

Child-friendly Justice in Latvia:

Focusing on Crime Prevention

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This publication has been funded with support from Swiss – Latvian cooperation programme. This publication reflects the views only of the Centre for public policy PROVIDUS. The publication is produced within the framework of the subproject “Building a Support System to Prevent Juvenile Delinquency”. The subproject is financed by the Swiss Confederations and the Republic of Latvia in the framework of Latvian – Swiss cooperation Programme within the Enlarged European Union.

Project partners:

International Institute for the Rights of the Child (Sion, Switzerland)



Cēsis Local Government



Madona Local Governmen



Saldus Local Government



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Centre for public policy PROVIDUS express their gratitude for the support during the development of monitoring report to

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FOREWORD

Iloņa Bulgakova, Dr.lur., sworn advocate

Child delinquency prevention is an integral part of Juvenile Justice. Today, it can be considered as one of the most significant problems in creating and implementing legal rights in Latvia. Although juvenile delinquency prevention is set as an international priority in the field of protection of the rights of the child, the institutions in charge still invest inadmissibly little effort and resources in finding solutions for the particular problem.

Due to the insufficient reaction, the risk increases that the child can face a situation where his or her rights get violated or where he or she violates the rights of another person by committing an offence. The child is unprotected in every nonstandard situation of his or her life – becoming a participant of legal relations in an administrative proceeding, criminal proceeding or civil proceeding when, for instance, solving problems of their mutual relations, defence of the interests of the child is the last the parents think about.

It is important that in such situations the child has a reliable and knowing person by his or her side, a specialist who is interested in helping the child. The Protection of the Rights of the Child Law stipulates around twenty institutions for protection of the rights of the child, though the performance and mutual coordination often includes significant failures, non-professional efforts, even refusal to react to the cases of violation of the rights of the child. Specialists of protection of the rights of the child have to understand how important is an individual investment in child delinquency prevention – the need and importance of this investment, as well as its contribution to ensure safe community should be realised by every professional who could become the “reliable and knowing person” in a relevant situation for a particular child.

The question of juvenile delinquency prevention, as well as conclusions and suggestions from the research “Child-friendly legal environment in Latvia: delinquency prevention” could be in particular useful for such specialists as teachers, psychologists, social case workers, lawyers, sworn advocates, prosecutors, judges, Orphan’s courts and other representatives of relevant institutions in the field.

It must be admitted that this is the first research on such a scale in Latvia, besides, it is markedly practical– within the project, almost 200 specialists, representing more than 15 professions, participated in a survey. Problems, analysed in the research, are certainly familiar to each practitioner therefore the offered solutions would be useful in everyday work. The suggestions for further inter-institutional cooperation and development of legal framework are definitely worth paying attention to by specialists and society, as well as worth implementing in practice.

The research “Child-friendly legal environment in Latvia: delinquency prevention” is a significant step improving juvenile justice and the system of protection of the rights of the child.

4 June 2012

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Abbreviations

CL – Civil Law of 28 January 1937

The Cabinet – The Cabinet of Ministers of the Republic of Latvia

PRCL – Protection of the Rights of the Child Law of 19 June 1998

RWG – Regional Work Group (Inter-institutional work group)

LAVC – Latvian Administrative Violations Code

CrimL – Criminal Law

ACMCN–Law on Application of Compulsory Measures of a Correctional Nature

ICM – Inter-institutional Cooperation Model

CIJ – correctional institution for juveniles (applies the criminal punishment adjudged – deprivation of liberty and pre-trial custody fulfilling the function of pre-trial imprisonment)

SCEI – social correction educational institution (implements the compulsory measure of a correctional nature isolating the minor from society for the term denoted by court)

SPS – State Probation Service

CYC – children and youth centre

NGO – non-governmental institution

RNA – risk and needs assessment for juveniles

ISSJ – Information system to support juveniles

ICMI – Information Centre of the Ministry of the Interior

FRS – Failure Reduction Strategy

JIS – Judicial Information System

SIPCR - The State Inspectorate for Protection of Children's Rights

Monitoring report

**"Child-friendly Justice in Latvia:
Focusing on Crime Prevention"**

in project
"Building a Support System to Prevent Juvenile Delinquency"

Ilona Kronberga

Introduction

The research "Child-friendly Justice in Latvia: Focusing on Crime Prevention" was performed in the framework of the monitoring for the subproject "Building a Support System to Prevent Juvenile Delinquency" 2010 CH04/mac-113 under the Cooperation Programme of the Swiss Confederation and the Republic of Latvia within the Enlarged European Union.

The research focuses on the principles, methods and legal framework of juvenile delinquency prevention in Latvia, Switzerland and other European countries. The research evaluates the cooperation practice among the local municipalities and law enforcement institutions in Latvia in three pilot projects within the project "Building a Support System to Prevent Juvenile Delinquency". During the implementation of the project from 1 January 2011 to 30 June 2012, innovative methods for the work with young people of risk groups were approbated in these pilot projects. The pilot projects were run in three regions of Latvia: Saldus, Cēsis and Madona. The research contains a full monitoring report and assessment of the new methods for the work with young people of risk groups and the inter-institutional cooperation model, as well as recommendations for further development and sustainability of these innovative methods.

The research includes the data analysis from the monitoring in the pilot project sites and statistical data on preventive measures in the Republic of Latvia in general. The research objectives are: to promote implementation of the new preventive methods in work with young people of risk groups; to develop more children-friendly justice system in Latvia. The research focuses also on widening knowledge for specialists of children's issues on the advantages of prevention methods in work with juveniles at their places of residence. During the implementation of the project, prevention guidelines are elaborated for work with the children of risk groups, as well as recommendations for various practical and organizational solutions.

The research results, conclusions and recommendations were discussed in the international conference "Prevention – way to keep children out of crime", held on 21 March 2012 in Riga.

Prevention as a condition of children-friendly justice

Last ten years in Latvia, as well as other countries in Europe has shown a completely new vision on the concept of prevention, especially in the field of the children's rights. Moreover, the field itself today provides very precise and detailed definitions, giving each element a very particular

role, including crime/delinquency prevention. Today we can definitely declare that juvenile delinquency prevention is a part of prevention measures to avoid violation of children's rights. It is connected with a better and changed concept of child's rights principles – it is understandable that a child has both rights and responsibilities, as every human being. Though, unlike adults, child's ability to put into practice his/her rights without any help from adults is limited, the enforcement of child's rights is connected with the adult support to the child. Therefore adults have to take the responsibility of ensuring the children's rights – rights to proper upbringing, rights to be respected, listened to and heard, praised and appreciated in accordance with the age and maturity.

Despite the above mentioned, a lot of specialists, especially from the law enforcement institutions, share the opinion that the child/adolescent is the only one to blame for the delinquency; according to them, the child has to be punished and – the harsher the penalty, the better for the society. Such opinion is still widely accepted in Latvia. This approach has to be considered reactive; it seems releasing adults from searching actual reasons of juvenile delinquency and from any responsibility. But today's children are tomorrow's adults and their upbringing and development today denote the development of our country in the future. It is well-known that in Europe in general, as well as in Latvia, the demographic trends show that we have less children but gradually more and more seniors. Therefore, each child today has to be cared of more than ever before. It is not enough to react on the consequences, to find the guilty, to punish and show emotions; what is needed is a consistent and planned set of actions to prevent problems in children upbringing and development before the consequences appear – breaches of law or damages caused by delinquent acts.

According to the values of Restorative Justice, every case of delinquency causes harm equally to all parties – the incident of wrongdoing harms the offender, who gets punished; the victim, who suffers; and the society in general as their common rules get broken by an incident and the society has to pay for expensive punitive measures with their taxes. The harm is more than obvious in cases of juvenile delinquency. Penal sanctions and the fact of the enforcement of the sentence influence not only child's/adolescent's biography but mainly their development. The more serious the crime, the harsher the punishment; the harsher the punishment, the more the young person gets excluded from their primary, home environment, knowledge gaps appear or widen in general education, professional skills acquisition and the development process in general. After the enforcement of the sentence the community has to put extra effort to reintegrate the young person into the society so that he/she does not repeat offences due to the exclusion. This is the moment where we have to turn our attention to the fact that the child/adolescent does not continue his/her development as any other child/adolescent without the experience of the harsh side of justice; other children have their success in education, professional life and career – they are now ready to give, not to take from the society. In the opposite, the juveniles with the influence of the committed offense and the enforcement of the sentence still need support and their contribution to society will be delivered later; some of them will never want or be able to give their contribution. These are the main reasons why, in the framework of juvenile justice, the most significant role is given to preventive measures, their development and implementation in order to avoid delinquency before a child commits a criminal offense.

In accordance with the international laws of human rights, a juvenile under the age of 18 has a special legal status which denotes that “on one side, according to the applicable state legal regulation, children lack certain rights available to adults; on the other hand, children also have their specific rights related to their age, status in the family, etc.¹” Without doubt, delinquency is a deviation from accepted social behaviour but the offences, done by juveniles have to be assessed in the context of adult responsibility. In this case, the responsibility of meeting the special needs of the child belongs exactly to adults. “It is important to understand that the offence committed by a juvenile as socially deformed behaviour shows that the rights of the given child have been violated already earlier and that the child’s interests have been ignored. Lack of care, the indifference of parents and other adults, the reluctance to understand and to satisfy the child’s needs lead the child to the commission of an offence.²” Indeed, the situation is not so unambiguous – although the child is directly responsible for the incidence, the responsibility lays also on adults who have created the circumstances and preconditions where the child has made a wrong choice/decision and broken the law.

The understanding about prevention, its objectives, as well as its context and content, changes during years. Such changes in the common understanding about the definition and use of prevention have occurred also in Latvia. It is hard to imagine nowadays that prevention could include only separate activities as particular campaigns. On the other hand, the development of prevention system, including prevention of juvenile delinquency, is very slow. Although no one doubts the importance of prevention any more, the understanding differs among the specialists of rights protection and the specialists of children's issues. The majority of good practice initiatives are not followed by the development of legal framework and a broader implementation of these practices. So, in accordance with the Law on Protection of the Rights of Children, work with the children for the prevention of violations of law shall be carried out by municipalities. Article 58 Part 1 of this Law stipulates the collaboration among municipalities, educational institutions, State police, public organizations and the parents of children. In practice, these models differ in each municipality, some of them are contradictory, but several municipalities do not have prevention practice at all. The described situation served as a reason to develop and implement the project “Building a Support System to Prevent Juvenile Delinquency” in three regions of Latvia – Saldus, Cēsis and Madona.

¹ Ombudsman of the Republic of Latvia – Report on the Children's Rights 2011 <http://www.tiesibsargs.lv/lat/tiesibsargs/jaunumi/?doc=366> (in Latvian)

<http://www.tiesibsargs.lv/eng/ombudsman/news/?doc=367> (in English).

² Restorative justice vs Juvenile Delinquency: The Baltic States in European Dimension <http://www.at.gov.lv/files/docs/2011/atjaunojosa%20justicija.pdf> (in Latvian)
<http://archive.politika.lv/index.php?f=1595> (in English).

1. International law, recommendations and guidelines on establishing child-friendly justice

The aim of this chapter is not to give a complete list and detailed explanation of all international acts and regulations, but to promote the understanding on the role and time of the prevention of juvenile delinquency within these regulations and recommendations.

On 15 February 2012 the Council of Europe adopted Strategy for the Rights of the Child (2012 – 2015)³ (Strategy). The Strategy stipulates that its aim is to develop a holistic⁴ and integrated system of the children's rights in Europe. The Strategy has four overall priorities:

- 1) Promote the development of child-friendly services and systems;
- 2) Combat all forms of violence against children;
- 3) Safeguard the rights of vulnerable (at-risk) children;
- 4) Promote child and youth participation⁵.

The Strategy indicates also on the unsolved problems in Europe up till now. Prevention is named as the first unsolved issue because the member states have not turned enough attention towards the questions regarding prevention of the violation of children's rights. The evaluation shows insufficiency of the investments in the development of national prevention policies, training for specialists and establishing common understanding for the wider society about the child as a person with a special legal status. There, it is also indicated that national and local governments have insufficiency of data regarding the situation relevant to children which delays the development and implementation of new national policies in the field. Secondly, it is indicated that children still fall short of protection – children continue to be victims of inattention, violence, sexual abuse and exploitation, neglect and exclusion. In many countries adults possess high social and legal tolerance for corporal punishment for children, the society considers it self-evident. Thirdly, it is the matter of provision: it is indicated that still there are children who have no access to sufficient education programmes and various social protection activities. It is emphasized that the rapid economic, social and technological developments result in new challenges for children and their families, therefore by the means of all accessible means the effort should be made to implement them. The fourth strategic objective is participation. The attention is turned towards the lack of rights of the child to participate; children's access to useful information is still limited and both the families and the society rarely seek or take into account children's views.

³ Council of Europe Strategy for the Rights of the Child (2012-2015), http://www.coe.int/t/dg3/children/strategyconference/monaco/Draft_Strategy2012-2015_en.pdf

⁴ Holism: the theory that whole entities, as fundamental components of reality, have an existence other than as the mere sum of their parts, <http://tezaurs.lv/sv/?w=holisms> (in Latvian), <http://dictionary.reference.com/browse/holism> (in English)

⁵ Youth participation is the active engagement of young people throughout their communities, http://en.wikipedia.org/wiki/Youth_participation

To promote child-friendly services and systems (the first Strategic objective) Strategy suggests focusing on the development of child-friendly justice system. Child-friendly justice means the system which is understandable for the children themselves, as well as for their parents and specialists working with and for children. To achieve the goal, changes may be required in national civil, administrative and criminal justice systems. It must be clarified whether the legal framework within these legal instruments provide a clear concept on the legal status of the child. In order to achieve the goals, the EU Agenda for the Rights of the Child provides adjustments indicating that effective access to justice and participation in administrative and court proceedings are basic requirements to ensure a high level of protection of children's legal interests⁶. It must be taken into account that children may be involved with the justice system not only when they commit offences but also in any legally and emotionally vulnerable situation for instance when their parents divorce, one of the parents gets deprived of their liberty or when the child is a victim or witness of a crime, or suffer violence. Attention must be turned towards the fact that these statuses often overlap thus making the child more vulnerable.

It must be admitted that the Strategy does not differentiate the prevention of juvenile delinquency as a separate type of prevention. On the contrary, recently adopted documents from EU institutions tend to an integrated policy of the protection of the children's rights where the emphasis is put on the preventive and inter-institutional character of the protection and violations of children's rights. This approach confirms that the child's decision to break the law shows directly to the inefficiency of the system of children's rights protection and prevention.

This position is held by the **Recommendation CM/Rec(2011)12 of the Committee of Ministers**⁷ to member states on children's rights and social services friendly to children and families. The Recommendation defines child-friendly social services as the social services that respect, protect and fulfil the rights of every child, including the right to provision, participation, protection and other principles of the best interest of the child. The Recommendation includes direct references to the preferable forms of measures and activities giving an essential role to inter-institutional (interdisciplinary and multi-agency) forms of collaboration. The need is justified by the fact that the knowledge and possibilities of the specialists from social services are often limited for improving the situation of the child and the family. Cooperation across different sectors including education, health and other social services and law enforcement agencies is needed⁸. To achieve such model of activities, the Recommendation suggests establishing a common assessment framework and interagency protocols that would ensure systemic character and common professional standards to the approach. Social services within such organization and collaboration are admitted to be child-friendly as they facilitate the availability of interdisciplinary services for children and their families which, in any other circumstances, would be organized by dealing various administrative and disciplinary obstacles. The interdisciplinary collaboration is particularly important for the children who have suffered violence and should be safeguarded from the secondary victimization. Inter-institutional collaboration is considered the most effective form in the work with children of

⁶ Brussels, 15.2.2011, An EU Agenda for the Rights of the Child, <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=COM:2011:0060:FIN:EN:PDF>

⁷ Recommendation CM/Rec(2011)12 of the Committee of Ministers to member states on children's rights and social services friendly to children and families, <http://ej.uz/ksgj>

⁸ V., E. Interdisciplinary and multi-agency collaboration, <http://ej.uz/ksgj>

risk groups. Nevertheless, when implementing this model in practice, as suggested in the Recommendation⁹, specialists should have adequate professional training, supervision and accountability. All members of staff working with and for children have to be educated and skilled on the rights of the child. They have to show good knowledge on the United Nations Conventions on the Rights of the Child and other legal acts; they should be competent in recognizing symptoms of violence, as well as in communicating and maintaining trusting and respectful relationships. Professional accountability should be ensured by codes of ethics.

According to the **Riyadh Guidelines**¹⁰ (Guidelines), the prevention of juvenile delinquency is an essential part of crime prevention in society. The prevention should be implemented by involving children and young people into lawful, socially useful activities which are proper to their personal maturity with the aim to facilitate the development of children and adolescents and to avoid criminalization. A successful prevention of juvenile delinquency is possible only when all the necessary measures are taken in order to ensure harmonious development of children, with respect for their personality from early childhood. Article 4 of the Guidelines indicates that the well-being of children from their early childhood should be the focus of any preventive programme. The Guidelines emphasize that the prevention of juvenile delinquency is a part of general prevention which should be organized and implemented through inter-institutional collaboration at all levels in the state involving community, employers, health and social services in the organization of such preventive activities.

In 2006, UN Office on Drugs and Crime published the **Manual for the Measurement of Juvenile Justice Indicators**¹¹ which defines prevention as the establishing of such conditions for the child which prevent child involvement in crime and conflict with the law. These conditions should ensure for a juvenile a meaningful life in the community and foster a process of personal development providing education and life conditions that are as free from crime and delinquency as possible. Thus, prevention consists of two requirements: to prevent the child from any form of criminal impact, including situations when the child is a victim or a witness of a crime (a), to prevent juvenile delinquency (b). It must be admitted that prevention includes more than the mentioned. Prevention should be related to the prevention of the violation of children's rights, as a whole. One of the criteria denoting the existence or non-existence of prevention is the existence of a national plan for the prevention of child involvement in crime which should define the role of the development and planning of preventive mechanisms. In accordance with international standards, such prevention plan should include¹² legal framework for all levels of organized prevention, starting from the national government to the level of local municipalities and covering for instance the following: in-depth analysis of the problem and inventories of current programmes; well-defined responsibilities in prevention for qualified state institutions and municipal agencies; mechanisms for the appropriate coordination and detention of prevention efforts; policies (programmes and strategies) confirming the efficiency of the prevention model; methods for effective reducing of crime and delinquency; community involvement in activities; close inter-institutional cooperation; youth participation in planning prevention policies and other. Such comprehensive

⁹ V., F. Professional competency: training, supervision and accountability, <http://ej.uz/ksgj>

¹⁰ Resolution 45/112 - United Nations Guidelines for the Prevention of Juvenile Delinquency - "The Riyadh Guidelines" (1990), <http://www2.ohchr.org/english/law/juvenile.htm>

¹¹ UN Office on Drugs and Crime, "Manual for the Measurement of Juvenile Justice Indicators" (United Nations, New York, 2006), http://www.unodc.org/pdf/criminal_justice/06-55616_ebook.pdf

¹² Ibid., page 25.

plan can include subprograms which aim at particular target groups or special, particularly significant problems. For instance, programmes for supporting families in children upbringing, juveniles in increasing employment and professional skills, or combating alcohol and drug abuse. In order to declare that a state has an organized system of prevention, it is understandable that at least organizational eligibility should be recorded.

UNICEF publication on juvenile justice concerns¹³ tries to compare all three levels of prevention (primary, secondary and tertiary) with the reintegration in the society. It denotes that the reintegration with its methods and efforts is closer to prevention rather than rehabilitation, which is mainly perceived as the offender's return to the community after serving the sentence. In accordance to that, three level prevention definitions are provided where a) primary prevention is considered as a set of general measures to promote social justice and equal opportunity, which thus identify and prevent perceived root causes of offending and reduce social exclusion risks; b) secondary prevention is evaluated as the set of interrelated measures for children who are identified as being more particularly at social risks; c) tertiary or the third level prevention involves the set of organized activities to help the child avoid contact with the formal justice system, including special efforts to prevent reoffending. Comparing all the definitions, it can be concluded that the tertiary or third level prevention is the only form of prevention that could be declared as similar to reintegration. It is indicated also by the World Health Organization in its **World report on violence and health**¹⁴ which describes the tertiary prevention as an approach focuses on the prevention of consequences of an already committed crime, as well as on the rehabilitation of crime victims – recovering from harm, and on the resocialization of the offenders – facilitating the development of personal qualities appropriate for community life and preventing recidivism.

Despite theoretical disputes on the issues of juvenile prevention, it is important to notice and remember several aspects. Firstly, if the prevention efforts are efficient, the situation of crime or delinquency does not occur and the child, who might just have lost his integrity in the society due to particular issues in his social life, receives support and stays in the society as a valuable community member. Secondly, a significant number of juveniles has never been integrated in the society to such extent that they feel as a part of it. In this case the attention should be turned towards the level of social exclusion, the effort should be done in order to fully integrate the child in the society. It cannot be considered as reintegration because a socially excluded child has never been (felt) integrated in the society before. Thirdly, juveniles with duly indeterminate risks of socially inappropriate behaviour have not received support as preventive measures and have already committed crimes and have involved with the justice system. This group of juveniles will need reintegration in the society, which is closely related to the prevention as described in the first situation. It must be added that any reintegration activity will contain more effort than the initial or primary prevention – it aims at the reducing the consequences of the crime to the victim (damage remedy) and the offender himself (support after serving the sentence and resocialization during the enforcement of the sentence), moreover, it includes special preventive efforts to avoid recidivism (prevention). This systemic

¹³ <http://www.unicef-irc.org/publications/pdf/digest3e.pdf>

¹⁴ World report on violence and health: summary, Geneva, 2002, Page 26, http://www.who.int/violence_injury_prevention/violence/world_report/en/summary_en.pdf

concept of prevention shows that primary prevention is essential and it can eliminate the need for other levels of prevention when organized professionally (a); it also smaller to its extent therefore requires less investments and resources (b). Thus, effective primary prevention activities results in economy for the whole system of justice¹⁵.

The Beijing Rules¹⁶ (Rules) for the administration of juvenile justice do not directly affect prevention in its general meaning, they set the standards for the work with juveniles who have already committed crime or been punished. Though, taking into account the previous division of prevention, it must be admitted that Beijing Rules contain expanded recommendations for the cases of tertiary prevention. Namely, these are the cases when children should be prevented from any contact with the formal justice system and efforts should be made in order to prevent recidivism. The Rules emphasize that the first step is to ensure for the juvenile a meaningful life in the community, indicating that during this process particular attention should be turned to the vulnerability of the child and the possibility of deviant behaviour in the particular stage of the maturity. Due to these reasons, the measures should involve the full mobilization of all possible resources around the child – the family, volunteers, society, and other community institutions in order to promote the well-being of the juvenile and reduce the need for intervention under the law. Juvenile justice should be an integral part of the national development process of each country, within a comprehensive framework of social justice. The first commentary of the Rules states that all the measures are particularly significant that aim at preventing the juvenile from that legal status which is regulated by the Rules. Thus, the important role and meaning of the general prevention is emphasized in juvenile justice. A number of approaches and recommendations from the Rules can be related to prevention as well as to the planning of governmental reaction when the juvenile has already committed a crime or received punishment. The Rules determine various instruments and values of juvenile justice, point to the significant role of prevention in juvenile justice, and include prevention in the system of juvenile justice as its integral part. The fact is confirmed by Article 5 of the Rules which defines the aims of juvenile justice, namely, the juvenile justice system shall emphasize the well-being of the juvenile (a) and shall ensure that any reaction to juvenile offenders shall always be in proportion to the circumstances of both the offenders and the offence (b). The first aim focuses on the well-being of the juveniles as the primary issue not only in those countries where juvenile offenders are dealt with by family courts or administrative authorities, but also in the legal systems of those countries where juveniles are involved with the criminal court model (court of ordinary jurisdiction). It means that the Rules confirm the constancy of the aims and priorities of juvenile justice regardless of the form of justice organization in the particular member state. The second objective is proportionality. This principle is widely used as an instrument for curbing punitive sanctions and relating the sanctions not only to the gravity of the offence but also to individual and personal circumstances of the offender and the situation of the offence. The implementation of this principle is particularly important in cases of any punitive sanctions or alternative measures against juveniles. Taking into account that the personality of a juvenile is not yet mature, he or she can be more susceptible than an adult to various external factors which are related to their family, living environment and community or people around them. Evaluating these circumstances in cases of juvenile delinquency, the obtained information often explains the reasons of the particular juvenile behaviour.

¹⁵ Author's note: Justice is regarded as a complex system consisting of: (a) legal framework (administrative, criminal, civil etc.), (b) law enforcement institutions and (c) philosophy denoting the development of the particular system of justice. E.g., more in: Rawls, John, 1971, A Theory of Justice, Cambridge, MA: Harvard University Press.

¹⁶ United Nations Standard Minimum Rules for the Administration of Juvenile Justice ("The Beijing Rules"); Adopted by General Assembly resolution 40/33 of 29 November 1985, <http://www2.ohchr.org/english/law/beijingrules.htm>

Article 11 of the Rules denote so called disposition and removal from criminal justice processing within the system¹⁷ (diversion¹⁸) which is applied in order to minimize the contact of the juvenile with the traditional justice system at least regarding the punishment. In practice, diversion may be used at any point of the proceeding, the lowest point of age level being set by the law of the particular country. This method aims at the conformity of the sanctions with the needs of the juvenile (a), so that instead of the traditional sentence the measures are taken for the juvenile in order to solve the problems causing the delinquency (b), so that the juvenile does not 'ruin' his/her life (biography and development) already at his/her early age (c). As the result of diversion, the juvenile receives compulsory responsibilities to be done under the supervision of the society or community institutions: various types of community service, involvement in programmes, various types of supervision, damage remedy and compensations for victims. Although the diversion proceeding bears resemblance with punishing and the following decision is similar to punishment, the procedure of implementation of these measures aims at supporting, not punishing the juvenile. Evaluating it from the point of view of prevention, this is one of the forms of the tertiary prevention, as it is aimed at reducing the contact of the child with the system of justice and minimizing recidivism risks in the future.

From another point of view, the diversion proceedings can be evaluated as so called 'alternative sanctions' or 'out-of-court solutions'. At the same time, these diversion programmes are very similar to several particular instruments of restorative justice – the only difference being the relation of the diversion programmes to courts or similar bodies, regarding the decision at least¹⁹. There is no common understanding on the borders among the instruments of juvenile justice, prevention programmes and methods of restorative justice – their principles tend to overlap or even duplicate. There is no reason to assume that this fact in any way reduces the value of these instruments or methods, although it may delay the implementation of these instruments and methods in practice in different countries.

The Opinion of the European Economic and Social Committee on The prevention of juvenile delinquency "Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union"²⁰ (Opinion) gives the analysis of the juvenile justice system trends, including the conclusion that in recent years Europe has experienced the competition between two juvenile justice approaches: instead of using the retributive²¹ or so called traditional justice the use of the methods of restorative justice²² is increasing. This situation testifies that the aims and values of juvenile justice fall within the framework of restorative justice. This framework sets the priority

¹⁷ Author's note: in Latvia, this method has been included in the law "Law on Compulsory Measures of a Correctional Nature", <http://www.likumi.lv/doc.php?id=68489>

¹⁸ Juvenile Justice Bulletin September 1999, Office of Juvenile Justice and Delinquency Prevention, <https://www.ncjrs.gov/html/ojjdp/9909-3/div.html>

¹⁹ Juvenile Justice Manual, Module 3, <http://www.penalreform.org/publications/juvenile-justice-manual>

²⁰ Opinion of the European Economic and Social Committee on The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union (2006/C 110/13), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0075:0082:EN:PDF>

²¹ Retributive justice is a theory of justice that considers that punishment, if proportionate, is a morally acceptable response to crime, with an eye to the satisfaction and psychological benefits it can bestow to the aggrieved party, its intimates and society, http://en.wikipedia.org/wiki/Retributive_justice

²² Restorative Justice (also sometimes called "reparative justice") is an approach to justice that focuses on the needs of the victims and the offenders, as well as the involved community, instead of satisfying abstract legal principles or punishing the offender. http://en.wikipedia.org/wiki/Restorative_justice

of prevention and the principle that justice as well as other governmental instruments have to correspond to the needs both of the victim and the offender – the main attention is not turned towards the state ‘manifestation of legal power’ against the offender but towards the solution of particular problems about the offence, involving the victim, the offender and the society. The Opinion denotes that the first measure to avoid juvenile delinquency is prevention which focuses not on campaign-type activities and efforts but rather on influencing the child’s life on daily basis, including facilitating proper use of free time and leisure opportunities and reducing obstacles for availability of sports and healthy life-style activities. It is suggested to establish special justice systems particularly for young people, to limit and separate them from the traditional solutions in order to prevent early involvement of juveniles in criminal activities, as well as repressive intervention of the state and governmental bodies into children’s lives. Instead, the Opinion encourages providing support to local municipalities to develop their general policy for social issues related to reducing behavioural and environmental risks for young people. One of the aspects that is regarded to in the Opinion but cannot be included in the law of juvenile delinquency prevention, due to comprehensible reasons, is the responsibility of parents²³ if they repeatedly fail to fulfil their educational duties. This approach receives also criticism in the Opinion denoting that measures of this sort remove the burden of responsibility from minors – children should be responsible for their actions; nevertheless, the support is given to common family activities and programmes admitting their efficiency. An essential role is given to the need of exploiting the inter-institutional cooperation model in all levels of collaboration within juvenile issues²⁴, as well as to the need of common standards for all member states of the European Union for the work with juveniles, covering all aspects, in particular prevention and inter-institutional (interdisciplinary and multi-agency) collaboration. It is denoted that despite the wide range of legislative instruments and various standards there is almost no progress in the field of juvenile justice because the international law, except the Convention on the Rights of the Child, have little or no binding force in the legal systems of the member states. It means that the new standards should be have more binding force and shall be controlled more by the European Union.

Regarding the aforementioned, it can be concluded that juvenile justice, regardless of its position in the national legislation of the European Union member states, is determined by the social need and content-wise it consists of:

1. Prevention and integration efforts for juveniles of risk groups and vulnerable situations (regardless of the type of classification system for prevention);
2. Reaction mechanisms on crime and delinquency (including out-of-court solutions, alternative measures, diversion methods and resocialization efforts during the enforcement of sanctions);
3. Reintegration measures after the enforcement of sanctions.

From the organizational point of view, juvenile justice consists of:

1. Legal instruments which regulate legal relationships in the field of juvenile justice (material, procedural);
2. Institutions which are involved in the field of juvenile justice (social services and other agencies, the police, prosecutor’s office, courts, penal institutions, schools, municipalities, places of detention, probation institutions etc.);

²³ Opinion of the European Economic and Social Committee on The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union (2006/C 110/13), Article: 4.6.1-3., <http://eurlex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0075:0082:EN:PDF>

²⁴ Ibid., Article: 7.1.4.1.

3. Development of juvenile justice policy (which is formed individually for each branch or sector of the system in several EU member states, including Latvia).

In accordance with various concepts of justice models, juvenile justice, at the point of its current development, is between the retributive and restorative justice. Juvenile justice depends more on the general penal and criminal policies than on international and scientific recommendations. Regardless of the recommendations by the United Nations and European Union institutions that encourage establishing a common supportive and preventive rather than punitive system to facilitate the efficiency of juvenile justice thus reaching its aim, namely, child-friendly legal environment, juvenile justice still remains ponderous, fragmented and slow-developing. Therefore, a great number of juvenile justice systems face difficulties in implementing new working methods, and their development is always one step behind the practical daily needs of children safety and development.

2. Legal framework for the prevention of the violation of children's rights in Latvia

If the child is in breach of legal norms, it means that some of his/her interests or rights have been violated some time before. It is possible that the child has lacked developing and supporting environment, or the adults who had the responsibility of safeguarding the child from risk situations or consequences from such situations have not reacted properly meeting the child's needs. If a child has behavioural risks or conflicts with the law, it means that his/her rights have already been ignored. Child delinquency or anti-social behaviour is a symptom – the child reacts to a long-term problem which he/she has failed to solve by himself/herself. Due to this, there is no reason to reduce the problem to the level of delinquency prevention or child's behavioural risks prevention alone – in this case the issue includes the prevention of the violation of children's rights, as a whole. It means that the existing behavioural risks followed by delinquency are consequences to some previous violation or ignorance of the child's rights.

Taking into account that there is no common definition of prevention in Latvia and the system of prevention is not well-organized, this chapter gives analysis for both policy documents and legislative acts that are related to the prevention of children's rights and juvenile delinquency in any way. The aim of this chapter is to identify the legal framework of prevention and the planned future policy directions.

Most of the issues related to the special legal status of the minors are regulated by the **Civil Law**²⁵(CL) of 28 January 1937, Part One – Family Law. In accordance with Section 219 of the Civil Law, the minority of persons of both genders continues until they attain the age of eighteen. Though, the Orphan's court can declare the minor as being of age of majority even before he/she have attained the age of eighteen in exceptional circumstances and for especially good cause, when the guardians and closest kin of a minor attest that the behaviour of the minor is irreproachable, and he/she is able to independently protect and defend his/her rights and perform his/her duties. In this case, the decision of the granting of majority by the Orphan's court is subject to being

²⁵ The Law of 28 January 1937 "The Civil law. Part One. FAMILY LAW" [came into effect 1 September 1993], <http://www.likumi.lv/doc.php?id=90223>

confirmed by a court, in accordance with Section 220 of the Civil Law. Likewise, the CL stipulates that a person shall be deemed to be of age of majority if he/she has married before attaining the age of eighteen, pursuant to the procedures established by law.

The Civil Law stipulates also the framework for the personal relations of parents and children –Section 177 stipulates that until reaching the age of maturity, the child is under the custody of his/her parents; though Section 179, Part 1 and Part 2, clarifies that parents, commensurate to their financial state, have a duty to maintain the child until the time the child is able to provide for itself. The same law explains that in the case if the parents are absent or they are not able to maintain the child, this duty lies in equal shares upon the grandparents. If the financial state of the grandparents is unequal, the maintenance duty may be specified according to the financial state of each. Irrespective of the financial state, the minimal amount of maintenance, which is the duty of each of the parents to ensure for the child, is determined by the Cabinet of Ministers (the Cabinet).

Section 185 of CL stipulates the rights of the parents to apply for the assistance to the Orphan's court in case if the child disobey or do not submit to being raised by the parents. Likewise, the law sets similar rights for the child to turn for help to the Orphan's court if the parents have specified unjustified restrictions or have caused other differences of opinion in their relations. CL determines that in case of a need a guardian may be appointed for the child until the solution is found for the disagreements.

Looking at the situations which are regulated within the legal framework of CL, the importance is obvious when related to prevention. Basically, these are all potential risk situations for a minor in his/her life. Taking them into account, this research included in-depth interviews with the specialists of children's issues, involved in the project. The interviews revealed the problems with the implementation of Section 185 of CL in practice. Practically, the situation envisaged in the law which stipulates the rights of the parents to ask/apply for the support at the Orphan's court is not enforceable because it lacks a particular mechanism which would serve the interest of the child. In practice, this norm is used by the parents who are soon to be punished for inappropriate care for their children. Though, some Orphan's courts consider that such application itself and asking the Orphan's court for support in accordance with Section 185 already proves that the parents do take care of their children, although in reality it is the way how to hand parent's responsibilities over to social workers. In practice, these applications are referred for execution to the social service of the particular municipality which has already made a lot of efforts to turn the parent's attention towards the necessity of taking care of the child and has already decided to report to the Orphan's court about the removal of custody rights. As the result, the child continues living in the same risk situation.

Protection of the Rights of the Child Law²⁶(PRCL) of 19 June 1998 denotes the system of protection of the children's rights in the Republic of Latvia. Taking into account that the prevention of the violation of children's rights and of juvenile delinquency are closely interrelated, in the situation where there is no other legal framework it must be admitted that in practice PRCL stipulates the framework for all sectors that are related to the prevention of children's rights, including delinquency prevention. Therefore the analysis of this law is given in order to identify the conformity of its requirements with the needs of safety for today's children, including prevention.

²⁶ The Law of 19 June 1998 "Protection of the Rights of the Child Law" [came into effect 22 July 1998], <http://www.likumi.lv/doc.php?id=49096>

The law regulates the protection of the rights of the child in three main areas²⁷: setting out the rights of the child, including rights for freedom and its protection therefor (a); basic criteria by which the behaviour of the child is controlled (b); and the State policy for the protection of the rights of the child in all fields and sectors(c).

Section 219 of CL denotes the legal state of the minor, whereas Section 3 of PRCL, Part 1, defines “child” as a person who has not attained 18 years of age, excepting such persons who have been declared to be of legal age in accordance with the law or have entered into marriage before attaining 18 years of age. Thus, it can be concluded that a “minor” according to Section 219 of CL and a “child” according to Section 3 of PRCL are identical terms. Section 4 of PRCL sets the objectives of the protection of the rights of the child which are indeed general desirable directions of value-oriented development of the child, including Point 5 which indicates to the safety of the child, as well as the protection of the health and the life of the child, paying particular attention to such protection during public events or visits to a public recreation activity, sports or recreation location, armed conflict, fires or other emergency situations. Not denying the danger of the latter situations, it still must be concluded that PRCL does not emphasize such situations which occur in the field of children’s safety on daily basis. It means that the law does not pay attention to risks the children may face each day of their lives. Therefore it can be considered that PRCL definition of the concept of children’s safety is very narrow and does not meet the needs of ensuring safe everyday life for the child but rather manages particular emergency and crisis situations.

Section 6 of PRCL stipulates the priority of the rights and best interests of the child in every lawful relation that affects the child. The form is emphasized in which the protection of the rights of the child has to be realised: collaboration with the family, State and local government institutions, public organizations and other natural and legal persons, thus denoting to the inter-institutional nature of the protection of children’s rights. Since this is a declaratory legal norm or principle, there is a reason to consider that this norm lays foundations to ensure that both in this law and its subordinate legal instruments, as well as other legislative norms related to the regulation of various legal frameworks pertaining to the legal status of the child, respect the need of inter-institutional collaboration.

Several rights of the child are derived from the two fundamental rights²⁸, namely, from the rights to life and development. These are the rights of the child to individuality, privacy, wholesome living conditions, education and creativity, social rights, the right to freedom of conscience, property etc. From the point of view of prevention of the violation of children’s rights, which aims at keeping the children out of risk situations followed by behavioural risks and juvenile delinquency, disregard of any of the mentioned rights can result in the child’s involvement in the risk situation and/or developing behavioural risks. It means that the child enters the field of delinquency prevention. For instance, if the child is not registered in conformity with the law and does not have his/her birth certificate or ID number, the child lacks the ensuring of the rights to health care, social guarantees, education and other. If the rights of the child to wholesome living conditions are violated or the child does not receive adequate nourishment and clothing and other conditions for his/her full physical and intellectual development, the development of the child

²⁷ Ibid., Section 2

²⁸ Ibid., Section 7 - 17

is disturbed and his/her social integrity is threatened due to the set of social exclusion factors. In this case, the child gets in the situation of risk. In fact, cases when the rights of the child are disregarded result in the same unfavourable consequences for the child as those when the child does not fulfil his/her responsibilities. The difference is in the fact that in cases when the rights of the child are violated, the *child gets into the situation of risk*, whereas if the child does not take up or fulfil his/her duties and responsibilities behavioural risks are detected for the child. Both situations serve as a way to a possible act of juvenile delinquency: in the first situation it is due to the circumstances which are not created by the child himself/herself and therefore he/she is not able to solve them (*the child in risk situations*), whereas the other shows anti-social behaviour of the child (*the child with behavioural risks*) because previously a particular risk situation has not been solved or regarded timely by the adults.

For instance²⁹, the child treats his/her parents with disrespect – does not obey, fails to go to school, smokes, uses alcohol – such behaviour is typical for most of the children with behavioural risks. The mentioned types of behaviour are as consequences to some previous and unsolved everyday risk situations which probably still exist at the moment of delinquency.

Despite the fact that also CL regulates the mutual relation among the child and his/her parent, the regulation is more directed towards the duties and fulfilment of responsibilities of material or economic nature, legal framework of custody and care. However, CL does not regulate directly parents' duties for their child in cases when the parents do not provide their children with decent care, or the rights of parents to limit their children's behaviour in order to prevent them from unfavourable influences or safeguard their life and health. PRCL directly stipulates³⁰ the duty of the parents to prepare the child for an independent life in society, including the duty not to leave a child up to seven years old without the presence of an adult. Moreover, it is stipulated that parents shall be held liable for not fulfilling their parental duties and for abuse of protection rights, physical punishment or cruel treatment of the child. The implementation of these legal norms faces several practical problems³¹, related to the applicable measures as determined by the law for the parents who do not fulfil their parental duties. Factors which are determined in Section 24, Part 4, of PRCL mainly are identified by the specialists of social services who turn to the Orphan's court with the demand of holding the parents liable for not fulfilling their parental duties. Though, the only sanction to apply in accordance with the law is the removal of custody rights of the parents. Practitioners admit that the situation cannot be turned to serve in the interests of the child if the custody rights are removed at once. In cases of immediate removal of parental rights the child comes from one risk situation (in the family) to another risk situation (because of removal from the family). Therefore, for cases when the child is not physically harmed and his/her life and health is not threatened in his/her family but the parents do not provide appropriate conditions and care, it would be needed to have the possibility to make a decision to compel the parent (or both parents) to turn attention towards their child and take better care of the child. Such decision could be related to assigning responsibilities to the parents and inter-institutional control over them, for instance responsibility to attend psychologist or participate in events or programmes together with the child. The removal of the custody rights should be the last measure when all the other possibilities have failed.

²⁹ Ibid., Section 23

³⁰ Ibid., Section 24

³¹ Author's note: identified in the structured interviews with the members of regional work groups.

Nevertheless, there are also other reasons why *the child may be separated from his/her family* – if the child is seriously threatening his/her health or development by using alcohol, narcotic or toxic substances and/or the child has committed a criminal offence. In such cases, the child gets ensured *extra-familial* care with the aim to stop the risk situation of the child (Section 27, Part 1 and Part 2) or to react when the behavioural risks of the child may harm (or have harmed) the child himself/herself or other persons (Section 27, Part 2 and Part 3).

Section 1 of PRCL denotes that *extra-familial* care is ensured for orphans and children who have been left without parental care; and the forms of extra-familial care are identified – with a guardian, foster family, and child care institution. In a child care institution, social care and social rehabilitation is ensured for orphans and children left without parental care, as well as children who need social rehabilitation or special care due to their state of health.

Since extra-familial care aims at creating a feeling of protection for the child, ensuring circumstances for the development and welfare of the child, there is a reason to consider that, from the point of view of prevention, the purpose of extra-familial care is to *stop the situation of the child being at risk*, until the risks in the natural environment of the child – the family – are averted, and/or *to ensure correction and rehabilitation of the personality of the child* in order to prevent delinquency risks in the behaviour of the child. Neither in the first case nor in the other the extra-familial care should be taken as punishment.

However, PRCL contains several contradictions regarding the procedure of the extra-familial care of the child. Chapter VI of PRCL indicates the types of extra-familial care: guardian, foster family, child care institution for orphans and children who have been left without parental care, social correction educational and prophylactic institutions, thus giving a more extensive list than in Section 1. Section 38, Part 1, includes the definition which can be considered the concept of social correction educational institution. Though, it reveals neither the aims of the existence of this institution, nor its special objectives. Therefore it is impossible to evaluate the status, mission and role of such institution in the system of juvenile delinquency prevention, or the requirements for its personnel.

