

# Minors in action?

For all people under the age of 18 (i. e. minors in legal terms), there are also a few peculiarities in the legal field, and now and then there are special difficulties. Therefore, we have compiled the most important information for you here.

## In custody

The police can also take children (up to 13 years) and adolescents (14 to under 18 years) into custody. This is a serious encroachment on the educational rights of your parents/guardians and, in addition, as a minor you are particularly “in need of protection” and any deprivation of liberty is therefore quickly disproportionate. Normally, the police would have to inform your parents/guardians or the youth welfare office immediately in all cases, e. g. if you are taken into custody because the police thinks you pose a threat or to enforce a “Platzverweis” prohibiting you from re-entering a certain area after an expulsion.

If the police assume that you are in action without the knowledge of your parents/guardians, they can also take you into custody to bring you to your parents/guardians or the youth welfare office (so-called “Obhutsgewahrsam” according to § 204 LVwG SH Abs. 2).

In practice, this usually means that the police will still take you with them anyway. At some point later they will ask whether there are any minors present. The right for all detainees to make a phone call also applies to minors – **so please call the legal team and tell them where you are!**

It can happen that the police accuse you of a crime. This also means that the police may want to interrogate you. They have to tell you beforehand that you can refuse to testify (which you should do!). Since the police often do not follow the rules, do not rely on them to inform you of your rights. Your parents/legal guardians have the right to be present during questioning. If you want them to be present, you can insist that they let you talk to them on the phone beforehand. Under 14-year-olds may not be subjected to interrogation.

## Situation when giving your personal data

If you disclose your personal details to the police, they are obliged to call your legal guardian to come and pick you up from the police station. It is entirely up to you whether you for example just hand them the phone number or whether you try to get the police to actually call your parents (which they often don't, even though theoretically, they have to).

**Power of attorney:** You can exclude a stay at the police station if you have a written permission from your parents/guardians to participate in the protests. With such permission, your parents/guardians can give another adult person the right to pick you up from police custody. Then the authorized person can also pick you up from the police station with this slip of paper.

With the power of attorney you can best specify a person who is of age and does not go directly with you into the action. If you don't know such a person directly and your parents/legal guardians go along with it, you can also bring a signed blank form and then enter a person before the action.

Then call the authorized person or legal team (if you used the blank form) from the police station and ask them to pick you up.

Such a **power of attorney** could look like the following and **must be signed by all parents/guardians**:

I hereby give permission for my child **[name]** to attend protests in the  
Brunsbüttel / Hamburg area between XX.XX.20XX and XX.XX.20XX.

**Power of attorney**

Ms/Mr/Person:

Address:

Is authorized by me/us

my/our child: name, address, date of birth

after arrest or detention in the period from

XX.XX.20XX to XX.XX.20XX and to take care of him/her.

Signature(s)

**Situation in case of refusal of personal data:**

If you refuse to provide personal information and the police believe you are younger than 18, there is a high probability that they will take you to a juvenile facility. You are not allowed to be locked up in such a facility. **So you can just leave from there as soon as the police are gone.** In practice, there were very different experiences with just leaving: partly easy, but sometimes, for example, personal belongings are locked away or leaving was only possible the next morning. Try to call the legal team from the youth facility or police station and tell them the address or at least the city of the facility, so they know where you can be collected. It is best to have cash with you in case of an emergency, so that you can take public transportation back to the city where you arrived.

Whether you want to be seen as a “minor” by the police, or whether you try to act mature and be treated as an adult is a strategic decision you need to take for yourself. It depends on whether you prefer to be in the detention center (GeSa) with many others or whether you think it is better to run away from a facility. Which, based on past experience, you often have to do on your own, but also means less lousy conditions than a detention center. If you want support in making that decision, consider talking to both your affinity group and the legal team.

**Detention awaiting trial / imprisonment on remand (German: U-Haft)**

Minors (14-17 years) can also be remanded in custody in case of more serious charges and risk of absconding (people might try to get away) (see chapter 7.2. Legal Aid Manual) and then end up in a juvenile detention center. Children (i. e. if you are younger than 14 years or, if anonymous, appearing younger than 14) may not be held in juvenile detention.

## **After the action (juvenile criminal law, court cases)**

### **Being summoned by the police**

If a minor is summoned to be questioned by the police, the summons will also be sent to the minor's parents. The parents/legal guardians have a right to be present at police interrogations and are therefore informed of such appointments. They also have the right to file motions in the proceedings (§ 67 JGG, Juvenile Court Act), so they can have a say in your strategies. This is often not easy, because many parents/guardians tend to want to square up everything with the police. Most of the time this is a bad idea, because many parents/guardians have little experience with political criminal proceedings. Even if it is sometimes not easy, a confrontation with your parents/guardians is useful. It is important to clarify how you want to proceed in political criminal proceedings and why it is reasonable and right to refuse to testify. If in doubt, don't let yourself be pressured, but contact us or other political anti-repression structures. If necessary, we will sit down with you and your parents and talk things through.

### **Court cases**

If you are charged, unlike with adults, the court at the scene of the crime is not responsible for you, but at your place of residence - often a particular challenge in solidarity work. In addition, a minor's trial usually is not open to the public. The educational mandate of the court means that, in addition to moral sermons, other punishments can be imposed, such as writing an essay, being ordered not to go to certain places, doing community service, attending anti-violence training or similar. Lawyers must be hired through your parents/guardians. Nevertheless, try - together with anti-repression structures - to find a lawyer who has experience with political criminal proceedings.

## **Where can I get more information?**

The legal aspects are described in more detail in the **Legal Aid Manual**. We recommend you to deal with this brochure in detail in your reference group before the action.

**It makes sense to deal with the legal conditions in more detail beforehand. You can find more information on the legal aspects here: <https://www.ende-gelaende.org/en/legal-infos-en/>**

We also organize and coordinate the legal follow-up of the actions together with Ende Gelände. So contact us by mail if you get mail from the police, the public prosecutor's office or a corporation or if you have questions (preferably encrypted) at: [legal\\_team\\_fuer\\_alle@posteo.de](mailto:legal_team_fuer_alle@posteo.de) (PGP-Key at [www.ende-gelaende.org](http://www.ende-gelaende.org) )