

Child-Friendly JT

The right of minors to information, translation and interpretation in criminal proceedings:

Development of child-friendly tools

JUST-AG-2016-06

NEEDS ASSESSMENT OF CHILDREN IN CONFLICT WITH THE LAW IN BULGARIA: REPORT ON THE RIGHT OF CHILDREN TO INFORMATION, TRANSLATION AND INTERPRETATION IN CRIMINAL PROCEEDINGS

1. INTRODUCTION

The right of children in conflict with the law to be informed and to know their rights is an area in which there are still serious challenges. This is the question of whether children are informed, but also of how they are informed, so that they could really enjoy their rights as participants in legal proceedings. Knowing the rights is one of the conditions for their enforcement, although it is not always enough. It is also important to examine whether children understand the rights as a guarantee of a fair trial and not as formal rules.

Children are a highly vulnerable group as they are more dependent on investigative and justice system and lawenforcement authorities than adults. Directive 2016/800 of the European Parliament and of the Council of 11 May 2016 on procedural safeguards for children suspected or accused in criminal proceedings, Directive 2012/13 of the European Parliament and of the Council of 22 May 2012 on the information in criminal proceedings, Directive 2010/64 of the European Parliament and of the Council of 20 October 2010 on the right to interpretation and translation in criminal proceedings of the EU introduce requirements for Member States, introduces requirements for Member States the application of which is linked to different in type and scope changes in the countries depending on their specific situation. The assessment of the knowledge of their rights of children, who have already passed through the different phases of justice, will help to examine this particular situation. The result of the research could show to what extent the requirements of the Directives are effectively embodied in the criminal proceedings of each country and what interventions would be useful to support their implementation.

As it becomes clear, the child is subject to special protection and inviolability. In order to strengthen its legal position, the law provides for specific rules regarding the criminal process. The specific provisions of the Code of Criminal Procedure (CCP), Chapter thirty, cover "Special rules for dealing with juvenile delinquency cases", which relate to the pre-



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trial proceedings, the course of the case. The execution of the sentences is regulated in the Penalty Execution and Detention Act. Chapter 30a of the CCP covers the special rules related to ensuring the right of translation of non-Bulgarian speakers.

The minimum age for criminal liability is 14 years (Penal Code). Children aged over 14 are included in the criminal proceedings system which is not specialized Juvenile justice system, but contains special rules for children (Penal Code, Code of Criminal Procedure, and Law on enforcement of penalties). At the same time, there is a so-called "system for fight the anti-social behavior" that treats children over 8 years and imposes "educational measures", including placement in boarding school. The rights of these children are often violated, as placement has no clear regulations, etc.

Criminal offenders aged 14 years and over participate in the criminal proceedings. The investigation is carried out by the police authorities, who also have to inform the children and their parents about their rights during pre-trial proceedings. Detention by the police for children is 24 hours (Act of Ministry of Internal Affairs). The custodial measures under the Penal Code against minors are:

- surveillance of the parents or custodian;
- surveillance of the administration of the educational establishment where the child is placed;
- surveillance of the police inspector specialized for work with children/of a member of the local commission for combating juvenile antisocial behavior;
- detention in custody.

It is also defined that detention shall be taken in exceptional cases, and children should stay in special rooms apart from the adults.

The execution of the sentences imposed is also regulated by special rules for children in the Penalty Execution and Detention Act.

Usually, the first questioning of the child, before a formal investigation has started, takes place as a witness questioning. It should also be mentioned that all children, from 8 to 18 years old, involved in legal procedures, regardless of age and quality of participation, are subject to the so-called police check where is no clear regulation on the rights of the child.



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A questioning of a child and child witness is regulated by the Code of Criminal Procedure where it is stipulated that "the child witness is interrogated in the presence of a pedagogue or psychologist and, where necessary, in the presence of the parent or guardian". And for the children over 14 years it is said that "The child witness is interrogated in the presence of the abovementioned persons if the authority considers it necessary".

The provisions of the Code of Criminal Procedure for interrogation are applied after an indictment. At this point the child has the right to be informed of what crime is accused and on what evidence; as well as the right to remain silent; to see the information about his/her judicial record; to participate in criminal proceedings; to make requests, remarks and objections; appeal against acts that violate his or her rights, and have a lawyer.

