



Ministry of Justice

Declaration of rights

PROVIDED TO A MINOR PLACED IN DETENTION MINOR BETWEEN 10 AND 13 YEARS OF AGE

The information below must be given to you in a language you understand.

Holders of parental responsibility will receive the same information, unless it appears to be contrary to your best interests or is likely to harm the proceedings.

You can keep this document throughout your time in custody.

You are informed that you are being detained because there are serious and consistent indications that you have committed or attempted to commit an offence punishable by imprisonment for at least 5 years.

You have the right to know the alleged qualification, date and place of the commission of the offence for which you are implicated and the reasons for your detention.

You will be heard concerning these facts during the detention period, which can last 12 hours.

At the end of this period, the public prosecutor (or the investigating judge or juvenile court judge) may decide to extend the detention period for a further twelve hours. You will then be brought before this magistrate, unless circumstances prevent this, and if necessary by videoconference.

At the end of the detention period, you will, by a decision of the public prosecutor (investigating judge or juvenile court judge), either be brought before this magistrate or released.

Moreover, you are informed that you have the right to:

Inform certain persons

Your parents or guardians, or the person or service to which you are entrusted will be informed of the detention measure you are subject to, as well as the qualification, date and place of commission of the alleged acts.

You can ask to have a person with whom you usually live, or one of your parents who are direct ascendants, or one of your brothers and sisters or your guardian or appropriate adult notified by telephone of the detention measure that you are subject to.

If you are a foreign national, you can also inform the consular authorities of your country.

Unless there are insurmountable circumstances, these steps will take place no later than 3 hours from the time you made your request.

Communicate with an individual

You may request that you communicate in writing, by telephone or during an interview with one of the persons who may be informed that you have been detained.

The investigating officer may refuse your request if it is not compatible with the reasons for being placed in custody or may enable an offence to be committed. Said officer shall determine the time, terms and duration of this communication, which shall not exceed 30 minutes and shall take place under the officer's control, or that of a person appointed by said officer.

Be examined by a doctor

The public prosecutor (the investigating judge or juvenile court judge) will automatically appoint a doctor who will examine you. In the event of an extension of the detention, the public prosecutor (the investigating judge or juvenile court judge) will automatically appoint a doctor to examine you again.

Make statements, answer questions or remain silent

Once you have confirmed your identity, you have the right, during your hearings:

- to make declarations,
- to answer questions that you are asked,
- or to remain silent.

Be accompanied by your legal representative

If the competent authority considers it necessary, you may be accompanied, during hearings or interviews, by the holder of the parental authority. If applicable, you may appoint another adult to accompany you or be accompanied by an adult appointed by the magistrate.

Be assisted by a lawyer

You must be assisted by a lawyer.

Choice of lawyer

From the beginning of your detention, at any time during a hearing, and in the event of an extension to the detention – from the beginning of this extension – you may request assistance from a lawyer of your choice. If you are unable to appoint a lawyer or if the lawyer chosen cannot be contacted, the investigating officer or the public prosecutor (investigating judge or juvenile court judge) will request that a lawyer be appointed automatically to assist you.

Your lawyer may also be appointed by your parents or guardian, or the person or service you are entrusted to.

Legal assistance and response time

The lawyer may meet with you for 30 minutes under conditions that guarantee the confidentiality of the interview. In the event of an extension to the detention period, you will be able to ask to meet with your lawyer again.

The lawyer may, upon your request, also attend the hearings, confrontations, reconstitutions and identification sessions in which you take part.

Your first hearing, unless it relates only to aspects concerning your identity, may not start without the presence of your lawyer before the expiry of a 2-hour period following the notification made to the lawyer of your request. However, your first hearing may start immediately, even in the absence of your lawyer, upon authorisation from the public prosecutor (investigating judge or juvenile court judge), if the requirements of the investigation so require.

If your lawyer arrives while a hearing or confrontation is in progress, this will be suspended, to allow you to speak with your lawyer.

Be assisted by an interpreter

If you do not speak or understand French, you have the right to be assisted free of charge by an interpreter during your hearings and for communicating with your lawyer.

Apply for the termination of detention

When this magistrate decides on a possible extension to the detention, you may ask the public prosecutor, juvenile court judge or investigating judge for this measure not to be extended.

Access certain aspects relating to your case

At your request or that of your lawyer, and at the latest prior to any extension of detention, you may ask to consult:

- the notice concerning your placement into detention;
- the medical certificate(s) issued by the doctor who examined you;
- the minutes of your hearings.

Make remarks to the public prosecutor

After one year from the end of the custody period, you may ask the public prosecutor – by registered letter with acknowledgement of receipt or by making a declaration to the clerk's office against receipt – to consult the file of the proceedings in order to make observations.

The right to privacy

The hearings that you will be subject to during this measure will be filmed, unless this is impossible for technical reasons. It is prohibited for anyone to broadcast the recordings of these hearings.

These recordings may only be broadcast at a hearing held in camera for which it is prohibited to publish the minutes of the proceedings or any other element that would enable you to be identified.