

Juvenile Justice

A-Z



Children in conflict with the law
Review of Diversion in the Juvenile Justice Systems



Terre des hommes
Helping children worldwide.

DO I HAVE RIGHTS AS A CHILD OR A YOUNG PERSON?

YES!

1. Everyone has rights. Human rights are those rights which are essential for all human beings: basic standards without which people cannot survive and develop in dignity. Human rights are inherent to the human person, inalienable and universal.

For example, the right to life and freedom of expression.

2. Children's rights are laid down in the UN Convention on the Rights of the Child (UNCRC), made especially for children (see more below).

UNTIL WHAT AGE CAN I BENEFIT FROM CHILDREN'S RIGHTS?

The exact minimum age varies, but in some countries (Hungary and Romania) children under the age of 12 are considered a minor, while in others (Bulgaria) minors are those under the age of 14, and anyone

older is a "young person". In the European Union, all children and young people under the age of 18 have the same fundamental human rights, called children's rights. They are listed in the UNCRC.

WHAT IS THE UN CONVENTION ON THE RIGHTS OF THE CHILD?

The Convention, adopted in 1989, was the first instrument in the world to incorporate the complete range of international human rights in

54 articles, including civil, cultural, economic, political and social rights, as well as aspects of humanitarian law.

The so called guiding principles of the Convention are: right to non-discrimination; the best interests of the child; the right to life, survival

and development; and the right to participate. They represent the underlying requirements for any and all rights to be realized.

WHAT ARE THE MOST IMPORTANT RIGHTS?

All of these rights are connected to each other, and all are equally important. Sometimes we have to think about rights in terms of what is best for children in a specific

situation, and what is critical to life and protection from harm. As you grow, you will have more responsibility to make choices for yourself and to exercise your rights.

BUT HERE ARE SOME REALLY CRUCIAL POINTS YOU SHOULD KNOW:

Article 1 - Everyone under 18 has the same children's rights.

Article 2 - All children have these rights, no matter who they are, where they live, what their parents do, what language they speak, what their religion is, whether they are a boy or girl, what their culture is, whether they have a disability, or whether they are rich or poor. No child should be treated unfairly on any basis.

Article 3 - All adults should do what is best for you. When adults make decisions, they should think about how their decisions will affect children.

Article 12 - You have the right to give your opinion, for adults to listen to you, and to take you seriously.

Article 16 - You have the right to privacy.

Article 17 - You have the right to access information that is important to your well-being from the radio, newspapers, books, computers, and other sources. Adults should make sure that the information you receive is not harmful, and should help you find and understand the information you need.



Article 19 - You have the right to protection from physical or mental harm and mistreatment.

Article 37 - No one is allowed to punish you in a cruel or harmful way.

Article 40 - You have the right to receive legal help and fair treatment in a justice system that respects your rights.

WHAT IS A JUSTICE SYSTEM?

A justice system is all of the rules and the people who enforce them to find out who did something, what happened in the past, and how to try to make things right. You might

take part in the justice system if you inherit something, if your parents get divorced, if you get in a conflict with the law, or if other people harm you in a way.

WHO DOES WHAT IN THE JUSTICE SYSTEM?

Police officers: The people whose job it is to make sure that citizens follow the law and do not harm others. Police officers work for governments and wear uniforms.

Prosecutor: A government official charged with bringing defendants (people accused of doing something) in criminal cases to justice in the name of the state.
Judge: A person who presides over court proceedings, either alone or as part of a panel. The judge is supposed to conduct the trial in a way that treats everyone equally and, typically, in an open court. The judge hears all the witnesses and any other evidence presented by the barristers of the case, assesses the credibility and arguments of the parties, and then issues a ruling on the matter at hand based on his or her interpretation of the law, and his or her own personal judgment. Sometimes people argue about things and cannot agree, so a judge has to decide what to do.

Lawyer / Advocate / Barrister: A professional who knows the law and can represent and argue for another person who has been accused of something in court.

Juvenile probation officers: These are people who supervise young people who are on probation or parole. Officers work with adolescents and their families to assess and ensure compliance with court terms. They also provide counselling to the offender in an attempt to change or eliminate behavioural issues. Juvenile probation officers work exclusively with adolescents who have been convicted of a crime and put on probation, rather than being sentenced to jail time. Juvenile probation officers also work with underage individuals who have already served time in jail and are on parole.

WILL ADULTS PROTECT ME?

Childhood (from your birth until your 18th birthday) is a phase in which human beings are more vulnerable because they have yet to finish developing physically or mentally. Furthermore, a child requires particular attention and

protection. In all judicial and non-judicial proceedings, children and young people should be protected from all kinds of violence and harm, including intimidation, reprisals and secondary victimisation.


