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QUESTIONS & ANSWERS

WHAT ARE YOUR RIGHTS IF YOU
ARE IN TROUBLE WITH THE LAW?



FOR CHILDREN AND THEIR FAMILIES

Who is Who?



What are my rights?

Right to say what you think and feel.



Right to stay silent.



You can wait for someone you trust.

Right to ask any questions.



Right to ask for help if you have a problem to understand or if you are afraid.



Examples of what I can say or ask

I do not want to answer questions until my lawyer or parent is here.



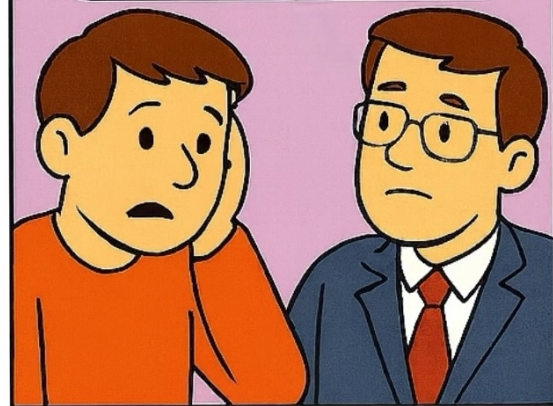
I don't understand. Can you explain it more simply, please?



I am tired. I need a break.



I am confused. Can I talk to someone I know?



**If you want to read
more information, you
can find them on the
next few pages.**



Questions and Answers:

Your rights if you are in conflict with the law

I. WHO IS THIS FOR?

These **Questions and Answers**¹ are for children and their families. It explains what can happen if you are in conflict with the law and what your rights are. It also applies if someone only thinks you did something wrong – not only if you have committed an offence or a crime.



II. 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. From the first contact with the police, you have the **right to a lawyer**, who will explain and protect your rights.
3. 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.
4. If you are charged with a crime, the police can take you to a police station or put you under arrest.
5. Sometimes, your case can be solved **without going to court**. This is called **diversion**. For example, you might join a program that helps you or talk things over with the person who was hurt (this is called **restorative justice**).

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6. If your case goes to **court**, a **judge** will decide what happens. Before a judge in court decides what will happen, you can tell your story and what is important to you
7. The judge can decide on a **measure**. This can be something to help you, like staying at home with support or supervision, or going to special programs. But it can also be a punishment, like paying a fine, doing work without pay, staying in a special school or home, or, in very serious cases, being sent to juvenile detention.
8. You can always **appeal**. This means asking another court to look at the decision again.

Even if you are under the age of X and **too young for prison**, the police and courts can still decide that something should be done. The focus will be on helping you, not punishing you.

III. YOUR BASIC RIGHTS

- **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 at any time** or if your lawyer tells you it is best. You also do not have to talk about anything that makes you feel uncomfortable or that could put someone close to you in trouble.
- **Can I stay silent until a parent, lawyer or another trusted adult is with me?**
Yes. You do **not** have to answer questions right away, especially if you are scared or confused. You have the right to **stay silent** until someone you trust is there to support you. This helps protect you and your rights. Do not be afraid to say: *“I do not want to answer questions until my lawyer or parent is here.”*



- **Will someone explain what is happening?**
Yes. You have the **right to receive information** about what is happening and what will happen next. The language has to be adapted so that you understand. Do not be afraid to ask questions – all your questions are important.

IV. 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.

- **What does a lawyer do?**

A lawyer speaks up for you and protects 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 wants to understand your life – what you enjoy, what worries you, and what your dreams are. They are not there to punish you. They write a report for the judge or prosecutor to help them decide what is 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 help make sure things are fair.

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

You still have the **right to understand everything** that is happening when you are in trouble with the law.

- 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.

VI. INDIVIDUAL ASSESSMENT – WHAT IS IT?

- **What is an individual assessment?**
An individual assessment is a report about **you** – how you live, what you like, what challenges you face, and what your plans are. It helps the judge or prosecutor understand more than just what happened.
- **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.

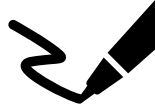
VII. WHAT IF I AM NOT BEING TREATED FAIRLY OR KINDLY?

You have the right to be treated with respect. 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.

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

Being part of police questioning or court can feel scary or confusing. Here are some tips to help you feel more ready:

- **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.
- **Take something that helps you feel safe:** Like a small toy, a bracelet, or a note from someone who supports you.
- **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.

IX. IF YOU ARE ACCUSED OF A CRIME

- **I am younger than X – can I go to prison?**
No. You cannot be sent to prison if you are younger than X years old. You can be brought to court, but there are different rules for children.
- **I am X years old or older – what can happen?**
If the court decides that you committed a crime, it can give you a “measure.” A measure can be many things – for example, a program to help you, a rule to follow or, in serious cases, being placed under supervision or outside your home.

In many cases, there are other ways to solve the problem **without going to court**. This is called **diversion**. For example, you might take part in a special activity or program that helps fix what happened. Sometimes, you can also talk with the person who was hurt (this is called **restorative justice**), but only if you both agree.



X. WHAT IS A ‘MEASURE’?

A **measure** is something that the court decides to help you take responsibility but also to support you. It can include:

- Living with your parents or another adult
- Going to school or a training program
- Paying for damages

- Attending a program to help you learn from what happened
- Meeting regularly with a probation officer
- In very serious situations, staying in a youth centre or youth prison (if you are X years old or older)

You (or your lawyer) can **appeal** if you do not agree with the decision.

GLOSSARY – WHAT DO THESE WORDS MEAN?



CRIMINAL LIABILITY

In X, this begins at age X. It means that if someone does something illegal, they can be tried and sent to prison. Even children under X are responsible for what they do and can be brought to justice – but they cannot be sent to prison.

CRIMINAL PROCEEDINGS

This is the process of dealing with a criminal offence. It starts with the police looking into what happened, then going to court, and finally deciding what should happen next. If a measure is given, it also includes checking how things are going later on.

LAWYER (OR ATTORNEY)

This is the person who defends someone accused of a crime. A lawyer knows the law and protects the rights of the person they represent.

PUBLIC PROSECUTOR

The public prosecutor represents the State. Since crimes are seen as offences against the public order, the prosecutor checks that the police are doing their job properly and can suggest what should happen in a case. They must always think about what is best for the child and also for the victim of the crime. Whenever possible, they can decide not to send a case to court.

SOCIAL WORKER

A social worker works for child protection services or other social services. They are often present when you talk to the police or go to court. They write a report about you for the prosecutor or judge. 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)

Before a court decision, this person may help you take steps to fix what happened – for example, by meeting the victim (if both sides agree) or discussing how to move forward. After a court decision, they supervise whether you are following the rules the court set. They also help with school, family, or other challenges.

JUDGE

The judge listens to everyone – the police, the public prosecutor, your lawyer, and you – and then decides what should happen. The judge should always be fair and listen to your side of the story.

DIVERSION

Diversion means solving the situation without going to court. You might be given a chance to fix things in another way, like joining a program or getting help. If this happens, it will not go on your criminal record.

RESTORATIVE JUSTICE

Restorative justice means talking about what happened with the people who were hurt and finding a way to make things better. This can help everyone understand each other and agree on how to fix the harm.

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, the ombudsman 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 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.