REPORT ON THE RIGHT OF CHILDREN TO INFORMATION, TRANSLATION AND INTERPRETATION IN CRIMINAL PROCEEDINGS

COMPARATIVE REPORT OF NEED ASSESSMENT OF CHILDREN IN CONFLICT WITH THE LAW IN FOUR EUROPEAN COUNTRIES

Co-funded by the Justice Programme of the European Union

INTERNATIONAL JUVENILE JUSTICE OBSERVATORY

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The contents of it are the sole responsibility of the authors, and can in no way be taken to reflect the views of the European Commission.

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REPORT ON THE RIGHT OF CHILDREN TO INFORMATION, TRANSLATION AND INTERPRETATION IN CRIMINAL PROCEEDINGS IN EUROPE

1. INTRODUCTION

This report has been developed within the framework of the project 'Child-Friendly JT - The right of minors to information, translation and interpretation in criminal proceedings: Development of child-friendly justice tools', co-funded by the Justice Programme of the European Commission.

The main objectives of the project are promoting child-friendly justice by improving the understanding that children in conflict with the law and their parents/holders of parental responsibility have of children's rights and of relevant information in criminal proceedings; as well as contributing to the correct implementation of Directive 2012/13/EU, Directive 2010/64/EU and Directive EU 2016/800.

The first stage of the project focused on the analysis of the needs of children in conflict with the law regarding their knowledge about their rights and relevant information in court proceedings. It also focused on assessing the correct implementation of the Directives referred to above.

This analysis and assessment was carried out in four EU countries by partners of the project. The study in Spain was carried out by Fundación Diagrama (coordinator of the project), in Bulgaria by SAPI, in Croatia by Undruga Most, and in Italy by Istituto Don Calabria. On the basis of the results obtained by the partners in their countries, the International Juvenile Justice Observatory has made this comparative study of the needs of children.

After assessing the needs presented by children regarding their knowledge of their rights and legal proceedings, 3 information leaflets for children in conflict with the law will be developed, one for each stage of judicial proceeding (police arrest, trial and detention). Theses leaflets will contain the information considered important in the comparative report. The leaflets will be written in child-friendly language. Moreover, 3 leaflets directed to parents or holders of parental responsibility will be developed, based on they play an important role helping children understand criminal proceedings.

The right to information is widely recognised at international and European level. Article 40 (2)(b)(ii) of the Convention on the Rights of the Child (CRC) states that children who are suspected of having committed an offence have the right to be informed promptly and directly of the charges against them. This right is seen by the CRC Committee as prerequisite for the effective realisation of the right to express views (General Comment No. 12, para. 82). The CRC Committee also considers that children must not only be informed of the charges, but also of the juvenile justice process as a whole and of the possible measures that can be taken regarding them (General Comment No. 10, para. 44).

Article 40 (2)(b)(ii) of the CRC states the possibility for children to be informed through their parents or legal guardians. In fact, informing the holder of parental responsibility is a children right recognised in Article 5 of the Directive EU 2016/800.

The information should be provided in a simple and accessible language (Art. 4 of the Directive EU 2016/800). Moreover, the CRC Committee expressed that 'children should be provided with full, accessible, diversity-sensitive and age-appropriate information about their right to express their views freely' (General Comment No. 12, para. 134(a)). Offering information in this way, not only helps them understand it, but also it can eliminate negative effects of the criminal proceeding.

Fundamental Rights Agency (2015) indicates "concrete information offered in small, digestible doses throughout all stages of the proceedings can relieve children's anxiety at facing a potentially intimidating justice system for what is likely to be the first time. Well informed children gain greater trust and confidence in themselves and the judicial system. They then feel more secure and talk more freely, which means their statements are more taken into account and they can participate more fully in proceedings" (p.6).

According to Article 3 of Directive 2012/13/EU the rights that should be known by children are: the right of access to a lawyer; any entitlement to free legal advice and the conditions for obtaining such advice; the right to be informed of the accusation; the right to interpretation and translation; and the right to remain silent.

Children should be also informed about other rights, gathered in the Letter of Rights, Article 4 of Directive 2012/13/EU states that such letter shall contain information about the right of access to the materials of the case; the right to have consular authorities and one person informed; the right of access to urgent medical assistance; and the maximum number of hours or days suspects or accused persons may be deprived of liberty before being brought before a judicial authority.

In addition, children have to right to be informed of other rights according to Article 4 of Directive EU 2016/800: the right to have the holder of parental responsibility informed; the right to protection of privacy; the right to be accompanied by the holder of parental responsibility during stages of the proceedings; the right to legal aid; the right to an individual assessment; the right to a medical examination; the right to limitation of deprivation of liberty and to the use of alternative measures; the right to appear in person at trial; the right to effective remedies; the right to specific treatment during deprivation of liberty (in case that measure is adopted).

The right to information is closely linked with the right to interpretation and translation. The CRC Committee states that a minor should be informed about the charges in a language they understand. This means that information should be translated in different foreign languages (General comment No. 10).

At European level, the right to interpretation and translation in criminal proceedings is recognised under Directive 2010/64/EU. Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation (Art. 2.1). Interpretation is referred for adequate communication between suspected or accused persons and their legal counsel (Art. 2.2), and appropriate assistance for persons with hearing or speech impediments (Art. 2.3).

In the framework of criminal proceedings children are a highly vulnerable group. According to the Fundamental Rights Agency (2015), children require special treatment in order to make their participation more effective and to avoid negative consequences for them.

This report analyses the needs of children in conflict with the law regarding the knowledge of their rights, particularly the right to information and the right to interpretation and translation.

2. OBJECTIVES

The objective of this report is to analyse the knowledge of young people in conflict with the law on their rights and relevant information in court proceedings in four EU countries (Bulgaria, Croatia, Italy and Spain); as well as to assess the implementation of the Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, the Directive 2012/13/EU on the right to information in criminal proceedings, the Directive 2013/48/EU on the right of access to a lawyer in criminal proceedings, and the Directive (EU) 2016/800 on procedural safeguards for children suspected or accused in criminal proceedings.

3. METHODOLOGY

The report has been produced from data received from a national analysis carried out by our partners. The partners have applied a mixed approach to collect the information. On the one hand, they administered a questionnaire to a group of young people in conflict with the law in their countries, in order to obtain quantitative data on their knowledge of the rights of young people in criminal proceedings. On other hand, they conducted focus groups with young people in conflict with the law in order to obtain more detailed information about their knowledge of criminal proceedings.

Given that the participants who completed the questionnaire are not the same as those who participated in the discussion groups, moving forward, we will make the distinction between the 'quantitative study' and the 'qualitative study'.

3.1. PARTICIPANTS

The study was composed of a group of 179 young people in conflict with the law. The majority of them were boys (99%) between the ages of 15 and 20 (M=17, SD=0.9), of whom 42 were Bulgarian (24%), 20 were Croatian (11%), 48 were Italian (27%) and 68 were Spanish (38%). 76% (f=138) made up the quantitative study, and 24% (f=41) the qualitative study.

The data of the participants, separated according to study, is detailed below.

3.1.1. Quantitative study

A total of 138 young people in conflict with the law participated in the quantitative study. Of this number, 37.6% are Spanish, 26.1% are Bulgarian, 26.1% are Italian and 10.1% are Croatian.

With regards to gender, the majority of the participants were men. Only 6 females participated, mostly from Spain.

Table 1. Gender of participants in quantitative study by country

	SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
GENDER	*f*	%	*f*	%	*f*	%	*f*	%	*f*	%
Female	5	9.6%	0	0.0%	1	2.8%	0	0.0%	6	4.3%
Male	47	90.4%	36	100.0%	35	97.2%	14	100.0%	132	95.7%
Total	52	100.0%	36	100.0%	36	100.0%	14	100.0%	138	100.0%

The age of the participants varies between 15 and 20 years, with the highest concentration of participants being between 16 and 18.