What you should know for your protection:

- Don't make any statements without the advice of a supportive adult who you trust.
- You can always take a break if you need to during a hearing.
- You don't lose your rights if you break the law.
- Always tell the truth as best as you can.

DOES CHILD-FRIENDLY JUSTICE EXIST?

"Child-friendly justice" refers to justice systems that guarantee the respect and effective implementation

of all children's rights at the highest attainable level, giving due consideration to the child's level of



maturity and understanding, and the circumstances of the case. It is, in particular, justice that is accessible, age appropriate, speedy, diligent, adapted to and focused on the needs and rights of the child. It respects a

child's rights, including: the right to due process, the right to participate in and understand proceedings, the right to privacy, rights to a family life, and the rights of integrity and dignity.

WHAT HAPPENS IF I BREAK THE LAW?

Every country has a Penal Code and a Civil Code to protect individuals, their belongings, property, etc., and to ensure that people can live together peacefully. If someone does not follow these codes, or breaks the law, they have to be held responsible. Sometimes even children need to talk to the police, or go to court. That is called a hearing. You have the right to ask for a legal representative to be there with you.

Also, your parents (or guardians) have to be there—unless they are facing charges. Criminal proceedings may only be started if someone is thought to have committed a criminal offence, and only against the person reasonably suspected of having committed a criminal offence. No one shall be considered guilty until, according to the law, they are convicted by the court.

WHAT HAPPENS AT COURT?

A court is a tribunal, a highly respected institution, with the authority to adjudicate legal disputes between parties and carry out the administration of justice in civil, criminal, and administrative matters, in accordance with the rule of law.

Courts are the central means for dispute resolution, and it is generally understood that everyone can bring their claims before a court. Similarly, the rights of those accused of a crime include the right to present a defence before a court.

Courts are responsible for deciding to limit or deprive someone of their liberty. In the course of announcing the punishment, the court proceeds based upon an accusation. An accusation is when someone is suspected of committing a crime.

Everyone has the right to have the charge filed against them adjudicated by a court.

The charge shall be proven by the accuser, who must present things

as evidence (photos, blood test, statements, records, etc.) to clearly show who committed the crime.

The court, prosecutor, and investigating authority must start and carry out the criminal proceedings if the conditions are met.

No one can be forced to testify against themselves, or to provide evidence against themselves.

WOULD I PARTICIPATE IN THE PROCEEDINGS ALONE OR WITH A TRUSTED ADULT?

The proceedings against a young person are conducted according to their age, their ability to comprehend what is happening and in a way that promotes the juvenile offender's respect for the law.

A defence counsel/advocate/barrister must participate in proceedings against a juvenile offender.

The legal representative may inspect all of the documents (and evidence) of the case after an investigation

has been carried out. In the course of the investigation, he/she may also inspect the documents on procedural actions that he/she had the right to attend.

The rights of the defence counsel guarantees the right of the legal representative to be present, to request information, to submit motions, and to request legal remedy.





CAN I USE A SEPARATE ROOM AT THE POLICE STATION AND AT COURT?

Separate rooms help children feel comfortable. Child-friendly spaces make it easier for young people to say what they need to say. Of course, it is also very important that police officers and people who work in the courts know how to talk with

and listen to children. Young people need lawyers to help them during their hearings. Each county has at least one police station with a child-friendly hearing room. You can ask to use it.

WHAT HAPPENS IF SOMEONE SERIOUSLY HURTS ME?

If anyone commits an offense that injures you, you have rights that must be respected by all those involved. First, tell your parents (or guardians) what happened. Your

statements are important for the police, the prosecutor, and for the court, so feel free to speak openly about what happened. You will attend the proceedings as a witness.

WHAT DOES “WITNESS” MEAN, WHAT RIGHTS DO I HAVE, AND WHAT ARE MY OBLIGATIONS?

If anyone commits any act that causes you injury, you will be involved in the case as a victim or witness. The injured witness is the person who

suffered a crime. The injury can be material, like a bodily injury. If you have suffered such an injury, but are not yet 18 years of age, your parents

(or guardians/lawyers) will file a complaint—a statement in which you ask that the offenders be punished for what they did. The authority in the case will listen to you as you tell, to the best of your knowledge, what happened. This hearing is practically a witness hearing. Your parents (or guardians) can come with you and can be present at your hearing, unless it was them who actually carried out the criminal act against you. A lawyer may also be working in your interest to help you exercise all of your rights. Keep in mind that

during your testimony you can only state things that actually happened, if you do not, you will be creating a false charge, and thereby committing a criminal offense. You will receive a document called a “summons” to participate in the witness hearing. (See more below)

You also have the right to ask that your data be handled confidentially so the person who harmed you cannot find out where you live or any other ways to contact you.


