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## **THE POSITION AND THE RIGHTS OF JUVENILE OFFENDERS IN POLICE PROCEDURE**

**Summary:** Particular attention should be paid of the position of juveniles in the juvenile justice system not only by the legislators but also by all actors that are in charge of enforcing the law. The police have a special role in this system. Why? Because the police is mostly the first organ that the juvenile comes in contact with after committing the crime and their further delinquent behaviors depends on police treatment. The initial approach is very important, i.e. the treatment of first-offenders that have already expressed delinquent behavior.

Second, police have the significant role in exercising police powers within the criminal proceedings. Namely, the police should provide basic procedural guarantees (due process rights) of the juveniles, as well as basic and additional rights prescribed by the laws. Therefore, the rights of the juveniles during the police procedure are a special concern in this paper, presenting a brief analysis of their practical implications in the police practice in Macedonia, as well.

**Key words:** juvenile offenders, due process rights, police, juvenile justice

### **Introduction<sup>1</sup>**

The position of the juveniles under the criminal procedure is a special area of regulation within the juvenile justice system. They are juvenile offen-

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ders who are in **conflict with the law**<sup>2</sup>, who are criminally responsible, and who already "entered" in the judicial system. It is undisputable that the future behavior of a juvenile depends on the treatment, protection and punishment by the justice system. Therefore, particular attention should be paid of the position of the juveniles within the criminal justice system not only by the legislators but also by all actors that are in charge of enforcing the law. In this regard, the international community has taken care to adopt important documents, guidelines, rules, minimum international standards for assistance and protection of children in the juvenile justice system that should be basis of every national law and guide for the activities of each actor involved in the juvenile justice system. **The police have a special role** in that system. Why? Because, the police are mostly the first organ that the juvenile comes in contact with after committing the crime and its further delinquent behavior depends on police further treatment. The initial approach is very important, i.e. the treatment of the first-offenders that have already expressed delinquent behavior. Hence, it is said that the police play a key role in reducing the risk of recidivism (Lemmer, 2004). Whether police would treat them with respect, whether they would be immediately labeled as delinquents or they would be approached with "paternal care" in their best interest, depends on how juveniles experience initial reaction. The basic principles are to act in the **best interest of the child, avoiding the unnecessary stigmatization by the system and dealing with education rather than punishment** (Buzarovska-Lazetik & Pajovic-Misevska, 2010:134).

Police have second but also significant role have while applying police powers in the criminal proceedings. The police should provide basic procedural guarantees to the juveniles, as well as basic and additional rights prescribed by the laws. Therefore, the rights of the juveniles during the police procedure are a special concern in this paper, presenting a brief analysis of their practical implications in the police practice in Macedonia, as well.

## **The role of police in treatment of juvenile offenders**

Police in each country are primarily the **protector of human rights**, the authority that operates to **serve citizens** and **introduce them in the justice system**. It derives from Article 3 of the Police Law (Official Gazette of the Republic of Macedonia No 92/2009), according to which "the *main function*

<sup>2</sup> The notion "juvenile in conflict with the law," according to the Convention on the Rights of the child means "child alleged as or accused or recognized as having infringed the penal law" (Article 40).

*of the police is to protect and respect fundamental rights and freedoms of man and citizen guaranteed by the Constitution of the Republic of Macedonia, laws and ratified international agreements.*" Prevention and detection of offenses, taking measures to prosecute perpetrators of such crimes and maintain public order and peace in society are also part of the basic functions, however, respecting the fundamental human freedoms and rights.

Explicitly, the rights of juveniles in police procedure are fundamental rights guaranteed by the Constitution of the Republic of Macedonia, Law on Juvenile Justice, the Convention on the Rights of the Child and the Beijing rules as basic documents that are referenced in the further analysis. Consequently, the police should and must respect them always keeping in mind the **best interest of the child**. In particular, treatment and communications with the children in conflict with law shall be in accordance with their age, maturity and level of moral development. Therefore, approach to children should be based on specific theoretical knowledge and practical skills acquired in working with them. This is also in accordance with the Law on Juvenile Justice (Official Gazette of the Republic of Macedonia No 87/2007) according to which the judge for juveniles, public prosecutors, lawyers and officials of the Ministry of Interior of at least four to ten days during the year attend specialized training on juvenile delinquency in the country or abroad (Article 94/3). Following the consistent provision in the Law in Macedonia in 2010, over 60 uniformed and over 50 civil police officers (inspectors for juvenile delinquency) were trained, who can use police powers in dealing with juveniles at risk or in conflict with the law. However, in exceptional cases the law provides an opportunity for police and other police officers to use police powers to juveniles, if due to the circumstances of the case specifically trained officers cannot act (Law on Police, Official Gazette of the Republic of Macedonia No 92/2009). Regardless of the specialization of police, the basic principles of each treatment should be protection, nondiscrimination and action without stigmatization.