Table 2. Age of participants in quantitative study by country

	SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
AGE	*f*	%	*f*	%	*f*	%	*f*	%	*f*	%
15	4	7.7%	3	8.3%	2	5.6%	0	0.0%	9	6.5%
16	4	7.7%	18	50.0%	4	11.1%	3	21.4%	29	21.0%
17	19	36.5%	12	33.3%	17	47.2%	2	14.3%	50	36.2%
18	18	34.6%	3	8.3%	10	27.8%	3	21.4%	34	24.6%
19	6	11.5%	0	0.0%	1	2.8%	6	42.9%	13	9.4%
20	1	1.9%	0	0.0%	2	5.6%	0	0.0%	3	2.2%
Total	52	100.0%	36	100.0%	36	100.0%	14	100.0%	138	100.0%
Average	17.4		16.4		17.3		17.9		17.2	
SD	1.3		0.6		1.1		1.4		1.3	

At the time of the study, 48% of the participants were undergoing probation measures, whilst 24.8% had placements in the community, 22.6% undergoing institutional measures (under different detention regimes) and 4.4% had community sanctions.

Table 3. Types of sanctions serving by participants in quantitative study by country

	SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
TYPE OF MEASURE	*f*	%	*f*	%	*f*	%	*f*	%	*f*	%
Community sanction	2	3.9%	0	0.0%	0	0.0%	4	28.6%	6	4.4%
Institutional measure	27	52.9%	0	0.0%	0	0.0%	4	28.6%	31	22.6%
Placement in community	0	0.0%	34	94.4%	0	0.0%	0	0.0%	34	24.8%
Probation	22	43.1%	2	5.6%	36	100.0%	6	42.9%	66	48.2%
Total	51	100.0%	36	100.0%	36	100.0%	14	100.0%	137	100.0%

3.1.2. Qualitative study

Six discussion groups took place: two in Spain, two in Italy, one in Bulgaria, and one in Croatia. All the participants were male, with ages spanning between 15 and 19 years, and the average being 17.3 (SD=0.9).

Table 4. Age of participants in qualitative study by country

	SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
AGE	*f*	%	*f*	%	*f*	%	*f*	%	*f*	%
15	1	6.3%	0	0.0%	0	0.0%	0	0.0%	1	2.4%
16	3	18.8%	2	16.7%	0	0.0%	0	0.0%	5	12.2%
17	3	18.8%	7	58.3%	6	85.7%	4	66.7%	20	48.8%
18	6	37.5%	1	8.3%	1	14.3%	1	16.7%	9	22.0%
19	3	18.8%	1	8.3%	0	0.0%	1	16.7%	5	12.2%
N/A	0	0.0%	1	8.3%	0	0.0%	0	0.0%	1	2.4%
Total	16	100.0%	12	100.0%	7	100.0%	6	100.0%	41	100.0%
Average	17.4		17.1		17.1		17.5		17.3	
SD	2.7		0.3		1.6		0.6		0.9	

36.6% of the participants were undergoing probation measures, 36.6% institutional measures, 24.4% had placements in the community and 2.4% community sanctions.

Table 5. Types of sanctions serving by participants in qualitative study by country

	SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
TYPE OF MEASURE	*f*	%	*f*	%	*f*	%	*f*	%	*f*	%
Community sanction	0	0.0%	0	0.0%	0	0.0%	1	16.7%	1	2.4%
Institutional measure	10	62.5%	0	0.0%	0	0.0%	5	83.3%	15	36.6%
Placement in community	0	0.0%	10	83.3%	0	0.0%	0	0.0%	10	24.4%
Probation	6	37.5%	2	16.7%	7	100.0%	0	0.0%	15	36.6%
Total	16	100.0%	12	100.0%	7	100.0%	6	100.0%	41	100.0%

3.2. INSTRUMENTS

3.2.1. Quantitative study

The method used to obtain the data in the quantitative study was a questionnaire developed ad hoc by the partners of the project. The questionnaire is composed of 43 true/false questions about the rights that children have when they enter into the juvenile justice system. The questions are divided into the three principle phases of the juvenile criminal proceedings: police arrest, trial and execution of sanctions.

The following Directives were taken into account whilst developing the questions: Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings, Directive 2012/13/EU on the right to information in criminal proceedings, Directive 2013/48/EU on the right of access to a lawyer, and Directive (EU) 2016/800 on procedural safeguards for children suspected or accused in criminal proceedings.

Table 6. Variables analysed

STAGE OF CRIMINAL PROCEEDING	RIGHT	DIRECTIVE	ITEMS
Police arrest	Right to interpretation and translation	Articles 2.1, 2.2, 2.3, 2.4 and 3.1 of the Directive 2010/64/EU Art. 4 of the Directive EU 2016/800	Q5, Q6, Q7, Q8, Q9, Q10, Q11
	Right to be given a written letter of his/her rights	Art. 2.1, 4.5 of the Directive 2012/13/EU; Art. 4.2 of the Directive EU 2016/800	Q18
	Right of the child to have the holder of parental responsibility informed	Art. 3.2(b) of the Directive 2012/13/EU; Art. 3.1 and 5 of the Directive EU 2016/800	Q3
	Right to be assisted by a lawyer	Art. 6 and 18 of the Directive EU 2016/800; Art. 3 of the Directive 2013/48/EU; Art. 3.1 of the Directive 2012/13/EU	Q15, Q16, Q17, Q24, Q25
	Right to be informed of the accusation	Art. 6.2 of the Directive 2012/13/EU; Art. of the Directive EU 2016/800; Art. 5 of the Directive 2013/48/EU	Q1
	Right to remain silent	Art. 3 of the Directive 2012/13/EU	Q4
	Right to know the maximum duration of the arrest	Art. 4.2 of the Directive 2012/13/EU; Art. 10 of the Directive EU 2016/800	Q20
	Right of children deprived of liberty to be kept separate from detained adults	Art. 12.2 of the Directive EU 2016/800	Q19
	Right to a medical examination	Art. 4.2 of the Directive 2012/13/EU; Art. 4.1(b) of the Directive EU 2016/800	Q23
	Audiovisual recording of questioning	Art. 9 of the Directive EU 2016/800	Q21, Q22
	Right to access to the materials of the case	Art. 4.2 and 7 of the Directive 2012/13/EU	Q12, Q13, Q14
Trial	Right to an individual assessment	Art. 4.2 and 7 of the Directive EU 2016/800	Q26
	Right to appear in person at, and to participate in, their trial	Art. 4.1(b) and 16 of the Directive EU 2016/800	Q27, Q28
	Right to be accompanied	Art. 4.1(b) and 6 of the Directive EU 2016/800; Art. 3.1 of the Directive 2013/48/EU	Q29, Q30, Q31
	Right to protection of privacy	Art. 14 of the Directive EU 2016/800	Q33, Q35, Q36
	Right to effective remedies	Art. 4.1(c) of the Directive EU 2016/800	Q34
Sanction execution	Right to family life	Art. 4.1(c) and 12.5 of the Directive EU 2016/800	Q37
	Right to medical care	Art. 4.1(c) and 12.5 of the Directive EU 2016/800	Q38, Q39, Q40
	Right to education and training	Art. 4.1(c) and 12.5 of the Directive EU 2016/800	Q41
	Right to religious freedom	Art. 4.1(c) and 12.5 of the Directive EU 2016/800	Q42
	Right to access programmes to reintegrate into society	Art. 4.1(c) and 12.5 of the Directive EU 2016/800	Q43

The questionnaire was originally produced in English, and later translated by the partners of the project to their respective languages (Croatian, Bulgarian, Italian and Spanish).