The law on compulsory measures of a correctional nature for children³² determines the existence of such measures and the procedure of their application for children, whereas the internal procedure regulations of the social correction educational institutions³³ regulate only the requirements of residence and penal measures for violation of these requirements. It is generally known that the institutions of that kind operated for long without any legal framework, but also the current framework is rather incomplete and chaotic. Thus, for instance, the regulation of special limitations is not understandable (Section 40 and Section 41 of PRCL); the legal framework for social correction educational institutions is included in several legal acts, partially overlapping: PRCL, “Law On Application of Compulsory Measures of a Correctional Nature” (Section 35), “Internal Pro-

³² The Law of 31 October 2002 "Law On Application of Compulsory Measures of a Correctional Nature" [came into effect 1 January 2005], <http://>

³³ Regulations of the Cabinet of Ministers of 1 February 2011, No. 88 "Internal Procedure Regulations of the Social Correction Educational Institution" [came into effect 4 February 2011], [http://www.likumi.lv/doc.php?id=225269&from=off\(in](http://www.likumi.lv/doc.php?id=225269&from=off(in%20Latvian)%20www.likumi.lv/doc.php?id=68489)

cedure Regulations of the Social Correction Educational Institution” (Section 40 and Section 41) and “Procedure of Isolation of Children in Child Care and Education Institutions for Orphans and Children Left Without Parental Care”³⁴. According to Section 40 of PRCL, Part 1, it can be concluded that the “Procedure of Isolation of Children in Child Care and Education Institutions for Orphans and Children Left without Parental Care” refers also to social correction educational institutions, yet the Regulations of the Cabinet of Ministers and PRCL use essentially different terms and concepts. The procedure of isolation of children in child care and education institutions for orphans and children who have been left without parental care stipulates that the child has to be held “in isolation in a special, separate room under control”³⁵, whereas the internal procedure regulations of the social correction institutions denote “special supervision in separate premises” (Section 39) and it is defined as a punishment, at the same time there is no identification how the child can appeal against such punishment, how the child can protect his/her rights, which lawful representatives of the child get informed and when. Regarding legal regulation it is not understandable what are the requirements for premises where the child is held in isolation, what is the special daily schedule for the child in isolation etc. In accordance with Section 40 of PRCL, the manager of a child care institution, the manager of a social correction educational institution, the director of a boarding-school, the guardian or foster family has the rights to search the child if there is a reasonable cause for suspicion that the child has substances or devices/items which may endanger the child or another person. Though, the only extra-familial institution with a normative regulation for such situations is the social correction educational institution³⁶ – it determines that the child can be searched only by the person of the same gender and regulates the procedure to be done with the found items. Other extra-familial institutions do not have any legal framework of this type at the moment.

During the implementation process of the measures for prevention of the violation of children’s rights, including juvenile delinquency prevention, the main qualities of the system are its transparency, honesty and simplicity whenever it is related to juvenile prevention. Limiting children’s rights without reason does not result in children’s respect towards the law and other legal norms of the society. For instance, rights and duties of the parties are regulated thoroughly even in cases of holding a person in punishment isolation cells (regulations set the requirements for isolation rooms, lighting) or searching adult persons that have been deprived of liberty³⁷, at the same time no rights of the child are taken into account in similar situations with juveniles.

Very similar situation is with the institution which is mentioned in Section 38, Part 3, of PRCL; from the title of the institution it can be understood that it is ‘some kind of ‘prophylactic institution’ which is a unit of the State Police where children are placed in the cases specified in the law. It is not defined which law specifies these cases. The status of the children in these institutions is not clear. It is not denoted that the Cabinet should issue any regulations referred to this section nor that any external normative legal acts should be applicable.

³⁴ Regulations of the Cabinet of Ministers of 4 May 1999, No. 162 "Procedure of Isolation of Children in Child Care and Education Institutions for Orphans and Children Left without Parental Care" [came into effect 7 May 1999], <http://www.likumi.lv/doc.php?id=24120&from=off> (in Latvian)

³⁵ Ibid., Section 5

³⁶ Regulations of the Cabinet of Ministers of 1 February 2011, No. 88 "Internal Procedure Regulations of the Social Correction Educational Institution" [came into effect 4 February 2011], Section 3, <http://www.likumi.lv/doc.php?id=225269&from=off> (in Latvian)

³⁷ Regulations of the Cabinet of Ministers of 30 May 2006 No. 423 "Internal Procedure Regulations of Penitentiary Institutions" [came into effect 3 June 2006], <http://www.likumi.lv/doc.php?id=136495#251852> (in Latvian)

As to the substance of the matter, all the types of extra-familial care are closely related to the prevention of the violation of children's rights and delinquency – both when the violation is done by the child or to the children's rights. The borderline is rather fragile therefore thorough attention must be turned to the legal framework in the implementation of any limitations on the rights of the child.

The liability of the child for a violation of law is stipulated in PRCL and other legal acts – it is applied in accordance with the type of liability for the particular violation. According to Section 57 of PRCL, the child may be held liable after attaining 14 years of age. Rights of the child who is in various procedural statuses (under detention, arrest, deprived of liberty and other) are regulated in special legal acts.

Section 58, Part 1, of PRCL denotes that the work with children for the prevention is carried out by local governments in collaboration with the parents of children, educational institutions, the State Police, public organizations and other institutions – in fact, it shows the method or the way how the preventive efforts in local governments should be organized. Though, the regulation which is included in PRCL does not depute the Cabinet to issue any regulations in order to elaborate the necessary methodology and procedures for the implementation of preventive measures. Mainly, the local governments organize the preventive work at their own discretion. Thus, the report of the Ombudsman, published on 28 February 2012³⁸, indicates that a research was conducted in all 119 municipalities of Latvia to gather the information and identify the situation in preventive work with children in local governments. The results show that only in 8 municipalities the preventive work is carried out by an inter-institutional commission, other 92 municipalities have delegated the function to local social services, mainly to municipal specialists who work with children and their families, whereas in 7 municipalities no preventive work is carried out by municipal specialists, within the meaning of Section 58 of PRCL. According to the law, the local municipality has to establish a prevention file and formulate a social behaviour correction and social assistance programme for each child who: has committed a criminal offence and is not in detention during the pre-trial investigation period (a); is found guilty of the commission of a criminal offence but whose sentence is not connected with deprivation of liberty / isolation from the society (b); is released from criminal liability (c); is released from imprisonment or from the place of deprivation of liberty (d); has committed illegal acts as set out in the Criminal Law prior to attaining 14 years of age (e); has committed illegal acts as set out in the Administrative Violations Code more than 2 times (f); begs, is vagrant or performs other acts which may lead to illegal actions (g). Section 58, Part 3 of PRCL states that the police is not obliged to enter children into prevention records but it may do that in cases which are set forth in the law on the protection of the rights of the child if the formulated social correction and social assistance programme provides for the joint participation of the police in the particular case. "The State Police is entitled to make preventive record of children listed in Section 58, Part Two, Paragraphs 1 – 6 of the Law on Protection of the Rights of Children at their own initiative, however on exceptional basis, since the said function has to be performed by social service or other municipal institution. It may be therefore concluded that, though even the number of children preventively recorded by the State Police has experiences slight decrease in recent years, preventive work with children does not

³⁸ Report on the Children's Rights of the Ombudsman of the Republic of Latvia 2011, <http://www.tiesibsargs.lv/lat/tiesibsargs/jaunumi/?doc=366> (in Latvian), <http://www.tiesibsargs.lv/eng/ombudsman/news/?doc=367> (in English)

meet the requirements stipulated in Section 58 of the Law on Protection of the Rights of Children, and, as a result thereof, the rights of children are not properly protected; moreover, resources of the State budget are continuously spent on performance of the functions of municipalities.³⁹”

From a systemic point of view, the structure of the organization of protection of children’s rights is the main indicator that determines the form of organization of other sectors of the system, including juvenile delinquency prevention. Chapter X of PRCL divides the competences among the Cabinet and other ministries within the field of the protection of the rights of the child denoting that:

- The Government (the Cabinet) is responsible for the formulation of relevant draft laws and issuing the necessary regulations in regard to the prevention of the rights of the child; it approves long-term State policy projects in the field of protection of the rights of the child and the programme for the prevention of child crime and the protection of the child from crime;
- The Ministry of Welfare is responsible for long-term State policies in the field of protection of the rights of the child, supervision of the observation of the regulatory enactments in the field of protection of the rights of the child, preparation of the annual report on the condition of children in the State and submission of the report to the Saeima and the Cabinet, preparation of the report on the condition of children in Latvia and the measures taken for the provision of the rights of children for submission to the Committee on the Rights of the Child of the United Nations and other reports;
- The competence of the Ministry of Health includes the formulation of policy projects in the field of child health care, the organization and coordination of the child health care;
- The competence of the Ministry of Education and Science includes the formulation of the State policy in the field of education and sports, ensuring the accessibility of education etc.;
- The Ministry of the Interior is responsible for the development of a three-year draft programme for the prevention of child crime and the protection of the child from crime, as well as ensuring the performance of the juvenile support information system;
- The competence of the Ministry of Justice includes the organization of the training of judges with respect to issues regarding the rights of the child and ensuring that priority consideration is applicable in the adjudication of matters associated with the protection of the rights and the best interests of the child;
- Regarding the protection of the children’s rights, local governments are responsible for the analysis of the situation in the field of the rights of the child on a regional or city level and for the development and implementation of the programme for the protection of the rights of the child in the administrative territory of the municipality of the city; they shall provide assistance and support to families with children, ensure the rights of the child to acquire general education, organise parental education etc.

Efforts for juvenile delinquency and crime prevention are not even included in Section 66 of PRCL, although the section denotes competences of local governments in the field of the protection of children’s rights. Paragraph 7 of Part 2 of the same section determines only work with street children. According to PRCL, street children are children who have insufficient contact with family and who spend the greater part of their time on the streets or in other circumstances inappropriate for the development of a child.

³⁹ Ibid., p. 37

If we look at crime prevention as a part of the prevention of violation of children's rights wishing to have coordinated and systemic plans of activities, starting from the local governments to the other state administration sectors, it would be necessary to separate the competence of each sector particularly in the field of prevention, following the functions to accomplish. During the formulation of policy planning documents, it is necessary to take into account the legal framework of prevention in the State. Namely, despite of the fact that juvenile delinquency prevention is organized on the level of local governments, the competence of the Ministry of Interior still includes the responsibility of the development of a three-year programme for the prevention of child crime and for the protection of the child from crime.

There is no doubt that the competence of state administration and law enforcement institutions includes a range of preventive (proactive) functions (despite the work done by local governments), nevertheless, taking into account, for instance, "The Programme for the Prevention of Juvenile Offence and Children Protection from the Crimes, 2009 – 2011"⁴⁰ it can be concluded that this programme and the analysis which the programme contains concern only state administration institutions and ministries, leaving the role of audience to the local governments, which implement Article 58 of RPCL in practice, and identifying neither any progress in the field of prevention nor the efforts made in the municipalities.

For instance, "The Programme for the Prevention of Juvenile Offence and Children Protection from the Crimes, 2009 – 2011" states that criminal offences done by juveniles are stimulated by several factors and circumstances contributory to crime, including the socio-economic situation of the family, domestic violence, alcohol and drug abuse, direct influence from criminal environment, lack of comprehension about mental and social norms and values, low self-esteem in children, lack and insufficient availability of pastime activities, insufficient governmental attention towards the children with deviant and delinquent behaviour, as well as lack of qualified social work specialists for the work with families⁴¹. Disregarding such statement, the programme itself does not contain any solutions for the identified problem or the information on the analysis of preventive work in local governments in the implementation of the legal norms provided for in Article 58 of PRCL.

From the point of view of the organization of juvenile delinquency prevention, the main role belongs to the law "**Law on Application of Compulsory Measures of a Correctional Nature**"⁴². In the Republic of Latvia, the liability of the persons who have not attained the age of majority is set in three normative acts: "Latvian Administrative Violations Code"⁴³ (LAVC), "The Criminal Law"⁴⁴(CrimL) and in the aforementioned "Law on Application of Compulsory Measures of a Correctional Nature" (ACMCN). As to the substance of the matter, the law on compulsory measures of a correctional nature for children is a legal act which is directed to the achievement of juvenile justice aims and objectives. ACMCN is a special legal act which stipulates sanctions for minors in order not to punish but to facilitate the development of the child as an immature personality

⁴⁰ <http://polsis.mk.gov.lv/view.do?id=3144> (in Latvian)

⁴¹ <http://polsis.mk.gov.lv/view.do?id=3144>(in Latvian)

⁴² The Law of 31 October 2002 "Law On Application of Compulsory Measures of a Correctional Nature" [came into effect 1 January 2005], <http://www.likumi.lv/doc.php?id=68489>

⁴³ The Law of 7 December 1984 "Latvian Administrative Violations Code" [came into effect 1 July 1985], <http://www.likumi.lv/doc.php?id=89648>

⁴⁴ The Law of 17 June 1998 "The Criminal Law" [came into effect 1 April 1999], <http://www.likumi.lv/doc.php?id=88966#9263>

in cases of sufficiently serious risks that indicate to the need of a particular reaction. Due to the mentioned reasons, Section 1 of ACMCN defines three objectives which are reached by means of instruments provided for in this law. Namely, the law denotes that the legal norms in ACMCN are applied in order to: reinforce the value orientation of the child that corresponds to the interests of society (a), orientate the child toward refraining from illegal actions (b), re-integrate the child with social behaviour disorders into society.

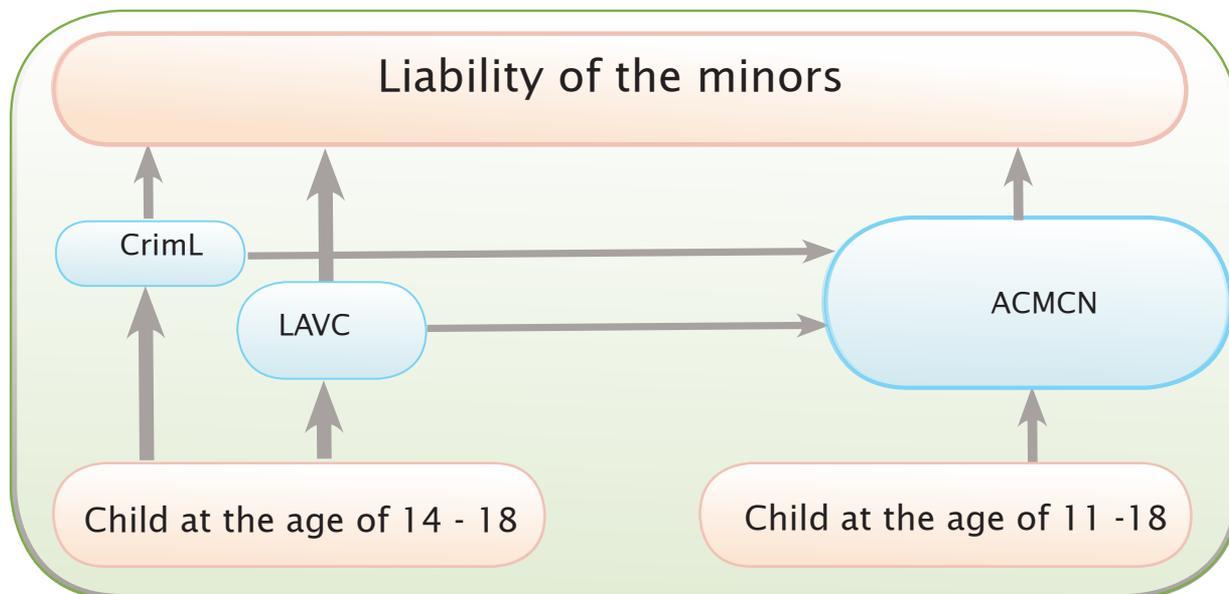
However, the existence of the law on application of compulsory measures of a correctional nature for children in the legal system of Latvia does not mean at all that this is the only law that provides for the measures of work with juvenile offenders in every situation. Apart from ACMCN, the responsibility of minors is stipulated also in the Latvian Administrative Violations Code and the Criminal Law. From the point of view of prevention, ACMCN stipulates (regulates) only a part of preventive functions within the competence of state and local government institutions. It means that in Latvia there is a lack of one particular legal act which would provide for all the efforts and activities related to juveniles – both preventive and reactive. In fact, there is a reason to consider that early prevention activities (including also some reactive ones) are provided for and regulated in the framework of PRCL, keeping in mind that the rights and duties of all children until the age of 18 are regulated by PRCL (a); the liability for violations that are committed by children who have not attained 14 years of age and that do not correspond to criminal offences, as stipulated in the CrimL, is regulated by LAVC (b); the liability of children who have attained the age of 14 and have committed violations that are punishable in accordance with the CrimL is stipulated in the CrimL. At the same time, ACMCN identifies the liability for the children who have attained the age of 11 (Section 3) with the legal notice that compulsory measures of a correctional nature can be applied for the children also in cases when they have committed a violence which is criminally punishable (criminal offence) or administratively punishable (administrative violation), according to the law. As to the substance of the matter and in accordance with several approaches⁴⁵, ACMCN can be regarded as so called *diversion*⁴⁶ method from the traditional juvenile justice system if considering that the traditional juvenile justice system in Latvia is organized within the framework of legal norms, stipulated by the Criminal Law and Latvian Administrative Violation Code. From another point of view,⁴⁷ there is a reason to consider that the legal norms which stipulate the framework for juvenile justice in Latvia are dispersed in three separate laws (LAVC, CrimL and ACMCN), whereas the legal framework for early prevention is simply ‘pushed out’ of these legal acts to PRCL, as by its content and form it does not fit in them; and there is no such thing as the diversion method in Latvia.

⁴⁵ Author’s note: the concept of diversion itself sets very strict limitations and does not give in-depth explanation on the usable methods. Diversion concept in juvenile justice is based on the analysis of practice and the conclusion that the contact between the minor and the traditional court proceeding renders more harm than help to the child. See, for instance, http://en.wikipedia.org/wiki/Diversion_program

⁴⁶ Author’s note: see, for instance, Lundman, R. J. (1976). Will Diversion Reduce Recidivism? *Crime and Delinquency*, 22 (4), 428-437.

⁴⁷ Author’s note: see, for instance, *Juvenile Diversion: Research and Recommendations for Program Implementation in Waukesha County*, December 4, 2008; <http://criminaljustice.uwex.edu/documents/Diversion%20Recommendation%20Report.pdf>

Chart No 1



Section 11 of the Criminal Law stipulates that only a natural person who has attained 14 years of age on the day of the committing of a criminal offence may be held liable (a), and defines the person who has not attained this age as an under-aged person (b). Chapter VII of CrimL provides for the special nature of criminal liability of minors, namely, persons at the age of 14 to 18. The law does not regulate the liability of the persons which are under-aged, as stipulated in Section 11 of CrimL (Section 64 of CrimL). Chapter VII of CrimL determines forms of punishment which can be applicable for the persons who have not attained 18 years of age (Section 65), whereas in Section 66 the legislature has denoted that if there are particular circumstances of the committing of a criminal offence (a) and information is received regarding the juvenile offender which mitigate his/her liability (b), the court may release the minor from the punishment adjudged by applying compulsory measures of a correctional nature. In addition, a reverse action is stipulated for the case if the minor at the age from 14 up to 18 years who has been released from the punishment adjudged by applying compulsory measures of a correctional nature does not fulfil the obligations imposed by the court – in such case the serving of the punishment shall be completed.

Section 12 of the Latvian Administrative Violations Code stipulates the age when the person can be subject to an administrative offence, indicating that these are persons who have attained 14 years of age on the day of the committing of an administrative violation, whereas Section 12.1 provides for the possibility that compulsory measures of a correctional nature may be applied to minors at the age from 14 up to 18 years regarding commitment of an administrative violation, as stipulated in ACMCN. The second part of the same section denotes that compulsory measures of a correctional nature may be applied also to minors at the age from 11 up to 14 years if they have committed a violation regarding which administrative liability has been provided for in the law. Thus, LAVC stipulates the procedure of cases when a natural person (child) commits actions which are punishable in accordance with LAVC but does not become subject to administrative violence. From this point of view, ACMCN is an alternative for so called traditional justice for children of particular age in cases when in other circumstances, namely, if they were older, they would be applied the respective norms of CrimL and LAVC.

Taking into account the aforementioned, both CrimL and LAVC, as well as ACMCN defines the scope of children to whom compulsory measures of a correctional nature may be applied, namely, children who are released from the punishment according to the procedure stipulated in CrimL (children at the age from 14 up to 18 years); for a criminal offence if the child has not attained the age of criminal liability, namely, the child is under-aged according to CrimL; in case if the decision is made to terminate the criminal proceeding and the materials of the matters are sent to the court; in case if the child has committed actions which are punishable in accordance with LAVC but the decision has been made to send the case materials (attained 14 years of age) or materials of the matters (not attained 14 years of age) to the administrative commission of local government in order to decide a question regarding the application of compulsory measures of a correctional nature.

Section 5, Part 3, of ACMCN stipulates that local governments may establish a separate administrative commission for examination of administrative violation cases and materials regarding the violation where children are involved. The law does not provide any details on this special form of commission and there is no further framework or regulation about the specialists in this commission. However, LAVC has Section 210 “Local Government Administrative Commissions” which indicates that local governments may establish a sub-commission for child matters of an administrative commission. LAVC stipulates that in cases when such a commission is established it is responsible not only for the administrative violations committed by children but also for the administrative violation matters which are committed by adults against children. Namely, these are the cases of physical and emotional child abuse (Section 172.2 of LAVC); cases when the child is left without supervision (Section 172.4 of LAVC); cases of failure to fulfil the duty of care of the child (Section 173 of LAVC). Thus, there is a reason to consider that **at the moment every local government has a possibility to establish an institution which may work in the field of juvenile delinquency prevention**, and make decisions within the framework of LAVC in order to ensure safety of the child. There is no doubt that in practice these issues are solved in various ways, as the decision of establishing such sub-commission is left to the discretion of each local government and it depends on the interest of the government in solving children matters. The lack of state coordinated guidelines and legal frameworks for further activity of such administrative sub-commissions, if they are established, is considered a deficiency of the current situation. In accordance with Section 207, the local government approves the relevant administrative commission for its term of office, whereas the procedure of performance is set by binding regulations of the local government.

ACMCN provides for both decisions of preventive nature regarding children and decisions which bear resemblance to punishments. As to the substance of the matter, compulsory measures of a correctional nature which are provided for in Section 6 of ACMCN do not differ greatly from the punishments set out in LAVC or CrimL, mainly they differ by the consequences of the punishment record but not in all cases⁴⁸. Thus, for instance, CrimL stipulates the following forms of basic punishment for minors: deprivation of liberty, custodial arrest, community service and fine, as well as additional punishments provided for in CrimL, whereas ACMCN stipulates the following

⁴⁸ See Section 65, Part 5, of CrimL: “A person, who before attaining eighteen years of age, has committed a criminal violation, shall, after, serving the punishment, be deemed to have not been convicted”, <http://www.likumi.lv/doc.php?id=88966>

compulsory measures of a correctional nature for children⁴⁹: warning, duty to apologise to the victim, placing the child in the custody of parents or guardians, as well as other persons or organizations, duty to eliminate by his/her work the consequences of the harm caused, for the children who have already reached the age of 15⁵⁰ – a duty to reimburse the harm caused, specifying behaviour restrictions, duty to perform community service, placing the child in a social correction educational institution.

Chart No 2

Application of compulsory measures of a correctional nature for children in 2012, 2011 and 2010⁵¹:

| Measure \ Year | 2012 | | 2011 | | 2010 | |
|---|------------|--|------------|---------------------------------|------------|---------------------------------|
| | Year total | 1 st half year until 19.05.2012 | Year total | 1 st half year until | Year total | 1 st half year until |
| Warning | - | 28 | 58 | 31 | 86 | 39 |
| Apologising | - | 0 | 0 | 0 | 0 | 0 |
| Guarantee | - | 8 | 10 | 3 | 32 | 16 |
| Harm-elimination | - | 0 | 0 | 0 | 1 | 1 |
| Loss compensation | - | 0 | 0 | 0 | 0 | 0 |
| Behaviour restrictions | - | 11 | 19 | 15 | 7 | 0 |
| Community service | - | 25 | 82 | 39 | 101 | 64 |
| Social correction education institution | - | 8 | 11 | 8 | 13 | 4 |
| TOTAL | | 80 | 180 | | 240 | |

As the statistics show, the main applied compulsory measures of a correctional nature are Community service and Warning. In the last two years the number of cases when Behaviour restrictions are applied has increased, whereas such measures as Duty to apologise to the victim if they agree to meet with the guilty party, Duty to eliminate by work the consequences of the harm and for the child with income Duty to compensate the losses are not applied. A very significant role of applying particular measures instead of others is given to the regulation of the implementation process of the particular process. So, for instance, the compulsory measure of a correctional nature “Behaviour restriction” was included in ACMCN until 19 December 2006 when it was excluded from the law due to the lack of procedures of the implementation of the measure and financing the relevant institution. However, at the end of 2009 a draft law⁵² has been submitted to the Saeima where the legislature is asked to restore the measure “Behaviour restrictions”, denoting that the elimination of the measure critically encumbers reaching the objectives of the law

⁴⁹ See Section 6 of ACMCN, <http://www.likumi.lv/doc.php?id=68489> (in Latvian)

⁵⁰ Author’s note: this condition is applied only in cases if the child has his/her own income.

⁵¹ Statistics report on decisions of applying compulsory measures of a correctional and of a medical nature (not involving in judicial proceedings), Data from Judicial information system (JIS) on 19 May 2012, <http://ej.uz/j4nf>(in Latvian)

⁵² <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/D8282B5E347BC73AC22576550037150C?OpenDocument> .

and that the implementation of this compulsory measure of a correctional nature will be ensured by the local governments in collaboration with the State Police within the existing financing⁵³. It must be admitted that behaviour restrictions for children are one of the most effective measures of reaching prevention objectives that are provided for in this law, although the questions are not always regarded as to the substance of the matter when deciding of the application of this measure. This is just one of examples showing the negative consequences of the fragmented system of juvenile delinquency prevention in Latvia. It is clear that **in this situation the resource planning and the realization of priorities face difficulties, as well as the timely evaluation of the priorities of instruments for the protection of children's rights and crime prevention**. It is proven also by the statistics showing that in 2011, when the process of implementation of behaviour restrictions was supplemented with the necessary regulations, the number of applications of this compulsory measure of a correctional nature increased from 7 cases in 2010 to 19 cases in 2011 and to already 11 cases in the first 5 months in 2012.

The main force to determine procedures for juvenile delinquency prevention in Latvia is ACMCN (special prevention) together with CPRL (general prevention and early intervention). However, it must be admitted that there is a need of discussing how the legal norms that regulate prevention can be compiled in one document, possibly a legal act, together with other legal instruments relating to juvenile delinquency thus improving their planning, in particular during the elaboration processes of legal norms, and implementation of the existing norms in practice. Thus, as the matter of fact, there are no evident arguments why minors should be applied administrative liability and administrative punishments, as stipulated by LAVC, if the same function can be ensured by the instruments provided for in ACMCN. Secondly, an evaluation is needed whether the compulsory measures of a correctional nature which have not been used in recent years should not be substituted by more up-to-date and more efficient compulsory measures aimed at more efficient achievements of ACMCN objectives or they are not applied due to the lack of a properly regulated implementation mechanism. Thirdly, the analysis of the

⁵³ Ibid.: **Resume on the draft law "Amendments to the "Law On Application of Compulsory Measures of a Correctional Nature"**: The law does not define precisely the relevant institution for the implementation of the decision by the court or administrative commission on the application of a particular compulsory measure of a correctional nature. Moreover, in definite cases the State police is ready to undertake the implementation of the decision on the application of the compulsory measure of a correctional nature – setting behaviour restrictions, thus facilitating the work of local government institutions. At the moment, the State Police is under a structural reform which on 1 January 2009 resulted in closing of Section for Prevention of Juvenile Offences in Daugavpils Municipal police. Therefore, there is only one preventive institution for children under the State Police in the territory of Latvia – Section for Prevention of Juvenile Offences in Riga Municipal Police. The resources of the section/department do not allow ensuring full accomplishment of the norm included in the draft law in the whole territory of Latvia therefore Section 13.1 of the law will come into effect on 1 January 2012. Likewise, the law makes uncertainties about the differences between the institutions of the implementation and supervision of the compulsory measure of a correctional nature. The norm on the child's duty to arrive periodically for registration at the State Police is not new. It was included in the law since the adoption of the law on 31 October 2002. The norm was excluded on 19 December 2006 due to the lack of financing to local governments for the implementation of the function. At the moment, local governments have changed their opinion as there is a need for this measure independently for the financing granted in order to ensure order in the territory of the local governments. The duty to arrive periodically for the registration at the State Police is imposed in order to facilitate the child's recognition of his/her personal responsibility and in order to ensure the possibility for the State Police to control how the child observes the applied compulsory measure of a correctional nature, whether he/she undergoes treatment for addictions, attends school, avoids meeting persona non grata, i.e. whether the orientation of a child leads to refraining from illegal actions and re-integration of a child with social behaviour disorders into society. The registration at the State Police ensures that if the child does not fulfil his/her compulsory measures of a correctional nature, the State Police can initiate the process of the substitution of the applied measure with a more severe one or even criminal punishment

statistical data on 2011 from the Judicial information system⁵⁴, for instance, does not make an impression that the legal instruments of criminal justice applied for minors differ significantly by content from those provided for in ACMCN.

Chart No 3

The total number of convicted juveniles by year (data from JIS)

| Year | 2011 | 2010 | 2009 |
|--------------------|------|------|------|
| Number of children | 645 | 753 | 936 |

For instance, in 2011, out of 645 cases of convicted juveniles (in accordance with CrimL) in 308 cases the court had imposed a suspended sentence. The majority of the convicted (502 juveniles) were pupils or employees, meaning that to one or another extent they were socially integrated, only 36 out of 645 were children without parental care, mainly (408 juveniles) between 16 to 17 years of age. Out of all 645 convicted juveniles 462 had not been convicted before, only for 163 juveniles the record of punishment was not set aside, 18 juveniles had been convicted before and had their records of punishment set aside. Compulsory community service was imposed to 196 juveniles. More than a half of 645 convicted juveniles had committed theft, and 438 juveniles had committed an offence within an organized group, as set out in the norms of CrimL. Deprivation of liberty for a term not exceeding one year was determined to 40 juveniles, for a term of 1 to 3 years – to 40 juveniles, and 3 to 5 years – to 27 juveniles.

From another point of view, the analysis of the data may lead to a hypothesis that the majority of these young people might have not needed the application of CrimL norms at all. There could have been discussions about similar sanctions applicable. 502 out of 645 juveniles are pupils or employees thus having contact with the social environment which means that they, in fact, are integrated in society and available for corrections of their behaviour through educational institutions and local governments. Only 36 children have had extra-familial care, it means that others have parents who have been responsible for taking care and educating their child. However, for some reason the responsibility has not resulted in the expected outcome – it is possible to involve the parents into intensified control of the juvenile’s behaviour. The majority of the total 645 juveniles have not been convicted before; only 18 have been convicted but have their record set aside. It means that the young people have not contacted the criminal justice system. Only for 163 out of 645 juveniles the criminal record was not set aside. Community service was imposed to 196 juveniles although from the point of view of punishment implementation compulsory community service does not differ from public service, as stipulated in ACMCN. More than a half of juveniles have committed thefts, not murders or serious bodily injuries. 438 out of 645 juveniles have committed their offences within a group which probably testifies the lack of pastime organization and control over the behaviour of minors. Various terms for deprivation of liberty as a basic punishment have been determined only to 117 juveniles, but it includes also suspended sentence. Analysing the sections according to which a person can be held liable for

⁵⁴ Statistical reports on criminal cases, Number of juvenile convicts for 2011, <http://ej.uz/qxn5> (in Latvian)

criminal offences, in 2011 the dominant offence for juveniles is theft in 388 cases (Section 175 and Section 180 of CrimL); robbery has been committed in 63 cases (Section 176), hooliganism and violations of traffic provisions – respectively 38 and 39 cases. Violations of norms set out in other sections are also committed but neither of them dominates with a high number of offences. Taking into account the mentioned, no serious arguments can be made why particular actions committed by juveniles should be made criminal, if the punishments and supervision forms in society, i.e., state reactions, set out in both CrimL and ACMCN do not differ significantly by their content. It is possible that such criminal sanctions or similar measures should be applied for juveniles who have committed violent crimes related to serious or moderate bodily injuries or death of other persons. Even despite that, there are almost no difference between the two most severe state responses, which are stipulated in 2 separate laws, to juvenile behaviour: placement in social correction educational institution (Section 6, Part 1, Paragraph 8 of ACMCN) and deprivation of liberty which, according to the Law on the Sentence Execution Code of Latvia, is executed in a juvenile correctional institution (Section 13, Part 1, of the Sentence Execution Code of Latvia)⁵⁵ as the only consequences of the implementation of sanctions in the biography of the juvenile. The mentioned fact is again a result of the fragmented juvenile justice system and possibly a type of unsuitable organization and division of state resources for justice – it is another obstacle for planning efficient prevention of children's rights within the framework of a coordinated policy for protection of children's rights. Taking into account these conditions, a question appears – **does Latvia need the establishment of a duplex system for deprivation of liberty of juveniles or the development of juvenile justice system and particularly the system of juvenile delinquency prevention?**

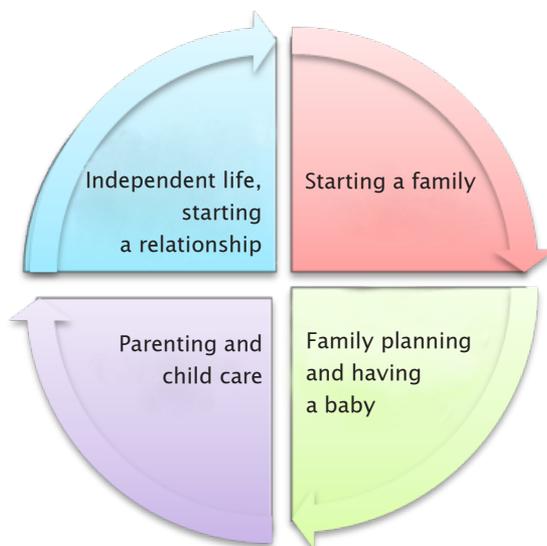
Organization of the protection of the rights of the child, including the planning of juvenile delinquency prevention issues, is regulated in Chapter X of PRCL. The majority of policy documents in the field of the protection of the rights of the child are elaborated in accordance with the procedure set out in this law. At the moment one of the most significant reference frameworks is “Guidelines on the National Family Policy for 2011 – 2017”⁵⁶. The guidelines reflect several important issues related directly to all fields of juvenile delinquency prevention, including early prevention and the role of the family in it, as well as the responsibility of parents on their families and children. If the child in various stages of his/her life has a possibility to live in a healthy family model, risks of his/her illegal behaviour can be eliminated and the opportunity of having success in his/her life increase. If there is a lack of any of the 4 components, social risks increase together with the risks of committing illegal actions.

⁵⁵ Author's note: there is no doubt that efforts made in recent years in order to arrange the legal framework of the compulsory measure of a correctional nature 'placement in a social correction educational institution' are praiseworthy. However, these steps more than ever show that, as to the substance of the matter, social correction educational institutions actually hide another institution of deprivation of liberty for juveniles, parallel to the institution set out in the Sentence Execution Code of Latvia and its subordinate Regulations of the Cabinet. Moreover, this institution can apply measures for juveniles not only from the age of 14 years, as stipulated in CrimL, but already starting from 11 years of age, according to the norms of ACMCN. The result is identical to its substance of the matter, as the juvenile is deprived of liberty almost to the same extent as it is stipulated in the Sentence Execution Code of Latvia. Another common factor – the decision is made by court, both for placing in the institution and deprivation of liberty, pre-trial detention is regulated by the Criminal Procedure Law and the Law on Procedure of Keeping in Detention (in case of ACMCN there is only a partly elaborated legal framework for the prevention institutions of the State Police, in practice the functions are similar to Investigation/pre-trial prisons – see Section 35.1, Part 3 of ACMCN). Internal procedure regulations of the social correction educational institutions and the punishments for the violations of the regulations are stipulated by the Regulations of the Cabinet (similarly to the regulations on internal procedure of institutions for deprivation of liberty and on disciplinary penalties for subjects to detention of liberty), however the Regulations of the Cabinet do not stipulate the procedure how the child can appeal his/her penalties for the violation of internal procedure regulations of the social correction educational institution.

⁵⁶ http://www.papardesieds.lv/attachments/213_gvp_pamat.pdf (in Latvian)

Chart No 4

Family life cycle:



Another significant policy document is “**Guidelines Latvia Fit for Children 2004 – 2015**⁵⁷”. The policy document has determined a range of problems that delay psycho-emotional development for children, including poverty, unequal opportunities for formal and informal education, crime risks. In order to solve the mentioned problems, the guidelines have stated the principle of multi-sectoral collaboration among local governments, state institutions and NGOs. Annually, starting from 2005, a report is submitted to the government of Latvia on the implementation process of the guidelines. This, the report in 2011⁵⁸ on the implementation of the guidelines in 2010 indicates that one of the objectives has aimed at widening the possibilities of the implementation of alternative measures and involving the society into the re-socialization processes of juvenile offenders. It has been concluded that the improvements of ACMCN are needed, and as a result amendments to ACMCN⁵⁹, which are analysed above, have been elaborated and adopted in the Saeima on 22 April 2010.

Apart from the mentioned policy documents, the significance of the following documents must be admitted: in the field of the (general) prevention of the protection of children’s rights – Public Health Strategy for 2011 - 2017⁶⁰, in the field of special prevention –Guidelines on Education Policy for Prison Inmates for the Years 2006 – 2012⁶¹, Strategy of Execution Policy of the Custody of Deprivation of Liberty and Detention of Underage persons for 2007 – 2013⁶², and the Action Plan to the Programme on Protecting Juveniles from Criminal Offences Directed Against Morality and Sexual Inviolability for 2010 – 2013⁶³.

⁵⁷ <http://www.likumi.lv/doc.php?id=86543&from=off>(in Latvian)

⁵⁸ <http://www.likumi.lv/doc.php?id=86543&from=off>.

⁵⁹ <http://titania.saeima.lv/LIVS/SaeimaLIVS.nsf/0/D8282B5E347BC73AC22576550037150C?OpenDocument>.

⁶⁰ <http://www.likumi.lv/doc.php?id=237269> (in Latvian)

[http://phoebe.vm.gov.lv/misc_db/web.nsf/626e6035eadbb4cd85256499006b15a6/ab75e1a6c38b637dc22573d800293aaa/\\$FILE/POamatnostadnes_eng_pdf.pdf](http://phoebe.vm.gov.lv/misc_db/web.nsf/626e6035eadbb4cd85256499006b15a6/ab75e1a6c38b637dc22573d800293aaa/$FILE/POamatnostadnes_eng_pdf.pdf) (in English)

⁶¹ <http://polsis.mk.gov.lv/view.do?id=3114>(in Latvian)

⁶² <http://www.likumi.lv/doc.php?id=153497>(in Latvian)

⁶³ <http://polsis.mk.gov.lv/view.do?id=3126>(in Latvian)

3. The necessity of juvenile justice prevention system in Latvia

From the point of view of prevention of violation of children's rights, set out in Section 7 of PRCL⁶⁴, two main objectives for the protection of the rights of the child are clearly defined: the rights of the child to life and the rights of the child to development. Evaluating the rights as to the substance of the matter, all the other rights stipulated in Chapter II of PRCL are to one or another extent subordinated to the two mentioned, which means that the duties of every subject to the protection of children's rights have to be related to these main rights of the child. Besides, PRCL denotes the duties of the child towards himself/herself⁶⁵. Although legal norms divide these duties into Duties of the child in the home (Section 22) and Duties of the child towards society (Section 23), actually these duties can be divided into duties towards oneself and duties towards others and society in general⁶⁶.

For instance, the first subject from Section 5 of PRCL are the parents (adopters, foster family and guardians) of the child, whereas Section 1 of this law defines the term "parental neglect" which includes failing to fulfil the duty of care and supervision of a child. Evaluating these articles in correlation, it can be concluded that in order to ensure **the rights of the child to life** parents have to fulfil their duty of **supervision**, while the section which denotes **the rights of the child to development** stipulates the duties of parents to **care for the child**. Thus, there is a reason to conclude that fulfilling the duty of supervision parents ensure the rights of the child to life and fulfilling the duty of care they ensure the rights of the child to development. Similarly, other mechanisms should be established relating to the regulation of similar legal relations. Conclusion – if parents fulfil their duties, the child can realise his/her rights to life and development. What happens if the parents fail to fulfil their duties or fulfil them insufficiently – including avoidance or disability to fulfil them? In case if the parents fail to fulfil their duties or fulfil them insufficiently, the risks of ensuring the rights of the child to life or development appear, as the child cannot manage these risks without the help from parents (a), if the parents fail to fulfil their duties at all, the fact of the violence of the rights of the child to life or development applies (b). Thus, in cases if the parents as subjects to the protection of the rights of the child cannot manage the risks, intervention with a preventive function by another instrument of the protection of children's rights should be applied (a) – it means a proactive effort that identifies the risks and prevents them by means of planned activities; whereas, if the parents fail to fulfil their duties at all, there is a need for a reactive effort from another institute of the protection of children's rights (b) – state reaction by means of relevant decisions (sanctions). Moreover, in this case it must be taken into account that prevention, first of all, is proactive and inclusive activity. It is aimed at identifying (a) and preventing risks (b) and restoring the legal and actual model of relation between subjects, as stipulated in the law (c), in order to ensure its independent and constant func-

⁶⁴ The Law of 19 June 1998 "Protection of the Rights of the Child Law" [came into effect 22 July 1998], <http://www.likumi.lv/doc.php?id=49096>

⁶⁵ Chapter IV of PRCL, Duties of the Child

⁶⁶ Author's note: thus for instance, Section 22, Part 1, of PRCL can be regarded as the duties to oneself: the duty of the child to keep himself/herself neat, as well as Section 23, Part 2: the duty of the child to study, Part 3: the duty of the child to safeguard his/her health. Evaluating these norms in general, they can be considered not as the norms which stipulate duties but rather as the norms – principles which allow defining also the child's liability. Legal acts do not contain direct references to a clearly defined liability of the child in cases of failure or refusal to fulfil these duties. Instead, the liability of the child is defined in relating to general administrative and criminal refusals which are similar both to adults and children.

tioning. Another effort – reaction is applied to the invasion/violence of the rights of the child in case if parents fail/reject to fulfil their duties. In this situation, in fact, the child is already a victim but the parents (or their substitutors) must be held liable; besides, making such decisions in the field of the protection of the rights of the child the peculiarity of the relevant legal sector must be taken into account – it is not in the best interests of the victim (child) to have the guilty party (parents) punished – the interests of the child include restored or even re-established normal relations and functions among the child and the parents. The fact indicates that particularly this field of legal regulation (prevention of the violation of the rights of the child) is the most appropriate to apply the instruments of Restorative justice instead of retributive⁶⁷ approach. If the efforts – prevention and reaction – are mixed in practice when applying and implementing legal norms, both of them lack any results. Thus, it can be concluded that juvenile delinquency prevention is a part of protection of the rights of the child, namely, ensuring the rights of the child to development. Only in particular cases, namely, when the child makes an offence against the life of another child, juvenile delinquency prevention includes also ensuring the rights of the child to life.