In the Law on Juvenile Justice, the role of police in dealing with children in conflict with the law is reduced to a minimum (according to the principle of legality), i.e. the law regulates several police powers that police may apply. They refer to, **reference, information gathering, and deprivation of liberty for maximum 12 hours (detention)** that include running conversation. Juveniles may be detained in the police station in five situations: if there are grounds for suspicion that they committed a criminal act that is prosecuted *ex officio*, if they are found while committing the crime, when a warrant for such a crime has been issued, if they are found while committing an offense against public order and peace (if the establishment of public order or

removing the threat cannot be achieved otherwise), and when the juveniles are under the influence of alcohol, drugs or other psychotropic substances (Law on Juvenile Justice, Official Gazette of the Republic of Macedonia No 87/2007). In all situations, the police shall immediately notify the judge for juveniles, parents or a guardian, the defense lawyer designated by the juvenile or his parents or guardian and the Center for Social Work. The above stated police powers are closely regulated with the **Standard operating procedures for detention and procedure with detained persons (2008)** where a special chapter is dedicated to juvenile detained persons. During detention, police officers immediately inform the competent inspector in civilian clothes trained to combat juvenile delinquency (inspector for juvenile delinquency), which is responsible for the overall procedure for the juvenile. Also, police officers immediately notify a parent or a guardian, defense lawyer (if parents do not determine defense lawyer, he/she is called from the official list of defense lawyers submitted by the Bar Association in each police station), the Center for Social Affairs and the Public Prosecutor. Hence, it can be concluded that the rights of the juvenile (the right to defense, to presence of a parent/guardian) are essentially the responsibility of the police to respect them.

Authorized police officers can detain the juvenile in the juvenile detention facility (special room for juveniles) and during the detention conversation cannot be held without presence of a defense lawyer and of a parent or a guardian. If they cannot provide parents' presence and all means of securing their attendance are exhausted, then they call for representatives from the Center for Social Work. Although the Law prescribed that the juveniles should be placed in a separate room at the police station, the practice shows that material and spatial conditions for equipping a special room to keep juveniles are still not ensured. Moreover, reports of the Ombudsman visits to police stations each year show poor conditions in certain detention facilities (Information on the visit and release of police stations of general jurisdiction, Ombudsman of the Republic of Macedonia, June, 2010). Namely, although the majority of police stations are included in the **Program for rehabilitation and reconstruction of the detention in police stations of general competence** issued by the Ministry of Interior, there are certain police stations where the conditions of stay of detained persons are poor. Ombudsman notes that *"equipment with bedding is weak (or replacing old mattresses with a sponge, without or with inadequate and insufficient clean bedding); in the premises there is not enough natural light, which is compensated with electrical lighting provided with adequate protection. Also, some of the rooms have not facilities for heating in winter..."*

Regarding the treatment of juveniles while they are in custody, the inspector for juveniles, who has also attended special training course for conducting interview with juveniles, is in charge to conduct an interview. Additionally, after conversation, the inspector prepares official material (criminal charge) and provides the necessary evidence, which is submitted to the Public prosecutor and a report to the Centre for Social Work.

Based on the above mentioned, it can be concluded that any restriction of freedom withdraws additional protection or additional procedural safeguards that protect juvenile from inhumane treatment. Restricting the right of freedom, on the one hand, also means exercising the right to a lawyer, free legal aid, right to information, the presence of a parent/guardian, of privacy, as well as of medical assistance. The right to humane treatment is also specifically regulated, that represents one of the fundamental principles of the juvenile justice system.