3.2.2. Qualitative study

The qualitative study was carried out through focus groups, for which a guide was produced in order to help the professionals conduct conversations with participants in a structured manner. Information was sought regarding the participant's knowledge (young people undergoing a sanction at the time of the study) about the rights of children in conflict with the law, as well as other relevant information about the criminal proceedings.

The guide is composed of six parts. The first part is the introduction, where the purposes of the guide are explained. The second part contains general guidelines of how to carry out the discussion groups, as well as how to analyse the information and produce the reports. For this, the model created by Stewart, Shamdasani and Rook (2007) was taken into consideration. The third part (annex 1) includes instructions on gathering the sociodemographic information of the participants. The fourth (annex 2) contains techniques to facilitate the dialogue between people participating in the discussion groups. The fifth section (annex 3) contains the toolkit to lead the group in the themes which are the object of the study. The questions that the toolkit contains were also divided according to the three phases of the legal proceedings (police arrest, trial and execution of sanctions) and cover the rights pointed out in the quantitative study. The sixth part (annex 4) contains tables which gather all of the information obtained in the discussion groups.

The guide was originally produced in English, and later translated by the partners of the project to their respective languages (Croatian, Bulgarian, Italian and Spanish).

3.3. PROCEDURE

In order for the studies to be carried out, each organisation (Fundación Diagrama, Hope for Children, Undruga Most and SAPI) requested the necessary permission from the relevant national authorities. Once this permission was obtained, they met with the persons responsible for the services and centres where juveniles were completing the sentences imposed for their crimes, in order to explain the project to them.

Afterwards, possible participants were identified and contact was made with both them and their parents, so consent to participate in the study could be given.

Collaboration from the professionals who worked in the services and centres was of utmost importance at this stage.

Once permission was obtained, dates to carry out the questionnaires and discussion groups were fixed. Before administering the questionnaire, information was given to participants about how to complete it, and about the fact that the results were confidential and would only be used to carry out the study.

In the same vein, before beginning the discussion group sessions, those responsible for conducting them explained to participants what the session would consist of and the guidelines for active participation in the debate. It was also made clear to the young people that participation was voluntary, and that their voices were going to be recorded in order to facilitate the analysis, for which it was necessary that they gave their consent again. Again, they were informed that anonymity would be maintained and that precautions had been taken to ensure their privacy.

Those responsible for carrying out the fieldwork were the professionals from the organisations involved with the development of the project.

When the partners finished the fieldwork, they inserted the results into the databases created for this project (one for the quantitative study and the other for the qualitative study) ensuring participant anonymity, analysed them and produced the national reports. This activity took place between June and November of 2018.

The partners sent the databases to the coordinating organisation of the project (Fundación Diagrama), which was in charge of accumulating the data and providing them to the International Observatory of Juvenile Justice, together with the national reports, in order to produce the following report.

4. RESULTS

The following shows the results received by comparing the data obtained from the four participant countries (Spain, Italy, Bulgaria and Croatia).

The results have been presented according to the scheme of variables reflected in table six.

4.1. POLICE ARREST

4.1.1. Right to interpretation and translation

The majority of participants consider children to have the right to a translator and interpreter if he/she does not understand the language during the process of arrest.

As the table indicates, 95.7% maintain that children who do not understand the language have the right to an interpreter (item 5). The rest of the questions show worse results in relation to this subject. 8% of participants consider foreign children and children who cannot see or hear not to have the right to an interpreter to communicate with his/her lawyer (items 6 and 7). 19.7% consider foreign children to not have the right to make a complaint if he/she does not understand what has been said (item 8) and 15.3% consider children who cannot hear or see to not have this right either (item 9). Additionally, a high percentage of participants consider children to be without the right to receive written information in a language that they understand (10.9% in item 10 and 11.6% in item 11).

When comparing results between countries, Italy has proven to be the country where the most young people believe that such rights are not provided for children in conflict with the law during the period of arrest, reaching percentages close to 28%.

Table 7. Right to translation and interpretation in criminal proceedings in police arrest stage

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q5. A child has the right to an interpreter if he/she does not understand the language.	**F**	2	3.8%	1	2.8%	2	5.6%	1	7.1%	6	4.3%
	T	50	96.2%	35	97.2%	34	94.4%	13	92.9%	132	95.7%
Q6. A foreign child has the right to appropriate assistance (translation/interpretation) if he/she wants to speak to his/her lawyer.	**F**	5	9.6%	5	13.9%	0	0.0%	1	7.1%	11	8.0%
	T	47	90.4%	31	86.1%	36	100.0%	13	92.9%	127	92.0%
Q7. A child who cannot hear or see has the right to be communicated to by his/her lawyer in a way that he/she understands.	**F**	2	3.8%	7	19.4%	2	5.6%	0	0.0%	11	8.0%
	T	49	94.2%	29	80.6%	34	94.4%	14	100.0%	126	91.3%
Q8. A foreign child has the right to make a complaint if he/she has not understood what he/she has been told.	**F**	9	17.3%	10	27.8%	6	16.7%	2	15.4%	27	19.7%
	T	43	82.7%	26	72.2%	30	83.3%	11	84.6%	110	80.3%
Q9. A child who cannot hear or see has the right to make a complaint if he/she has not understood what he/she has been told.	**F**	4	7.7%	10	27.8%	5	13.9%	2	15.4%	21	15.3%
	T	48	92.3%	26	72.2%	31	86.1%	11	84.6%	116	84.7%
Q10. A foreign child has the right to be given the important information in writing and in a language that he/she understands.	**F**	5	9.8%	7	19.4%	2	5.6%	1	7.1%	15	10,9%
	T	46	90.2%	29	80.6%	34	94.4%	13	92.9%	122	89.1%
Q11. A child who cannot hear or see has the right to be given the important information in writing (in Braille for example) and in a language that he/she understands.	**F**	5	9.6%	7	19.4%	4	11.1%	0	0.0%	16	11.6%
	T	47	90.4%	29	80.6%	32	88.9%	14	100.0%	122	88.4%

Through discussion groups similar results were obtained. All the participants demonstrated knowledge of this right, the Bulgarian participants even noting that the interpreter is responsible for ensuring the children understand what they are saying. However, it is necessary to highlight that the Italian participants explained/expresed that this right does not always apply in practice.

4.1.2. Right to be given a written letter of his/her rights

The results of the quantitative study show that 14.5% consider arrested children to not have the right to receive information about their rights in written form. Particularly interesting/remarkable are the results obtained in Italy, where 33.3% of the Italian participants consider children to not have this right. However, results shown in Spain (9.6%) and from Bulgaria (8.3%) should also be taken into account.

Table 8. Right to receive the Letter of Rights written

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q18. A child under arrest has the right to be given a written letter of his/her rights.	**F**	5	9.6%	12	33.3%	3	8.3%	0	0.0%	20	14.5%
	T	47	90.4%	24	66.7%	33	91.7%	14	100.0%	118	85.5%

With respect to the results obtained in the discussion groups, it should be pointed out that participants believe that a written Letter of Rights is not always provided. Both in the case of Italy and in Spain, participants were aware of this right, but based on their personal experience, very few had received a written Letter of Rights. Other participants from Spain did not understand the concept of a "Letter of Rights".

In the case of Bulgaria, participants were very clear on the right to a Letter of Rights, but not all knew very well what use this could have for children.

4.1.3. Right of the child to have the holder of parental responsibility informed

Results obtained in the quantitative study show that the majority of participants (93.5%) considered that the statement that children have the right for their parents to be alerted of their arrest, to be true.

Table 9. Right to have the holder of parental responsibility informed

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q3. A child has the right to inform his/her parents that he/she is under arrest.	**F**	2	3.8%	3	8.3%	3	8.3%	1	7.1%	9	6.5%
	T	50	96.2%	33	91.7%	33	91.7%	13	92.9%	129	93.5%

In contrast, the data obtained through the focus groups show that not all the participants knew how this right is carried out in practice. They do not know how and when this right materialises. For example, the Bulgarian participants expressed that the police call the parents to inform them of the detention but not in any immediate manner, and it is sometimes even done after the interrogation.