WHAT IS A SUMMONS, WHAT SHOULD I DO?

Summoning is when the investigating authority, the police, the prosecutor’s office, or the court asks you to appear at a specific time and place to provide a testimony concerning an offense which you were the victim of or that you saw. They will notify you of this request with a document called a summons. You may also receive a summons if you caused an injury or committed a crime. You have to bring documents (identity papers and evidence to support your testimony) to the hearing to prove that you are the summoned person. If the hearing takes place during school hours you will receive a paper excusing your absence from school by stating that

you were there. You may be escorted to the police/court hearing by the police. Please note that the police has the obligation to let you inform parents or guardian before you go leave with them. It also appropriate if your parent(s) who are your legal guardians till you reach the age of 18, are accompany you or appear at the court even in your absence. They are financially could cited and liable for your actions you harmed others in many ways until you are 18.If you are ill at the time designated for the hearing, you will need to supply a doctor’s note. If you are away or have something else that you cannot get out of, report this to the authorities with appropriate documentation.



IF I AM IN CONFLICT WITH THE LAW, WHAT HAPPENS IF I DO NOT GO TO THE SUMMONS?



If you are the person who caused material or personal injury, or another problem for someone else, then you have to pay close attention to the fulfilment obligation. If you do not go to the summons and do not give a reason for your absence at least 8 days ahead of your scheduled hearing, in criminal cases the report will be sent to the public prosecutor's office with a conclusion about waiving the charges against you or by recommending charges/indictment against you. If the charges are well supported with testimonies and facts, it is better to seek a lawyer

as soon as possible. By committing minor offenses, the police or local authority can directly charge and sentence you and your parents to pay a fine for example. The arrest warrant is a more serious measure; a police officer will be assigned to accompany you to the court or to the authority who issued this warrant against you within 72 hours. The court will then decide whether you can go home or whether you will stay in pre-trial detention. This only happens if you have committed a serious criminal offense and fail to appear at the summons.

WHAT ARE MY RIGHTS AS A WITNESS?

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WHAT IS THE PROCEDURE AND PUNISHMENT IF I COMMITTED A CRIME, BUT WAS NOT YET 18 YEARS OLD?

If you were younger than 18 when you committed a crime, the authorities will assign you a lawyer who can provide you the right kind of protection; they will do everything to ensure that your rights are not impaired, that you always know what is happening and what to expect. In addition, one of your parents will be involved in the proceedings as your representative; they receive the indictment, take part in the hearing, and have the right to express their opinion on decisions. Your attorney and judge will be specialized for working on juvenile cases. If you have committed a serious criminal offense, such as a robbery, the judge

does not work alone, but with a teacher who can support the judge with his/her special pedagogical knowledge. And it is very important that your case be settled without delay.

There are a number of deviations in legal consequences, even if you have not yet reached 18 years of age. For juvenile offenders, progression is particularly important. First, the lightest measure should be applied and, if it does not lead to results or does not have the desired effect because the juvenile reoffends, the measure will be more serious.

WHAT IS THE MEASURE USED FOR THE AVERAGE JUVENILE OFFENDERS?

The purpose of the court is different throughout the European Union, but in Hungary, for example, which is a member of the EU, the purpose of the court is not to punish or imprison juvenile offenders, but to help them develop, change, learn, work, and grow in the right direction. These goals are best served by probation and probation supervision. Testing means that the court has been guilty of punishment, but does not impose a penalty, but defines a time interval and if you do not commit another offense, then it

is effective to test it and you will not be punished for the act.

During your probation you will also be under probation supervision. A probation officer is a person who helps you recognize behavioural rules, gives life-guidance tips and helps you solve your problems. The court may also apply special rules of conduct (curfew, where you may and may not go, who you may and may not visit, etc.) that you will have to adhere to.

DO I HAVE ALWAYS TO PARTICIPATE IN COURT PROCEEDINGS IF I BREAK THE LAW?

Article 40 (3/b) of the UNCRC says that state parties should establish and promote “whenever appropriate and desirable, measures for dealing with such children without resorting to judicial proceedings, providing that human rights and legal safeguards are fully

respected.” These are alternative conflict resolution methods. They allow you to deal with your case outside of court, which is also known as diversion.

STORY LAB - KNOW MORE ABOUT JUVENILE JUSTICE
THROUGH PLAYING AN INTERACTIVE GAME!
[HTTP://STORYLAB.IO/](http://storylab.io/) YOU CAN DOWNLOAD IN GOOGLE
PLAY AND APPSTORES TOO.

Read more about these rights in the following document here:

<https://justice.childhub.org/>

You can also find here the longer and more detailed version of this booklet.

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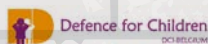
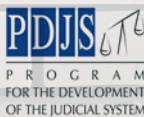
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