### **Basic procedural safeguards (due process rights) under the juvenile justice**

In the following section of the paper, I will analyze procedural guarantees prescribed by the Law on Juvenile Justice in accordance with the international standards, paying special attention to their fulfillment in the police procedure. Procedural guarantees are basic procedural rights that guarantee the right to a fair trial,<sup>3</sup> which is raised to the rank of a constitutional principle. Procedural fairness is a necessary condition for justice and equitable procedure is a procedure which justifies the outcome. Hence, juvenile proceedings should be fair and thus provide the basic procedural guarantees which protect the juvenile from inhumane treatment. Therefore, the international community builds separate international standards for juvenile justice which protects the procedural guarantees of juveniles during the procedure. The are: the Convention on the Rights of the Child adopted in 1989, where Articles 37 and 40 contain procedural guarantees when juveniles are detained in the co-

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<sup>3</sup> The right to a fair trial is a fundamental human right which protects the person during court proceedings. When talking about criminal justice, this term covers the whole process of criminal proceedings beginning with the pre-trial until the final phase of the trial. In essence, the right to a fair trial includes all procedural and other quarantines for fair trial contained in the constitutions, laws and international standards for protecting human rights. The right to a fair trial is provided since 1948 in Article 10 of the Universal Declaration of Human rights which states: "everyone has equal right to a fair and public hearing by an independent and impartial tribunal in deciding about his rights and obligations and criminal charges against him."

urse of judicial proceedings; standard minimum rules of the United Nations to implement the Juvenile Justice known as the Beijing Rules adopted in 1990 pertaining to juvenile justice from the moment a child is arrested, until he/she leaves detention (their goal is to protect the welfare of the child and to emphasize the principle of proportionality, that the consideration of each individual case should consider specific circumstances related to the child and the nature of the work) and Rules of the United Nations for Protection of juveniles deprived of their liberty known as **Havana Rules** adopted in 1990 (Fair trial, Guide, 2001). The last one represents a set of minimum standards, rights and procedures that need to be guided in all cases where children are deprived of their liberty. As for their relationship, the Convention, in Articles 37 and 40, contains the basic standards for fair trial, which closely and precisely are regulated in other documents. Thus they have a "role of a guide on how the rights guaranteed by the Convention should be interpreted and applied in the particular situation of children accused or convicted of crimes or deprived of liberty" (Stojkovska, 2010).

Under Article 4 of the Juvenile Justice Act all rights that adults have been charged in criminal proceedings, are guaranteed, as well as specific rights recognized under the Convention on the Rights of the Child and other international documents, in all phases of the procedure.

Procedural safeguards for minors, as previously noted, are incorporated in many international documents. **Rule 7** of the Standard Minimum Rules of the United Nations to implement the Juvenile Justice (**Beijing Rules**) under the basic procedural rights means "*presumption of innocence, right to know the reasons for the accusation, right to silence, right to legal guardian, the attendance of parent or guardian, the right of subjecting the cross-examination of witnesses and the right to appeal to a higher competent court.*"

The Juvenile Justice can be recognized by defining the basic principles of procedure, and by guaranteeing the basic rights that an accused juvenile has in the course of the proceedings (Stojkovska, 2010).

An important introduction in the new Law on Juvenile Justice is **mandatory defense** at all stages of the proceedings, which entitles the juvenile and his legal representative during the entire procedure before the competent authorities to have a lawyer who, despite the defense function, which is one of the three basic functions in criminal proceedings, takes care and protects the rights and interests of the juvenile. Defense of the juvenile in all phases of the procedure is mandatory. And it is acceptably chosen solution because the juvenile should be guaranteed all rights. Sometimes, juveniles due to their immaturity, on the one hand, fear, feeling of shame during the

procedure are not always able to successfully understand the proceedings, much less able to defend by themselves, i.e. to know their rights. Therefore, the right of defense, under the **Juvenile Justice Act** means that during the preparatory proceedings, defense lawyer must be present at any procedural action which is attend by the public prosecutor (Article 107, paragraph 2), while the presence of defense lawyer at the trial is a prerequisite for its maintenance (Article 118). Also, lawyer's presence is mandatory whenever the juvenile is examined in court or is detained in a separate room at the Ministry of Internal Affairs (Article 109, paragraph 4). What is the purpose of mandatory defense? To ensure adequate representation of the case, equality of arms that prevents unjustified discrimination between the parties and concern for procedural fairness. The right to defense is a constitutional right guaranteed by Article 12 of the **Constitution** of the Republic of Macedonia, while the **Law on Criminal Procedure** imposes a duty of the court (and police, as well) at the start to clearly instruct the accused person for his/her right to consult a defense lawyer and to have defense of own choice (Articles 3 and 4).