4.1.4. Right to be assisted by a lawyer

The young people that participated in the study knew the right to a lawyer when arrested or accused of a crime. However, many participants were unable to answer some of the questions related to this right. 13 participants (9.4%), of whom 10 were Italian, did not know that legal assistance can be free of charge for children.

10.2% maintained that the child does not have the right for a lawyer to be present during the police interrogation. This result was higher in Italy (16.7%) and in Bulgaria (13.9%).

20.4% noted that children do not have the right to speak with their lawyer before the police interrogation. Analysing these results by country, this idea was noted by half of the Italian participants, whilst the rest of the countries showed lower percentages (21.4% in Croatia; 11.1% in Bulgaria; and 5.9% in Spain).

Finally, not all of the young people knew that children have the right to nobody knowing the content of their conversations with their lawyer (10.9%). The greatest percentage obtained by country with regard to this was in Italy (22.2%), followed by Bulgaria (13.9%) and Spain (3.8%). All of the Croatian participants knew of this right.

Table 10. Right to be assisted by lawyer by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q24. A child has the right to be assisted/defended by a lawyer.	**F**	1	1.9%	1	2.8%	0	0.0%	0	0.0%	2	1.4%
	T	51	98.1%	35	97.2%	36	100.0%	14	100.0%	136	98.6%
Q25. A child has the right to be defended by a lawyer for free.	**F**	2	3.8%	10	27.8%	0	0.0%	1	7.1%	13	9.4%
	T	50	96.2%	26	72.2%	36	100.0%	13	92.9%	125	90.6%
Q15. A child has the right to a lawyer's presence during the police questioning.	**F**	2	3.9%	6	16.7%	5	13.9%	1	7.1%	14	10.2%
	T	49	96.1%	30	83.3%	31	86.1%	13	92.9%	123	89.8%
Q16. A child has the right to speak with a lawyer before being questioned by the police.	**F**	3	5.9%	18	50.0%	4	11.1%	3	21.4%	28	20.4%
	T	48	94.1%	18	50.0%	32	88.9%	11	78.6%	109	79.6%
Q17. A child has the right not to tell anyone what he/she has talked about with the lawyer.	**F**	2	3.8%	8	22.2%	5	13.9%	0	0.0%	15	10.9%
	T	50	96.2%	28	77.8%	31	86.1%	14	100.0%	123	89.1%

With respect to the results obtained in the qualitative study, the majority of participants in all of the countries knew that the child has the right to be assisted by a lawyer, even if they are unable to provide economically for this. Some consider the lawyer as an essential figure during the legal process (such as in Italy). Other understand the lawyer as a person who explains the case to the child and tells them to remain silent or what to say (such as in Bulgaria).

Nonetheless, not all of the participants knew the rights related with legal assistance, and even referenced non compliance of such rights in practice. For example, two Croatian participants stated that the child is obliged to pay his/her lawyer. Some Spanish participants noted that the assistance is better when the lawyer is private, than when it is public.

Many Bulgarian participants stated that they did not speak with their lawyers before being interrogated by the police, even that the assistance from a lawyer was provided to them after being interrogated. Two Croatian participants also expressed that children do not have the right to an interview with their lawyer before interrogation.

With respect to the confidentiality of the conversations between the child and the lawyer, the general opinion of all the participants is that they are confidential conversations. The Bulgarian participants even expressed that nobody has the right to ask the child what they discussed with their lawyer.

4.1.5. Right to be informed of the accusation

The results of the quantitative study show that the young people interviewed considered children to have the right to knowing what they are being accused of. Only 3 participants from Italy (8.3% with respect to Italy, 2.2% to the shown total) answered children do not have the right to this information.

Table 11. Right to be informed of the accusation in police arrest stage

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q1. A child has the right to be given an explanation about what he/she is being accused of.	**F**	0	0.0%	3	8.3%	0	0.0%	0	0.0%	3	2.2%
	T	52	100.0%	33	91.7%	36	100.0%	14	100.0%	135	97.8%

Similar results were obtained in the discussion groups. The Bulgarian, Italian and Croatian participants indicated that the police should provide this information to the detained. The results from Spain merit particular attention. The first Spanish group stated that the police always inform the detained of the suspected crimes. However, the second group – those who had had a probation measure – informed that the police do not offer information about this aspect.

4.1.6. Right to remain silent

22.5% of the participants considered the statement that children have the right to remain silent to be false. Analysing the data by country, the fact that 47.2% of the Bulgarian participants indicated that children do not have the right to remain silent is particularly striking.

Table 12. Right to remain silent by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q4. A child has the right to remain silent.	**F**	8	15.4%	5	13.9%	17	47.2%	1	7.1%	31	22.5%
	T	44	84.6%	31	86.1%	19	52.8%	13	92.9%	107	77.5%

The data obtained through discussion groups shows that participants from Italy, Croatia and Spain are knowledgeable about the right to remain silent and they know what this means in practice. In contrast, the Bulgarian participants showed they did not fully understand the meaning of "right to remain silent", and when the meaning was explained to them, they noted non compliance this right based on personal experience.

4.1.7. Right to know the maximum duration of the arrest

69.3% of the participants noted that children cannot be detained for more than 48 hours. This question must be analysed country by country since the limits on the maximum duration of detention varies between countries.

In the case of Spain, detention can last up to 24 hours and can be extended for a further 24 if the prosecutor considers it appropriate. 80.8% said that detention could not exceed 48 hours.

In Italy, the maximum period of police detention is 12 hours, which can be extended to 48 hours. 48.6% of the sample said that detention could not exceed 48 hours.

In Bulgaria, the time limit for detention is 24 hours, but this can be extended to 72 hours on request of the prosecutor. In contrast, 66.7% of the Bulgarian participants noted that detention cannot exceed 48 hours.

In Croatia, the maximum period of detention is 24 hours. However, 85.7% believed that it could not exceed 48 hours.

Table 13. Right to know the maximum duration of the arrest by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q20. A child can be under arrest for no longer than 48 hours.	**F**	10	19.2%	18	51.4%	12	33.3%	2	14.3%	42	30.7%
	T	42	80.8%	17	48.6%	24	66.7%	12	85.7%	95	69.3%

During the discussion groups, the Spanish participants revealed that they were not clear on the limits on the duration of detention. However, they also pointed out occasions on which the 48 hour limit on detention was exceeded, particularly if the arrests took place at the weekend. In the same vein, the Bulgarian participants knew that detention could not exceed more than 24 hours but that if the arrest took place on the day before a bank holiday, the limit of 24 hours could be extended. Participants from the other two countries (Croatia and Italy) knew that the arrest could not exceed the limit of 48 hours.

4.1.8. Right of children deprived of liberty to be kept separate from detained adults

With respect to this right, 83.9% of the participants knew that young people should be separated from adults. Similar percentages were obtained in Spain, Bulgaria and Croatia. In contrast, Italy had a lower percentage of 77.8%.

Table 14. Right of children deprived of liberty to be kept separate from detained adults by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q19. A child under arrest must be separated from adults under arrest.	**F**	7	13,7%	8	22,2%	5	13,9%	2	14,3%	22	16,1%
	T	44	86,3%	28	77,8%	31	86,1%	12	85,7%	115	83,9%

The majority of the participants of the discussion groups knew that children should not be kept detained with adults. Nonetheless, it is worth highlighting the participants from Spain suggested that in practice this right is not complied with. Some said that children and adults are detained together, when there is only one cell available.

4.1.9. Right to a medical examination

The results of the quantitative study show that almost all the participants from all the countries know that children have the right to be seen by a doctor (96.4%). Only two of the participants from Spain, two from Italy and one from Bulgaria considered children do not have this right.