In-depth interviews with specialists carried out within the project⁶⁸ indicate that both practice and legal norms contain a small amount of instruments to influence the parents of the child in order to coerce them into fulfilling their duties. Current legal norms in Latvia relating to the regulation of relations among the child and the parents, as well as preventive intervention methods for cases of dysfunctional relations are insufficient for reaching the objectives set out in Section 4 of PRCL. Practitioners admit that the aims of legal norms are correct but the stipulated instruments and procedures do not allow reaching these aims. The aims correspond to the principles and values of Restorative justice, whereas the norms set out in the law are retributive as to the substance of the matter, therefore only punishment is available when applying these norms and it is very difficult or impossible to gain inclusive results. Thus, for instance, Section 4, Paragraph 3, of PRCL sets out the objective – orientation of the child towards the family as the fundamental value in social organization and one of the principal values of society and of individuals. Section 27 of PRCL denotes that only in particular, special cases the child may be separated from his/her family, whereas Section 44 stipulates local governments' duty to work with the parents while the child is in extra-familial care in order to create conditions for renewal of care of the child within the family. Practitioners express their opinion that together with the removal of parental rights decisions should be made to set duties for the parents and their children to solve their common problems together (for instance, by attending common programmes or participating in activities together). Such norms as Section 173 of LAVC on failure to fulfil the duty of care of the child do not have the necessary result because they have only punitive function. It is possible that the situation could be solved by supplementing the sanction for failure to fulfil parental duties, as set out in LAVC, by sanctions of an inclusive nature (various duties to be done together with the child) or adding such decision-making function to the competence of the Orphan's court⁶⁹.

⁶⁷ http://en.wikipedia.org/wiki/Retributive_justice

⁶⁸ Project "Building a Support System to Prevent Juvenile Delinquency"

⁶⁹ Section 18 of the Law on Orphan's Courts already stipulates the defence of the personal interests of the child. Taking into account Section 7 of PRCL, setting out the rights of the child to development, it can be considered that the right to development, as defined in PRCL, falls within the framework of the personal interests of the child, as set out in the Law on Orphan's Courts, see: Law on Orphan's Courts, available at: <http://www.likumi.lv/doc.php?id=139369#52639>

3.1. Prevention and prophylaxis or what do we really do?

In order to label proactive efforts in Latvia, still two terms are used – prevention and prophylaxis. Title of Chapter IX (Sections from 57 to 60) of PRCL contains the term “prophylaxis” although it does not give the explanation of prophylaxis. At the same time, annotations of ACMCN, even for earlier versions⁷⁰, point out that: “[..]this law is of a preventive nature whereas the compulsory measures of a correctional nature aim at the orientation of the child towards refraining from illegal actions and re-integration of the child with social behavior disorders into society. The State Police, for instance, enter the child into prophylactic or prevention records⁷¹ and the local government establish a prevention file for the child⁷²”, at the same time the State Police report on their performance results in 2011⁷³, using the term “prevention” as their only choice. It is unambiguous that both terms are used for the same proactive efforts in the field of the protection of rights of minors; however it does not facilitate the comprehension of the system neither to wider society nor to the specialists of children’s affairs themselves. Moreover, the existence of such phenomenon proves the lack of systemic approach as well as dispersion in the field of planning preventive measures for violations of the rights of the child and juvenile delinquency.

In the overview of juvenile delinquency⁷⁴, specialists from the State Police have denoted that in refraining the child from crime preventive efforts play a significant role and the activities have to be implemented in two directions – general prevention, namely, various lectures, spot-checks, actions and campaigns; and individual prevention, namely, activities relating to particular persons with the aim to refrain juveniles from committing illegal actions. We can agree with this statement, however it is just a small piece of the actually existing “prevention pie”. In general, the legal framework of juvenile prevention looks as follows:

⁷⁰ Draft law “Law on Application of Compulsory Measures of a Correctional Nature”. Available at: [http](http://www.likumi.lv/doc.php?id=49096&from=off) (in Latvian)

⁷¹ Section 58, Part 3, of PRCL, available at: <http://www.likumi.lv/doc.php?id=49096&from=off>

⁷² Ibid. – Section 58, Part 2

⁷³ Overview of juvenile delinquency, injured children and road traffic and prevention situation in 12 months of 2011

⁷⁴ Ibid., p. 2

Organization of juvenile delinquency prevention in Latvia

| Type of prevention | Primary ⁷⁵ | Secondary ⁷⁶ | Tertiary ⁷⁷ |
|------------------------|---|--|---|
| Legal framework | <p>Policy documents, for instance, "Programme for Juvenile Delinquency Prevention and Protection of the Child Against Crime for 2009-2011", the distribution of competences is stipulated in Chapter X of PRCL: Organization of the Protection of the Rights of the Child.</p> | <p>Protection of the Rights of the Child Law and its subordinate Regulations of the Cabinet.</p> <ul style="list-style-type: none"> ▪ Section 58: establishing prevention files ▪ Extra-familial care (traditional) ▪ Section 38: Social correction institutions ▪ Section 58: Records of the Police (entering into prevention records in the State Police); ▪ Section 38: Prophylactic institutions (placement into them) | <ul style="list-style-type: none"> ▪ Protection of the Rights of the Child Law and its subordinate Regulations of the Cabinet ▪ Section 6 of the Law On Application of Compulsory Measures of a Correctional Nature to Children, that regulates a range of proactive (preventive) and reactive efforts and measures (so called alternative punishments)⁷⁸ |
| Instruments | <ul style="list-style-type: none"> ▪ Training programmes for specialists from law enforcement institutions; ▪ Informative campaigns for society, teachers, parents and children; ▪ Methodologies for the work with children of particular groups; ▪ Planning of the development of legal norms (concepts); ▪ Implementation of particular projects and activities to reduce child crime; ▪ Police spot-checks, raids and campaigns. | <p>Decisions by the following institutions:</p> <ul style="list-style-type: none"> ▪ Local governments; Section 58: establishing prevention files ▪ Guardianship, foster families, Orphan's court: Extra-familial care (traditional) ▪ Court of ordinary jurisdiction, Principal of SCEI: Section 38: Social correction institutions ▪ Local government and the State Police: Section 58: Records of the Police (entering into prevention records in the State Police); ▪ Section 38: the State Police, Orphan's court, Social service of local government: Prophylactic institutions (placement into them) | <p>From PRCL:</p> <ul style="list-style-type: none"> ▪ Procedure for support to children who have suffered from various crime; ▪ Procedure for support to children who have been released from criminal liability; ▪ Support to children who have been released from imprisonment after serving the sentence of deprivation of liberty. <p>From ACMCN:</p> <ul style="list-style-type: none"> ▪ Warning to the child; ▪ duty to apologize to the victims; ▪ placing in the custody; ▪ duty to eliminate the consequences of the harm caused; ▪ duty to reimburse the harm caused; ▪ behavior restrictions; ▪ community service; ▪ social correction educational institution; ▪ Mediation with and without a mediator. |
| Implementers | <p>Ministries and their subordinate institutions, for instance, the State Police, The State Inspectorate for Protection of Children's Rights, local governments, research institutions, non-governmental organizations and other.</p> | <p>Local governments, Orphan's courts, court of ordinary jurisdiction, Principal of a social correction educational institution, the State Police.</p> | <p>Local governments, Orphan's courts, court of ordinary jurisdiction, Principal of a social correction educational institution, the State Police, State Probation Service.</p> |

⁷⁵ Author's note: primary prevention is considered as a set of general measures to promote social justice and equal opportunity, which thus identify and prevent perceived root causes of offending and reduce social exclusion risks

⁷⁶ Author's note: secondary or the second level prevention is evaluated as the set of interrelated measures for children who are identified as being more particularly at social risks

⁷⁷ Author's note: tertiary or the third level prevention involves the set of organized activities to help the child avoid contact with the formal justice system, including special efforts to prevent reoffending and support to victims

⁷⁸ In accordance with the resume of ACMCN: "Compulsory measures of a correctional nature have preventive character and they can serve as alternatives for punishments, including imprisonment, which do not integrate but isolate the minor from society", available at: http://helios-web.saeima.lv/bin/lasa?LP1203_0 (in Latvian)

As it can be seen in the table, in 2012 Latvian system of juvenile delinquency prevention is regulated both by policy documents and laws. The majority of state administration, law enforcement and local governmental institutions are responsible for the development, implementation and realization of policy documents. Policy planning is carried out where each particular sector meets the rights of the child leaving them in a secondary status in comparison with the sector, thus prevention of the protection of children's rights (including juvenile delinquency prevention) is not planned as a separate sector. This particular approach leads to fragmentation and encumbers planning of the development and evaluation of results in the field of prevention of the violation of children's rights as a whole, creates overlapping of the systems of legal norms within frameworks of separate legal enactments. In the project interviews, almost every certified practitioner who works in the field of juvenile delinquency protection admitted that the system of legal norms for prevention of the protection of children's rights and delinquency is complicated, therefore practitioners, even those with long experience, feel undereducated in the field of legal aspects on these issues.

3.2. Juvenile delinquency prevention: starting time, real situation, potential and institutional framework

Within the project monitoring a survey was done with more than two hundred participants – specialists from various law enforcement, local government, educational and social service institutions, including regional social work practitioners, teachers, psychologists, judges, prosecutors, State Probation Service employees, members from the State and municipal police etc. In the survey, the respondents answered various questions (see Methodology of monitoring in Appendix 1) related to juvenile delinquency prevention and public safety.

Every law enforcement institution is responsible for caring about safety. What is safe and what is not – every person has his/her own opinion, though safety itself can be measured only within human perception and feelings – a person either feels safe or not. Answering the questions about safety in one's place of residence, each person thinks not only about himself/herself but also about the people (including their children and relatives) and conditions which are around every day. If this question is asked to the specialists from law enforcement institutions and practitioners who work with children, the answers include also their professional point of view. The majority of the respondents answered that public safety in their municipality (place of residence) is not organised sufficiently but moderate – 47%; 14% admitted it is poorly organised; only 38% of the respondents evaluated public safety as appropriate, well organized. None of the respondents answered that the organization of public safety is very well done.

The majority or 74% of the respondents expressed their opinion that not only one institution should be responsible for juvenile delinquency prevention but an inter-institutional group. 12% of the respondents admitted that child delinquency prevention should be under responsibility of the police or Probation service, 7% - local governments, in particular – social service, and 5% held a view that it is the responsibility of educational institutions. Explaining their choice for inter-institutional model, the respondents added that this would be the most appropriate way of attracting as many specialists as possible to discuss all the relevant questions more professionally, as regards each individual child. The respondents mentioned specialists to be involved in such a model, among them: GPs/family doctors, pre-school educators, class teacher of the

particular child, principal of the school, responsible specialists from the social service, Orphan's court, and the State Inspectorate for Protection of Children's Rights, lawyer assigned by Legal Aid Administration, mediator, victim support specialist, prosecutor specialised in children's affairs, judge specialised in the field of family rights. The frequency of meetings of inter-institutional cooperation groups is mentioned as well, namely, at least once a month.

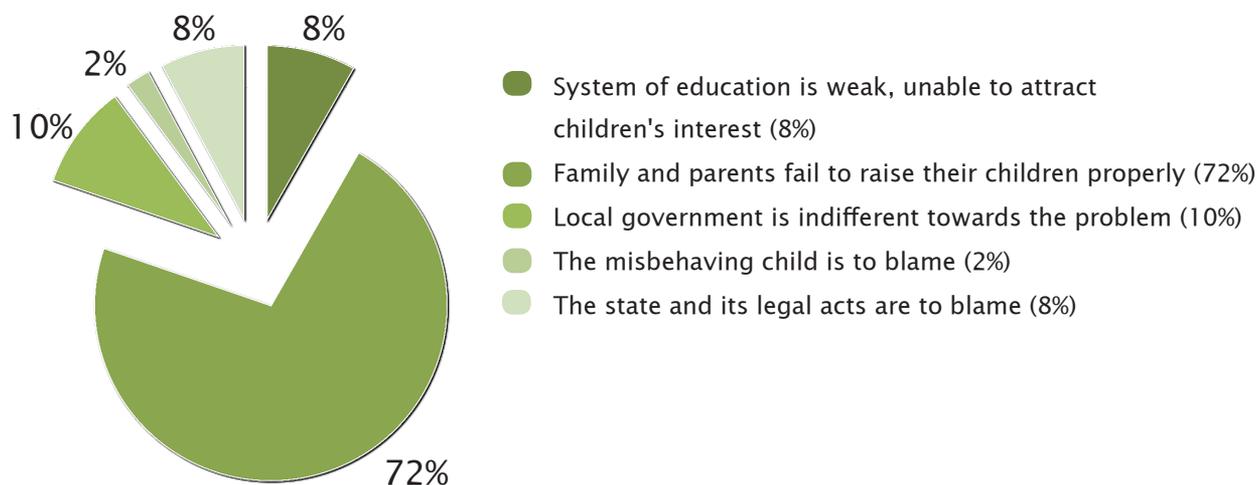
Respondents consider that:

- *Inter-institutional cooperation should be determined by the law, stipulating liability for the refusal to cooperate; the cooperation should be turned to a complex approach to the solution of juvenile's problems, focusing on the client and envisaging a specified plan of activities;*
- *The court may invite various specialists to court proceedings but part of them refuse, besides, any court proceeding occurs already after the crime but it is important to avoid child crime before increasingly serious consequences have arisen.*
- *Preventive work, aimed at refraining minors from crime, in most cases is formal at the moment. Although all the involved institutions (including schools and the police) seem to be working, the main point has been left out – why does a minor commit a crime? One of the reasons is that the young person, in fact, is not needed, no one really needs him/her. For the society (school) he/she is inconvenient – rating of the school decreases due to such children, which means that the adolescent cannot graduate school, does not get a job; and these are serious reasons. I know that very often a complex preventive work can be done with such young people and usually they become wholesome members of society in future– and, for sure, it is a benefit for the country.*

Parents and family cannot raise their children properly – 72% of the respondents share such opinion, identifying this as the reason for juvenile delinquency and misbehavior. Only 10% of the respondents mention indifference of local governments towards the behavioral problems and delinquency of juveniles, while 8% admit that children's misbehavior and violences of the law are related to the weak performance of the system of education and its failure to attract children's interest. 8% of the respondents blame the state and the law for deviations in children's behavior.

Chart No 6

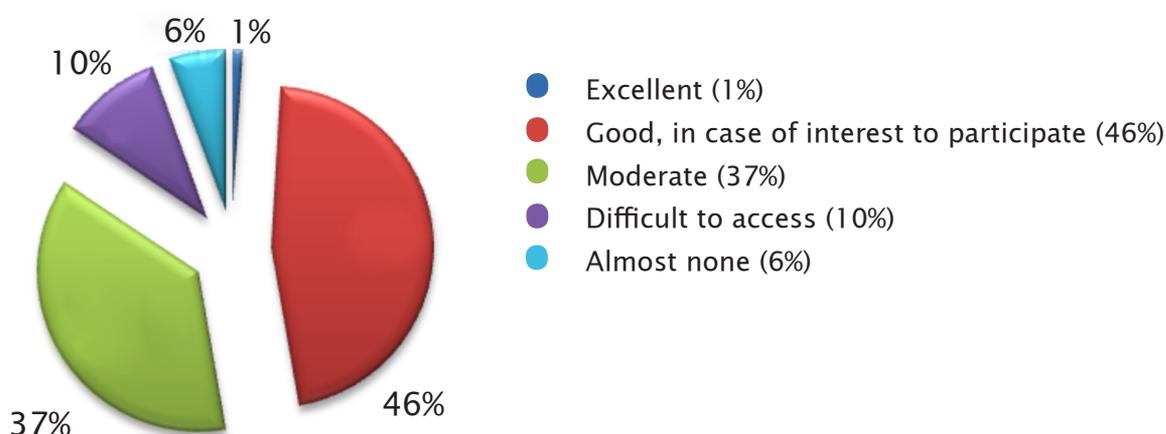
Who is to blame if the child misbehaves and/or breaks the law:



Regarding the availability of leisure time/recreational activities within the territory of local government, in case if there is any interest to participate, 46% evaluated the availability as sufficient, 37% admitted it is moderate, 10% of the respondents pointed out that the recreational activities are difficult to access. Only 6% of the respondents mentioned that there are almost none activities for leisure time in practice. There is a possibility that this result depicts two types of problems: motivation of the minors to use their free time properly and parental support to find appropriate/suitable activities (a) and the problem of unavailable proper leisure activities due to the participation fee or reaching the location of the activities (b).

Chart No 7

How do you evaluate the sufficiency of recreational activities for young people in the territory of your local government?



During the discussions and specialist forums it has been discussed a lot that the prevention should be started at pre-school age of the child and even earlier. During their in-depth interviews specialists admitted that their practical work has proven that behavioral deviations, which turn to reasons of delinquency and risks of anti-social behavior when the child grows up, start in the very early childhood when the personality of the child is at the beginning of the development, therefore preventive efforts should be started already from the birth of the child – the choice of methods and priorities for the development depends on the age of the particular child. Answering the question about reasons why children under the age of 10 years misbehave, 81% of the respondents admitted that the reason is the lack of love and attention from family and community. Half of the respondents agreed to the statement that the reason of misbehavior is copying adult behavior in the family. Besides, 20% of the respondents agreed that children spend too much time in front of television and admitted that children have too low self-esteem which results in the absence of respect towards other people. Only 3% admitted that the reason is related to health problems.

Explaining their choice, the respondents pointed out that there are various reasons for anti-social behavior or misbehavior in children but in most cases they reflect adult attitude towards the child, it means that the child displays his/her emotions about his/her real feelings. If the child misbehaves we can be sure – he/she feels bad despite of what he/she says. Behavior shows the real situation much more than the words.

- *If they are bad at home and bad at school, it means that they feel bad everywhere and think that it is normal to be/feel bad and nothing can be different.*

Respondents admitted that one of the reasons for misbehavior in children is the lack of correspondence between the organization of school life and the current situation there and children's needs at home, in their families. Many indicated that school cannot remain only as an institution for acquiring curriculum, school must be a place where the child spends his/her time properly while parents are at work. Parents are often very busy at work and in many cases today it is not a free choice but a necessity, otherwise it is impossible to maintain the family:

- *There are several aspects, including the family—parents in these days are very busy at work and they cannot be blamed for it, today you have to work for two places if you want to survive; and school – no more outdoor education (optional) activities are available at school premises, no place where to do homework...*

Several respondents admitted that educational programmes do not include instruments and tasks that would allow the child getting to know him/her better. They accentuated the need for re-evaluating the content of class teacher's lessons and adding compulsory education and support groups for parents in the pre-school education level thus ensuring feedback with pre-school educational institutions:

- *[..]it would teach parents to cooperate among them, to feel themselves as members of society instead of standing apart. If parents had acquired this type of cooperation, from that on they would be ready to cooperate with institutions timely in cases of problem situations.*

At present, children are not considered a respectable part of society. Respect does not mean permissiveness of children but responsibility of adults for their children – the skill to control risk situations. It is denoted also by the respondents who admit that *‘the rights of the child’ are misinterpreted or exaggerated*, whereas the absent factor is comprehension.

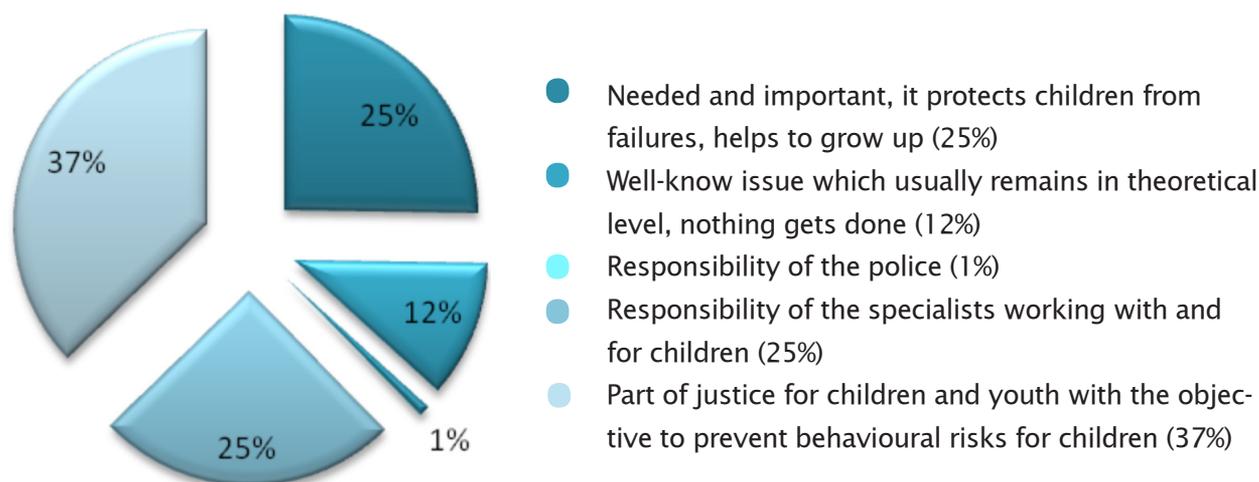
- *Most probably, there is no lack of superficial attention and “love” through money injections, however it is not attention but compensation; sooner rather than later it brings “productive” results – inadequate behavior and conflicts with the legal system.*
- *Actually, public attitudes towards children should be changed – society has to understand that children are assets and that the involvement in children upbringing and development is the best investment with the highest value added, though the approach needs to be carried out within cooperation, i.e. family, school and society must work hand in hand.*

As the reasons why crimes are committed by adolescents and young people aged from 11 to 18 years, the majority of respondents (82%) indicated the wrongly developed system of personal values, 45% of the respondents pointed to the substances abuse and addictions. The third reason, according to the respondents (37%), is child poverty and lack of proper activities in summers, whereas parent poverty and unemployment takes only the fourth place (33%). In addition, such reasons were mentioned as inaccessibility of qualitative system of education and health problems.

Both wider society and specialists lack common understanding on juvenile delinquency prevention – it is concluded after receiving answers from the specialists of law enforcement agencies and specialists of children’s affairs⁷⁹ to the question – what, to your mind, is juvenile delinquency prevention? 37% of the respondents answered that it is a part of justice for children and youth which deals with preventing behavioral risks for children, 25% of respondents chose the answer that prevention is necessary and important because it safeguards the child from failures in life and helps growing up, other 25% considered that it is a responsibility of specialists who work with and for children, whereas 11% of the respondents in total expressed their opinion that it is a well-known issue that usually remains in theoretical level and practically nothing changes.

Chart No 8

Juvenile delinquency prevention is:



For more than ten years lawyers and specialists of children’s affairs and from law enforcement institutions have had a discussion while after a while about the need of a separate legal norm to stipulate the liability of juveniles, therefore also the specialists in the survey were asked about the need of a separate Law on Juvenile Liability, namely, a new legal framework for juvenile delinquency prevention and liability. 47% of the respondents were sure that a new law would not solve the problem and that current legal acts should be amended in order to be applied properly, whereas 50% admitted that there is a need for a new law, 28% out of them considered that the law is needed as such but 22% agreed that a new law is needed on condition that it stipulates the liability of the parents or their substitutors of the child if they fail to fulfil their duties relating the child. 2% of the respondents answered that there is no need for a new law but the current legal acts should set out harsher punishments for minors.

Mostly, the specialists had turned to the prevention issues very seriously, even emotionally – it can be seen from their answers to questions. Regarding juvenile liability and improvements of legal norms, first of all, it was pointed out that the Protection of the Rights of the Child Law needs a set of relevant Regulations of the Cabinet with delegation, as set out in the law. Respondents mention that: “[..] *there are no relevant regulations relating to Section 58 of PRCL [..]*,” therefore

⁷⁹ Author’s note: it must be taken into account that the respondents for the analysed survey were experienced specialists, among them – 25 judges, more than 50 members of the State and municipal police, more than 100 specialists from the State Probation Service, several tens of local government social work specialists.

it is not possible to implement ideas from the law into practice. It is denoted that both PRCL and LAVC contain a number of legal norms that create legal nihilism in children with the help of the laws. For instance, fines which are paid by parents almost in every case, although the child is guilty. "Thus," say the respondents *"the child does not receive any punishment for minor violences of the law and that stimulates the feeling of impunity already at the very beginning."* It is emphasized that parents and school must definitely be involved in the implementation of the compulsory measures of a correctional nature, as the state and local government institutions cannot be by the side of the child in every situation, particularly in everyday activities. Other respondents have admitted that parental co-liability for the child delinquency should be discussed, taking into account that it does not mean taking the liability away from the child or making the parents liable for the child's actions, as it happens in case with LAVC and fines as administrative punishments. One of the respondents indicates that support would be needed in situations of conviction of a minor to allow the court set duties also to the parents of the child – attend courses, support groups, learn skills useful for parents. Another respondent, in his turn, denotes that parental co-liability could be relevant until the age of 14 of the child or any other adequate age stipulated by the law.

It can be concluded from the information analysed above that an equitable understanding is needed that skills in child upbringing and other skills related to parenting do not appear automatically, on the day when the child is born. These are specific skills to be learnt. The fact that parents go and learn these skills is received as a natural, normal phenomenon – like it is in Latvia where society accepts prenatal/childbirth education classes as self-evident and natural to acquire physical and emotional skills for a successful process of birth giving. To have healthy and successful children, not ill ones or convicted offenders, parents need to acquire both birth giving and upbringing skills. No one is born to be a parent; parenting is a skill to acquire.

- *...all we need is a wish and understanding that each of the young persons is needed in this society with possibilities now and in future, leaving formal proceedings off...*
- *Several respondents have indicated the need and possibilities of the inter-institutional model. The main task is to decide which institution will be responsible for the organization of cooperation because the work with juveniles who have committed crimes have to be done in a team. Institutions constantly avoid taking responsibility on themselves and keep pronouncing never-ending interpretations – the law is meaningful only in case if it does not limit institutions but oblige them to cooperate and held them liable for failing to fulfil duties – education and upbringing of the child is the responsibility of the whole society.*

The fact that many specialists have provided emotional opinions testifies that the problems included in survey questions are truly essential and topical (a) and that the specialists from the field are indeed interested in their work (b), altogether it denotes to the significant potential of development for juvenile justice and prevention in future (c).

- *...many people complain –nothing can be done with minors! They do not regard warning as a measure of punishment. The problem lays in every single aspect – in the indifference of society, value system disorder. A minor is a mirror of society. Such cases are rare that a minor*

- commits a crime as his/her first violence of the law. At first, there are small violences which usually remain without any punishment – that fosters permissiveness, sense of impunity...*
- *BEFORE ADOPTING THE LAW ON THE LIABILITY OF THE CHILD, WE SHOULD LOOK WHETHER “THE LAW ON THE LIABILITY OF ADULTS (parents, state officials)” WORKS – do we have ideas how to enhance joy and goodness in families, schools? We have to think about that before thinking how to punish a daughter, a son, a mother or a father.⁸⁰*
 - *First of all, we have to adjust the system of pre-school education, so that it is qualitative and available. At the moment, if you want a result and a normal adolescent you have to pay enormous money for pre-school education in private institutions;*
 - *...the thing is that the problem is better to be solved exactly at this age because the system of values develops mainly until 5-6 years of age. If relatives, friends and educators do not manage to “screw up” the child, also risks will be kept to a minimum;*
 - *...if parents manage to provide good pre-school education to their child, the average level of development for the whole society will rise, the social environment will change;*
 - *...everything that is done after the age of 5-6 years, is already fighting the consequences, though until teenage years it is still possible to have positive results from prevention;*
 - *Pedagogues in Latvia need a brain replacement, because too many of them still cannot acquire or “receive” methods which allow finding a way out in almost every potential risk situation where the child gets accidentally or intentionally because every situation has some reason and explanation, all we need is knowledge and skills and a wish to use them, so that after a long day at school in the evening it would be safe to walk the streets.*

In order to find out the opinion of practitioners from law enforcement institutions on potential solutions for standard situations in juvenile delinquency elimination and prevention, two almost similar questions were asked to the respondents: question 1 – What should be done if a 14-year-old boy does not attend school and has stolen a TV-set from the apartment to gain money for entertainment? Question 2 – What should be done if a 14-year-old boy, who has been conditionally convicted once, has stolen a TV-set from the apartment to gain money for entertainment? The difference between the questions is the fact of a prior conviction and that the second question does not emphasize directly boy’s truancy. The questions were formulated, taking into account the data from the Judicial information system⁸¹ that juveniles mainly commit crimes to be held liable in accordance with Section 175 and Section 180 of CrimL, as well as the information that the majority of offenders are male. While formulating the questions, it was taken into account that this year out of 141 juveniles, convicted for thefts, suspended sentence was applied to 80 persons. The aim of the questions was to inquire, ‘What should be done?’ (instead of ‘What exactly should be done within the framework of current legal norms?’), giving the possibility to a respondent to formulate the action according to his/her opinion – appropriate for the given situation. These questions were asked in order to find out what kind of efforts specialists who work with juveniles consider appropriate in the particular situation in practice, as well as methods specialists would use to solve the situation. In the first case, when the risk is truancy and a theft, 45% have answered – make the child return the TV-set, apologize and attend school, 28% of the

⁸⁰ Author’s note: bulleted parts of the text are excerpts of full quotations by the survey participant (specialist from a law enforcement institution), trying to save his/her way of expression. It is done on purpose to allow the reader to understand the respondent’s idea in correlation with his/her attitude.

⁸¹ JIS statistics for 1 January 2012 to 23 May 2012, number of convicted juveniles, available at: https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&SessionId=7D2D9CC044E3F7AAFA174F50D7A52568(in Latvian)

specialists consider that the juvenile must be punished with community or public service, 2% of the respondents agreed that the parents should pay fine but the boy should be physically punished (get the strap) and forced to return the TV-set, 1% considered that he has to be placed in the institution for children with difficult/challenging behavior. 24% of the respondents had an individual opinion on the situation. Mostly they suggested involving the juvenile from the particular case in useful activities and, if possible, earn money to compensate the consequences of the theft; one of the respondents mentioned that the boy should be applied the strictest compulsory measure of a correctional nature – placement in the social correction educational institution; another respondent indicated that the punishment should make the child recognize his guilt and become motivated to change his life; several respondents admitted that the first and the best action would be finding out the situation with the boy's family, his delinquency reasons and motivation and only then, taking into account the results of this prior investigation, make a decision about the necessary sanctions.

- *I consider that this boy must be given a chance to work, showing that he can earn money and return it to the victim as the compensation for the inconvenience. Fine must be paid back by working, thus realizing that money for entertainment purposes can be earned also legally. It is a vision, of course, at the moment our legislation does not allow anything of this kind.*
- *If a criminal proceeding is initiated for the theft and the theft is committed for the first time, usually a compulsory measure of a correctional nature is applied, mainly community service. I do not know whether this punishment is efficient, it depends on each person individually. If re-offending appears, a decision can be made about the placement in a special institution. However, apart from the mentioned punishments, it is more efficient to return the TV-set or to earn money to compensate the loss and, of course, apologize to the victim.*
- *The situation in the family must be investigated: why such situation has appeared, how the child has come to this decision. The child is responsible for his action, therefore a relevant measure of a correctional nature should be applied, taking into account the situation in the family.*
- *...work as a punishment may be applied only if it is possible to avert the harm by working – clean/wash the wall which he has dirtied; paint the fence which he has damaged by color; plant the flowers which he has torn out, thus destroying the greenery, etc., otherwise the child acquires a negative attitude towards work as such, and that is not in the interests of anyone.*

Specialists in the survey have mentioned various opinions, not only about the efforts and work with the juvenile in the particular situation but also about the ways how to carry out and organized this work in order to have the most efficient result for the situation. The majority of the respondents indicated that the situation given for analysis, in fact, has a multi-disciplinary nature –the boy, stealing a TV-set to get money for entertainment, has committed only one illegal action, whereas, analysing it in an objective mode, it shows failures in performance of several subjects of the protection of children's rights at once. Namely, in case if the preventive work of all the parties – school, parents, police, local social work specialists etc. – would have been successful, the violence of the law would not be committed. Therefore, the consequences must be averted with the help of those institutions and specialists who have failed to perform working with the particular child. Due to that, the respondents emphasize the need for systematic efforts of an inter-institutional nature, the need to work with family and parents, increasing their comprehension about the reasons of the happening and supporting them.

- *...the situation has to be overviewed in context: reasons of truancy, achievements of the child, family conditions, and relationships among family members. It is as a rule – such situations are complicated and an organized team work should be done aimed at finding solutions to the problem... all available specialists should be involved, for instance, social work specialists, class teacher of the child, social pedagogue, psychologist, parents, the municipal police –the inspector of (juvenile delinquency) prevention.*
- *The punishment must be relevant, adequate (one of those to be served in community), meanwhile institutions (social service, school, police, probation service) must cooperate working with the juvenile and his/her family to ensure that the child attends school and does not re-offend.*
- *I think it would be efficient if the law stipulated court proceedings in such cases soon after the crime with the aim to adjudicate the matter as a criminal offense. The law should denote trial period with specific conditions (related to activities provided by the social service, attending school etc.) both for the parents and the child. The file of the matter could be recorded both in the social service and probation service. In case of failing to fulfil the conditions criminal liability would be applied. I think support groups would have success in such cases, which would be led by a social work specialist together with a specialist from the probation service (social work + experience with offenders).*

In the second case when the conditions were the same but the boy had already been convicted and then stole a TV-set, the respondents' opinions differed. Taking into account that the question was not meant to be answered in accordance with the current legal norms but modeling the situation as the respondents found it appropriate, these answers give a reason to make conclusions about the relevance of the existing legal framework is, according to the respondents' opinions. If the juvenile would have committed the theft of the TV-set during his suspended sentence⁸², there is no doubt that he would be imprisoned for a term, in accordance with CrimL stipulating the addition and substitution of punishments and the determination of punishment after several judgments. Taking into account that the respondents were asked to formulate answers including their professional opinion about the most relevant efforts, 43% of the respondents indicated that 'the boy should be punished with community or public service', only 3% mentioned that 'the boy should be imprisoned'. 15% expressed their opinion that 'the boy should be placed in the institution for children with difficult/challenging behavior', while 11% admitted that the parents should be punished together with the child, besides, they have to apologize and return the TV-set to the victim of the offence, 7% held the view that the TV-set should be returned, apologies must be expressed and the juvenile has to attend school. Thus, only 18% of the total number of respondents expressed the opinion which would be equivalent or in accordance with the legal norms which are currently into effect –Sections 55, 51 and 52 of CrimL, which stipulated the applicable measures to the juvenile, if the situation would be real. 61% of the respondents admitted that the measures should not be related to isolating the juvenile from society by imprisonment or placement in the social correction educational institution. 21% of the respondents have added

⁸² Author's note: in accordance with Section 55 of CrimL, Part 1, a person can be punished with a sentence that is suspended, if, in determining punishment – deprivation of liberty for a period no longer than five years or custodial arrest, the court becomes convinced that the offender, not serving the punishment, will not commit violations of the law in the future. If the convicted person commits a new criminal offence during the term of probation (trial period), the imposed punishment is implemented and the court determines it in accordance with the provisions provided for in Sections 51 and 52 of CrimL.

their individual opinion to the question. Several respondents consider that in this case it is not enough by punishing the child, the reasons should be found why the work had failed before; the analysis should be done by an inter-institutional team where every participant evaluates their previous work with the particular child and plans the next steps. Some respondents have formulated suggestions which correspond to the existing legal norms admitting that the imprisonment for a short term could be even useful. The majority still considers that a more adequate punishment for the juvenile for the violence of suspended sentence conditions is community or public service, even in case of the theft. Taking into account specialists' answers, there is a reason to conclude that sanctions, related to the isolation of the child from society, should not be applied automatically, even if a crime is committed during the suspended sentence; it is also admitted that each case should be evaluated thoroughly and a relevant decision should be made taking into account the nature of the offence committed during the period of suspended sentence.

- *The Criminal Law stipulates that the conditionally convicted person has to serve the sentence. If it is the sentence of the deprivation of liberty, it means imprisonment, if (there was) another punishment then also community service could be applied, but I doubt that this punishment for the juvenile would be served properly. The experience shows that sooner or later it will end with imprisonment.*
- *A compulsory measure of correctional nature must be applied together with compulsory participation in sports summer camp.*
- *According to the law, re-offending during the trial period automatically means imprisonment; there are no other alternatives in practice. Even if there is mediation or termination of the criminal matter, the probation service would submit an application at the court about the conditional deprivation of liberty. CrimL does not stipulate separate punishment for each violation any more.*
- *...why there is an accent on "boys"? Do girls not steal? Section 55, Part 10, of CrimL stipulates – if there is a re-offence during the trial period, the sentence must be served and the court decides it according to Sections 51 and 52 of CrimL. Compilers of the questionnaire, please, read the Criminal Law, Law on Application of Compulsory Measures of a Correctional Nature to Children and Criminal Procedure Law!*
- *...if there is re-offending, the child should be involved in community service and the parents should be held liable; I think the child's problems show the situation in family.*
- *SCEI⁸³ is an institution where the boy has clear restrictions and regime, he will acquire missing skills to live obeying the law.*
- *None of the answers are applicable – we have to help the child. We have to find out the reasons, involve parents and help to solve the problem which is closely related to misinterpretation of the situation and trying to put the responsibility to somebody else; besides, the efforts should be made fast.*
- *To my mind, a relevant punishment should be applied evaluating the age and attitude of the child; if mediation has not helped and re-offending appears, either the term of probation/supervision should be prolonged or a punishment should be applied, which is easier to serve than imprisonment – community/public service.*
- *No one has been corrected in prison, in particular if sent there under-aged. After the amendments of the Criminal Law, which are still to be adopted, a custodial arrest could be applied*

⁸³ SCEI – social correction educational institution

from 1 to 3 months, if the sanction would stipulate that, but not all will be helped by that, especially those who come from disadvantageous families. Specialized institutions (as they are now) for children with difficult behavior are like workshops for future offenders. Specialists must cooperate, the child must have interest to earn by working, and a kind of work camp must be established together with specialists.

The reality of organization of today's children delinquency prevention seems fragmented and pasted together from separately planned activities of various sectors. The sense of unity cannot be acquired even by the structuring of the activities within one document. Due to that, it is difficult to maintain crucially needed link between every day work and the development of legal framework in the field, including planning the development of juvenile delinquency prevention in the country. There are several successful solutions for juvenile delinquency prevention in Latvia, although also they tend to weaken looking for their place in the system which does not exist. Good practices and ideas to develop in local governments and non-governmental sector often fail to reach their goals, and wither away because they do not receive systemic support from the state. Practitioners initiate and implement countless projects for the development of prevention, though the work stops when the projects and finances stop. People who care for the sustainability and usage of the results of these projects should realise, analyse, plan and, together with practitioners, create the policy of prevention of the violation of children's rights in Latvia, including the policy of juvenile delinquency prevention. To implement that, an inter-institutional cooperation is needed in the highest level of state administration. Not the one where everyone takes individual responsibilities, make individual reports and feel proud of the results, but the one where the work is performed, full of comprehension, inclusion and regularity, with a common aim. As it can be seen, specialists from law enforcement institutions and local governments who work every day with children at their places of residence, are the first to recognize the usefulness of the inter-institutional cooperation method; the method which is not formally pale and unsound, but healthy because it is born in Latvian countryside – every day practice. Now, the practice should be overtaken by the policy planners of the prevention of the violence of children's rights.

4. Project “Building a Support System to Prevent Juvenile Delinquency”: idea and objectives

The project idea concentrated on four **objectives**: the overall **objective** – to reduce risks of exclusion for children with deviations in social behaviour and to create a safe environment for a successful development of these children; and subordinate objectives – to create a sustainable support system for prevention of juvenile offences suitable for the specific needs of various regions of Latvia involving specialists from local governments, representatives of local society, as well as children; to promote a philosophy of change working with children of social risk groups towards a supportive and restorative approach instead of punitive approach for the specialists of children's affairs in their work with children in all interested institutions; to strengthen the cooperation among the specialists of children's affairs from Latvia and Switzerland to reduce social risks for children in regions of Latvia.

The idea of the project⁸⁴ was not hypothetical; the need for the project of such content resulted from the previous researches by PROVIDUS⁸⁵ and implemented projects. **From the previous researches several conclusions were drawn:** that the form and type of state reaction on child crime lead towards two extremes in practice – **one approach** is too lenient, possibly irresponsible and in fact ignores the problem rather than solves it (“nothing terrible has happened, let us feel pity for the child, everything will be fine when the child grows up”) and **the other** is too repressive and aimed at searching for the guilty instead of solving the problem, mainly it means taking the responsibility away from adults and laying the blame on children (“the child is already a criminal, he/she has to be isolated from society to prevent harm”). The result is similar in both cases: adults have their chance to avoid searching for solutions to the problem – in one case ignoring it in a populist manner, in the other – finding and punishing the guilty thus releasing oneself from the liability for the actual reasons of the occurrence. While there is 'a struggle' between the two reaction models relating the state policy planning in the field of juvenile delinquency prevention, local governments and municipal institutions have to find solutions for everyday situations working with these children and their families. In the places of residence the problems are just in front of everybody's eyes and clear for everyone – children tramp, do not attend school, use alcohol and other substances, have conflicts with peers and teachers. Neither the local government, nor the regional branches of state institutions can deal with these problematic children – for ones the problem does not seem yet so terrible, others have a chronic lack of long-term resources to implement the simplest standard solutions, while some lack courage to use new, non-standard approaches in the work with children. At the same time, the official statistics show that the juvenile crime rates decrease⁸⁶, however local governments express their surprise on that fact as they do not have such feeling in their everyday work. The work of state and local government institutions with minors from risk groups is not coordinated. There is a procedure of separating/dividing functions, but the cooperation forms exist only on paper. Institutions rather compete than collaborate to achieve common objectives, reporting that the unfulfilled duties are under the responsibility of other institutions. It is possible that this situation is intensified by the financial crisis that has come to an end recently – during the crisis each function for an institution was associated with the figures in annual reports and financial expenditures rather than with the content and substantive meaning of the performed or planned activities. Due to that, Latvia is still in the absence of a complex approach to organise and implement juvenile delinquency prevention; moreover, the society strongly and traditionally believes that prevention is an issue of state institutions and they have to use repressive measures when needed. Although a local community could influence the destiny of their children ensuring that they grow up to be good, the society as a whole shows its readiness to sacrifice its freedom to make decisions in this field and allows repressing their children by the state, meanwhile obtaining the possibility to blame the state for failures.

⁸⁴ Subproject “Building a Support System to Prevent Juvenile Delinquency”, the project is financed by Swiss Confederation and Republic of Latvia in the framework of the Latvian – Swiss Cooperation Programme within the Enlarged European Union. Cooperation partners: Centre for Public Policy PROVIDUS, Saldus, Madona and Cēsis councils of local governments, the International Institution for the Rights of the Child (Sion, Switzerland).