The right to defense cannot be fulfilled only by the physical presence of a lawyer during proceedings. Active support and building relationships of trust with a juvenile is essential. First, defense lawyer is expected to show interest and willingness so that the trial would be solved in the best interest of the child. That means application of detention as a last possible resort, measures of diversion from formal court proceedings or application of measures carried out in the community. Success depends on the lawyer to establish good and trustful communication with a juvenile and therefore he/she needs individualistic approach. Also, the defense lawyer should have a will and knowledge to perform the function of defense, because proper defense reflects the correct determination of the facts which are of decisive importance for the correct application of the law. Therefore, the Juvenile Justice Act envisages specialized training on juvenile delinquency and lawyers, together with other stakeholders in the process, have to attend training at least four to ten days during the year.

However, it is indisputable that the success of the lawyer depends also on the payment of costs and the award for his work. Regarding that issue, Juvenile Justice Act offers a solution, since it says that the costs will be paid by the family. Why do I say that it is an **unfortunate solution**? Because the largest percentage of juvenile offenders come from families who neglect their children, poor families, and it is unlikely they would be able to pay cost for defense. That situation requires the fulfillment of the **right to free legal aid**, which causes confusion among the relevant institutions due to the "transfer"

of the responsibility for payment of the costs. Therefore, the problem with reimbursement of expenses of the defense lawyer become apparent, and that situation has caused unpaid debts and termination of the obligation of the **Bar Association** to nominate lawyers for mandatory defense. It has opened the debate among competent institutions and, additional provision in 2010 was enacted according to which *"in case, when the juvenile or parent /guardian have submitted evidence to the centre for social work that they cannot pay the costs of defense in accordance with the Law on Social Protection, the costs will be paid from the budget of the Public Prosecutor (if the proceedings continue before the court)"* or from the judicial budget if the case continues to court (Amendments of the Law on Juvenile Justice, Official Gazette of the Republic of Macedonia No 145/2010). Again, the Law does not specify which categories of families are eligible for so-called free legal assistance, except that it determines which categories are entitled to social financial or permanent financial aid. What about other categories of families, which, despite the fact that are not registered as recipients of social financial aid objectively are unable to pay the costs of defense lawyer? Therefore, according to the new proposed amendments (not yet adopted) *"it is considered that the family is unable to pay the costs of attorney if their total monthly income is lower than the average monthly salary<sup>4</sup> of the Republic of Macedonia, which should provide confirmation for the total monthly income issued by the competent authority within 5 working days of receiving notice of the required documentation. If a parent or guardian does not provide such confirmation it shall be deemed that the family is able to pay the costs of the lawyer."* The mentioned proposal offers an acceptable solution. Hence, the payment or non-payment to the defense lawyer by the family shows their support, care, and willingness to help resolving children case in their best interest. Namely, it is consistent with the responsibility and obligation of parents conscientiously to perform parental care and to ensure proper reintegration in cases when children are in conflict with the law. There remains only the question whether the situation when the family is uninterested or parental care is incomplete, if this will raise the mechanisms of forced payment, or it will circumvent the law for mandatory defense. This question has always caused debates everywhere and leaves with bitter experience and disappointment when acting in the best interest of the child. Much more should be done with parents, to develop their awareness of parental care, protection and responsibility when their children are in conflict with the law and are faced with criminal sanction.

<sup>4</sup> The *average monthly salary* in the Republic of Macedonia is approximately 20.000, 00 Macedonian denars.

Regarding the fulfillment of this right, the **European Committee against Torture and Inhuman Treatment** on several occasions during the visits in several police stations in the Republic of Macedonia has registered violation of the right of access to a lawyer. Most of arrested juveniles have complained that their first contact with defense lawyer occurred when they were brought before an investigative judge to decide on their detention. The delegation also heard specific allegations concerning the detention of juveniles who have been denied the right of access to a lawyer (or guardian) during the police interrogation.

In terms of the **deprivation of liberty**, juveniles have the right to challenge the legality of their detention, to stay separately from adults and in custody, to comply some activity that is useful according to their maturity (Article 112). Hence, we can conclude that the law provides the basic rights of every juvenile who is deprived of liberty, but, in reality, procedural safeguards to prevent abuse are sometimes violated. Examples of police abuse and inhumane treatment of detained juveniles can be found in our and foreign jurisprudence (Stojkovska, 2008:230).