Table 15. Right to a medical examination by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q23. A child has the right to be seen by a doctor.	**F**	2	3.8%	2	5.6%	1	2.8%	0	0.0%	5	3.6%
	T	50	96.2%	34	94.4%	35	97.2%	14	100.0%	133	96.4%

Similar results were obtained in the discussion groups in all of the countries, showing a sound understanding of this right. The Bulgarian participants said, also, that the medic can come to the cell or, if necessary, the young people can be transferred to a hospital.

4.1.10. Audiovisual recording of questioning

44.2% of the participants of the quantitative study answered that the police interrogation cannot be video-recorded. Analysing the data by each country, 65.4% of the Spanish participants, 47.2% of the Bulgarian participants and 27.8% of the Italian participants answered that it cannot. In contrast, all of Croatian participants answered that the interrogation can be recorded.

With respect to the confidentiality of the recording of questioning, the majority of participants answered that children have the right for the recording not to be made public (83.3%), with the exception of the Bulgarian participants, of whom only 58.3% of the participants indicated that children have this right.

Table 16. Knowledge about audiovisual recording of questioning

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q21. The police questioning can be video-recorded.	**F**	34	65.4%	10	27.8%	17	47.2%	0	0.0%	61	44.2%
	T	18	34.6%	26	72.2%	19	52.8%	14	100.0%	77	55.8%
Q22. A child has the right to the non-publication of video-recordings of him/her.	**F**	4	7.7%	3	8.3%	15	41.7%	1	7.1%	23	16.7%
	T	48	92.3%	33	91.7%	21	58.3%	13	92.9%	115	83.3%

Similar results were received in the qualitative study. The Spanish participants answered that recording interrogations involving children is not allowed. Only two Croatian participants showed a knowledge of the possibility to record the questioning. In contrast, the Bulgarian participants showed knowledge about the possibility of recording the interrogation and that these recordings should not be shared. The Italian participants expressed that the aim of recording questioning was to protect the children.

4.1.11. Right of access to the materials of the case

The majority of participants answered that young people have the right to see their judicial record (84.1%), and even more participants believe that the lawyer has the right to see the record of their defendant (89.8%). It is amongst the Italian participants where it was answered that children do not have these rights, particularly in relation to the right to the lawyer to have access to the judicial record (25.7%).

However, although many of the young people in the study recognise that they have the right to access their judicial records, 25.4% do not believe that they have the right to make a complaint if this right is denied of them. Analysing the data by country, it is Italy who has the highest percentage of results in this vein (36.1%), followed by Bulgaria (27.8%), Spain (21.2%) and Croatia (7.1%).

Table 17. Right of access to the materials of the case

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q12. A child has the right to see the information about his/her judicial record.	**F**	8	15.4%	8	22.2%	4	11.1%	2	14.3%	22	15.9%
	T	44	84.6%	28	77.8%	32	88.9%	12	85.7%	116	84.1%
Q13. A child's lawyer has the right to see the information of the child's judicial record.	**F**	3	5.8%	9	25.7%	1	2.8%	1	7.1%	14	10.2%
	T	49	94.2%	26	74.3%	35	97.2%	13	92.9%	123	89.8%
Q14. A child has the right to make a complaint if he/she is not allowed to have a look into his/her judicial record.	**F**	11	21.2%	13	36.1%	10	27.8%	1	7.1%	35	25.4%
	T	41	78.8%	23	63.9%	26	72.2%	13	92.9%	103	74.6%

The Spanish participants expressed that young people have the right to access their judicial record, and it is the lawyer who should ask for access to the information. However, they also expressed that the police do not always consent to the request. Others said that the children do not have the right to gain access to the judicial record, but that the lawyer does.

The Bulgarian participants were not clear on who they should ask for access to their judicial record, or if their lawyer should make this request. Neither was it clear to them what the complaint process is, should they be denied access to the judicial record.

The Italian participants also showed doubts regarding this right and what the process of asking for the judicial record entails. Neither did they understand the benefits exercising this right could bring them.

4.2. TRIAL

4.2.1. Right to an individual assessment

The majority of participants (91.3%) said that children have the right to an individual assessment before their trial. The country with the highest percentage of participants who said that children do not have the right to an individual assessment was Croatia (14.3%), followed by Italy (11.1%), Spain (7.7%) and Bulgaria (5.6%).

Table 18. Right to an individual assessment

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q26. A child has the right to an individual assessment before his/her trial.	F	4	7.7%	4	11.1%	2	5.6%	2	14.3%	12	8.7%
	T	48	92.3%	32	88.9%	34	94.4%	12	85.7%	126	91.3%

Data obtained through the focus groups show that the Spanish participants know that children have the right to an individual assessment, however, they do not know when this takes place. The Croatian participants also showed a good understanding of this right.

Different results were obtained in Bulgaria. The participants did not know what the right to an individual assessment entails. They were under the impression it is an obligation, and not a right.

4.2.2. Right to appear in person at, and participate in, trial

The results of the quantitative study show that the participants consider children to have the right to appear in person, to be heard, and actively participate during the trial (94.2%). Only 5.8% answered that this right does not exist for children.

Different results were obtained with respect to the right for a child to another trial or take other legal action if they were not present at their trial. 34.1% of the participants answered that children do not have this right.

Table 19. Right to appear in person at trial

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q27. A child has the right to be present and to participate at his/her trial, to be heard and to give his/her opinion.	**F**	3	5.8%	3	8.3%	2	5.6%	0	0.0%	8	5.8%
	T	49	94.2%	33	91.7%	34	94.4%	14	100.0%	130	94.2%
Q28. A child who was not present at his/her own trial has the right to another trial.	**F**	15	28.8%	20	55.6%	10	27.8%	2	14.3%	47	34.1%
	T	37	71.2%	16	44.4%	26	72.2%	12	85.7%	91	65.9%

The results obtained in the qualitative study are similar. The Spanish participants expressed that children should always be present at the trial, but they can only participate when the judge asks them questions.

The Bulgarian participants also expressed that children have the right to be present at their trial, and to participate and give their opinion, and that this right has been implemented.

The majority of the Italian participants have good understanding about this right, but others thought that being present at the trial is an obligation, not a right. It was also suggested that the trials should employ a 'child-friendly' language in order to facilitate participation. Two Croatian participants also expressed that the trials do not employ 'child-friendly' language.

4.2.3. Right to be accompanied

The majority of the participants of the quantitative study noted that children have the right to have their parents present during the trial (94.2%). However, there are less participants who answered that children have the right to have their lawyer present. 10.9% of the participants noted that children do not have the right to wait until their lawyer arrives to undergo the trial and 19% believed that children do not have the right for their lawyer to be present during identity parades. These percentages are particularly high amongst the Italian participants.

Table 20. Right to be accompanied by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q29. A child has the right to have his/her parents present during his/her trial.	**F**	0	0.0%	3	8.3%	3	8.3%	2	14.3%	8	5.8%
	T	52	100.0%	33	91.7%	33	91.7%	12	85.7%	130	94.2%
Q30. A child has the right to wait for his/her lawyer at the trial.	**F**	4	7.7%	9	25.0%	0	0.0%	2	14.3%	15	10.9%
	T	48	92.3%	27	75.0%	36	100.0%	12	85.7%	123	89.1%
Q31. A child has the right to his/her lawyer's presence during identity parades.	**F**	5	9.8%	17	47.2%	3	8.3%	1	7.1%	26	19.0%
	T	46	90.2%	19	52.8%	33	91.7%	13	92.9%	111	81.0%

With respect to the data obtained through the qualitative study, the Bulgarian participants explained that the parents are always present during the trial and the lawyer usually explains to the children and parents what is happening during the trial. They also informed that, although they know that the lawyer has to be present during the identity parades, the reality of the situation is that they are not.

