



WHAT ARE YOUR RIGHTS?

Your rights for defence
in police and court interviews

ARE YOU UNDER 18 YEARS OLD?

There are special rules in European countries, when a policeman/policewoman or judge wish to talk to you.

Even at this age, you can **take part in hearings and proceedings** before the court. You must be heard and be allowed to explain your views.

Decisions taken by judges when you are not present at the hearing are not valid. If you are not present, you have the right to a new hearing.

Here we look at the **most important rules** in Europe that protect and promote your rights.



1

Normally, a police officer or judge should never start asking questions when you are alone.

They have to inform your parents.

Your parents can be present when you talk to the police or to the judge. But you always have the right to ask that your parents should not be present. In this case you can appoint/name another adult you trust.

The police and the judge also have to look for a lawyer.

You can privately talk with your lawyer before every hearing. You can contact or meet your lawyer: whenever needed (24 hours) personally and alone, wherever you are, in police custody, in a jail, in hospital, etc. The first thing the lawyer will do is introduce himself/herself and explain what he/she can do for you.

If you do not speak the language, you will get an interpreter.

Even if you know a bit of the local language, they cannot refuse you an interpreter. You have the right to be informed and heard in your mother tongue.

If there is a problem with the interpretation, your lawyer should help you. S/he can ask to replace the interpreter with another one if you have quality or personal problems too.

The lawyer, police and judge will inform you whether the legal assistance of a lawyer and the interpreter are **free of charge** for you or not.

2

You should be assisted by a lawyer, an interpreter and your parent(s) when the police or the court speak with you.

No one can forbid your lawyer, interpreter, and the person you trust to take part in the hearing, and at least to be present before the judge.

Your lawyer and the person you trust can look closely to the way the police and judges handle a hearing. If needed, they can **put forward claims in your name**. For example, they can intervene, if they do not let you speak, you could not privately speak with your lawyer, or you did not have the assistance of an interpreter.

Police and judges have to respect the **presumption of innocence**. This means that you cannot be declared guilty before the end of the hearing or procedure.

You have the right to **remain silent and not answer the questions**.

3

Police and judges have to respect several rules. If they don't, the hearing is not valid.

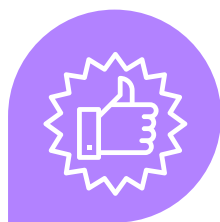
The hearing is an **individual assessment**, it cannot happen in a group.

They should pay attention to your **medical needs** before they start the interview.

They may **not limit your freedom** except when the prosecutor decides to arrest you.

If they want to hear you, you have the **right to appear in person**. They cannot only ask other persons about you.

If you do not agree with the decision of a judge, you can ask a higher judge to look again to your file. You must have the right to **effective remedies such as an appeal**.



4

You have special rights.

Hearings by the police and the judge take place **in absence of public**.

- This means that before the police, no one else can be present except you, your lawyer, your parents or trust persons, the policeman/policewoman and the interpreter.
- In court, only you, your parents or trust persons, your lawyer, the prosecutor and the court clerk and the interpreter can be present.

You **can ask for a medical examination** by a professional of your choice, if you have special needs or you want to make your mental and physical condition known.

You **can ask for video recording** to avoid repeating several times your declaration. This has to be organised with your lawyer, interpreter and trust person present.

Deprivation of liberty is only valid if no other solution exists and if an appeal is immediately possible. You have the right to go to another higher judge to ask for a different judgement.

Minors under 18 **should be detained only with minors** and never be in jail with adult prisoners, and you have the **right to education, health, family contact, freedom of religion**.



This document is based on the legal standards of the European Parliament. Talk to someone who helps you understand the national law.

ChILLS



THIS LEAFLET WAS PRODUCED IN PARTNERSHIP WITH CHILDREN, FACILITATED BY HINTALOVON CHILD RIGHTS FOUNDATION.

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