In the attempt to find official cases of violations of fundamental procedural guarantees of the juveniles in conflict with the law in police procedure, I have consulted and made a brief analysis of the following documents: Information on the visit and release of police stations of general jurisdiction, Ombudsman of the Republic of Macedonia, June, 2010, Report of the Helsinki Committee for Human Rights of the Republic of Macedonia on the situation of human rights in 2002, Report to the Government of "the former Yugoslav Republic of Macedonia" on the visit to "the former Yugoslav Republic of Macedonia" carried out by the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) from 21 September to 1 October 2010 and of the Reports of the Human Rights Support Project.

In general, the analysis of these documents shows that thorough research on the respect of procedural guarantees of juveniles during court proceedings generally and in particular during police procedure has not been done yet. The reasons can be found in the "ignorance of law" by the same juveniles to recognize their rights during the proceedings, and even more, of their violations, and lack of knowledge, eventually, to call for protection from possible abuses.

Registered violations listed in documentation, are more isolated cases that are identified by certain *ad hoc* visits of the **European Committee for prevention of torture, or of the Helsinki Committee**. Additionally, certain

cases might be identified through complaints submitted to the **Ombudsman or to the Human Rights Support Project**.

For example, the report of the European Committee for the Prevention of Torture and Inhuman or Degrading Treatment or Punishment (CPT) visit in 2010 noted that juveniles in particular police station are examined and have signed minutes without presence of a lawyer, or of their legal representative. Another case shows inhuman treatment of police using excessive force in order to extort confession or to get information. Such excessive use of force is registered in the Reports of Human rights support project, as well (Tomsik, Stojkovska, 2009).

**To sum:** practice with exercising of the rights of the juveniles in police procedure shows cases of exceeding the length of detention, unhealthy conditions in detention units, no separate room for detention of juveniles, inhuman treatment, no access to a lawyer, no sense in the police for special protection of minors, unregulated legal framework. Even if those cases are minor, there is still a need for improvement of the police treatment of juveniles.

One reason for this situation lies in the fact that juvenile delinquency is not seen as a priority within the police structure and organization. Also, support by the police administration is lacking that makes changes in police culture and structure impossible. But, if the police do not have enough understanding and sense for special protection and treatment of juveniles in conflict with the law, and if the police are not convinced in the new juvenile justice principles in the Republic of Macedonia, the attempt to effectively prevent juvenile delinquency will remain unchangeable.

## **Directions for improving the treatment of juveniles in police procedure**

The Law on Juvenile Justice strengthens the position of the juveniles in criminal proceedings and follows the recommendations of international documents on the one hand, and fully incorporates Article 40 of the Convention on the Rights of the Child, concerning the rights of juveniles to a fair trial, on the other. That means that juveniles are entitled to special privileges and protection provided by the state (so-called welfare rights) and basic human freedoms and rights that apply to adults (so-called liberty rights). This means that, besides the basic procedural safeguards, juveniles, depending on their age and specific needs, receive special protection and treatment. But still, more should be done.

In practice, the absence of clearly defined responsibilities and procedures in dealing with children (in the regulations associated with the police) and failure to implement minimum standards contained in the laws cause great number of violations of the rights of children and endanger their lives and further development.

The Police Act lacks precise provisions that regulate police powers in situations involving children (as suspects, victims or witnesses). That means poor awareness among the police for special treatment of children, lack of accurate reporting procedure, problems in proving and impunity of improper conduct. The legal framework of our legislation regarding protection of rights during police action is open for abuse since it does not offer additional mechanisms for their protection. Consequently, not every police officer is entitled to deal with juvenile delinquency because police themselves often create a risk factor for crime by using "bad manners."

Basic principle that evokes dilemmas in professional public regarding the actions of the police is the **principle of legality**. While many countries, especially countries with common system of law increasingly, apply so-called **police diversion or distraction**, which means the right of the police officer, under certain legal conditions, to decide whether to apply or not apply certain police powers, the Macedonian justice system strictly formal, applies that principle. This means that the police registered juvenile cases, depending on the severity of the crime, must forward them to the competent public prosecutor who decides whether he will apply his discretionary right to prosecute or not. If the crime is petty, then the police will refer the case (also, when the child is under 14 years) to the competent social work centers for further processing and treatment (Stojkovska, 2010). Maybe, in circumstances where there is still not well developed structure and awareness for special treatment of juveniles by the police, it is a good solution. Therefore, not only special training is required and necessary but also changing the traditional police values in dealing with juvenile delinquency. Therefore, the tasks of the inspector for juvenile delinquency are big challenge, but also a reward, too if he/she succeeds with his/her attitude and treatment to affect the reduction of juvenile future recidivism.