In the case of the Spanish participants, the young people expressed that the lawyer is always present and that if the lawyer does not arrive on time, the trial is delayed.

They also indicated that it is the lawyer who explains to the children what is going to happen during the trial, and what it is they have to say. With respect to the parents, participants explained that they are able to be present during the trial but they were not clear if they were able to participate or if the lawyer was able to ask them questions.

4.2.4. Right to protection of privacy

The majority of the participants of the quantitative study said that children have the right to a closed trial (83.2%). A greater percentage of participants said that children have the right that people do not speak about their private life (87.7%) and, especially, that they have the right to have their privacy protected from the media (90.6%).

Table 21. Right to protection of privacy by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q33. A child has the right to a non-public/closed trial.	**F**	8	15.4%	10	27.8%	5	14.3%	0	0.0%	23	16.8%
	T	44	84.6%	26	72.2%	30	85.7%	14	100.0%	114	83.2%
Q35. A child has the right that people do not speak about his/her private life.	**F**	5	9.6%	6	16.7%	5	13.9%	1	7.1%	17	12.3%
	T	47	90.4%	30	83.3%	31	86.1%	13	92.9%	121	87.7%
Q36. A child has the right to have his privacy protected from the media (for example: television, newspapers, etc.).	**F**	6	11.5%	1	2.8%	6	16.7%	0	0.0%	13	9.4%
	T	46	88.5%	35	97.2%	30	83.3%	14	100.0%	125	90.6%

Through the discussion groups, the Bulgarian participants demonstrated that they were not aware that children have the right to a closed trial and what this really means. The Spanish participants were also not clear if trials involving children are public or not. In contrast, the Italian and Croatian participants did know that children have the right to a closed trial.

On the other hand, the Bulgarian participants said that the media have the right to publish information about the children. In contrast, the Spanish participants said that the media do not have the right to publish information about the children without their consent, with the exception of one child that said that he had gone on the TV and they had not asked his consent in advance.

4.2.5. Right to effective remedies

The majority of the young people (85.5%) answered that children have the right to make a complaint and ask for reparation if their rights are not respected. 100% of the Croatian participants responded in this manner, whereas 17.3% of Spanish and 27.8% of Italian participants responded that children do not have this right.

Table 22. Right to effective remedies by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q34. A child has the right to make a complaint and ask for reparation if his/her rights are not respected.	**F**	9	17.3%	10	27.8%	1	2.8%	0	0.0%	20	14.5%
	T	43	82.7%	26	72.2%	35	97.2%	14	100.0%	118	85.5%

Some of the Spanish participants were not clear on this right, whilst others expressed within the discussion groups that they can make a complaint and ask for reparation in case of a violation of their rights, however it is difficult to have this accepted. In contrast, the Croatian and Italian participants seemed to be clear on this right. The Bulgarian participants assumed that this right was presumed for children, without explaining further. However, they were not clear on what the term 'reparation' means.

4.3. SANCTION EXECUTION

4.3.1. Right to family life

All participants, with the exception of four Bulgarians, believed that a child who is in a detention centre has the right to see their family.

Table 23. Right to family life by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q37.A child who is in a detention centre has the right to see his/her family.	**F**	0	0.0%	0	0.0%	4	11.1%	0	0.0%	4	3.0%
	T	50	100.0%	35	100.0%	32	88.9%	14	100.0%	131	97.0%

Similar results were obtained through the discussion groups. All of the participants showed knowledge about this right. Those who were undergoing institutional measures provided more extensive answers, explaining that children have the right to see their family several times a week, to speak to them on the phone, etc.

4.3.2. Right to medical care

Almost all of the participants answered that children have the right to be seen by a doctor (98.5%). However, a lower percentage of participants said that the lawyer and the parents of the child can ask for their child to be seen by a doctor (86.9% and 84.7% respectively).

Table 24. Right to medical care by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q38. The lawyer of a child who is in a detention centre has the right to ask for a doctor to see the child.	**F**	8	15.4%	9	25.7%	0	0.0%	1	7.1%	18	13.1%
	T	44	84.6%	26	74.3%	36	100.0%	13	92.9%	119	86.9%
Q39. A child who is in a detention centre has the right to be seen by a doctor.	**F**	1	1.9%	1	2.9%	0	0.0%	0	0.0%	2	1.5%
	T	51	98.1%	34	97.1%	36	100.0%	14	100.0%	135	98.5%
Q40. The parents of a child who is in a detention centre have the right to ask for a doctor to see their child.	**F**	11	21.2%	6	17.6%	2	5.6%	1	7.1%	20	14.6%
	T	41	78.8%	28	82.4%	34	94.4%	13	92.9%	116	84.7%

The data received through the discussion groups showed that the participants were knowledgeable about this right. The Spanish participants said that in practice, if a child needs urgent attention, they are transferred to a hospital by the police.

4.3.3. Right to education and training

The majority of the participants believed that children in detention centres have the right to an education (91.9%). It should be pointed out that 19.4% of the Bulgarian participants believed that children do not have this right.

Table 25. Right to education and training

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q41. A child who is in a detention center has the right to be given education and training.	**F**	1	1.9%	3	8.6%	7	19.4%	0	0.0%	11	8.1%
	T	51	98.1%	32	91.4%	29	80.6%	13	100.0%	125	91.9%

The Bulgarian participants expressed in the discussion groups that children are authorised to study and attend programmes. However, they did not know that there is a school within the detention centre, and so did not know how the schooling came about. The Spanish participants, however, expressed that education is not a right, but that it is an obligation. They also commented that, depending on the type of detention centre, in some types you are able to leave the centre in order to go to school.

4.3.4. Right to religious freedom

The majority of the participants answered that children have the right to practice their religion and beliefs within the centre (90.4%). It should be highlighted that between 10 and 11% of the Italian, Bulgarian and Spanish participants noted that children do not have the right to religious freedom.

Table 26. Right to religious freedom

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q42. A child who is in a detention center has the right to practice his/her own religion and believes.	**F**	5	9.8%	4	11.4%	4	11.1%	0	0.0%	13	9.6%
	T	46	90.2%	31	88.6%	32	88.9%	13	100.0%	122	90.4%

Through discussion groups, the Spanish participants informed that children have the right to practice their religion, giving examples such as being able to be visited by a priest if you are Christian, or follow Ramadan if you are Muslim. In contrast, one of the Bulgarian participants explained that it depends on the religion you practice – if you are Catholic, you can be visited by a priest, but if you are Muslim, you are not able to follow Ramadan.

4.3.5. Right to access programmes to reintegrate into society

The majority of the participants answered that children have the right to attend workshops which help them reintegrate into society.

Table 27. Right to access to reintegration programmes by country

		SPAIN		ITALY		BULGARIA		CROATIA		TOTAL	
		f	%	*f*	%	*f*	%	*f*	%	*f*	%
Q43. A child who is in a detention center has the right to attend workshops which help him/her reintegrate into society.	**F**	1	1.9%	3	8.6%	1	2.8%	0	0.0%	5	3.7%
	T	51	98.1%	32	91.4%	35	97.2%	13	100.0%	131	96.3%

However, through discussion groups, it was observed that these workshops are seen by children as an obligation and not as a right. In this vein, the Italian participants did not understand what they benefits of attending such a programme would be, and even, see them as an obligation. The Bulgarian participants for instance, knew that these programmes can be obligatory as part of probation measures.

5. DISCUSSION

The following compares the results received with the current European legislation, following the same structure as previously.

5.1. POLICE ARREST

5.1.1. Right to interpretation and translation

Directive 2010/64/EU on the right to interpretation and translation in criminal proceedings states that Member States shall ensure that suspected or accused persons who do not speak or understand the language of the criminal proceedings concerned are provided, without delay, with interpretation (Art. 2.1). Interpretation must be provided to ensure adequate communication between suspected or accused persons and their legal counsel (Art. 2.2), and appropriate assistance for persons with hearing or speech impediments (Art. 2.3).