⁸⁵ Research “Restorative Justice in the Aspect of Juvenile Delinquency: Baltic States in European Dimension”, available at <http://www.at.gov.lv/files/docs/2011/atjaunojosa%20justicija.pdf> (in Latvian) http://politika.lv/article_files/1900/original/bez_sakumlapas_en.pdf?1339440243 (in English)

⁸⁶ JIS statistics, available at: <http://ej.uz/hwvj> (in Latvian) and/or The Programme for the Prevention of Juvenile Offence and Children Protection from the Crimes, 2009 – 2011, available at: <http://ej.uz/3jd5> (in Latvian)

Relatively, the projects can be divided into two groups – those who “give a fish” and those who “give a fishing-rod”. This division is related to the potential project results. Those projects who “give a fish” can develop good initiatives, contribute to common good but it is only short-term benefit as the initiative depends both on the project finances and implementation time. The risk of this approach – when the project is over, the initiatives are over. The project “Building a Support System to Prevent Juvenile Delinquency” was planned to serve as a “fishing-rod” project with sustainability elements included, at the same time supporting activities similar to so called “fish” projects – activities with minors from risk groups in regions. Considering the project objectives, it is understandable that it is not possible to reduce risks of exclusion for children and to create a long-term safe environment if there is no system of sustainable development and maintenance/management. This aspect clarifies why the project activities for the children are not considered objectives but used as tools in order to implement this particular approach of prevention in local governments which would allow children to enjoy proper leisure activities also after the end of the project. During the implementation of the project, the target groups turned out to be much broader than initially planned. In addition to children from risk groups and seniors, these were also specialists from local governments, state administration institutions in regions, law enforcement institutions, as well as specialists of children's affairs, local inhabitants of the three regions and their children. While implementing project activities project assistants and coordinators in regions had some rather quaint, to some extent funny, situations when the local people asked them: “What should my child do to be involved in your project activities?” Although this question can make you smile, it also testifies that, for instance, despite the wide informative campaign society still needs a lot of explanations – why such projects are carried out, how the children get enrolled etc. Information needs to be more wide-spread that the local government and state institutions bear responsibility of the best interests of the child if it cannot be provided properly by the parents or their substituors of the child; that it is in the interests of parents themselves to organise leisure activities for their children as good as possible and raise the child to be a better person; that involving other children, who lack support and understanding in their own families, in the activities provided by the local government helps to improve safety for each child and adult in the region. There is no doubt that a wider participation of local inhabitants in the organization of proper and useful activities for children would stimulate common understanding and support to such activities, giving better opportunities to their children at the same time.

In the process of project planning several groups of children and youth were determined who are at risk of social exclusion and poverty including youth with functional disabilities, children and youth from low-income families (households), children and youth whose parents live or work abroad on a long-term basis, unemployed youth and job seekers, children who tramp and do not attend school, children with addictions etc. After summarizing these risk factors, a decision has been made to choose the widest single indicative quality indicator which would be related to the objective of the project, namely, children and youth who are already in the attention of the police, young offenders, children and youth who have been imprisoned or placed in social correction educational institutions. It was not excluded that some of the young people selected for having particular social risks could also have other social risks. Thus, it was planned to involve 240 young people from the group with the selected risk indicator, in case of need involving children from other risk groups, including the involvement of nine seniors from settlements outside Riga. It was planned that the seniors would accompany youth activities with their knowledge and

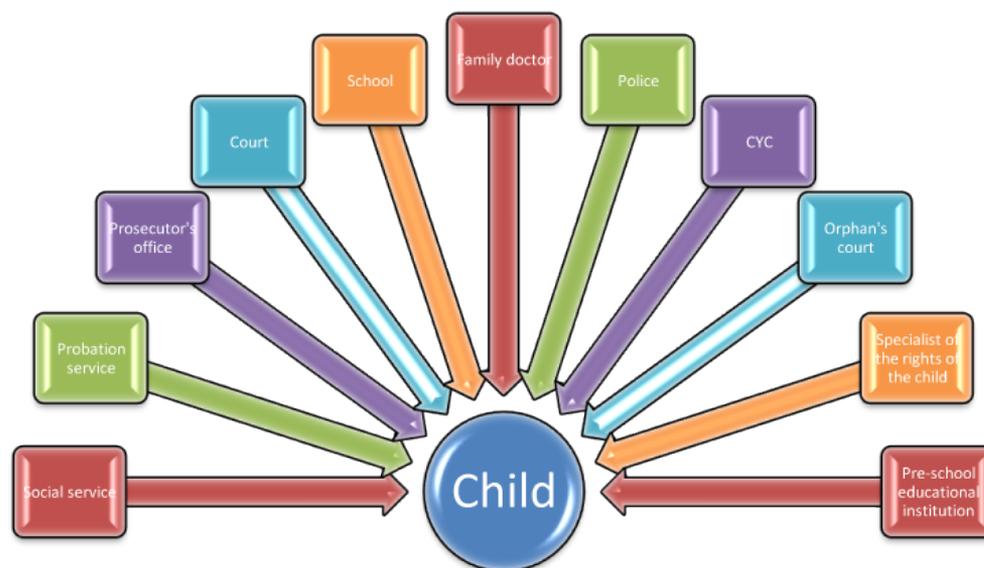
life experience. Practical project results⁸⁷ show that the selection of youth groups has been performed in accordance with the intended, and that the behavioural risks of the children, involved in the project, overlap in many cases. Analysing the results of the implemented activities of the project, it can be concluded that all the children from the project can be divided into three main groups: juvenile offenders or former offenders who still have special needs and behavioural risks (a); juveniles who have not violated the law yet but who have high, medium or low behavioural risks (b); juveniles who are in situations at risk, not caused by them, but get influenced – for instance, poor relation with parents, bad financial situation in the family etc. (c).

4.1. What is the inter-institutional cooperation model and why is it important?

Inter-institutional cooperation model (ICM), in fact, did not appear to be a supportive or additional instrument to some system of prevention, bigger and unknown until now, for the work with juveniles. During the project it became the main form of work organization for the implementation of preventive measures. While planning and implementing the project, there has never been an aim to force local governments to act in an obscure or unfamiliar way. The **task was** to make common efforts to study and recognise unique resources of each local government for the work with minors of social risk groups and, using the benefits and advantages from the project (extra resources for a limited period of time), **to develop new approaches for a more qualitative performance in future.** Due to that, PROVIDUS, acting as the leading partner, has not stated the objective of limiting the specialists of children's affairs from the three regions into a narrow, theoretical framework – members from the local governments were listened to, there were discussions and explanations of the examples from practices abroad, including opinions and arguments by the Swiss partners on the organization of practical work in the field of child and youth delinquency prevention. This was the reason why, at the beginning of the project, the introductory seminars were held separately in each region – in Saldus, Madona and Cēsis. If innovative ideas have to be implemented in a decentralised way, it is of great importance that during the project planning cooperation is carried out with the councils of local governments and their specialists from relevant fields of work. Already before planning of the project communication must be started, supported by information on project objectives, tasks and ways of achieving them; it must be done in collaboration with the potential project partners. The project planning was made easy by the visits to Saldus, Madona and Cēsis regions before the submission of the project application, as well as by the support of the Latvian Association of Local and Regional Governments to the project idea. During the organization of introductory seminars the responsible specialists of local governments (assistants and coordinators) understood completely project ideas, methods of work organization and those people who would be asked to participate in the project and Regional work group. The aim of introductory seminars was not only to introduce project plan and tasks to the specialists from local governments, regional law enforcement institutions and specialists of children's affairs, but also to establish Regional work group that had to become the leading force of ICM

⁸⁷ Author's note: taking into account that the project monitoring report is being prepared simultaneously to the last activities of the project, several conclusions are drawn, based on the data from the already completed activities. Full summary of project data will be included in the final content report of the project.

Specialists who need to be involved in regional work groups



Within the project, the inter-institutional cooperation model (ICM), in addition to the Regional work group (RWG), envisaged also several other elements of the support system for juvenile delinquency prevention: children and youth group samplings, risk and needs assessment (RNA), catalogue of useful activities for minors (the Catalogue), methodological recommendations (description of ICM), Failure Reduction Strategy (FRS) and monitoring (system of quarter and project reports). All the above mentioned ICM elements can be divided into two groups – elements that exist only during the project and elements that are planned to be sustainable. **The sustainable ICM elements** are: RWG, youth group samplings and RNA, The Catalogue, methodological recommendations or the description of ICM, and skills for FRS.

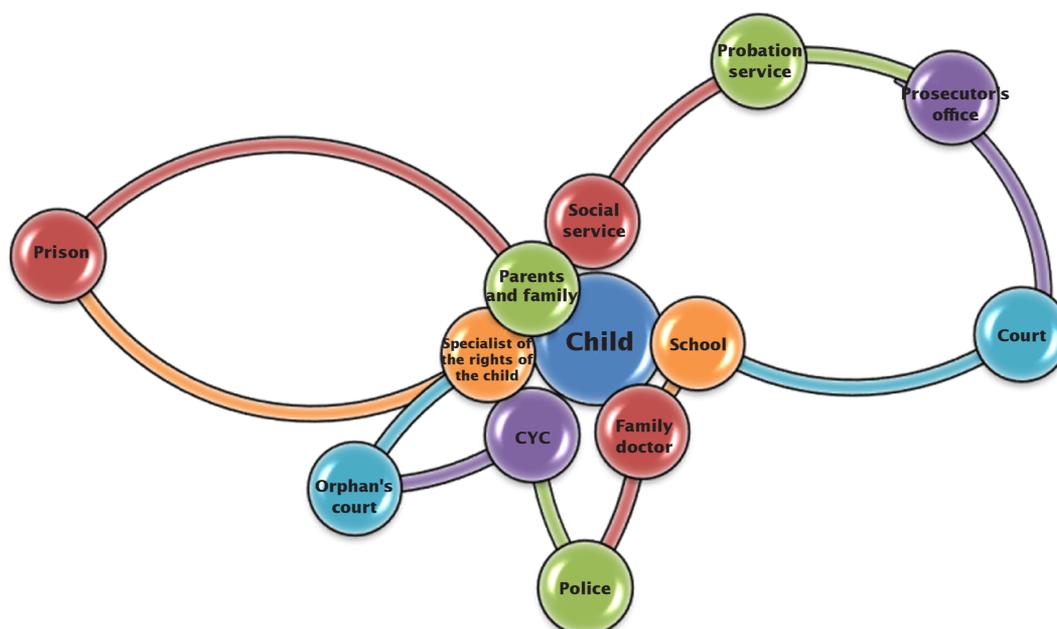
Each local government was given an opportunity to choose its own methodology in order to make a unique ICM, useful for the particular region; other specialists (project management and the performer of monitoring) provided only the framework. This approach was applied due to the local differences in regions, related to resources (a), traditions, and work organization (b), experience in the work with juvenile justice issues (c). Moreover, this approach stimulated the project partners to evaluate the differences not as disadvantages but as unique advantages. As the result, at the end of the project specialists of children's affairs from Saldus, Madona and Cēsis regions have their own ICM model which is relevant to their local needs and includes the description of RWG, procedure and order of organizing meetings, legal substantiation, and the description of resources available for ICM to reduce juvenile delinquency. Taking into account that the performance of ICM is developing on an on-going basis, the methodological model of the work needs regular updates. For instance, if the amount of preventive work changes in the region (crime rate increases or decreases) or new specific features appear (offences relating to hooliganism or violence), there is a possibility to react, temporary involving more policemen or the judge and the prosecutor, or in cases of situations with minors who have not attained 14 years of age, or with the domestic violence – a psychologist and/or a family doctor can be involved. ICM methodology includes also the description of the procedure of meetings and competences. During the project the meetings were held twice a month but it is possible to organise them more often in

case of a need. ICM methodology includes also the legal substantiation. Thus, Cēsis regional ICM contains legal substantiation which corresponds to Section 26 of PRCL “State and Local government Assistance to the Family” and Section 66 “Competence of Local governments in Regard to Protection of the Rights of the Child”, as well as with Section 58 which stipulates the organisation of work for the prevention of violations of law. Madona regional ICM contains the description of resources available at the moment of development of the ICM with the list of inspectors from the State Police, Department of Public Order, Section for Prevention of Juvenile Offences, providers of social services, educators in the fields of formal and informal education, children and youth centres and NGOs in the region. In addition, the objectives of ICM are defined for the particular region: juvenile delinquency prevention, the description of the coordination of violence risk management, the procedure of informing the community on the performance of ICM and the procedure of monitoring ICM as the duty of the local government, as well as the attraction of financing for ICM from the local government budget in order to ensure sustainability of project results.

ICM is a method of protection of the rights of the child (including crime prevention) which is appropriate for using at the place of residence of the child and aimed at the cooperation of specialists from various institutions to improve the life conditions for the particular child.

ICM has another significant quality. If the inter-institutional cooperation among the specialists from law enforcement institutions, local government, specialists of children’s affairs and other relevant specialists is organized setting relevant priorities for a particular child and his/her needs, all the specialists involved in the case relatively can be divided into three categories: **performers of the general early prevention** – preferably these are the closest people to the child – social service, parents and family, school, family doctor, children and youth centre, specialist of children’s affairs (a), **performers of the general and special prevention** – preferably these are the farthest people – Orphan’s court, the police (b), and **the institutions involved in the special prevention** – the court, the prosecutor’s office, the State Probation Service and the institution of deprivation of liberty (CIJ and SCEI) (c). If the specialists from category (a) perform their tasks with quality, there is no need for the specialists from categories (b) and (c).

ICM – closest and farthest friends of a juvenile



4.2. Support system to prevent juvenile delinquency: tools/instruments and approaches

4.2.1. Regional work groups and their contribution in juvenile delinquency prevention

ICM was implemented in the form of RWG which gather at the local government not less than once every two weeks. **RWG had two level conditions:**

1. Within the local government – which specialists from particular fields to involve in RWG in order to identify risks and needs for all children in social risk groups and to develop a plan for the work with each child. RWG has to create such catalogue of useful activities which would include the activities to meet the most occurring needs and thus be applied properly. Taking into account that ICM was made on the level of local governments, the activities were particularly practical – for solving essential, individual problems of everyday life instead of conceptual and global issues;
2. General framework of RWG work – to discuss problems of the particular region in the field of juvenile delinquency prevention; to exchange information about the types and performance areas of the participating organizations and institutions; to elaborate cooperation forms and models for the institutions involved in the project; to promote inter-institutional networks which would stimulate fast and efficient reaction to problems where children might be involved in the future.

The project plan had defined a framework, in accordance to which it was suggested to identify:

- The content of RWG – specialists of children's affairs which work in various state and gov-

ernmental institutions: social service of the local government, schools, children and youth centres, outdoor (optional) education groups, municipal and State police, court, prosecutor's office, State Probation Service, prison; it was suggested to involve company owners and representatives of the local community;

- The tasks of RWG – the task was to elaborate ICM model and approbate it in the region during the whole project. RWG had a duty to participate in all project activities, denoting that the special contribution of RWG was the involvement of 240 children and youth (80 in each region) and at least 9 seniors (3 in each region) in project activities;
- The main role of RWG – to identify efforts for the support system in accordance with the needs of youth from risk groups.

As the result of RWG implementation activities three (in Saldus, Madona and Cēsis) work groups were established, different in size, their content varied according to the problems and social risks of the children involved in the project, and the activities to be carried out with the children. All three work groups had a common feature – each region had rather clear main staff of RWG, up to 10 people, and specialists who were asked to participate by the leader of RWG in case of a need. Cēsis had 15 involved specialists (9 participants for the meeting with the highest number of involved specialists), Saldus RWG had 13 specialists (the highest number of attendance – 10 participants), and Madona had 36 specialists in the project (15 participants for the case with the highest number of the involved specialists).

Taking into account that the objectives and tasks formulated during the project planning encouraged regional RWG to formulate their own relevant **lists of tasks for RWG**, they planned and performed the following tasks:

- Cēsis – support to families with children; solving issues related to protection of the rights of the child in accordance with Section 66 of PRCL; planned preventive work with juveniles according to Section 58 of PRCL – with children who have committed a criminal offence and are not in detention during the pre-trial investigation period, who are found guilty of the committing of a criminal offence but whose sentence is connected with community service, who are released from criminal liability, imprisonment or placing in the institution of deprivation of liberty, who have committed illegal acts set out in CrimL but are under-aged, who have committed illegal acts as set out in LAVC more than two times, who begs, is vagrant or performs other acts which may lead to illegal actions.
- Saldus – tasks to solve individual problems of each young person from the risk group; to analyse common failures; to identify youth interests – offering them activities which they are interested in; to establish and improve cooperation among professionals; to be creative and look for innovative approaches in situations with children of risk groups; to elaborate action plan for special problems; to introduce child delinquency prevention issues to wider society. Saldus RWG developed an innovative approach for the organization of all the available resources around the child and the family by creating a support tree which included all the information about resources from various sectors (branches), available for the child in case of a need. It consisted of:
 - ◊ Social or public branch – media, Soup kitchens, church, Red Cross, NGO;
 - ◊ Legal branch – Orphan's court, Municipal police, the State police, court, prosecutor's office, State Probation Service, Administrative commission of the local government, SCEI;

- ◇ Social support branch – psychologist, Addiction Centre, Support group, social work specialist;
- ◇ Medical branch – family doctor/GP, Motivation centres, rehabilitation centre, narcologist, psychiatrist;
- ◇ Educational branch – school, optional education institutions/groups, Pedagogical medical commission, Education board.
- Madona – tasks were planned and performed in five blocks: 1) juvenile delinquency prevention, within the cooperation among parents, institutions of formal and informal education, recreational institutions – children and youth centres (CYC), NGO, social services, the police, SPS, doctors and psychologists; 2) coordination of work – performed by the local government of Madona, confirming and coordinating schemes for solutions to particular situations: truancy, running away from home, situations of a missing child, physical or moral violence; 3) Informing the child and the parents about the work of RWG – information in local mass media, informative leaflets; 4) correspondence and office work, setting, checking and controlling duties and responsibilities, listening to community opinions about unacceptable attention towards children, maintenance of informers' confidentiality; 5) attraction of additional resources – the local government had to ensure financing for coordination and monitoring functions of the work. In order to organise cooperation among the specialists involved in RWG, RWG in Madona identified partners for the work with youth who face problems, each partner created a list of their services where the children could be involved during the project.

In order to draw conclusions about the RWG performance schemes according to the planned activities and to gather the opinion of the regional specialists of children's affairs about project activities, **a survey was performed for specialists of RWG**. 36 specialists from RWG participated in the survey in total; out of them 22% were social case workers, 14% teachers and pedagogues, 11% specialists from children and youth centres, the same number – 11% were representatives of the State and municipal police, 8% specialists from Orphan's courts and the same – 8% – specialists from SPS. Apart from the mentioned, also Education board specialists, social pedagogues, representatives from NGOs, psychologists, specialists of children's affairs from the local government and officers from the National Armed Forces of Latvia took part in the survey.

Structure of regional work groups: Saldus, Madona, Cēsis

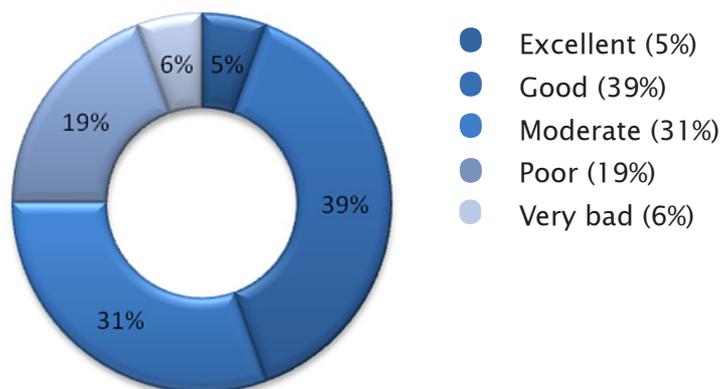


Survey questionnaires (see Methodology of monitoring, Appendix No. 1) contained questions which were specifically related to prevention of the violation of the rights of the child and child delinquency prevention. Some of the questions asked to RWG were rather similar to those in the general questionnaire for the specialists from law enforcement institutions, while some of the questions were very specific, related directly to the field of child delinquency prevention. 39% of the regional specialists considered that until the beginning of this project⁸⁸ (Project) the preventive work with the children of risk groups was organized well, 6% – excellent, but 31% evaluated it as moderate. 19% of the respondents considered that the preventive work was performed poorly, and 6% admitted it was very bad. Thus, it can be concluded that only 45% of the specialists who perform crime prevention in local governments consider it well done or excellent, but 56% evaluate the work as moderate, poor or very bad.

⁸⁸ Subproject “Building a Support System to Prevent Juvenile Delinquency”, the project is financed by Swiss Confederation and Republic of Latvia in the framework of the Latvian – Swiss Cooperation Programme within the Enlarged European Union. Cooperation partners: Centre for Public Policy PROVIDUS, Saldus, Madona and Cēsis councils of local governments, the International Institution for the Rights of the Child (Sion, Switzerland).

Chart No 12

How do you evaluate the organization of the preventive work with the children of risk groups before the Project – was it excellent, good, moderate, poor, or very bad?



Specialists, involved in RWG, were asked what they understand by a useful organization of youth free time. 61% of the respondents considered that the free time of the child is fully organized if “lessons at school end at 14:00 every day, afterwards he has prolonged day group until 17:00. Three times a week the child attends judo classes. I think his time is fully loaded”. 31% of the respondents agreed more that the free time of the child has to be fulfilled in the following way: “We have the public library in the parish where even a computer is available to use – children tend to spend their time after school there. There is a folk dance group at the Culture centre, if he wants, he can go and dance. The rest of the time? He has to do chores at home, as well! We have a farm: firewood must be cut, water must be carried, in summers hay must be gathered and field must be worked in. It means that the child can fill his time if he wants to”. 8% of the respondents agreed that the free time of the child is spent usefully if: “Once a month the local government organises a bus to bring the children to the swimming pool, he usually joins. Once a week, the child has a possibility to attend singing classes (choir). His free time is usefully spent”. Taking into account these answers it can be seen that the majority of respondents agree to the model where the duty of the child to learn is in balance and sports activities are included. During the in-depth interviews of RWG participants, additional information was gathered relating to this question. It turned out that the majority of specialists have marked off one particular answer just because of the mentioned group of extended school day. Regional specialists admit that the possibility to join the pro-longed school day groups, where children can prepare homework for the next school day, should be provided all through the elementary school – till year 9, included. RWG specialists have clarified in conversations with the parents of the children that the parents would be even ready to pay for the pro-longed school day groups because usually the child returns home much earlier than the parents return from work therefore in the families where both parents work it is impossible to control how the child spends his/her free time. Also RWG specialists admit that there is a great probability that if the child spent his/her time at school preparing homework for the next day, both the discipline and achievements would grow and truancy would decrease. In its turn, it would help many children, who have low self-esteem due to low achievements, to join the peers groups and receive recognition from them in a legal way, not committing crimes and harming the community, as some of them do now. Besides, the duty to attend the group of ex-

tended school day in order to increase one's achievements could be a wonderful condition which could be applied by RWG of any other institution to the children together with their parents – parents would have a duty to pay for the group, but children – to attend it.

Responding to the question if the work became easier during the implementation of the Project, 69% of the respondents answered affirmatively, 22% noted that the Project has in no way influenced work conditions but 8% of the respondents admitted that it had become even more difficult to work during the implementation of the Project.

- *...I spent much time planning and performing the classes and activities, but when you work with youth from the community, in the discussions at the fireplace, hikes and field trips or artists' workshops, when you see their interest, you realise that it is worth the time spent on that.*

The majority of RWG practitioners have not changed their opinion or comprehension about the objectives and usefulness of the Project since the beginning of the Project till the survey in May 2012 – 39% of the respondents agreed to the statement 'I knew it since the very beginning that the work planned in the project is needed for society and would bring positive results', 25% rather agreed that 'the comprehension has changed to a more positive direction but I am still aware that many problems were not touched in the project', 25% of the respondents had thought previously that the project would contribute more to delinquency prevention, but it is good that at least something has been done. None of the respondents agreed with the statement that he/she is disappointed with the Project or that he/she knew from the very beginning that the Project was senseless.

If there was a possibility to continue working in the Project, 78% of the respondents would agree immediately, 17% would agree in case of no other, more useful offers, but 6% would not agree because of the opinion that such projects are waste of time.

50% of the specialists considered that project results would be useful in any case because people have gained varied experience; 31% expressed their opinion that project results would influence the situation in future and more and more attention would be paid to child delinquency prevention in society and work of the specialists, but 19% considered that project results would be poor unless the law was adopted to regulate juvenile justice and prevention.

61% of the respondents admitted that the most support during the project they gained from participants of other regional work groups; 53% admitted receiving support from law enforcement institutions, 36% – from school personnel and 33% – from the local government, 11% have felt support from society, but 11% have not received support neither from other specialists, nor society. However, analysing the percentage, conclusions cannot be drawn about the benefits and reflections from the project activities – letting them change one's personal, as if well-planned daily routine. The necessity to do new or uncommon things together have served as litmus paper for the specialists of children's affairs and other specialists, showing equally good and not so good things. Participants of RWG express that in the best way:

- *It has never been so that when asking for help to local government, school or other colleagues any of them would refuse. Also the community accepted the activities more in a positive way than negative.*

- *There were no problems with transportation. There was one group of children organised from one school but that was also the end of cooperation. In fact, neither the Orphan's court, nor the social work specialist was willing to cooperate. Every specialist works only then when there is a regulation from above.*
- *Cooperation with parents failed – their eternal excuse with work. There is a part of parents who cannot deal with their own children – they think that someone in the community, the teacher or someone else will do the job for them. It is more than clear that cooperation is needed and that an institution has to control this cooperation.*
- *We had support – during the project the cooperation among inter-institutional specialists increased, although we had it already before the project and it will continue after the project.*
- *There were responsive leaders for activities who are far from delinquent behaviour and (wrong) values in their everyday life, thus they could not only share their knowledge and skills with juvenile offenders but also get to know the children and the problems around us, they could meet the part of our society which they usually do not want to listen about or see. RWG participants met not only in meetings but also participated in the activities thus destroying barriers between specialists and children, getting professionally closer among them, as well.*
- *Support from school social pedagogues? Where are they?*
- *Social work specialists should have participated more!!!!*

50% of RWG participants agreed that the project results would be sustainable regarding ICM – RWG will continue working; 28% of the respondents indicated that RWG meeting would continue only in case if there would be similar projects in the future; in case if there are no projects, work groups will stop working; 22% admitted that, most probably, work groups would not continue existing as they were during the project but ICM would exist, only in a different form. These opinions prove that the cooperation among institutions in the field of juvenile delinquency is needed but it is important to have support from the government and organised it in a well-understandable way. Despite the percentage, the dispersion of the answers shows that there is not yet a fully-formed opinion about the exact form of organization of prevention matters in the particular region. Besides, the answers prove the insecurity of RWG participants relating to the view of local governments for the organization of prevention efforts. There is no doubt that the consequences of years-long problems cannot be solved with the help of one project which is also testified by the answers of RWG participants to the questions about their readiness to involve in such projects in the future. It is proved also by other questions about the particularities of the organization of the cooperation model – 83% of the respondents admitted that the frequency of meetings twice a month was appropriate to perform preventive work with the children, identified in the local communities, whereas 14% stated that it was too often and it would be enough to meet more seldom, at the same time 3% of the respondents agreed that sometimes the meetings were necessary to be organised more often.

Work of RWG during the project was evaluated as medium successful by the majority of the respondents (67%) because they had to deal with problems where they had no tools for influencing parents and children, but 8% of the respondents considered that the work was only partly successful because there was a number of questions where RWG could not agree among themselves. Only 19% of the total number of respondents agreed that the work of RWG had been successful and all the necessary issues were solved, while 6% admitted that the work was unsuccessful

because the majority of the main problems are not solved yet but RWG had performed only its formal duties. Thus, in total the work of RWG has been evaluated (75%) as medium successful, explaining the result by the lack of tools to influence parents and children behaviour and by difficulties to agree within the group of specialists. This result shows that a) a wider range of instruments is needed for society to influence the behaviour of particular people until the moment when they recognise or accept the way of behaving which is proper and useful to them and their children. It can be concluded that it is a task for the legislator; b) there is a need for the Regulations of the Cabinet and subsequent methodological framework materials that would help and provide guidelines⁸⁹ for the specialists of children's issues and prevention in local governments, letting them feel secure about the decisions made.

Gathering the opinions of RWG specialists, including in-depth interviews, it was found out that the majority of specialists lack knowledge in one or another sphere both in their everyday work and during the project. 58% of the specialists admitted that they would have felt satisfied if the project would have provided more training activities, 33% admitted that the amount of activities, provided and offered, was satisfactory, but only 8% of the respondents agreed that their knowledge is sufficient.

During the implementation of the project a question was initiated for several times whether in case if such RWG would be established in each region, participants of them should be paid additionally. 50% of the participants of RWG agreed that each of them receive salary at their working places and therefore there is no need for extra payment. The respondents indicated that the fact should be taken into account that this model of cooperation allows them to perform their duties better and receive support from colleagues, as well as acquire new knowledge. However, 39% of RWG participants considered that a payment for the work should have been planned already in the project, and if this model gets introduced in the whole country, there must be additional payment. 4% of the respondents considered that only the expenses should be covered for the specialists, namely, telephone bills, fuel, stationery, it means the expenses for additional duties, but the financing should be planned in the budget of each individual institution which delegates the specialist.

- *Not all RWG participants have their duties connected with the work with youth. Many do that as volunteers and therefore have deserved some reward.*
- *This work demands a lot of time, each work must be paid.*

There is no doubt that there could be discussions about this question. Nevertheless, evaluating this issue as a whole, there is a reason to consider that the team of professionals within one local government, working with the issues of prevention of the violation of the children's rights, must be supported with a particular kind of material investments. This question needs to be regarded with a special care. There is no reason to assume that every professional who joins the team would get automatically a definite amount in his/her account. This is not a job for gaining profits. At the same time, it cannot be taken as granted that each specialist from the institution, involved

⁸⁹ Author's note: here it is not meant to have guidelines within one project for three local governments. There is a need for reference framework that would give directions for decision making in the field of prevention of the rights of the child, leaving space for interpretations, so that the local governments can implement their unique need in one or another local territory.

in cooperation has a duty stated in his/her job description to participate in child delinquency prevention activities – it would mean that the process is becoming formal and the meetings would be attended by people who are interested in signing the attendance sheet rather than in making qualitative decisions. It must be remembered that a number of respondents admitted that, to their mind, one of the most useful forms of work is the division of RWG in the main (basic) staff and invited specialists. If we accept this model, there is even less reason to talk about duties in job descriptions with a following amount of money. If every invited specialist would ask reward for each hour of consultation, local governments will not be able to invite them, the main staff of RWG will be powerless and the work will become more and more formal. Due to that, it can be concluded that RWG could be organised according to two possible models⁹⁰:

1. RWG as an institution is defined in normative enactments that stipulate its objectives, tasks and forms of activities, as well as principles of organising staff. Taking into account the specific tasks of the local government in the field of child delinquency prevention and the work with families, as stipulated in PRCL and the Law on Orphan's Courts⁹¹, as well as other legal acts, the decision is made to establish such team and a cooperation, participation or other type of agreement is concluded in accordance with the State Administration Structure Law⁹² with the institutions which are to be included in RWG according to the law. Legal acts that stipulate the procedure of organization of preventive work and forms in the Republic of Latvia ensure financing to the local governments for the specialists involved in RWG who are delegated from the relevant (state or governmental) institution in accordance with the cooperation agreement. The payment corresponds to the amount of attended RWG meetings;
2. Similarly to the first case, the status, objectives and tasks of RWG must be stated in legal acts, developing the system of delegation, denoting the responsible institution and ensuring financing for the work of RWG, only in a different way: a) compensating the expenses (a set amount for covering telephone bills, fuel expenses); b) ensuring good working conditions (stationery, probably leasing a laptop, premises, coffee during breaks in meetings or dinner free of charge); c) giving the possibility to acquire knowledge and experience (organising or paying for language courses, covering part of tuition fee for high-school – for acquiring master's degree, supporting participation in conferences, covering transport and accommodation expenses etc.). In fact, this model can be organised in a very flexible way agreeing with each individual participant of RWG on the type and amount of support that the local government can give for the specialist's professional experience. The local government supports the specialist in the field which the government needs back – what is invested, is received. This version does not predict rewards, job descriptions of formal attitudes. Of course, several legal acts must be supplemented in order to ensure the work of this model.

86% from the total number of RWG participants considered that there is a need for the Juvenile Liability (Juvenile Justice) Law, 53% out of them explained that this law should stipulate the issues of juvenile delinquency prevention and juvenile liability together with parental liability for the failure to fulfil upbringing duties; 33% of them admitted that they feel the lack of the law where

⁹⁰ Author's note: these models are not taken or adapted from abroad; they are created in Latvia and based on conclusions from the project within the cooperation with RWG specialists in three regions of Latvia. There is no doubt that other versions exist but they need a wider discussion in the future.

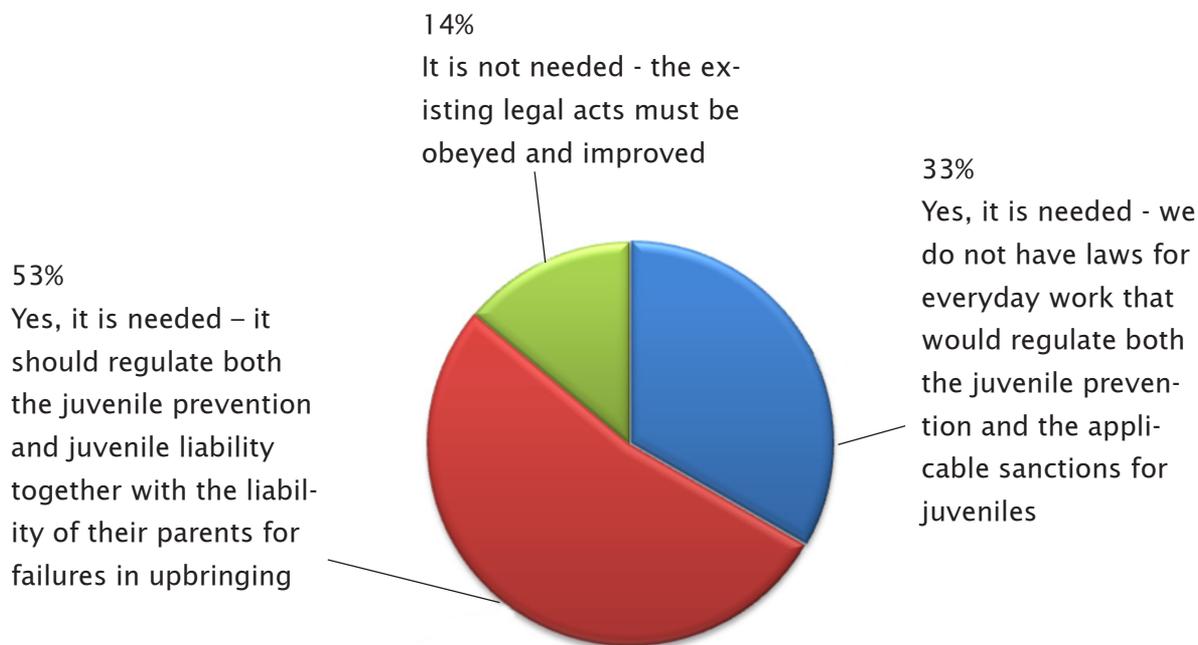
⁹¹ The Law on Orphan's Courts, available at: <http://www.likumi.lv/doc.php?id=139369#52639>

⁹² State Administration Structure Law, available at: <http://www.likumi.lv/doc.php?id=63545>

both the juvenile prevention and applicable sanctions for the juveniles would be regulated. Only 14% of the respondents in total considered that no new legal framework is needed and the existing legal acts should be improved.

Chart No 13

The need for Juvenile Liability⁹³ Law, according to the RWG practitioners



Selection and evaluation of the children for the project activities were under a particular attention all through the project. At the beginning of the project, representatives of each institution in the RWG could inform their colleagues about the need to involve in project activities children who were in their professional scope for one or another reason. Basically, all the RWG participants can be divided into two groups – those who have children in their professional scope and those who can provide activities or organize them to these children. In order to decide according to the real needs of the children, the needs of all the possibly involved children got assessed (identifying the lacks of the children) and the risks were recognised that would be needed to eliminate from the children’s life. Only 47% of the RWG participants indicated that children’s risks and needs got assessed also before the Project, 31% admitted that the assessment was done but the results were not reflected in the form of questionnaires/reports, 22% admitted that risks were not assessed at all. 81% from all the children were with obvious behavioural risks and who already behave inappropriately, there were only 19% of children who are yet in the situation of risk. Specialists from RWG were asked to identify behavioural risks they think they have met in their work and 78% mentioned that the biggest risks are smoking and alcohol abuse, 67% – regular truancy, 44% admitted that children lack basic social skills. The respondents indicated also to such risks as isolating from society (42%), conflicts with teachers at school (42%), refusal to fulfil just demands by parents (39%), but 31% pointed to aggression and tendency of violence.

⁹³ Author’s note: Law on Juvenile Justice is meant here that, in case if there was such, would regulate, most probably, all the fields which in any way are related to the moments when a juvenile gets into contacts with a law enforcement institution and the law enforcement system as such.

Behavioural risks for the children involved in the project activities, according to RWG



If the child violates the law, the punishment does not have to be the first measure to be applied. For the first violence the responsible institutions must create a complex of correctional activities for the child together with his/her parents and control its fulfilment – it is the opinion of 72% of the RWG specialists who participated in the survey. 25% considered that no one has to be punished but a social correction programme should be made to enhance real positive changes in the family, the fulfilment of the program should be controlled thus controlling the situation in the family at the same time. 3% of the respondents considered that parents should be held liable for the illegal behaviour of their child and they have to be punished together with the child, namely, the child gets punished for the particular crime and the parents – for insufficient fulfilment of parental duties. The specialists have indicated that the most often reason for **risk situations**⁹⁴ is inappropriate upbringing which turns to inadequate system of values for the child (69%). The second most occurring risk situation is when there is only one parent or guardian in the family who the child does not obey (64%), 50% of the respondents admitted that poverty and low income situation is a risk which can create inadequate behaviour. In addition, other risk situations were mentioned: lack of useful activities for free time (44%), parents cannot join their parental duties with the enormous workload (25%), gaps in education of the child (36%) and health problems which manifest as behavioural disorders (17%). At the end of the project 72% of the specialists

⁹⁴ Author’s note: during the project, it was identified that, according to the law, the threat for the behaviour of the child is created by two phenomena: **risk situations** and **behavioural risks**. Behavioural risks are expressed by the child himself/herself misbehaving (not attending school, smoking, using alcohol, being violent), whereas risk situations are conditions in which the child has occurred due to the behaviour or decision of adults (adult indifference and busyness, lack of true relations in the family, parental divorce etc.). The child cannot manage the risk situations (change or stop) due to his/her developmental peculiarity. If the risk situation is not timely identified by an adult – parent, social work specialist, teacher etc. – the child obtains behavioural risks which manifest as the opposite behaviour to the expected by adults. It is an instinctive action – a protest against particular emotional harm. It means that failure to recognize and prevent risk situations in the life of the child create children with behavioural risks and there is a great possibility that the children with behavioural risks would commit crimes and get punished by adults, instead of adults being punished for creating risk situations, failure to recognize them and to make efforts to meet children’s needs.

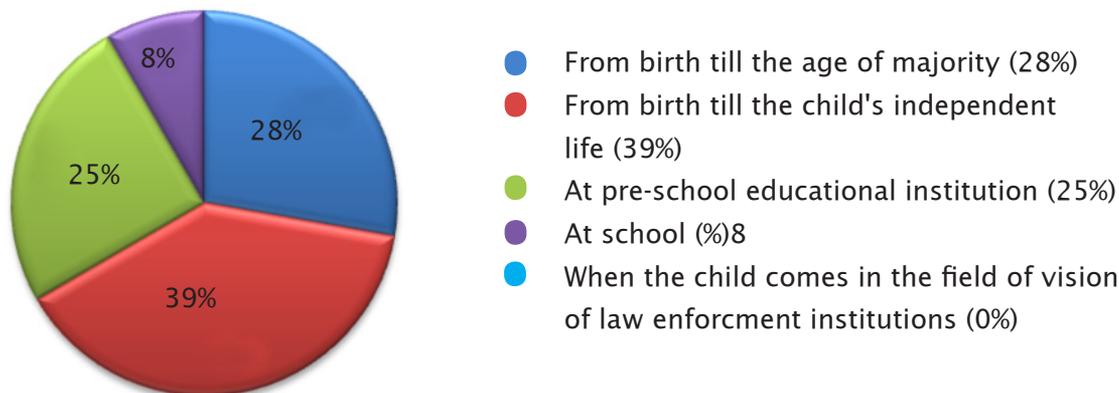
expressed the opinion that the recreational activities would not be available for these children if they were not involved in the project; 69% considered that the activities gave positive experience and skills to the children, and 36% mentioned that the children liked the activities and they would like to have them also in future.

- *Basically, these are children who lack positive emotions, they do not receive appraisal and love from their parents therefore they learn to gain attention in a negative way, but parents have not taught the boundaries.*
- *The child is not raised properly. Parents are not able to do that or even are not physically by their side, guardians do not fulfil parental duties, and there are no strict borders, no interest about the child, no parental love.*

Regional specialists who work with children expressed their point of view that the prevention of behavioural deviations in the child should be started at the moment of the birth of the child till his/her independent life (39%). 28% of the respondents shared a similar opinion – that the work with the child must be carried out from the moment of the birth till attaining the age of his/her majority, 25% mentioned that the prevention of behavioural deviations should be started at pre-school educational institution and only 8% agreed that it would be enough to start preventive work at school.

Chart No 15

When should the prevention of the child’s behavioural deviations start?



Participants from regional work groups had a close cooperation with **Orphan’s courts** during the whole project. These institutions are of great importance in the life of the child, particularly in cases when the child is in risk situations. The majority of specialists (50%), who work in the field of prevention of the violations of children’s rights, considered that the Orphan’s courts should have a wider range of decisions that could be made in relation with the cases when parents do not fulfil their duties – it must not be that the only decision the Orphan’s court can make is the decision of removal of parental rights. 47% of the respondents expressed their opinion that the Orphan’s courts should in general participate more in situations which are related to prevention of the violation of children’s rights, thus becoming more interested in the issues of child delinquency prevention, as the two are closely connected. Only 3% of the respondents considered that everything is fine with the Orphan’s courts and there is no need for introducing any novelties.