The special rules in the Penal Procedure Code guarantee the right to pre-trial proceedings by investigating bodies with special training, regulate detention measures, the right parents or trustees to attend the hearing of the case. When executing a custodial sentence, the following rights of children are guaranteed: special training of the professionals working with children; the right of education; contact with the external environment, including family, relatives, etc; visiting events outside the detention center. The implementation of the probation measures is also carried out by an employee with special training. For each child, an individual program is drawn up together with him/her, a social worker from the Child Protection Department, a pedagogical counselor, a member of the Local commission for fight with the antisocial behavior.

The issue of reforming the justice system and setting out a Juvenile justice system is discussed for more than 20 years. The development of an adequate system of juvenile justice has been recognized as a commitment by the state: Concept of State Policy in the Field of Juvenile Justice, Roadmap for Implementing the Concept of State Policy in the Field of Juvenile Justice, Updated Strategy for Continuing the Reform in the judicial system. There is a draft law on the juvenile related criminal proceeding, which is subject to public discussion, with the active cooperation of NGOs engaged in the field. The aim is to "develop a policy that prevents the child's antisocial and victim-behavior, while at the same time providing effective and highly specialized protection of their rights and legitimate interests, including humane and lawful correction of their behavioral deviations, the best interests of the child in terms of legal certainty and stable legal order. "However, the adoption of this law is not yet forthcoming in the near future.



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2. METHODOLOGY

The research in Bulgaria took place between September and October 2018.

The research is based on quantitative information obtained from questionnaires and on qualitative information from a focus group.

The questionnaires consist of 43 closed and 2 open questions.

Some participants did not understand part of the questions posed, partly because of the language used (terminology). In these cases there was further clarification.

Some of the participants were illiterate, recognizing some/all letters of the alphabet, but could not read a written word. In these cases, they required help from the researchers, and the researchers were reading the questions to the participants.

Some participants noticed that the correct answers to the questions were "yes", which may have somewhat influenced their answers.

The open questions hampered most of the children. Some preferred not to respond or were satisfied with formal answers: "All rights are important" or "I have no rights violated".

It is possible that this neglect of open questions is the result of informing children about the conduct of the survey by probation inspectors. Some inspectors tried to "ensure the presence" of all children by saying the participation in the study is mandatory in preliminary talks. In this way, some of the children, despite the additional clarification of the researchers for the purpose of the research, considered it to be part of the mandatory measures in the execution of the sentence.

In Bulgaria, according to General Directorate for Sentence Execution (GDSE), there are only two cities where the number of children sentenced to probation is sufficient to form a focus group - Sofia and Pleven. However, when making arrangements for the visit in the regional office of the GDSE - Sofia, we did not receive timely information about the number of children to attend the meeting in order to prepare a focus group. Some of the children did not come to this meeting and the questionnaires were subsequently filled in for further meetings.



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2.1. Participants

According to GDSE, the number of underage prisoners has decreased significantly over the past 5 years.

District Offices of GDSE were visited in 6 cities to conduct the research. These are the departments where there is highest number of children sentenced to probation:

- District Office Pleven - 7 minors, September 29th, 2018. Completed questionnaire and focus group.
- District Office Sofia - 11 minors, September 19th, 2018.
- District Office Ruse – 7 minors, September 27th, 2018.
- District Office Plovdiv – 6 minors, 2, 2018.
- District Office Blagoevgrad – 5 minors October 11th, 2018.

Participants' age – Questionnaire

Age	15	16	17	18	19	20
Boys	2	3	17	10	1	2
Girls		1				

Total: 36 participants

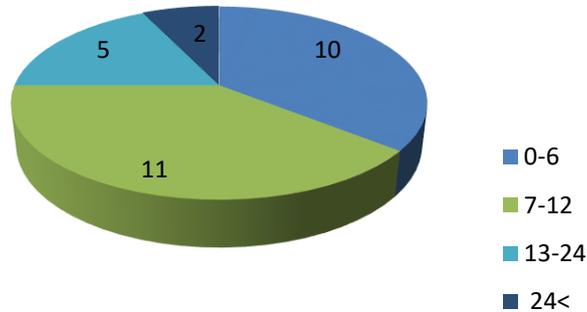
Participants' age – Focus Group

Age	15	16	17	18	19	
Number			6	1		

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Duration of the sentence in months



The children were sentenced from 6 months to 2 years and 6 months. The maximum probation period in Bulgaria is three years.