This right seems to be known by all of the participants, although some advised it was not respected in practice. Precisely, it was the sample with the greatest number of foreigners participating that pointed out this situation.

Additionally, the right to translation and interpretation takes into account the ability to complain when the quality of interpretation is not sufficient to safeguard the fairness of the proceedings (Art. 2.5). This possibility is not known by a high percentage of participants, which is why it is necessary for this to be explained in the legal proceedings and include it in the informative brochures, especially if you take into consideration that translation is not provided, as indicated by some participants.

The right to translation also implies that children should be, within a reasonable period of time, provided with a written translation of all documents which are essential to ensure that they are able to exercise their right of defence and to safeguard the fairness of the proceedings (Art.3.1 of Directive 2010/64/EU).

However, there are children that believe that they do not have this right, and as such it will be important to reflect this in the brochures.

5.1.2. Right to be given a written letter of his/her rights

Article 2.1 of Directive 2012/13/EU state that Member States shall ensure that the information referring to rights shall be given orally or in writing, in simple and accessible language, taking into account any particular needs of vulnerable suspects or vulnerable accused persons. In Article 4.5 states that Member States shall ensure that suspects or accused persons receive the Letter of Rights written in a language that they understand. Moreover, this right is also recognised under Art. 4.2 of Directive EU 2016/800.

However, the results obtained warn that there are children that do not know this right, and others do not know what a "Letter of Rights" is, whilst others do not understand why this would be useful. They state that in practice this is not delivered. It is important to work to ensure that children have access to a Letter of Rights, in a language which is adapted to their needs.

5.1.3. Right of the child to have the holder of parental responsibility informed

Suspects or accused persons have the right to have one person informed (Art. 3.2 (b) of Directive 2012/13/EU). Children have the right to have the holder of parental responsibility informed (Art.3.1(a)) of Directive EU 2016/800). This mean, according to Article 5 of Directive EU 2016/800, that the holder of parental responsibility should be informed of the child's rights and also any information which remains relevant in the course of the proceedings.

Results show that participants are not clear on how this right is carried out in practice. That is why the brochures should not only discuss the existence of this right, but also how it should be carried out (who informs the parents, when they are informed, what information they should receive, etc.)

5.1.4. Right to be assisted by a lawyer

Another of the crucial rights for a fair trial is the right of children to be assisted by a lawyer. Article 3.1 of Directive 2012/13/EU states that suspects or accused persons must be informed about their right to access to a lawyer and of any entitlement to free legal advice, as well as of the condition for obtaining such advice. This right is also recognised for children who are suspects or accused persons. Children have the right to be assisted by a lawyer according to Article 6 of Directive EU 2016/800 and the right to legal aid provided for in Article 18 of the same directive.

Almost all of the participants knew that children have the right to be assisted by a lawyer, however some did not know that they can have a lawyer at no cost to the child or to the family.

However, there are other aspects related to this right that were less known by the participants, even reporting that these aspects were not carried out in practice. For instance, Directive 2013/48/EU and Directive EU 2016/800 establish that people must be assisted by a lawyer without undue delay once they are made aware that they are suspects or accused persons. In any event, they shall be assisted by a lawyer from whichever of the following points in time is the earliest; : (a) before they are questioned by the police or by another law enforcement or judicial authority; (b) upon the carrying out by investigating or other competent authorities of an investigative or other evidence-gathering act; (c) without undue delay after deprivation of liberty; (d) where they have been summoned to appear before a court having jurisdiction in criminal matters, in due time before they appear before that court. In addition, children must be assisted by a lawyer when they are questioned, and that the lawyer is able to participate effectively during questioning (Art.6.4 (b) of Directive EU 2016/800), and during the identity parades, confrontations and reconstructions of the scene of a crime (Art. 6.4 (c) of Directive EU 2016/800).

Some participants believed that the child does not have the right to their lawyer being present during the police questioning, and there were other participants who said that the child could not speak with their lawyer before the interrogation. In fact, some expressed that, based on their personal experience, the lawyer is provided after police questioning.

Moreover, this right includes that the child has the right to meet in private and communicate with the lawyer (Art.6.4 (a) of Directive EU 2016/800) and the communications between them in the exercise of this right are confidential (Art. 6.5 of Directive EU 2016/800). This aspect was not known by the small group of participants in the quantitative study.

Given the results, this right should be included in the information brochures, giving special mentions to the times in which a child can communicate with a lawyer and when the lawyer is able to participate.

5.1.5. Right to be informed of the accusation

Directive 2012/13/EU states that Member States shall ensure that suspects or accused persons who are arrested or detained are informed of the reasons for their arrest or detention, including the criminal act they are suspected or accused of having committed (Art. 6.2.). According to Directive EU 2016/800 children must be made aware that they are suspects or accused persons in criminal proceedings (Art.

4). The holder of parental responsibility of the child should also be informed as soon as possible of the deprivation of liberty and of the reasons pertaining thereto, unless it would be contrary to the best interests of the child, in which case another appropriate adult shall be informed (Article 5 of Directive 2013/48/EU).

The majority of the participants knew about this right. Only in one of the discussion groups, which took place in Spain, participants informed that this is not carried out in practice. It would be advisable to study this point in greater depth in future investigations.

5.1.6. Right to remain silent

Another of the rights included in Article 3 of Directive 2012/13/EU is "(e) the right to remain silent". This means that children who are arrested should be informed that the can remain silent during the arrest and not testify if they want.

More than 22% of the participants did not know of this right, particularly in Bulgaria, and some participants even noted the violation of this in practice. Therefore, this right should be included in the brochure, avoiding the use of the expression "remain silent" in order to guarantee understanding.

5.1.7. Right to know the maximum duration of the arrest

Article 4.2 of Directive 2012/13/EU states that the Letter of Rights shall contain information about the maximum number of hours or days suspects or accused persons may be deprived of liberty before being brought before a judicial authority. Nevertheless, Directive EU 2016/800 does not give maximum timeframes for police arrest of children. It only indicates that deprivation of liberty must be limited "to the shortest appropriate period of time" and it should be understood as a "measure of last resort" (Art. 10).

It is difficult to determine through the questions answered from the questionnaire if the participants knew the limit to the duration of detention. In contrast, through the discussion groups it was observed that they had many doubts surrounding this issue, and as such, it is fundamental that children also know how long they can be kept detained, and how to act in the situation where the limits set by the law have been breached.

5.1.8. Right of children deprived of liberty to be kept separate from detained adults

Article 12.2. of Directive EU 2016/800 states that Member States shall also ensure that children who are kept in police custody are held separately from adults, unless:

(a) it is considered to be in the child's best interests not to do so; or (b) in exceptional circumstances, it is not possible in practice to do so, provided that children are held together with adults in a manner that is compatible with the child's best interests. According to Article 4.1(c), upon deprivation of liberty, children must be informed of this right.

Many of the participants knew of the right to be separated from adults, however, some noted that in practice this right is not carried out. That is why it is also important that children know what they are able to do when this right is not respected.

5.1.9. Right to a medical examination

The right to a medical examination is recognised under Article 4.2 (c) of Directive 2012/13/EU. This right is also recognised under Article 4.1(b)(ii) of Directive EU 2016/800 and developed in Article 8.

The participants also showed a good knowledge with respect to this right, and did not note any particular issues regarding this right in practice.

5.1.10. Audiovisual recording of questioning

Article 9 of Directive EU 2016/800 states that Member States shall ensure that questioning of children by police or other law enforcement authorities during the criminal proceedings is audio-visually recorded where this is proportionate in the circumstances of the case.

This is probably the least known right amongst all of the participants. Many participants answered that it is not allowed to record police interrogations, and therefore it would be necessary to improve the information available with regards to this point. As well as working to ensure that children know that they are able to be video recorded during the questioning, it is also necessary that they understand the benefits of this practice and for what purposes the recording can be used.