Regarding project deficiencies, the majority of RWG participants (64%) mentioned that there was a need to attract the parents of the children more, to involve them in the activities so that the whole family was together; 50% pointed out that the project is too short to obtain significant results in the preventive work with children; 31% admitted that the administrative part (office work) was too time-consuming taking away the time for organizing activities for children; 19% of the respondents admitted that the project could have had bigger overall budget; 14% accentuated that it should have been envisaged that children already from 5 years of age could be involved, together with their parents and pedagogues from pre-school educational institutions, and that the age of children in the project should have been strictly set. 8% of the respondents mentioned that this project should have included more than three regions because this number of participating regions is too small to change the situation. Analysing the project results and work for prevention of the violation of the rights of the child, including delinquency prevention, we can agree with the conclusions drawn by RWG that preventive efforts, both related to child delinquency and general, which aim at the correction of child behaviour cannot be planned without involving parents in target groups. We can do every activity, even the most professional, with the child but they will anyway return to their parents, in their families. If no changes appear in families, there will be no changes in the child. Preventive efforts take time: a particular period of time must pass before a person changes his/her opinions and start acting differently; the length of such period is different for every individual. A year and a half is far too short period for a project relating to juvenile delinquency prevention. Nevertheless, there is a reason to consider that at least during the project activities the involved children were safe and did not do any harm neither to themselves, nor others. This is the result which cannot be measured. Secondly, specialists show positive trends. Many specialists have developed their cooperation networks, have noticed that the cooperation, although regulated poorly in the legal norms, but is not forbidden. Maybe they have realised that sometimes the lack of a particular legal framework does not mean a deficiency but a chance to develop positive innovations. RWG participants acknowledge their cooperation partners and the vision of future cooperation partners. The project did not have restrictions for the age of children to be involved in the activities, it was set by RWG, taking into account the needs of the particular regions. It is positive that the regional specialists are aware of the framework and amount of the preventive work, as well as the need to make systematic, planned efforts soon. Children are special, there is no doubt on that, however, organizing preventive work with children we have started to build something bigger – an organized preventive work with adults. The European Economic and Social Committee has admitted that `taking preventive action for today's young offenders means not only seeking their social rehabilitation, but also preventing the adult crime of tomorrow`⁹⁵.

4.2.2. The significance of useful activities in juvenile prevention, planning the activities

If we announced that prevention of the violation of the rights of the child means only making a decision in accordance with a law, in fact, we would show our lack of knowledge about prevention. Protec-

⁹⁵ Opinion of the European Economic and Social Committee on The prevention of juvenile delinquency. Ways of dealing with juvenile delinquency and the role of the juvenile justice system in the European Union, (2006/C 110/13), available at: <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=CELEX:52006IE0414:LV:HTML> (in Latvian), <http://eur-lex.europa.eu/LexUriServ/LexUriServ.do?uri=OJ:C:2006:110:0075:0082:EN:PDF> (in English)

tion of the Rights of the Child Law⁹⁶ includes a wide range of preventive and even reactive tools for prevention of children's rights, and juvenile delinquency prevention is just a small part of it. Besides, situations and methods of prevention of various violations of the rights of the child often intersect, as the problems usually are of a complex nature. Section 58, Part 2, of PRCL stipulates that the local government establishes a social behaviour correction and social assistance programme for the child with behavioural risks or juvenile offender, however, neither PRCL nor any other legal act explains the preventive work, set out in Section 58, Part 1, of PRCL, or the prevention file, set out in Part 2 of the same section. Taking into account that local governments and law enforcement institutions need tools for preventing risks or for meeting the child's needs when both risks and needs are identified for the particular child, one of the tasks in the project was the elaboration of the Catalogue of useful activities for the preventive work with children who have behavioural risks or are in risk situations. The Catalogue has to be considered as the most important part of the support system for minors with behavioural risks, therefore the responsible officers from local governments (already during the project planning) and later RWG gathered information about all the available activities for children in the particular region (a) and added the activities which were financed by the project (b), thus obtaining maximum efficient tools for preventing children's risks and meeting their needs. In fact, every child with behavioural risks was offered all the available activities in the region – including social assistance for the child and the family, consultations of the psychologist etc., while the project supplemented the offer by activities which were not available in the region. The project did not have the aim of developing one catalogue for all three regions. Besides, it must be taken into account that the Catalogue was not planned to be a formal, single document; it was changed and improved all through the project.

All of the activities, financed by the project, can be relatively divided into activities that: 1) promote integration into the labour market; 2) promote integration into society; 3) shape or improve independent life skills; 4) promote healthy and physically active life-style; 5) foster cooperation among generations. Despite the fact that the aim of the planned activities was the same for every region, each region resulted in different Catalogue of activities. It is possibly related to the specific features of each region, geographical location, size, density of population, previous projects and their results. Each catalogue had the framework or positions to be included: the title of the activity, its description, procedure of activities (length and dates), number of planned participants, the description of the location and information about the leader of the activity. Activities, which were planned and included in the Catalogue, are not homogeneous, the type and particularity of activities influence the number of participants and the length of the activity; most of nature activities were planned for the summer, some of the activities were organized only a couple of times, for instance, hikes.

The Catalogue of activities for Madona consisted of 26 various activities, different in nature and content. Children with behavioural risks were offered the following activities: a class with a cynologist/canine specialist (introduction to animal welfare rules, age related peculiari-

⁹⁶ Author's note: as to the substance of the matter, PRCL stipulates the protection of almost every (with few exceptions) rights of the child defined in the law, it means that prevention of the violation of any of the rights of the child would be an integral part of this law. The rights of the child, which are protected by the law and are related with preventive efforts, are as follows: rights of the child to life and development (Section 7), rights of the child to individuality (Section 8), rights of the child to privacy and freedom and security of person (Section 9), to wholesome living conditions (Section 10), to education and creativity (Section 11), social rights (Section 12), freedoms of the child (Section 13), rights of the child regarding property (Section 14), to protection from exploitation (Section 15), to recreation and free time (Section 16), and to take part in the formulation of programmes for the protection of the rights of the child (Section 17). available at: <http://www.likumi.lv/doc.php?id=49096>

ties of physiology and psychology in animals, animal collection, practical recommendations for breeding unusual pets and animals); I Want, I Can, I Must! (with the help of tests and games the psychologist leads the process of identifying the child's values, characteristics. Discussions about human rights and duties, the place of the individual in society, mutual interaction of people, behavioural restrictions); My future (filling professional orientation and career tests, setting strategic goals for personal development to each participant); Communication (classes about psychological characteristics and age peculiarities, conflict management: ways and methods); Mediation (watching a film together and a discussion about it, role plays); art therapy workshop "Dolls for getting to know oneself" (each participant sews his/her own doll with a secret, a dream in the head of the doll (inserted in a capsule from "Kinder eggs"), using materials which they like to express their wishes; in the next classes the child speaks about the doll, then gradually associates oneself with the doll, plays role plays; various situations are analysed); Me and money (using games the child's self-control, attention span, self-discipline and planning skills are developed); Me and documentation (each person reaches a moment in his/her life when there is a need for an application, explanation, letter of motivation or CV. The children acquired skills of writing and submitting documents); Group work (structure and organization of a group, leadership styles – formal and informal leaders, mobbing, mentoring); Planning and organizing events, games and their conducting (formulation of the idea for an event, planning, cycle of an event, division of responsibilities, cost estimation, methods of organization, risks and their management); Rhetoric (public speaking skills – structure, stress management methods, getting and keeping attention, types of listening, first impression management, improving voice and diction); Creative and gift making workshops (according to children's wishes: felt making, pearl work, crochet needlework, knitting, floral art, making greeting cards, T-shirt design, collage art); Style workshops (offering children to get to know what fits them: colours, shapes, styles, fashion show); Table manners and healthy food (laying the table, choice of table settings, napkin folding techniques, inviting and welcoming guests, food choice – preparing a healthy menu); Photography workshops; Guitar workshops; Meditation and yoga; Tourism workshops (theory and practice: tying knots, using safety belts, various rock climbing techniques, obstacle course); Sports activities (football, volleyball, swimming and floorball); Miscellaneous from zero level – hiking class (planning a hike, route choice, equipment, items to have in your backpack, tent building); Survival skills (how does a compass work, how to tie knots, how to build a shelter in a tree or from tree branches, how to dig holes, how to store drinking water, what to eat in a wood? Wild animals; First aid); Sports days (relay, team games with various levels of difficulty); Career (professional orientation) competitions (demonstrations of various craft skills); transferring craft skills from one generation to the other (cheese making, bread baking, weaving); Participating in the organization of public events and activities.

Evaluating the number of the identified activities, it must be taken into account that Madona region (county) is one of the largest regions in Latvia, therefore activities were organized for smaller groups of children simultaneously in several parishes/rural municipalities. At the beginning it caused difficulties for the organisers of the activities and RWG in comparison with the other two regions but in the end it resulted in the richest Catalogue in the Project.

The Catalogue of activities for Saldus consisted of 18 various activities, different in nature and content. Children with behavioural risks were offered the following activities: Set of introduc-

tory and motivation development classes (children get to know each other and RWG followed by three classes of motivation development where they make collage art "I Like", draw and colour mandalas and receive explanations that reveal everybody's emotional state); We are pretty (three workshops conducted by specialists from a beauty salon: children receive information about youth cosmetics, methods of skin care with products found at home, discussions on style and cosmetics, hygiene and cosmetics, services of the beauty salon); road safety workshops (acquisition of traffic rules at a driving school conducted by a driving instructor, cycling manners on the road, taking exam at the Road Traffic Safety Directorate to obtain a cycling license); Meeting with the Traffic police (discussion about behaviour and safety on streets, punishments for violence of traffic rules, inspection of the means of transport of the police); Meeting with emergency medical aid specialists (Information about the work peculiarities and daily routine of emergency medical services, inspection of the emergency transport equipment and practical experiments with various devices); Meeting with the specialists from Fire and rescue service (theoretical classes about fire damage and work of fire-fighters, discussion about everyday work of fire-fighters and rescue service specialists, possibility to have a practical introduction with fire-fighters cars and try on the special clothing); We are free from addictions (meetings with the specialists from Addiction (prevention) centre who inform about their work and available services, discussion about the influence and harm caused by various addictive substances); Lesson – meeting with a social work specialist and a specialist of children's issues (discussion about the rights and duties of the child, main problems at school, in family and in public places, situation games – simulations in order to find out whether the children know where to turn for help); Excursion/hike to trout farming ponds (information about trout farming and getting fish using fishing-rods, later children can bake trout and organise a picnic, and enjoy sports activities – game of frisbee); Military workshops (discussion about daily routine and equipment for a soldier, going on a military mission, information about weapons and other ammunition, qualities for a person who wants to become a soldier. Practical part included simulations of various situations, tying knots, information and usage of mountaineering/alpinism equipment); Obstacle course (youth go for a hike according to the route map which is created by a professional instructor; on their way children fulfil various tasks, including team competitions, cooking etc.); Sports games (children together with seniors participate in sports activities, those who do not do sports take the responsibilities of referees); Career afternoon (meeting with the specialists from State Employment Agency who inform youth about various opportunities in developing one's career, children do a career-test to find out which occupation is the best for them); Table manners (basic principles of table manners, table setting and serving guests, food and meal components, napkin folding techniques, various dishes are cooked according to the children's wishes); Dancing classes (dancing classes were organised to teach youth various dancing styles); Table games tournament (youth and seniors learn various intellectual and table games); Clean-up day (youth and seniors participate in clean-up activities cleaning a site of their own choice).

The Catalogue of activities for Cēsis consisted of 15 various activities, different in nature and content. Children with behavioural risks were offered the following activities: Work practice at the local government (for two weeks 60 young people had a chance to work for the local government and earn reward, types of work provided were chosen in accordance with the age and developmental needs of the children); Three-day expedition (three days full of active recreation, tourism and sports activities, including rafting. The organisers of the event are instructors from

the National Armed Forces of Latvia, School of Instructors. Initially, youth were involved in various team-building games, then in various types of stamina, power and brain (puzzle) games requiring development of a common team strategy and team-work to fulfil the tasks); Attending swimming-pool and fitness club (Twice a month children went to the swimming pool, younger children and those who cannot swim had swimming classes conducted by a swimming coach); Project development group (youth group meets once a week and create an idea for a project, thus they elaborated the project "Through the Camera Lens". It is planned to travel around towns of Latvia and show their understanding of the beautiful, taking pictures); Support group for parents (12 meetings once a week to provide support to parents in child upbringing, in particular if the child is in the risk group. The fact that a child has become an offender is often directly related to the relations in his/her family but parents usually do not know that); Art therapy group (youth meet the art therapist once a week for three months. In the group, they make their masks, think about their shadows, find their inner resources and speak about important issues); Visit to "Meža kaķis/Wild Cat" ("Meža kaķis" is an adventure park in Sigulda, which is one of the most magnificent places in Latvia, where children could experience fear management and daring/venture therapy); Creative workshops at "Saules taka" day centre (workshops are organized weekly on Mondays when children make beautiful items – greeting cards, cups, plates, gifts and other practical and useful things); Skills acquisition group – cooking classes (children learn how to make celebration using simple things and products); youth involvement in Family day events (every year on 15 May, participants of the project group can take part in the process of festival planning); Woodcraft workshops conducted by a senior (mainly boys are involved, 12 meetings once a week, boys work with wood and make various useful kitchen utensils, as well as exclusive and ecological toys for children); Attending children and youth centre – various outdoor education activities and camps (children can choose and attend any activities and workshops at the centre, there is a two-weeks long camp in the summer, practical workshops twice a week); Sports activities (the aim – to provide positive example and energy exchange, to create a wish to participate in physical activities, continue attending the chosen activity); Consultations with a psychotherapist (the elder boys from the project had a chance to meet an experienced psychotherapist who had suffered from several addictions in his young age. The aim – to foster understanding about the influence of addictive substances on humans, to turn boys' attention to the need of having strong-will and making a decision to quit addictions, and being submissive later in order to be able to receive help from specialists).

As it can be seen from the descriptions of the Catalogues, the included activities vary by their nature so that the RWG specialists have the possibility to choose the relevant ones when the risk and need assessment for the child is done. To have a successful preventive work with the children from risk groups, RWG established a system which ensures that the involvement of the child in any particular activity meets the child's needs. It must be taken into account that without other activities which are usually included in social support programmes the above mentioned activities would help mainly the children from low or medium risk groups⁹⁷, however, the risk levels for those 240 children involved in the project were very different. Therefore, RWG specialists did a great job choosing appropriate activities for each child.

⁹⁷ Author's note: in the project, the risks were assessed according to three categories: risk of committing crimes, risk of committing administrative violations, and risk of refusing to obey rules of discipline.

Relation of the Catalogue of activities with the risk and needs assessment of the child



4.2.3. The significance of the risk assessment system for children and youth; youth sampling in the project

Identification of risks and needs is one of the main efforts of the support system for juvenile prevention which helps to make sampling of the young people for the participation in the project. Each of the three regions had to involve 80 children and adolescents with behavioural risks or at risk situations in project activities for 16 months. The specialists were not forced to use any particular procedure of risk assessment but encouraged to discuss the best ways of identifying risks and needs of the children and making individual plans of activities. It must be admitted that current legal acts do not stipulate the performance of such assessment together when establishing a prevention file and formulating a social behaviour correction and social assistance programme for the child in accordance with Section 58, Parts 1 and 2, of PRCL. Nevertheless, there is no legal act which would forbid performing the risk and needs assessment of the child's behaviour, therefore all RWG agreed on one particular form of RNA, in the form of a questionnaire/inquiry. Evaluating the RNA instrument today, there are reasons to be critical, as the advantages and disadvantages of the instrument are already known. However, the initially chosen instrument has fulfilled its function in a rather satisfactory way. It was planned in the Project that after the activities each child will have a short Progress report. In cases when RWG specialists considered it to be relevant, reassessment of the risks and needs of a particular child could be performed in order to decide about the further efforts.

`**Risk and needs assessment for the child**` , used in the Project (see Methodology of monitoring, Appendix No. 1) consisted of 13 parts in total, namely:

1. Information about the child, evaluator and date – name and surname of the child, birth date and year;
2. Information about former and current violations of law. In this part the RWG participant⁹⁸ who was responsible for the child recorded the available information about the particular child after consultations with other participants of RWG. It means that this part contained the information about the child's relation with the law and all the statuses which the child had before or at the moment of assessment relating to the decisions of law enforcement

⁹⁸ Author's note: there is no doubt that the question about the responsibility of any participant of RWG over the child and filling his/her RNA should be discussed, however there were no problems with that in practice because every child who came into the field of vision of RWG was already known in the field through one or another institution involved in RWG. Due to that, usually RNA was filled by the representative of the State or municipal police or regional social work specialists, or specialists from Education Board of the particular local government.

institutions. Part of RWG members admitted that this part was very difficult to fill in because in those RWG where the cooperation and information exchange with the specialists from the State police was not regular, the lack of information occurred. RWG participants recognised that as thorough and complete the inquiry form of risk records would be, as precise and qualitative decisions could be made about the necessary efforts with each particular child.

The exact part gathers the information about such facts in the life of the child as – entered into records of the police, previously had been entered into these records but not anymore; has been punished for a criminal offence; has been placed in the social correction educational institution or other compulsory measures of a correctional nature have been applied, denoting them; have there been criminal punishments or sentence of deprivation of liberty, community service, or suspended service; number of previous administrative violations and criminal offences.

This part allowed entering information in two additional information fields: short description and types of violations of the law; the age when the child first appeared in the field of vision of the law enforcement institutions. This information could be added by the RNA performer taking into account the information available for him/her or other participants of RWG. Analysing the results, the range of age can be estimated when children first appear in the **field of vision** of law enforcement institutions, namely, from **7 to 17 years of age**.

Result analysis of this part within the monitoring process allowed drawing conclusions about the average characteristics of the child, taking into account his/her relation to law enforcement institutions and their decisions. The results show that 49% of the children⁹⁹ do not correspond to any of the risk groups. Drawing conclusions about this part of the assessment it must be taken into account that within these 49% of children also those juveniles are included who have been applied security measures in pre-trial proceedings, as well as the convicted who are not entered in the prevention records of the State police but the sentence has not yet come into effect. In total, there were 1% of such children out of the mentioned 49%.

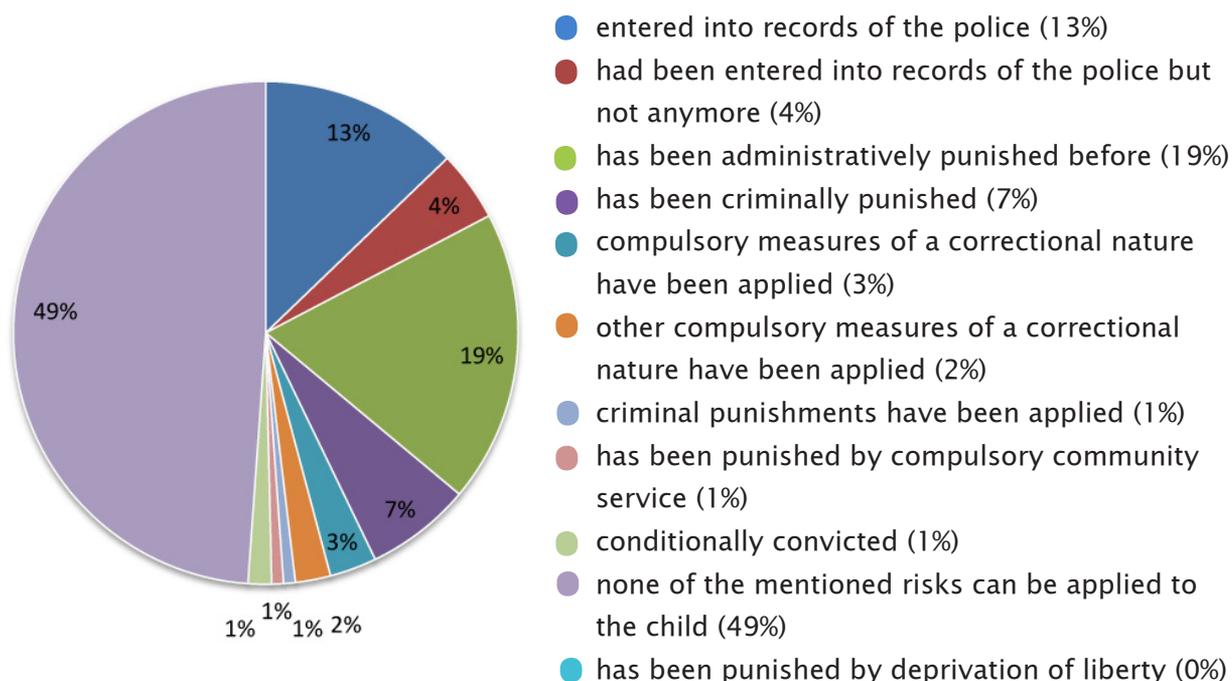
Out of the assessed 120 children, 13% were entered into the State police records in accordance with Section 58, Part 3, of PRCL which stipulates that the State police may enter into prevention records children who, as set also before, a) have committed criminal offence and are no in detention during the pre-trial investigation period, b) are found guilty of committing a criminal offense but their sentence is not connected with deprivation of liberty, c) are released from criminal liability, d) are released from imprisonment or from the place where they are serving sentence, e) have committed illegal acts set out in the Criminal Law prior to attaining 14 years of age, f) have committed illegal acts as set out in the Administrative Violation Code more than two times. Moreover, this group includes also children with whom the local government works within the social behaviour correction and social assistance programme in case if the programme sets out the need of the participation of the police. It means that not in every case when a child is included in this programme he/she is automatically entered into records of the State police – it is applied only in those cases where there is an objective need for that. Thus the group is not homogeneous and may partly overlap with other groups from RNA for the child. However, separation of the particu-

⁹⁹ Author's note: conclusions have been drawn according to completed inquiry forms about the results in autumn 2011, in total – 120 children in three regions who had come into the field of vision of RWG within the project.

lar group, from the point of view of child risk management, is very useful and allows reasoning about the implementation of Section 58, Part 3, of PRCL in practice. 19% of the children in total have been administratively punished before, but in 7% of cases punishment set out in CrimL has been applied, 4% of the children had been entered in records of the State police but not anymore, for 3% compulsory measures of a correctional nature have been applied, 1% have a suspended sentence at the moment of risk assessment, 1% of children from each category have served real criminal punishments, including compulsory public/community service.

Chart No 17

Past and present violations of law for children and youth in the project



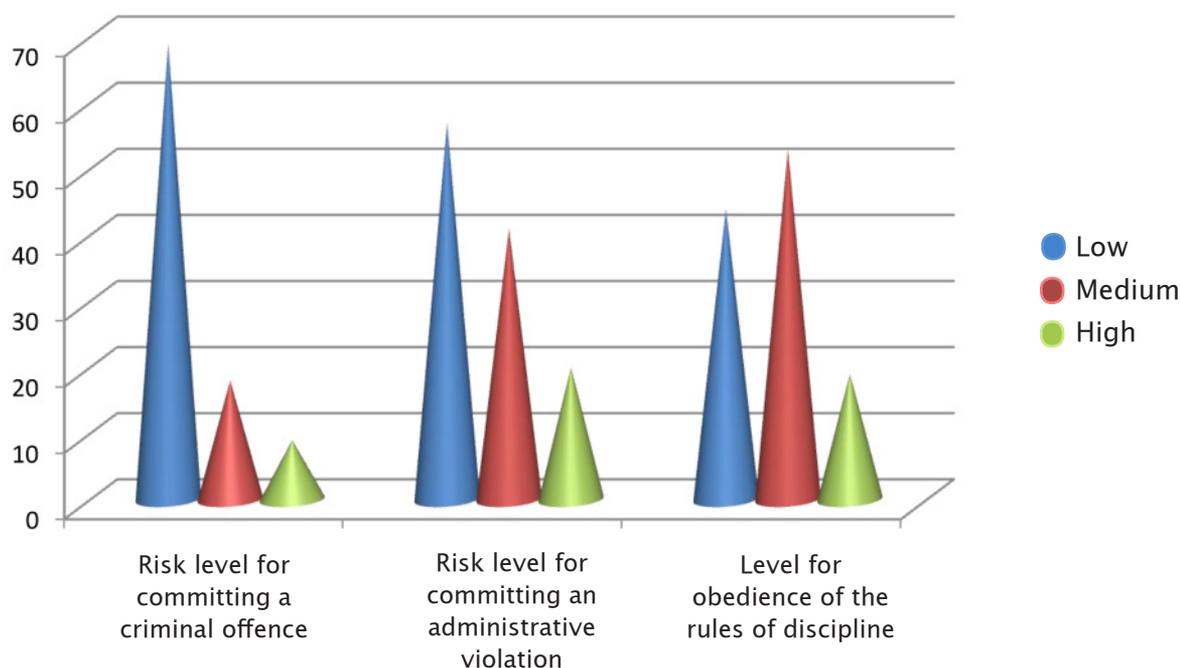
3. Information about the risk levels for delinquency and obeying the rules of discipline is classified into three categories: risk level for committing a criminal offence (low, medium, high); risk level for committing an administrative violation (low, medium, high) and level for obedience of the rules of discipline (low, medium, high). This part, actually, is to be filled in the last, when all other possible matters about the child himself/herself and his/her environment have been clarified. The classification is more important for RWG in order to set proper priorities for the work with the child using relevant coercion measures and power of intervention.

Thus, for instance, if the child has a high level of committing a criminal offence, the risk of committing an administrative violation is considered as a secondary risk, though it cannot be disregarded. Similarly, risk of disobedience of the rules of discipline will be low if the child has risks of committing a crime; however, it is a very important indicator – if the child refuses to obey the rules of discipline on daily basis, both risks for committing an administrative violation and a crime increase. It is understandable that RWG participants faced challenges while assessing

risks according to this system but the project had not envisaged special resources for in-depth development and improvement of RNA for a child. Despite that, RWG had possibilities to adapt and develop the instrument according to their needs and learn to use it in practice (a), besides, assessment of risk levels served as a useful reference point in the work of RWG to set prior directions for activities and plan the work with the child more efficiently (b).

Chart No 18

Risk levels for children



In accordance with the assessments of children's risk levels the following conclusions can be drawn: risk of committing a criminal offence was low for 69 out of 120 children, it means that, in the point of view of RWG participants, more than a half of the children did not have this behaviour tendency as the most possible one. 18 children had a medium risk level for committing a criminal offence, whereas 9 children had a high possibility. The results were similar also regarding the risks of committing an administrative violation – the risk was low for 57 children which means that they are likely not to commit an administrative violation, for 41 children the risk was medium – it means that there is a possibility that the child could commit such violations, whereas the behaviour of 20 children has been evaluated as with a high probability or even possibility of committing an administrative violation. Probability that the child would obey the rules of discipline and fulfil the tasks has been evaluated as high for 19 children, medium – for 53 children and low – for 44 children.

4. Assessment of children's needs, as the matter of fact, was the most difficult part of RNA for a child. It is combined of two parts where the first determines fields and factors that describe needs – possible risk zone, whereas the other denoted the power of intervention, including comments on the necessary efforts with the child in the particular field – favourable factors for a law-obedient life (our intervention is not needed); no need for immediate improvements (must be filled also in cases when the child or parents 'cannot say' or there

is 'no information' about the fact which is asked about, or if the person refuses giving information – it is recorded accordingly); some improvements needed (moderate level of needs which means that occasionally the child faces problems but they are not of a systemic nature. In this case, it is important to find out why such moments occur); significant improvements needed (high level of needs – it means that immediate intervention is needed in the life of the child and the family).

Chart No.19

Need assessment – part from RNA for a child

| Area/type of needs | Favourable factors contributing to life in society | No immediate improvements needed | Some improvements needed | Significant improvements needed |
|--|---|---|---|---|
| Relationships in the family | Stable, permanent and supportive | No problems | Occasionally unstable and inconsistent | Very unstable, unconstructive |
| Parental supervision of the child | Constant, active | No problems | Inadequate | Markedly inadequate |
| Place of residence, social environment | Favourable, appropriate conditions | No problems | Temporary signs of instability | No constant place of living, environment affects the child in a markedly negative way |
| Education, employment | Activities are carried out that facilitate social integration | No problems | Activities make threats for the social integration of the child | On-going activities alienate the child from society |
| Friends and acquaintances | Wide circle of positive friends and acquaintances, community support | No problems | Only some friends or acquaintances who affect the child in a negative way | Most of the friends and acquaintances affect the child in a negative way |
| Free time, recreation, outdoor education | The child participates in activities that develop his/her personality in a positive way | No problems | Activities limit positive development of the child's personality | Activities facilitate anti-social development of the child's personality |
| Personality, behaviour, emotional stability | The child grows to be a person with stable personality traits, behavioural model facilitates social integration | No problems | Child behaviour, emotional instability causes temporary functional derangement of personality | Child behaviour and emotional instability significantly disturbs everyday functionality |
| Alcohol and drug abuse, addiction problems | Active in co-operation with the community, gladly accepts help | No problems | Recognises problems but cannot solve them | Rejects problems, does not solve them, does not accept help |
| Readiness of the child to solve problems, attitude | Active in co-operation with the community, gladly accepts help | No problems | Recognises problems but cannot solve them | Rejects problems, does not solve them, does not accept help |

RWG participant, who assesses the particular child, makes notes in this table recording the situation for every area of needs. When the records are made, first of all, the analysis is done on the problems which need immediate intervention (a), and which problems are closely related to each other (b). Based on this analysis, an intervention plan can be made serving as a starting point for choosing the necessary activities for the child from the Catalogue or other resources available for RWG or the local government. The next step includes the elaboration of an action plan which is introduced to the child and his/her parents or their substitutors. Project practice shows that RWG have always tried to discuss the activities, applicable for the child, with the child and his/her parents. If the child lacks understanding, motivation and wish to participate, the realisation of these activities is almost impossible but forcing the child to participate does not give results, moreover it can be very harmful as it may lead to the intensification of the problems resulting in the opposite of the wanted.

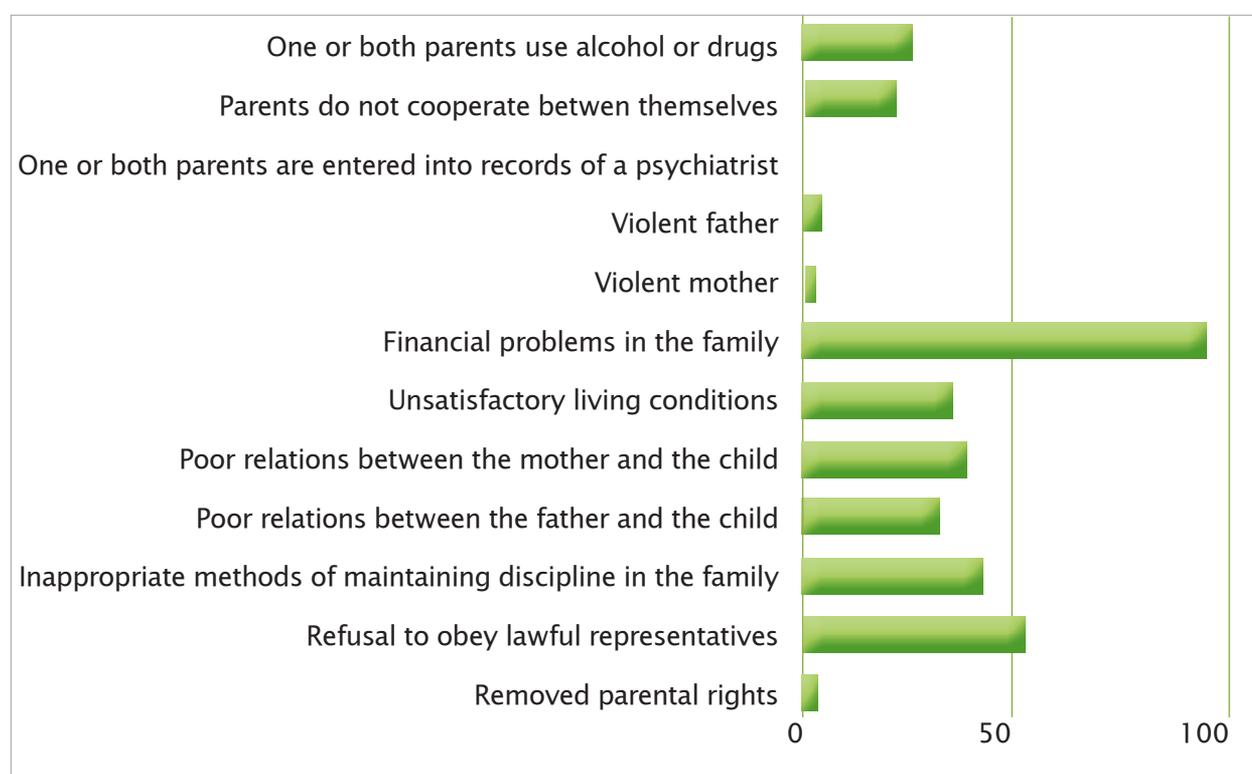
5. Information about parenting activities and conditions in the family included the list of main risk factors for identification and reaction to them: removed parental rights (parental authority and rights of care and protection); failure to obey lawful representatives; poor relations between the father and the child; poor relations between the mother and the child; unsatisfactory living conditions; financial problems in the family; violent mother; violent father; one or both parents are under supervision of the psychiatrist; parents do not cooperate between themselves; one or both parents use drugs or alcohol (parents with addiction problems).

Following the information gathered in the process, conclusions can be drawn on the main risk factors in families with children. Thus, in 88 out of 120 analysed cases families with at-risk children have financial problems, 55 children do not obey parents or lawful representatives which denotes to communication and mutual understanding problems in the families. Poor relations between the mother and the child are identified in 35 cases, but poor relations between the father and the child – in 26 cases. It is clear that the correlation between these two indicators cannot be determined taking into account only the mentioned figures because in cases when poor relations are detected between the child and the mother/father also the following facts are present – one of the parents (usually father) does not live with the family, parents have terminated their marital relationship in a way that has influenced (harmed) the child, in particular his/her relations with the mother or father. Very often there is no information about the father, therefore RWG specialists have made an entry in a number of inquiry forms that it has not been possible to identify whether the relations between the father and the child are poor, as in fact there are no relations at all. This group includes also the fact that one of the parents is dead or lives abroad on a long-term basis and practically takes no care of the child. In 35 cases the families use inappropriate methods of maintaining discipline, namely, in accordance with the comments from RNA for the particular children, the lack of restrictions for the child's behaviour or too harsh restrictions which the child cannot combine and harmonise with his/her needs and therefore refuses fulfilling thus being punished or rejected – in both cases the result is negative. In 25 cases parents do not cooperate between themselves. Analysing the practical situations with particular children, it can be observed that there is a variety of cases – for instance, the child suffers the lack of mutual contact with the mother and father or the parents compete and fight for the undivided attention of the child thus making the situation that in case of good relationship between the child and the mother/father, the other parent is “unwanted”. The analysis of the practice showed that almost in every situation when one or both parents had alcohol or drug dependence, also the lack of cooperation between parents was identified in the process of child upbringing.

In 34 cases unsatisfactory living conditions were identified. Analysing RNA for the children regarding three indicators – unsatisfactory living conditions (a), low achievements at school (academic failure) (b) and frequent truancy (c), it can be concluded that the children with unsatisfactory living conditions mostly do not attend school and subsequently have low achievements. Besides, analysing this result in correlation with “Other factors describing the child”¹⁰⁰, the children, who have unsatisfactory living conditions, who play truant and fail to achieve at school, have also low self-esteem and low social skills. Looking at the mentioned facts in relation with the Risk levels, these are the children who have high level of risks for committing an administrative violation and low level of risks for committing a criminal offence.

Chart No 20

Family conditions and upbringing



6. Information about the education and employment of the child included the facts about the child’s behaviour in the class, relationships with teachers and peers, behaviour at school in general, fact of violent behaviour against others, achievement rate, missed classes.

Out of 120 assessed cases, 52 had low achievements at school, 48 children had disturbed work for teachers and classmates during lessons, in 43 cases problems with peers were identified, 32 destructive behaviour situations at school. 29 cases of frequent truancy have been recognised and the same amount – 29 – cases when problems with teachers are mentioned. 13 situations show violent behaviour against other people. Only four examples are given where children nei-

¹⁰⁰ Author’s note: Other factors – field in the risk assessment part of RNA for a child where various attitudes, achievements, problems, social skills etc. are identified.

ther work, nor learn. This information corresponds to the data from Judicial information system¹⁰¹ about the Number of convicted juveniles (according to sections of laws), which shows that out of 648 convicted juveniles (in 2011) only 143 neither worked, nor learned – the situation was similar in 2010 and shows the same tendency this year, in the first 6 months of 2012. Thus, there is a reason to conclude that the children have a social connection with a school or work place, although the potential of social inclusion at school is not exploited sufficiently in order to change child and youth behaviour.

7. Assessment of personal characteristics of the child is made by the analysis of personality traits and attitudes, behaviour and opinions of the child. Within the framework of RNA the following features were assessed: over-evaluated self-confidence (for instance, when the child is arrogant, evaluates himself/herself too high, acts inadequately); physical aggression (for instance, acts in a way that physically hurts others); inadequate demands (for instance, caprices and various vagaries, child is rigorous against others but not himself/herself); outbursts of anger (cannot control oneself if something is not as he/she wants, disability to communicate in a peaceful manner); inability to concentrate for long; low tolerance for disappointment (for instance, too sensitive for tiny failures, later torturing himself/herself by sense of guilt which is inadequate to the situation); verbal aggression, impudence (acts rudely, uses slang and jargon, does not feel boundaries in communication with others, insults others with no reason); antisocial/criminal attitude (both by words and actions denies the order and rules in the community, violates legal norms); refusal to accept help (for instance, groundless and impertinent arrogance); active rejection of support (for instance, refusal to admit his/her mistakes, to trust in people); cruelty (lack of empathy, in individual level and in general, inability to feel emotions and physical suffering of other persons); over-estimated sense of guilt (inferiority complex, low self-confidence).

Personal traits are always difficult to assess because the assessment is usually based on the system of values and personal attitude of the evaluator, moreover, in order to identify one or another trait of the character or personality of the child, a particular period of time has to pass or the situation has to appear where the person can show these traits. For the majority of the children involved in the project the disability to concentrate for longer activities, over-evaluated self-esteem and low tolerance for disappointment were identified, as well as verbal aggression and impudence/shamelessness.

8. The part “Other factors” includes the identification of various attitudes, achievements, problems and social skills of the child. There are no strict guidelines – traits and qualities that are important but stay outside the traditional assessment of the family, school and social life are added here.

Other factors for the characteristics of the child are: health problems (not only physical incapacity of the child but also frequent illnesses or child’s thought that he/she has some illness or several illnesses); physical weakness (cases when the child feels physically weak, unprotected – also

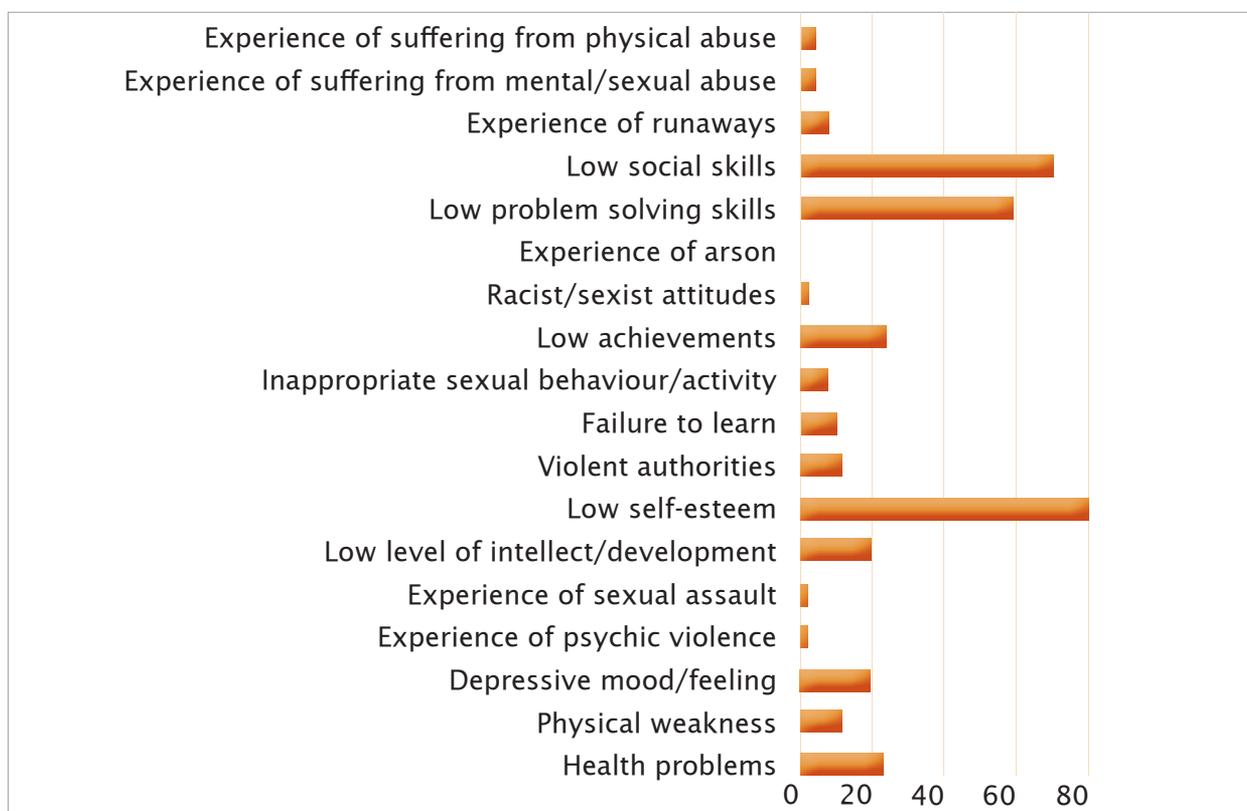
¹⁰¹ Judicial information system, Convicted juveniles in 2011 according to the sections of laws, the last update of the data: 29 May 2012 at 07:08:53, available at: https://tis.ta.gov.lv/tisreal?Form=TIS_STAT_O&SessionId=5E330A7B47425737F07D2FAF880FC7D1 (in Latvian)

if there is no visible reason for such assumption or self-perception); depressive feelings (for instance, suicidal tendencies or cases when the child has caused physical harm to himself/herself); experience of mental violence (all types emotional violence – both from family members and persons that are unknown for the child, including at school); experience of sexual assault (not only physical acts or rape, attempted rape but also non-physical (mental) sexual assault – cases when the child has witnessed such situations without ability to recognise them); low level of development or intellect (cases when the child cannot understand things and matters which are usually understood by children of that age); inappropriate sexual behaviour/activity (in this case the term “inappropriate” is used assuming that each child has a distinct behaviour of a sexual nature appropriate for his/her age. In this context, neither too active, nor too passive behaviour is considered appropriate, as well as denial of one’s sexuality); low achievements (achievements or the lack of achievements are usually assessed both by the child and the community); racist or sexist attitudes (labelling people and denying them due to their race, nationality, skin colour or gender); experience of arson (identifies the child’s tendency to set fires); low problem solving skills (situation when the child fails to solve simple things in his/her life, appropriate to his/her age); low social skills (inability to get on with other people, organise his/her life, do activities and make arrangements appropriate to his/her age, for instance, arrange a consultation with the teacher, to enrol in the outdoor education activity, arrange clothing); low self-esteem (cannot see and appreciate various things which he/she has done and which are around him/her, compares himself/herself with others on an on-going basis, feels dissatisfied with himself/herself); violent authorities (usually these are friends or acquaintances of the child, occasionally – parents, other members of the family); disability to learn (situation when the child is eager to learn and achieve but he/she fails, instead of the case when he/she cannot due to health problems or other reasons); experience of runaways (for instance, the child runs away from home, school, other places, usually without giving a notice to anyone about his/her absence); experience of suffering from physical or sexual abuse (in this case, these are consequences of a particular activity); experience of suffering from physical violence (the child has already suffered – possibly, at school, in the family or otherwise).