The sentence is higher for children with repeated offenses preceding the commission of crime, as well as for juvenile offenders who have been convicted of more than one crime that they have accumulated.

All children have been serving their sentences for more than 3 months, except for one who had been serving a sentence less than a week and had not yet the initial meetings with the inspector responsible for him.

2.2. Instruments

The tools used are a questionnaire and an interview guide for focus groups.

The tools were provided in English and translated by experts from the SAPI team. In the translation, our aim was to match the language to the terminology in Bulgaria at the same time, we tried to stick as closely as possible to its original meaning.

2.3. Procedure

The study was conducted with the assistance of the GDSE. By written request to the GDSE Director General, permission to access children with probation sentence was requested for the purposes of the study. After the authorization, two meetings were held with the Head of Probation Sector. The GDSE has assisted in identifying the local offices

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with the highest number of children and providing access to them.

Probation officers working with the children had requested them to be present on the days, and in most cases this presence was combined with the execution of measures related to the sentence. In this way, children/young adults were not forced to attend the service simply because of the research, which would be difficult, including financial, for them.

Unfortunately, it turned out that for several children it means to miss schooling. We believe that some of the children were obliged to participate as they perceived their participation as part of the verdict (Plovdiv).

During the focus group there were 7 children, boys.

Children took an active part in discussing the issues related to the first and second phases of the criminal proceedings (as was the case with the completion of the questionnaires), but with regard to the third phase - serving the sentence, they were not interested, as the punishment represented in the focus group was not relevant to them. As far as their knowledge of their rights has been acquired mainly from personal experience, their knowledge of the situation of a juvenile convicted in a detention center was mostly intuitive.

As the focus group was preceded by a questionnaire, some of the children were eager to finish the group more quickly. Some have said they are in a hurry because they live outside the settlement and have to comply with the public transport schedule.

The focus group and the completion of the questionnaires were held in the premises of the local offices of the GDES - a group work room (where there was one), an inspector's office, and in one case a cabinet of the chief. Probation inspectors have helped for the children to be calm while conducting the research, they were not present in the rooms and confirmed the anonymity of the answers.



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3. RESULTS

3.1. Police arrest

3.1.1. Right of children to information

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to know what they are being accused of:</i></p> <p>The result of the focus group has confirmed the result of the questionnaire that children know that right, they also know who should inform them.</p>	<p><i>Question 1:</i></p> <p>All answers are YES</p>
<p><i>Right to have access to their judicial file:</i></p> <p>The participants are not sure whom should they ask for permission to review their file and whom to complain about if they are refused. They think this could be a parent/lawyer. They do not know what is the procedure to lay down a complaint.</p>	<p><i>Questions 12, 13 and 14:</i></p> <p>12 – 2 NO 13 – 1 NO 14 – 9 NO</p>
<p><i>Right of children to have a letter of rights:</i></p> <p>They are clearly aware of the right to have a letter of rights. Not everyone understands how this can benefit them, ie. informing about rights is a guarantee of a fair trial.</p>	<p><i>Question 18:</i></p> <p>18 – 1 NO</p>
<p><i>Right of children to remain silent:</i></p> <p>Children are not aware of what it means to "remain silent". In both the questionnaire and the focus group the participants needed an explanation of this right. Most "YES" responses were given by those children who asked for further clarification on what "to remain silence" means. Children do not understand how they can remain silent after being summoned by the police. In all groups, they shared information about violations of the right - pressure, threats from the police. There was a statement in the FG that the child was silent if he wanted until his lawyer came. We believe that the leaflets should focus on clarifying the essence of this right.</p>	<p><i>Question 4:</i></p> <p>4 – 11 NO</p> <p>In the group from Rousse all have written YES. It is possible that the responses are mutually influenced.</p>
<p><i>Right of children to medical care:</i></p> <p>In the focus group, participants say they are entitled to medical care. The doctor comes to the cell and, if necessary, the patient goes to the hospital</p>	<p><i>Question 23:</i></p> <p>23 – 1 NO</p>

