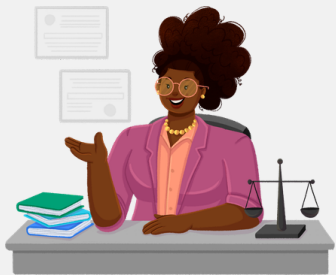
Remember, **you are not alone**. There are people who care and want to help you through this.

GLOSSARY – WHAT DO THESE WORDS MEAN?

CRIMINAL PROCEEDINGS



This is the process of dealing with a criminal offence. It starts with the police looking into what happened. You may be asked to attend the police station for questioning, or you may be brought in for questioning if you are detained by the police. You may then be charged with a criminal offence, after which your case may go to court, where a judge decides what should happen next. Many States have child justice systems with specific rules that apply to children.



LAWYER (OR ATTORNEY)

This is the person who defends someone accused of a crime. A lawyer knows the law, and it is their duty to help protect the rights of the person they represent.

PUBLIC PROSECUTOR

The public prosecutor represents the State in a criminal case. This means they are responsible for **bringing the case against you to court** and presenting what they believe happened.



Since crimes are seen as offences against society, the prosecutor checks that the police are doing their job properly and can suggest what should happen in a case. During the proceedings, they present evidence and explain why they think you may have broken the law.

They must always think about what is best for the child and also for the victim of the crime.



CHILD PROTECTION SERVICES

A social worker working for child protection services or other social services is often present when you talk to the police or go to court. They are not there to investigate – they want to understand how you live and what support you need.

PROBATION OFFICER (PROBATION AND MEDIATION SERVICE OFFICER)

A probation officer works in the justice system, and their role can be different before and after a court decision.



Before the court decides, they may help you find ways to move forward and repair what happened – for example, by taking part in meetings, discussions, or mediation (if everyone agrees).

After a court decision, they make sure you follow the rules set by the court, such as taking part in programmes or meeting certain conditions.

At the same time, they also support and advise you with things you may be dealing with, for example at school, at home, or in your daily life.

JUDGE

A judge is the person who is in charge of the case in court. Sometimes there are several judges. They make sure everything is fair and that everyone follows the rules.



The judge **listens to what everyone says**, including the police, the public prosecutor, your lawyer, you, and sometimes witnesses or experts, before making decisions about your case.

In cases involving children accused of breaking the law, the judge will **decide whether you are guilty or not**, and, if you are found guilty, will later **decide what should happen next**.

The judge must respect your rights and take into account what is best for you as a child.

DIVERSION

Diversion means solving the situation **without going to court**. Instead of formal court proceedings, you may be offered a chance to **take part in activities or receive support in your community** to help you understand what happened, take responsibility, and move forward in a positive way.



Diversion is meant to be **an opportunity, not a punishment**. It focuses on helping you learn, grow, and avoid the negative effects of going to court.

It should only be used if it is in your **best interests**, and you must be given clear information so that you can **agree to it freely**. You also have the right to **speak to a lawyer before deciding**.

If you complete the diversion programme, your case is usually **closed**, and it should **not lead to a criminal record**.

APPEAL



An appeal means asking another court or judge to look again at the decision. If you or your lawyer believe that the court made a mistake, you can appeal and try to get the decision changed. You always have the right to do this.

COMPLAINT



A complaint is when you tell someone who is in charge (like a judge, social worker, your lawyer, the ombudsperson for children, or another adult) that something unfair or wrong happened to you. For example, if someone did not treat you well or did not respect your rights, you can make a complaint. You can ask a **lawyer**, a **social worker**, or another adult you trust to help you say or write your complaint. Then, someone will listen to it and try to help fix the problem.

OMBUDSPERSON FOR CHILDREN



An ombudsperson for children is an independent person or organization whose job is to make sure that children's human rights are respected. If you think your rights have been violated or if you are treated unfairly, you can reach out to the ombudsperson for help. They will listen to your concerns, investigate the situation, and try to make sure your rights are protected.



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