Out of 120 files of the children and youth, 66 contained the record about low self-esteem for the young people, in 58 cases – low social skills, in 52 cases – low problem solving skills. 23 children had low achievements at school, 22 – health problems, 16 children had problems with depressive mood, 10 had violent authorities, 9 failed to learn and achieve, 8 children felt physically weak. Inappropriate sexual behaviour was identified for 6 children; the same amount – 6 – had experience with running away. 3 children had suffered physical abuse and 1 child’s case reported sexual abuse in the past. 1 child had experienced mental abuse and 1 child had expressed racist and sexist attitudes towards other people. In general, the majority of the children with low self-esteem had also two other traits connected with it – low social and problem solving skills. Those children who had low achievements at school mostly had depressive feelings, whereas those who had inappropriate sexual behaviour for their age had experiences of running away. None of the children had tendency to set fires (arson). Only eight children who demonstrated physical weakness had also health problems, this fact allows concluding that the weakness is rather of a psychological nature.

Chart No 21

Other negative factors in the life of the child



9. At the end of each inquiry form, the specialist, RWG member, could add his/her comments on the particular child after the child had completed his participation in the project.

Taking into account that part of the questions in the inquiry form are related to the legal status of the child (Part 1) and only several RWG participants have legal education, explanatory information about several specific questions related to prevention of the violation of the rights of the child was given at the end of the form, including explanations about the main legal acts relating to the child, information about the age of liability for the child according to several legal norms of the Republic of Latvia, several terms of criminal justice, definitions and descriptions of efforts and measures.

After the project, in the survey for RWG participants, it was found out that using RNA for a child has helped them a lot – in fact, it has showed how to work with the child, which problems to solve first, and helped to see the general situation of the child. As the RWG work and RNA results show, this approach has solved many issues. There is no doubt that a number of children had permanent and complicated social problems and it was not possible to solve them in the period of time, given by the project to each regional group – the time was limited. Initially it was planned to involve only those children who had medium or low risks, but the reality made corrections – it was impossible not to involve those children who had their lives changing rapidly to the negative side in front of the eyes of regional specialists. As the result, RWG decided about involving children from higher risk groups in the project, meanwhile understanding that the help would be only partial. Although the decisions were of great responsibility and often – very hard, in a

lot of cases such decisions proved true – giving as if a little help to the children, it was accepted as support and recognition, self-esteem in children increased and they started to make attempts obtaining a new beginning for their future lives.

Some examples why the project was needed:

The first:

A boy, 11 years old, entered into records of the State police, has committed minor thefts from shops. In the conversation with the boy and his mother, a feeling appears that the boy lacks attention from his mother and time spent together. Talking about him, the boy uses phrases borrowed from his mom. The boy being present, his mother criticises boy's behaviour, attitude, laying all the guilt groundlessly on the boy, telling that she wants to send the boy to the boarding school because she cannot deal with him; when describing her child, the mother uses such expression as insensible egoist, at the same time mentioning that the boy is ready to give his last piece of sweets to his friends in the yard.

Medium risk for committing a criminal offence, low risk for committing an administrative offence and medium risk of failure to obey the rules of discipline are identified for the boy. The family shows very unstable and unconstructive model of relationships – immediate intervention is needed. It is identified that the boy is not controlled/supervised sufficiently by the parents, that the place of residence denotes to temporary instability, though there are no problems with education – the boy attends school; he has several friends and acquaintances who influence him in a negative way; leisure activities limit boy's personal growth and development; behaviour of the child is assessed as unstable with temporary difficulties of functionality; no problems with alcohol or drugs are recognised; the boy is open and sincere with others, cooperates and gladly accepts help. However he does not obey lawful representatives, the family has inappropriate methods of maintaining discipline, relations with the mother are poor and financial problems exist. The child cannot concentrate for longer periods of time and has increased sense of guilt.

In the project, the Orphan's court, Education Board and social service participated to change the boy's life. Within the eight months set by the project the boy's mother left for work abroad, the father and grandmother refused to take the responsibility over the boy. The boy faced deep emotional experience and it was realised that no improvements could be expected in this situation using support system instruments of the project. Boy's situation, however, was improved involving professionals from RWG etc.

The second:

At the beginning of the project the boy is 15 years old, has been administratively punished, entered into records of the State police. The boy has been in the field of vision of law enforcement institutions already for a while because of committing a theft some time ago. Despite that, rather low level of risks is identified for a possibility to commit a criminal offence and administrative violation, but the risk of failure to obey the rules of discipline is medium. The boy has occasional unstable relationships in the family and inadequate supervision. As a need of high priority the

fact is identified that there is no constant place of living and that living conditions influence the boy in a markedly negative way. It is pointed out that the current recreational activities make treats for further social integration of the boy and he has some friends or acquaintances that have negative influence over the boy. Leisure activities limit positive development of his personality; his behaviour and emotional instability create temporary difficulties in personal functioning. There have been several problematic situations related to alcohol and substance abuse. The boy recognises his problems but cannot solve them in a proper way. Boy's mother has been removed of the rights of care but the boy does not obey lawful representatives, relationship with the mother is poor, financial problems exist. The youngster cannot concentrate his attention for a longer period of time, tolerance for disappointment is low, as well as self-esteem and social skills, the sense of guilt is increased, there are difficulties in solving problems related to other people.

According to the assessment by RWG member, the social situation of the boy was very complicated. During the project, his legal representative and guardian – boy's sister left to live abroad and did not return although she had promised to take the boy with her after settling in the foreign country. The boy waited for his sister but in vain. It was surprising, how realistic the adolescent was. When the discussion was about working in the summer, the boy asked if he could agree with his employer to come to work at nine in the morning, not at eight as the other children. Initially we thought that he is a real sleepyhead but he answered very sincerely and honestly that he is not able to wake up so early if no one wakes him up. The boy was forced to take responsibility over him but there were not even an alarm clock or a telephone at home.

It is a very big step to recognize one's abilities and weaknesses. The project served as a very good supportive system for the boy; he was surprisingly punctual, could organise himself extremely well and live independently. During the project the boy was placed in the children care centre (orphanage) but, despite that, the boy continued attending particular project activities finding the way how to get to them.

The third:

A girl, a teenager, entered into records of the State police, has been administratively punished and applied compulsory measures of a correctional nature which are not related to the placement in a social correction educational institution. Cases of hooliganism, damage to property of another person and substance abuse are identified. The first contact with law enforcement institutions was at the age of 12 years. The girl was raised by the father, parents are divorced. The father wanted to raise his children himself and the mother declared that she had no power to fight for children; the girl tramped. She has a specific perception of life, uncharacteristic for her age, and does not obey adults. Risk assessment showed high risks for committing both criminal offences and administrative violations, as well as refusing to obey the rules of discipline. Relationships in the family are occasionally unstable and inconsistent, supervision is inadequate, temporary traits of instability observed; girl's education indicate to threats to her social integration, there are several friends and acquaintances who affect her in a negative way. Recreational activities limit her positive personal development. It is determined that an immediate intervention is needed in order to facilitate positive growth in emotional stability and personal development as her behaviour and emotional instability is a significant obstacle for daily functioning. Several

cases with substance abuse are identified. The girl does not obey lawful representatives and has poor relations with both parents, who do not cooperate between themselves. The adolescent often misses classes at school, her achievements are very low. Frequent outbursts of anger are observed, as well as low tolerance for disappointment; in communication she is verbally aggressive and impudent. Level of development and self-esteem are low, as well as problem solving and social skills. Cases of runaways exist and sexual behaviour, inappropriate for her age.

RWG specialist admits in the assessment form that the girl is one of the most difficult cases in the whole project. The girl was involved in a court proceeding and was applied behavioural restrictions. RWG specialist points out that, taking into account the activities of the project and the fact that he, fulfilling his duties of work outside the project, has represented the girl at the court, he has asked to impose the duty for the girl to participate in the project and the court applied the duty to participate in the project in accordance with the Law "On Application of Compulsory Measures of a Correctional Nature to Children", Section 10.1, Part 3, Paragraph 5.

Although there were difficulties with her attendance of project activities, the sense of connection to something was important, as well as the feeling of responsibility and support which is given and which is not a punishment. It was crucially significant. Much attention had to be turned to this adolescent because she had relationship crisis with her boyfriend and an unsuccessful pregnancy. RWG specialist denotes that "thinking about a girl like her, to my mind, similar projects should attract and involve specialists in the support system in order to ensure individual activities. The girl is all right at the moment," the specialist comments, "and even thinks about earning a living in a legal way to become more independent. Still there is frequent truancy, despite good intentions and decisions. It is a great benefit that she has quitted relationships with youth who had tendency to commit criminal offences – now she has friends with no criminal records in their past, she shows eagerness to cooperate".

4.2.4. Evaluations and suggestions by project specialists for the organisation of juvenile delinquency prevention activities

The best way of expressing one's opinion in order to persuade others about the benefits of any practice is to provide practical examples. For that, 12 in-depth interviews were organised at the end of the project (see Methodology of monitoring, Appendix No. 1) with specialists – practitioners of regional work groups from Saldus, Madona and Cēsis. Representatives of various professions took part in these interviews¹⁰², who work with children and their families on daily basis in the field of prevention and protection of rights, among them – social work specialists from local government institutions, psychologists, specialists from outdoor education institutions and organizations, State Probation Service, Orphan's court, Education Board, the State and municipal police, as well as other practitioners. Each in-depth interview was planned to last for two hours, the conversation was recorded in written and audio form. The task of these interviews, following the RWG general survey, was to get more comments from RWG most active participants about particular issues. Some questions were clarifying – asked to specify things, while others – cognitive – to find out more details¹⁰³.

¹⁰² Author's note: answers to the in-depth interview questions are available since the publishing of this research, but the author has a confidentiality agreement with the respondents. Therefore the names of the specialists will not be made public.

¹⁰³ Author's note: Clarifying questions were particular questions, taken from general RWG questionnaire, specified and asked repeatedly in order to clarify details for the submitted answers; Cognitive or informative questions were formulated anew in order to find out the experience and opinion of the most active RWG participants, including tiny details of problems in the project.

Following the opinion expressed by the specialists that work groups are needed in regions to coordinate juvenile delinquency prevention activities, each specialist had to answer the question, which specialists available in the territory of the local government would he/she choose to include in RWG. Most of the respondents, considered that as the first and the most needed is the social work specialist from the local government; as the second – social pedagogue, psychologist, the State and municipal police inspectors; as the third most important the specialist of Orphan's court was mentioned; the fourth – the specialist from children and youth centre, outdoor educational institution/organisation; the fifth – State Probation Service officer, the sixth – prosecutor and company owners, judges and seniors. RWG specialists admitted that such work group should include also pre-school educators, narcologists and psychiatrists, local government deputies and parents from school boards. The specialists mentioned in the survey that the work group should not be big in size, but the system should be made that there are constant members of RWG and invited specialists. The latter could preferably include also, for instance, pedagogues – class teachers, representatives of local NGOs, psychologists, prosecutors and judges.

Most of the respondents from RWG admitted that preventive work with the children of risk groups in the territory of their local government has been moderate, in an average level so far. Specialists explained that mainly they lacked work coordination and a common understanding about the necessary efforts, content and form of the work. The resources had not been identified therefore there was no resource management. Due to that, there was no time for the performance of several functions.

- Resource management for preventive work is not coordinated therefore situations appear when there is no time to do all the necessary work. There is a lack of common understanding about the content of the efforts – therefore personal relationships and various subjective reasons are of great importance, **everyone sets personal criteria for quality but no common guidelines exist.**
- Talking to the institutions and inviting them to participate in the project, in many cases there was lack of understanding and responsiveness. Social work specialist has not contacted us during the project, and I have not seen or felt his contribution. In words we have support, but not in works. Social work specialist has visited RWG a couple of times, without any contacts with the parents of the children. In our region social work specialist has not attended Children and youth centre for about four years. **We have to strengthen the cooperation with social work specialists, the division and control of duties is needed.**
- I think preventive work in our region is well organised. Schools did not give the highest evaluation mark because the school management safeguards their reputation in a very strange way – avoiding, concealing, but not solving the problems. Teachers fell overloaded with work and therefore fear to take extra responsibility, including participation in prevention efforts. **I suggest the school to learn how to solve problems, not reject them – it is impossible to have a good reputation together with a collection of problems.**
- Preventive work, at best, can be evaluated as moderate. The main problem is that we are stuck in a routine, we work only with already existing experience and methods, we do not

even take a look at the possibilities of development, do not try anything new. **We should fear less but tend to something new, search for new methods, for instance, like those we had in the project.**

- I think preventive work in our region is poorly organised. Time after time I had a feeling that what is done by the police is everything what I done at all. We fulfil our part of prevention – every spring and autumn we go to schools, we tell senior students about the responsibility, junior students about the safety, but now I know that it is not all what prevention is. Before the project I did not have a real concept about prevention in general, I knew only what I do; now my understanding has changed. **However, there are still lots of people who need to know more about prevention.**

Launching the project, previous experiences of the regions differed; in one of the regions practitioners who work in the field of prevention of the violation of children's rights already realised a cooperation model of the same kind. Despite that, they admitted that during the project the work of RWG was improved and additional resources attracted for the work with children. They admit that one thing is the organisation of regular meetings for specialists, but there have to be resources to ensure the work with particular children and the implementation of the efforts which are discussed and accepted in these meetings. Social service, who wants to work and really does its work decently, needs to spend a lot of resources for filling in formalities set out by law thus taking these resources and time away from real work with children. **It should not be so that the "maintenance" of the system takes the resources, including time, away from the main function – prevention of the violation of the rights of the child.** It is important to have properly set priorities. Some specialists have evaluated the system as poorly developed, explaining that it is based only on enthusiasm – if anybody takes the responsibility to organise the work, the results appear, but as soon as the enthusiast leaves the particular local community, the prevention work stops. "Lack of centralised and organised coordination is the reason why a sustainable system of prevention cannot develop in rural regions of Latvia", a specialist admits.

In the conference, as well as in the consultations with colleagues and other discussions an opinion has been expressed for several times that preventive work should be started at a much earlier age of the child than considered until now. The only difference is the method of work – measures, time and type etc. If the child feels happy in the end, he/she is supported, appreciated and understands what happens around him/her and recognises his/her place, responsibilities towards others and their responsibilities towards him/her, the boundaries get set automatically and no external intervention will be needed. Therefore RWG specialists were asked, **what should a normal daily routine of a child and adolescent contain to ensure wholesome development and avoid being in risk groups.**

The respondents mentioned the most important components, according to their opinions:

1. **Children from 3 to 4 years** of age need unconditional parental love and participation the most, which is in harmony with duties and responsibility, proper for the particular age group, physical and developmental activities with the child-carer/baby-sitter or at pre-school educational institution; there has to be a contact with the child – common rituals that repeat

thus making the sense of safety for the child: waking up, common meals, bed time; the child needs his/her place of living, “personal space”, under his/her own responsibility, where parents do not intrude much – thus teaching respect towards the child himself/herself and others around him/her, boundaries about the permitted actions, as well as duties and rights.

2. **Children from 5 to 6 years of age** usually need all the communication forms mentioned for the previous age group. However, at this age it is very important to follow the development of child’s relations with peers; safe and supporting environment at home is needed where it is possible to discuss daily events with the members of family thus creating trust and confidence. At this age the child needs to understand that his/her interests are taken into account and adults and other children await the same from him/her. Boundaries in relationships with other people, set (or not) at this age, affects the child’s behaviour in his/her life.
3. **Children from 7 to 10 years of age** face the most responsible work in their life so far – going to school. This aspect in the life of the child needs to be carefully discussed, giving the sense of safety about the events around the child. A thorough evaluation must be done for the inclusion of the child into the class – group of peers which usually differs from the group he/she has used to at pre-school. The child needs to be given chances to act independently, keeping boundaries and control, dividing responsibilities – what are the duties of the child, the mother and the father and other members of the family. Parents should not disregard the possibilities offered by the system of education – pro-longed school day and outdoor education activities taking place in the school premises. Negative result can be achieved if the child is overloaded with duties; he/she needs time for himself/herself, it has to be controlled. One of the significant aspects in the development of cognitive and reasoning skills is progress in reading literacy. The child obtains not only better text-reading skills or better evaluation at school, which is important, by no means, but also, resources for information and free time. Taking into account the amount of challenges at this age, all communication forms mentioned for the previous age groups among family members are crucially important on a daily basis.
4. **For adolescents from 11 to 14 years of age** all the above mentioned is supplemented by the need of personal freedom, at the same time keeping safe and understandable boundaries. Parents have to be informed where and when the child goes and about his/her friends. If the boundaries get tested (and most probably they will because it is the way how the child grows up at this age), the understanding and sense must be developed in the child that it is not the child who is bad but his/her particular action – it is the way how to teach the understanding that it is human to make mistakes. All the made decisions must be explained. Time with parents is very important; the child evaluates various skills and activities that the parents have done as an adolescent. Another important issue is the health. Regular, considerate and relevant discussions are needed about the processes with the child’s organism and its physiological changes. If the child will understand himself/herself, he/she will be more confident, feel safer and calmer, and become more good-natured. At this age, the conditions must be set where the child can earn the first pocket money, learn to spend it, plan his/her expenditures and acquire knowledge/concept about various professions. A number of respondents of the survey mentioned that it is the exact age when it is important to have the

possibility to do school homework at school under the supervision of a teacher – so called extended or pro-longed school day group. That would solve the problems with discipline, early addictions and unwanted experience, instead stimulating the connection with school and useful spending of free time, raising academic achievements and reducing social exclusion risks. There is no doubt that also at this age children need mutual relationships and understanding with their parents.

5. **For youth from 15 to 18 years of age** the main priority is mutual relationships in the family. The intensity of these relationships is the factor that makes the young person respect the boundaries, recognise his/her abilities and take responsible decisions – it is his/her main task at this age. Personal freedom is very important not only in its physical meaning but also in decision making and realisation of the consequences of these decisions, therefore parental control should be inconspicuous, without confrontations. This approach is easy to apply if there are common duties and the parents are supporting instead of rejecting and criticising. This particular age group needs such tasks and duties that teach responsibility towards the family – “your family supports you and you feel it, your support is important to us (family) as well”. At the age of 15-18, interests which are related to the future career, chosen occupation are important; that ensures stability and prevents disappointment about the choice of professional development. The young person needs appreciation also from the society, not only from the family – it is important that the family acknowledge the appreciation that the young person receives from society. It is important both for the child and the parents to accept child’s failures, learn to recognise and respect oneself. All over it, there are parental care, genuine cordiality, attention, trust and love.

It is hard to imagine that anyone could formulate the needs of children and youth better than the people who work in practice with such children who have never had many of the above mentioned things. It must be taken into account that **the failure to fulfil these and many other needs important for the development of the child create behavioural risks which lead to juvenile delinquency**. As it can be seen, all the needs can be fulfilled only by adults with their decisions and acts. The child cannot be born without a participation of adults, and he/she cannot grow up without one, either. It means that adults are completely responsible for the personalities the children turn to be. **Not a single child is born as a criminal. If the child has become one – look for an adult, someone has made mistakes. Averting these mistakes and reducing consequences of these mistakes for the child and society – this is the main task of juvenile justice prevention**. It does not mean that now we turn our rigour away from children and start punishing adults in order to solve the problem. We cannot pay and get rid of juvenile delinquency but we can prevent it by well-planned and responsible everyday activities.

During the implementation process of the project RWG participants gained various experiences which they see and evaluate differently. The evaluation depends on the previous professional experience, knowledge and concepts. In order to realise the achievements of the project as well as obstructive factors, **RWG participants were asked to identify things that made them feel glad and things that obstructed**. Analysing the results of in-depth survey, it can be observed that the specialists have given two-level answers: about the direct project activities or organizational issues (a) and about the perspectives of the system of juvenile prevention in Latvia in general (b).

Many specialists admitted that they feel glad about the youth whose life conditions have improved due to the project activities and common efforts, a number of painful problems have been solved, children have learnt to recognise also tiny achievements and feel glad about new relationships. RWG members admitted that it is very important that the specialists from regions have noticed – their examples from practical life can be used to promote ideas for the process of creating and implementing legal acts and new policy initiatives – meaning the question about parental liability in the process of child upbringing and the development of the draft conception of Preventive compulsory measures. “I would like to believe that this project helped in creating the draft conception – if it is so, it can be considered as the major benefit of the project”, says one of the specialists. Several respondents admitted that a significant step is made in the process of developing the cooperation model, as the representatives from various institutions had the possibility to meet each other and make personal contacts thus stimulating mutual understanding. It had not happened for years because each specialist was performing his/her functions separately, there was no need for an organised and unifying work with a common objective. Most of the respondents admitted that the communication among RWG specialists and children, who participated in the activities, increased, besides, several specialists mentioned that they changed their opinion about particular children – in reality they appeared to be much better than it seemed before. In the project, communication improved not only among those institutions which are usually involved in preventive work with the children from risk groups, but also among those which were needed but usually found an excuse not to participate. “Finally, we explained and made doctors understand the situation and consequences of issuing notes with no serious reason covering missed classes as if due to health problems. We made an impulse to encourage schools to talk about the addictions of their students, not to hide them,” depicts a specialist.

Factors to be glad about:

- *We managed to address practitioners who are people of another specific character, gave them possibility to see what the children are like here, and delivered the message about the developing new society. We made good relationships with young people with leader traits who became our supportive force, even encouraged the younger participants and kept an eye on them. Barriers among specialists got destroyed and communication improved.*
- *Project activities managed to involve such children who had never showed any interest!*
- *We got to know each other better as specialists, got to know each other's knowledge and interests, willingness and ability to help. The decision to continue work is important too – we will not forget or leave the children alone, we will keep an eye on them.*
- *I was glad about the possibilities the project offered to children. For instance, hockey in Riga! Many of the children from our region had never been in Riga before – they were so happy to go there! This let us compare the difference in available things for children in cities and rural areas. People who live in cities cannot even imagine how limited the possibilities are here in the country – children do not have access to outdoor education activities, art or music classes. The “starting positions” are so essentially different!*

Obstructive factors:

- *Society – it is not ready to support or understand crime prevention. Public opinion is that if the child has done something illegal, he is guilty and must be punished, not supported or*

helped. Here, an example from life – we ordered food for children in a shop, told about the reasons why we buy it – the shop assistant said that she would have spitted in the food if she had known that it is for young criminals!

- *Cooperation with the Orphan's Court – almost like against the wall. Other institutions were interested in working for the matter. But, for instance, when we told the Orphan's Court that the child goes to rack and ruin and offered our solution they called us naive! So is the situation – if we do not agree that the only measure is removal of the child from the family and placing in a foster family just because the law sets so, there is no cooperation, even if it is obvious that it would help with psychologist's consultations to release the child from this nightmare!*
- *In fact, we could not ask any responsibility from the parents of the children in the project. The child was the only person responsible about his/her participation in the activities. It is possible that this was the reason why only ¼ from the first group completed all the planned project activities, other children changed during the period of 8 months.*
- *Project administrative part was very bureaucratic – too much paperwork.*
- *The project is too short, it should have been at least 4 years long so that the juvenile grows up and changes during its course. If the children knew that next year they would have possibility to participate, the motivation would be totally different, therefore it is important to continue the work by the local government.*
- *The project will end soon but young people have used to Fridays when they can come and be busy with useful activities. What will be next? We will have the day care centre, of course, but the children got used to “free of charge entertainment” and activities, to people around them – policemen, specialists from the Orphan's court and Social service – they are available now, at least for a talk. If it stops, the reaction can be just the opposite.*

A number of RWG specialists have mentioned that there are difficulties in cooperation with schools because they refuse to admit behavioural problems in their students. It is in a way 'phenomenal' situation – teachers suffer from children disturbing work at school and in a class, disobeying teachers, acting against them, however, when activities and solutions are offered do not accept them because the presence of such juvenile justice prevention project at school would cause damage to the reputation of the educational institution. Many specialists from the project mentioned that schools and other organisations refrain from participating in the project because its title says “juvenile delinquency” (“juvenile offenders”). It is possible that the project elaboration team should have taken into account this aspect and the negative load of the terms, however this situation shows the low level of maturity of Latvian society. Individuals cannot admit their problems and therefore cannot dispose of them. Almost every respondent pointed out that there are no tools that would force the parents to cooperate with RWG if the parents do not understand the value of the cooperation themselves. It is already mentioned that there is a need for support and training activities for the parents of the children, but similar change in attitudes is needed also for school managements.

It can be concluded from the in-depth survey that there were no 'occasional participants' in the project – every participant is deeply motivated which is proved also by **specialists' conclusions** on RWG work. Many respondents admit that practical activities are always related to greater challenges, however, this is the right approach to show results to society, often substituting

years-long theoretical discussions on the topic. “It was a personal discovery – I knew that I can help children, I have been educated in this field but now I can say it was a challenge,” a regional specialist shares his experience.

Specialists admit that RWG was a very important form of cooperation because support, intellectual resources and team work were needed all the time; also support from the local government is essential, in particular when the project will end. “If the local government will not delegate a person responsible for the future of RWG, nothing else will happen, substructures are needed in parishes as well to reach children who live there. Within the region a prevention network must be established, maybe in big regions the central RWG should be made of the specialists from parishes and then smaller work groups could work in the parishes deciding on efforts for particular children of their neighbourhood,” considers a RWG member. Specialists admit that people who would work with the children from risk groups in rural municipalities definitely need good skills and knowledge in pedagogics: “[..] it has to be an educated person, for instance, in the field of social work who does not work simultaneously as a teacher.” Project specialists from other places have already started activities to ensure sustainability of RWG, for instance, by submitting suggestions to their local government about the establishment of a Sub-commission for child matters in accordance with Section 210, Part 4, of LAVC. At the moment, it is one of the available methods for the development of inter-institutional cooperation in the field of child and youth delinquency prevention, in addition giving decision-making power, although small but set out in the law, and, furthermore, also legitimacy of these decisions. RWG participants admit that the project has increased also confidence in one’s own power: “I do not concentrate so much on possible help from others but go and try to solve the case by myself – and succeed!”

- *... it must be taken into account that the same type of activities, as they were in the project, are needed for many more children. For instance, there were 10 children in the project from one parish although the reality showed that all the children from that rural municipality corresponded with the criteria of the project target group!*
- *It is very important not to show the children what he/she does in a wrong way but what he/she can do.*
- *I felt how the state officials in charge changed their attitude towards the work with juveniles. For instance, I noticed that Cēsis juvenile prison has changed their attitude towards the youth.*
- *...preventive efforts, informal approaches – all these are very important for young people. Meetings and development of programmes, all the efforts at the social service – we have managed to present it as a possibility to change and correct something in life, not as a punishment. For instance, during one of the sessions, a psychotherapist asked the young people: “Why are you here?” The specialist thought that they would start talking about their violations of law, truancy, however – the only reason mentioned was the invitation to come, and they came because it was interesting. The psychotherapist asked who had such power to make them come by their own will and received the answer – well, she (specialist from the social service – author’s note) said it would be interesting here, so we came.*
- *Juveniles are spiteful, loathsome, misbehaving and sometimes dumb – it is much more difficult with them than with adults. We understand that they need help but during all this fight we must manage to reveal juvenile crime and offences in order not to create the sense of*

impunity for them. Therefore it is complicated. For instance, I personally often feel lack of knowledge how to work with juveniles.

The majority of the participants of the survey agreed that successful prevention efforts do not mean a simple cooperation among institutions where each of them understands both the common goal and its individual mission. The same requirements have to be set for the clients – strict boundaries and responsibilities not only for the child but also for the parents. Only if the responsibility is clearly defined, the support is meaningful. For instance, **RWG is responsible for the development of the programme**, denoting what is to be done by the child and by the parents. It is the part of responsibility for RWG, **but the control over the child fulfilling his/her duties set by RWG is the part of responsibility for the parents and the child. It means that the responsibility must be held by both parties, otherwise the cooperation, which is the main component of prevention, is impossible.**

Taking into account this experience in the project, RWG specialists have drawn a conclusion that if they were offered such project again, they would definitely divide the children in more precise **age groups**. It is already mentioned before that in the project planning phase in spring 2010 the team of project development did not have such information and experience as they do now, therefore it was not possible to determine what children would be in each risk group launching the project. However, despite the experience obtained in the project, even on the day of the survey RWG specialists did not have a common opinion about the optimum age of the children – some considered that, establishing preventive groups with parents involved, the first group could be gathered of children from the age of 3 together with their parents; many considered that prevention work should be started at the age of 7, but other – that the age of 5-6 years is the best for applying first prevention measures.

RWG participants admit that **the first effort to do as soon as possible** in order to ensure the process of juvenile delinquency prevention is a **wide informative campaign for society** about the benefits and advantages for the society from well organised crime prevention, including prevention of the violation of children's rights. Meanwhile, a **common Law on Prevention** must be elaborated in Latvia that would regulate all preventive mechanisms – both preventive compulsory measures for adults, and prevention of the violation of the rights of the child, including child delinquency prevention. This normative act would contain the legal framework for establishing and performance of RWG in regions and rural municipalities. While this legal enactment is being elaborated there are no obstacles for implementing developing practical efforts in local governments – establishing Sub-commission for child matters of administrative commissions (a) or establishing legal relations as set out in the State Administration Structure Law¹⁰⁴ (b).

Apart from that, RWG participants mentioned that it is important to evaluate whether the current legal norms fulfil their functions: *“Now it is so – the young person commits a violation, but the parents pay the fine – no sense at all. It could be so that the same young person, for instance, takes care of a particular site for one week – that it is not littered with paper. Now the young person comes to the meeting of the administrative commission and already knows what will be*

¹⁰⁴ State Administration Structure Law, available at: <http://www.likumi.lv/doc.php?id=63545#23015>

applied for a particular violence, for instance, a fine, he/she offers paying the fine instantly. It is not even needed to divide the amount of 50 LVL into several parts, the adolescent does not consider it to be big; so the aim of applying the fine for the young person is not met". It would be important to elaborate the regulations of the Cabinet according to Section 58 of ACMCN and their subsequent practical methodologies.

Member of RWG points out: “[..] *At the moment, if the child is not entered into records of the State police, he/she is not supervised by anyone. However, laws and legal acts should stipulate some activities to prevent reaching the stage of being entered into these records...*”

The structure of social work has to be changed, re-evaluating the functions of the social service, the service has to be given rights to make binding decisions, at the same time expanding the competence of the Orphan’s court – providing them with possibilities to make a wider range of decisions, not only of removal of parental rights, Orphan’s courts could impose the duty for parents to cooperate with social work specialists in the best interests of their child.

Specialists of children’s affairs and other specialists in RWG definitely need communication with the deputies from their local governments in order to ensure development – they have to tell about their work, persuade them about the effectiveness of particular, practically tested activities.

One of the RWG members denotes – “[..] *all institutions have to include preventive efforts in their performance plans, including those for school, the police, social services and other institutions that work with at-risk children within the implementation process of their functions. It would bring results and RWG would not have to beg any of the specialists to participate in meetings and decide about the children of our own community – it would be a duty of these specialists.*”

Specialists from Regional Work Groups conclude:

- *The structure of social work has to be changed – if the social service consists of one person, he/she must hold responsibility over children as well. Priorities of the social service do not include only wills and seniors.*
- *The person who is responsible for children’s affairs in the social service must have a close cooperation with school, besides the cooperation must be carried out day by day. At the moment, “cooperation” remind of mutual tossing of letters without any results.*
- *I am sure that providing working places for parents would change a lot. It is also a part of child and youth delinquency prevention!*
- *Competences and functions of Orphan’s courts should be expanded, so that they can do more than just remove or leave the rights of care for the child for parents. Also the competences of the Social service should be expanded – it is necessary to give more power to Orphan’s courts and Social service.*

During the implementation of the project, members of RWG have obtained versatile knowledge and information, including about various types and approaches how state institutions plan preventive work in future – discussions have been made together with RWG specialists about the “Conception on Compulsory Preventive Measures”, elaborated by the Ministry of Justice of Latvia.

Taking that into account, specialists from regions were able to compare how different issues relating to prevention are organised in practice, using current legal framework and personal initiatives of specialists in implementing innovations, and to evaluate how and how successfully the solutions provided by policy documents could be implemented. At the moment, there is no doubt that the regulations on prevention must be improved, however, before the development and improvements a clear vision is needed on the organization, forms and components of prevention process. One of the issues discussed in relation with the implementation of ICM in regions was the institution which could and should coordinate preventive work in the future. Taking into account that all RWG specialists agree that preventive work can be efficient only if it is well-coordinated in the local level, in the place of residence of the participants of preventive work, the specialists were asked about the possible leading institution in our country for the organisation of juvenile prevention. Most of the respondents answered that the preventive work should be performed by the social service in the local governments. Practitioners from regions separated main tasks for the state and local government indicating that the individual preventive work cannot, and should not, be coordinated by the resources of any state administration institution in a local level, as the work organisation of each state administration institution is centralised, whereas prevention should be based on decentralisation and work coordination which is located closer to the place of residence of the involved people. Several institutions were mentioned as possible leading institutions, including the Orphan's court, school and the State Inspectorate for Protection of Children's Rights.

Comments from specialists of Regional work groups on the leading institution in the field of prevention:

- *Some time ago it was a function of the State police; I think it can be returned to it again. Of course, all the institutions have to make efforts but the State police have some kind of significance – “weight” for these issues.*
- *The police see only the child and his/her violation, not the conditions and the reasons why the violence is committed therefore it cannot influence the reasons and carry out preventive work. The mission of the police is to carry out prevention by informative campaigns to the community, including children, about the responsibility and safety in society and by averting already committed crime and supporting the social service with its “weight”.*
- *Social service specialists making home visitations see the whole family – mother, father, and child. Specialists are like family members. A new division could be made for the Social service with social work specialists who are informed about the families. For the support to these specialists a constant work group should be established consisting of various specialists – from the police (State and municipal), Orphan's court, other divisions of the social service, teachers.*
- *School – the child is in the field of vision of teachers already from his/her early age, besides, the “naughty” boy from Year 1 is not yet known as “naughty” outside the school premises. It would be useful to invite a psychologist time after time to participate in classes and evaluate climate in the class on a regular basis.*
- *The social service – the task of school is teaching, it cannot take responsibility over upbringing. The work must be done with the family. Social work specialists have relevant education, functions and particular rights. Regarding the legislation – there is already a framework*

stipulating particular functions for each institution. The police, for instance, will not manage to do all this, they have the punitive function, not preventive.

- *Section 58 of PRCL stipulates that is the local government. In such case there should be a model for local governments how to do that, we do not have any model now. In fact, it should have been done already at the beginning of implementation of Section 58 – now it needs re-structuring the social service. It has to be a legal act and the number of social case workers must be planned, adjusted to the number of citizens. There should be a methodology for preventive work – applicable efforts for particular cases.*
- *It could be the social service but it needs a separate division, which would need re-organisation of the social service at this point. What it is now, does not correspond with current needs.*
- *The State Inspectorate for Protection of Children's Rights (SIPCR) could be responsible for the individual prevention for children and families in the level of state. In such case, every Education Board could have a specialist of children's affairs who would organise the necessary cooperation.*
- *We should start from the state level – there should be an institution to coordinate this work concerning the law, so that each government does not go to its own direction. SIPCR should be the controlling institution with the Social service as the next in hierarchy. The Conception had an idea of commissions – it works similarly as now RWG do. Such commissions should be made for each social service, with its resources. They could be based on the principles which were developed for RWG. The decisions of the commissions should have legal power stipulating administrative liability for those who fail to fulfil the decisions, in some cases even criminal liability.*

Specialists do not share the same opinion about the possible model of coordination however their opinion is clear regarding the components and division of responsibilities of the system. It is obvious that there is no need for a new state institution because the function of prevention, which has to be done on the site, cannot be “squeezed” into the framework of state administration. If there is such an attempt, the function of prevention will be degraded till another formal solution which will consume state resources but result in just a pile of paper. Efficient solution of prevention issues must have **two-level inter-institutional solutions**, for instance:

- a) In the **level of the state**: SIPCR and a special division for prevention of the social service of the local governments who receives support with methodology from SIPRC (recommendations, legal acts, specialist training); **in the level of local government**, where the support is provided by the prevention division of the social service and the group of specialists from local law enforcement institutions and other inter-institutional specialists, who help to make decisions on particular prevention cases. The division of prevention of the local social service in collaboration with the local government provides methodological support also for the inter-institutional work group (guidelines, specialist training etc.).
- b) It is possible to be organised in a different way: in the **level of the state – constant collegiate interagency Prevention management team** (possibly consisting of one representative from the following institutions: the State police, the Ministry of the Interior, SIPCR, the Ministry of Welfare, the State Probation Service, the Ministry of Justice, the Latvian Association of Local and Regional Governments and the Local Governments Training centre of Latvia, the Ministry of Health and the Ministry of Education and Science, and other

specialists), which includes the best specialists from the leading institutions, represented also in the local level in the form of RWG. The procedure of the work for the team is set out by the order of the Prime Minister or better – its performance is stated in the Regulation of the Cabinet. If the tasks and functions of this team were clearly defined in the legal acts (law and regulations of the Cabinet), the duties of the leader of such state level ‘Prevention management team’ could be under jurisdiction of every participating institution in turns for a definite period of time. It would solve the interagency quarrel and dilemma – none of the ministries or institutions should take any particular duty for ever, each of them would know in advance their time and term of implementing particular functions. There would be no quarrels about the methodological leadership of the regional work groups. Prevention management team would report to the Cabinet of Ministers in accordance with the policy strategies, tasks and terms as set out in plans. **In the local level it would be RWG**, which would consist of the specialists from Education Board, child and youth centres, Orphan’s court, teachers and social pedagogues, outdoor education providers, psychologist, officers from local branches of the State Probation Service and the State and municipal police etc. in the particular local municipality. Prevention management team would meet RWG specialists according to definite form, procedure and frequency of meetings, evaluate and develop new initiatives together, organise discussions for a more effective performance. In the level of the local government RWG would be led by a prevention specialist from the Social service. Financial resources for RWG should be guaranteed in the budget of the relevant local government, in accordance with the “Law on Prevention” and “Law on State Budget” and in the amount stated in the laws. Whereas the financial resource for the Prevention management team should be guaranteed from the budget of the institution which, according to the law, is the leading institution in the team for the particular period of time; the amount of financial resources for each institution should be planned in accordance with the expenditure set out in the policy documents and legal acts for the particular year within the functions of the institution.

During the project, the overall communication among the institutions, involved in the project, has increased, according to the information from RWG participants. Though, several cases are reported when the cooperation with particular institutions or organisations was difficult. Mostly, the reason was the human factor. Various institutions are mentioned as difficult to cooperate with, among them: local companies, State Probation Service and family doctors, prosecutors’ offices, schools and pre-school education institutions.

Comments from specialists of Regional work groups on difficulties in cooperation:

- *Probation service – the police does not have any cooperation, no contact, and no information exchange. After the project, the personal contact is better but the cooperation in the institutional level has not improved at all. The reason could be that the Probation service indicates to the failures of other institutions all the time – something is always wrong with the others, they consider they are the only ones to do things right, only their methods are useful while other ideas – useless. However, we (specialists from other institutions – author’s note) were majority in RWG – it was the way how it was solved.*
- *Company owners should understand the idea of prevention more. It seems that they do*

not recognise how these issues are related to their business – maybe it will be their factory which will receive a stone in its window, maybe it will be their child who will be bullied at school. If the question is addressed from this point of view, the need of participation would be clear also for this group of people.

- *Family doctors – they are “manufacturers” of notes covering missed classes as if due to health problems. At the same time, they have no idea about the reasons of the “illness” of the child. They do not inform social services about the cases of violence, they often treat patients on the phone. For instance, many risks with new-borns/infants are clearly visible at birth centres but the reaction from doctors does not follow, they do not inform the social service – we realise the fact when it is already too late.*
- *In all the cases where there is no cooperation the human factor has a great role – specialists are better or not so good professionals but this is not the problem in the particular situation, I think.*
- *The Orphan’s court was the institution which was difficult to understand – whether it was the inability or unwillingness to help with various issues. If the head of the service had different attitude towards his duties, the work would be more fluent.*

Regional work groups discussed a lot about state and local government responsibility over families, children with behavioural risks, parental liability in children upbringing. The practice of the project showed – if there are no cooperation among state and local government institutions on one side and the parents of the children and the children from the other side, preventive work will be impossible. It will lead to the problems growing in number and becoming more serious until the cases of crime. The state and local government will have no other possibilities as repressive measures, punishments. The more serious the offences and harm to the society, the harsher the punishments which are paid again by the society. When the former criminal, for instance, needs support from the local government after serving the sentence of deprivation of liberty, we, society, pay for the third time. Thus, the society pays triple for one offence: for the harm from crime (a), expenditures of the sentence execution process (b) and for the support after imprisonment (c) – the more serious the crime, the harsher the punishment, the bigger the price for the society for each of the payments. Taking these considerations into account, as well as the fact that the cooperation between RWG and the parents of the child was often difficult, members of RWG were asked: **if you could do everything you wish – what measures of influencing parents would you choose to force parents to pay more attention to their children?** The attention must be turned to the fact that they are not asked about possible punishment for the parents – they can reject or part the parent from the child; the question is about the measures of influence aimed at bringing the parents together with their children. Many members of RWG admitted that it is a work in two fields: the child has to be taught to become a good parent already at school facilitating the comprehension of parenting duties (a) and the parents have to be educated about the needs of the child (b). One of the suggestions: „keeping parents closer” to the classroom of their child. It means that the parents of the child must have constant communication with the class teacher. The benefits are the following: the teacher sees the parents of the child, communicates with them, and knows about the situation in the family, can interfere or give advice in case of a need; at the same time the parents get regular information about the child’s life at school – friends, stressful situations, successes and joy. This procedure includes almost every necessary instrument of prevention and it is possible to react on the problems of the child

or the family in an early stage. One of the methods how to implement such approach is allowing the parents to conduct a class time after time. Each adult has some talent or skills, knowledge in their profession which is exactly what children need. In addition, such form of cooperation creates the sense of support and safety both for teachers, children and their parents, besides this activity does not need financial investments and serves as a good inclusive tool. RWG specialists confirm – practice shows that in most cases parents do not have knowledge about the real needs of their children, for instance, they did not know (before training for parents) how important the time spent together and attention is for the child. Even setting boundaries for behaviour and control over them is a form of attention and child recognition.

- *Training parents – it is very important, they do not know so many things and even do not imagine.*
- *I think work with the child and the parents should start at pre-school age, parents have to have duty to attend parent meetings at pre-school educational institution and give teachers the possibility to meet them.*

Several specialists admitted that significant improvements in the field of prevention of the violation of children's rights could be achieved if parents could earn their living under satisfactory conditions and did not have to spend long hours at work; if there were less social problems which are usually inherited and reflected on their children and in their life-styles.