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3.1.2. Right of children to interpretation and translation

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to translation and interpretation:</i></p> <p>In the conversation we had to explain clearly which child may not understand the language. We used a narrative for a child of a specific nationality and language to illustrate the situation of the child who does not understand Bulgarian - a child from Turkey who speaks only Turkish. Participants in the focus group strongly confirm the right to translation. They think the interpreter is responsible for the child's understanding of what he is told.</p> <p>"Single Response - How could a child who does not hear commit a crime, what for?"</p>	<p><i>Questions 5, 6, 7, 8, 9, 10 and 11:</i></p> <p>5 – 2 NO 6 – 0 NO 7 – 1 NO 8 – 7 NO 9 – 5 NO 10 – 2 NO 11 – 4 NO</p> <p>The research identified a need the right to be explained/illustrated - which child may need translation and interpretation, what are the reasons not to understand the language.</p> <p>Question 8 indicates serious ignorance of the right to complaint, as in question 14.</p>

3.1.3. Right of children to a lawyer

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right to a lawyer:</i></p> <p>They are aware of this right, including the right to free legal aid. Some of them have used one.</p>	<p><i>Questions 24 and 25:</i></p> <p>Only YES answers</p>
<p><i>Right of children to privacy with their lawyers:</i></p> <p>Most children say they have not spoken to a lawyer before being questioned by the police. Only after that they have a lawyer.</p> <p>The children's understanding is that the lawyer explains the case and tells the child whether to keep quiet and what to say. No one has the right to ask us what we are talking to with the lawyer - that is the general opinion.</p>	<p><i>Questions 16 and 17:</i></p> <p>16 – 4 NO 17 – 5 NO</p>

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3.1.4. Right of children to have the holders of parental responsibility informed

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of the holders of parental responsibility to be informed:</i></p> <p>Children have hesitations about this right (question 3) because the police officers often say they will call their parents but do not do so right away. Parents are not immediately informed, but when it is time to take their children, after the interrogation.</p> <p>Focus group - the police officer must inform the child about this right and the police officer informs the parents about everything.</p> <p>Everybody says parents need to be informed, but it seems as though there is ambiguity about how and when it happens.</p>	<p><i>Questions 2 and 3:</i></p> <p>2 – 0 NO</p> <p>3 – 3 NO</p>

3.1.5. Right of children to be accompanied

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to make a statement in the presence of their lawyers and holders of parental responsibility:</i></p> <p>Participants know that the attorney must be present, and that he has the right to speak - he must protect them. The right parents to attend the interrogation is not explained in advance, not all parents are present.</p> <p>Participants said that the person conducting the interrogation should explain the rights of the child.</p>	<p><i>Question 15:</i></p> <p>15 – 5 NO</p> <p>Some children said that they were interrogated without a lawyer the first time and a second time in the presence of a lawyer.</p>

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3.1.6. Other important issues

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children deprived of liberty to be kept separate from detained adults after their arrest:</i></p> <p>The participants know they have the right to be kept separate from detained adults after their arrest, they do not report rights violations.</p>	<p><i>Question 19:</i> 19 – 5 NO</p> <p>There may be confusion - the text of the question begins on one page and ends the next. In general, all the participants said they were separated from adults.</p>
<p><i>Right of children to be put under arrest for no longer than 48 hours:</i></p> <p>They know they can be detained within 24 hours. Some participants commented that if the next day is a day off, they can be left longer in detention because there would be no one to release them.</p>	<p><i>Question 20:</i> 20 – 12 NO</p> <p>In Bulgaria, a child can be detained for a longer period with a prosecutor's order.</p>
<p><i>Right to use audio-visual means:</i></p> <p>They know that the interrogation can be recorded for the use in later phases. They unite around the notion that the record cannot be disclosed without David agreeing.</p>	<p><i>Question 21 and 22</i> 21 – 17 NO 22 – 15 NO</p> <p>Many of the children do not suggest that the interrogation can be recorded.</p>