5.1.11. Right of access to the materials of the case

Article 4.2 of Directive 2012/13/UE states that the Letter of Rights shall contain information about the right of access to the materials of the case. This right is developed under Article 7 of the same directive. A person who is arrested or their lawyer have the right of access to the documents related to the specific case in the possession of the competent authorities, which are essential to challenging effectively.

The majority of the participants consider both the young people and the lawyers to have the right of access to the materials of the case, although they did not know very well how this is carried out in practice. However, a high percentage believe that they cannot complain if they are not permitted to do so. Neither are they clear of benefits of having access to the materials of the case. As such, it would be interesting to discuss this point in the brochure, informing both about the procedure and its benefits.

5.2. TRIAL

5.2.1. Right to an individual assessment

The right to an individual assessment is recognised under Article 4.2 (b)(i) of Directive EU 2016/800 and developed in Article 7 of the same Directive. Children who are suspects or accused persons in criminal proceedings shall be individually assessed. The individual assessment shall take into account in particular the child's personality and maturity, the child's economic, social and family background, and any specific vulnerabilities that the child may have (Art. 7.2), in order to ensure that the specific needs of children concerning protection, education, training and social integration are taken into account (Art. 7.1).

In spite of the fact that the results of the quantitative study showed that a high percentage of participants knew that children had the right to be individually assessed, the results of the qualitative study showed that not all the participants have a clear idea of whether this is a right or an obligation, nor at what point this right should materialise. That is why, it is necessary to offer more detailed information about this right, such as how it comes about and what its purpose is.

5.2.2. Right to appear in person at, and participate in, trial

Children are right to be informed about their right to appear in person at trial according to Article 4.1(b)(v) of Directive EU 2016/800. As provided for in Article 16.1, children have the right to be present at their trial and participate effectively, giving then the opportunity to be heard and to express their views. Moreover, children who were not present at their trial have the right to a new trial or to another legal remedy (Art. 16.2).

The right to actively participate in the trial was recognised by a high percentage of participants in the quantitative study. In contrast, a high percentage did not know of the right to a new trial if the child was not present.

5.2.3. Right to be accompanied

Children should be informed about their right to be accompanied during court hearings according to Article 4.1(b)(iv) of Directive EU 2016/800. A child can be accompanied by the holder of parental responsibility or by another adult who is nominated by the child and accepted as such by the competent authority.

Children also have the right to be accompanied by their lawyer. In general, suspects and accused persons have the right of access to a lawyer in such time and in such a manner so as to allow the persons concerned to exercise their rights of defence practically and effectively (Article 3.1 of Directive 2013/48/EU). But when it comes to children, they can also be accompanied by their lawyer during identity parades, confrontations and reconstructions of the scene of a crime (Art. 6.4(c) of Directive EU2016/800). If the lawyer cannot be present, the competent authorities shall postpone the investigative acts (Art. 6.7).

The right to be accompanied by parents is widely known by the participants. The right to be accompanied by a lawyer is less known, especially when in relation to the lawyer being present during the identity parades. Some participants even noted that in practice, lawyers are not always present at the identity parades. It will be important to explain to children who is able to accompany them during the criminal proceedings, and when and how these people can participate.

5.2.4. Right to protection of privacy

The right to protection of children's privacy during criminal proceedings is recognised under Article 14 of Directive EU 2016/800. This right includes that court hearings involving children should be held in absence of the public, and that appropriate measures must be taken to ensure that the records are not publicly disseminated, and that Member States shall encourage the media to take self-regulatory measures in order to achieve privacy.

The majority of the participants in the quantitative study knew of the right to a closed trial. In contrast, through the qualitative studies, some participants – particularly those from Bulgaria and Spain – showed that they were not clear if the trials can be public or not, and if the media can publish information about their lives. It is thus important to explain to children before the trial takes place who is able to be present, and what to do in the circumstance of their privacy rights being violated.

5.2.5. Right to effective remedies

Article 4.1(c) of Directive EU 2016/800 states that children should be informed about their right to effective remedies as provided for in Article 19, in the event of a breach of their rights under this directive.

Some Spanish participants did not know about this right, both in the quantitative and in the qualitative study. This was also not clear to a quarter of the Italian participants. Given this result, it will be necessary to work to ensure that children know that they are able to complain when their rights are not being respected, and how to do so.

5.3. SANCTION EXECUTION

Children who are in pre-trial detention or detained to serve a sanction after the trial have the right to be informed about specific treatment during deprivation of liberty (Art.4.1). According to Article 12.5 of Directive EU 2016/800, the specific treatment consists in taking measures to ensure: their health, physical and mental development; their right to education and training; the effective and regular exercise of their right to family life; their reintegration into society through programmes that foster their development; and their freedom of religion or belief.

5.3.1. Right to family life

Both the participants of the quantitative and the qualitative study know of the right to a family life whilst in detention. However, it is necessary further research on how this right comes into practice.

5.3.2. Right to medical care

The right to be seen by a doctor was also known by the participants. The aspect which generated the most doubts was whether the parents and the lawyer can request that the child is seen by a doctor. As such, it will be useful to explain to children how they can exercise this right in practice.

5.3.3. Right to education and training

The majority of the participants know the right to an education. However, it should be highlighted that some participants said that education is not a right, but an obligation. Work should be done to ensure that children consider education as a right, and as an opportunity to integrate back into society after time spent in the justice system.

5.3.4. Right to religious freedom

10% of the participants in the quantitative study considered children not to have the right to practice their religion whilst in a detention centre. Other participants expressed in the discussion groups that this is dependent on the religion in question, implying that it is not permitted to practice all religions. As such, it would be useful to inform children that they have the right to practice any religion, and those responsible for the centre should provide them with the resources to do so.

5.3.5. Right to access programmes to reintegrate into society

Participating in programmes to reintegrate into society is also a right known by the participants. However, again, many expressed that attendance to these programmes is an obligation and not a right. They do not understand the benefits of such programmes to children. This is why, before participating in this kind of activities, it is necessary to work with them in order that they understand why it is important that they participate in this kind of activity.

6. CONCLUSIONS

There are many variables which can influence whether children are able to fully exercise their rights. The professionals working within the juvenile justice system should know the rights of children, and should also work to protect these rights. Furthermore, those who are holders of parental responsibility also should know the rights of children, not only because they can help the children understand them, but because they are able to act as agents to guarantee their rights are being met. In addition, children should also be knowledgeable about their rights.

On a general level, the results of this study show that the majority of the participants know about the rights analysed in the study. However, it was also observed that the knowledge about these rights is superficial. When studied in further depth with concrete issues or with how the rights play out in practice, participants had more doubts, and in some cases, they did not know the answers. They even stated that, in some cases, some of the rights are not respected in practice.

It can be concluded that not all participants did not knew their rights, in spite of having passed through all the phases of the juvenile criminal proceedings. The reasons for this may be numerous and varied among themselves. However, on this occasion it has not been possible to determine why this was not one of the objectives pursued in the study.

It also remains clear that even if informed of their rights, this does not mean that they understand their meaning. It is fundamental that children know their rights, understand them, and know how to put them into practice. It is also very important that they are able to appeal if their rights are not respected, and that they know how to do so. For this, it is necessary that children are informed in a simple language, adapted to their age and maturity, avoiding the use of technical terms belonging to the legal proceedings. It is also necessary to create tools that help professionals and parents to provide the information to the children.

Studies like this highlight the need to continue researching the fulfilment of children's rights. Each of the rights included in the study is worthy of being individually analysed, in order to achieve a detailed understanding of every one of them. It is also important to be able to increase the sample size in order that the results can be extrapolated to all children who pass through the justice system. Equally, it is necessary to include more countries from the European Union, as well as applying other research methodologies.

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