- *If I could do anything I want, I would make it so that there is no need to influence the parents, there is no massive emigration, there is no big unemployment but normal conditions for living here, more support from the state. If these things were present, there would be sense to do something in addition, for instance, think how to influence parents.*
- *If I could do anything I want, I would bring the parents back to their childhood and give them the positive experience they had not received in their time. They could correct their mistakes which made their childhood so bad, it would be the "Prevention machine". It could be done by the help of psychologists and psychotherapists – to bring the parents back step by step and make their thinking in order. Then, after a while, also prevention could have different results because parents would know what they want and what their children want.*

Many specialists considered that it could have helped in their work if RWG had rights to make binding decisions relating to parents. If the parents do not correct their mistakes set out in the decision and do not cooperate or even do not try to cooperate, they have to participate in a training programme and/or attend psychologist. "It would be a kind of correctional measure for family relationships," indicates a member of RWG. Besides, RWG participants pointed out that it would be useful to families if they could turn to the social service not only in cases when they need money but also in cases when they need emotional or physical support for some particular period of time, for instance, available temporary child-care service, until the parent solves the situation. Practitioners admit that often there are cases when the child does not attend pre-school educational institution yet (due to various reasons), but the mother or the father has to go to work. It would be good if the child could be left with a professional child-carer in such situations. It would definitely prevent emotional and physical trauma in childhood and avert risks of bad influence of the development of the child.

RWG specialists indicate **that the most common risk situations** occur in the family of the child, not outside – on the street or at school. The most common risk situation at school that can cause behavioural disorders leading to possible delinquency is **economic inequality**, which is often manifested by the help of clothing. Secondly, appearance of behavioural risks can be related to various stages of child development, inheritance and health. These aspects can influence child's behaviour, activities or decisions. Thirdly, most of the children **have difficulties with identifying their feelings** – they cannot connect what they feel with what they do afterwards. Adults lack this ability too – they forbid the child to be angry, show emotions and the child isolates himself/herself from the society. "They think that it is the greatest manifestation of love they can show if they provide the child with a place to live, food and clothing. In fact, the child needs also appraisal, good words, time spent together, conversations, touches and other things," indicates a RWG specialist. "They cannot offer that not because they do not want but because they do not know how". One of the most mentioned risk situations is the absence of parents, living abroad. In the opposite to the opinion, widely expressed in society, that the children are left endangered when their parents leave because the children lack material resources or place of residence, RWG specialists say: "These children stay with the feeling that they are abandoned, although parents send money for the child to have entertainment, computers, clothes. The child even does not recognise that he/she feels abandoned." Although the child does not recognise his/her emotional situation, the reaction (also unconscious) follows – expressed by misbehaviour and violation of rules. Fourthly, the specialists admit that also such aspect as **poorly educated parents** definitely serves as a risk situation. In many cases in practice parents did not have completed elementary school education therefore it was a situation when the parents want to give something to their children and admit it but do not have sufficient intellectual resources. Therefore, if we want to prevent children from risk situations **we have to ensure that parents of tomorrow obtain education today which would not set obstacles for future professions, contacts with their own children and making a living in a legal way**. Fifthly, as the specialists admit, risk situation is caused by parental divorce if the situation is solved inconsiderately, protractedly or involving the child in parents' mutual relations. Even if everything seems all right from outside, this is though a situation for the child where he/she needs emotional support from adults. "If the father leaves his family for another woman, the son starts tramping, fights, accumulates anger. Only when the child gets into the field of vision of the police, the mother comes and asks for help but it had to be done already before all the bad happenings with the child". In this case and in many other cases parents lack the knowledge of risk management therefore they need training. Children often face risk situations at a very early age and they affect the development of the child's personality all through their lives, if solved wrongly or disregarded. This influence manifests as behavioural risks and offences.

The majority of RWG specialists agree that **behavioural risks in children must be assessed**. At the same time, they admit that the **inquiry form** in the project was **rather complicated**, in several parts they did not have information to fill in.

- There could be a common system. It has to be developed correctly, it should not be too complicated *because specialists in different places of Latvia have different level of comprehension.*
- *At the moment the social service already uses one inquiry form of a unified format – for assessing families. The form in the project is more detailed, it could be used efficiently if the*

social service in local governments had separate division of prevention.

- *One has to learn how to work with these inquiry forms, similarly as with any other tool – I think this tool will be used in future in our work.*
- *Risk assessment could have a definite standard but every local government could also have free choice to act according to its specific situation, of course, averting a total mosaic.*

Specialists consider that the **information system to support juveniles (ISSJ)**¹⁰⁵, established by the Information Centre of the Ministry of the Interior (ICMI) **could contribute greatly to summarising information about the children and youth of risk groups**. On 22 May 2012 Regulations of the Cabinet¹⁰⁶, have been adopted, regulating the establishment and use of the information system to support juveniles, as well as the amount of information to be included in the system and the procedure of data processing. The establishment of this system is one of the completed and the most significant steps in Latvia towards the implementation of the inter-institutional cooperation model in practice: “The system is one of the instruments for inter-institutional cooperation which can be used both for particular (individual) cases and summarising the information in the local and strategic level. The system enhances the possibilities to reveal the weak points in the field of protection of the rights of the child, which means that, as the result, the work with the child and/or the family will be started at a better time and with maximum efficiency using the resources available for the institutions involved in the case,” information from ICMI¹⁰⁷ describes the new instrument.

4.3. Evaluation of the establishment and results of the support system to prevent juvenile delinquency

During the implementation of the project the main accent was put on the sustainability of the project. The following components of the support system were planned and have been completed by now, according to this goal: the Inter-institutional cooperation model, Regional work groups, access to the procedure of children and youth group sampling, Risk and needs assessment, Catalogue of useful activities for minors, Failure Reduction Strategy. The specific character of these instruments demands non-stop development in order to maintain their sustainability and relevance to the set objectives. As to the substance of the matter, these instruments are created to be used in the inter-institutional cooperation process therefore they can be used further only if such inter-institutional cooperation settings are ensured. At the end stage of the project, we do not have yet relevant methods to foresee whether the inter-institutional cooperation model will be carried out in the form of RWG – it is possible that local governments will find more appropriate and convenient cooperation solutions. At the moment, there are no legal acts in the Republic of Latvia that would state that RWG is the best method for the implementation of the regulations of Section 58 of PRCL in practice. However, there is no doubt that the need for cooperation among institutions in Latvia is undeniable reality, which is confirmed by the development of such policy

¹⁰⁵ The information system to support juveniles will be established, available at: <http://www.mk.gov.lv/lv/aktuali/zinas/2012gads/05/220512-iem-10/> (in Latvian)

¹⁰⁶ Regulations on the information system to support juveniles, Regulations No. 348 of the Cabinet of Ministers by 22 May 2012, available at: <http://www.likumi.lv/doc.php?id=248079> (in Latvian)

¹⁰⁷ ICMI booklet, information available to the public; more information at: <http://ej.uz/9r5b> (in Latvian)

documents as the draft conception “Preventive Compulsory Measures”¹⁰⁸, which includes solutions similar to RWG models, approved during this project, and the information system to support juveniles, established by ICMI, which is an instrument for inter-institutional cooperation to avert child delinquency and victimization. Besides, partners of the analysed project have submitted a project¹⁰⁹ application to the European Commission on 13 March 2012; the project aims at keeping youth away from crime and summarizing the developing practices in Europe, including Latvia. All three regions – Saldus, Madona and Cēsis have joined the new project.

4.3.1 Project results and development in the evaluation of Regional work groups

Evaluating the project results, the fact must be taken into account that the project objectives were fulfilled by three essentially different local governments. The differences were not just in their geographical location, available resources or number of population, but mostly in the organisation of governmental work and priorities set before the implementation of the project.

One of the systemically most developed and therefore most powerful local governments was **Cēsis region** (county), where already before the project the work of the Social agency was organised and developed in a professional level, including professional resources for juvenile delinquency prevention. At the initial stage of the project planning it was known that a Multi-agency team of professionals work in Cēsis supporting the specialists from the social service in decision making in juvenile cases; however the procedure of work and structure of the team was not known, as well as other specific issues of the performance. After the conversations with specialists from Cēsis RWG, it was found out that initially the idea of the participation in the project was taken with a worry because there was an opinion that everything is all right with the organisation of juvenile prevention and the project could only impose additional duties. The specialist survey after the project proved that their opinion had changed – they had both additional work and a lot of benefits. There is no reason to hide that each region was involved in the project without the presence of contingency – the aim was to investigate the practice in each particular region in order to use the information further for developing the ideas in other regions, where the specific and professional solutions and developmental methods are still searched for to prevent juvenile delinquency and the violation of the rights of the child.

From all three regions, the biggest challenge in the implementation of a new type of work organisation was expected in **Madona region**. Already at the stage of the project planning we knew that there is a need to improve cooperation among institutions and that, probably, completely different forms of work organisation should be used in comparison with other regions. Madona region has vast rural areas and that meant close cooperation with parishes. Unlike other two regions, in Madona the kernel of the project was based in the Education Board, not the Social service. As it was realised afterwards, this fact influenced the structure of the work group where there were more pedagogues, outdoor education specialists, but less representatives from social

¹⁰⁸ Conception on preventive compulsory measures, presentation by Indra Gratkovska, available at: <http://www.slide-share.net/providus/prezentacija-i-gratkovskatm>

¹⁰⁹ Author’s note: the original title of the project in English is “Keeping Youth Away from Crime: Searching for Best European Practices”.

service and possibly too little number of specialists from law enforcement agencies which might have been useful in several situations. In Cēsis the positive contribution was their previous efforts – work organisation, intentional activities by professional specialists, whereas in Madona everything was determined by the human factor and its ability to develop in project circumstances, accept new methods and challenges, deal with difficulties. Leading RWG specialists from Madona faced a lot of difficulties which were successfully overcome at the finishing point of the project, leaving benefits behind – new experience, conclusions for future and development. One of the main conclusions, according to Madona RWG specialists, was that the way of developing preventive work in the level of parishes has become clearer.

Saldus region was the first who expressed the wish to participate at the stage of the project planning in spring 2010 and their team was very united all through the project. The work was organised under the leadership of the Social service who showed marvellous organisational skills. Saldus RWG had very highly professional representatives from law enforcement institutions which positively influenced the process of project implementation – starting from work methods till the choice of activities, time after time demonstrating also traits of positive competition. Analysing the results of specialist survey, there is a reason to conclude that the participants of Saldus RWG are determined to continue inter-institutional cooperation in child delinquency prevention after the project, develop and adapt the approaches and instruments elaborated during the project.

RWG participants from local governments were asked to evaluate several project details within the structured survey, answering the question – what did the project need of what it lacked? The specialists indicated that:

1. In the present situation, planning any project in the field of child and youth delinquency prevention, **the parents of the child have to be included in the target group, the work with family has to be envisaged**, as all the risks within the preventive activities were identified in this sector. The objectives of the project – to work with children and youth with social exclusion risks in order to promote their social inclusion – cannot be reached without any work with the family: the work has to be planned both with the child and with the environment that creates risks for social exclusion – family, school etc.
2. Possibilities should be searched to ensure **wider recognition** of such projects in the society. It does not mean that the project lacked publicity activities, they were performed but it is far too little. In practice, it is difficult to involve Latvian mass media in child delinquency prevention activities; it seems that nobody is interested in that. It is possible that the reason lays in the historical standard concept that juvenile delinquency prevention is related to various demonstrative, histrionic activities, a mere formality “just to get it done”. “They came, they spoke, and that is it”. However, the **situation has changed long ago and child delinquency prevention today tells more about us – adults, our behaviour and consequences of our decisions, not about the bad children**, who “failed to be born” to good adults. It would have been useful if, for instance, in parallel with such project competitions and financial allocations, at least once a month broadcasts had been financed by this financial instrument for all the projects thus ensuring the possibility to provide authentic information on the developed initiatives to be accepted by the society.
3. **Project that aims at social inclusion and prevention has to be lasting longer**. At least 24 months are mentioned as a possible term. If the objectives of the project activities

are related to changes in human behaviour and attitudes, there should be more time to achieve these objectives.

4. In cases when the children from social risk groups are involved in any project activities, it would be **necessary to provide children with meals**, in order to prevent children focusing on their hunger instead of the on-going activity.

Regional specialists admitted that if they had to plan work in a similar project they would definitely make smaller groups, consisting of not more than 10 children and each of the groups would have the specialist in charge who would follow the progress of each child, take care of the communication with the child, his/her family, school and ensure that the child attends all the possible activities, suggested by RWG. This form of work organisation, probably, could have averted the change of children in the groups – within the project, one group was organised, consisting of 40 children, for each eight months. Work group participants pointed out that it could have been useful to make at least one group in each region for pre-school age children. Such group could be established at some of the pre-school education institutions thus developing the cooperation of these institutions with the parents of the children. Practitioners from regions mentioned that: “The project could not give more as the law allows it to give. If there will be conclusions drawn after the project which will really help us change legal norms and develop the Law on Prevention – it will be excellent!”

4.3.2. Changes in content during the project

In the project planning, introductory and reporting cycle was envisaged, consisting of three stages: a) introductory seminars in local governments; b) RWG meetings, reports, monitoring; c) final event and the analysis of monitoring. In practice, the situation changed a little as the project performers faced a range of unexpected difficulties relating to the implementation of legal acts in life, the necessity of new knowledge, and greater communication among work group specialists from various regions. Due to that, the implementation and reporting cycle was supplemented by two new components – consultations with colleagues and the development of Failure Reduction Strategy (FRS)¹¹⁰. Project implementation and reporting cycle that initially consisted of three stages, after supplementation looked as follows: a) introductory seminars in local governments; b) consultations with colleagues; c) Failure Reduction Strategy; d) RWG meetings, reports, monitoring – all through the project; e) project conference; d) final seminar and consultations with colleagues – the analysis of monitoring report. Analysing the situation, it has been realised that these changes were needed due to the insufficient evaluation at the beginning of the project about the need for communication in cases where it is needed to solve particular professional situations in close cooperation with colleagues. Participants of the project had to acquire a rather big amount of new knowledge to put it into practice – theoretical consultations with colleagues were fast included. During this activity, the specialists were offered an opportunity to meet not only representatives from other regions but also specialists from ministries and other state administration institutions, ask questions and receive answers. In the consultations with colleagues

¹¹⁰ Author's note: FRS is not a document of a declarative nature but rather a tool of recording failures/solutions/opinions which was developed during the consultations with colleagues and filled in during the whole project – It means that more and more failures and their solutions get added. FRS is planned to be completed/finished at the very end of the project, included and analysed in the final report of the monitoring. The document consists of two parts: A. Failures in the project/field and B. Efforts for reducing the failures.

and the process of development of Failure Reduction Strategy, the specialists admitted that a support system is significantly needed for the practitioners – professionals who work with youth from risk groups. The specialists pointed out that trainings are needed about prevention issues for the specialists in regions, as well as the system to prevent burn-out. Although the document is called a Strategy, its strategic meaning was felt more by regional specialists. Failure Reduction Strategy included every single problem, failure or obstacle that was identified by a specialist in a region in his/her professional work, as well as its possible solution. The solution for a failure could be provided by any specialist from the same or other region or, in case of a need, a specialist from a relevant state administrative institution or the local government, who was involved in solving the particular issue. For instance, one of the issues/statements which was included in the Strategy as an obstacle for the work – “I have an impression that the work with children from risk groups involves many institutions in Latvia, but the number of institutions, that do not know clearly their competences, is too big.” At the same time, the Strategy included problems from everyday work – most of them are discussed in this research. It is planned that FRS will be completed and finished at the end of this project after the publishing of this research and will remain in hand of the three local governments which are involved in the project.

5. Practical conclusions and suggestions

In order to facilitate a child-friendly justice system that is well understandable both for the children and their parents, as well as specialists, it is necessary to develop an integrated and coordinated policy of the prevention of children’s rights which is based on adults’ responsibility for the prevention of the protection of children’s rights and for inter-institutional solutions of the problem. This scenario is related to the close collaboration among social services and specialists from various fields in order to organise the work and collaboration of the services in a new level to ensure exhaustive and unhampered development for children. Efforts have been made to achieve this goal; prevention support systems are planned and developed. However, not only theories or ideas are important but also the methods of implementation of the new solutions. Although a number of recommendations and suggestions have already been included in previous chapters, the most important ones are as follows:

- **Objectives of juvenile justice are** – supporting children, not punishing; searching and averting reasons of children’s anti-social behaviour, not searching the guilty and applying sanctions; reducing the contact of children and youth with the traditional system of justice.
- **Prevention is** a set of activities and efforts focused on supportive everyday activities for the child, including planning of leisure time, distracting obstacles to ensure the availability of sports and healthy life-style activities, rather than on campaign-type events.
- Planning and implementing juvenile delinquency prevention – developing legal framework and implementation mechanisms, choosing activities and people, it must be taken into account that **the best method of juvenile delinquency prevention is an example set by adults** – honest and responsible actions. Responsible and comprehensible (explained) actions ensure the conditions that indeed help the child’s development, whereas adults’ failure to understand their liability regarding the ensuring these conditions create adverse reaction in children manifesting as misunderstanding of their (children’s) rights and disregard of their duties. If we want to see

ourselves and our children healthy, intellectual and happy, instead of ill, ignorant and detained, we must come to a common conclusion that liability, first of all, is a responsible and honest action, not an application of sanctions, set out in the law.

- To prevent the criminalization of children and youth, **it is necessary to reduce to the minimum the repressive intervention of the state into the child's life, instead providing support to the local governments in order to develop their social policy**, informing society and involving it in reducing environmental risks for children and young people.
- There is a need of definition and **systemic organization of prevention institute in Latvia** both for adults and children as a part of the prevention system of the rights of every individual envisaging the necessary legal framework and implementation mechanisms.
- **Modelling any reaction to children's behaviour in practice or in legal acts, it must be taken into account that the disregard of a single right of the child means the lack of fulfilment of some child's needs** and a risk situation at the same time that can lead to behavioural risks and violations of law.
- Implementing the prevention of the violation of children's rights, including juvenile delinquency prevention, one of the main factors includes justice, transparency and simplicity of the existing system in the country. Limiting children and youth with no reason it is impossible to teach them respect towards the law or other social norms. **Juvenile delinquency prevention is a part of the protection of the children's rights – the ensuring of the rights of the child to development.**
- **There is no unified act in Latvia which would stipulate all efforts related to under-aged persons** – both preventive and reactive. There is a reason to consider that all legal norms stipulating the legal framework for juvenile justice in Latvia are dispersed into three separate normative acts (LAVC, CrimL and ACMCN), while the regulation for early prevention is set afar – in the Protection of the Rights of the Child Law, not giving a model for a coordinated action to specialists in general.
- To develop prevention practice with children and young people, **every local government at the moment have an opportunity to establish and institution to work in the field of juvenile delinquency**, and make the decisions for the safety of the child, as set out in LAVC (Section 210, Part 4).
- **The normative basis in Latvia regulating the implementation of Section 58 of PRCL as well as the system of administrative punishments stipulated by LAVC need to be overlooked and supplemented** relating to minors, as the existing regulation teaches legal nihilism to children, for instance, by applying fines which in every case are paid by parents, even though the child is the guilty party but without any personal income.
- **Parental co-responsibility about the children's offenses must be put under consideration; however it should not mean taking the responsibility away from the children** or giving it fully to the parents. In cases when the convicted person is under-aged there should be a possibility to apply duties also to parents – attend courses, support groups, or learn parenting skills. Thus the parents could become a supportive force to return the child into a law-obedient life.
- **Parenting skills do not appear at the moment of the birth of the child** – these are special skills to be learned. Therefore the acquisition of the skills should be organized duly, before the appearance of risk situations or behavioural risks for the child.

- **Preventive work of the state and local governments, including the work with the children from risk groups, is not coordinated;** there is only a procedure of separating functions, while collaboration forms exist only on paper. Institutions rather compete than collaborate to achieve common objectives, reporting that the unfulfilled duties are under the responsibility of other institutions.
- **Every institution involved in prevention should see the whole of the aims and objectives of prevention and only afterwards decide on its role,** so that the division of functions does not turn into laying the responsibility from one institution to another.
- **Society needs to be explained in details why prevention issues relating to children and youth are important to every individual.** It has to understand that support and involvement of children from other families is in the interests of safety and successful future of every child and adult in the particular region.
- **Simple and easy solutions for everyday life should be searched when planning resources for prevention,** for instance, extended day groups at school. The considerations should be made on the usefulness of such groups for school children up to Year 9, which would prevent low-achievements of children and adolescents, subsequent truancy and problems with teachers and peers which are the main reasons of behavioural deviations and delinquency risks.
- **Instruments to influence the parental behaviour should be applied** till the moment when they understand and accept the form of behaviour that is useful for their children and parents themselves. Programmes of a supportive nature should be elaborated for children together with their parents and control mechanism should be established on the fulfilment of the programmes, leaving the removal of custody rights as the very last mean of influence.
- **Prevention is the task both for the state and the local government, where state is responsible for the planning, support and informing society but the individual preventive work is organized within the competence of local governments.** Individual prevention is not possible and not advisable to be controlled by a state institution in a local level as the performance of each state institution is centralized but prevention should be based on decentralization and coordination of work closer to the residential place of the involved.
- **Comprehensive system of prevention/social control should be established to include supportive measures for children (youth and parents) from their birth till majority age** which are suitable for their age, involving GPs (family doctors), pre-school educators, schools, social services, State and municipal police and other specialists, establishing collegiate, professional support institutions in regions.
- **All the necessary measures should be taken in order to avoid social services becoming the “machines” of dividing allowances, not demanding any duties from the receivers of such support,** because this situation creates weak and irresponsible consumers out of children and adults instead of motivated and responsible members of society.

It cannot be concealed that small states have their specifics in organizing prevention therefore this research and project highly benefited much from the experience of Swiss Confederation. Latvia cannot compete with the model of juvenile prevention of Switzerland which has long traditions, or with the resources available in that country. However, **the conclusions drawn by practitioners in the project in Latvia correspond to the values and methods on which**

the juvenile justice system and prevention model is based on in Switzerland: for instance, on legal principles and necessary legal framework in the field of juvenile justice and prevention, on the role of local governments in the organization of prevention and the necessary support from state to local governments for the implementation of these functions, on school as the untapped resources for prevention, and on the need of individual work in prevention. See more about the mentioned and other issues in the next chapter by *Jean Zermatten*.

Good Practices In The Field Of Juvenile Delinquency's Prevention In Swiss Confederation

Jean Zermatten

1. About Prevention

1.1. Definition

Crime prevention is the attempt to reduce victimization and to deter crime and criminals. It is applied specifically to efforts made by governments to reduce crime, enforce the law, and maintain criminal justice¹¹¹.

For the juvenile Justice, prevention aims first and foremost at keeping children away from conflict with the law, and if such a conflict has occurred, at keeping them away from the formal criminal justice system. Or, applying this definition to juvenile delinquency, we can define the juvenile delinquency's prevention as *the measures taken by the governments to deter juvenile to commit offences, or to reduce the number of crime, as well as to maintain the public security and to reduce, de facto, the victimization.*

Usually, we distinguish three levels of prevention: the primary, secondary and tertiary prevention.

The *primary prevention* aims at avoiding that an unwanted event occurs; in terms of criminality, to avoid that an offense is committed. Primary prevention is in the hands of the government, not in the hands of the judiciary power; it addresses individual and family level factors correlated with a possible criminal activity. It's well-known that individual level factors such as school attendance and involvement in social activities have an important preventive impact, in particular to children and adolescents, and decrease the probability of criminal involvement. But, it also important to underline the necessity to involve the family (nuclear family or family at large if appropriate) to reduce individual risks.

It is also obvious that all situations where violence is present (in the family, at schools, or in the community, in the society), are situations which facilitate the probability of subsequent violence. The prevention, in its primary dimension, has to tackle not only the individual and familiar issues, but also the violence which is underlying in the daily social life, which is diffuse and seems accepted as fate.

¹¹¹ http://en.wikipedia.org/wiki/Crime_prevention

The *secondary prevention* is the one which tries to avoid that an unwanted event which occurred, reproduces. In terms of crime, it means preventing that a committed offence repeats (or prevents the second offence (recidivism)). It's the reason why, secondary prevention will use more technical instruments, focusing for the governments on at risk situations such as youth who are dropping out of school by adopting social programmes. Or for the justice system, using alternative measures, supportive and educative answers rather than deprivation of liberty or institutionalization. There exists a important risk with the two latter solutions: the possible indoctrination of the youngsters in serious criminal activities, like gangs, drug's distribution, or the social exclusion which can lead to a delinquency.

The *tertiary prevention* is the one which aims at avoiding that persons who have already committed offenses repeat them in a recurrent and chronic way and become delinquents or multi-recidivists. Here, it's the responsibility of the Justice system to find solutions which allow the offender to endorse the responsibility of his numerous acts, without being totally excluded from the community and which favor, at the end of the penal intervention, the reintegration in the community. It is particularly important for the teenagers, whom it is necessary to avoid qualifying as "irremediable" delinquents and excluding totally from social activities.

It's very clear that prevention is nothing theoretical, bus has to be concrete and when about juvenile, must be adapted to the age and category or persons who are the targeted group of the preventive measures. *"The effectiveness of a particular primary prevention strategy will depend upon a combination of the type of intervention, the timing of its delivery, and the population at risk. Many interventions are developmental-stage specific (for example, infancy, adolescence, adulthood, old age) and the timing of their delivery is crucial. For example, home-visitation and parent-training programmes are effective in preventing child maltreatment and later violence among male adolescents and young adults when delivered during infancy (ages 0–3 years) but are not designed for implementation later in the life-cycle"*¹¹².

For the presentation of practices in Switzerland, it will be question of examples of good practices for the primary prevention, the secondary prevention and the tertiary prevention and thus examples of measures taken by the society generally, (governments and political offenderities), but been often organized by the civil society and by the judicial offenderities, in the treatment offered to the children/adolescents in conflict with the law.

1.2. Some examples

Without willing to be exhaustive, we think useful to give here some examples of prevention's programmes existing in different countries. They are examples which meet and were implemented in numerous countries and which showed their efficiencies; we could say that they are typical programs, or a kind of common language to the various cultures and to the various contexts.

¹¹² Preventing violence, A guide to implementing the recommendations of the World report on violence and health, OMS 2004, Geneva

Community Involvement

Girl scouts, boy scouts, church youth groups, and volunteer groups all involve youth within a community. Involvement in community groups provide youth with an opportunity to interact in a safe social environment.

Sports' activities

The fact of belonging to a sports club or a sports association and of exercising physical activities was always considered as a means of very effective primary prevention; of big federation sports-women, in particular the FIFA, understood that this cheap means, which do not require very important infrastructures, when it is led well and supervised by responsible adults had indisputable preventive effects.

Prenatal and Infancy Home Visitation by Nurses

Nurses involved in programs which contribute to pay visits to low income, single mothers between their third trimester and the second year of their child's life. Are very important of a angle of view of primary prevention During these visits, nurses focus on the health of the mother and child, on the support relationships in the mother's life, and on the enrollment of the mother and child in health services programs, where they can find different resources to their different difficulties, particularly to the maternal behavior problems.

Parent supporting or training Program

One of the questions most often approached is the one of the support for the parents of vulnerable families, with the objective to help these parents to exercise their educational role, their duty of protection and their responsibilities as parental offenderity's holders. Programs exist that to teach parenting skills to parents of children who show light of major behavioral problems. Another option is programs that place parents and children in interactive situations, while a therapist guides the parents, educating them on how best to respond to their child's behavior, whether positive or negative.

Bullying Prevention Program

Bullying is a very wide-spread shape of violence between children, which often takes its roots in the violence existing at home and which can derive in relatively grave situations of violence or violent offences committed by children or adolescents. Bullying Prevention Programs have to be put into place in elementary and junior high school settings. Individual bullies and victims receive independent counseling. The programs have as goals to create a safer, less hostile environment for students at minimal cost. Very often, these programs are based on activities between peers, by using mechanisms resulting from the mediation and supervised by the teachers themselves. The fact that the children can discuss between them of these questions, makes them become aware their acts and dangers of use of the violence.

1.3. The CRC and the Committee

In the light of the Preamble, of art. 6 (right to development) and of art. 29 (aims of education) of the CRC, it is obviously not in the best interests of the child if he/she grows up under circumstances that may cause an increased or serious risk of becoming involved in criminal activities. Various measures should be taken for preventing children and adolescents of committing offenses.

Of course, the first responsibility falls to the parents who have to provide their children with an environment which reassures, protects and invites them to respect rules and values which the society has to promote. Articles 18 and 27 CRC confirm the importance of the responsibility of parents for the upbringing of their children. Nevertheless, we know that certain number of parents, for diverse reasons, cannot assume this role or have to rely on the other persons, or to public or private entities to make it. The CRC consistently requires States Parties to provide the necessary assistance to parents (or other caretakers) in the performance of their parental responsibilities. Furthermore, the Committee has underlined that measures of assistance should not only focus on the prevention of negative situations, but rather more on the promotion of the social potential of parents.

In this perspective, States Parties should fully integrate into their comprehensive national policy for juvenile justice a set of different preventive measures: strategies, policies and concrete programmes directed to children/adolescents, parents and public at large.

The CRC Committee has taken various concluding observations for a lot of States parties to the CRC and systematically recommends implementing a juvenile justice system in conformity with CRC in particular articles 37, 40 and 39, and of other United Nations standards in this field such as United Nations Guidelines for Prevention of Juvenile Delinquency (seeing below). It has also issued a General Comment on the rights of the child in the Juvenile Justice System, which puts the emphasis on the prevention.

“... Emphasis should be placed on prevention policies facilitating the successful socialization and integration of all children, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. This means inter alia that prevention programmes should focus on support for particularly vulnerable families, involvement of schools in teaching basic values (including information about the rights and responsibilities of children and parents under the law), and extending special care and attention to young persons at risk. In this regard, particular attention should also be given to children who drop out from school or otherwise do not complete their education. The use of peer group support and a strong involvement of parents is recommended. The States Parties should also develop community based services and programmes, which respond to the special needs, problems, concerns and interests of children, in particular of children repeatedly in conflict with the law, and which provide appropriate counselling and guidance to their families”¹¹³.

One important element to mention, is the importance given by the CRC Committee to the participation of children in the design of policies and programs (in accordance with art. 3 par. 1 and

¹¹³ GENERAL COMMENT 10 (2007), Children's rights in Juvenile Justice, CRC/C/GC10, par. 7

art. 12 CRC). The quality of this involvement is a key factor in the success of these programmes. In addition, Early Childhood Education has shown to be correlated with a lower rate of future violence and crime.

1.4. The United Nations Guidelines for the Prevention of Juvenile Delinquency (The Riyadh Guidelines)¹¹⁴

Adopted after the CRC, it hints to this basic text and to child status as a human being owner of rights. These guidelines are non-binding, except for particular issues already formulated in the Convention. Chapter 6 deals with legislation and administration of Juvenile Justice. The prevention of juvenile delinquency cannot be reduced to the field of criminal juvenile justice, but must include all childhood and adolescence related fields; there is no such thing as prevention exclusively targeting criminal behaviour. Prevention must gather all the forces contained in society. "Prevention is everybody's business, and not only a few specialists". The successful prevention of juvenile delinquency requires efforts on the part of the entire society to ensure the harmonious development of adolescents; it's why the contribution of community, school, organisations, and media is pointed out in the text. Not as models to follow, but as means helping youths to make clever choices.

The text asks the States to implement comprehensive "*policies facilitating the successful socialization and integration of all children and young persons, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations...*"¹¹⁵

1.5. Swiss legal frame work

1.5.1. The general frame work

Switzerland knows a federal system, in which the protection of the child and the prevention are the competence of "cantons" (26 regional States). From then on, the central state has only a task of coordination and encouragement, sometimes with financial incentives. There is since a few years, a rather important movement so that the central state assumes more tasks in these two domains.

Indeed several legislative initiatives have been taken by the parliament, and we can mention here :

From 2011 till 2015, the Federal Office for Social Security (OFAS) has started to and will implement, in association with various partners, two programs of protection of the youth, the first one concerning the prevention of the violence, the second, the protection of the young people in the context of the media.

During the next five years, the program, common to the Confederation (Central government), to the cantons, to the cities and to the municipalities, has to put the foundations of an effective prevention of the violence in Switzerland , with the objective to create a basic knowledge defining

¹¹⁴ adopted by the General Assembly of the United Nations on 14 December 1990 (Resolution 45/112)

¹¹⁵ Art. 10

the good practices in prevention of the violence, to encourage the implementation of networks and collaboration between the concerned actors, and to elaborate proposals to coordinate better prevention, intervention and repression.

From 2011, a systematic census of all the prevention measures of the violence existing at home, at school and in different social settings has started. Then, the successful programs will be identified to establish a collection of good practices. The evaluation of already existing projects of prevention and the support to “model projects” are planned. To share the knowledge scientifically elaborated, on useful and practical way, the OFAS will offer a phone council and will bring its support for demonstrations of networking as for prices of in-service training. The OFAS will inform regularly, by various channels, the obtained results.

The next meeting of the network of the cantonal and municipal offenderities in the prevention of the violence has taken place on December 6th, 2011. On March 9th, 2012, the first one of three national conferences on the theme Young people and violence will take place in Bern.

But Switzerland also adopted some new pieces of legislation; worth to mention here:

Total revision of the Law on Youth Activities

By the new law which it proposes, the Parliament was willing to promote more innovative out-of-school activities and animation in opened environment dedicated to the children and adolescents, to help cantons to develop their policy for childhood and adolescence, and to strengthen the exchange of information and experiences as well as the collaboration between the actors of this political domain. It is important to mention that this new law has just right in September 2011 been adopted by the Parliament.

The federal law concerning the encouragement of the out-of-school youth activities (LAJ)

The LAJ aims at supporting children and adolescents so that they participate actively in the organization of their leisure activities, at facilitating their integration in the society. The law gives the framework to support varied activities organized by the diverse youth organizations in domains as leisure activities, sports, e exchanges of young people, culture, political issues, health, environmental protection and social tasks...

Ordinance on protective measures of the children and the young people and on strengthening of children rights

This Ordinance (adopted in 2010) settles the implementation by the Confederation of measures to protect children and young people and the implementation of measures to strengthen the rights of the children for the direction of the art. 19 and 34 of the CRC Convention. This text allows the granting by the Confederation of subsidies for these measures.

Council of Europe

The Council of Europe constitutes for Switzerland an essential forum for the international collaboration in policies for childhood and adolescence. Switzerland participates in various programs in the following domains: children rights, promotion of the participation of the young people and the support for the parents and relatives.

1.5.2. The criminal frame work for children in conflict with the law

In Switzerland, the current situation is characterized by two new laws :

- The Federal Law on the penal Status of Children (DPMIn) of 2003 and entered into force on January first 2007
- The Federal Law governing the penal Procedure for Children in conflict with the law (PPMin), entered into force on January first 2011.

These two texts are based on the assumption that the deprivation of liberty has to be the last resort solutions and that educative, rehabilitative and alternative measures have to be privileged and that the child, even in conflict with the law, is a person to be protected and to be cared of. In particular the PPMIn sets up a list of procedural rights and guarantees that the actors of the penal intervention have to respect.

Relatively to the prevention, these two texts are silent about the objectives of prevention, but it's obvious that the spirit and philosophy of the Swiss criminal law for children has a component of prevention. This is particularly true on the levels of secondary and tertiary prevention, since all the criminal intervention is targeted towards avoiding the recidivism, or the chronicity in the delinquent behaviors. We will come back on this later when examining examples of good practices in the penal intervention.

One can add that the training of judges, police officers, social workers, psychologists, officers working in juvenile facilities put the emphasis on all the preventive aspects of the intervention.

2. Some examples of good practice in Switzerland

Since Switzerland and its federal system give no many examples of prevention programs at the central level, we will focus on programs which are led at the cantonal, or municipal level and will consider examples of good practices in the primary, secondary and tertiary steps of prevention. All these examples are ongoing programs developed for many years for a part, for short period of time for others. But all have impacts on the juvenile and they have been selected as having a high potential for the prevention of juvenile delinquency.

These programs are not based on demanding financial requirements, but need in general very well trained professionals. One could say that the key of the success (or not) of prevention's programs is the training of the people in charge of the implementation of the projects.

2.1. Primary prevention

We will here present two programs of primary prevention: one at the municipality level, in Sion, Canton of Valais: this program is led by the Youth's Unit of the City with an NGO and it is called "Youth Observatory" ; the other is conducted at the cantonal level and lead by the cantonal Office for Child's Protection in close collaboration with different association and aims to reinforce the educative role of parents. Its name is "Giving Education more Power".

2.1.1. The Sion Youth Observatory

Since 2004, the City decided to establish an experimental observatory to lead a coordinated policy of support to the young people and encircle, prevent certain problems encountered by children, adolescents and young adults.

The objectives of this institution can be summarized as follow:

- Draw up a picture of the whole current condition of the young people in town
- Track the changes in the social environment of the young people
- Bring information of ground susceptible to help in the decision the competent offenderities.

The responsibility of the programme is on the shoulders of the City Delegate for children, but there exists a Council of professionals which constitutes the strategic entity of the project. 15 to 20 professionals and / or persons committed on the ground meet twice a year and take the most important decisions, giving the necessary instructions for concrete actions.

The main issues dealt with by the Observatory are (non exhaustive list):

- Parenthood
- Incivilities and juvenile delinquency
- Self-respect of the young people
- Recognition of the voluntary work
- Consumptions and risk behaviors
- Integration of children, adolescent, young adults in society
- Until now, the Observatory has achieved the following realizations
- Respect for people and for things
- "parents-listening"
- Forum "Young People" 2006 and 2010

Respect for people and things

It is a prevention programme in the 6th classes (about 600 children, ages 10-12) of the City of Sion which is lead with the school direction of the City, a group of teachers, the police of the town and the local enterprise of public transports (Car Postal). This programme is built on the following pillars:

- Allow the young people to express himself on their reality of daily life;
- Raise awareness on the indispensable respect for people, things and itself;
- Strengthen the consciousness to be a citizen;
- Present concretely what exists in Sion as assistance and offers (professionals, infrastructures, and actions), projects, sports clubs, youth organizations, useful addresses.

This operation articulates around four times

Time 1:

- An itinerant exhibition on the mentioned themes;
- A preparation in class by the teachers by means of an educational file
- A video on the incivilities
- A movie of Car Postal about the correct/incorrect behavior in public transport
- posters and didactic documents for solutions of resolution of conflict
- A letter to the parents.

Time 2:

- A mini short film realized in Sion by a young tagger "penitent", redrawing his experience
- professionals' presentations (street worker of the RLC, driver and mediator of Car Postal, agent of the local police, some adolescents from the City)
- A school bus left without cleaning after several transports
- Discussion in class with street workers and the young "penitents" having used the violence as means of communication
- Movie about the racket and the necessary respect for him-herself
- Teaching : how to resolve the conflicts

Time 3:

- A concrete project realized by every class around the theme of the respect (a slogan, a poster, a song, a small scene, etc.)

Time 4:

- Reception of the projects and prizes for the best realizations

This programme seems particularly comprehensive and involved all the actors (pupils, parents, teachers, local police, transport enterprise, professionals... even ex-offenders) and need a lot of involvement, not very important financial means. It is sustainable and very respectful of the child's participation.

"Parents - listening"

" Parents - listening " is an offer of advice, supports and of educational accompaniments for measure of the parents and family of Sion. The adv ices are provided by the professionals of the AEMO (Educational Action in Opened Environment), an NGO specialized in social and educative actions for children and adolescents. Here the interaction between the Observatory, that pilots the projects and the civil society, which leads the practical part, is very interesting. The City of Sion by its service of sports, youth and leisure activities, piloted a working group for the setting up of this project.

The programme is based on a helpline and a speech group

Helpline

The usual questions of parents are of this type

- What hours of comeback to fix?
- How much pocket money to give?
- How to manage the use of the new technologies?
- How to react if my child does not obey?

Dialogue group

Dialogue group "Parents"- "listening" also leads a group of words to allow the parents to share their educational experiences and to offer themselves mutual support.

The confidentiality is guaranteed.

Since the cooperation between the offenderities and the NGO functions well, it brings an very important value to the both partners: for the municipality to have the chance to propose an helpline to parents (and relatives); for the NGO, to have a new possibility of action, broader and more focused on prevention.

2.1.2. Giving Education more Power

Education plays a key role in the development of children and adolescents; parents and professionals, including teachers have a determining influence in the process of education; and families constitute the most important social protective net of the society, since they not only transmit the social values to the youngest, but accompany the children on their path towards autonomy and

responsibility. It is why a Swiss NGO has launched in 2006 a national campaign “Giving Education more Power”, with the objective to support the parents in this beautiful but demanding mission. The campaign intends to give some courage for daily challenges which constitutes a responsible education.

Basically the Campaign is based on the assumption that education should manage to make children stronger in a variety of points : in becoming and being able to go into and have interpersonal relationships, in coping with bad situations, in accepting different opinions, in making the best of challenges, in facilitating the finding their place in the society. In their environment, children have many role models: parents, pedagogues in kindergarten, at school, at nursery, at youth and sports clubs. Without doubt parents play the most important role in this context.

Therefore the parents “behaviour” is of special importance as they bear the biggest responsibility for their children’s welfare. Education includes both duties and rights. To educate their children, parents need basic conditions: enough space to live, safe jobs, financial support, good opportunities of child care as well as a family-orientated and friendly environment.

For the initiators of this campaign, they have identified eight crucial points containing the main features of a strong education. These eight points are:

1. Education means giving love
2. Education means being allowed to quarrel
3. Education means being able to listen to somebody
4. Education means to set boundaries
5. Education means to grant self-determination
6. Education means to show feelings
7. Education means to spend time with somebody
8. Education means to encourage¹¹⁶.

On a more concrete way, the campaign targets to start discussions about education to strengthen children and to support those who are involved in educating children/adolescents. This process must cover the following aspects

- Information about questions concerning all educational topics
- Information about the opportunities of getting help, information and advice to family
- Public discussion about education perceived as a task of the whole society
- Perception and support of families.

¹¹⁶ For more information, see Swiss Association of Parent Education, www.e-e-e.ch

The implantation of this campaign differs from a canton to another. In the Canton du Valais, the programme “Giving Education more Power” started in 2007 and was led by the Cantonal Department for Education, Sports and Culture, which puts in place a strategically coordinating body, under the Presidency of the Cantonal Youth Delegate and composed by

- Federation of pupils’ parents
- Different professionals
- Representatives from the main towns of the canton

The programme was first launched in the most important municipalities, and in a second step, in the small villages and the first activity was to inform schools directors, pupils ‘parents, with oral information and flyers distribution.

In a second stage, the strategy was centered on the launch of a poster campaign in the public places frequented by the children and the parents, as well by public animations (conferences, radio programs).

The third element of the programme was the organization of different workshops for parents on different issues linked with education, such as:

- How to educate children and adolescents
- Importance and role of the offenderity
- Limits in education
- Educate without conflict: possible?
- Dialogue vs offenderity. Opposition or Complementarities
- Addictions: alcohol, drugs, cigarettes, games and new technologies...
- Role of the law, including penal law...

To this end, the programme tends to reach not only the regular families, but the parents who have already difficulties with their children/adolescents. A special sub-program was elaborated in order to tackle this difficult concern and to have access to parents who will never attend conferences, participate in workshops, or who are isolated, migrants or vulnerable / at risks.

The programme as such ended in December 2010 and has been evaluated as very positive by the Department in charge of its application¹¹⁷. It is supposed to continue in different parts of the Canton, especially in the small villages, in order to have all the possible stakeholders involved and to reach the majority of the parents living in the canton.