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3.2. Trial

3.2.1. Right of children to information

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to appeal the sentence:</i> The participants know that they can appeal.</p>	<p><i>Question 32:</i> 32 – 3 NO</p>
<p><i>Right of children to a non-public trial:</i> Both the focus group and the questionnaire show that children have difficulty understanding what it means " in camera/closed to the public". The participants are not aware that they have the right to a non-public trial, moreover, they have difficulties to understand what imposes these necessity.</p>	<p><i>Question 33:</i> 3 – 5 NO + 1 answer "I do not know" When preparing the brochure, we should focus on this right, visualize it, to be placed in the context of known situations. To be bound by the right to preserve dignity. It is not understandable.</p>
<p><i>Right of children to appeal if their rights are not been respected:</i> They assume they have the right to file a complaint in that case. There was not a discussion.</p>	<p><i>Question 34:</i> 34 – 1 NO The question was unclear to the participants. The question consists of two parts, the first part of which the answer is clear to almost all participants - yes. We believe that they have answered the first part, not the second part (ask for reparation if his/her rights are not respected). We believe that most children are not aware of the term "reparation", as well as the possibility to ask for it.</p>
<p><i>Right of children to privacy:</i> Participants believe that the media have the right to talk about the child. Some participants stated that the child has no right to complaint, others expressed the opposite opinion.</p>	<p><i>Questions 35 and 36:</i> 35 – 5 NO 36 – 5 NO</p>

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FOCUS GROUP	QUESTIONNAIRE
	<p>The participants needed further clarification on both questions. We think that they did not understand very well the meaning of the questions. They could not imagine how this right could be violated in the process. We believe that the link between the process and the private life is not clear to them.</p> <p>We propose this topic to be given special attention when preparing the brochure.</p>

3.2.2. Right of children to be accompanied

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to be accompanied by their holders of parental responsibility and their lawyers:</i></p> <p>In connection with the right to his/her lawyer's presence during identity parades – some participants stated that this did not happen.</p> <p>It can be summed up that children know these rights. They describe through personal experience that parents are in the hall, the attorney explains to both children and parents what is happening. In principle, he/she explains in advance how the case will proceed.</p>	<p><i>Questions 29, 30 and 31:</i></p> <p>29 – 3 NO 30 – 0 NO 31 – 3 NO</p>

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3.2.3. Right of children to be present and participate

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to be present and to participate during the trial:</i></p> <p>Children know that they have the right to be present and to participate during the trial and to give their opinion. All of them declared that this right have been implemented.</p> <p>They know they have the right to appeal if the sentence is "imprisonment".</p> <p>In this case, the children with probation sentence have concluded an agreement with the prosecutor - they have recognized guilty and have agreed to be penalized with probation, with appropriate probation measures.</p>	<p><i>Questions 27 and 28:</i></p> <p>27 – 2 NO</p> <p>28 – 10 NO</p> <p>They may not exactly understand the meaning of Question 28.</p>

3.2.4. Right of children to individual evaluation

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to individual evaluation:</i></p> <p>When completing the questionnaires, and in the focus group, the participants wanted clarification.</p> <p>According to the participants' statements, it is the police officer (specialized to work with children, specialist in pedagogy) and teachers who make evaluation. In reality, the police officer prepares a so called <i>personal characteristic</i> of the child, but it is not a result of multidisciplinary study of the situation of the child. A social worker from the Child Protection Department prepares a social report, it includes data mainly about the financial situation, family status, education and health of the child.</p> <p>The child does not usually participate in the preparation of these documents and is not familiar with them.</p> <p>Thus, children do not understand the role of individual evaluation, they accept it as an obligation, and not as an implementation of a right.</p>	<p><i>Question 26:</i></p> <p>26 – 2 NO</p> <p>We believe there is a total misunderstanding of the issue.</p> <p>We believe that it is necessary to consider the subject in detail when preparing the brochures, focusing on the need and the utility of the individual evaluation</p>