Also, there is a need to develop separate bylaw (**Guideline on police conduct towards juveniles**) on police conduct with juvenile offenders. Within the Crime Police Department, a separate department of juvenile justice should be established in charge of developing proper juvenile crime policy. Current situation shows that, within crime police department, only one **senior police adviser for juvenile delinquency** is in charge to follow juvenile justice system. In parallel, the Ministry of interior should establish

separate research unit in order to create an empirically based policy. Such organizational unit shall develop research projects for the purpose of promotion of the status of juveniles within the system of juvenile justice, and particularly through initiating pilot programs (Bacanovic, Batik, Mirceva, Stojkovska, Prosaroska, 2010). Regarding the position and the manner in which due process rights of the juveniles in police procedure are executed, it is necessary to conduct thorough analysis in order not only to detect deficiencies and violations, but also to establish appropriate responsibility by the police for such violation and permanent education about the new concept of juvenile justice in our system that includes protection, help and fulfillment of basis children rights.

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## **Положај и права малолетних преступника у полицијском поступку**

**Сажетак:** На положај малолетника у малолетничког правосуђа треба посветити посебну пажњу, не само од стране законодавца, већ и од стране свих актера који су задужени за спровођење закона. У том систему полиција има посебну улогу. Зашто? Пошто полиција је углавном први орган који малолетник дође у контакт након извршења злочина, и његово даље делинквентно понашање зависи од поступању полиције. Веома је важан почетни приступ, односно приступ према први преступници који су већ изразиле делинквентног понашања.

Друго, значајна улога полиција има у вршењу полицијских овлашћења у оквиру кривичног поступка. Наиме, полиција треба да обезбеди основне процедуралне гаранције (due process права) за малолетнике, као и основна и додатна права прописане законима. Дакле, права малолетника током полицијског поступка су посебан предмет у овом раду, заједно са кратком анализом њихових практичних импликација у полицијској пракси у Македонији.

**Кључне речи:** малолетни преступници, процесних права, полиције, правосуђа за малолетнике

## **Summary**

The position of the juveniles under the criminal procedure is a special area of regulation within the juvenile justice system. The police have a special role in that system, because the police are mostly, the first organ that the juvenile comes in contact with after committing the crime and its further delinquent behavior depends on police further treatment. The initial approach is very important, i.e. the treatment of the first-offenders that have already expressed delinquent behavior. Therefore, the police should provide basic procedural guarantees of the juveniles (right to defense, to presence of a parent/guardian, right of medical care), respecting basic principles regarding best interest of the child, avoiding the unnecessary stigmatization by the system and dealing with education rather than punishment. Therefore, the approach to children should be based on specific theoretical knowledge and practical skills acquired in working with them. This is also in accordance with the Law on Juvenile Justice according to which the judge for juveniles, public prosecutors, lawyers and officials of the Ministry of Interior attend specialized training on juvenile delinquency in the country or abroad (article 94/3) at least four to ten days during the

year. Law on Juvenile Justice regulates several police powers that police may apply. They refer to reference, information gathering, and deprivation of liberty for maximum 12 hours (detention) including holding conversation. In the attempt to find official cases of violations of fundamental procedural guarantees of the juveniles in conflict with the law in police procedure, I have consulted and have made a brief analysis of the following documents: Annual reports of the Ombudsman, of the Helsinki Committee for Human Rights, of the Committee for the Prevention of Torture, and of the Reports of the Human Rights Support Project.

In general, the analysis of these documents shows that there is not a thorough research on the respect of procedural guarantees of juveniles during court proceedings generally and in particular during police procedure. The reasons can be found in the "ignorance of law" by the juveniles or not recognition of their rights during the proceedings, and even more, of their violations, and lack of knowledge, eventually, to call for protection from possible abuses. Also, there is need to develop separate bylaw (Guideline on police conduct towards juveniles) on police conduct with juvenile offenders. Within the Crime Police Department, a separate unit on juvenile justice should be established with a task of developing a strategy and policy on juveniles. In parallel, the Ministry of Interior should establish separate unit to deal with research on juvenile delinquency and crime against children in order to create an empirically based policy.