¹¹⁷ For details, one can refer to *Rapport final : L’éducation donne la force » 2011, Sion, DECS

2.1.3. Helplines

In Switzerland there exist helplines for children; two are operational; one is in project.

Helpline 147

The 147 is open especially for children/adolescents who have problems, such as:

- Problem with parents/family
- Difficulties at school
- Heartache
- Difficult relationships with peers
- Questions related to sexuality, drugs, violence...
- ... and nobody to speak with...

So a child/adolescent can call this number and will get answers or possibility to dialogue with professionals. The opportunity is also given to send a sms, with the same professionals answering.

The helpline is open 24hours, 365 days. The call is free and confidential. Currently, the helpline is led by an important nationwide NGO, Pro Juventute¹¹⁸.

Helpline 143

La Main Tendue (in french)¹¹⁹ is an emergency service by telephone which addresses every person in trouble, whoever its age, its culture or its confessional membership. By calling the number 143, or by internet, a person will always find an attentive and comprehensive ear, somebody without preconceived ideas with whom everybody can speak about all which worries you. This in any confidentiality and in the strictest anonymity.

This helpline is not dedicated especially to children/adolescents, but since this number is very well-known, several children/adolescents call 143, instead of 147. The professionals of 143 can or ask people to call the 147 or listen to the young people and try to find a solution to the problem.

Helpline 116000

Switzerland is about to establish the new number 116000, existing at the European level and led by Missing Children Europe¹²⁰. The latter is the European Federation for Missing and Sexually Exploited Children. As an umbrella organization, it represents 23 Non Governmental Organizations (NGOs) active in 16 Member States of the European Union .Each of these organizations is active in the prevention of and support for victims in cases of missing and/or sexually exploited children at grassroots level.

¹¹⁸ <http://www.147.ch/147.24.0.html?&L=1>

¹¹⁹ https://www.143.ch/Web/fr/Aide_et_conseil/Default.htm

¹²⁰ <http://www.hotline116000.eu/safetytips.html>

A part of this hotline, Missing children Europe has issued some tips for parents : for example:

- A short guide with some safety tips for parents travelling with children and for families during the holidays. However, parents with specific questions are welcome to call us at 116 000.
- How to stay safe depends greatly on the age of your child. The risk of a disappearance of a child is greater during the summer months, especially for younger children. Below are some helpful tips to stay safe and have fun all summer and the rest of the year. *The most important thing to remember in keeping your child safe is that constant communication with your child is the best way to ensure that they are safe from all dangers.* This is the leitmotiv of the short guide.

2.1.4. Website www.ciao.ch

CIAO is an association which aims to encourage young people in the French part of Switzerland to use their personal resources and to choose independent and responsible behavior, thanks its website www.ciao.ch . The information published on the site is promoting the adoption of friendly behavior itself, freedom and values of others; it contributes to the health and well-being, mental and social development of youth aged 13 to 20 years.

CIAO offers a one-time free therapeutic care and guidance, if necessary, to a more thorough with the institutions available in the communes and cantons.

Aims:

1. Provide young people in Western Switzerland between 13 and 20 years of information on various topics that concern them (health, relationships, work, money, etc.) on a single site at a time and place that suit them.
2. Enable young people to easily find, via a single access, the necessary information on services available to them at the local, cantonal, regional or national level, as well as activities and projects in which they can engage close to home.
3. Give young people accurate information, developed and validated by professionals. The information published on www.ciao.ch are serious and medically, legally and scientifically sound.
4. Provide a free, anonymous question and answer. Young people can easily ask questions about www.ciao.ch. Experts answer them directly on the site a personalized, respectful, reliable and responsive to their request within 3 working days.
5. Help young people make the link between information and the specific situations they encounter in everyday life. To achieve this goal, various modes of communication are used: images, videos, testimonials, forums. This also allows professionals to reach young people who have difficulty with written French, and 13-15 years old children. Accessibility for the disabled is also involved in the control of CIAO to reach all young people whatever they are. Several sections incorporate disability issues, enabling young people with disabilities to feel concerned as all adolescents in western Switzerland from 13 to 20 years, since they are primarily young people.

2.1.5. School Mediation

The school mediation is the fact to offer the pupils who have some difficulties with the school as an institution, with the teachers, as agents of this institution, or with peers, as clients of this institutions, or who have problems of different origins (linked to the school, or independent of the school = problem with parents, or difficult behavior) the possibility to find someone who can help themselves to resolve their conflict in a participative way. This someone is the mediator, a professional pertaining to the school and especially trained to answer to the difficulties of the children/adolescents.

What seems essential in the definition of the mediation is the fact of establishing the figure of the intermediary, but of leaving the solution of the children's problem to the parties. This notion to keep the power of final decision to the very actors is essential. "The practice of the mediation differs from the other practices by the consciousness of the mediator, to be an element at the same time without power on the decisions taken by the protagonists but helping, facilitating the resumption of communication in front of a situation of conflict"¹²¹.

With regard to the school mediation, we have three parties:

- The schooled child, whatever is its degree, acting in a precise frame, a school class, or school center, who meets a problem, either in the school, or outside the school
- A mediator, possibly group of mediators, belonging to the school
- A society outside the school: parents, peers, services of protection, therapists...

The role of the school mediator is in the chronological order of his-er intervention

1. To receive, in the geographical frame of the school, the child and to listen to his-er problem,
4. To think with the child about his-er problem
2. To look with the child for one or several solutions possible for his-er problem
3. To make the link with the society to find the necessary resources so that the child can resolve, with or without outside help, his-er problem.

It is important to underline that the school mediation approaches all the questions which can touch a pupil and not only the school questions.

Leaving of its first function (resolve the conflicts), one can say that the school mediation has a role of social regulation associated with the mediation: it is through this approach that one measure best that the mediation is not only a technique of management of the conflicts but also the shape of social regulation. Here, the social dimension, by the regulation of the conflicts consists especially in the pacification of intra-school conflicts (violence for example) and by the global prevention relative to any sorts of problems (in- or extraschool) which the child, the school subject par excellence, can meet.

¹²¹ Dahan Jocelyn, Conférence aux Médiateurs scolaires valaisans, texte non publié, 2001

Historically speaking, it is not thus surprising that the demand settle a new approach of mediation came from a new problem (about 1980s /1990s), that of the drug addiction which began to touch hardly the youth of our country. The pilot project started in 1985 with a group of 10 professionals of the school, all teachers, ready to implement this new idea at the secondary for adolescents between 12 to 18 years of age, in different types of school: secondary classes, vocational classes and college degree. These professional were trained during one school year on the different issues regarding psychology, law, addictions, and about the possible resources for adolescents being in trouble and in need of special assistance.

This pilot project was evaluated in 1987 and the Department decided to extend it to every school center of the secondary in the canton and to train all the professionals involved. We have now, after more than 25 years of experience, a high number of professionals being trained, an important group of adolescents having received help, a large percentage of parents having benefited of advices, support and a global positive appreciation of this preventive measure.

The programme has been regularly evaluated and is currently implemented at a large scale in the Canton du Valais; numerous other Cantons have decided to copy it, or to be inspired by for their legislation; even at the federal level, there are now guidelines on how to implement the school mediation.

It seem interesting for the information to mention some issues, concerns and reflections on the school mediation

At the beginning, the principal question was: why at the school and not in the family?

Let us say that the school is place of gathering of children/adolescents, who stay at least 6 hours a day, 5 days a week, in this frame, at the contact of teachers, as a mandatory path and as place where all the children / teenagers are mixed together, whoever is their origin, their sex, the degree of knowledge. It is the place of socialization, par excellence. Thus, the ideal place so that the observation, of screening and intervention.

But the fundamental role of the school was then to be able to serve at the same time as attentive and friendly ear, as to manage the user towards persons, services, or specialists to answer the specific needs of the child. With of course, always the role of direct intermediary played by the men and women exercising this beautiful, but difficult function; sometimes sufficient function to bring comfort, advice and pacification.

The school and mediator (s) is in this understanding becoming the most important platform of primary and secondary prevention of the Canton. It is certain that the mediation can be defined as an instrument with low threshold, because we meet the mediator without appointment, free of charge, in any confidentiality, and for any problem of the lightest to the heaviest. How to find better and more economic instrument?

If the threshold of entry is low, on the other hand, the direct and indirect effects on the beneficiaries (children, families and society) are enormous. The effects of the school mediation seem clear and bring multiple benefits:

For the children / adolescents:

- ◇ it allows them to be listened to and heard
- ◇ it makes them actors in the search for solutions of their difficulties in any kinds
- ◇ it puts "some oil" in the school, family, social, professional cogs
- ◇ it facilitates the access to the specialized services
- ◇ it develops the capacities of communication, the ways of reasoning
- ◇ it helps to the listening without judgment
- ◇ It allows to find solutions of their problems, with the active participation, any lutes the parties concerned
- ◇ It preserves the interest of the child.

For the school

- ◇ it opens the strictly school frame, to approach the dimension "person" of the pupils
- ◇ it offers a role of advice and "guidance", as well for the direct beneficiaries (children) as indirect (parents, community, State)
- ◇ it reassures and establishes a reliable climate in the school (school, as state institution)
- ◇ it makes sensitive all the teaching staff in problems in connection with the children
- ◇ it avoids unjustified disciplinary reactions, by the resolution of the internal conflicts
- ◇ it shows its interest for the children / adolescents
- ◇ it produces a better school

For the society

- ◇ it shows to the children/adolescents that their problems are taken into account
- ◇ it prepares them for the exercise of the rights and the future citizenship
- ◇ it improves the school climate, strengthens the will of the cooperation and limits the tensions and the violence generally
- ◇ it offers another glance on the possible modes of resolution of the conflicts.

The mediation was implemented in the Canton of Valais in 1985. More than 25 years of practice Was worth it in the reading of the reports of the Department that not only it performed its mission, but that it must be strengthened, widened and shown as an example of good practice of the prevention.

2.2. Secondary prevention

In this field, we will mention a very significant good practice which has been developed in the Canton of Fribourg : the penal juvenile mediation. In the "old" Penal Code of 1942, this instrument was not provided, since at the time of its adoption, the restorative instrument was not yet been invented... In the 90s, the different judges of the country began to use the penal juvenile mediation, as pilot "sentence" on a praetorian way... (or without any legal basis). But this tool has been considered as interesting to the majority of the professionals (not only judges, but lawyers, social workers, psychologists), to the extent that the legislator in 2003 introduced it in the new DPMIn.

Penal mediation for adolescents in conflict with the law : good practices in the canton of Fribourg

For the past few years, an increase in violence particularly among adolescents, as well as the media coverage of several cases involving adolescents, have provoked repressive reactions in Switzerland against juvenile offenders. Enforced measures against the said juveniles, particularly in terms of deprivation of liberty, have been put into practice.

Meanwhile, numerous studies in criminology relate the adverse effects of prison on juvenile offenders. These studies have convinced legislators that it makes sense, whenever possible, to seek a settlement outside of the judiciary system, in order to avoid the stigma of penal intervention, so as juvenile law may not lose track of its primary objectives of education, social protection and social rehabilitation, and last but not least to encourage the use of alternative responses other than the deprivation of liberty.

Penal mediation is an instrument which is particularly in-line with the philosophy of the juvenile system and the educational objectives of this specialized justice. Penal mediation would also suit the objective of secondary prevention put forward by juvenile law.

Prison is a « school for crime », such is the opinion of the offenderities of the canton of Fribourg, which have reacted quickly by introducing into its cantonal procedure code a possibility for mediation in October 2001. Fribourg became the first Swiss canton to “institutionalize” this procedure. Having thus gained momentum, on December 16th 2003 Fribourg adopted the Ordinance for Mediation in the Criminal Jurisdiction of Children Act, which came into force on the January 1st 2004. The Bureau of Mediation, comprising of three mediators designated by the state, was thus created.

Fribourg’s rapid and effective response has given impetus to the representatives of the Swiss Parliament, who have accepted the practice of mediation as part of the Federal Law on the criminal status of children (art. 8 and 21 al. 3 DPMIn or Juvenile Law), which came into force on January 1st, 2007. The Parliament have confirmed the validity of this new practice, considered to be more benevolent and bringing new hope for the new federal crime procedure (art.16 juvenile PPMIn), having come into force on January 1st, 2011.

The canton of Fribourg has also acquired new legislative tools including an order on mediation in civil, criminal and juvenile law which also came into force on January 1st, 2011.

This Order meets the main criteria set by the Council of Europe which includes strengthening the position of the victim, allowing the offender to reflect on his behavior and take responsibility, to imagine alternatives to measures of imprisonment and finally to reduce the cost and workload of the criminal justice system, while improving its effectiveness.

Fribourg’s experience and statistics (refer to table below) tend to prove that the criteria defined above have been largely achieved. Indeed, victims who are rarely visible or present in court actively participate in the mediation process and very often come out with the satisfaction that justice has been served and that their status as victims has been recognized. Indeed, the said

victims sometimes feel a sense of value in establishing that they have contributed their empathy, their reproaches, and even their forgiveness to prevent a juvenile to continue on the path of the downward spiral! By meeting the victim and hearing in person of the suffering and anxiety he has caused, the juvenile offender will better realize the problems and consequences that lie ahead, and will begin to realize that his behavior has triggered a real “tsunami”! By actively participating in the mediation process and signing arrangement acts, the juvenile offender demonstrates that he accepts the consequences of his conduct. Finally, by repairing the harm he has caused, he learns about his responsibility towards society.

Also, statistics show that Fribourg imprisonment sentences did not increase, and even decreased. Moreover, the number of judges in Fribourg remained the same, despite the coming into force of the new juvenile law and juvenile law procedure. Finally, the number¹²² of cases in which mediation has played an integral part in reaching an agreement demonstrates the effectiveness of this procedure.

| Cases delegated to the Mediation Office | 2005 | 2006 | 2007 | 2008 | 2009 | 2010 |
|--|-------------|-------------|-------------|-------------|-------------|-------------|
| Number of delegated cases | 77 | 79 | 99 | 84 | 92 | 119 |
| Concerning (number of children implicated and charged) | 128 | 128 | 161 | 145 | 149 | 169 |
| Processes having led to an agreement to mediation | 40 | 54 | 73 | 66 | 56 | 84 |
| Concerning (number of children implicated and charged) | 65 | 65 | 144 | 105 | 112 | 124 |
| Processes not having led to an agreement to mediation | 9 | 13 | 29 | 20 | 14 | 20 |
| Concerning (number of children implicated and charged) | 15 | 28 | 49 | 33 | 18 | 28 |
| Processes in progress on December 31st | 28 | 40 | 31 | 26 | 40 | 40 |
| Concerning (number of children implicated and charged) | 48 | 91 | 48 | 51 | 59 | 59 |

Similarly, the Fribourg order also focuses on the main principles of children’s rights, including those pertaining to questions of procedure: voluntary participation of the parties, confidentiality, service accessible to all (free of charge), diligence, independence, impartiality and neutrality of the mediation and the use of mediation in all phases of the criminal procedure.

¹²² Figures from the Juvenile Court in Fribourg

It must be noted that Fribourg's method, comprising of three mediators working for the Mediation Office, which are administratively attached to the Department of Justice, from which they receive their salary, has clearly achieved its goal. Fribourg's method has undoubtedly brought the zest of "primacy and exclusivity" which has benefitted from recognition and a reputation even outside Swiss borders.

Indeed, the Ministers of the Council of Europe elaborated a paper dating from November 17th 2010 on the new guidelines on child-friendly justice, stressing that "the value of extrajudicial conflict resolution, inter alia by means of mediation, measures of diversion and restorative justice. The Swiss practice, as it is in effect for the juvenile criminal justice in the canton of Fribourg, is nominally designated as best European practice" (<http://www.skmr.ch/frz/domaines/enfance/justice-enfants.html>).

To conclude, let us cite Mrs. Christine Magnin, a lawyer at the Federal Office of Justice who, as part of an internship, was able to follow the entire procedure as upheld by the Office of Mediation of the canton of Fribourg. She writes: "This mediation has given a sense of responsibility to the offender. The mediation gave him a place, a role and especially the power to resolve a conflictual situation. What began as a parenthesis in the criminal proceedings has been transformed into an autonomous process that has put an end to the aforementioned proceedings. It is a great success".

2.3. Tertiary prevention

2.3.1. Personal Assistance Unit (PAU) in Geneva or intensive care for juvenile delinquents

The coming into force of the new juvenile criminal law (DPMin) and of the new juvenile criminal law procedure (PPMin) as cantonal requirements for the application of federal law have somewhat changed the normative framework and posed difficult issues for the implementation of new measures and sanctions that belong to the criminal arsenal specifically designed for juveniles. A point has attracted particular attention from these partner entities: how to apply article 13 of the new juvenile criminal law, entitled "Personal Assistance". According to the federal legislator having designed the new juvenile criminal law, the personal assistance stated in article 13 is to be considered as the "cornerstone" of the system of measures, considering that monitoring measures may only be applied to very mild cases, and the placement of the individual being a last resort measure. In view of the evolution of juvenile delinquency and of the serious problems posed by placements in terms of separation from the family and respect for international standards (to be used as a *ultima ratio*), as well as more practical difficulties (availability of space, difficulty in finding the institution which meets the specific needs of the child and the very high cost of institutional stays), the focus was rightly shifted towards ambulatory educational care.

Let us bear in mind that personal assistance has two objectives: to offer support for parents and accompaniment for the child / adolescent. The new law has compelled each canton to equip itself with the appropriate tools to meet the needs of competent criminal court jurisdictions to intervene among children in conflict with the law.

Geneva has taken on the original position to entrust part of these personal assistances to an ad hoc body: THE PERSONAL ASSISTANCE UNIT (PAU), which is attached to an NGO, the FASe (Foundation for socio-cultural animation). The need is there, it will not weaken and is most likely to increase sharply, especially if the positive results achieved so far are continued and are recognized by all partners. It is interesting to have recourse to this original form to meet the requirements of federal law.

The PAU provides intensive care, during which an educator assists the parents in their educational task, without becoming a substitute for parents and thus providing personal assistance to the young person. The goal is to make the young person and the parents actors, and in doing so highlighting their personal capacities for the former, and educational capacities for the latter. The retention of young people in their family and school / professional environment is crucial. Whenever possible, PAU seeks to avoid the placement of the young person into institutional care. In the cases where placement appears unavoidable, the case is then submitted to the offenderity.

From the beginnings of the device, the choice was made to delegate to PAU only the more complex cases in order to avoid heavy placement measures. Very quickly it was noted that the vast majority of the cases are precisely situations presenting a profile and indications for an institutional placement.

PAU is currently operating with a six person staff (social educators); the coordination of the team is operated by a manager who works part time. The team has a weekly conference which lasts about three hours, in order to discuss the more difficult situations. The team is under supervision, and each educator can benefit from individual supervision. Training and awareness courses are administered to the staff, particularly on issues related to juvenile delinquency, the new juvenile criminal law, etc. The care thus provided is individual, though it may occur that in particularly difficult situations, educators may operate in tandem.

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Services rendered to date by the PAU have been recognized as effective and positive by all consulted persons / entities. The initial findings show:

- Of the 131 cases handled by the PSU under art. 13 of the new juvenile criminal law since the beginning of the pilot project until March 21, 2011, 71 cases were completed for the PAU, concerning 57 boys (=81%) and 14 girls (19%);
- The duration of the treatment averaged 11 months, with 11 cases where the care lasted for 18 months or more;
- The age at the close of the case is 19 years in 9 cases, 18 years for 27 cases, 17 years for 21 cases, 16 years for 8 cases;

- The number of situations which resulted in placement is low: 13 cases(18%);
- Therefore, 82% of cases did not result in placement;
- 13 cases were deferred to the Child Protection Services to set up measures of educational supervision (Article12 new juvenile criminal law);
- With regards to improvement of the family situation, it is proved in 85% of cases, in only 15%, the family situation was made worse;
- The socio-professional situation improved in the vast majority of cases (77%), which is important, given the difficulty of the assigned cases and the limited availability of these young people to resume training, learning or work;
- The case of recidivism from the time of care are relatively low (22%) and in most cases the offenses are of less serious nature;

To conclude:

- This device meets the needs of the young person in conflict with the law that has committed a crime (that may not be a serious offense) but that indicate personal, familial and social problems.
- Children and parents having received this new service appear to have benefitted from it in a very positive way, by becoming more involved in the solutions to the problem instead of being solely considered as objects of care or advice;
- The numbers provided at the end of March 2011 show a match between the chosen model and the expected results, especially regarding the giving of a second chance to prevent placement, in the improvement of the familial, socio-professional and judicial situation (recidivism);
- Partners associated to the pilot project and those persons directly involved in its implementation have expressed general satisfaction in the pilot phase of the project, especially the juvenile court which provides the terms and remains the competent offenderity for the implementation of its decisions.

The most important fact is that a large number of placements have been avoided and the cases of recidivism are few. Thus in terms of tertiary prevention, there is much work that is being done.

2.3.2. Institutions for children in conflict with the law in the canton of Valais

The canton of Valais has developed a rather unique network of institutions to support young people who have committed offenses (boys and girls, children and adolescents alike). The idea addresses the issue that most of the time, these young people in conflict with the law are not really criminals, but victims that find themselves in social, familial, school or professional difficulties. These difficulties may sometimes be major, and it is then necessary to do everything possible to avoid the deprivation of liberty. Some have committed serious crimes, while others may not have committed serious ones, but repeated offenses, thus creating by their behavior a problem within their community, municipality or city, where they feel a sense of rejection. The easy option would be to deprive the said children of their liberty for a more or less long duration.

The spirit of the juvenile criminal system in Switzerland is still to search of an educational solution for these young people in order to avoid social exclusion and rebellion. The canton of Valais responded by providing judges with a fairly wide range of institutions. This list is not an exhaustive one:

Cité Printemps¹²³

Cité Printemps is a specialized outreach and educational center for girls and boys who are confronted with social, familial and/or personal difficulties, thus requiring a change of environment and specialized educational assistance. They continue their schooling and their vocational training in various institutions located in the city of Sion, Valais.

Cité Printemps is a public utility private institution. It can accommodate 36 children (6-15 years) and 18 adolescents (15-18 years) who require a change of environment and specialized educational assistance in a boarding or semi-boarding structure. These young people complete their compulsory schooling and vocational training in various establishments in town. The institution shall, if necessary, provide support for the young people leaving the institution (external support).

The physical layout of the institution and the daily timetables are designed to offer a lifestyle similar to that of family life. Children 6 to 15 years of age live in the main building within groups comprised of nine young people. Each group occupies a floor of the house, the last floor being reserved for different activities. Adolescents aged 15-18 years are housed in two separate villas.

« Social and educational options

- As part of its educational care, the institution focuses on the teaching of everyday life. Specialized care includes re-learning acts of daily life such as compliance to schedules, personal hygiene, school work, hobbies etc aimed at enhancing the self-worth of the young person, to teach him to manage personal relationships and to be structured within his everyday life.
- Teaching by objectives allows the co-construction of a project by the young person, his parents and/or his legal representative, in which education and training are priorities.
- The systems approach promotes collaboration between the institution and families, significant figures and the close circle of the young person.

As part of its educational care, the institution refers to values imbued with Christian ethics »¹²⁴.

The Saint Raphaël Institute

The Saint Raphaël Institute was founded in 1946 by the Saint Raphaël¹²⁵, Association, which is a private state-approved association, subsidized by the State of Valais and by the Swiss Confederation. The Institute deals in the field of socio-pedagogy. The Institute aims to support young people who present problems with social, academic, pre-professional and professional adjustment.

¹²³ <http://www.cite-printemps.ch/>

¹²⁴ Idem

¹²⁵ <http://www.saint-raphael.ch/association.html>

To accomplish its mission and achieve its objectives, the Saint Raphaël Association operates an Institute composed of four educational facilities which can accommodate 77 young people, 365 days a year.

The Champlan pedagogical and educational center welcomes boys and girls under 15 years of age and of compulsory school age and offers individualized education.

The Champlan center for pre-training: welcomes adolescent boys and girls beyond the age of compulsory education, and offers a class curriculum integrating workshops to promote a smooth entry into the workforce.

The Sion center for pre-vocational training: welcomes boys not having finished their compulsory education, and offers academic supervision and workshop training to promote smooth entry into the workforce.

The Home for young workers in Sion: welcomes young people age-wise ready for professional training.

The Saint Raphaël Institute offers services in three forms:

Boarding School

Besides the benefits of “hotel services” (cleaning, cooking, concierge services), life in a boarding house offers a wide range of learning opportunities. While in the boarding house, the youth will have the opportunity to develop skills in an independent fashion (managing his/her own transportation, managing time for recreation, personal space management, pocket money management, self respect and respect for others, rules of etiquette)

Workshops

The workshops aim to bring the youth to integrate basic behavioral skills necessary for any profession and to set up internships for vocational guidance. This service is carried out by socio-professional teachers in domains such as wood and iron work, general maintenance, house painting or artistic domains.

Schooling

Concerning compulsory schooling, special education teachers provide academic training modeled on the requirements of the official program of the State of Valais. For adolescents in post-schooling, this is an opportunity to maintain their academic level and to prepare them for professional training.

The Rives-du-Rhône Home

The Rives-du-Rhône Home¹²⁶ is a home for multiple drug addicts opened in 1982. Addiction touches the heart of the being, that is to say the consciousness. The issue of addiction is problematic and philosophical in its nature. One must treat the person before treating the addiction.

¹²⁶ <http://www.rivesdurhone.ch/124>

Note: two houses (Rives-du-Rhône Home in Sion and F.X Bagnoud Home in Salvan), but a single institution, thus a single therapy.

Description of target groups: persons presenting multiple drug addictions ; dependency problems. Welcome people in substitution treatment or in treatment for psychotropic drugs, persons with psychiatric illnesses, physical disabilities, eating disorders, hepatitis, HIV...

Objectives: Abstinence; the definition of new values, recovery from addiction, socio-professional reintegration, vocational training during treatment.

Offers: Wide range of activities: the range of activities includes the dimensions of manual and intellectual work, artistic occupations, artisanal and sporting occupations within small or large groups.

Procedure: 4 phases make up the treatment from start to finish. The phases are hierarchal in the sense that from the first to the fourth, activities demand more responsibilities.

La Fontanelle

The La Fontanelle Association¹²⁷ is situated in Mex (canton of Valais) and welcomes teenagers in situations of great difficulty, coming from all cantons of Western Switzerland. The association offers them the distance required to distance themselves from a conflictual situation. The association also offers assistance aimed at helping the youth to find a new direction in their lives.

The socio-educational options of La Fontanelle and its commitment-recognized by juvenile court judges and the placement agents- allows the association to achieve positive results with a high percentage of young people.

The educational program is punctuated by camps in Switzerland and abroad. It includes a first stage of socialization for the young people to learn other means of dealing with issues than to retreat into solitude. The second stage focuses on experimentation of a greater sense of autonomy and on the construction of a personal project, it ends with a return to the community.

The areas of activity are:

- Developmental assistance
- Social
- Educational
- Childhood
- Health
- Insertion/Integration

The beneficiaries are adolescents who have committed offenses, sometimes serious in their nature, and who must reconstruct themselves.

¹²⁷ <http://lafontanelle.ch/>

Conclusion

The Swiss system is a difficult one, because of the federal organization and the high level of competencies in the hands of the cantons, including in protection and prevention. We have tried, in this presentation, to tackle the problems and to present some examples of good practices. We are well aware that Switzerland and its 26 cantons have more practical examples to provide, but we have tried to cover primary, secondary and tertiary prevention and to present good practices that have been evaluated and are in function since many years.

But prevention continues to be a challenge, in every country of the world. It's an obsession of every government; it's the difficult task of the professionals; it is the responsibility of every adult!

Author



Paola Riva Gapany holds a law degree from the University of Neuchâtel and a Masters degree in both International and Comparative Law from the National Law Center at George Washington University in Washington D.C. After having worked in both the private and judicial branches of the humanitarian sector, she accepted the position of Assistant to the Director of the International Institute for the Rights of the Child (IDE) in Sion, Switzerland in the year 2000. In 2009, she took up the position of Deputy Director. Since 2011, she has served represented the IDE and IUKB as a research assistant for the Swiss Center of Expertise in Human Rights (SCHR).

Her main areas of research have been migrations, health-endangering traditional practices, sport, media and children's rights. She is the head of the programme relating to the publication of children's rights in the Czech Republic, specialised in deinstitutionalisation and Romani children. She is also working towards establishing a diploma-level programme for the protection of the rights of children in Nepal and in Burkina Faso.

Ms. Paola Riva Gapany has led numerous conferences and classes within the IDE, both in Switzerland and abroad. She has also authored various publications describing the different training programmes organised by the IDE.

Juvenile Delinquency's Prevention

Conclusions

Paola Riva Gapany
IDE Deputy Director

1. The project: objectives

The research **“Child-friendly Justice in Latvia: Focusing on Crime Prevention”** was performed in the framework of the monitoring for the subproject **“Building a Support System to Prevent Juvenile Delinquency”** under the Cooperation Programme of the Swiss Confederation and the Republic of Latvia within the enlarged European Union. The Latvian NGO PROVIDUS led this research and the Swiss partner, The International Institute for the Rights of the child (IDE), based in Sion, Switzerland brought its experience in the field of juvenile justice, especially in recalling the international global framework for prevention and the description of good practices relating to prevention in Switzerland.

The research objectives were large:

- first to promote implementation of the new preventive methods in work with young people of risk groups,
- second to develop more children-friendly justice system in Latvia.

These objectives are absolutely in line with the European Strategy adopted by the Council of Europe¹²⁸, which set one of its priority is to promote the development of child-friendly services and systems; and with the Council of Europe Guidelines for a child-friendly Justice¹²⁹, which, inter

¹²⁸ Strategy for the Rights of the Child (2012-2015), adopted on February 15.02.2012

¹²⁹ Adopted in November 2010

alia say that:

- Decisions should be made about children in a way that respects their rights. The child's age and needs must always be taken into account, and his/her privacy respected.
- Children and their parents should be given information about the child's right to be treated fairly and properly.
- Everyone working with children should receive training on children's rights, how to talk to children and on the needs of children.
- Special rules should apply when children break the law.
- Children who understand their rights should be able to go to court to have those rights protected. They should have their own lawyer and they should have a say in cases that affect them.
- Governments must take steps to promote child-friendly justice and should keep trying to make things better for children.¹³⁰

As a basis, this project focuses on the principles, methods and legal framework of juvenile delinquency prevention in Latvia, Switzerland and other European countries. From that starting point, it went in depth in the Latvian reality and proposes some concrete recommendations to amend the system.

We can call this research, a research-action, given to the fact that during the implementation of the project from 1 January 2011 to 30 June 2012, innovative methods for the work with young people of risk groups have been already integrated and approved in the pilot projects run in three regions of Latvia: Saldus, Cēsis and Madona.

2. Methodology

The research includes, from the beginning the **data analysis** from the monitoring in the pilot project sites and statistical data on preventive measures in the Republic of Latvia in general.

The research evaluates the **cooperation practice** among the local municipalities and law enforcement institutions in Latvia in three pilot projects within the project "Building a Support System to Prevent Juvenile Delinquency. Doing so the research focuses also on widening knowledge for specialists of children's issues on the advantages of prevention methods in work with juveniles at their places of residence. During the implementation of the project, prevention guidelines have been elaborated for work with the children of risk groups, as well as recommendations for various practical and organizational solutions.

The research results, conclusions and recommendations were discussed in the **international conference** "Prevention – way to keep children out of crime", held on 21 March 2012 in Riga.

At the end, the research contains a full monitoring report and assessment of the new methods for the work with young people of risk groups and the inter-institutional cooperation model, as well as recommendations for further development and sustainability of these innovative methods. The outcomes of the research are presented in **a comprehensive publication** on June 2012.

¹³⁰ Summary made by the author

In our opinion, this methodology in four steps (data, monitoring of 3 pilot projects, conference and publication) is a very good way to tackle with the issue; and the practical impacts (new methods already implemented, even if partially) represent an added value to the project.

3. Prevention in general / prevention in juvenile delinquency

Prevention is a magic word used in different areas, mainly in health issues, with the idea to avoid that an unwanted event occurs; it's also an obsession in many fields where children are engaged: child protection, sexual abuse, economical exploitation, school bullying, pedo-pornography, etc. We could find a good example in another European text: the Lanzarote Convention, which dedicates an entire chapter to prevention¹³¹ (Chapter two, Preventive Measures). This demonstrates the will of the international community to set up all the means and possible measures (legislative, judicial, administrative and financial) to prevent that the children are confronted with situations of danger, exploitation or abuse, that their young age and their vulnerability does not allow them to be confronted with in a serene way and wherever the risks they become victims are obvious. We all know this and we agree with the government when it is calling for more prevention.

It is nevertheless curious that in a domain as well sensitive as the juvenile delinquency, we do not think of prevention, but directly of repression and that we forget that the prevention is one of the pillars of the public intervention towards the children in conflict with the law. Latvia is not an exception, alas.

It's worth here to remind that the General Comment no 10 of the UN CRC Committee on Juvenile Justice (2007) states in para 7:

"The Committee fully supports The Riyadh Guidelines and agrees that emphasis should be placed on prevention policies facilitating the successful socialization and integration of all children, in particular through the family, the community, peer groups, schools, vocational training and the world of work, as well as through voluntary organizations. This means inter alia that prevention programmes should focus on support for particularly vulnerable families, involvement of schools in teaching basic values (including information about the rights and responsibilities of children and parents under the law), and extending special care and attention to young persons at risk. In this regard, particular attention should also be given to children who drop out from school or otherwise do not complete their education. The use of peer group support and a strong involvement of parents is recommended. The States Parties should also develop community based services and programmes, which respond to the special needs, problems, concerns and interests of children, in particular of children repeatedly in conflict with the law, and which provide appropriate counseling and guidance to their families".¹³²

There is no doubt that every State party to the UN Convention on the Rights of the Child, (Latvia is party to this Human Rights Treaty) has to build its system to answer to the juvenile delinquency taking seriously into consideration the necessity of implementing preventive measures, such as :

- to put in place broad, flexible and comprehensive prevention's programmes, based on an

¹³¹ Council of Europe Convention on the Protection of Children against Sexual Exploitation and Sexual Abuse, CETS No. 201, 2007

¹³² CRC/C/GC/10, The Rights of the Child in Juvenile Justice, 9.02.2007, para 7

- approach focusing on the psycho-social aspects of the measures offered to young offenders
- engage all the stakeholders: parents, schools, community, civil society, local, regional and national authorities in this preventive process
- ensure that professionals or persons having regular contacts with children to have adequate knowledge and awareness to recognize cases of risks for criminal behaviors and of the possibility of reporting to the services responsible for child protection
- provide training and information for people who come in contact with children at risks, so that these children can be identified as early as possible
- train these professionals to work together and avoid sectorial interventions
- promote or conduct awareness raising campaigns for the general public
- integrate children's own views and experiences, in accordance with their evolving capacity, in the development of policies and measures, to prevent juvenile delinquency
- encourage the financing of projects and programmes carried out by civil society aiming at preventing children to enter in conflict with the law.

It appears clearly, that one of the main merits of this research is exactly to **emphasize the prevention**; as well to show how the professionals must be better trained, have to learn to work together; how the local and national authorities must be involved, each at their level, in the prevention; and how in the end of the day, the law should be reformed to explicitly express that the fight against the juvenile delinquency also passes by the stage of the general (targeted to all groups of children at risk) and specific prevention (targeted to the children already in contact with the judicial system, be it civil, penal or administrative).

4. Conclusions - recommendations of the project

At the end of this report, it is worth mentioning the list of recommendations, very concrete ones, that synthesize all the work done during the project. Rather than to repeat here the exhaustive list¹³³ of these recommendations, we will focus on what we think will constitute the main challenges for Latvia to implement because they need legal changes and also a lot of advocacy, awareness raising and training for all the professionals. For IDE, the principal are:

- a) **Prevention** is a set of activities and efforts focused on supportive everyday activities for the child, including planning of leisure time, distracting obstacles to ensure the availability of sports and healthy life-style activities, rather than on campaign-type events. It is a long term action to be taken jointly by the Government with all the stakeholders.
- b) **Instruments to influence the parental behavior should be applied, such as** programmes of a supportive nature for children together with their parents and evaluation and control mechanism for the fulfillment of the programmes, leaving the removal of custody rights as the very last mean of influence.
- c) There is a need in Latvia to have a **unified act which would stipulate all efforts related**

¹³³ References her is made to pages 105 and 107 of the publication, for the exhaustive list of recommendations

to under-aged persons – both preventive and reactive. There is a reason to consider that all legal norms stipulating the legal framework for juvenile justice in Latvia are dispersed into three separate normative acts (LAVC, CrimL and ACMCN), while the regulation for early prevention is set afar – in the Protection of the Rights of the Child Law, not giving a model for a coordinated action to specialists in general.

d) **Prevention is the task both for the state and the local government**, where state is responsible for the planning, support and informing society but the individual preventive work is organized within the competence of local governments: preventive work of the state and local governments has to be coordinated. Unfortunately, institutions rather compete than collaborate to achieve common objective.

e) All the necessary measures should be taken in order **to avoid social services becoming the “machines”** of dividing allowances, not demanding any duties from the receivers of such support, because this situation creates weak and irresponsible consumers out of children and adults instead of motivated and responsible members of society.

We think that these points are the essentials that came out of the research and could give a pertinent plan of action, for all the stakeholders to start the effective collaboration in the prevention of juvenile delinquency.

5. Final remarks

At the end of the report, the IDE want to congratulate and to express its gratitude towards PROVIDUS to have done this research-action, with a very effective methodology and with not only theory and ideas, but with very concrete recommendations and new methods of work, already implemented in different regions and for different groups of professionals.

All this must lead to the conviction that to prevent the criminalization of children, it is necessary to reduce to the minimum the repressive intervention of the State into the child's life.

From a child's rights approach, the objectives of a modern juvenile justice system are:

- supporting children, rather punishing them;
- searching the causes and reasons of children's anti-social behavior, rather searching only the guilty and applying sanctions;
- reducing the contact of children in conflict with the law with the traditional system of justice, but implementing diversion's possibilities;
- avoiding deprivation of liberty and favoring alternative measures (or restorative measures).

This will probably mean to a new perspective: to envisage a reform of the juvenile justice system and a review of the legal existing framework in Latvia.

For sure, this goes beyond the mandate of the project, but could be inspiring for next steps to be undertaken by or for a programme of action for the Government, PROVIDUS or other interested stakeholders.

Appendices

Appendix No.1 "Methodology of monitoring"

The overall objective of the project "Building a Support System to Prevent Juvenile Delinquency" is to reduce risks of exclusion for children with deviations in social behaviour and to create a safe environment for a successful development of these children in rural areas of Latvia with its subordinate objectives: to create and pilot a sustainable support system for prevention of juvenile offences suitable for the specific needs of various regions of Latvia involving specialists from local governments, representatives of local society, as well as children; to promote a philosophy of change working with children of social risk groups towards a supportive and restorative approach instead of punitive approach for the specialists of children's affairs in their work with children in all interested institutions; to strengthen the cooperation among the specialists of children's affairs from Latvia and Switzerland. In order to achieve these objectives, indicators that are available for monitoring were created: an inter-institutional cooperation model, including Regional work group and several elements of the support system for juvenile delinquency prevention: children and youth group samplings, risk and needs assessment, catalogue of useful activities for minors, methodological recommendations (description of ICM), Failure Reduction Strategy, consultations with colleagues, the conference, communication with the partners from the Swiss Institute for the Rights of the Child.

The most attention in the process of monitoring is paid towards the analysis of sustainable values: ICM, RWG, Procedure of sampling youth groups and RNA, catalogue of activities, methodological recommendations or the description of ICM, and skills of Failure Reduction Strategy (FRS).

Within the monitoring the following methods and method groups are used: analysis of international law, scientific and methodological resources, policy documents and legal acts of the Republic of Latvia, information on project practices, analysis of legal acts and practices of the Swiss Confederation (a); method of qualitative content analysis, methods of theory-building research – analysis and synthesis, induction and deduction, abstraction, comparison (b); practical information is gathered by means of interviews and survey.

Objectives/milestones of monitoring:

1. Three regional introductory seminars (to organize 3 one-day seminars in regions in the first two months from the beginning of the project; to elaborate seminar agendas in collaboration with regions in accordance with their needs; to provide methodological recommendations on the project objectives in the seminars, as well as introduce the procedure of establishing RWG, its preferable structure and size; to take down the minutes and record specialists' opinions);
2. Regular cooperation with RWG (to organize regular meetings with members of RWG both in the regions and in Riga; to prepare the list of urgent issues before the meetings; to search for common solutions for the implementation of prevention for children and youth; to record the pace and content of the meetings);
3. Descriptions of ICM (Descriptions of ICM are the method of the organization of RWG in the particular region; to support RWG in the elaboration and implementation of a practically

- useful inter-institutional cooperation model setting priorities for the improvement of the practice under development; to record the results);
4. Sampling of children and youth groups (one of the most important activities in the project, organized only twice and involving at least 240 children in the groups of the three regions; to follow and record the reasons of the child involvement in the group and their number; to record changes);
 5. Risk and needs assessment system (to develop the system in order to recognize/identify the reasons of behaviour and personal development of the children and young people involved and to be involved in the groups, as well as to record the necessary efforts to fulfil the needs, the frequency and form of the assessment, and the procedure of result recording);
 6. Development of the catalogue of activities in regions (catalogue of activities is one of the basic tools for RWG which is used to fulfil the needs of children and youth with behavioural risks; to follow and record the development process of the catalogue in order to ensure the full set of resources of the region in the work with children);
 7. Methodological recommendations for the implementation and improvement of ICM (to provide recommendations in the regular meetings with the participants of RWG; to include the identified problems and solutions in FRS);
 8. Failure Reduction Strategy (the instrument of identifying and solving professional problems and elaboration of recommendations, created at the end of the first stage of the project; to record failures of preventive work and search for solutions; to record solution searching procedure among the three regions; to analyse the results in the final report on the monitoring);
 9. Consultations with colleagues (the instrument of raising the professional capacity of RWG participants and their communication with the colleagues from other regions, created at the end of the first stage of the project; to organize two activities including consultations with colleagues within the whole project. The activities are closely related to FRS, as the solved problems are recorded during them and new ones are identified. Consultations with colleagues are carried out in the form of seminars, the participation is recorded by taking down the minutes, and the main form of process is discussion).
 10. Conference is a very important instrument of summarizing the project results which includes the verification of the provisory project results and values under monitoring. Within the conference, the performer of the monitoring and RWG, in collaboration with the specialists from the Swiss Institute for the Rights of the Child, create at least 5 presentations and present them to more than 120 specialists of children's affairs and law enforcement institutions.
 11. Cooperation with the specialists from the Swiss Institute for the Rights of the Child (in collaboration with the partners, the performer of the monitoring develops the summary of good practices at work with children of risk groups in the Swiss Confederation and provides consultations for the performer of the monitoring about the components of the report on monitoring);
 12. Report on monitoring (in accordance with this methodology, the performer of the monitoring summarizes the information about the values available for monitoring. Two surveys are carried out – “the general” and “RWG” – not less than 260 practitioners of juvenile prevention and specialists from law enforcement institutions, as well as one in-depth interview – participants of RWG from three regions, not less than 12 people. The final report on monitoring is introduced in the second consultation with colleagues in the last month of the project).

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