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3.3. Sentence execution

3.3.1. Right of children to information

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to receive written information about their rights and obligations and about the detention centre's internal regime Regulations:</i></p> <p>The participants are aware of that right.</p>	-----

3.3.2. Right of children to family communication

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to family communication:</i></p> <p>The participants are aware of that right, they showed no hesitations. Surprisingly, there are 5 negative responses to the relevant question 37 in the questionnaire.</p>	<p><i>Question 37:</i></p> <p>37 – 5 NO</p>

3.3.3. Right of children to receive medical care

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to medical care:</i></p> <p>Overall, the participants were not interested in discussing issues related to serving a custodial sentence.</p> <p>They know that they have the right to medical care.</p>	<p><i>Questions 38, 39 and 40:</i></p> <p>38 – 0 NO</p> <p>39 – 0 NO</p> <p>40 – 3 NO + one left without answer</p>

3.3.4. Right of children to education and training

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to education:</i></p> <p>Participants commented that the child in a detention center is entitled to study, to visit programs. They are not aware, however, that there is a school inside the prison - they do not imagine how training and educating take place.</p>	<p><i>Question 41:</i></p> <p>41 – 8 NO</p>

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3.3.5. Right of children to religious freedom

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to religious freedom:</i></p> <p>One participant reasoned that if a child is a Catholic, he/she can see a priest, but if he/she is a Muslim, he cannot celebrate Ramadan.</p> <p>The participants were unable to focus on this topic. They showed very little interest in the theme of religion as a whole.</p>	<p><i>Question 42:</i></p> <p>42 – 5 NO</p>

3.3.6. Right of children to have access to programs that foster their development and their reintegration into society

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to have access to programs related to social reintegration:</i></p> <p>Participants know they have the right to access to such programs. They know their participation in it is compulsory, as the programs for social impacts are one possible probation measure and can be a part of the sentence.</p>	<p><i>Question 43:</i></p> <p>43 – 2 NO</p>

3.2.7. Right of children to individual evaluation

FOCUS GROUP	QUESTIONNAIRE
<p><i>Right of children to individual evaluation:</i></p> <p>Once again, regarding the individual evaluation, the participants did not understand the question.</p>	<p>-----</p>

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Open questions

- 6 children did not answer both open questions.
- 1 did not answer the second question.
- 1 did not answer the first question.

Question 1: "Which rights do you think are the most important? Write down the numbers and say why."

There are 3 responses that "all rights are the most important". Specific answers can be summarized on topics as follows:

1. The right to have a lawyer:

- The right to free legal aid.
- To communicate alone with a lawyer.
- "Keep silent until a lawyer comes in."
- Have a lawyer before and during interrogation in the police.
- The lawyer to ask for medical care if the child in a detention center needs it.

For the participants, the lawyer is the figure of the adult person who accompanies them besides offering them information and protection. They do not explicitly divide the lawyers into categories according to whether they pay for the services or use free assistance.

2. The right of a foreign child or a child who cannot hear or see to be kept informed: it is highlighted as an important right a foreign person to receive translation. Also included is the right to an appropriate way to inform a child who does not see or hear.

3. The right to inform a parent / relative when the child is detained: one answer states that the child has the right to get support from his parents. Seeing his family while in detention center is also mentioned.

4. Medical examination when the child is in detention center.

5. Right to educational programs: there are annotations from some participants – they should visit programs in order not to do more crimes.



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6. Right to Complaints and reparation.

7. I do not know: the answers I do not know are mainly from participants who did not answer the question and were specifically asked to share their opinion.

Question 2: "Which rights do you believe have not been respected in your case? Write down the numbers and say why."

10 participants stated that all their rights were respected / not violated. This is surprising, given that almost all participants in a free conversation shared about some violation of their rights at the phase of police arrest – pressure during interrogation, parents were informed with a delay, interrogation without the presence of a lawyer, etc.

The rights that participants describe as violated are as follows:

- Not being informed about what he/she is being accused of and why he/she has been arrested.
- Parents are not immediately informed.
- There was no lawyer lawyer's presence during identity parades for recognition.
- Interrogation without a lawyer (the first interrogation in the police arrest).
- Being in detention for more than 48 hours.
- Housing search without a search order.
- Personal search for no reason.
- Did not get enough information after being sentenced about its execution/did not understand what follows about him/her.
- Has not received a written declaration of rights.

In some cases, conducting the study has led the children to raise questions that are important but unclear to them.



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4. CONCLUSION

The research results play a key role to demonstrate the level of knowledge of their own rights in criminal proceedings and in supporting the creation of brochures addressing the identified needs of children and their parents/holders of parental rights.

It can be summarized that the questionnaire gives clear indications of unawareness and misunderstanding of some of the rights in the course of criminal proceedings. The conclusions are confirmed by the focus group.

Several topics have been identified in a conversation where children show incomprehension, ignorance, and even lack of interest.

But the more important issue is not the literal knowledge of rights, but their understanding as a safeguard of a fair trial. The rights guaranteed by the directives Directive 2012/13/EU, Directive 2010/64/EU, Directive 2013/48/EU and Directive 2016/800 are important in the context of the general system of rights and it is important to present in the brochures also the structure of the fundamental rights.

The value and uniqueness of every person, regardless of his/her particular life situation, is the basis upon which the knowledge and the power to uphold his/her own rights can be put. But knowledge and understanding of the rights is not integrated in many children. Their rights pass through the adults and seem to be perceived as somehow external to what is happening to the child.

In this sense, it will be helpful to strengthen and improve the practice of informing in criminal proceedings. Minors do receive information, but the study forces us to conclude that this does not happen in a way that is consistent with children's abilities and understanding.

There were no particularly serious difficulties in rationalizing their own situation and rights at every stage of the criminal proceedings.

However, some important knowledge gaps have emerged. As they appear consistently (in groups of different cities), they are probably related to deficiencies in the system of informing children of their rights. We believe that focusing and clarifying these issues in the brochures will help improving the knowledge and enforcement of rights.



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Overall, the survey shows that children are well aware of the right to information. In many cases, uncertainties remain about who can provide further clarification when they need it and how to ask for it.

Overall, the survey shows that children are well aware of the right to information. They know they have certain rights for which they should get information. The children are also aware for most of the rights they are entitled during in criminal proceedings. In many cases, however, it is unclear for them who can give them more explanations when they need them and how could they demand it.

In general, a lawyer is the one who is perceived as a supportive figure and as a source of sufficient and reliable information. Parents did not stand out in our conversations as such type of figure. They are rather supporting.

We may point out the issues that were not clear to the survey participants:

There was difficulty in understanding about the right to "keep silent". Possibly the difficulty is age-related – the silence may be linked to something bad, as it is in school - when you are silent, you do not know. Difficult to understand may be the conditional nature of this right - keep silent until the lawyer/parents come.

In all groups, there were comments on the alleged violation of the law relating to pressure from the police. In open questions from the questionnaire, participants did not mention it, possibly because they are afraid to share it or because they do consider it as normal.

Issues related to the right of appeal also pointed out that children do not always know when they have the opportunity to file a complaint.

We also found omissions in the procedure of informing the child`s parents that he/she is under arrest. Minors did not know when and how exactly should this be done. Children's experience may have influenced their responses - parents were not informed immediately after the child was detained.

Regarding the police arrest phase, among the participants in the focus group we identified lack of knowledge of the right to "make a statement in the presence of their lawyers and holders of parental responsibility" - the first questioning of the children was



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not always attended by a lawyer and/or a parent.

Concerning the right to interpretation and translation, as well as the provision of the opportunity to inform and communicate to deaf/blind children, the answers have consistently confirmed the right.

The understanding that children who do not know the language or cannot see or hear, need additional help in the course of proceedings, was confirmed in all the answers regarding the issue.

The right to translation is also considered important, although it is not part of the children's personal experience. The difficulties they have experienced have led to increased sensitivity to the other's difficulties.

In connection with the rights at the hearing, it is particularly impressive that children do not know the term "non-public/closed trial" and how difficult it is for them to understand the meaning of this right. This is also a point that needs to be clarified in the brochure.

At the same time, it is important to raise awareness among practitioners working with children, especially in pre-trial proceedings, that the implementation of the rights is a safeguard for a fair trial.



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